CONGRESSIONAL RECORD:

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CONGRESSIONAL RECORD,

FIFTY-SIXTH CONGRESS, FIRST SESSION.

Mr. KYLE. On the 15th instant I submitted an amendent proposing to increase the allowance of salary of consul at Beirut from $2,000 to $2,500 per annum, intended to be proposed by me to the diplomatic and consular appropriation bill, and by mistake it was referred to the Committee on Commerce. I move that that committee be discharged from the further consideration of the amendment and that it be referred to the Committee on Foreign Relations.

The motion was agreed to.

WITHDRAWAL OF PAPERS.

On motion of Mr. WARREN, it was

Ordered, That all papers concerning the bill for the relief of Mrs. Lucy Alexander Payne, which passed in a former Congress, be released by the Secretary of the Senate for return to Mrs. Payne.

HON. HIRAM R. REVELS.

Mr. HOAR submitted the following resolution; which, with the accompanying paper, was referred to the Committee on Privileges and Elections:

Resolved, That the Secretary of the Senate be, and hereby is, authorized and directed to pay to Hon. Hiram R. Revels, late a Senator from the State of Mississippi, $4,847.05, due him as a Senator of the United States in the Forty-first Congress from the 4th of March, 1869, to the 23d of February, 1870, to be paid from the miscellaneous items of the contingent fund of the Senate.

SENATOR FROM PENNSYLVANIA.

Mr. PENROSE. Mr. President, I desire to give notice that upon Thursday, February 22, immediately after the reading of Washington's Farewell Address by the senior Senator from Ohio [Mr. FORAKER], I shall ask the Chair to lay before the Senate resolution 107, declaring that the Hon. MATTHEW S. QUAY is not entitled to take a seat in this body as a Senator from the State of Pennsylvania, that being a question of privilege under the rules of the Senate.

SNAKE RIVER BRIDGE IN ALASKA.

Mr. TURNER. I ask unanimous consent to call up and put on its passage the bill (S. 2869) authorizing the Cape Nome Transportation, Bridge, and Development Company, a corporation organized and existing under the laws of the State of Washington and authorized to do business in the Territory of Alaska, to construct a traffic bridge across the Snake River, at Nome City, in the Territory of Alaska.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce, with an amendment on page 3, line 24, after the word "war," to insert:

And any changes in said bridge which the Secretary of War may at any time deem necessary and order in the interests of navigation shall be made by the owners thereof at their own expense.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RAINY RIVER BRIDGE IN MINNESOTA.

Mr. DAVIS. I ask unanimous consent that the Senate proceed to the consideration of the bill (S. 1931) to provide for the erection of a bridge across Rainy River, in the State of Minnesota, between Rainy Lake and the mouth of Rainy River.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments.

The first amendment was in section 1, page 2, line 10, after the word "expedient," to strike out:

Said bridge and approaches thereto shall be constructed for the use of all connecting railroads on either side of said river and on equal terms.

The amendment was agreed to.

The next amendment was in section 3, page 2, line 23, to strike out "across" and insert "over;" in line 24, to strike out the words "between the piers on which the draws will rest of not less than 80 feet" and insert "of not less than 160 feet on one side of the pivot pier;" so as to read:

That the said bridge shall have a draw or draws over the main channel of the river, leaving a clear waterway of not less than 160 feet on one side of the pivot pier.

The amendment was agreed to.

The next amendment was in section 3, page 3, line 4, after the word "river," to strike out the following words:

The bridge shall be located at or near a point on Rainy River that is known as Cathcarts Point, in the State of Minnesota, just below the confluence of the Baudette River with Rainy River.

The amendment was agreed to.

The next amendment was to strike out section 6, in the following words:

That it shall be the duty of the Secretary of War, on satisfactory proof that a necessity exists therefor, to require the company or persons owning said bridge to cause such aids to the passage of said bridge to be constructed, placed, and maintained at their own cost and expense in the form of booms, dikes, piers, or other suitable and proper structures for the guiding of rafts, tows, steamboats, and other water craft safely through the passageway as shall be specified in his order on their behalf.

And in lieu thereof to insert:

That the draw or draws shall be opened promptly upon reasonable signal for the passage of boats, vessels, or other water craft; and at the time of the erection of the piers, or whenever in the opinion of the Secretary of War the same may be necessary, the persons or corporations constructing, owning, or operating said bridge shall, at their own expense, construct proper sheer booms or other proper structures to safely guide boats, vessels, or other water craft through the said spans.

The amendment was agreed to.

The next amendment was, in section 7, page 6, line 2, before the word "years," to strike out the word "three" and insert "two;" in line 3, after the word "from," to strike out "the time" and insert "the date of approval of;" in the same line, after the word "act," to strike out "takes effect;" in line 4, before the word "years," to strike out "six" and insert "four;" and in line 6 to strike out "determine" and insert "be determined;" so as to read:

That if the actual construction of the bridge hereby authorized shall not be commenced within two years from the date of approval of this act, and be completed within four years after the same date, then this act shall be void, and all rights hereby conferred shall cease and be determined.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALLEGHENY VALLEY RAILWAY.

Mr. BURROWS. I ask unanimous consent for the present consideration of the bill (H. R. 7660) granting additional right of way to the Allegheny Valley Railway Company through the arsenal grounds at Pittsburg, Pa. It is a brief bill and will give rise to no debate.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN C. FITNAM.

Mr. TELLER. I ask unanimous consent for the present consideration of the bill (H. R. 4698) granting an increase of pension to John C. Fitnam.

Mr. COCKRELL. I call for the regular order. If we go on with the Calendar regularly every bill on the Calendar will be considered without delay.

Mr. TELLER. I appeal to the Senator not to object to my request. The bill I desire to have considered is a House pension bill for a soldier who is in very bad condition, and a personal acquaintance of mine. I should like very much to have the bill passed.

Mr. COCKRELL. Very well. But this is the last personal request of any Senator that I shall yield to. If any Senator desires to take a bill up out of its order, he will have to take it up by motion and by a majority vote of the Senate.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill named by the Senator from Colorado?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 4698) granting an increase of pension to John C. Fitnam. It proposes to place on the pension roll the name of John C. Fitnam, late corporal in Company K, One hundred and fifty-sixth Illinois Volunteers, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CONSIDERATION OF BILLS ON THE CALENDAR.

Mr. COCKRELL. I call for the regular order, the Calendar, Mr. President.

The PRESIDENT pro tempore. The Calendar under Rule VIII is in order, and the Secretary will state the first bill.

Mr. STEWART. A number of bills were heretofore passed over without prejudice, and I do not know how we are ever to get at them unless when the Calendar is called we commence with those bills. I do not think it is fair that bills should be passed over without prejudice and then not come up at the next call, but that Senators should be put under the necessity of asking unanimous consent or moving to take them up. I suggest that at all times bills which have been passed over without prejudice should come up for consideration.

Mr. TELLER. I understand that to be the rule. Where bills have been passed over without prejudice they always keep their place on the Calendar and do not go to the unobjected list. There is no object in passing over bills without prejudice unless that rule be followed.

Mr. STEWART. That is not the course being pursued.

The PRESIDENT pro tempore. The Secretary will state the first bill in order on the Calendar.

The bill (S. 157) providing for the selection of the lands within Fort Pembina Military Reservation, N. Dak., by the State of

North Dakota, was announced as first in order, and the Senate, as in Committee of the Whole, resumed its consideration.

The PRESIDENT pro tempore. This bill was read yesterday, and, without further demand, will not be again read.

Mr. RAWLINS. I offer the amendment which I send to the Secretary's desk, to be added to the bill as a new section.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to add to the bill as a new section the following:

SEC. 2. That the right is hereby granted to any State to locate and make selection of public lands within abandoned military or other reservations in such State to satisfy the grants of land made thereto.

Mr. GALLINGER. I think that bill had better be passed over. It is a pretty important bill under that amendment.

The PRESIDENT pro tempore. The bill will go over, and the next bill on the Calendar will be stated.

The bill (S. 779) for the relief of the Potomac Steamboat Company was announced as next in order.

Mr. STEWART. The clerks have commenced reading the bills where they were last left off when the Calendar was under consideration, and bills which have been passed over without prejudice have not been read. If that course is to be continued, I shall be under the necessity of entering an objection to every bill that is called up.

Mr. SPOONER. Will the Senator defer that operation for a moment?

Mr. STEWART. No; I shall commence now. I want to go back to the bills which have been passed over.

Mr. COCKRELL. There has been always order and regularity in the Senate in the transaction of business; and when cases have heretofore gone over under the rule, they have been marked just as they are marked now; they have never been called when the Calendar is regularly under consideration, but they are subject to be called up at any time by any Senator. They are not objected cases, but they are not called up in the regular order. The Senator has the right to call up any one of those cases when we are on the Calendar without violating that rule. If the Senator wants to undertake to object to everything else because he can not get one particular bill through, there are a great many other Senators who can play the same game, and very successfully.

Mr. STEWART. I do not do any more objecting than the Senator from Missouri.

Mr. COCKRELL. I do not think you can do as much.

Mr. STEWART. And I do not want any special lecture from the Senator. I want to stand by the rule as it has been formerly administered.

Mr. WOLCOTT. As there seems to be some trouble in relation to these matters, I shall move that the Senate proceed to the consideration of executive business.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Colorado, that the Senate proceed to the consideration of executive business. [Putting the question.] The "noes" appear to prevail.

Mr. WOLCOTT. I call for the yeas and nays.

The yeas and nays were not ordered.

The PRESIDENT pro tempore. Does the Senator from Nevada [Mr. STEWART] ask consent for the present consideration of any bill on the Calendar?

Mr. STEWART. I should like to have taken up the bill (S. 795) for the relief of The William Cramp & Sons Ship and Engine Building Company, of Philadelphia, Pa.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Nevada, that the Senate proceed to the consideration of the bill named by him, which was passed over without prejudice on a previous occasion?

Mr. WOLCOTT. I object.

The PRESIDENT pro tempore. The Senator from Colorado objects.

Mr. COCKRELL. The next case on the Calendar, Mr. President?

The PRESIDENT pro tempore. The Secretary will state the next case on the Calendar.

Mr. CULLOM. There seems to be some difficulty in doing business on the call of the Calendar, and I should like unanimous consent of the Senate for the consideration at this time of the Hawaiian bill.

AMERICAN NATIONAL RED CROSS.

Mr. MONEY. Will the Senator from Illinois allow me to ask unanimous consent for the consideration of a bill which has been recommended unanimously by the Committee on Foreign Relations, it being the bill (S. 2931) to incorporate the American National Red Cross, and for other purposes? Everybody is familiar with that association, and every government in the world has granted it a charter under the agreement made by the convention held at Berne. I should like very much to have the bill put upon its passage, if the Senator will permit me.

Mr. CULLOM. I have no objection to the bill.

Mr. WOLCOTT. I understand that it is a bill concerning which the Senator from Nebraska [Mr. ALLEN] had some interest, and that he introduced a bill respecting the White Cross Society. I remember my friend the Senator from Michigan [Mr. MCMILLAN] also took some interest in the bill. Is this the bill reported by the Committee on the District of Columbia?

Mr. MONEY. Oh, no; it has no relation to that bill. It is an entirely different measure. This is a bill to incorporate the American National Red Cross Association, and it has been unanimously reported by the Committee on Foreign Relations. I do not suppose anybody in the world objects to its passage.

The PRESIDENT pro tempore. The Senator from Mississippi asks unanimous consent for the present consideration of the bill named by him. The bill will be read for information, subject to objection.

Mr. MONEY. I desire, by instruction of the Committee on Foreign Relations, to submit some immaterial amendments, which I should like the Secretary to read in their proper place in the bill.

The PRESIDENT pro tempore. The Chair suggests that the Senator withhold the amendments until the bill is in Committee of the Whole. The bill will be read.

The Secretary read the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. WARREN. Mr. President, I came in while the bill was being read. I should like to ask the Senator in charge of the bill where the accompanying bill or the bill regarding the White Cross is?

Mr. MONEY. That is in committee.

Mr. WARREN. I dislike to enter an objection, Mr. President, to the consideration of the bill, but in the absence of both of the Senators from Nebraska, who are interested in the other bill, and especially of the junior Senator from Nebraska [Mr. ALLEN], who desires, as he has stated on the floor, to be present when these measures are considered, I suggest to the Senator in charge of the bill to let it go over for the day. It seems to me that unless there are some special reasons, it would be better, without prejudice, the bill having been read, that it should go over until the Senator from Nebraska returns.

Mr. MONEY. I hope the Senator will not object to the consideration of this bill because some other bill is not before us. This bill is a peculiar one. As Senators are aware, all the civilized nations in the world entered into a convention to recognize the Red Cross Association. It knows no nation, no party. Every country represented in that convention of Geneva—and there were forty-three of them—has incorporated and granted this society a charter. This is a society which stands by itself. The White Cross, as I understand, does not ask or pretend to have any except a strictly national jurisdiction or association, and has no relation to this society at all.

Mr. WARREN. Mr. President, it is unnecessary to go into an argument on this question. I am not opposing the bill, but there was an understanding at the time to which I have referred. The bill regarding the White Cross—which association, as the Senator says, does not desire anything of an international character—was reported from the Committee on the District of Columbia by the Senator from Nevada [Mr. STEWART], and sent from the table to the Committee on Foreign Relations, so that the two bills could be considered and perhaps be discussed and disposed of at the same time; or, at least, that the Senators from Nebraska should be present when they were finally considered. The Senator from Nevada [Mr. STEWART] will, I think, concur in this statement.

Mr. MONEY. I will say that I never before heard of any such understanding. My understanding was that the Committee on the District of Columbia desired to be discharged from the consideration of that bill.

Mr. STEWART. I will state that I reported the bill, and the Senator from Nebraska [Mr. ALLEN] objected to it. Afterwards he consented that the bill should go over, with the suggestion on his part that he desired that the two bills should be reported together, and that he wished to be present and have a hearing at that time. I did not think there would be any difficulty about that, but that it would be granted as a matter of course. I supposed that was the understanding; it may not have been the understanding in the Senate, but it was the understanding I had.

Mr. MONEY. This is the first I have heard of it.

Mr. GALLINGER. Mr. President, if the Senator will permit me, it seems to me extraordinary that this matter should be delayed waiting for a report from a committee which has not yet been made. As I understand, the White Cross bill is now under consideration by a committee of the Senate.

Mr. MONEY. Yes.

Mr. GALLINGER. I think this bill ought to be considered on its merits. It is the Red Cross bill, about which we all know something.

Mr. CULLOM. If it does not too long interfere with the Hawaiian bill, I shall not object.

Mr. STEWART. My suggestion is that the bill be delayed until the Senator from Nebraska returns.

Mr. MONEY. If the Senator will allow me, I desire myself to be absent for a month, and I wish to have this bill put through while I am here. Miss Barton has made a special request of me that I should have it passed. Everybody knows her work, and when I mention the name of that lady it is not only with respect but with reverence, for I myself have personally seen her work in foreign lands, in hospitals, and amidst other scenes of suffering and distress, and why this bill should be embarrassed because another one is not ready for consideration I can not understand. But if the Senator objects, I believe I have the right to make the motion that the bill shall be taken up for present consideration notwithstanding the objection, and I make that motion.

Mr. STEWART. I shall not object.

Mr. MONEY. Very well. I am glad the Senator will not.

Mr. STEWART. I suggest that it would not be very nice to consider the bill until the Senator from Nebraska [Mr. ALLEN] returns. I shall not, however, object.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. WARREN. Mr. President, I think I ought to say that I have no objection to the bill, but I do not like to see any appearance, on the one hand, of an unseemly competition in charity or, on the other, of a monopoly in charity. It does not seem to me that there is any necessity for the authorization of a charity "trust" nor for rushing the bill through roughshod in the absence of Senators who have asked as a matter of courtesy to be present when consideration was had, and particularly so when a bill has been reported and re-referred in a rather unusual way from one committee to another, with the explanation at the time that the second committee had a similar bill in charge and that they would probably consider and report both at the same time. I do not, however, enter objection to the bill, because I am not opposed to it.

Mr. DANIEL. Will the Senator allow me to ask him a question?

Mr. WARREN. Certainly.

Mr. DANIEL. Is the Senator from Nebraska opposed to this bill?

Mr. WARREN. I do not think so.

Mr. DANIEL. Then what is the objection to the bill?

Mr. WARREN. I do not object to the bill; but I object to the treatment accorded to the Senator from Nebraska.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill? The Chair hears none, and the bill is before the Senate as in Committee of the Whole.

The bill was reported from the Committee on Foreign Relations with amendments. The first amendment was, on page 3, section 1, line 8, after the word "politic," to strike out "in perpetuity;" so as to make the section read:

That Clara Barton, George Kennan, Julian B. Hubbell, of the District of Columbia; Stephen E. Barton, of New York; Brainard H. Warner, Ellen Spencer Mussey, Alvey A. Adee, of the District of Columbia; Joseph Sheldon, of Connecticut; George C. Boldt, William T. Wardwell, William B. Howland, of New York City; Joseph Gardner, Enola Lee Gardner, of Bedford, Ind.; John W. Noble, of St. Louis, Mo.; Richard Olney, of Boston, Mass.; Alexander W. Terrell, of Austin, Tex.; Leslie M. Shaw, of Iowa; A. C. Kaufman, of Charleston, S. C.; J. B. Venet, of New Orleans, La., and their associates and successors, are hereby created a body corporate and politic in the District of Columbia.

Mr. VEST. I call for the reading of the bill.

The PRESIDENT pro tempore. The bill has been read in full.

Mr. VEST. I did not hear it.

The PRESIDENT pro tempore. It is a pretty long bill.

Mr. VEST. How long is it?

The PRESIDENT pro tempore. Six pages.

Mr. VEST. I should like to hear it read.

The PRESIDENT pro tempore. The Senator from Missouri asks for the reading of the bill, and it will be again read. The Chair takes it that the Senator does not care about having the preamble again read, but only the bill itself.

Mr. VEST. Only the bill.

The PRESIDENT pro tempore. The bill itself will be again read.

The Secretary again read the bill.

The PRESIDENT pro tempore. The next amendment reported by the Committee on Foreign Relations will be stated.

The next amendment of the Committee on Foreign Relations was, in section 4, page 5, line 21, after the word "organization," to strike out "to" and insert "or to use;" and in line 22, after the word "Cross," to insert "to;" so as to read:

SEC. 4. That from and after the passage of this act it shall be unlawful for any person or association of persons within the jurisdiction of the United States to wear or display the sign of the Red Cross or any colorable imitation of said insignia, except in the service of the Government of the United States or by permission of the American National Red Cross, for the purpose of collecting, soliciting, or receiving money or material for any person or organization, or to use the said symbol or name of the American National Red Cross to do, or attempt to do, similar work to the American National Red Cross.

The amendment was agreed to.

The next amendment was to insert as a new section the following:

SEC. 6. That Congress shall have the right to repeal, alter, or amend this act at any time.

The amendment was agreed to.

The PRESIDENT pro tempore. There are several additional amendments proposed by the Senator from the committee, which will be stated.

The SECRETARY. In section 1, line 5, page 2, before the word "Brainard," it is proposed to insert "William R. Day, of Ohio;" on page 3, in the same section, line 1, to strike out "George C. Boldt, William T. Wardwell, William B. Howland" and insert "Charles F. Fairchild, William Letchwerth;" in line 2, before the words "Joseph Gardner," to insert "Hilary Herbert, of Alabama;" in line 5, after the word "Shaw," to insert "Benjamin Tillinghast;" in the same line, after the word "Iowa," to strike out the initial "A." and insert "Abraham;" in line 6, to strike out in the name "Venet" the letter "e" and insert "i;" in line 7, after the word "Louisiana," to insert "George Gray, of Delaware; REDFIELD PROCTOR, of Vermont; GEORGE F. HOAR, of Massachusetts; CHARLES A. RUSSELL, of Connecticut, and ROBERT W. MIERS, of Indiana;" so as to make the section read:

That Clara Barton, George Kennan, Julian B. Hubbell, of the District of Columbia; Stephen E. Barton, of New York; William R. Day, of Ohio; Brainard H. Warner, Ellen Spencer Mussey, Alvey A. Adee, of the District of Columbia; Joseph Sheldon, of Connecticut; Charles F. Fairchild, William Letchwerth, of New York City; Hilary A. Herbert, of Alabama; Joseph Gardner, Enola Lee Gardner, of Bedford, Ind.; John W. Noble, of St. Louis, Mo.; Richard Olney, of Boston, Mass.; Alexander W. Terrill, of Austin, Tex.; Leslie M. Shaw, Benjamin Tillinghast, of Iowa; Abraham C. Kaufman, of Charleston, S. C.; J. B. Vinet, of New Orleans, La.; George Gray, of Delaware; REDFIELD PROCTOR, of Vermont; GEORGE F. HOAR, of Massachusetts; CHARLES A. RUSSELL, of Connecticut, and ROBERT W. MIERS, of Indiana, and their associates and successors, are hereby created a body corporate and politic in the District of Columbia.

The PRESIDENT pro tempore. The Chair calls the attention of the Senator from Mississippi to the fact that he has not given the full name of Mr. Herbert. Is it not Hilary A. Herbert?

Mr. COCKRELL. Hilary A. Herbert.

Mr. MONEY. Hilary A. Herbert.

The PRESIDENT pro tempore. It was read Hilary Herbert. That change will be made. The question is on agreeing to the amendment.

The amendment was agreed to.

The SECRETARY. On page 5, section 3, line 6, before the word "armies," it is proposed to insert "the;" so as to read:

And the armies of the United States of America.

The amendment was agreed to.

The SECRETARY. On page 5, section 4, line 16, it is proposed to insert "to;" so as to read:

Or to display the sign of the Red Cross.

The amendment was agreed to.

The SECRETARY. On page 5, section 4, line 20, after the word "material," it is proposed to insert the word "or;" so as to read:

Receiving money or material or for any person.

The amendment was agreed to.

The SECRETARY. On page 5, section 4, line 21, it is proposed, after the word "organization," to strike out "or;" in line 22, to strike out the words "American National," and after the word "Cross," in the same line, to strike out "to do or attempt to do similar" and insert "in doing or attempting to do;" and in line 23, after the word "work" to insert the word "similar;" so as to read:

SEC. 4. That from and after the passage of this act it shall be unlawful for any person or association of persons within the jurisdiction of the United States to wear or to display the sign of the Red Cross, or any colorable imitation of said insignia, except in the service of the Government of the United States or by permission of the American National Red Cross, for the purpose of collecting, soliciting, or receiving money or material, or for any person or organization to use the said symbol or name of the Red Cross in doing or in attempting to do work similar to the American National Red Cross.

The amendment was agreed to.

Mr. MONEY. There is an amendment suggested by the Senator from Missouri which I will accept.

Mr. COCKRELL. In line 14, on page 3, there should be some words indicating the limitation of the right to hold real estate. I desire to have it amended so that it will indicate that the real estate is only for office buildings or something of that kind, and not for miscellaneous holdings. After the words "set forth," in line 16, page 3, section 2, I move to insert "such real estate to be limited to such quantity as may be necessary for official use or office buildings."

The PRESIDENT pro tempore. The amendment proposed by the Senator from Missouri will be stated.

The SECRETARY. On page 3, section 2, line 16, after the words "set forth," it is proposed to insert:

Such real estate to be limited to such quantity as may be necessary for official use or office buildings.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

BRITISH SHIP FOSCOLIA.

Mr. CULLOM. Mr. President——

Mr. COCKRELL. Now let us have the Calendar for a while.

The PRESIDENT pro tempore. The Secretary will state the first case on the Calendar.

Mr. CULLOM. If it is proposed to go on with the Calendar I shall not make the request I was about to make.

The PRESIDENT pro tempore. The Calendar is now before the Senate under Rule VIII.

Mr. WARREN. Mr. President, we had up a bill and the report was read, and the bill was passed over without prejudice on account of an inquiry which the Senator from California [Mr. PERKINS] wished to make. I desire to have the bill taken up now and finished. I refer to the bill (S. 189) for the relief of the owners of the British ship *Foscolia* and cargo.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDENT pro tempore. The bill has heretofore been read at length.

Mr. SPOONER. I should like to ask the Senator from California if he has made the investigation suggested the other day?

Mr. PERKINS. I have, and I find that there is a statute or rule prevailing in England, in Germany, and in France whereby, when merchant vessels are injured by Government vessels, the owners can go into a court of admiralty, as this bill proposes to give these people the right to do, and there present their case. If the Government ship is at fault by reason of not having her proper lights or not giving the proper sound signals by her whistle, then they can recover from those respective Governments in the same manner as we can in our courts of admiralty between ordinary litigants. Under those circumstances I thought it not right or just that I should press the amendment which I had prepared to offer to the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

POTOMAC STEAMBOAT COMPANY.

The bill (S. 779) for the relief of the Potomac Steamboat Company was announced as the first case in order on the Calendar, and was considered by unanimous consent. It directs the Secretary of the Treasury to pay to the Potomac Steamboat Company $5,090, that being the amount paid by the company to the Baker Salvage Company for services rendered to its steamer when she was sunk by the United States steam tug *Fortune* in Hampton Roads, Virginia.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SWAMP-LAND GRANT TO WISCONSIN.

The bill (S. 793) providing for the adjustment of the swamp-land grant to the State of Wisconsin, and for other purposes, was considered as in Committee of the Whole.

Mr. COCKRELL. I should like for the Senator who introduced the bill to make an explanation of the effect of two clauses, one that confirms the lands originally selected and the other that authorizes an exchange.

Mr. SPOONER. Mr. President, the bill is simply to carry out in a fair way an agreement entered into between the State and the United States a long while ago as to the adjustment of the swamp-land grant to that State. Under the swamp-land act lands were to be considered swamp or not swamp as the minor or major part were unfit, because of water upon them, for cultivation. The method in which the land should be ascertained and designated as swamp was left to the Secretary of the Interior. In some States they provided for an examination of the lands themselves, in order to ascertain what were swamp and what were not, within the provisions of the act. In other States they settled it upon the basis of the field notes.

Mr. COCKRELL. Of the original surveys?

Mr. SPOONER. Of the Government surveys. For a great many years the adjustment went on in Wisconsin upon the basis of the field notes. Then the governor of the State asked that it be changed, and the Department declined to change it, and I think properly declined to change it. Thereupon the Secretary of the Interior and the Commissioner of the General Land Office entered into an agreement with the State, by which an official of the United States, acting with one appointed by the State, was to go over the field notes and make a list of the lands which would inure to the State under the grant. That list was made, properly certified, and is in the Department of the Interior. For some years lands were patented to the State, taken from that list. As the years went on, however, the Department declined further to carry it out, and sold a large quantity of land selected and embodied in the list, the legal title to which, because the grant was a grant in præsenti, really had vested in the State.

We desire to have it adjusted and the controversy ended, and this bill is for that purpose. It provides that all lands that remain in that list unpatented, undisposed of by the United States, shall be patented to the State under the swamp-land act. Wherever lands that were in that list have been sold by the United States, we are to take other lands in the State—public lands—in lieu of them as indemnity. The bill provides that wherever any swamp lands—lands which would have inured to the State under the swamp-land grant—have been selected under a railroad grant or canal grant or any other grant for public improvements we are not to have indemnity for those lands, because the State is fairly to be considered as having received them for a public purpose. They might have been taken under the swamp-land grant, but the State, it was claimed by the Department, should be held to have elected to take them under the subsequent grant. That I assented to, because I thought it was only fair. There are a great many swamp lands in the Indian reservations, and they have been a fruitful source of trouble and annoyance. There should be no State lands in Indian reservations, and there should be no private ownership in Indian reservations.

I will say to the Senator from Missouri that this bill provides explicitly that there shall be no money indemnity whatever given to the State; and whatever indemnity in the way of land is given applies only to the public lands now in the State undisposed of—comparatively a small quantity—no more than enough, I think, to fill the indemnity, to which there is no adverse claim of any kind. Section 6 provides, as, of course, it ought—

That this act shall have no force or effect unless the State of Wisconsin, not later than the next regular session of its legislature after the passage of this act, shall, by legislative enactment, accept the provisions hereof and make or authorize the making of the relinquishments herein required.

It is a bill of peace, to quiet title, and to put an end in a fair way to this long-continued controversy and to carry out an agreement fairly made and in writing and partly executed long ago between the State and the United States.

I will say further to the Senator from Missouri that this bill was drawn as the result of a conference among the Secretary of the Interior, the Commissioner of the General Land Office, and the Assistant Attorney-General for the Land Department. It was drawn by them. Secretary Bliss recommended its passage, and I want to say here that he was one of the ablest and, in my judgment, the most cautious of all the Secretaries of the Interior we have had since that Department was established. A similar bill passed unanimously at the last session, and I can see no possible objection to it.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES AND WILLIAM CROOKS.

The bill (S. 631) for the relief of James and William Crooks, of Canada, was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to pay to the legal representatives of the late James Crooks and to the legal personal representatives of the late William Crooks, $5,000, the value of a vessel, the *Lord Nelson*, illegally seized by Lieutenant Woolsey, of the Navy of the United States, on Lake Ontario, on the 5th day of June, 1812, and interest on that sum at the rate of 4 per cent from the day of seizure to the date of the approval of this act.

Mr. COCKRELL. This bill contains a provision which I do not think has been put in any similar bill for many years and years and years, and is against the settled policy of the Government. This is a claim for damages, and interest at the rate of 4 per cent is allowed upon it from 1812 up to this time, a period of eighty-eight years. I do not believe there is justice or equity or anything else in that kind of a claim.

I move to strike out the provision:

And interest on said sum at the rate of 4 per cent from the date of the seizure to the date of the approval of this act.

Mr. DANIEL. Mr. President, this is a thoroughly just claim, although it is an old one. It has been many times investigated by committees of both Houses and always reported favorably. It has been three times reported unanimously and favorably by the Foreign Relations Committee of this body since I have been a member of it, and reported favorably by the same committee in the House before I came here. The committee thought under the circumstances of this case, the damage being inflicted by the Government of the United States upon the ship of a citizen of a foreign nation, we would recognize the hardships that had been suffered by the long delay in payment. I do not think this country has any justification or excuse for so long postponing the payment of a just claim of a citizen of a foreign nation, or, indeed, of anyone else. Interest was put at 4 per cent, not at 6, which is the prevailing rate in this country, and the committee were of the opinion that under the circumstances of this case it ought to be accorded.

Mr. HAWLEY. Have the complainants diligently pushed the claim for all this time?

Mr. DANIEL. Not at all times, but they have for many years. It

has been here frequently, over and over again, until we were worn out by solicitation. Then the matter would be revived and pushed from year to year again.

Mr. COCKRELL. Is either one of the original claimants living now?

Mr. DANIEL. I should hardly think so. Several generations have had a chance to die since this Government first incurred the debt. They would have to preserve a very long family tree in order to sustain their right to recover if we persist in this policy. There is no question about the justice of this claim. It was abundantly proved. It was recommended by President Monroe in his time to Congress as a just claim upon our Government.

Mr. HAWLEY. I desire to make an inquiry. Has any calculation been made as to the amount of interest that will be paid on this claim?

Mr. COCKRELL. The interest amounts to $17,600.

Mr. HAWLEY. And what does the claim amount to?

Mr. COCKRELL. Five thousand dollars only.

Mr. HAWLEY. I thought it was about that.

Mr. COCKRELL. There is a penalty of $17,600.

Mr. DANIEL. I think a Government that neglects for over eighty years to pay a just claim, recognized by its chief officers and recommended by its President, ought to smart a little for such delay, and it is in recognition of the long delay of the Government to pay this claim that the committee thought it was right and proper and handsome upon our part, if we can be handsome at so late a day, to pay 4 per cent interest on the claim. Any person who had his choice would much rather accept the $5,000 at the time it was due than to wait eighty years and get 4 per cent interest. I think he would compromise and take a good deal off the principal rather than to wait eighty years and get some interest.

Interest is generally allowed in the comity of nations. It is not the case of one of our own citizens, but a case in which we wish to cultivate the good relations and peace of nations, and it is usual in such cases, where the claim has been preferred by a foreign government, to recognize the matter just as the courts do in private cases.

Mr. SPOONER. I should like to ask the Senator, if he will permit me, whether that principle of comity has been recognized by Congress?

Mr. DANIEL. I am informed that it has been.

Mr. SPOONER. In making appropriations of this kind?

Mr. DANIEL. I think it has been.

Mr. SPOONER. The general rule has been, as stated, to pay no interest.

Mr. DANIEL. That is true; I realize that that is the general rule of the Government; I realize that fact; I do not wish to say otherwise. But in this case the committee were of opinion that they would recognize the interest so far as to pay 4 per cent, which is not larger than the usual commercial rate of Great Britain. Now, that is the whole matter. It seems to me just and right and appropriate that in this case the interest should be recognized.

Mr. SPOONER. If it has been the practice of Congress, I can see some reason, from an international standpoint, to pay interest if other governments pay interest to claimants from this country in the same way. But it has been the almost universal rule for Congress not to allow interest on claims, however meritorious they might be or however old they might be, and unless there is some controlling reason for the discrimination it seems a little odd, to say the least, that we should treat aliens better than we treat our own people. There are millions and millions of dollars of just claims, as all Senators know, which have been prosecuted for a great many years.

Mr. HAWLEY. The French spoliation claims.

Mr. SPOONER. Old acquaintances they are to every Senator who has served here any length of time. They get through one House and fail in the other. They pass the Senate and fail in the House. I venture to say that there is not a Senator of long service here who can not remember some person who has been in penury and distress and old age, and some who died broken hearted, because the claims presented to Congress and urged upon Congress have failed to pass it. Even in all those claims we never have recognized the policy of paying interest when they were granted by Congress. If the Senator can say that our policy has been in dealing with the subjects of other governments and upon international grounds to pay interest, I have no objection to it in this case.

Mr. COCKRELL. Mr. President, this claim originated, according to the bill, in June, 1812. I imagine that was just at or after the inauguration of war between the United States and Great Britain, and doubtless it was seized by a patriotic citizen of the United States. Now, this is a claim for damages resulting therefrom. They say it has been pending ever since, and the Committee on Foreign Relations brings in a bill proposing to pay 4 per cent interest upon that claim for eighty-eight years, amounting to $17,600 of interest, making the total claim $22,600.

Now, I want to say it has never been the policy of the United States, right or wrong, to pay interest upon claims of this character, unliquidated and unascertained claims, and in the Committee on Foreign Relations it has not been the policy of that committee to report claims of this kind with interest.

I want to substantiate that by reading a report from the Committee on Foreign Relations made in the Fifty-fourth Congress by that distinguished jurist and lawyer, CUSHMAN K. DAVIS of Minnesota. You will see what position then the Committee on Foreign Relations occupied. I read from Senate Report No. 1074, Fifty-fourth Congress, first session:

> The Committee on Foreign Relations, to whom was referred the bill (S. 682) for the relief of the legal representatives of James and William Crooks, of Canada, have considered the same and report as follows:
>
> Bills identical in purport to the one under consideration have been favorably reported on by committees of both Houses of Congress at different sessions, and have been the subject of Executive recommendation. Among these reports the committee adopt and make a part of this report that of the House Committee on Foreign Affairs, made at the first session of the Fiftieth Congress, and numbered 2361, wherein the facts and conclusions are clearly and justly stated.
>
> The committee therefore recommend the passage of said bill with an amendment, striking out in line 10 thereof the words "with interest on said sum from the day of seizure."

So the Committee on Foreign Relations did not hold that it had ever been the practice of the Government to pay interest upon any such claim.

Now, where is the justice and the equity of this? I remember very well that when serving in the Forty-fourth Congress upon the Committee on Claims the legal representatives of a distinguished patriot came before that committee with a claim for interest on $5,000. That money was loaned in cold, hard cash to our ancestral Government, the Confederation, in 1782. I remember the case distinctly. It was loaned, and in the refunding act of 1792 and along there this claim was never presented. Congress had authorized a 5 per cent bond to be issued in lieu of those loans that had been made to the Confederation. That claim went on and was not refunded, and finally it was presented to Congress in 1844 or 1845. After pending in Congress for some ten years a bill was passed for the payment of the principal, and the principal was paid. Not a nickel of interest was paid.

In 1876 the claimants came before Congress for the allowance of interest, making a claim for interest. That bill, after full consideration, was reported adversely; and from that day to this every bill of this character, where a claim has been made for interest, has been rejected. We have the French spoliation claims, claims against a foreign Government assumed by us, and we have repudiated the idea of paying interest on a solitary one of them.

There are other cases of the same kind. The Senate will remember that only a few years ago the colleague of the distinguished Senator from Virginia, I believe, who was then a member of the Committee on Post-Offices and Post-Roads, reported a bill here for the payment of interest to a claimant from Pennsylvania. I believe the amount was four or five thousand dollars, which had been once paid and interest had been refused, and that bill was to pay interest. All the precedents that could be gathered together in the history of the Government were collated and brought up in that case to show that interest ought to be paid, and, after a thorough discussion, upon a yea-and-nay vote the interest provision was stricken out.

I say it is one of the most dangerous precedents that has ever been brought before this Congress. I could not conscientiously, Mr. President, propose to treat any foreign citizens better than I would treat the citizens of our own country. We have no right to do it. Remember that the time of the seizure of the vessel was when war was either pending or about to come. I shall insist upon striking out the provision for the payment of interest.

Mr. DANIEL. Mr. President, the principal sum in this case is the proceeds of the sale under a libel of the *Lord Nelson*, which belonged to the ancestors of the present claimants. When the vessel was sold it was bought by an officer of the United States for the Government and the amounts were put in the hands of Theron Rudd, clerk of the court. In 1815, when peace was restored, Mr. Crooks applied to the United States Government for redress. The Government of the United States neglected to bring the libel to trial until the 11th of July, 1817, more than five years after the seizure, when a decree was made by the court of the northern district of New York pronouncing the seizure illegal and directing the proceeds of the sale to be paid to Mr. Crooks. In the meantime Theron Rudd, clerk of the court, had, on the 17th of May, 1817, absconded with all the funds of the court, and no part thereof was paid to the owners of the *Lord Nelson*.

So this Government in the early days of this claim was many times in default. First, it seized the vessel unjustly; in the second place it delayed five years to have the libel tried, and in the third place, after the money had been paid into court and legally awaited the claimant, the clerk absconded. So this Government stood in an ill attitude before the foreign Government and before this claimant.

In 1819, eighty years ago, President Monroe sent a message to Congress on this subject, and he stated in that message:

These injuries have been sustained under circumstances which appear to commend strongly to the attention of Congress the claim to indemnity for the losses occasioned by them, which the legislative authority is alone competent to provide.

Various committees in the different generations of men who have lived and died since then have reported favorably on this claim.

Mr. SPOONER. Including the interest?

Mr. DANIEL. No, sir; not interest.

Mr. SPOONER. This is a proposition now to pay interest?

Mr. DANIEL. I understand that. I realize the weight of what the Senator from Wisconsin says, and the weight of what the Senator from Missouri says, and the committee realize it. I know it is a dangerous precedent, and yet the peculiar circumstances of this case were such that the committee upon the consideration of this case at the present session concluded that it was better and more dignified and more becoming the Government of the United States, which had been so grievously in default in the early stages of the case, to do what an honorable, noble, and high-spirited man would feel like doing, not to make a precedent for the control of claims in general, but in some measure to atone for and compensate for its own remissness.

I appreciate fully what Senators have said opposing the payment of any interest. It is put at 4 per cent, not at 6 per cent, in order to show that we were not recognizing it as a legal obligation, and with a full statement of all the facts. It seems to me that this Government is great enough, and worthy enough, and high enough to take the best view of the case that could be suggested. But that is for the Senate to say. With these remarks I leave it to its judgment.

The PRESIDING OFFICER (Mr. CHILTON in the chair). The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 223) to provide a government for the Territory of Hawaii.

Mr. DANIEL. I hope that may be postponed for a few moments, so as to dispose of the pending bill. The Senate is ready to vote, I think.

Mr. CULLOM. If it will take no considerable time, I have no objection.

Mr. DANIEL. If it does, I will not press it.

Mr. VEST. Mr. President, I shall not detain the Senate a minute, but I deem it my duty to state that this is no new question. During my term of service in the Senate we have discussed it, to my certain knowledge, twice very exhaustively, and a large majority of the Senate, in both cases, voted against allowing interest upon these claims.

There is a consideration in the matter which I think will remove from the public mind a good deal of misapprehension as to the justice or propriety of the action of the Senate. I have heard it stated repeatedly, by persons who have not given the matter perhaps the consideration that a member of the Senate would give it, that it was an outrage, a gross outrage, after admitting that a claim is just and voting to pay it, not to pay interest; that the rule between individuals ought to apply between citizens of the country or foreigners and the Government.

Now, Mr. President, as has been frequently said here, in discussing this question one thing is overlooked. It is not always the fault of Congress that these claims are not paid. It is more frequently the fault of claimants. They present a claim and then neglect to prosecute it. The evidence is not complete, and when the committees are called upon to take up the case they find that there is a flaw and a defect which necessitates putting the matter off until another session.

Then, again, public business of immense importance prevents the consideration of these claims. Any Senator who has been here a number of years knows that it is almost impossible to do justice, even in ordinary cases, on account of the immense number of these claims and the intricacy which is attached to almost all of them. Now and then a terribly hard case comes to the attention of the public, and there is a clamor in the newspapers and from all over the country that Congress is not doing its duty.

Mr. President, these claims become stale on account of the neglect of the claimants. My friend from Virginia states in regard to the case now pending that there was a time, I do not know how long it was, when the claimants did not prosecute the claim. Now, they ought not to have interest for those years.

I do not put the action of the Senate, what it has been heretofore and what I hope it will be now, upon the ground of the immense amount of money that will be taken out of the public Treasury if this rule is established. As a matter of course any claim that passes the two Houses of Congress is presumptively entirely a just claim, and interest ought to be paid upon it if paid on this claim. There ought to be no rule which applies to aliens and foreigners that does not apply to our own people. This precedent would not only be dangerous, but, I was about to say, almost ruinous, for there are claims pending here, and I have no doubt they are just claims, if the proof could be made——

Mr. PLATT of Connecticut. The French spoliation claims.

Mr. VEST. Of course; the French spoliation claims have been here ever since I have been in the Senate—more than twenty years. Suppose we had paid interest upon those claims. Why, Mr. President, the Philippine war would be nearly a bagatelle compared to the amount taken out of the Treasury. But for the other reasons that I have given, I am compelled to vote against paying interest upon any of these claims.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Missouri [Mr. COCKRELL] to strike out the clause which has been read.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SPOONER. I desire to enter a motion to reconsider the vote by which the bill was just passed. I do not wish to take it up at this time, but I desire to investigate a question in connection with it.

The PRESIDING OFFICER. The motion to reconsider will be entered.

JOSEPH P. POPE.

Mr. CULLOM. My friend on my left, who has been absent on account of illness in his family, is very anxious to have a little pension bill passed, and I will yield to him if it takes no time in the discussion.

Mr. BEVERIDGE. I desire unanimous consent to put on its passage the bill (S. 1787) granting an increase of pension to Maj. Joseph P. Pope. The bill was reported favorably from the Committee on Pensions. It is an entirely just claim and is a small one, and the committee has gone very thoroughly into it.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with amendments, in line 6, after the word "of," to strike out "Major;" after the word "late," in the same line, to insert "captain and;" and in line 7, after the word "State," to strike out "Volunteer Infantry" and insert "Volunteers;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph P. Pope, late captain and commissary of subsistence, United States Volunteers, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting increase of pension to Joseph P. Pope."

Mr. BEVERIDGE. I am much obliged to the Senator from Illinois.

TERRITORY OF HAWAII.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 223) to provide a government for the Territory of Hawaii.

Mr. CULLOM. The Senator from Alabama [Mr. MORGAN] has, I think, an amendment which has been substantially agreed upon as to the subject immediately under consideration before we adjourned yesterday.

Mr. MORGAN. Some objection was made yesterday to section 75 of the bill, and there was controversy, it appears, between the Agricultural and the Interior Departments about it, at least among the friends of those Departments. I have agreed to offer the following substitute, which I believe represents the views of all concerned.

Mr. CULLOM. I think it is right.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. Strike out section 75 and insert:

That the sum of $15,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated, to be immediately available, to enable the Secretary of the Interior to examine the laws of Hawaii relating to public lands, the proceedings thereunder, and all matters relating to public lands, and to enable the Secretary of Agriculture to examine into all matters concerning agriculture and forestry and public roads in said Territory, which duty shall be performed with all convenient speed; and each of said officers shall report to the President of the United States with recommendations upon the matters concerning which they are herein charged. The appropriation herein provided for shall be divided equally between the Department of Agriculture and the Department of the Interior as the necessities of the investigations of each shall demand.

The amendment was agreed to.

Mr. SPOONER. Is there a committee amendment pending?

Mr. PLATT of Connecticut. Yes; there is a committee amendment pending, one that was passed over.

The PRESIDING OFFICER. The Secretary will read the amendment of the committee.

The SECRETARY. In section 81, on page 36, line 18, after the word "office," strike out the words "during good behavior" and insert "for a term of nine years."

Mr. PLATT of Connecticut. I wish to amend this section 81. In the first line of the section, line 23, on page 35, I move to strike out "governor" and insert "President," and to strike out "of the Territory of Hawaii," in lines 23 and 24; to insert a semicolon after "circuit courts," in line 25, and after "courts" to insert "and the governor shall nominate and, by and with the advice and consent of the senate of the Territory of Hawaii, appoint;" in line 11, on page 36, after the word "may," to insert "by and with the advice and consent of the senate of the Territory of Hawaii."

Now, I propose to strike out, in line 16, including the proposed amendment, the following:

Except the chief justice and justices of the supreme court, who shall hold office during good behavior for a term of nine years, and the judges of the circuit courts, whose terms of office shall be six years.

That will leave the section so that the President "shall nominate and, by and with the advice and consent of the senate of the Territory of Hawaii, appoint the chief justice and the justices of the supreme court and the judges of the circuit courts;" and the governor of the Territory, by and with the advice and consent of the senate of the Territory, shall appoint the other officers mentioned in the section; and then all the officers to hold office for four years, or until their successors are appointed and qualified, unless sooner removed, and the removal of all officers, except the chief justice and justices of the supreme court and judges of the circuit courts, shall be by the governor, by and with the advice and consent of the senate of the Territory of Hawaii.

Mr. President, I do not wish to take time about this, but it does seem to me that we ought not to depart so widely, as we do in this bill, from the universal practice which Congress has adopted with regard to the appointment of Territorial officers. I want this bill to pass and to pass as speedily as it can. I want to give to the people of the Territory of Hawaii all the powers and privileges which we have ever given to any Territory that has been incorporated or created by Congress. But, Mr. President, I see no reason for giving to the Territory and its governor the extraordinary powers which are conferred upon him in this bill. I know that this Territory is peculiar. I know that we have there a very small white population compared with the inhabitants of the Territory. Of course I can not give the exact figures of the different races and nationalities in the Territory, but, as I remember, all the white people there are less than 2,000, except Portuguese.

Mr. TELLER. There are more than that.

Mr. CULLOM. There are between four and five thousand—2,500 British and 1,500 Germans, perhaps.

Mr. PLATT of Connecticut. I had in mind the voting population.

Mr. CULLOM. Yes.

Mr. PLATT of Connecticut. However that may be, the white population, exclusive of the Portuguese, is very small compared with the rest of the population of the islands; and whether the British and Germans are going to become American citizens we do not know. The probability is that they will not. So we have there what may be called a governing population, or a population which we may think it advisable to constitute the governing population, consisting of some 4,000.

I do not complain of the bill, Mr. President, in that it proposes, and deliberately proposes, to put the government of those islands practically into the hands of those 4,000 people. I know that the Senator from South Carolina [Mr. TILLMAN] will ask me how it is that I reconcile the fact that I am in favor of a property qualification there which shall put the government of the islands into the hands of those 4,000 people, but I do not think that question arises here.

The question about the rights of the blacks to vote is not a new question. We are not determining now whether, if it were a new question, we should extend suffrage to the black population of this country. We did do that; and the difference which exists now between Senators from different sections of the country is only whether, having done it, what we have done shall be carried out in good faith. We are not considering the question as to what we should do if it were a new question. So I say that I do not complain of this bill because it proposes in its provisions to commit the government of those islands practically to the 4,000 Americans who reside there. They have always been the class which were the governing power under the King, to be sure. They have been the class which redeemed the islands from savagery and barbarism, and made them what they are—Americanized the islands and set up American institutions there, and, at last, an American Government there; and though it seems arbitrary, and though it seems to contradict to some extent the principles upon which our free Government is established here, I do not complain of the bill on that account. I do not complain of the provision which requires that persons, in order to vote for senators, shall have a property qualification of a thousand dollars, I believe, or $600 income. I may not get the figures exactly right.

Mr. CULLOM. That is right.

Mr. PLATT of Connecticut. The purpose of it is to perpetuate that government in the hands of the American citizenship of the islands. While, as I say, it seems a little at variance with what we have heretofore done, I do not complain of the bill on that account.

Mr. TILLMAN. Will the Senator allow me?

The PRESIDING OFFICER (Mr. CLAY in the chair). Does the Senator from Connecticut yield?

Mr. PLATT of Connecticut. I will if the Senator does not disconcert me in what I was about to say.

Mr. TILLMAN. I would just remark right there that the Senator possibly misunderstands my position. I do not object to having the government of the Hawaiian Islands remain in the possession of the white people there, because I believe in white supremacy; and I believe that white supremacy in the Hawaiian Islands is necessary to good government, just as I believe that white supremacy in South Carolina is necessary for good government in that State. If the white people of South Carolina have been compelled to do things in the maintenance of that which the Senator from Connecticut has objected to in the past, and which possibly he still objects to, I simply want him to reconcile the two positions—his past position and his present position. If he has arrived at that point where he is willing to concede that the enfranchisement of the ignorant blacks was a blunder and a crime, and that the Southern white people have been forced to relieve themselves of that by such means as they have had to adopt, then we are not apart at all, but agreed as to the future policy which must obtain not only in Hawaii, but also in the United States.

Mr. PLATT of Connecticut. Mr. President, I do not think that I should be diverted from what I have to say about Hawaii to go back and discuss the propriety or the necessity of conferring suffrage upon the black people of the South at the time it was done.

Mr. TILLMAN. I am not discussing that, and I am not asking the Senator to discuss it, Mr. President. I am simply trying to have him reconcile his present attitude with his past attitude, or to acknowledge that he was wrong once and has got right.

Mr. PLATT of Connecticut. I do not need to do either, Mr. President.

Mr. TILLMAN. I think the Senator does.

Mr. PLATT of Connecticut. It seemed to be, and I believe was, a necessity at the time of reconstruction that we should enfranchise the black population and give them an opportunity to vote. Having done that, having conferred the right of suffrage upon them, we insist that it should not be taken away.

Now we come back to the question of Hawaii——

Mr. TILLMAN. Right there, if the Senator will permit me. Does he object to the franchise being taken away from the blacks under constitutional methods?

Mr. PLATT of Connecticut. I am afraid you propose to take it away by unconstitutional methods.

Mr. TILLMAN. Do you object to the white people of the South having the same rights to govern their affairs and maintain their civilization that you insist the white population in Hawaii shall have?

Mr. PLATT of Connecticut. I insist that the white people of the South shall observe the privileges we have conferred upon the black people of the South, and which one of the constitutional amendments insists that they shall observe. But I beg the Senator's pardon. I will discuss this question with him at some other time, and it will take a good while to discuss the question the Senator is now raising.

Mr. TILLMAN. My friend, if you had not brought my name into the discussion and said that I would object to the attitude you had taken, I certainly would not have interrupted you. But I thought you were challenging me to discuss this question, and I am ready to meet you here or anywhere else on the question as to whether the Southern white people shall have the same rights you are giving to the white people in Hawaii.

Mr. PLATT of Connecticut. We are dealing with a new question; we are dealing with the question in the new possessions which we have acquired outside of what has hitherto been our boundaries, in the islands of the sea, as to what kind of government we shall provide for those possessions. It is a new departure in our history. We all know that the decision of that question requires the closest and most careful thought and examination.

Mr. TILLMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from South Carolina?

Mr. PLATT of Connecticut. Yes.

Mr. TILLMAN. I hope the Senator from Connecticut will not confuse the Hawaiian question with the Philippine question, because they are entirely different. The Hawaiian people were

brought under our flag by a joint resolution which incorporated them as having all the rights under our Constitution that any other people in the United States have. They are not the subjects of conquest; they are not the accidents of war; and I maintain the Senator can not differentiate those people from any other people who now are under the protection of the United States Constitution and flag.

Mr. PLATT of Connecticut. Well, Mr. President, they differ certainly from any Territories to which we have heretofore given a form of government, in that they are outside of what have hitherto been the boundaries of the United States, and the question is right upon us—I shall discuss it under another amendment—as to whether we ever intend to erect those Territories, or those new countries or possessions, those islands, into States. I do not believe it is good policy to do so; and it was in that respect that I said they differed from any of those countries or any of our possessions in which we have heretofore established Territorial governments. They differ in the character of their population. We have never had any such population in the United States, when we have set out to erect a Territorial government within our former boundaries, as exists in Hawaii, much less in the Philippines and in Puerto Rico. We must to some extent consider these questions; and in considering to whom suffrage shall be given we must consider the question as to whether it shall be given to people who have little or no capacity for government.

That is not a new principle, Mr. President, although we are taking a new departure. That was the principle adopted and agreed to at the time of the Declaration of Independence and the enactment of our Constitution. All suffrage in the United States—unless it was in the State of New Jersey; I think it was not so as to the State of New Jersey—was at the time of the adoption of the Declaration of Independence a limited suffrage, and so continued at the time of the adoption of the Constitution and for many, many years after that, and it has been only within a few years that the property qualification has been removed in all the States. So it is not a new doctrine. It is an old doctrine. It is the doctrine of the Declaration of Independence and it is the doctrine of the Constitution that suffrage should be participated in only by the persons who are qualified to exercise it.

Mr. President, in this bill—and, as I said, I do not object to it—we give unlimited suffrage to the citizens of Hawaii, who are to elect the members of the house of representatives. I believe that is so.

Mr. CULLOM. Yes.

Mr. PLATT of Connecticut. We provide a qualified and limited suffrage for the people who are to elect the senators.

Mr. CULLOM. As to the representatives there is only the educational qualification required.

Mr. PLATT of Connecticut. Only an educational qualification is required as to the members of the house of representatives. The object of that—and I do not propose to disguise it—is, as I have said, to perpetuate the government in the hands of the people already there and exercising governmental power.

When I was interrupted I was saying that they were the people who had redeemed the islands from savagery and barbarism, from its original cannibalism, and who have brought it up, step by step, to a position where a republican form of government had been established and where it was desirable that it should be maintained, and maintained by those who are best qualified to administer it. But, Mr. President, when we have done that—and I agree to that limited suffrage for senators—I think we have done all that is necessary. I do not think we ought to go beyond that.

Mr. LINDSAY. Mr. President——

Mr. PLATT of Connecticut. Let me finish my sentence.

I do not think we ought to confer upon and throw around those people safeguards for the perpetuation of that government which shall in effect give arbitrary power, despotic power, to the officers who are to be appointed there.

Mr. LINDSAY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Kentucky?

Mr. PLATT of Connecticut. Yes, sir.

Mr. LINDSAY. I wish to ask the Senator, if his amendment be adopted—and I am in favor of it—whether under this bill the President would be authorized to appoint those judges from any of the citizens of the United States, or would he be confined in his selection to the residents of the Hawaiian Islands?

Mr. PLATT of Connecticut. I think there is nothing in the bill which confines his selection to the residents of the Hawaiian Islands.

Mr. BEVERIDGE. I think there is.

Mr. PLATT of Connecticut. I think not. I think he would be at liberty to select those judges from the United States or from the islands themselves; and I have no doubt any President would exercise a wise discretion in that respect.

Mr. President, I think, by and large, we have organized fifty Territories in the United States, and in none of them in recent years have we given to judges a tenure exceeding four years. I am aware that in the organization of some of the earlier Territories judges were appointed during good behavior, but in recent years, I think I may say in the recent half century, we have never departed from the rule that we would give the judges appointed a four years' tenure. There is more reason, in my judgment, why we should insist upon that rule with regard to Hawaii than there is with regard to any other Territory we have ever organized.

This bill as it came from the committee took away from the President, or did not give to the President, the right to appoint judges at all, except for what is called the Federal court. So far as the Territorial court proper is concerned, the judges are to be appointed by the governor, by and with the advice and consent of the senate of Hawaii—that body which has been chosen by electors with a property qualification. It continued the present judges—I think that was the effect of it—the chief justice and all the justices of the supreme court, during good behavior; that is, it continued them with a life tenure, and continued the present circuit judges for a term of six years. It made their decision final, and no amendment which I have offered changes that. Here, then, we had a governor with arbitrary power to appoint the judges, by and with the advice and consent of this aristocratic senate—if I may be permitted to use the word, not in its bad sense but in its governmental sense—we continued the present judges in office, the chief justice and the associate justices of the supreme court during life, and we continued the judges of the circuit courts for six years. Then we made their decision final, and no matter what they might decide, we entirely lost power or control over the courts in Hawaii. In other words, we surrendered to them absolutely the arbitrary power of appointment and the right to review any decision which they might make.

Mr. President, that is not necessary to perpetuate the government in the hands of the ruling class there; it is not wise. What complications will arise in that island no human being can foresee. We know that there are 4,000 of the governing class there against 145,000 of the nongoverning class; we know that that governing class to-day is largely opposed to the people who are administering the government, and that only in this last year there has a very decided sentiment arisen on the part of the white people of Hawaii against the people who are in office there.

I insist that it is better to stand by the rules which we have adopted for the creation of Territories at home than it is to extend them in those far-off and distant islands.

There can be no harm come from this limited tenure of the judges, and if their decisions are to be final it is better that they should not have long terms of office; it is better that they should be subject to the power of removal by the President if you want to keep the judiciary of those islands pure and honest and upright. If it should happen that the 145,000 of the nongoverning class should override the 4,000 of the governing class and take the offices into their own hands, we should be exceedingly sorry, Mr. President, that judges whom they elected should be beyond the reach of removal by the President of the United States, and have a term of nine years, removable only by impeachment of the senate and house of representatives of Hawaii. There is no need of going to this extraordinary length for the purpose of preventing the government getting into hands into which we do not think it wise that it should be committed.

In the section which I have proposed to amend there was another extraordinary power given to the governor—that he might remove from office any such officers. That did not apply to the chief justice and the justices of the supreme court nor to the judges of the circuit courts, but all the other officers whom he had the power to appoint and who can not under this bill be elected by the people, but must be appointed by the governor—he has the power, without the advice and consent of the senate, to remove them. Even President Dole remonstrated against that arbitrary power being placed in the hands of the governor. I want to read some things which he said in his minority report of this commission. He says:

> While, with some misgivings, I have assented to the provisions of the majority report, which place the executive power of the Territory in the hands of one individual and do away with the executive council, I am unable to accept those which confer upon the governor the appointment of all subordinate officers, and which, while giving him the appointment of heads of departments, with the approval of the senate, permit him to remove them without such approval, a power not enjoyed by the President of the United States.

I think perhaps President Dole is wrong in that.

> Nor can I agree to the absence of any provisions whatever limiting or checking the governor's executive power under the laws, excepting as to the approval of the senate required in certain appointments.
>
> The weight of these objections will be better understood in view of the recommendation of the commissioners that the legislature shall hold regular sessions but once in two years, as heretofore, which circumstance would furnish the governor with the opportunity, if he should choose to utilize it, of removing any or all heads of departments immediately after the termination of the regular session of the legislature and filling their places with persons whose commission would be valid until the end of the next session of the senate, which might not occur for nearly two years.

That thing was undertaken a little while ago practically and substantially in one of our own Territories, the Territory of Arizona.

Mr. WOLCOTT. Did the governor of Arizona have power to remove at will?

Mr. PLATT of Connecticut. He thought he had. He raised the question. I do not know how it came out. But there was a controversy there, a serious controversy, growing out of his attempt to remove immediately after the adjournment of the legislature.

By this means a governor, acting within his authority, could substantially evade the provision requiring these appointments to be approved by the senate.

Performances of like character under the monarchy are too fresh in the minds of the Hawaiian community to permit them to contemplate without dismay the possibility of a repetition thereof.

The governor, under the provisions of the act recommended by the commission, will have less check to his administration of affairs than was the case with the sovereigns under the monarchy, excepting only in the matter of tenure of office. Moreover, the features of the existing Hawaiian civil system, which compel a certain amount of publicity in all administrative acts, are swept away, and the governor may act in absolute secrecy, or, if he shall be so inclined, with the advice and under the influence of any persons he may choose to admit to his deliberations.

This feature of the proposed executive status, it will be seen, might expose the governor to influences hostile to the public good, and possibly to great and constantly recurring temptations to subordinate public to private interests.

The provision of the Hawaiian system which compels the president to consult his constitutional advisers lessens this danger.

Besides, this beneficial result of the existing system is the safeguard that it guarantees to the administration of public affairs through the diminished liability of the best of men to make mistakes when assisted by the judgment of others.

So President Dole himself, with all his desire to perpetuate American government in those islands, thought this bill went very much too far.

Now, my amendment does not correct the bill in many of the respects of which he spoke, but I do insist that as to the judges who are to have final jurisdiction in those islands and from whose decisions there is to be no appeal, either to the Supreme Court of the United States or to the circuit court of appeals in the United States, should not be put beyond the power of the President of the United States to appoint or remove. Their terms ought to be like the terms of all other judges in all our Territories—for four years. That is a wise provision, and, as I said, it is wiser in my judgment for Hawaii than it has been for the other Territories which we have heretofore created.

Mr. CLARK of Wyoming. I simply wish to ask the Senator from Connecticut if it would not be well to add to his amendment by striking out the last four lines of the section which present difficulties of construction?

Mr. PLATT of Connecticut. I intended to do that. The last three lines.

Mr. CLARK of Wyoming. Yes; the last three lines.

Mr. PLATT of Connecticut. Lines 13, 14, and 15, on page 37.

Mr. TELLER. I should like to have the amendment stated.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In section 81, page 35, line 22, after the word "the," it is proposed to strike out the word "governor" and insert the word "President;" after the word "senate," in line 23, to strike out "of the Territory of Hawaii;" after the word "courts," in line 25, to insert a semicolon and insert "and the governor shall nominate and, by the advice and consent of the senate of the Territory of Hawaii, appoint;" in line 11, page 36, after the word "may," to insert "by and with the advice and consent of the senate of the Territory of Hawaii;" in line 16, on the same page, after the word "remove," to strike out all down to and including the word "and," in line 20; and to strike out, on page 37, the three lines beginning with the thirteenth, as follows:

Except the chief justice and associate justices of the supreme court and the judges of the circuit courts, who shall continue in office until their respective offices become vacant.

Mr. MORGAN. What is the amendment on page 36?

The SECRETARY. In line 11, page 36, after the word "may," it is proposed to insert "by and with the advice and consent of the senate of the Territory of Hawaii," and, on the same page, line 16, after the word "removed," to strike out "except the chief justice and justices of the supreme court, who shall hold their offices during good behavior, and the judges of the circuit courts, whose terms of office shall be six years, and."

Mr. TELLER. I want to say to the Senator from Illinois that those of us who sit in the rear can not understand what the amendments are. Will the Senator tell us about this one?

Mr. CULLOM. As I understand the amendment and the explanation of his purpose by the Senator from Connecticut himself, the substance of what he is trying to accomplish is to secure the appointment of the supreme and circuit judges by the President of the United States.

Mr. PLATT of Connecticut. And a term of office of four years.

Mr. CULLOM. And a term of office of four years. I refer to the Territorial judges, not the United States judge whom we are undertaking to create.

I do not know that it is a matter of very great consequence whether those judges are appointed by the governor or by the President of the United States; but as we are dealing with a settled community, a state, a government, full of people, so far as it has gone—not a great number there yet—but there has been a government established for a great many years; they have their system of courts, they have their system of law, they have their construction of statutes by their supreme court and circuit courts, and they are familiar with them, and they felt entirely satisfied with the system they have, and it seemed to the commission and afterwards to the committee that the less we interfered with them the better it was for the people there as well as for the United States generally.

Now, we have had a good deal of talk here from time to time about what is to be done with these islands we have acquired either by cession, by annexation, regularly, or irregularly, as some thought at the time, it not being by treaty but by act of Congress, and others as the result of the war in which we have been engaged; and everybody in the Senate and other places, apparently, seemed to be alarmed for fear that we would take them in and make them a part of the United States, and put our laws over them, and all that sort of thing. We, as a commission, in the first place felt and believed that we were coming nearer to recognizing the ideas of the people of the United States in letting that government alone so far as we could at all consistently with the laws of the United States and the Constitution of the United States, and not interfering with anything there that it did not seem absolutely necessary to interfere with.

So we found the supreme court there doing business with just as much dignity, with just as much sense of honor and of duty, and apparently with just as much intelligence as the supreme court of the State of Illinois or of Connecticut, or of any other State. There was nothing in the establishment there in any way that the commission could see would justify us in uprooting the supreme court or the circuit courts of the islands and requiring the Government of the United States to meddle with them. So it was the conclusion of the commission and of the committee that as far as that was concerned we ought to leave that alone at present.

The Senator from Connecticut seems to go upon the idea that we are making a constitution for those people that can never be repealed. If we find that this plan does not work right, if we find that the judges of those courts are not doing their duty, or the governor does not do his, we can modify this law next year, or any other time in the future. Our whole purpose, so far as the Government of the United States is concerned, it seems to me, should be to give the people of those islands a start under some sort of law made by the United States, an organic act, and let them continue in the regular line of duty as they have been going on heretofore.

But while everybody has seemed to want us to let them alone, when we come to try to let them alone everybody seems to object to it. That seems to be the situation here, and there is no reason, in my judgment, in anything existing or in any fear that may be anticipated why we should overturn that court now and say to the President of the United States, "You appoint all these judges," lest they do something wrong between now and next year or five years from now that ought not to be allowed to be done.

Mr. TELLER. May I ask the Senator from Illinois a question?

Mr. CULLOM. Certainly.

Mr. TELLER. Is not that exactly what you do? You overturn the court when you authorize the governor to appoint.

Mr. CULLOM. No; we do not in the full sense, because the purpose of the bill is not to turn these men out until their terms expire.

Mr. TELLER. You assume that the governor will reappoint the present judges?

Mr. CULLOM. There will be only two to be appointed, so far as the supreme court is concerned, because the chief justice has resigned since this bill has been reported to the Senate.

Mr. TELLER. Does the bill legislate the present judges in office?

Mr. CULLOM. It lets them stay there. That is all. It does not legislate them out.

It seems to me, Mr. President, that apparently the fear is overruling, especially in the mind of my friend the Senator from Connecticut, that something is going to be done over there, within a month perhaps after this proposed law shall be passed, that will be thoroughly in conflict with the laws and Constitution of the United States, if we allow the governor to appoint. Let me say to the Senator that the governor can be removed by the President if he does anything wrong. If he fails to do his duty the President can call him down or nominate and appoint somebody else. It seems to me there is no great need or occasion for alarm if the plan shall stand substantially as the commission and the committee report it. I think myself that the provision is a little mixed as to a strict construction of what it means. I am willing that

that shall be straightened out, but I do not believe there is any occasion for taking the appointing power as to these judges out of the hands of the governor and putting it into the hands of the President of the United States, although I have every confidence, so far as the President is concerned, that we will get good judges if he appoints them; but we will get good judges if any governor whom we send there or who may be selected from the islands appoints them.

Mr. TILLMAN. Will the Senator allow me to ask him right here whether there is any other Territory or whether there has ever been any other Territory where this class of judges were appointed by the governor?

Mr. CULLOM. No, sir; I do not think there has been in our country; but in this country the Territories we have organized and passed enabling acts for have been large stretches of country with very few people in them, no settled community, no system of affairs, no system of laws, but simply a scattered population, without any government at all.

Mr. TILLMAN. Then you do not want to carry the institutions and principles of the Government of the United States to Hawaii, but you simply annex the islands for the benefit of the few Americans there?

Mr. CULLOM. I wish to say to the Senator, so far as the American population are concerned, that they are just as intelligent and just as loyal to the American flag and to the American Constitution as the Senator is or anybody who belongs in his State or mine.

Mr. TILLMAN. The Senator misunderstands me if he understood that I am criticising the citizenship of the white persons there.

Mr. CULLOM. I know you are not.

Mr. TILLMAN. I am not aiming at that at all. I am simply trying to get at the true inwardness of this remarkable bill.

Mr. CULLOM. Very well.

Mr. TILLMAN. We are brought face to face at the end of the nineteenth century with propositions of government that are abhorrent to every American.

Mr. CULLOM. Is it abhorrent to the Senator that the governor should appoint these judges?

Mr. TILLMAN. It is. I believe in the election of judges by the people, although my State does not do it. The legislature elects.

Mr. CULLOM. Which would you rather have—that the President or the governor should appoint them?

Mr. TILLMAN. I would rather have the legislature of Hawaii appoint them.

Mr. BEVERIDGE. How about the Federal judges in this country?

Mr. TILLMAN. Elect them by the people.

Mr. CULLOM. The Senator from South Carolina is clear off on everything pretty much.

Mr. TILLMAN. I am a Democrat. That is all the difference between the Senator from Illinois and myself.

Mr. CULLOM. Not an ordinary Democrat, either.

Mr. TILLMAN. I hope I am not.

Mr. CULLOM. He is an extraordinary Democrat, if I may be allowed to say so.

Mr. TILLMAN. I thank you for the compliment.

Mr. CULLOM. Are you through?

Mr. TILLMAN. I have just started. But I want you to get through, and then I will take up some of these remarks.

Mr. BEVERIDGE. I should like to ask the Senator from South Carolina whether he seriously means to state that he wants the judges of the Supreme Court of the United States elected by the people instead as they are now, appointed by the President.

Mr. PLATT of Connecticut. That can not be done.

Mr. TILLMAN. Why, if the people are fit to elect a President, are they not fit to elect a justice of the Supreme Court?

Mr. BEVERIDGE. I am asking the Senator what his views are.

Mr. TILLMAN. We are not discussing that court. We are talking about the circuit and district courts; at least I thought we were.

Mr. BEVERIDGE. No; the Senator interjected into the discussion and into the remarks of the Senator from Illinois the proposition that, in his opinion, according to his theory of government, the judges ought all to be elected by the people.

Mr. TILLMAN. I say so still.

Mr. BEVERIDGE. I therefore ask the Senator whether he would have the judges of the Supreme Court of the United States elected by the people?

Mr. TILLMAN. I ask whether, if the people of the United States are fit to elect a President, they are not fit to elect a judge? Are they competent to elect a man to appoint a judge and not able to elect the judge? You can not answer it logically.

Mr. CULLOM. I think I will have to interrupt the Senators.

Mr. TILLMAN. I yield to you. With the Senator from Indiana I will have it out after a while.

Mr. CULLOM. I do not wish to be the occasion of any excitement on the part of my friend the Senator from South Carolina, because he is generally a pretty good-natured man and I wish to keep him so. I want to be perfectly serious about this thing and to express my judgment simply that the best thing to do for the present in the adoption of a bill is to allow the status there as to the courts and the legislature to remain, with the modifications that the committee have made. We found, it is true—and we are disturbing it to that extent—a supreme court appointed for life or during good behavior, and we thought that, perhaps, for a Territorial court, was going beyond what ought to be allowed, and so we yielded to a nine-year term for the supreme court judges and a six-year term for the circuit court judges, there being three judges of the supreme court and five judges of the circuit courts. If it is thought that that is a dangerous thing to do, of course the Senate has a right to change it and make their appointment for a given term of years and by the President.

Now, there was something said upon the question of the elective franchise, and I think some inquiries were made. I have a statement here somewhere——

Mr. FORAKER. Mr. President.

The PRESIDENT pro tempore. Does the Senator from Illinois yield to the Senator from Ohio?

Mr. CULLOM. I do.

Mr. FORAKER. Before the Senator leaves that point, if I am not mistaken he was in error in one answer he gave to a Senator who propounded an inquiry as to whether or not it was proposed by this bill to continue in office the present incumbents. I do not so understand the bill.

Mr. CULLOM. If I am mistaken in that respect, how does the Senator construe it?

Mr. FORAKER. At the beginning of section 81 it is expressly provided that the supreme court shall consist of a chief justice and not less than two associate justices, and it is further provided, in the same section, I believe, or the following one——

Mr. PLATT of Connecticut. The last part of the section.

Mr. FORAKER. It is somewhere there that they shall be appointed. It does not say anywhere that the present incumbents shall be continued in office.

Mr. PLATT of Connecticut. Read the last three lines.

Mr. FORAKER. If it does, I have overlooked it.

Mr. PLATT of Connecticut. The last three lines of that section, on page 37—lines 13, 14, and 15.

Mr. FORAKER. Ah, I beg pardon.

Mr. PLATT of Connecticut. I contemplate in my amendment striking that out.

Mr. FORAKER. Were the lines stricken out?

Mr. PLATT of Connecticut. My amendment contemplates striking them out.

Mr. CULLOM. I had here a statement of what the vote would be in the election of the legislature or in any other election. I do not seem to find it. Somebody has evidently picked it up by mistake, but I remember that there were between ten and thirteen thousand voters in the Territory under this bill for the house of representatives and between forty-five hundred and five thousand for senators.

Mr. TILLMAN. Where does the Senator get that information?

Mr. CULLOM. It was furnished me by somebody who ought to know.

Mr. TILLMAN. Well, that is a remarkable statement to come from the Senator in charge of the bill, that he gives us the ipse dixit of some man whose name he will not even mention.

Mr. CULLOM. It is not extraordinary at all. I made an inquiry of gentlemen here from the islands.

Mr. TILLMAN. Lobbying this bill through?

Mr. CULLOM. Not at all. The Senator always seems to be scared for fear somebody is standing around trying to do something he does not want done.

Mr. TILLMAN. I find the purlieus of this Capitol chock full of men who are always trying to get something done that is against the people.

Mr. CULLOM. Then they find the Senator and nobody else, apparently.

Mr. TILLMAN. I said I found them.

Mr. CULLOM. Did you go after them?

Mr. TILLMAN. No. I have seen them in the committee, where you and I have had some investigations.

Mr. CULLOM. Most of them were invited there by the committee.

Mr. TILLMAN. They invited themselves there, and asked the chairman to give them a hearing.

Mr. CULLOM. I think the Senator is entirely off on that question.

Mr. WOLCOTT. Mr. President, I hope we can have order.

Mr. CULLOM. This is a statement prepared by a gentleman at my request, so that I might have as much definite information as I could as to the property qualifications of the people and the

educational qualifications of the people. Now, if the Senator objects to me or anybody else trying to find out in that way how many people are capable of voting over there under this law if it should pass, I do not understand the reason for it.

Mr. TILLMAN. I do not object. I simply asked the Senator to give the source of his information.

Mr. CULLOM. I am giving it.

Mr. TILLMAN. He seems to think that I impeach that information as being untrue or unworthy of credence.

Mr. CULLOM. The Senator attacked the proposition that I should be getting it from anybody around here.

Mr. TILLMAN. No, sir; I asked the Senator where he got that information.

Mr. CULLOM. I told him.

Mr. TILLMAN. You said from some man who ought to know.

Mr. CULLOM. From a gentleman who ought to know.

The PRESIDENT pro tempore. The Chair desires to call attention to the rule—a rule which it is absolutely necessary for the decorum of debate should be strictly observed:

When a Senator desires to speak, he shall rise and address the Presiding Officer, and shall not proceed until he is recognized.

* * * * * * *

No Senator shall interrupt another Senator in debate without his consent, and to obtain such consent he shall first address the Presiding Officer.

He must not only address the Presiding Officer, but he must wait until the Presiding Officer has obtained the consent of the Senator who is debating that the interruption shall occur.

I do not read this, I beg the Senator from South Carolina to understand, for his benefit. I read it for the benefit of Senators. This rule, for the last several days and for a considerable time, has been absolutely neglected, and it is very important, in my judgment, for the decorum of debate that it should be strictly observed.

Mr. TILLMAN. Mr. President, with the consent of the Senator from Illinois, who has the floor, I will simply say that it has never been enforced since I have been a member of this body.

The PRESIDENT pro tempore. Does the Senator from Illinois yield to the Senator from South Carolina?

Mr. CULLOM. I do.

Mr. TILLMAN. Mr. President, I will repeat that since I have been a member of this body, the latitude of debate has never been tied down to any such iron-bound rule as that; but we have usually risen, as I have done to-day, saying "Mr. President," and then proceed to interrogate the Senator with the usual license of debate, give and take, and I think the Chair will find that no Senator here will agree with him, that it has only begun within the last three months, or the last three weeks, either.

Mr. CULLOM. I am not going to quarrel with the Senator from South Carolina for interrupting me.

Mr. TILLMAN. Oh, we can not quarrel.

Mr. CULLOM. I hope I may be allowed to go on now for a little while.

I have found the paper which I tried to find a while ago. It is an estimate of the qualified voters under this bill for the first year. It is as follows: Hawaiians and part Hawaiians, 10,000; Portuguese, 2,300; Americans and Europeans, 3,000. The total is more than I thought it was, 15,300. That is for the house of representatives under the intelligence provision. Under the property qualification 4,500 will vote for senator, divided about as follows: Americans and Europeans, 2,800; Hawaiians and part Hawaiians, 1,100; Portuguese, 600. That is the statement I desired to read, not to embarrass this debate, but simply because I happen to have it and I thought it might be of some information to the Senate.

Mr. TILLMAN. Mr. President, will the Senator from Illinois permit me?

The PRESIDENT pro tempore. Does the Senator from Illinois yield to the Senator from South Carolina?

Mr. CULLOM. I yield.

Mr. TILLMAN. Will the Senator give us the name of the man who furnished this information?

Mr. CULLOM. I do not know whether or not I am at liberty to do so, but I will venture to. The information was furnished to me by Judge Hartwell and Mr. Smith, late attorney-general. Is that satisfactory?

Mr. TILLMAN. Perfectly, although I know nothing about either of them, but I suppose they are perfectly reliable.

Mr. CULLOM. I know a good deal about both of them.

Mr. TILLMAN. May I ask the Senator from Illinois another question?

Mr. CULLOM. Certainly.

Mr. TILLMAN. I see no provision in this bill, at least I have not come across it yet, for the registration of voters prior to voting.

Mr. CULLOM. There are provisions providing for registration.

Mr. TILLMAN. For registration under the property qualification and the educational qualification?

Mr. CULLOM. A registration of qualified voters.

Mr. TILLMAN. It is in the bill?

Mr. CULLOM. In the bill.

Mr. TILLMAN. It is provided for?

Mr. CULLOM. In the law of Hawaii also.

Mr. TILLMAN. Ah! The Senator imagines, if I may interrupt him again, that we who have not been studying this question as he has are as familiar with it as he is, and when we try to get some light on the intricate problems presented here in this new-fangled idea of government, he resents our inquiries, apparently. I have no other purpose, and I do not have any idea that the Senator has any other purpose, than to give these people the best government they can get under the circumstances.

But I confess, Mr. President, that there are anomalies here, and contradictions, and extraordinary provisions that need interpretation and explanation. I have not had the time, and very few Senators here have had the time, to even read the bill through consecutively; but we have seen so many instances in which amendments have been accepted by the Senator from Illinois who is in charge of the bill that it shows he himself is not certain whether this is the best law that could be framed. When the Senator gets through I will elaborate a little on some of the points that I have just discussed, because I do not want to cut him off too long, and I am afraid he would consider that I was trespassing on his courtesy too far.

Mr. CULLOM. I never so consider it. It is perfectly evident without the Senator stating it, that he has not read the bill. But the fact is that there are provisions in the bill for the registration of legal voters, and of course when a man comes up to be registered he will be cross-examined perhaps as to what he has and whether he can read and write, and all that sort of thing, and finally he is registered.

Mr. SPOONER. That is provided in section 18.

Mr. CULLOM. Yes; look at section 18.

Now, Mr. President, I am sure I do not want anything done by the Senate with reference to this bill that is not satisfactory to the body. The commission framed and the committee reported the bill, and believed that it was substantially right. I said in the opening speech I made here that there are some things in it that I did not entirely agree to. I repeat, that I had hesitation in regard to some provisions; and I might say that I opposed for a time the property qualification of senators. I am standing here advocating the bill generally, with the statement that so far as I am concerned, I have doubted whether that property qualification would be necessary.

But here is a community of people who have been living under a republic for three or four years, and somewhat under a strain. Not knowing exactly what the public sentiment of the masses was, and feeling all the time that we ought to give them a government at the start that would enable them to hold control in the hands of the best element of the islands until the question of loyalty to the United States could be a little more thoroughly tested, and to see, also, whether it was safe to go beyond what they have been doing and liberalize the government there more than even we have done, we reduced the property qualification from $1,500 to $1,000 (and I believe the personal-property qualification was $3,000), and we reported that sort of a bill.

There was something said about the voters in this country. I do not want to stir up my friend from South Carolina when I refer to that. I voted in the House of Representatives for both the fourteenth and fifteenth amendments. I have nothing to take back for either now or at any time hereafter, so far as I know. I do not want to bring the subject into this discussion except to say that at the time those amendments were adopted it seemed to the country that it was the best and the only thing that it could do. The colored people had been given their civil rights, and we gave them finally the elective franchise in order that they might defend their civil rights and their personal property and all that. So I voted for both amendments, and I have yet to be made to believe that I made a mistake in doing it. With my light on the subject, I would vote for them again to-day if the question came before the country.

Now, Mr. President, I hope we shall go on with the bill and perfect it as quickly as possible, so that we may get something passed for the benefit of those islands.

Mr. MORGAN. Mr. President, the precise amendment that is under discussion at this time relates to the judicial establishment in the Hawaiian Territory.

Mr. RAWLINS. Will the Senator yield to me for a moment? I desire to offer an amendment to the bill, and I should like to present it now, so that the Senator may consider it in his remarks

Mr. MORGAN. Very good. Let it be read.

The PRESIDENT pro tempore. Does the Senator from Utah desire to have the amendment read?

Mr. RAWLINS. Yes, sir. I propose to amend by adding to section 82, chapter 4, what I send to the desk.

The PRESIDENT pro tempore. The Secretary will read the amendment.

The SECRETARY. Add to section 82 the following proviso:

Provided, That writs of error, bills of exceptions, and appeals in all cases from the final decisions of the said supreme court of Hawaii may be taken to the circuit court of appeals of the Ninth judicial circuit of the United States where the value of property or amount in controversy shall exceed $1,000, except that a writ of error or appeal shall be allowed to said circuit court of appeals of the United States from the decision of said supreme court of Hawaii or of any court or judge upon any writ of habeas corpus involving the question of personal freedom.

Mr. MORGAN. Mr. President, the commission that went to Hawaii framed the general outline of this bill in almost all of its provisions and reported it back to the President of the United States and offered it in both Houses of Congress. The Houses of Congress have taken the subject under consideration and have examined it with a great deal of care, and they have remodeled the bill in many particulars. This particular bill has undergone a second revision by the Committee on Foreign Relations. It was reported at the last session of Congress and at the present session referred back to that committee, and it has undergone a very careful revision. The last revision that was made was upon the suggestion of the subcommittee of which the honorable Senator from Illinois [Mr. CULLOM] was chairman and the Senator from Ohio [Mr. FORAKER] and myself were the other members. So none of its provisions are presented in any inconsiderate way. Every word and every line in the bill has had scrutiny and attention, and it is the best thought of the gentlemen who have been concerned in it, all of them, I have not any doubt at all, entirely impartial and entirely patriotic in their views on the subject, and without the slightest personal interest or feeling or concern involved in the matter.

It may be the subject, and it ought to be the subject, of just criticism; but when the situation is comprehended by the Senate, if the Senate will take the trouble to comprehend the situation, look over it and see exactly what it is, I think the bill will be found a very appropriate system of legislation for the purpose of preserving all the rights of the people in Hawaii, and all classes of property, the public peace and general welfare, the promotion of the health and the education of those people, and, in fact, every benevolence that government can bestow upon any class of mankind.

Now, in approaching this question the commission had a certain guide, which is found in the statute of annexation, and that is a peculiar statute. There was but one like it, an act annexing the Territory of Louisiana after the treaty of 1804, I believe it was. This statute in its principles and in several of its provisions was copied from the statute annexing Louisiana to the American Union after the treaty of purchase had been ratified. That statute was approved by Thomas Jefferson, and its principles have always been recognized as sound constitutional principles and sound principles of public policy.

Now, let us see what the statute annexing the Hawaiian Islands to the United States provided should be done:

Resolved by the Senate and House of Representatives, etc., That said cession is accepted, ratified, and confirmed, and that the said Hawaiian Islands and their dependencies be, and they are hereby, annexed as a part of the territory of the United States and are subject to the sovereign dominion thereof, and that all and singular the property and rights hereinbefore mentioned are vested in the United States of America.

That is the right of public property.

The existing laws of the United States relative to public lands shall not apply to such lands in the Hawaiian Islands—

That leaves that branch of our legislation entirely out of the question; it does not apply—

but the Congress of the United States shall enact special laws for their management and disposition: *Provided*, That all revenue from or proceeds of the same, except as regards such part thereof as may be used or occupied for the civil, military, or naval purposes of the United States, or may be assigned for the use of the local government, shall be used solely for the benefit of the inhabitants of the Hawaiian Islands for educational and other public purposes.

Then the great land domain there, the whole of it, is taken up and disposed of by that enactment.

Until Congress shall provide for the government of such islands, all the civil, judicial, and military powers exercised by the officers of the existing government in said islands shall be vested in such person or persons and shall be exercised in such manner as the President of the United States shall direct; and the President shall have power to remove said officers and fill the vacancies so occasioned.

So up to this hour, while we are debating this question, all of the officers there are subject to removal by the President and to appointment by the President. He shall provide for the civil and military government of Hawaii "by the officers of the existing government in said islands," if he shall so elect, is what it means, and these powers "shall be vested in such person or persons and shall be exercised in such manner as the President of the United States shall direct."

Now, the President gave his direction on that. I assume that that is constitutional law. I think there is no person here who will dispute it who has ever considered the fact that the laws of nations are a part of the law of the land. They are recognized in the Constitution; they are recognized in the decisions of every State in this Union as being a part of the law of the land. It was the purpose of this statute to give the President such power over that country as the laws of nations conferred, except so far as it was constrained by the statute itself.

Until Congress shall provide for the government of said islands all the civil, judicial, and military powers exercised by the officers of the existing government in said islands shall be vested in such person or persons, etc.

Now, the President made his election. He kept all of the officers in that island in position, subject to his right of removal, which right he delegated, of course, to the governor of the islands, the president of the republic of Hawaii.

The existing treaties of the Hawaiian Islands with foreign nations shall forthwith cease and determine—

That cuts them off from all foreign relations—

being replaced by such treaties as may exist, or as may be hereafter concluded, between the United States and such foreign nations. The municipal legislation of the Hawaiian Islands, not enacted for the fulfillment of the treaties so extinguished, and not inconsistent with this joint resolution nor contrary to the Constitution of the United States nor to any existing treaty of the United States, shall remain in force until the Congress of the United States shall otherwise determine.

Now, that is a very broad provision. All of the existing laws in Hawaii, including, of course, its constitution and every provision of law—

not inconsistent with this joint resolution nor contrary to the Constitution of the United States nor to any existing treaty of the United States, shall remain in force until the Congress of the United States shall otherwise determine.

Until legislation shall be enacted extending the United States customs laws and regulations to the Hawaiian Islands the existing customs relations of the Hawaiian Islands with the United States and other countries shall remain unchanged.

There is another exception under the general rule. Then it goes on to provide for the public debt, then for the immigration of Chinese, then for the appointment of five commissioners—

who shall, as soon as reasonably practicable, recommend to Congress such legislation concerning the Hawaiian Islands as they shall deem necessary or proper.

SEC. 2. That the commissioners hereinbefore provided for shall be appointed by the President, by and with the advice and consent of the Senate.

This commission, therefore, when it arrived in Hawaii, had the proposition presented to it not what laws and institutions we would confer upon those people, but what laws and institutions we would modify or recommend to be modified so as to conform them to the laws, Constitution, and treaties of the United States. That was a very wise view to take of the subject, for the reason I stated yesterday, that these people in Hawaii had matured what everybody concedes to be one of the best governments that was ever formed in any country to be called a republic, and a government that sustains no discredit by being brought into comparison with any government of any State in the American Union. We found there a government, so far as we could detect or discover, without any flaw in its organization, without any corruption in its administration, without any impeachment upon the honor of its legislation, or its judges, or its governor or president, or any person else.

We thought it was our duty to consult those facts and to present, as far as we could, the system of laws which had operated to produce such results for the further government of those islands.

Now we come to the judiciary, and that is one of the most important of the offices in Hawaii. Anyone can contemplate the great importance, the overpowering influence and value of a good judicial system in a country that has a population so large and mixed and with so few people who are really intelligent, educated people. When I refer to that class of people I mean a large number of the Portuguese who are there, twenty-odd thousand of them; I mean a large number, almost the entire body, of the Japanese population, now amounting to about 46,000; a very large proportion, almost the entire body, of the Chinese population, which amounted to fifteen or sixteen thousand, and is somewhat reduced, I think, from those figures; and then the native population, who are a people of remarkable intelligence, so far as education is concerned. It is stated that under the system of education in Hawaii there is not a child 12 years old who was born in those islands, no matter what his nationality or nativity may be, that can not read and write in the English and Hawaiian languages if he has sufficient intelligence to comprehend learning at all.

All the Christian denominations are represented in full force there, including the Mormon Church. There is perfect freedom of religion. The result is that there are a number of congregations with established churches, some of them very handsome structures, all of them, I understand, well sustained by their congregations.

Now, when we come to this judicial establishment and consider its influence and power in the maintenance of this high state of civilization, for it is a very high state of civilization in Hawaii, very great importance is to be attached to the men who fill the office, to the manner of their selection, and to the tenure of the office. The tenure of the office ought to be longer than it would be in a country that is entirely homogeneous, a country composed of one race or even two races. The judges in Hawaii have got to

familiarize themselves almost perfectly with the Hawaiian tongue, they have to listen to the trials where the Hawaiians themselves are witnesses, the men and the women who do not speak the language and are too old to be educated in it. They must have a very extensive acquaintance with the customs of the country, with the origin and source of the law in that country, a great deal of which is customary law, traditional law, not based upon printed or written statutes at all. I do not know any country in the world where a judge, to be competent to discharge all of the duties of his office, is required to know more than a judge in Hawaii.

The judges in Hawaii also have had the administration of all questions of maritime and international law in which that republic is concerned. They have had very extensive training in that regard, and very important training. Now, perhaps, there is not a place in the United States where a learned admiralty judge is so conspicuously required as in the Hawaiian Islands, nor is there any place in this Union where a court of competent jurisdiction to be administered by such a judge can be established with greater profit and benefit to the country itself and to the General Government of the United States than in Hawaii.

I refer to these matters as I pass along merely for the purpose of showing the importance that we attributed to our action in dealing with those courts. The plan of the committee was corresponding with that of the republic there, its constitution, to retain the judges in office according to the tenure of office fixed in the constitution of Hawaii. But we saw that that had to give way; and the Committee on Foreign Relations, in reporting the bill that is now before the Senate, instead of having a life tenure for the judges of the supreme court, provided a tenure of nine years for those judges. The statutes of Hawaii had provided a tenure of six years, I believe it was, for the circuit judges before that time, and that still remains.

We thought, Mr. President, that it was just to that bench and just to those people that the supreme court judges, who were in there for life, should not be disturbed. We did not understand that we were sent out there for the purpose of butchering the republic, eviscerating it, and taking from it those qualities and powers and properties which the people there so cheerfully have vested in that court or in the judges and have profited so greatly by both in the matter of keeping the peace and in the preservation of all their rights, for the court is a very enlightened one. We did not think so, and we made a report in which these judges were retained in office until their successors were qualified. But that will now pass out of this bill by amendment. This bill, when it passes, will legislate those judges out of office, and the offices will be vacant until their places are supplied by a new source of appointing power. There will be a hiatus there necessarily.

Mr. TELLER. Will the Senator from Alabama allow me to ask him a question?

Mr. MORGAN. Certainly.

Mr. TELLER. Do I understand that the bill as reported by the committee legislates those judges out of office?

Mr. MORGAN. Necessarily so, when, on page 37, lines 13, 14, and 15 are stricken out, as I understand they are to be.

Mr. TILLMAN. That is the amendment of the Senator from Connecticut.

Mr. MORGAN. No. When we reported the bill I think the Committee on Foreign Relations inadvertently left in those provisions there, because it is inconsistent with the nine years' tenure. The object of the commission was to leave those judges in office with their life tenure; but when the bill was reported back from the Committee on Foreign Relations the life tenure was reduced to nine years, and the committee omitted to strike out lines 13, 14, and 15, on page 37, which would retain them until their successors were qualified. That is stricken out. I speak of the situation of this bill as I am discussing it now.

Mr. President, you now have the reasons which influenced the commission in presenting the supreme court with this life tenure of office; but we did not continue that as an organic part of the law of the Territory. We provided that after the terms of the present incumbents expired, their successors, when qualified, should take a limited term of office. So the new judges coming in to take the place of these—for instance, to take the place of Chief Justice Judd, who has resigned since annexation took place—would have to take a shorter term, a fixed term, not a life tenure. We abolished the life tenure, except as to those judges who already hold their positions; but the Senate has stricken out all life tenure and has made the positions now dependent upon the provisions of the bill as amended, which limit the term to nine years, and which, when enacted, if it shall be enacted in its present form, will simply vacate the offices—necessarily vacate them—because it refers the appointing power to the President of the United States instead of the governor of the Territory.

Was it wrong, was it unjust, was it anti-republican, was it anti-American, was it against the spirit of the American people, when we were dealing with this grand republic, that we should permit its supreme court to remain there to discharge its functions? Is there any violence done to anybody's principles, except some demagogue, who wants to appeal to the people against the life tenure? But that provision is out, and there is no use of discussing it any longer.

The only question now is between a nine years' term and a four years' term. I think that I can undertake to say, from my experience and observation as a lawyer, that there is not a man outside of Hawaii, to say the least of it, who can qualify himself in four years to be a judge of the supreme court in those islands; he can not understand their laws, their institutions, their customs, their language, their people; he would be a foreigner presiding upon that bench, and that is the kind of man you propose to crowd in there, I suppose from the State of Connecticut, or somewhere else, whom the politicians can pick out and send down there, and put the harness of judicial office upon him.

There are two systems, and the principles which underlie them are so utterly repugnant to each other that they can not stand together; and in all public morality and political economy the credit of the system is on the Hawaiian side and not on our side, as proposed by this amendment.

Mr. TELLER. I want to ask the Senator a question, if he will allow me.

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Alabama yield to the Senator from Colorado?

Mr. MORGAN. I do.

Mr. TELLER. I did not understand from reading this bill that we were leaving those judges in office.

Mr. MORGAN. As amended, I will say, if the Senator will allow me, by striking out lines 13, 14, and 15, on page 37.

Mr. TELLER. I want to call the attention of the Senator to page 35, at the beginning of section 81, which reads:

That the governor shall nominate and, by and with the advice and consent of the senate of the Territory of Hawaii, appoint the chief justice and justices of the supreme court, the judges of the circuit courts—

It seemed to me that that language meant that the governor should appoint, and of course he could appoint others than the present judges. I agree with the Senator, if I may be allowed to say a word further, that those men ought not to be disturbed in their office. It is possible that we might limit the office to a tenure somewhat less than a life tenure, although it would not scare me if the judges had a life tenure; but it did not seem to me that this bill contemplated that. I confess I do not know very much about it, though I have tried to study it, but it seems to me to contain some contradictions.

Mr. MORGAN. I am arguing the proposed amendment submitted by the Senator from Connecticut [Mr. PLATT].

Mr. TELLER. I want to say to the Senator that I am not going to vote for that amendment. I want to know what the bill means of itself. I want to know whether, if I vote against the amendment of the Senator from Connecticut, I shall be voting for the provision that the governor shall nominate, or whether I am voting that he may do what the President himself may do, disturb those people in their offices.

Mr. MORGAN. I will explain so that the Senator from Colorado, I think, can not be misled about it.

The bill as reported from the committee containing the amendments in italics provided for the appointment of the supreme court judges by the governor and limited the term of office after the present incumbents should go out; but in lines 13, 14, and 15, on page 37, it was provided that the present incumbents should continue in office. That was the bill as reported. It has been amended; it is proposed to be amended again; and now I am speaking to the proposed amendment. That amendment takes the appointing power away from the governor of the Territory and gives it to the President of the United States.

Mr. WOLCOTT. May I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Alabama yield?

Mr. MORGAN. I do.

Mr. WOLCOTT. I ask if the amendment of the Senator from Connecticut should be carried, would the existing judges serve out their terms?

Mr. MORGAN. No; they would not.

Mr. WOLCOTT. If I may ask the Senator a further question, Would they serve out their term under the nine years' provision, as it is at present in the bill?

Mr. MORGAN. They would by keeping in the bill the language contained in lines 13, 14, and 15, on page 37.

Mr. WOLCOTT. Does the amendment of the Senator from Connecticut strike out those lines?

Mr. MORGAN. Yes; that amendment strikes out those lines.

Mr. TELLER. I want to call the attention of the Senator to page 37, section 81, commencing with line 8, which reads:

All persons holding office in the Hawaiian Islands at the time this act takes effect shall, except as herein otherwise provided, continue to hold their respective offices until such offices become vacant—

If it stopped there, I should have no trouble, but the provision continues—

but not beyond the end of the first session of the Senate, unless reappointed as herein provided.

Mr. President, I do not know that those officials would be reappointed; but I take it that the purpose of the bill as originally drafted was that they should not hold office beyond that period.

Mr. MORGAN. Except the judges. The Senator will notice that the section does not apply to the judges. It reads:

> Except the chief justice and associate justices of the supreme court and the judges of the circuit courts, who shall continue in office until their respective offices become vacant.

Mr. TELLER. Are they all life terms?

Mr. MORGAN. No; they are not. The terms of the judges of the supreme court are for life, but not the judges of the circuit courts.

Mr. TELLER. Only the judges of the supreme court?

Mr. MORGAN. That is all.

Mr. TELLER. I did not notice the last part of the section.

Mr. MORGAN. I hope I have now placed the question clearly before the Senate. The first proposition that the Senator from Connecticut is demanding by his amendment is that the power of appointment shall be taken away from the governor and given over to the President of the United States. The second proposition is that the term shall be limited to four years, instead of nine years, as the Senate voted when we adopted that amendment here the other day.

Mr. PLATT of Connecticut. It has not been adopted.

Mr. MORGAN. The third proposition, resulting naturally or necessarily from the Senator's amendment, is that these men shall go out of office at once on the passage of this bill, because the appointing power is changed from the governor to the President. Those are the three propositions, which are clear enough, I think, for almost anybody to understand.

It has been stated here, Mr. President, that we never before had a Territorial judge appointed by anybody but the President of the United States. We never have had. It is not in the interest of local self-government that the people of a Territory should have the right to elect their judges or to have them appointed by the local authorities.

Mr. PLATT of Connecticut. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Connecticut?

Mr. MORGAN. I do.

Mr. PLATT of Connecticut. But the bill provides that the President shall appoint the governor. Then it provides that the governor shall appoint the judges.

Mr. MORGAN. Very good.

Mr. PLATT of Connecticut. Certainly, it seems to me, the President is as well qualified to appoint the judges as is the governor whom the President may appoint.

Mr. BEVERIDGE. It is even more important.

Mr. MORGAN. Not by any means in the world is the President as well qualified. The governor of the Hawaiian Islands knows every man who is there. The President does not know anybody. He depends upon the politicians who surround him and upon interested parties for his information. He has to do that very disagreeable thing, which he does every day of his life, guess at the best man upon the best information he can get, whereas the governor, being a local officer, knows exactly whom he is appointing, and if he makes a misappointment he is responsible to the President, who has the power of removing him at any time. The theory of this thing was that the responsibility of the governor to the President, both of them being executive officers, was direct and immediate, and that that was the right way to get control of the judiciary and all other establishments through him.

But, it is said, we have never had appointments made in that way.

Well, Mr. President, if we never hereafter have anything we have not had heretofore, we had better stop and sit down and quit trying to grow or to progress. A great many things have come along, some by accident and some by design, that have helped us out of very serious and depraving difficulties in the past—many—and I am in favor of that kind of progress, whether you call it "expansion" or whatever you may call it. I am in favor of lifting this Government, every step we take, upon a higher plane than we occupied before.

Now, let us see. The people of a Territory, according to the representative idea which pervades this Republic and lies at the bottom of it in every one of its features, would have a right to elect their judges. Suppose this bill had provided that the judges of the Territory, of the circuit courts of the Territory, and the district judges should be elected by the people; could anybody have objected? Then the question would be whether the people or the governor or the President was most likely to get a good judge.

There are a great many persons in the United States who are not yet reconciled to the idea of electing judges by the people; there are many of the States that will not yet submit to even that; yet it is a strong representative, democratic idea. We could easily enough have put that feature into this bill, and this Senate would have passed it with a shout, from what I understand to be the sentiment expressed here; and by the time we had got through with it and had got the judges elected there we probably would have had a lot of vagabonds upon that bench who would ruin the islands. We could not pass over the necessities of the situation and frame theories of government to apply to a people who were themselves incongruous, without training, and without the knowledge of civil government—we could not do it; it was not required of us. But it is not the first time by any means that we have ever done this in the United States.

Here are some treaties with the Five Civilized Tribes, two of which I knew very well when I was a boy, and spoke the language of one of them—the Creek Indians. They were a high race of men compared with other Indians, and they went off—the Seminoles, the Creeks, the Chickasaws, the Choctaws, and the Cherokees—to the West. By a treaty we gave them authority to organize a civil government, of course under our protection, but not under the reserved power to repeal their laws. No man ever heard of a bill brought into the Congress of the United States to repeal a law which was enacted by the legislatures of either of those five tribes, and he never will hear of it.

What did they do under that authority, which is supported also by statutes in the same language as the treaty? Those five tribes went off there and each of them adopted its own written constitution. The constitutions of the Choctaw, Chickasaw, and the Cherokee tribes are admirable documents of organic law, and they were framed by lawyers as good as those who practice at the bar of the Supreme Court of the United States; and, besides that, they were native lawyers. They elected their president—sometimes calling him king—and both houses of their general assembly; and, according to their constitution and laws, they made all the appointments that were necessary to habilitate civil government out there. They have administered without stint, without reproach, and without reservation or question or criticism, civil law and criminal law; and many a man has been hung by those different civilized tribes by verdicts of juries, following the indictments of grand juries and the charges of circuit and other courts in the Indian Territory. They have their supreme court and they have their published books of decisions, and I have got them in my library. They have got all their statutes printed, and in the Cherokee Nation the statutes are printed in English and also in the original alphabet of the Cherokee tribe. Mr. Guess invented an alphabet of 38 letters, the most remarkable that has ever been produced, I think, in the annals of time. These governments have gone on——

Mr. WOLCOTT. Who did the Senator say invented the alphabet? I should like to hear his name. I did not understand it.

Mr. MORGAN. Mr. Guess. Sequoia is the Indian name for him; and the big trees upon the mountains in the great forests on the Pacific coast were named after him.

Now, sir, here have gone these five distinct constitutional governments, all republican in form, within the precincts and limits of the United States, all subject to our jurisdiction. They have elected their own governors, or kings, or rulers, and their legislatures; they have appointed their own judges; they have exercised all the powers of civil government, and do it to-day, except to the extent that we have invaded that country with judicial officers and judicial authority and have established United States courts within the territory of those Five Civilized Tribes.

I should like to know, Mr. President, what harm has ever come to the Indians from this? Why, sir, you may visit their families and you will find as refined and cultivated people amongst them as you will find anywhere. You will find their houses—very many of them—very handsomely furnished, sumptuously furnished, with pianos and instruments of music and other things of that kind. Those governments have all grown up without any assistance from the Government of the United States. We have done nothing else except to pay the annuities to them that we owed them under treaties for land we obtained from them; we have voted them no money. They have had no representative in Congress—an unheard-of and an unknown thing. They have remained there, keeping the peace and providing as well as they could for the welfare of the people, until they have grown into a properous and very patriotic community. We are now seeking, Mr. President, to coordinate them in some way into a Territorial government, a provision against which was put into the treaty. It was provided that they should not be made members of a Territorial government. The treaty says so.

I should like to know why we can not be as friendly toward the Hawaiians as we have been toward these Five Civilized Tribes? That is what I should like to know. Is there some reason for going down there and butchering those people, tearing up their institutions and their arrangements of government? Can any man on this floor point to a delinquency of that government, to a failure, or anything approaching it, that justifies a total revolution

in their civic system? Unless that can be done, we are without reason for this unnecessary act.

Mr. TILLMAN. Mr. President, will the Senator from Alabama allow me?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from South Carolina?

Mr. MORGAN. I do.

Mr. TILLMAN. Is there any analogy between the government of the Creeks or the civilized Indians in the Indian Territory and the Hawaiian government?

Mr. MORGAN. The analogy is this, Mr. President: They both have written constitutions; they both have officers appointed under their own authority; they both have a judicial as well as a legislative system with a supreme court; they both have the opinions of the supreme court published in authentic form; they both have their legislative proceedings published in like manner, and conduct absolutely and without question all of the powers and functions of civil government, republican in form. I think that is analogy enough.

Mr. TILLMAN. Will the Senator allow me another question?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from South Carolina?

Mr. MORGAN. I do.

Mr. TILLMAN. All of this work in the Indian Territory, I presume, is under Indians and half-breeds, whereas in the Hawaiian Islands all of it is the work of Americans, Englishmen, and Germans who have gone into those islands, have acquired property rights, have seized the government and now control it, have formed a government which the Senator finds so admirable, and have formulated laws which are so wise. If there is any analogy whatever between a little band of four or five or seven thousand Anglo-Saxons in the Hawaiian Islands and two or three hundred thousand Choctaws, Cherokees, and Creeks, I can not see it.

Mr. MORGAN. Mr. President, if the Senator from South Carolina could disabuse his mind of the prejudices which evidently revel in it, he would be able to see this subject in a somewhat proper light. The idea of saying that the people in Hawaii have taken things into their own hands and have ruled the native people, without any restriction to their right is entirely a mistake.

Mr. TILLMAN. Will the Senator allow me to ask another question?

Mr. MORGAN. Yes.

Mr. TILLMAN. How many legal voters are there now under the so-called Hawaiian republic?

Mr. MORGAN. The Senator from Illinois [Mr. CULLOM] to-day stated there were——

Mr. TILLMAN. Oh, but the Senator from Illinois said that would be the number when those who are eligible under this bill which it is proposed to enact into a law takes effect; but I mean the voters to-day, those who are the component parts of the Hawaiian government which now exists and which he would perpetuate?

Mr. MORGAN. I do not know the number, Mr. President; I do not think think the number has been given.

Mr. TILLMAN. I have seen it stated at less than 4,000.

Mr. MORGAN. Voters?

Mr. TILLMAN. Yes.

Mr. MORGAN. Probably so.

Mr. TILLMAN. I will ask the Senator from Illinois, with the permission of the Senator from Alabama, how many votes there are?

Mr. CULLOM. If the Senator will allow me to refer to the same paper as to whose authenticity he was anxious, I will read the number. In 1890 the total number of registered voters was 13,593; total vote cast, 11,671; voters for nobles, upper house, number about 3,800; votes cast, 3,187. That is all the information I have about the matter.

Mr. TILLMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from South Carolina?

Mr. MORGAN. I do.

Mr. TILLMAN. I am trying to get the two members of the commission who have investigated the subject by a personal visit to Hawaii to tell us the number of voters who are now eligible to vote under the existing conditions. There is a clause in this bill which requires any man who wishes to register under the provisions of the bill to take the oath of allegiance to the United States.

Mr. MORGAN. No; there is not.

Mr. TILLMAN. I will read it to the Senator.

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from South Carolina?

Mr. MORGAN. I do.

Mr. TILLMAN. Here is the provision:

SEC. 18. That no person shall be entitled to vote at any general election in the Territory of Hawaii prior to 1903 who, having been entitled to qualify and vote under the constitution and laws of Hawaii prior to October, 1897, and since July, 1894, failed to register as such voter, unless he shall take an oath to support the Constitution of the United States.

Mr. MORGAN. That shows how inaccurately the Senator will read things.

Mr. TILLMAN. I have read everything that is here.

Mr. MORGAN. No oath is required of any voter in Hawaii, except of those voters who, having heretofore had the privilege of registration, refused to register in order to break down the government and in order to refuse their allegiance to the republic. We say now when those men come in they must take an oath to support the Constitution of the United States—only that class.

Mr. TILLMAN. Well, Mr. President, that brings me back to the original proposition as to how many did take the oath of allegiance to the republic and how many constitute "the perfect government" which it is said there exists, and I will show—and I will find it somewhere in some of these documents—that it is less than 4,000, anyhow.

Mr. BEVERIDGE. Does the Senator mean as to the upper house?

Mr. TILLMAN. No; as to the lower house.

Mr. MORGAN. The Hawaiian Commission could not take a census of those people, and we did not undertake to do it. We relied upon the census taken by the authorities of the government being created, so far as we obtained it, for a guide to our legislative action.

Mr. WOLCOTT. Will it interrupt the Senator from Alabama if I call the attention of the Senator from South Carolina to a suggestion?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Colorado?

Mr. MORGAN. Yes.

Mr. WOLCOTT. I understand the Senator from South Carolina to criticise the bill and the measures proposed because the total vote is so infinitesimally small in proportion to the population.

Mr. TILLMAN. If the Senator will permit me to correct his impression, I did nothing of the kind. I was merely trying to get the Senator from Alabama to tell us what is the difference between the republican form of government which exists in the Creek Nation, which he has used by way of comparison, with that of the Hawaiian Islands.

Mr. WOLCOTT. Mr. President, being on my feet, I should like to call the attention of the Senator from South Carolina [Mr. TILLMAN] to the fact that at the last election in South Carolina the Representative of the First Congressional district was elected by a total vote of 3,200 out of a population of 173,000; that in the Second district, where there is a population of 146,000, the total vote was a little over 4,000; that in the Third district, where there is a population of 152,000, the total vote was about 4,000; that in the Fourth district, where there is a population of 200,000, the total vote was 4,500; that in the Fifth district, where there is a population of 142,000, one man was elected without opposition, and he only got 4,230 votes; that in the Sixth district, with a population of 158,000, less than 1,800 votes were cast, and that in the Seventh district, with a population of 178,000, the total vote was about 4,500.

Mr. TILLMAN. Will the Senator from Alabama allow me to pay my compliments to my friend from Colorado? [Laughter.]

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from South Carolina?

Mr. MORGAN. I think I had better turn these gentlemen off from their combat until after I get through.

Mr. TILLMAN. But the Senator surely would not allow that proposition to go without being answered on the spot?

Mr. MORGAN. I do not think it will hurt the Senator to let it wait an hour or so.

Mr. TILLMAN. But when the Senator gets into one of his interesting discussions on these questions——

The PRESIDING OFFICER. The Senator from Alabama declines to yield.

Mr. TILLMAN. Of course I will have to yield under such a process of gag law as that.

Mr. MORGAN. There is no discourtesy intended to the Senator, Mr. President, and no sort of unfairness. I should like to see the two Senators have their fight out about this proposition.

Mr. WOLCOTT. I beg the Senator's pardon for having interrupted him.

Mr. MORGAN. I have yielded to the Senator from South Carolina a good deal, and have been trying to do it in a cheerful and good spirit.

I proceed now, Mr. President, to say that the analogy between the government of the Indian tribes that I have already spoken of and the government of Hawaii was, of course, in regard to the form of government, the plan of it, and the liberties that were involved in it. It did not have any reference to the people or their conduct. But it is quite a mistake, altogether a mistake, to suppose that the Hawaiian people have not been fully consulted by the white people, as they are called in Hawaii, many of whom are natives of the islands, and a large number of whom have some

tincture of Hawaiian blood in them—it is quite a mistake to suppose they have not been consulted. There has not been a cabinet from Kamehameha I down to the present time where the Hawaiians and the white people have not associated together. The Hawaiians have sometimes held the chief positions, and sometimes the political premier——

Mr. HOAR. May I ask the Senator one question in that connection? It is a practical question purely.

Mr. MORGAN. Certainly.

Mr. HOAR. That is, whether there is kept now and is preserved a record of the persons who registered prior to 1897—for those three years. I am speaking of the practical question. I make no criticism on the rule proposed, but I only wish to know whether there are the means in existence of enforcing it justly; that is, are the old registers preserved, so that the record will show who did register and who did not in those three years?

Mr. MORGAN. My impression is entirely distinct that when this subject was under discussion before the commission we ascertained that those registers had been kept and that it was easy to determine who refused to register and who had registered.

Mr. CULLOM. There is not the slightest doubt but that the officials of the islands know exactly who registered and who voted and who did not.

Mr. MORGAN. I will say to the Senator from Massachusetts that I have never been amongst a set of officials who are so careful with their records as those of Hawaii, and I am quite sure we had the information about the number of persons who had refused to register, and who thereby signified their determination not to recognize the republic. That was their manner of doing it. It was provided if they voted hereafter, being citizens of Hawaii, they should take an oath to support the Constitution of the United States. They were monarchists. They were against a republican government, and we did not want to admit them as voters in Hawaii unless they had so far changed their views upon that subject as that they were willing to support a republic like the Government of the United States. That was the question in the case. That is how we disposed of it, and my impression is there are between eight and nine hundred who were said to have stood out and refused to recognize the Hawaiian republic by registering upon the voting list.

We wanted to confer citizenship upon those people. There were some very good reasons why it should not have been done, but we concluded that we would confer upon them citizenship, but we would put the qualification upon them of taking an oath to support the Government and Constitution of the United States before we would permit them to vote. I think that is reasonable and proper and all right.

Mr. HOAR. May I ask the Senator from Alabama one other question?

Mr. MORGAN. Certainly.

Mr. HOAR. I suppose those Hawaiian people, then, who are to swear to support the Constitution of the United States are under that Constitution of the United States and it is applicable to them, in the judgment of the committee?

Mr. MORGAN. I do not think I caught the drift of the Senator's question.

Mr. HOAR. There has been a good deal of discussion in the Senate lately and elsewhere as to whether the Constitution of the United States is in force in regard to Territories and dependencies. Now, do I understand that, so far as the people of Hawaii are concerned, the committee hold that they are under the Constitution of the United States and that it is extended to them?

Mr. MORGAN. Not only do the committee——

Mr. HOAR. If the committee do not so understand it, of course the operation of an oath that the inhabitants shall support the Constitution of the United States would be out of the question.

Mr. MORGAN. That would be out of the question. I will inform the Senator that the commission had not any question or doubt about that proposition at all; and more than that, the act of annexation, which is our guide, forced it upon us by saying——

Mr. HOAR. I think the answer is complete.

Mr. MORGAN. It says:

> The municipal legislation of the Hawaiian Islands, not enacted for the fulfillment of the treaties so extinguished, and not inconsistent with this joint resolution nor contrary to the Constitution of the United States nor to any existing treaty of the United States, shall remain in force until the Congress of the United States shall otherwise determine.

Mr. FORAKER. Will the Senator from Alabama allow me?

Mr. MORGAN. Certainly.

Mr. FORAKER. The Senator from Massachusetts made one remark in reply to the answer to him to which I want to take exception, and that was that unless the Constitution is extended to the Hawaiian Islands, either ex proprio vigore or by this Congressional action, it would be inconsistent and incompetent to require the citizens or officials there to take an oath to support the Constitution of the United States. I will say to the Senator that if he will examine the organic laws that have been from time to time enacted, he will find that, although the extension of the Constitution was withheld and the view obtained that the Constitution did not apply to the Territories, yet they did require the officials to take an oath to support the Constitution of the United States.

Mr. HOAR. If I may be pardoned one word in reply, I will say that I do not believe the framers of the various provisions in regard to our Territories, or the men who voted for them in either House of Congress when such a provision was enacted, were of opinion that the Constitution did not extend to the Territories. I know the great authority on one side and on the other of these questions, especially Mr. Webster. It seems to me, with great deference to my honorable friend the Senator from Ohio, that an obligation imposed on a man to support with life and fortune and reputation and sacred honor, which are all involved in that oath, a Constitution in which he has no share and from which he receives not the slightest benefits is an unjust and unreasonable exaction.

I do not wish, if I may say one thing further, to be understood in what I say as questioning the doctrine advocated, if I understood him correctly, by the Senator from Ohio yesterday. I am merely speaking of the injustice, accepting that that is true, if we do accept it as true, of putting on anybody such an obligation.

Mr. FORAKER. Mr. President——

Mr. MORGAN. I do not think I shall be able to conclude my speech in a week if I am interrupted all the time by every question that suggests itself to the mind of any Senator.

Mr. FORAKER. I wish to say one word only in reply to the Senator from Massachusetts.

Mr. MORGAN. Very well.

Mr. FORAKER. I do not rise to make any argument or to advance any view or to support in any kind of controversial spirit any particular contention. I merely wish to say to the Senator that as a matter of fact the case is as I stated, that although the Constitution was not extended to the Territories, but was expressly withheld, they yet required in practice that thing, namely, the taking of an oath to support the Constitution of the United States.

Mr. HOAR. I think that is an unfair and unjust practice.

Mr. FORAKER. However that may be, it remains for us to discuss it later. I am only calling attention to the fact.

Mr. MORGAN. So far as this bill is concerned, I think I can put it all at rest by reading section 5:

> That, except as herein otherwise provided, the Constitution and all the laws of the United States locally applicable—

"Not locally inapplicable," I believe it is going to read—

> shall have the same force and effect within the said Territory as elsewhere in the United States.

Mr. DAVIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Minnesota?

Mr. MORGAN. I will yield in a moment. Allow me to state another proposition which I wish to discuss to-morrow.

I hope we have settled the question about the Constitution of the United States in its application to this Territory. I have already shown that the Government of the United States, in the case of the Five Civilized Tribes, has permitted republics to grow up, separate governments, under constitutions republican in form, and no harm has come of it, but, on the contrary, a great deal of good.

I wish to state that to-day, under the act of Congress of annexation, the president of the republic of Hawaii is in his office executing all of the functions of the president of those islands except in connection with foreign relations. The customs are being collected by the Hawaiian authority. Taxes of every kind are being collected by the Hawaiian authority. The judiciary are under Hawaiian authority and under Hawaiian commissions, expounding the constitution and the laws of Hawaii, except so far as they conflict with those of the United States.

The President of the United States was consulted immediately after the commission arrived upon this question. It was understood that in the courts indictments would be demurred to or a motion to quash would be made on the ground that the constitution of Hawaii required all processes to run in the name of the republic of Hawaii, and inasmuch as the republic of Hawaii had ceased and had no longer the right to exercise its functions as such, and the country had become a part of the territory of the United States, that those motions could prevail and it would stop the administration of justice; there would be no indictments and no convictions. The question was raised in limine. It was the first question that came before the commission, and the President of the United States issued an order that the process in Hawaii should run in the name of the republic of Hawaii as was provided in its constitution; and from that time to this every function of government in the Hawaiian Islands has been exercised by the republic of Hawaii, so to-day, in the elasticity of our laws upon this question, we have a full-fledged republic, without having lost any of its powers, except its foreign relations, within the bosom of this

imperial Government of ours and exercising its powers without restraint.

There is nothing unconstitutional about it. There is nothing any more wrong about it or irregular about it than there was in the annexation of Louisiana after the treaty of Mr. Jefferson, when it became necessary to extend the laws over that Territory; but instead of extending the laws of the United States over it we retained the laws that were in force there, whether they were of French origin or of Spanish origin. All the laws in force were retained, and the courts were compelled to administer them and did administer them until the Congress of the United States furnished to Louisiana a Territorial form of government, after several years.

Now, there we are, and that is the situation of Hawaii to-day. Therefore the question arises, Mr. President, and arises naturally and properly, not whether we shall create a government in Hawaii anew entirely, starting it from the ground, but how much of the powers of the republic ought we to take away in order to conform Hawaii to the institutions and the Constitution and the laws of the United States and the opinions of the American people. That is the question which is presented, and in the presentation of that question I wish to state just this: We thought it was proper to retain the courts that were in Hawaii and give them local jurisdiction, cutting away from them all jurisdiction of a foreign character or admiralty character, and everything of that kind, but giving them control of local affairs within the jurisdiction of the district, circuit, and supreme courts. Then a part of the bill is to establish within those islands for the first time a district court of the United States proper. That is the proposition before the Senate at this moment of time.

EXECUTIVE SESSION.

Mr. DAVIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at 4 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 22, 1900, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate February 21, 1900.

APPOINTMENTS BY BREVET IN THE VOLUNTEER ARMY.

To be major-general by brevet.

Brig. Gen. Harrison Gray Otis, United States Volunteers (since honorably mustered out of service), for meritorious conduct at the battle of Caloocan, Philippine Islands, March 25, 1899.

To be brigadier-generals by brevet.

Col. Owen Summers, Second Oregon Volunteer Infantry (since honorably mustered out of service), for conspicuous gallantry at Maasin Bulac Bridge, San Isidro, Philippine Islands, May 17, 1899.

Col. Harry C. Kessler, First Montana Volunteer Infantry (since honorably mustered out of service), for distinguished service in action at Malolos, Philippine Islands, March 31, 1899.

Col. Wilder S. Metcalf, Twentieth Kansas Volunteer Infantry (since honorably mustered out of service), for gallant and meritorious service in action near Bocave, Luzon, Philippine Islands, March 29, 1899.

To be major by brevet.

Capt. James F. Case, Second Oregon Volunteer Infantry (now major, Fortieth Infantry, United States Volunteers), for distinguished services and gallantry at Maasin Bulac Bridge, San Isidro, Philippine Islands, while acting division engineer officer, May 17, 1899.

PROMOTIONS IN THE VOLUNTEER ARMY.

To be surgeon with the rank of major.

Capt. Luther B. Grandy, assistant surgeon, Thirty-fifth Infantry, United States Volunteers, February 14, 1900, vice Swift, vacated.

To be assistant surgeon with the rank of captain.

First Lieut. John A. Metzger, assistant surgeon, Thirty-fifth Infantry, United States Volunteers, February 14, 1900, vice Grandy, promoted.

APPOINTMENT IN THE VOLUNTEER ARMY.

To be assistant surgeon with the rank of first lieutenant.

John Carling, of New York, acting assistant surgeon, United States Army, February 16, 1900, vice Metzger, Thirty-fifth Infantry, United States Volunteers, promoted.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 21, 1900.

APPOINTMENTS IN THE NAVY.

Dr. Joseph A. Murphy, a citizen of Pennsylvania, to be an assistant surgeon in the Navy, from the 3d day of January, 1900.

Dr. John T. Kennedy, a citizen of Connecticut, to be an assistant surgeon in the Navy, from the 15th day of January, 1900.

APPOINTMENTS IN THE MARINE CORPS.

To be second lieutenants.

William C. Harllee, of Florida.
Richard S. Hooker, of Nevada.
Hugh L. Matthews, of Tennessee.

PROMOTIONS IN THE NAVY.

Commander William C. Gibson, to be a captain in the Navy, from the 18th day of February, 1900.

Lieut. Commander Richard G. Davenport, to be a commander in the Navy, from the 18th day of February, 1900.

Medical Inspector John C. Wise, to be a medical director in the Navy, from the 7th day of February, 1900.

Surg. Ezra Z. Derr, to be a medical inspector in the Navy, from the 7th day of February, 1900.

Lieut. Horace M. Witzel, to be a lieutenant-commander in the Navy, from the 31st day of December, 1899.

Lieut. Reynold T. Hall, to be a lieutenant-commander in the Navy, from the 11th day of January, 1900.

Lieut. Albert G. Winterhalter, to be a lieutenant-commander in the Navy, from the 18th day of January, 1900.

P. A. Surg. Rand P. Crandall, to be a surgeon in the Navy, from the 24th day of September, 1899.

Passed Assistant Paymaster Richard Hatton, to be a paymaster in the Navy, from the 20th day of January, 1900.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February 21, 1900.*

The House met at 12 o'clock m., and was called to order by the Speaker.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

WOMAN COMMISSIONER AT PARIS EXPOSITION.

Mr. HITT. Mr. Speaker, I ask unanimous consent to be allowed to make a report from the Committee on Foreign Affairs, and ask for its present consideration.

The SPEAKER. The gentleman from Illinois [Mr. HITT] submits a report from the Committee on Foreign Affairs, and asks unanimous consent for the immediate consideration thereof. The Clerk will report.

The Clerk read as follows:

Joint resolution (S. R. 55) authorizing the President to appoint one woman commissioner to represent the United States and the National Society of the Daughters of the American Revolution at the unveiling of the statue of Lafayette at the exposition in Paris, France, in 1900.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President may appoint one woman commissioner to represent the United States and the National Society of the Daughters of the American Revolution at the unveiling of the statue of Lafayette and the presentation of a tablet for said statue at Paris, France, in 1900, and at the exposition there to be held.

Mr. HITT. Mr. Speaker, the resolution involves no expense and has the general assent of gentlemen on both sides.

The SPEAKER. Is there objection to the present consideration of the Senate resolution?

There was no objection.

The resolution was ordered to a third reading; and was accordingly read the third time, and passed.

On motion of Mr. HITT, a motion to reconsider the last vote was laid on the table.

HOURS OF DAILY SESSIONS FOR THIS WEEK.

Mr. PAYNE. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of House bill 8245, and pending that, I ask unanimous consent that when the House adjourn to-day it adjourn to meet at 11 o'clock to-morrow, and that it meet at 11 o'clock a. m. during the remainder of this week.

Mr. RICHARDSON. Mr. Speaker, I want to say to the gentleman and to the House that the numerous demands made upon me for time show most conclusively that we can not accommodate anything like the number of gentlemen who are asking for time unless we have night sessions, and I want to couple with that request of the gentleman from New York the request that we have night sessions, beginning at 8 o'clock, not to run later than

half past 10, for debate only on this measure, commencing to-morrow night and running Thursday, Friday, and Saturday nights.

Mr. PAYNE. Suppose you say Thursday and Friday.

Mr. RICHARDSON. Well, I am willing to put it at that for the present, Thursday and Friday nights.

The SPEAKER. Will the gentleman from New York suspend for a moment while the gentleman from Massachusetts [Mr. KNOX] submits a request to the House?

Mr. PAYNE. Well, Mr. Speaker, this might be finished, so far as unanimous consent is concerned.

The SPEAKER. The gentleman from New York moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Puerto Rico bill——

Mr. TALBERT. I should like to ask the gentleman——

The SPEAKER. Will the gentleman suspend until the Chair states the question? And pending that, the gentleman from New York asks unanimous consent that after to-day, during the consideration of this bill, the sessions of the House begin at 11 o'clock, and that night sessions be held, for debate only, on Thursday and Friday nights——

Mr. PAYNE. From 8 o'clock until 11, the House taking a recess at 5 o'clock on each of those days——

The SPEAKER. From 8 o'clock until 11.

Mr. PAYNE. From 8 until 10.30.

Mr. TALBERT. Has the gentleman agreed upon a limit to the general debate yet?

Mr. PAYNE. No time has been agreed upon.

Mr. CANNON. Will the gentleman yield to me for a suggestion? This is an important bill and important debate. Why not continue its consideration, rather than have night sessions and 11 o'clock sessions, until the middle or latter part of the next week, as may be indicated?

Mr. RICHARDSON. That is all right, and perfectly satisfactory to us.

Mr. PAYNE. The great difficulty about that is that some gentlemen are obliged to be away on Tuesday next, and we would like to have a vote on Monday.

Mr. CANNON. Would they not be able to get back by Wednesday? I am not interfering in any way, but merely offering a suggestion.

Mr. RICHARDSON. We will agree to any suggestion looking to further debate.

Mr. PAYNE. Let us make this arrangement with reference to this week, commencing at 11 o'clock.

Mr. RICHARDSON. Yes.

Mr. PAYNE. And the other will be a matter for consideration afterwards.

Mr. RICHARDSON. All right.

The SPEAKER. The Chair desires to call attention to the fact that the gentleman from Tennessee suggested adjournment at 10.30 p. m., and the Chair understands the gentleman from New York to suggest 11 o'clock.

Mr. PAYNE. Afterwards I tried to correct it and make it10.30.

The SPEAKER. Then the request makes the hour of adjournment 10.30 instead of 11. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

GOVERNMENT OF THE TERRITORY OF HAWAII.

Mr. KNOX. Mr. Speaker, I ask unanimous consent for a reprint of the bill H. R. 2972 and report thereon.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent for a reprint of the bill H. R. 2972 and the report thereon, being the bill for the government of the Territory of Hawaii. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

TRADE OF PUERTO RICO.

The SPEAKER. The question is on the motion of the gentleman from New York that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the Puerto Rico bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. HULL in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the Puerto Rican bill.

Mr. RAY of New York. Mr. Speaker, I ask unanimous consent that I have sufficient time to conclude my remarks. I will say that possibly I may conclude within the hour, and possibly it may take me fifteen minutes more.

The CHAIRMAN. The gentleman from New York asks unanimous consent that he may have time to conclude his remarks. Is there objection?

Mr. RICHARDSON. Of course it comes out of the time of the other side. I have no objection, so far as I am concerned.

The CHAIRMAN. The Chair hears none.

Mr. RAY of New York. Mr. Chairman, the sovereign powers of the United States of America as an independent nation are derived from the recognition given us as such by Great Britain when our independence was recognized and granted.

The principles upon which this Government was founded and which inhere in it were announced to the world July 4, 1776, when our fathers gave to the world that immortal instrument, the Declaration of Independence. It emanated from and was enunciated by the thirteen colonies that subsequently became the United States of America, and the independence of which was recognized by Great Britain. When the nations of the earth recognized us as a nation under that name, the recognition extended to the thirteen original States, and when the Constitution was framed and ratified, the States, and the States only, spoke and adopted it as their Constitution and fundamental law, with a provision that other States, with their peoples, might be admitted into the Union by Congress and thus become entitled to the protection and benefits and immunities of that instrument. The consent of the people of the States acting through Congress and the President and of the people of the Territory is essential to the extension of the benefits and obligations of that instrument to any Territory or to the people of any Territory not within a State. I deny the right or power of Congress to compel the people of any Territory to assume the obligations and responsibilities of statehood, which would be the logical result if the Constitution, ex proprio vigore, extends to territory belonging to the United States.

The pending bill deals with the question of tariff laws for Puerto Rico, one of the newly acquired possessions of the United States of America under our treaty with the Kingdom of Spain, and with no other question directly. Indirectly, however, and as a necessary consequence of attempting to legislate at all regarding the management of affairs pertaining to the support and commercial control of this newly acquired Territory, using the word territory in the sense of peopled land, and not in the sense of "territory" as applied to our organized Territories on the continent of North America, we open up the whole question of the powers of Congress over Puerto Rico, the Philippine Islands, and our Territories generally, and the broad question whether or not new territory, territory acquired since the Constitution was ordained and established, before being organized and admitted into the Union as a State (or at least before being organized as Territories and given Territorial government), is a part of the United States in the political sense of that term, so that the Constitution, with its grants and limitations of legislative, executive, and judicial power, extends thereto as the supreme law ex proprio vigore—that is, of its own force and vigor, and unaided by and independent of any executive or legislative action.

In the very beginning of my remarks I desire to repudiate the theory or doctrine that any act or action of the Congress of the United States or of the President and Senate alone may extend the Constitution of the United States, as a constitution, over any territory while it remains territory. The Constitution is either there as the supreme law of every inch of our territory the moment it becomes the property of the United States, or only extends thereto, and can only be extended thereto, by the admission of the Territory into the Union as a State. This, however, is no denial of the power of the Congress of the United States in legislating for the territory, in making all necessary rules and regulations for its government and control, to enact into law and make applicable in a territory as law merely many of the provisions of the Constitution.

I deny also the power of the Congress of the United States, in legislating for the government or management of our territory—our newly acquired possessions—to enact any law, rule, or regulation it in its wisdom sees fit to enact. The Congress of the United States of America is the creation of the Constitution, would have no existence but for it, has no powers except those granted either expressly or by necessary implication, and which implied powers may properly and justly be said to include all powers not inconsistent with the genius or general spirit of our Government and institutions. Many of such inconsistent powers are specified and expressly prohibited to the Congress generally and absolutely without reference to their application to State or Territory. All these granted and implied powers are absolutely essential to our existence as an independent sovereign nation.

Subdivision 2 of section 3 of Article IV of the Constitution of the United States declares:

> The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

The very next section, section 4, Article IV, says:

> The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature can not be convened) against domestic violence.

It will be, must be, conceded that the Constitution does not

guarantee or bind the Congress to give the Territory, when legislating for it and creating for it a government, a republican form of government. The power to make "all needful rules and regulations" for the Territory is accompanied by no such guaranty, express or implied, and hence the government of a Territory need not be republican in form. Indeed, in many cases it could not be. It follows that certain provisions of the Constitution applicable to and designed for a republican form of government need not be applied to or made effective in our territory. In fact, if the Constitution applies itself, government in certain territory according to the Constitution being impossible, government there is impossible. Still there are absolute limitations and restrictions upon the powers of the Congress, applicable to it at all times, whether acting for the people of the States or of the Territories, whether legislating for States or for Territory.

Section 9 of Article I of the Constitution provides:

The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it. No bill of attainder or ex post facto law shall be passed. * * * No tax or duty shall be laid on articles exported from any State. * * * No title of nobility shall be granted by the United States.

These are prohibitions upon Congress and the Government. So there are limitations upon the treaty-making power which apply to the acquisition of territory and to its government and management when acquired, although section 2 of Article II says:

He—

The President—

shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur.

And Article VI provides that—

All treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land.

One limitation is found in section 3 of Article IV, which says:

New States may be admitted by the Congress into this Union. * * * The Congress shall have power to dispose of * * * the territory or other property belonging to the United States.

Although a treaty made and ratified is the supreme law of the land, it can not make new territory acquired under it a State, or compel its admission as a State, or give its inhabitants constitutional rights, for the reason that Congress is invested with the sole power to admit new States into the Union and confer on their people all the rights and benefits guaranteed by our Constitution. To deny this or to deny either proposition is to assert that the President, with the assent of two-thirds of the Senators present and without the assent or approval of the House of Representatives, the immediate representatives of the people, and, indeed, against their wishes, may add territory to the United States and extend the political boundaries of the United States, intended to include only the duly organized and constituted States composing the Union, and extend to and over such territory and its people our Constitution, with all the privileges and benefits that instrument confers, and impose on this Government and the citizens of the States, without their consent or approval, and it might be against their will, all the expense and all the obligations incident to and that would follow such action.

On broad fundamental principles, on broad constitutional grounds, I deny the right or power of the treaty-making power which excludes the House of Representatives to make a single foot of foreign soil a part of the United States of America in the constitutional sense, or to place it under the protection or entitle it or its people to the benefits and privileges of the Constitution of the United States. All that the treaty-making power can do is to make territory acquired under treaty property of the United States, and all that the war power can do under the power of conquest is to make the ceded or conquered territory property of the United States and govern it temporarily; property belonging to the United States; property owned by the United States. Before such territory becomes a part of the United States, and before it comes in under our Constitution, the people of the United States have the right through both branches of Congress to be heard.

Therefore, on these broad principles that underlie and are the foundation of this republican form of government, I assert that Puerto Rico and the Philippine Islands are not a part of the United States of America; that the Constitution of the United States has not extended itself and can not extend itself over them; that the treaty-making power has not extended and could not extend the Constitution to or over those islands, and that the Congress is now at liberty, having plenary power in the premises necessarily incident to and derived from the sovereignty of this nation, and being restrained by those constitutional provisions only which expressly declare what the Congress can not and shall not do at all, to enact this bill into law and to make any and all needed provisions for the control and government of our newly acquired property and its people. And it is self-evident that these principles were recognized by the framers of the Constitution.

In some cases the powers of Congress are limited so far as legislation pertains to the States, while in others the limitation prohibits the making of certain laws or the passage of certain acts at all, whether applicable to the States or to the Territory organized, or managed, or to both. "No bill of attainder or ex post facto law shall be passed." This prohibits the passage of such a law, whether applicable to a State or States or a Territory or Territories, whether organized or unorganized. It is a fundamental principle of our Government written into the Constitution and making the enactment of such a law impossible. Such a law shall not be passed.

In the very preamble of the Constitution we find the United States of America defined and a Constitution for the new-born nation is ordained and established:

We, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

The representatives of the people who framed the Constitution, who wrote this preamble, who submitted it for ratification, came from the States. The territories were not represented or invited to participate, and, considering the terms of the Declaration of Independence, wherein it had just been asserted by these very men, or many of them, that all just governments derive their powers from the consent of the governed, we may safely assert that the words "we, the people of the United States" were not intended to include the people of the territories, as they were not represented, and were not supposed to be speaking. Later on in the same instrument all the then territories were designated as "property" of the United States. Did "we, the people of the United States," in ordaining and establishing a Constitution for the United States, speak of and designate a part and portion of ourselves and of the land we occupied as "property" of and belonging to ourselves, the United States?

In the first section it is then provided:

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Representatives and Senators are chosen by and must come from the States, and representation is thereby denied the Territories. Can we for a moment suppose that the framers of the Constitution intended to make the Territory a part of the great political entity and sovereign power of the United States of America and then deny to it all representation and all participation in its Government? Is it reasonable to suppose that they were guilty of the absurdity of characterizing a constituent part of the whole as property owned by and belonging to the whole?

In the thirteenth amendment to the Constitution it is provided that—

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

These last words evidently refer to the District of Columbia and the Territories, whether organized or unorganized as such. It is clear that the wide distinction between "the United States" and "territory belonging to the United States" was well understood, as it was recognized and was intended to be preserved when this amendment was framed and adopted. If not so, then the words "or any place subject to their jurisdiction" was surplusage. The United States has jurisdiction over itself and over the whole of itself.

If the Constitution extends to and over the territory of the United States, there was no necessity for inserting the provision empowering the Congress to make all needful rules and regulations for the Government thereof, for section 7 of Article I provides, in conferring power on the Congress, that it shall have power—

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

If the Constitution, with its grants and limitations of power, applies and controls in the territory of the United States, as is asserted by those who oppose this bill, then no further reference to the Territories was necessary, and the Constitution is guilty of the absurdity of granting the same power twice over, only in different language, and thereby creating confusion in its interpretation. Having granted power in Article I "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers," etc., and which the opponents of this bill say apply to the whole United States, including all the territory thereof, and are the only powers conferred on the Congress respecting any Territory, why write into Article IV the words "The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property of the United States?" Why call it property of the United States if a part of the United States, and why provide for "rules and regulations respecting" same when authority had already been given to make all necessary laws respecting and for the government thereof?

In this construction and interpretation of the Constitution there

is no danger of coming in conflict with that declaration of the President, "Freedom follows the flag." Power to govern and good government are inseparable from freedom. There can be no freedom without government, strong government, law, and ample, efficient law. The great and fundamental principles of both English and American liberty are written into our Constitution in the form of absolute prohibitions upon the Congress of the United States in legislating for the United States and all her Territories or in guaranties to the States when duly formed. These prohibitions forbid the passage of bills of attainder or of ex post facto laws. No titles of nobility shall be granted, and all officers of high and low degree under the United States, whether in State or Territory, are forbidden to accept any present, emolument, office, or title of any kind whatever from any king, prince, or foreign state. The privilege of the writ of habeas corpus can not be suspended, except when in case of rebellion or invasion the public safety may require it, and the free exercise of religion can not be prohibited. These prohibitions are all general in their nature, and apply to Congress and the Government in every department whenever they act, whether in relation to the United States, the States, or territory belonging to the United States.

Congress can not pass a law for the government of the Territories which shall prohibit the free exercise of religion. The first amendment to the Constitution expressly forbids such legislation. Religious freedom is guaranteed everywhere throughout the United States, so far as Congressional interference is concerned. (Reynolds *vs.* The United States, per Waite, C. J.)

No member of this House need hesitate to support this bill because fearful of denying civil rights to the inhabitants of Puerto Rico or the Philippines. With the latter-named islands this bill does not deal; with the civil and personal rights of the inhabitants of Puerto Rico we do not deal in this bill. The questions at issue are the power of Congress to enact a tariff law applicable to Puerto Rico alone, which imposes duties on merchandise coming into the United States from Puerto Rico and comingin to Puerto Rico from the United States at all, and if such powers exist the power to make such customs duties less or more, as Congress may determine, than the duties imposed on merchandise imported into the United States from foreign countries or exported from the United States to foreign countries. It is claimed, however, that if these powers exist Congress is unrestrained by the Constitution in dealing with and enacting laws relating to these new possessions and their inhabitants, and that intoxicated with power it may violate every principle of the Constitution of the United States affecting human rights and the liberties of the people in the islands mentioned.

I have undertaken to point out on general principles and in a general way the groundlessness of this fear. There is little danger that the representatives of a free people in a Republic like ours will assume or dare to violate these fundamental principles of personal liberty incorporated into the very being of the Republic, and which breathed into it the breath of life and incipient existence at Lexington and Concord, at the Cowpens and Kings Mountain, at Saratoga and Yorktown, and which were written in the Declaration of Independence and incorporated in the Constitution of the United States. Whatever is to happen in the future, it is certain that the growth of true liberty in the world has been coextensive with the growth of ideas. Civil and religious liberty go hand in hand with intelligence and education, and the Constitution of the United States is no better calculated for the complete and efficient government of our new possessions and their people under present conditions than were the Ten Commandments and the golden rule for the government of the Sioux Indians in 1789.

The time may come; I think it will come; God hasten the dawn of that glorious day when there has come to Puerto Rico and to the Philippines a sufficient degree of disenthrallment from the evils and ignorance and degradation of Spanish misrule and natural savage conditions to make their people fit and able to govern themselves under the provisions of our Constitution. Until that day comes it is the duty of the Congress of the United States, of the Executive of this Republic, in the interest of human liberty and progress, to govern those islands intelligently, patriotically, liberally, and conscientiously, with a firm humane hand, according to existing conditions, extending the benefits of our constitutional Government from time to time as the infant Territories grow in intelligence and appreciation and become fitted to receive and enjoy them. Section 8 of Article I of the Constitution of the United States provides:

SEC. 8. The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States. * * * To regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

Section 9 of the same article prohibiting Congress provides:

No tax or duty shall be laid on articles exported from any State.

It is asserted that the bill before the House violates these provisions of the Constitution. The claim is well founded if the Constitution by any process or by any action of the United States in acquiring these possessions has been extended to or over them, or if these islands are a part of the United States within the meaning of the last clause of subdivision 1 of section 8, above quoted, and which clause says:

But all duties, imposts, and excises shall be uniform throughout the United States.

The claim is also well founded and must prevail and this bill fail if Congress, as the sole act of the United States, lays a tax or a duty "on articles exported from any State" within the meaning of the clause of the Constitution quoted, viz:

No tax or duty shall be laid on articles exported from any State.

That the bill before the House is not within or obnoxious to the first subdivision of section 8, above quoted, is too plain for argument, and may be considered as settled by numerous decisions of the Supreme Court of the United States. Whether, generally speaking, the Constitution extends ex proprio vigore to the United States or not is not necessarily a vital question at this point, for the words "the United States" used in this section refer exclusively to the several States comprising the Union and not to the Territories. No case necessarily decides to the contrary. It is a provision for the benefit and protection of the States, and had no application or reference to the Territories.

In Article III, section 1, we find the same words:

The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, etc.

This gives a life tenure unless impeached and removed as a consequence.

In section 2, same article:

The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, etc.

If the Constitution ex proprio vigore extends to the Territories, and the words "the United States" as used in Article III includes the States and the Territories, it is evident that the judicial power exercised in the Territories by the several courts created in and for such Territories by acts of Congress and vested in such courts and the judges thereof is judicial power of the United States and that the judges when appointed hold for life, unless impeached and removed, for "the judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish," and "the judges, both of the Supreme and inferior courts, shall hold their offices during good behavior," and "the judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States," etc.

If the Territories are a part of the United States and this constitutional provision extends to them ex proprio vigore, and it must if any part of the Constitution does, then it carries into and vests in these Territorial courts the judicial power of the United States; for it is not thinkable, intelligently, in the face of the Constitution, that the judicial power of the Territorial parts of the United States may be separated from the judicial power of the State parts of the United States and in the Territories exercised by Territorial courts and judges holding office for a limited time, it may be, while in the States it is exercised by other United States courts with judges having a life tenure. But the Supreme Court of the United States has repeatedly held that the judicial power exercised in the Territories, and by the Territorial courts and the judges thereof, is not judicial power of the United States within the meaning of the Constitution, and that the judges of such courts are not within the constitutional provisions quoted. (McAllister *vs.* The United States, 141 U. S., 174; American Insurance Company *vs.* Canter, 1 Pet., 511; Benner et al. *vs.* Porter, 9 How., 235; Clinton *vs.* Englebrecht, 13 Wall., 434; Reynolds *vs.* The United States, 98 U. S., page 154.)

The case of McAllister *vs.* The United States (141 U. S., 174), where the cases are collated and commented on and approved, settles the whole question adverse to those who contend that the Constitution extends ex proprio vigore to the Territories of the United States. Clearly, as decided five times by the Supreme Court, the words in the Constitution, "The judicial power of the United States," include and refer only to the States and exclude the Territory. The theory that the Constitution, ex proprio vigore, extends to territory the moment it becomes the property of the United States by cession or in any of the modes we may acquire it, has from the foundation of the Government uniformly been denied by the treaty-making power of this and other nations when dealing with us, by the uniform practice of the Congress when making laws for the Territories, and by judicial decisions. Spain and France and Mexico and Russia insisted upon putting into the treaties of cession guaranties entirely unnecessary if our constitutional provisions extended to the ceded territory, and in legislating for the Territories why has the Congress of the United States repeatedly, for half a century, enacted provisions extending to such Territories, so far as applicable, the provisions of the Constitution of the United States as law for such Territories, if the

Constitution of its own vigor had already extended itself to such domain?

Nor has it been expressly and necessarily decided that those fundamental provisions of the Constitution relating to trial by jury apply ex proprio vigore to the territory of the United States. It is true that in Thompson *vs.* Utah (170 U. S., page 346) Mr. Justice Harlan says:

> That the provisions of the Constitution of the United States relating to the right of trial by jury in suits at common law apply to the Territories of the United States is no longer an open question.

And this learned and respected jurist cites in support of his assertion Webster *vs.* Reid (11 How., 437, 460), American Publishing Company *vs.* Fisher (166 U. S., 464, 468), Springville *vs.* Thomas (166 U. S., 701), and then says:

> It is equally beyond question that the provisions of the national Constitution relating to trials by jury for crimes and to criminal prosecutions apply to the Territories of the United States.

And cites in support of this assertion Reynolds *vs.* The United States (98 U. S., 145, 154) and Callan *vs.* Wilson (127 U. S., 540, 549, 551).

It must be kept in mind that the learned justice was speaking of our duly organized and constituted Territories to which had been given a Territorial, semirepublican form of government by express enactments of Congress, and which acts by express declaration provided that the provisions of the Constitution should apply to such Territorial governments and limit and control all laws made for them or in force there, and that the cases cited and referred to arose under such laws or in relation to the District of Columbia.

Mr. HENRY of Texas. Will the gentleman permit me to ask him a question?

Mr. RAY of New York. I will.

Mr. HENRY of Texas. Will the gentleman please state clearly the difference between an organized and an unorganized Territory?

Mr. RAY of New York. Well, now, that question does not come in here at this point at all; but I can point out to the gentleman, I think, without using too much of the time of the House, the difference between an organized and an unorganized territory. An unorganized territory in the broad sense is territory that the United States may have acquired either through the war power, or treaty power, or the right of discovery, to which the Congress of the United States has not given a Territorial form of government; whilst an organized Territory is one to which the Government of the United States, acting through the Congress of the United States, has given a Territorial form of government, which, when given, must be in accordance with the Constitution of the United States so far as the Congress is prohibited from doing certain things; to that extent and that extent only.

Mr. HENRY of Texas. Will the gentleman allow me to ask him one more question?

Mr. RAY of New York. You will take all my time.

Mr. HENRY of Texas. I will not ask the gentleman any further question.

Mr. RAY of New York. Very well.

Mr. HENRY of Texas. Then, when the Foraker bill passes, or the bill reported by the Committee on Insular Affairs shall pass, giving to Puerto Rico a Territorial form of government, will that eo instanti entitle them to free trade with the United States?

Mr. RAY of New York. Not at all. We can give to Puerto Rico a Territorial form of government; but in doing it we can not, when we establish courts there, authorize the passage of ex post facto laws, because we are prohibited such power. We can not do certain things which are absolutely prohibited; but in all other respects we can authorize those Territorial governments to do what they please, to exercise any powers they see fit to exercise, except that if in the organization of Territories we see fit to enact into law for the government of those Territories the provisions of the Constitution of the United States, as we have done heretofore, such government would be bound by them; and it is in the power of this Congress, in legislating for Puerto Rico or for any of the islands of the sea recently acquired, to enact into law for their government the provisions of the Constitution or not, as we see fit; and in the exercise of the powers given to us by the people of the United States there is no danger that we, the representatives of the people, will violate those fundamental principles of government which inhere in the very foundation of this Republic.

Mr. Chairman, at the time these cases arose and were decided we had no territory not protected by either treaty stipulations or acts of Congress extending to and over them, in the form of law, the guarantees of the Constitution referred to. In no case where the decision of the question was involved has it been held that the Constitution extends itself ex proprio vigore or any of its provisions to or over the Territories of the United States or to any of their people. An examination of the cases shows that this state of facts was the foundation upon which the decisions referred to rested and are the foundation upon which they stand and are recognized as authority to-day. In substance, Mr. Justice Brewer asserts this in the opinion given by him, and from which there was no dissent, in American Publishing Company *vs.* Fisher (166 U. S., 464). In all the cases coming from Utah we find the court referring to or quoting the act of Congress establishing a Territorial government for Utah approved September 9, 1850 (see chapter 51, section 17, 9 Stat., 453—458), wherein it was enacted—

> That the Constitution and laws of the United States are hereby extended over and declared to be in force in said Territory of Utah, so far as the same or any provision thereof may be applicable.

And in 1874 it was further enacted as a proviso to an act providing procedure in all cases, legal or equitable, "that no party has been or shall be deprived of the right of trial by jury in cases cognizable at common law."

The act of 1850, above quoted, made the provisions of the Constitution of the United States law for Utah so far as applicable, for the reason that Congress had plenary power to make all rules and regulations needful for the control and government of that Territory. It did not bring Utah and its people under the Constitution as a constitution, or extend it as such over that Territory, but by reference thereto enacted certain of its provisions into law for the government of Utah.

I do not care to assert that the Congress of the United States, in legislating for Puerto Rico, may violate any one of those fundamental principles of free government regarded as corner stones of our Republic, and which relate to the personal and property rights of our citizens.

We are forbidden to do this; the power to enact such a law is expressly denied and prohibited to the Congress of the United States, but is not denied, unless by implication, to the President, who as Commander in Chief of the Army and Navy of the United States now holds and rules the island to the control of which this bill relates. The people of the United States, who legislate for and govern themselves through their Senators and Representatives in Congress, in enacting this measure into law are exercising that sovereign power possessed by all nations, and in providing revenue are taking the first step necessary to sustain government anywhere. We, as representatives of the people, are but doing what is expected and demanded of us and what would be cowardly to refuse to do—assuming the responsibility for the government of the property belonging to the United States of America. It is the Republic asserting itself and substituting laws made by the people for laws, rules, and regulations made by one man, the President of the United States.

Mr. BROMWELL. Will the gentleman allow me an interruption?

Mr. RAY of New York. Certainly.

Mr. BROMWELL. I am with the gentleman on the constitutional proposition, and I would like to ask him one question on which I am in doubt; that answered and cleared up and I shall be entirely with him and with the majority on the argument that we have constitutionally the right to make any laws we see proper for the new possessions. The one point of difficulty in my mind is this: There is a provision of the Constitution which prohibits the levying of duties or imposts upon articles exported from any State. We propose in this bill to levy a duty upon articles exported from the United States into the island of Puerto Rico. It is true that export duty is not collected in the ports of the United States, nor upon the articles as they go out of the States, but is levied upon the article when it comes into the ports of Puerto Rico.

Nevertheless, it has occurred to me that the distinction as to where the tax is collected is entirely immaterial, if as matter of fact this tax is levied upon goods sent out of the United States into the ports of Puerto Rico. For, if we regard the ports of Puerto Rico as foreign ports, we are in the same position as if we were to undertake by law to levy a duty upon goods exported from any port in the United States into England, France, or any foreign country. On the other hand, if we look upon the ports of Puerto Rico as domestic ports, then we are met with the controlling provision of the Constitution that there shall be no lack of uniformity in the matter of imposts upon articles exported or imported. Now, the gentleman from New York, as chairman of the Judiciary Committee, is undoubtedly able to answer the question to his own satisfaction; and if he can to mine, it will clear up the only doubt I have on this question.

Mr. RAY of New York. I had the same trouble the gentleman has when I first read this bill, and I went to work to clear it up, as well as to support the other propositions involved in the question. I can answer it to my own satisfaction completely, and I can answer it, I think, to the satisfaction of every fair-minded man within the authority and express language of the decisions of the Supreme Court of the United States and in such a way that no lawyer or man capable of comprehending legal reasoning, which includes nearly all of the citizens of the United States and, I am sure, all the members of this House. It is a proposition to which I was just coming, and as it troubles the gentleman and

may have troubled other gentlemen, I ask careful attention to what I say on this subject. I know it is rather a dry proposition, but it is a very important one.

No amount of declamation in this House or throughout the United States will make this bill constitutional. It must be sustained as constitutional under and by virtue of the language of the Constitution and the decisions of the courts. I hope to answer the proposition, and I had arrived at a point nearly where I may answer it.

It can easily be answered, and when properly answered no gentleman can doubt the constitutionality of this bill in its every feature.

In doing this I have been referring to the governing of Territories. The Congress, speaking for the people and acting for the Territory or in relation thereto, possesses and may and must exercise all the powers of both the State and the General Government, and hence this bill may become a law without violating that other constitutional provision and prohibition to which I have called attention and which declares that "No tax or duty shall be laid on articles exported from any State." States, with the consent of Congress, may lay imposts and duties on both imports and exports, but the net proceeds must be for the use of the Treasury of the United States.

You see the reason why; States as States and no State individually can act for or legislate for any Territory belonging to the United States. Congress must do that, and so the Supreme Court of the United States have decided ten times; and the doctrine has never been dissented from by any judge that in legislating for a Territory the Congress of the United States possesses and exercises the power of every State individually and the powers of all the States collectively and individually. Now, keep that in mind as proposition No. 1. Then we, as representatives of the people of the United States, the legislative power of the United States as a whole, as a government, as a sovereignty, speak for the nation, and may consent. When we legislate for the Territories of the United States we speak for the nation, and we speak for the States individually and collectively, and we exercise every power that the Constitution of the United States gives to the General Government and every power that the Constitution of the United States gives to a State or to all the States. That is decided over and over again.

This authority is conferred by section 10 of Article I of the Constitution, and reads as follows:

No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

This bill provides for the payment of duties on merchandise brought into the United States from Puerto Rico and merchandise brought into Puerto Rico from the United States, such duties being paid at and in Puerto Rico. I can not and do not assent to the proposition that the 25 per cent of the present tariff imposed on all merchandise "coming into Puerto Rico from the United States" is not an export duty laid on articles exported from a State for the reason that it is imposed and to be collected at a port of entry established in Puerto Rico and not within the United States.

This fact makes no difference, for it is not material at which end of the line the duty imposed is paid. But Puerto Rico is not a foreign government or foreign state and can not be treated as such. The duty laid is not an import duty on merchandise imported into Puerto Rico from any foreign state or foreign territory. It can be said that as there is no denial of a right in or prohibition on the Congress to impose duties on merchandise carried from a State into a Territory belonging to the United States or on merchandise carried from such a Territory into a State or the United States, there is no limitation on the powers of the Congress in this particular, and that in the exercise of the plenary power conferred by section 3 of Article IV, we may enact this proposed legislation; that goods carried from a State into territory belonging to the United States are not "exported" from a State in the sense that word is used in the Constitution, because not carried to a foreign country.

Mr. BROMWELL. Is the gentleman through with his answer to my question?

Mr. RAY of New York. No; I have just begun.

Mr. BROMWELL. I want to suggest, so that we shall not be at cross-purposes——

Mr. RAY of New York. Well, I do not know that I ought to take the time to answer the gentleman; I am occupying too much time.

Mr. BROMWELL. What I want to ask is this: Section 9 of the Constitution has been construed to be a section of restriction on the power of Congress——

Mr. RAY of New York. I have said that as emphatically as any man can, that where there is an absolute prohibition in that instrument upon the power of Congress to act, we can not act, we can not pass a law, whether it relates to the State, the United States, or any territory belonging to the United States, which we are forbidden to pass, but this bill does not offend against that proposition at all. You must take the Constitution as a whole; you must read that provision in the light of the Constitution as one complete instrument.

Now, let me call attention to one or two points in this connection; and I can make a better argument against this bill than the gentleman has in his question.

Mr. BROMWELL. Oh, I do not want to make any such argument on any points except this constitutional question when I think I am with the gentleman.

Mr. RAY of New York. I think the gentleman will be with me on this matter when he has heard fully the argument. Let me call attention to the two sections side by side.

Section 9 provides:

No tax or duty shall be laid on articles exported from any State.

Mr. BROMWELL. That is a prohibition on Congress.

Mr. RAY of New York. An absolute prohibition——

Mr. BROMWELL. On Congress.

Mr. RAY of New York. Yes; on the Congress of the United States——

Mr. BROMWELL. That is right.

Mr. RAY of New York. In laying export duties on articles going abroad from a State.

Mr. BROMWELL. Now, what I want the gentleman to do is to construe that provision in view of the provisions of this bill.

Mr. RAY of New York. I believe I catch the gentleman's point; and if I do not cover it in what I shall say, I hope he will call my attention to the omission.

Now, in the very next section, section 10——

Mr. BROMWELL. Which contains the prohibitions on the States.

Mr. RAY of New York. I find this language:

No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

Now, when you read an instrument, when you read the Constitution of the United States or of a State, or when you read a law, or when you read a contract or a deed or a letter, or any other paper, or when you look into the face of a man to ascertain his character, you are to take together everything bearing upon the question, are you not? And although there may be a sentence here that prohibits a given thing; yet if there is a sentence later looking in a contrary direction, you must take the latter provision into view as a modification of the former; you are to read all together the several provisions bearing on the given subject.

Now, in the first place, let me give what I regard as a complete answer to the point raised here. I have looked up the definition of this word "export," and I find that the word "export," as used in the Constitution of the United States, refers only to goods or merchandise exported to a foreign country. If you will take the Standard Dictionary and look at the definition of the word "export," you will find it stated as I have just given it. I only call attention to the authorities on this subject that "export," as used in the Constitution, means goods exported to a foreign country.

Now, if the authors of the Standard Dictionary are correct—and I assume that they are, and that this definition is correct—then that settles the proposition, does it not? because Puerto Rico is not a foreign country. And if that definition of the word "export" as used in the Constitution is correct, that ends this controversy, and that section, section 9, has no application to goods carried from the States to Puerto Rico. But assume that that is not correct—and, I repeat, I believe it is, for I have examined every book that I could get hold of in the Library of the Congress of the United States; I spent one whole day on this subject alone, and I could not find any ground for a declaration to the contrary—but, I say, assuming that that is not correct and that the provision does apply to goods exported from a State of the United States to Puerto Rico, which is territory belonging to the United States, but not within the United States, except geographically, then section 10 of Article I comes into play, and the States can lay these export duties with the consent of Congress; and if a State may do this, then under the decisions of the Supreme Court of the United States Congress may do it, because in legislating for territory Congress acts for the States; and Congress, as I said before, acts for the United States. So there is no question whatever under either aspect of the case as to the right of the Congress of the United States to enact this bill into law.

Mr. BURKE of Texas. Will the gentleman allow me a suggestion?

Mr. RAY of New York. Certainly.

Mr. BURKE of Texas. I understood the gentleman—and I

think I understood him correctly—to state that the word "export" means goods exported from this country to a foreign country.

Mr. RAY of New York. Yes; that is, I believe, the constitutional sense in which the word is used; that is the meaning of the word as used in the Constitution of the United States. I find the meaning of the word so defined in the authorities; and I simply say that that disposes of the subdivision in section 9, I believe it is, of the Constitution. If that be true——

Mr. BURKE of Texas. Now, as I understand the gentleman, he is seeking to justify the levying of these export duties on goods exported from this country to Puerto Rico on the ground that it is exportation to a foreign country——

Mr. RAY of New York. Oh, no; I repudiate any such idea. I have not claimed anything of the kind. I repudiate any such theory or doctrine.

Mr. BURKE of Texas. I certainly understood the gentleman that way.

Mr. RAY of New York. Oh, no. I have expressly declared, and I declare now in order that the gentleman from Texas may understand me, that Puerto Rico is not a foreign country; it is not foreign territory; it is territory belonging to and owned by the United States; in the language of the Constitution of the United States, it is "property belonging to the United States."

But still this question remains: If exports from a State include goods carried from a State into Territories belonging to the United States, this bill is justifiable and constitutional under the section that I have just read, section 10 of Article I of the Constitution, which I will not read again, because I think the gentleman from Texas [Mr. BURKE], if he will look at the Constitution, will be able to read and comprehend for himself.

Now, I think I have covered that point and will not attempt to repeat it; but I wish to say if the contention is correct that this Territory is not a part of and within the United States, then merchandise carried from a State to Puerto Rico is "exported" in the ordinary sense of the word, although not carried or intended to be carried to a foreign country. But I am fully convinced that in the true and correct constitutional sense merchandise carried from the States into Territories belonging to the United States is not "exported" in the constitutional sense and meaning of the word and that the prohibition on the powers of Congress has no application.

The definition of the word "export," as found in the Standard Dictionary of the English language is:

> That which is exported; in general, goods or any article of trade or merchandise sent from one country to another; properly, and as used in the United States Constitution, goods sent to a foreign country.

The framers of the Constitution when making this provision were not attempting to regulate commerce between the Territories or between the States and territory or the United States and its territory. It stands to reason that the Congress of the United States, representing and speaking for all the States, and armed with full power over the Territories, which are property of the United States, of all the the States, may regulate the terms and name the conditions on which the people of the United States may enter on such property with or without merchandise and impose conditions or charges of any reasonable character for the privilege of taking goods into or upon such property.

Let me bring the matter right here to a practical illustration. Suppose this Capitol building were no longer used for the meeting of the two Houses of Congress. It is property belonging to the United States. It is in the District of Columbia. Would not the Congress of the United States have the constitutional right and power to say to the people of the United States, "You can enter into this building with your goods, with your merchandise, and you may sell it to the people of the District of Columbia, provided you pay to the Government 10 per cent of its value for the privilege of so doing?" If there is any man who denies or doubts our constitutional right to do that, I should like to have him rise, that I may know his opposition. And I do not care which side of the House he comes from.

Now, the Territories of the United States are property belonging to the United States, and there is no doubt of it. But right there I want to say that one gentleman has said to me, "If your contention be true, then you make the people of these territories goods and chattels belonging to the United States." Why can you not separate in your minds, gentlemen, the distinction between property in the territory, in the soil, belonging to the United States and the people living upon it? They are not property, but they live there under the authority of the Government, subject to the Government and subject to such government as Congress sees fit to give them in exercising the powers the people of the United States have delegated to it; and if they live there and enjoy the benefits derived from living on and occupying the soil belonging to the United States, the people of Puerto Rico and the Philippines must do just exactly what you and I are compelled to do, and that is obey and conform to the laws made by the law-making power of the government under which they live, and that is all there is of the proposition. They are not citizens of the United States.

When the people of these islands come with the territory under the jurisdiction of the United States they do not come with the rights and privileges and obligations given or imposed by the Constitution of the United States, and until the Congress of the United States, representing the people, sees fit to extend such rights to them, the people do not possess them. And why that is so I will demonstrate later on. But I must hasten.

In Insurance Company *vs.* Canter (1 Peters, 511–546), decided in 1828, Chief Justice Marshall said:

> In legislating for them (the Territories) Congress exercises the combined powers of the General and the State governments.

In Benner *vs.* Porter (9 Howard, 242), the court said:

> They—
>
> The governments of the Territories—
>
> are legislative governments—

That is, governments created by the Congress of the United States—

> and their courts legislative courts, Congress in the exercise of its powers in the organization and government of Territories combining the powers of both the Federal and State authorities. There is but one system of government or of laws operating within their limits, as neither is subject to the constitutional provisions in respect to State and Federal jurisdiction.

Also—

> They are not organized under the Constitution nor subject to the complex distribution of the powers of Government as the organic law, but are creations exclusively of the legislative department and subject to its supervision and control.

And now I want the attention of the gentleman from Ohio, and I hope he will give it, because he has made his inquiry. Let us substitute the words "exports and imports" in the opinion of Mr. Justice Harlan, in the McAllister case, and see what he will say in regard to exports and imports; let us simply substitute these words in the proper place in the opinion in that case, and then on that opinion determine what the Supreme Court must say when it comes to pass on the constitutionality of this proposed law.

In McAllister *vs.* The United States (141 U. S., page 181) the court cites with approval the previous holdings that—

> Congress, in the exercise of its powers in the organization and government of the Territories, combines the powers of both the Federal and State authorities.

And then, at page 190 (opinion by Justice Harlan), restates and reaffirms the same doctrine in these words:

> This argument fails to give due weight to the fact that in legislating for the Territories Congress exercises "the combined powers of the General and of a State government." Will it be contended that a State of the Union might not provide by its fundamental law, or by legislative enactment not forbidden by that law, for the suspension of one of its judges by its governor until the end of the next session of its legislature? Has Congress, under "the general right of sovereignty" existing in the Government of the United States as to all matters committed to its exclusive control, including the making of needful rules and regulations respecting the Territories of the United States, any less power over the judges of the Territories than a State, if unrestrained by its own organic law, might exercise over judges of its own creation?

The same doctrine is asserted in other cases and has become settled law.

As the States, under section 10 of Article I of the Constitution, may lay imposts or duties on imports or exports with the consent of Congress, provided the net proceeds are for the use of the Treasury of the United States, and the Congress, when legislating for the Territory, combines the powers of both the State and Federal authorities, and may therefore exercise all the powers of the State or States in the premises, and may also consent to the levy of duties on imports and exports, and may also make all needful rules and regulations respecting the Territory, it may, without violating the provision "no tax or duty shall be laid on articles exported from any State," make a law for and applicable to territory of the United States laying imposts and duties on both imports and exports into or from such territory, whether coming from or going to a State of the United States, even assuming that merchandise carried from a State into such territory is, within the meaning of the Constitution, exported.

Let us now apply the words of Mr. Justice Harlan, in McAllister *vs.* The United States, to the question under consideration, merely substituting the subject-matter now in question, and we say and must say and make the court say, "Will it be contended that a State of the Union might not provide by its fundamental law, or by legislative enactment not forbidden by that law, for the laying of a tax and duty on articles exported from the State? Has Congress, under the general right of sovereignty existing in the Government of the United States as to all matters committed to its exclusive control, including the making of needful rules and regulations respecting the Territories of the United States, any less power over the laying of a duty on exports from a State, or from the States or the United States, than a State if unrestrained by its own organic law might exercise over exports from such State or States?"

The only restraining power on a State is that the consent of Congress must be obtained to the laying of the export or import duty, and that consent Congress does give when it enacts such a bill or this bill into law.

The prohibition referred to is not operative in such a case—that is, when we legislate for our territory.

Returning now to the decided cases claimed to determine that the provisions of the Constitution do extend to our newly acquired territory ex proprio vigore, and turning to the opinion of Mr. Justice Johnson in Insurance Company vs. Canter (1 Peters, 514, 520), we find him asserting:

The question now to be considered relates to territories previously subject to the acknowledged jurisdiction of another sovereign, such as was Florida to the Crown of Spain.

And on this subject we have the most explicit proof, that the understanding of our public functionaries is that the Government and laws of the United States do not extend to such territory by the mere act of cession. For in the act of Congress of March 30, 1822, section 9, we have an enumeration of the acts of Congress which are to be held in force in the territory; and in the tenth section an enumeration in nature of a bill of rights of privileges and immunities which could not be denied to the inhabitants of the territory if they came under the Constitution by the mere act of cession.

He then proceeds to demonstrate by most cogent reasoning that territory acquired by cession from foreign nations does not become a part of the United States in the sense that the Constitution operates over or upon it or its people except to confer on Congress plenary power to govern.

The report of the majority is in error wherein it states that—

Never until in 1850, in the case of the Territory of New Mexico, was there an enactment of Congress extending the Constitution, though there have been several since.

The act of 1822 giving Territorial government to Florida provided:

But no law shall be valid which is inconsistent with the Constitution and laws of the United States, etc.

And the act of 1823, amendatory and supplementary thereto, provided:

They shall have legislative power over all rightful subjects of legislation; but no law shall be valid which is inconsistent with the Constitution and laws of the United States or which lay any person under restraint, etc.

And the act of the First Congress, section 1, Statutes at Large, extended the Constitution to the great Northwest Territory by enacting into law its provisions as to personal rights, etc.

All decisions of the courts, therefore, relating to Florida prior to her admission into the Union must be read in the light of the fact that the limitations and restrictions of the Constitution and, in fact, all of its provisions in any way applicable had been enacted into law for that Territory and applied with all the force and effect it would have had had it been considered that Florida was a part of the United States politically as well as geographically, and that the Constitution operated there ex proprio vigore.

The decision in the case of American Publishing Company vs. Fisher demonstrates that it is not settled that the Constitution ex proprio vigore extends to Puerto Rico and the Philippine Islands. The court there says:

Whether the seventh amendment of the Constitution of the United States, which provides that "in suits at common law, where the value in controversy shall exceed $20, the right of trial by jury shall be preserved," operates ex proprio vigore to invalidate this statute may be a matter of dispute. In Webster vs. Reid (2 Howard, 437) an act of the legislature of Iowa dispensing with a jury in a certain class of common-law actions was held void. While in the opinion, on page 460, the seventh amendment was quoted, it was also said: "The organic law of the Territory of Iowa, by express provision and by reference, extends the laws of the United States, including the ordinance of 1787, over the Territory as far as they are applicable;" and the ordinance of 1787, article 2, in terms provided that "the inhabitants of said Territory shall be entitled to the benefit of the writ of habeas corpus and of trial by jury." So the validity may have been adjudged by reason of conflict with Congressional legislation.

In Reynolds vs. United States (98 U. S., 145, 154) it was said, in reference to a criminal case coming from the Territory of Utah, that "by the Constitution of the United States (Amendment VI) the accused was entitled to a trial by an impartial jury." Both of these cases were quoted in Callan vs. Wilson (127 U. S., 540) as authorities to sustain the ruling that the provisions of the Constitution of the United States relating to trial by jury are in force in the District of Columbia. On the other hand, in Mormon Church vs. United States (136 U. S., I, 44) it was said by Mr. Justice Bradley, speaking for the court: "Doubtless Congress, in legislating for the Territories, would be subject to those fundamental limitations in favor of personal rights which are formulated in the Constitution and its amendments; but these limitations would exist rather by inference and the general spirit of the Constitution, from which Congress derives all its powers, than by any express and direct application of its provisions." And in McAllister vs. United States (141 U. S., 174) it is held that the constitutional provision in respect to the tenor of judicial offices did not apply to Territorial judges.

Justice Brewer then adds:

But if the seventh amendment does not operate in and of itself to invalidate this Territorial statute, then Congress has full control over the Territories, irrespective of any express constitutional limitations, and it has legislated in respect to this matter.

It follows that Congress may, without coming into conflict with the Supreme Court, express its own ideas on this subject and determine its own policy, for the time being at least, as to the government of these islands.

That they must be governed and cared for all concede. The eyes of the nations of the earth are upon us and prophecy is rife that we are so hampered by constitutional limitations, restrictions, and prohibitions that we can not govern our new possessions effectively except through the military arm of the Government and under the supreme orders or commands of the President as Commander in Chief of our Army and Navy. If this be so, and we are to determine the question here and now, and our Democratic friends seem desirous that it shall be and must be so, then we have an absolute monarchy, a despotism, it might be, for these islands with which the Congress dare not interfere lest all efficient government in the islands fail.

No man has asserted or truthfully can assert that the Malays in Luzon or the Puerto Ricans are now fitted for self-government under a Territorial form of government or any form of government in accordance with our Constitution. To hand that instrument over to them in their ignorance and degraded condition would be worse than casting pearls before swine, which is forbidden by Holy Scriptures; it would be to prostitute that most sacred instrument to uses for which it was not intended and to attempt to execute its grand principles under conditions that its framers did not contemplate and that forbid its application.

Taxation under this bill, so far as it will amount to taxation, will be almost nominal, and in the first instance fall upon those best able to bear it, upon those who are to reap the fruits of commercial intercourse with our new possessions. Every dollar that comes from the inhabitants of the island affected by this bill will be returned to and expended for their benefit and to elevate and liberalize that people and fit them to receive at no distant day the full benefits of our constitutional form of government. When that day comes, as it will when free schools and free religion have done their work; when liberty of conscience and freedom to worship God and education in the principles of true liberty and the science of free government have lifted those peoples from the mire of ignorance and superstition, the accumulation of four centuries of misrule and oppression, then freedom in all its broad significance, as declared in our Constitution and which follows the flag, shall be extended in the form of a just, constitutional Territorial government, to be followed in due time by full statehood in this grand Union under the Constitution and the bright stars and broad stripes of "Old Glory." [Prolonged applause on the Republican side.]

The CHAIRMAN. The gentleman from Ohio [Mr. BROMWELL] is recognized for twenty minutes.

Mr. BROMWELL. Mr. Chairman, it is never an agreeable thing for a member of this House to take an active stand in opposition to his own side. It is much easier to drift with his own political associates and to yield his personal views and support the recommendation of the majority of a committee controlled by his own party. In minor matters I frankly say that I have upon numberless occasions, when in doubt, yielded my own opinions and preferences and voted with my Republican colleagues.

But in a matter of so great moment as the present measure, which will shape the future policy not alone of the Republican party but of the nation, and establish precedents which are to be followed in the future, dealing with the questions of right and equity in our treatment of those under the protection of our flag and owing allegiance to this Government, I for one believe that every member of this House, upon his solemn honor, should investigate and decide these questions for himself and should cast his vote as his conscience dictates. It is a duty which he owes to himself, that he may merit the approval of his own judgment and sense of right; to his party, that he shall not assist it to commit an error which may affect its future domination in the Government; and to his country, that it may stand as the exponent of all that is just and honorable in its treatment of its citizens.

Therefore, as a result of much careful and conscientious thought upon the subject, I rise to-day to oppose a portion of the report of the Ways and Means Committee on this bill, and to express my preference for the bill as originally introduced by the gentleman from New York, the chairman of the committee. I say a portion of this report; for upon the other important feature of the bill and report, which will probably excite the greatest debate and be the dominant issue before the House in connection with this bill, I am happy to say that I am in the main thoroughly in accord with and indorse the position of the committee.

And I wish to say here, in order that my position may not be misunderstood, that while I shall vote to recommit this bill to the committee with instructions to report back the original Payne bill, still, if that proposition shall be voted down, rather than have no legislation on the subject I shall vote for this bill.

The two propositions to which I refer are:

First. The power and authority of Congress to legislate as it may see proper upon all questions relating to the government of the island of Puerto Rico; and

Second. The justice and equity of the legislation proposed.

I. THE AUTHORITY OF CONGRESS.

Upon the first of these propositions I made a careful study when the matter of the powers of Congress to legislate upon newly acquired territory was under discussion a year ago, and in some

remarks made by me at that time took the position that under that section of the Constitution (clause 2 of section 3 of Article IV) which gave Congress "power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States," and upon the decisions of the Supreme Court of the United States in the various cases that have gone before it involving the question of the extension of the Constitution into newly acquired territory, the entire subject of legislation for such territory and its inhabitants was relegated solely and absolutely to Congress. Upon this point I think the authorities are consistent and conclusive.

There is, however, one point which, so far as I remember, has not yet been referred to in the discussion that I would like to have some gentleman supporting the majority report clear up. The bill provides for a duty upon articles exported from the United States into Puerto Rico, or, in the language of the bill, "all merchandise coming into Puerto Rico from the United States," etc. How does this authority to levy this duty on exports comport with the provisions of clause 5 of section 9, Article I, the language of which is: "No tax or duty shall be laid upon articles exported from any State?" All the provisions of this section are restrictions upon the powers of Congress, and even if we go to the point of admitting that the constitutional provisions do not extend to Puerto Rico they surely do to the ports of the States of the Union. The mere fact that the duty is collected in Puerto Rico, where the goods are delivered, instead of at the point of shipment, does not make it any less a tax upon an export from a State. This doubt cleared up, I am ready to support the contention of our authority to legislate for the island upon the subject of the tariff in any way and to any extent we see proper.

II. AS TO THE JUSTICE OF THE LEGISLATION PROPOSED.

But, admitting that Congress has the constitutional right to legislate as it may see proper upon all matters relating to the government of the island of Puerto Rico, I regret to say that I can not concur in that portion of the report which deals with the equity, justice, or necessity of the legislation proposed in regard to the customs duties and internal-revenue laws proposed to be applied to the island. The original bills introduced in the House and Senate proposed to establish free trade between the United States and Puerto Rico. These bills were strictly in accordance with the recommendations of the President of the United States, of the Secretary of War, and others familiar with the conditions and necessities of the people of the island. The President, in his annual message to Congress, said:

It must be borne in mind that since the cession Puerto Rico has been denied the principal markets she has long enjoyed, and our tariffs have been continued against her products as when she was under Spanish sovereignty. The markets of Spain are closed to her products except upon terms to which the commerce of all nations is subjected. The island of Cuba, which used to buy her cattle and tobacco without customs duties, now imposes the same duties upon these products as from any other country entering her ports. She has therefore lost her free intercourse with Spain and Cuba without any compensating benefits in this market. Her coffee was little known and not in use by our people, and therefore there was no demand here for this, one of her chief products. The markets of the United States should be opened up to her products. Our plain duty is to abolish all customs tariffs between the United States and Puerto Rico and give her products free access to our markets.

Secretary Root, whom I regard as next, if not equal, to the great war Secretary, Stanton, in his honest, able, and strong administration of the War Office, in his annual report for the year 1899 uses this language, referring to the island of Puerto Rico:

The question of the economic treatment of the island underlies all the others. If the people are prosperous and have an abundance of the necessities of life, they will with justice be easily governed, and will with patience be easily educated. If they are left in hunger and hopeless poverty, they will be discontented, intractable, and mutinous. The principal difficulty now in the island of Puerto Rico is that the transfer of the island from Spain to the United States has not resulted in an increase of prosperity, but in the reverse. The industry of the island is almost entirely agricultural. The people live upon the products of their own soil and upon the articles for which they exchange their surplus products abroad. Their production is in the main of coffee, sugar, and tobacco. The prosperity of the island depends upon their success in selling these products.

So long as the island was a part of the Spanish possessions there was substantially free trade with Spain and Cuba. The total exports from Puerto Rico for the four years preceding 1897 averaged about $16,000,000, of which an average of less than one-sixth part ($2,630,000) was sold to the United States, and an average of one-half ($8,625,000) was sold to Spain and Cuba. Immediately upon a transfer of the island from Spain to the United States, Spain erected a tariff barrier against the introduction of Puerto Rican products. The interests of Cuban agriculture led to the erection of a similar barrier in the tariff adopted for Cuba, so that Puerto Rico was debarred from the principal markets which she had previously enjoyed, and at the same time this country has maintained its tariff against Puerto Rican products just as it existed while the island was Spanish territory. The result is that there has been a wall built around the industry of Puerto Rico.

Even before the hurricane of August 8, 1899, two crops of tobacco lay in the warehouses of Puerto Rico, which the owners were unable to sell at prices equal to the cost of production. Their sugar shared the prevailing depression in that commodity, arising from the competition of bounty-fed sugar beet. Their coffee was practically unknown in the United States and had no market here. It is plain that it is essential to the prosperity of the island that she should receive substantially the same treatment at our hands that she received from Spain while a Spanish colony, and that the markets of the United States should be opened to her as were the markets of Spain and Cuba before the transfer of allegiance. Congress has the legal right to regulate the customs duties between the United States and Puerto Rico as it pleases; but the highest considerations of justice and good faith demand that we should not disappoint the confident expectation of sharing in our prosperity with which the people of Puerto Rico so gladly transferred their allegiance to the United States, and that we should treat the interests of this people as our own; and I wish to urge most strongly that the customs duties between Puerto Rico and the United States be removed.

In a recent interview with Gen. Roy Stone, published in the Washington Post, he said:

RISK WITH PUERTO RICO—GENERAL STONE FEARS AN ESTRANGEMENT OF THE PEOPLE—NOT KEEPING FAITH WITH FRIENDS—THE INHABITANTS OF THE ISLAND, HE SAYS, HAVE ALWAYS BEEN CONFIDENT THAT THEY WOULD HAVE THE PRIVILEGES OF OTHER CITIZENS—TIMIDITY OF CONGRESS ON ACCOUNT OF A PRECEDENT THAT MIGHT BE ESTABLISHED—PUERTO RICO TARIFF UNSATISFACTORY.

"When the Major-General Commanding the Army of the United States landed in Puerto Rico with 3,000 men," said Gen. Roy S. Stone yesterday, "the island was defended by 9,000 Spanish regulars and nearly as many well-armed volunteers. Its 1,000,000 people had then no great grievance against Spain, having just been given a large measure of self-government, with universal suffrage and a voting representation of nineteen members in the two houses of the Cortes at Madrid. They had free trade with Spain and a fair degree of prosperity.

"To our little army of invasion the question whether these people were to be friendly or hostile was a question of life or death. If hostile, in their mountain fastnesses they could make bloody work for 100,000 men. General Miles very wisely sought their friendship. He assumed to speak for the Government and the people of the United States, and his authority has never been repudiated nor questioned. He issued his proclamation, saying, among other things, 'We have come to bestow upon you the blessings and immunities of the liberal institutions of our Government.'"

"Did you not have some personal observation of the conduct of these Puerto Rican soldiers?"

"How the people responded with help and welcome everyone knows, but few know how ready they were to fight for us," he replied. "They had no arms and we had none to spare, but every man who could get a gun came to our camps, and thousands offered themselves to meet the Spanish rifles with their bare machetes. And these were fighting men. General Schwan found reason to praise the 'skill and daring' of his Lugovina scouts, and my own experience was the same.

RUSHED STRAIGHT ON THE ENEMY.

"In an excursion on which I was sent into the interior of the island I was joined by 400 Puerto Rican gentleman, riding their own horses and carrying rifles which they had captured individually from the Spanish volunteers, and the only criticism the American commander of this battalion could make regarding them was when they 'disobeyed orders and rushed straight upon the enemy.'

"Representative WADSWORTH, who shared some of the perils and hardships of that little campaign and was ready for more, can testify to the eagerness with which the citizens of Utuade took arms to attack the Spanish regulars at Arecibo."

"Can we afford to break our solemn promise to these people at the outset of our rule? Shall we give them three-quarters or some other fraction of what is due them, and that, not as a right, but as a concession, which the next Congress may revoke?"

"If the conscience of the nation could consent to such an iniquity, it might still be wise to consider that we may have, any day, to defend that splendid possession against a foreign foe; that it is now the grand outpost and guard over our coast and commerce and canal that is to be, and that when such an occasion comes, if our dealings with these people have shown kindness and liberality, or even fairness and common honesty, we might raise 50,000 fighting Puerto Ricans to defend the island against our enemy."

"Is there not fear of competition with our products?"

MAKES A FAILURE POSSIBLE.

"What is the plea on which we are ready to sacrifice the honor of the nation, embitter a million of warm-hearted friends, and risk a failure in expansion, a general overturn in politics, and a loss of present prosperity in the country?" replied General Stone. "It is not the fear of Puerto Rican competition in sugar or tobacco, for our producers themselves say there are no such fears; it is the 'need of revenue in the island' and the 'danger of establishing a precedent.' But the Puerto Ricans say they would rather pay direct taxes for revenue than be outsiders and inferiors in the nation; and if there is any danger of a precedent, Congress has only to base action giving the fullest citizenship to the Puerto Ricans upon the contract under which we took them, their acceptance of our formal proposal, in order to segregate them entirely from the Filipinos, Cubans, or any other people who may come to us in a different manner."

I have recently conversed with the gentleman who, as supervisor of the census in Puerto Rico, spent several months mingling with its people of all classes, visiting all parts of the island, and became thoroughly informed as to the sentiments and wishes of the people of the island. He informs me that they are a unit in their desire to be placed upon the same footing as to customs and internal-revenue duties as the people of the United States. They have looked forward to nothing else, and any discrimination against them as proposed in this bill will be a source of discontent and irritation the effects of which will be visible for many years. To my mind the above statements set forth reasons which are conclusive as to our duty in this matter.

III. MOTIVE FOR CHANGE IN THE ORIGINAL BILL.

Naturally we are led to inquire what motive it was that has led the committee to amend the original bill and insert the discrimination which is now suggested. Surely no change in the views of the President, who is presumed to be the best advised upon the subject of the conditions and needs of the island, for while it is true that statements have appeared in the daily papers of interviews between members of the Ways and Means Committee and President McKinley upon this subject, none of these interviews have gone to the extent of announcing that the President has retroceded from his position as expressed in his message. The utmost that has been claimed is that the President has assured those who have conversed with him upon the subject that if this House in its wisdom, or perhaps lack of wisdom, should pass this bill in its

present form, he will not set his personal views against the wish of Congress to the extent of vetoing the bill. That he approves of it I can hardly conceive.

I listened to and have carefully read the remarks of the gentleman from New York and others who have followed him to ascertain if they claimed or even hinted at any change of views of the President upon the subject, but have failed to find any such assertion. With what alacrity the gentlemen would have made such a statement. How completely they might have answered the doubts of their colleagues on this side of the floor, who believe that the President, with ample information through official sources when he made his annual address to this body, was in the best position to judge of the necessities of the people of the island and best qualified to recommend the measures for their relief. For my part, as between the President and the committee, I prefer, with all due respect to the latter, to accept the judgment of the President.

The Secretary of War has not, so far as I have been able to learn, given an expression to any opinion which would modify in the least these statements made in his report. It is but two months since these official statements were made to this House, and it can not be argued that any change has taken place in the situation in that interval. What was a good argument on the 1st day of December, 1899, for the freedom of commercial intercourse between the United States and Puerto Rico is equally as strong to-day. What is it, therefore, that has caused the committee to reverse the views which they entertained but two short months ago?

Mr. DALZELL rose.

Mr. BROMWELL. Now, I presume, the gentleman who is about to interrupt me is prepared to say, as I am informed he has said to others, that the President is in favor of this bill. I do not dispute that, but I say that no longer ago than day before yesterday a representative of one of the great Republican papers of this country was sent to the President of the United States by his paper for the purpose of ascertaining the views of the President. The paper wanted to support the Presidential policy; they wanted to know whether they should continue editorially the support of the position the President had taken in his message; and the representative of that paper was assured at that time, no longer ago than day before yesterday, that the President was of the same opinion still and that the paper should go on as it had been doing.

If the President of the United States, since his message to Congress in December, has obtained information which shows that conditions are different to-day from what they were then, it is a solemn duty that he owes to this House and the other House of Congress that he should communicate that additional information to us [applause], that we should not be dependent upon conversations and interviews of individual members of this House with the Chief Executive for the information upon which we as a legislative body are to act. The Constitution provides that the President of the United States shall give to Congress such recommendations as he may think proper for the information of the members in the proper discharge of their duties. Let the President send a message to this House; let him say to us, "Conditions are different to-day in Puerto Rico from what they were in December;" let him say, "I have additional information that I did not have when I wrote my message in December;" and the recommendation of the President will receive at the hands of every member of this House, and I am sure, speaking for myself, that it will receive at my hands, all that consideration that is due to every conscientious and honest Chief Executive of this country. [Applause.] But we get no such information at first hands. It comes to us through half a dozen channels; and we are advised that if we call personally upon the President, he will assure us that he wants us to vote for this bill. As I said at the beginning of my remarks, if we can not get the bill that was originally introduced in this House, if we can not have what the President recommended to us as an absolute necessity for the people of the island of Puerto Rico, I for one am willing to take a half a loaf rather than no bread.

Mr. DALZELL and Mr. SHATTUC rose.

Mr. BROMWELL. I have but twenty minutes, and ten minutes of that time have already gone. The gentleman will undoubtedly get plenty of time; and if he can have my time extended after my twenty minutes have expired, I will be glad to answer his questions.

Mr. DALZELL. You said you did not know why the committee had changed their minds. I wanted to ask you how you propose to raise the money——

Mr. BROMWELL. Mr. Chairman, I decline to be interrupted until I get through. Then I will answer any questions that the gentlemen may ask. I merely want to say this, however, and I say it with all due respect to the committee, that if the Committee on Ways and Means of this House had taken its Republican colleagues into its confidence when this great measure was under consideration, there might not have been the same opposition to the bill that there is to-day. [Applause.]

The only conclusion that I can reach is the opposition that has been made by certain interests in this country, who fear that the freedom of trade will injure the prices of the productions in which they are interested by bringing competition from the island. The three great productions of Puerto Rico are coffee, sugar, and tobacco. We raise no coffee in this country, and even if we did, as it is on the free list under the Dingley tariff law, the question of competition could cut no figure. As to sugar and tobacco it is otherwise. I know that it is true that Senator FORAKER, in his report upon the bill for the temporary government for Puerto Rico, and Mr. PAYNE, in his report upon this bill, both take the position that the production of sugar and tobacco in the island is so insignificant compared with the production and consumption in the United States that it could not affect the prices of these commodities to the consumer, and that therefore they would not enter into competition with the home production. And yet when I read in the American Agriculturist of February 10 such articles as the following I can not but believe that these and similar influences must have had some effect upon the minds of the committee in reaching the conclusion which they have in this report:

THE PUERTO RICAN TARIFF.

Free trade with Puerto Rico was decreed by the Administration two months ago, but the producers of sugar, tobacco, fruits, vegetables, etc., have entered so bitter a protest at Washington that both the Senate and House committees in charge of the matter have decided to recommend that the existing Dingley tariff be applied to Puerto Rico, except that all goods going into the island from the United States shall be admitted at 25 per cent of said duties, and all merchandise coming from Puerto Rico into the United States shall likewise pay 25 per cent of existing duties. It is understood that the President and Cabinet have assented to this change. It is far better for domestic producers than free trade, but is bad in principle and will be worse in effect.

A PREMIUM ON FRAUDS AND TRUSTS.

The proposed measure offers a premium of 75 per cent upon smuggling into Puerto Rico from other countries, especially Cuba. Such a glittering bonus would induce the most flagrant frauds in the customs and the grossest imaginable corruption in Puerto Rico custom-houses.

Again, the sugar refiners' trust, tobacco trust, and the tropical fruit trust can easily manipulate matters so that they alone would benefit from the proposed 75 per cent reduction in tariff. Thus neither Puerto Rican producers nor domestic consumers would profit thereby, while domestic producers would be subjected to this tropical competition.

FOURFOLD DISCRIMINATION AGAINST AMERICAN PRODUCTS.

Again, the plan proposed unjustly discriminates against American exports to Puerto Rico. Three-fourths of the island's exports consist of coffee, which is already admitted free to this market, leaving only $4,000,000 of Puerto Rico's exports that are dutiable. The Dingley tariff averages 50 per cent of the value of dutiable imports, and one-fourth of this would be 12½ per cent. Now, 12½ per cent duties on Puerto Rico's $4,000,000 worth of dutiable exports would be $500,000. This is an average of only 3½ per cent on Puerto Rico's total exports of some $16,000,000.

But probably everything the United States exports to Puerto Rico would have to pay one-fourth of the Dingley rates, or an average of 12½ per cent ad valorem. In other words, American dairy produce, American breadstuffs, meats, etc., as well as manufactures, have got to pay on the average four times as much tax to get into Puerto Rico as Puerto Rican produce pays to get into the United States market.

This is an unjust discrimination that American producers will not submit to for an instant. The more so when they realize that it is done for the benefit of the sugar refiners' trust, the tobacco trust, and the tropical fruit trust, instead of being designed to foster the tropical market for domestic produce and merchandise.

WHAT SHOULD BE DONE.

All these difficulties would be at once wiped out by providing that all merchandise from Puerto Rico imported into the United States should pay same duties as from other countries, but admitting United States exports into Puerto Rico at only 25 per cent. As coffee constitutes three-fourths of Puerto Rican exports and is admitted free, the full rates of duty would thus apply only to one-quarter of Puerto Rico's exports. As practically all of Puerto Rico's products would then be shipped to the United States, the average duty collected on their total amount would be only 12½ per cent ad valorem.

This is exactly what United States merchandise would have to pay to get into Puerto Rico. Free coffee and full Dingley rates on other produce from Puerto Rico are thus exactly the same as 25 per cent of Dingley rates on United States merchandise shipped to the island.

PROFITABLE TO THE ISLAND.

Even after paying full duties on sugar and tobacco exported to United States Puerto Rican planters would make much larger profits than our American farmers. Not only that, but every dollar of revenue derived from these duties would be devoted to the government and regeneration of Puerto Rico. This policy would also avoid a dangerous precedent.

I also find the organ of the beet-sugar industry, the Beet Sugar Gazette, of February, 1900, publishing the following criticisms of and protests against the original bill, which provided for free trade with the island:

DID YOU SEE YOUR CONGRESSMAN YET?

The domestic sugar interests are on the threshold of a crisis. On the action of Congress at the present session their future prosperity depends to a great extent. There must be no confirmation of the so-called reciprocity treaties giving sugar a preferential duty, and there must be no precedent established whereby sugar can be afterwards admitted free from Hawaii, the Philippines, and Cuba. That is what it would mean to let Puerto Rico sugar in free.

Every beet-sugar man ought to make it his business to see his Congressman and Senator and set every influence in motion to secure a proper treatment of this important subject. Sugar factories can do much by agitating the matter among the farmers and securing their cooperation in bringing influence to bear on the Representatives at Washington. If the farmers will take the matter in hand and write to their Representatives, much good can be accomplished.

WHAT BECOMES OF "PROTECTION?"

A few years ago the name of McKinley was the shibboleth of the protectionists. It was the McKinley bill that gave him the boom which ended by his election to the Presidency. The attacks of free traders were directed upon him as the embodiment of the high-protection idea.

This wave carried him to the top. He was elected by a party committed irrevocably and absolutely to protection.

But, lo, the irony of fate! It is under his régime that the beginning is threatened to be made of breaking down the protective-tariff policy. Under a pretense of reciprocity a number of treaties have been concluded with the British West Indies, giving their sugar a reduction of 12 to 20 per cent, and it is proposed to admit sugar and all other produce from Puerto Rico free of duty to our markets. If this is permitted, it is the beginning of the breaking down of the protective tariff.

This journal does not care for party when the interests of the beet-sugar trade are at stake. Politics are to be avoided by trade papers. But this is an economic question, and the party that favors a policy favorable to the domestic sugar interests is the one to support. The Republicans have done this up to the present time. Are they going to drop the sugar interests now?

It may be well to remind them that by doing so they will hurt no one so much as the farmers, who are taking very kindly to this highly productive crop. The farmers are the mainstay of the Republican party. It can not afford to offend them. Let the Republican members of Congress think twice before they embark on a policy that will seriously impair the prosperity of the farmers in many of the strongest Republican States.

TO GOVERN PUERTO RICO.

Senator FORAKER has introduced in the United States Senate a bill supposed to embody the plan of the Administration for the government of Puerto Rico. It contains the following, among other provisions:

"Section 3 confers United States citizenship on all residents who were subjects of Spain on April 11, 1899, except such as elect to remain Spaniards on or before April 11, 1900.

"Section 5 extends Federal laws of commerce and navigation and provides for the naturalization of ships.

"Section 6 applies the Dingley law to imports from foreign countries and sets aside the customs revenues for the benefit of the island alone.

"Section 7 applies the general internal-revenue laws to Puerto Rico, without setting aside the revenue.

"Section 8 decrees absolute free trade between the island and the United States.

"Section 9 makes all expenditures payable by the local treasurer and relieves the United States of all liabilities.

"Section 10 extends the Constitution and all laws of the United States locally applicable to Puerto Rico."

Senator FORAKER, in an interview concerning the bill, said:

"There will no doubt be some objections to the provisions of the bill with respect to the tariff laws and internal-revenue taxes, but the products from that island which will come in competition with those of the United States are not enough in quantity or value to materially affect American interests, and even if they were the idea of the bill is that Puerto Rico has become a part of the territory of the United States, and it should be treated accordingly. The chief products of the island are coffee, sugar, and tobacco. Coffee is already admitted free of duty, and the total product of sugar of the island is not enough to affect seriously the price of the product in this country, while the same is true of tobacco, because it is of a different quality, and does not really compete with the product of tobacco in this country. These provisions are not incorporated in the bill, because it is thought our Constitution requires it, but only because it is good policy and in the best interest of all concerned."

Very good, Senator! "In the best interest of all concerned." In the best interest of the Puerto Ricans, no doubt, and of the sugar trust!

I also call attention to the testimony given by Mr. Oxnard, representing the sugar interests; Mr. Myrick, the beet-sugar producers, and Mr. Hill, certain tobacco growers of Connecticut, as found in the printed hearings before the Senate committee on the Foraker bill for the government of the island of Puerto Rico. They afterwards, or at least Mr. Hill, in his testimony, afterwards admitted that the amount of that competition would be so insignificant that it would have no effect on the price, but that he wanted a precedent established, so that the Philippine Islands could not come in under the same terms that we propose to admit Puerto Rico. I commend this to the attention and reading of gentlemen. I can not, therefore, but feel that in spite of the statements made in this report that the small production of sugar and tobacco will not affect the profits to the tobacco and cane and beet sugar growers of this country. Some of the members of that committee must, in the language of the Beet Sugar Gazette, "have been seen by their constituents."

IV. NECESSITY OF ESTABLISHING A PRECEDENT.

There are two arguments left which are advanced in behalf of this proposed discrimination. The first is that we must establish a precedent in the island by showing that we have and assert a right to discriminate, so as to avoid complications when we come to settle the question of tariffs for the Philippines and possibly for Cuba if it ever becomes a part of the United States. The circumstances surrounding the Philippines and Puerto Rico are very different, and a distinction may well be made between the tariff imposed in one and in the other. Puerto Rico came to us voluntarily and without bloodshed. She welcomed us with open arms. Her adherence to the United States during the Spanish war saved the loss, possibly, of many lives and the expenditure of millions of money. Her people welcomed the armies under Miles as deliverers and benefactors. They professed themselves ready to become peaceable and loyal citizens of this country, and their professions they have carried out with pride in their new citizenship and good faith in their transfer of allegiance. They are, as a whole, of a higher grade of civilization than the Filipinos. They are orderly, law abiding, and anxious for development. They rely upon the professions which were made to them by General Miles when he occupied the island and upon the recommendations of the President of the United States. If any people on earth deserve fair and considerate treatment at our hands it is the people of Puerto Rico.

Again, and another strong reason, it seems to me, why distinction may safely be made in our treatment of these two possessions is the fact that Puerto Rico is adjacent to the main body of our country, and that whatever laws as to the tariff or internal revenue we put into force will entail little or no expense of supervision or collection, as compared with what we shall have to bear in the Philippine Islands. The latter are remote; instead of being contiguous to our settled territory, they are remote and close to the continent of Asia. In the Philippines smuggling will be carried on successfully for years to come, a large force of revenue cutters will have to be stationed in the islands to cut off this illegal traffic, and the expenses of maintaining this service may properly be borne by the islands themselves. In the Philippines a standing army must be maintained for many years for the purpose of policing the islands and preserving order. This expense also would be a perfectly legitimate one to impose upon them. But that we may be compelled by reason of the peculiar conditions in the Philippines to impose burdens and restrictions upon its commerce and industries is no reason why we should impose burdens upon Puerto Rico to show our consistency. If, as we claim, the power to make all rules and regulations for the government of our territory is absolute in Congress, surely the power to discriminate as to what particular rules and regulations we shall apply to our various territories is equally within the discretion of Congress.

But it is said that this is the first of our new colonial possessions for which we are called upon to legislate, and in order to show our assertion of authority we must make an example of Puerto Rico; and that we are anxious to have a test case made before the Supreme Court to find out just what authority we have in legislating on our new possessions, and that we can use Puerto Rico for the purpose.

It is as if, doubtful how far I might go in disciplining one refractory son, I thrash an obedient one in the hope that if arrested a police magistrate may define to me just how far I may safely go in my parental castigation in the future. [Applause.]

Or, as an example and precedent to the Philippines to show them what we claim to have a right to do, as if we sent our well-behaved and obedient younger son supperless to bed, in order to set a precedent to our older and incorrigible son as to what he may expect.

We propose, in this way, to establish a precedent for the Filipinos, the unruly and disobedient, by disciplining and punishing Puerto Rico, the well-behaved and well-disposed.

V. NECESSITY FOR REVENUE.

The other argument that is used for this discriminating duty is the necessity for revenue for the government of the island, and the claim is made that there is no injustice in this discrimination, for the reason that the revenue which will be raised will be applied to the use of the island itself, and not for the general expenses of the Government. The fallacy of this argument, as well as its novelty, is easily seen from the fact that the principle that any particular territory shall be self-sustaining has never been applied in the history of the Government.

If the revenues of Puerto Rico under the same system of taxation as is imposed upon other portions of the United States are not sufficient to meet its expenditures, it would be far better to make up the deficit by an appropriation from the general revenues of the Government than to fasten upon the island a system which would burden its imports and its exports and leave it in a worse condition than it was under Spanish rule.

We have spent millions in relieving distress in Cuba, which is not now and never may be a part of our country. Can we not be at least as benevolent where our own possessions are concerned? Surely this is a case where charity ought to begin at home.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURKE of Texas. I ask unanimous consent that the gentleman may be permitted to extend his remarks for ten minutes.

Mr. SHATTUC. May I ask my colleague a question?

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the gentleman from Ohio be permitted to extend his remarks for ten minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. SHATTUC. May I ask my colleague a question?

Mr. BROMWELL. Let me finish first, and then I will answer any question. This relief would not be needed beyond five years, and at the end of that time the island would be self-supporting and at the outside the deficiency would probably not exceed in any year $1,000,000.

If the gentlemen object to a donation of this money they surely could not object to its being loaned at a rate of interest, the same as our own bonds pay.

In that connection, I wish to call attention to the hearing before the Senate committee. General Davis, in his statement before this committee, said, in advocating a loan of $10,000,000:

As to the ability of Puerto Rico to secure thoroughly such a loan, say for ten or fifteen millions, I think it capable of easy demonstration.

The real estate of the island is worth $150,000,000. The island has no debt—a very fortunate circumstance.

He says further:

I do not recommend the guaranty by the United States of a loan for the island. It does not require it, for nearly 4,000 square miles of rich soil, inhabited by a million people, who have had an exterior trade averaging over $22,000,000, do not need a guaranty. The pledge of the island alone would be sufficient, as I am assured by financiers that investors would immediately subscribe for this loan at low interest the moment it was simply sanctioned by the United States.

Gentlemen, what does your State or what does my State do or what does your city or my city do when either wants to meet the expenses of its improvement? It negotiates a loan, it gives out its bonds, it gets its money, and when the bonds fall due it redeems them; and these islands could do the same thing. The gentleman says there is a sentiment against taking in those islands burdened with debt. Is there a city or State in this country but what is burdened with a debt, and for the same purpose Puerto Rico ought to be allowed to burden itself at this time? It has been claimed that General Davis is opposed to a levy of taxes on real and personal property and therefore favors the provisions of this bill. Let me read you what he does say in this regard:

If the island is to receive no direct benefit from customs and internal-revenue taxation, then the local expenditures must be provided for by property and income taxes as in the States of the Union; but under the existing conditions not one-quarter of the revenue needed to carry on local government, insular and municipal, can be collected through the present machinery and existing laws. The laws must be revised and the machinery set in motion.

There is nothing there to discourage the idea of devising a proper system of taxation on real and personal property.

But the gentlemen will say that the levying of this discriminating duty is less of a burden than the imposition of the internal-revenue law in its entirety, with free trade in exports and imports with the United States. The people of the island do not believe this. They are willing to take the burden of the internal-revenue laws with free trade in importation and exportation, and will be satisfied with this arrangement even if it should prove to be more burdensome than the one proposed in this bill.

VI. PUERTO RICAN MARKETS.

How does this bill comport with the belief that is prevalent in our country that Puerto Rico is to be a new market for our manufactured goods and food products? The vehicle and other manufacturers of my city and State, the shoe men of Massachusetts, the flour millers of the Northwest, the fishermen and lumber manufacturers of New England, and the cotton-goods makers of the South will hardly look with satisfaction upon a measure that restricts their trade and levies a duty upon their exports to this island, and the Republican party will make a most serious mistake if, after negotiating reciprocity treaties of all kinds by which many articles of commerce are admitted free into the United States with absolutely foreign nations and in direct competition with American productions and manufactures, it shall shut the door in the face of one of our own possessions and refuse it the benefit of even a quasi reciprocity.

Were the island prosperous and able to stand this burden, it might not be so objectionable; but, as a matter of fact, it is in a deplorable condition. Its principal crop, coffee production, has been practically wiped out of existence by the tornado of last August. As the Secretary of War says: "Two crops of tobacco are in the warehouses which the owners were unable to sell at prices equal to the cost of production." Its best market, that of Spain, with which country it practically had free trade prior to the breaking out of the Spanish war, has been closed against it by the prohibitive tariff which Spain has put into effect against the imports from the island since the treaty. Cuba, which took its tobacco and manufactured it up into cigars, has, under the sanction of our own Government, placed a barrier against further importations of that production. In short, its business is stagnated, its crops are either destroyed or unable to find a market, and its people are many of them in actual distress. Is this the reward which they had a right to expect when they welcomed Miles as their savior and deliverer from Spanish misrule?

The gentleman from New York, chairman of the committee, in his argument opening this debate, assumes and claims that the benefit of the free-trade provision will, first of all, accrue to the merchants who now have large stocks of tobacco on hand ready to be exported and afterwards to the planter, and says, "Would it not be fair that these people who get the greatest benefit should pay the expenses of the government?" But will the gentleman not admit that a properly devised scheme of taxation of real and personal property similar to what is levied in every State of the Union would reach these same persons in a far more satisfactory and equitable way?

A system of taxation upon the basis of the average monthly holdings and of the average monthly value of manufactured goods is in force in many States and operates fairly and satisfactorily. It could be levied upon such articles as we should designate and to any amount that we should deem proper and necessary for defraying the expenses of administering the municipal affairs of the island. The tax on real estate also would soon become a profitable source of revenue; for to my mind there is no doubt that American capital will be largely invested in the purchase and cultivation of lands devoted to the three great industries, coffee, sugar, and tobacco, and with the profits that may be made from these crops will come a large increase in land valuation, and it does seem to me that it would be far better if we were to devote our time to devising a proper system of taxation upon real and personal property and providing a scheme for their proper valuation and assessment than to pass the present bill, which is bound to create dissatisfaction and hardship, and leave the usual and most satisfactory basis of raising revenue practically untouched.

VII. PURE FOOD VS. FREE RUM.

The gentleman speaks pathetically of the necessity of permitting the poor people of the island to procure their rum at low prices and in abundance. It seems to me that it would be a great deal better for both the physical and moral condition of these people that they should be furnished with free flour and free pork than that they should be furnished with free rum. [Applause.] There are plenty of American citizens in this country, and some of the best, too, who would be glad to have the internal-revenue tax taken off of beer, which they consider as much of a necessity as the Puerto Ricans do their rum, and yet we maintain a tax of $2 a barrel upon its manufacture on the ground that we need this enormous tax for paying the expenses, partly at least, of the very war which brought the Puerto Ricans their freedom from Spain and their annexation to this country.

If we propose to elevate the condition of the Puerto Ricans by education and the building of schoolhouses, let us also contribute to their moral and physical development by giving them pure, good food instead of feeding them upon intoxicants. There is no danger that the manufacture of rum will cease in the island even with the additional tax. In many of our States the tax laid upon the traffic in liquor is applied to police and school purposes, on the theory that as intoxicating drinks are responsible for most of the crimes and misdemeanors which occur in civilized communities this traffic should be burdened as largely as possible with the maintenance and support of the agencies by which the evils may be lessened and communities protected against their baneful results. I for one would be far more in favor of the internal-revenue tax upon rum than the customs duties upon flour and pork.

What I have said as to the internal revenue on rum I repeat as to the internal revenue on cigars. The laboring man in the United States when he smokes his cheap cigar or his pipe of tobacco has to pay his proportion of the tax levied on their manufacture in this country. Why should not the inhabitants of Puerto Rico do the same?

If the specific rates of internal-revenue taxation upon Puerto Rican articles ought not to be as high as those levied upon similar articles in the United States, I see no reason why, under the general claim which the gentleman makes of our right to legislate as we choose, we may not make such changes in the internal-revenue laws as applied to that island as may be necessary to prevent disaffection among its people.

[Here the hammer fell.]

Mr. BROMWELL. I would like to have five minutes more.

Mr. CARMACK. I ask that the gentleman may be permitted to conclude his remarks.

Mr. RICHARDSON. The difficulty is we have given away the time. I do not object to the gentleman proceeding, but we have already given away the time that we have.

Mr. DALZELL. This time, of course, comes out of the other side.

Mr. RICHARDSON. The gentleman said he would extend his remarks after the twenty minutes.

Mr. BROMWELL. I did not suppose I was intruding upon the time, as there has been an indefinite extension on both sides.

The CHAIRMAN. Is their objection to the request of the gentleman from Ohio? [After a pause.] The Chair hears none.

Mr. BROMWELL. Mr. Chairman, I, as a Republican, am in favor of protection to American industries; and, as I understand that great Republican doctrine, it is based upon the theory that it destroys the competition between the low-priced labor of foreign countries and the living wages of the workmen of this country. It makes no attempt to equalize the wages paid in different States or in different portions of our own territory. The wages in the State of Ohio may be lower than those paid in Massachusetts, and those of New Mexico may be lower than those of Ohio, and yet the protective theory does not say that these inequalities shall be leveled and equalized by discriminating duty in behalf of one or against the other.

If merely for the purpose of proclaiming your right to legislate as you choose with respect to this island you deem it necessary to make any distinction in the tariff laws of the two countries, let it be shown by a modification of the internal-revenue law which shall relieve rather than increase the burdens upon the island. This means much to the people of Puerto Rico. It will

decide for us whether we shall have a peaceable, prosperous, and contented people in that island who will develop into a citizenship that is able to maintain and support itself without being a burden upon the country, proud of their connection with our great Republic, and ready, should it be assailed, to take their part in defending its flag and maintaining the integrity of its territory. On the other hand, let them be treated unfairly, let them conceive the idea that the American Government is treating them no better than they were treated under Spanish misrule, let them look with suspicion upon our promises and professions of friendship, and they will be ready to cast off their allegiance and join our foes whenever the opportunity presents itself. A monarchical government may well claim that "Might makes right," but how much more noble would it be for this great, free, and liberty-loving Republic to adopt the motto that the "Right is mighty and must prevail."

Now, I presume before this debate is concluded some gentleman on this side of the House will take the opportunity to inquire whether I have at all times and on all occasions supported the President of the United States against the opinions of certain members of this House; and I suppose the question will be asked, Was I not a reconcentrado when the question as to the policy with Cuba was up? I merely want to reply to that question and say that whenever any question has come before this House upon which the honest, sincere, and earnest conviction of any member was called for, I was ready to do my duty and to stand by those convictions. I was one of those who apparently were opposed to the policy of the President. I want to say that I had many associates at the beginning, although they in number dwindled down before the final vote was taken. Since that time I stated in a speech made on this floor that it would have been a mistake had my views upon that occasion gone into effect.

I believe that the President was right and that I was wrong, and I have frankly admitted it. But on this question I believe that the President was right when he sent his message here in December, and I do not believe, in all sincerity, that he has changed his opinion, whatever statements may be made on this floor, for I believe that deep down in his heart he has not changed his conviction when he sent his message that he would wish to give free trade to the island, and if he says now, "If I can not get a whole loaf I will take a half, and I would be glad to have my party hold together and do something in the line of legislation proposed," down deep in his heart I believe the President has the same tender consideration for the welfare of the island that he had when he penned his message; and believing as I do that it is in the best interests of Puerto Rico, believing as I do that it is the best interests of the Republican party of this country, believing that it is best for our nation at large, I shall honestly and conscientiously endeavor to have this bill go back to the committee. [Applause.]

Mr. HENRY of Texas. Mr. Chairman, occupying the time of my colleague from Texas [Mr. COOPER] on the Ways and Means Committee, I ask unanimous consent that I may be permitted to conclude my remarks, which shall not much exceed an hour, if they exceed an hour.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that he may be permitted to conclude his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. HENRY of Texas. Mr. Chairman, we are now about to make the most radical departure in legislative enactments that the American Congress has ever undertaken.

This is a question that should rise above mere party politics and issues of expediency and address itself to the consciences and the enlightened judgment of every member of this House. A short while ago we annexed by treaty of cession to our territory the island of Puerto Rico, one of our neighboring islands, and only a short distance from our shores. When we took it into this nation as an integral part of our country we promised to them that they should become a part of this nation and should have all the rights of American citizens anywhere and everywhere in the United States.

The bill now proposed by the Ways and Means Committee is more damnable than the bill that was proposed by the English Parliament against the people who inhabited the colonies prior to 1776. When we took the Puerto Ricans into our territory they expected we would not discriminate against them, and our military officers and our civil officers led them so to believe. When Congress convened the President of the United States in his annual message used this language:

> It is our plain duty to abolish all customs tariffs between the United States and Puerto Rico and give her products free access to our markets.

I believe that when the President sent that message to this House he sent it following the mandates of his conscience which led him to believe that these people were entitled to all the rights under the Constitution with which the people of the United States are endowed. For my part I do not believe that the President has changed his views on that question, no matter what assertion may come from the other side of the House. The gentleman from New York, the chairman of the Ways and Means Committee [Mr. PAYNE], when he read that language in the message of the President of the United States, hastily introduced a bill giving the inhabitants of Puerto Rico free trade with the United States. That gentleman, we must presume, was following the dictates of his conscience, which must have led him to believe that we should not discriminate against those people.

But why this change, this subsequent departure on the part of the Ways and Means Committee? In discussing this question we should deal candidly and fairly and honestly with the American people, and should not deceive them about this question. Being a member of the Insular Affairs Committee, I know that when the gentleman from New York introduced his bill giving to Puerto Rico free trade with this country the representatives of the sugar interests and the tobacco interests hovered and swarmed around the Committee on Insular Affairs and about the Ways and Means Committee, and said that the bill would be disastrous to their interests.

And yet the gentleman says that this measure is introduced in order that we may give the Puerto Ricans good free schools and give them the benefit of the revenue derived from this measure. When these representatives of the Puerto Rican people were before the Committee on Insular Affairs—and it is printed in the hearings—they stated that they were ready and willing to pay the internal-revenue tax that this Government levied upon all domestic articles. That tax would produce annually nearly $2,000,000. They were ready and willing to pay any tax that was paid by the Americans. They stated that they were able to do it, but the representatives of the sugar industry and of the tobacco industry led the members of the Ways and Means Committee to change their views, and this bill is introduced as a substitute only to appease them and protect them against the trade of this island, no matter how small it may be.

Mr. Chairman, if we are thus to discriminate against these people, if we are to say to them that they must bear taxes that are not imposed upon the American people, if we are to say to them that we withhold the Constitution and the laws of the United States from them, I here announce that we should tell them, "If you do not desire to come into this country as an integral part of the Union, you are entitled to your liberty, and shall have it upon the same grounds that we obtained ours in the struggle of 1776." [Applause on the Democratic side.]

They have a stronger case than we had prior to 1776. There are those people situated upon the beautiful island of Puerto Rico, near our own borders, peopled by a million of law-abiding, peaceable citizens, who desire to become a part of this country. Many of these people to-day are absolutely starving for the want of food, and the testimony from the military and civil officers of the United States in that island is that many of the people live absolutely upon nothing but bananas for food, and a little codfish, exported from this country. And upon this we have been levying a tariff and taxing them for it. Thousands and thousands of that million of people have not in their possession of this world's goods property to the amount of $5. Perhaps 90 per cent of these people are so poverty stricken that they have not the necessary food to eat or the necessary clothes to wear, and yet by this measure the American Congress proposes to levy against them a more damnable and more infamous measure than was ever proposed by the Parliament of England against the people of the American colonies.

We propose to deprive them of all rights of legislation. The American people contended that Parliament had no right to legislate for them because we were not represented in the English Parliament, and now we propose to refuse these people representation, and discriminate against them, and levy a tax that our people do not bear, and to withhold our Constitution from them.

Mr. Chairman, it will not be amiss to advert to one or two questions pertaining to our recent history. When we declared war against Spain, we avowed that it was for the sacred cause of humanity. In order that the world might understand our true reasons for intervention we stated them in this manner:

> The abhorrent conditions which have existed for more than three years in the island of Cuba, so near our own borders, have shocked the moral sense of the people of the United States, have been a disgrace to civilization, culminating as they have in the destruction of a United States battle ship with 266 officers and crew while on a friendly visit in the harbor of Habana, and can not be longer endured.
>
> For these reasons and these only we declared—
>
> That the people of the island of Cuba are, and of right ought to be, free and independent.

In order to demonstrate that greed for empire did not animate the American Congress we said:

> The United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island except for the pacification thereof, and asserts its determination when that is accomplished to leave the government and control of the island to its people.

Mr. Chairman, I voted to intervene in behalf of the Cubans, but if I had known the result would be what it has been I never should have given my vote for intervention. And much as I sympathize with the Boers, who are struggling for their liberties in

South Africa, I would be afraid for the American Congress to intervene in their behalf for fear that in less time than the twinkling of an eye the President would place the United States in the same position with reference to South Africa that we are in to-day with reference to the Philippines, and would take their liberties away from the struggling Boers. When we had overwhelmed Spain good conscience and national honor required that the war should end under our resolutions. This question is one that appeals to nations as much as to individuals. A nation should strive to be honest as much so as an individual. Nations have long lives, and sooner or later this question will return to plague the American people.

The gentleman from Illinois [Mr. HOPKINS] in his argument yesterday stated that when the American colonies were freed from England all power was vested in a general government for the benefit of the people of those colonies; that it was wrested from England and was given to this general government for the benefit of all the people of the colonies in a consolidated form. This is supposed to be a republic of self-governing States; and when the power was wrested from the English Crown it did not go to a central government for the benefit of the people, but it went to the people of the respective colonies in this country, and all sovereignty was lodged in those people. And when the Constitution was formed, in 1789, all the power which the General Government has was delegated to it by the people of the respective colonies, where the sovereignty lodged after the successful struggle of 1776.

Heretofore the inhabitants of all the Territories that have been taken in have been guaranteed the right to come into the Union of States. No Democrat and no individual of any party for seventy-five years has questioned the constitutional power of Congress to acquire territory under the treaty-making power and war-making power. Nor do we question that power of Congress here to-day. Louisiana was ceded to this country in 1803, and when the governor appointed by the President took possession of that Territory at New Orleans he made this announcement to the inhabitants:

> The cession secures to you and your descendants the inheritance of liberty, perpetual laws, and magistrates whom you will elect yourselves.

And when the American flag went up the consent of those people was manifested by acclaims of joy and exultation.

What do we say to the inhabitants of Puerto Rico and the Philippine Islands and the other new possessions? The message is a sadly different one. What are the rights of the inhabitants of Puerto Rico and these new possessions? The gentleman from Pennsylvania [Mr. DALZELL], who argued that the District of Columbia was not in the United States and was not a part of the United States, says that a treaty made with a foreign country is equal in dignity to the Constitution of the United States and is superior to a law of Congress. Let us see if that is true. In support of that position he quoted the provision in the treaty which reads thus:

> The civil rights and political status of the native inhabitants of the territories ceded to the United States shall be determined by the Congress.

And the gentleman from Pennsylvania [Mr. DALZELL] argued that under that provision of the treaty the inhabitants of Puerto Rico were not citizens of the United States, and that a treaty was of equal dignity to the United States Constitution and superior to a law of Congress.

I am not surprised that this modern geographer, who would announce that the capital of the United States and the District of Columbia are not in the United States and are not a part of the United States, would take such a position. [Laughter and applause.]

These modern geographers, who contend that Congress, the creature of the Constitution, while sitting here and legislating for the people of the United States, is not situated in the United States or in any part of the United States, would assert any proposition. [Laughter and applause.]

Nor am I surprised that the gentleman from Pennsylvania [Mr. DALZELL], taking that position, should announce to the American Congress that he would not permit "a little old written instrument" like the Constitution to stand in the way of the passage of this bill.

What does the Supreme Court say upon that question? Let us read it, not for the benefit of the more intelligent members of this House, but for the benefit of gentlemen who make the declaration that a treaty is superior to a law of Congress.

In the case of the Cherokee Tobacco Company, reported in 11 Wallace, page 616, the Supreme Court says:

> It need hardly be said that a treaty can not change the Constitution or be held valid if it be in violation of the instrument. This results from the nature and fundamental principles of our Government. The effect of treaties and acts of Congress when in conflict is not settled by the Constitution. But the question is not involved in any doubt as to its proper solution. An act of Congress may supersede a prior treaty.
> In the cases referred to these principles were applied to a foreign nation.

And in the Head Money Cases (112 U. S. Reports) we find this declaration:

> But in this respect, so far as the provision of a treaty can become the subject of judicial cognizance in the courts of the country, they are subject to such acts as Congress may pass for their enforcement, modification, or repeal.

Observe these last words.

There are many decisions to that effect, notably: United States *vs.* McBratney (104 U. S. Reports), Taylor *vs.* Lawtom (2 Curtis), Ah Sing (18 Federal Reporter), Ropes *vs.* Clinch (8 Blatchford).

No matter what this treaty with Spain may have said, every inhabitant of the island of Puerto Rico is a citizen of the United States. [Applause.] Not only that, but every child born in Puerto Rico, in Hawaii, in the Philippines, and territory subject to the jurisdiction of the United States becomes an American citizen. For the benefit of the gentleman from Illinois [Mr. HOPKINS], who did not seem to remember it, the case of Wong Kim Ark, in 169 United States, is cited, where it was held that a Chinese child born of Chinese parents in this country became a citizen of the United States.

Mr. TAWNEY. But born in a State.

Mr. HENRY of Texas. My position is that the decision does not say any such thing. If he was born in the United States, he became a citizen of the United States.

Mr. TAWNEY. Was not that a fact, that that child was born in a State?

Mr. HENRY of Texas. This child happened to be born in California.

Mr. TAWNEY. Yes, in a State.

Mr. BURKE of Texas. Suppose he had been born in New Mexico.

Mr. HENRY of Texas. And I say that every child born in Puerto Rico is subject to the jurisdiction of the United States and becomes an American citizen.

The gentleman from Illinois [Mr. HOPKINS] also said that the case of Dred Scott has never been alluded to by a decision of the Supreme Court recently, and had never been approved, and from listening to his argument he led me to believe that he had not read a decision of the Supreme Court of the United States since the Dred Scott opinion was rendered. [Laughter and applause on the Democratic side.]

Take the same case in 169 United States, the Chinese case, which the gentleman from Minnesota has just learned something about, and it refers approvingly to the Dred Scott decision, rendered in 19 Howard. That is as late as 169 United States, and the opinions of the Supreme Court are full of references to that decision.

But now, what are the rights of the citizens of these new territories? Let us understand the question and meet the issues fairly. No Democrat has ever contended that the power of Congress over the Territories was not plenary, as the Supreme Court says, or that Congress did not have the right to legislate for the Territories of the United States. What we have contended for is that when Congress legislates for the Territories of the United States it is bound by the same limitations and restrictions of the Constitution that apply to it when it is legislating for the States of the Union. While we are legislating for the Territories we are exercising the functions of a National Legislature and of a State legislature combined, and in the capacity of a State legislature we can only do that for the people of the Territories which the legislatures of the respective States may do for the people of those States within the limitations of the Constitution of the United States.

It may elucidate the question here to refer to the debate between Mr. Webster and Mr. Calhoun in 1849, reference to which has already been made. Until that time no public man and no citizen of the United States doubted that the Constitution of the United States, in all of its suitable provisions, went to the Territories of the United States. Every act erecting Territories into a Territorial form of government recognized that to be the fact. But in 1849, when the question arose as to whether or not slavery could obtain in the newly acquired Territory of California, Mr. Webster and those who believed with him, in combatting the propositions of Mr. Calhoun and those who thought with him, held that the Constitution did not extend ex proprio vigore to the Territories of the United States.

That is not the question here before Congress. No one has contended that every provision of the Constitution extended to the newly acquired territories. Only those essential and appropriate provisions go there. Nor does every provision of the Constitution extend to a State that is duly admitted into this Union, for the reason that some of those provisions are not self-executing. Judicial districts must be created by act of Congress. Judges must be appointed and suitable laws must be enacted in order to apply to those new States. Never did Mr. Webster, the great constitutional lawyer from Massachusetts, contend that Congress had the absolute power to legislate for Territories, regardless of constitutional limitations.

Why did not the gentleman read all of Mr. Webster's speech on

that occasion? Here is what Mr. Webster said on the 24th day of February, 1849, in the Senate of the United States, when they voted him down on the proposition and extended the Constitution and the laws of the United States to the Territory of California. Mr. Webster said, and until this new school of thinkers has arisen no public man of any party has ever taken any other position:

I do not say that while we sit here to make laws for these Territories we are not bound by every one of those great principles which are intended as general securities for public liberty.

That was Mr. Webster's position, that whenever Congress undertook to legislate for the new Territories it was restricted and bound by the constitutional provisions that applied to them when they were legislating for the States.

He did say that California was not a part of the United States, just as the gentleman from Pennsylvania [Mr. DALZELL] argued in his speech the other day. In proving that the District of Columbia was not a part of the United States the gentleman from Pennsylvania [Mr. DALZELL] actually read the opinion of Hepburn *vs.* Ellzey (2 Cranch), holding that the District of Columbia was not a "State" of the Union. Did that opinion prove that the District of Columbia was not a part of the United States? This Hepburn-Ellzey case expressly holds that a resident of the District of Columbia, while not a citizen of a State, is a citizen of the United States.

I will not quote the language in the case of Loughborough *vs.* Blake, in 5 Wheaton, but simply state that in that case the direct question was whether or not the District of Columbia was a part of the United States, and the Supreme Court held that it was a part of the United States as much as any State in the Union, and Congress had the right to tax the inhabitants of the District of Columbia, to levy a direct tax against them.

Take the case of Insurance Company *vs.* Canter (1 Peters), and let us see what the Supreme Court decided there. Mr. Webster was counsel in that case. Standing at the bar of the Supreme Court he announced the doctrine that Florida as a Territory was not a part of the United States. What did the Supreme Court say? It answered him categorically, and said this:

The usage of the world is, if a nation be not entirely subdued, to consider the holding of conquered territory as a mere military occupation until its fate shall be determined at the treaty of peace.

Now, mark this language, and you get the answer of the Supreme Court to Mr. Webster's proposition that Florida was not a part of the United States when it was ceded as a Territory:

If it be ceded by the treaty, the acquisition is confirmed, and *the ceded territory becomes a part of the nation to which it is annexed.*

That is the case of the Insurance Company *vs.* Canter, in 1 Peters, where the Supreme Court answered Mr. Webster and said that newly acquired territory was a part of the United States.

The case of Cross *vs.* Harrison is directly in point here. It refers to the California Territory. The court said:

But after the ratification of the treaty California became a part of the United States, or a ceded, conquered territory.

* * * * * * *

By the ratification of the treaty California became a part of the United States. And as there is nothing differently stipulated in the treaty with respect to commerce, it became instantly bound and privileged by the laws which Congress has passed to raise revenue from duties on imports and tonnage.

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The sixty-third section, also, of that act, directing when tonnage duties were to be paid, became as operative in California after its cession to the United States as it was in any collection district.

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Can any reason be given for the exemption of foreign goods from duty because they have not been entered and collected at a port of delivery? The last became a part of the consumption of the country, as well as the others. They may be carried from the point of landing into collection districts within which duties have been paid upon the same kind of goods, thus entering, by the retail sale of them, into competition with such goods and with our own manufactures and the products of our farmers and planters. The right claimed to land foreign goods within the United States at any place out of a collection district, if allowed, would be a violation of that provision in the Constitution which enjoins that all duties, imposts, and excises shall be uniform throughout the United States.

These last words are directly in point.

The opinion proceeds:

We will here briefly note those objections which preceded that which has been discussed. The first of them, rather an assertion than an argument—that there was neither treaty nor law permitting the collection of duties—has been answered, it having been shown that the ratification of the treaty made California a part of the United States, and that, as soon as it became so, the Territory became subject to the acts which were in force to regulate foreign commerce with the United States, after those had ceased which had been instituted for its regulation as a belligerent right.

The gentleman from Pennsylvania [Mr. DALZELL] announced the doctrine to this House that the bill which provided for a Territorial government for the Territory of Louisiana did not give the inhabitants of that Territory the right of trial by jury. Again, I say that the members of this House and the people of the nation are entitled to more candor in the discussion of this great question. Let us look at that act of 1804. Here is the act erecting Louisiana into two Territories. The gentleman from Pennsylvania [Mr. DALZELL] announced to this House that the right of trial by jury was not guaranteed in this act. The bill was passed on March 26, 1804:

In all criminal prosecutions which are capital the trial shall be by jury of twelve good and lawful men of the vicinage, and in all cases, criminal and civil, in the superior court the trial shall be by a jury if either of the parties require it.

This is the act pertaining to the Territory of Louisiana, passed in 1804, providing for the government of that Territory.

Mr. RICHARDSON. Is that the act which the gentleman from Pennsylvania [Mr. DALZELL] said denied them the right of trial by jury?

Mr. HENRY of Texas. That is the act that the gentleman from Pennsylvania said denied the right of trial by jury.

Mr. BOUTELL of Illinois. Is not that provision which the gentleman has just read the provision for the Territory of Orleans?

Mr. HENRY of Texas. It is for the Territory of Orleans and Louisiana, which afterwards became Missouri.

Mr. BOUTELL of Illinois. The statement made by the gentleman from Pennsylvania [Mr. DALZELL] was that in the Territory of Louisiana trial by jury was not given. Now, if you will pass on to the second page, you will find the portion of that act providing for the government of the Territory of Louisiana says that the old laws shall prevail.

Mr. HENRY of Texas. Mr. Chairman, the gentleman evidently has not read this act. It contains these other provisions, and we might as well discuss them now. Prior to 1849, when Mr. Webster and Mr. Calhoun had this discussion, no one ever doubted that the Constitution in all of its appropriate provisions extended to the Territories. They put in all their Territorial acts provisions like this, to "make assurance double sure:"

No law shall be valid which is inconsistent with the Constitution and laws of the United States.

And so with every Territorial act in the same language.

Thus it was recognized that the Constitution was there, and that it should be extended over the inhabitants of those Territories.

Not only that, but it provided that every officer of the United States appointed by the President to perform some function in those Territories should take an oath "to support the Constitution of the United States."

Yet the bill for the government of Puerto Rico reported by the Senate committee does not require a United States officer commissioned and paid by the United States Government to take an oath to support the Constitution of the United States. Such provision is in the very teeth of an express constitutional provision, Article VI, last clause. In every one of these acts, beginning with the ordinance of 1787, down until the present time, the Constitution was recognized as being in the Territories, and the right of trial by jury has been preserved inviolate. In 1787 the ordinance was entered into by the confederacy and the inhabitants of the Northwest Territory. At that time all of the States or colonies except Georgia and North Carolina had conveyed their public lands to the United States Government or to the confederacy. This language is found in the ordinance of 1787:

The inhabitants of the said Territory shall always be entitled to the benefits of the writ of habeas corpus and of trial by jury.

Then, when the Constitution was adopted, when North Carolina and Georgia had ceded their public domain to the United States Government, what did Congress do? So solicitous were they that the Constitution should apply to and extend to all the Territories as well as the States, they deliberately passed an act "to adapt the Constitution of the United States" to this ceded territory under the ordinance of 1787 and making the ordinance applicable to the Constitution of the United States. Here is the act of 1800 with reference thereto:

To adapt the same to the present Constitution of the United States.

And in every Territorial act, beginning with Mississippi in 1798, the people of the new Territories were guaranteed every right given by the ordinance. And from that good hour until the present time no one has ever denied that the Constitution applied to the Territories in all of its provisions that were self-executing and appropriate.

But another thing: In all of these Territorial acts, beginning with 1800, in the Territory of Indiana, nearly every provision of the Bill of Rights was incorporated into the act erecting these territories into Territorial forms of government. It has been written into their organic law and charter that they should have every right of the inhabitants of the States of this Union, and the ordinance of 1787 in express language was embedded in each Territorial act carrying all the chartered rights of American liberty. Not only that, it has gone further, and it has provided that no law passed by the local legislature shall be "inconsistent with the Constitution of the United States or the laws of Congress." And yet gentlemen on the other side would have Congress to pass a law that would permit the local legislature of Puerto Rico to pass a law in conflict with the Constitution of the United

States and of the laws of Congress under the plenary power to govern the Territories.

The old familiar case of Loughborough against Blake settles this question of whether or not a Territory is a part of the United States: but if it does not, there are other cases that are in point and settle beyond cavil the proposition that you have no such power as you are about to exercise.

The first case mentioned says:

The eighth section of the first article gives to Congress the "power to lay and collect taxes, duties, imposts and excises" for the purposes thereinafter mentioned. This grant is general, without limitation as to place. It consequently extends to all places over which the Government extends. If this could be doubted, the doubt is removed by the subsequent words, which modify the grant. These words are: "but all duties, imposts and excises shall be uniform throughout the United States." It will not be contended that the modification of the power extends to places to which the power itself does not extend.

The power, then, to lay and collect duties, imposts, and excises may be exercised, and must be exercised, throughout the United States. Does this term designate the whole or any particular portion of the American empire? Certainly this question can admit of but one answer. It is the name given to our great Republic, which is composed of States and Territories. The District of Columbia or the territory west of the Missouri is not less within the United States than Maryland or Pennsylvania; and it is not less necessary, on the principles of our Constitution, that uniformity in the imposition of imposts, duties, and excises should be observed in the one than the other. Since, then, the power to lay and collect taxes, which includes direct taxes, is obviously coextensive with the power to lay and collect duties, imposts, and excises, and since the latter extends throughout the United States, it follows that the power to impose direct taxes also extends throughout the United States.

Let me read this clause of the Constitution under which you say we are acting now:

SEC. 8. The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States.

To lay and collect taxes. Where? Does the Constitution say in the States? Does it say in the Territories? Does it say in the District of Columbia? It gives Congress the power to lay this tax anywhere within the domain of the United States. By this bill you confess that you are taking the power to tax Puerto Rico, and yet you make this limitation apply to the States of the Union, and cause it to be more restrictive than the power to tax.

But all duties, imposts and excises shall be uniform throughout the United States.

You pretend that you have the power to tax anywhere, but that the limitation does not go to the Territories of the United States.

Here is another case in which Mr. Webster was counsel, and I call especial attention of gentlemen to this case. In 1846 the United States, by its military forces, had occupied Tampico, Mexico, and while it was under our military rule some merchants of Philadelphia imported goods from Tampico to Philadelphia, and the collector of the port of Philadelphia demanded the regular import duties charged under the tariff of 1846. Mr. Webster was counsel in that case, and he took the position that Tampico was a domestic port of the United States, and not a foreign port, and that the collector of Philadelphia had no right to collect the tariff duties of 1846.

The Attorney-General took the position that, so far as the United States were concerned, Tampico was a foreign country and was no part of the United States. There was the direct question involved whether this tariff duty could be collected if Tampico was a domestic port of the United States. That identical question was certified to the Supreme Court of the United States; and what did they say? The Chief Justice delivered the opinion, and it was the unanimous opinion of the court.

The question certified by the circuit court turned upon the construction of the act of Congress of July 30, 1846. The duties levied upon the schooner *Catherine* were duties imposed by this law upon goods imported from a foreign country, "and if at the time of this shipment Tampico was not a foreign port within the meaning of the act of Congress," answering the certificate of the lower court, they say then "the duties were illegally charged," and having been paid under protest, the "plaintiffs would be entitled to recover in this action the amount exacted by the collector."

Mr. Webster contended that it was a domestic port, and that the duties were not collectible. The Attorney-General contended that it was a foreign port. Mexico, or a portion of the same, was occupied by our military forces.

Mr. LONG. Will the gentleman allow me an interruption?

Mr. HENRY of Texas. Yes.

Mr. LONG. Will you please read from the brief of Mr. Webster in that case.

Mr. HENRY of Texas. Oh, if the gentleman has read it, it will be unnecessary for me to read it.

Mr. LONG. Did not Mr. Webster in that brief take the position that this clause of the Constitution did not apply to the Territories?

Mr. HENRY of Texas. He did not. He straddled that question, but said that Tampico was a domestic port. This opinion was rendered in 1850; the Canter case in 1828, when Mr. Webster contended that a Territory was not a part of the United States, and he did not desire to cross himself to that extent.

They decided that if Tampico was a domestic port, then to collect the duties would be a violation of section 8 of Article I of the Constitution, now under consideration. That was the question. What did the court hold? They held that, so far as the United States was concerned, Tampico was a "foreign port," and so far as the balance of the world was concerned, by reason of our military forces occupying it, such port was a domestic one and part of our country, but only while under military rule. What do they conclude? And it is probably well that I should read the language of the Supreme Court in order to state it with absolute correctness:

But in the distribution of political power between the great departments of this Government there is such a wide difference between the power conferred on the President of the United States and the authority and sovereignty which belong to the English Crown that it would be altogether unsafe to reason from any supposed resemblance between them either as regards conquest in war or any other subject where the rights and powers of the Executive arm of the Government are brought into question. Our own Constitution and form of government must be our only guide, and we are entirely satisfied that under the Constitution and laws of the United States Tampico was a foreign port within the meaning of the act of 1846 when the goods were shipped and the cargo was liable and paid duties charged upon them.

If it had been a domestic port of the United States, the plaintiffs would have recovered, and the Supreme Court would have held the duties were not collectible. If there is anything in precedent, that decision should be heralded throughout this country; it should be stated everywhere to all honest men. It is a case in point. It decides the very proposition that we can not discriminate against a new Territory and levy a different tax upon them from that which is levied in other parts of the country.

The chairman of the Ways and Means Committee [Mr. PAYNE] and the gentleman from Pennsylvania [Mr. DALZELL] and the gentleman from Illinois [Mr. HOPKINS] contend that the power of Congress over the Territory is absolute, supreme, and plenary, and that we are not bound by any restrictions in the Constitution; that by virtue of the inherent power of the United States Congress we may legislate for the Territories without let or hindrance and not be molested by the Constitution. They contend that Congress can levy a tariff duty upon the products of Texas which go to Oklahoma, and the imports of Colorado which go into Arizona, and upon the goods and merchandise of those Territories which go into any State of this Union. That is the legal proposition, that by virtue of this inherent power which they say is vested in Congress we can go to that extent.

It is at least amusing to read what the Senate committee reported on this question and see to what extent they go in order that we may understand the difference between these constitutional lawyers:

But while this power of Congress to legislate for newly acquired territory does not flow from, and is not controlled by, the Constitution as an organic law of the Territory, except when Congress so enacts, yet as to all prohibitions of the Constitution laid upon Congress while legislating they operate for the benefit of all for whom Congress may legislate, no matter where they may be situated, and without regard to whether or not the provisions of the Constitution have been extended to them; but this is so because the Congress, in all that it does, is subject to and governed by those restraints and prohibitions. As, for instance, Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; no title of nobility shall be granted; no bill of attainder or ex post facto law shall be passed; neither shall the validity of contracts be impaired, nor shall property be taken without due process of law; nor shall the freedom of speech or of the press be abridged; nor shall slavery exist in any place subject to the jurisdiction of the United States.

These limitations are placed upon the exercise of the legislative power without regard to the place or the people for whom the legislation in a given case may be intended; and for this reason they inure to the benefit of all for whom Congress may undertake to legislate, without regard to whether the provisions of the Constitution, as such, have been expressly extended to them. It is not, therefore, a denial of any of these personal privileges, immunities, and guaranties to withhold the extension and application of the Constitution of the United States. Their enjoyment does not depend on such action. Congress can not deny them.

Some statesmen somewhere must change their legal opinions on this question and revise their views. This is the report on Puerto Rico recently made to the Senate of the United States on the Foraker bill. And it is contended that by virtue of this clause in the Constitution we have all the power to legislate for the Territories.

Article IV, section 3, Constitution of the United States, says:

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

They say that provision gives Congress sole power to legislate, without constitutional restrictions, over the Territories in the United States. Is that power any broader than this power in the Constitution?

To exercise exclusive legislation in all cases whatsoever over such district (not exceeding 10 miles square) as may by cession of particular States and the acceptance of Congress become the seat of the government of the United States.

And every time the Supreme Court has touched that grant in the Constitution it has held that when Congress is legislating for the District of Columbia it must do so strictly within the limits of the Constitution. Is the grant in regard to the Territories any greater or more exclusive than the grant in regard to the District of Columbia? That clause with reference to the Territories was adopted simply for the purpose of giving Congress power to govern the Northwest Territory, which had been ceded to the United

States, and for no other purpose. But since that time the Supreme Court has carried the power further, and has said that either under that clause of the Constitution or by virtue of their right to acquire territory they have the right to govern the Territories. (Canter *vs.* Insurance Company, 1 Peters; Mormon Church *vs.* United States, 136 U. S.; Boyd *vs.* Thayer, 143 U. S. Reports; Murphy *vs.* Ramsey, 114 U. S. Reports.)

And in the case of Murphy *vs.* Ramsey, the court said:

> The personal and civil rights of the inhabitants of the Territories are secured to them, as to other citizens, by the principles of constitutional liberty which restrain all the agencies of Government, State, and national; their political rights are franchises which they hold as privileges in the legislative discretion of the Congress of the United States. * * *

But gentlemen contend that under the treaty of the United States with Spain the inhabitants of Puerto Rico must be subjected to whatever is contained in that treaty. Here is another opinion of the Supreme Court, in the case of Pollard *vs.* Hagan (3 Howard). Mr. Justice McKinley, delivering the opinion of the court, said:

> It can not be admitted that the King of Spain could by treaty or otherwise impart to the United States any of his royal prerogatives, and much less can it be admitted that they have capacity to receive the powers and exercise them. Every nation acquiring territory by treaty or otherwise must hold it subject to the constitution and laws of its own government, and not according to those of the government ceding it.

Therefore, when territory is ceded to the United States, we take it subject to our Constitution and laws.

It will be useful to refer to one or two other clauses of the Constitution. Gentlemen contend that we have a right to pass any law we choose in regard to Puerto Rico. Suppose we pass the Senate bill in regard to Puerto Rico, and we therein provide for a local legislature in that island. Suppose we provide for judges and Federal courts in the island, and the President of the United States appoints a Federal judge or several Federal judges in the new districts created for the island. Suppose that the legislature of that island should pass a law conferring a title of nobility upon the Federal judge. Article I, section 10, of the Constitution provides against the passage of such a law. Would such an act be legal? Would gentlemen in attacking the validity of that act appeal to the laws of Congress when there is no law against such a thing, or would they appeal to the Constitution of the United States?

Suppose the Queen of England should confer upon a Federal judge in the island of Puerto Rico the title of Prince of Puerto Rico. In the absence of Congressional legislation in regard to that subject, would it be a legal act to accept such a title? Or suppose some other officer commissioned by the President of the United States and paid out of the Treasury of the United States should be called the Sultan of Puerto Rico. Would that be a valid act?

Mr. CARMACK. Does not the gentleman know that we have one sultan?

Mr. HENRY of Texas. Yes; we have one sultan, but not a near neighbor.

And we can make this same argument with reference to every inhibition of Article I, section 10.

Now let us take one or two other provisions of the Constitution. Gentlemen say that the power of Congress over the Territories is absolute. Now, suppose that the local legislature of Arizona or New Mexico should pass a law for the coinage of money and for the purpose of emitting bills of credit. Would gentlemen contend that such an exercise of power was in accordance with the Constitution and laws of the United States? They would quickly invoke that clause of the Constitution which says:

> No State shall * * * coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts.

And it would be held that such clause applies to the Territories of the United States, although the language is that "no State" shall do these things.

Mr. GAINES. Suppose the Territorial legislature should pass a statute declaring that our gold and silver money should not be a legal tender throughout that Territory. Would not such a law be unconstitutional?

Mr. HENRY of Texas. In answer to that question I will say that against such an exercise of power these gentlemen would not invoke the power of Congress or any law of Congress, but would invoke this clause of the Constitution which I have read, which says that no State shall do any of these things, and they would be correct in their position.

Suppose that the Territorial legislature of Puerto Rico should pass a bill of attainder, ex post facto law, or law impairing the obligation of contract, or granting any title of nobility, would gentlemen invoke any act of Congress to prove the invalidity of such legislation, or would they invoke the Constitution, which says that "no State" shall do any of these things? Or could Congress, with its "inherent" and "plenary" power, authorize the Territories of the United States to do these things? Suppose we should pass a bill saying that the Territories have the right to pass acts of this character and they did pass them, then anyone who should be affected by them would have a right to attack them in the courts as being unconstitutional, and his position would be sustained.

Now, I want to quote from one or two judicial opinions, portions which have not been quoted in this debate. The Supreme Court of the United States has decided that the inhabitants of the Territories are entitled under amendments 6 and 7 of the Constitution to the absolute right of trial by jury, and it has so decided over and over again. Take the case of Reynolds *vs.* The United States, in 98 United States Supreme Court Reports. Mr. Justice Waite, in delivering the opinion of the court, said:

> By the Constitution of the United States, amendment 6, the accused was entitled to trial by an impartial jury.

This case came up from the Territory of Utah, and the Supreme Court held that by virtue of amendment 6 of the Constitution the accused was entitled to the right of trial by jury while Utah was a Territory.

Mr. RAY of New York. May I interrupt the gentleman there?

The CHAIRMAN. Does the gentleman yield?

Mr. HENRY of Texas. I yield to the gentleman from New York.

Mr. RAY of New York. Of course he said that. He could not do anything else, because the section of the Constitution to which the gentleman refers had been enacted by the Congress of the United States for Utah, and it was applicable there as a law of the Territory of Utah, and he simply referred to it because it was a law of Utah and controlled in the matter.

Mr. HENRY of Texas. Oh, well, you say that Congress can enact the Constitution in the Territories, and I say that the Supreme Court said:

> By the Constitution of the United States, amendment 6, the accused was entitled to a trial by an impartial jury.

Mr. BAILEY of Texas. They did not say "according to the statute."

Mr. HENRY of Texas. They did not say "according to the statute," but "according to amendment 6 of the Constitution," which if the gentleman from New York [Mr. RAY] will take the trouble to read, he will find it is the one relating to trial by jury.

Mr. RAY of New York. Because it was enacted into a law applicable to the Territory.

Mr. GAINES. Will my friend from Texas yield?

Mr. HENRY of Texas. Yes; for a moment.

Mr. GAINES. A moment ago I called attention to the fact that if the Territory passed a law contrary to the Constitution of the United States, it would be invalid. Now, I desire to read from Gould and Tucker's Notes on the Revised Statutes on that point:

> A Territorial act which is contrary to the United States Constitution or the organic act is invalid without the disapproval of Congress and can not be ratified by the Territorial legislature.

Let me also read from case of Capital Traction Company *vs.* Hoff (U. S. Reports, 1898):

> The Congress of the United States, being empowered by the Constitution "to exercise exclusive legislation in all cases whatsoever," over the seat of the National Government, has the entire control over the District of Columbia for every purpose of government, national or local. It may exercise within the District all legislative powers that the legislature of a State might exercise within the State; and may vest and distribute the judicial authority in and among courts and magistrates, and regulate judicial proceedings before them, as it may think fit, so long as it does not contravene any provision of the Constitution of the United States. * * * It is beyond doubt, at the present day, that the provisions of the Constitution of the United States securing the right of trial by jury, whether in civil or in criminal cases, are applicable to the District of Columbia.

Mr. HENRY of Texas. That is true, and I was just coming to that case. From the ordinance of 1787 until the present hour the Congress has always undertaken to incorporate the Bill of Rights into all Territorial acts, and has recognized the Constitution of the United States as being there, and no one ever questioned that it obtained there until this good hour, and with all of these fundamental principles to which I have referred. And all Territorial acts have carried forward as their organic law the ordinance of 1787 as adapted to the Constitution by express enactment.

The power to legislate over the Territories is no broader than the power to legislate over the District of Columbia. What did the Supreme Court say in reference to right of trial by jury here? They did not put it upon a law of Congress. They put it upon the ground that—

> There is nothing in the history of the Constitution or of the original amendments to justify the assertion that the people of this District may be legally deprived of the benefit of any of the constitutional guaranties of life, liberty, and property, especially of the privilege of trial by jury in criminal cases. (Callan *vs.* Wilson, 127 U. S.)

They did not put it upon the treaty of cession by Maryland or Virginia, but they put it upon the Constitution, and said that the inhabitants of this District had the right of trial by jury under that instrument.

Now, here is another case, and let me get through with these jury cases before taking up some other question. In the case of

Thompson *vs.* Utah (170 U. S.) Mr. Justice Harlan delivered the opinion of the court, and said:

That the provisions of the Constitution relating to the right of trial by jury in suits at common law—

Note the words—

apply to the Territories of the United States, is no longer an open question.

They say in that case that the provisions of the Constitution relating to juries apply to the Territories of the United States regardless of any act of Congress or any Territorial act.

Again, in the same opinion, they say:

It is equally beyond question that the provisions of the national Constitution relating to trials by jury, to crimes, and to criminal prosecutions, apply to the Territories of the United States, with the judiciary article, in regard to trial by jury, that the sixth amendment and the seventh amendment, which guarantee to the people of the States and the Territories the right of trial by jury, apply to those Territories. * * *

Assuming, then, that the provisions of the Constitution relating to trials for crimes and to criminal prosecutions apply to the Territories of the United States, the next inquiry is whether the jury referred to in the original Constitution and in the sixth amendment is a jury constituted as it is in common law, with twelve persons, neither more nor less. This question must be answered in the affirmative, because the Constitution extends the right of trial by jury to the Territories and applies it to them.

Ah, gentlemen, this Government was not founded to deal with real estate, or to deal with land. It was founded to deal with human beings, with persons, with individuals, and with their rights anywhere and everywhere, under all circumstances, whether they be in the States or in the Territories of this country. Here we have the decision of the Supreme Court, deciding that the right of trial by jury must be inviolate in the Territories.

Now, will the Supreme Court reverse these opinions? I do not believe they will, because, in my humble judgment, the rights of the inhabitants of these new possessions are surrounded and hedged about with a hundred more legal protections than we had in regard to the income-tax case. They will not uproot the decisions of a hundred years and hold that I may be a citizen of the United States, but that if my son goes to the island of Puerto Rico he ceases to be a citizen of the United States and becomes a mere serf or a dependent to our Government. [Applause on the Democratic side.]

Mr. NOONAN. This bill would hold the same thing as to you if you were to go there.

Mr. HENRY of Texas. And further, if any American citizen goes to the island of Puerto Rico or these new possessions, this bill denies him the right to invoke the Constitution of the Government which his fathers helped to found.

But the Government was framed for the benefit of persons and for individual rights, and not to adjust real-estate transactions.

Is there any other decision touching this question? Let us see. Take this case, and I challenge any gentleman to answer it. You have quoted it often on that side of the Chamber. In the case of National Bank *vs.* Yankton County (101 U. S. Reports) Chief Justice Waite, delivering the opinion of the court, said:

All territory within the jurisdiction of the United States not included in any State must necessarily be governed by or under authority of Congress.

Which is true.

The Territories are but political subdivisions of the outlying dominion of the United States. Their relation to the General Government is much the same as that which counties bear to the respective States, and Congress may legislate for them as any State does for its municipal organizations. The organic law of a Territory takes the place of a constitution as the fundamental law of the local government. It is obligatory on and binds the Territorial authorities, but Congress is supreme.

To which we assent.

And for the purposes of this department of its governmental authority has all the powers of the people of the United States, except such as have been expressly or by implication reserved in the prohibitions of the Constitution.

[Applause on the Democratic side.]

The Supreme Court has never in a single opinion varied from that doctrine. It has always said that when we undertake to legislate for those Territories we have plenary powers, but strictly within the limits of the Constitution. [Applause on the Democratic side.]

It is not a question of extending the Constitution and laws ex proprio vigore to those Territories, but it is a question of this House, which sits here as the creature of the Constitution, violating all the clauses of the Constitution when they legislate. That is the question. We do not ask that these laws go to Puerto Rico ex proprio vigore, or per se. No man who ever alleged himself or admitted himself to be a lawyer ever made any such contention as that. And there are several distinguished lawyers on the other side of this question, for they have already admitted it themselves in open court. [Laughter.]

We do not ask that the Constitution carry itself there, but we do say that when Congress, as the creature of the Constitution, is legislating for these people, that in every right which it has to legislate under the Constitution it is restricted by the limitations in that instrument and can not go beyond the bounds set by its creator.

Now I want to take up a question or two in regard to these new possessions and make my position and that of those who believe with me perfectly clear. The Democratic party has never been opposed to territorial expansion of the right sort. We believe that when we acquired Louisiana we exercised a constitutional power; we believe that it was a beneficent acquisition. What have we done with Louisiana? Under the treaty by which we acquired that magnificent territory we said:

The inhabitants of the ceded territory shall be incorporated in the Union of the United States and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States; and in the meantime they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess. (Article 3.)

And so in the treaties of 1819 with Spain and 1848 with Mexico we used substantially the same language. And there was no change in terms until the year 1898, when this treaty was made with Spain. What else did these treaties provide with reference to the people and the Territories? That they should come into the Union of States. Not only that; every Territorial act, from the ordinance of 1787 until the last Territorial act was enacted by this body, provided that the Territories should come into the United States as integral parts of the Union, as sovereign States, whenever they had a certain population. Every treaty provided it and every Territorial act provided for the admission of those Territories as States.

Out of that magnificent Louisiana Territory the following States under the treaty and Territorial acts have been admitted: Arkansas, Missouri, Iowa, Nebraska, North and South Dakota, part of Minnesota, Kansas, Colorado, Montana, Wyoming, and Louisiana. Out of the Oregon cession of 1848 we carved the following magnificent States: Oregon, Washington, and parts of Montana and Wyoming. Out of the cession made by Mexico the following States were erected: California, Nevada, and parts of Colorado and Wyoming and the Territories of New Mexico and Arizona. And so we would have it—with every foot of territory annexed to this country—that ultimately they shall stand erect as sovereign States of this great American Republic, and not as mere colonies and dependencies to be governed by the whim of Congress and under the military rule of the President.

Now a new departure is proposed—that we shall acquire territory which shall become permanent Territories of the United States. And until the present time no statesman of any party has ever declared for such a thing as a permanent Territory.

What are the rights of the people who go to the Territories, and of the people who are born there, and the people who reside there? I am going to read just a line or two from the Dred Scott opinion, that portion which was agreed to by every member of the court and has never been overruled by any decision of the Supreme Court.

Chief Justice Taney said:

This brings us to examine what provision of the Constitution the present Federal Government, under its delegated and restricted powers, is authorized to acquire territory outside of the original limits of the United States, and what powers it may exercise therein over the person or property of a citizen of the United States while it remains a Territory and until it shall be admitted as one of the States of the Union.

There is certainly no power given by the Constitution to the Federal Government to establish or maintain colonies bordering on the United States or at a distance, to be ruled and governed at its own pleasure; nor to enlarge its Territorial limits in any way except by the admission of new States. That power is plainly given; and if a new State is admitted, it needs no further legislation by Congress, because the Constitution itself defines the relative rights and powers and duties of the State, and the citizens of the State, and the Federal Government. But no power is given to acquire a Territory to be held and governed permanently in that character.

It is acquired to become a State, and not to be held as a colony and governed by Congress with absolute authority; and as the propriety of admitting a new State is committed to the sound discretion of Congress, the power to acquire territory for that purpose, to be held by the United States until it is in a suitable condition to become a State upon an equal footing with the other States, must rest upon the same discretion.

* * * * * * *

It may be safely assumed that citizens of the United States who migrate to a Territory belonging to the people of the United States can not be ruled as mere colonists, dependent upon the will of the General Government and to be governed by any laws it may think proper to impose.

The principle upon which our governments rest, and upon which alone they continue to exist, is the Union of States, sovereign and independent within their own limits in their internal and domestic concerns, and bound together as one people by a General Government, possessing certain enumerated and restricted powers, delegated to it by the people of the several States, and exercising supreme authority within the scope of the powers granted to it throughout the dominion of the United States. A power, therefore, in the General Government to obtain and hold colonies and dependent Territories over which they might legislate without restriction would be inconsistent with its own existence in its present form. Whatever it acquires it acquires for the benefit of the people of the several States who created it. It is their trustee, acting for them and charged with the duty of promoting the interests of the whole people of the Union in the exercise of the powers specifically granted.

That was sound reasoning then. It is sound reasoning and good law to-day and has not been overruled, and until the Supreme Court says that this Congress has the power to acquire territory and govern it as a mere dependency or colony, we are flying in the face of the Constitution and of the decisions.

Why the necessity of this legislation? Why put this unjust tax

upon the people of Puerto Rico, a law-abiding, peaceable citizenship, who are able to maintain a Territorial form of government better than the people of Hawaii, and as much able to do so as the people of Arizona and New Mexico. Why say that they shall not become a Territory as all other Territories have become? Only because of the fact that the sugar producers and the tobacco producers and manufacturers have come here to Washington and have alarmed the Ways and Means Committee, and now the chairman has not the candor to state that such was the reason of his change. This conduct is criminally reprehensible when you permit the sugar trust to bring in the 300,000 tons from Hawaii free and have actually turned over that island to this trust.

Mr. WHEELER of Kentucky. I beg the gentleman's pardon for interrupting him, but the gentleman said that some of the tobacco growers are here demanding that a tax be imposed upon Puerto Rico. I am sure that the gentleman desires to be fair, and as I represent what I believe to be the greatest tobacco district in the world, I desire to say that the tobacco growers of Kentucky have no desire on earth to discriminate against the citizens of Puerto Rico. I think he refers to the tobacco growers of Connecticut, New York, and Pennsylvania.

Mr. HENRY of Texas. The gentleman is entirely correct. I mean the manufacturers and tobacco growers of Connecticut, New York, Pennsylvania, and Florida. The sugar producers for the western part of the country and some of them from my own State ask for this bill, but I would see them damned before I would impose this iniquitous tax. [Laughter and applause on the Democratic side.]

Mr. GAINES. When were the tobacco men here before the committee, after this bill was framed?

Mr. HENRY of Texas. No; after the bill was introduced by the gentleman from New York for free trade with Puerto Rico. No, although Texans may come and appeal to me to give them this protection and impose this unjust tax, I would not for my good right arm give my consent to repudiate the grounds upon which we achieved our liberties in 1776. [Applause on the Democratic side.]

Long live the Republic! May the enlightened judgment of the American people speedily administer the punishment of death to this spirit of imperialism and Territorial aggrandizement. [Applause.] Long may the Constitution of this Republic of self-governing States, emblazoned upon our flag, extend to and protect every foot of American soil! May these emblems of liberty continue to shield and protect the rights of the inhabitants and citizens of the United States anywhere and everywhere! For when we forsake the ancient and democratic faith of absolute equality before the law for every individual who owes allegiance to this Government, the true spirit of republican institutions will be banished from this land. Then swiftly will the familiar lines of the poet become prophetically true:

> The star of hope shone brightest in the West,
> The hope of liberty the last, the best,
> That too, has set upon her darkened shore,
> And hope and freedom light up earth no more.

[Prolonged applause.]

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and Mr. PAYNE having taken the chair as Speaker pro tempore, a message in writing was received from the President of the United States, by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed joint resolution and bills of the following titles:

On February 17, 1900:

H. J. Res. 77. Joint resolution to provide for pay to certain retired officers of the Marine Corps.

On February 19, 1900:

H. R. 5288. An act relating to lights on steam pilot vessels.

On February 20, 1900:

H. R. 7739. An act to amend "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved March 3, 1899.

TRADE OF PUERTO RICO.

The committee resumed its session.

Mr. LONG. Mr. Chairman, the gentleman from Ohio [Mr. BROMWELL], who preceded the last speaker, made complaint against the Committee on Ways and Means. He said the committee had not taken into its confidence the members of the House before reporting the bill under consideration.

My service in this House has been very brief; my service on the Committee on Ways and Means has been much briefer, but I have always understood that it was the duty of a committee to examine a question submitted to it, to report by bill or otherwise, and when the report was made to the House, then the House was taken into the confidence of the committee.

The Committee on Ways and Means is now taking into its confidence the members of the House and informing them why it reported this bill. The gentleman is a member of the Committee on Post-Offices and Post-Roads, and there are pending before that committee many bills of great importance. That committee has reported many bills to this House, and it has not seen fit to take me into its confidence, neither has it consulted me on any bill or any report that it has made. I understand that it is not the province of a committee necessarily to consult with other members of the House as to what should be done, but to bring its bill before the House, explain the provisions, and then it is the duty of the House to amend it, to reject it, or to accept it. That is all that the Committee on Ways and Means wants you to do on this bill, and we are here to explain to you why we reported as we have.

The gentleman claims that this committee has not followed the policy of the President. I belong to the party of the President of the United States. I honor and respect him, and I would not knowingly champion any cause that is contrary to a policy that he might have, because I have confidence in his judgment. But the President of the United States, under the Constitution, submitted to the Congress of the United States this question of the regulation of tariff rates between this country and Puerto Rico. He did not recommend the extension of our customs laws over Puerto Rico. He did not say what the customs duties should be upon goods coming into Puerto Rico from other countries. He recommended in his message that we should legislate upon "the imposition and collection of internal revenue" and "the regulation of tariff rates on merchandise imported from the island into the United States."

Under that message, after a full and fair consideration of the question submitted to it, the Committee on Ways and Means brought in this bill, which regulates the rates to be charged on goods coming from foreign countries into Puerto Rico, on goods coming from Puerto Rico into the United States, and on goods coming from the United States into Puerto Rico. We did not think it wise to extend our internal revenue laws over Puerto Rico. The bill is here. It is for your consideration. It has for its object the raising of revenue for Puerto Rico.

A PRACTICAL QUESTION.

This is a practical question. We might as well meet it now as at a future time. Puerto Rico is in a deplorable condition. General Davis, the military governor, in his testimony before a committee of Congress, said that two-thirds of the current wealth of the island had been destroyed by the recent hurricane. The people need immediate relief. Revenues must be obtained from some source to pay the expenses of government and provide schools for a people nine-tenths of whom can not read or write.

Three courses are open: Bonds must be issued, an appropriation must be made out of the Treasury of the United States, or tariff duties must be imposed that will produce revenue sufficient to pay the expenses of government and establish the much-needed schools. The bill reported will produce sufficient revenue for these purposes. Absolute free trade between the United States and Puerto Rico would not.

We do not believe that an issuance of bonds should be authorized. The island is free from debt now. Let it remain so. We should not pay the expenses of government out of the United States Treasury. Puerto Rico should be self-supporting. There is no oppression of its people when all the net revenues received there and all the gross revenues collected here on her products are to be expended for the benefit of the people of the island. Under the bill mutually beneficial trade relations will be established between Puerto Rico and the United States, and in a few years the people of the island will appreciate the benefits that have come from the laws enacted for their government.

No reasonable objection can be made to the bill presented by the majority on the ground that it is not good legislation, adapted to the needs and wants of Puerto Rico. Our internal revenue laws are not extended to the island, for those laws would increase the burdens; and what the people want is immediate relief, not increased burdens for the future. On all merchandise coming into Puerto Rico from foreign countries other than the United States the duties are the same as those of the Dingley law. On articles coming into the United States from Puerto Rico and into Puerto Rico from the United States 25 per cent of these rates is imposed.

In this debate no criticism has been made on the bill as a revenue-producing measure. I call attention to the statement signed by the gentleman from Massachusetts [Mr. MCCALL], one of the dissenting members of the committee. He says:

> The pending bill is, in my judgment, a well-considered measure from a fiscal standpoint, and is likely to produce a sufficient revenue.

We have presented a tariff for Puerto Rico suited to the needs and wants of that island, and if we are powerless under the Constitution so to legislate, we should ascertain that fact at the earliest possible moment. Later on we will be called upon to legislate for the Philippines, and no one claims that our customs laws

and internal revenue system are adapted or suitable to those islands. Can we give them a system of taxation that is suitable to their wants and needs, or will we be so restricted that we must give them a system unsuitable to their conditions and inapplicable to their wants? The sooner we understand our helpless condition—if we are indeed helpless—the better it will be for them and the better it will be for us.

THE MINORITY NOT IN ACCORD WITH THE PRESIDENT.

The minority and the majority of the committee differ on several propositions. The minority contends that we can not acquire territory except for the purpose of forming it into States. The majority insists that the power to acquire territory is unlimited and unrestricted. We believe that this is a sovereign nation, with the power to acquire territory either by treaty, conquest, or discovery. We believe that in legislating for acquired territory we are acting under that provision of the Constitution which grants to Congress the power to make all needful rules and regulations respecting the territory belonging to the United States.

The minority insists that Puerto Rico and the Philippines are part of the United States. The majority believes that these islands are not a part of, but belong to, the United States. The minority holds that if we continue to retain Puerto Rico and the Philippines it is with an implied pledge or promise that they are finally to be admitted as States. We claim that there need be no such understanding, but that in all honor we must give them good governments that will protect life and property, and that they may continue to belong to the United States without any hope or expectation of finally being admitted into the Union of States.

The gentlemen on the other side of this House claim that they agree with the President of the United States in dealing with these possessions that have come to us as the result of the treaty with Spain. I want to call the attention of gentlemen on the other side to the fact that the President believes Congress has the power to regulate the rates to be charged on goods coming from Puerto Rico into the United States. You take the position that Congress has no such power; that by virtue of the acquisition of the islands, they are a part of the United States, entitled to all the rights and privileges that the people of the States have, and that we are powerless to give them a different revenue system from that which we have ourselves. You claim that we can not regulate the rates to be charged between Puerto Rico and the United States.

You claim that it is not a question of what kind of a bill this is. The question is whether any kind of tariff rates can be maintained between the United States and Puerto Rico. You question our power to enact this bill into law under the Constitution, and on that proposition gentlemen on the other side do not represent the position of the President of the United States or the Administration.

I read from the report of the Secretary of War:

> The people of the ceded islands have acquired a moral right to be treated by the United States in accordance with the underlying principles of justice and freedom which we have declared in our Constitution, and which are the essential safeguards of every individual against the powers of government, not because those provisions were enacted for them, but because they are essential limitations, inherent in the very existence of the American Government. To illustrate: The people of Puerto Rico have not the right to demand that duties should be uniform as between Puerto Rico and the United States, because the provision of the Constitution prescribing uniformity of duties throughout the United States was not made for them, but was a provision of expediency, solely adapted to the conditions existing in the United States upon the continent of North America; but the people of Puerto Rico are entitled to demand that they shall not be deprived of life, liberty, or property without due process of law; that private property shall not be taken for public use without compensation; that no law shall be passed impairing the obligation of contracts, etc., because our nation has declared these to be rights belonging to all men.
>
> Observance of them is a part of the nature of our Government. It is impossible that there should be any delegation of power by the people of the United States to any legislative, executive, or judicial officer which should carry the right to violate these rules toward anyone any where; and there is an implied contract on the part of the people of the United States with every man who voluntarily submits himself or is submitted to our dominion that they shall be observed as between our Government and him, and that in the exercise of the power conferred by the Constitution upon Congress, "To dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States," Congress will hold itself bound by those limitations which arise from the law of its own existence.

THE RULE OF UNIFORMITY.

The minority claims that we are placed in this unfortunate condition in respect to this legislation by section 8, Article I, of the Constitution, which is as follows:

> The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises, shall be uniform throughout the United States.

This section gives Congress power to establish direct and indirect taxation. The "taxes" here referred to are conceded to be direct taxes, and section 2 of the same article provides that direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers. Section 9 provides that no direct tax shall be laid unless in proportion to the census or enumeration directed to be taken.

Direct taxes must then be apportioned according to the population; and duties, imposts, and excises must be uniform throughout the United States. There was evidently a purpose in thus requiring direct taxes to be governed by the rule of apportionment and indirect taxes to be governed by the rule of uniformity.

Congress has power to lay and collect direct and indirect taxes, and this power is unrestricted. The limitations of this power as to indirect taxes only extends throughout the United States. A direct tax may be levied only in the States, or it may include the District of Columbia and the Territories.

Chief Justice Marshall, in Loughborough *vs.* Blake (5 Wheaton, 323), said:

> If, then, a direct tax be laid at all, it must be laid on every State, conformable to the rule provided in the Constitution. Congress has clearly no power to exempt any State from its due share of the burden. But this regulation is expressly confined to the States, and creates no necessity for extending the tax to the District or Territories.

It therefore is not necessary, in order to make a law laying direct taxes valid, that it should be extended to the Territories. If a State is omitted from the law, it would be unconstitutional. The Territories and District of Columbia may be omitted, and yet the law be valid. The only requirement is that if the District and Territories are included in a scheme of direct taxation, the taxes must be apportioned according to population. This arises from the prohibition on Congress against laying any capitation or direct tax unless in proportion to the census or enumeration. No such prohibition is contained in the Constitution in laying indirect taxes. The only requirement is that they shall be uniform throughout the United States.

THE "UNITED STATES."

The term "United States" has two meanings. In its geographical sense it refers to all the States and Territories, districts, and possessions where the authority of this Government extends. In another sense it refers to the States united, which are the source of all power and government. In this restricted sense it is used in the Constitution. "We, the people of the United States," in the preamble of the Constitution, refers to the people of the States, not of the Territories. The Congress of the United States is composed of Senators and Representatives from the different States. The President is selected by the people of the States, and the judicial power of the United States is derived from the States and not from the Territories.

It has been decided that neither a Territory nor the District of Columbia is a "State" within the meaning of the Constitution. In New Orleans *vs.* Winter (1 Wheaton, 91), Chief Justice Marshall said:

> It has been attempted to distinguish a Territory from the District of Columbia, but the court is of opinion that this distinction can not be maintained. They may differ in many respects, but neither of them is a State in the sense in which that term is used in the Constitution.

If neither the District of Columbia nor a Territory is a "State," how can a Territory be one of the United States? The United States are a union of the States.

But it is not so much my purpose to discuss the constitutional question involved, because that has been very ably discussed already, but I want to call attention to some of the things that have been done in this country in relation to the territory belonging to the United States.

This is not a new question. We may think it is, because it has not been up for consideration in a generation, but it is as old as the Government itself, and the question as to how we should proceed in this emergency can be best determined by looking into the way and manner in which the fathers, who helped to make the Constitution, proceeded to govern the territory belonging to the United States.

HOW WE HAVE GOVERNED ACQUIRED TERRITORY.

There is no one question more definitely determined in our Constitution than that we must have an entire separation of the judicial, executive, and legislative powers of the Government. The legislative power is conferred on the Senate and House of Representatives, which compose the Congress. Congress does not have judicial power. Congress does not have executive power. Executive power is lodged in the President of the United States. The President does not have legislative power; laws lodging legislative power in the President of the United States have been declared unconstitutional, because it can not be so imposed. The courts can not be given legislative or executive power within the United States, where the Constitution is supreme.

Now, how did the men who helped to form the Constitution deal with the territory belonging to the United States?

The first is the act of October 31, 1803, in relation to Louisiana. In that act Congress provided:

> That all the military, civil, and judicial powers exercised by the officers of the existing government of the same shall be vested in such person and persons and shall be exercised in such manner as the President of the United States shall direct for maintaining and protecting the inhabitants of Louisiana in the free enjoyment of their liberty, property, and religion.

That power, all of it—executive, judicial, and legislative—was lodged in one person, in the governor of Louisiana—a thing that could not be done in the States under the Constitution.

Let me call attention to section 12 of the act of March 26, 1804, for the government of the district of Louisiana, keeping in mind, if you please, that under the Constitution the legislative, executive, and judicial power must be kept separate. All admit that.

The executive power now vested in the governor of the Indiana Territory shall extend to and be exercised in the said district of Louisiana. The governor and judges of the Indiana Territory shall have power to establish in the said district of Louisiana inferior courts and prescribe their jurisdiction and duties and to make all laws which they may deem conducive to the good government of the inhabitants thereof.

Section 3 of the act of March 3, 1805, confers upon the governor and three judges of the Territory of Louisiana all legislative power. It reads:

The legislative power shall be vested in the governor and in three judges, or a majority of them, who shall have power to establish inferior courts in the said Territory and prescribe their jurisdiction and duties, and to make all laws which they may deem conducive to the good government of the inhabitants thereof.

In both these instances the governor, the executive officer, the judges, the judicial officers, together made the laws. Could that be done under the Constitution of the United States? Will gentlemen contend that it is possible so to combine in the same person or persons the power to make laws, to adjudicate laws, and to execute laws? It can not be done under the Constitution of the United States; and the fact that it was done in Louisiana shows that the men who did it, under the leadership of Thomas Jefferson, believed that they were not bound by the limitations of the Constitution in legislating for the Territory belonging to the United States. [Applause on the Republican side.]

RIGHT OF TRIAL BY JURY.

But we have other evidence as to what they thought about this question of the Constitution being in force in the Territories. There has been some discussion on the question of the right of trial by jury. You are all familiar with that provision of the Constitution which provides for the right of trial by jury in cases involving more than $20. Does that apply in a Territory unless the provisions of the Constitution have been extended to that Territory?

Notice the provisions of the two acts to which I have referred. The language is identical in each act. It is found in section 12 of the act of March 26, 1804, and in section 3 of the act of March 3, 1805. Both these acts were approved by Thomas Jefferson, author of the Declaration of Independence and father of the Democratic party. This provision is as follows:

In all civil cases of the value of $100 the trial shall be by jury if either of the parties require it.

"Twenty" dollars, says the seventh amendment to the Constitution, that had been adopted but a few years before this provision was enacted into law. Those who helped to make the Constitution said that a jury could only be demanded in Louisiana cases wherein $100 was involved.

Mr. GAINES. Will the gentleman pardon me?

Mr. LONG. Certainly.

Mr. GAINES. Even now can not the parties waive their right to jury trials in civil cases and then that ordinance could not possibly abrogate the Constitution? [Laughter.]

Mr. LONG. I am sorry that the gentleman did not pay attention to what I said before he asked his question.

Mr. GAINES. I thought I understood the gentleman to say that ordinance was approved by Mr. Jefferson and that the law was approved by him.

Mr. LONG. It was.

Mr. GAINES. And you say that was his idea of a jury trial? Now, I ask if either party, even now, can not waive his right of trial by jury in civil cases?

Mr. LONG. I will read it again for your benefit.

Mr. GAINES. All right.

Mr. LONG (reading)—

And in all civil cases of the value of $100 the trial shall be by jury if either of the parties require it.

Of course they could waive it, but if either party required it they could have a jury in cases where $100 or more was involved. Now, the amendment to the Constitution adopted a few years before this time provided for the right of trial by jury in cases of $20.

Mr. GAINES. All right. Now, do you contend that that statute abrogated the Federal Constitution or robbed the party of his jury rights? [Laughter.]

Mr. LONG. Why, my friend——

Mr. GAINES. I ask for your opinion. Of course I understand that it could not.

Mr. LONG. Certainly I do not. I said, and I say again, that where the Constitution of the United States is in force this provision would be unconstitutional.

Mr. GAINES. Exactly.

Mr. LONG. And the fact that the fathers of the Constitution, the men who helped to make it, put a provision in these laws that were approved by Thomas Jefferson providing that in cases of $100 and over only could a jury trial be demanded shows conclusively that they believed that when legislating for the territory belonging to the United States they were not limited by the provisions of the Constitution. [Applause on the Republican side.]

Mr. GAINES. Were they right or wrong in that matter?

Mr. LONG. They were right and you are wrong.

Mr. GAINES. Do you contend that that was a valid statute?

Mr. LONG. If the gentleman will wait a few minutes, I will call his attention to what was done in Florida when that great American whose ashes now repose in the district that he represents gave his views on this very question here involved.

Mr. GAINES. I am always willing to stand by anything Andrew Jackson did, and everybody on this side is. He always stood by the Constitution.

Mr. LONG. I will refer to what he did a little later on.

In proof of the fact that statesmen, many of whom were members of the Constitutional Convention, considered that the Constitution did not extend to newly acquired territory of its own force, but that it required an act of Congress to place it there, I refer to the following amendment that was offered by Mr. Montgomery in the House of Representatives to the bill establishing a government in Florida:

And be it further enacted, That all the principles of the United States Constitution for the security of civil and religious freedom, and for the security of property, and the sacredness of rights to things in action; and all the prohibitions to legislation, as well with respect to Congress as the legislatures of the States, be, and the same are hereby declared to be, applicable to the said territory as paramount acts.

After full debate this amendment was rejected.

ANDREW JACKSON IN FLORIDA.

Now I am coming to a point that I hope will interest the gentleman from Tennessee. Congress, on March 3, 1821, passed a law providing that all the military, civil, and judicial powers then exercised by the officers of the existing government of Florida should be vested in such person or persons as the President should direct. Under the authority of this act President Monroe appointed Andrew Jackson governor of Florida.

On the 18th of May, 1821, the President also appointed Elegius Fromentin judge of the United States for West Florida and part of East Florida, and authorized and empowered him to execute and fulfill the duties of his office according to the Constitution and laws of the United States. The only laws extended by Congress over Florida were the revenue laws and those forbidding the importation of people of color. Andrew Jackson went down there and under his commission claimed full legislative, judicial, and executive power. In the exercise of his authority he came into conflict with the Spanish ex-governor of the Territory over a question of the possession of some papers relating to the title to land. The ex-governor refused to give them up, and General Jackson, proceeding in the manner in which he was accustomed to proceed, sent an officer, who took possession of the ex-governor of the Territory and put him in jail. The officer searched the house and took the papers. The ex-governor, believing that Florida was a part of the United States, taking the same position that is taken by the Democratic members of this House, applied to Judge Fromentin for a writ of habeas corpus, and the judge granted the writ. But the writ did not release the Spanish ex-governor; and Judge, Governor, Legislator, General Andrew Jackson proceeded to cite Judge Fromentin before him for contempt by issuing the following order:

Elegius Fromentin, esq., will forthwith be and appear before me to show cause why he has attempted to interfere with my authority as governor of the Floridas, exercising the powers of the captain general and intendant of the island of Cuba over the said provinces, respectively, in my judicial capacity as supreme judge over the same, and as chancellor thereof, having committed certain individuals charged with a combination to secrete, and with having attempted to secrete and carry out of the territories ceded to the United States, the evidence of individual right to property within the said territories, which has been secured to each individual under the second article of the late treaty with Spain, and in open contempt of the orders and decrees made by me.

And that the said Elegius Fromentin, esq., be and appear before me, at my office, at 5 o'clock p. m., in Pensacola, to make known the above cause, and to abide by and perform such order and decree as the undersigned may of right deem proper to make of and concerning the same.

Given under my hand at Pensacola, this 23d day of August, 1821.

ANDREW JACKSON,
Governor of the Floridas, etc.

The question at issue was whether the judge had authority to issue the writ of habeas corpus. In a letter to the Secretary of State the judge explained the position of General Jackson:

But again, says General Jackson, the writ of habeas corpus is not extended by law to this Territory, and I must confine myself to the jurisdiction given by the act of Congress in the only two cases mentioned in the act, to wit, the revenue laws, and the importation of people of color.

That is what General Jackson believed, and I submit it in all candor to the members on the other side of this House as good authority. [Laughter and applause on the Republican side.]

The controversy between General Jackson and Judge Fromentin was finally submitted to the President of the United States,

and the decision of the President is contained in the following letter of John Quincy Adams, Secretary of State, directed to Judge Fromentin:

DEPARTMENT OF STATE, *Washington, October 26, 1821.*

SIR: I have had the honor of receiving your letters of the 20th, 26th, and 28th August, 6th, 8th, and 21st September, with their respective inclosures; all of which have been submitted to the President of the United States.

I am directed by him to inform you that the laws of the United States relative to the revenue and its collection and those relating to the slave trade, having been the only ones extended by act of Congress to the Territories of Florida, it was to the execution only of them that your commission as judge of the United States was considered and intended to apply. The President thought the authority of Congress alone competent to extend other laws of the United States to the newly acquired Territories; nor could he give to the judge a jurisdiction which could only be conferred by them.

There being an essential difference between the nature of the powers heretofore exercised by the Spanish authorities in those provinces, which were continued in force by the act of the 3d of March last, until the end of the next session of Congress, unless a temporary government should be sooner established over them, and of the laws of the United States, which were extended to those provinces by that law, the President considered it his duty to intrust the execution of each branch to officers specially appointed for the purpose. In the execution of those laws, in your judicial capacity, the governor has been informed that you are considered amenable only to the Government of the United States.

In the different view which you have taken of the subject, he is pursuaded that your motives and intentions were entirely pure, though he deeply regrets the collision of authority and misunderstanding which has arisen between the governor of the Territory and you.

I have the honor to be, etc.,

JOHN QUINCY ADAMS.

The gentleman from Nevada [Mr. NEWLANDS] the other day said he thought our revenue laws and the Constitution as well were in force in Puerto Rico. President Monroe, through John Quincy Adams, as Secretary of State, said he thought it was in the power of Congress alone to extend the laws over acquired territory. Here is volume 2 of the Annals of the Seventeenth Congress, first session—I have it marked at several places, and I want to call attention to a few things, and I hope the gentleman from Tennessee [Mr. GAINES], who has such a high regard for General Jackson, will read this book fully and completely, for in it he will find on a certain page a proclamation by Andrew Jackson, as governor of the Floridas, the executive officer of the Territory. Further on he will find an opinion on a judicial question involving the title to land, signed by Major General Andrew Jackson, governor of the Floridas, etc., and John C. Mitchell, esq., sitting as the supreme court of judicature. And later on he will find some ordinances passed by Andrew Jackson in his legislative capacity. [Laughter and applause on the Republican side.] These ordinances remained in full force and effect, except a few that Congress did not like, for you will find an act of Congress repealing certain ordinances passed by Andrew Jackson when he was sitting as the legislature. [Laughter.] The following is the first section of the act of Congress of May 7, 1822:

Be it enacted, etc., That an ordinance numbered three, made and passed on the eighteenth of July, eighteen hundred and twenty-one, by Major General Andrew Jackson, governor of the provinces of the Floridas, entitled "An ordinance providing for the naturalization of the inhabitants of the ceded territory;" and an ordinance passed by the city council of St. Augustine, on the seventeenth October, eighteen hundred and twenty-one, imposing and laying certain taxes on the inhabitants; and all other laws, ordinances, or resolves, so far as they enforce or confirm the same, be, and the same are hereby, repealed, and declared null and void.

Mr. GAINES. It took all Congress to overrule him.

Mr. LONG. You are right, it did. Do you mean to say that Andrew Jackson—and I think he could come as near it as any other man in our history—under the authority of the Constitution could act as an executive, judicial, and legislative officer in the United States?

Mr. GAINES. I mean to say this, that Andrew Jackson never swerved from his duty, whatever it was. [Laughter on the Republican side and applause on Democratic side.]

Mr. LONG. That is what I say, and that is the reason why I appeal to the record made by Andrew Jackson to show that your present attitude is wrong.

Mr. HOPKINS. The gentleman from Tennessee [Mr. GAINES] will vote with us now. [Laughter.]

Mr. LONG. He will if he proposes to stand by Andrew Jackson.

EXTENSION OF THE CONSTITUTION AND LAWS.

The question as to whether the Constitution extends to the Territories of its own force was the occasion of a great debate between Calhoun and Webster in the Senate in 1849. Calhoun contended that it did, Webster that it did not.

At the close of the debate, after these great statesmen had concluded, there arose another statesman, who in a later day had almost as much influence over the American people as had either John C. Calhoun or Daniel Webster. I refer to Stephen A. Douglas. He stated his views on this extension of the Constitution:

Mr. President, I have not many words to say on the question which has been occupying the attention of the Senate. Whether Congress has or has not the power to extend the Constitution over California, I shall vote for the proposition to extend the Constitution over that country. I believe we have the power to extend it in all its parts over that country. I believe, furthermore, that we have the same power to extend the Constitution over a country that we have to bring a country inside of it.

Mr. Benton (Thirty Years in the United States Senate, volume 2, page 713) has this to say in regard to the doctrine advanced by Calhoun:

A new dogma was invented to fit the case—that of the transmigration of the Constitution (the slavery part of it), into the Territories—overriding and overruling all the anti-slavery laws which it found there, and planting the institution there under its own wing, and maintaining it beyond the power of eradication either by Congress or the people of the Territory. Before this dogma was proclaimed efforts were made to get the Constitution extended to these Territories by act of Congress; failing in those attempts, the difficulty was leaped over by boldly assuming that the Constitution went of itself—that is to say, the slavery part of it.

History can not class higher than as a vagary of a diseased imagination this imputed self-acting and self-extension of the Constitution. The Constitution does nothing of itself—not even in the States for which it was made. Every part of it requires a law to put it into operation. No part of it can reach a Territory unless imparted to it by act of Congress.

The doctrine of Mr. Calhoun, however, was finally indorsed by the Supreme Court of the United States in the Dred Scott decision. This decision carried the doctrine of a self-acting extension of the Constitution to its legitimate conclusion. The Missouri compromise was declared unconstitutional as being beyond the power of Congress in dealing with acquired territory. The Dred Scott decision brought on the war, but it was overruled and reversed at Appomattox, and since that time it has not been quoted by any court as authority. It has been permitted to slumber undisturbed for more than forty years until it was brought forth by the minority of the committee as authority for the position that it has assumed on this bill.

Our position is that held by the Republican party since its birth. In 1860 Abraham Lincoln was elected President on a platform that contained this plank:

That the new dogma, that the Constitution, of its own force, carries slavery into any or all of the Territories of the United States, is a dangerous political heresy, at variance with the explicit provisions of that instrument itself, with contemporaneous exposition, and with legislative and judicial precedent; is revolutionary in its tendency and subversive of the peace and harmony of the country.

We follow Abraham Lincoln; the minority follows John C. Calhoun.

Congress has evidently agreed with Mr. Douglas, for on September 9, 1850, when the Territories of New Mexico and Utah were organized, the Constitution and laws of the United States were extended over these Territories. When the law for the organization of the Territories of Kansas and Nebraska was passed it contained provisions that the Constitution and all laws of the United States were to have the same force and effect in the Territories of Kansas and Nebraska as elsewhere within the United States, with certain exceptions. On February 28, 1861, the Territory of Colorado was organized and a provision was incorporated that the Constitution and laws of the United States should extend to that Territory. The Territory of Nevada was organized on March 2, 1861, and the organic act contained a provision which declared that the Constitution and laws of the United States should be in full force and effect in that Territory. From the organization of Dakota, on March 2, 1861, all Territorial acts, including those of Idaho, Montana, Wyoming, and Oklahoma, have contained provisions extending the Constitution and laws of the United States over each and every Territory. Similar laws have also been passed extending the Constitution and laws to the District of Columbia and the Indian Territory.

Following the precedents made by Congress during the past fifty years, if the Constitution can be extended to Territories, Congress certainly has the power to withhold it.

Whatever contention there may have been as to the necessity for extending the Constitution to newly acquired territory, the history of the United States shows that territory acquired by conquest or treaty remains foreign territory so far as customs duties are concerned until Congress extends the revenue laws of the United States over it. They have been extended in every instance where territory has been acquired, except the Hawaiian Islands, and until they have been so extended the ports in the newly acquired territory have been considered foreign ports.

Louisiana was acquired by cession on April 30, 1803. The customs laws were not extended to it until February 24, 1804. After its acquisition and occupation, by an order of Albert Gallatin, Secretary of the Treasury—and this order was sanctioned by Thomas Jefferson, the great father of Democracy, then President of the United States—the collector at New Orleans was directed to consider Baton Rouge and all other ports in Louisiana as foreign ports, and they were so treated until after the customs laws were extended over Louisiana.

Florida was ceded by the treaty of February 22, 1819. For more than two years, until March 3, 1821, when the revenue laws were extended over this Territory, its ports were treated as foreign ports, and duties were collected upon all goods imported from Florida into the United States.

On March 1, 1845, Congress passed a joint resolution "for annexing Texas to the United States." After the executive government of Texas, its congress, and its people at the polls had complied with all the terms and accepted all the conditions of this

joint resolution—after the annexation of Texas as a part of the public domain of the United States was an accomplished fact—by direction of President Polk, the Secretary of the Treasury, Robert J. Walker, instructed collectors and other customs officers that "until further action of the Congress" "you will collect duties as heretofore upon all imports from Texas into the United States." And this policy was pursued until the admission of Texas as a State.

Alaska was ceded by the treaty with Russia concluded June 20, 1867, but the customs laws were not extended over that district until July 27, 1868. In the interval its ports were treated as foreign ports.

Are these legislative precedents of a century entitled to any consideration here? Will they have any effect on the Supreme Court when it comes to decide whether or not the Constitution and our customs laws of their own force and vigor have gone into Puerto Rico and the Philippines? Permit me to call attention to a few decisions of the Supreme Court on this subject.

In the case of Lithographic Company *vs.* Sarony (111 U. S., 57), Justice Miller said:

> The construction placed upon the Constitution by the first act of 1790, and the act of 1802, by the men who were contemporary with its formation, many of whom were members of the convention that framed it, is of itself entitled to very great weight, and when it is remembered that the rights thus established have not been disputed during a period of nearly a century, it is almost conclusive.

In Field *vs.* Clark (143 U. S., 691) Justice Harlan said:

> The practical construction of the Constitution, as given by so many acts of Congress, and embracing almost the entire period of our national existence, should not be overruled, unless upon a conviction that such legislation was clearly incompatible with the supreme law of the land.

This is what the Supreme Court has said in regard to legislative precedents—in regard to the construction placed upon constitutional questions by Congress itself.

NO NEW POLICY PROPOSED.

The opposition says that this is the first time in the history of the country that we have ever had duties that were not uniform. I read what the gentleman from Tennessee [Mr. RICHARDSON], the leader of the minority, said in his speech the other day on this proposition:

> The opposition to this bill plants itself upon this ground. The measure is imperialism itself. In the former acquisitions to which I have referred no such measure as the pending one was ever proposed or deemed necessary. When the Louisiana territory was acquired, when Texas was annexed, when California and Arizona and New Mexico and other Territories were acquired, did any man rise in this House or the other body of this Congress and offer such a legislative proposition as the pending one? This effort, therefore, clearly marks the dividing line between all former acquisitions and that of Puerto Rico, if it be conceded that the enactment of the proposed bill into law is required.

I challenge the correctness of the statement that this is the first time we have ever had unequal taxation between the Territories and the United States, to which they belonged. The treaty with France in 1803 provided that for twelve years the produce and manufactures of France and her colonies and of Spain and her colonies, when carried in the ships of France or Spain, should be admitted into all the local ports of the ceded territory without paying a greater duty on merchandise than that paid by the citizens of the United States.

At the time this treaty was adopted, and for twelve years afterwards, there was a provision in the tariff laws of the United States that added 10 per cent additional to the rates on goods and merchandise that were imported into the United States in ships or vessels that were not of the United States. Under this provision a French ship laden with French goods or a Spanish ship laden with Spanish goods entering the port of New York or any other port of the United States would be required to pay 10 per cent higher duties than if the same goods in the same ships had entered the port of New Orleans or any other port in Louisiana.

It was urged by Representatives in Congress that this treaty was unconstitutional. Mr. Griswold, a Representative from Connecticut, said:

> Although I am unwilling to detain the committee at this late hour, and wish not to delay the wishes of the majority, yet I must be permitted again to refer the committee to the seventh article of the treaty. This article declares, that the ships of France and Spain, together with their cargoes, being the produce or manufacture of these countries, shall be admitted into the ports of the ceded territory on the same terms, in regard to duties, with American ships. It is certainly worth the consideration of the committee, whether this article, is consistent with the provisions of the Constitution. As our laws now stand, the ships of France and Spain are liable to an extra tonnage duty, and their cargoes to a duty of 10 per cent advance, when arriving in the Atlantic ports.
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> The treaty declares that, in the ports of the ceded territory, this extra duty of imposts and tonnage shall cease. The treaty does not, and probably can not, repeal the law, which lays this extra duty in the Atlantic States, but those duties must still be collected. The Constitution, however, declares, in the eighth section of the first article, that "all duties, imposts, and excises, shall be uniform throughout the United States," and in the ninth section of the same article, it is said that "no preference shall be given by any regulation of commerce, or revenue, to the ports of one State over those of another." By the treaty, however, the uniformity of duties is destroyed, and by this regulation of commerce, contained in the treaty, a preference is certainly given to the ports of the ceded territory over those of the other States.

Yet the father of the Democratic party, Thomas Jefferson, supported by his followers in Congress, in the face of this opposition, drove that treaty through the Senate and had it ratified and had an appropriation made to carry it into effect. This discrimination and lack of uniformity continued for twelve years and was so generally indorsed and admitted to be valid by the Government and the people that no case is reported in which an effort was made to challenge the constitutionality of the act.

A law enacted March 30, 1822, in relation to the commerce and navigation of Florida contained a similar provision.

DUTIES NOT UNIFORM NOW.

The Hawaiian Islands were annexed by joint resolution July 7, 1898. Although this resolution provides that these islands are "annexed as part of the territory of the United States and are subject to the sovereign dominion thereof;" yet our customs and revenue laws have never been extended to these islands. This annexation resolution provided:

> Until legislation shall be enacted extending the United States customs laws and regulations to the Hawaiian Islands the existing customs relations of the Hawaiian Islands with the United States and other countries shall remain unchanged.

Is Puerto Rico any more a "part of the United States" than the Hawaiian Islands? Is Congress under any more stringent restrictions of the Constitution when legislating for Puerto Rico than for the Hawaiian Islands? Do not the same limitations of the Constitution stay the hand of Congress when passing a joint resolution as when enacting a law? Yet here is a joint resolution passed by both Houses of Congress and approved by the President which does two things that have been very elaborately discussed in this debate.

In the first place, by the act of Congress it puts in force in the Hawaiian Islands, under the authority of the United States, a schedule of tariff duties that are not uniform with those of the Dingley law which are in force "throughout the United States." Since the Hawaiian Islands have been "a part of the United States" for almost two years, the products of all foreign nations have paid different duties when entering the ports of these islands than when entering the ports of the States of the Union.

Then, in the second place, the last Congress did, by this joint resolution, just what the Committee on Ways and Means proposes to do by the pending bill. It provided that certain products of the United States, when imported into certain insular possessions of the United States, should pay certain customs duties at the ports of those islands; and that when certain products of those islands are imported into the United States they shall pay certain customs duties at the ports of the United States.

We have abundant Democratic authority for the position we take. We have the authority of Jefferson, Jackson, Monroe, Benton, and Douglas. We have the authority of other leaders of the Democratic party long since dead and gone, and I am sorry that the present leaders of that party do not follow in the footsteps of their illustrious predecessors.

I call attention to a provision in the present treaty with Spain. It is Article IV:

> The United States will, for the term of ten years from the date of the exchange of the ratifications of the present treaty, admit Spanish ships and merchandise to the ports of the Philippine Islands on the same terms as ships and merchandise of the United States.

The treaty was ratified.

Now, if the contention of the minority be correct, we can not do anything with the Philippine Islands but give them free trade. We can not have any tariffs between this country and the Philippines. The ships and merchandise of the United States going into the Philippine Islands must go there duty free. Then, under this article, Spanish ships and merchandise must be admitted there free for a period of ten years. Then, if we can not have any tariff against the Philippine Islands, after Spain gets her goods into those islands, she can bring them into this country free, and have free trade with the United States by way of the Philippine Islands.

Spain can not bring her ships or merchandise to the United States free. She is obliged to pay the same duty as other countries. She can secure free admission in the Philippine Islands. Is that uniformity of duties? Has not this treaty destroyed the uniformity of duties in this country and the Philippine Islands?

The gentleman from Tennessee [Mr. RICHARDSON], the leader of the minority, the gentleman from Nevada [Mr. NEWLANDS], and the gentleman from New York [Mr. MCCLELLAN], members of the Committee on Ways and Means making the minority report on this bill, voted for the $20,000,000 appropriation to carry out the terms of the treaty by which we acquired the Philippine Islands.

Mr. HOPKINS. And Mr. Bryan recommended the ratification of the treaty also.

Mr. LONG. Yes; the present leader of the Democratic party recommended that the treaty be ratified, and it was ratified.

Mr. HENRY of Connecticut. I should like to ask if the terms of the treaty did not extend still further under the favored nation clause?

Mr. LONG. I am coming to that.

THE OPEN DOOR.

When this treaty was being made the American commissioners made this proposition to the Spanish commissioners:

And it being the policy of the United States to maintain in the Philippines an open door to the world's commerce, the American commissioners are prepared to insert in the treaty now in contemplation a stipulation to the effect that, for a term of years, Spanish ships and merchandise shall be admitted into the ports of the Philippine Islands on the same terms as American ships and merchandise.

In response the Spanish commissioners asked this question of the American commissioners:

Is the offer made by the United States to Spain to establish for a certain number of years similar conditions in the ports of the archipelago for vessels and merchandise of both nations, an offer which is preceded by the assertion that the policy of the United States is to maintain an open door to the world's commerce, to be taken in the sense that the vessels and goods of other nations are to enjoy or can enjoy the same privilege which for a certain time is granted those of Spain, while the United States do not change such policy?

The American commissioners made this reply:

The declaration that the policy of the United States in the Philippines will be that of an open door to the world's commerce necessarily implies that the offer to place Spanish vessels and merchandise on the same footing as American is not intended to be exclusive. But the offer to give Spain that privilege for a term of years, is intended to secure it to her for a certain period by special treaty stipulation, whatever might be at any time the general policy of the United States.

What does the open door mean? Does it mean free trade? No. It means equality. It means that all nations are to be treated alike in the Philippines and their goods be admitted on the same terms as those of the United States. If the minority be right, under the treaty that its members helped to ratify, we have substantial free trade in the Philippine Islands with all the countries on earth. If our open-door policy is to be maintained and we can not have any tariffs between this country and the Philippines, then all the countries of the earth can come with their goods free into this country by way of the Philippine Islands.

You tell me that you represent the Administration on this question! You tell me that you are in accord with the President of the United States in his policy toward our insular possessions! His commissioners at Paris said months ago that we intended to have an open door in the Philippine Islands. But an open door did not mean free trade there; it meant that all nations should have the same right there that we have, and nothing more.

ANCIENT AND MODERN PROPHETS.

The most direful predictions are made by members of the minority if we retain the Philippines. The gentleman from Tennessee, the leader of the minority [Mr. RICHARDSON], in his speech the other day, said:

Sir, this is but the beginning of our troubles if we enter upon the policy of imperialism. The box of immeasurable evils fabled to have been presented to Pandora by Jupiter, from which, when opened, countless ills and diseases issued forth to afflict mankind, was as nothing as compared with the ills and diseases that will afflict us in our body politic when our policy of imperialism is developed.

Nearly a century ago, when the acquisition of Louisiana was under consideration, Senator White, of Delaware, made almost identically the same prophecy. He said:

But as to Louisiana—this new, immense, unbounded world—if it should ever be incorporated into this Union, which I have no idea can be done but by altering the Constitution, I believe it will be the greatest curse that could at present befall us; it will be productive of immense evils, and especially one that I fear even to look upon.

Gentlemen on all sides, with but few exceptions, agree that the settlement of this country will be highly injurious and dangerous to the United States. * * * We have already territory enough, and when I contemplate the evils that may arise to these States from this intended incorporation of Louisiana into the Union, I would rather see it given to France, to Spain, or to any other nation on earth, upon the mere condition that no citizen of the United States should ever settle within its limits, than to see the territory sold for $100,000,000 and we retain the sovereignty.

Thirteen States have been admitted from the Louisiana purchase, and 67 Representatives speak for the people of those States on this floor. The legislators of a century ago assumed responsibilities, and we see the results to-day of their wisdom and courage. At the first centennial of the acquisition of Louisiana, to be held in the metropolis of the Purchase, those States will show to the world the progress and advancement that they have made in a hundred years.

This nation is entering on a new era of commercial prosperity. We are looking to the East. We are endeavoring to secure the open door in China. If obtained, it means that this nation in the second century of its existence will be the power on the sea, as it now is on the land. [Applause.]

On the fate of this bill depends the future policy of the Administration in relation to our trade with the Philippines and the far East. The importance of the question can not be overestimated. Its relation to the progress and glory of our country can not be measured and its right decision by Congress and the courts will affect in an incalculable degree the welfare of our people and the future of the nation. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. PAYNE. I ask that the gentleman be allowed to conclude his remarks without limit as to time.

Mr. LONG. No. I am obliged to the gentleman from New York, but I have already had the indulgence of the House too long at this late hour. I only want to say to those on this side of the Chamber, who are the real supporters of the President of the United States, on whom he must depend for the carrying out of this policy, do not let us in this emergency prove unworthy of the trust that was reposed in us by the American people when they sent us here to legislate on these questions. [Prolonged applause on the Republican side.]

And then, on motion of Mr. PAYNE, the committee rose; and the Speaker having resumed the chair, Mr. HULL, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the bill (H. R. 8245) to regulate the trade of Puerto Rico, and for other purposes, and had come to no resolution thereon.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to an enrolled bill of the following title:

S. 160. An act to authorize the construction of a bridge across the Red River of the North at Drayton, N. Dak.

LATE CONSUL TO THE TRANSVAAL.

The SPEAKER laid before the House the following message from the President of the United States:

To the House of Representatives:

I transmit herewith a report from the Secretary of State, in response to the resolution of the House of Representatives of February 19, 1900, calling upon him to inform the House of Representatives—

1. If "Charles E. Macrum, as consul of the American Government, informed the State Department that his official mail had been opened and read by the British censor at Durban, and, if so, what steps, if any, have been taken in relation thereto; and

2. "What truth there is in the charge that a secret alliance exists between the Republic of the United States and the Empire of Great Britain."

WILLIAM McKINLEY.

EXECUTIVE MANSION, *February 21, 1900.*

The message, with the accompanying documents, was ordered to be printed, and referred to the Committee on Foreign Affairs.

MEMBERS OF MEMORIAL ASSOCIATION OF DISTRICT OF COLUMBIA.

The SPEAKER announced the appointment as members of the Memorial Association of the District of Columbia—

For the term of three years, M. M. Parker and S. R. Franklin.

For the term of two years, vice Gardiner G. Hubbard, deceased, Charles J. Bell.

For the term of one year, vice A. T. Britton, deceased, George W. McLanahan.

And then, on motion of Mr. PAYNE, and under the order heretofore adopted, the House (at 5 o'clock and 5 minutes p. m.) adjourned until to-morrow at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting papers relating to adjusting the accounts of Maj. J. B. Bellinger—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Chocolate Bayou, Texas—to the Committee on River and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of East Bayou, Texas—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Clear Creek, Texas—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of project for improving the harbor of refuge at Sandy Bay, Cape Ann, Massachusetts—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Caney Creek, Texas—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Dickinson Bayou, Texas—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Highland Bayou, Texas—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Oyster Creek, Texas—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Bastrop Bayou, Texas—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of San Bernard River, Texas—to the Committee on Rivers and Harbors, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. MONDELL, from the Committee on Mines and Mining, to which was referred the bill of the House (H. R. 982) to apply a portion of the proceeds of the public lands to the endowment and support of the mining schools in the several States and Territories, for the purposes of extending similar aid in the development of the mining industries of the nation as already provided for the agricultural and mechanical arts, reported the same with amendment, accompanied by a report (No. 385); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1800) granting a pension to Hulda L. Maynard, reported the same with amendment, accompanied by a report (No. 386); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7799) to grant an increase of pension to Franklin M. Burdoin, reported the same with amendment, accompanied by a report (No. 387); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 4089) granting a pension to Emily Burke, reported the same with amendment, accompanied by a report (No. 388); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 3214) granting an increase of pension to J. S. Dukate, reported the same with amendment, accompanied by a report (No. 389); which said bill and report were referred to the Private Calendar.

Mr. GASTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2623) for the relief of Melville Oliphant, reported the same with amendment, accompanied by a report (No. 390); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 4791) granting a pension to Catharine A. Schwunger, of Berks County, Pa., reported the same with amendment, accompanied by a report (No. 391); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7488) to pension John C. Ray, reported the same with amendment, accompanied by a report (No. 392); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 301) for the relief of James T. Donaldson, jr., reported the same with amendment, accompanied by a report (No. 393); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6486) to increase the pension of Orange F. Berdan, reported the same with amendment, accompanied by a report (No. 394); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 4971) granting a pension to Maria V. Sperry, reported the same with amendment, accompanied by a report (No. 395); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 3775) granting an increase of pension to Robert Boston, reported the same with amendment, accompanied by a report (No. 396); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5088) granting a pension to William G. Willoughby, reported the same with amendment, accompanied by a report (No. 397); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8045) granting a pension to Wilford Cooper, reported the same with amendment, accompanied by a report (No. 398); which said bill and report were referred to the Private Calendar.

Mr. DRIGGS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5961) to authorize and direct the Secretary of the Interior to reissue the pension certificate of Charles A. Hausmann and increase the rate of his pension, reported the same with amendment, accompanied by a report (No. 399); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3821) granting a pension to Frances D. Best, widow of Lieut. Col. Joseph G. Best, reported the same with amendment, accompanied by a report (No. 400); which said bill and report were referred to the Private Calendar.

Mr. HEDGE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4180) granting an increase of pension to A. J. Pickett, reported the same with amendment, accompanied by a report (No. 401); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2076) granting an increase of pension to Horace N. Brackett, reported the same with amendment, accompanied by a report (No. 402); which said bill and report were referred to the Private Calendar.

Mr. FLYNN, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 7649) authorizing the Secretary of the Interior to issue patent to the city of Elreno, Okla., for cemetery purposes, reported the same with amendment, accompanied by a report (No. 403); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 4448) granting a pension to E. H. Clark; and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions and memorials of the following titles were introduced and severally referred as follows:

By Mr. BUTLER: A bill (H. R. 8775) relating to certain officers on the retired list of the Navy who served during the rebellion and the late war with Spain—to the Committee on Naval Affairs.

By Mr. PAYNE: A bill (H. R. 8776) authorizing the Commissioner of Internal Revenue to redeem or make allowance for internal-revenue stamps—to the Committee on Ways and Means.

By Mr. MULLER: A bill (H. R. 8777) to confer upon the supervisor of the harbor of New York further power to act in reference to interference with navigation, and to confer jurisdiction upon the United States courts to punish offenders thereof—to the Committee on Interstate and Foreign Commerce.

By Mr. S. A. DAVENPORT (by request): A bill (H. R. 8778) to promote the efficiency of the clerical force of the Navy—to the Committee on Naval Affairs.

By Mr. PEREA: A bill (H. R. 8779) to establish a military post at Albuquerque, N. Mex.—to the Committee on Military Affairs.

By Mr. MUDD (by request): A bill (H. R. 8780) to incorporate the Washington Telephone Company and to permit it to install,

maintain, and operate a telephone plant and exchanges in the District of Columbia—to the Committee on the District of Columbia.

Also (by request), a bill (H. R. 8781) to incorporate the Columbia Telephone Company—to the Committee on the District of Columbia.

By Mr. CUMMINGS: A bill (H. R. 8782) amending the acts creating the office and defining the duties of the supervisor of the harbor of New York, and to regulate towing within the limits of said harbor and adjacent waters—to the Committee on the Merchant Marine and Fisheries.

By Mr. LENTZ: A bill (H. R. 8783) to provide for the publication and distribution of maps of the United States to the public, private, and parochial schools in each Congressional district of the United States where recommended by the Representative or Delegate—to the Committee on Printing.

By Mr. MINOR: A bill (H. R. 8784) to promote the foreign commerce of the United States and to provide for the national defense—to the Committee on the Merchant Marine and Fisheries.

By Mr. HAWLEY: A bill (H. R. 8807) to authorize the purchase of a steam launch for use in the customs collection district of Galveston, Tex.—to the Committee on Ways and Means.

By Mr. McCALL: A bill (H. R. 8808) to diminish the number of appraisers of merchandise at the ports of Philadelphia and Boston—to the Committee on Ways and Means.

By Mr. TONGUE: A resolution (H. Res. 158) relating to the painting of twenty ex-Speakers of the House of Representatives—to the Committee on Accounts.

By Mr. GREENE of Massachusetts: A resolution of the legislature of the State of Massachusetts relating to the improvement in Boston Harbor—to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BUTLER: A bill (H. R. 8785) to make Commodore William P. McCann, of the Navy, a rear-admiral on the retired list—to the Committee on Naval Affairs.

By Mr. CURTIS: A bill (H. R. 8786) for the relief of W. L. Offutt—to the Committee on Military Affairs.

Also, a bill (H. R. 8787) granting a pension to Flora A. Knight—to the Committee on Invalid Pensions.

By Mr. CUMMINGS: A bill (H. R. 8788) for the relief of William L. Ellsworth—to the Committee on Claims.

By Mr. CATCHINGS: A bill (H. R. 8789) for the relief of the estate of James Spiars, deceased, late of Mayersville, Issaquena County, Miss.—to the Committee on War Claims.

By Mr. S. A. DAVENPORT: A bill (H. R. 8790) for the relief of Henry Mulvin—to the Committee on Military Affairs.

By Mr. FLYNN: A bill (H. R. 8791) granting a pension to William H. Miller—to the Committee on Invalid Pensions.

By Mr. FARIS: A bill (H. R. 8792) increasing the pension of William J. Overman—to the Committee on Invalid Pensions.

By Mr. KNOX: A bill (H. R. 8793) to remove the charge of desertion now standing against Frank Donnelly—to the Committee on Military Affairs.

By Mr. LEVY: A bill (H. R. 8794) to place on the pension roll the name of Ellen H. Phillips—to the Committee on Invalid Pensions.

By Mr. LLOYD: A bill (H. R. 8795) granting a pension to Catharine Moore, of Macon, Mo.—to the Committee on Invalid Pensions.

By Mr. LENTZ: A bill (H. R. 8796) to correct the military record of John M. Hartman—to the Committee on Military Affairs.

Also, a bill (H. R. 8797) to pension Sarah E. Stevens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8798) to correct the military record of Charles H. Taylor—to the Committee on Military Affairs.

By Mr. PAYNE: A bill (H. R. 8799) granting an increase of pension to William Teek—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8800) granting an increase of pension to Libbie Fries—to the Committee on Invalid Pensions.

By Mr. SIBLEY: A bill (H. R. 8801) granting an increase of pension to W. H. H. MacDonald—to the Committee on Invalid Pensions.

By Mr. STEELE: A bill (H. R. 8802) for the relief of Julius C. Kleonne, captain Company K, Seventeenth Indiana Volunteers—to the Committee on Military Affairs.

By Mr. WILSON of South Carolina: A bill (H. R. 8803) for the relief of estate of W. A. Hill, deceased—to the Committee on Claims.

Also, a bill (H. R. 8804) for the relief of James Edward Earle and others—to the Committee on War Claims.

By Mr. YOUNG of Pennsylvania: A bill (H. R. 8805) to increase the pension of John H. Shingle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8806) for the relief of Emanuel Damsohn, Company F, Second Delaware Infantry—to the Committee on Military Affairs.

By Mr. FOSTER (by request): A bill (H. R. 8809) authorizing and requesting the Secretary of State to demand of the Government of Spain an indemnity of $100,000 for and on behalf of August E. Gans, of Chicago, Cook County, State of Illinois—to the Committee on Foreign Affairs.

By Mr. CAPRON: A resolution (H. Res. 159) to pay W. H. Mitchell for services as folder—to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BUTLER: Petition of Local Union No. 207, Brotherhood of Carpenters and Joiners, of Chester, Pa., favoring the passage of House bill No. 6882, relating to hours of labor on public works, and House bill No. 5450, for the protection of free labor against prison labor—to the Committee on Labor.

Also, petition of the Union Labor League of Philadelphia, Pa., urging the passage of House bill No. 4728, relating to leave of absence with pay to certain employees of the Government—to the Committee on Naval Affairs.

By Mr. CURTIS: Resolution of the Commercial Club of Topeka, Kans., favoring the passage of House bill No. 887, for the promotion of exhibits in the Philadelphia museums—to the Committee on Interstate and Foreign Commerce.

Also, petitions of Edith L. Metcalf and others, of Topeka, and Lizzie Herbert and others, of Hiawatha, Kans., post-office clerks, in favor of the passage of House bill No. 4351—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the Commercial Club of Topeka, Kans., favoring the passage of Senate bill No. 738, creating a department of commerce and industries—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Commercial Club of Topeka, Kans., in favor of the appropriation of $25,000 in the Agricultural bill for good roads—to the Committee on Agriculture.

By Mr. GROUT: Resolutions of a meeting of fourth-class postmasters of Rutland County, Vt., praying for the passage of the Cummings bill, increasing the compensation of postmasters of the fourth-class post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. KNOX: Petition of Walter H. Morse and 6 other substitute letter carriers of Lawrence, Mass., favoring the passage of House bill No. 1051, to grade substitute letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. LEVY: Petition of the Consolidated Stock and Petroleum Exchange of New York, for a modification of the revenue law relating to the tax on sales of merchandise made at any exchange or board of trade—to the Committee on Ways and Means.

By Mr. PAYNE: Papers to accompany House bill No. 6524, to remove the charge of desertion from the record of Andrew Carney—to the Committee on Military Affairs.

Also, petitions of E. E. Titus and others and E. J. Hopkins and others, post-office clerks of Penn Yan and Cortland, N. Y., in favor of the passage of House bill No. 4351—to the Committee on the Post-Office and Post-Roads.

Also, petitions of H. D. Waters, of Cuyler, W. D. Henderson, of Macedon, N. Y., and other citizens, for a law subjecting food and dairy products to the laws of the State or Territory into which they are imported—to the Committee on Interstate and Foreign Commerce.

By Mr. WHITE: Petitions of 389 citizens of New York City, 683 citizens of Jersey City and vicinity, New Jersey, 99 citizens of the District of Columbia, 266 citizens of Clifton Forge, Va., and 133 citizens of Binghamton, N. Y., protesting against the crime of lynching and mob violence—to the Committee on the Judiciary.

By Mr. YOUNG of Pennsylvania: Petition of the select council of Philadelphia, Pa., favoring the passage of House bill No. 887, for the promotion of exhibits in the Philadelphia museums—to the Committee on Interstate and Foreign Commerce.

Also, papers to accompany House bill granting increase of pension to John H. Shingle—to the Committee on Invalid Pensions.

Also, resolutions of the Philadelphia Drug Exchange, with reference to the bill for the encouragement of the American merchant marine—to the Committee on the Merchant Marine and Fisheries.

Also, paper to accompany House bill to correct the military record of Emanuel Damsohn, of Philadelphia—to the Committee on Military Affairs.

Also, petition of the Letter Carriers' Fraternal and Benevolent Union of Cincinnati, Ohio, favoring retirement of letter carriers after a specified number of years—to the Committee on the Post-Office and Post-Roads.

SENATE.

THURSDAY, *February 22, 1900.*

The Chaplain, Rev. W. H. MILBURN, D. D., offered the following prayer:

O Thou, who art the Ruler of all nations and guide of human history, a whole people come with a song of thanksgiving to Thee to-day to honor the memory of the man the anniversary of whose birth we celebrate. We bless Thee, O God, for the gift of his lofty and stainless character, the influence he has continued to exert more and more as the years pass.

Let Thy loving-kindness rest upon the nation which he founded and builded under Thy blessing. Let it rest upon the man who now occupies so honorably, in so beloved a way, the chair once filled by Washington. And grant that the people of this country, honoring the name of the Father of his Country, may walk in the paths which he loved and trod; and so may we keep before Thee God's laws and inherit for ourselves and our children His blessing, support, cheer, salvation. We humbly pray. Through Jesus Christ our Saviour. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. WOLCOTT, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

READING OF WASHINGTON'S FAREWELL ADDRESS.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution, which will be read by the Secretary.

The Secretary read the resolution submitted by Mr. HOAR, and agreed to, on the 30th ultimo, as follows:

Resolved, That on Thursday, February 22, 1900, immediately after the reading of the Journal, Washington's Farewell Address be read to the Senate by Mr. FORAKER, a Senator from the State of Ohio, and that thereafter the Senate will proceed with its business.

The PRESIDENT pro tempore. The Senator from Ohio will please occupy the chair.

Mr. FORAKER (at the Vice-President's desk) read the address, as follows:

To the people of the United States:

FRIENDS AND FELLOW-CITIZENS: The period for a new election of a citizen to administer the Executive Government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed to decline being considered among the number of those out of whom a choice is to be made.

I beg you at the same time to do me the justice to be assured that this resolution has not been taken without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that in withdrawing the tender of service, which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest, no deficiency of grateful respect for your past kindness, but am supported by a full conviction that the step is compatible with both.

The acceptance of and continuance hitherto in the office to which your suffrages have twice called me have been a uniform sacrifice of inclination to the opinion of duty and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this previous to the last election had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations and the unanimous advice of persons entitled to my confidence impelled me to abandon the idea. I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety, and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust were explained on the proper occasion. In the discharge of this trust I will only say that I have, with good intentions, contributed toward the organization and administration of the Government the best exertions of which a very fallible judgment was capable. Not unconscious in the outset of the inferiority of my qualifications, experience in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and every day the increasing weight of years admonishes me more and more that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is intended to terminate the career of my political life my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me, and for the opportunities I have thence enjoyed of manifesting my inviolable attachment by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise and as an instructive example in our annals that under circumstances in which the passions, agitated in every direction, were liable to mislead; amidst appearances sometimes dubious; vicissitudes of fortune often discouraging; in situations in which not unfrequently want of success has countenanced the spirit of criticism, the constancy of your support was the essential prop of the efforts and a guaranty of the plans by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave as a strong incitement to unceasing vows that Heaven may continue to you the choicest tokens of its beneficence; that your union and brotherly affection may be perpetual; that the free Constitution which is the work of your hands may be sacredly maintained; that its administration in every department may be stamped with wisdom and virtue; that, in fine, the happiness of the people of these States, under the auspices of liberty, may be made complete by so careful a preservation and so prudent a use of this blessing as will acquire to them the glory of recommending it to the applause, the affection, and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare which can not end but with my life, and the apprehension of danger natural to that solicitude, urge me on an occasion like the present to offer to your solemn contemplation and to recommend to your frequent review some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all-important to the permanency of your felicity as a people. These will be offered to you with the more freedom as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget as an encouragement to it your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people is also now dear to you. It is justly so, for it is a main pillar in the edifice of your real independence, the support of your tranquillity at home, your peace abroad, of your safety, of your prosperity, of that very liberty which you so highly prize. But as it is easy to foresee that from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth, as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed, it is of infinite moment that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it, accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can in any event be abandoned, and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth or choice of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have in a common cause fought and triumphed together. The independence and liberty you possess are the work of joint counsels and joint efforts, of common dangers, sufferings, and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest. Here every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The North, in an unrestrained intercourse with the South, protected by the equal laws of a common government, finds in the productions of the latter great additional resources of maritime and commercial enterprise and precious materials of manufacturing industry. The South, in the same intercourse, benefiting by the same agency of the North, sees its agriculture grow and its commerce expand. Turning partly into its own channels the

seamen of the North, it finds its particular navigation invigorated; and while it contributes in different ways to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength to which itself is unequally adapted. The East, in a like intercourse with the West, already finds, and in the progressive improvement of interior communications by land and water will more and more find, a valuable vent for the commodities which it brings from abroad or manufactures at home. The West derives from the East supplies requisite to its growth and comfort, and what is perhaps of still greater consequence, it must of necessity owe the secure enjoyment of indispensable outlets for its own productions to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as one nation. Any other tenure by which the West can hold this essential advantage, whether derived from its own separate strength or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While, then, every part of our country thus feels an immediate and particular interest in union, all the parts combined can not fail to find in the united mass of means and efforts greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations, and what is of inestimable value, they must derive from union an exemption from those broils and wars between themselves which so frequently afflict neighboring countries not tied together by the same governments, which their own rivalships alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues would stimulate and embitter. Hence, likewise, they will avoid the necessity of those overgrown military establishments which, under any form of government, are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the Union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who in any quarter may endeavor to weaken its bands.

In contemplating the causes which may disturb our union, it occurs as matter of serious concern that any ground should have been furnished for characterizing parties by geographical discriminations—Northern and Southern, Atlantic and Western—whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts is to misrepresent the opinions and aims of other districts. You can not shield yourselves too much against the jealousies and heartburnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our Western country have lately had a useful lesson on this head. They have seen in the negotiation by the Executive and in the unanimous ratification by the Senate of the treaty with Spain, and in the universal satisfaction at that event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the General Government and in the Atlantic States unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties—that with Great Britain and that with Spain—which secure to them everything they could desire in respect to our foreign relations toward confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? Will they not henceforth be deaf to those advisers, if such there are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your union a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute. They must inevitably experience the infractions and interruptions which all alliances in all times have experienced. Sensible of this momentous truth, you have improved upon your first essay by the adoption of a constitution of government better calculated than your former for an intimate union and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government. But the constitution which at any time exists till changed by an explicit and authentic act of the whole people is sacredly obligatory upon all. The very idea of the power and the right of the people to establish government presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations, under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberation and action of the constituted authorities, are destructive of this fundamental principle and of fatal tendency. They serve to organize faction; to give it an artificial and extraordinary force; to put in the place of the delegated will of the nation the will of a party, often a small but artful and enterprising minority of the community, and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill-concerted and incongruous projects of faction rather than the organ of consistent and wholesome plans, digested by common counsels and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely in the course of time and things to become potent engines by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people, and to usurp for themselves the reins of government, destroying afterwards the very engines which have lifted them to unjust dominion.

Toward the preservation of your Government and the permanency of your present happy state it is requisite not only that you steadily discountenance irregular oppositions to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretexts. One method of assault may be to effect in the forms of the Constitution alterations which may impair the energy of the system, and thus to undermine what can not be directly overthrown. In all the changes to which you may be invited remember that time and habit are at least as necessary to fix the true character of governments as other human institutions; that experience is the surest standard by which to test the real tendency of the existing constitution of a country; that facility in changes upon the credit of mere hypothesis and opinion exposes to perpetual change, from the endless variety of hypothesis and opinion; and remember especially that for the efficient management of your common interests in a country so extensive as ours a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the State, with particular reference to the founding of them on geographical discriminations. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result gradually incline the minds of men to seek security and repose in the absolute power of an individual, and sooner or later the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind (which nevertheless ought not to be entirely out of sight), the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms; kindles the animosity of one part against another; foments occasionally riot and insurrection. It

opens the door to foreign influence and corruption, which find a facilitated access to the Government itself through the channels of party passion. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the Government and serve to keep alive the spirit of liberty. This within certain limits is probably true, and in governments of a monarchical cast patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency it is certain there will always be enough of that spirit for every salutary purpose, and there being constant danger of excess, the effort ought to be by force of public opinion to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent its bursting into a flame, lest instead of warming it should consume.

It is important, likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominates in the human heart is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions by the others, has been evinced by experiments, ancient and modern, some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If in the opinion of the people the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism who should labor to subvert these great pillars of human happiness—these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, Where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.

It is substantially true that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric? Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering also that timely disbursements to prepare for danger frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in time of peace to discharge the debts which unavoidable wars have occasioned, not ungenerously throwing upon posterity the burthen which we ourselves ought to bear. The execution of these maxims belongs to your representatives; but it is necessary that public opinion should cooperate. To facilitate to them the performance of their duty it is essential that you should practically bear in mind that toward the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper objects (which is always a choice of difficulties) ought to be a decisive motive for a candid construction of the conduct of the Government in making it, and for a spirit of acquiescence in the measures for obtaining revenue which the public exigencies may at any time dictate.

Observe good faith and justice toward all nations. Cultivate peace and harmony with all. Religion and morality enjoin this conduct. And can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and at no distant period a great nation to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt that in the course of time and things the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it? Can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachments for others should be excluded, and that in place of them just and amicable feelings toward all should be cultivated. The nation which indulges toward another an habitual hatred or an habitual fondness is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur.

Hence frequent collisions, obstinate, envenomed, and bloody contests. The nation prompted by ill will and resentment sometimes impels to war the government contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject. At other times it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty, of nations has been the victim.

So, likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter without adequate inducement or justification. It leads also to concessions to the favorite nation of privileges denied to others, which is apt doubly to injure the nation making the concessions by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted, or deluded citizens (who devote themselves to the favorite nation) facility to betray or sacrifice the interests of their own country without odium, sometimes even with popularity, gilding with the appearances of a virtuous sense of obligation a commendable deference for public opinion or a laudable zeal for public good the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils! Such an attachment of a small or weak toward a great and powerful nation dooms the former to be the satellite of the latter. Against the insidious wiles of foreign influence (I conjure you to believe me, fellow-citizens) the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike of another cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots who may resist the intrigues of the favorite are liable to become suspected and odious, while its tools and dupes usurp the applause and confidence of the people to surrender their interests.

The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests which to us have none or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not legally hazard the giving us provocation; when we may choose peace or war, as our interests, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliances with any portion of the foreign world, so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than to private affairs that honesty is always the best policy. I repeat, therefore, let those engagements be observed in their genuine sense. But in my opinion it is unnecessary and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, liberal intercourse with all nations are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand, neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the Government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend I dare not hope they will make the strong and lasting impression I could wish—that they will control the usual current of the passions or prevent our nation from running the course which has hitherto marked the destiny of nations. But if I may even flatter myself that they may be productive of some partial benefit, some occasional good—that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism—this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far in the discharge of my official duties I have been guided by the principles which have been delineated the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is that I have at least believed myself to be guided by them.

In relation to the still subsisting war in Europe my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both Houses of Congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take and was bound in duty and interest to take, a neutral position. Having taken it, I determined as far as should depend upon me, to maintain it with moderation, perseverance, and firmness.

The considerations which respect the right to hold this conduct it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without anything more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity toward other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress without interruption to that degree of strength and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my Administration I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence, and that, after forty-five years of my life dedicated to its service with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love toward it which is so natural to a man who views in it the native soil of himself and his progenitors for several generations, I anticipate with pleasing expectation that retreat in which I promise myself to realize without alloy the sweet enjoyment of partaking in the midst of my fellow-citizens the benign influence of good laws under a free government—the ever-favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors, and dangers.

GO: WASHINGTON.

UNITED STATES, *September 19, 1796.*

SENATOR FROM PENNSYLVANIA.

Mr. PENROSE. Mr. President, yesterday I gave notice to the Senate that to-day, at the completion of the reading of the Farewell Address by the Senator from Ohio [Mr. FORAKER], I would ask the consideration by the Senate of Senate resolution No. 107, which reads:

That the Hon. Matthew S. Quay is not entitled to take a seat in this body as a Senator from the State of Pennsylvania.

I had expected to have the case brought up to-day, because the resolution under which to-day's ceremonies have been performed reads "that thereafter the Senate will proceed with its business," but I have been informed this morning that there is a disposition on the part of a considerable number of Senators to ask an adjournment of this body, for reasons which seem to me proper and good. I have further been assured by Senators who are opposed to the seating of Mr. Quay that the case can be brought up to-morrow morning without objection at the conclusion of the routine morning business. I would prefer, of course, to expedite it in every way and to have it considered to-day, but not desiring to be unreasonable in the matter, I have concluded that, so far as I am individually concerned, I will not oppose the motion to adjourn if it be offered; but, Mr. President, I again renew my notice that I will bring the resolution up to-morrow at the conclusion of the routine morning business.

Mr. FORAKER. Mr. President, I want to call attention to the fact that some days before the Senator from Pennsylvania [Mr. PENROSE] gave the notice to which he refers I gave notice that immediately after the Hawaiian bill had been voted upon I should move to take up and have made the regular order the Puerto Rican bill. I do not wish to stand in the way of the consideration of the motion to which the Senator from Pennsylvania alludes. I recognize that it is a privileged motion, and I am not in spirit opposed to it anyhow.

Mr. CULLOM. I desire to suggest to the Senator from Ohio [Mr. FORAKER], with the leave of the Chair, that the notice given by the Senator from Pennsylvania [Mr. PENROSE] was that he would ask to take up the case referred to by him immediately after the conclusion of the morning business to-morrow, which would be in the morning hour and would not interfere with the bill now under consideration after 2 o'clock. I suppose he would not expect to continue it after that hour unless some Senator were making a speech which he desired to conclude.

Mr. FORAKER. What I was about to say, and what I now say, to the Senator from Pennsylvania is in the interest of avoiding any conflict between that which he wishes to do and what I desire to do—that as soon as the Hawaiian bill has been voted upon I want to make the motion to which I have referred, and I hope it may prevail.

I take advantage of this opportunity, however, to say to the Senator from Pennsylvania that if a Senator desires at any time while the Puerto Rican bill is under consideration to speak on the question in which he is interested, I shall have no objection whatever to yielding to him and putting aside the regular order for the time being, conditioned, of course, that the interruption shall not be unreasonable, and conditioned, also, that the bill does not lose its place on the Calendar as the unfinished business, if I secure that place for it.

Mr. ALDRICH. Mr. President, I do not understand that the notices which have been given fix or affect the order of business which the Senate may hereafter adopt or have adopted in regard to any of these measures. They merely express the wish of individual Senators that something may be done at a particular time.

Mr. FORAKER. We understand it so.
Mr. CHANDLER. Mr. President——
Mr. MORGAN. Has morning business been received yet, Mr. President?
The PRESIDENT pro tempore. It has not, but the Senator from New Hampshire [Mr. CHANDLER] is recognized.
Mr. CHANDLER. Mr. President, I desire to say in reference to the privileged question of the vacant seat in this body from the State of Pennsylvania that I trust an arrangement may be made for the discussion of the resolution without any such serious controversy on the subject as would result in dividing the Senate. I also wish to say that the question is a privileged one; that it is not necessary to move to take it up, and that it is not necessary for any Senator desiring to speak upon it to ask the permission of a Senator having in charge any other bill.
The question of filling a vacant seat is privileged at all times, unless otherwise disposed of by a direct vote of the Senate. A Senator can, of course, move to refer or move to postpone to a day certain a privileged question. but such a question can not otherwise be superseded, except by unanimous consent, by any other question, not even by the unfinished business.
Mr. FORAKER. I hope the Senator from New Hampshire does not imagine that I was not familiar with the rule with respect to which he calls attention.
Mr. CHANDLER. I beg the Senator's pardon.
Mr. FORAKER. I understand such a motion is privileged and it can be made at any time; but I understand, at the same time, the Senate still has the whole subject in its own hands, and a Senator can move to postpone it or lay it on the table.
Mr. CHANDLER. I intended no reflection upon the Senator. I only called attention to the fact that it is not necessary to make a motion to take up such a privileged question. In contemplation of the rules of the Senate, a resolution in reference to a vacant seat, such as that now existing from Pennsylvania, is always before the Senate, and may be called up at any time, as I understand, until it is disposed of by a direct motion.
Mr. FORAKER. Yes.
Mr. CULLOM. Mr. President, while such a motion may be regarded as privileged, I understand it is in the power of the Senate, by a majority vote, to take up such a resolution, or to retain, for instance, the bill which is now the unfinished business of the Senate, after 2 o'clock, and proceed with its consideration. It is entirely in the hands of the majority of the Senate to determine whether they will consider one subject or another.
The PRESIDENT pro tempore. There is no question before the Senate.
Mr. MORGAN. I call for the regular order, whatever it may be.
Mr. ALDRICH. Will the Senator permit me to make one statement?
Lest the statement made by the Senator from New Hampshire [Mr. CHANDLER] should be understood as having been made by authority, I will say that the contention which he now urges is not only contrary to the rules of the Senate, but is contrary to the universal practice of the Senate from its earliest times to the present moment.
Mr. HOAR. May I be allowed to say that I do not quite agree with my honorable friend from Rhode Island [Mr. ALDRICH]. I understand that the rule of the Senate provides that a case upon the credential of a Senator shall be proceeded with till it is disposed of. That is this case exactly.
Mr. ALDRICH. Oh, no.
Mr. HOAR. That has been held to permit the reference of the question to a committee. It was so held in the Kellogg case; but when it comes back from the committee, it stands under its original privilege, so that it is not necessary to pass a motion to take it up. It can be called up by any Senator as of right, as a question of the highest privilege. When it is up, I suppose that the disposition of it is in the power of the Senate so far as certain motions go which tend to its disposition, as the Senator from New Hampshire [Mr. CHANDLER] has already stated. That is, a Senator may move to postpone the question to a day certain, to recommit it to a committee, or may make one or two other motions provided for in the rules, which are applicable to privileged cases.
But the question between myself and my honorable friend from Rhode Island [Mr. ALDRICH] is of very little practical importance, because we both agree that it is in the power of the Senate to proceed with a particular election case at a particular time, or to postpone it to a future time, or to make the other disposition suggested. So the only real practical point of it is whether you have got to have one vote to take up the question or whether any Senator can call it up, it then being in the power of the Senate to deal with it as it pleases afterwards, which is not a matter of very great practical importance; but I understand it has been decided according to my claim in a very recent case.
Mr. ALDRICH. Mr. President, just a single word. The difference between the Senator from Massachusetts [Mr. HOAR] and myself is as to whether an individual Senator can fix the order of business of the Senate or whether a majority of the Senate shall fix that order.
Mr. HOAR. Or whether the rule shall fix it.
Mr. ALDRICH. Or whether the rule shall fix it. I am quite well aware that the Senator from Massachusetts has on frequent occasions made the same contention which he now makes in the presence of the Senate, but he has been as uniformly overruled, not only by every presiding officer, but by every vote of the Senate that has been taken on that subject.
Mr. HOAR. There is where we differ exactly. He has never been overruled.
Mr. HALE, Mr. CHANDLER, and Mr. BURROWS addressed the Chair.
The PRESIDENT pro tempore. The Senator from Alabama [Mr. MORGAN] has demanded the regular order.
Mr. BURROWS. The Senator withholds it for a moment.
The PRESIDENT pro tempore. Then the Senator from Maine [Mr. HALE] is recognized, he having first addressed the Chair.
Mr. HALE. Mr. President, I rose for the purpose of saying that some of us do not agree in the views of parliamentary law stated by the Senator from Massachusetts [Mr. HOAR] and the Senator from New Hampshire [Mr. CHANDLER]; but all that will be settled in one way or another when this question comes up, if it does come up, to-morrow. In accordance with the suggestion thrown out by the Senator from Pennsylvania [Mr. PENROSE] that, in deference to the wishes of Senators who are absent and who believed that after the ceremonial which has taken place this morning the Senate would, as it has always done heretofore, adjourn, I move that the Senate do now adjourn.
The PRESIDENT pro tempore. The question is on the motion of the Senator from Maine.
The motion was agreed to; and (at 1 o'clock and 7 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 23, 1900, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February 22, 1900.*

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.
The Journal of yesterday's proceedings was read and approved.

TRADE OF PUERTO RICO.

Mr. PAYNE. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 8245.
The motion was agreed to.
The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. HULL in the chair.
The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 8245.
Mr. MCCLELLAN. Mr. Chairman, what more appropriate day on which to speak, even though feebly as do I, in behalf of the Constitution than on the anniversary of the birth of the greatest American, who presided over the body that brought the Constitution of the United States into being.
From the somewhat light-hearted and flippant manner with which this bill has been treated by the majority, it might be assumed that it was a purely perfunctory amendment to the Dingley tariff law. But the manner with which gentlemen on the other side are apt to treat all matters of legislation is no index to the importance or the lack of importance of measures proposed by them. The country was saddled with a policy of protection run mad, with scarcely decent consideration of the measure in this House. A new era was inaugurated in financial matters by means of a bill so crudely drawn that we are given to understand it must be absolutely recast before final passage. And now a bill is presented to us said to represent the last position assumed on this question by the Republican party, after innumerable changes of front and after innumerable shiftings of ground.
On its face the bill is simple enough. It provides for a reduction of 75 per cent in the Dingley tariff rates on all goods imported to and from Puerto Rico, and yet it is the most outrageous opportunism that has been submitted to a legislative body at least since the days of that prophet of opportunism, Leon Gambetta [applause], or, as a most prominent Republican has said in reference to Puerto Rico, "The sole question is one of expediency." For some purpose not yet explained, but which requires no gift of second sight to discover, it is proposed to alter the customs of a century, to inaugurate a new national policy, to distort the Constitution, and in some respect to annul it.

THE POSITION OF THE MAJORITY.

In discussing the bill I shall try to confine myself strictly to the question without unnecessary digressions. It must be considered from two aspects, the legal and the moral. The position of the

majority in reference to the status of Puerto Rico is this: That Puerto Rico belongs to the United States, but is not a part of the United States, and that the Constitution only extends proprio vigore over the States that compose the Union, and only extends over the Territories by Congressional action. But having enunciated this proposition, the majority demurs and insists that even if the Constitution does not extend over Puerto Rico proprio vigore, the treaty of Paris is the supreme law of the land, and if in conflict with the Constitution then that treaty is paramount.

In paragraph 2, page 6, of the majority report, the following words occur:

> This treaty, under the Constitution of the United States, is the supreme law of the land.

Evidently my distinguished friend and colleague who drafted the report finds that even his partisanship will not permit him to indorse the position taken by his party in the Senate as contained in Senate report 249. I know that it is out of order to refer to anything that occurs in the other branch of Congress, but the doctrine that a treaty is superior to the Constitution is laid down so distinctly in that report, drafted by one of the ablest Republican Senators and concurred in by the entire Republican membership of his committee, that it ceases to be a matter concerning the Senate alone and becomes a fundamental doctrine of the Republican party, a doctrine which, obnoxious as it may be to gentlemen on the other side of the House, must be concurred in by them or repudiated with the confession that there are two antagonistic factions in the Republican party.

Whatever may be the differences of opinion as to the status of the Philippines, I take it that we are all agreed that Puerto Rico belongs to us, that she came to us by treaty, and that her inhabitants freely welcomed the sovereignty of the United States. In this case there has been no violation of the great principle that "governments are instituted among men, deriving their just powers from the consent of the governed." I take it further that there is no difference of opinion as to the right of the United States to acquire territory and as to the sovereignty of the United States over territory so acquired.

It is peculiar that if gentlemen are convinced of the soundness of their first contention, they should find it necessary to take refuge in an alternate proposition. One can not help thinking that it is possible that gentlemen may appreciate the weakness of both their contentions and therefore find it necessary to present to the country a sort of bargain counter of cheap arguments suited to any taste and to any purse.

THE LEGAL ASPECT OF THE CASE.

Let me first examine the argument that the Constitution does not extend proprio vigore over Puerto Rico, but that it can only so extend by the grace of Congress. In discussing this it is necessary, first, to consider what is the status of the inhabitants of Puerto Rico, and second, what is the status of the island of Puerto Rico.

What is the nationality of the inhabitants of Puerto Rico? To what government are they subject? Are they Spaniards? Certainly not. Are they citizens of Puerto Rico? No; for Puerto Rico belongs to the United States.

In United States *vs.* Cruikshank (92 U.S., 549), Mr. Chief Justice Waite said:

> Citizens are the members of the political community to which they belong. They are the people who compose the community and who, in their associated capacity, have established or submitted themselves to the dominion of a government for the promotion of their general welfare and the protection of their individual as well as their collective rights.

On pages 254 and 255 of Cooley's Constitutional Law will be found the following:

> The States can not naturalize, though they may confer special privileges upon aliens, and the act of naturalization by the United States is the grant of citizenship within the State where the naturalized person resides.

In Insurance Company *vs.* Canter (1 Peters, 511), Mr. Chief Justice Marshall says:

> The same act which transferred that territory transfers the allegiance of those who remain in it.

In Boyd *vs.* Thayer (114 U. S., 159), Mr. Chief Justice Fuller says:

> The nationality of the inhabitants of a Territory acquired by conquest or cession becomes that of the government under whose dominion they pass, subject to the right of election on their part to retain their former nationality by removal or otherwise, as may be provided.

It is clear, then, that the nationality of the people of Puerto Rico is that of the United States, and that the moment that Puerto Rico was ceded to this country, those of its inhabitants who had not elected to remain Spaniards became citizens of the United States, and as such possessed all the rights and the immunities of citizens. If they are not citizens of the United States, what are they? They must owe allegiance to some government; they do not owe allegiance to Spain; Puerto Rico belongs to the United States; they do owe allegiance to the United States; they must be and they are citizens of this country.

The inhabitants of Puerto Rico being citizens of the United States, what is the status of the territory in which they reside? It is claimed that in so far as the Territories are concerned, the Constitution only applies as an act of grace on the part of Congress; that until Congress extends the operation of the Constitution the Territories are without its pale. The bill is justified by this contention, for it is said that it does not come under the provisions of Article I, section 8, of the Constitution, which is as follows:

> The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States.

It is argued that the provision requiring all duties, imposts, and excises to be uniform applies only to the States and not to the Territories, and this argument is based upon Article IV, section 3, paragraph 2, of the Constitution, which is as follows:

> The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

Now, every case cited in support of this contention refers only to the power of Congress to "make needful rules and regulations respecting the territory of the United States," and goes in no case to the extreme that gentlemen would have us believe, that Congress may govern beyond the Constitution.

The two cases mainly relied on by the friends of this bill are American Publishing Company *vs.* Fisher (166 U. S., 467) and Gibbons *vs.* The District of Columbia (116 U. S., 404). When properly considered, these two decisions in no sense sustain the contention of the majority. In Gibbons *vs.* The District of Columbia the court held that Congress had the power to impose different rates of taxation upon different classes of property in the District of Columbia, provided the rates were uniform for each class and that the clause of the Constitution requiring taxation to be uniform had not been violated. In the case of The American Publishing Company *vs.* Fisher, and this is claimed to be the strongest argument in favor of this contention, Mr. Justice Brewer quotes Mr. Justice Bradley in Mormon Church *vs.* United States to the effect that the constitutional limitations of the power of Congress in legislating for the Territories exist rather by inference and the general spirit of the Constitution, from which Congress derives all its powers, than by any express and general application of its provisions, and then goes on to say:

> But if the seventh amendment does not operate in and of itself to invalidate this Territorial statute, then Congress has full control over the Territories, irrespective of any express constitutional limitations, and it has legislated in respect to this matter.

It will be observed that Mr. Justice Brewer does not say that Congress may legislate for the Territories beyond the Constitution, but that the constitutional limitations do govern Congress in such legislation, merely expressing the opinion that the limitations apply rather by inference and the general spirit of the Constitution than by any express and general application of its provisions. And in the quotation made above, which is considered so important and so convincing by gentlemen on the other side that it is printed in italics in their report, it will be observed that Mr. Justice Brewer does not say that the seventh amendment does not operate, but he furnishes an additional argument in favor of the position he maintained in the case at bar by saying, "If the seventh amendment does not operate," etc.—mark, he does not say that it does not take effect, but he assumes that if it did not operate, even then the Territory had violated the organic law.

If it is possible that the Constitution can only take effect in our Territories by act of Congress, if it is possible that its limitations can only apply when Congress may see fit, if the power of extending the Constitution to our Territories is vested in Congress, then Congress possesses the power to withdraw its application. If this is so—and it is maintained by gentlemen on the other side—then there is no reason on earth why trial by jury may not be abolished in New Mexico and why a protective tariff may not be enforced against Arizona.

On the other hand, there are numerous decisions in direct opposition to the contention of the majority.

In Murphy *vs.* Ramsey (114 U. S., 44), Mr. Justice Matthews said:

> The power of Congress over the Territories *is limited by the obvious purposes* for which it was conferred, and those purposes are satisfied *by measures which prepare the people of the Territories to become States in the Union.*

The same doctrine is distinctly laid down by Mr. Justice Field in Weber *vs.* Harbor Commissioners (18 Wallace, 65).

In National Bank *vs.* County of Yankton (101 U.S., 133), the court, by Mr. Chief Justice Waite, asserted:

> All territory within the jurisdiction of the United States not included within any State must necessarily be governed by or under the authority of Congress. * * * The organic law of the Territory takes the place of a constitution as the fundamental law of the local government. * * * But Congress is supreme and for the purposes of this departmental authority has all the powers of the people of the United States, *except such as have been expressly or by implication reserved in the prohibitions of the Constitution.*

So again, in The Mormon Church *vs.* The United States (136 U. S., 44), before alluded to, Mr. Justice Bradley says:

Doubtless Congress in legislating for the Territories would be subject to those fundamental limitations in favor of personal rights which are formulated in the Constitution and its amendments, but these limitations would exist rather by inference and the general spirit of the Constitution from which Congress derives all its powers than by express and direct application of its provisions.

In the case of Cross, etc., *vs.* Harrison (16 Howard, 82) Mr. Justice Wayne said:

The right to land foreign goods within the United States at any place out of a collection district, if allowed, would be a violation of that provision in the Constitution which enjoins that all duties, imposts, and excises shall be uniform throughout the United States. Indeed it must be very clear that no such right exists, and that there was nothing in the condition of California to exempt importers of foreign goods into it from the payment of the same duties which were chargeable in the other ports of the United States.

* * * * * * *

We will here briefly notice those objections which preceded that which has been discussed. The first of them, rather an assertion than an argument, that there was neither treaty nor law permitting the collection of duties, has been answered, it having been shown that the ratification of the treaty made California a part of the United States, and that as soon as it became so the territory became subject to the acts which were in force to regulate foreign commerce with the United States after those had ceased which had been instituted for its regulation as a belligerent right.

It must be recollected that in this case, although Congress had not extended the customs laws of the United States to California, the Supreme Court none the less held that those laws under section 8 of Article I of the Constitution extended over the Territory of California, regardless of the fact that no legislation had been enacted so extending them.

Mr. Justice Davis said, in ex parte Milligan (4 Wallace, 120):

The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times, and under all circumstances. No doctrine involving more pernicious consequences was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of government. Such a doctrine leads directly to anarchy or despotism, but the theory of necessity on which it is based is false, for the Government, within the Constitution, has all the powers granted to it which are necessary to preserve its existence, as has been happily proved by the result of the great effort to throw off its just authority.

In the same case it was held that—

Neither the President, nor Congress, nor the judiciary can disturb any one of the safeguards of civil liberty incorporated into the Constitution, except so far as the right is given to suspend in certain cases the privilege of the writ of habeas corpus.

There is only one sovereignty in this country, that is the sovereignty of the people of the United States. The Constitution is one of specific grants of authority. Sufficient authority was granted to the Congress of the United States to govern the Territories, not beyond the Constitution, but within its provisions and its limitations. It is inconceivable that anyone should seriously maintain that Congress may govern the Territories according to its own will or caprice, without any limitation of its authority. It is clear that Congress has no such authority, and it is even more certain that the Constitution extends proprio vigore over all the Territories in the possession of the United States.

I feel a certain hesitation in referring to the decision of Loughborough *vs.* Blake (5 Wheat., 643), for it has been cited so often; it has been read so frequently that it is by this time absolutely familiar to all of us; however, no argument upon this subject can be made without reference to Mr. Chief Justice Marshall's opinion, which contains the following:

The power, then, to lay and collect duties, imposts, and excises may be exercised, and must be exercised, throughout the United States. Does this term designate the whole or *any particular portion of the American empire?* Certainly this question can admit of but one answer. *It is the name given to our great Republic, which is composed of States and Territories.* The District of Columbia or the territory west of the Missouri *is not less within the United States than Maryland or Pennsylvania: and it is not less necessary, on the principles of our Constitution, that uniformity in the imposition of imposts, duties, and excises should be observed in the one than the other.*

Mr. Chief Justice Taney, in Scott *vs.* Sanford (19 Howard, 393), said:

The power of Congress over the person and property of a citizen can *never be a mere discretionary power* under our Constitution and form of government. The power of the Government and the rights and privileges of the citizen are regulated and plainly defined by the Constitution itself. *And when territory becomes a part of the United States the Federal Government enters into possession* in the character *impressed upon it by those who created it.*

It enters upon it with its powers over the citizen strictly defined and limited by the Constitution, from which it derives its own existence, and by virtue of which alone it continues to exist and act as a government and sovereignty. It has no power of any kind beyond it, and it *can not when it enters a Territory of the United States put off its character and assume discretionary or despotic powers which the Constitution has denied to it.*

It can not create for itself a new character separated from the citizens of the United States and the duties it owes them under the provisions of the Constitution. The Territory *being part of the United States*, the Government and the citizen both enter it under the authority of the Constitution, with their respective rights defined and marked out, and the Federal Government can exercise no power beyond what that instrument confers, nor lawfully deny any right which it has reserved. * * *

The powers over persons and property of which we speak are not only not granted to Congress, but are in express terms denied, and they are forbidden to exercise them. And this prohibition is not confined to the States, but the words are general, and extends to the whole territory *over which the Constitution gives it power* to legislate, including those portions of it remaining under Territorial government as well as that covered by the States.

Upon the same case, Mr. Justice Curtis said:

I can not doubt that this is a power to govern the inhabitants of the Territory, by such laws as Congress deems needful, until they obtain admission as States. * * *

If, then, this clause does contain a power to legislate respecting the Territory, what are the limits to that power? To this I answer that in common with all the other legislative powers of Congress it finds limits in the express prohibitions of Congress not to do certain things; that in the exercise of the legislative power Congress can not pass an ex post facto law or bill of attainder, and so in respect to each of the other prohibitions contained in the Constitution.

And Mr. Justice McLean said:

In organizing the government of a Territory Congress is limited to means appropriate to the attainment of the constitutional object.

No powers can be exercised which are prohibited by the Constitution or which are contrary to its spirit; so that, whether the object may be the protection of the persons and property of purchasers of the public lands or of communities who have been annexed to the Union by conquest or purchase, they are initiatory to the establishment of State governments, and no more power can be claimed or exercised than is necessary to the attainment of the end. This is the limitation of all the Federal powers.

However much gentlemen may sneer at the Dred Scott decision it has never been overruled, and the Supreme Court has never given a construction of the term "United States" as employed in Article I, section 8, of the Constitution contrary to that of Mr. Chief Justice Marshall. I know that it is claimed that the opinion of Mr. Chief Justice Marshall is a dictum and not a decision. This I absolutely deny, for it was the deliberate determination of the judge upon the question pending. But even were it a dictum and even had no other decision reaffirmed it, I would prefer to accept the individual opinion of John Marshall upon the Constitution of the United States than I would the combined wisdom of the Republican party, acting under the party lash. [Applause on the Democratic side.]

A TREATY NOT SUPERIOR TO THE CONSTITUTION.

Now, as to the alternate proposition submitted by the majority, that even if the Constitution does extend proprio vigore over the Territories, in the case of Puerto Rico the treaty of Paris, as the supreme law of the land, becomes superior to the Constitution.

In the treaty of Paris it is provided—

That the civil rights and political status of the native inhabitants of the territory hereby ceded to the United States shall be determined by the Congress.

It is said that the treaty, having become the supreme law of the land, confers upon Congress the power to determine the civil rights and political status of the native inhabitants of Puerto Rico, even though this power is not conferred by the Constitution and is in violation of the provisions of that document. This contention is based on Article VI, section 2, of the Constitution, which is as follows:

This Constitution and the laws of the United States which shall be made in pursuance thereof and all treaties made, or which shall be made, under the authority of the United States shall be the supreme law of the land, and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding.

They insist that this provision does not say that all treaties made in pursuance of the Constitution, or consistently with the Constitution, but that all treaties made under the authority of the United States shall be, together with the Constitution and laws enacted in pursuance of it, the supreme law of the land; that no matter what the treaty may be, no matter how it may violate the provisions of the fundamental law, that treaty is superior to the Constitution.

Mr. Marcy, when Secretary of State, wrote to Mr. Mason, our minister to France, on September 11, 1854:

The Constitution is to prevail over a treaty where the provisions of the one come in conflict with the other. It would be difficult to find a reputable lawyer in this country who would not yield and readily assent to this proposition.

Mr. Marcy lived too soon, for had he been alive to-day he would have found reputable lawyers in both Houses of Congress willing to deny his proposition under the pressure of political exigency.

In the Cherokee Tobacco (11 Wallace, 616) and in Taylor *vs.* Morton (2 Curtis, 454) and in the Clinton Bridge (1 Woolworth, 150) it is distinctly laid down that a treaty may supersede a prior act of Congress and that an act of Congress may supersede a prior treaty; in other words, that a treaty is no more the supreme law of the land than is an act of Congress. If a treaty were superior to an act of Congress, how would it be possible for a subsequent act of Congress to alter a treaty? Whenever, therefore, an act of Congress would be unconstitutional, a treaty to the same effect would be unconstitutional as well. This is held in Prevost *vs.* Greenaux (19 Howard, 7), and was the position maintained by Mr. Sumner in his letter to Mr. Fish April 21, 1870.

If the contention of the gentlemen on the other side is correct, that a treaty is superior to the Constitution, then, as has been clearly pointed out by my colleague, the gentleman from Massachusetts [Mr. McCALL], it would be within the power of the President and two-thirds of the Senate to practically repeal the Constitution. I would even go further than does Mr. McCALL. If a treaty is superior to the Constitution, and if, as has been decided, a subsequent act of Congress may amend or repeal a treaty, we would

be confronted with the extraordinary proposition that the Constitution having been amended by a treaty might be subsequently amended through the amendment of that treaty by an act of Congress. In other words, a majority of both Houses, with the approval of the President and the complaisance of some petty foreign ruler, has the power to amend or to annul the Constitution. This is only the ultimate outcome of the line of reasoning followed by gentlemen on the other side, which, to say the least, would have startled the reputable lawyer cited by Mr. Marcy. [Laughter.]

To sum up very briefly the legal aspect of this case, the inhabitants of Puerto Rico became citizens of the United States the moment the cession of the island was complete, and from that moment they were entitled to all the rights and safeguards of the Constitution. The moment the cession of Puerto Rico became complete the Constitution extended over it proprio vigore, and the clause of the Constitution requiring that all duties, imposts, and excises shall be uniform applied to Puerto Rico as much as it applies to New York. The contention that a treaty is superior to the Constitution and that therefore, under the terms of the treaty of Paris, we may govern Puerto Rico as we please—if you like, as an empire within a republic—is untenable.

This bill is unconstitutional, and I have faith enough in the integrity and the ability of the Supreme Court to be confident that you are wasting time in its passage, and that it will be held to be unconstitutional when the first test case is submitted to our supreme tribunal.

THE MORAL ASPECT OF THE CASE.

There is another aspect of the question before the House quite as important as the law in the case, and that is the moral aspect. It involves the good faith, the credit, and the honor of the United States. Some people insist that there is one standard of morality for women, and that there is another standard for men. Some gentlemen distinguish between individual honor and national honor; some insist that there is one standard of honesty for the individual and no standard whatever for the nation. I know that many who are upright men in private life, and who scorn deceit and meanness in the individual, look with tolerance and even with approval upon acts of national dishonor, which they would despise if committed by a citizen of the nation. Men who would die rather than have their good names suspected will riotously applaud a policy of national highway robbery. We went to war with Spain in the cause of humanity; we conquered Spain in the cause of human liberty; we gave our deepest sympathy to the people of Puerto Rico because we knew that they were misgoverned and that they were suffering from the intolerable oppression of a civilization which had long outlived its usefulness.

Whatever may be the political status of Cuba and of the Philippines, we are concerned to-day with Puerto Rico only, and there can be no question but that the island of Puerto Rico belongs to us. The people of Puerto Rico welcomed the Army of the United States, because they had every right to think that it was the Army of a deliverer and that the day when the Stars and Stripes floated for the first time over San Juan would usher in a new era for their helpless island, an era of prosperity, an era of good government, an era of liberty, and therefore an era of happiness. Puerto Rico has come to us of her own free will, has come to us asking for the blessings of our Constitution, because of the unanimous desire of her people.

We have denied her that liberty, that freedom of intercourse with us, that she had every reason and right to expect. We have not even permitted her to work out her salvation in her own way nor to profit by the enlightenment of the civilization of that country to which she belongs through the fortunes of war and by her own volition.

Let me read from page 34 of the report of General Davis, the military governor of Puerto Rico:

> American sovereignty for Puerto Rico has so far been disastrous to its commerce, for it has deprived the island of markets where were sold nearly one-half of its total output. * * * If the present trade conditions are to continue, it is not difficult to foretell the future of Puerto Rico.

And on page 32:

> If the trade conditions between this island and the United States remain as at present, only industrial paralysis can be expected.

When Puerto Rico became a part of the United States she exported to and imported from Spain with only a nominal customs tariff, and exported freely to Cuba. After the treaty of Paris had been ratified Spain at once enforced her revenue laws against Puerto Rico and the United States continued to enforce the Dingley tariff law both to and from the island. Were this not bad enough, under an executive order a prohibitory tax of $5 a pound was enforced against all Puerto Rican tobacco imported into Cuba. The result has been, as General Davis says, absolutely ruinous to Puerto Rican industries, and, moreover, during the summer of 1899 a disastrous hurricane occurred which ruined the coffee crop for the next three years and seriously injured the tobacco and the cane.

So impressed with the necessity of relieving existing conditions in Puerto Rico was the present Administration that our most excellent Secretary of War, in his annual report for this year, stated, on page 33:

> The highest considerations of justice and good faith demand that we should not disappoint the confident expectation of sharing in our prosperity with which the people of Puerto Rico so gladly transferred their allegiance to the United States, and that we should treat the interests of this people as our own; and I wish most strongly to urge that the customs duties between Puerto Rico and the United States be removed.

Secretary Root found an enthusiastic supporter in the President, who, in his annual message, said:

> The markets of the United States should be opened up to her (Puerto Rico) products. Our plain duty is to abolish all customs tariffs between the United States and Puerto Rico and give her products free access to our markets.

I am one of those partisans who is always willing to recognize that an opponent may be right, and when I find the President of the United States solemnly making a recommendation to Congress that I think is right, I would consider myself derelict to my duty did I not earnestly support him. And thus I find myself to-day with my colleagues of the minority of the Committee on Ways and Means taking my stand in this House in support of the President against the members of the party that elected him to office.

On January 19, 1900, my able and brilliant colleague and chairman, Mr. PAYNE, of New York, introduced a bill extending the customs and internal-revenue laws over Puerto Rico. Less than three weeks later the same gentleman reported from the committee the present bill as a substitute for that originally introduced by him. It is scarcely to be supposed that the majority of this House would have so suddenly reversed itself unless influenced by the strongest motives. What those motives may have been I do not pretend to say, and it is possible that we may never know.

Referring again to General Davis, we find, on page 73 of his report:

> The people of this island have been long and thoroughly taught an unfortunate object lesson. They have seen the island governed and exploited by a class in the interest and for the benefit of a few.

Does this suggest the solution of the riddle? Can it be that we propose to continue the Spanish policy of government? Can it be that we intend to declare to the world that Puerto Rico shall be governed and exploited in the interest and for the benefit of a few?

One of the arguments used in all seriousness by gentlemen on the other side of the House in support of their refusal to give Puerto Rico free trade is that they fear Puerto Rican competition for what they are pleased to call American products, as though Puerto Rico were not a part of the United States, and that they fear that a policy of free trade with Puerto Rico will be only the entering wedge for a policy of free trade with the Philippines, should we ever in the future succeed in subduing them.

It was only a few months ago that the same gentlemen who are to-day crying out against free trade with Puerto Rico were howling down anyone who objected to or who criticised their scarcely disguised policy of colonialism and imperialism. They assured us then that the only salvation for this country, the only possibility of increasing the wealth of this nation, lay in the opening of new markets for American products. They said last year that if beet sugar and Connecticut wrappers were to be thoroughly appreciated by our people we must permit that the blessings of an artificial sugar industry and of a certainly artificial tobacco be extended, with the blessings of liberty, to the brown man of Asia and to the black man of the West Indies. And now we find these same gentlemen insisting that the beneficent Dingley tariff law shall be raised as a national bulwark against the competition of Puerto Rican sugar and of Puerto Rican tobacco, because the former might interfere with the beet-root sugar industry and the latter is so much superior to the product of Connecticut that it would drive Connecticut tobacco out of the market.

It was not so very long ago that these same gentlemen, I trust in all honesty and in all sincerity, told us who disagreed with them that we were neither patriotic nor loyal because we did not indorse their suggestion that the opening of new markets in the West Indies and in Asia would furnish a long-desired opportunity for the employment of American labor. They told us (it was a truly beautiful picture) that after the West Indies and the Philippines had become our own the American workingman, drawing from the bank his little savings, could move to our newly acquired territory, and by his superior thrift and industry compete successfully with the 10 or 20 cent daily wage of those countries, and that after a few years' residence in a perfect climate he could return home to spend in the midst of his early surroundings the fortune that he had acquired. And now when the Philippines are still a problem to be dealt with in the distant future, when only Puerto Rico with her million inhabitants is to be considered, they fear the competition of peon labor; they dread that the American workingman can not compete with the 20-cent wage of the West Indies. If they know that to-day, they knew it last year. If they realize now that the competition of peon labor is dangerous, they realized it then.

When Frankenstein created his monster he though himself one of

the wisest of men, and yet that monster came back to plague him, and he died in the effort to save himself from his own folly. If an argument were needed to show the absolute incapacity of the Republican party in government, the speeches that have been made during this debate would furnish it. They have created their monster, a monster of pauper labor, and now that he threatens to come back to plague them with his competition to the industry of self-respecting American workingmen, they dodge and squirm and suffer in their efforts to undo the harm that they have done. [Applause on the Democratic side.]

But Puerto Rico belongs to us, and it is a problem that must be solved now. It is a part of the United States; the Constitution extends over it; its territory is our territory; its people are our citizens. Does the majority, after having embarked upon the unknown sea of foreign conquest, propose now to dodge the consequences of its own wrong? Does it propose to revive in the government of Puerto Rico the long-exploded eighteenth-century colonial system? Does it mean to say that, having acquired Puerto Rico in the interest of humanity and in the cause of liberty, we shall govern it in the interest of beet sugar and in the cause of Connecticut fillers? The case of Puerto Rico is very different from that of the Philippines, for its inhabitants are few and capable of education; they are peaceful and are anxious to obtain the blessings of American civilization, and what is more, they are at our very doors.

I believe that we can only hold territory, as a nation, in trust for the States that are ultimately to be erected out of that territory. I believe that we can only hold the territory of Puerto Rico in trust for the sovereign State that will be some day admitted into the Union. We are only dealing with Puerto Rico now, and yet the majority see in the proposition an endless skein of complications, for they know that, however they may disguise it, they propose to hold the Philippines in perpetual servitude.

But we as a nation have given our sacred pledge of honor to Puerto Rico that we would treat her as a part of this country. Might does not make right. We have the power to repudiate our plighted word; but if there is any honor in nations, if there is such a thing as national good faith, Puerto Rico has the right to demand of us that sooner or later she will be received as a State in the Federal Union. To make her fit for self-government we must first care for her material prosperity. Common honor, common justice, ordinary good faith require, the Constitution, which is the fundamental law of the land, demands that we give Puerto Rico free trade.

There are those of us who are fond of saying that the white man's burden lies far beyond the summer seas, and that the white man's duty requires that he bear his burden, no matter how much it may oppress him. There are those of us, who in all sincerity, maintain that it is the duty of this country to extend the blessings of its civilization to the people of the East. They tell us that an open door in China would increase our commerce, and that the addition of millions of pauper savages to our body politic will improve the condition of American labor. I may be conservative beyond reason, but I think that I am an humble member of the great majority of the people of this country when I believe that the greatest glory of a free people is in its honor and in its righteousness as a nation; that there is only one rule of conduct for the individual and for government; that the same standard of honor should govern this Congress as governs its most inconspicuous member; that our ultimate destiny must be worked out in the factories of New York and on the fishing smacks of New England, in the wheat fields of the West and the plantations of the South; that we must strive for happiness, not in Asia, but in America; that the radiance of our flag consists not in the triumphs of unnecessary foreign wars, but in the triumphs of necessary domestic peace; that the wealth of this nation should not be expended in behalf of the selfish ambitions of the few, but in the cause of the many; that the duty of the United States does not lie in the conquest of Oriental peoples, but in the conquest of the happiness of our own. [Loud applause.]

Mr. Chairman, I yield the remainder of my time to the gentleman from Tennessee.

Mr. RICHARDSON. I yield to the gentleman from Georgia.

The CHAIRMAN. How much time?

Mr. RICHARDSON. The balance of the hour.

Mr. BRANTLEY. Mr. Chairman, what is to be done with the Philippines? What is to be their future? What is to be the policy of the United States Government with reference to them?

These are questions that interest and concern many people. They deeply concern not only the Filipinos, but as well the people of America, and the answers to them are anxiously awaited by the people of the civilized world. Their importance can not be overstated or overestimated. Upon the answers to them depend the hopes, the aspirations, and the destiny of a people struggling for liberty; and, more than this, there are many who believe that, unless all history be false, the final answers to these questions will determine the fate of a Republic more than an hundred years old, and will settle forever the question as to whether or not a free people can perpetuate self-government or whether such a government must in time perish from the earth. If we concede the gravity of these questions—and all must concede it, no matter from what standpoint they are viewed—it is important to know who can answer them, and it is doubly important to know what the answers will be.

It is not questioned or denied that the power to answer these questions is vested in Congress and in Congress alone. The organic law so provides, and the President in his last annual message to us directed our attention to them. He said:

> The future government of the Philippines rests with the Congress of the United States.

He further said:

> Until Congress shall have made known the formal expression of its will, I shall use the authority vested in me by the Constitution and the statutes to uphold the sovereignty of the United States in these distant islands.

In an address delivered by him in Boston, on February 16, 1899, he also said:

> This whole subject is now with Congress; and Congress is the voice, the conscience, and the judgment of the American people.

It does not occur to me, therefore, that, viewing these questions from the standpoint of the Constitution and the President's utterances, that it is inappropriate for a member of this House to discuss them, and not only to discuss them, but to suggest the answers that should be made. Indeed, I believe it not only appropriate so to do, but, in my opinion, a solemn responsibility rests upon this Congress not only to discuss these questions, but after discussion to act, and declare to the Filipinos, the Americans, and all the world what the policy of this great Government with reference to the Philippines is.

On December 10, 1898, a treaty of peace with Spain was agreed upon, and on February 6, 1899, that treaty was ratified by the United States Senate, and the war with Spain which had, for all practical purposes ended months before, then became theoretically and legally at an end, and, so far as the Congress was concerned, the United States was at peace with all the world. Under that treaty, so ratified, it was provided that:

> The civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by the Congress.

There are some who insist that this provision of the treaty is the supreme law for the guidance of Congress, and that, under this provision, Congress has unrestrained power to provide such civil rights and such political status for the Filipinos as the will of Congress may deem proper to provide. I do not subscribe to any such doctrine, for I believe that, under this provision of the treaty, Congress must fix the civil rights and the political status of the Filipinos in accordance with the terms and the limitations of the Constitution.

But, passing this question for the present, I would call attention to the fact that this treaty is more than twelve months old; the responsibility that it puts upon the Congress was placed there more than a year ago, and yet Congress has taken no step to formulate a policy, or to meet its responsibility, or to discharge the duties that lie at its door.

It is said, however, that Congress can do nothing, because the Filipinos are in a state of insurrection, because a state of war between them and us exists, and that until it shall have been ended and peace restored Congress should do nothing. As an humble member of this House I dissent from this proposition.

If we concede that the President, through proclamations and by commissioners, has earnestly endeavored to persuade the Filipinos to lay down their arms and to accept the sovereignty of the United States, we are still confronted with the fact that the President was and is without power to announce to the Filipino people a definite policy or to pledge the faith of this country to any given policy, because this country can have no policy and the President can commit it to none until Congress has declared one.

General Otis, in a letter addressed by him on January 9, 1899, to the insurgent leader, Aguinaldo, used this language expressive of the situation. After stating that a treaty of peace with Spain had been agreed upon, he said:

> This treaty acknowledgment, with the conditions which accompany it, awaits ratification by the Senate of the United States, and the action of its Congress must also be secured before the Executive of that Government can proclaim a definite policy. That policy must conform to the will of the people of the United States, expressed through its representatives in Congress.

General Otis also informs us, and I quote his exact language as found in his report:

> Repeated conferences were held with influential insurgents, whose chief aim appeared to be to obtain some authoritative expression on the intent of the United States with regard to the Philippines, and complained that they were unable to discover any one who could speak ex cathedra. They asserted that their Malolos arrangement was a government de facto, which had the right to ask an expression of intent from the United States Government.

Is it any wonder that the Filipinos could find no one that could speak ex cathedra as to the intent of this Government? Is it any wonder that up to this hour they have been unable to find anyone

who could so speak? The only persons who could so speak have remained silent, and they are silent until now. This Congress should have spoken long ago. It should speak now. In the light of all that has developed since this warfare began who can say, if the Congress had measured up to its duty and declared the intent of this Government to be to give the Filipinos their independence, that all the rich American blood and all the treasure that has been poured out in these islands could not have been saved?

Who can say that such a declaration now would not stop the sacrifice of life and the drain upon the resources of our people? It may be a mere theory that such a declaration would have such an effect, and yet it is a theory well founded upon the knowledge our people have of the motives and inspirations that move any people who strive for liberty and independence. It is a theory well worth the trying if we have in our hearts the determination and the intention now or in the future to accord independence to the Philippine Islands. [Applause.]

Again, who can say that a declaration from the Congress before this unhappy warfare began that it was the intent of this Government to permanently retain the Philippines would not have avoided a war? Who can say that such a declaration now would not end it? If the Filipinos knew that this Government, by its Congress, had fully determined to subdue and subject them as a dependent people, is it beyond reason that dismay and discouragement would seize them and that they in despair would cease the conflict? They have been told that Congress alone has the power to announce such a determination, and they know that Congress has never announced it; they know that the treaty of peace left their civil rights and political status to be determined by the Congress, and they know that Congress has never determined them; they know that their future is in the hands of a free people governing a great Republic, and is it too much for them to expect and to believe that the free will give freedom?

If they so expect and believe, will not this belief continue to nerve them to give battle, and will not that hope continue to animate them until the hope itself is denied them? I am ignorant of the motives that impel gentlemen of the majority in this House to maintain their position of inaction on this great question, and I do not undertake to impugn their motives or the motives of anyone. I confess my surprise, however, confronted, as we are, with the possibility always of bringing this war to a close by a positive declaration of policy, that no policy is declared. I confess my surprise that, with a duty and a responsibility upon us to act and to act quickly, this Congress does not stir.

All that Congress has done has been by indirection. No affirmative action has been taken.

When the House voted to pay the $20,000,000 to Spain that the treaty provided for, all amendments looking to a declaration of policy were refused. The House was unable to declare one. Many members voted to pay the twenty millions not because they approved the acquisition of the Philippines, but because they believed that the Constitution vesting the President and the Senate with the power to make this treaty, and the treaty having been made, the same became an obligation of the Government that we were in honor bound to pay. For the same reason, without division of party, war supplies have been voted. Our soldiers without their volition were in the Philippines. They were being attacked. We could not desert them. Our flag was being fired upon; whether rightly or wrongly we could not stop to inquire. We simply went to its rescue. [Applause.]

But, throughout it all, Congress has never announced a fixed intention or ever declared a settled policy with reference to the Filipinos.

Is it possible that we are afraid to act because some think that any action by us or any declaration by us affirming our allegiance to the principles of freedom would encourage an enemy against the United States? Are we to abdicate our functions and sit with mute lips and folded hands and await a policy to be formulated and declared by the President and submitted for our ratification? What has come over the once proud spirit of American independence—a spirit that has reached its highest acclaim in these halls—that we should sit and await the directions or instructions from anyone save the great body of the people?

Mr. Chairman, one set of commissioners have already been to the Philippine Islands, and have talked with the insurgent leaders and citizens of these islands, and have issued proclamations announcing some of the purposes of this Government. They went without knowledge of the intention of Congress and without its instructions. They have returned and have presented us with voluminous literature as to the result of their visit. We see it stated in the newspapers that another commission is about to be appointed to visit these islands for the purpose of inaugurating a civil government there. What kind of a civil government will this new commission organize? Where will it get any authority expressive of the will of the American people to organize any government? I insist, Mr. Chairman, that if this new commission goes, it should go clothed with authority from us, and should go prepared and fortified to declare in unmistakable terms what the intent of this Government is, and go with authority to establish the government there that this Congress has determined should be established.

There has been considerable talk about our duty to the flag and our duty to uphold the President. Indeed, some have gone so far as to confound the President and the flag as one and the same, and the proposition has been broadly hinted at that one could not disagree with the President without being disloyal to the flag. I feel sure that no gentleman in this House has indulged in any such talk or indorses any such sentiment. There is but one flag for all of us, and we all love it. [Applause.] This has been demonstrated in this House time and again when, without a dissenting vote, we have voted men and munitions of war for the purpose of defending it. We who hold commissions here, however, are in our sphere charged with as much responsibility as is the President. Indeed, so far as this war is concerned, there is more responsibility upon the Congress than upon the President. We alone have the power to declare war; and it necessarily follows that if we sit idly by and allow the President to wage a war, we become responsible for it, whether we approve it or not. We have not yet reached the period in the American life where freedom of speech can be denied either to the people or to their representatives, and more than a hundred years ago we repudiated the doctrine of tyrants that "the king can do no wrong," and surely there are none now in free America who are willing to invoke such a declaration.

We have the right to differ from the President. We have the right to differ with each other. We should be able to disagree without charging "treason" or "disloyalty." No great question was ever solved by crimination and recrimination. We should discuss the great questions confronting us with all the solemnity that their importance demands.

In my opinion the questions presented by the Philippine problem are not political. They are national and fundamental. They go to the fireside in the home of every citizen. They concern the traditions and the policies of this Government from its foundation until now. They involve the Declaration of Independence, the Constitution, and all our glorious past. They have to do with the lives and the health of thousands of American soldiers bearing arms beneath the American flag. They should be discussed from the standpoint of free American citizenship, and not from the standpoint of any political party.

Mr. Chairman, in the limited time at my disposal I can not hope to discuss all the phases that the Philippine question presents, nor can I hope to discuss any one of them at the length and with the completeness that its importance deserves. I will not speculate upon what ought to have been done. I wish to talk of what should be done now. I submit two propositions to this House: In the first place, I insist that in the interest of peace, in the interest of our soldiers and sailors, in the maintenance of the dignity and power of Congress, and in fulfillment of our solemn obligations, this Congress should affirmatively declare a policy, whatever that policy may be, as to the purposes and intentions of the Federal Government with reference to the Philippine Islands. I submit, in the next place, with equal earnestness, that the policy to be declared should be a policy looking to the release of the Philippine Islands from the sovereignty of the United States.

Mr. Chairman, I am not so much concerned about the style and form of government that the Filipinos should have as I am concerned that we should absolve ourselves from their government at the earliest possible day. I do not claim for the views I present any special merit of newness or of originality. I simply claim for them sincerity. I do not believe, technically and legally speaking, that we bear the same relation to the Philippines that we do to Cuba. Morally speaking, I believe the relation is the same. In the treaty of peace, "Spain relinquishes all claim of sovereignty over and title to Cuba," but does not cede that sovereignty to us. In reference to the Philippines, the treaty declares, "Spain cedes to the United States the archipelago known as the Philippine Islands." It appears from a reading of the treaty that in the case of Cuba we take the title to hold in trust, as it were, to be delivered after the pacification of the island to the Cubans, while in the case of the Philippines we take outright and to ourselves whatever title Spain had to the Philippines.

It therefore follows that we are vested to-day with just as good a title, and no better, as Spain had and held. While this is true, I nevertheless believe that when the Fifty-fifth Congress declared that the Cuban people "are and of right ought to be free and independent," they in effect declared the same of the Filipinos, because it would be absurd and ridiculous to give any other meaning to the declaration. We could not have stood before the civilized world and said, "The Cuban people are and of right ought to be free and independent, but the Filipinos are not and of right ought not to be free and independent." The declaration we made was a declaration of freedom, and, although it was limited to the Cuban people, it was so limited because they were the only people at that time involved, but the principle and the spirit involved in the declaration was as broad as the universe.

I believe, too, that when the Fifty-fifth Congress declared it to

be the determination of the United States to leave the government and control of the island of Cuba to its people, after the pacification thereof, it was equivalent to a declaration that the United States was not engaged in a war of conquest, and did not expect to demand any enlargement of its territory or any enrichment of its Treasury as the result of its victorious arms. It was a declaration so lofty and so noble that it thrilled every American heart and proclaimed again to the world that a new government, upon new theories higher and better than the Old World ever knew, existed in the Western Hemisphere. It was such a declaration as only a government founded upon liberty could have uttered. It follows, if my construction of the resolutions of Congress is correct, that, morally speaking, there is no difference between the status of Cuba and the status of the Philippines so far as the United States Government is concerned. [Applause.]

The technical difference, however, that does exist involves a difference in the course to be pursued by the Congress. In the case of Cuba a policy of inaction is all that is necessary to prevent us from embarking in a colonial enterprise there, while in the case of the Philippines and of Puerto Rico a policy of positive action is necessary to undo the entry that has already been made into a colonial venture, in order to save this country from the perils of colonial government.

Gentlemen who speak of those who oppose the permanent retention of the Philippines as mere obstructionists demonstrate that they have not given the subject the consideration that its importance deserves. The foundations of empire have already been laid. The beginning of a colonial system of government has already been inaugurated. There are those of us who would undo this wrong and who would put the ship of state back into the waters in which she has sailed so long. Those of us who wish this done desire positive action in order to do it. Those who oppose it are the real obstructionists.

In reference to our title to the Philippines, it occurs to me that our status is about this: We took a conveyance of title from Spain, and we hold by that means the paper title to the islands. When we came to take possession, however, under our title, the Filipinos interposed an adverse claim. They claimed an adverse possession and set up a prescriptive title. Those of us who have practiced law have seen many a good paper title defeated by a superior prescriptive title. When the Filipinos thus joined issue with us upon the question of title, we sought in no way to adjust our differences with them. We appealed to no peaceful forum to determine the disputed issue, and thus it followed that the issue of title was put to the arbitrament of the sword for determination. Possibly, if we had called the conscience of the world into a court, and had appeared in such a forum to test our rights, we might have had it suggested to us that Spain held Cuba by the same right that she held the Philippines; that her title to the one was as good as to the other, and we might have been asked how we reconciled the fact of our repudiation of her title to Cuba and yet held as valid and legal her title to the Philippines.

We might also have been asked, if we really believed that by her corrupt rule Spain had forfeited her title to Cuba, if, for the same reason, we did not really believe that she had also forfeited her title to the Philippines. It might have been asked us, too, if England did not have as good title to her American colonies as Spain ever dared to claim to the Philippines, and if we now believe that our forefathers were right in repudiating the title of England. It is possible also that we might have been asked, if we now believed in the validity of Spain's title to her colonies, how it was that we recognized her rebellious colonies in South America when they disputed that title. Some of these questions might have been troublesome to answer, but, whether for that reason or for some other, we did not stop to argue or dispute the question of title, but proceeded with Army and Navy to take possession of these islands under the title that we had.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GRIGGS. Mr. Chairman, I ask unanimous consent that my colleague be allowed to conclude his remarks.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that his colleague be allowed to conclude his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. BRANTLEY. Believing as I do, Mr. Chairman, for the reasons given, that our moral duty to the Philippines is the same as it is to the Cubans, I insist that we should accord to them the same freedom that we propose to accord to the Cubans.

I recognize the fact, however, that, so far as the Cubans are concerned, we are neither expected to or have the right to organize a government for them. Indeed, under the treaty of peace, in which Spain did not cede her sovereignty in Cuba to us, and under the resolution of Congress declaring war against Spain, in which we disclaimed any disposition to exercise sovereignty, jurisdiction, or control over Cuba, except for the pacification thereof, and asserted our determination when that was accomplished to leave the government and control of the island to its people, we have nothing to do with a government in Cuba. Our plain and manifest duty is to get out of Cuba after its pacification. In the case of the Philippines we have the technical right, under our title, to establish a government there, provided we establish it under the Constitution; nor will I stop to discuss the proposition that by the act of cession of these islands to us we assumed certain international obligations to establish a government there; nor will I stop to discuss the proposition that some obligation rests upon us to restore order in the islands for the good of the inhabitants thereof. I am willing, for all the purposes of my argument, to concede that such obligations rest upon us; but when, with the aid of the natives, whose aid we should invite, we have performed these obligations, I insist that our duty then is to get out and leave the government and control of these islands to their own people. In the case of Cuba we must get out after pacification, and in the case of the Philippines we ought to get out after the establishment of a government there, and we ought to declare now that such is our purpose.

Delay may be necessary to determine how valuable the Philippines are, but time is not of the essence in determining the great question of intention or in choosing between that which is morally wrong and that which is morally right. It will take time to perfect a permanent government for the Philippines, but no such time is necessary to determine whether or not we intend to establish such a government. Some people say, What will become of the Philippines when we leave them? I ask what will become of Cuba, that we have already determined to leave? "Sufficient unto the day is the evil thereof." When we have determined to leave the Philippines, I doubt not but that the wisdom and patriotism of the American Congress will find a way to carry that determination into effect, and a way by which the honor and the prestige of the American name will be sustained. When we have declared our intention, we will then determine the method of its execution. It will not do for gentlemen to say that a declaration from us would not bind a subsequent Congress, and therefore there is no reason to make it. We might with as much propriety decline to enact any legislation upon the plea that a subsequent Congress may repeal it. If we decline to declare the intention of the United States in regard to the Philippines upon such a ground, the next and each succeeding Congress may likewise decline to do so upon the same ground, and thus the Philippines would be fastened upon us forever. It is sufficient for us to perform our duty as we see it. We can not avoid doing so upon the pretext that in the future other people may not perform theirs.

Great stress is laid by some upon the strategical value of these islands to us, and it is insisted that we need a base of operations and a base of supplies there. I will not stop to argue this proposition, because I do not suppose that anyone doubts that it is within our power before we get out of the Philippine Islands to arrange with their government for whatever coaling stations and harbor facilities and commercial advantages that we desire. Indeed, I do not suppose there is an individual anywhere who doubts that we could leave the Philippines to-morrow, if we so desired, upon our own terms and our own conditions. It seems to me, therefore, that all the argument in favor of a permanent retention of the Philippines upon such grounds as these is pointless, because all that we desire, all that we need, and all that we could claim we could have without a permanent retention of the islands.

In my opinion there are but two courses open for the United States to follow in reference to these islands. If it should be the will of the American people, as represented in Congress, to permanently retain these islands, then in the resolution declaring such intention there should be included the further resolution declaring our intent and purpose either now or in the future to incorporate these islands into statehood. The only other course open to us to pursue is to vacate the islands, leaving the people thereof to control their own government whenever the same is established.

I do not believe that we have the power to annex any territory, whether by peaceable or forcible means, when we do not at the time or in the future ever intend to incorporate such territory into our Union as a sovereign State and to extend to the inhabitants thereof the rights of citizens of the United States. There are those, however, who insist that we have the right to annex territory without any such intention, and that Congress has the power to govern it outside of the Constitution. I can not assent to any such belief or any such proposition.

We have such a proposition squarely presented to us now in the pending bill, wherein it is proposed to levy impost duties upon the products of Puerto Rico into the United States, Puerto Rico now being a part of the United States. The bill is in violation of the Constitution of our country. It is a bold announcement of an imperial policy. It can not be defended upon the ground that the tax is small. The question presented is not one of dollars, it is one of principle. It is not a question of free trade or of protection, it is a question of Constitution or no Constitution. The majority of the Ways and Means Committee who have reported this

bill advise us in their report, in answer to the suggestion that this legislation will set a precedent for the Philippines, that they expressly assert by this bill the right to discriminate between Puerto Rico or the Philippine Islands and the United States.

They inform us by way of argument that it was the people of the original thirteen States who formed the Union, that it was for themselves and their posterity that the Union was formed, and they conclude and solemnly state "that upon reason and authority the term 'United States,' as used in the Constitution, has reference only to the States that constitute the Federal Union, and does not include Territories," and they further conclude "that the power of Congress with respect to legislation for the Territories is plenary." They base their conclusions largely upon the proposition that the treaty of peace with Spain left Congress with the power to determine what legislation should be enacted for the islands ceded, and that the law of the treaty is supreme.

I would suggest that before the treaty was framed the Constitution existed, and that before these islands were ceded the Congress of the United States was organized. I submit that the Constitution is the supreme authority in this country, above statutes and above treaties. The treaty-making power, existing itself by the power of the Constitution, can not confer a power to override the Constitution. Congress has no power that it does not derive from the Constitution. The President, by the help of a foreign nation and the United States Senate, can not alter or amend the Constitution. He can confer no power upon Congress that it does not already possess. He can not subtract from any power that already exists. The treaty may enlarge the territory over which the Congress may legislate, but the treaty can neither add to nor take from the limitations of power that are imposed by the Constitution upon the Congress. It is undoubtedly true that in the prosecution of a war the President may seize foreign territory. He may by treaty have this territory annexed to the United States. He may do this in times of peace.

Until the act of annexation is complete by the formal ratification by the Senate, the President may exercise military rule and maintain military government over the ceded territory. Whenever, however, the final formalities of the annexation are complete and the ceded territory becomes a part of the United States, it becomes as much a part as any State or Territory in the Union. During the formative period of organizing such a territory into a Territorial government the President may govern the same until the Congress is prepared to act, but whenever Congress undertakes to legislate for the ceded territory it must legislate under the terms of the Constitution. This proposition has time and again been affirmed by our Supreme Court. The clause in the Constitution providing that "Congress shall have power to dispose of and make all needful regulations respecting the territory and other property belonging to the United States" has been repeatedly construed to mean that this power is given subject to the limitations of the Constitution. It is not a despotic, arbitrary power, to be used without restraint. Congress possesses no such power for any purpose. The power given is plenary, but plenary in the sense that it is as full and complete as the Constitution will allow. Chief Justice Waite, in 101 U. S., 132, clearly states the true construction of this clause when he says:

> But Congress is supreme and for the purposes of this department of its governmental authority has all the power of the people of the United States, except such as has been expressly or by implication reserved in the prohibitions of the Constitution.

The same principle is enunciated in 98 U. S., 162; 166 U. S., 707; 170 U. S., 346; 114 U. S., 15; 127 U. S., 550; and in many other cases. Congress, in legislating for a Territory, assumes the powers of a State legislature in addition to its powers as the Congress. The Territorial courts that it provides have the jurisdiction of State courts as well as of the Federal courts. This is all manifestly proper, because the Congress is the only power that can govern the Territory, and yet Congress can pass no law for any Territory that is prohibited by the Constitution. It is subject always in all that it does to the limitations upon its power fixed by the Constitution.

Mr. GAINES. Will the gentleman yield to me for a moment?

Mr. BRANTLEY. Yes.

Mr. GAINES. A few moments ago you stated that you did not believe that Congress had the power to hold territory except for the purpose of ultimately admitting it into the Union as a State.

Mr. BRANTLEY. Yes.

Mr. GAINES. I now cite an authority which reviews the question elaborately. It is found in the case of Shively *vs.* Bowlby, in 152 U. S. Reports, page 49. The court says:

> *The Territories acquired by Congress*, whether by deed of cession from the original States or by treaty with a foreign country, *are held with the object, as soon as their population and condition justify it, of being admitted into the Union as States, upon an equal footing with the original States in all respects*, and the title and dominion of the tide waters and the lands under them are held by the United States for the benefit of the whole people, and, as this court has often said, in *trust for the future* States.

That case has been recently reaffirmed in the case of Morris against the United States, in 174 United States Reports.

Mr. BRANTLEY. I thank my friend. I have those authorities with my remarks.

The gentlemen of the majority, as I understand them, admit that the Constitution is supreme so long as the Congress is legislating for the States, but that the Constitution does not prevail when the Congress is legislating for the Territories. In other words, the Constitution is recognized in the United States, limited, but is unknown in the United States, unlimited. I understand from them that, in their opinion, the Constitution does not extend over any part of the vast territory of the Philippines or of Puerto Rico, and that Congress, which has no power except under the Constitution, has unlimited and unbridled power and authority to frame any government and enact any laws in these Territories that may suit its will and pleasure.

I understand from them that they believe that no restriction, fundamental or otherwise, is put upon Congress in legislating for these Territories except the prohibition of slavery. I understand from them that we can tax the people in these islands as much or as little as we please; that we are not called upon or required to give them representation before we tax them; that their consent is not necessary to any government we may choose to put upon them or to any laws that we may determine to enact for them. As I understand, further, the position of the gentlemen of the majority of the committee, they hold that the inhabitants of these islands can not be interfered with in the free exercise of their religion, because the treaty with Spain provides that this shall not be done, but that they hold that, the treaty not providing to the contrary, Congress is not bound by the limitations on its power fixed in the Constitution. I therefore understand that if the position of these gentlemen be correct, Congress may in time of peace suspend the writ of habeas corpus in these islands; may pass bills of attainder and ex post facto laws; may infringe the right to keep and bear arms; may quarter soldiers in time of peace in any home without consulting the owner; may institute unreasonable searches and seizures of the people and their houses and issue warrants without probable cause and without oath or affirmation, and may deny the right of trial by jury.

Mr. Chairman, it is enough to shock the moral conscience to know that in this day of enlightenment, when we believe the principles of free government to be better understood than they have ever been before, gentlemen claiming allegiance to a free government should assert the right and power of this Congress to thus rule and govern a people who form a part of the United States and over whom float the Stars and Stripes which such people are expected to love and to reverence. If we carry this position to a further conclusion, we find that the Constitution prohibits the granting of titles of nobility by the United States; but if the Constitution does not apply to Puerto Rico or the Philippines, and if the power of Congress is plenary in dealing with these islands, what is to hinder Congress from enthroning a king upon these islands and creating the right of succession and providing for lords and dukes and all the court machinery necessary to create an ideal monarchy? Could anything be more repellant to the American mind? Is not the mere statement of the possibility of such a thing a sufficient argument itself against the proposition that is insisted upon? [Applause.]

I would beg to suggest that the argument of the majority of the committee that the Constitution is for the States alone is not new. It was first suggested by those who opposed the accession of Louisiana. These gentlemen were given to quoting the preamble to the Constitution, beginning, "We, the people of the United States," and saying, "It is we, the people of the United States, for ourselves and our posterity, not for the people of New Orleans or of Canada; none of these enter into the scope of the instrument." And yet those who in their day opposed the annexation of Louisiana because they believed there was no warrant or authority under the Constitution for it were overruled, and Louisiana was annexed. Those to-day who oppose the annexation of the Philippines are pointed to this past history as an answer to their objections.

The answer, however, does not appear to be all that is claimed for it, for we are now told that the opponents to the annexation of Louisiana were wrong, that the Constitution provided for it, and yet we are also told that this same Constitution, although providing for annexation, does not provide that its sheltering protection shall extend over the territory annexed. It would thus appear that we are involved in the unfortunate predicament where we must either deny the Constitution in order to annex or deny it after annexation in order to govern. It seems to be simply a question of where we will deny it, for somewhere we must lay it aside or our schemes can not go through. It seems to be a sorry dilemma in which we find ourselves, no matter which way we turn.

In attempting to pass this bill the grievances of the American colonies are pushed into the background and forgotten. We are asked to steel our hearts and close our ears to the remonstrances of our forefathers, that through the cycles of time have ever rung in the ears of American patriots and that until now we have ever believed would ring in all the ages to come. [Applause.] How

soon are we asked to forget that it was a protest against taxation without representation and not a thirst for liberty that first provoked the Revolutionary war! How soon are we asked to forget those ringing and one time thought never to be forgotten words of the brave Virginians of old, when they declared, "No power on earth has a right to impose taxes on the people or take the smallest portion of their property without their consent given by their representatives." [Applause.] This principle, the Virginians said, is the "chief pillar of the Constitution," without which "no man can be said to have the least shadow of liberty," since no man could be truly said to possess anything if other men could lawfully take away any portion of it. [Applause.]

I have no desire or intention to enter into a discussion of the legal authorities bearing on this question and shall refer to but few of them. They have been so ably presented that there is nothing left for me to say in reference to them. The Constitution provides that "all duties, imposts, and excises shall be uniform throughout the United States." It also provides that "no tax or duty shall be laid on articles exported from any State." It also provides that "no preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another." These provisions of the Constitution, it seems to me, are sufficiently clear in their meaning as to absolutely prohibit the passage of this bill. I think the language used is too plain to admit of construction, but, if any is needed, in my judgment the opinion of Justice Marshall in 5 Wheaton, 317, is all that is necessary. In this case, in construing the first provision of the Constitution I have quoted, he says:

> The power, then, to lay and collect duties, imposts, and excises may be exercised and must be exercised throughout the United States. Does this term designate the whole or any particular portion of the American empire? Certainly this question can admit of but one answer. It is the name given to our great Republic, which is composed of States and Territories. The District of Columbia or the Territories west of the Missouri is not less within the United States than Maryland or Pennsylvania, and it is not less necessary on the principle of our Constitution, that uniformity in the imposition of imposts, duties, and excises shall be observed in the one than in the other.

In addition to this I would also cite the striking language employed by the Supreme Court in the Dred Scott decision, in 19 Howard, 432. Gentlemen may call this language a dictum or what not, but none of them will ever successfully reply to the great truth that it so clearly states:

> There is certainly no power given by the Constitution to the Federal Government to establish or maintain colonies bordering on the United States or at a distance to be ruled and governed at its own pleasure, nor to enlarge its territorial limits in any way except by the admission of new States. That power is plainly given, and if a new State is admitted it needs no further legislation by Congress, because the Constitution itself defines the relative rights and powers and duties of the State and the citizens of the State and the Federal Government. But no power is given to acquire a territory to be held and governed permanently in that character. The power to expand the territory of the United States by the admission of new States is plainly given, and in the construction of this power by all the departments of the Government it has been held to authorize the acquisition of a territory not fit for admission at the time, but to be admitted as soon as its population would entitle it to admission. It is acquired to become a State, and not be held as a colony and governed by Congress with absolute authority.

This bill is squarely in conflict with two provisions of the Constitution. Puerto Rico being a part of the United States, a duty upon articles imported into the States from Puerto Rico violates the uniformity of duties that the Constitution says must exist throughout the United States. In the next place, the bill in proposing a duty at Puerto Rico on all goods imported from the States into Puerto Rico not only violates the principle of uniformity, but further violates that other provision of the Constitution, that "no tax or duty shall be laid on articles exported from any State," for it can not be denied that this duty, although collected in Puerto Rico, is in fact an export duty on the goods sent out from any State. All the ingenuity and all the sophistry of our friends on the other side can not refute a proposition that is as plain and manifest as this.

It is an interesting fact that when the Ways and Means Committee first undertook an investigation of this subject they were not sure as to the meaning of the term "the United States" as found in the Constitution, and they appointed a subcommittee to make research and advise the full committee as to the exact meaning of this term. As a result of this research the committee reached the conclusion that the term "the United States" does not include Territories, and they presented a most elaborate argument to sustain their conclusions, and to further establish the proposition that the power of Congress in legislating for the Territories is plenary. Now, "plenary" means "full in all respects or requisites," "entire" and "complete," and it seems to me that if the power of Congress be plenary, all discussion as to what the Constitution means is superfluous so far as this question is concerned. If the Constitution does not extend to Puerto Rico, and, if the limitations prescribed in it are not binding upon Congress in legislating for Puerto Rico, of what interest is it to know what the term "the United States" means? Or of what necessity is it to construe the Constitution at all?

I beg further to say that, in my opinion, all the authorities and all the precedents cited by those who uphold this bill are in vain; they are not precedents; they do not apply; they do not present parallel cases, because I submit that never before in the history of the Congress has it ever been attempted to legislate for any people for whom there did not exist, by treaty or declaration somewhere made, an intention upon the part of the United States to incorporate these people into citizenship and statehood. I realize, Mr. Chairman, the predicament of our friends upon the other side who favor this bill. Against their duty to obey the Constitution comes the desire not to antagonize the agricultural or industrial or labor interests of this country by admitting free of duty the products of the several islands annexed, and neither do they wish to antagonize any of these interests by removing all restrictions upon immigration from these islands.

The predicament in which they find themselves is serious. Upon the one side is the Constitution and the rights of the Puerto Rican people now, and the rights of all our other islands in the future, none of which can vote. Upon the other side are American interests, each one controlling votes. I would not charge that the latter side have prevailed in the deliberations of the gentlemen of the committee because of their power, but, reading the present in the light of the past, I am not surprised that they have done so. I do not know and do not charge that such considerations have controlled the committee in thus departing from the Constitution and from the lead of the President, whom they have been so blindly following throughout the discussion of these new questions, and yet it is an interesting thing to note the report of the Ways and Means Committee recommending this Puerto Rican tariff, and then to note the recommendation of the President in his last annual message, when he said, "Our plain duty is to abolish all customs tariffs between the United States and Puerto Rico and give her products free access to our market," and also to note the recommendation of the Secretary of War, who says, "I wish most strongly to urge that the customs duties between Puerto Rico and the United States be removed." We note these things and wonder why the departure.

Mr. Chairman, I am not unmindful that there are interests, and perhaps large interests, of this country that will be affected, and possibly seriously affected, by free trade between the United States and the islands recently acquired. I would avoid such injury if I could; but in my judgment, if the American people make up their minds to hold these islands as a part of the United States, they must likewise reach the conclusion to endure whatever hardships are thereby entailed. I do not believe that we of the Congress can keep unsullied the great trust reposed in us and "shut up" the Constitution to protect any interest that now or hereafter may flourish in the United States. [Applause.]

So far as Puerto Rico is concerned, no substantial injury could come to American industries by free trade with it. The island is only about 40 miles wide and 80 miles long, and all that it could produce would be but a small fraction of the production of this country. The trouble with the gentlemen of the committee is not free trade with Puerto Rico. It is free sugar from Cuba and the Philippines that they fear. They are afraid of the precedent that free trade with Puerto Rico would establish. And so with this fear, which is a fear of the protected sugar barons, they turn down the Constitution and turn a deaf ear to the appeals of Puerto Rico for relief and propose this bill. Aside from all constitutional questions, the bill should not pass because of its injustice to the Puerto Ricans. They are entitled to our markets, for we, by our act, have shut them out from all others. The Merchants' Association of New York City have investigated this question, and they have declared for free trade with Puerto Rico, in order that we may keep faith with its inhabitants and do but simple justice to them. They quote approvingly from Mr. William R. Corwine, whom their association sent to Puerto Rico to investigate trade conditions there. Mr. Corwine said:

> Place the inhabitants in the position where their trade can be extended and all will be well; but if this policy which contracts trade and increases pauperism continues, the questions which in prosperity would become minor ones will grow in importance, and instead of a feeling of contentment, which makes government easy, a spirit of discontent will arise which may render government hard. The Spaniards ruled by force. We can rule through the affections of the people. Shortened purses and empty stomachs, however, are not the bases upon which affection thrives.

As illustrating the distressing conditions which prevail in Puerto Rico—conditions that demand liberal treatment from us, that demand free trade, justice, and equality—I quote a late dispatch that appeared in the Associated Press items:

> SAN JUAN, PUERTO RICO, *February 17, 1900.*
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> Several of the largest merchants of San Juan, upon being interviewed, unanimously expressed the opinion that immediate Congressional action is absolutely essential to the interests of the island. They say that the crops are immovable, the proposed duty under the Foraker bill on sugar and tobacco being prohibitive. There are now 3,300,000 pounds of tobacco ready for shipment, and by August there will be 5,000,000 pounds. The best price obtainable for tobacco in New York under the half-dollar duty is about $1.85.
>
> There has been a small coffee crop, owing to the hurricane, and sugar can not pay the duty imposed, the planters holding their products and awaiting the action of Congress. There is no money to plant new crops or to pay laborers, thousands of whom are on the point of starvation, being unable to obtain

work. The estates are idle and bankers refuse to advance funds on account of the extension of mortgages; the planters are desperate and the people discouraged, and they demand absolute free trade and authority for the island to contract a loan to pay immediate expenses and for the relief of the planters.

The local press expresses the opinion that the conditions of the island were better during the darkest days of the Spanish régime.

The Foraker bill would be acceptable without the duty, the merchants being willing to pay a revenue tax in lieu of the tariff, which would relieve the planters.

Undoubtedly, if we are going to permanently retain the Philippines, we should so declare, and should promptly make amends for the failure of the treaty to provide for their admission to statehood by solemnly declaring here that statehood will be given them when they are ready for it; and yet I do not believe that this will be done, for, so far as I have ever read or heard, there is no one in all this broad land who believes that these islands will ever become States in the Union, or who desires that they should so become. The character, the habits, the interests, and the civilization of the people inhabiting them are such that our Anglo-Saxon civilization, or, better still, our American civilization, would never consent that these people should have equal voice and equal power with us in the management of our own affairs. They are too far removed from us also for community of interest and action to ever exist between them and us. It is manifest that those who brought about their annexation had no thought or purpose of making them citizens of the United States, because, in violation of all precedents in the treaty-making history of this Government, those who negotiated the treaty did not incorporate therein any provision looking to statehood for the islands or citizenship for their inhabitants.

Gentlemen of the other side and as well those elsewhere who favor the permanent retention of the Philippine Islands are free to quote precedents, and to say that they are but following in the tracks marked out by our forefathers in the beginning of this Republic. I wish to take issue with this position. As I have already pointed out, there is no parallel in all our past history to the proposition now pending to permanently retain the Philippine Islands without any declaration of intention to ever accord them statehood. The parallel between the present case and our past history also fails in that all our past annexations have been in the main annexations of territory and not of people.

The annexation of the Louisiana territory is most frequently cited as justifying the annexation of the Philippines. I wish to call attention to the fact that at the time of the annexation of Louisiana that, aside from the constitutional questions that were raised, and to which I have already adverted, the burning question at that time was the fear that this great territory, after it became populated, would become all-powerful in the Union and would dominate the Government to the exclusion of the East. Certainly no such question exists now as to the Philippines.

Texas was objected to, among other grounds, because it was claimed that its annexation was but a scheme to extend the slaveholding territory and increase the strength of the slaveholding States. This objection might be somewhat pertinent now in the light of the treaty our Government has consummated with the Sultan of Sulu, by which treaty the United States not only agrees not to interfere with but to protect the people of the Sultan in the free exercise of their religion and customs, social and domestic, which customs include slavery, but also, as an evidence of the good faith of this Government in so agreeing, General Otis offered a present to the Sultan and datos of $10,000, Mexican money, and agreed to regularly supply sums of money thereafter in accordance with the previous agreement of Spain.

In reference to the Louisiana purchase, I would call attention to the fact that, notwithstanding the assaults that were leveled at Jefferson, that great statesman, before he ever treated with France for a cession of the Louisiana territory, transmitted to the Congress on December 15, 1802, his message calling attention to the cession of the Spanish province of Louisiana to France; and again, on January 11, 1803, he transmitted his message to the Senate nominating a minister plenipotentiary and a minister extraordinary and plenipotentiary to treat with both France and, if necessary, Spain, in reference to obtaining a cession of this territory. It thus appears that his purpose, whether held to be wise or unwise, was not concealed in his own bosom. The same was communicated to the lawmaking power, and both the lawmaking and the treaty-making power of this Government were in his full confidence in the very incipiency of the negotiations for this cession. Does that parallel exist in our negotiations for the Philippines?

I would also remind our friends on the other side that Jefferson convened the Congress in extraordinary session on October 17, 1803, after the treaty of cession was agreed upon, and in his message to Congress on that day used this American language:

> With the wisdom of Congress it will rest to take those ulterior measures which may be necessary for the immediate occupation and temporary government of the country; for its incorporation into our Union; for rendering the change of government a blessing to our newly adopted brethren; for securing to them the rights of conscience and of property; for confirming to the Indian inhabitants their occupancy and self-government, establishing friendly and commercial relations with them, and for ascertaining the geography of the country acquired.

He thus announced in the outset that, so far as his Administration was concerned, our newly acquired citizens were brethren; that their territory was to be incorporated into our Union, and that self-government would be continued to them. It is unnecessary for me to remind gentlemen that the treaty with France itself stipulated that Louisiana should eventually be incorporated as a State. If we are going to cite the Louisiana purchase as a precedent for annexing the Philippines, must not we, in order to justify ourselves entirely, go the length that Jefferson did and announce statehood and self-government for the Filipinos?

It may not be out of place for me to call attention to the fact that at the time of the annexation of Louisiana it was vital to the young American Republic to control the Mississippi River. Time and again the right of deposit in New Orleans had been denied them. They were confronted with the fact that this great river and the vast territory of Louisiana had been ceded by Spain to Napoleon, and that the great Emperor proposed to reorganize on a grand scale his French colonies.

The safety of the young Republic, to say nothing of its commerce, demanded that this should not be done, but that our Republic, in the interest of peace, in the interest of its perpetuity, and in the interest of its commerce, should control this river and this territory. Such was the situation then, and, reading into the future, Jefferson, with unfaltering wisdom, acted. Is there a parallel between that situation and the present? Is not the Philippine situation just the reverse of that? Then our fathers were welding together a compact territory on this continent; now we are crossing a great ocean and invading another continent. Then our fathers acted in the interest of peace and sought to promote and preserve it; now we throw peace to the winds and challenge war. Then our fathers sought to preserve that which they had; now we, to feed a thirst for glory and for greed, imperil that which we have. Then our fathers sought to bestow liberty; now we to deny it. Then our fathers sought to avoid European and eastern entanglements; now we deliberately invite them. [Applause.] Then our fathers were humble worshipers at the shrine of liberty, seeking to dedicate this country to the sacred cause of freedom; now we feel that we have become a world power and are seeking to exhibit to the world our strength and our might.

It is an interesting fact that, notwithstanding the potent arguments in favor of our obtaining Louisiana, Jefferson doubted and hesitated as to the power of this Government to annex it, and it is written that he talked of calling for a constitutional amendment that would authorize and justify that which had already been done. It was subsequently determined, however, that this was unnecessary. No such qualms of conscience as this affect the expansionist of to-day. Starting from the standpoint of what Jefferson did and ignoring what he thought, they go beyond him, beyond all the fathers and all the traditions and all the precedents, and propose to centralize here in Washington, outside the pale of the Constitution, the control of the happiness, the fortunes, the aspirations, and the government of more than 10,000,000 human souls, and they situated thousands of miles away from our farthest western shore.

As illustrating the views and the opinions of the expansionists of old, and to show the striking contrast between them and the expansionists of to-day, I beg to call attention to what President Polk said in his message of December 2, 1845, in reference to the annexation of Texas:

> This accession to our territory has been a bloodless achievement. No arm of force has been raised to produce the result. The sword has had no part in the victory. We have not sought to extend our territorial possessions by conquest or our republican institutions over a reluctant people. It was the deliberate homage of each people to the great principle of our federative Union.

When our President of to-day comes to write the history of the annexation of the Philippines, can he quote the language of President Polk?

President Polk further, in his inaugural address, in favoring the policy of expansion, used this significant language:

> It is confidently believed that our system may be safely extended to the utmost bounds of our territorial limits, and that as it shall be extended the bonds of our Union, so far from being weakened, will become stronger.

The expansionist of to-day ridicules the idea of there being any limit to our expansion, and yet the expansionist of old, as shown in the address of President Polk, believed that there were limits to our expansion. That the farthest extent of these limits were the limits fixed by the Western Hemisphere I do not suppose anyone doubts.

President Polk is not the only statesman of old who believed that there were limits to our expansion, for we find that in the second annual message of President Monroe he said:

> By extending our Government on the principles of our Constitution over the vast territory within our limits on the lakes and the Mississippi and its numerous streams new life and vigor are infused into every part of our system.

The great Daniel Webster also said:

There must be some limit to the extent of our territory, if we would make our institutions permanent.

The Monroe doctrine, so called because of its forcible presentation by President Monroe, although it had been the settled policy of this Government from its organization, is thus stated by President Monroe in his message of December 2, 1823. After referring to the struggle of the Greeks for liberty and briefly to the affairs of Spain and Portugal, he says:

The citizens of the United States cherish sentiments the most friendly in favor of the liberty and happiness of their fellow-men on that side of the Atlantic. In the wars of the European powers in matters relating to themselves we have never taken any part, nor does it comport with our policy so to do. It is only when our rights are invaded or seriously menaced that we resent injuries or make preparation for our defense. With the movements in this hemisphere we are of necessity more immediately connected, and by causes which must be obvious to all enlightened and impartial observers. The political system of the allied powers is essentially different in this respect from that of America. This difference proceeds from that which exists in their respective governments, and to the defense of our own, which has been achieved by the loss of so much blood and treasure, and matured by the wisdom of their most enlightened citizens, and under which we have enjoyed unexampled felicity, this whole nation is devoted. We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety.

With the existing colonies or dependencies of any European power we have not interfered and shall not interfere; but with the governments who have declared their independence and maintained it, and whose independence we have on great consideration and on just principles acknowledged, we could not view any interposition for the purpose of oppressing them or controlling in any other manner their destiny by any European power in any other light than as the manifestation of an unfriendly disposition toward the United States.

Is not the justice and righteousness of the Monroe doctrine based on the declared policy of this Republic not to interfere in European affairs? For a hundred years or more we did not seek to extend our system of government into the Eastern Hemisphere, and the Eastern and European countries have not extended theirs here, but have held aloof out of respect to the Monroe doctrine. It is true that now and then foreign powers have pretended to sneer at the pretensions of this doctrine, and yet none of them have dared to violate it. Upon what reason and upon what justice can we maintain it before the enlightened judgment of mankind if we deliberately remove our main justification and defense of it? If we can invade Asia, and feel justified in so doing, why can not Germany or some other country invade some portion of the Western Hemisphere not occupied by us and feel justified in so doing? If we pursue the course of planting our system of government in the Eastern Hemisphere, will not the question of maintaining ourselves there and here be simply a question of power and of might and not a question of right? Will not the equity we now have be gone, our defense be destroyed, and we left to stand solely by the strength of our good right arm, unsupported and unsustained by the righteousness and justice with which we have heretofore been armed?

There are those who talk about the annexation of Florida as a precedent for annexing the Philippines, and yet it was President Monroe, who enunciated the famous Monroe doctrine, who negotiated this treaty. At the time of that annexation the Monroe doctrine was in full force, and the annexation of Florida so far from weakening it emphasized and strengthened it. Annexation of the Philippines tends to destroy it. We all know that at the time of the annexation of Florida our country was harassed and disturbed by roving bands of savages and outlaws in the peninsula of Florida, which Spain could not or would not control. To protect ourselves, we had to control the peninsula, and in addition to this imperative fact we needed the peninsula of Florida for the national defense. We needed to control its shores, lapped as they are by the waters of the Atlantic and the Gulf of Mexico. Our treaty of cession also provided that Florida should have statehood.

Do any of the arguments or any of these conditions applicable to Florida apply to the Philippines?

President Monroe also had ideas about our General Government that the expansionist of to-day will hardly approve. He said:

The impracticability of one consolidated Government for this great and growing nation will be more apparent and will be universally admitted. Incapable of exercising local authority except for general purposes, the General Government will no longer be dreaded.

Will the expansionist of to-day admit the impracticability of a consolidated Government, when they propose to have such a Government control and govern more than 10,000,000 people? Will the expansionist of to-day admit the incapacity of the General Government to exercise local authority except for general purposes, when they propose to have the General Government exercise both general and local authority for millions of subject people?

There are other expressions from the fathers of old that accord with the position of those who oppose the permanent retention of the Philippines, but do not accord with those who favor such retention. Fillmore declared, in his first annual message:

Among the acknowledged rights of nations is that which each possesses of establishing that form of government which it may deem most conducive to the happiness and prosperity of its own citizens, of changing that form as circumstances may require, and of managing its internal affairs according to its own will. The people of the United States claim this right for themselves, and they readily concede it to others. We make no wars to promote or to prevent successions to thrones, to maintain any theory of a balance of power, or to suppress the actual government which any country chooses to establish for itself.

The sentiments herein expressed met the approval of every American heart when they were uttered, and I can not believe that such sentiments are not in accord with American feeling and American sentiment to-day. And yet this Government is engaged in refusing to the Filipinos the right to their own form of government, and with force of arms is engaged in suppressing the actual government which the Filipinos chose to establish for themselves. How the mighty have fallen from their high estate! When our President of to-day comes to write of the Filipinos, will he quote with approval this message of President Fillmore?

There are those who profess now to believe that the Declaration of Independence no longer exists for our guidance and control. They profess to believe that we have passed the day when we should be moved by the sentiments and the principles enunciated in that immortal Declaration. They profess to believe that it has never been a part of our Government; but that, for all practical purposes, it perished with the creation of our Constitution. Such thoughts and such sentiments have not always existed. As late as the Administration of President Taylor the Declaration of Independence was alive, as listen to his message referring to the proposal to qualify the terms of California as a State. He said:

In attempting to deny to the people of this State the right of self-government in a matter which peculiarly affects themselves will infallibly be regarded by them as an invasion of their rights, and upon the principle laid down in our own Declaration of Independence they will certainly be sustained by the great mass of the American people.

He further asserted in this message another doctrine that I assume is totally repugnant to the expansionist of to-day. He said:

To assert that they are a conquered people, and must, as a state, submit to the will of their conquerors in this regard, will meet with no cordial response among American freemen.

Is not the position of our Administration to-day in reference to the Filipinos that until they admit that they are a conquered people we will not even deign to tell them what we intend to do with them? Where in all our history is there a parallel to such a position?

A distinguished gentleman who was elected to this House to sit on this side of the Chamber, but who, as I understand him, has voluntarily elected to be known as belonging to the other side, has called our attention to the fact that Mr. Buchanan, whom he says is the last Democratic President we have had, was an expansionist and favored the purchase of Cuba. I am glad that our friend has referred us to this fact, because it furnishes the opportunity to give to the House the benefit of the views entertained by Mr. Buchanan, and I commend these views to the careful consideration of the gentleman from Pennsylvania and all his compatriots upon the other side. Mr. Buchanan said in a message:

It has been made known to the world by my predecessors that the United States have on several occasions endeavored to acquire Cuba from Spain by honorable negotiation. If this were accomplished the last relic of the African slave trade would instantly disappear. We would not, if we could, acquire Cuba in any other manner. This is due to our national character. All the territory that we have acquired since the origin of the Government has been by fair purchase from France, Spain, and Mexico, or by the free and voluntary act of the independent State of Texas in blending her destinies with our own.

In his inaugural address he said:

It is our glory that whilst other nations have extended their dominion by the sword we have never acquired any territory except by fair purchase, or, as in the case of Texas, by the voluntary determination of a brave, kindred, and independent people to blend their destinies with our own.

He also said:

Our past history forbids that we shall in the future acquire territory unless this be sanctioned by the laws of justice and honor.

How will the record of our acquisitions stand when we are through putting the Filipinos to the sword and have seized their land as our own?

Alaska is sometimes referred to as a precedent for the annexation of the Philippines, but, aside from the fact that Alaska is not contiguous territory, there is no parallel in the two cases. In the first place, Alaska at the time of annexation was unpopulated, and the annexation was of land and not of people. Even to-day the last estimated population of Alaska, as furnished in the last Annual Report of the Secretary of the Interior, shows a population, all told, of only 55,064, and this thirty-two years after annexation. Is there any parallel between this and the annexation of ten or twelve million human souls in the Philippines?

A further and more striking difference lies in the fact that it is conceded that whenever Alaska is prepared for it she will be admitted to statehood. Nobody disputes this. Congress has recognized Alaska as a part of the United States by enacting legislation for it, and Congress can not legislate for any country that is not a part of the United States, and no country can be a part of the United States and not be under the protection of its laws and Constitution. In the act of 1898 in reference to Alaska Congress distinctly recognized the right of statehood in Alaska by declaring

that this act should not be construed "as impairing in any degree the title of any State that may hereafter be erected out of said district or any part thereof to tide lands and beds of any of its navigable waters," etc.

In my opinion, however, Alaska furnishes an object lesson against the permanent retention of the Philippines and against a colonial policy. Our government of the Territory of Alaska demonstrates the inadequacy of our system to govern and care for a dependent and subject people. The theory of our Government is that there are no rulers but the people. There is no provision and no place and no power to govern except by the people. When we undertake to say that "we, the citizens," will govern "you, the subjects," we find no machinery at our disposal, and the result is misgovernment. It is worse; it is anarchy.

As an illustration of how Alaska is governed, the Secretary of the Interior, in his last annual report, says:

> Attention is called to the anomalous condition of the land laws in the district. There are no surveyed lands, nor has any system of surveying been provided, rendering it next to impossible for a poor settler to acquire a homestead. Citizens who have resided in the district for thirty-two years have as yet been unable to secure title to the lands they have occupied.

Think of it! For thirty-two years we have owned Alaska, and yet to-day no citizen of that district has been able to acquire a title to the land that he has bought, occupied, and improved. [Applause.] What greater commentary upon our incompetency to provide for a subject people could be suggested? The people must provide for themselves, or their wants and needs will never be satisfied.

But listen further. The Attorney-General, in his last annual report, says:

> The administration of affairs in Alaska, and especially the administration of justice through the courts and court officers assigned to that Territory, is not satisfactory. There has been during the past year a very great increase in the amount of legal business in Alaska. The report of the district attorney shows that the criminal business has doubled within a year, and the civil business has multiplied five times over. Complaints of the inadequacy of the provision to establish law and order are almost universal. The district judge advises me that because of a lack of time not one-tenth of the business presented can be disposed of. Officers of the Army exercising command in the Territory report that the insufficient appropriations for the Department of Justice and the lack of a sufficient force of court officials render the administration of justice along the Yukon abortive, and that the average citizen dwelling in that region has but very little respect for it.

Here we have it stated that after thirty-two years of our administration we have not provided the means to dispose of one-tenth of the business brought to our courts, that complaints of the inadequacy of our provisions to establish law and order are almost universal, and that our administration of justice—American justice, if you please, of which we boast—is such that it inspires no respect among the natives. Can we wonder that the town of Wrangell has asked to be transferred to Canada, has asked to be transplanted from underneath the sheltering folds of our glorious flag, simply because that flag as it floats in Alaska does not mean good government, good laws, and justice?

Can we wonder that this state of affairs exists when Governor Bradley, of the Territory, is quoted as saying:

> There are 60 men in charge of the government of the Territory. They have no interest in Alaska, except to grab what they can and get away. They are like a hungry lot of codfish. Seven of these officials, 11 per cent of the entire government, are now under indictment for malfeasance in office.

Is not this but a repetition of the world's history that men can not be trusted to rule an alien people in an alien land, where they have no interest to subserve save the emoluments of office?

What stronger argument can be offered against a colonial government than this statement of facts reveals? [Applause.]

As further illustrating our want of proper machinery to govern colonies, we have immediately before us the deplorable condition of affairs in Hawaii. We annexed these islands more than a year and a half ago. We have not yet given them a Territorial form of government, and in the formative period of their existence we have not provided them with any laws by which they can maintain themselves. Their legislature became extinguished with the ratification of the treaty of annexation, and now, with the bubonic plague devastating their land, carrying suffering, want, and death in its wake, there is no power to authorize the expenditure of money in providing treatment and in attempting to crush the disease. We are told by the newspapers that the President and his Cabinet have been anxiously consulting in reference to the condition of these people and have been seriously trying to devise some way for their immediate relief. It must be apparent to everyone that, in order to govern a subject people, there must be arbitrary power lodged somewhere that can act quickly. There is no place under our Constitution where such power can be lodged; and if Congress undertakes to vest it anywhere, it must do so without warrant or authority from the Constitution and without regard for the first principles of freedom, for it has been well said that "the history of the world has been written in vain if it does not teach us that unrestrained authority can never be safely trusted in human hands."

Mr. Chairman, Alaska and Hawaii are not the only instances in the history of this Republic that have demonstrated the folly and the wrong of a republic attempting to govern any people except by democratic methods. Here in this Union the Southern States have known the effect of such a government. The people of the South know what it is to be governed without their consent. They bitterly know the horror, the injustice, and the iniquity that such a government entails. They know what it is to have no voice in their affairs, to be taxed without representation, to be governed by aliens, and to have military rule supplant the civil law. I mention these things not to awaken unpleasant memories or to reopen wounds or to scar afresh old sores that burrowed deep in the flesh. The memory of these things is fast dying out, and I would not revive it, nor do my people desire that I should do so; but I mention them to emphasize the statement that as a representative of these people I will never by my vote or voice consent to put such a government upon any of God's people in any clime, beneath any sun, in any part of this earth. [Applause.]

I would not do it as a matter of sentiment for the subject people, but, above and beyond this sentiment, I would not do it for love of the American people and American institutions, because I believe that to do so would be to set a precedent that in its effect would ultimately overthrow the liberties of our own people. If there be no other way to govern the people of the Philippines except through despotic and arbitrary government, and if we are determined to govern them, then let us amend the Constitution before we undertake such a government, for I believe with Washington that—

> If in the opinion of the people the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for * * * it is the customary weapon by which free governments are destroyed.

I equally abhor with Daniel Webster a military republic, and, as applicable to the present discussion, I recall his utterance of more than half a century ago, when he pronounced—

> A military republic a government founded on mock elections and supported only by the sword: as a movement, but as a retrograde and disastrous movement, from the old-fashioned monarchical systems.

And I recall that at the same time he declared:

> Above all, the military must be kept, according to the language of our Bill of Rights, in strict subordination to our civil authority. Wherever this lesson is not both learned and practiced there can be no practical freedom. Absurd, preposterous, a scoff and a satire on free forms of constitutional liberty for frames of government to be prescribed by military leaders and the right of suffrage to be exercised at the point of the sword.

Mr. Chairman, speaking for myself, I do not want the Philippine Islands either out of the Constitution or under it. I do not wish to have them as a part of this Union. In passing, however, I would say that with a declaration proposing to admit Puerto Rico ultimately into statehood I would interpose no objection to permanently retaining it, provided the people of Puerto Rico desire us to keep them. I would interpose no objection either to Cuba, under the same conditions, becoming a part of this Union. These islands are differently situated from the Philippines. They are within the legitimate sphere of our influence; they are within the Western Hemisphere, and they lie almost at our door. They may be of strategical value to us. We would violate none of our time-honored principles in annexing them. The Monroe doctrine would not be interfered with. We could defend them far easier from hostile invasion than we could defend the Philippines, and we could perhaps the better protect the Atlantic coast from the invasion of yellow fever by annexing them.

I am opposed to forcibly annexing any people, and it is inconceivable to my mind that this country, boasting of its free institutions and glorying in its past achievements for liberty, should commit itself to the attempt to force its flag over an unwilling people. [Applause.]

I am opposed to retaining the Philippines because I am opposed to a large standing army. Before the war with Spain an army of 25,000 men was as large as we needed. It was ample to meet all the needs of a free people. The war with Spain necessitated an increase in this army, and yet, although this war ended more than a year ago, the taxpayers are still supporting a great army, and all because of the Philippines. No man to-day can tell when this army will be disbanded; no man can predict when what we are pleased to call the "insurrection" in the Philippines will end, and no man can say how long it will stay ended whenever an end is reached. The history of these islands offer us but little hope that we could with safety withdraw our army, even though peace with them should be declared. The retention of these islands, it seems to me, therefore makes the retention of the army a necessity, and upon the other hand, no man will deny the proposition that with the release of the islands the army will not be necessary.

I am opposed to retaining these islands because of the expense. It is stated that the normal cost of the Government prior to the war with Spain was, in round numbers, $5 per capita, and it is now stated that this expense is $8 per capita. We thus have an increase of $3 per capita, or a total of over $200,000,000 per year,

and all because we own the Philippines and the foolish natives of the islands have disputed our title. The war taxes are still collected, although peace is declared. These taxes fall upon every home and every workshop. Their imposition has already lasted too long, and the burden they entail should be lifted instead of being permanently fastened upon our people, as the retention of these islands will necessitate.

I am opposed to retaining the Philippines because I am opposed to a one-man government in any land that flies the United States flag. I do not believe in centralizing power in the White House. I do not believe in enlarging the already too great power that is now vested there. I do not believe in a strong centralized government.

I believe that those people are governed best who are governed least, and I believe that "the powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the States respectively or to the people." I have no faith in the theory that has been suggested that the government we would establish in the Philippines would be so clean, so pure, and so able that its image reflected back to us would make this Government more pure, more clean, and more able. Rather than this, I fear that an autocratic government there would eventually result in an autocratic government here. If self-government can be denied in any one part of the United States it can be denied in all parts. If we accustom ourselves to the use of arbitrary power in one place, it will become natural and easy to use it in all places. When we consent to a government of the Filipinos, who have become a part of the United States, at the point of the bayonet, let all patriots remember that at the same time we are increasing the number of bayonets. As we increase despotic power we must remember that at the same time we are increasing the armed force to maintain it. Is not this dangerous, desperate ground to enter upon? The part of prudence and the part of safety is to withdraw from it before it is everlastingly too late.

Learned gentlemen and able gentlemen have talked about the inherent powers of this Government. We hear it claimed that whether the Constitution provides for it or not, this Government possesses the same powers of all other great governments. Mr. Chairman, this Government has no power that the Constitution does not delegate to it; for, by the language of the Constitution, all other powers not so delegated are prohibited. If the framers of this Government had supposed that in its creation they were giving to it the despotic powers of the governments of old, would they ever have established it? They were seeking to escape from such powers. They sought here in the New World to found a new government, and, ignoring all precedents, they blazed a way of their own. They profited by the experience of past governments and eschewed the vicious elements of all those governments from theirs.

The foundation upon which they laid their structure was freedom, and upon this foundation they reared a superstructure dedicated to liberty. It is now seriously proposed after a century of experience with this Government to deliberately remove the foundation upon which it is built, and to assert that the wise fathers of old had framed a government with all the despotic powers of the Old World. The proposition, it seems to me, is monstrous. Unless our forefathers blundered in their work, and it has taken one hundred years to find it out, if true, the United States Government can not do anything that any other government can and still be the United States.

I have no patience with those who claim the hand of destiny is guiding us in the Philippine question. Those people who so claim are simply uninformed as to the facts. It was not the hand of destiny that in August, 1898, cabled to Admiral Dewey, saying:

> The President desires to receive from you any important information you may have of the Philippines, the desirability of the several islands, * * * and, in a naval or commercial sense, which would be the most advantageous.

That telegram was sent from the Navy Department by direction of the President. There is nothing of destiny in it. There is no suggestion of a derelict people drifting into our hands for whom we must provide. It is a cold-blooded business inquiry. It was not the hand of destiny but the hand of our Secretary of State that, on July 30, 1898, named as the third condition that the United States would require of Spain, in the event of a cessation of hostilities, that—

> On similar grounds the United States is entitled to occupy and will hold the city, bay, and harbor of Manila pending the conclusion of the treaty of peace which shall determine the control, disposition, and government of the Philippines.

Destiny did not make itself manifest until after the cablegram to Admiral Dewey had been answered and our peace commissioners had gone to work to perfect the treaty and had received their instructions to demand the Philippines. The whole transaction was one of business, of barter and sale, without the intervention of destiny. It yet remains to be seen whether the business deal, as it was finally consummated, will be ratified by the American people.

Mr. Chairman, the United States is not the civilizer of the world. We wish that all countries had our civilization and that they all had a government like ours. The only way, however, that we can assist them to obtain that which we have is to keep ever before them an ideal government in all its pristine purity and glory. We can teach them by example and by precept, but we can not teach them by force. I can well understand how the course we have pursued so far in reference to the Philippines has created alarm among civilized people everywhere. An English writer in the London Chronicle says:

> If we express our disappointment as Englishmen that our American kinsfolk are apparently following our example, it is because in the matter of the rights of every people to govern themselves we had looked up to them as about to show us the better way by respecting the aspirations toward freedom even of less advanced races, and by acting in accordance with their own noble traditions and republican principles.

The noble and disinterested purposes for which we declared war against Spain raised the United States to the topmost pinnacle of the great and humane governments of the world. If we had but lived up to the renown we then won, or if we would live up to it now, in my humble opinion we would accomplish more for freedom, more for good government, more for humanity, and more for the United States than all our armies in a century of time can hope to accomplish.

Mr. Chairman, in all that I have said I have not discussed the Filipinos themselves. My concern has not been for them, but for us. I have had no intention, and have none now, by anything that I say to encourage them in their hopeless fight. I have no fear of doing so, because no feeble words of mine could add to the eloquent words of freedom and of liberty that line the archives of our nation from the Declaration of Independence until now, and no act of mine could stir a patriotic heart as the history of our glorious deeds, achieved in freedom's name, must already stir it. I believe that the Filipinos should submit, if for no other reason than because they can not succeed. I believe they can accomplish more by peaceful methods than by arms, and yet I trust that I will be pardoned if I say that a careful reading of all the information furnished us about them shows that, notwithstanding all statements to the contrary, they seek and crave liberty. The excellent gentlemen composing the peace commission sent by the President to the Philippines say a great many things in their report, and among these things I find this statement:

> While the people of the Philippine Islands ardently desire a full measure of rights and liberties, they do not, in the opinion of the commission, generally desire independence. * * * The Philippine Islands, even the most patriotic declare, can not at the present time stand alone. They need the tutelage and the protection of the United States, but they need it in order that in due time they may, in their opinion, become self governing and independent, for it would be a misrepresentation of facts not to report that ultimate independence—independence after an indefinite period of American training—is the aspiration and goal of the intelligent Filipinos who to-day so strenuously oppose the suggestions of independence at the present time.

We know, Mr. Chairman, that Aguinaldo and his followers desire independence, because they have asked for it and are now fighting for it, and here we have the statement of our commission that the balance of the Filipinos also desire it. Who is promising it to them? Who is holding out any hope that at any time in the future their aspirations will be granted?

I am opposed, Mr. Chairman, to the retention of the Philippines, because I am opposed to this Government acquiring any territory in the Eastern Hemisphere. To retain these islands would mean our entrance into and participation in the ever-arising and ever-perplexing questions of the East. It would convert us from a peace-loving into a warlike nation. The Eastern world, in dealing with questions of government, recognizes only the law of might. This is made manifest in the large and ever-increasing armament of the countries of the Old World. Invading, as we would be, the territory of the Old World governments, who can say that we could maintain ourselves there and avoid entanglements or alliances with other nations? I am not yet ready to do this. I am not yet ready to reverse the declaration of our policy made by Jefferson when he said:

> Peace, commerce, and honest friendship with all nations; entangling alliances with none.

Nor am I yet ready to discard and refute the parting words and advice of the first President of this Republic when he said:

> Europe has a set of primary interests, which to us have none or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her friendships or enmities. Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation; when we may choose peace or war as our interest, guided by justice, shall counsel.

To retain these islands would mean not only a large standing army for the purpose of upholding our Government among the islanders, but it would also mean such an army for the purpose of defending them from outside interference. It would mean a great

army and a great navy, because these islands are so far removed from our shores that we could not rely upon our volunteer forces to defend them. We would have to be ever ready for war, just as all Europe is to-day.

In the research that I have made on this great question, Mr. Chairman, I have not lost sight of the materialistic argument that has been presented in favor of the permanent retention of these islands, and, while I have reached the conclusion that the view thus presented has been exaggerated and has been given more importance than the facts justify, yet I am frank to say that no consideration of commerce or of gold, and no thirst for empire ought, in my opinion, to be weighed in the balance against the Constitution and liberty and the perpetuation of our free institutions.

Some part of this Government, however, invested with power, has been pandering to whatever of cupidity there may be in our natures in the style of literature with which they have supplied us. I have received Government publications which set forth in glowing language the rich stores of gold and of silver, of coal, of iron, and of copper to be found in the Philippine Islands, and describing the great fertility of the soil, and pointing out the marvelous results that American energy and American money can achieve in these islands. When I come to read, however, that portion of this literature devoted to the facts, I find that the foreign commerce in these islands in 1894 was as much as it was ever known to be, and that in this year it amounted to only $23,558,552 of imports and $33,149,984 of exports. In the tables for other years the figures are smaller.

When we remember that if we handle this entire commerce, both exports and imports, we could only expect a legitimate profit out of it, we can realize what a pitiful return we would get for our great investment of money, leaving out of consideration entirely the precious American lives that have been sacrificed and will be sacrificed to obtain it. Why, sir, if the entire commerce, both exports and imports—not the profits, but the entire commerce—came to us as a gift, it would not pay the expenses of our Army alone, and would leave totally unprovided for the expenses of the civil government.

I find also in the budget of revenues and expenses for these islands for the year 1897 that the total income is placed at $17,474,020, and the total expenses at $17,258,145, and I notice that included in the income and assisting to make the total are, proceeds of monopolies $1,222,000, and lottery $1,000,000. Spain is charged with resorting to every expedient and every ingenuity to wring money from these people, and yet, with all this, barely enough is yielded to support the government. With our more beneficent government—and I assume that it would be more beneficent—and with our refusal to license monopolies and lotteries, how would we provide the necessary revenue to conduct our Government?

If we assume the responsibility for the destiny of these people, I suppose it would be a part of our mission to teach them the ways of civilization, to educate them, and lead them up to the higher and better walks of life. Where would the money come from with which to do it? I am told that we now expend about 30 cents per capita on our Indian wards. I do not know that the figures are correct, but suppose we only expend 10 cents per capita each year on the Filipinos, it would take, in round numbers, $1,000,000 per year for this purpose alone. It seems to me, therefore, that in reaching out for the commerce of these islands, so far from materially benefiting our people, we will entail a sore and grievous burden upon them; in my opinion, such a burden as no law of reason or of prudence or of Providence requires at our hands.

Reading further from the literature furnished us, I learn that in the year 1894 about 60 per cent of the foreign trade of these islands was carried in British vessels and only 20 per cent in Spanish vessels. I learn also that Great Britain was the largest consumer of the products of these islands and that we, the United States, consumed three times as much of these products as did Spain. It is true that the gentleman compiling these figures goes on to say that—

> With these islands in our possession, and the construction of railroads in the interior of Luzon, it is probable that an enormous extension could be given to this commerce, nearly all of which would come to the United States.

Perhaps it would, and perhaps it would not. It is a free guess for anybody. The fact, however, that is made manifest by these figures, is that in 1894, when we did not own the Philippines, they exported to us three times as much of their products as they exported to Spain and exported more to Great Britain than they did to us.

Do not these figures demonstrate that it is a fallacy that we must own a country and a people in order to trade with them? If we furnish the best market for the Filipinos, will we not buy their goods whether we own them or not? And if they furnish us the best market for our products, we will sell to them no matter what flag they fly. Indeed, Mr. Chairman, it is strange to me that at this time of all times our people or any portion of them should have conceived the idea that to extend our commerce we must extend our territory, because it has been so recent that we had our attention called to the enormous volume of our foreign commerce. The President in his annual message informs us that—

> The combined imports and exports for the year are the largest ever shown in a single year in all our history. Our exports for 1899 alone exceed by more than a billion dollars our imports and exports combined in 1870. The imports per capita are 20 per cent less than in 1870, while the exports per capita are 58 per cent more than in 1870. Exports of agricultural products were $784,776,142. Of manufactured products we exported in value $339,592,146, being larger than any previous year. It is a noteworthy fact that the only year in all our history when the products of our manufactories sold abroad exceeded those bought abroad were 1898 and 1899.

I do not think this the time for any comment upon these figures other than upon the remarkable showing they make of our growing export trade. I will leave to some other occasion to discuss the question of whether or not the decrease in our importations has been due to the advance in the height of our tariff wall, or as to whether this decrease is to the substantial interests of the consumers of the country, or as to whether the increase in our trade generally is due to natural or to artificial causes. I wish now merely to call attention to the fact that in the face of this statement, showing our enormous export trade with people who owe us no allegiance and who do not fly our flag, there are still those who say that we must, in order to increase our export trade, own colonies and govern a dependent people. Such a proposition, in the light of these figures, seems to be absurd.

There is other information, however, that we get from the literature furnished us that is interesting. We are pointed to these islands as offering a great field for development, as being a wilderness of riches, as it were, ready for the hand of America merely to reach out and take in, and yet in the column of facts we are advised that in the island of Luzon there are now 79 people to each square mile; in the island of Leyte, 71; Negros, 73; Panay, 155; Bohol, 188; and Zebu, 210; and we are also told that these six islands comprise the principal islands in all the archipelago. This literature further officially informs us that the density of population in these six islands is 50 per cent greater than it is in the States of Illinois and Indiana, and is greater than that of any of our States east of the Rocky Mountains except Massachusetts and Rhode Island.

We are told, however, that these islands will support a much larger population than they now have; that the population now is only about one-half as great as it is in France and one-third as great as it is in China and Japan. It would be useless to deny this last proposition. It may be true or it may not be true; the proposition is speculation pure and simple. If it be true, however, it must of necessity be equally true that far greater populations can be maintained in our States than now exist. It follows that if we have a surplus of energy and a surplus of capital, we can find here within our own domain riper fields to exploit, a better climate in which to live, and a more homogeneous people to dwell among. Here the hope of success is greater and the chances of failure smaller.

I can understand, Mr. Chairman, how individuals or corporations, few in number, could obtain franchises, rights, and concessions in these islands and exploit the islands to their own satisfaction and to their own profit. I can still better understand how this could be done under an arbitrary and despotic government, with the people exercising no rights and having no power to protect themselves; but I fail to see how our Government or our taxpayers can realize anything from the venture, and I can not give my consent to overturn precedents, traditions, and even our organic law itself to the end simply that a few favored monopolies and individuals may wax and grow fat at the expense of the people.

Mr. Chairman, I have said that the question I was endeavoring to discuss was not political. I still maintain that proposition, and yet gentlemen here and elsewhere have now and then felt called upon to refer to the Democratic party as the party of expansion, and to point to accessions of territory in the past under Democratic Administrations, and have felt it their duty to suggest that Democrats now who oppose the retention of the Philippine Islands are backslidden from the faith of their fathers and deserters from the traditional policy of their party. I respectfully dissent from this view. I believe, and have endeavored to demonstrate, that those who look upon this question as I do are as true to the policies and traditions and the faith of the Democratic party as any who in the days gone by have marched beneath its banner.

I would remind gentlemen who thus attempt to taunt us of the fate that uniformly befell those who in the past offered such taunts. This is not the first time taunts of this kind have been made, and yet through the changing vicissitudes of time Democratic members have been returned here by Democratic constituencies. The records disclose to me that the attitude of the Democratic party on the expansion of territory in the past was just as violently and bitterly assailed at the time as is now the attitude of its membership on the pending question, and yet time and reason vindicated and sustained its position, and overwhelmed those who opposed it, and forced them to the acknowledgment that they were wrong:

and so, Mr. Chairman, I believe that those who scoff and jeer to-day at our position will in the days to come be forced to admit their error and their wrong, just as their predecessors in the past have been compelled to do.

My hope is that their repentance will not have to be in sackcloth and in ashes at the feet of a crushed and overturned Republic. The Democratic party has stood in the past and stands to-day for expansion—expansion of territory, of commerce, and of freedom, and of all things that are good and great. Wherever under its administration this country has expanded its territory it has carried freedom, liberty, and the Constitution with it. The Democratic party has always believed that "forcible annexation was criminal aggression and not to be thought of." [Applause.] It has believed in "benevolent assimilation" in fact as well as in theory. It has never in the past stood for expansion of territory at the expense of freedom. It has never stood for the curtailment of liberty that commerce might expand. [Applause.]

It has never waged a war of conquest. It has never sought by force of arms to subject an alien people. It has never stood for empire or for colonies, and, so far as I can read the signs of the times, it stands to-day where it has ever stood—the foe of oppression, the enemy of tyranny, the friend of liberty, and the champion of progress. But, Mr. Chairman, regardless of party or party history, when temptation comes to us as a republic and cupidity and avarice arise within us, when great riches seem temptingly near and dreams of imperial splendor dazzle us, we must invoke the aid of the true American spirit and cling to the Constitution with tenacious energy as the sheet anchor of our liberties. If we do not this, we are undone, and that which we have we will have no more, and that which we receive will be but dust and bitterness. [Loud applause.]

Mr. GROSVENOR. Mr. Chairman, my purpose in addressing the House at this time is to discuss primarily the importance of the passage of the pending bill and to point out the political results that will flow from its defeat. I shall not in my oral address argue very extensively about the constitutional questions involved here, excepting to point out their origin, the purpose of the enemies of the bill at present, and the effect of the defeat of this bill in the future. I want, however, at the very outset to put some of the responsibility for the conditions in the United States where I think it justly belongs. I do not blame the Democratic party for seizing upon the condition that exists in the Philippines and attempting to make political capital out of that. I want to call their attention to the fact that the people of the United States have a pretty bright and vivid appreciation of the mode and manner in which the present issue has made its appearance.

War with Spain had occurred, and Spain was conquered. No nation of modern times was ever so completely overwhelmed as was Spain in the war with the United States. It stood in the position of absolute helplessness, and lay prostrate and begged for terms and conditions. It not only sued for peace, but made a declaration through its commission that we had the power to exact any terms that were necessary. The treaty of peace of Paris was brought to the United States as a proposition from the Spanish people and the American people through the agency of the Peace Commission. It was absolutely as legitimate for the American people to repudiate that treaty as it would be to do any other act.

The Senate of the United States acted with entire independence, acted upon its own judgment, and acted as the representatives of the American people in reviewing that great instrument. I want to put forward this idea: First, that any political party or any individual who voted or acted or persuaded, or who had anything to do with the ratification of that treaty, is estopped to condemn the results that followed it. If wrong has come to the people of the United States, the men who ratified that treaty are chargeable with that wrong. If a wrong has befallen the Republic, the men who urged the ratification of that treaty are guilty of urging wrong. Who were they? A large majority of the Republican Senators voted to ratify that treaty; but when it hung in the balance, a very distinguished colonel of a very patriotic regiment of soldiers suddenly surrendered his commission, took the fastest train he could get on, came to Washington, and begged of the Senators whom he could influence to ratify that treaty. It must not be forgotten that the Senate at that time did not have a Republican majority. The Democrats and Populists, with their allies, had full control.

Last fall, in the campaign in Nebraska, the members of a Nebraska regiment criticised the conduct of Colonel Bryan in resigning and coming home, and a good deal of jeering and laughter was going on over the State, and the lieutenant-colonel of his regiment wrote a letter which was widely published in Nebraska explaining why the Colonel resigned and came home. He said that he (the Colonel) had information that there was critical danger that the treaty with Spain would be defeated, and he fled from his regiment and came here as a patriotic duty to secure a vote or two in favor of ratification. And he secured one or more. One Senator, at least, who was opposed to ratification when he came, voted for the ratification and made it the supreme law of this land. And now his followers everywhere are coming before the people of the country and saying that it is a condition into which the country has been thrown by the act of the Republican party.

At that time it was legitimate. At that time it was good politics and good patriotism to have shut out the Philippines and all this horde that these last two hours of the speech of the gentleman from Georgia has been aimed at. Everybody knows that it was at that time a question of fair and just deliberation, and yet to-day if you were to select the one man of all other men on the continent of America who is, above all others, responsible for the condition that we are in in regard to the Philippines and Puerto Rico, it would be William J. Bryan, of Nebraska. Everybody knows that. Did he do it to get his country into trouble, that his followers on the floor might charge it to the Republican party and make political capital for him; did he? If so, it was an unpatriotic thing that he did. Did he do it because he thought it was the best thing for the country? If he did, it was a patriotic thing, and I honor him for it, but his followers must not undertake to charge the responsibility alone where the responsibility does not belong.

Now, gentlemen, what have we here? Let us talk now about this bill and the propriety and necessity for its passage. Certain obligations and duties have been assumed by the people of the United States by the ratification of that treaty and by the subsequent action under it. One of the duties is to protect and build up and aid in the education of the people of Puerto Rico. It must be done in some way, and we have a great deal of information on that subject. It is an island dependency of the United States; it is our property within the meaning of the Constitution. We are charged with the responsibility that we are charged with in any other dependency. We owe the same duty that we owed to South Carolina and Charleston when the earthquake destroyed it. We owe the same duty that we owed to the prairie countries when fire swept over them. We owe the same duty that we have discharged so often to the flood-wasted people on the Mississippi and its tributaries. We all agree, I take it, that something must be done for these people. We have already expended in their behalf something like $750,000, and more is demanded.

The evidence that comes to the Committee on Ways and Means shows that actual money contributions or provisions must be made by this country, and right away, to save these people from hunger and starvation and poverty and to put them in the way of going ahead and doing something. They must have money. Where shall it come from? That question was submitted to the Ways and Means Committee.

Now, it is said by a very able gentleman that it was the duty of the Ways and Means Committee to have consulted the members of the House of Representatives before this bill was brought in; and, ergo, that gentleman is opposed to the bill because there are no marks of his paternity upon it. Well, that is a new doctrine; it is the first time I ever heard of it; it is the first time it has ever been suggested in the House of Representatives that it was the duty of a committee charged with a particular branch of duty that appertains to all of us——

Mr. SHATTUC. Can I ask the gentleman a question?

Mr. GROSVENOR. Certainly.

Mr. SHATTUC. Who was that gentleman? [Laughter.]

Mr. GROSVENOR (continuing). Should consult members of the House before they report.

Mr. SHATTUC. The gentleman said I might put him a question.

Mr. GROSVENOR. Yes; but I did not say I would answer it. [Laughter.] Here come these great appropriation bills, appropriating hundreds of millions of dollars, and no man has ever consulted me about one of them until the committee launched it into the House in furtherance of its duty. Was there ever a proposition so erroneous as that? It is the duty of the Ways and Means Committee to take charge of the bill when introduced and work out their views upon it, and then bring it into the House.

Now, that brings me to another point, and I want to speak plainly upon that. There seems to be a great deal of sensitiveness on the Democratic side of this House lest somehow or other we should not explicitly execute the suggestion of the President, which he made in his December message, and the President finds a great many strong friends here that he never had before. [Laughter on the Republican side.] It is very wonderful how sensitive many of them have become. I remember the time when the whole policy of the Administration hung upon the balance upon a mighty question in the Fifty-fifth Congress, and I did not observe my distinguished colleague from Ohio as fierce in behalf of the President's policy. On the contrary, it was said that he held secret conclaves with men who were trying to overthrow the policy of the President. But he has learned a good deal since that

time, and now finds there is no wisdom in the world except in following the beaten path that the President suggested. I am glad that he has reached the firm ground he has.

Mr. SHATTUC. May I ask my colleague to state who is the gentleman he refers to?

Mr. HOPKINS. Not the gentleman from Ohio [Mr. SHATTUC]. You exonerate him.

Mr. GROSVENOR. I exonerate my colleague [Mr. SHATTUC]; and I know he needs the assurance. [Laughter.]

Now, let us see what the exact question is, and let us see whether there is any controversy between the Ways and Means Committee and the President. The President is controlled in his relations to Congress by the Constitution; and Congress in its relations to the President is controlled by the Constitution. It is absolutely proper that the President should give his opinion to Congress; and it is absolutely proper that Congress should execute its own duty in behalf of any one of these questions. And Congress should give great weight to the opinions of the President and in all possible ways stand by him.

Why, Mr. Chairman, the very first duty of Congress is to raise revenue for the support of the Government; and the President is not charged with that duty. The President is charged with the duty of signing or vetoing the bills which Congress may pass, but Congress originates these measures, and it is the sworn and sole duty of Congress to do what they think is right, always hoping to cooperate with the President.

Now, the President makes his suggestion—free trade between Puerto Rico and the United States. How many questions have arisen: how many uncertainties have thrust themselves upon us since last November? How much of information has come to the House since the declaration of the President? Well, I will tell you, summed up, what has come. First, that Puerto Rico must have money or destruction; second, that that money must come from extraneous taxation, or ruin will sweep over that island.

Talk about internal-revenue taxation. The gentleman from Ohio talks about that, and then proceeds to discuss by intimation the subject of freer beer while he favors free tobacco and cigars to compete with his own constituents engaged in cigar making. I commit him to the cigar manufacturers and laborers of his district, and may they have mercy on his soul before they get through with him. [Laughter.] He will find out that there are two sides to this question, and that the Ways and Means Committee have tried to go right along the beaten path of what seems to be duty, and believe we shall have the approval of the President.

Now I start out with the proposition I have laid down, that Puerto Rico must have this money or there must be a condition that we can not tolerate. Their property is in such a condition that it can not pay taxes. Does anybody doubt that? All the evidence which we have here goes to show, first, that internal taxation is an impossibility, and, second, that internal taxation, if possible, would be destructive of every industry those people have.

The Ways and Means Committee reached that conclusion. The distinguished chairman of the committee introduced a bill upon the other proposition. Such a bill was also presented in the Senate. Members of the Senate have changed their opinion on this subject under the guiding hand of the information which we have. All the Republican members of the Ways and Means Committee save only one have changed their views under the guiding suggestions of this information.

A MEMBER (on the Republican side). Not all the committee; nearly all.

Mr. GROSVENOR. Well, that is a question I am not going to define. My friend will not be able to drive me into such an analysis.

Now, then, what have we got? Where have we landed? Does anybody dispute the facts? Does anybody dispute the fact that this money must be raised from some source and sent into that island? We are already sending money there. I am told that $700,000 has already been contributed by the United States. More must go. We state to you, standing here in the light of the evidence, that internal-revenue taxation would be absolutely destructive of every industry that the Puerto Rican people hope to raise any money on for the next two years. Let somebody, if he can, tell us a better way than we have devised. There is but one other way—take the money by appropriation out of the Treasury of the United States and hand it over for the benefit of that island. We have a right to do it. Then would not our Democratic brethren on the other side be happy? Those faces that from 1896 down to the present time have been indicative of the passage of a funeral procession of one of our best friends would certainly blaze forth with joy.

I hear them saying, "You have got a colonial possession, have you? You have got an island out there that is a colony, and that island has to be supported out of the Treasury of the United States?" In such a contingency you would not have to put any Republicans over there on the "Cherokee Strip" in the next House of Representatives. I will undertake to say that they could all sit right here on that side [pointing to one corner of the Hall]. Would it not be glorious? And, my friends, this is one of the entering wedges; this is one of the first steps. If the Democrats can drive you to bolt your party organization, destroy this system that we propose to operate under in this bill, and drive the President to ask us to appropriate money in the way just suggested, then they will have achieved one of the most glorious victories in this generation.

Do you wonder that they are active? Do you wonder that they are insidious? Do you wonder that when they get hold of a dissatisfied Republican they tell him, "Oh, what a splendid fellow you are?" Do you wonder that they take some of our great orators who are disposed to be dissatisfied and tell them, "I never knew before there was such oratory in all the Eastern country. Oh, wonder of wonders, what a man you are!" [Laughter.] Do you wonder that they are fighting their battle of 1900 on this floor to-day?

Mr. PIERCE of Tennessee. And we shall win it, too.

Mr. GROSVENOR. Let him who taketh off his armor boast. You have boasted so much, my friend, that it has become a kind of machine operation with you. [Laughter.]

Now, then, let us see. The proposition of our friends on the other side is, first, to abandon Puerto Rico to desolation and famine, and bring your country into disgrace; or you must furnish money and must furnish it in one of two ways—by tariff taxation under this bill or some similar measure, or you must put your hands into the public Treasury and pay out this money. And there is no answer to that proposition. You can not devise a scheme to raise the money otherwise. So we must adopt a plan which will meet the conditions which confront us. We are told that here is the same old system of indirect taxation. We are told that it will impose undue hardships upon these people, and vary somewhat from the ordinary or original idea of the Republican party in explanation of tariff duties. But, Mr. Chairman, gentlemen forget. This is but 25 per cent of the present American tariff relations with other countries—25 per cent only. The very lowest possible rate has been adopted which in the judgment of the committee, under the facts presented, would be sufficient to supply the necessary money for the purposes of the government of the island of Puerto Rico.

Now, can we better that? What principle of the Republican party are you going to negative by voting for the passage of this bill? Additional duties, says my friend from Ohio—not the gentleman who recently addressed me—extra duties, as though the United States could not legislate. Having first said that he was entirely in accord with the gentleman from New York [Mr. RAY] as to the law of the case, he then raised the question that the gentleman from New York had twice answered, that nevertheless this was an export duty. There is no export duty about it. What better can you do than this? Are you right there, my friends, who are protecting the President of the United States? I am glad somebody on this floor is willing to excuse me but for a day or two, at least. [Laughter and applause.] I am delighted that for a period of at least a week, during the time that this debate will run, I am to have an opinion of my own on a question of policy and politics. Are you quite sure that the President understands all of these facts as we understand them now?

Mr. CARMACK. What is your understanding of them?

Mr. GROSVENOR. Ordinarily I would have been in favor of free trade but for the necessities of the case which I have mentioned. I confess, my friends, acting now in my individual capacity, absolutely standing on my own merits [laughter], I want a direct question of this character to be met and settled by the highest tribunal in the United States, and that would doubtless be binding on the consciences of the Democratic party, at least for a year or two.

Mr. RICHARDSON. Will the gentleman allow an interruption?

Mr. GROSVENOR. Certainly.

Mr. RICHARDSON. I understood the gentleman to express something a few moments ago indicating a doubt as to whether the President of the United States understood the exact situation when he sent his message to Congress——

Mr. GROSVENOR. Oh, no; nothing of the kind.

Mr. RICHARDSON (continuing). I take it that he had the same opportunity of acquiring information that we had, and that his understanding of the question was then as full and complete as our own.

Mr. GROSVENOR. Undoubtedly.

Mr. RICHARDSON. Then he has not changed his mind since Congress met, when it received his message in December last?

Mr. GROSVENOR. I am not the mouthpiece of the President of the United States this week. [Laughter and applause.]

Mr. Chairman, I think I know the President of the United States well, and will venture to make a statement with reference to his opinions, if you will listen to me. I think if the conditions were such as the President of the United States understood them to be

in November last, he would prefer a free-trade bill. I think that, understanding all the considerations involved here now, nothing would give the President greater sorrow and regret than the defeat of this bill and the turning over the control of this House to the Democratic minority. [Applause on the Republican side.] But I will venture—only in my individual capacity—to suggest to any gentleman who does not credit what I have said, to go to the President of the United States and ask him the direct question.

Conditions are very different to-day, and there are conditions binding upon us to-day that were never dreamed of by any of us last December. Mark the activity of the Democrats in this contest.

Mr. WILLIAMS of Mississippi. Then why does he not send in another message?

Mr. SWANSON. Will the gentleman allow an interruption just there?

Mr. GROSVENOR. Certainly.

Mr. SWANSON. Will the gentleman state what are the changed conditions of affairs in Puerto Rico that makes this remarkable change in the policy of the Administration necessary?

Mr. GROSVENOR. The gentleman is a member of the Committee on Ways and Means, which is honored by his membership, and the evidence exhibited to the gentleman in that committee must give absolute proof in support of the facts that governmental aid is necessary in that island to save the people from starvation, suffering, and ruin. That is one fact.

Mr. SWANSON. One other inquiry, if the gentleman will permit me. Is it not a fact that certain Puerto Ricans appeared before the Committee on Ways and Means and the Insular Committee and informed the committees that they would be perfectly willing for an extension of the internal-revenue tax on the island, and that, in their judgment, it would raise a million and a half dollars from rum, and if that was not enough, that they were willing to submit to a tax on property there such as is imposed in various parts of our own country?

Mr. GROSVENOR. There were some men there representing the great sugar interest and the tobacco interest who talked that way. [Applause and laughter on the Republican side.] Now, that is all——

Mr. SWANSON. Now, if the gentleman will permit me further——

Mr. GROSVENOR. The gentleman had unlimited time in which to make his own speech.

Mr. SWANSON. No; I did not. Will the gentleman permit me to ask him one more question?

Mr. GROSVENOR. If you will not accompany it——

Mr. SWANSON. I would like to have you tell me who are the people in Puerto Rico who are behind this provision that this Ways and Means Committee have brought in here?

Mr. GROSVENOR. Everybody except a few tobacco and sugar raisers.

Mr. SWANSON. Everybody in Puerto Rico is engaged in raising sugar or tobacco or coffee, either as a farmer or laborer——

Mr. GROSVENOR. My friend, when he gets on his feet, gets excited. The products of Puerto Rico——

Mr. SWANSON. I regret that I do get excited at injustice, and am sorry that I can not be as cold and callous as the gentleman from Ohio when I am perpetrating a wrong upon a people who claim to be a part of this country, that we claim to be. [Applause on the Democratic side.]

Mr. GROSVENOR. Well, now, the gentleman has occupied my time in making another speech. I was satisfied with his speech that he made the other day. He does not seem to be satisfied with it. [Laughter on the Republican side.] I thought when I heard it that as likely as not he would want to come in with an appendix to those remarks. [Laughter on the Republican side.]

Why, there are 60,000 tons of sugar raised in Puerto Rico, and a trifle of tobacco more inconsiderable than that, and there are a million people there. The sugar business is not very profitable in Puerto Rico if it takes all those people to raise that much sugar and that much tobacco. My friend will see that that warm heart of his, that is rushing in to stop an outrage from being perpetrated, has carried him off his feet in the statement that all the people down there are engaged in sugar and tobacco raising.

Mr. SWANSON. And coffee, I said.

Mr. GROSVENOR. Well, we are not putting any duty on coffee. We are putting a small duty of 25 per cent—and I want to go on now and make a statement about that. All things considered, all the taxation taken into account, we are putting less than one-fourth of the tax upon them that they were laboring under when we came to them. Now, what do you think of that, gentlemen? Here is a proposition to lift this dark cloud of poverty and distress off these people, and to lift 75 per cent of the taxation under which they were laboring when we went down there, and we ask them to contribute by this indirect method, we contributing our share of it, and they contributing what little they can of it, and all of it to go to them until such time as Congress sees fit to turn them over to their own devices for raising money.

Now, that is this measure. That is the whole of this measure in itself.

Now, I am not going into the books. I want to point out where this controversy arose and what this controversy is.

It took John C. Calhoun from 1826, passing down along the period of 1832, when Jackson threatened to hang him, up to the time when he said that at the end of thirty-five years he had at last worked the people of this country up to the position that he occupied, to bring about the result that you are seeking to resurrect here in this contest.

Mr. Chairman, I desire to go back for a moment to the point where I was discussing, of the benefit that would flow to the people of Puerto Rico upon the change of their condition under this bill, as compared with their condition under the Spanish domination. The gentleman from Connecticut [Mr. HILL] has furnished me with some figures here, which are vouched for not only by himself but by another gentleman, which show that under the Spanish domination, when this sugar was profitable, too, as we learned from the witnesses before the committee, the total tax in all forms upon 100 pounds of sugar was $2.94. Now, get that into your minds, $2.94. Yet they sent their sugar into the markets, mostly to the markets of Spain. Now, our proposed duty here will be 40 cents per 100 pounds, or a benefit to the people of Puerto Rico of $2.54 on the 100 pounds.

The Spanish Government taxed their coffee $5.70 per hundred pounds. That drove their coffee, of course, out of the United States, out of Spain, and they sold it under the Cuban tariff, but the tariff was $5.70 per hundred pounds. We propose free coffee, and all the other system of taxation bears as favorable a comparison as that.

Now, I want to go back to another question. If you are right on the other side of this House, and if the gentleman who has submitted this minority report on the Republican side of the House is right about it, this whole legislation is just so much waste paper. What is the use of passing a free-trade law for Puerto Rico if the Constitution and the laws of the country go and locate themselves down there by reason of our acquisition of this territory?

I do not care who introduces a bill of that kind, under your understanding. If the Constitution and revenue laws of the United States go of their own force and envelop the people of Puerto Rico, they have the right to send their cargoes to the city of New York without any taxation. Do they not? They have sent them there, and they have been taxed the whole amount of the American tariff. They have gone into the court and litigated it, and the ablest man, perhaps, of all the Southern States, as a lawyer, Judge Summerville, has just delivered a very able opinion, holding absolutely that they are taxable for the full rate of our duties under our tariff law; and putting it upon the ground that they were foreign nations to all intents and purposes for the purpose of the revenue laws until Congress shall legislate upon them. So that if that decision is right, or the other corollary of it is right, then all this subject is just simply idle talk, and the thing to have done would have been to defeat the bill entirely and give to the Puerto Ricans free trade.

Now, then, this leads me to say, supposing the President, when he wrote his message, never dreamed of such a thing as that the greatest question that has been in this country since the Dred Scott decision would attach itself onto this little bill to relieve the distress of the Puerto Rican people, might he not then have considered the matter from a different standpoint from the one that he did look at it from? He did not know that our enemies would seize upon this opportunity to force us to define the future policy of the country as to all the new possessions.

Now let us go back. Mr. Calhoun said that it took him thirty-five years to educate the people of the South up to this doctrine that every one who has spoken on that side seems to be fluently advised about. What was the purpose, my friends—you who talk about voting in favor of this dogma?

Let us see for a few moments what is its history, and why did Mr. Calhoun seek to push it to the front and boast at last that he had forced it upon the Southern people. It was long ago begun, away back of 1860, when the power of Congress was located in the North and when no legislation that directly extended slavery into any Territories could ever be passed by the American Congress. This dogma of the traveling of the Constitution out into the Territories and the enfranchisement of people of those Territories in their rights of property and citizenship was born in the mind of John C. Calhoun, and the man who first detected the growth of it, who saw the little cloud, no bigger than a man's hand, that ultimately precipitated this country into the horrors of war, the man who first detected the dangerous growth of that dogma, was Daniel Webster, of Massachusetts; and I have lived

to see—I have lived to pass through the period when Massachusetts was a firm believer in what Webster said on that great question of law, when the Garrisons, when the Wendell Phillipses, the Sumners, the Wilsons, and, in later years, the Hoars and the Lodges and all the great catalogue and category of political saints and patriots stood shoulder to shoulder in that warfare with Webster, who struck at this infamy when it first showed its head above the waves of the political sea; and I have lived to see the time when a Massachusetts Representative, from the city of Cambridge, from the very shadow of Harvard College, can be found to-day to negative the position that was taken by every Republican in the United States in 1860 and has never wavered from that day until some time in this Congress. [Loud applause on the Republican side.]

Mr. MOODY of Massachusetts. Mr. Chairman, let me call the attention of the gentleman from Ohio to the fact that the authorities and professors of Harvard Law School are upon our side of this question. [Renewed applause.]

Mr. GROSVENOR. I said nothing against the professors of Harvard.

Mr. MOODY of Massachusetts. I only say that in addition to what the gentleman has said.

Mr. LITTLEFIELD. Is Professor Langdell?

Mr. MOODY of Massachusetts. Professor Langdell and Professor Thayer, lecturer on constitutional law.

Mr. GROSVENOR. They all of them have finally returned to their loyalty, if there was any lack of it before. Now, I will give the opinion of one who is more decidedly a leader at the time of this discussion before the people of this country than any man who will speak upon this question here.

The whole question which came up in 1856 was an offshoot of that doctrine. It culminated ultimately in the platforms of the three parties in 1860. The same doctrine you are arguing for here now to-day, the identical doctrine, my friends, was the work that Calhoun said he had worked for thirty-five years to indoctrinate you with, but in 1860 the issue was made up in a very few words.

The ambiguous language of the Democratic platform of that day was distinctly in favor of the doctrine that we have heard argued here to-day so strongly, that the rights of property, the rights of the citizen, the operation of the Constitution, the principles of the Declaration of Independence, all went into the Territories by mere force of law, without any enactment of Congress. And here was the keynote upon which the Republican party of 1860 met this issue. It took its teaching from Webster and Benton and the men whose voice I shall reproduce in my speech hereafter.

The Republican party of 1860 put it then this way—and it has just as much effect to-day upon the question of the Philippines and the question of Puerto Rico as it had in those days, and by a much stronger reasoning, because this discussion had grown up out of the Territory of Nebraska and Kansas, which had come to us clothed to a certain extent with the rights of citizenship enacted in the organic legislation out of which they had come—

> The new dogma that the Constitution of its own force carried slavery into any or all of the Territories of the United States is a vicious political heresy, at variance with the explicit provisions of that instrument itself with contemporaneous expansion and with legislative and judicial precedents, and is revolutionary in tendency and subversive of the peace and harmony of the country.

That was the Republican platform of 1860. Now, my friends, in that platform was the issue, and the men of the South said that if that was triumphant there would be war and revolution. I did not believe it. I did not comprehend how it was possible that revolution could come out of an assertion of a political principle like that; but it did come. Lincoln was elected; and that was the only issue of any importance between the two great parties. I should like to have some gentleman tell me to-day how it is, if that was the true keynote of the politics of 1860 in reference to slavery, which was property under the Constitution, which was a right under the Constitution, which came, as the gentleman from Arkansas said the other day, out of the Bill of Rights, which was, as he said, the most sacred part of the Constitution, I should like to know now, if that was good law in 1860, how some Republicans here can vote to-day that we have not the power to legislate upon this question in that territory that we have derived without the slightest limitation from a foreign country.

The gentleman who preceded me argued that Spain had not any title. Neither had France any title to the territory of the Louisiana purchase that would have stood in a court of arbitration. So, my friends, if the statutes of limitation do not quiet the title, and you go into that sort of question, you will unsettle the whole business so far as the fourteen States are concerned.

Now, that was the issue, that was the question, and we fought it out on a great many battlefields. I do not say an irritating word to the people of the South; I want you to understand that. You acquiesced in the dogma, the political dogma, that the Constitution and the law conferred no right of property upon any person in the Territory and that the Territorial government alone could do that. But Douglas split off from the Democratic party. He was unwilling to commit himself to the other side, and practically said, inasmuch as there is a dispute about this, we will leave it to the people of the Territory, and he got the invention of "squatter sovereignty" for the first time into our history.

Mr. GROW. When the State government was formed.

Mr. GROSVENOR. Yes. There came another trouble acting upon that doctrine. It is claimed that slaves were run into the Territory out there, hoping that it might prevail, and then came considerable bloodshed and a practical revolution, and the whole of it was settled by the introduction of the Republican party into power in the country, and from that day to this we have never had such a question in American politics as that the Government could not own property anywhere that was not enveloped by the Constitution and the laws.

Mr. NOONAN. Will the gentleman yield for a question?

Mr. GROSVENOR. Yes, to a question.

Mr. NOONAN. If that is true, why were the amendments to the Constitution adopted, the fourteenth and fifteenth amendments?

Mr. GROSVENOR. That has nothing to do with this question at all. The thirteenth amendment destroyed slavery. The question I am trying to make the gentleman from Illinois understand is the question whether the property rights were conferred by the Constitution upon the slaveholder in the Territory. That is what I am trying to get at. The fifteenth amendment gave the people the right of franchise. Now, then, what have we here? There has been precipitated upon us the island and this condition of things there in the matter of citizens, people, tribes. And our Democratic friends are manifesting a good deal of purpose to come after us in the approaching campaign with certain conclusions which they say follow legally and necessarily upon what has been done already.

Why, Mr. Chairman, I can sit down now and write a Democratic stump speech of 1900. I can not write as well as my friend from Missouri [Mr. CLARK] could write it when the time comes; but I can beat some of those whom I shall hear during that period of time. [Laughter.] I will tell you what they will be saying. And now, my Republican friends, I want you to hear a few sections of this speech. They will be saying—and you need not try to get out of it by talking about 25 per cent duty on sugar; that is too small a matter—I will tell you what you will hear. "Why, these bloody Republicans annexed 10,000,000 Malays." I am not at liberty to repeat my friend's speech made in Baltimore the other night, or I would give a beautiful extract.

Mr. CLARK of Missouri. I wish you would repeat it.

Mr. GROSVENOR. They will tell you all about the monstrosities of those people in religion and habits and everything of that kind, and then they will say, "The House of Representatives voted that those people were citizens and entitled to all the rights of citizens." And then they will pick out those men to do this thing, and will say, "Why, look at that fellow. He helped us to get into this fix." You will not be able to get out on the score of the tax on beer. That will not hold water. [Laughter.] That vote is going to be a vote upon this dogma as directly as a vote was ever cast upon a legal proposition.

Our friends on the other side, who are managing this great debate and have done it with so much skill and ability—what have they said about the right or wrong of a little question of 25 per cent duty? Not a word. They are simply paving the way to come before the people at the polls and say to them, "Congress has decided that all these men are entitled to citizenship." And we shall have a settled proposition in this country that hereafter, no matter where, no matter what stress of weather or anything else may be, if one of our naval ships goes ashore with its crew and captain, and captures an island and as a matter of warning to the rest of mankind hoists the American flag, and some half-naked, poor, miserable wretch comes lumbering down to the coast with his hair sticking up and his eyes sticking out, the gentleman from Massachusetts and the gentleman from Georgia will be there to shower the Declaration of Independence and the Fourth of July and the habeas corpus and the right of trial by jury and God knows what all on the poor, miserable, helpless creature. [Laughter.]

I tell you, my friends, you have got to be a little careful as you travel round the world hereafter. You will carry with you awful possibilities. Citizenship in a great Republic, whether you want it or not! And you must not go ashore on any newly discovered islands; you must not assert any dominion there unless you go prepared with Washington's Farewell Address and the Fourth of July and Decoration Day, etc., and give them to the natives. What an awful proposition that is! The Constitution of the United States was made just exactly as Thomas Jefferson said it was made. It gave the people of the United States the powers expressed in the Constitution. Mr. Jefferson himself approved of a bill that practically struck the name of the King of France out of the law governing the Territory of Louisiana and put the name of Thomas Jefferson there, and absolutely denied both

affirmatively and negatively all the rights of American citizenship to the people down there.

And from that day to this there has never been one doubting proposition on that subject. It is true that in the case of the District of Columbia some authorities have been shown apparently to the contrary; but it is equally true that they were based on the same proposition underlying the whole matter—that the District of Columbia was built out of two of the States that joined in the original organization of the Government, helped to make the Constitution, and thereby endowed the people of this District with the rights of citizenship under the Constitution. And the Supreme Court said they could not be stripped of their power by the reorganization of the District of Columbia.

Mr. CARMACK. Did the court put the decision on that ground?

Mr. GROSVENOR. At one time, yes. I have seen an authority to that effect, which I will quote, if I can find it, in which the decision is put absolutely on that ground. And so it has been all through. To-day, following the suggestion of the gentleman from Iowa, I came upon a little section of the treaty with Mexico, which I would like to read. Here it is. Now let us see what our country, what our people understood of this question in 1847 and 1848. In the ninth article of the treaty with Mexico there are some significant points to which I desire to call your attention.

We had good lawyers then, and the Government had entered into the treaty of Guadalupe Hidalgo, a most carefully prepared treaty, a treaty with a country which had been prostrated by our arms, a country seeking our mercy, just as was the case with Spain, and the whole question of citizenship was involved in the controversy that was then presented; the whole question of the laws and the operation of the Constitution was involved, and in one section of the treaty, which I will not read, the terms were stipulated upon which the Mexicans might emigrate out of the territory we so acquired by this conquest and by this treaty. It was decided that they should hold the right of property; that they should have time enough to emigrate, and they should not be put to annoying or vexatious conditions, and then as to those who remained in the territories so acquired here is the provision:

The Mexicans who in the territories aforesaid shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States—

That is, simply by remaining there they were to be incorporated into the Federal Union. What else?—

and be admitted at the proper time, to be judged of by the Congress of the United States, to the enjoyment of all the rights of citizens of the United States according to the principles of the Constitution.

Observe that language:

Shall be admitted at the proper time, to be judged of by the Congress of the United States, to the enjoyment of all the rights of citizenship according to the principles of the Constitution.

Now, there was a direct recognition of the precise doctrine we are standing on, and it never changed until a doubting Thomas in the United States, until Mr. Calhoun's unfortunate teachings of the people of the South drove them into hostility to the construction of the Constitution which their fathers had always adhered to. That was the Mexican treaty. And so in every other treaty we find practically the same thing, and that article which I have read fixed the right of the people in that Territory until Congress acted upon the questions presented. And so the same provision is found in every other treaty.

Let me call your patient attention to the treaty by which we acquired title to property—territory—including Alaska. This, like all of the other treaties, had a stipulation in substance that in legal effect was a precedent and was the established precedent until the people, and that we took them absolutely without the slightest treaty with Spain; and then if you read the discussions that took place under that treaty that made the treaty operative you will find that our commissoners utterly refused to fix the status of these limitation on the powers of Congress to legislate. That was actuated only by the comprehensive influences of the Declaration of Independence, and the Constitution, and our Christian civilization, and our purpose to do the right thing for these unfortunate people.

The CHAIRMAN (Mr. LACEY in the chair). The time of the gentleman has expired.

Mr. HOPKINS. I ask unanimous consent that the gentleman from Ohio be permitted to conclude his remarks.

Mr. GROSVENOR. I do not desire more than five or ten minutes longer.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Ohio may be permitted to conclude his remarks. Is there objection?

There was no objection.

Mr. GROSVENOR. I shall not take undue advantage of the indulgence of the House.

I will not go into the authorities, Mr. Chairman, to support this argument along this line, but will place them, at as early a date as possible, in the RECORD. Here, now, we come to the parting of the ways. The question submitted on this bill is this question, this lawful, this constitutional question, this question which is not only paramount, but a question which is to be an epoch in the political history of the United States, just as important as was the contest in 1860 to 1865. This is the question for our consideration and action.

It is all here, and the people are looking at it in that way. I do not believe there is anyone in the United States who is worrying about the President getting only 75 per cent of what he suggested as the right thing to do, and I know the President is not worrying one particle. You had better save your sympathy for him for some other time. He is too great a man, he is too good a man, he is a man with too much knowledge of practical politics to understand that his fame, his leadership, his greatness are to be affected by the question of whether a man pays $1.60 on a hundred pounds of sugar or only 40 cents or nothing. Just think of it. Just think how petty it is, how contemptible it is, in the light of the great thing that we have got here under discussion.

So, Mr. Chairman, we will try to get out of this trouble that our Democratic friends have got us into.

I wish I could describe the dawning upon the mind of the leader of the Democracy upon this floor of the importance and grandeur of this question. I wish I could portray in words how he looked when the bill was suggested to him, and nothing but the mere practical question of 25 per cent or free trade was suggested to him; and then when the light began to break in on him and he thought he saw the dawning of a day of victory for the Democratic party, how, tall as he is, he got 2 or 3 inches taller, and handsome as he is, he got gloriously handsome as he reflected upon it. [Laughter.]

The Republican party is charged with the duty of taking care of the Filipinos. I am delighted at the condition of my Democratic friends on the other side. They are talking about liberty as though they had always been in favor of it, and I guess most of these fellows here have been. They talked about it as if it was one of the earliest doctrines of the Democratic party, and one day, not long ago, one of their ablest men made a speech over there, the gentleman from Indiana [Mr. MIERS], that carried me off my feet, for its beautiful eulogy and declaration in favor of liberty and equality of rights to all men, paving the way for a Fourth of July oration on the subject of the Filipinos, with their flat lips and their distorted feet. [Laughter.]

Mr. MIERS of Indiana. May I ask the gentleman from Ohio a question?

Mr. GROSVENOR. Yes.

Mr. MIERS of Indiana. Was not that quite as patriotic for me as it was for you to lay aside the Constitution and put aside the declaration that we usually give to the memory of Washington on this 22d of February?

Mr. GROSVENOR. I want the gentleman to understand that his speech was absolutely beautiful, Constitution or no Constitution, Fourth of July or no Fourth of July, Washington's Birthday, or whatever it is. I think Washington will not be disgraced by my speech here to-day. [Laughter.] If there is any danger of it, I am very sure that the speech made by the gentleman from Georgia [Mr. BRANTLEY] will save the reputation of George, anyhow. [Laughter.]

Now, I wanted to come to the next man. That was a glorious speech in favor of equality and liberty from a Democrat. Right on the same day there came a speech of an hour, able, eloquent, not very convincing, from the gentleman from Alabama [Mr. UNDERWOOD], in favor of repealing the fifteenth amendment and turning loose all the poor negroes in this country without any votes. [Laughter.] And they both belong to the same church and worship the same fetich in that church. That shows where we are coming to.

But we have got the Philippines on our hands, and I will tell you what we shall tell the people of this country, my friends, if you will listen to me now. I will give you an extract from a Republican speech.

We will say to the people of this country, We have acquired the title to the Philippines and Puerto Rico. We did not go after them, but they came to us, and we could not help ourselves. There was a gentleman went out into the Orient, with a little more power than he had authority, and the first thing we knew he had captured the Lord only knows how many islands out there. We have never yet found out ourselves. But he took them, and we are there, and our flag is there, and we were aided in getting a perfect title to them from the Democratic Senators in Congress without any protest from anybody.

We have got them and the duty is upon us, and we are going to take care of them. We are going to make all the money out of the transaction we can by enlarging our trade with the oriental

countries, and we are going to embalm the doctrines of the Declaration of Independence upon the statute books of the Philippines just as quick as we think the time has come to do it, and we are not going to do it one minute before if all the Democrats on God's earth go howling that we have got to do it now. [Applause and laughter on the Republican side.] We are going to do it under the persuasive influence of the Constitution, of the Declaration of Independence, of our Christian civilization. We are going to do it as rapidly as it is possible to do it, and in the meantime we propose that every attribute of the Constitution shall persuade us to treat these men with absolute fairness. I will tell you what we are going to say. The gentleman from Georgia said that the President ought to have said something.

Mr. COCHRAN of Missouri rose.

Mr. GROSVENOR. I was just about to strike a very eloquent theme. [Laughter.]

Mr. COCHRAN of Missouri. The gentleman from Ohio is always eloquent. I was going to ask him if there was anything in the peculiar condition of the people of Puerto Rico at this time, want of education or what not, which prevents us giving them the right of equal taxation under the Constitution.

Mr. GROSVENOR. Yes; there is. If we give them equal rights of taxation under the Constitution, they can not pay their taxes, and they would starve to death.

Mr. NEVILLE rose.

Mr. GROSVENOR. Now, I was going to reach the end of my speech if you gentlemen would let me. [Laughter.] I want to finish it up with the gentleman from Missouri.

Mr. COCHRAN of Missouri. If the gentleman will permit me, does he mean to say that if this law is not given them there will be no taxation, no internal-revenue laws enforced?

Mr. GROSVENOR. Unless we pass the law.

Mr. COCHRAN of Missouri. Or any other law?

Mr. GROSVENOR. Or any other law. We can pass a law just exactly like we please.

Mr. COCHRAN of Missouri. Are they not subject to all taxes, to pay internal-revenue taxes?

Mr. GROSVENOR. No.

Mr. COCHRAN of Missouri. Will they not be after the passage of this bill?

Mr. GROSVENOR. No.

Mr. COCHRAN of Missouri. Will not the revenue laws be in force?

Mr. GROSVENOR. Whatever tax we impose will be for their benefit.

Mr. COCHRAN of Missouri. Do you say that there are no requirements for any internal-revenue tax at all?

Mr. GROSVENOR. You have the bill.

Mr. COCHRAN of Missouri. After the passage of this bill?

Mr. GROSVENOR. No.

Mr. COCHRAN of Missouri. Then you will leave them without a single scrap of American law for those islands.

Mr. GROSVENOR. You have spoiled the object of my whole speech. [Great laughter.]

Mr. COCHRAN of Missouri. That would be entirely impossible.

Mr. GROSVENOR. I will just say this to you in all kindness: If what you are now attempting to say has not been put into any of the speeches that you have made during the last six weeks, you may write it out in the form of a question and give it to me, and I will put it in the body of my speech. [Great laughter.]

Mr. COCHRAN of Missouri. I will make you a counter proposition and ask you to depart from your usual custom in the treatment of this and any other great controversy and make a plain answer to the question I have asked.

Mr. NEVILLE. Now, will the gentleman permit me a question?

Mr. GROSVENOR. I want to say that the bill speaks for itself, and the gentleman from Missouri can read it.

Mr. NEVILLE. What I want to ask is this: Is the Republican party going to embalm the Philippines until they can embalm the Constitution? [Jeers on the Republican side.]

Mr. STEELE. Let us preserve that question. [Laughter.]

Mr. GROSVENOR. I will make answer to that. I think that the Democratic party, about the time they get through with the Philippines, will need embalming in the early days of next November much worse than the Philippines. [Laughter.]

But there is another subject, another phase of this situation, that I wish to call your attention to. If we adopt the contention on the other side of this House, we strip the country, in large part, of its war power; we place it at a disadvantage of the most serious character, and I submit that a settlement of the legal question here involved would have simply that effect and none other.

Let us see. The capture of foreign territory makes it eligible for retention in the Union and under our domination solely, and only affects with making States and Territories any pupilage under the Constitution of the United States.

There is no power of disposition, but a simple power of acquisition for limited purposes, and instantly, upon the cession by treaty or the capture by act of war, the Constitution, it is said, covers that territory and the people become absolutely of the United States and entitled to all their rights and privileges.

The United States have the power to make war and to do everything which may be proper and allowable within the laws of war among civilized nations to conquer and subdue their enemy. This power is not only by virtue of the Constitution, but by reason of the right of self-defense, which inheres in every nation as it does in every individual. One of the things that we may do under this power is to seize the territory of our enemy for the purpose of subduing him. Another thing that we may do is to exact compensation from a conquered enemy even to the extent of receiving territory under a treaty of peace, for territory, as in the case of the Spaniards, may be all that the enemy may have to give. This is what we have done in the case of the Philippines. We have taken them by way of indemnity—the $20,000,000 being paid merely in the form of boot.

None of the foregoing can be or has been denied, but it is said that when we do, under this war power, take territory, we must recognize and deal with it as a part of the United States or sell it. If this contention be correct, then we have not the full and unqualified power which belongs to all nations, to make war and do all things proper in connection therewith. For if it be sound, then before seizing the territory of an enemy, although it might be the only means of conquering, or before accepting the territory of an enemy, under the treaty of peace, by way of indemnity, although it might be the only indemity to be had, we would have to pause and determine whether we could afford, in view of the interests and welfare of the United States, to seize the territory or accept it by way of indemnity. If we decided that we could not afford to do so, then we must not seize it or take it by way of indemnity, although to keep our hands off would deprive us on the one hand of a ready means of conquering the enemy and on the other of securing indemnity. It will be seen at once that such a proposition imposes a limitation upon our war-making power which can not be tolerated.

But it is said that this dilemma could be solved by selling the territory. Non constat, but that we could not sell it, as the nations might not permit any one of them to buy it, and then, too, that would involve making chattels of the inhabitants of the territory in a purely commercial sense. So it will be seen that, however the proposition may be viewed, it places a limitation upon our war-making power which does not apply to any other nation on earth. None of the cases cited involved the decision of the question now presented directly and squarely. In none of them was it intimated that our war-making power was subject to any such limitation. In none of them was any law of Congress, dealing with such territory in a different manner from other territory of the United States, declared void upon the ground that its inhabitants were citizens and entitled to the equal protection of the Constitution.

I want to read, in reply to the statement of the gentleman from Georgia, who said that if the President would only say, even now, something that would encourage the belief among the Filipinos that they were going to have fair treatment and consideration, the war would stop now. Well, in my judgment, the war has stopped already. If the gentleman is any ways in touch or knows anybody who is in touch with the "Second George Washington" of the Philippines, where on God's earth is he now? [Laughter.] I consider the war all over. That I think is a sufficient answer to a question that does not amount to anything. But let us see what the President did say more than a year ago, and then I am through.

Mr. BRANTLEY. That was not my statement. I said that the President had made a proclamation, but Congress had made no declaration. I was talking about Congress and not about the President.

Mr. GROSVENOR. Congress is going along doing business. There is a bill pending in the Senate with reference to that subject, and the Committee on Insular Affairs is no doubt attending to business, although they have not consulted me about what they are doing. [Laughter.]

But let us see what the President has said. The President has made this declaration. In speaking in Boston a year ago he said:

> No imperial design lurks in the American mind. That would be alien to American sentiment, thought, and purpose. Our priceless principles undergo no change under a tropical sun. If we can benefit these people, who will object? If in years they are established in government under law and liberty, who will regret our perils and sacrifices; who will not rejoice in our heroism and humanity? I have no light or knowledge not common to my countrymen.
>
> I do not prophesy. The present is all-absorbing to me, but I can not bound my vision by the blood-stained trenches around Manila, where every red drop, whether from the veins of an American soldier or a misguided Filipino,

is anguish to my heart, but by the broad range of future years, when the group of islands, under the impulse of the year just passed, shall have become the gems and glories of these tropical seas, a land of plenty and of increasing possibilities, a people redeemed from savage indolence and habits, devoted to the arts of peace, in touch with the commerce and trade of all nations, enjoying the blessings of freedom, of civil and religious liberty, of education and of homes, and whose children and children's children shall, for ages hence, bless the American Republic because it emancipated and redeemed their fatherland and set them in the pathway of the world's civilization.

And that—

The treaty now commits the free and unfranchised Filipinos to the guiding hand and liberalizing influence, the generous sympathies, the uplifting education, not of their American masters, but of their American emancipators.

[Loud applause on the Republican side.]

Mr. Chairman, I desire now to avail myself of the right given to extend my remarks to place here an appendix to contain certain authorities bearing upon the legal aspects of these questions.

I have made free use of a pamphlet recently compiled and written by Mr. Charles E. Magoon, of the War Department. The work is an invaluable contribution to the legal literature of the contest here pending. The labor and the zeal manifested by the author is evidence of his great industry and valuable research, and the pamphlet will be a text-book of authority. I have also used some portions of the most able report of Senator FORAKER, chairman of the Puerto Rico Committee of the Senate. From that report I copy.

APPENDIX.

The questions that gave the committee most concern were, first, as to whether or not the Constitution should be extended to Puerto Rico; and, in the second place, what provision should be made with respect to tariff duties and internal-revenue taxes.

With respect to the first of these questions, an examination of the various acts of Congress establishing Territorial governments, commencing with the act of April 7, 1798, establishing a Territorial government for Mississippi, shows that Congress did not extend the Constitution of the United States to the Territories in any case prior to the act of September 9, 1850, by which a Territorial government was established for New Mexico.

In the act of April 7, 1798, establishing a Territorial government for Mississippi, the provision was simply that the people of Mississippi should be entitled to enjoy all and singular the rights, privileges, and advantages granted to the people of the territory of the United States northwest of the river Ohio in and by the ordinance of 1787 in as full and ample manner as the same were possessed or enjoyed by the people of the said last-mentioned territory, excluding the last article of the ordinance, which prohibited slavery.

By the act of May 7, 1800, establishing a government for the Territory of Indiana, the same provision was repeated in substantially the same language.

By the act of October 31, 1803, it was simply provided that for the government of Louisiana, until Congress should act, all military, civil, and judicial powers should be vested in such person and persons and be exercised in such manner as the President of the United States should direct "for maintaining and protecting the inhabitants of Louisiana in the free enjoyment of their liberty, property, and religion."

By the acts of March 26, 1804, March 3, 1805, and March 3, 1805, establishing and relating to government in the Territory of Orleans and district of Louisiana, certain laws of the United States, which were specifically mentioned, were put into operation in the Territory and district.

There was no extension of the Constitution of the United States or of the laws of the United States locally applicable in any of these cases, and, in the case of Louisiana, there was no participation in the local government allowed to the people of the Territory. All the officials, including the legislative authority, as well as the governor and the judges, were appointed by the President.

In the act of January 11, 1805, establishing a government for the Territory of Michigan, it was provided that the government should be similar to that provided by the ordinance of 1787, but there was no extension to the Territory of the Constitution of the United States or the laws of the United States locally applicable.

In the act of February 3, 1809, establishing a Territorial government for Illinois, the same provision was repeated in substantially the same language, except that as to the organization of a general assembly for said Territory, so much of the ordinance as related thereto should not go into effect until satisfactory evidence should be given to the governor that such was the wish of a majority of the freeholders of the Territory.

By the act of June 4, 1812, establishing a Territorial government for Missouri, the legislative authority was appointed and the Constitution of the United States and the laws of the United States locally applicable were not extended or made to apply, but in lieu thereof most of the provisions of the Constitution relating to personal rights, privileges, and immunities were specifically enacted as a part of the statute creating Territorial government.

By the act of March 3, 1817, establishing a Territorial government for Alabama, the Constitution and laws of the United States were not made applicable, but only such laws of the Territory of Mississippi, of which Alabama had been a part, should be continued in force as were locally applicable.

By the act of March 2, 1819, establishing a Territorial government for Arkansas, the legislative authority was vested in the governor and certain judges—who were appointed—and the act providing for the government of the Territory of Missouri and certain laws of that Territory were made applicable, but the Constitution and laws of the United States locally applicable were not extended or applied.

By the act approved March 3, 1819, authorizing the President of the United States to take possession of East and West Florida, and establishing a Territorial government therein, it was provided, as in the act authorizing the President to take possession of Louisiana, that all military, civil, and judicial powers should be vested in such person and persons, and should be exercised in such manner as the President of the United States should direct, etc.

By the act of March 30, 1822, establishing a government for the Territory of Florida, the legislative power was vested in the governor and a council appointed by the President, and certain privileges, immunities, and guaranties in the Constitution were incorporated into the statute; but the Constitution of the United States and the laws thereof, locally applicable, were not extended to the Territory.

By the act of April 20, 1836, establishing a government for the Territory of Wisconsin, the Constitution of the United States was not extended to the Territory, but it was provided in the following language, used for the first time in this legislation for Territories, that—

"The laws of the United States are hereby extended over and shall be in force in said Territory, so far as the same or any provisions thereof may be applicable."

By the act of June 12, 1838, establishing a government for the Territory of Iowa, the Constitution of the United States was not extended to the Territory, but it was provided in section 12 as follows:

"That the inhabitants of the said Territory shall be entitled to all the rights, privileges, and immunities heretofore granted and secured to the Territory of Wisconsin and to its inhabitants, and the existing laws of the Territory of Wisconsin shall be extended over said Territory so far as the same be not incompatible with the provisions of this act, subject, nevertheless, to be altered, modified, or repealed by the governor and legislative assembly of said Territory of Iowa; and, further, the laws of the United States are hereby extended over and shall be in force in said Territory, so far as the same or any provisions thereof may be applicable."

By the act of August 14, 1848, establishing a government for the Territory of Oregon, it was provided in section 14 that the inhabitants of said Territory should be entitled to enjoy all and singular the rights, privileges, and advantages granted and secured to the people of the United States.

In other words, the Constitution and laws of the United States do not, ex proprio vigore, extend to territory acquired by the United States, but only by Congressional action. And so long as Congress may see fit to withhold the operation of the Constitution from a Territory it is not bound, in legislating for that Territory, except by its positive prohibitions. It is not bound, for instance, to require trial by jury in criminal cases (Twitchell *vs.* Commonwealth, 7 Wallace, 326), nor in civil suits at common law where the value in controversy shall exceed $20 (Walker *vs.* Sawnnet, 92 U. S., 90), nor to establish the common law in substitution for the civil law where that is already in force, nor is it bound by its requirements as to the levying of taxes, duties, customs, and imposts. With respect to all these matters Congress is empowered to act as in its discretion may seem best. We undertand all these propositions to be settled by authority as well as upon reason.

1. THE SOVEREIGNTY OF THE UNITED STATES IS FULL AND COMPLETE.

The Federal Government is the exclusive representative and embodiment of the entire sovereignty of the nation in its united character. (In re Neagle, 135 U. S., 84; dissenting opinion of Justice Lamar.)

2. THE POWER TO ACQUIRE, HOLD, AND GOVERN TERRITORY IS UNQUALIFIED.

The Constitution confers on the Government of the Union the power of making war and of making treaties; and it seems, consequently, to possess the power of acquiring territory either by conquest or treaty. (Story on Constitution, sec. 1287.)

The power to acquire territory * * * is derived from the treaty-making power and the power to declare and carry on war. The incidents of these powers are those of national sovereignty and belong to all independent governments. (Mormon Church case, 136 U. S., 42.)

As the General Government possesses the right to acquire territory, either by conquest or treaty, it would seem to follow as an inevitable consequence that it possesses the power to govern it. (Story on Constitution, section 1324.)

Chief Justice Marshall said, in Serè *vs.* Pitot (6 Cranch, 336):

"The power of governing and of legislating for a Territory is the inevitable consequence of the right to acquire and hold territory; * * * hence we find Congress possessing and exercising the absolute and unqualified power of governing and legislating for the Territory of Orleans."

Mr. Justice Bradley said, in Mormon Church case (136 U. S., 42):

"It would be absurd to hold that the United States has power to acquire territory and no power to govern it when acquired."

Mr. Justice Matthews said, in Murphy *vs.* Ramsey (114 U. S., 44):

"That question is, we think, no longer open to discussion. It has passed beyond the stage of controversy into final judgment. The people of the United States, as sovereign owners of the National Territories, have supreme power over them and their inhabitants."

Article IV, section 3, of the Constitution provides that—

"The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States."

This clause was drafted by Gouverneur Morris. Fifteen years after the adoption of the Constitution, in answer to a question as to the precise meaning of this clause, he wrote:

"I always thought, when we should acquire Canada and Louisiana, it would be proper to govern them as provinces and allow them no voice in our councils. In wording the third section of the fourth article I went as far as circumstances would permit to establish the exclusion." (3 Morr. Wr., page 192.)

Regarding this clause in the Constitution the Supreme Court says (14 Peters, 537):

"The term territory, as here used, is merely descriptive of one kind of property, and is equivalent to the word lands. And Congress has the same power over it as over any other property belonging to the United States; and this power is vested in Congress without limitation; and has been considered the foundation upon which the Territorial governments rest." (United States *vs.* Gratiot et al., 14 Pet., 524, 537.)

The decisions of the courts uniformly sustain the doctrine that by this provision of the Constitution Congress is given the power to govern those portions of the public domain lying outside of the boundaries of the several States of the Union, in the manner and by the means which to Congress seems best adapted to existing conditions, ranging from a joint protectorate, such as is exercised over Samoa, to a Territorial government of well-nigh sovereign power, such as exists in Oklahoma.

Returning to Article I, section 8, we find that Congress is thereby empowered—

"To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested, by this Constitution in the Government of the United States or in any department or officer thereof."

The Constitution specifically vests in the Government of the United States the authority to engage in war. If it is conceded that when engaged in war the United States is bound by the law of nations regulating civilized warfare, it follows that its first and paramount duty is to compel a peace, and for this purpose it may wrest from its adversary all and every means of continuing the warfare. This includes not only guns and ships, but public revenues and other property, the allegiance and support of subjects, territory, dominion, and sovereignty. Having wrested any or all these from its adversary and reduced them to its own possession, the laws of nations, the interests of civilization, and the dictates of humanity all impose duties and obligations in regard thereto upon the Government of the United States. By what means the duties and obligations so arising from the acquisition of the islands under consideration are to be discharged, and the general principles governing the use of said means, has already been discussed herein.

That the sovereignty of the United States would attach to territory without its territorial boundaries, that jurisdiction over such territory would be attained thereby, and that Congress would be required to legislate therefor,

is plainly recognized and asserted in the thirteenth amendment to the Constitution, as follows:

"SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

"SEC. 2. Congress shall have power to enforce this article by appropriate legislation."

[Extracts from Mr. Magoon's book.]

FIRST STATEMENT.

1. Have the territorial boundaries of the United States been extended to embrace the islands of the Philippine Archipelago, the island of Guam, and the island of Puerto Rico?

2. Are said islands and their inhabitants bound and benefited, privileged and conditioned by the provisions of the Constitution of the United States?

3. Has the Congress of the United States jurisdiction to legislate for said islands and their inhabitants.

4. Must such legislation conform to the constitutional requirements regarding territory within the boundaries of the United States and citizens domiciled therein?

Territory does not expand by the advance of armies; nor does it retire before an invading foe. (Fleming *vs.* Page, 9 Howard, U. S., 603; United States *vs.* Rice, 4 Wheaton, U. S., 246.)

FORMER DECISIONS.

In Thompson *vs.* Utah (170 U. S., 343, 346) the court, speaking by Mr. Justice Harlan, say:

"That the provisions of the Constitution of the United States relating to the right of trial by jury in suits at common law apply to the Territories of the United States is no longer an open question." (Webster *vs.* Reid, 11 How., 460; American Publishing Company *vs.* Fisher, 166 U. S., 464, 468; Springville *vs.* Thomas, 166 U. S., 707.)

In view of the provisions of section 1891, Revised Statutes of the United States, and the special acts of Congress, hereinbefore referred to, whereby the Constitution and laws of the United States not locally inapplicable are extended to the Territories, the declaration quoted is incontestable.

The case of Webster *vs.* Reid (11 How., 437, 460), decided in 1850, arose in the Territory of Iowa. The court, speaking by Mr. Justice McLean, say (page 460):

"The organic law of the Territory of Iowa, by express provision and by reference, extended the laws of the United States, including the ordinance of 1787, over the Territory, so far as they are applicable."

The act of the Territorial legislature involved in Webster *vs.* Reid prohibited trial by jury in matters of fact involved in cases of a certain character. For the reason set forth in the above quotation, the court held, as to the act of the Territorial legislature that—

"In this respect the act is void" (page 460).

Reynolds *vs.* United States (98 U. S., 145) was a criminal action arising in Utah Territory. In that case the court say (page 154):

"By the Constitution of the United States (Amendment VI) the accused was entitled to a trial by an impartial jury."

This case was decided in 1878. The act to establish a Territorial government for Utah September 9, 1850, chapter 51, section 17, 9 Stat., 458, provided "that the Constitution and laws of the United States are hereby extended over and declared to be in force in said Territory of Utah so far as the same or any provision thereof may be applicable."

A subsequent statute made specific provision for trials by jury in the Territories. (Act of April 7, 1874, chapter 80, 18 Stat., 27.) Section 1 of said act closes with this proviso:

"*Provided*, That no party has been or shall be deprived of the right of trial by jury in cases cognizable at common law."

The case of American Publishing Company *vs.* Fisher (166 U. S., 464), decided in 1896, was a common-law action originating in the Territory of Utah. The court held that litigants in common-law actions in the courts of that Territory had a right to trial by jury.

Mr. Justice Brewer, in delivering the opinion of the court, says (page 466):

"Whether the seventh amendment to the Constitution of the United States, which provides that 'in suits at common law where the value in controversy shall exceed $20 the right of trial by jury shall be preserved,' operates ex proprio vigore to invalidate this statute may be a matter of dispute."

SOVEREIGNTY OF UNITED STATES.

The decisions of the Supreme Court of the United States regarding the acquisition and government of new territory by the United States established two propositions beyond controversy:

1. The United States as a sovereign nation may acquire and govern new territory.

2. The government of territory acquired and held by the United States belongs primarily to Congress, and secondarily to such agencies as Congress may establish for that purpose.

As to these two propositions, the Supreme Court of the United States say:

"These propositions are so elementary and so necessarily follow from the condition of things arising upon the acquisition of new territory that they need no argument to support them. They are self-evident." (Mormon Church *vs.* United States, 136 U. S., 43.)

It is, however, necessary to examine the character and extent of the power of Congress in the matter of such government and legislation. In 1810 the Supreme Court of the United States said:

"The power of governing and legislating for territory is the inevitable consequence of the right to acquire and to hold territory. Could this position be contested, the Constitution of the United States declares that 'Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.'

"Accordingly we find Congress possessing and exercising the absolute and undisputed power of governing and legislating for the Territory of Orleans. Congress has given them a legislature, an executive, and a judiciary, with such powers as it has been their will to assign to those departments." (Sere *vs.* Pitot, 6 Cranch, 332, 336, 337.)

In United States *vs.* Gratiot et al. (14 Pet., 536, 537) the court say:

"The Constitution of the United States (Article IV, section 3) provides 'that Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.' The term 'territory,' as here used, is merely descriptive of one kind of property, and is equivalent to the word 'lands.' And Congress has the same power over it as over any other property belonging to the United States; and this power is vested in Congress without limitation, and has been considered the foundation upon which the Territorial governments rest. In the case of McCulloch *vs.* The State of Maryland (4 Wheat., 422) the Chief Justice, in giving the opinion of the court, speaking of this article, and the powers of Congress growing out of it, applies it to Territorial governments, and says all admit their constitutionality. And, again, in the case of the American Insurance Company *vs.* Canter (1 Peters, 542), in speaking of the cession of Florida under the treaty with Spain, he says that Florida, until she shall become a State, continues to be a Territory of the United States Government, by that clause in the Constitution which empowers Congress to make all needful rules and regulations respecting the territory or other property of the United States. If such are the powers of Congress over the lands belonging to the United States, the words 'dispose of' can not receive the construction contended for at the bar. * * * The disposal must be left to the discretion of Congress."

In Gibson *vs.* Choteau (13 Wall., 92, 99) the court say:

"With respect to the public domain, the Constitution vests in Congress the power of disposition and of making all needful rules and regulations. That power is subject to no limitations."

FLEMING VS. PAGE—TAMPICO CASE.

It is true, that when Tampico had been captured and the State of Tamaulipas subjugated, other nations were bound to regard the country, while our possessions continued, as the territory of the United States, and to respect it as such; for, by the laws and usages of nations, conquest is a valid title while the victor maintains the exclusive possession of the conquered country. * * * As regarded by all other nations, it was a part of the United States, and belonged to them as exclusively as the territory included in our established boundaries; but yet it was not a part of the Union, for every nation which acquires territory by treaty or conquest holds it according to its own institutions and laws; and the relation in which the port of Tampico stood to the United States while it was occupied by our arms did not depend upon the law of nations, but upon our own Constitution and acts of Congress. (Fleming *vs.* Page, 9 How., 603, 615.)

Such was the situation as regarded Puerto Rico, the Philippines, and Guam when the Peace Commission assembled in 1898. One requirement made by the American commission was that Spain should assume toward the islands mentioned the same position as was occupied by the other nations of the earth, which is that the territory belongs to the United States, "but yet it was not part of this Union," or "included in our established boundaries," since these were matters which depend upon "our Constitution and the acts of Congress."

At the time of the peace conference at Paris in 1898 all the rights of Spain in the islands mentioned had not been obliterated. The sovereignty of Spain therein had been displaced and suspended, but not destroyed. Theoretically, Spain retained the right of sovereignty, but the United States was in possession and exercising actual sovereignty. The rights of the United States were those of a belligerent and arose from possession, and were dependent upon the ability to maintain that possession. Under the doctrine of postliminy the sovereignty and rights of Spain would become superior to those of the United States, if by any means Spain again came into possession of one or all of said islands. The American commission therefore required, as a condition precedent to a peace, that Spain surrender this right of repossession.

As regarded Cuba, the situation was and remains different. The military forces of the United States had not captured Habana, the capital of the Spanish colony of Cuba, and only a relatively small portion of that island was subject to military occupation by our forces. In addition, the United States before invading Cuba had disclaimed any intention of acquiring any sovereign rights in said island. Therefore the occupation of Cuba in whole or in part by the military forces of the United States, while it imposed duties, did not confer rights upon our Government. It follows that at the time of the peace conference in 1898 the title of Spain to Cuba had not been divested by our military occupation. It was therefore necessary to require Spain to relinquish title in Cuba. This was done by the following provision in the treaty:

"ART. 1. Spain relinquishes all claim of sovereignty over and title to Cuba."

But in the provisions of the treaty regarding the islands in which the United States had secured and was asserting rights of its own the language is different and the reference to title is omitted. To quote the exact words of the treaty:

"ART. 2. Spain cedes to the United States the island of Puerto Rico and other islands now under Spanish sovereignty in the West Indies, and the island of Guam, in the Marianas or Ladrones.

"ART. 3. Spain cedes to the United States the archipelago known as the Philippine Islands and comprehending the islands lying within the following line."

The cession provided for by these articles is referred to five times in subsequent articles of the treaty as follows:

"ART. 9. * * * the territory over which Spain by the present treaty relinquishes or cedes her sovereignty. * * *

"ART. 10. The inhabitants over which Spain relinquishes or cedes her sovereignty shall be, etc.

"ART. 11. The Spaniards residing in the territories over which Spain by this treaty cedes or relinquishes her sovereignty shall be, etc.

"ART. 12. Judicial proceedings pending * * * in the territories over which Spain relinquishes or cedes her sovereignty shall be, etc.

"ART. 14. Spain will have the power to establish consular officers in the ports and places of the territories the sovereignty over which has been either relinquished or ceded by the present treaty."

It therefore seems that the word "cede," as used in this treaty, is to be given the meaning ascribed to it by ordinary usage, to wit, "To yield or surrender; to give up; to resign." (Webster's Dictionary.)

Consideration must also be given to the fact that nowhere in this treaty is mention or reference made of the territorial boundaries of the United States, either present or prospective; and to make "assurance doubly sure," the treaty provides:

"ART. 9. * * * The civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by the Congress."

EFFECT OF CONQUEST.

In regard to this rule Hallock's International Law says (volume 2, section 7, page 475, third ed.):

"The transfer of territory establishes its inhabitants in such a position toward the new sovereignty that they may elect to become, or not to become, its subjects. Their obligations to the former government are canceled, and they may, or may not, become the subjects of the new government, according to their own choice. If they remain in the territory after this transfer, they are deemed to have elected to become its subjects, and thus have consented to the transfer of their allegiance to the new sovereignty. If they leave, sine animo revertendi, they are deemed to have elected to continue aliens to the new sovereignty. The status of the inhabitants of the conquered and transferred territory is thus determined by their own acts. This rule is the most just, reasonable, and convenient which could be adopted. It is reasonable on the part of the conqueror, who is entitled to know who become his subjects and who prefer to continue aliens; it is very convenient for those who wish to become the subjects of the new State and is not unjust toward those who determine not to become its subjects. According to this rule, domicile, as understood and defined in public law, determines the question of transfer of allegiance, or, rather, is the rule of evidence by which that question is to be decided."

Turning to the treaty of peace with Spain (1898), we find that Article IX provides as follows:

"Spanish subjects, natives of the Peninsula, residing in the territory over which Spain by the present treaty relinquishes or cedes her sovereignty, may remain in such territory or may remove therefrom, retaining in either event all their rights of property, including the right to sell or dispose of such property or of its proceeds; and they shall also have the right to carry on their industry, commerce, and professions, being subject in respect thereof to such laws as are applicable to other foreigners. In case they remain in the territory, they may preserve their allegiance to the Crown of Spain by making, before a court of record, within a year from the date of the exchange of ratifications of this treaty, a declaration of their decision to preserve such allegiance; in default of which declaration they shall be held to have renounced it and to have adopted the nationality of the territory in which they may reside.

"The civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by Congress."

THE TREATIES.

The treaty for the cession of Louisiana contained the following stipulations (8 U. S. Stats., 200-202):

"The first Consul of the French Republic, desiring to give to the United States a strong proof of his friendship, doth hereby cede to the United States, in the name of the French Republic, forever and in full sovereignty, the said territory, with all its rights and appurtenances. * * *

"The inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States; and in the meantime they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion they profess." (Articles I and III, treaty with France, 1803.)

The treaty of amity, settlement, and limits between the United States and Spain (1819), whereby was confirmed the title of the United States to the expanse of country known as East and West Florida, contains the following stipulations (8 U. S. Stat., pages 254 and 256):

"ART. 2. His Catholic Majesty cedes to the United States, in full property and sovereignty, all the territories which belong to him situated to the eastward of the Mississippi, known by the name of East and West Florida. * * *

"ART. 6. The inhabitants of the territories which his Catholic Majesty cedes to the United States by this treaty shall be incorporated in the Union of the United States, as soon as may be consistent with the principles of the Federal Constitution, and admitted to the enjoyment of all the privileges, rights, and immunities of the citizents of the United States."

In the treaty of 1848, whereby Mexico relinquished the expanse of country known as Upper California and New Mexico, resort was had to the simple plan of designating the northern boundary of the Mexican Republic. The reason for this was that the United States took the position that, having taken and occupied the capital of the Mexican Republic, its title was perfected by complete conquest, not only of Upper California and New Mexico, but of the entire Republic, and the question to be determined was how much should be restored by the United States, not how much should be ceded by Mexico. Being vanquished, Mexico was obliged to assent to the proposition, and hence the adoption of the plan followed. The treaty contained the following stipulation (9 U. S. Stat., 930):

"ART. 9. The Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States, and be admitted at the proper time (to be judged of by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States, according to the principles of the Constitution."

The treaty with Mexico (1853), whereby the United States acquired the territory known as the "Gadsden Purchase," was, primarily, a stipulation as to boundary. Article 1 provided as follows (10 U. S. Stats., 1032):

"The Mexican Republic agrees to designate the following as her true limits with the United States for the future."

Then follows an exact description of the location of the boundary line and how the same shall be surveyed and marked. Said article continues:

"The dividing line thus established shall, in all time, be faithfully respected by the two Governments, without any variation therein, unless of the express and free consent of the two, given in conformity to the principles of the law of nations and in accordance with the constitution of each country, respectively."

The treaty with Russia (1867) whereby the United States acquired title to Alaska, contains the following stipulation (15 U. S. Stat., 539, 541, 542):

"ARTICLE 1. His Majesty the Emperor of all the Russias agrees to cede to the United States * * * all the territory and dominion now possessed by his said Majesty on the continent of America and in the adjacent islands, the same being contained within the geographical limits herein set forth, to wit:

"ART. 2. In the cession of territory and dominion made by the preceding article are included the rights of property of all public lots, * * * which are not private individual property.

"ART. 3. The inhabitants of the ceded territory * * * shall be admitted to the enjoyment of all the rights, advantages, and immunities of citizens of the United States." * * *

What was accomplished by Article I of the treaty ceding Alaska, upon the treaty being ratified and exchanged, is stated by Dawson, J., as follows (29 Fed. Rep., 205):

"Upon the ratification by the President of the United States, by and with the advice and consent of the Senate, on the one part, and on the other by His Majesty the Emperor of all the Russias, and an exchange of those ratifications, * * * the title of the soil in Alaska vested in the United States." (United States vs. Nelson, 29 Fed. Rep., 202, 205.)

The expression "the title of the soil" as here used means the right of the sovereign or of jus publicum, not the right of a proprietor or of jus privatum.

The extension of the boundaries of the United States to include the Hawaiian Islands was accomplished by diplomatic negotiations, consummated by the passage by the Senate and House of Representatives and approval by the President of a joint resolution reciting (30 U. S. Stat., 750)—

"That said cession is accepted, ratified, and confirmed, and that the said Hawaiian Islands and their dependencies be, and they are hereby, annexed as a part of the territory of the United States and are subject to the sovereign dominion thereof."

DISTINCTIONS IN TREATIES.

By the recent treaty with Spain sovereignty is ceded to the United States over Puerto Rico and the Philippine Islands with this provision:

"The civil and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by Congress."

Cuba, over which Spain relinquishes sovereignty and title, the treaty leaves without any declaration in regard to the status of her inhabitants or the rights of Congress further than to say that upon its evacuation by Spain the island is to be occupied by the United States, and while such occupation shall continue the United States "will assume and discharge the obligations that may, under international law, result from the fact of its occupation, for the protection of life and property."

I do not propose in this connection to discuss what the relations of the United States to these islands are, further than to observe that the ceding power has imposed no conditions nor reserved any rights defined and secured by the Constitution to the inhabitants of those islands. This distinguishes this treaty from all others hitherto made by the United States by which she has acquired territory occupied by inhabitants. The treaty of 1803, for the cession of Louisiana, provides in Article III that—

"The inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of the citizens of the United States; and in the meantime they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess."

The treaty of 1819, by which Florida was ceded to the United States, in Article VII has a provision of similar legal import. So have the treaties by which New Mexico, Utah, California, etc., were acquired in 1848 and 1853, contained in Articles VIII and IX of the treaty of 1848 and brought forward into the treaty of 1853 by Article V. The treaty of 1867, by which Alaska was acquired, has no provision for the incorporation of the Territory into the Union as a State or States. It divides the inhabitants into two classes. It provides that they may return to Russia within three years, and of those who do not return says:

"But if they should prefer to remain in the ceded territory, they, with the exception of the uncivilized native tribes, shall be admitted to the enjoyments of all the rights, advantages, and immunities of citizens of the United States and shall be maintained and protected in the free enjoyment of their liberty, property, and religion. The uncivilized tribes shall be subject to such regulations as the United States may, from time to time, adopt in regard to aboriginal tribes of that country."

It is thus manifest that in every treaty by which the United States has acquired inhabited territory prior to the late treaty with Spain the ceding power has inserted a provision that the inhabitants, except uncivilized tribes, shall be admitted to the enjoyment of all the rights, advantages, and immunities of citizens of the United States, and all, except that by which Alaska was acquired, contain the further provision that they shall in due time, to be determined by Congress, be admitted as a State or States into the Union.

SUPREME COURT DECISIONS.

It will be important to keep the provisions of these treaties in mind, especially when we examine the decisions of the Supreme Court in regard to the constitutional rights of the inhabitants of these territories. In his opinion in The American and Oceanic Insurance Cos. vs. 356 Bales of Cotton, Canter, claimant, Chief Justice Marshall quotes the sixth article of the treaty ceding Florida, which reads:

"The inhabitants of the territories which His Catholic Majesty cedes to the United States by this treaty shall be incorporated into the Union of the United States as soon as may be consistent with the principles of the Federal Constitution and admitted to the enjoyment of all the privileges, rights, and immunities of the citizens of the United States. It is unnecessary to inquire whether this is not their condition independent of stipulation. They do not, however, participate in political power; they do not share in government till Florida becomes a State." (1 Peters, 542.)

The Northwest Territory and other territories ceded by separate States to the United States, when under the Articles of Confederation or the Constitution, were ceded under a pledge from Congress in regard to their use and rights. Chief Justice Taney says in his opinion in the Dred Scott case:

"By resolution passed October 10, 1780, Congress pledged itself that, if the lands were ceded as recommended, they should be disposed of for the common benefit of the United States, to be settled and formed into distinct republican States, which shall become members of the Federal Union, and have the same rights of sovereignty and freedom and independence as the other States."

This pledge acted upon is of equal force as the provision of a treaty, especially under the ordinance of 1787.

These treaties and this resolution include all the territories of the United States, except that of Oregon, which came by discovery and occupation—in regard to which I know of no decision of the United States Supreme Court on the question under consideration—and except that acquired by the annexation of Texas and Hawaii, until we come to the recent treaty with Spain.

THE SCOPE OF THE TREATY-MAKING POWER.

By Article VI of the Constitution:

"All treaties made under the authority of the United States are made the supreme law of the land."

Of the treaty-making power the Supreme Court, in Geofroy vs. Riggs (133 U. S., 258), speaking by Mr. Justice Field, says:

"The treaty power as expressed in the Constitution is in terms unlimited except by those restraints found in that instrument against the action of the Government, or of its departments, and those arising from the nature of the Government itself and that of the States; it would not be contended that it extends so far as to authorize what the Constitution forbids, or a change in the character of the Government, or in that of the States, or the cession of any portion of the latter without its consent. (Fort Leavenworth R. R. Co. vs. Lowe, 114 U. S., 525, 541). But with these exceptions, it is not perceived that there is any limit to the questions which can be adjudged touching any matter which is properly the subject of negotiation with a foreign country. (Ware vs. Hylton, 3 U. S., 199; Chirac vs. Chirac, 15 U. S., 2 Wheaton, 259; Hauenstine vs. Sanborn, 100 U. S., 483; Droit d' Aubaine, 3 Ops. Atty. Gen., 417; People vs. Gerke, 5 Col. 381).

It will not be claimed that the provisions of these treaties giving the inhabitants of the Territories the rights, privileges, and immunities of citizens of the United States lie without the scope of the treaty-making power. It is a generally admitted proposition that the ceding power may properly require such a provision in its treaty granting its sovereignty over a territory, and that the power accepting the grant becomes solemnly bound thereby.

THE ORIGIN OF THIS WHOLE DOGMA—DRED SCOTT.

It is true that in expressing his views on the Dred Scott case Chief Justice Taney announced the doctrine that the United States could acquire territory for no other purpose than to convert into States of the Union, and that all territory acquired by the United States was charged with a trust requiring ultimate admission as a State. The language used by Chief Justice Taney is as follows (Dred Scott vs. Sanford, 19 Howard, 393-446, 447):

"There is certainly no power given by the Constitution to the Federal Government to establish or maintain colonies bordering on the United States or at a distance, to be ruled and governed at its own pleasure; nor to enlarge its territorial limits in any way, except by the admission of new States. That power is plainly given, and if a new State is admitted it needs no further legislation by Congress, because the Constitution itself defines the relative rights and powers and duties of the State, and the citizens of the State and the Federal Government. But no power is given to acquire a territory to be held and governed permanently in that character. * * *

"We do not mean, however, to question the power of Congress in this respect. The power to expand the territory of the United States by the admission of new States is plainly given; and in the construction of this power by all the departments of the Government it has been held to authorize the acquisition of territory, not fit for admission at the time, but to be admitted as soon as its population and situation would entitle it to admission. It is acquired to become a State, and not to be held as a colony and governed by Congress with absolute authority; and as the propriety of admitting a new State is committed to the sound discretion of Congress, the power to acquire territory for that purpose, to be held by the United States until it is in a suitable condition to become a State upon an equal footing with the other States, must rest upon the same discretion."

The doctrine thus announced by Chief Justice Taney, that the United States could acquire territory only for the purpose of creating States, was accepted by the court as then constituted. Whether the language quoted is mere dictum, as is often asserted, or was the vital point in that case, as is now contended, is not essential in this investigation for the following reason: That doctrine rests upon the proposition that the authority of the United States to acquire territory is derived solely from the power to create and admit new States, which power is conferred upon Congress by section 3 of Article IV of the Constitution. The Dred Scott case is the only case in which this proposition has ever been accepted. What is popularly supposed to have led to its acceptance in that case is matter of history, not of law. It is sufficient for the purposes of this investigation to call attention to the fact that Chief Justice Taney's major premise was in direct contravention of the doctrines established by the prior decisions of the court and by the course of Congressional action, and has been ignored and completely overthrown by the subsequent decisions of the court, to say nothing of the tremendous results of the civil war.

The right of the United States to acquire territory was at first held to arise from the power conferred upon Congress by the Constitution—

1. To carry on war. (Clause 11, section 8, Article I.)

And the power conferred upon the President and Senate—

2. To make treaties. (Clause 2, section 2, Article II.)

Finally, the court, the Congress, and the nation recognized that the United States is a sovereign nation, and that the right to acquire territory is an inherent attribute of sovereignty, and thereupon this right of the United States was declared to rest upon the abiding foundation—

3. The sovereignty of the United States. (American Insurance Company *vs.* Canter, 1 Peters, 511, 541; Mormon Church *vs.* United States, 136 U. S., 42; United States, Lyon et al. *vs.* Huckabee, 16 Wall., 414, 434; Jones *vs.* United States, 137 U. S., 202, 212.)

That the doctrine announced by Chief Justice Taney in the Dred Scott case was in direct contravention of the understanding and course inaugurated by the founders of our Government and thereafter followed by Congress, is manifest from an examination of the national compact with the Northwest Territory (1787), the Louisiana purchase treaty (1803), the treaty with Spain regarding Florida (1819), the treaty with Mexico regarding Upper California and New Mexico (1848), and Alaska (1867).

One of the articles of the national compact with the Northwest Territory (1787) contained the following pledge:

"There shall be formed in the said territory not less than three nor more than five States. * * * And * * * such State shall be admitted * * * on an equal footing with original States, in all respects whatever; and shall be at liberty to form a permanent constitution and State government." (See Rev. Stat. U. S., page 16, article 5.)

Why was this compact entered into if the territory was already charged with a trust in favor of statehood, and the United States without authority to acquire it for any other purpose?

In the treaty for the cession of Louisiana the United States obligated itself that—

"The inhabitants of the ceded territory shall be incorporated into the Union of the United States and admitted as soon as possible according to the principles of the Federal Constitution to the enjoyment of all the rights, advantages, and immunities of the citizens of the United States." (Article 3, 8 U. S. Stat., 202.)

In the treaty with Spain, whereby was confirmed the title of the United States to the Floridas, the United States obligated itself that—

"The inhabitants of the territories * * * shall be incorporated in the Union of the United States as soon as it may be consistent with the principles of the Federal Constitution, and admitted to the enjoyment of all the privileges, rights, and immunities of the citizens of the United States." (Article 6, 8 Stat., 256.)

In the treaty with Mexico, whereby Mexico relinquished its rights to Upper California and New Mexico, the United States obligated itself that—

"The Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican Republic conformably with what is stipulated in the preceding article, shall be incorporated in the Union of the United States and to be admitted at the proper time (to be judged of by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States according to the principles of the Constitution." (Article 9, 9 Stat., 930.)

In the treaty with Russia whereby the United States acquired title to Alaska the United States obligated itself that—

"The inhabitants of the ceded territory * * * should be admitted to the enjoyment of all the rights, advantages, and immunities of citizens of the United States:" (Article III, 15 Stat., 542.)

For what purpose and to what end were these treaty stipulations created, if by the act of acquisition the territory became charged with a trust in favor of statehood and the United States required by its Constitution to execute said trust?

The doctrine announced in the Dred Scott decision was not original with Chief Justice Taney. It was originated by John C. Calhoun and announced by him during the discussion of the Wilmot proviso in 1847. Regarding its origin Thomas H. Benton says:

"A new dogma was invented to fit the case—that of the transmigration of the Constitution (the slavery part of it) into the Territories, overriding and overruling all the anti-slavery laws which it found there, and planting the institution there under its own wing, and maintaining it beyond the power of eradication either by Congress or the people of the Territory. Before this dogma was proclaimed efforts were made to get the Constitution extended to these Territories by act of Congress. Failing in those attempts, the difficulty was leaped over by boldly assuming "that the Constitution went of itself"—that is to say, the slavery part of it. In this exigency Mr. Calhoun came out with his new and supreme dogma of the transmigratory function of the Constitution in the ipso facto, and the instantaneous transportation of itself in its slavery attributes into all acquired Territories."

And as to the doctrine itself, Benton says:

"History can not class higher than as the vagary of a diseased imagination this imputed self-acting and self-extension of the Constitution. The Constitution does nothing of itself—not even in the States, for which it was made. Every part of it requires a law to put it into operation. No part of it can reach a Territory unless imparted to it by act of Congress."—*Benton's Thirty Years in the Senate*, volume 2, pages 713, 714.

TRIAL BY JURY, DISTRICT OF COLUMBIA.

Mr. Justice Brewer summarizes the decisions on this point as follows:

"Whether the seventh amendment of the Constitution of the United States, which provides that 'in suits at common law, where the value in controversy shall exceed $20, the right of trial by jury shall be preserved,' operates, ex proprio vigore, to invalidate this statute may be a matter of dispute. In Webster *vs.* Reid (2 Howard, 437) an act of the legislature of Iowa dispensing with a jury in a certain class of common-law actions was held void. While in the opinion, on page 460, the seventh amendment was quoted, it was also said: 'The organic law of the Territory of Iowa, by express provision and by reference, extends the laws of the United States, including the ordinance of 1787, over the Territory, as far as they are applicable;' and the ordinance of 1787, article 2, in terms provided that 'the inhabitants of said Territory shall be entitled to the benefit of the writ of habeas corpus and of trial by jury.' So the validity may have been adjudged by reason of conflict with Congressional legislation. In Reynolds *vs.* United States (98 U. S., 145, 154) it was said, in reference to a criminal case coming from the Territory of Utah, that 'by the Constitution of the United States (Amendment VI) the accused was entitled to a trial by an impartial jury.' Both of these cases were quoted in Callan *vs.* Wilson (127 U. S., 540) as authorities to sustain the ruling that the provisions of the Constitution of the United States relating to trial by jury are in force in the District of Columbia. On the other hand, in Mormon Church *vs.* United States (136 U. S., I, 44), it was said by Mr. Justice Bradley, speaking for the court: 'Doubtless Congress, in legislating for the Territories, would be subject to those fundamental limitations in favor of personal rights which are formulated in the Constitution and its amendments; but these limitations would exist rather by inference and the general spirit of the Constitution, from which Congress derives all its powers, than by any express and direct application of its provisions.' And in McAllister *vs.* United States (141 U. S., 174), it is held that the constitutional provision in respect to the tenor of judicial offices did not apply to Territorial judges."

TERRITORY NO PART OF UNITED STATES.

Such was not the view of Daniel Webster in 1828 when arguing American Insurance Company *vs.* Canter (1 Peters, 511). He then said:

"What is Florida? It is no part of the United States. How can it be? How is it represented? Do the laws of the United States reach Florida? Not unless by particular provisions. The territory and all within it are to be governed by the acquiring power, except where there are reservations by treaty. By the law of England, when possession is taken of territories, the King, jure coronæ, has the power of legislation until Parliament shall interfere. Congress has the jus coronæ in this case, and Florida was to be governed by Congress as she thought proper. What has Congress done? She might have done anything; she might have refused the right of trial by jury and refused a legislature. She has given a legislature to be exercised at her will; and a government of a mixed nature, in which she has endeavored to distinguish between State and United States jurisdiction, anticipating the future erection of the territory into a State. Does the law establishing the court at Key West come within the restrictions of the Constitution of the United States? If the Constitution does not extend over this territory, the law can not be inconsistent with the national Constitution."

Such was not the view of Chief Justice Marshall, who delivered the opinion in that case and therein said:

"These courts, then, are not constitutional courts, in which the judicial power conferred by the Constitution on the General Government can be deposited. They are incapable of receiving it. They are legislative courts, created in virtue of the general right of sovereignty which exists in the Government, or in virtue of that clause which enables Congress to make all needful rules and regulations respecting the territory belonging to the United States. The jurisdiction with which they are invested is not a part of that judicial power which is defined in the third article of the Constitution, but is conferred by Congress in the execution of those general powers which that body possesses over the Territories of the United States. Although admiralty jurisdiction can be exercised in the States in those courts only which are established in pursuance of the third article of the Constitution, the same limitation does not extend to the Territories. In legislating for them Congress exercises the combined powers of the general and of the State government."

Nor was such the view of Chief Justice Chase, as shown by an extract from his opinion in Clinton *vs.* Englebrecht (13 Wallace, 434), as follows:

"There is no supreme court of the United States, nor is there any district court of the United States in the sense of the Constitution, in the Territory of Utah. The judges are not appointed for the same terms, nor is the jurisdiction which they exercise part of the judicial power conferred by the Constitution of the General Government. The courts are the legislative courts of the Territories, created in virtue of that clause which authorizes Congress to make all needful rules and regulations respecting the Territories belonging to the United States."

Twenty years later Daniel Webster was again called upon to refute the doctrine against which he had successfully contended in this case. The forum was the Senate of the United States, and the occasions were his famous debate with John C. Calhoun and his reply to Hayne. It was by reason of showing the fallacy of this dogma that he gained the name "Expounder of the Constitution," and was adjudged worthy to rank with Chief Justice Marshall himself.

The question of extending the Constitution and laws of the United States to Upper California and New Mexico upon the acquisition of that territory from Mexico gave rise to a heated debate in Congress. That debate is described by Benton, then a Senator, in chapter 182, volume 2, page 729, of his famous work, Thirty Years in the United States Senate, as follows:

"The treaty of peace with Mexico had been ratified in the session of 1847-48, and all the ceded territory became subject to our Government and needing the immediate establishment of Territorial governments; but such were the distractions of the slavery question that no such governments could be formed nor any law of the United States extended to these newly acquired and orphan dominions. Congress sat for six months after the treaty had been ratified, making vain efforts to provide government for the new territories, and adjourning without accomplishing the work. Another session had commenced and was coming to a close with the same fruitless result. Bills had been introduced, but they only gave rise to heated discussion. In the last days of the session the civil and diplomatic appropriation bill—the one which provides annually for the support of the Government, and without the passage of which the Government would stop—came up from the House to the Senate. It had received its consideration in the Senate, and was ready to be returned to the House, when Mr. Walker, of Wisconsin, moved to attach to it, under the name of amendment, a section providing a temporary government for the ceded territories and extending an enumerated list of acts of Congress to them. It was an unparliamentary and disorderly proposition, the proposed amendment being incongruous to the matter of the appropriation bill, and in plain violation of the obvious principle which forbade extraneous matter, and especially that which was vehemently contested from going into a bill upon the passage of which the existence of the Government depended. The proposition met no favor; it would have died out if the mover had not yielded to a Southern solicitation to insert the extension of

the Constitution into his amendment, so as to extend the fundamental law to those for whom it was never made, and where it was inapplicable and impracticable. The novelty and strangeness of the proposition called up Mr. Webster, who said:

"'It is of importance that we should seek to have clear ideas and correct notions of the question which this amendment of the member from Wisconsin has presented to us, and especially that we should seek to get some conception of what is meant by the proposition, in a law "to extend the Constitution of the United States to the Territories." Why, sir, the thing is utterly impossible. All the legislation in the world, in this general form, could not accomplish it. There is no cause for the operation of the legislative power in such a manner as that. The Constitution—what is it? We extend the Constitution of the United States by law to territory! What is the Constitution of the United States? Is not its very first principle that all within its influence and comprehension shall be represented in the legislature which it establishes, with not only a right of debate and a right to vote in both Houses of Congress, but a right to partake in the choice of the President and Vice-President? And can we by law extend these rights, or any of them, to a Territory of the United States? Everybody will see that it is altogether impracticable. It comes to this, then, that the Constitution is to be extended as far as practicable. But how far that is is to be decided by the President of the United States, and therefore he is to have absolute and despotic power. He is the judge of what is suitable and what is unsuitable; and what he thinks suitable is suitable, and what he thinks unsuitable is unsuitable. He is omnis in hoc, and what is this but to say, in general terms, that the President of the United States shall govern this Territory as he sees fit till Congress makes further provision.

"'Now, if the gentleman will be kind enough to tell me what principle of the Constitution he supposes suitable—what discrimination he can draw between suitable and unsuitable which he proposes to follow, I shall be instructed. Let me say that in this general sense there is no such thing as extending the Constitution. The Constitution is extended over the United States, and over nothing else. It can not be extended over anything except over the old States and the new States that shall come in hereafter, when they do come in. There is a want of accuracy of ideas in this respect that is quite remarkable among eminent gentlemen, and especially professional and judicial gentlemen. It seems to be taken for granted that the right of trial by jury, the habeas corpus, and every principle designed to protect personal liberty is extended by force of the Constitution itself over every new Territory. That proposition can not be maintained at all. How do you arrive at it by any reasoning or deduction? It can only be arrived at by the loosest of all possible constructions. It is said that this must be so, else the right of the habeas corpus would be lost. Undoubtedly these rights must be conferred by law before they can be enjoyed in a Territory.'

"It was not Mr. Walker, of Wisconsin, the mover of the proposition, that replied to Mr. Webster; it was the prompter of the measure that did it, and in a way to show immediately that this extension of the Constitution to Territories was nothing but a new scheme for the extension of slavery. Denying the power of Congress to legislate upon slavery in Territories—finding slavery actually excluded from the ceded territories and desirous to get it there—Mr. Calhoun, the real author of Mr. Walker's amendment, took the new conception of carrying the Constitution into them, which, arriving there, and recognizing slavery, and being the supreme law of the land, it would override the anti-slavery laws of the Territory and plant the institution of slavery under its ægis and above the reach of any Territorial law or law of Congress to abolish it. He therefore came to the defense of his own proposition, and thus replied to Mr. Webster:

"'I rise, not to detain the Senate to any considerable extent, but to make a few remarks upon the proposition first advanced by the Senator from New Jersey, fully indorsed by the Senator from New Hampshire, and partly indorsed by the Senator from Massachusetts, that the Constitution of the United States does not extend to the Territories. That is the point. I am very happy, sir, to hear this proposition thus asserted, for it will have the effect of narrowing very greatly the controversy between the North and the South as it regards the slavery question in connection with the Territories. It is an implied admission on the part of those gentlemen that if the Constitution does extend to the Territories, the South will be protected in the enjoyment of its property—that it will be under the shield of the Constitution. You can put no other interpretation upon the proposition which the gentlemen have made that the Constitution does not extend to the Territories. Then the simple question is, Does the Constitution extend to the Territories, or does it not extend to them? Why, the Constitution interprets itself. It pronounces itself to be the supreme law of the land.'"

"When Mr. Webster heard this syllogistic assertion, that the Constitution being the supreme law of the land and the Territories being a part of the land, ergo the Constitution, being extended to them, would be their supreme law; when he heard this he called out from his seat, 'What land?' Mr. Calhoun replied, saying:

"'The land; the Territories of the United States are a part of the land. It is the supreme law, not within the limits of the States of this Union merely, but wherever our flag waves—wherever our authority goes the Constitution in part goes, not all its provisions certainly, but all its suitable provisions. Why, can we have any authority beyond the Constitution? I put the question solemnly to gentlemen, If the Constitution does not go there, how are we to have any authority whatever? Is not Congress the creature of the Constitution; does it not hold its existence upon the tenure of the continuance of the Constitution, and would it not be annihilated upon the destruction of that instrument and the consequent dissolution of this confederacy? And shall we, the creature of the Constitution, pretend that we have any authority beyond the reach of the Constitution?

"'Sir, we were told, a few days since, that the courts of the United States had made a decision that the Constitution did not extend to the Territories without an act of Congress. I confess that I was incredulous, and am still incredulous that any tribunal, pretending to have a knowledge of our system of government, as the courts of the United States ought to have, could have pronounced such a monstrous judgment. I am inclined to think that it is an error which has been unjustly attributed to them; but if they have made such a decision as that, I for one say that it ought not and never can be respected. The Territories belong to us; they are ours; that is to say, they are the property of the thirty States of the Union; and we, as the representatives of those thirty States, have the right to exercise all that authority and jurisdiction which ownership carries with it.'"

"Mr. Webster replied with showing that the Constitution was made for the States, not Territories; that no part of it went to a Territory unless specifically extended to it by act of Congress; that the Territories from first to last were governed as Congress chose to govern them, independently of the Constitution and often contrary to it, as in denying them Representatives in Congress, a vote for President and Vice-President, the protection of the Supreme Court; that Congress was constantly doing things in the Territories without constitutional objection (as making mere local roads and bridges) which could not be attempted in a State. He argued:

"'The Constitution, as the gentleman contends, extends over the Territories. How does it get there? I am surprised to hear a gentleman so distinguished as a strict constructionist affirming that the Constitution of the United States extends to the Territories without showing us any clause in the Constitution in any way leading to that result, and to hear the gentleman maintaining that position without showing us any way in which such a result could be inferred increases my surprise. One idea further upon this branch of the subject. The Constitution of the United States extending over the Territories, and no other law existing there! Why, I beg to know how any government could proceed without any other authority existing there than such as is created by the Constitution of the United States? Does the Constitution of the United States settle titles to land? Does it regulate the rights of property? Does it fix the relations of parent and child, guardian and ward? The Constitution of the United States establishes what the gentleman calls a confederation for certain great purposes, leaving all the great mass of laws which is to govern society to derive their existence from State enactments. That is the just view of the state of things under the Constitution. And a State or Territory that has no law but such as it derives from the Constitution of the United States must be entirely without any State or Territorial government. The honorable Senator from South Carolina, conversant with the subject as he must be from his long experience in different branches of the Government, must know that the Congress of the United States have established principles in regard to the Territories that are utterly repugnant to the Constitution.

"'The Constitution of the United States has provided for them an independent judiciary; for the judge of every court of the United States holds his office upon the tenure of good behavior. Will the gentleman say that in any court established in the Territories the judge holds his office in that way? He holds it for a term of years and is removable at Executive discretion. How did we govern Louisiana before it was a State? Did the writ of habeas corpus exist in Louisiana during its Territorial existence? Or the right to trial by jury? Who ever heard of trial by jury there before the law creating the Territorial government gave the right to trial by jury? No one. And I do not believe that there is any new light now to be thrown upon the history of the proceedings of this Government in relation to that matter. When new territory has been acquired it has always been subject to the laws of Congress, to such laws as Congress thought proper to pass for its immediate government, for its government during its Territorial existence, during the preparatory state in which it was to remain until it was ready to come into the Union as one of the family of States.'"

"All this was sound constitutional law, or, rather, was veracious history, showing that Congress governed as it pleased in the Territories independently of the Constitution, and often contrary to it, and consequently that the Constitution did not extend to it. Mr. Webster then showed the puerility of the idea that the Constitution went over the Territories because they were 'land,' and exposed the fallacy of the supposition that the Constitution, even if extended to a Territory, could operate there of itself and without a law of Congress made under it. This fallacy was exposed by showing that Mr. Calhoun, in quoting the Constitution as the supreme law of the land, had omitted the essential words which were part of the same clause and which couple with that supremacy the laws of Congress made in pursuance of the Constitution. Thus:

"'The honorable Senator from South Carolina argues that the Constitution declares itself to be the law of the land, and that therefore it must extend over the Territories. "The land," I take it, means the land over which the Constitution is established, or, in other words, it means the States united under the Constitution. But does not the gentleman see at once that the argument would prove a great deal too much? The Constitution no more says that the Constitution itself shall be the supreme law of the land than it says that the laws of Congress shall be the supreme law of the land. It declares that the Constitution and the laws of Congress passed under it shall be the supreme law of the land.'"

"The question took a regular slavery turn, Mr. Calhoun avowing his intent to be to carry slavery into the Territories under the wing of the Constitution, and openly treating as enemies to the South all that opposed it. Having taken the turn of a slavery question, it gave rise to all the dissension of which that subject had become the parent since the year 1835.

* * * * * * *

"This attempt, pushed to the verge of breaking up the Government in pursuit of a newly invented slavery dogma, was founded in errors too gross for misapprehension. In the first place, as fully shown by Mr. Webster, the Constitution was not made for Territories, but for States. In the second place, it can not operate anywhere, not even in the States for which it was made, without acts of Congress to enforce it. This is true of the Constitution in every particular. Every part of it is inoperative until put into action by a statute of Congress. The Constitution allows the President a salary; he can not touch a dollar of it without an act of Congress. It allows the recovery of fugitive slaves; you can not recover one without an act of Congress. And so of every clause it contains. The proposed extension of the Constitution to Territories, with a view to its transportation of slavery along with it, was then futile and nugatory until an act of Congress should be passed to vitalize slavery under it. So that, if the extension had been declared by law, it would have answered no purpose except to widen the field of the slavery agitation, to establish a new point of contention, to give a new phase to the embittered contest, and to alienate more and more from each other the two halves of the Union. But the extension was not declared. Congress did not extend the Constitution to the Territories.

"The proposal was rejected in both Houses; and immediately the crowning dogma is invented that the Constitution goes of itself to the Territories without an act of Congress, and executes itself, so far as slavery is concerned, not only without legislative aid, but in defiance of Congress and the people of the Territory. This is the last slavery creed of the Calhoun school and the one on which his disciples now stand, and not with any barren foot. They apply the doctrine to existing Territories and make acquisitions from Mexico for new applications. It is impossible to consider such conduct as anything else than as one of the devices for 'forcing the issue with the North,' which Mr. Calhoun in his confidential letter to the members of the Alabama legislature avows to have been his policy since 1835, and which he avers he would then have effected if the members from the slave States had stood by him."

OLD PLATFORMS.

Lincoln announced the theorem, "A house divided against itself can not stand." "This nation will be all slave or all free."

In 1860 the approach of a Presidential election found that diverse views regarding the doctrine that the Constitution was in force in the Territories ex proprio vigore had divided the people into three great camps.

These views found expression in the national platforms adopted by three conventions. The Democratic convention which nominated Douglas declared:

"Inasmuch as differences of opinion exist in the Democratic party as to the nature and extent of the powers of a Territorial legislature, and as to the powers and duties of Congress, under the Constitution of the United States, over the institution of slavery within the Territories:

"*Resolved*, That the Democratic party will abide by the decisions of the Supreme Court of the United States on the questions of constitutional law."

Douglass was the embodiment of the doctrine of squatter sovereignty, and his platform was constructed so as to enable the Democrats who rejected it

to support him in the election, and remit the question of the soundness of the doctrine to the Supreme Court.

The Democratic convention which nominated Breckinridge declared:

"1. That the government of a Territory organized by an act of Congress is provisional and temporary, and during its existence all citizens of the United States have an equal right to settle with their property in the Territory without their rights, either of person or property, being destroyed or impaired by Congressional or Territorial legislation.

"2. That it is the duty of the Federal Government, in all its departments, to protect, when necessary, the rights of persons and property in the Territories and wherever else its constitutional authority extends."

The Republican convention nominated Lincoln and declared:

"7. That the new dogma that the Constitution, of its own force, carries slavery into any or all of the Territories of the United States is a dangerous political heresy, at variance with the explicit provisions of that instrument itself, with contemporaneous exposition, and with legislative and judicial precedent; is revolutionary in its tendency and subversive of the peace and harmony of the country."

Upon the issues as joined the sovereign people pronounced decree by electing 180 Lincoln electors out of 303 votes in the electoral college and a Republican majority in both the Senate and the House.

The popular vote stood:

Total for the doctrine (Douglas and Breckinridge)	2,223,068
Total against the doctrine (Lincoln and Bell)	2,457,813
Majority of those opposing	234,475

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills and joint resolutions of the following titles; in which the concurrence of the House of Representatives was requested:

S. R. 91. Joint resolution authorizing the printing of extra copies of the publications of the Office of Naval Intelligence, Navy Department;

Senate concurrent resolution No. 27:

Resolved, etc., That there be printed for the use of the United States commission to the Philippine Islands, 1,500 copies of volume 1 of their report recently submitted to the Senate by the President;

S. R. 77. Joint resolution authorizing the printing of a special edition of the Yearbook of the United States Department of Agriculture for 1899;

S. 62. An act granting a pension to Robert Black;

S. 1769. An act granting an increase of pension to Henry Frank;

S. 667. An act granting a pension to B. H. Randall;

S. 645. An act granting a pension to David Hunter;

S. 677. An act granting a pension to Jerusha Sturgis, widow of Brig. Gen. Samuel D. Sturgis;

S. 2742. An act restoring to the pension roll the name of Annie A. Gibson;

S. 2220. An act granting an increase of pension to Mrs. E. S. Kelly;

S. 1419. An act to increase the pension of Annie B. Goodrich;

S. 1228. An act granting a pension to Thomas Jordan;

S. 239. An act granting a pension to Rhoda A. Foster;

S. 241. An act granting a pension to Patrick Layhee;

S. 2008. An act granting a pension to Flavel H. Van Eaton;

S. 209. An act granting an increase of pension to Cornelia De Peyster Black;

S. 208. An act granting a pension to Josephine I. Offley;

S. 1919. An act granting a pension to Consolacion Victoria Kirkland;

S. 1960. An act granting an increase of pension to Eli J. March;

S. 1309. An act granting an increase of pension to Herman Piel;

S. 1298. An act granting a pension to Capt. Oscar Taylor;

S. 994. An act granting an increase of pension to Casper Miller, jr.;

S. 2209. An act granting an increase of pension to Frederick Higgins;

S. 1331. An act granting an increase of pension to Ellen C. Abbott;

S. 2375. An act granting a pension to Mary A. Russell;

S. 819. An act granting an increase of pension to Benjamin F. Bourne;

S. 833. An act granting an increase of pension to Henry Atkinson;

S. 820. An act granting an increase of pension to Mrs. Anna M. Dietzler;

S. 2622. An act granting a pension to Maria A. Thompson;

S. 345. An act granting a pension to Catherine L. Nixon;

S. 1250. An act granting a pension to Mrs. Hattie E. Redfield;

S. 1251. An act increasing the pension of Celia A. Jeffers;

S. 1254. An act granting a pension to Catherine E. O'Brien;

S. 1255. An act granting an increase of pension to James M. Simeral;

S. 2167. An act granting an increase of pension to Franklin C. Plantz;

S. 2351. An act granting a pension to Joseph Q. Skelton;

S. 2344. An act granting a pension to Alice V. Cook;

S. 1194. An act granting a pension to John B. Ritzman;

S. 1202. An act granting a pension to Sarah E. Stubbs;

S. 1721. An act granting an increase of pension to Amos H. Goodnow;

S. 1729. An act granting an increase of pension to Oliver J. Lyon;

S. 320. An act granting an increase of pension to Allen Buckner, of Baldwin, Kans.;

S. 1264. An act granting a pension to James A. Southard;

S. 1265. An act granting a pension to Elender Herring, of Elsmore, Kans.;

S. 1266. An act granting a pension to Jacob Saladin;

S. 1268. An act granting a pension to Sarah R. Burrell, of Wichita, Kans.;

S. 2441. An act granting a pension to Felix G. Sitton;

S. 2432. An act granting an increase of pension to James A. Thomas;

S. 3120. An act granting an increase of pension to Henry McMillen;

S. 419. An act amending the act providing for the appointment of a Mississippi River Commission, etc., approved June 28, 1879;

S. 200. An act granting to the State of Wyoming 50,000 acres of land to aid in the continuation, enlargement, and maintenance of the Wyoming State Soldiers and Sailors' Home;

S. 340. An act to amend an act entitled "An act granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Creek war, Cherokee disturbances, and the Seminole war," approved July 27, 1892;

S. 1017. An act for the relief of John M. Guyton;

S. 3003. An act to amend an act entitled "An act to authorize the Grand Rapids Power and Boom Company, of Grand Rapids, Minn., to construct a dam and bridge across the Mississippi River," approved February 27, 1899;

S. 1175. An act to grant lands to the State of Alabama for the use of the Agricultural and Mechanical College, at Florence, Ala.;

S. 2869. An act authorizing the Cape Nome Transportation, Bridge, and Development Company, a corporation organized and existing under the laws of the State of Washington and authorized to do business in the Territory of Alaska, to construct a traffic bridge across the Snake River, at Nome City, in the Territory of Alaska;

S. 1931. An act to provide for the erection of a bridge across Rainy River, in the State of Minnesota, between Rainy Lake and the mouth of Rainy River;

S. 2931. An act to incorporate the American National Red Cross, and for other purposes;

S. 189. An act for the relief of the owners of the British ship *Foscolia* and cargo;

S. 779. An act for the relief of the Potomac Steamboat Company;

S. 793. An act providing for the adjustment of the swamp-land grant to the State of Wisconsin, and for other purposes;

S. 1787. An act granting an increase of pension to Maj. Joseph P. Pope;

S. 3129. An act granting an increase of pension to Henry McMillen; and

S. 3017. An act granting an increase of pension to Julia M. Edie.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 5487. An act authorizing the construction by the Texarkana, Shreveport and Natchez Railway Company of a bridge across Twelve-mile Bayou near Shreveport, La.;

H. R. 4698. An act granting an increase of pension to John C. Fitnam; and

H. R. 7660. An act granting additional right of way to the Allegheny Valley Railway Company through the arsenal grounds at Pittsburg, Pa.

The message also announced that the Senate had passed with amendments the bill (H. R. 4473) to authorize the Natchitoches Railway and Construction Company to build and maintain a railway and traffic bridge across Red River at Grand Ecore, in the parish of Natchitoches, State of Louisiana; in which the concurrence of the House was requested.

TRADE OF PUERTO RICO.

The committee resumed its sitting.

Mr. MCCALL. Mr. Chairman, the distinguished chairman of the Committee on Ways and Means, who is the able leader of this House, and brings to all economic questions a sound judgment and a wide range of information, has, in my opinion, clearly shown that the pending bill will produce a sufficient revenue. But the question of revenue is, I believe, of slight importance compared with another question involved, upon which I regret to say that I am compelled to dissent from the views entertained by my Republican colleagues on the committee, many of whom I have so often followed in the past with pleasure.

The main question put in issue by the substitute bill reported by the chairman of the committee involves nothing less than the proposition that Congress, in dealing with the Territories of the United States, has absolute power, unfettered by any of the limitations of the Constitution. That it is, in short, a power acting outside of the Constitution with the capacity to deal with all persons and property in our Territories as it may see fit. The issue

raised by the committee is not, Does the Constitution govern Puerto Rico, but does it govern us? [Applause.] Believing that absolute power was never intended to be given by the framers of the Constitution; that it is contrary to the whole spirit of that instrument; that it is contrary, also, to its specific terms, and that a long and unbroken line of decisions of our Supreme Court are directly against this assertion of power, I feel myself constrained to oppose this bill.

A great deal has been said about the meaning of the term "United States" in the Constitution, and it seems to me much irrelevant learning has been expended in the discussion of that question. It is evident that the term could have been employed in any one of three different senses according to the context—one as expressing simple sovereignty and the national name, another as referring to the individual States composing the Union, and the third referring to the empire or territory over which the new sovereignty was to have sway.

It will require no very ample learning, it seems to me, in our history before the formation of the Constitution to enable one to see that the term might have been used in any of these three senses. There is another and broader sense in which the term is used since the great war of the rebellion. Some of the old views of the Constitution were totally overthrown by that great convulsion. The close-corporation theory, the idea that our Government rested simply upon the States as units, and that the term "United States," in the political sense, meant simply the States composing the Union, it seems to me, gave way then to the broader doctrine that the Government of the United States rests not in the States but in the people as a whole, a new body politic created by the Constitution.

But, sir, this is no question of mere syntax. What are the vital points? The Revolution was started and fought to a successful conclusion upon the broad principle that one community had no right permanently to levy taxes upon another community. That was the underlying idea which led to the establishment of this Government. The power to tax is the very essence of the power to enslave. The right to take a portion of the proceeds of a man's toil by an unlimited power of taxation necessarily involves the right to take them all. This idea, I say, underlies the foundation of our Government.

And what more than any other motive led to the abandonment of the old Articles of Confederation and the adoption of our Constitution? Was it not the desire to do away with the local tollgates that had been set up upon the frontiers of each State and to break down the local barriers upon commerce, so that trade might be carried on unfettered throughout the dominion of the United States? The two things, then, that we should expect to find guarded in the Constitution, and the two things with reference to which we should most strictly construe all its terms, are, first, the power to tax, and, second, the power to set up again local barriers against trade within our dominion which the Constitution was erected to throw down.

Now, I do not propose to consume the time of the House with any elaborate review of the condition of our public lands, or of any other portions of our history prior to the adoption of the Constitution than those to which I have alluded, but I come to the direct issue involved by this bill. Section 8 of the first article of the Constitution is as follows:

> The Congress shall have power to lay and collect taxes, duties, imposts and excises to pay the debts, and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States.

Here is the power of taxation specifically given, and in the very section which gives the power the method of its exercise is as distinctly marked out. The power and the method granted in the same breath are coextensive, and wherever Congress has the power to lay and collect duties, imposts, and excises it must lay and collect them uniformly. This would seem to be in accordance with the most natural and simple meaning of the words. Certainly the term "United States" in the uniformity clause does not mean mere sovereignty. It undoubtedly refers to territory, to the places over which this dominion or power is to be exercised.

If we were in any doubt as to the meaning of the words, then I submit that we should solve that doubt in the light of those two great ideas to which I have referred, the one of which caused the Revolution and the other of which led to the adoption of the Constitution. We should give that clause the strictest construction and interpret it in case of doubt against the power to tax and against the power to set up local barriers.

But we are not without further light. This very clause has been construed by the great arbiter set up by the Constitution for the final settlement of all constitutional and other legal questions. I shall quote now from the case of Loughborough *vs.* Blake, in which John Marshall, as great a jurist as ever sat upon any bench, rendered the decision of the court:

> The power to lay and collect duties, imposts, and excises may be exercised and must be exercised throughout the United States. Does this term designate the whole or any part of the American empire? Certainly this question can admit of but one answer. It is the name given to our great Republic, which is composed of States and Territories. The District of Columbia or the Territory west of the Missouri is not less within the United States than Maryland or Pennsylvania, and it is not less necessary, on the principles of our Constitution, that uniformity in the imposition of imposts, duties, and excises shall be observed in the one than the other.

There could not be a more explicit construction placed upon the meaning of any words. This opinion unequivocally holds that the expression "United States" in the clause providing for uniformity of duties, excises, and imposts means the whole American empire and includes the Territories as well as the States. But it is discovered that this expression of opinion is obiter dictum, and a good deal of ingenuity has been expended in support of the proposition that the principle which John Marshall put in the forefront of that decision was not the principle upon which the case should have been decided. A reading of the case, however, will convince anyone that it might well have been put upon that principle, and the fact that it was put upon it is some evidence that the court considered the question and thought that it was material to the decision.

A modern school of jurists—so modern that they have only appeared within our body politic during the last eighteen months—have discovered that the District of Columbia, the constitutional status of which was involved in the case of Loughborough *vs.* Blake, was under the Constitution while it was a part of a State, and by its subsequent cession it did not lose that status. In other words, although the Constitution itself provided for the carving out and cession of just such a district somewhere, in some way when the specific cession of the territory actually occurred the constitution which had been adopted by the State from which it was separated ran with this territory like a covenant running with the land.

All I have to say, Mr. Chairman, upon this proposition is that so far as I can discover it never has occurred to the mind of any justice of our Supreme Court in the long line of decisions that have been rendered upon the constitutional status of the District of Columbia. The utmost that can be shown by it is the obtuseness of the men who have adorned that bench, although it is barely possible that the point was so small and trivial and insignificant as to be beneath the attention of those great minds.

If the opinion which John Marshall expressed for himself and his associates upon that bench were a mere obiter dictum, it would still be entitled to great weight and respect in any tribunal in the world, but it was not obiter dictum. It is clear that the principle was from the view the court took of the case involved in the decision. John Marshall enunciated principles. His mind had a wider range than that of the modern police court justice whose intellectual processes it is now sought to impose upon that great man.

This is one unequivocal opinion by the Supreme Court that the principle involved in the bill presented by the majority of the Committee on Ways and Means is in violation of the Constitution which every member here has taken an oath to observe, protect, and defend. But this specific clause of the Constitution has again been considered by the Supreme Court of the United States, and the meaning of the term "United States" in the uniformity clause has again been construed. I refer now to the case of Cross *vs.* Harrison (16 Howard, 191). That was a case where, among other issues, the question was raised of the legality of certain duties imposed in the Territory of California after it had been ceded to the United States and before it was admitted as a State. In that case the court declared that—

> After the ratification of the treaty California became a part of the United States.

More than once in the consideration of that case it treated California, with reference to the clause of the Constitution in question, as a part of the United States, and finally it declared that—

> "The right claimed to land foreign goods within the United States at any place out of a collection district, if allowed, would be a violation of that provision of the Constitution which enjoins that all duties, imposts, and excises shall be uniform throughout the United States.
>
> "Indeed, it must be very clear that no such right exists and that there was nothing in the condition of California to exempt importers of foreign goods into it from the payment of the same duties which were chargeable in the other ports of the United States."

Here, then, are two decisions of our Supreme Court, made without any dissent, separated from each other by a third of a century, with the court composed in each case of entirely different justices, which hold that the clause requiring duties, imposts, and excises to be uniform throughout the United States applied to Territories. It may be possible that some fine-spun theory may some day point to the conclusion that this second opinion was also a dictum; but in a law case involving a man's life the authority of these cases would be regarded as conclusive, especially as they have been in no decision overruled or even questioned. So much for the specific interpretation by the Supreme Court of the clause of the Constitution in question.

I will now refer briefly—and there is a long line of decisions—to the cases dealing with the same proposition in a more general form, namely, whether Congress, in legislating for the Territories

of the United States, has unlimited authority, and acts as an absolute, primitive sort of despotism outside of the Constitution, or whether it is controlled by the limitations of the instrument which created it; whether the great doctrine of constitutional liberty is only applicable to the residents of this very narrow and close corporation of States, or whether those principles restrain all our agencies of government wherever they are exercised and wherever our laws have sway.

This point has been repeatedly before the Supreme Court. In Murphy *vs.* Ramsey (114 U. S.) the court held that the National Government acts with reference to the Territories—

subject only to such restrictions as are expressed in the Constitution or are necessarily implied in its terms.

And again:

The personal and civil rights of the inhabitants of the Territories are secured to them as to other citizens by the principles of constitutional liberty which restrain all the agencies of government, State and national.

In Reynolds *vs.* United States (88 U. S., 145) the court repeatedly recognized the principle that the constitutional guaranty of right of trial by jury extends to the Territories. With regard to another constitutional right it declared:

Congress can not pass a law for the government of Territories which shall prohibit the free exercise of religion. The first amendment to the Constitution expressly forbids such legislation. Religious freedom is guaranteed everywhere throughout the United States.

Possibly this is another dictum.

In National Bank *vs.* County of Yankton (101 U. S.), the court declared with reference to a Territory that Congress possessed—

All the powers of the people of the United States except such as have been expressly or by implication reserved in the prohibitions of the Constitution.

Here is another clear recognition of the principle that when Congress deals with Territories it is not acting as an unrestrained despot, but must act subject to the limitations upon its power set forth in the Constitution.

In the case of Callan *vs.* Wilson, relating to the District of Columbia, the court said:

There is nothing in the history of the Constitution or of the original amendments to justify the assertion that the people of this District may be lawfully deprived of the benefit of any of the constitutional guaranties of life, liberty, and property.

It can also be said in this case that the Supreme Court again displayed its lack of discrimination, and in considering the question of the constitutional status of the District of Columbia it failed utterly to mention the very modern theory of the manner in which the District crept under the Constitution, but treated it in the discussion simply as a vulgar and common Territory.

In the recent case of Springvale *vs.* Thomas (166 U. S.) the court said:

In our opinion the seventh amendment secured unanimity in finding the verdict as an essential feature of trial by jury in common-law cases, and the act of Congress could not impart the power to change the constitutional rule and could not be treated as attempting to do so.

Mr. GAINES. Will my friend allow me to call his attention to a case in point?

Mr. McCALL. Yes.

Mr. GAINES. I want to read an extract from the case of Capital Traction Company *vs.* Hof (174 U. S.), a case decided by Judge Gray, of your own State, in which he says:

The Congress of the United States, being empowered by the Constitution "to exercise exclusive legislation in all cases whatsoever" over the seat of the National Government, has the entire control over the District of Columbia for every purpose of government, national or local. It may exercise within the District all legislative power that the legislature of a State might exercise within the State; and may vest and distribute the judicial authority in and among courts and magistrates, and regulate judicial proceedings before them as it may think fit, so long as it does not contravene any provision of the Constitution of the United States. (Kendall *vs.* United States [1838], 12 Pet., 524,619; Mattingly *vs.* District of Columbia [1878], 97 U. S., 687,690; Gibbons *vs.* District of Columbia [1886], 116 U. S., 404,407.)

It is beyond doubt, at the present day, that the provisions of the Constitution of the United States securing the right of trial by jury, whether in civil or in criminal cases, are applicable to the District of Columbia. (Webster *vs.* Reid (1850), 11 How., 437, 460; Callan *vs.* Wilson (1888), 127 U. S., 540, 550; Thompson *vs.* Utah (1898), 170 U. S., 343.)

The gentleman from Massachusetts [Mr. McCALL] has referred to the Callan and Thompson cases, and the court in this unanimous opinion reaffirms them and the doctrine that the Constitution secures the people in our Territories in their fundamental rights.

Mr. McCALL. Reference has been made to the Dred Scott case, and I have on account of the discredited character of that case in another particular refrained from quoting the opinion of the Chief Justice upon the question here involved. But this can be said, that never was any judicial opinion subjected to a more fiery test than was the opinion of the majority of the court in that case by Mr. Justice Curtis in his masterly dissenting opinion, in which he so nobly vindicated the rights of manhood, and yet almost the one point of the opinion of the majority of the court which was accepted by Mr. Justice Curtis was upon this very point. After a full consideration of the question of the power of Congress over Territories he said:

If, then, this clause does contain a power to legislate respecting the territory, what are the limits of that power?

To this I answer, that, in common with all the other legislative powers of Congress, it finds limits in the express prohibitions on Congress not to do certain things; that, in the exercise of the legislative power, Congress can not pass an ex post facto law or bill of attainder; and so in respect to each of the other prohibitions contained in the Constitution.

The Slaughter House Cases (16 Wallace) plainly held that the fourteenth amendment, relating to citizenship, extends to the Territories. And in United States *vs.* Wom Kim Ark (169 U. S.) there can be no question whatever that the court considered the term "United States" in the citizenship clause of the fourteenth amendment as including the Territories. See especially the expressions "born within the dominion," "born within the jurisdiction and allegiance," "born within the sovereignty," "the same right in every State and Territory," "born within the territorial limits of the United States," "born in this country;" finally, "the amendment in clear words and in manifest intent includes children born within the territory of the United States."

In the Mormon Church *vs.* United States (136 U. S.) the court cites the case of Murphy *vs.* Ramsey approvingly and says:

Doubtless Congress in legislating for the Territories would be subject to those fundamental limitations in favor of personal rights which are formulated in the Constitution and its amendments. But its limitations would exist rather by inference and the general spirit of the Constitution, from which Congress derives all its powers, than by any express or direct application of its provisions.

This is one of the cases which are cited by those who claim despotic power in Congress over the Territories; but it is entirely beyond question that the court holds that Congress in legislating for the Territories is subject to the limitations formulated in the Constitution and its amendments. That the court put this restriction upon a ground that is somewhat rhetorical, and more in the nature of exhortation than a reason, does not change the fact that it holds that Congress is subject to these limitations. But three of the justices who sat in that case would not accept these shadowy sources of authority, so similar to the divine origin of the rights of kings, and they dissented through Mr. Chief Justice Fuller.

In my opinion—

Says the Chief Justice—

Congress is restrained not merely by the limitations expressed in the Constitution, but also by the absence of any grant of power expressed or implied in that instrument. * * * I regard it of vital consequence that absolute power should never be conceded as belonging under our system of government to any of its departments.

But in the more recent case of Thomson *vs.* Utah (170 U. S.), Mr. Justice Harlan, in delivering the opinion of the court, said:

That the provisions of the Constitution of the United States relating to the right of trial by jury in suits at common law apply to the Territories of the United States is no longer an open question.

And again:

It is equally beyond question that the provisions of the national Constitution relating to trial by jury for crimes and to criminal prosecutions apply to the Territories of the United States.

For the first time in our history Congress is attempting to tax goods going into an American territory. The fact that in the mutations of a century Congress has not attempted to exercise that power, although we always had large areas of territory, is some evidence that the power was not believed to exist.

The weakness of the case of those who contend for the despotic power of Congress is well illustrated by the authorities which they quote. They refer to the case of Fleming *vs.* Page, where our armies had taken possession of a Mexican port. The port had not been formally ceded or annexed to the United States. The court simply held that military occupation did not make American territory and the clear intimation was that if the port in question had been ceded by a treaty duly ratified or annexed by act of Congress it would have become American territory. The case is not in point at all, but if it is to be considered there is not only nothing in it inconsistent with the proposition I am supporting, but its clear implication is entirely in its favor.

Then there are the cases with reference to the judicial department. In no one of those cases is it held or assumed that Congress has unlimited power over the Territories. The absence of a local government in the Territories, such as the States have, must have occurred to the framers of the Constitution, and these cases all hold in effect that Congress possesses over the Territories, in addition to its national powers, the powers ordinarily exercised by a local State government. As a matter of rational construction it is unreasonable to hold that the framers of the Constitution intended a judiciary with a life tenure to be created for Territories which might be admitted as States in the Union in the course of a few years.

Congress doubtless has, under a fair construction of the Constitution, all those powers necessary to give the people of a Territory that full measure of government which the people of a State enjoy, but that it can play the despot, that it has the power to pass

a law taking away the life of a citizen, that it can pass an ex post facto law, that it can under the guise of taxation take from an American citizen in a Territory his property in defiance of the provisions of the Constitution, are propositions for which there can be found no basis in judicial authority whatever.

I have said the strength of this view is shown by the weakness of the authorities cited in support of the proposition that Congress has unlimited power. I have referred to the decisions in regard to the Federal judiciary. There is no line in the case of Hepburn *vs.* Ellzey (2 Cranch) or New Orleans *vs.* Winter (1 Wheaton) which is in the slightest degree inconsistent with the position of the court as set forth in Loughborough *vs.* Blake and again in subsequent cases. Take the case of Ross (140 U. S.), which is relied upon by the advocates of this bill as strong authority. That was a case where a crime had been committed on board an American ship while at anchor in a Japanese harbor.

It was clearly a case where there was a divided jurisdiction, where probably more could justly be said for the jurisdiction of Japan than for our own. It was such a case as would necessarily call for the exercise of the treaty-making power. A treaty had been made and a statute passed in pursuance of its terms under which Ross was tried by a consular court. It is beyond question that the court did not consider the crime as committed upon American territory, but outside of American territory. The report of the majority of the committee quotes from that case. It might well have quoted further. The court says:

> By the Constitution the government is ordained and established "for the United States of America," and not for countries outside of their limits.

Would the court have used this language in speaking of a Territory of the United States? And again:

> The Constitution can not have any operation in another country. When, therefore, the representatives or officers of our Government are permitted to exercise authority of any kind in any country, it must be on such conditions as the two countries may agree.

Does the National Government make treaties with its Territories? Is it not clear that the court is discriminating between places where the United States has sovereignty and places where it has not? But this is made clear beyond a question.

> The deck of a private American vessel—

The court says—

> it is true, is considered for many purposes constructively as territory of the United States, yet persons on board of such vessels, whether officers, sailors, or passengers, can not invoke protection of the provisions referred to until brought within the actual territorial boundaries of the United States.

The court thus in each instance makes a distinction between that which is American territory and that which is not. Its reasoning clearly implies that if the crime had been committed within the territorial limits of the American empire, the constitutional guaranties would apply.

The terms of the treaty by which Puerto Rico was ceded to the United States do not affect the question. The status of the inhabitants at the time of the cession is left to be determined hereafter, but the status of the territory is fixed. The sovereignty and dominion over it reside in the Government of the United States, and it is, from the constitutional aspect and the aspect of the law of nations, territory of the United States.

A treaty can not enlarge the powers of Congress under the Constitution, for a treaty can have no other force than law; and so far as its effect in this country is concerned, it can be repealed by act of Congress. The utmost that could be claimed, it seems to me, is that a treaty might stipulate with effect against the exercise of a part of the constitutional power of Congress; but I think it very doubtful if even that proposition could be maintained, and it is not material in the present discussion.

When we regard, then, the circumstances out of which our Government and the Constitution sprang, the words themselves of the taxing power, the direct adjudication of their meaning by the Supreme Court, the long line of authorities which deny the existence of absolute power in Congress, it seems to me it is clear that the theory of despotic power is absolutely repugnant to our institutions, and that if our Supreme Court should hold that such a power existed, it would have to reverse itself as no court has ever reversed itself since time began.

The discussion of the question of political rights only befogs the issue, for it has been held that suffrage is not a constitutional right. Congress, under the Constitution, has full political power over the Territories.

If the majority view of the constitutional status of Puerto Rico be correct, the bill violates another clause of the Constitution which is also in favor of freedom of trade within our dominion. I refer to the provision that "no tax or duty shall be laid on articles exported from any State." Either Puerto Rico is a part of the United States within the meaning of the Constitution or it is not. If it is a part of the United States the uniformity clause clearly applies. If it is not a part of the United States within the meaning of the Constitution, then in order for the productions of the United States to reach it they must be exported from the States. In that case our goods would be exported from a State, and after a short sea voyage agents of the United States, at a port over which the United States has control, would levy a duty upon them, which when paid would become subject to an appropriation by the National Government as much as any money in the Treasury. The indirection of the transaction in no wise changes its character. In the view of the Constitution taken by the majority it becomes clearly an export duty, and is therefore prohibited.

But it is said with a fine emphasis that since our right to tax these people precisely as we please is called in question, we should pass this bill, however unjust it may be, to vindicate our power. But if you are going to assert your power, which was questioned by John Marshall three-quarters of a century ago, why not assert it in a bolder way? Why not show your strength by shearing your wolves—New Mexico, Oklahoma, and Alaska—instead of this poor little pet lamb of Puerto Rico? [Applause.] Again, we are asked to pass this bill, that this great constitutional question can come before the Supreme Court.

Sir, that question, precisely as it exists, can now come before the court; but if you pass this bill it will go there with the added weight that attaches to the action of the great political department of the Government. I believe the court will stand firmly by its decisions; but we have a duty imposed upon us of construing the Constitution in the first instance for ourselves. We have had one decision of the court rendered in times of great political stress that a black man had no rights which a white man was bound to respect, and this country was deluged with blood to wash that decision from our laws. Now, we are asked to lay the foundation for a moot case with the weight of Congress behind it and ask for another decision that the white men and the brown men of Puerto Rico are merely our chattels, and that the commonest constitutional right secured to the meanest black man that treads American soil does not belong to them, although they are under the flag. Let no act of Congress impart sanction to that idea.

But it is said grandly that if this view of the Constitution prevails we can not afford to keep the Philippines. How often might our ancestors have likewise become alarmed over the cession of vast expanses of territory many times in the aggregate in excess of our original area and have been fearful of the result upon their industries and their institutions? And yet the rights secured by the Constitution have been recognized over these broad annexations and nobody will say to-day that the whole country was not better for it.

You may be unduly alarmed about the effect of extending the principle of constitutional liberty wherever our sovereignty goes, but so far as we are concerned the blessings of that liberty have been preserved to us at a price in blood and treasure greater than the value of a thousand archipelagoes, and we will not throw away what we have bought so dearly. But the ultimate solution of the Philippine problem has been reserved for us, and I have no doubt we shall solve it wisely if we call into play our sober judgment and do not obscure it with the noisy rant and the fustian of declamation.

But we are now considering the case of a Territory which is a part of this continent, admitted to be within the natural radius of our political action, and of great importance to our defense. Our victory over it was a bloodless victory. Instead of resisting our approaches it turned to this great power as a child turns to its mother. I do not view without concern the prospect of this nation forever taxing the people of that island, but if we are to tax them at all there is some safety in the fact that we ourselves are willing to submit to the taxes which we impose and remember that whatever modern methods of interpretation you may employ upon the Constitution you will find that the right of one nation to appropriate the earnings of another is no less hateful to-day than at the time of the Revolution. I have said that there is some safety in the fact that the taxing state is willing to pay the taxes which it imposes. It requires little discernment to see the danger into which a different practice would lead. We impose by this bill a certain per cent of duties upon goods passing between that island and this country. How long will it be before some powerful interests will demand that they be recognized? The representatives of these interests vote and elect members of Congress. The Puerto Ricans do not vote. Can there be any doubt that the taxes will be levied more and more for the benefit of great interests in this country, and that this hapless people who were told by our generals that they were to receive the glorious blessings of American liberty, who crowned our soldiers with wreaths, will become the victims of our extortion rather than the sharers in our freedom? How was Spain treating them—selfish, heartless, cruel Spain? At the time of their deliverance they had sixteen representatives and four senators in the Spanish Cortes and helped to make the laws for the whole Spanish Empire. They had a 10 per cent duty upon goods passing between the two countries, and it was decreed that at the end of the year 1898 these duties were to disappear. They had almost complete autonomy for their own local affairs and a million and a half in the treasury.

Consider, too, for a moment how this differential tariff will operate. Upon a territory smaller than Connecticut there are crowded a million people. The great question with them is the food question. Upon many articles of food our duties are high, but as we are large exporters the price is not increased to our people. But for every bag of flour and every barrel of pork that goes to Puerto Rico one-fourth of these high duties must be paid, and either the cost of necessary articles of food is increased to them or the American producer gets so much less for his product. The cost to them will almost certainly be increased. Upon the importations of rice I am told the duties will amount to nearly $400,000 a year. Is this the feast of liberty to which you have invited those trusting people?

Remember that if the race from which our institutions sprang has great virtues it has great faults as well. It may not be cruel like the Spanish race; but is it free from cupidity? Do you want an instance from its history which may show you whither you are drifting? To the west of England there rises from the sea an island larger but not more beautiful than Puerto Rico—Ireland. English statesmen thought their country needed protection against her products, and the linen and other great industries of Ireland were taxed and legislated almost out of existence for the benefit of the taxing country, and the people of Ireland were beggared. That system has been abandoned, and to-day a British citizen in Ireland has equal rights with a British citizen in any other part of the Empire, even in England itself; but generations will not obliterate the bitter memories of the oppression and wrong which rankle in the hearts of the Irish people. Do you want to make Puerto Rico our Ireland? I say far wiser will it be if, instead of entering upon a policy which will make her happy, sunny-hearted children the mere chattels of this Government, we follow the humane recommendation of the President and lay the foundations of our empire deep in the hearts of those people. If you will not regard the question from the standpoint of their interests, look at it somewhat broadly from the standpoint of your own. Our injustice will react upon ourselves. [Applause.]

Our nation was founded and has prospered upon the doctrine of constitutional liberty. Do you not see that you are degrading that liberty from a high principle? If so, how long can you expect it to survive at home? We restrain our own power when it may be exerted upon ourselves. You demand now that it shall be absolute and despotic when it may be exerted upon others. If restraint is to be removed, it can more safely be dispensed with when they who wield the power are likely to suffer.

I do not care to see our flag emblazon the principle of liberty at home and tyranny abroad. Sir, I brand with all my energy this hateful notion, bred somewhere in the heathenish recesses of Asia, that one man may exercise absolute dominion over another man or one nation over another nation. That notion comports very little with my idea of American liberty. It was resisted to the last extremity by the heroes who fought at Bunker Hill and starved at Valley Forge. It fell before the gleaming sabers of our troopers at Five-Forks and Winchester. It was shot to death by our guns at Gettysburg and Appomattox. A half million men gave up their lives that their country might stand forth clothed in the resplendent robes of constitutional liberty and that we might have a government of laws and not of men for every man beneath the shining folds of the flag. All the sweet voices of our history plead with us for that great cause to-day. And I do not believe, sir, that this nation will tolerate any abandonment of that principle which has made her morally, as she is physically, without a peer among nations. [Loud applause.]

Mr. MOODY of Massachusetts. Mr. Chairman, I utterly disagree with the conclusions to which my colleague who has just taken his seat has arrived, although I think that as well as any other man I realize the great force and eloquence with which he has stated them. I feel it my duty to avail myself of this opportunity to express my own opinion upon this subject, although my physical condition to-day almost forbids me to undertake the task. I have, Mr. Chairman, no written speech to read, and I must speak as best I may from a few notes, hastily written, for my guidance.

The lesson that seems clearest to my understanding from this debate is that of the great value and beauty of our system of local self-government, which leaves a people or their representatives to make laws suited for their own interest. Acting as a legislature for Puerto Rico, how little we know of its conditions and needs. I believe the mission of our flag wherever it has gone is not so much to carry paper constitutions as to implant in these communities the system of self-government under which we ourselves have so prospered. I believe one of the first tasks to which this House will be asked to address itself in the near future is that of providing a system of self-government for the island of Puerto Rico, by which her people can determine for themselves their own laws and their own taxation.

It is well to see exactly what the bill is that is before the House. It has been lost sight of in the larger question. To-day Puerto Rico has a tariff of its own, established by the President under his conceded military power. When the goods of the United States approach the island, they enter upon terms of equality with the goods of all other nations: and when the goods of Puerto Rico come to the ports of the United States, they come to them upon terms of equality with the goods of all other nations. We pay the duties of the Puerto Rican tariff, and they pay upon their products the duties of the Dingley law. So far as tariffs are concerned, the two countries are foreign to each other to-day. We have no advantages in their markets, nor they in ours. What does this bill propose to do in answer to the President's recommendation of free trade? It does not meet it entirely.

Everybody concedes that, but it takes a great step in that direction. It provides that all the goods of the United States carried to Puerto Rican ports shall be entered there on the payment of 25 per cent of the duties which will be paid by the goods of other nations, and that the goods of Puerto Ricans, while they pay the full Dingley tariff to-day, shall hereafter pay but 25 per cent of that. That is a precious boon which any nation on earth would be glad to have bestowed upon it. It may be this bill is not the best bill; it may be that the bill is not a finality. I believe myself it is not. It may be that in the future, the near future, there will be a still freer exchange of commodities between the United States and Puerto Rico.

My friend who has just taken his seat told us, in words I can not quote exactly, that it was just as hateful to-day as it ever was for one country to tax another for the benefit of the former.

So it is; but where in the history of any legislation is there a precedent where one country taxed its own citizens for the benefit of another, and put the result of that taxation into the Treasury of that other? I put that case, because by the provisions of this bill every dollar, whether collected at the Puerto Rican custom-house or collected at the custom-house of the United States, goes for the benefit of the Puerto Rican treasury, and we pay the expenses of collection. [Applause.]

Mr. Chairman, in the hearings before the Committee on Insular Affairs, of which I have the honor to be a member, I was first impressed with the desirability of following literally the President's recommendation. But there are some other things to be considered than trade. There is education; there are public improvements. The crying need of Puerto Rico is the construction of roads which shall open her domain for increased production. There is not a single schoolhouse, built for that purpose, in the whole island; and the money that we take, not from the Puerto Ricans alone, but which we take out of our own pockets, is to be carried there to build schoolhouses to make their children fit in the future for the sacred boon of American citizenship. [Applause.]

Ah, Mr. Chairman, this bill may not be the best in the world, but it did not deserve from my colleague the language with which he closed his report. "Is it not clear," he said, "that at the outset there is danger we may pave the way for a more hideous extortion and robbery than ever disgraced India?" I had hoped my colleague could have found milder language in which to clothe his dissent. I listened with interest to see if he would not recall those words spoken of a bill reported by every one of his Republican colleagues and supported by the great majority of the Republicans at both ends of the Capitol. But I waited in vain.

I desire to make another complaint to my colleague. Of course our friends on the other side of the aisle would be glad to defeat this bill without substituting anything in its place. They would be glad to get us in a trap; and they would be glad to get any Republican that they can persuade to help get us in a trap. But when we get there, gentleman of the Republican side, we shall all be in a trap, whether we vote for the bill or against it. We have got to stand or fall with our party; we can expect no help from our enemies; but it seems to me that my colleague owed it to his own State and his own party to have proposed a substitute for this bill, a substitute which would insure to the island the revenue it so sorely needs.

Ah, the difficulty about that is that there is but one alternative. There can be no substitute for this bill under present conditions except a direct appropriation from the National Treasury. Every man who has considered the conditions in Puerto Rico knows that that is the truth. I desire to say to every Republican member in this House—for I believe it to be true and I believe the Committee on Ways and Means will sustain me in the statement—that if this bill fails, there is but the resource of direct appropriation from the Federal Treasury. Can we justify such a policy to the country! Nay, more. Can we justify it to the Puerto Ricans themselves? We pauperize them at the outset, instead of teaching them that citizenship has its burdens as well as its benefits.

But, Mr. Chairman, I should not have taken the floor at all at this time if the proposed legislation had not been challenged upon higher grounds than those of mere expediency. I propose to discuss the constitutional aspects of this bill. I desire to relieve the House at the very outset by saying that I do not propose to read from books; I do not propose to read from cases; I do not propose to refer at any great length to any great number of cases. That

has been done, and ably done, by many gentlemen who have preceded me. I am willing to try to cover the ground in another way.

We are brought at the very threshold face to face with the greatest question which can arise in dealing with our new possessions. Whether it was wise or not to have required us to meet that question at this early day, I will not say. Gentlemen may differ in opinion about that. But it is here; we are dealing with the full question of our power and policy over all our new possessions. The island of Puerto Rico is not important here. Everybody's thought leaves that and at once goes to the Philippine Islands, because they were acquired by the same words in the same treaty; and if the Constitution of the United States has gone to the one, it has gone to the other.

How shall we govern that archipelago? I say that the only possibility of governing it is to govern it not as a part of the United States, but as a possession of the nation, as an outlying territory, having a separate existence of its own, with every measure of local self-government of which its people prove themselves to be capable, but owing in the meantime a paramount allegiance to the United States of America. That is the only way in which we can govern them with success; that is the only road to independence for those islands, if independence is to be desired.

I had in my mind, Mr. Chairman, to suggest several difficult problems that present themselves at the very threshold in considering the Philippine question. I do not think I shall do it; for I desire to speak as briefly as I can. But I would like to ask my colleague here and now where there is to-day or ever was in the history of the world a man who was statesman enough to draw a fiscal system suited alike to the American continent and the Philippine Archipelago? The habits, the industries, the pursuits, the history of the people differ so much that a duty which would be a benefit in the one region would be a burden in the other. An excise which would be productive in the one region would be barren in the other. If we undertake to govern these islands under the restrictions of the Constitution, as it has been claimed we are bound to do, we are undertaking an impossible task—a task that will begin in failure and end in ignominious failure. [Applause on the Democratic side.] And I am glad to see the gentleman from Mississippi [Mr. WILLIAMS] applaud that sentiment, because it is my belief——

Mr. WILLIAMS of Mississippi. Why not give up the islands?

Mr. MOODY of Massachusetts. I would rather give up the islands to-day than undertake the task of governing them with my hands tied—in any future now in sight—subject to the restrictions of an instrument which was drawn by and for other people in other stages of civilization. It is not because I wish to oppress them. Every single one of the great rights and muniments of freedom which I myself possess I am ready to carry there to-day. I am ready to report a bill and pass it in this House to accomplish this. Nay, I am even ready to attach as an amendment to the present bill a provision that shall carry to Puerto Rico the same fundamental rights and liberties our fathers gave to the great Northwest Territory. They had not the Constitution, but they had certain rights and liberties. It was ordained that they "shall be considered as articles of compact * * * and forever remain unalterable." What are they? Freedom of religious worship, trial by jury, habeas corpus, representation of the people, judicial proceedings, bail in everything except capital cases, liberty and property not to be taken except by process of law or for the public service except by compensation, and no law to be made to affect public or private contracts.

Mr. BARHAM. What are you reading from?

Mr. MOODY of Massachusetts. From the ordinance of 1787, the authorship of which is disputed between Nathan Dane, of my own State, and the great Democratic leader, Thomas Jefferson. I believe the evidence as to the authorship favors Jefferson. I am willing to carry to Puerto Rico the same rights which he conferred upon that territory out of which the great States of Illinois, Indiana, Ohio, Michigan, and Wisconsin were created.

Mr. WILLIAMS of Mississippi. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. MOODY of Massachusetts. I will.

Mr. WILLIAMS of Mississippi. I wanted to ask the gentleman simply if one of the rights and benefits which our forefathers extended to the people of the Northwest Territory was not the right and benefit of uniformity of import duties?

Mr. MOODY of Massachusetts. I do not understand that it was as one of the articles of compact.

Mr. GAINES. They certainly did.

Mr. WILLIAMS of Mississippi. Does the gentleman deny the historical fact that our forefathers did extend to them the benefits of a uniform duty?

Mr. MOODY of Massachusetts. No; I do not deny that they did. They did do it.

Mr. WILLIAMS of Mississippi. Then let us give Puerto Rico all the rights that our ancestors gave them.

Mr. MOODY of Massachusetts. The difficulty with gentlemen on the other side and some gentlemen on this side is that they think Congress is going to do everything that it can do; that because it can take a man and condemn him without trial and swing him up without any ceremony, that it is going to do it; that it proposes to make laws that will do that. We propose to do nothing of the kind. We propose to be governed by the spirit of the Constitution, whether or not we are governed by its express terms, and that will be the policy of Congress and is the policy of the Republican party. The difficulty here upon that side of the proposition is this——

Mr. MORRIS. May I interrupt the gentleman?

Mr. MOODY of Massachusetts. Yes.

The CHAIRMAN. Does the gentleman yield?

Mr. MOODY of Massachusetts. I do.

Mr. MORRIS. Does not the gentleman from Massachusetts contend, as I do, that even if those provisions as to the security of life, liberty, and property were not in express terms in the Constitution our people would still be entitled to have them?

Mr. MOODY of Massachusetts. Ah, I agree. They are written in the heart of every man upon this side of the Chamber so deep that nothing can erase them. [Applause on the Republican side.] These people who talk about paper constitutions, how do they treat them in practice?

Mr. MORRIS. I ask the gentleman, further, if in every English possession every man does not have those rights where they have no paper constitution?

Mr. MOODY of Massachusetts. I know of none where it is otherwise, save, perhaps, India. I am not familiar with that, but I know of no English possession where it is otherwise. I can not speak with accuracy on this subject.

Now, Mr. Chairman, the difference between the two propositions is this: If these new possessions are part of the United States, the question is closed forever. They never will become anything else. If, on the other hand, they have not yet become part of the United States, we can await the result of experience. We can deal with them as we please. We can choose the road which they shall travel, with their counsel and consent, in the light of the experience that we shall gather in dealing with them. If it seems desirable that they shall be consolidated as a part of our Republic, we can do so after deliberation and in due season. If not, we can dispose of them as their desire and our interest shall dictate.

Now, the precise question that confronts us in this case is whether the provision of the Constitution that "all duties, imposts, and excises shall be uniform throughout the United States" applies to Puerto Rico. In other words, whether Puerto Rico is now a part of the United States. That is all there is about it, although the discussion has taken a very much larger character and covers a very much wider field. I am not disposed to be at all dogmatic about it. I may not be right. I have tried the best I could to get right upon this question. I began the study of it many months ago, and I have passed through every stage of conviction upon it, from the conviction that the Constitution did apply to the conviction which I shall endeavor to state to the House, and for which I shall give my reasons.

This much is clear. No amount of declamation upon that side of the Chamber or this side of the Chamber will alter the law. The dispute must be removed from this noisy tribunal and carried to the serene presence in yonder court room, where it will be decided and settled forever. One of the things that I think is of the greatest advantage in this bill is that it furnishes a speedy opportunity for obtaining a decision from the Supreme Court, a decision in which we shall all acquiesce.

My colleague [Mr. MCCALL] has relied upon two cases, in his report and again to-day in his remarks. I am not going to read from them, but I want to say a few words about them. The subject is threadbare, but I wish to call attention to one or two considerations that have not been alluded to.

In the first place, as to that oft-quoted dictum of Marshall in Loughborough *vs.* Blake. I am not sure whether my colleague agrees that it is a dictum. If he would go to the original record and find the agreed statement of facts upon which the case was tried, he would find that it closed with substantially these words:

> If the direct tax levied was levied lawfully under the Constitution, then there is to be judgment for the defendant.

There was no question about uniformity of tariffs, no question about duties, imposts, or excises. The question which I have stated was the question which was presented to the court, and the only question decided by the court. The other utterance was a dictum. Nobody in the world has ever pointed out the dangers of a dictum better than the great Chief Justice himself when, in the case of Cohen *vs.* Virginia, he tells us that it—

> ought not to control the judgment * * * when the very point is presented for judgment.

But there is one thing more about that dictum to which I desire to call the attention of the House. The case was argued on Tuesday morning, March 7, and was decided at the opening of the court on the following Friday morning, March 10. That is all

the consideration this great constitutional question then received from the court. A dictum expressed under those circumstances will not control my judgment upon a question which affects the destinies of 75,000,000 American citizens. I will not under the authority of such a dictum as that concede that the ten or twelve million Filipinos, with their eighty or ninety tribes, have already come to share my birthright as an American citizen.

That is the first authority upon which the gentleman relies.

The next is the case of Cross *vs.* Harrison. It is well for us to understand the historical relation of this case to a chain of causation which began with an utterance of Calhoun in the Senate and ended with the Dred Scott decision, nay, even ended with the civil war.

Calhoun, in the interest of slavery, had declared that the Constitution extended of its own force over the Territories of the United States, and that Congress had not the right to enact laws which would forbid any citizens of the United States from taking and holding therein his slave property which was protected by the Constitution as all other property was protected. This, as everyone knows, was the doctrine of Chief Justice Taney in the Dred Scott case, and led to the declaration that the Missouri compromise was unconstitutional. After the ratification of the treaty of peace with Mexico, which brought with it a large acquisition of territory, in the last days of the session of 1847–48 an amendment to an appropriation bill was offered which, while providing a scheme of government for the ceded Territories, undertook in terms to extend the Constitution over them. In the course of this debate Calhoun asserted emphatically that the Constitution, as the supreme law of the land, extended over all the Territories of the United States. Upon this proposition Webster took issue with him.

The Calhoun doctrine—because there is where the doctrine originated, as the gentleman from Ohio [Mr. GROSVENOR] has so well shown—the Calhoun doctrine of the transmigratory power of the Constitution was adopted by the Polk Admistration. If you will read the report in Cross *vs.* Harrison you will see that Buchanan, the same Buchanan who predicted the Dred Scott decision a few days before it was announced and advised the American people to submit to it, in a dispatch quoted in the report, announced that doctrine, and that Robert J. Walker, the Secretary of the Treasury, announced that doctrine.

The military authorities in the Territory of California acted upon that doctrine, as they naturally would under the orders of their superiors; but the Supreme Court of the United States in Cross *vs.* Harrison did not obey those orders, and the case does not squarely decide in favor of the Calhoun-Buchanan-Walker doctrine, which has become the modern doctrine, that the Constitution of its own vigor extends over acquired territory. Now, then, the case of Cross *vs.* Harrison is already so familiar to you that I will not state the facts more than to say that it was an action to recover back customs dues which had been paid at the port of San Francisco before the collector authorized by an act of Congress got there. The only part of the decision to which I shall refer is that part which deals with those duties that were paid after the news of the treaty of peace reached California, and paid in accordance with the tariff laws of the United States, and it was held that they were properly paid.

Now, my friend said in his speech that in that case the court decided that any other method of levying the duties would have been inconsistent with this precise provision of the Constitution which we have under consideration. I do not so understand the decision. I glanced over the case while my colleague was speaking. The provision in question was not alluded to by the Attorney-General. It was not discussed by the court. I did not notice that it was mentioned, but I will yield to anyone who will point out an error here. But, on the contrary, what was decided was this, in the words of Mr. Justice Wayne:

> By the ratification of the treaty California became a part of the United States, and as there is nothing differently stipulated in the treaty with respect to commerce, it became instantly bound and privileged by the laws which Congress had passed to raise a revenue from duties on imposts and tonnage.

Bound and privileged by the laws, not by the Constitution. Then there follows a discussion of those laws, pointing out that they cover territory acquired as California was.

Mr. GAINES. Will the gentleman allow me to ask him a question?

Mr. MOODY of Massachusetts. I will.

Mr. GAINES. Did not the court expressly hold in the Cross-Harrison case that the position of the complainants, the importers, was untenable, inasmuch as the Constitution required that all duties should be uniform throughout the United States?

Mr. MOODY of Massachusetts. I do not so understand it.

Mr. BARTLETT. Will the gentleman permit me to ask him a question?

Mr. MOODY of Massachusetts. I will always yield to the gentleman, because I know he will not press upon me much.

Mr. BARTLETT. I want to call the attention of the gentleman to the fact that the duties in that case were levied by the military governor while California was under military rule, and not only while it was under military rule, but they were taxes enacted by the military commander himself, and after the ratification of the treaty the court said that these taxes should be levied under the acts of the United States levying the tariff tax in 1790.

Mr. MOODY of Massachusetts. I understand it exactly as the gentleman from Georgia does, and there was no discussion of the purview of the Constitution of the United States. The only question was whether the laws of the United States applied; because, as the court said, California by the treaty had become a part of the United States. Now, I agree that California by the words of the treaty had become a part of the United States, and I am going to point out the reasons for so agreeing. This requires me to cite the provisions of the treaty bearing upon that question. In Article VIII there is this provision:

> * * * Those who shall prefer to remain in the said territories may either retain the title and rights of Mexican citizens or acquire those of citizens of the United States. But they shall be under the obligation to make the election within one year, * * * and those who shall remain * * * after the expiration of that year without having declared their intention to retain their character as Mexicans shall be considered to have elected to become citizens of the United States.

Article IX is verbatim Article III of the Louisiana treaty, and in effect is the same as that of the Florida treaty, and is as follows:

> The inhabitants of the ceded territory shall be incorporated in the Union of the United States and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States.

Article VIII uses this suggestive language:

> Territories which by the present treaty are to be comprehended for the future within the limits of the United States.

And Article XI language of like import, in the following words:

> Mexicans now established in territories previously belonging to Mexico, and which remain for the future within the limits of the United States.

It must not be forgotten that the treaty was not one of cession, but in form one of delimitation, proceeding upon the pretense that the boundaries of the two Republics were to be fixed.

It seems clear, then, that there was ample warrant in the terms of the treaty itself for the court to say that California had become, by the treaty, a part of the United States. If words could make it such, it had so become.

Mr. TONGUE. Will the gentleman permit me to ask him a question?

Mr. MOODY of Massachusetts. Certainly.

Mr. TONGUE. Do I understand that the decision to which the gentleman has referred was upon the construction of the Constitution or the application of the laws of the United States?

Mr. MOODY of Massachusetts. I understand the decision not to be upon the construction of the Constitution, but that the laws of the United States for the collection of duties on imports extended to California as a part of the United States.

Ms. LITTLEFIELD. Will the gentleman permit me to ask him a question?

Mr. MOODY of Massachusetts. I will.

Mr. LITTLEFIELD. Did the court in the Cross and Harrison case put its decision, in any part of its reasoning, on the ground you have just suggested?

Mr. MOODY of Massachusetts. Yes. I read: "By the ratification of the treaty California became a part of the United States;" and as there is nothing different stipulated in the treaty, it became instantly bound and privileged—what by? The Constitution? No. "Bound and privileged by the laws which Congress had passed."

Mr. LITTLEFIELD. Did the court, in its opinion, base its conclusion on the language of the treaty that you have quoted? If so, please read from the opinion.

Mr. MOODY of Massachusetts. I have not said that it did. The treaty was fresh in everybody's mind. Every line of it had been published throughout the country. The decision was only a few years afterwards. I quote from the treaty of Paris, but I do not quote the exact language, because I know that everybody is familiar with it.

Mr. BARTLETT. I know the gentleman from Massachusetts does not want to create any misapprehension, and will he allow me to correct a statement of his, unintentionally made, I have no doubt?

Mr. MOODY of Massachusetts. Yes.

Mr. BARTLETT. The gentleman stated that there was nothing in this decision which did more than to mark out the line or boundary between the ceded territory.

Mr. MOODY of Massachusetts. No; I did not say in the decision. The gentleman misunderstood me.

Mr. BARTLETT. I want to call his attention——

Mr. MOODY of Massachusetts. There is no correction.

Mr. BARTLETT. I wish to call the gentleman's attention to what was said in the decision. On page 190 of that decision the

court said that after the ratification of the treaty of peace California became a part of the United States——

Mr. MOODY of Massachusetts. That is just what I said; the particular terms of this individual treaty made the territory a part of the United States. The Cross and Harrison case stands upon that ground, and not upon any constitutional ground whatever. I thank the gentleman from Georgia for the confirmation.

Mr. GAINES. Will the gentleman from Massachusetts yield to me? I have the Cross and Harrison opinion now——

Mr. MOODY of Massachusetts. No; the gentleman from Tennessee knows that I do not wish to be discourteous, but I can not have all my time taken up by interruptions.

Mr. GAINES. We will have the gentleman's time extended.

Mr. MOODY of Massachusetts. I do not want my time extended. I want to finish as fast as I can. As I said, I am hardly able to go on with the discussion.

The third authority relied upon by my colleague in his report and the last, barring the dictum of Justice Curtis, with which I have no dispute, is the speech of Daniel Webster in the Senate. I was glad to see that my colleague [Mr. MCCALL] did not recur to that speech again. I wish he had said that he was mistaken in quoting Webster on that side of the controversy upon which he quoted it. I have read every word of that speech of the 23d of March, and it has absolutely nothing to do with this subject. The words taken at the end of that speech, and made to bear the interpretation which my friend gives to them, have altogether a different meaning when read with the whole of the speech. If anybody has any doubt about it, go to the RECORD and read the speech. Daniel Webster all his life long was against the theory that the Constitution of its own force extended to any of our Territories. Again and again he asserted his deliberate convictions upon this subject. If he could to-day hear himself quoted by a son of Massachusetts upon this floor in support of a doctrine which he resisted with all the power of his mighty intellect, and which he despised and hated as the black spawn of slavery, he would turn in his lonely grave in Marshfield at the agony of the thought. [Applause on the Republican side.] Webster can be placed upon but one side of this controversy, and that side is our side. [Applause.]

A good deal has been said about the jury cases, and I want to say a word about them grouped together. There are six of them, beginning with the Iowa case in 1850 and ending with the Utah case in 1898. One relates to Iowa, then a Territory, and one to the District of Columbia, and four to Utah. It is to be noted that in the Iowa case a provision of the ordinance of 1787, which I read earlier in my speech, was extended to that Territory in the organic act, and that that is the ground of the decision, or one of the grounds of the decision, by the court. In the District of Columbia, sneer, as my colleague [Mr. MCCALL] will, the thought that that Territory was once a part of a sovereign State and that no one had any idea of stripping it of the benefits of the Constitution is not to be despised. It is further true that by the act of Congress passed long before the case of Callan against Wilson the Constitution was expressly extended to the District of Columbia, as if to remove any doubt on the subject.

Utah was acquired very largely under the treaty with Mexico, and what was not acquired under the treaty with Mexico must have been as a part of Louisiana. I have read the provisions of both treaties. The provision in the Mexican treaty, in effect, was that the territory should be incorporated into the Union; that its inhabitants should become citizens of the United States, unless within one year they declared their purpose to retain their allegiance to Mexico. Further than that, in the organic act of Utah, the Constitution and the laws of the United States not applicable were extended by Congress in 1850, many years before these questions were determined by the Supreme Court of the United States.

I am disposed to concede that where territory is acquired under a stipulation that it shall in the future become a part of the United States, and that its inhabitants shall be citizens of the United States, and as soon as possible be admitted to the privileges and immunities of citizens of the United States, and thereafter, in pursuance of that stipulation, Congress extends these privileges and immunities to it by incorporating it in express terms within the territory covered by the Constitution—I am disposed to concede, I say, that a person within territory which can be thus described can put his hand upon the privileges of the Constitution and say: "They are mine. You gave them to me; you stipulated that I should have them when you acquired the territory in which I live. And in pursuance of your obligation and that stipulation by solemn law you extended them to me." But our new possessions present no such question as this. Let us contrast them with all others which came before.

In every other acquisition of territory made, with the possible exception of Alaska, there were in effect these two provisions: That the inhabitants of the territory should be incorporated within the Union of the States and should become citizens of the United States. But the treaty with Spain marked a change of policy—as great a change of policy as was ever made by a nation. I propose to consider that. But before doing so I desire to state one fundamental proposition. I can not stop to cite the authorities for it. I believe that in dealing with foreign nations this nation has all the sovereignty which any nation on earth has. It may do anything by a treaty that any nation—England, France, or Germany—can do.

With the exception of authorizing what the Constitution forbids, or a change in the character of the government or in that of the States, or the cession of any portion of the latter without its consent, in the words of Mr. Justice Field, in Geofrey *vs.* Riggs (133 U. S., 258):

> It is not perceived that there is any limit to the questions which can be adjudged touching any matter which is properly the subject of negotiation with a foreign country.

Though this is a government of limited powers, it is supreme within its own limits. In dealing with foreign nations and acquiring from them territory by treaty our nation has all the sovereignty which any other nation has. There is no limitation upon our power. We may acquire territory for whatever purpose we please. We may acquire it for a naval station or for a sovereign State. We may do anything in our foreign relations from making a mere treaty of alliance up to the consolidation of territory as a State, as we consolidated Texas. Our history furnishes many examples of the exercise of this unlimited sovereignty.

The Monroe doctrine itself is nothing but a manifestation of supreme, sovereign, unlimited power. It is a species of protectorate over the Western Hemisphere; and yet some of the constitutional interpretations heard upon this floor would deny us the right to maintain the Monroe doctrine. We have exercised a protectorate over Samoa for many years. We have another arrangement there now, I believe, within a few days. I do not know exactly what it is. We have established consular ports, acquiring the right to do so by treaty, in semibarbarous lands. We have in the Revised Statutes a general provision of law which allows a citizen to acquire by discovery guano islands. We have about sixty of those islands in our possession. How do we hold them? No one but ourselves has any sovereignty there. We hold them as appertaining to the United States, not as a part of the United States. We hold them only for such time as the political department of the Government shall deem to be proper.

We have the Indians in our midst—a dependent, domestic nation, in the delicate language of Marshall. We have Cuba. To-day we exercise in Cuba every right of sovereignty which exists—exercise it as a trustee, I agree, but we are exercising it; we are the sovereign of Cuba to-day; and who contends that the Constitution has gone there?

I would like some of our friends on the other side to tell me how, if the Philippines are a part of the United States and under the Constitution, Mr. Bryan is going to exercise that protectorate over the archipelago which he has proclaimed as the policy of the Democratic party. One would think that the spectacle of one part of a great country maintaining a protectorate over another part of that same country would be somewhat ludicrous.

Mr. PIERCE of Tennessee. How does the gentleman answer the fact that we have already a protectorate over the Sultan of Jolo? I ask him, in view of the position he has just taken, how he answers the fact that President McKinley approved a treaty with the Sultan of Jolo, of the Sulu Islands, in which an American protectorate is expressly provided for, including the Sultan's 300 wives, slaves, and so forth?

Mr. MOODY of Massachusetts. I am the most unfortunate man in the world in not making myself understood upon the other side of the House. I say that we can exercise a protectorate; that we can do anything whatever in our foreign relations that any other sovereign nation can do. We can acquire just as much or just as little dominion over any other part of the earth's surface as we may determine to be wise and necessary. What I did say is that I should like to have those gentlemen who say that the Philippine Archipelago has become a part of the United States and that the Constitution has extended itself over that archipelago—I would like to have those gentlemen reconcile such a view with Mr. Bryan's theory that it is the duty of this Government to exercise a protectorate over that archipelago.

Mr. WILLIAMS of Mississippi. Will the gentleman permit me to do it?

Mr. MOODY of Massachusetts. Yes; I will. I want to know.

Mr. WILLIAMS of Mississippi. The answer is very easy. If they are a part of the United States, then we can not exercise a protectorate. If we do exercise a protectorate, they are not a part of the United States. [Laughter on the Republican side.]

Mr. MOODY of Massachusetts. Mr. Chairman, I understand the gentleman from Mississippi to say that if they are a part of the United States we can not exercise a protectorate. I understand him and everybody else upon that side to say that they are a part of the United States, and the problem still troubles me to know how Mr. Bryan is going to exercise his protectorate in case the Democratic doctrine is the true one.

Mr. WILLIAMS of Mississippi. I do not admit that they are now a part of the United States. The treaty of Paris says that we are to determine their "political status"—i. e., their relation to us and their international relation. We can determine it by declaring them independent, or independent with a protectorate, or by declaring them a part of the United States. But if they were a part of the United States, the moment you established a protectorate they would cease to be a part of the United States. [Applause on Democratic side and laughter on Republican side.]

Mr. MOODY of Massachusetts. By establishing a protectorate we can make them cease to be a part of the United States if they have become so under this treaty! Now, just look at the statement of the gentleman from Mississippi—because I always respect what he says upon this floor.

Mr. STEELE. But he is not serious now.

Mr. MOODY of Massachusetts. See the subterfuges to which he is compelled to resort to reconcile that which is irreconcilable. You can not reconcile the position of Mr. Bryan with regard to the protectorate with the position of the Democratic party that these islands are part of the United States and entitled to every constitutional privilege to which every other American citizen is entitled. If you admit that they are not yet a part of the United States, that is all I am contending for.

Mr. WM. ALDEN SMITH. They do not try to reconcile those two statements.

Mr. WILLIAMS of Mississippi. Will the gentleman permit me another interruption, and then I will not trouble him further. I call his attention to the decision in Cross *vs.* Harrison.

Mr. MOODY of Massachusetts. Yes, I will.

Mr. WILLIAMS of Mississippi. Very well. The court says:

> It was urged that our revenue laws covered only so much of the territory of the United States as had been divided into collection districts, and that out of them no authority had been given to prevent the landing of foreign goods or to charge duties upon them, though such landing had been made within the territorial limits of the United States. To this it may be successfully replied that collection districts and ports of entry are no more than designated localities within and at which Congress had extended a liberty of commerce in the United States, and that so much of its territory as was not within any collection district must be considered as having been withheld from that liberty.
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> The right claimed to land foreign goods within the United States at any place out of a collection district, if allowed, would be a violation of that provision in the Constitution which enjoins that all duties, imposts, and excises shall be uniform throughout the United States. Indeed, it must be very clear that no such right exists and that there was nothing in the condition of California to exempt importers of foreign goods into it from the payment of the same duties which were chargeable in the other ports of the United States. As to the denial of the authority of the President to prevent the landing of foreign goods in the United States out of a collection district, it can only be necessary to say, if he did not do so, it would be a neglect of his constitutional obligation "to take care that the laws be faithfully executed."
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> The acts of the 20th of July, 1790 (1 Stat. L., 130, chapter 30), and that of 2d of March, 1799 (1 Stat. L., 627, chapter 22), were also of force in California without any special legislation declaring them to be so.

Mr. MOODY of Massachusetts. I hardly think I am keeping my promise to the House not to read from some cases if I permit the gentleman to do so. But I still adhere to all the important part of my statement, though in the statement which is not so important, that the uniformity provision was not referred to, I was in error. It was not discussed.

Mr. GAINES. That was the point I had in mind when I called your attention to the fact that you had misconstrued the case of Cross *vs.* Harrison—that is, that portion just read by the gentleman from Mississippi.

Mr. MOODY of Massachusetts. Mr. Chairman, I propose to take but little more of the time of the House. When carried back by an interruption to a former part of my argument, I had reached this point: I had shown that all the territory acquired by the United States before that acquired through the treaty of Paris was acquired under stipulations which in effect provided that the inhabitants should be incorporated within the Union and should become citizens of the United States. I had attempted to show that the nation, with its full sovereignty, had the right to acquire territory for any purpose or in any way it chose and had given several examples of sovereignty exercised over territories which it would be conceded are not parts of the United States. The question is now, By what kind of a title did we acquire territory in the treaty of Paris? I said that there was a marked change of policy, and in support of that statement I desire to call the attention of the House to Article IX of the treaty. The material part is as follows: After providing that the subjects of Spain may by declaration preserve their allegiance to the Spanish Crown, the article provides that "in default of which declaration, they shall be held to have renounced it and to have adopted the nationality of the territory in which they may reside. The civil rights and political status of the native inhabitants of the territories ceded to the United States shall be determined by the Congress." Compare this with the Mexican treaty. On their failure to retain their Mexican citizenship, the inhabitants of the territories "shall be considered to have elected to become citizens of the United States."

Mr. COCHRAN of Missouri. I should like to ask the gentleman a question.

Mr. MOODY of Massachusetts. Right on that point, I presume?

Mr. COCHRAN of Missouri. Yes. What will be the nationality of this Territory when we definitely take it under civil control and exercise civil jurisdiction over it?

Mr. MOODY of Massachusetts. That depends upon what we desire to do, what we may do. I have no doubt that in time I will say to my friend, Puerto Rico will become American soil completely, and that its inhabitants will become American citizens; but I have some doubt whether the Philippine Archipelago will become completely American soil and its people become American citizens.

Mr. COCHRAN of Missouri. Is it true, then, as a result of the war against Spain, that the Filipinos lost citizenship of any nation and became merely waifs, with no citizenship?

Mr. MOODY of Massachusetts. No; they become just what the treaty says they become, and the language is plain. They have the nationality of the territory in which they reside. That is a nationality that is perfectly clear. They are Filipinos. They are not Americans. The inhabitants of Puerto Rico are Puerto Ricans, just as the inhabitants of Australia are Australians, and not Englishmen, although they owe a paramount allegiance to the British Crown, just as the inhabitants of Canada are Canadians, and not Englishmen, although they owe a paramount allegiance to Her Majesty.

Mr. COCHRAN of Missouri. If they are not of American nationality, if the islanders are not of American nationality, where do we get authority to legislate for countries not a portion of American territory?

Mr. MOODY of Massachusetts. We get authority in the provision of the Constitution which authorizes us to make all needful rules and regulations for Territories "belonging to the United States," and we get a further authority, recognized over and over again by the Supreme Court, in that having acquired property we have the implied right to govern it by the plainest principles.

Mr. COCHRAN of Missouri. Does the gentleman know that the Supreme Court has said that that clause of the Constitution had reference to the Northwest Territory after it was ceded to the United States?

Mr. MOODY of Massachusetts. I know, Mr. Chairman, that Chief Justice Taney, the only man who ever said it in the world, said it in the ignominious source of authority to which in the end those upon the other side of this question always go, the case of Dred Scott *vs.* Sandford. That is the only case in our whole jurisprudence which I now recall in which that has been said.

Mr. COCHRAN of Missouri. I will ask the gentleman if that case has ever been reversed or criticised? [Derisive laughter on the Republican side.]

Mr. MOODY of Massachusetts. I think it has been criticised. It was criticised for about four years, and at the end of that time the American people supposed that it was overruled. [Applause on the Republican side.]

Mr. COCHRAN of Missouri. I will ask the gentleman again if that case has ever been criticised by any court in the United States?

Mr. MOODY of Massachusetts. I do not think any judge of the Supreme Court has ever taken any notice of it from that time to this—that is, of that part of which we complain.

Mr. COCHRAN of Missouri. I notify the gentleman that at the very earliest opportunity I will refer him to at least twenty leading cases in this country in which the Dred Scott case has been quoted.

Mr. MOODY of Massachusetts. Mr. Chairman, the gentleman will notice the qualification I make. Of course it has been referred to; but that part of it to which the gentleman alludes, of which we complain, the main part of the controversy between Curtis and Taney, the gentleman never will find that alluded to, with approval, at least, by any judge of any court.

Mr. COCHRAN of Missouri. Has it not been quoted by the Supreme Court of the United States in deciding that in the Territory of Utah laws authorizing juries to render majority verdicts were unconstitutional?

Mr. MOODY of Massachusetts. I know it has been cited again and again, but what I say is that it has never been cited to sustain the proposition which my friend has announced upon the floor. It may be that I am wrong.

Mr. COCHRAN of Missouri. It never has been cited for any other purpose—— [Cries of "Regular order!"]

Mr. MOODY of Massachusetts. Mr. Chairman——

Mr. BARTLETT. I want to make this suggestion to the gentleman.

Mr. MOODY of Massachusetts. I yield to the gentleman.

Mr. BARTLETT. The gentleman referred to the treaty of Paris in reference to the claim of a citizen. Now, I want to ask the gentleman if this treaty does not confine that to native-born residents of Spain, or rather residing in that island, by that section of that treaty?

Mr. MOODY of Massachusetts. I can not say.
Mr. COOPER of Wisconsin. It does not.
Mr. BARTLETT. The gentleman made a statement.
Mr. MOODY of Massachusetts. I said nothing to the contrary. I said, if the gentleman will permit me to make myself clear, that in the treaty with Mexico the provision was that in case those who owed allegiance to Mexico did not renounce that allegiance within one year they were to remain American citizens. In this treaty the provision is different. The Spanish subjects, if they do not renounce allegiance, are to remain of the nationality of the territory in which they reside.
Mr. BARTLETT. That is confined to the native born in the Peninsula and does not extend to all.
Mr. MOODY of Massachusetts. I did not say that it did; but I say that the treaty established a new citizenship in the territories. It created a separate political community with a citizenship of its own, though the community and its citizens owe a paramount allegiance to the United States. We have not far to seek to find a political relation exactly like this. The Indian in his tribal relation is subject to the jurisdiction of his tribe, but owes a paramount allegiance to the United States. Did the care of our commissioners at Paris avail nothing? They not only scrupulously avoided making the inhabitants of the territories citizens of the United States or promising them citizenship, but to make assurance doubly sure they created a new citizenship—citizenship in the territories themselves. Far from promising them incorporation into the Union, they provided that the civil rights and political status of the inhabitants should be settled by Congress. How can words be broader than these? The complete relation of these people to the United States is in the hands of Congress. That is what the President meant when he said in Boston that the solution of this problem lay with Congress. The territories are not yet a part of the United States. Their people are not yet American citizens. They may become so in the future. It will be for Congress to say. Our present duty is to teach them to bear the burdens and appreciate the benefits of local self-government. It would be in the highest degree unwise if we periled that great result by mistakes in the beginning and attempted to impose upon the people a Constitution which was drawn and adapted to other parts of the world, to other people, and to other stages of civilization.

A single word and thought more and I am done. I have no prepared peroration by which I can evoke the applause of this House any more than I had a prepared speech. I can not restrain my indignation when I hear on that side of the Chamber that we who hold a particular view upon a disputed question of Constitutional law for that reason desire to enter upon a career of tyranny over peoples whose destinies are put by God Almighty under our charge. I deny the charge. Because we do not believe that the Constitution of the United States extends over these islands as a part of the United States, it does not follow that we would deny to them any of the fundamental rights of a free people which the Constitution insures to us. If they have not the safeguards of the Constitution, they have the conscience of the American people and are protected, in the words of a great judge, by "the spirit of the Constitution, from which Congress derives all its powers."

Whether they have the Constitution or no, they may be assured that so long as the light of liberty and freedom shines over our domain they will never be denied one of those great fundamental personal rights so long as we shall enjoy and cherish those rights for ourselves. [Loud applause on the Republican side.]

The CHAIRMAN. The gentleman from New Jersey is recognized for fifteen minutes.

Mr. PARKER of New Jersey. Mr. Chairman, I feel difficulty in addressing this committee after the speech that has been made by the gentleman from Massachusetts [Mr. MOODY], a speech that ought to be written in our hearts. It is not to the law of this matter that I should address myself; for wiser lawyers have spoken on that subject. But I want to say to this House that there is no calamity that they could impose upon Puerto Rico or upon those people equal to the failure of this bill.

Puerto Rico is our ward; it is for its people we are legislating. It is to give them such financial conditions as will allow them to have peace and prosperity, and to wish to be within the limits of the United States; and, to my mind, the alternative proposed of giving free trade to Puerto Rico would be an unspeakable wrong to them. I say this without the less hesitation because my first impressions were in that very direction of free trade. The extension, through annexation of Puerto Rico as a part of the United States, to it of the Dingley tariff means, necessarily, that we also extend to them our internal revenue. No man can deny that. Otherwise they could distill liquor or make cigars, and make the things which are under our internal revenue, and could send their products free of duty into the United States.

But to extend the excise law to them means that all small manufactories should be closed and that hundreds of people should be put out of business. It means that these poor people, for they are poor, could no longer smoke cigars, because the price would be so much increased. There is not a witness who does not say that the imposition of these excise taxes would be absolutely impossible in Puerto Rico, and for that reason this bill does not impose them. Free trade means more to this island. Its people have lived without machinery, without organized manufactories.

Small trades, like those of the shoemaker, the tailor, and the furniture maker, such as used to prevail with us, are there still supplying the wants of the people. All at once they would be subjected to the competition of great manufacturing industries which have almost driven these trades from without our midst and would drive them out from their island. We have welcomed the development of manufacturing in spite of that result. Our tradesmen have done better; the shoemaker became the shoe manufacturer, the tailor becomes a merchant tailor or engages in large manufactories. Our Eastern farmer, who finds that the railroads have made his farm unprofitable, moves to the West, where farming pays.

Our Eastern manufacturer, if his materials become too expensive, goes where those materials are cheaper. The American can move everywhere, but the Puerto Rican is not an American. He speaks Spanish; he is partly of Indian blood. He can not or will not come to this country, and any measure which would put that little island immediately under the unrestricted competition of our great manufactories and drive out its small tradesmen would be an injury that we have no right to inflict.

There is only one parallel case, and that was cited by the gentleman from Massachusetts [Mr. MCCALL], who spoke against the bill. It is Ireland. Let me ask what free trade has done for Ireland? Free trade for Ireland meant that England, the country which had the coal, the brains, and the organization, took the profits of an island that was turned into a poor farming country, on which its sister island held the title or the mortgage and from which it drew the rents. We do not mean to create this result in Puerto Rico.

With free trade between Puerto Rico and this country, whence is revenue to be got? Revenue is needed for roads and schools, such revenue as we always need for good government, for courts, and the administration of the laws. We can appropriate from the United States Treasury, but no one thinks that is a proper measure; or we can tax property there as we do here. Are we to increase the land taxes there upon a people whose plantations have been ruined by tornadoes? Or are we to increase a tax which they have already—the tax upon production? There every farm pays a certain proportion of its production to the Government. But this produce tax is the worst kind of tax in the world, because it makes an army of assessors all over the country; because it is the most susceptible to fraud; because it is the most susceptible to oppression; because it seeks for money when there is nothing but the crop upon the ground. If that crop be taken away, the expense of its being taken away is to come out, as well as the expense of the tax collector.

We will adopt no such measure. This bill says that Puerto Rico shall have what no State in this Union has ever had. It says, first, that these poor people shall have absolute freedom from the excise taxes of the United States, and from the tariff of the United States, so far as paying a single dollar into our Treasury. It says that they shall be treated as our friends. We do not ask them to contribute to our support or even to the repayment of what we have spent in the war which gave them good government. We reduce the Dingley tariff as against them by three-quarters.

We ask them only to do the same to us, and then we declare that the payments under the tariff shall not go into the Treasury of the United States, but go to the President for the benefit of the people of that island. Was ever so much generosity shown to any people? We give them just enough protection to maintain their own industries during the period of change, and we relieve them as far as we can from land tax or produce tax. [Applause on the Republican side.]

If the tariff that we lay on their goods is a tariff on their production, it is only when the goods have come here and are able to pay the tariff because at the market and the money is ready to pay for them.

And then we enact that the duties not only on goods that go to them but on goods that come here shall all go to the benefit of the island. This is what we have been told is tyranny!

What are we going to give the islands if we do not pass this bill? What are we to do for those people? How is the expense of their government to be paid?

Gentlemen come to me and others on this side of the House and talk of this measure of kindness as if it were tyranny. And they talk about the Philippines and ask, Will you do the same there? Still more, they ask whether the rights of personal liberty guaranteed by the Constitution shall not go to all the territories held by the United States? How are these questions incident to a measure providing simply for the raising of revenue for this country and for that island? There is a constitutional provision that

"all duties, imposts, and excises shall be uniform throughout the United States."

The provisions as to personal rights are not limited as to place. One says that the writ of habeas corpus shall not be suspended except in certain cases, and says nothing about territory. It may well be argued that the rights of a citizen of the United States go everywhere where the power of the United States may extend. But how has that to do with the question as to whether these people should be given relief to the extent of three-fourths from the tariff bar that now stands between us and them; that they shall be afforded at the same time a revenue for schools and for roads, and that they shall be absolutely relieved from all contributions toward the support of this Government?

Let us have no sympathy with mere verbal arguments on the subject of our control in the territories that we have received by the treaty with Spain. They are not beyond the pale of the great rights of liberty guaranteed by the Constitution. As soon as peace is established an inhabitant of those islands is entitled to the protection of his life and his liberty. But so far as the territory is concerned, this Government, through its Congress, has the power to acquire territory, and when it has been acquired it is the right of Congress, under the Constitution, even to dispose of or sell such territory.

Our control over the territory is absolute. If Congress can sell, it can control. It can tax. It can exercise the power of taxation as may be found right, and has the power to make all rules and regulations with reference to such property. There is no limitation on this power, except that taxes must be uniform throughout the States which are united and which contribute by uniform laws to the support of the United States Government while managing their own affairs. This territory is not contributing to the expenses of maintaining the United States Government. The United States is imposing taxes there for the purpose of maintaining the local government there; and it must have all the powers of a State in so doing.

Mr. FINLEY. Will the gentleman yield for a question?

Mr. PARKER of New Jersey. Yes, sir.

Mr. FINLEY. In ordinary legal parlance, is not the term "rules and regulations" used as meaning provisions for carrying out some enactment of law? In other words, is there not a distinction between a law and what may be termed "rules and regulations?"

Mr. PARKER of New Jersey. In this particular article "rules and regulations" are spoken of as instruments of government, and therefore they are law.

Mr. FINLEY. Then I understand the gentleman to say that "rules and regulations" in the sense implied in this article mean law?

Mr. PARKER of New Jersey. I can not see how it can mean anything else, and I believe the courts have so held.

Mr. FINLEY. Has the gentleman any authority in support of that statement?

Mr. PARKER of New Jersey. I have plenty of authorities, but I have not the books at hand. The Supreme Court of the United States has often held that in the Territories under this authority to make rules and regulations Congress must make law.

Mr. FINLEY. Then, as I understand, the gentleman has no authorities.

Mr. PARKER of New Jersey. I have plenty of authorities, but I can not on the instant refer to the exact case. I have no books here.

Mr. GILBERT. Will the gentleman allow me to ask him a question?

The CHAIRMAN. Does the gentleman from New Jersey yield?

Mr. PARKER of New Jersey. Certainly.

Mr. GILBERT. Do you contend that Congress could incorporate a railroad company or a bank in Puerto Rico?

Mr. PARKER of New Jersey. Certainly.

Mr. GILBERT. Would that corporation become a citizen in the sense of the fourteenth amendment to the Constitution?

Mr. GROSVENOR. Not necessarily.

Mr. PARKER of New Jersey. I should say not.

Mr. GILBERT. Would it become a person in the sense of the fourteenth amendment?

Mr. PARKER of New Jersey. I should say not necessarily.

Mr. GILBERT. Does not the gentleman know that the Supreme Court has repeatedly held that corporations are persons within the sense of the fourteenth amendment?

Mr. PARKER of New Jersey. I believe so.

Mr. GILBERT. Would not that corporation be entitled to equal protection of the laws in Puerto Rico?

Mr. GROSVENOR. What decision of the Supreme Court is there on that subject since the adoption of the fourteenth amendment?

Mr. GILBERT. The case of St. Clair County against somebody. There are three or four cases in which the Supreme Court has held that a corporation is a person in the sense of the fourteenth amendment.

Mr. PARKER of New Jersey. I want to make one or two more propositions, and I do not think the gentleman's question is very pertinent to my argument. It is very easy to ask questions when a man is standing here without books, and it is not easy to answer them without the authorities at hand.

Mr. GILBERT. If this Congress——

Mr. PARKER of New Jersey. The gentleman is making an argument, and he is not on the point that I am referring to.

The CHAIRMAN. The gentleman from New Jersey [Mr. PARKER] is entitled to the floor.

Mr. PARKER of New Jersey. Something has been said about export duties. It was always supposed that export duties were duties levied upon goods because they were exported—that is to say, if a law should be enacted that in a certain State all of a certain class of goods leaving that State should pay a duty, that would be an export duty. On the other hand, if a State, by consent of Congress, were allowed to impose a duty on all goods coming into that State, that would be an import duty. Some of those goods would come from other States, but that would not make this an export duty on the goods coming from those States.

The provision of the Constitution was intended to prevent the imposition of duties on goods, on the classification and because they were exported. Here by this bill duties are levied on goods going into Puerto Rico, not because they are exported from anywhere, but because they are imported into that island. They are import duties, pure and simple.

The bill provides full Dingley tariff rates for goods coming from the rest of the world and one-quarter of those rates for goods from the United States. That is not the imposition of an export duty on goods coming from the United States. That is a reduction by three-quarters of the import duties in Puerto Rico because the goods come from the United States. The bill might just as well have said that full tariff rates under the United States laws shall be charged on all goods from wheresoever they shall come, with a rebate of three-quarters to be allowed to goods coming from the United States. The bill substantially orders an import duty with a rebate on goods coming from the United States.

Now, on that construction of the law we are not without a case exactly analogous. It is the case of Pace *vs.* Burgess. Pace made tobacco, and Burgess was collector. The law provides that there shall be a stamp tax on all tobacco of so much per pound, but that if the tobacco was to be exported it was to pay a much less rate per pound and that a different stamp, marking the tobacco for export, should be put upon the tobacco. The manufacturer went before the Supreme Court claiming that the tobacco was for export, that it was taxed so many cents a pound, and that therefore an export duty was being levied.

The court denied this claim, holding that while the statute imposed a tax on tobacco that was exported, it was really a rebate on a much larger tax on all manufactured tobacco, and therefore not an export tax, but a rebate of an excise tax. Now, just so in this case, when this bill says that there shall be a tariff imposed upon all goods coming into Puerto Rico, and then provides that import duty shall be much less if the goods come from the United States, it is not an export duty from the United States, but a rebate of an import duty into Puerto Rico.

It is idle longer to delay the House with questions of law.

Mr. BARTLETT. Will the gentleman permit me to ask him one question?

Mr. PARKER of New Jersey. Certainly.

Mr. BARTLETT. Do I understand the gentleman to claim that the Dingley law is now in force in Puerto Rico?

Mr. PARKER of New Jersey. By this bill the Dingley law is put into force in Puerto Rico, except that practically a rebate from the Dingley law of three-quarters is given on all goods that come from the United States.

In conclusion, only one word. It is idle to talk of law only. This is an intensely practical question. We must give some relief to these people. We must give them revenue; we must give them a reduction of the tariff; we must give them the means of getting a chance in the progress among nations. Unless that happens we might have revolution, and we shall certainly have poverty and discontent. This bill gives that relief, and we can not help appealing to every member of this House to support it. [Applause on the Republican side.]

[Here the hammer fell.]

And then, on motion of Mr. PAYNE, the committee rose; and the Speaker having resumed the chair, Mr. HULL, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the bill (H. R. 8245) to regulate the trade of Puerto Rico, and for other purposes, and had come to no resolution thereon.

THE SCHOONER BERGEN.

The SPEAKER announced a change of reference of the bill (S. 1243) for the relief of the owner or owners of the schooner *Bergen* from the Committee on Claims to the Committee on War Claims.

SPEAKER PRO TEMPORE AT EVENING SESSION.

The SPEAKER. The Chair desires to announce that the gentleman from Minnesota, Mr. MORRIS, will act as Speaker at the evening session.

SENATE BILLS AND RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. R. 91. Joint resolution authorizing the printing of extra copies of the publications of the Office of Naval Intelligence, Navy Department—to the Committee on Printing.

Senate concurrent resolution No. 27:

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the United States Commission to the Philippine Islands 1,500 copies of volume 1 of their report recently submitted to the Senate by the President—

to the Committee on Printing.

S. R. 77. Joint resolution authorizing the printing of a special edition of the Yearbook of the United States Department of Agriculture for 1899—to the Committee on Printing.

S. 62. An act granting a pension to Robert Black—to the Committee on Invalid Pensions.

S. 1769. An act granting an increase of pension to Henry Frank—to the Committee on Invalid Pensions.

S. 645. An act granting a pension to David Hunter—to the Committee on Invalid Pensions.

S. 677. An act granting a pension to Jerusha Sturgis, widow of Brig. Gen. Samuel D. Sturgis—to the Committee on Pensions.

S. 2742. An act restoring to the pension roll the name of Annie A. Gibson—to the Committee on Invalid Pensions.

S. 1419. An act to increase the pension of Annie B. Goodrich—to the Committee on Invalid Pensions.

S. 1228. An act granting a pension to Thomas Jordan—to the Committee on Invalid Pensions.

S. 239. An act granting a pension to Rhoda A. Foster—to the Committee on Invalid Pensions.

S. 241. An act granting a pension to Patrick Layhee—to the Committee on Invalid Pensions.

S. 1960. An act granting an increase of pension to Eli J. March—to the Committee on Invalid Pensions.

S. 1309. An act granting an increase of pension to Herman Piel—to the Committee on Invalid Pensions.

S. 1298. An act granting a pension to Capt. Oscar Taylor—to the Committee on Invalid Pensions.

S. 994. An act granting an increase of pension to Casper Miller, jr.—to the Committee on Invalid Pensions.

S. 2209. An act granting an increase of pension to Frederick Higgins—to the Committee on Invalid Pensions.

S. 1331. An act granting an increase of pension to Ellen C. Abbott—to the Committee on Invalid Pensions.

S. 2375. An act granting a pension to Mary A. Russell—to the Committee on Invalid Pensions.

S. 819. An act granting an increase of pension to Benjamin F. Bourne—to the Committee on Invalid Pensions.

S. 833. An act granting an increase of Pension to Henry Atkinson—to the Committee on Invalid Pensions.

S. 2622. An act granting a pension to Maria A. Thompson—to the Committee on Invalid Pensions.

S. 345. An act granting a pension to Catherine L. Nixon—to the Committee on Pensions.

S. 1250. An act granting a pension to Mrs. Hattie E. Redfield—to the Committee on Invalid Pensions.

S. 1251. An act increasing the pension of Celia A. Jeffers—to the Committee on Invalid Pensions.

S. 1254. An act granting a pension to Catherine E. O'Brien—to the Committee on Invalid Pensions.

S. 1255. An act granting an increase of pension to James M. Simeral—to the Committee on Invalid Pensions.

S. 2167. An act granting an increase of pension to Franklin C. Plantz—to the Committee on Invalid Pensions.

S. 2351. An act granting a pension to Joseph Q. Skelton—to the Committee on Invalid Pensions.

S. 2344. An act granting a pension to Alice V. Cook—to the Committee on Invalid Pensions.

S. 1194. An act granting a pension to John B. Ritzman—to the Committee on Invalid Pensions.

S. 1202. An act granting a pension to Sarah E. Stubbs—to the Committee on Invalid Pensions.

S. 1721. An act granting an increase of pension to Amos H. Goodnow—to the Committee on Invalid Pensions.

S. 1729. An act granting an increase of pension to Oliver J. Lyon—to the Committee on Invalid Pensions.

S. 320. An act granting an increase of pension to Allen Buckner, of Baldwin, Kans.—to the Committee on Invalid Pensions.

S. 1264. An act granting a pension to James A. Southard—to the Committee on Invalid Pensions.

S. 1265. An act granting a pension to Elender Herring, of Elsmore, Kans.—to the Committee on Invalid Pensions.

S. 1266. An act granting a pension to Jacob Saladin—to the Committee on Invalid Pensions.

S. 1268. An act granting a pension to Sarah R. Burrell, of Wichita, Kans.—to the Committee on Invalid Pensions.

S. 2441. An act granting a pension to Felix G. Sitton—to the Committee on Pensions.

S. 2432. An act granting an increase of pension to James A. Thomas—to the Committee on Pensions.

S. 200. An act granting to the State of Wyoming 50,000 acres of land to aid in the continuation, enlargement, and maintenance of the Wyoming State Soldiers and Sailors' Home—to the Committee on the Public Lands.

S. 340. An act to amend an act entitled "An act granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Creek war, Cherokee disturbances, and the Seminole war," approved July 27, 1892—to the Committee on Pensions.

S. 1017. An act for the relief of John M. Guyton—to the Committee on Claims.

S. 3003. An act to amend an act entitled "An act to authorize the Grand Rapids Power and Boom Company, of Grand Rapids, Minn., to construct a dam and bridge across the Mississippi River," approved February 27, 1899—to the Committee on Interstate and Foreign Commerce.

S. 2869. An act authorizing the Cape Nome Transportation, Bridge, and Development Company, a corporation organized and existing under the laws of the State of Washington and authorized to do business in the Territory of Alaska, to construct a traffic bridge across the Snake River at Nome City, in the Territory of Alaska—to the Committee on Interstate and Foreign Commerce.

S. 1931. An act to provide for the erection of a bridge across Rainy River, in the State of Minnesota, between Rainy Lake and the mouth of Rainy River—to the Committee on Interstate and Foreign Commerce.

S. 2931. An act to incorporate the American National Red Cross, and for other purposes—to the Committee on Foreign Affairs.

S. 189. An act for the relief of the owners of the British ship *Foscolia* and cargo—to the Committee on Claims.

S. 779. An act for the relief of the Potomac Steamboat Company—to the Committee on Claims.

S. 793. An act providing for the adjustment of the swamp-land grant to the State of Wisconsin, and for other purposes—to the Committee on the Public Lands.

S. 1175. An act to grant lands to the State of Alabama for the use of the Agricultural and Mechanical College of Alabama, for negroes, and the State Normal College at Florence, Ala.—to the Committee on the Public Lands.

S. 3129. An act granting an increase of pension to Henry McMillen—to the Committee on Invalid Pensions.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to an enrolled joint resolution of the following title:

S. R. 55. Joint resolution authorizing the President to appoint one woman commissioner to represent the United States and National Society of the Daughters of the American Revolution at the unveiling of the statue of Lafayette at the exposition in Paris, France, in 1900.

LEAVE TO SIT DURING SESSIONS OF THE HOUSE.

Mr. HULL. Mr. Speaker, I ask unanimous consent that the Committee on Military Affairs may sit during the sessions of the House.

The SPEAKER. The gentleman from Iowa [Mr. HULL], chairman of the Committee on Military Affairs, asks unanimous consent that that committee may be permitted to sit during the sessions of the House. Is there objection?

There was no objection.

And then, on motion of Mr. PAYNE (at 5 o'clock p. m.), the House took a recess until 8 o'clock p. m.

The recess having expired, the House, at 8 o'clock p. m., resumed its session and was called to order by Mr. MORRIS as Speaker pro tempore.

And then, on motion of Mr. LONG, the House resolved itself into the Committee of the Whole House on the state of the Union, for

the further consideration of the bill (H. R. 8245) to regulate the trade of Puerto Rico and for other purposes, with Mr. HULL in the chair.

Mr. WILSON of South Carolina. Mr. Chairman, the representative position of the President, as chief officer of the Republic, should carry with it exemption from abuse of the occupant. A representative government must offer that safeguard to the personalities of those who voice its power and authority and to its own position amongst the nations of the world. In what I shall have to say my remarks shall be addressed, not to the President, but to his policy, which is the policy of his party, than which he is neither better nor worse. Perhaps no President has ever more thoroughly represented or impersonated his party. Wheresoever it goes he goes; whatsoever it thinks he thinks; when in doubt as to what it thinks he goes West. There is never a shadow of variance between his sentiments and those of the national chairman of his party. They live and move and have their being together.

When he speaks his party speaks, except were subsequent developments disclose that he spoke too soon, in which event he follows in the wake of his party, as in the measure now under discussion. He will never veto the action of his party. His party will never do more than gently restrain him from falling into the pit. That is the political status of the Government. What the President and his leaders will to be done will be done. The minority in Congress is powerless except to register their protest and appeal to the country—the people who are the source of government.

We are here met with the bold assertion of the Administration and of the majority that criticism of their course while war is on is treasonable, as lending aid and comfort to the enemy. No greater advance toward imperialism and monarchical government will ever be made than will follow from the concession of that postulate. "The king can do no wrong" sounds strangely and harshly to American ears. The people are the rulers, and they are entitled to have the full light of truth thrown upon the administration of public affairs. It is one thing to support the Army wherever sent by the President as its commander in chief; it is another thing to condemn the policy of the President who sends it.

The sublime duty of the soldier is to obey orders. The country honors and cherishes him for his valor and devotion to duty. The minority has cheerfully voted for every dollar of appropriation asked for his maintenance, though protesting against the policy and the Administration which made it necessary. We shall continue to protest. Yes, more, we say to the world that never was there a more useless sacrifice of life than of the 2,000 brave boys who sleep in Philippine soil since the conclusion of the Spanish war and of the 20,000 Filipinos who have died fighting for their liberty against our flag of freedom.

Until this war is ended it is perhaps better that we do not pass judgment upon the righteousness of the cause of those against whom our soldiers are now contending in the field. It is, however, not only proper, but necessary, that the attention and sentiment of the country be aroused to an appreciation of the extent to which we have departed from our safe mooring in the Constitution and of the untried sea of imperialism to which we are heading, of what this Administration has done, is doing, and will do. It has brought us to the parting of the ways, and is ready and anxious to take the decisive step which will place this Republic and its destiny alongside of Great Britain—"His Excellency the President of the United States and Emperor of the Philippines and Sulu" hand in hand with "Her Majesty the Queen of Great Britain and Empress of India."

Mr. Chairman, when at our doors the cry came to us from starving Cuba to come to the rescue, the minority fruitlessly sought to obtain for her recognition wherewith she might liberate herself. When 266 of our sailor boys, asleep under the flag in Habana harbor, were foully murdered by treacherous Spain, nothing but war could mete the full measure of a people's wrath and of infinite justice. Never was war more justifiable or necessary. It was for humanity, for liberty, and for justice. No mercenary or commercial motive controlled us.

We pledged the world when we went to war that it was for liberation, not for conquest. The war ended August 12, 1898. The treaty of Paris was signed December 10, 1898, and ratified by the United States Senate February 6, 1899. Its results were but beginning. Spain, the great colonizer of history, was driven from the American continent. Cuba was free, subject to our temporary military control and protection. Puerto Rico became ours, with the glad consent of its people. And the Philippines; what of them? Mr. Chairman, if the policy announced by the President is put into execution, generations yet unborn must tell the story of what the Philippines did for us. They did not enter into the cause of the war. They were as much without and beyond the horizon of our national life as is now Madagascar, New Zealand, or Cape Colony. Manila Bay offered no greater attraction to our cupidity than did Delagoa Bay. The wealth of the islands was no more alluring to us than were the countless millions in the mountains and valleys of the Transvaal. We were at peace and in amity with their people. The empire virus had not yet entered our veins. Naboth's vineyard was not yet within our vision. The beauty of the wife of Uriah the Hittite had not dazzled our senses.

Admiral Dewey sailed into Manila Harbor for the purpose of destroying the Spanish fleet. That accomplished, he remained there, awaiting orders, watching events, till the Spanish forces, some 12,000 in number, should be forced to surrender the city of Manila, their only possession on the island. Never in all that period did he assume an unfriendly attitude toward the Filipinos. On the contrary, he remarked to Clay Macaulay, "Rather than make war of conquest of these people, I would up anchor and sail out of the harbor." In his letter to Senator LODGE he states that he availed himself of the assistance of Aguinaldo as an ally.

The records of the Department of State conclusively show that Dewey and the Administration appreciated the importance of the Filipino general's aid and that they sought and obtained it. On April 24, 1898, Secretary Long telegraphed Dewey at Hongkong:

War has commenced between the United States and Spain. Proceed at once to the Philippine Islands. Commence operations at once, particularly against the Spanish fleet. You must capture vessels or destroy them. Use utmost endeavors.

On the same day United States Consul Pratt, at Singapore, had a conference with Aguinaldo, the result of which he telegraphed that day to Dewey:

Aguinaldo, insurgent leader, here; will come to Hongkong to arrange with commodore for general cooperation of insurgents against Manila if desired. Telegraph.

Dewey immediately replied:

Tell Aguinaldo come soon as possible.

He went two days later, taking 17 chiefs with him. They were carried in a United States ship and landed at Cavite, where Dewey furnished him with guns, ammunition, and stores to be used against the Spanish. Aguinaldo issued his proclamation to the Filipinos in these words:

Compatriots, Divine Providence is about to place independence within our reach. The Americans, not from mercenary motives, but for the sake of humanity and the lamentations of so many persecuted people, have considered it opportune to extend their protecting mantle to our beloved country. Rather blow your brains out than fire a shot or treat as enemies those who are your liberators. Where you see the American flag flying assemble in numbers. They are our redeemers.

On July 4, 1898, the American commander, General Anderson, wrote him:

I desire to have the most amicable relations with you, and to have you and your people cooperate with us in military operations against the Spanish forces.

Two days later he wrote:

GENERAL: I would like to have your excellency's advice and cooperation, as you are best acquainted with the resources of this country.

He stated to Consul Pratt that his expectations for his people in consideration of their cooperation were, "that the United States would assume protection of the Philippines for at least long enough to allow the inhabitants to establish a government of their own, in the organization of which he would desire American advice and assistance, and he declared his ability to establish a proper and responsible government on liberal principles, and would be willing to accept the same terms for the country as the United States intended giving to Cuba."

His people enthusiastically responded. They rallied 30,000 strong; they cleared the interior of the island of Luzon of Spaniards by capturing 7,000 of them and driving the remainder into Manila, where they surrounded them with an intrenched line 14 miles long, extending from shore to shore, leaving no avenue of escape and nothing but surrender before them. They were herded, ready to be delivered to General Merritt, as they were on 14th, after a sham show of resistance. The protocol with Spain had been signed two days previously, but Merritt had not heard of it. But for Aguinaldo's assistance, possession of Manila would not have been obtained prior to the arrival of information of the protocol, and no plea of actual possession could have been presented by our commissioners at Paris.

Beyond question our war ships and soldiers would have eventually overcome the Spaniards and forced surrender, but the situation would have been different. Timely native assistance was of such value and importance to Dewey and Anderson as to be sought and welcomed by them. Our Revolutionary forces would have accomplished the surrender of Cornwallis even if the aid of Rochambeau's fleet had not forced his surrender at Yorktown; but our obligations to France were not thereby diminished.

Mr. Chairman, the country should know the truth as to the manner in which those services were requited by our Government; how the hopes of those 30,000 Filipino soldiers and of the people for whom they fought were cruelly dashed to the earth; how the party of greed and plunder turned the rejoicings of those simple, earnest people, who were then and always would have been our friends, into the bitterness and desperation of a people

maddened by what they regard as treachery and designed destruction of their liberties. The world has seldom seen a greater tragedy than the rude blasting of those cherished yearnings for liberty, the realization of which seemed already in their grasp; and by the order of the President of a Republic, whose inspiration has always been, and ever should be, the cry for liberty.

The world will yet know that it was not the voice of the nation, but of the party whose only idea of liberty is of that which adorns the almighty dollar; the party of special privileges, of monopoly, of trusts, of currency jugglers, of exactions from the masses for the benefit of the favored few, which will never hesitate to send the flag where spoils invite.

Manila had scarcely surrendered with its 12,000 soldiers, when General Otis ordered Aguinaldo and his men out of the city and away from its defenses, under threat of forcible action if he did not comply by the 15th of September, 1898. The order was obeyed under protest. It was even then the purpose of the President to appropriate the entire island. In August he had sent a special cablegram to Admiral Dewey, inquiring which was the most valuable of the Philippines and the most desirable to retain. The answer was "Luzon." Our commissioners to Paris were thereupon instructed by him to take Luzon. On December 31, 1898, he sent to General Otis this proclamation:

With the signature of the treaty of peace between the United States and Spain by their respective plenipotentiaries at Paris on the 10th instant, and as a result of the victories of the American arms, the future control, disposition, and government of the Philippine Islands are ceded to the United States. In fulfillment of the rights of sovereignty thus acquired and the responsible obligations of government thus assumed, the actual occupation and administration of the entire group of the Philippine Islands becomes immediately necessary, and the military government heretofore maintained by the United States in the city, harbor, and bay of Manila is to be extended with all possible dispatch to the whole of the ceded territory.

That was a declaration to the 30,000 Philippine soldiers then around Manila that their territory had been taken by the United States. Three days later he ordered General Miller to bombard and take Iloilo, 400 miles south of Manila. That was immediately followed by his general order to Otis that those who submitted to the authority of the United States would have protection and that those who should not would be forced to do so. The two armies remained in and around Manila. The President had engendered feeling betwixt them. The allies were by him estranged.

The battle of Manila, lasting from 8 p. m. of February 4 to 5 p. m. of the 5th, was a natural result of the conditions thus created by the President's orders. A Nebraska soldier killed a lieutenant of a Filipino patrol who did not understand or obey the command to halt, and the war began. It is not the Spanish war which Congress declared April 21, 1898. That war ended six months before. It is a war which Congress did not declare. It is the President's war—begun even before the ratification of the treaty under which he claims title. For let it not be forgotten that both he and Secretary Day assert and claim that our title to the Philippines is not by conquest, but by purchase from Spain.

The following day Aguinaldo sent an officer deploring the unfortunate incident, asking for a truce, and proposing to fix a neutral zone between the armies till the difficulty could be arranged. The reply of Otis was: "Fighting having once begun, it must go on to the grim end;" and upon the heels of that fateful reply has followed the sacrifice of the lives of more than 2,000 brave American soldiers. It is a monumental refutation of the assertion by the Administration that the war was unavoidable. It has never been so from the day of its inauguration. It is not so now. One declaration from the President or from Congress that local self-government shall be accorded them under American protection will terminate it. That is all they have ever asked.

The President has admitted that Aguinaldo says: "You can have peace if you give us independence." But Otis was speaking ex cathedra when he sent back the bloody answer: "It must go on to the grim end." The policy of the President is at one with that of Joseph Chamberlain in his unholy invasion of the Dutch Republic: "No peace till extermination or abject submission."

Mr. Chairman, two years ago those islands and their inhabitants were scarcely known to us. At no point did they touch the sphere of our existence. For centuries they have sought the enjoyment of life and pursuit of happiness and liberty in their own way, unvexed of Western methods and systems.

For more than three hundred years they have waged war with Spain for those rights which by our Declaration of Independence are inherent in all men, and have governed themselves to the world's satisfaction. Their last war with Spain terminated only as recently as 1896 on honorable and advantageous terms. Commander John D. Ford says:

The idea that the Filipino is an uncivilized being is a mistaken one. They have the intellect and the stamina to govern themselves and have done it for three hundred years, although under the rule of Spain.

Admiral Dewey stated to our peace commissioners:

In a telegram sent to the Department on June 23, 1898, I expressed the opinion that "these people are far superior in their intelligence and more capable of self-government than the natives of Cuba, and I am familiar with both races." Further intercourse with them has confirmed me in this opinion.

General Merritt says:

There are a number of Filipinos whom I have met, among them General Aguinaldo and a few of his leaders, whom I believe thoroughly trustworthy and fully capable of self-government. Aguinaldo, honest, sincere, and poor; not well educated, but a natural leader of men, with considerable shrewdness and ability, highly respected by all.

At the time our Army set foot upon Philippine soil the Filipinos had an organized government, with a president, a parliament, and a judiciary, acting with intelligence, decorum, and efficiency; and a military arm of 30,000 men, which army, as I have already stated, swept the Spanish army of Luzon into Manila, except the portion they had captured.

Now, then, what right had we to make war upon that people? Or, that being an existing status of our country in which our Government has placed us, and into which it would now be useless, even if advisable, to inquire, I will put it: Why shall we continue to make war upon them? The position of the President is that they are in rebellion or insurrection against the Government of the United States, and that it is his duty as the Chief Executive to suppress it with the Army and Navy. As they have never acknowledged allegiance to us, he bases his contention upon the purchase by us of the islands from Spain by the treaty of Paris, claiming that the people went with the territory.

"Rebellion" or "insurrection" presupposes the existence of a personal relation, as that of citizen or subject; it does not and can not convey the idea of a mere inhabitant or occupant. He says:

The Philippines are ours by purchase under the treaty of Paris.

That treaty did not undertake to sell the inhabitants. Section 10 is:

The civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by the Congress.

Congress has not been permitted to vote upon the subject. The only approach to such action was the McEnery resolution, which passed the Senate February 14, 1899, by the vote which had ratified the treaty the week before. I shall read it:

Resolved, That by the ratification of the treaty of peace with Spain it is not intended to incorporate the inhabitants of the Philippine Islands into citizenship of the United States, nor is it intended to permanently annex said islands as an integral part of the United States.

By this resolution they attempted to nullify or avert the consequences of their conduct in ratifying the treaty without incorporating in it an amendment which would have fixed the status of those inhabitants so far as it lay in the power of the high contracting parties to do so.

It was the difference between "before taking" and "after taking." When about to enter upon war with Spain, in order to disarm the suspicions of Europe, we declared:

The United States disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island [Cuba] except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the island to its people.

A most righteous resolution, which has been a thorn in the flesh and a vexation of spirit to the Republican party ever since the war, because its hands are tied and prevented from subjecting the people of that island as they now purpose for the Filipinos.

Let us see how the President has kept the faith with the McEnery resolution, which committed his party so far as it was possible to do so. I shall read a few short extracts from his speeches delivered during his flying Western tour last October:

The Army and Navy have brought us new territory. There is no government in the Philippines but ours.

We have been adding some territory to the United States. In the providence of God, who works in mysterious ways, this great archipelago was put into our lap. That they will be retained under the benign sovereignty of the United States I do not permit myself to doubt.

He is a stranger to the noble sentiment of Daniel Webster that—

No matter how easy may be the yoke of a foreign power, no matter how lightly it sits upon the shoulders, if it is not imposed by the voice of his own nation and of his own country, he will not, he can not, and he means not to be happy under its burden.

He was also forgetful of his own better self when, ten years ago, he uttered these words:

Human rights and constitutional privileges must not be forgotten in the race for wealth and commercial supremacy. The government of the people must be by the people and not by a few of the people. It must rest upon the free consent of the governed and of all the governed. Power, it must be remembered, which is secured by oppression or usurpation or by any form of injustice is soon dethroned. We have no right in law or morals to usurp that which belongs to another, whether it is property or power.

From him, during this war, came too this sentiment:

I speak not of forcible annexation, for that, under our code of morals, would be criminal aggression.

It is now clear to every one, from his own statements, that he has no other purpose than forcible annexation, under the specious plea of purchase from Spain. What had Spain to sell as against the Filipinos? Nothing on earth except that which the Filipinos, at our request, aided us in taking from Spain. To assert that by that title we can oust them from the possession they had, which was practically the whole island, is to defy every principle of law, equity, and common honesty, and to invite the contempt of the world.

We certainly did acquire rights in the Philippines from the destruction of the Spanish power there and the release of the inhabitants from Spain's claim of dominion over them. But for that war the status quo ante would doubtless now exist in those islands. In the forum of the conscience of nations we undoubtedly acquired by our arms the right to enjoyment of a fair and just proportion of the results of the struggle. Yes, more. By our superior might and services we acquired the right to judge of the extent of our just demands.

But never at any moment or in any manner did we win by arms or obtain by purchase the right or power of disposition of the Filipinos themselves without their consent, or the right to declare them in rebellion or insurrection against a government to which they have never claimed or acknowledged allegiance. They are entitled to their independence, their rights of manhood. They declare that is all they ask. The President refuses to concede those rights. And so the war goes on. For what purpose, Mr. Chairman? For the unmistakable purpose of reducing the archipelago and making of it a colony of the United States. The spokesmen of the President in Congress have not concealed it.

That brings us face to face with as serious a governmental crisis as ever confronted this nation. Have we under the Constitution the power to establish and maintain colonies? Does the Constitution clothe the Government with imperialistic attributes and dominion? If it does, then for more than one hundred years our people have been in ignorance of the fact. If so, then the antagonistic policies of imperialism and of the Monroe doctrine find abiding places in our Government. According to Thomas Jefferson—

> Our first and fundamental maxim should be never to entangle ourselves in the broils of Europe; our second, never to suffer Europe to intermeddle with cis-Atlantic affairs.

A sentiment which later on took definite shape and authority as the Monroe doctrine.

Imperialism reaches out from this continent, lays hold of Europe, Asia, Africa, or Oceania, and establishes there the flag of the Union, the insignia of our Constitution, our laws and our Government. Hitherto we have stood firmly to that position of Jefferson and Monroe. Central and South America are to-day secure under its unseen but potent protection. Within the past few years Venezuela was by it shielded and delivered from the world's great land-grabber. It has been the faith of our fathers, whose hope for their country's future was in the faithful adherence to its principles. Washington wrote:

> Why forego the advantage of so peculiar a situation? Why quit our own to stand upon foreign grounds? Why entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

The great Calhoun spoke in these words:

> That it would be contrary to the genius and character of our Government and subversive of our free popular institutions to hold Mexico as a subject province is a proposition too clear for argument before a body so enlightened as the Senate. You know the American Constitution too well—you have looked into history, and are too well acquainted with the fatal effects which large provincial possessions have ever had on the institutions of free states—to need any proof to satisfy you how hostile it would be to the institutions of this country to hold Mexico as a subject province. There is not an example on record of any free state holding a province of the same extent and population without disastrous consequences. The nations conquered and held as a province have, in time, retaliated by destroying the liberty of their conquerors through the corrupting effect of extended patronage and irresponsible power. Such, certainly, would be our case. The conquest of Mexico would add so vastly to the patronage of this Government that it would absorb the whole powers of the State; the Union would become an imperial power, and the States reduced to mere subordinate corporations. But the evil would not end there; the process would go on, and the power transferred from the States to the Union would be transferred from the legislative department to the Executive. All the immense patronage which holding Mexico a province would create—the maintenance of a large army to hold it in subjection and the appointment of a multitude of civil officers necessary to govern it—would be vested in him. The great influence which it would give the President would be the means of controlling the legislative department and subjecting it to his dictation, especially when combined with the principle of proscription, which has now become the established practice of the Government. The struggle to obtain the Presidential chair would become proportionably great—so great as to destroy the freedom of elections. The end would be anarchy or despotism, as certain as I am now addressing the Senate.

The great Webster said:

> In the part which I have acted in public life it has been my purpose to maintain the people of the United States what the Constitution designed to make them—*one people, one in interest, one in character*, and *one in political feeling*. If we depart from that we break it all up. Arbitrary governments may have territories and distant possessions, because arbitrary governments may rule them by different laws and different systems. Russia may rule in the Ukrane and the provinces in the Caucasus and Kamchatka by different codes, ordinances, or ukases. We can do no such thing. They must be *of us, part of us, or else strangers.*

Till this thirst for empire seized the present Administration no one contended that any people could be rightfully governed by this Republic except in such manner and for such period as should be necessary to prepare their territory for admission into the Union. Till now we have grown and expanded legitimately, grandly, and constitutionally. The country was singularly fortunate in being at those critical periods under Democratic Administrations. Jefferson saw that the Mississippi could not and should not remain the western boundary of the Republic. Beyond it, from Lake of the Woods to Balize, floated the Spanish flag. Our southern border was the thirty-first parallel. Between us and the Gulf lay the Spanish Floridas.

This is the story of our expansion: From Napoleon we purchased the immense, scarcely populated French possessions, extending from the mouth of the Mississippi to Montana. Then Oregon, Washington, and Idaho came to us by right of original discovery of Columbia River by Captain Gray, an American navigator, in 1792; by original exploration in 1805 and 1806 by Lewis and Clarke; by John Jacob Astor's settlement in 1810, and by cession from Spain by the treaty of Florida in 1819.

By the same treaty we secured the Floridas, though we paid dearly for it by agreeing to retire from the Rio Grande to the Sabine, thereby surrendering to Mexico the domain of Texas, which we did not regain till her annexation, with the consent of her people, in 1845. This was followed by the cession from Mexico of the remaining Mexican territory, California, New Mexico, Utah, etc., in 1848 and 1853. In 1867 Alaska came to us by purchase from Russia. We went from the Mississippi to the Pacific with $52,000,000 and the Mexican war. In all that vast domain the inhabitants, except tribal Indians who have always been and still are foreigners, became citizens of our Republic.

It is but fair to state that those treaties contained provisions for the admission of the inhabitants of the ceded territory to citizenship of the United States. But their right to citizenship was not derived from the treaties, but independently of them, from the Constitution, according to our Supreme Court, the final judge of the matter. Time will not permit me to do more than cite the leading authorities and state their conclusions. They are: Loughborough *vs.* Blake (5 Wheaton), the Dred Scott Case (18 Howard), Murphy *vs.* Ramsay (114 U. S.), Mormon Church *vs.* United States (136 U. S.), Slaughterhouse Cases (16 Wallace), Shively *vs.* Bowlby (152 U. S.), United States *vs.* More (3 Cranch), and Cooley on Constitutional Law, 169.

They establish these fundamental principles: That a power in the General Government to obtain and hold colonies as dependent territories would be inconsistent with the character of the Government; that the National Government is one of delegated powers granted and fixed by the Constitution, and no such power is conferred upon it; that new territory can be constitutionally acquired for but one purpose—the erection from it of new States; that the power granted Congress by section 3, Article IV, of the Constitution to make all needful rules and regulations for the government of Territories must be so construed as not to conflict with other provisions of that instrument, and that so construed it is but a power to prepare them for statehood; that in legislating for them Congress is subject to the fundamental limitations in favor of personal rights formulated in the Constitution and its amendments; that is, they must govern according to and under the Constitution; that the power conferred by section 8, Article I, of the Constitution upon Congress to levy and collect taxes and imposts, "which shall be uniform throughout the United States," is general and without limitation as to place and extends to the whole of American territory; that inhabitants of territory of the United States are citizens of the United States and under the protection of the Constitution, with all their civil and political rights secured to them; that when we annex a territory, whether by cession, treaty, or discovery, we annex its inhabitants, not as subjects, but as citizens; that (Slaughterhouse Cases) "inhabitants of Federal territories and new citizens, made such by annexation of territory or naturalization, though without any status as citizens of a State, could, nevertheless, as citizens of the United States, lay claim to every one of the privileges and immunities of citizens;" that it could never have been understood that any territory which should at any time come under control of the United States should permanently be held in a territorial condition. [Applause.]

So far as I have been able to find, those cases have never been overruled or modified. Those principles stand to-day as judicial decision and authority to our Supreme Court when the status and rights of the native inhabitants shall be brought before it for final adjudication. The treaty of Paris by which Spain ceded to the United States her claims to Puerto Rico and the Philippines contained this provision:

> The civil and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by Congress.

The Administration has already determined upon the status which it wishes Congress to declare. The resolution introduced by the junior Senator from Indiana announced it:

That the Philippine Islands are territory belonging to the United States; that it is the intention of the United States to retain them as such and to establish and maintain such governmental control throughout the archipelago as the situation may demand.

The adoption of that resolution, if it is adopted, will be defiance of the Constitution as interpreted by the highest court of the Union. It will be the pronunciamento of imperialism. It will mean for the Filipinos a government such as the people of India have at the hands of Empress Victoria. The Senator, fresh from his conferences with the President, announced it. The system proposed is this: An American governor-general in Manila; an advisory council with no power except to discuss measures with him; American lieutenant-governors in each province, with a like council about them; frequent unannounced visits of the lieutenant-governors to the districts and reports by them to the governor; an American board of visitors to the islands, with no power of interference, to report their observations to the Secretary of State of the United States; the establishment of a tariff discriminating in favor of our exports; the granting of franchises and concessions; American judges; no franchise to the people; and all backed by a sufficient United States Army.

It is framed after the Government of India by England, and is very like it. This war is being carried on in order that such government may be established by Congress under the Administration's treaty of Paris. Till then the President will maintain a military government, presumably upon that system, with a governor-commissioner, lieutenant-commissioners, and various and sundry executive underlings—a military despotism, pure and simple. Already he is selecting his officials for that purpose. His party is willing to leave him in sole possession of the situation, and this Congress will conclude its labors without being permitted to pass judgment upon it.

In that imperial government there can be found no place for or recognition of that immortal truth in our Declaration of Independence, "Governments derive their just powers from the consent of the governed." Rights and liberties guaranteed by the Constitution are denied by a President whose only power and authority are derived from that instrument. Such annexation is shameless, unconstitutional spoliation and confiscation. Listen to Benjamin Franklin:

Justice is as strictly due between nations as between citizens. A highwayman is as much a robber when he plunders in a gang as when single, and a nation that makes an unjust war is only a great gang.

If it be in the power of Congress to deprive them of the rights saved to them by our Constitution, is there any cause or reason for the exercise of it? Why should they be denied local self-government? They are better educated and qualified than the Cubans. For centuries they have managed to progress under Spanish oppression. Their persistence in struggling for liberty evidences their appreciation of its value. A people with such determination and longing for independence certainly has the capacity to exercise and enjoy it, or else history is all wrong. The Central and South American Republics, almost at our door, are convincing exhibits. Such government would not be suitable to a nation of our advancement and development, but it could be a structure far inferior to ours and still adequate for their aspirations.

But why should they be incorporated into the body politic of the Union? Surely not upon the plea of necessity, and yet any other plea is scarcely imaginable. We do not need them in our citizenship. They are not fit for it. By blood and centuries of racial inferiority they are not worthy or qualified to assist in the government of this nation. Their incorporation with our Republic would be to weaken and corrupt it. The experiment of ingrafting the negro upon our citizenship presents a lesson so recent, instructive, and ever present that no one seriously contends that the Filipino should become an American citizen with the rights and immunities pertaining to that high station.

The Administration scouts any such purpose. Consequences are indifferent to purposes. The moment those islands are by Congress declared to be territory of the United States the rights and privileges of American citizenship will vest in their inhabitants, and the Supreme Court must so hold. There will be no power under the law to prevent them from becoming residents of any portion of the Union. Our ports will be open to them. American labor will be brought in direct competition with the cheapest on earth. The corporations and trusts, which are the foster fathers of the party in power and of the Administration, will not hesitate to import and employ it whenever they have grown sufficiently powerful to defy public sentiment. They will be the beneficiaries at the expense of our labor and institutions.

As yet we are free from the curse of that affliction. It is true the Administration by its treaty did all in its power to annex the territory by buying the title of Spain and the war appurtenant to it; but Spain did not and could not deliver the possession, which was an essential part of the title. It is yet possible for the calamity of annexation to be averted from our people.

Even if it were possible, under our Constitution, to establish and maintain in those islands a colonial or proconsular government, it is not necessary to our commercial interests that we should do so. Spain fell from the pinnacle of power and glory amongst the nations of the earth to her present condition because of her colonial possessions, which were a constant demand upon her resources and a drain of the lifeblood of her sons.

England has not gathered wealth or glory or peace from hers. Colonial India is not an alluring type for us to imitate. We surely shall not wish to add to the horrors of man's inhumanity to man by matching England's average annual record of a million starving subjects with a proportionate number of miserable Filipinos. In 1898 her expenditures for British India exceeded the revenues by $25,000,000. In the Straits Settlements the deficit was $100,000.

Her share of the total commerce of British India was but 50 per cent and of the Straits Settlements only 14 per cent. An army of 200,000 men is required to hold the subjects under her dominion. The tropical climate creates heavy mortality and pension rolls. The net result to the Empire is pecuniary loss, the useless sacrifice of her soldiery, and the sullen enmity of 300,000,000 people. "No nation has ever been strengthened or enriched by colonial empire," is the statement of Historian Macaulay. How can we hope that a government by us of the archipelago by our viceroy and his satraps will have different results?

There are other and more far-reaching consequences of the empire experiment, of "leaving our own to stand upon foreign ground." We will have left the path of government in which we have grown and prospered as has no other nation that ever peopled the earth to enter upon a career of insatiate quest for foreign territory which may ultimately bring us into conflict in antipodal seas with the great navies of the earth. We will have magnified the power of the Executive far beyond the intendment of the Constitution and to the peril of our free institutions.

With the immense colonial patronage and power placed in his hands, his position of absolutism will differ from that of the Empress only in degree. It will be a government within our Government, conducted wholly by the Executive and entirely independent of the legislative and judicial departments. A Republic whose Government is based upon the foundation stone of the consent of the governed is to undertake the government, against their consent, of 10,000,000 Asiatics 7,000 miles distant. That is the proposition; not only the proposition, but the declared purpose of the Administration.

The people of this country will pay the cost. Already, in the Army item alone, this war of subjugation has cost us over $100,000,000. Our military expenses now are a half million dollars a day. The annual taxes per capita—because Federal taxation is practically a poll tax—have been increased $3 for every man, woman, and child in the Union. And the end is not yet. When one-half of our Army shall be withdrawn from Luzon, and only 30,000 soldiers left to keep the natives in "just and due allegiance," the cost of their maintenance per annum will be $50,000,000. In the light of England's experience in that tropical climate, at least one-third of that number will annually die or be withdrawn and will go upon the pension rolls, tier upon tier, till that item will exceed the annual budget for maintenance.

The expenses of the civil government will mount into the millions. Militarism will become the dominant feature of our Government. The liability of our becoming engaged in foreign complications because of our eastern possessions will furnish the ground and excuse for increasing the Army and Navy far beyond the proper requirements of the home Government. The "mailed hand" which has accomplished the overthrow of the republics of the past will for the first time have thrown its shadow across our pathway. One hundred thousand and more soldiers—consumers and not producers—will feed and fatten upon and imperil the liberties of the toilers of the nation.

Force bills will reappear in Congress. The ballot box will be cordoned with bayonets. The "strong arm of the nation" will be at the beck and call of the imperial President. The Constitution will be overridden by the "man on horseback." [Applause.] Ah but we are told this course is in line with America's destiny; that we must expand our commerce and enlarge the sphere of our national life. To this the reply has been made that no one has shown that we have exhausted our opportunities and commercial capabilities on the Western Hemisphere. But I am not inclined to so meet the proposition.

I believe that it is the part of statesmanship and for the best interests of this country that the trade of the East be courted, gained, held, and developed. Our industries should there obtain all possible consumption of their products. We should have the world for our customers, and we shall have when we remove the trade restrictions which our prohibitive tariff has imposed. With

one hand we shut our ports against the products of the nations and with the other we appeal to them to open theirs to us, that we may have the world for our market.

Light has at last come into dark places, and the Republican party has learned that, while an exorbitant tariff will force our own people to buy from manufacturers at the manufacturers' prices, that very system, pari passu, limits the consumption; the home market is not sufficient for them. They begin to realize that the wall which shuts the world out shuts us in. We are making progress, and we may reasonably hope that a few more years of commercial necessity will compel the liberation of American commerce from the exactions of our tariff barons.

We want and must have all the trade that can possibly be acquired in the East. We must clothe those teeming millions—such of them as wear clothes. Their ability to purchase depends upon their production. The Philippines are a part of that vast area. Their population is estimated at from ten to twelve million. Accurate enumeration of them or of the islands has never been made. Their commerce is anywhere between thirty and forty million dollars. In population and commerce they constitute about 2 per cent of the colonial systems in Asia.

If China, with its dependencies of Manchuria, Mongolia, Thibet, Jungaria, and east Turkistan, and the Russian states of Bokhara and Khiva are taken into the calculation, the Philippine population and trade are each less than 1½ per cent of the total. The British colonies, British India, Straits Settlements, Ceylon, Aden, Perim, and Australasia have a commerce (1898) of $1,470,000,000; the French colonies, French India, Cochin China, Cambodia, Annam, Tonkin, and French Oceania, $42,000,000; the Dutch colonies, Java, Sumatra, Celebes, Molucca Archipelago, and Riau-Lingga Archipelago, $154,000,000—a total of $1,666,000,000.

So do not let your Philippine fever mislead you as to the comparative value of the commerce of those islands. The trade of the East is most important; that of the Philippines cuts but a trifling figure in it. Their entire gross commerce will not amount to our annual expense and outlay in keeping them in subjection. Our trade with the East can not be reduced to the mere question of ownership or suzerainty of the Philippines. Our commerce with China and with the British, Dutch, and French colonies can not be affected by the relations existing between us and the Philippines. It is impossible to conceive how we can add a dollar to our exports to those countries by making subjects of the Filipinos. The sympathy of the East is not with us in that undertaking.

What we need is not possession of those islands of the sea, but an open door to Asia. That is important—immensely important—to us. Force or vast colonial possessions are not useful or necessary to open that door. It is not necessary that we hold and govern an archipelago of 1,200 islands in order to have a sufficient number of naval stations, properly fortified and garrisoned, for the protection of our commerce, the coaling of our ships, and the rendezvous of our men-of-war. As against the fleets of other nations, in event of war, they will be as adequate as possession of all the islands; far more so, because there will not be a weak or defenseless point in them.

With normal peace conditions and with simple business methods of underselling our competitors, we have within the past decade increased our commerce in the East more than threefold. And we are but at the dawn of our commercial intercourse with those people. They are our friends. Till this war of "benevolent assimilation," the peaceful, victorious march of our commerce was not disturbed or arrested by our war drums; our flag was the welcome messenger of the good will of our people to all the nations of the East.

We did not and we do not have to force the sale of our goods at the cannon's mouth. Till their suspicions were last year aroused by our war of aggression against the people of the islands of the sea, who were our friends, the Republics of Central and South America were steadily improving their commercial relations with us. They are not yet estranged, and we have the right to expect that the Nicaragua Canal, when completed, will, by the immutable laws of trade, annex to our commerce the immeasurable trade of those States without the firing of a gun or the seizure of a foot of territory. [Applause.]

China is the great customer of the East. She is our friend and will trade with us in ever-increasing volume. But one thing could have prevented her, and that was the closing of her ports by England, Russia, Germany, and France. If we are to undertake to guard against that interference by our war ships, our fortified harbors, coaling stations, and garrisons will be far more valuable and effective than the exposed coasts of hundreds of islands inhabited by an embittered and hostile people. No power in Europe wants war with us either in arms or in commerce.

Our good will, our grain and cotton are far preferable. There would be nothing to gain and much to lose. That is unmistakably evidenced by their ready assent to the recent request of our Secretary of State that we shall forever have equal rights of trade with them in all Chinese ports held or controlled by them. No war could obtain for us greater concessions or privileges. No American manufacturer could or does ask more than this free and open right of competition, so far as those powers can concede it. Then why talk of the Philippines in connection with the open door to China? When within the past two years has it been closed? The war was on before the powers made that agreement, and the war still continues.

Whether the Filipinos are to be freemen or subjects was not considered; and that is the precise issue upon which the war is now continuing. It would end upon the day in which the President or Congress should announce that their independence shall be guaranteed. The powers have agreed that we shall have the same right of entry at the Chinese ports controlled by them that we now have in the old ports by virtue of trade treaties. Absolute ownership of the Philippines could not acquire more for us. We have thus peacefully obtained the open door, the acquisition of which the imperialists claimed would be a sufficient justification of their war of aggression. Thus early have their theories been confounded by the stern logic of fact.

Now, let us understand the trade situation in China and divest it of the vagueness and confusion with which it has been invested by glittering generalities. In the first place, free entry of Chinese ports does not mean free enjoyment of Chinese trade. No nation has yet realized that great ambition of commerce. The Chefoo convention determined that the local authorities of China have the right to impose taxes upon all property outside the limits of foreign settlements, upon goods passing by road, river, or canal through their several jurisdictions, opium being the only commodity exempt. Those foreign settlements are the ports, the old treaty ports—the English port of Hongkong, the Portuguese port of Macao, and the ports recently leased to three of the great powers of Europe—Wei Hai Wei to England, Kiao Chow to Germany, Port Arthur and Talienwan to Russia.

The great Yangtze River for its 1,000 miles of navigability is also open, and the port of Ichang and other "landing places" along its course have been conceded. Everywhere outside of those settlements all commerce is subject to the taxes exacted by the Mandarins. The future, as is the present, development of our commerce in China must lie in the vast domain along its great rivers Yangtze and Hoangho and the Pechili Gulf. The chief ports for our commerce are, first, Shanghai, at the mouth of the Yangtze, and Hongkong.

No war can ever render them more open to our merchandise than they are to-day. Our success in that field will depend upon our thrift, enterprise, and ability to undersell. The same causes that secure our vast trade in Europe in competition with its own industries will obtain and hold for us the custom of the Orientals. The only law of trade is the best goods for the least money, and it is universal in its application. That is the explanation of the wonderful development of cotton and iron industries in the South, which are capturing Europe and Asia and, with the completion of the Nicaragua Canal, will add Central and South America to their victorious train.

That is the kind of expansion we want—honest, legitimate, profitable, and constitutional; not of force, but of superiority of American mind and American industry; not of blood, but of peace; not at point of bayonet, but in the good will of our customers, and those customers all the nations and peoples of the earth.

Never has this country had a more horrid front reared across its pathway than imperialism. It is foreign to and destructive of our institutions. Its hope and reliance are the power of the sword. The liberty of man is as nothing; the power of the nation and of the nation's Executive is its supreme object. There is no limit to its rapacity. Its ethics are those of the freebooter. Undesirability is the only exemption from its greed.

Any country, with the appurtenant people, which it can and wishes to absorb it will absorb. Commercial gain and military power are its supreme law. The home Government must be or become subservient to its purposes. That is Great Britain. That is what this Republic will become if the full fruitage of the policy of the party in power is not checked—the erection of an empire upon the foundation of the Republic; the substitution of imperial rule for government by the people. Hypocritical pretenses of missionary zeal, absorption of the Filipinos for their own good, and like stuff deceive no one. An honest leading imperialist Republican daily confesses the truth:

> All this gabble about civilizing and uplifting the benighted barbarians is mere sound and fury, signifying nothing. Foolishly or wisely, we want those newly acquired territories, not for any missionary or altruistic purposes, but for the trade, the commerce, the power, and the money there are in them. Why beat about the bush and promise and protest all sorts of things? Why not be honest?

At least one soul is better for confession.

But this land grabbing has not even the virtue of commercial

advancement. Every benefit to be derived from the islands can be acquired by possession of harbors and coaling and military stations. Our duty to the inhabitants will be fully discharged by according them protection against foreign powers, pacifying the islands, and assisting them to the formation and conduct of their own government, just as we assured the world we would do for Cuba, in the fulfillment of which promise we are now engaged. Admiral Dewey vouches for their superiority to the Cubans.

From the day of the surrender of Manila by Spain the Filipinos have asked for nothing else. To-day they are ready and anxious for the acceptance of any terms which will include the guaranty of ultimate self-government. Speaking, as I believe, for my country's best interests, it is to me passing strange that the Administration prefers "war to the grim end," rather than to give to those remote people, with whom the Spanish war brought us in contact, a simple guaranty of liberty—the rock upon which this Republic stands. Verily, "Whom the gods wish to destroy they first make mad." [Applause.]

Mr. SPIGHT. Mr. Chairman, in the discussion of the principles involved in this bill it is well to consider that while the island of Puerto Rico comes to us by way of conquest as a result of the war with Spain, its people have willingly acknowledged our authority and have welcomed us as deliverers from Spanish bondage and oppression, and look forward with eagerness to the liberty, blessings, and protection which are expected to flow from making their beautiful island home a part of the territory of this great Republic.

The case is far different from that of the Philippine Islands. Puerto Rico is, in a measure, contiguous territory. It is a part of the American continent. Its people are, in the main, of Caucasian blood, knowing and appreciating the benefits of civilization, and are desirous of casting their lot with us. They know much of our system of government, the beneficence of our institutions and the blessings of civil and religious liberty, which are supposed to follow our flag; and they have learned to look upon the "Stars and Stripes" as the emblem of freedom as well as of power.

How different the case of the Philippine Islands, 10,000 miles away, with a limitless ocean of treacherous waters rolling between us and them. The inhabitants are of wholly different races of people from ours—Asiatics, Malays, negroes, and mixed blood. They have nothing in common with us and centuries can not assimilate them. The inhabitants have no desire that their country shall become a part of ours, but their chief ambition is to be let alone to set up some kind of a government of their own. They do not want us and we do not need them. They can never be clothed with the rights of American citizenship nor their territory admitted as a State of the American Union, nor can we hold and govern the islands as colonies nor their people as vassals without the utmost violence to the basic principles upon which our system of government is founded.

To hold them in subjection would require, perhaps forever, a large standing army and enormous expenses without corresponding benefits. And worse than all, next to abandonment of the principles of republican government, we would be in constant danger of foreign entanglements and liable at any time to be drawn into disastrous foreign wars. On our own shores, with a homogeneous and liberty-loving citizenship, we can defy the world, but it will be a sad day for the United States of America when, venturing upon the dangerous pitfalls of Old World politics, we should be compelled to defend these treacherous and unfriendly colonies against the aggressions of any of the great European powers, none of whom are friendly to our system of government, and only cultivate friendly relations with us just so long as their own selfish interests prompt them. Hundreds of precious American lives have already been sacrificed upon the inhospitable shores of these far-away islands, and we do not yet know when the end will come.

I may not live to see it, but as sure as the present policy of this Administration becomes our settled policy, just so sure am I that the time will come, and not in the far-distant future, when the power and resources of this country will be taxed to their utmost to maintain our interests in the mighty storm of European strife, the rumblings of which are already heard. I love my country and her institutions. I love her people and all their interests, and I would not, for the bauble of imperialism, entail upon them a heritage of woe, nor see our proud ship of state driven upon the treacherous rocks where so many wrecks are already strewn. [Applause.]

God has been good to this country. We stood the shock of the fiercest and bloodiest internal struggle of modern times, and to-day we are infinitely stronger than ever before. In this House, side by side, sit men who followed the flag of the Union and those who fought for the banner that is furled forever, and vie with each other for the honor and prosperity of a reunited country. Let us not, in our greed for territorial enlargement, forget the grand principles for which we have contended for more than a hundred years and call down upon our heads the curse of degeneracy and infidelity.

Mr. Chairman, I have made these references to the Philippine Islands because I want to say that, under the circumstances, I am heartily in favor of the annexation of the island of Puerto Rico, but am unalterably opposed to the permanent retention of the Philippine Islands, except so much as may be necessary for naval stations, concessions for which can be easily secured. When we establish a colonial system of government (and it can never be anything else) upon these Asiatic islands, we not only throw to the winds the cherished principles of the Republic, but abandon the Monroe doctrine, for if we claim for ourselves the right to enter this foreign field for the forcible acquisition of territory, with what consistency can we deny to European powers a similar right on the American continent?

But the case is essentially different with Puerto Rico. Its proximity to our mainland, the character of its inhabitants, and the willingness with which they accept our sovereignty, together with the advantages—commercial, sanitary, and strategic—all unite to enable us to make her an integral part of our domain, without any violence to principle or any danger of foreign entanglements. And I will say in passing that for the same reasons we will welcome Cuba when she can come, as I believe she will, by the voluntary act of her own people. But I am not in favor of taking Puerto Rico or any other acquisition as a colony, but as a Territory, to be provided with a Territorial government, and with a view to ultimate statehood. I can see no reason why, after a probationary period, under wise direction, she may not in a few years be admitted to all the rights and dignity of a sovereign State of the American Union. While she comes as a result of war, she comes with open arms and outstretched hands and pleads with us to bestow upon her some of the blessings which we enjoy in such profusion. When she asks for a fish, shall we give her a serpent? When she asks for bread, shall we give her a stone?

The bill now under consideration proposes to levy both import and export duties upon goods shipped into or from the island of Puerto Rico.

There is more of vital principle involved in the determination of this question than in any measure now pending, or likely to be presented to this Congress. If it should result in the defeat of the proposition it would indicate a disposition to return to the purer and better days of the Republic, when the Constitution in all its parts was binding upon the consciences of the people's representatives, and all its mandates and limitations were held sacredly inviolable. If, on the other hand, the bill should be enacted into law, it would not only be a radical innovation upon the policy of the Government from its earliest existence, but would evince a disregard of constitutional limitations well calculated to arouse apprehension and alarm in the minds of the most careless and inconsiderate.

It involves the exercise of a despotic power that no republic can exercise and live. It is subversive of the elementary principles upon which our system of government rests.

It involves the assumption of the power claimed by England, and the effort to the exercise of which called forth the Declaration of Independence and inaugurated the war of the Revolution.

If it was a crime against the liberty of the people of the American colonies at the hands of George III and the British Parliament, how much greater the wrong at the hands of the American Congress. If the advocates of this measure are right now, our forefathers were wrong then. If the principle involved in this bill is in accord with republican institutions and government, then Washington and his compatriots fought for an error.

If I had no higher purpose than to compass the defeat of the party in power at the election next November, I should hail its passage as an omen of success; but prizing as I do the preservation intact of the great chart of our liberties and our institutions as it has been handed down to us by the fathers of the Republic as of infinitely more importance to all the people than the temporary success of any political party, I most earnestly hope that there can be found enough courageous men on the Republican side of this House to unite with the solid vote of the minority and put the seal of condemnation upon this effort to override and trample under foot the fundamental law of the land. [Applause on the Democratic side.]

With the second section of the bill I find no fault. It provides for the collection of the same tariff, customs, and duties on goods imported from foreign countries as are collected at any other ports of the United States, recognizing it as a part of our territory. There can be no objection to that. The vice of the measure lies in the third section. By this section it is proposed to impose a tariff upon all dutiable articles of merchandise imported from the United States into Puerto Rico and those exported from Puerto Rico into the United States, thus treating the island as a foreign country, the only difference being one of degree, the tax not being so great as that imposed on goods coming from foreign coun-

tries, with this difference, that the United States would collect a tax at both ends of the line, something we can not do with a foreign country.

Now, what would be thought of a proposition to compel a citizen of Arizona, New Mexico, or any other of our Territories to pay a tax upon articles sent from a neighboring State into the Territory, or from the Territory into the State? And yet the principle is the same.

Be it said to the credit of President McKinley that he does not think it is right to impose this burden upon the island unless, like some of his Republican friends, he has changed his mind. In his message to Congress he said it was—

> Our plain duty to abolish all customs tariffs between the United States and Puerto Rico and give her products free access to our markets.

Since the island became a part of our territory, Spain and Cuba, which were her best markets for her principal products for export, have levied a tariff which is in effect prohibitive, and with the United States pursuing this unfriendly policy, the people are practically without a market for their exports, and, in addition to that, have to pay a tax upon what they buy from the United States, the only professed friend they have.

The President, speaking further upon this subject, says:

> The island has been denied the principal markets she had long enjoyed, and our tariffs have been continued against her products as when she was under Spanish sovereignty. The markets of Spain are closed to her products except upon terms to which all nations are subjected. The island of Cuba, which used to buy her cattle and tobacco without customs duties, now imposes the same duties upon these products as from any other country entering her ports. She has therefore lost her free intercourse with Spain and Cuba without any compensating benefits in this market. The markets of the United States should be opened up to her products.

What a story of shame to us there is in this! Spanish oppression and tyranny are proverbial, and for these causes we entered into a war to free Cuba from the hated dominion of Spain. And yet, while Puerto Rico was a Spanish colony, the ports of her sister colonies and of Spain herself were open to her free of duty, and the United States, the world's champion of free government and fair dealing, Spain's successor, is more illiberal than the cruel tyrant if this bill should pass. In this respect, if in no other, the Puerto Ricans may be made to feel that in swapping masters they have made a bad trade.

The Secretary of War in his annual report says:

> The highest considerations of justice and good faith demand that we should not disappoint the confident expectation of sharing in our prosperity with which the people of Puerto Rico so gladly transferred their allegiance to the United States, and that we should treat the interests of this people as our own; and I wish most strongly to urge that the customs duties between Puerto Rico and the United States be removed.

The reasonable presumption is that these two high officials of the Government were well informed when they made these urgent suggestions to Congress. I do not know whether they entertain these opinions now, or whether, like some of their party associates, a "change has come over the spirit of their dreams." I do know that the chairman of the Committee on Ways and Means of this House, about one month ago, introduced a bill favoring the policy suggested by the President and Secretary of War, and providing for free trade between the United States and Puerto Rico, and yet, in this short time, he reverses himself and reports the pending bill as a substitute for the one originally introduced by himself, and favoring a wholly different policy.

Why this sudden change? If reasons existed a month ago why a free-trade policy should be adopted, in what respects have the conditions changed? Perhaps the "infant industries" had not been heard from then.

Before examining the moral aspect of the case, let us look for a moment at the legal and constitutional questions involved.

There is no escaping the force of the constitutional requirement (section 8, Article I) that "all duties, imposts, and excises shall be uniform throughout the United States," except by assuming that "the United States" means only the States of the American Union and that Territories are not included.

It is conceded that the term "United States" has a twofold meaning. It has a political and a geographical significance. In its political sense it means only the States of the Union, in which, when united in the Congress composed of Senators and Representatives, the power is reposed to legislate, to levy duties, imposts, and excises, to declare war, make treaties, etc. From the exercise of this political power Territories are excluded, Delegates being allowed to speak, but not to vote.

In its geographical sense it means all the country, States and Territories, embraced in and under the dominion of the Republic, or, as some prefer to call it, the nation.

The advocates of the bill now pending are driven to adopt the political and not the geographical significance in order to maintain their positon, and it is here that the first contention arises. Chief Justice Marshall, than whom this country never produced a nobler citizen nor greater lawyer, said in Loughborough *vs.* Blake (5 Wheaton, 319), decided in the year 1820:

> The power to lay and collect duties, imposts, and excises may be exercised throughout the United States. Does this term designate the whole, or only part of the American empire?
>
> Certainly this question can admit of but one answer. It is the name given to our great Republic, which is composed of States and Territories. The District of Columbia or the territory west of the Missouri is not less within the United States than Maryland or Pennsylvania, and it is not less necessary, on the principles of our Constitution, that uniformity in the imposition of imposts, duties, and excises shall be observed in one than in the other.

Chief Justice Marshall says on the very subject we are now considering, "Certainly the question can admit of but one answer;" but these modern "constitutional lawyers," who have either gone crazy on the tariff-for-protection idea or are compelled to yield to the demand of corporate greed, say that the great Chief Justice did not know what he was talking about. They cite Daniel Webster when arguing a case as a lawyer, but overlook or ignore his later utterances as a United States Senator, when he said:

> An arbitrary government may have territorial governments in distant possessions, because an arbitrary government may rule its distant territory by different laws and different systems. We can do no such thing. They must be of us—part of us—or else estranged.

It is not denied that the President, under the power conferred by the Constitution as Commander in Chief of the Army and Navy of the United States, may, as long as the newly acquired territory necessarily remains under military control, prescribe rules and regulations for its government without being subject to the same restrictions and limitations as the Constitution imposes upon a civil government; but when Congress undertakes the duty of legislating, in any manner, for the country and its inhabitants, it becomes "a part of us," in the language of Mr. Webster, and its people entitled to the protection of the same constitutional guaranties as are those of any other of our Territories. To deny this is imperialism pure and simple. It amounts necessarily to an assertion of the right to hold and govern colonial possessions as do the monarchies of Europe.

This power has been denied by the Supreme Court of the United States. Chief Justice Taney, in delivering the opinion in the celebrated Dred Scott case, says:

> There is certainly no power given by the Constitution to the Federal Government to establish or maintain colonies bordering on the United States, or at a distance, to be ruled and governed at its own pleasure, nor to enlarge its territorial limits in any way except by the admission of new States. That power is plainly given; and if a new State is admitted, it needs no further legislation by Congress, because the Constitution itself defines the relative rights and powers and duties of the State and the citizen of the State and the Federal Government. But no power is given to acquire a Territory to be held and governed permanently in that character.
>
> The power to expand the territory of the United States by the admission of new States is plainly given, and in the construction of this power by all the departments of the Government it has been held to authorize the acquisition of a Territory not fit for admission at the time, but to be admitted as soon as its population would entitle it to admission. It is acquired to become a State, and not to be held as a colony and governed by Congress with absolute authority.

Although there were dissenting opinions in other features in this celebrated case, there was no difference of opinion on the part of the court as to the correctness of the principles thus broadly stated by Chief Justice Taney, nor has its soundness ever been authoritatively questioned or denied. And the authorities abundantly support the position.

So, then, if Puerto Rico can not be held and governed as a colony, it must be as a part of the United States, a term which Chief Justice Marshall has said is the name given to our great Republic, which is composed of States and Territories, and must be governed under the limitations of that clause of the Federal Constitution which declares that—

> All duties, imposts and excises shall be uniform throughout the United States.

While in a few cases, under temporary military government and before Congress had taken any steps to substitute the civil for the military power, this uniformity has not been observed, this is the first time since the foundation of our Government that Congress has assumed to disregard this plain duty and positive requirement. No such injustice or inequality was ever imposed, or even sought to be imposed, upon the inhabitants of any other acquisition, whether acquired by voluntary annexation, purchase, conquest, or treaty.

This brings me now to the moral question involved in this proposition. When General Miles, at the head of the American Army, landed upon the island of Puerto Rico, in July, 1898, he issued this proclamation:

> *To the inhabitants of Puerto Rico:*
>
> In the prosecution of the war against the Kingdom of Spain by the people of the United States in the cause of liberty, justice, and humanity its military forces have come to occupy the island of Puerto Rico.
>
> They come bearing the banner of freedom, inspired by a noble purpose to seek the enemies of our country and yours, and to destroy or capture all

who are in armed resistance. They bring you the fostering arm of a nation of free people, whose greatest power is in its justice and humanity to all those living within its fold. Hence the first effect of this occupation will be the immediate release from your former political relations, and it is hoped a cheerful acceptance of the Government of the United States.

The chief object of the American military forces will be to overthrow the armed authority of Spain and to give to the people of your beautiful island the largest measure of liberty consistent with this military occupation.

We have not come to make war upon the people of a country that for centuries has been oppressed, but, on the contrary, to bring you protection, not only to yourselves but to your property, to promote your prosperity, and bestow upon you the immunities and blessings of the liberal institutions of our Government.

It is not our purpose to interfere with any existing laws and customs that are wholesome and beneficial to your people so long as they conform to the rules of military administration of order and justice. This is not a war of devastation, but one to give to all within the control of its military and naval forces the advantages and blessings of enlightened civilization.

NELSON A. MILES,
Major-General, Commanding United States Army.

These were the noble words of a great soldier spoken to a helpless people who had never known anything in all their lives but grinding oppression and degrading servitude. They had often heard of the great Republic whose starry banner is the emblem of freedom and enlightened justice. They felt that the day of deliverance had come to them and to their suffering brethren on the island of Cuba, and it was not strange that shouts of welcome were heard on every side, and soon American flags were floating from every house top.

Let us see what realization has come to these people of the fond hopes of prosperity to flow from a union with our country.

It must be remembered that Puerto Rico is almost entirely an agricultural district, having practically no manufacturing interests, and the principal products for export are coffee, sugar, and tobacco; and from the proceeds of these crops the people must buy clothing, food stuffs, etc. As long as they were under Spanish dominion the ports of Spain and Cuba were open to them; but as soon as the treaty of peace between the United States and Spain was ratified, Spain shut her gates against them, and the United States authorities, at the request of Cuba, shut them out there. So now they have no market. But, to add to their misfortunes, in August of last year the island was swept by one of the most disastrous storms of its history.

Two thousand people were killed or drowned, houses were blown away, crops that had been gathered were destroyed by the water, and those growing in the fields were also greatly damaged, and it is estimated that it will require five years to restore their coffee interests—the most important of all—to the condition before the storm.

It is said, with truth, no doubt, that there is great suffering, and among the poorer classes many are actually starving, and that the island is in a worse condition, generally, than when under Spanish rule.

In this deplorable state of affairs every prompting of humanity, to say nothing of constitutional right and national good faith, should lead us to deal mercifully, if not justly, with these poor people, as so earnestly recommended by the President and his Secretary of War. But the protected industries of this country, which have received so many benefits and borne so few of the burdens of government, have decreed otherwise and have demanded of the party in power that no step shall be taken which jeopardizes their interests, even remotely, no matter what may be the consequences to the Puerto Ricans or how deadly the assault upon the Constitution.

It is insisted by the gentleman from New York [Mr. PAYNE], the chairman of the Committee on Ways and Means, that one of the purposes for which this burdensome tax is to be levied is to raise money with which to build schoolhouses where children can be taught to love the flag and to develop a higher order of patriotism. What do these starving people care now about schoolhouses? That can be attended to after a while? Just now, instead of giving them instruction in the English language, we would do better to give them bread; and instead of flags, give them clothing.

I, too, would reach the same end as the gentleman from New York, but by different means. I would teach them lessons of patriotism, never to be forgotten, by dealing justly and fairly with them and by helping them in their sore distress. I would teach them to love the flag by demonstrating that it stands for the same thing in Puerto Rico as in New York, and that the Constitution which declares that taxation shall be uniform means the same thing on this island possession as it does in Arizona.

It is said by the advocates of this measure that the admission free of duty of sugar and tobacco from Puerto Rico would not seriously affect those interests here; but their fear is that the protection lines will be broken and a precedent will be made which will rise up to plague them should the Philippine Islands ever become a part of our domain, and these protected home industries could not bear to be brought into competition with productions of these islands. I trust that contingency may never arise, and that no question of free trade between the United States and the Philippines will ever be presented by reason of their occupying the same relation to this Government as does the island of Puerto Rico; but it is infinitely better that a few men who so long have been reaping the benefits of protective tariffs should have smaller profits than that the Constitution should be violated and a great wrong done to the newest and humblest of our citizens.

The Puerto Ricans have given us no trouble. There has been no insurrection amongst them. No standing army is required to hold them in subjection. They have been quiet and peaceable and orderly. They have taken us at our word and relied upon our promises when we offered them the blessings of a free government. And shall we now, to gratify the greed of an insatiable few, inflict a dangerous wound upon our Constitution and prove ourselves unworthy of the confidence of these trusting people? If so, and they should lose faith in our Government, and should in turn become treacherous, we would have no right to blame them.

Greed for gold and empire is the world's greatest menace today. China is being partitioned by piecemeal. Russia, under the guise of a disarmament theory, is preparing for a great struggle for more territory and greater empire. Germany is preparing for an enormous increase of her navy. France is snapping and snarling at everything. England is committing one of the greatest crimes in her perfidious history by waging a war of conquest and subjugation against a brave, liberty-loving, Christian people, whose national sin is that within the borders of their rugged land lie hidden vast treasures of gold and diamonds, while this great Republic, which has so long been a beacon light to the oppressed of all nations, has been for a year shooting "benevolent assimilation and Christian civilization" into a people who are so rude and unappreciative as to object to throwing off one yoke to put on another. [Applause.]

If this bill should become a law imperialism is an accomplished fact, as far as it is in the power of the Republican party to make it so, and no specious pretenses will avail to shield them from the charge; and with that fearless and incorruptible tribune of the people, W. J. Bryan, for their leader, a mighty host of unbought and unpurchasable patriots who love their country and her priceless memories and institutions better than gold or empire, with "Truth, Justice, and the Constitution" emblazoned upon their banners, will sweep the political field like a tornado, and again "the Star Spangled Banner" will float proudly "o'er the land of the free and the home of the brave." [Great Applause.]

Mr. LEWIS. Mr. Chairman, I will not direct my remarks to the bill now before the House, but will talk upon another line or question that is closely identified with the one under discussion.

Immediately on the reassembling of Congress after the holidays, I introduced a bill in this House to repeal the war-revenue tax. That bill was referred to the Committee on Ways and Means, and it is still before that committee. I have had talks with the committee and with the subcommittee, and they are not prepared to make a report upon it at this time; but I trust that at some time in the future they may make a report, and hope it will be favorable.

Mr. Chairman, I understand the first duty of a government to its people, after the protection of life and liberty, is to give them as low a rate of taxation as possible. Another duty of the Government is to let those taxes be light in order that the money of the Government may be distributed among the people instead of being stored away in the vaults of the Treasury and the subtreasuries and Government depositories. The greatest means of keeping the money in circulation is by small taxes. Hence I have introduced my bill.

I feel sure that we have every reason to repeal this war-tax measure at once. This is a high tax, and a war tax is always an unpopular tax. The sooner we can be relieved from it, therefore, the better.

I shall date my statistics from the 19th of this month—the 19th of February. I find that on that day we had in the Treasury of the United States $296,000,000 uncovered money, and this amount is increasing daily. In the month of January the increase in the cash reserve was $9,000,000.

We all remember that the President, in his message on the assembling of Congress, the first week in December, in quoting the Secretary of the Treasury, stated that at the end of the year we expected to close with a gain of $40,000,000.

As I state, even in the month of January we make a clear gain of $9,000,000; consequently I feel sure it would be much larger than that—possibly $60,000,000 instead of $40,000,000, at the close of the current fiscal year, as estimated by the Secretary. I find today that we have increased in less than eight months $34,000,000. We have $34,000,000 more now than at the beginning of the year's business. I find that the Secretary of the Treasury bought, in the months of November and December, Government bonds to the amount, including the premiums and interest, of $22,000,000. Had the President not done this, then we would have had $56,000,000 on hand more at the beginning of the fiscal year than we have at present. I will read what the President says about that, and

shall show later on that I think that he is entirely wrong at this time in authorizing the Secretary to buy those bonds:

The strong position of the Treasury with respect to cash on hand and the favorable showing made by the revenues have made it possible for the Secretary of the Treasury to take action under the provisions of section 3694, Revised Statutes, relating to the sinking fund. Receipts exceeded expenditures for the first five months of the current fiscal year by $13,413,389.91, and, as mentioned above, the Secretary of the Treasury estimates that there will be a surplus of approximately $40,000,000 at the end of the year. Under such conditions it was deemed advisable and proper to resume compliance with the provisions of the sinking-fund law, which for eight years has not been done because of deficiencies in the revenues.

The Treasury Department therefore offered to purchase during November $25,000,000 of the 5 per cent loan of 1904, or the 4 per cent funded loan of 1907, at the current market price. The amount offered and purchased during November was $18,408,600. The premium paid by the Government on such purchases was $2,263,521 and the net saving in interest was about $2,885,000. The success of this operation was sufficient to induce the Government to continue the offer to purchase bonds to and including the 23d day of December, instant, unless the remainder of the $25,000,000 called for should be presented in the meantime for redemption.

I have a letter from the Assistant Secretary of the Treasury stating that he only expended $22,000,000 on bond purchase, as I have said. Now, had this money not been expended, we would have had $64,000,000. It is generally understood as correct that there will be no appropriation for rivers and harbors this year. We must remember that at the last session the appropriation was about $60,000,000. It is also generally understood that there will be no appropriation for public buildings. Then I find that during the last Congress there was appropriated about $40,000,000 for public buildings; and if this money is not appropriated or spent among the people and for the improvement of the river country, towns, and cities, then it is a further reason that the act should be repealed and the taxes stopped, it standing to reason that the money could not be needed by the Government.

I think we can well afford to stop this tax; and I say that we are growing greater in money every day, at a time when we have a war going on. We have, besides our soldiers in Cuba and Puerto Rico, some 68,000 to 70,000 troops in the Philippines. We have nearly half as many troops there as the British Government has in her war with the Transvaal Republic; and notwithstanding this war with the Philippines we are growing each day in strength in money matters. I do not wish to be understood as complimenting the present Administration upon its splendid management and economy. I can not say that, because I think it has been extravagant. We have been expending a great deal of money during the last two or three years.

As the reports will show, all this money has accumulated from excessive taxes that are imposed upon the people; and that is why I again ask that these taxes be repealed. What are we doing with this money? I claim that $296,000,000 is too much money to have in the vaults. The Government should not keep more money in its vaults than necessary to pay the expenses of the Government economically administered and to protect its high credit at all times. It should keep this money with the people. I find that on February 19 the Treasury Department had deposited with the national banks of this country $111,976,000, from which they were drawing no income and no interest.

Again, I think it is wrong that the people should be severely and highly taxed for money that the Government has no use for. Where does the money come from? It is the very poorest people in the country who are paying the greatest amount of it. Who is benefited by this war? It is the corporations, the exporting houses, the telegraph companies, the large steel plants, the gun manufacturers—they are the classes of people who are reaping the great harvest out of this war. They are making a great amount of money out of it, and absolutely they are not contributing any money to carry it on. It is the poor people of this country that are furnishing the most of the taxes of the country. You go down in my country and you take the poor people, some unable to secure doctors and are forced to buy themselves drugs and medicines which are highly taxed, and the poor negroes who have been in the habit of using snuff and tobacco.

This bill places a tax of 12 cents on snuff and tobacco. These people are paying that, and what benefit will this war be to them when we shall have acquired the Philippine Islands? It will place a cheaper class of labor in competition with the colored people of the South and the country generally. Actually by failure of legislation of a Republican Congress a loophole was left by which the telegraph companies are escaping the payment of this tax. The Western Union Company, with a capital of a hundred million dollars, is not paying one dollar of the tax, and yet they are reaping great benefits on account of the war. Their business has increased many thousands of dollars; I dare say into the millions.

The Government of the United States has become their greatest customer on account of this war. I dare say a family of good, honest, hard-working people in my country pays more taxes to-day to carry on the war than is paid by the Western Union Telegraph Company, because that large corporation pays no tax at all. The head of a family who uses tobacco and wants to get his dram when he can, the mother and daughter who use snuff, contribute in a year's time more to carry on the war than these great corporations that are capitalized at so many million dollars. That is the way that this war-revenue tax works. It is unjust, and it is levied upon the people most unable to bear it.

The other day the gentleman from New York [Mr. PAYNE], in speaking of the tariff and why they ought not to assess a revenue tax on the people of Puerto Rico, used that as his main argument and main reason. I will read an extract from his speech. It is as follows:

They manufacture there annually a million and a half gallons of rum. It is sold all over the island. It is a necessity of life, or they think so, for the poor people of that island. These million and a half gallons retail at from 25 to 40 cents a gallon. The internal-revenue tax upon that, under the law that we were about to extend, would amount to $1.20 a gallon. The price to these people would be multiplied by four. How could they get their rum? We were cutting it on.

His remarks were intended to apply to the fact that they were not to carry the revenue tax to Puerto Rico. Now, if he is looking so much after the poor people of Puerto Rico, why can not we look after the poor people of this country, who are paying these great and burdensome taxes? We certainly ought to be as good to the people of the United States as we are to the people of Puerto Rico. If our laws are just and good for Americans, they ought to be just and good for the people of Puerto Rico.

I am afraid that our Government has adopted the policy of our trusts, either leading them or following in their footsteps. I am afraid they have got to the point where they propose to consolidate capital, and so our Government has consolidated and holds at the present time the money of this country.

Speaking of the trusts, it is astonishing to read of the great profits that are made by these companies. I was surprised on reading several days ago an account of the enormous profits of the Carnegie Steel Works, one among the largests of trusts, and one of the trusts that contribute nothing to support our present war, but, on the other hand, have made immense profits out of it. It seems that the two leading owners have had a falling out, and it is by these family troubles that we sometimes get the facts. Mr. Frick, general manager, and a partner in the Carnegie Steel Works, gives his sworn statement of the estimated net profits, which I read from the New York World:

In Mr. Frick's sworn statement of the affairs of the Carnegie Steel Company, a synopsis of which was printed in the World yesterday, he says that Mr. Carnegie estimated the net profits for 1900 at $40,000,000, and Mr. Frick estimated them at $42,500,000. As Mr. Carnegie owns fifty-three one-hundredths of the concern, his profits for the year would be $24,500,000.

This is an account of the immense profits that are being made by one of the trusts, and by a concern that is absolutely paying no money to carry on this war.

I think one of the highest reasons—in fact, no further argument is necessary in support of the repeal of this war-tax act than to read the statement of Secretary Gage furnished in answer to an inquiry into his dealings with the national banks.

Secretary Gage says:

The reason for directing the internal-revenue receipts into depositary banks at this time is that the revenues are now largely exceeding disbursements from month to month, and seem likely to do so for an indefinite time. This condition would be a menace to the business world if assurance were not given that this surplus would be diverted from the Treasury vaults to public depositaries, where, while secure to the Government, it would remain available to business use.

This statement of Secretary Gage corroborates fully my position and contention. He admits these heavy receipts and says he is forced, in order to let this great surplus money remain available to business use, to adopt the policy of depositing these funds in national banks. This is an unwise theory. Why not repeal this obnoxious revenue tax and let this surplus money remain in the pockets of the people, where it justly belongs?

Your idea is first to help the banks and the banks will help the people. No; if you will keep this great amount of money deposited in national banks, then the Government should get some compensation for it. These banks pay individuals and other banks interest on deposits. I submit telegrams from two Georgia bankers, stating that their New York bank correspondents allow them interest on their daily balances, one stating at the rate of 2 per cent and the other at 1½ per cent. Now, if they can pay these small banks interest on deposits, why can they not pay the Government interest on its deposits?

I have a letter from the Assistant Secretary of the Treasury, Mr. Vanderlip, stating that on February 3, instant, the Treasury deposits with two New York banks amounted to $24,000,000. This is an enormous amount of money for two banks to use free of interest. In my own State, Georgia, the banks of depository are required to pay 2 per cent interest on deposits, and no good reason can be shown why the national banks, Government depositories, should be exempt from paying interest. [Applause.]

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. JETT. Mr. Chairman, I think there is no other gentleman on this side of the House that wishes to speak to-night.

Mr. LONG. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker pro tempore [Mr. MORRIS] having resumed the chair, Mr. HULL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 8245, and had come to no resolution thereon.

Mr. LONG. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 8 o'clock and 45 minutes p. m.) the House adjourned until to-morrow at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Supervising Surgeon-General of the Marine-Hospital Service submitting an estimate of appropriation for the marine hospital at Boston—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Supervising Surgeon-General of the Marine-Hospital Service submitting an estimate of appropriation for the marine hospital at Cleveland, Ohio—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Supervising Architect submitting an estimate for increasing the cost of public building at Boise, Idaho—to the Committee on Public Buildings and Grounds, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 5485) providing that the State of Wyoming be permitted to relinquish to the United States certain lands heretofore selected and to select other lands from the domain in lieu thereof, reported the same with amendment, accompanied by a report (No. 404); which said bill and report were referred to the House Calendar.

Mr. LACEY, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 4001) authorizing the adjustment of rights of settlers on the Navajo Indian Reservation, Territory of Arizona, reported the same without amendment, accompanied by a report (No. 411); which said bill and report were referred to the House Calendar.

Mr. PEARRE, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 7063) to establish a board of charities for the District of Columbia, reported the same with amendment, accompanied by a report (No. 415); which said bill and report were referred to the House Calendar.

Mr. CUMMINGS, from the Committee on the Library, to which was referred the bill of the House (H. R. 6240) for the preparation of plans or designs for a memorial or statue of Gen. Ulysses S. Grant on ground belonging to the United States Government in the city of Washington, D. C., reported the same without amendment, accompanied by a report (No. 418); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 255) to ratify an agreement with the Indians of the Fort Hall Indian Reservation in Idaho, and making appropriations to carry the same into effect, reported the same with amendment, accompanied by a report (No. 419); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MUDD, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 3597) to incorporate the Frederick Douglass Memorial and Historical Association, reported the same with amendments, accompanied by a report (No. 420); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. GASTON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1713) granting an increase of pension to Alice S. Jordan, reported the same without amendment, accompanied by a report (No. 405); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8395) to increase the pension of Henry Johns, reported the same with amendment, accompanied by a report (No. 406); which said bill and report were referred to the Private Calendar.

By Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 265) granting an increase of pension to Jane McMahon, reported the same without amendment, accompanied by a report (No. 407); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 343) granting an increase of pension to Mary J. Freeman, reported the same without amendment, accompanied by a report (No. 408); which said bill and report were referred to the Private Calendar.

Mr. HEDGE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 495) granting a pension to Ambrose J. Vanarsdel, reported the same without amendment, accompanied by a report (No. 409); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8405) granting a pension to Sophronia Seely, reported the same with amendment, accompanied by a report (No. 410); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 459) for the relief of Christiana Dengler, reported the same without amendment, accompanied by a report (No. 412); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7150) for the relief of Francesco Perna, reported the same without amendment, accompanied by a report (No. 413); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8532) to quitclaim all interest of the United States of America in and to lot 4, square 1113, in the city of Washington, D. C., to William H. Dix, reported the same without amendment, accompanied by a report (No. 414); which said bill and report were referred to the Private Calendar.

Mr. STANLEY W. DAVENPORT, from the Committee on Pensions, to which was referred the bill of the House (H. R. 2748) granting an increase of pension to Henry Schnettberg, of Indiana, Pa., reported the same with amendment, accompanied by a report (No. 416); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 3654) for the relief of Calvin Myers, of Overton County, Tenn., a soldier in the Mexican war, reported the same with amendment, accompanied by a report (No. 417); which said bill and report were referred to the Private Calendar.

Mr. WEEKS, from the Committee on Pensions, to which was referred the bill of the House (H. R. 7400) for the relief of James J. Wheeler, of Lagrande, Union County, Oregon Volunteers, reported the same with amendment, accompanied by a report (No. 421); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 8135) pensioning Elijah Patrick at the pensionable rate of a captain—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 6496) to increase the pension of Mrs. Helen G. Heiner, widow of the late Capt. R. G. Heiner, Company A, First United States Infantry—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. FITZGERALD of Massachusetts: A bill (H. R. 8810) to regulate charges for berths on sleeping cars operated on railways used in interstate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. McCLELLAN: A bill (H. R. 8811) providing for packages containing ten and twenty cigars—to the Committee on Ways and Means.

By Mr. VREELAND: A bill (H. R. 8812) to increase the limit

of cost for the purchase of a site and the erection of a public building thereon at Jamestown, N. Y.—to the Committee on Public Buildings and Grounds.

By Mr. OLMSTED: A bill (H. R. 8813) to provide for the purchase of a site and the erection of a public building thereon at Lebanon, in the State of Pennsylvania—to the Committee on Public Buildings and Grounds.

By Mr. BURKE of South Dakota: A bill (H. R. 8814) to provide for the entry of lands formerly in the Lower Brule Indian Reservation, S. Dak., and to give preference rights to settlers—to the Committee on the Public Lands.

By Mr. LINNEY: A bill (H. R. 8815) to amend chapter 4, Title XIII, of the Revised Statutes of the United States—to the Committee on the Judiciary.

By Mr. LOUD: A bill (H. R. 8816) to prevent dangers to navigation from rafts on the Pacific Ocean—to the Committee on Interstate and Foreign Commerce.

By Mr. PUGH: A joint resolution (H. J. Res. 183) directing the Secretary of War to submit estimates for the construction of a pier for a harbor on the south shore of the Ohio River, at or near the city of Maysville, Ky.—to the Committee on Rivers and Harbors.

By Mr. RICHARDSON: A joint resolution (H. J. Res. 184) prohibiting the transportation of tin, tin plate, and other products of the American Tin Plate Company, and so forth, from one State to another—to the Committee on the Judiciary.

By Mr. WHEELER of Kentucky: A resolution (H. Res. 160) directing the Committee on Foreign Affairs to investigate the truth or falsity of the charges made by Charles E. Macrum, late a consul of the Government of the United States at Pretoria, in South Africa—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 8817) granting an increase of pension to David Phillips, California, Washington County, Pa.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8818) granting an increase of pension to Robert M. McCollough—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8819) granting a pension to Benjamin F. Wallace—to the Committee on Invalid Pensions.

By Mr. BURKE of South Dakota: A bill (H. R. 8820) to correct the military record of John F. Antlitz—to the Committee on Military Affairs.

By Mr. BERRY: A bill (H. R. 8821) for the relief of John H. Foster, Company G, First Artillery, and so forth—to the Committee on Invalid Pensions.

By Mr. BELLAMY: A bill (H. R. 8822) for the relief of the executors of Lewis Thompson—to the Committee on War Claims.

By Mr. BARHAM: A bill (H. R. 8823) granting a pension to John Bryan—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 8824) granting a pension to William K. Daniel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8825) granting a pension to James E. Shehan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8826) granting a pension to Sarah Ann Ray—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8827) granting a pension to Mary Gilbert, widow of Wilson Grindstaff—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8828) to pay to Jacob Yost the sum of $434—to the Committee on Claims.

By Mr. CALDERHEAD: A bill (H. R. 8829) granting an increase of pension to John P. Pepper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8830) granting an increase of pension to William F. Boyakin—to the Committee on Invalid Pensions.

By Mr. ESCH: A bill (H. R. 8831) to increase pension of Mahlon Farnim, late of Company D, Second Wisconsin Volunteer Cavalry—to the Committee on Invalid Pensions.

By Mr. GRAHAM: A bill (H. R. 8833) for the relief of W. J. Kountz—to the Committee on Claims.

By Mr. HARMER: A bill (H. R. 8833) granting a pension to Wilhelmina Hippler—to the Committee on Pensions.

Also, a bill (H. R. 8834) granting an increase of pension to Richard P. Nishuals—to the Committee on Invalid Pensions.

By Mr. JOHNSTON: A bill (H. R. 8835) granting a pension to Sallie A. Coon, widow of Joseph J. Coon—to the Committee on Pensions.

Also, a bill (H. R. 8836) granting a pension to David M. Wentz—to the Committee on Invalid Pensions.

By Mr. LONG: A bill (H. R. 8837) for the relief of Daniel M. Frost—to the Committee on Claims.

By Mr. LACEY: A bill (H. R. 8838) to increase the pension of John W. Norton—to the Committee on Invalid Pensions.

By Mr. MIERS of Indiana: A bill (H. R. 8839) granting an increase of pension to John T. Burks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8840) granting an increase of pension to George B. Hess—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8841) granting a pension to Matilda Cullison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8842) granting a pension to Sarah O. Field—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8843) for the relief of Alfred Brown—to the Committee on Military Affairs.

Also, a bill (H. R. 8844) for the relief of George W. Beach—to the Committee on Military Affairs.

By Mr. MEYER of Louisiana: A bill (H. R. 8845) for the relief of Offner & Laumar—to the Committee on War Claims.

Also, a bill (H. R. 8846) for the relief of W. F. Sanderson, administrator of W. W. Sanderson—to the Committee on War Claims.

Also, a bill (H. R. 8847) for the relief of Alexis Leduff—to the Committee on War Claims.

Also, a bill (H. R. 8848) for the relief of W. G. Wheeler, of New Orleans, La.—to the Committee on War Claims.

By Mr. MOON: A bill (H. R. 8849) for the relief of Martin Van Buren McReynolds, of McMinnville, Tenn.—to the Committee on Military Affairs.

By Mr. PARKER of New Jersey: A bill (H. R. 8850) granting a pension to Ella Hatfield—to the Committee on Invalid Pensions.

By Mr. RIXEY (by request): A bill (H. R. 8851) for the relief of legal representative of John G. Rowe, deceased, late of Stafford County, Va.—to the Committee on Invalid Pensions.

By Mr. WILSON of Idaho (by request): A bill (H. R. 8852) to ratify settlements made with clerks of the Third district court of Utah Territory and releasing them and their bondsmen from further liability—to the Committee on the Judiciary.

By Mr. WHEELER of Kentucky: A bill (H. R. 8853) for the relief of the heirs of C. R. Young—to the Committee on War Claims.

By Mr. FARIS: A bill (H. R. 8854) increasing the pension of Austin Murphy—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Resolutions of the Northeastern Pennsylvania Press Association, favoring the passage of House bill No. 5029, relative to the free entry of wood pulp imported for use in the manufacture of paper—to the Committee on Ways and Means.

Also, petition of United Labor League of Western Pennsylvania, urging the passage of House bill No. 5450, to protect free labor from prison competition—to the Committee on Labor.

By Mr. BOUTELL of Illinois: Petition containing 7,000 signatures of citizens of the State of Illinois, in favor of the passage of House bill No. 4351—to the Committee on the Post-Office and Post-Roads.

By Mr. BRANTLEY: Resolutions of the pilots of the Brunswick (Ga.) outer bar, indorsing the work of C. P. Goodyear on the outer bar of Brunswick, Ga., and urging such legislation as will enable him to continue the work—to the Committee on Rivers and Harbors.

By Mr. BURTON: Petition of International Broom Makers' Union, in favor of the passage of House bill No. 5450, to protect free labor from prison competition—to the Committee on Labor.

Also, petition of M. J. Lawrence and other citizens of Cleveland, Ohio, to accompany House bill No. 7852, to increase the pension of Maj. O. M. Brown—to the Committee on Invalid Pensions.

By Mr. BUTLER: Petition of the Woman's Christian Temperance Union of Westchester, Pa., urging a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

By Mr. CONNELL: Petition of the Scranton (Pa.) Board of Trade, favoring the passage of House bill No. 887, for the promotion of exhibits in the Philadelphia museums, etc.—to the Committee on Interstate and Foreign Commerce.

By Mr. DE VRIES: Petition of Wagner Leather Company and other business firms in the State of California, urging the repeal of the war-revenue duty on hides—to the Committee on Ways and Means.

By Mr. DOLLIVER: Petition of the clerks of the Webster City (Iowa) post-office, favoring the passage of House bill No. 4351, providing for the classification of clerks in first and second class post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. FITZGERALD of New York: Resolution of the municipal assembly of the city of New York, requesting the building of war vessels at the Government navy-yards—to the Committee on Naval Affairs.

By Mr. FLETCHER: Resolution of Company H, Third Infantry, National Guard, State of Minnesota, of Olivia, Minn., urging

the passage of a bill to improve the armament of the militia—to the Committee on the Militia.

By Mr. GAMBLE: Resolutions of the Commercial Club of Sturgis, S. Dak., favoring the retaining of the public lands for the benefit of the whole people and for homestead settlers, and in favor of reclaiming the arid lands by irrigation inaugurated by the General Government—to the Committee on the Public Lands.

Also, resolutions adopted by the John A. Logan Regiment, No. 2, Union Veterans' Union, of Sioux Falls, S. Dak., protesting against the passage of House bill No. 3988—to the Committee on Agriculture.

By Mr. GARDNER of New Jersey: Petition of Elmer D. Prichett, of Mount Holly, N. J., and other druggists, relating to the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

Also, petition of officers of Post No. 107, Grand Army of the Republic, of New Jersey, in favor of House bill No. 4742, for military instruction in the public schools—to the Committee on Military Affairs.

Also, resolution of the employees of the Brooklyn Navy-Yard, advocating the building of naval vessels at the navy-yards—to the Committee on Naval Affairs.

By Mr. GRAHAM: Communication of T. A. Wood, grand commander Indian War Veterans of the North Pacific Coast, Portland, Oreg., urging the passage of House bill No. 53, granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive—to the Committee on Pensions.

By Mr. GREENE of Massachusetts: Resolutions of Boston (Mass.) Chamber of Commerce, calling for an increase in coast artillery—to the Committee on Military Affairs.

By Mr. HENRY of Connecticut: Petition of Capitol City Lodge, No. 354, of Hartford, Conn., International Association of Machinists, in favor of House bill No. 5450, to protect free labor from prison labor—to the Committee on Labor.

By Mr. HITT: Petition of B. Eldredge and others, of Belvidere, Ill., favoring free trade between Puerto Rico and the United States mainland—to the Committee on Ways and Means.

By Mr. JONES of Washington: Resolution of the Seattle (Wash.) Chamber of Commerce, urging the organization of a territorial legislature, the election of a delegate to Congress, and the creation of four judicial districts in Alaska—to the Committee on the Territories.

Also, resolution of the Seattle Chamber of Commerce, in opposition to the leasing of grazing lands west of the ninety-ninth meridian—to the Committee on the Public Land.

Also, resolutions of the Tacoma (Wash.) Trades Council, in opposition to the Hanna-Payne ship-subsidy bill, favoring the continuance of the postal money-order system, and the establishment of postal savings banks—to the Committee on the Merchant Marine and Fisheries.

By Mr. KNOX: Papers to accompany House bill No. 8793, to remove the charge of desertion now standing against Frank Donnelly—to the Committee on Military Affairs.

By Mr. LACEY: Petition of Journeymen Tailors' Union No. 63, of Ottumwa, Iowa, favoring the passage of House bill No. 6882, relating to hours of labor on public works, and House bill No. 5450, for the protection of free labor against prison labor—to the Committee on Labor.

By Mr. LOUDENSLAGER: Petition of the Woman's Christian Temperance Union, of Woodbury, Gloucester County, N. J., for the passage of a bill giving prohibition to Hawaii—to the Committee on Insular Affairs.

By Mr. MADDOX: Petition of the heirs of John J. Smith, deceased, late of Barton County, Ga., asking reference of his war claim to the Court of Claims—to the Committee on War Claims.

By Mr. MOON: Papers to accompany House bill No. 2125, for the relief of Thomas Robert Harris—to the Committee on Invalid Pensions.

Also, papers to accompany House bill for the relief of Martin Van Buren McReynolds, of McMinnville, Tenn.—to the Committee on Military Affairs.

By Mr. MIERS of Indiana: Paper to accompany House bill to amend the record of Alfred Brown—to the Committee on Military Affairs.

Also, paper to accompany House bill to amend the record of George W. Beach—to the Committee on Military Affairs.

Also, papers to accompany House bill for the relief of Sarah O. Fields, widow of Pleasant Fields, of Company A, Sixty-seventh Regiment Indiana Volunteer Infantry—to the Committee on Invalid Pensions.

Also, papers to accompany House bill for the relief of John T. Brooks—to the Committee on Invalid Pensions.

Also, paper to accompany House bill granting a pension to James Cullison—to the Committee on Invalid Pensions.

By Mr. POWERS: Petition of the Union Labor League, praying for the passage of a bill to protect free labor from prison competition—to the Committee on Labor.

By Mr. PUGH: Papers to accompany House bill No. 6917, for the relief of T. P. Salyer—to the Committee on War Claims.

By Mr. RIXEY: Paper to accompany House bill for the relief of the legal representatives of John G. Rowe, deceased, of Stafford County, Va.—to the Committee on War Claims.

By Mr. SHATTUC: Petition of the Cigar Makers' Local Union No. 4, of Cincinnati, Ohio, in opposition to admitting cigars from Puerto Rico at a nominal tariff of 25 per cent—to the Committee on Insular Affairs.

By Mr. HENRY C. SMITH: Petition of the Woman's Christian Temperance Union of Adrian, Mich., urging a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

By Mr. WANGER: Petition of Keasbey & Mattison Company, druggists, of Ambler, Pa., for the repeal of the stamp tax on medicines, etc.—to the Committee on Ways and Means.

By Mr. WEEKS: Memorial of J. Caloca, municipal alcalde; Acisclo Diaz, custodian of the municipal funds; E. Acosta, councilman and ex-alcalde; Felix Monclova, member of the common council; Ramon Silva, councilman; Jose Rivera, and other distinguished officials of Rio Piedras, Puerto Rico; also, memorial of Antonio Jimenez, alcalde; Antonio Franqui, Celestino Sola, Pedro Jimenez, Gervasio Garcia, and other members of the common council of the city of Cagnas, Puerto Rico, relative to railway franchises, etc.—to the Committee on Insular Affairs.

SENATE.

FRIDAY, *February 23, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

SOUTH CAROLINA STATE CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 16th instant, a report of the Auditor for the War Department relative to the account between the United States and the State of South Carolina growing out of the claim for moneys expended by that State for military purposes in the Florida war of 1836 and 1837, etc.; which, on motion of Mr. TILLMAN, was, with the accompanying paper, ordered to lie on the table and be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House agrees to the amendments of the Senate to the bill (H. R. 4473) to authorize the Natchitoches Railway and Construction Company to build and maintain a railway and traffic bridge across Red River at Grand Ecore, in the parish of Natchitoches, State of Louisiana.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolution, and they were thereupon signed by the President pro tempore:

A bill (S. 160) to authorize the construction of a bridge across the Red River of the North at Drayton, N. Dak.; and

A joint resolution (S. R. 55) authorizing the President to appoint one woman commissioner to represent the United States and National Society of the Daughters of the American Revolution at the unveiling of the statue of Lafayette at the exposition in Paris, France, in 1900.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore. The Chair thinks it may be proper for him to lay before the Senate a telegram from Puerto Rico to the President of the Senate:

Commissioned by people Puerto Rico attending celebration commemoration anniversary Washington, requests that by humanity sake a solution be adopted economic problems. Every day represents considerable loss, leading to total ruin.

The telegram will be referred to the Committee on Pacific Islands and Puerto Rico.

Mr. HOAR. I should like to have a ruling of the Chair upon the question whether it be a petition from citizens of a foreign country or no, because if it——

The PRESIDENT pro tempore. The Chair does not feel called upon to rule as to that question.

Mr. HOAR. The Chair is presenting it as a petition to the Senate.

The PRESIDENT pro tempore. And from the fact that the Chair has presented it, the inference may be drawn of the opinion of the Chair.

Mr. STEWART. I should like to inquire if the Senator from Massachusetts objects to it on the ground that Puerto Rico is a foreign country?

Mr. HOAR. I do not. I thought we had a very excellent opportunity to settle by the very highest authority a grave question that is puzzling many people.

Mr. STEWART. If the introduction will settle the question, it is settled now, I hope.

The PRESIDENT pro tempore. Petitions and memorials are in order.

Mr. PENROSE presented a petition of the Woman's Christian Temperance Union of West Chester, Pa., praying for the enactment of legislation to prohibit the importation, manufacture, and sale of intoxicating liquors in Hawaii; which was referred to the Committee on Pacific Islands and Puerto Rico.

He also presented a petition of the Board of Trade of Harrisburg, Pa., praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

Mr. NELSON presented a petition of members of Company H, Third Infantry National State Guard Militia, of Olivia, Minn., praying for the enactment of legislation to improve the armament of the militia of the several States and Territories; which was referred to the Committee on Military Affairs.

Mr. WARREN. I present a petition, which seems opportune at this time, signed by William R. Schnitger, mayor of Cheyenne, Wyo.; Joseph M. Carey, ex-United States Senator; Henry G. Hay, ex-treasurer of Wyoming; Alpheus P. Hansen, ex-United States surveyor-general, and some 50 more of the oldest citizens and those who have had experience in public affairs, in which they petition Congress, over the statement that woman suffrage is no longer an experiment, but it has been fully demonstrated that it is to become efficient, that there shall be nothing inserted in the statutes regarding Hawaii, Cuba, Puerto Rico, or any other newly acquired possessions which shall make it impossible to extend suffrage to women. I move that the petition be referred to the Select Committee on Woman Suffrage.

The motion was agreed to.

Mr. TURNER presented a petition of the Chamber of Commerce of Seattle, Wash., praying for the enactment of legislation granting to the people of Alaska a sufficient number of judges and places for holding court, and also for a Representative in Congress to be chosen by themselves; which was referred to the Committee on Territories.

Mr. GALLINGER. I present the petition of Frank W. Rollins, governor of the State of New Hampshire; Edward N. Pearson, secretary of state; Augustus Ayling, adjutant-general; Ferdinand A. Stittings, surgeon-general; John C. Linehem, insurance commissioner; Frank Battles, assistant adjutant-general; L. H. Carroll, commissioner of labor, and various other leading citizens, including quite a number of prominent physicians, praying for the employment of graduate women nurses in the hospital service of the United States Army. I move that the petition be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. CLAY. I present a petition of the Federation of Trades, of Atlanta, Ga., praying for the passage of the bill to prohibit the transportation of convict-made products from one State to another to undersell the products of free labor. I ask that the petition be printed in the RECORD, and referred to the Committee on Interstate Commerce.

There being no objection, the petition was referred to the Committee on Interstate Commerce, and ordered to be printed in the RECORD, as follows:

Whereas a bill introduced in Congress by Representative COCHRANE of New York, prohibiting the transportation of convict-made goods from one State to another, and which is for the protection of free labor against the competition of convict labor, is, according to information from reliable sources, being assailed by the governor of Georgia and others in this State who are urging the Representatives in Congress from Georgia to work against the bill, and have protested against its passage; and

Whereas the said bill introduced by COCHRANE of New York is to the direct interest and benefit of all labor organizations and the entire working class in that it would keep convict-made goods out of States where they are now shipped and sold to the serious injury of free labor; and

Whereas, believing that this bill if made a law would be to the interest not only of free labor but to society at large, and, further, that the nonpassage would put a premium on criminals over free labor, and it having been conclusively shown in every State in the Union that convicts can be utilized on public roads, on farms, to the extent of supporting themselves, or in various other ways so that they will not enter the mechanical trades and make products that can be transported and sold throughout the country at less prices than free-labor products; and

Whereas by so transporting and selling convict-labor products results in creating an army of unemployed and in manufacturing criminals at a wholesale rate, and believing that the continuance of such a system is damning to the entire country: Therefore, be it

Resolved, That the Atlanta Federation of Trades, in regular meeting assembled, composed of representatives from the labor organizations of this city and vicinity, and believing also that we voice the sentiments of both organized and unorganized labor throughout the State of Georgia, unanimously indorse the bill now before Congress, introduced by Mr. COCHRANE of New York, to prohibit the transportation of convict-made products from one State to another to undersell the products of free labor.

Resolved, That since the organized labor is a unit on this measure throughout the country, we urge the Representatives in Congress from Georgia to support the said bill by Mr. COCHRANE of New York, and that the secretary of this Federation at once communicate the demand of this body to Representative LIVINGSTON and the other Representatives from this section in Congress.

Resolved, That all the unions represented in this Federation be requested to concur in this action, and to have their secretaries and other officers forward official communications, making their wishes known to their Representatives in Congress.

Resolved, That all labor organizations and their friends throughout this State and the South are herewith urged to take similar action immediately and to notify their Representatives in Congress, urging that they support the Cochran bill.

Resolved, That the officers of the American Federation of Labor in Washington be requested to furnish this Federation with a list of those members of Congress who either support or oppose this measure and that the said list be kept in the records of this organization for future reference.

Resolved, That these resolutions be spread upon the minutes, that a copy be forwarded to each of the Representatives in Congress from the State of Georgia, and that they be furnished the labor press and newspapers for publication.

Mr. McENERY presented the petition of Caroline E. Merrick, president, and B. B. Van Horn, secretary, on behalf of the Woman Suffrage Association of Louisiana, praying that the women of Hawaii and our other new island possessions be granted the right to vote on equal terms with men; which was referred to the Select Committee on Woman Suffrage.

Mr. COCKRELL presented a petition of Local Union No. 2, Stone Masons' International Union, of Kansas City, Mo., praying for the enactment of legislation to prevent the public lands from being taken from the people by land speculators and land syndicates through accession of the lands to the States and Territories; which was referred to the Committee on Public Lands.

He also presented a petition of the Merchants' Exchange of St. Louis, Mo., praying for the enactment of legislation to authorize the President to extend an invitation to the International Congress of Navigation to hold its ninth session in the city of Washington; which was referred to the Select Committee on Industrial Expositions.

He also presented a petition of the board of directors of the Merchants' Exchange of St. Louis, Mo., praying for the establishment in the Indian Territory of a system of free public schools; which was referred to the Committee on Indian Affairs.

He also presented a petition of sundry citizens of Mount Vernon, Mo., praying for the enactment of legislation to pension the members of the Missouri Militia and the Enrolled Missouri Militia who served for six months; which was referred to the Committee on Pensions.

He also presented a petition of Local Union No. 6, National Union Steam Engineers, of Kansas City, Mo., praying for the enactment of legislation limiting the hours of daily service of laborers, workmen, and mechanics employed upon public works of the United States, or on work done for the United States, or any Territory, or the District of Columbia, and also to protect free labor from prison competition; which was referred to the Committee on Education and Labor.

He also presented a petition of sundry railway mail clerks of Clinton, Mo., praying for the enactment of legislation to provide for the classification of clerks in first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. DEPEW presented a petition of 135 chapters of the Daughters of the American Revolution, praying for the establishment of a University of the United States which shall be a national university; which was referred to the Committee to Establish the University of the United States.

Mr. QUARLES presented the petition of Robert W. Davidson and 75 other citizens of Milwaukee, Wis., praying for the enactment of legislation to provide for the classification of clerks in first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CARTER presented the petition of Maria McRae, president, and H. D. Moore, secretary, on behalf of the Woman Suffrage Association of Montana, praying that the women of Hawaii and our other new island possessions be granted the right to vote on equal terms with men; which was referred to the Select Committee on Woman Suffrage.

Mr. DANIEL presented the petition of J. B. Bolridge, W. H. Eggborn, J. W. Colvin, and sundry other citizens of Virginia, praying for the establishment of an Army veterinary corps; which was referred to the Committee on Military Affairs.

He also presented the memorial of H. H. Dudley, of Virginia, and the memorial of J. C. Clay & Co., of Dry Fork, Va., remonstrating against the enactment of legislation to provide for the regulation of shipment of game from one State to another; which were referred to the Committee on Interstate Commerce.

Mr. FRYE presented a petition of the Board of Trade of New Orleans, La., praying for the enactment of legislation to promote the commerce and increase the foreign trade of the United States; which was referred to the Committee on Commerce.

He also presented a petition of the New England Shoe and Leather Association, praying for the enactment of legislation to provide for adding to and completing specimens and productions, both natural and manufactured, of the United States and foreign countries, to be exhibited in the Philadelphia Museum, for the purpose of increasing the trade of the United States; which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. 3148) to correct the military record

of William Lapoint, reported it without amendment, and submitted a report thereon.

Mr. PETTUS, from the Committee on Military Affairs, to whom was referred the bill (S. 2858) to amend the bounty laws granting bounties to soldiers, sailors, their widows and minor children, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. 2871) to supplement and amend the act entitled "An act to incorporate the North River Bridge Company and to authorize the construction of a bridge and approaches at New York City across the Hudson River, to regulate commerce in and over such bridge between the States of New York and New Jersey, and to establish such bridge a military and post road," approved July 11, 1890, reported it without amendment.

He also, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 2572) to amend an act entitled "An act for the erection of a public building for the use of the custom-house and post-office at Newport News, in the district of Newport News, Va.," approved February 21, 1899, reported it with an amendment.

Mr. TURNER, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 305) making an additional appropriation for a public building at the city of Seattle, in the State of Washington, reported it without amendment.

Mr. GALLINGER. I am directed by the Committee on Commerce, to whom was referred the bill (S. 1939) authorizing the President of the United States to appoint a commission to study and make full report upon the commercial and industrial conditions of China and Japan, and for other purposes, to report it favorably with amendments, and to submit a report thereon.

Mr. VEST. Mr. President, I simply want to say that the bill for the appointment of a commission to go to China and Japan is not unanimously recommended by the Committee on Commerce, but that a minority of that committee is opposed to the favorable report of the bill.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

Mr. GALLINGER, from the Committee on Commerce, to whom were referred the following bills, reported adversely thereon; and the bills were postponed indefinitely:

A bill (S. 1021) authorizing the President of the United States to appoint a commission to investigate the commercial and industrial condition of the Empire of China, and for other purposes;

A bill (S. 1022) authorizing the President of the United States to appoint a commission to investigate the commercial and industrial condition of the Empire of Japan, and for other purposes;

A bill (S. 1948) authorizing the appointment by the President of the United States of a commission of not less than five members to investigate the question of trade relations of the United States in the Orient, and for other purposes; and

A bill (S. 2004) authorizing an investigation into the economic resources and other cognate questions in the Chinese Empire and adjacent countries of Eastern Asia, with special reference to the trade of the United States in such parts of the world and the possibility of its enlargement.

Mr. MARTIN, from the Committee on Naval Affairs, to whom was referred the bill (S. 2055) for the promotion and retirement of P. A. Surg. John F. Bransford, of the United States Navy, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Claims, to whom was referred the bill (S. 2268) to carry into effect a finding of the Court of Claims in favor of Pamella B. Finney, administratrix of T. C. Finney, deceased, reported it without amendment, and submitted a report thereon.

Mr. PROCTOR, from the Committee on the District of Columbia, to whom was referred the bill (S. 3190) to amend an act entitled "An act in relation to taxes and tax sales in the District of Columbia," reported it without amendment, and submitted a report thereon.

He also, from the Committee on Military Affairs, to whom was referred the bill (S. 2502) for the establishment of a general depot of the Quartermaster's Department of the United States Army at Omaha, Nebr., reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 2394) to authorize the President to place Samuel E. St. Onge Chapleau on the retired list of the Army with the rank of captain, reported adversely thereon; and the bill was postponed indefinitely.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (S. 1374) appropriating money to pay the claim of the Western Paving and Supply Company, reported it without amendment, and submitted a report thereon.

Mr. FAIRBANKS. I am instructed by the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1468) authorizing the consolidation of independent post-offices in the boroughs of Manhattan, Bronx, Richmond, and Queens, N. Y., with the post-office at New York, N. Y., and making appropriation therefor, to ask that the committee be discharged from its further consideration, the reference to the committee having been evidently inadvertently made.

The PRESIDENT pro tempore. The committee will be discharged from the further consideration of the bill.

Mr. PLATT of New York. I move that the bill be referred to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom was referred the joint resolution (H. J. Res. 119) to amend an act entitled "An act to extend Rhode Island avenue," approved February 10, 1899, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported adversely thereon; and the bills were postponed indefinitely:

A bill (S. 133) for the relief of Francesco Perna;

A bill (S. 123) for the relief of Margaretha Riehl;

A bill (S. 115) for the relief of John A. Narjes;

A bill (S. 116) for the relief of Christiana Dengler; and

A bill (S. 127) to quiet title to lot 11, block 12, South Brookland, D. C.

Mr. HANNA, from the Committee on Commerce, to whom was referred the bill (S. 3138) to provide for necessary repairs to the steamer *Thetis*, for service as a revenue cutter, reported it without amendment, and submitted a report thereon.

Mr. NELSON, from the Committee on Commerce, to whom was referred the bill (S. 3105) for the relief of the mother of William R. McAdam, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2744) to create an additional life-saving district and authorizing certain changes in the serial numbers of existing districts, reported it without amendment, and submitted a report thereon.

Mr. PRITCHARD, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 7737) to change the name of the Potomac Insurance Company of Georgetown, and for other purposes, reported it without amendment, and submitted a report thereon.

Mr. McBRIDE, from the Committee on Commerce, to whom was referred the bill (S. 2989) for the relief of the widow and children of the late Joseph W. Etheridge and the widow of the late John M. Richardson, reported it without amendment, and submitted a report thereon.

Mr. CLARK of Wyoming, from the Committee on Foreign Relations, to whom was referred the joint resolution (S. R. 71) authorizing the President of the United States to invite the Government of Great Britain to join in the formation of an international commission to examine and report upon the diversion of the waters that are the boundaries of the two countries, reported it without amendment, and submitted a report thereon.

Mr. DAVIS, from the Committee on Foreign Relations, to whom was referred the amendment submitted by Mr. KYLE on the 15th instant, proposing to increase the salary of the consul at Beirut from $2,000 to $2,500 per annum, intended to be proposed to the diplomatic and consular appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and that it be printed; which was agreed to.

REPORT OF THE PHILIPPINE COMMISSION.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the concurrent resolution of the House of Representatives, reported it without amendment; and it was considered by unanimous consent and agreed to, as follows:

Resolved by the House of Representatives (the Senate concurring). That there be printed and bound of the Report of the Philippine Commission 15,000 copies, 10,000 for the use of the House, and 5,000 for the use of the Senate.

REMOVAL OF REMAINS OF THE LATE GENERAL ORD.

Mr. HANSBROUGH. I am directed by the Committee on the District of Columbia, to whom was referred the bill (S. 3266) authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Brig. Gen. E. O. C. Ord from Oak Hill Cemetery, District of Columbia, to the United States National Cemetery at Arlington, Va., to report it favorably without amendment and I ask for its present consideration.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RICHARD ALLSTON.

Mr. MARTIN. I am directed by the Committee on Commerce, to whom was referred the bill (S. 3239) for the relief of Richard Allston, to report it without amendment, and I ask the unanimous consent of the Senate for its present consideration.

There being no objection, the bill was considered as in Committee of the Whole. It proposes to pay to Richard Allston $50 as compensation for one sailboat, rented by the authorities of the United States from Allston and stolen while in the possession of the officers, thus entailing its loss to Allston.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. PRITCHARD introduced a bill (S. 3289) granting a pension to Isabella Underwood; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3290) granting a pension to Nancy Oats; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3291) for the relief of Charles W. Johnson, administrator of Mrs. Lydia Johnson; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3292) to correct the military record of Robert M. Boyd; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. FOSTER introduced a bill (S. 3293) granting a pension to Helen Harlow; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3294) granting a pension to Louesa Moulton; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PENROSE introduced a bill (S. 3295) to correct the military record of Reuben Seiler; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HOAR introduced a bill (S. 3296) to provide for the establishment of a port of delivery at Worcester, Mass.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MCMILLAN introduced a bill (S. 3297) for the extension of Eighth street NE.; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. WOLCOTT introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3298) granting an increase of pension to Charles W. De Rocher;

A bill (S. 3299) granting an increase of pension to Lucinda R. Johnson; and

A bill (S. 3300) granting an increase of pension to Luke H. Monson.

Mr. STEWART introduced a bill (S. 3301) to provide an American register for the barge *Davidson;* which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 3302) for the relief of Riley Moutrey; which was read twice by its title, and referred to the Committee on Claims.

Mr. BATE introduced a bill (S. 3303) authorizing the Secretary of War to provide condemned cannon and carriages for ornamentation purposes in the national cemetery at Knoxville, Tenn.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. CLAY introduced a bill (S. 3304) for the relief of William I. Way; which was read twice by its title, and referred to the Committee on Claims.

Mr. DANIEL introduced a bill (S. 3305) to refer the claim of John S. Mosby against the United States for the value of certain tobacco to the Court of Claims; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. FRYE introduced a bill (S. 3306) granting an increase of pension to Lucinda D. Dow; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MORGAN introduced a bill (S. 3307) for the relief of the estate of Samuel Noble; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3308) for the relief of the estate of Reuben Street, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. DEPEW introduced a joint resolution (S. R. 94) relating to military badges; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

PUBLIC BUILDING AT CARTHAGE, MO.

Mr. COCKRELL. I ask unanimous consent that the Committee on Public Buildings and Grounds may be discharged from the further consideration of the bill (S. 563) for the erection of a public building at Carthage, Mo., and that the bill be indefinitely postponed, after which I shall introduce another bill for reference to the Committee on Public Buildings and Grounds.

I will state that I do this because the first bill is not in conformity with the requirements of the Committee on Public Buildings and Grounds in regard to such matters.

The PRESIDENT pro tempore. The Senator from Missouri asks that the Committee on Public Buildings and Grounds may be discharged from the further consideration of the bill named by him and that it be indefinitely postponed. In the absence of objection, that order will be made.

Mr. COCKRELL. I now introduce a new bill on the same subject, which I ask may be read twice by its title, and referred to the same committee.

The bill (S. 3309) to provide for the purchase of a site and the erection of a public building thereon at Carthage, in the State of Missouri, was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. MCBRIDE submitted an amendment proposing to appropriate $10,998 for improvements at the Klamath Agency, Oreg., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. STEWART submitted an amendment proposing to increase the appropriation for surveyor-general of Nevada from $1,800 to $2,000, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. GALLINGER submitted an amendment providing for the retirement and pensioning of Government employees, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

REVENUE-CUTTER SERVICE.

Mr. CHANDLER. I submit an amendment which I intend to propose to Senate bill 728, a bill to promote the efficiency of the Revenue-Cutter Service. I ask that the amendment may be read and referred to the Committee on Naval Affairs.

The amendment was read, as follows:

Amendment intended to be proposed to the bill (S. 728) to promote the efficiency of the Revenue-Cutter Service.

Provided furthermore, That whenever forces of the Navy and Revenue-Cutter Service shall be serving together, pursuant to law, the combined force shall be under the command of the senoir naval officer present, and no provision of this act shall be construed as giving any officer of the Revenue-Cutter Service military or other control, at any time, over the vessels, officers, or men of the naval service.

Mr. HALE. What bill is that amendment offered to?

Mr. CHANDLER. There is now upon the Calendar, reported by my colleague from the Committee on Commerce, the bill (S. 728) to promote the efficiency of the Revenue-Cutter Service, with Report No. 65, quite a lengthy report. My amendment is intended to bring before the Committee on Naval Affairs the expediency of reporting from that committee this amendment as a change in the bill in reference to the Revenue-Cutter Service.

Mr. HALE. So the amendment is offered to the bill reported by the Senator's colleague from the Committee on Commerce?

Mr. CHANDLER. Yes; from the Committee on Commerce. I want consideration given to this amendment by the Committee on Naval Affairs, and I also desire to have the Committee on Commerce take notice of the proposed amendment.

The PRESIDENT pro tempore. The amendment will be referred to the Committee on Naval Affairs and printed.

ASSISTANT CLERK TO COMMITTEE.

Mr. SHOUP submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Territories be, and it hereby is, authorized to employ an assistant clerk, to be paid from the contingent fund of the Senate, at the rate of $1,440 per annum.

EMILY M. JONES.

Mr. GALLINGER submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Emily M. Jones, widow of Thaddeus A. Jones, late chief engineer of the United States Senate heating and ventilating department, a sum equal to twelve months' salary, at the rate paid the said chief engineer by law; said sum to be considered as including funeral expenses and all other allowances.

HISTORY OF THE CENSUS.

Mr. CARTER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Commissioner of Labor be, and he is hereby, directed to forward to the Senate, for its use, the manuscript prepared by him on the History and Growth of the United States Census.

THE SOUTH AFRICAN REPUBLIC.

The PRESIDENT pro tempore. Under an agreement made at a former day the Chair lays before the Senate the following resolution, and calls the attention of the Senator from South Dakota [Mr. PETTIGREW].

The SECRETARY. A resolution by Mr. PETTIGREW expressing sympathy for the South African Republic, and our best hopes for the full success of their determined contest for liberty.

Mr. PETTIGREW. I think the resolution had better go to the Calendar, so that I can call it up at any time when I may feel able to address the Senate.

The PRESIDENT pro tempore. The resolution will go to the Calendar.

SENATOR FROM PENNSYLVANIA.

The PRESIDENT pro tempore. The morning business is completed.

Mr. PENROSE. Mr. President, I rise to a question of privilege. I ask the Chair to lay before the Senate resolution 107, which reads:

That the Hon. Matthew S. Quay is not entitled to take a seat in this body as a Senator from the State of Pennsylvania—

Said resolution containing questions and motions arising or made upon the presentation of the credentials of Hon. M. S. Quay.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Pennsylvania?

Mr. CULLOM. Mr. President——

The PRESIDENT pro tempore. The Chair hears none.

Mr. BURROWS. Mr. President——

Mr. CULLOM. I did not quite hear the request. I was interrupted. Will the Senator from Pennsylvania state his request again?

Mr. PENROSE. I asked that the Chair should lay before the Senate, as a matter of privilege, the resolution relative to the seating of Hon. M. S. Quay.

Mr. CULLOM. I know of no objection to that. I want this understood, however, that at 2 o'clock, or at any time after the Senator makes his speech before 2, I should like to resume the consideration of the bill to provide a government for the Territory of Hawaii.

Mr. PENROSE. I do not imagine that this case this morning will conflict in any way with the Senator's bill. At the same time I desire to inform him that, as a question of privilege, if it does the unfinished business will have to yield to this question.

Mr. CULLOM. So far as information is concerned, I have some information about it myself. I would not be disposed to be arbitrary if I could in the premises, but so far as that question or any other that may be considered by the Senate may come before us, I shall test the sense of the Senate upon taking up the Hawaiian bill at 2 o'clock every day until we dispose of that measure.

Mr. PENROSE. Now I renew my call.

Mr. BURROWS. I desire to suggest to the Senator from Pennsylvania a piece of information which has come to me this morning. The Senator from Tennessee [Mr. TURLEY], who is prepared to speak upon this resolution and who made the report for the majority of the committee, was ill yesterday. Knowing that he desires to be present when it is called up and to open the debate, I sent a messenger to his room this morning and received information that he is not only confined to his room, but to his bed, and can not, therefore, be present to-day. He hopes to be here on Monday or early next week, and I would ask the Senator from Pennsylvania, therefore, to permit this matter to go over until the Senator from Tennessee can be present. He is the Senator on the committee who made the report, and who naturally would open this discussion, and who ought to open it. I make this suggestion to the Senator, and I trust he will consent that the matter may go over until Monday.

Mr. PENROSE. I shall be very glad to answer the Senator from Michigan when my request is complied with, to which I arose, a question of the highest privilege, that the question of these credentials be laid before the Senate. I will then very cheerfully answer the Senator from Michigan or any other Senator.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Pennsylvania?

Mr. BATE. I wish to state that while my colleague [Mr. TURLEY] is ill, he will no doubt be able to be here Monday. I have talked with him about this matter. He made the majority report in it, but he said he did not care to open the debate and told me to state, if necessary, that he would rather s peak along some time during the discussion. Therefore there is no necessity to defer taking up the resolution until my colleague may be present.

Mr. PENROSE. This discussion is out of order.

The PRESIDENT pro tempore. It is proceeding by unanimous consent.

Mr. HALE. What is the intimation that the Chair wishes to be given to the Senate when, in response to the request of the Senator from Pennsylvania that the resolution be taken up as a privileged question, the Chair asks if there is objection? Is there an intimation from the Chair in asking that question that a single objection would carry it over?

The PRESIDENT pro tempore. There is an intimation, perhaps, that in the opinion of the Chair, the resolution being on the Calendar, it can only be brought before the Senate for consideration by unanimous consent or by a motion to consider it which shall control a majority vote of the Senate.

Mr. HALE. I supposed that that was just what is in the mind of the Chair, and that the resolution can only come up upon a motion made in the morning hour, or by unanimous consent. I have very pronounced views upon the general question, but I do not desire to interfere with the Senators who are members of the committee, and who represent the majority report. If those Senators—if the Senator from Michigan [Mr. BURROWS] has made any arrangement by which this question is only to come up nominally in order that some Senator may speak upon it, I do not wish to interpose an objection. But as one Senator I do not wish to be considered as agreeing to the unanimous consent that the resolution shall be brought before the Senate, and then have the right of way against everything under the sun. I do not wish to be considered as agreeing to take it up, or that the Senate shall by unanimous consent take up this case, so that it may crowd out the bill in charge of the Senator from Illinois [Mr. CULLOM], the Hawaiian bill, or that it shall crowd out that measure which we are almost criminally culpable for, the measure for the government of the people of Puerto Rico, or the financial measure, which will be reported as a matter of privilege in a short time.

Therefore I suggest to the Senator from Michigan, who is representing the majority of the committee, whether he is willing that this case should come now by unanimous consent before the Senate with the privilege that will be claimed for it then, that it shall supplement every other measure.

Mr. CHANDLER. Mr. President, I did not suppose the Senator from Maine intended to bring on at this time a discussion of this question of privilege. I myself understood the request of the Chair concerning unanimous consent to mean that a discussion of that question of order was to be avoided. If the resolution came up by unanimous consent for present consideration, the question of order and the question of privilege would remain where it did before. That, I suppose, was what was intended. If that question of order is to be discussed, I have very decided views upon the subject. I think that the discussion of it had better be avoided at this time——

Mr. HALE. I agree with the Senator.

Mr. CHANDLER. Unless the Senator from Maine, who has brought up the question, chooses to bring on that discussion.

Mr. HALE. Mr. President, if the Senator will allow me, I had no thought of bringing it up, and it was only because of the suggestion of the Chair whether a single objection was to be made. That in itself in a measure precipitated not a full discussion. I do not think it is proper that that question——

Mr. CHANDLER. The Senator from Maine has discussed it and stated his views, and I have to state mine as being in the exact opposite. I hold that the resolution is continually before the Senate.

Mr. HALE. After it is taken up.

Mr. CHANDLER. That it is continually before the Senate after it is reported from the committee, that it is not necessary to make a motion to proceed to its consideration, and that when it is before the Senate it is not displaced by the unfinished business. But I did not care to bring on a discussion of the question of order in the Senate. I have noticed that such discussions are always unprofitable and never settle anything. I had thought that the Chair expected the resolution to come up without any discussion of these questions of order and questions of privilege, and that if any Senator was ready to speak upon the case this morning, the speech would be made.

Mr. CULLOM. If the Senator will allow me, if it is the purpose of the Senator making the request simply to take it up for the present for the purpose of enabling a Senator to make a speech, that is one thing; and I apprehend that the resolution would drop back to where it belonged immediately after the speech was concluded. All that I am seeking is that it shall not get in a position where it is going to interfere with the bill that is now under consideration, or which will be laid before the Senate at 2 o'clock, and that we may have an opportunity of passing that bill as quickly as possible, as the importance of the measure is very great.

Mr. CHANDLER. Mr. President, that is the reason why it would be unwise to discuss the question of order and to dispose of this subject this morning without any such discussion. As chairman of the committee, although only a member of the minority, in connection with these two reports I have given notice on two or three occasions that I should call up the resolution. The junior Senator from Tennessee [Mr. TURLEY] has been ready every time there has been a suggestion of calling up the resolution to make a speech upon it. This morning he happens not to be ready to speak, but the Senator from Virginia [Mr. DANIEL] is ready to speak. I do not myself see why there should be any objection to having the resolution taken up and the speech that the Senator from Virginia is ready to make listened to by the Senate, unless there is a desire to discuss this question of privilege; and if there is such a desire, it might as well be discussed now as at any other time.

The PRESIDENT pro tempore. This debate is proceeding by unanimous consent.

Mr. BURROWS. Just a word. I know how anxious the Senator from Pennsylvania [Mr. PENROSE] is to press this matter to a

hearing and how persistent he has been from the beginning, which is his right and which is proper; but in order that this question, which now threatens to be brought before the Senate as a question of order, may pass for the time being, and that we may proceed with the consideration of other business, I trust the Senator will yield to my suggestion to let the matter go over, under the circumstances, until Monday.

I have made inquiry in relation to the Senator from Tennessee [Mr. TURLEY] who submitted the report on behalf of the majority of the committee, and I am assured by his colleague [Mr. BATE] that he will be here on Monday and will be ready to proceed with the debate should the matter be then taken up. I submit that it is no more than courtesy, under the circumstances, to allow the Senator who made the report and who expected and who is ready to open the debate to-day to wait until he can appear in the Senate on Monday, which I am assured he will do.

Mr. BATE. Mr. President, I do not think that what I said in regard to my colleague [Mr. TURLEY] was distinctly heard on the other side of the Chamber. My colleague is absent, sick, but he will be ready, I have do doubt, by Monday morning to proceed with his speech. He would be ready to speak now if he were here, but he is unable to be here. He told me, however, that he did not desire any continuance of the case on his account. He said that some other Senator might proceed to-day if it was desired, and that he would be willing to speak at any time during the proceedings in the case. That is the situation of the matter.

Mr. HOAR. Mr. President, I do not wish to say anything that will interfere with what seems to be the disposition of Senators on both sides to postpone the discussion and decision of this very important queston of parliamentary procedure to another time. At some time that question has to be settled by the Senate, and the Senate is to determine whether, if the State of Pennsylvania or any other State have a lawfully appointed Senator entitled to be sworn in, that lawfully appointed Senator has a right to vote on the Hawaiian bill, or to vote on the bill in regard to Puerto Rico, or to vote on the bill in regard to Alaska, or whether that is a matter, like ordinary legislative business, to take its place on the Calendar, to be got up when you can get it up by vote, or when nobody else has the floor, or when no other subject is before the Senate.

I supposed, speaking only for one, with great deference, that the Senate had settled that question by a rule, which puts cases of the credentials of Senators on a higher ground even than conference reports. Conference reports, where they are on the Calendar, can be called up by anyone so desiring at any moment, and they take precedence of all other business. You can not make a motion to indefinitely postpone them, according to the ruling of a late Speaker of the House of Representatives.

Mr. STEWART. I suggest to the Senator from Massachusetts to have the rule read.

Mr. HOAR. I therefore wish at some time—I say this because the Senator from Maine [Mr. HALE] spoke of the matter as crowding out this bill, that bill, and the other bill—I understand that the right preserved by the rule is the right to be heard and to vote on this bill and that bill and the other bill. But I certainly do not wish to interfere with any tacit understanding which postpones this parliamentary question to a more convenient time, as I understand nobody wishes to speak now.

Mr. FORAKER. Mr. President, I thought the Senator from Massachusetts was liable to bring on a general discussion of the very question which I supposed we had practically agreed should be postponed.

Mr. HOAR. I rose to protest against the phrase used by the Senator from Maine of crowding out things.

Mr. FORAKER. But the closing sentence of the Senator relieved me from that apprehension. The statement made by the Senator from Maine [Mr. HALE] was in answer to a statement made by the Senator from Pennsylvania [Mr. PENROSE], who did intimate that if this case was once taken up they had a right, under the rule, to crowd out every other kind of business. However that may be, I understand that there is no such intention now. I rose only that it might be distinctly understood that in the taking up of this case at this time the purpose is to give the Senator from Virginia [Mr. DANIEL] an opportunity to speak, and that it is not to be claimed on the other side that, if we yield to them and postpone the consideration of this question, it shall be contended that, the Senator from Virginia having spoken, others have the right to speak and to continue the discussion indefinitely, to the postponement of all other kinds of business, including the unfinished business.

If that were to be insisted upon, I should feel like resisting it and having the discussion now, if we are to have one, because, as has been suggested, I share in the belief that the Puerto Rican bill, as well as the Hawaiian bill, is of great importance and ought to be disposed of at an early day; but understanding that the purpose is simply to give the Senator from Virginia an opportunity to speak at this time, I see no objection to it, if that is the understanding and nothing is claimed beyond that.

Mr. STEWART. Mr. President, before there is further discussion, I should like to hear the rule applicable to the question read, and I think the Senate ought to hear it, so that we may know where we stand.

The PRESIDENT pro tempore. The Secretary will read Rule VI.

The Secretary read from Rule VI as follows:

1. The presentation of the credentials of Senators-elect and other questions of privilege shall always be in order, except during the reading and correction of the Journal, while a question of order or a motion to adjourn is pending, or while the Senate is dividing; and all questions and motions arising or made upon the presentation of such credentials shall be proceeded with until disposed of.

Mr. PENROSE. Mr. President, I disagree entirely with the Senator from Ohio [Mr. FORAKER] in his view that I have called up this question solely to permit any single Senator to speak upon it. I have called it up as a question of the very highest privilege. I do not know, and can not be expected to know, how many Senators will speak, whether they be one or two or more; but I have requested the Senate this morning, as I notified them yesterday I would do, at the expiration of the routine morning business of the Senate, to take up the consideration of this high question of privilege.

The distinction which we are now discussing, as to whether this question of privilege must be taken from the Calendar of the Senate by a motion to do so, or whether it can be laid before the Senate as a question of privilege, upon the call of a Senator, is largely one theoretical in its nature. It seems to me it involves a most important question of parliamentary practice. I am fully prepared to discuss that matter now or at any other time convenient to the Senate.

I will state candidly that I disagree with the ruling of the Chair, so far as I am individually concerned.

The PRESIDENT pro tempore. The Chair has not as yet made any ruling.

Mr. PENROSE. Or, rather, the indicated or suggested thought of the Chair that this resolution involving motions and questions pertaining to the credentials of a Senator has lost its high qualities of privilege by passing to the Committee on Privileges and Elections and being returned to this body. I believe that it still has those qualities, and that it is still, as every question of privilege is, capable of being called up at any time in this body.

I have the precedents here, Mr. President, and am ready to quote to the Senate the decisions and rulings of your predecessors in the high office of presiding officer of this body; but I do not desire to impose upon the patience of the Senate at this time if it is not the desire of this body that the question shall be discussed. I desire it distinctly understood, however, that in rising here to-day I rise to a question of high privilege, which, in my opinion, under Rule VI of this body, takes precedence of every question after the reading and correction of the Journal, and that even after the expiration of the morning business it can take precedence of the unfinished business of the Senate. I believe that, and in that contention I am supported by the precedents of this body.

I do not desire, however, Mr. President, recognizing that this debate is proceeding by unanimous consent, to go into a somewhat lengthy discussion of this subject, which, however, I am thoroughly prepared to do, unless it is the desire of the Senate that this matter should be proceeded with now; but I wish it distinctly understood that I shall adhere to this view and that upon every opportunity, unless unanimous consent is given, I shall press this question of the credentials of the Senator-elect from Pennsylvania until a prompt and early decision is given thereon.

Mr. FORAKER. I am somewhat disappointed in the remarks of the Senator from Pennsylvania in this, that he does not state explicitly, as I hoped he would do when he took the floor, that it is not the purpose of those having the matter the Senator represents in charge to at this time present it beyond having a speech made by the Senator from Virginia, and that as soon as that speech shall have been concluded——

Mr. PENROSE. I have stated the contrary as distinctly as possible.

Mr. FORAKER. What is that?

Mr. PENROSE. I say I have stated the contrary as distinctly as I was able to do.

Mr. FORAKER. That is, that you do intend to press it?

Mr. PENROSE. My purpose is to press the case.

Mr. FORAKER. Even to the exclusion of the unfinished business?

Mr. PENROSE. Not to the exclusion of the unfinished business, but that the case may have its full and fair recognition.

Mr. President, I am informed this morning that upon the side of the majority report of the Committee on Privileges and Elections there are not, at most, more than four Senators who intend to speak. I have been informed personally by the junior Senator from Tennessee [Mr. TURLEY] that he will not speak at most over an hour; and upon the side of the minority of the committee I am informed that there are probably not three Senators who will speak over half an hour upon this question, and not more than

two or three others who will speak more than ten or twenty minutes. The whole case can be disposed of in three or four hours in a continuous discussion, and in three or four days in a desultory discussion, if Senators will only be fair with the case and if there be no sinister or hidden motive to delay it or bury it in oblivion.

Mr. FORAKER. I do not know anybody who does not want to be fair with the case, and some of us want to be very favorable to the case. I do for one. I am thoroughly in sympathy with the interest the Senator speaks for, and shall vote to seat Senator Quay whenever that question is reached; but I should like to know of the Senator whether or not any other Senator besides the Senator from Virginia wants to speak to-day?

Mr. PENROSE. I had expected that the distinguished chairman of the Committee on Privileges and Elections [Mr. CHANDLER] would speak to-day, but I have been informed by him that his health is such that he is indisposed to proceed. I had fully expected that the Senator who drew the minority report of the committee, the junior Senator from Tennessee [Mr. TURLEY], would proceed to-day, but I have been informed directly by his secretary, that he can not proceed because he is confined to his house by sickness, though he is perfectly willing that the case may be proceeded with. Therefore, so far as I am concerned personally, I shall be perfectly satisfied if the Senator from Virginia be willing to speak, that he be permitted to speak and take the case up this morning.

Mr. FORAKER. And that there shall be no other Senator to speak?

Mr. PENROSE. And then it may give way to other business, with the understanding with the Senator from Michigan [Mr. BURROWS] that the matter shall come up on Monday next at the conclusion of the routine morning business, and that the Senator from Tennessee [Mr. TURLEY] shall be ready to proceed, or that somebody shall proceed on the part of the majority of the committee.

I wish to further state that unless that be done I shall feel compelled to offer a motion striking out from the resolution the word "not" and placing the affirmative upon the side of the minority of the committee, so that we may proceed in a logical parliamentary way to discuss this subject to a prompt conclusion.

Mr. GALLINGER. You can do that at any time.

Mr. TELLER. It seems to me we ought to have a ruling of the Chair on this question. The position, as I understand it, of the the Senator from Pennsylvania is that this is a question of privilege which comes up without the consent of the Senate; that is, no consent is necessary; that one objection will not prevent its being proceeded with, but when called by one Senator it must remain before the Senate until it is disposed of. If that be the correct rule—and I am not expressing any opinion about it—we ought to know it, and I should like a ruling of the Chair upon it.

The PRESIDENT pro tempore. The Chair sees no occasion for a present ruling.

Mr. TELLER. I do not wish to interfere with anybody who wants to make a speech, but it does seem to me that that is a question of a good deal of importance to the Senate and that we ought to have a decision upon it.

Mr. CHANDLER. If the Senator will allow me a moment, before the Chair rules upon that question, it is desirable that the subject should be discussed. The thought I had, and certainly I think the thought of most Senators, was that this matter might be disposed of to-day without a ruling or discussion upon that question, but if it is to be ruled upon it certainly ought to be discussed, and I shall desire to say something about it, as will the Senator from Pennsylvania [Mr. PENROSE].

Mr. TELLER. I agree with the Senator from New Hampshire that we would probably like to hear a discussion as suggested by the Senator from Pennsylvania. I confess I would. I should like to hear what is to be said in favor of his position. It is possible that position is correct; but if it is, it is different from what I supposed it was. I thought it had been differently settled. If the Senator from Virginia desires to make a speech and will do the customary thing—rise in his place and ask permission of the Senate to do so—we can avoid settling this controversy and leave it to some other day; but if the right of the Senator from Pennsylvania to call up the case is to be settled now, I want a ruling of the Chair and a ruling of the Senate upon it. We can, however, as I have said, avoid that by the Senator from Virginia saying that he would like to make a speech, and, of course, nobody would object to that.

Mr. ALDRICH. Mr. President, I believe there is no objection on either side of the Chamber to taking this question up for the purpose of allowing the Senator from Virginia to make a speech upon it, with the understanding that when the speech shall have been concluded the unfinished business shall resume its place.

Mr. PENROSE. I will say to the Senator from Rhode Island that there is no understanding.

Mr. ALDRICH. Well, then, the Senator from Pennsylvania, as I understand it, expects to precipitate this question to-day?

Mr. PENROSE. So far as my information goes, Mr. President, there will be no other Senator desiring to speak after the Senator from Virginia; but I have no understanding, and I wish distinctly to disclaim such.

Mr. HALE. Mr. President, I object.

Mr. PENROSE. Then, Mr. President, although it is contrary to my view of the parliamentary requirements of the case, I will move that the Senate proceed to the consideration of the resolution.

Mr. WOLCOTT. I call for the yeas and nays.

The PRESIDENT pro tempore. The Senator from Pennsylvania moves that the Senate proceed to the consideration of the resolution reported by the Committee on Privileges and Elections, which will be read.

The Secretary read the resolution, as follows:

Resolved, That the Hon. Matthew S. Quay is not entitled to take a seat in this body as a Senator from the State of Pennsylvania.

Mr. CLAY. This is simply a vote to take up the resolution, as I understand, Mr. President?

The PRESIDENT pro tempore. The question is on the motion to proceed to the consideration of the resolution, on which the yeas and nays have been demanded.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CLAY (when his name was called). I am paired with the junior Senator from Massachusetts [Mr. LODGE.] If he were present, I should vote "yea." I desire to ask the senior Senator from Massachusetts [Mr. HOAR] if he can tell me how the junior Senator would vote, if present?

Mr. HOAR. I have no right to state my colleague's position on this particular question. He has voted always, on the general question of the right of the governor to appoint under circumstances like these, in favor of the right. A few days ago, when talking with me—I should think within a week—he stated to me that he remained of that opinion, and considered it applicable to the present case of Mr. Quay. So, I suppose, as at present advised, my colleague is in favor of seating Mr. Quay. Upon the question of the time of taking up the case, or the right to take it up, I have no information whatever, except to say that some Senators have said to me that they understand he agrees with the Senator from Rhode Island [Mr. ALDRICH] and the Senator from Maine [Mr. HALE] in regard to the time of taking up the case. I have, however, no personal information from my colleague on that point.

Mr. HALE. Let me state to the Senator from Massachusetts [Mr. HOAR] that his colleague [Mr. LODGE], if here, would vote against taking up the Quay case. Of that I am absolutely sure.

Mr. CLAY. Mr. President, I decline to vote, as the junior Senator from Massachusetts, with whom I am paired, is not present.

Mr. DEBOE (when his name was called). On this question I am paired with the Senator from Florida [Mr. MALLORY], and therefore withhold my vote.

The PRESIDENT pro tempore (when Mr. FRYE's name was called). I am paired with the junior Senator from Arkansas [Mr. BERRY].

Mr. McBRIDE (when his name was called). I have a general pair with the Senator from Mississippi [Mr. MONEY]. I do not see him present, and therefore I withhold my vote.

Mr. PENROSE. I would inform the Senator from Oregon that the Senator from Mississippi [Mr. MONEY] called to see me this morning, and told me that if he were in the Chamber when the vote was taken he would vote in favor of bringing up the resolution.

Mr. McBRIDE. Then, Mr. President, I withhold my vote. If the Senator from Mississippi were present, I should vote "nay."

Mr. TALIAFERRO (when Mr. MALLORY's name was called). My colleague [Mr. MALLORY] is ill, and therefore necessarily absent from the Senate. As has been stated, he is paired with the Senator from Kentucky [Mr. DEBOE].

Mr. TALIAFERRO (when his name was called). I am paired with the junior Senator from West Virginia [Mr. SCOTT]; but he notified me that if present he would vote in favor of seating Mr. Quay. I therefore take it that he would vote "yea" on this question, and I vote "yea."

Mr. TILLMAN (when his name was called). I have had a general pair with the Senator from Nebraska [Mr. THURSTON] ever since I have been here; but when he left the city last week he asked me to pair him with his colleague [Mr. ALLEN], who was going to be absent; and that would leave me free to vote. I announce the pair of the two Nebraska Senators with each other, and I vote "nay."

Mr. BATE (when Mr. TURLEY's name was called). My colleague [Mr. TURLEY] is paired with the Senator from Wisconsin [Mr. SPOONER]. I do not see either of the Senators present.

Mr. WETMORE (when his name was called). I have a general pair with the senior Senator from Georgia [Mr. BACON], and therefore withhold my vote.

The roll call was concluded.

Mr. HANSBROUGH. I have heard from the senior Senator from New Jersey [Mr. SEWELL], requesting that he be paired in

the affirmative on this case, and I suggest that he stand paired with the Senator from Maryland [Mr. WELLINGTON].

I have a telegram also from the Senator from Kansas [Mr. BAKER] who is absent, and desires to be paired in the affirmative. I suggest that he stand paired with the Senator from Nebraska [Mr. THURSTON].

Mr. WOLCOTT. The Senator from Nebraska has already been paired.

Mr. HANSBROUGH. Very well.

Mr. BUTLER (after having voted in the negative). I should like to inquire if the Senator from Maryland [Mr. WELLINGTON] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. BUTLER. I am paired with that Senator——

Mr. WOLCOTT. Another pair has been made with that Senator.

Mr. PLATT of Connecticut. The Senator from Maryland has been paired with another Senator.

Mr. BUTLER. Then my vote may stand.

Mr. HANSBROUGH. I am requested to announce that the senior Senator from New York [Mr. PLATT], who is absent, if present would vote in the affirmative. He stands paired with the junior Senator from Idaho [Mr. HEITFELD], who, I understand, would vote in the negative if present.

The result was announced—yeas 34, nays 28; as follows:

YEAS—34.

Allison,	Depew,	McComas,	Pritchard,
Bate,	Fairbanks,	McEnery,	Shoup,
Beveridge,	Foster,	McLaurin,	Stewart,
Carter,	Gear,	Martin,	Taliaferro,
Chandler,	Hansbrough,	Morgan,	Vest,
Clark, Mont.	Hawley,	Nelson,	Warren,
Culberson,	Hoar,	Penrose,	Wolcott.
Daniel,	Jones, Nev.	Perkins,	
Davis,	Kenney,	Pettigrew,	

NAYS—28.

Aldrich,	Cullom,	Kean,	Quarles,
Burrows,	Foraker,	Lindsay,	Rawlins,
Butler,	Gallinger,	McCumber,	Ross,
Caffery,	Hale,	McMillan,	Simon,
Chilton,	Hanna,	Pettus,	Teller,
Clark, Wyo.	Harris,	Platt, Conn.	Tillman,
Cockrell,	Jones, Ark.	Proctor,	Turner.

NOT VOTING—24.

Allen,	Elkins,	Mallory,	Spooner,
Bacon,	Frye,	Mason,	Sullivan,
Baker,	Heitfeld,	Money,	Thurston,
Berry,	Kyle,	Platt, N. Y.	Turley,
Clay,	Lodge,	Scott,	Wellington,
Deboe,	McBride,	Sewell,	Wetmore.

So the motion was agreed to; and the Senate proceeded to consider the resolution.

Mr. DANIEL. Mr. President, this is the third time since I have been a member of this body that a question similar to the one now pending has been before it. On each occasion I have taken the ground that the Senator appointed by the governor of a State during the recess of a legislature was entitled to be seated. The more I have studied and reflected over that question and the more I have seen the inconveniences of a different ruling, the stronger has grown my conviction that this is a correct interpretation of the Constitution. I do not believe that this question will ever be settled in the Senate of the United States until this body has settled itself into that conviction and practice. A vacancy now happens in one of the two seats which the State of Pennsylvania is entitled here to fill. That it is not filled at this moment is due to the fact that the person appointed by the governor of Pennsylvania to fill it has not been admitted to this body.

But the credentials of his appointment are here. It is shown that this vacancy began on the 4th of March, 1899, at which time the term which had been filled by the Hon. Matthew Stanley Quay expired by efflux of time; second, that at that time the legislature of Pennsylvania was in session and continued to be until the 20th day of April, 1899, when it adjourned without having chosen a Senator to fill the vacancy then existing; third, that the legislature of Pennsylvania being in recess and a vacancy happening in the Senate at the same time, the governor of Pennsylvania, on the 21st day of April, 1899, made a temporary appointment of Hon. Matthew Stanley Quay to fill that vacancy until the next meeting of the legislature of Pennsylvania.

To my mind this credential is as perfect as any that has ever been presented to this body. All the conditions existed which authorized the temporary appointment of a Senator by the governor of a State according to the grammatical language and according to the true intent and meaning of the Constitution. But a majority of the Committee on Privileges and Elections declare the contrary, saying:

> On behalf of Mr. Quay it is insisted that whenever a vacancy exists during a recess of a legislature, no matter when or how it happened or occurred and no matter how often the legislature may have had an opportunity to fill it, the governor may appoint.
>
> In the opinion of your committee, whenever the legislature has had the right and an opportunity to fill a vacancy, either before or after it begins, the executive can not lawfully appoint.

There is no language in the Constitution upon which, as it seems to me, this ground can be maintained and none from which it can be inferred except in a vague and far-fetched manner. On the contrary, no matter how a vacancy has arisen, no matter whether the legislature has had an opportunity to fill it or not, it is, in my opinion, the duty of the executive to fill it whenever it happens and whenever a recess of the legislature of the State coordinately happens. The recess of the legislature of Pennsylvania began on the 20th day of April, 1899. The recess happened then, and it still happens now. The vacancy began on the 3d of March, 1899. It happened then, and it still happened during the happening of the recess on April 20, 1899. The two happening also on April 21, 1899, at one and the same time—that is, the legislative recess and the United States Senate vacancy from Pennsylvania—the governor did right in filling that vacancy and making the appointment which is now accredited to this body.

THE DIFFERENCE BETWEEN "VACATING" AND A "VACANCY."

The ground is also taken that if a vacancy in a Senate seat begins while a legislature is in session, the governor of a State is thereby precluded from ever filling that vacancy by his temporary appointment, however long the legislature may fail to fill it. In order to put this construction upon the Constitution a word must be put in the Constitution that is not there and a word must be taken out of the Constitution that is there, and we must read it as if it said:

> If the vacating of seats happen by resignation or otherwise during the recess of a legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

But the Constitution did not use the word "vacating," or any word which would describe the mere act that creates a vacancy. It used a word which describes not an act, but the result of an act—a condition; and what it plainly meant was that if a condition of vacancy in a seat happen in the United States Senate during the condition of recess of a State legislature, the executive of the State may appoint to fill it. A recess is not an act. It is the result of adjournment. A vacancy is not an act. It may be the result of many acts.

Mr. President, let us read the Constitution. It shows to my mind that a plan was adopted by which all vacancies in the Senate and in all executive appointments might be instantly and continuously filled. Article I, section 3, of the Constitution provides:

> The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof, for six years; and each Senator shall have one vote.
>
> Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

Article II, section 2, of the Constitution makes a somewhat similar provision with respect to executive appointments. It provides:

> The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

In considering these two clauses of the Constitution these reflections naturally occur to us:

First. That they are of similar import, the one applying to the Senate, and designed to keep it full with Senators, the other applying to executive offices, and designed, in like manner, to keep them filled with officers.

Second. That the appointment of Senators made in the recess of the legislature of a State and the appointments by the President of the United States of officers during the recess of the Senate are alike mere temporary appointments, those to the Senate lasting until the next meeting of the legislature of a State, and those made by the President expiring at the end of the next session of the Senate.

Third. That in each case the moving thought and predominant purpose of the Constitution is to provide the mechanism for keeping the Senate complete in its numbers through the agency of the governors of States when the legislature has not acted or can not act, and to keep Executive appointments filled through the agency of the President.

It is a familiar principle of construction that words in a written instrument should be interpreted in the light of similar words in another part of the same instrument. The similitude of words used in these two clauses of the Constitution and the common purpose pervading them is to preserve the continuity of both legislative and executive government, and they ought to be construed to the same end and with the same spirit.

The Presidents have had the same question to decide for themselves that the Senate has now to decide for itself, and it is well worthy of our considerate attention that all of the Presidents of the United States to whom the question has been presented have

decided it in the same way, under the advice of their legal advisers. They have concluded that vacancies happen during the recess of the Senate whenever vacancies exist and the Senate was not in session. And the law officers of the Government who were consulted have been men at the head of the legal profession, enjoying the confidence and respect of the country alike for their learning, their ability, and their wisdom.

But let us ask ourselves, Mr. President, What is a vacancy? It is not an act, but it is a condition. The first definition of the term given in the Century Dictionary is:

> The state of being empty or unoccupied.

And a secondary definition is:

> An unoccupied or unfilled position or office, as a vacancy in the judicial bench.

Let us read the Constitution with the definition of the word, instead of the word, inserted, and how plain the interpretation! It would then read, "The seats of Senators shall be vacated at such and such time; and if any of them happen, by resignation or otherwise, to be in the state of being empty or unoccupied during the recess of the Senate, the Executive may make temporary appointment," etc.

Much stress has been laid by those who have opposed this view upon the meaning of the word "happen." The word "happen" is one of the most elastic terms in the English language. It is a middle English form of the word "hap," and it means, according to the dictionary, "to occur by chance; occur unexpectedly or unaccountably; in general, to occur; take place."

In John Smith's Works (first volume, page 220) we have this description:

> It was the Spaniards' good hap to happen in those parts where were infinite numbers of people.

And another variation of its meaning is given by W. Wallace in Epicureanism, both of which examples I extract from the Century Dictionary:

> All that happens is only transference of matter from one place to another.

Those who think that those things only happen which are instantaneous utterly lose sight of the meaning of this term. Conditions happen as long as they exist. They have a beginning and they have an ending. The happening of them is a line drawn from a beginning to an end and is not a mere point marking the beginning. Some things begin and end instantaneously, such as death, resignation, installation into office, a sale of property, an enlistment in an army. A thousand things happen at a particular point of time when one condition instantly changes and turns into another condition.

But there are other things which cover prolonged and indefinite periods of time in their happening. Sickness happens as long as a person is sick, and may cover a lifetime; a plague happens to a community as long as the community is afflicted by it; a battle, a campaign, a siege, a war, each of these conditions may cover a long period of time. A flood in a river, a rain, a snow, a freeze, a storm, these happen from the time they begin until they cease, and the happening may be very brief or very long. So with the recess of a legislative body, and so with a vacancy in a seat in that body. A vacancy and a recess are both conditions the result of acts, and they may happen for a long or a short time. The design and object of the Constitution was to close the vacancy in the Senate seat as soon as possible.

Mr. President, let us make some practical illustrations of the application of this term. If a law of Congress provided that if floods happen in the District of Columbia during the recess of Congress the Executive may use a certain fund to defend against them or to relieve suffering caused by them, and if a flood happened in the Potomac River while Congress was in session, and just before adjournment, and immediately after its adjournment it were to pour its waters over Washington and cause great suffering and distress, would anyone urge that the President might not relieve against the flood then happening because it began while Congress was in session?

If a plague were upon the city, and there were a law of Congress that the District Commissioners might employ physicians to administer to the plague which happened during the recess of Congress, and the District Commissioners, in the dire distress of the people, were to appoint physicians to relieve them, Congress having adjourned, what would the community think of a lawyer who raised the point that the plague having first appeared while Congress was in session, and Congress having failed to provide against it, the District Commissioners could do nothing? Who would not say that the plague was then happening and happened every day of its existence and that its happening unprovided for during the recess of Congress was the condition that Congress contemplated for the action of the Commissioners?

If an enemy were at the gates of Washington, as the British were in 1814, and if there were a law of Congress to the effect that if war happened in this country during the recess of Congress the President might organize all men over 16 years of age to defend the capital city, and if it were to appear that the war had commenced while Congress was in session, would anyone say that that fact should stop the President from organizing the men after its adjournment and with the stimulus and necessity of self-defense thrown upon it?

On the contrary, would not any lawyer say that this was the very condition which Congress had provided for the President to meet?

The history of the clause in the Constitution which provides for the filling of vacancies by the governors of States clearly sustains the construction of the Constitution which we give it. The clause, as reported to the Constitutional Convention of 1787 by Mr. Rutledge, from the committee on detail, read as follows:

> The Senate of the United States shall be chosen by the legislatures of the several States. Each legislature shall choose two members. Vacancies may be supplied by the executive until the next meeting of the legislature. Each member shall have one vote.

When the objection was taken by Mr. Wilson, of Pennsylvania, to vacancies in the Senate being filled by the executive of the State, Mr. Randolph, of Virginia, replied that it was necessary in order to prevent inconvenient chasms in the Senate, and that as the Senate would have more power and consist of a smaller number than the other House, vacancies there would be of more consequence. This was the spirit, the animus, and the purpose which led to the adoption of the clause authorizing the executive to fill vacancies.

Mr. Madison, in order to prevent doubts whether resignations could be made by Senators or whether they could refuse to accept, moved to strike out all words after "Vacancies" and insert the words "happening by refusal to accept, resignation, or otherwise may be supplied by the legislature of the State in the representation of which such vacancy shall happen or by the executive thereof until the next meeting of the legislature," and this motion of Mr. Madison was adopted without a dissenting voice. And the clause then read as follows:

> The Senate of the United States shall be chosen by the legislatures of the several States. Each legislature shall choose two members. Vacancies happening by refusal to accept, resignation, or otherwise may be supplied by the legislature of the State in the representation of which such vacancies shall happen, or by the executive thereof until the next meeting of the legislature.

The Constitution as thus framed was then referred to the committee on style, and it was reported by them as it stands now, in this language:

> And if vacancies happen by resignation or otherwise during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

The doubt in Mr. Madison's mind as to whether resignations could be made by Senators arose from his knowledge of the common law and the parliamentary practice of England, where neither a public officer nor a member of Parliament had the right to resign at pleasure. He intended that that right should be recognized and provided for in the Constitution, and the constitutional convention agreeing with him this was done, and no amendment was made to the Constitution which originally put it in the hands of the executive to fill all vacancies, except to include the word "resignation," because it was doubtful whether or not a Senator could resign, and then to expand it to include all other methods by which a vacancy had happened by putting in the word "otherwise."

In Edwards *vs.* United States (103 U. S., 471) it was held by the United States Supreme Court that the common law would be presumed to be in force in Michigan, it not appearing to the contrary, and accordingly that the resignation of a public officer in that State was not complete in that State until the proper authority accepted it or did something tantamount thereto, such as to appoint a successor, Judge Bradley observing that—

> In England a person elected to a municipal office is obliged to accept it and perform its duties and be subjected himself to a penalty by refusing, and an office was regarded as a burden which the appointee was bound, in the interest of the country and of good government, to bear; and from this it followed, of course, that if an office was conferred and assumed it could not be laid down without the consent of the appointing power.

The rule in England applied to members of Parliament; and as May says in his Parliamentary Practice (pages 637, 638):

> It is a settled principle of parliamentary law that a member, after he is duly chosen, can not relinquish his seat; and in order to evade this restriction a member who wishes to retire accepts office under the Crown, which legally vacates his seat and obliges the house to issue a new writ. The offices usually selected for this purpose are those of steward or bailiff of Her Majesty's three Chiltern Hundreds of Stoke, Desborough, and Bonenham, or of the manors of East Hundred Northstead or Hempholme, or of escheator of Munster, which, although they have sometimes been refused, are ordinarily given by the treasury to any member who applies for them, unless there appears to be sufficient ground for withholding them, and are resigned again as soon as their purpose is effected.

It was because of the knowledge of Mr. Madison and of the Constitutional Convention that a question might arise as to the right of a Senator to resign that that word was put in the Constitution, but that they did not intend to limit vacancies, did not intend to limit the right of the legislature to fill a vacancy only when the vacancies happened by resignation or in some similar manner, is shown by the fact that they put in the word "otherwise," flying off at a tangent from the vacancy which occurs by resignation

or in a similar manner, and making it applicable when the vacancy arises in any other way soever.

I can not, therefore, concur with the Committee on Privileges and Elections when it says:

> We conclude that the power of appointment—
>
> That is, by the governor to fill a vacancy—
>
> was not to be exercised unless the vacancy occurred—
>
> That is, began—
>
> in the recess of the legislature, and was occasioned by some casualty like death or resignation.

The simple meaning of the word "otherwise" as given in the dictionary is, "in a different manner or way; differently, not in a similar manner or way." In the Mantel case it seems to me that three Senators who spoke clearly showed that this was the meaning and intent of the Constitution. Well did Senator Turpie, of Indiana, say:

> "Otherwise" means "other ways." Gentlemen may examine Johnson, the contemporary authority with the Constitution of the United States, the nearest contemporary, the first of English lexicographers, not the last nor the least in learning. He defines the term "otherwise" to mean "other ways, in another manner, in a different mode or manner, not in a similar way, not in the same way, not in a way like the first named." And the real question in this debate is not how a vacancy occurred, but whether it exists.

The Senator from Connecticut [Mr. HAWLEY] amply disposed of the suggestion that "otherwise" coming after resignation meant some similar way, by saying:

> It takes a lawyer to find out that "otherwise" is simply one of the species of "other."

Instead of being right along and in the continuation of the same line, it is at right angles to that line.

And well did the honorable Senator from Wisconsin [Mr. SPOONER] say that the framers of the Constitution certainly could not have intended that the word "otherwise," which means, both philologically and popularly, a "different manner," should be construed to mean a "different like manner."

This to my mind is the argumentum ad absurdum.

Mr. President, we have these two coordinate provisions in the Constitution, one looking to the filling of seats in the Senate, which is a branch of the legislative department of our Government, the other looking to the filling of executive appointments. Similar language is adopted, which devolves the right of appointment on the President in the recess of the Senate and upon the governors of States in the recess of their legislatures.

Now, Mr. President, it so happens that in all the cases which have arisen under this Government from the Administration of James Monroe down to the present time the eminent men who have held the office of Attorney-General of the United States have all concurred in opinion on this subject, and from William Wirt to Miller, in the Administration of President Harrison, they have all construed the English language and applied that plain construction to the Constitution in the identical manner that I am trying to maintain it here.

In the Administration of President Monroe the commission of Swartwout, who was navy agent at New York, expired while the Senate was in session, and the vacancy in the office then began. The vacancy continued to exist during the recess, and William Wirt, Attorney-General, construing the words all vacancies that may "happen during the recess of the Senate," said:

> The doubt arises from the circumstance of its having first occurred during the session of the Senate. But the expression used by the Constitution is "happen;" "all vacancies that may happen during the recess of the Senate." The most natural sense of this term is "to chance, to fall out, to take place by accident." But the expression seems not perfectly clear. It may mean "happen to take place," that is, "to originate;" under which sense the President would not have the power to fill the vacancy. It may mean, also, without violence to the sense "happen to exist;" under which sense the President would have the right to fill it by his temporary commission. Which of these two senses is to be preferred? The first seems to me most accordant with the letter of the Constitution; the second most accordant with its reason and spirit.

I fully concur, Mr. President, in the conclusion that was reached by that eminent and learned man, William Wirt, but I dissent from his statement that that construction is less consonant with the letter than the spirit of the Constitution. His mind did not seem to advert to the fact that the word "happen" is as applicable to those transitions of human nature which occur in history and in the lives of men and which cover long periods of time as short ones; and had his attention been called to that fact I think he would have gone a little further than he did and found the letter and spirit of the Constitution fitting into each other like perfect music unto perfect words.

That question was presented when Andrew Jackson was President, and Roger B. Taney, a name honored and venerated and learned in the law, was Attorney-General. He gave a like opinion as William Wirt. Of the same opinion was Attorney-General Legare in the Administration of President Tyler, and of Attorney-General Bates in the time of President Lincoln; of Attorney-General Stanbery in the Administration of Andrew Johnson; of Attorney-General Williams in the Administration of President Grant; of Attorney-General Devens in that of President Hayes, and of Attorney-General Brewster in that of President Arthur; of Attorney-General Miller in that of President Harrison.

This incumbent, General Miller, of the office of Attorney-General, I think most aptly stated the whole case.

> The word "vacancy" in the Constitution refers to offices, and signifies the condition where an office exists, of which there is no incumbent. It is used without limitation as to how the vacancy comes to exist. The vacancy may have occurred by death, resignation, removal, or any other cause, but, regardless of the cause or manner of the existence of the vacancy, the power is the same. In the case submitted the law has created the office. The office, therefore, exists. There is no incumbent. There is, therefore, a vacancy, and the case comes under the general power to fill vacancies.—*Opinions of Attorneys-General*, volume 19, page 263.

The precedents in the Senate on this subject as to the appointment by the governor of a State of a Senator to fill a vacancy at the beginning of a full term seem to have run in sections and to have gone first one way and then another. They are like Swiss troops, fighting on both sides. The first case arose soon after the adoption of the Constitution, when the legislature of Virginia had elected George Mason, the author of the Bill of Rights. He declined the office and the legislature adjourned. The governor appointed John Walker on the 31st of March, 1790, one hundred and ten years ago. His credentials were then recognized when the Constitution was finished, and he was admitted and took his seat at the beginning of a term and served until November 9, 1790, and yet one hundred and ten years later we find ourselves worse off than we were in the beginning.

The next case that came along was that of Kenzey Johns, two years later, from Delaware, in 1793, George Reed, his predecessor, having resigned during the recess of the legislature. That body met in January and adjourned in February, 1794. Kenzey Johns was appointed by the governor to fill the vacancy, and he was denied his seat in the Senate by a vote of 21 to 18.

The next case occurred in 1797. It was that of William Cocke, of Tennessee, whose full term expired on the 3d of March, 1797. There had been no election of his successor, although the legislature had had full opportunity to elect him. Mr. Cocke, however, was appointed to fill the vacancy and was admitted.

So in the first three cases under the Constitution, to which I have adverted, the Senate first went one way and then the other way, and then reverted back, as they must ever revert back, to the original proposition, that when a vacancy occurs in a seat in the Senate the governor of the State has the right to fill it.

In 1801 Uriah Tracy, of Connecticut, was appointed prior to the 4th of March to fill an anticipated vacancy which would then occur. He was admitted.

In 1801 William Heineman, of Maryland, was appointed and admitted to fill a vacancy occurring by the expiration of the term of his predecessor.

In 1803 John Condit was appointed and admitted in the same circumstances.

In 1809 Joseph Anderson, of Tennessee, and Samuel Smith, of Maryland, were both appointed and admitted under like conditions.

In 1813 Charles Cutts, of New Hampshire, and in 1817 John Williams, of Tennessee, were each appointed and admitted in the same way.

In each of these cases the legislature had failed to elect a Senator.

And though case after case piled Ossa upon Pelion in behalf of the principle upon which I stand here to-day, the denial of it is the predicate of the opinion which says that Matthew S. Quay is not entitled to a seat in the Senate.

A little later, Mr. President, in 1825, the Senate diverted from this mass of precedent, and James Lanman, of Connecticut, was appointed on February 8 to fill a term commencing March 4. His case was like that of Cocke and Tracy, he having been appointed before the anticipated vacancy arrived; and although the Senate had construed the Constitution to permit the appointment by anticipation to fill a vacancy by the governor, Mr. Lanman was denied his seat.

Then comes the case of Ambrose H. Sevier, of Arkansas, who was appointed in January to fill a vacancy arising from the expiration of his term March 3, 1837, the legislature having elected no successor. The last precedent of Lanman was against his admission, but under the peculiar circumstances of the case, although the Constitution has no language to apply to them, he was admitted, it being held that he having selected by lot his term and no legislature having been in session that could know the fact which created the vacancy in it, he should be admitted.

No such circumstances as those upon which the Senate so soon renounced the Lanman precedent are found in the Constitution, but the case indicates that the Senate will ever attempt by one method or another to get back upon the solid ground on which the Government started, and when there is a vacancy in the Senate the governor of a State has the right to appoint to fill it.

Then, Mr. President, for a long period the Senate ran along in the old-fashioned constitutional groove.

Then came a series of cases—C. H. Bell, of New Hampshire, in 1879; H. W. Blair, of New Hampshire, in 1885; Gilman Marston, of New Hampshire, in 1889; and Samuel Pasco, of Florida, in 1893. In each of these cases prior terms in the Senate had expired by efflux of time, and each of the four Senators was appointed to

fill a vacancy existing—a vacancy existing just as the vacancy now exists, at the beginning of a term—and all four were admitted.

In 1893 the Senate wheeled about again. Lee Mantle was appointed by the governor after the adjournment of the Montana legislature, which had failed to elect a Senator to succeed Mr. Saunders, whose term expired on March 3. The cases of Allen, of Washington, and Beckwith, of Wyoming, at the same session of the Senate were dealt with according to the Mantle decision.

All of them were denied their seats. A little later, in the case of Henry W. Corbett, of Oregon, in 1898, a like decision was rendered.

These latest decisions are against the view that I maintain, but the great weight and number of authorities preceding them are such and the considerations of law and public policy are so strong against their validity that no invocation of the doctrine of stare decisis can have much value. All views that can be taken on this question have been time and again taken by the Senate. Any decision of the Senate can therefore have no weight other than such as attaches to its intrinsic merit. It was well observed in the Mantle case, and by the minority of the Committee on Privileges and Elections, that—

> At that time there was an earnest division on an important question relating to the currency which created for the time being more earnest differences of opinion than those existing between the two great political parties on other questions. It was a time not favorable to a dispassionate, nonpartisan judgment.

I know not, Mr. President, when the time will come when a political body, as the Senate is, will not be agitated in some degree, more or less, by partisan considerations. I do not claim to be wiser or better than others; but in the changes of party in the Senate, whosoever may have been he who held such a credential as is now held by Hon. Matthew Quay, I have favored admission to this body, believing he had as much right to his seat as I had, and that to deny him that seat would be to violate that clause in the Constitution which declares that no State shall, without its consent, be denied its actual suffrage in the Senate.

But, Mr. President, this body and all bodies of like nature must be open at all times to the suggestions of partisan opinion. We have those eminent and wise in the law who through different Administrations of party in this country have construed this language for it. It is notable, whether Democrat or Republican or Whig was President, whether there was peace or whether there was war, no matter what was the condition of the political sentiment in this country, all the Attorneys-General of the United States who have been consulted as to the meaning of this language concurred in giving one opinion.

So, Mr. President, we must construe the Constitution in order to carry out the contemplations of its authors and to meet the conditions which constantly press upon practical existence. To construe them otherwise would be to disregard the maxims of statesmanship and jurisprudence alike and to defeat the very definition of government as given by Edmund Burke, who said it was "a contrivance of human wisdom to provide for human wants."

There is no rule or maxim for the construction of written instruments that will sustain what seems to me, with all respect to those who differ, the narrow, technical, vague, far-fetched, and contracted view of those who impugn the credentials which are now before us. We find in Coke's Littleton that wholesome maxim of the common law borrowed from the old civilians—

> A liberal interpretation should be put upon written instruments, so as to uphold them, if possible, and carry into effect the intention of the parties—

so aptly expressed by the Latin phrase, ut res magis valeat quam pereat, that the thing shall live and not perish. The construction, as said by Lord Brougham, must be such as will preserve rather than destroy.

The construction that would to-day reject the governor's appointee from the great State of Pennsylvania not only destroys the grammar of the Constitution, but destroys the integrity of the Senate as a body of complete numbers and destroys the equality of the States in representation and contravenes the declaration of the Constitution that no State shall, without its consent, be deprived of its equal suffrage in the Senate. It is a construction that tears down and pulls to pieces and not a construction that preserves, continues, and builds up. It is a construction that opens a path to dissolution and not one that treads the highway of life.

Story has well observed on this subject:

> Where the words admit of two senses, each of which is comformable to the common usage, that sense is to be adopted which, without departing from the literal import of the words, best harmonizes with the nature and objects, the scope and design, of the instrument.

If the happening of a vacancy were a phrase which admitted of two constructions, who would say that we should not select of the two that construction which was consistent with the preservation of the rights of States and the continuity in good order of the great Government which they compose.

Look to the inconvenience and ill consequences that are precipitated upon the States and upon the country by a different interpretation. Many of our legislatures meet but once in two years; in Mississippi it meets but once in four years. Suppose that just before a legislature adjourns a Senator dies or resigns; is the vacancy to remain and a State to go unrepresented and the Senate to be mutilated in one of its parts by its continuance for an indefinite period of time?

Blackstone, too, gives a canon of construction that, it seems to me, applies here. He says that the intention of a law is to be gathered from the words, the context, the subject-matter, the effects and consequences of the reason and spirit of the law. The whole reason and spirit of this constitutional provision is directed to the preservation of the Senate as a complete body. The words consist with this construction; the context of the Constitution uses similar words to provide for Executive appointments, which have always been construed as I think these words should be construed; and the ill effects and consequences of a different construction all lead the same way.

Now, Mr. President, as a result of a contemplation of the Constitution in its entirety, and especially from the contemplation of these coordinate provisions respecting appointments to vacant seats in the Senate and appointments to vacant offices, I think this proposition may be collected from them and may be legally demonstrated, that there can exist no vacancy in any office.

And in construing it I start with this general proposition—that there can exist no vacancy in any office in the United States at any time, and no vacancy in the Senate of the United States which can not be instantly filled, however that vacancy may have arisen.

Nature abhors a vacuum; government abhors a vacuum; the Constitution abhors a vacuum, and, just like nature, has provided an instant means of filling it.

With respect to the House of Representatives, the large and populous body of the lawmaking department of this Government, the case is a little different from executive appointments from the Senate. Necessarily so. It springs not from constitutional design, but is inherent in the nature of things.

> When vacancies happen in the representation from any State, the executive authority shall issue writs of election to fill such vacancies.

This is the language of Article I, section 2, paragraph 4, of the Constitution.

Chosen as the Representative is by the electors of the State, some little time must elapse when vacancies in representation happen in any State before writs can issue, elections duly held, and the vacancies filled. But the Constitution provides the machinery for filling them as speedily as the nature of the case admits of. The delay is only that which could not be avoided, for the Representative can only be chosen by the electoral body of the people. No substitute can temporarily supply his place, and no secondary method of election or appointment could have been properly provided.

The lack of a secondary method of filling a seat temporarily in the House of Representatives is not felt as it would be felt if applied to the Senate; and it was the fact that it would not be so felt that led the framers of the Constitution, according to their own declaration and proclamation, to deal with it differently.

The States of this Union are not equal in the House of Representatives, but as various as their numbers. Elections can always be held, and the electoral body can always speedily act. With respect to the Senate it is different. Here the States are equal, whatever be their size, their wealth, or their numbers. That equality is made perpetual. It is also made continuous and unbroken; and so important did the framers of the Constitution deem it that they declared against its deprivation without the consent of the State.

There were reasons, Mr. President, for this careful discrimination between the Senate and House of Representatives, important alike to the States, to the United States, and to the people. The Senate is indeed a coordinate lawmaking body with the House; but it is far more than a coordinate lawmaking body; it is also an executive body. It shares with the President the power of making all judicial and executive appointments to office. What could be more essential to the interests and to the dignity of a State than that it should have at all times here an equal voice in saying who should be its Federal judges, its collectors, or represent it as ambassador, minister, or consul?

The Senate is also a judicial body. A President has been impeached before it; judges of the Supreme Court have been impeached before it; all Federal officers may be impeached before it. Let us not disparage the authority or the importance in dignity of one vote. One vote, Mr. President, has decided the gravest matters which were ever presented to this judicial body. We know not what it has saved the country; but time and again all has turned on one vote before this body of judges.

More than this, Mr. President, the Senate, under our Constitution, is a part of the treaty-making power. Two-thirds of their number is necessary, in concurrence with the President, to the making of a treaty. By treaties we have annexed over two-thirds of our territory; by treaties we have established an international

court of arbitration; by treaties we conclude peace and fix the boundaries of nations. The States can have no foreign relations; they can do nothing about the vast, world-wide concerns that may forever affect for weal or for woe their destinies and come home forever to the business and the bosoms of their people, save through their two Senators. Well did they provide in this compact and clearly written Constitution against ever being stripped of their equal suffrage here; and it is for that equal suffrage and for the continuity and the integrity of this body that I speak.

Mr. President, when I hear Senators say that we should lay aside this case that a Puerto Rican bill, or a Hawaiian bill, or a financial bill, or any other kind of a bill should be considered, it seems to me that they have not bowed to the dignity of the Constitution, under which they hold their places, and that they are not treating their brothers as they would wish to be treated if they were knocking at the gates of this body with a perfect credential and their brothers were in here attending to business, which they have as much right to participate in conducting as anyone here, according to their views and according to their right to be heard.

Mr. President, I shall never vote, unless indeed in some great public exigency, when everything else must give way to the necessity of the country, to postpone the credential of a Senator to anyone's convenience, or even to any other consideration of public policy.

The first step in the organization of any body is to ascertain who are its members. According to the Constitution it has been ascertained that we are members; but there is one who has as much right to sit in this Senate, according to my conviction of the meaning and true intent of the Constitution, as anyone who so placidly votes to postpone his case and let him cool his heels, waiting for it to be heard.

I shall vote in this case, Mr. President, as I have voted in every other similar case. There is no reason why we should be jealous of the governor of the Commonwealth of a great State, or of any State of this Union. The Constitution of the United States has dignified them by making them its agents, and we are sworn to support that Constitution and to recognize its agents.

More than this, they come immediately from the people. There is not a State in this Union whose governor is not chosen by the people, and his responsibility is greater to the people than that of any legislative body, either State or national. Whenever responsibility is distributed and diffused over a large number, it becomes weaker. One says, "I voted this way or that way because another voted this way or that way;" one says, "I followed the committee;" another says, "I voted with my party." The governor of a Commonwealth must stand out single-handed and alone before the people and say, "I did this on my sole responsibility, and I am ready to answer for it."

The governor of Pennsylvania, according to the Constitution, according to the great majority of the precedents which this body has made, and according to the uniform precedent of construction which has prevailed with the President and Attorneys-General of the United States for over a period of eighty years, has appointed a Senator, who has a right to his seat. Give him that right and fix that principle in this Constitution which will forever recognize the equal suffrage of the States in the Senate and ever preserve this body as a perpetual and continuous one that can not be picked to pieces by the technicalities of law.

During the delivery of Mr. DANIEL'S speech,

Mr. CULLOM. Will the Senator allow me to interrupt him for a moment?

Mr. DANIEL. Certainly.

Mr. CULLOM. Simply for the purpose of asking that the unfinished business be laid before the Senate. I do not desire to interrupt the Senator.

Mr. DANIEL. I shall not take much longer.

Mr. CULLOM. The unfinished business should be laid before the Senate at 2 o'clock.

The PRESIDING OFFICER (Mr. KEAN in the chair). The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 222) to provide a government for the Territory of Hawaii.

Mr. PENROSE. I should like simply to state that I shall adhere to the proposition I maintained early in the session this morning, that the unfinished business must give way to this question of privilege. But I have no desire to delay the proceedings. I desire simply to file my protest.

Mr. CULLOM. I understand the Senator.

Mr. HOAR. I ask unanimous consent that the unfinished business be taken up at the conclusion of the remarks of the Senator from Virginia, and that he now proceed with his remarks.

Mr. CULLOM. That is all that I desire.

The PRESIDING OFFICER. The Senator from Massachusetts asks unanimous consent that the Senator from Virginia proceed with his remarks and that the unfinished business be taken up after the conclusion of his remarks. If there is no objection, it is so ordered.

Mr. HOAR. That does not commit us to anything either way.

Mr. PLATT of Connecticut. That is right.

After the conclusion of Mr. DANIEL'S speech,

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on this day approved and signed the joint resolution (S. R. 55) authorizing the President to appoint one woman commissioner to represent the United States and the National Society of the Daughters of the American Revolution at the unveiling of the statue of Lafayette at the Exposition in Paris, France, in 1900.

TERRITORY OF HAWAII.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 222) to provide a government for the Territory of Hawaii.

Mr. MORGAN. Mr. President, when this matter was last before the Senate I had the floor, and, after a great many interruptions, I succeeded in getting before the Senate my views upon the particular amendment now under consideration. I desire, in order that we may understand exactly what the question before the Senate is, now to have the Secretary state the proposed amendment with the text as it will stand after it shall have been amended as proposed.

The SECRETARY. It is proposed to amend section 81, on page 35, as follows: In line 22, before the word "shall," to strike out "governor" and insert "President;" in line 23, after the word "senate," to strike out "of the Territory of Hawaii;" in line 25, after the word "courts," to insert "and the governor shall nominate and, by and with the advice and consent of the senate of the Territory of Hawaii, appoint;" in line 11, on page 36, after the word "may" and before the word "remove," to insert "by and with the advice and consent of the senate of the Territory of Hawaii;" in line 16, after the word "removed," to strike out:

Except the chief justice and justices of the supreme court, who shall hold office during good behavior, and the judges of the circuit courts, whose terms of office shall be six years, and;

and on page 37, after the word "provided," at the end of line 12, to strike out:

Except the chief justice and associate justices of the supreme court and the judges of the circuit courts, who shall continue in office until their respective offices become vacant;

so that, if amended as proposed, the section would read:

SEC. 81. That the President shall nominate and, by and with the advice and consent of the Senate, appoint the chief justice and justices of the supreme court, the judges of the circuit courts, and the governor shall nominate and, by and with the advice and consent of the senate of the Territory of Hawaii, appoint the attorney-general, treasurer, commissioner of public lands, commissioner of agriculture and forestry, superintendent of public works, superintendent of public instruction, auditor, deputy auditor, surveyor, high sheriff, members of the board of health, commissioners of public instruction, board of prison inspectors, board of registration and inspectors of election, and any other boards of a public character that may be created by law; and he may make such appointments when the senate is not in session by granting commissions, which shall, unless such appointments are confirmed, expire at the end of the next session of the senate. He may, by and with the advice and consent of the senate of the Territory of Hawaii, remove from office any of such officers except the chief justice and justices of the supreme court and the judges of the circuit courts, who shall be removable by impeachment only. All such officers shall hold office for four years and until their successors are appointed and qualified, unless sooner removed, except the commissioners of public instruction and the members of said boards, whose terms of office shall be as provided by the laws of the Territory of Hawaii.

The manner of appointment and removal and the tenure of all other officers shall be as provided by law; and the governor may appoint or remove any officer whose appointment or removal is not otherwise provided for.

The salaries of all officers other than those appointed by the President shall be as provided by the legislature, but those of the chief justice and the justices of the supreme court and judges of the circuit courts shall not be diminished during their term of office.

All persons holding office in the Hawaiian Islands at the time this act takes effect shall, except as herein otherwise provided, continue to hold their respective offices until such offices become vacant, but not beyond the end of the first session of the senate, unless reappointed as herein provided.

Mr. MORGAN. I would suggest to the Senator from Connecticut [Mr. PLATT] who offered this amendment that, after the changes he proposes to make in it, there ought to be a more distinct expression of the fact that the nomination of the officers appointed by the governor should be confirmed by the senate of Hawaii. The words "the senate" are used there instead of "the senate of Hawaii," which might be confused with the Senate of the United States.

Mr. PLATT of Connecticut. Will the Secretary read the first part of the section as it will read if amended?

The Secretary read as follows:

SEC. 81. That the President shall nominate and, by and with the advice and consent of the Senate, appoint the chief justice and justices of the supreme court, the judges of the circuit courts, and the governor shall nominate, and, by and with the advice and consent of the senate of the Territory of Hawaii, appoint the attorney-general, etc.

Mr. MORGAN. Mr. President, the first proposition that is presented here is this: The Government of the United States must assume the payment of all the salaries of the judges of the supreme

court and of the circuit courts. If we appoint the officers and appoint those judges, of course we have got to provide the salaries, because they become then officers of the United States Government. No provision is made in the bill, or none has been suggested, I believe, in regard to this point of difficulty; and I will suggest to the Senator from Connecticut, if his amendment shall prevail, that he bring in some provision for the purpose of ascertaining and declaring what the salaries of those judges shall be. The laws of Hawaii fix those salaries, and the legislature has the power, not while they are in office, but in respect to future legislation, to reduce them if it chooses to do so, or to increase them.

The government of Hawaii has maintained itself, and will continue to maintain itself, upon the basis of the expenditures that are provided for in this bill. The people of Hawaii, of course, ought not to object to the Government of the United States taking these burdens off of their hands, but they are quite willing to retain them, if they can have the privilege, which I think every community ought to be accorded, of having some voice in the selection of their judicial officers.

The other day, when I was discussing this subject, I adverted to the proposition, which I think is an entirely correct one, that a judicial office is as much an office to be conferred with respect to the will of the people in a Territory or a State as any other office. If we break away from the system that is recommended here and assume the appointment of those officers by the Government of the United States, why not go further and have the President of the United States appoint all the executive officers of that Territory, and why not require the President to appoint the legislative officers also? Why should we retain the feature of representation in respect of the legislative and executive officers of that Territory, and abandon that feature in respect of the election of the judicial officers? The only argument that I have heard in that direction is that we have not heretofore done it.

Well, Mr. President, we have heretofore permitted in a very large degree the people of the Territories, through their legislature or governor, or by election, to choose their judicial officers; and this bill, as it will be left after the amendment of the Senator from Connecticut has been put upon it, if it shall be adopted, will leave the district judges of the islands under the power of appointment of the governor and confirmation by the senate. These district judges have a more important jurisdiction, so far as the administration of justice is concerned, than the judges of the circuit courts or of the supreme court. There is united in the jurisdiction of the district judges that which belongs ordinarily in the United States to the justice of the peace. They also have other and very important powers relating, for instance, to the probate of wills and the administration of estates. A number of important powers are left in the hands of the judges of the district courts. These powers reach the people in every neighborhood in Hawaii. The people in the different judicial districts naturally look to those judges as the conservators of the peace and the administrators of justice in respect of cases that do not involve certain very important constitutional or other questions or very large amounts of money and property.

So, if we commence this work of transferring the appointing power of the judges into the hands of the President of the United States, we ought to continue it, to be consistent with ourselves, as to the appointment of the judges of the district courts. There is, therefore, no logic in the proposition presented by the Senator from Connecticut. It is entirely unimportant, entirely illogical, except in this respect, that the people of Hawaii have the right, as every other people have, to know the judges who are appointed amongst them and over them. No country can be described that is in a worse condition than a state where a foreign judge is seated in the seat of judgment. A foreign judicial rule is of all things the least to be approved, and it is the last thing that the people of any self-governing community in the United States or in the Territories desire.

I am opposed, Mr. President, to having the political parties in the United States choose the judges for Hawaii. In the hands of a President of the United States the appointment of a judge in a Territory is a purely political question. The present excellent and eminent President of the United States, in whose personal integrity and character I have the highest confidence, would hesitate a long time before he would confront the politicians of his own party in making a selection of a judge for the Territory of Arizona or New Mexico from the Democratic party. It would make no difference what the man's qualifications might be; it would make no difference what might be the desires of the people of the locality; he would make the appointment in every case, as he has done and will do in every case, from the political party to which he belongs. I do not know what other motive there can be for having this power transferred from the governor of a Territory into the hands of the President, unless it may be a political motive, a motive to increase the patronage of the party in power at this time; and I object to it on that ground, as being unseemly and unjust to the people of Hawaii. If we intend now to take the offices of Hawaii and make them a part of the Presidential patronage, let us take them all, let us take the whole of the judges, including the judges of the district courts, also the members of the legislature, and all of the members of the executive department of that Territorial government.

Mr. President, this bill first received the consideration of five commissioners, all of whom agreed in respect of its provisions in this particular which I am now discussing, and made their report. It then went before the Committee on Foreign Relations during the last Congress, and was there considered and reported, retaining this provision. At the present session of Congress it has again gone before the Committee on Foreign Relations, and has been again reported with this feature in it, and now, at a time when the bill is about to pass this body, a new contrivance is set up here which is entirely disorganizing, and which destroys the scheme of the entire bill as to the judiciary.

I beg the attention of what few Senators have consented to linger in this body, for the purpose of attending to the public business, for a little while to the proposition that this bill contains a new provision in respect of the entire judicial establishment of the Territory of Hawaii. The first proposition is that the judges, the juries, and those functionaries who exercise judicial power in that Territory shall be selected so far as may be possible from the worthy people of those islands, people who are capacitated to fill those important places. In that view of the subject I do not feel that the committee have strayed away from any proper doctrine for the Government of the United States or any of its Territories.

Local self-government is as much included in the administration of justice as it is in the election of officers or in the execution of the law, and the principle of local self-government is the one to which this commission and the Committee on Foreign Relations have appealed in this case as the basis upon which we predicate the entire frame of this bill.

It has been the custom heretofore—and a very bad custom, indeed—to appoint the judges of the Territorial courts for four years, a very short time, during which they are strangers to a community; they can scarcely become acquainted with its laws or with its people, and when another Administration shall come in those judges are removed for political reasons and a new set appointed, so that political influence, instead of a high sense of propriety in judicial administration, is that which quadrennially invades every Territory of the United States and carries to its people a new administrator of justice who is unacquainted with the people and with the laws of the Territory in which he presides. That system of itself is faulty in principle and it has been very injurious in its administration.

But there are other views of this question; there are other circumstances which have been forced upon the attention of Congress hitherto, chiefly by the sparsity of an educated and trained population in the Territories which we have heretofore organized. Heretofore, up to the present time indeed, except, I believe, in the case of Alaska, we have conferred upon what they call the United States courts in the Territories—the same courts the Senator from Connecticut is now trying to put upon the island of Hawaii—we have conferred upon them the power to enforce the laws of the United States, assuming under the decisions of the Supreme Court that Congress as the supreme sovereign over the Territories has the right to combine the powers of the State government and the powers of the Federal Government in the appointment of judicial officers for the Territories. We have conferred upon them the double duty, and sometimes the irreconcilable duty, of passing upon questions that arise in the Territories themselves, and which concern private interests entirely, combining them with questions that arise under the laws of the United States and are entirely different in their purposes and in the means of execution from the Territorial or local laws. For instance, we have conferred upon those Territorial courts the power of admiralty in several cases.

Now, what greater inconsistency can there be than that of a Territorial court exercising all of the local jurisdiction that belongs to a State court or county court or probate court or criminal court and uniting that with the jurisdiction conferred under the laws of the United States upon the district and circuit courts in admiralty? How are we to expect to find judges of sufficient breadth of learning, sufficient ability to manage these diverse and incongruous conditions? We have escaped heretofore for the reason that it has very seldom happened that our Territorial courts have been called upon to administer admiralty jurisdiction, but I can conceive of nothing more unseemly in legislation to provide judicial jurisdiction and officers than to place in the hands, for instance, of a circuit judge of the State of Alabama the power to determine and execute the laws of the United States in Alabama. If he can not do it properly in Alabama, if there are public reasons connected with the harmony of the judicial establishment

why a circuit judge in Alabama can not exercise such power, how can we justify conferring double jurisdiction upon a Territorial court?

The Territorial court, under the decisions of the Supreme Court, derives from Congress, in view of its competent powers, all of the rights of a circuit court of Alabama or any other State, and also all of the rights, powers, and jurisdiction that belong to Federal courts. Those courts in practice have two dockets, one of which is for the disposal of cases that are local in their origin and in their effect—purely local litigation. The other docket relates to cases of the Government of the United States or cases in which the Government of the United States is involved. This committee, and the commission, also, having some idea about this matter, undertook to get rid of this incongruity, this unnecessary mixing of two jurisdictions in the mind of a man serving two masters upon the bench, and we first of all separated the local courts in Hawaii entirely from the courts of the United States, and gave to them that kind of local jurisdiction that a circuit or other court in a State possesses.

Then, in order that the Government of the United States might have its rightful powers exercised judicially in the Hawaiian Islands, the committee recommended that a district court of the United States should be established in those islands having a jurisdiction that is unequivocal, that is plenary, that has been defined by statute and by judicial decisions so that there is no doubt or dispute about its powers at all, and that in that jurisdiction that judge, representing the Government of the United States, should preside in all cases where the laws and rights of the Government of the United States were involved.

Now, is there any serious objection, is there any constitutional objection, can there be any objection in theory or in practice to establishing in the islands of Hawaii the two separate jurisdictions just as they exist in the States? I can see no difficulty in the way. I have sought in vain for some constitutional difficulty, and it has never occurred to me or to any other member of the commission or to any other member of the Committee on Foreign Relations. The subject has been fully discussed, and the committee have been of the opinion that we had just as much right to establish a district court in Hawaii as we have to establish a district court in any State in the American Union.

Now, if there is no such difficulty, it behooves us in providing a good government for those people there to keep those jurisdictions separate, and in order to keep them separate the appointing power ought to be kept separate. The appointing power of the local jurisdiction ought to be the local government and of the Federal jurisdiction the Federal Government. Is there any collision between them? Is there a possibility of collision between them? No more in the islands of Hawaii than there is in the State of Alabama—not at all. They have separate functions to perform, separate jurisdictions to give them authority and power, separate officers for the purpose of enforcing their judgments and decrees, and there is no reason and no man can state a reason against this proposition except to say we have not heretofore done it. That is all you can say about it.

Heretofore, Mr. President, we have never had the power and the opportunity to legislate for a country situated as Hawaii is. I take it for granted that the Hawaiian Territory is now fully incorporated into the United States, and according to the very terms of the act of annexation the Constitution of the United States is in force there in all of its self-executing powers, except so far as Congress has seen proper to withhold the positive introduction of these provisions of the Constitution and to retain for the present time and until Congress has further directed the local government of Hawaii in all of its full force and effect, except in respect of its foreign relations.

The islands of Hawaii are an outpost in the sea 2,000 miles removed from our coast. It is a maritime territory, strictly speaking. It has no connection with anything on any side except with the open ocean. Separated from the continent of the United States, responsibilities rest upon any government that may be found there which differ almost wholly from those that affect a Territory like Arizona or New Mexico, that is locked up in the bosom of the continent. What are the questions that arise in Hawaii every day, whose determination is absolutely essential to the preservation of any form of government there that is supposed to be at all complete or effective?

I will take the collection of customs, if you please. Customs cases arise and must arise in Hawaii very frequently in which judicial determination is absolutely necessary to ascertain the rights of the parties. Will you refer those questions to the local court in Hawaii, which court may not be fully informed in respect of the laws of the United States on the subject of duties and customs? Criminal cases, smuggling, and a large class of criminal cases are continually arising in this outpost in the sea which can be dealt with efficiently only by a district court of the United States. I will not dwell upon these different topics to elaborate them at all, but I will refer to them rather by their heads.

We will take the subject of immigration from China, a subject that properly falls within the jurisdiction of a Federal tribunal. Shall we not have a Federal court in Hawaii to intercept the Chinese who may attempt to smuggle themselves onto this continent contrary to law? Shall we leave it to a local court, and a local court whose interest may be directly in favor of introducing Chinese labor into those islands, if not into the United States? Is there not more likely to be a conflict of interest in a local court upon the question of Chinese immigration than would occur if that court had no jurisdiction of the subject whatever and a Federal court was there to deal with that very important matter? And so as to the importation of persons from Japan and from other countries under labor contracts. They are properly the subject of judicial action by a Federal tribunal.

So the still more important question of quarantine, the handling of these great masses of Orientals who come across the Pacific Ocean and are crowding like the salmon crowd in the fiords of Alaska, for the purpose of getting upon this continent, in order to find an easier place of existence and a better home than they can find in China and Japan, and in India also. Should there not be some independent United States power and authority upon those islands for the purpose of dealing with this question also? Then take the large number of cases that arise in admiralty in time of war and also in time of peace. Prize questions are continually being introduced to the judicial tribunals by captures at sea both at war and in peace, captures for violations of the revenue laws as well as the laws of blockade and the laws of war and the laws relating to the importation of contraband of war—prize cases, originating in a great many ways, that are to be determined and ought to be determined at the nearest point to which the prize can be taken for adjudication. Shall we deny to ourselves, not to the people of Hawaii—shall we deny to the Government of the United States the right and opportunity to have a prize court in Honolulu, and force the captors of prizes, no matter what the offense may have been for which the capture was made, to come 2,000 miles to the coast in order to find a court in San Diego or San Francisco or Los Angeles? It is an absurd situation.

Then take the questions that arise under the admiralty jurisdiction of a Federal court, and they are very numerous. The classifications even are very numerous, and cases of the greatest magnitude arise in those courts. There are seizures for forfeitures and penalties against the laws of the United States. There are possessory actions for ships triable in admiralty, questions of pilotage, fees of pilots, rights and duties of pilots, questions of salvage, where vessels are in collision, or for any cause where a question of salvage may arise, always very important and frequently very delicate for decision; questions of liens for repairs. Almost every ship that passes Hawaii must have some repairs put upon her at Honolulu. It is a rare thing for a ship to cross the Pacific Ocean without having some necessary repairs made at Honolulu. There are questions of liens upon tackle, apparel, and furniture for the payment of those repairs in the event that they are not paid according to the agreement between the parties, which must be decided in admiralty.

If it is a State court, you can not give to it jurisdiction requisite for the decision of these cases. It is only in virtue of the fact that Congress has the supreme power to confer the jurisdiction both of the State and the Federal Government upon a court of admiralty that the court proposed by the Senator from Connecticut can take any jurisdiction whatever of a lien for repairs upon a ship. There is that vast sweep of maritime contracts, very important in themselves and involving questions of the greatest possible difficulty and interest; questions of seamen's wages and questions of collisions, to which I have already referred. I do not care to detain the Senate by calling attention to some of the decisions upon these questions, because I suppose the law as I have stated it here now upon the question of the jurisdiction of these courts will hardly be disputed. I am referring to it merely for the purpose of showing the necessity of having an independent separate district court of the United States located in the Hawaiian Islands.

Then we will take the internal revenue and the violations of the internal-revenue laws—the questions of illicit distilleries and the thousands of questions that arise continually under the internal-revenue laws of the United States. Are we going to execute our internal-revenue laws in Hawaii? Of course we will. The bill provides for it. The bill constitutes the Hawaiian Islands an internal-revenue collection district. It also constitutes those islands a customs district of the United States, and we appoint there our custom-house officer, and all of the laws and all of the regulations that relate to the customs are put in force there by this bill.

Now, shall we have behind these powers that we carry into Hawaii no judge of the district court to control and regulate those matters as between the Government of the United States and the people of Hawaii? Shall we take away from a people who have already elaborated in their judicial decisions a splendid system of admiralty law all of that system and confer upon them a jurisdiction

which is mixed, consisting in part of a local Territorial jurisdiction for local affairs and also a broader jurisdiction to cover all the powers of the different courts of the United States in those islands?

For my part, Mr. President, I take great pride in the fact that this commission and the committee have introduced this subject into the bill and have brought forward and presented to the Congress of the United States an opportunity to take that one step which is more necessary than any other that we can take at all for the purpose of introducing the real authority of the United States Government into those islands. I will not for the present discuss what might be the effect of such an establishment in Puerto Rico and in the Philippines, but it will be but a very short time until the Congress of the United States will find itself compelled by the necessities of the situation to go into the Philippines and also into Puerto Rico with these district judges. Why is it, when we are extending the whole constitutional authority and power of the Government of the United States over the islands of Hawaii, we should deprive those people or the Government of the United States of the opportunity of having a full sweep of jurisdiction as provided for the States of the Union in our large and elaborate system of legislation and judicial decisions? I can not understand it, Mr. President. I can not see any objection to it, and I shall listen with attention to the real point of any objection that can be made to the introduction of these courts into the Hawaiian Islands.

It is urged or it has been urged that it is unconstitutional to establish a district court of the United States anywhere in the world except within the body of a State. If that is true, we made a very wide and very serious breach of the Constitution, which is now pretty nearly a hundred years old, in respect of the District of Columbia, for here we have a supreme court and a court of appeals of the District of Columbia, and exactly the same jurisdiction is conferred upon them that is conferred by the general laws upon the district, circuit, and appellate courts of the United States.

We have judges who hold their constitutional tenure also during good behavior. Those courts in every possible respect, except in the mere name, have all of the power, all of the jurisdiction, that are possessed by the circuit and district courts of the United States, with one solitary exception, and that is that where a plaintiff sues in a district court of the United States, if he stand upon his character as a citizen merely without reference to the nature of the question he brings into court, he must be the citizen of a State and can not be a citizen of the District of Columbia or the citizen of a Territory. That is the only difference. That, however, does not in the slightest degree operate as against the jurisdictional powers which he may invoke, no matter of what State or Territory he may be a citizen, if the question presented in the cause is one that arises under the laws or the treaties of the United States.

It is no argument against the constitutionality of this court that a man living in Hawaii can not sue another man who may live in California. A man living in California can sue a man who lives in Hawaii by this law; but if he lives in a Territory, he can not sue in a district court of the United States. He would have to go into the local courts in order to have his redress. He is the only man who is excluded from that power or right. More than that, it is not quite settled—it was not settled in the first case decided upon this question, and it is not settled yet—whether the Congress of the United States has not the right to confer upon a man who lives in a Territory or the District of Columbia the right to sue in a Federal court. Chief Justice Marshall kept that expressly as an open question in the first decision ever delivered on the subject.

Now, I do not care to elaborate this subject before a Senate so thin as this is, because when our colleagues come to vote upon this question of course they will simply know nothing about it, unless we take the pains to go over the whole ground and explain it again, but I wanted to ask the Senator from Connecticut, unless he could state some real constitutional ground of objection to this legislation, to forbear his opposition to it in deference to the views of the men—not myself, but of others—who have carefully scanned this whole subject, and who have presented a system here which will be broken into and very badly injured, if not destroyed, by the effect of his amendment; and I hope the Senator from Connecticut, when he comes to consider the subject more maturely, will not insist upon his amendment.

Mr. President, it is intimated here that we should proceed with this bill in a hurry for the reason that the bubonic plague is affecting the people of the Hawaiian Islands. It has now originated, as we are informed this morning by the newspapers, in the island of Maui. In that connection, I should like to say that the bubonic plague in the island of Maui, according to the newspaper statement, which gives the only account we have, was introduced into that island by some Chinese sweetmeats, brought forward and eaten by the people. The island of Maui has no connection whatever with the island of Oahu, on which the city of Honolulu is situated. The strictest possible quarantine is kept up, and there is no possibility of getting from Honolulu to Maui otherwise than upon a ship, a seagoing vessel. The quarantine there has been absolutely perfect, and the origin of the bubonic plague in the island of Maui and also the one case in Hilo are not in the slightest degree to be attributed to the prior existence of the disease in Honolulu. On the contrary, the measures taken by the people of Honolulu to stamp out the disease have been so effectual that it has been ten days, up to the latest account, since any new case originated in the city of Honolulu.

But I call attention to this now for the purpose of trying to quiet the apprehensions of some of our friends on the subject of very hasty legislation in favor of these islands. It is very true that we have left the islands in the most peculiar and the most unsatisfactory condition that has ever existed in respect of any part of the country over which we have had the power of government. Our neglect of the people of those islands up to this time, considering all of their antecedents, considering who they are and what they are and what they have accomplished, is discreditable to the Government of the United States. There can not be anything said of it less stringent than that. It is discreditable. Those people have now for the third time encountered, in the most heroic way that any people ever have, a great epidemic of disease.

The first was the leprosy, which they have conquered so far as concerns its being a contagious or infectious disease in any of those islands. Those people have done for the lepers, who were affected first of all from some persons who came across from China, what no nation in the world has ever attempted to do for that most miserable and unfortunate class of people. They have established for them a home, a sanitarium, covering 10,000 acres of land in a beautiful situation, surrounded on three sides by the sea and on the fourth side by precipitous mountains, and upon that plain, through which run several beautiful streams, they have located homes for these lepers, where no man can turn to his neighbor and say, "Thou art defiled." It is the only place in the world where a leper has been provided with home comforts, with the protection and care of excellent physicians, with every appliance of civil and Christian society, with all necessary amusements, and with work at which they can make money, and with every possible facility for comfort that can be given to people in such an unfortunate condition.

In that respect the people of Hawaii have accomplished a triumph of medical sanitation that has drawn the admiration of all of the scientific world, and no people have so greatly honored themselves as have those people in dealing with that terrible disease. There is no more danger of becoming a leper by contagion or infection in one of the Hawaiian Islands to-day than there is in the city of Washington, and I do not think there is half so much, because of the strict regimen and control that they have exercised over this trouble in their islands.

The second great battle they had to fight was with the cholera. They ascertained through the skill of their physicians, whose skill is not inferior to that of any set of physicians, I suppose, in the world, that the cholera was communicated not from a ship which landed, because the ship that was suspected of having the cholera aboard of her was quarantined in such a way that no person went on board and no person came away. She did not enter the harbor except a very short distance, and the authorities informed her and required them to clean the ship absolutely, to fumigate it in every particular, and then to leave, not to land any person. They washed the ship out, and the washing fell into the sea, and it was taken up by the fishes and communicated to the people through their food. The cholera broke out in Hawaii against all possible precaution, and without any admonition whatever in consequence of any case having landed of a person who was troubled with that disease; and it at once spread among the people. The authorities of the Hawaiian Government at Honolulu took the subject in hand and they crushed it out; and although there were hundreds and perhaps thousands who were affected with the cholera, there were only 41 deaths in the island, and the cholera disappeared.

Now they have the bubonic plague there, and the people of Hawaii have resorted to the old remedy that cleaned it out of London three centuries ago—fire. They have burned up 25 or 30 acres of valuable houses, made them a sacrifice, turning their tenants and their occupants out on the world, but taking religious, Christian care of all of them, taxing their purses and the receipts of their government to the last possible point of endurance. They have conquered the bubonic plague in Oahu; but it has come across the sea in sweetmeats that were sent from China as a part of the celebration of their fête on the 1st of January and gone to the island of Maui, and there it has broken out, and some eight or ten persons, Chinese and Japanese, have died, and one case has occurred in the island of Hawaii, at the town of Hilo.

We can not, Mr. President, afford to treat people like that with any degree of neglect or injustice. In every possible direction and for every reason that can be stated they have a right to our

careful and our affectionate consideration. They have a right to our trust and our confidence. There is no such thing in the government of Hawaii as fraud or robbery, failure to account, or anything of that kind. Those people have commended themselves to us by every consideration, so that it is our duty to reserve to them, or rather, I should say, to preserve to them, something of the establishments and institutions that they have built up. They have built them splendidly. They have administered them with purity and justice. The fruits of their administration and the effects of their laws are manifest on every side in Hawaii; and we ought not to take those people whom we have been inviting to come into the American Republic since the days of Franklin Pierce, who made the first treaty with them—we ought not to take them, now that they have become annexed, with their consent, to the Government of the United States, and treat them either as if they were children or ignorant bands of Indians or early settlers in a wild country; but we ought to take them as we find them, people of developed institutions, who understand the very highest arts of civilization and who have in all of their establishments, both domestic and public, the strongest evidence of the highest possible culture.

So I insist, Mr. President, that there can be no harm, there can be no wrong, there is no invasion of the Constitution of the United States in our giving to those people that privilege of local self-government which relates to the selection of their own judicial officers. If there is any one part of local self-government that is more important to the people than any other, it is to have some control, some voice, in the selection of those men who have in their hands the issues of life and death and whose judgments dispose of all rights of persons and property.

I can not see why it is that the President of the United States should have imparted to him the power to appoint judicial officers there, except merely that they may become an appanage or a part of the patronage of his office; and I detest the very idea of having men sent into the Hawaiian government who go there merely as the selected agents of a political party in the United States. You do not select the judges for Alabama or Connecticut or Ohio according to their political complexion. None of the people of the different States would tolerate the idea of having the Government of the United States appoint judges for them because, forsooth, they are not qualified to select their own judges through their own agents; and there is no reason for having that done.

We hear very much said, Mr. President, of late about imperialism. I do not know of any definition of imperialism as it is being used at the present time, and I have a difficulty in locating my own attitude in regard to imperialism because of the want of a definition of what that may mean. The imperialism that I am opposed to is that which takes away from the people of any part of the United States a proper participation in the right of local self-government. That is the imperialism I am opposed to. The imperialism that I am afraid of is not the natural growth or expansion of our influence in the world, for it was made to expand and it ought to expand, because it is good. No human being ever has been, and I hope that no human being ever will be, included in the power and jurisdiction of the United States who does not receive that blessing in consequence of the fact that he is placed within our jurisdiction. But the imperialism that I as a Democrat have always resisted, and I resist it now, and will always resist it, is the magnifying of the power of the Federal Government and extending it into every cranny and corner of the United States that it may reap a harvest of political power or patronage or something of that kind.

If I were going to define the idea of imperialism I would take up the amendment of the Senator from Connecticut, and I would take away from that enlightened and splendid community in Hawaii the right through their governor and their senate to select their judges for local affairs and local jurisdiction, and confer it upon the President of this imperial Government at Washington. I could not find a better definition of imperialism, it seems to me, than that, and I am opposed to it with that definition in all of its phases and in all of its applications. I believe in the right of local self-government. I believe that there is not an intelligent community in the United States, I mean of white people, who are not entirely competent to select for themselves their local officers, whether they are executive, legislative, or judicial, and any bill which gives the selection of the legislative officers into the hands of Hawaii and denies to them all participation in the selection of their judicial officers I find a contradiction which is entirely illogical, and unless some necessity can be pointed out for it, I must be opposed to it.

Now, that is all I care to say now. I understand the Senator from Rhode Island proposes to make a report, perhaps a conference report, and I yield the floor.

THE FINANCIAL BILL.

Mr. ALDRICH. I present the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to House bill No. 1.

The report was read, as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1) to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate, and agree to the same with amendments as follows:

Strike out all of the matter inserted by said Senate amendments and insert in lieu thereof the following:

That the dollar consisting of 25.8 grains of gold nine-tenths fine, as established by section 3511 of the Revised Statutes of the United States, shall be the standard unit of value, and all forms of money issued or coined by the United States shall be maintained at a parity of value with this standard, and it shall be the duty of the Secretary of the Treasury to maintain such parity.

SEC. 2. That United States notes and Treasury notes issued under the act of July 14, 1890, when presented to the Treasury for redemption, shall be redeemed in gold coin of the standard fixed in the first section of this act, and in order to secure the prompt and certain redemption of such notes as herein provided it shall be the duty of the Secretary of the Treasury to set apart in the Treasury a reserve fund of $150,000,000 in gold coin and bullion, which fund shall be used for such redemption purposes only, and whenever and as often as any of said notes shall be redeemed from said fund it shall be the duty of the Secretary of the Treasury to use said notes so redeemed to restore and maintain such reserve fund in the manner following, to wit: First, by exchanging the notes so redeemed for any gold coin in the general fund of the Treasury; second, by accepting deposits of gold coin at the Treasury or at any subtreasury in exchange for the United States notes so redeemed; third, by procuring gold coin by the use of said notes, in accordance with the provisions of section 3700 of the Revised Statutes of the United States. If the Secretary of the Treasury is unable to restore and maintain the gold coin in the reserve fund by the foregoing methods, and the amount of such gold coin and bullion in said fund shall at any time fall below $100,000,000, then it shall be his duty to restore the same to the maximum sum of $150,000,000 by borrowing money on the credit of the United States, and for the debt thus incurred to issue and sell coupon or registered bonds of the United States, in such form as he may prescribe, in denominations of $50 or any multiple thereof, bearing interest at the rate of not exceeding 3 per cent per annum, payable quarterly, such bonds to be payable at the pleasure of the United States after one year from the date of their issue, and to be payable, principal and interest, in gold coin of the present standard value, and to be exempt from the payment of all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority; and the gold coin received from the sale of said bonds shall first be covered into the general fund of the Treasury and then exchanged, in the manner hereinbefore provided, for an equal amount of the notes redeemed and held for exchange, and the Secretary of the Treasury may, in his discretion, use said notes in exchange for gold, or to purchase or redeem any bonds of the United States, or for any other lawful purpose the public interests may require, except that they shall not be used to meet deficiencies in the current revenues. That United States notes when redeemed in accordance with the provisions of this section shall be reissued, but shall be held in the reserve fund until exchanged for gold, as herein provided; and the gold coin and bullion in the reserve fund, together with the redeemed notes held for use as provided in this section, shall at no time exceed the maximum sum of $150,000,000.

SEC. 3. That nothing contained in this act shall be construed to affect the legal-tender quality as now provided by law of the silver dollar, or of any other money coined or issued by the United States.

SEC. 4. That there be established in the Treasury Department, as a part of the office of the Treasurer of the United States, divisions to be designated and known as the division of issue and the division of redemption, to which shall be assigned, respectively, under such regulations as the Secretary of the Treasury may approve, all records and accounts relating to the issue and redemption of United States notes, gold certificates, silver certificates, and currency certificates. There shall be transferred from the accounts of the general fund of the Treasury of the United States, and taken up on the books of said divisions, respectively, accounts relating to the reserve fund for the redemption of United States notes and Treasury notes, the gold coin held against outstanding gold certificates, the United States notes held against outstanding currency certificates, and the silver dollars held against outstanding silver certificates, and each of the funds represented by these accounts shall be used for the redemption of the notes and certificates for which they are respectively pledged, and shall be used for no other purpose, the same being held as trust funds.

SEC. 5. That it shall be the duty of the Secretary of the Treasury, as fast as standard silver dollars are coined under the provisions of the acts of July 14, 1890, and June 13, 1898, from bullion purchased under the act of July 14, 1890, to retire and cancel an equal amount of Treasury notes whenever received into the Treasury, either by exchange in accordance with the provisions of this act or in the ordinary course of business, and upon the cancellation of Treasury notes silver certificates shall be issued against the silver dollars so coined.

SEC. 6. That the Secretary of the Treasury is hereby authorized and directed to receive deposits of gold coin with the Treasurer or any assistant treasurer of the United States in sums of not less than $20, and to issue gold certificates therefor in denominations of not less than $20, and the coin so deposited shall be retained in the Treasury and held for the payment of such certificates on demand, and used for no other purpose. Such certificates shall be receivable for customs, taxes, and all public dues, and when so received may be reissued, and when held by any national banking association may be counted as a part of its lawful reserve: *Provided*, That whenever and so long as the gold coin held in the reserve fund in the Treasury for the redemption of United States notes and Treasury notes shall fall and remain below $100,000,000 the authority to issue certificates as herein provided shall be suspended: *And provided further*, That whenever and so long as the aggregate amount of United States notes and silver certificates in the general fund of the Treasury shall exceed $60,000,000 the Secretary of the Treasury may, in his discretion, suspend the issue of the certificates herein provided for: *And provided further*, That of the amount of such outstanding certificates one-fourth at least shall be in denominations of $50 or less: *And provided further*, That the Secretary of the Treasury may, in his discretion, issue such certificates in denominations of $10,000, payable to order. And section 5193 of the Revised Statutes of the United States is hereby repealed.

SEC. 7. That hereafter silver certificates shall be issued only of denominations of $10 and under, except that not exceeding in the aggregate 10 per cent of the total volume of said certificates, in the discretion of the Secretary of the Treasury, may be issued in denominations of $20, $50, and $100; and silver certificates of higher denomination than $10, except as herein provided, shall, whenever received at the Treasury or redeemed, be retired and canceled, and certificates of denominations of $10 or less shall be substituted therefor, and after such substitution, in whole or in part, a like volume of United

States notes of less denomination than $10 shall from time to time be retired and canceled, and notes of denominations of $10 and upward shall be reissued in substitution therefor, with like qualities and restrictions as those retired and canceled.

SEC. 8. That the Secretary of the Treasury is hereby authorized to use, at his discretion, any silver bullion in the Treasury of the United States, purchased under the act of July 14, 1890, for coinage into such denominations of subsidiary silver coin as may be necessary to meet the public requirements for such coin: *Provided*, That the amount of subsidiary silver coin outstanding shall not at any time exceed in the aggregate $100,000,000. Whenever any silver bullion purchased under the act of July 14, 1890, shall be used in the coinage of subsidiary silver coin, an amount of Treasury notes issued under said act equal to the cost of the bullion contained in such coin shall be canceled and not reissued.

SEC. 9. That the Secretary of the Treasury is hereby authorized and directed to cause all worn and uncurrent subsidiary silver coin of the United States now in the Treasury, and hereafter received, to be recoined, and to reimburse the Treasurer of the United States for the difference between the nominal or face value of such coin and the amount the same will produce in new coin from any moneys in the Treasury not otherwise appropriated.

SEC. 10. That section 5138 of the Revised Statutes is hereby amended so as to read as follows:

"SEC. 5138. No association shall be organized with a less capital than $100,000, except that banks with a capital of not less than $50,000 may, with the approval of the Secretary of the Treasury, be organized in any place the population of which does not exceed 6,000 inhabitants, and except that banks with a capital of not less than $25,000 may, with the sanction of the Secretary of the Treasury, be organized in any place the population of which does not exceed 3,000 inhabitants. No association shall be organized in a city the population of which exceeds 50,000 persons with a capital of less than $200,000."

SEC. 11. That the Secretary of the Treasury is hereby authorized to receive at the Treasury any of the outstanding bonds of the United States bearing interest at 5 per cent per annum, payable February 1, 1904, and any bonds of the United States bearing interest at 4 per cent per annum, payable July 1, 1907, and any bonds of the United States bearing interest at 3 per cent per annum, payable August 1, 1908, and to issue in exchange therefor an equal amount of coupon or registered bonds of the United States in such form as he may prescribe, in denominations of $50 or any multiple thereof, bearing interest at the rate of 2 per cent per annum, payable quarterly, such bonds to be payable at the pleasure of the United States after thirty years from the date of their issue, and said bonds to be payable, principal and interest, in gold coin of the present standard value, and to be exempt from the payment of all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority: *Provided*, That such outstanding bonds may be received in exchange at a valuation not greater than their present worth to yield an income of 2½ per cent per annum; and in consideration of the reduction of interest effected, the Secretary of the Treasury is authorized to pay to the holders of the outstanding bonds surrendered for exchange, out of any money in the Treasury not otherwise appropriated, a sum not greater than the difference between their present worth, computed as aforesaid, and their par value, and the payments to be made hereunder shall be held to be payments on account of the sinking fund created by section 3694 of the Revised Statutes: *And provided further*, That the 2 per cent bonds to be issued under the provisions of this act shall be issued at not less than par, and they shall be numbered consecutively in the order of their issue, and when payment is made the last numbers issued shall be first paid, and this order shall be followed until all the bonds are paid, and whenever any of the outstanding bonds are called for payment interest thereon shall cease three months after such call; and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to effect the exchanges of bonds provided for in this act, a sum not exceeding one-fifteenth of 1 per cent of the face value of said bonds, to pay the expense of preparing and issuing the same and other expenses incident thereto.

SEC. 12. That upon the deposit with the Treasurer of the United States by any national banking association of any bonds of the United States, in the manner provided by existing law, such association shall be entitled to receive from the Comptroller of the Currency circulating notes in blank, registered and countersigned as provided by law, equal in amount to the par value of the bonds so deposited; and any national banking association now having bonds on deposit for the security of circulating notes, and upon which an amount of circulating notes has been issued less than the par value of the bonds, shall be entitled, upon due application to the Comptroller of the Currency, to receive additional circulating notes in blank to an amount which will increase the circulating notes held by such association to the par value of the bonds deposited, such additional notes to be held and treated in the same way as circulating notes of national banking associations heretofore issued, and subject to all the provisions of law affecting such notes: *Provided*, That nothing herein contained shall be construed to modify or repeal the provisions of section 5167 of the Revised Statutes of the United States, authorizing the Comptroller of the Currency to require additional deposits of bonds or of lawful money in case the market value of the bonds held to secure the circulating notes shall fall below the par value of the circulating notes outstanding for which such bonds may be deposited as security: *And provided further*, That the circulating notes furnished to national banking associations under the provisions of this act shall be of the denominations prescribed by law, except that no national banking association shall, after the passage of this act, be entitled to receive from the Comptroller of the Currency, or to issue or reissue or place in circulation, more than one-third in amount of its circulating notes of the denomination of $5: *And provided further*, That the total amount of such notes issued to any such association may equal at any time but shall not exceed the amount at such time of its capital stock actually paid in: *And provided further*, That under regulations to be prescribed by the Secretary of the Treasury any national banking association may substitute the 2 per cent bonds issued under the provisions of this act for any of the bonds deposited with the Treasurer to secure circulation or to secure deposits of public money; and so much of an act entitled "An act to enable national banking associations to extend their corporate existence, and for other purposes," approved July 12, 1882, as prohibits any national bank which makes any deposit of lawful money in order to withdraw its circulating notes from receiving any increase of its circulation for the period of six months from the time it made such deposit of lawful money for the purpose aforesaid, is hereby repealed, and all other acts or parts of acts inconsistent with the provisions of this section are hereby repealed.

SEC. 13. That every national banking association having on deposit, as provided by law, bonds of the United States bearing interest at the rate of 2 per cent per annum, issued under the provisions of this act, to secure its circulating notes, shall pay to the Treasurer of the United States, in the months of January and July, a tax of one-fourth of 1 per cent each half year upon the average amount of such of its notes in circulation as are based upon the deposit of said 2 per cent bonds; and such taxes shall be in lieu of existing taxes on its notes in circulation imposed by section 5214 of the Revised Statutes.

SEC. 14. That the provisions of this act are not intended to preclude the accomplishment of international bimetallism whenever conditions shall make it expedient and practicable to secure the same by concurrent action of the leading commercial nations of the world and at a ratio which shall insure permanence of relative value between gold and silver.

Amend the title so as to read: "An act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes."

And the Senate agree to the same.

The PRESIDENT pro tempore. The question before the Senate is on agreeing to the report of the conference committee.

Mr. ALDRICH. Mr. President, I ask that the report of the conference committee may be printed separately, that the bill as it passed the House, the bill as it passed the Senate, and the bill reported from the conference committee may be printed and stitched together, and that 1,000 extra copies of the conference report may be printed for the use of the Senate.

The PRESIDENT pro tempore. The Senator from Rhode Island asks that the conference report bill be printed, that the House bill be printed, and that the Senate bill also be printed; and he further asks that the three prints be attached one to the other by stitching, and that 1,000 extra copies be printed as a document.

Mr. ALDRICH. One thousand copies of the conference report simply.

The PRESIDENT pro tempore. One thousand extra copies of the report of the conference committee. Is there objection?

Mr. ALDRICH. The Senator from Iowa [Mr. ALLISON] suggests that 1,000 extra copies of the three bills be printed together.

Mr. TELLER. It will not cost any more.

Mr. ALDRICH. I modify my suggestion, and now suggest that 1,000 extra copies be printed of the three bills together.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Rhode Island? The Chair hears none, and it is so ordered.

Mr. ALDRICH. I wish to give notice that on Wednesday, after the routine morning business is over, I shall ask the Senate to proceed with the consideration of the conference report.

Mr. JONES of Arkansas. I had some conference with the Senator from Rhode Island about this matter before we came into the Senate Chamber, but from a talk I have had with a number of Senators since, I find there is a general feeling among the Senators who have expressed themselves that there ought to be more time than would be afforded by Wednesday for taking up the bill, as all Senators have matters which require their attention, and it will take time to examine it. I therefore will be glad if the report shall not be called up until Thursday.

Mr. ALDRICH. The report will be printed in the RECORD and will be printed separately as a document. I hope Senators will be able to agree to the proposition to take up the report on Wednesday next.

Mr. JONES of Arkansas. I think it will be much more satisfactory to Senators to make it Thursday. If that be done, it will probably save time in debate and give Senators a full opportunity to examine the proposed bill before it is taken up.

Mr. ALDRICH. I suggest to the Senator that we might commence on Wednesday. Some member of the committee might then make a statement as to the changes which are proposed, and their force and effect; and then we can go on with the consideration of it on Thursday. There will be no disposition to unduly discuss it on Wednesday; and perhaps the discussion will be confined simply to a statement of what the conference report proposes. But I do not desire to press the matter if the Senators on the other side object.

Mr. JONES of Arkansas. A number of Senators on this side have expressed the desire that the bill shall not be called up before Thursday next. They think that they will not then have more time than will be necessary for a careful examination of the bill. Of course I do not myself want to insist; but I think it would meet with more general approval to have the bill called up on Thursday next instead of Wednesday.

Mr. ALDRICH. Very well. Then I will again modify my notice, and give notice that I shall call it up on Thursday, instead of Wednesday, after the routine morning business.

Mr. WOLCOTT. I should like to ask the Senator from Rhode Island when he or his colleagues on the committee expect to make a statement to the Senate giving their explanation of the changes which have been made in the bill and their effect?

Mr. ALDRICH. On Thursday.

Mr. WOLCOTT. And there will be no statement by any member of the conference committee until Thursday as to the scope and character of the conference report?

Mr. ALDRICH. No, sir.

Mr. JONES of Arkansas. There will be no objection to that explanation being made at any time it may suit the convenience of the chairman of the committee. It might be considered as a part of the report of the conference committee.

Mr. ALDRICH. Very well. Then I will again modify the notice, and say that on Wednesday the report will be called up to enable either myself or the Senator from Iowa [Mr. ALLISON] to

make a short statement as to the effect of the changes which are proposed, and for no other purpose.

Mr. JONES of Arkansas. I think that will be preferable.

Mr. TELLER. And then that the report go over until Thursday?

Mr. ALDRICH. And then that it shall go over until Thursday.

Mr. TELLER. That is right.

TERRITORY OF HAWAII.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 222) to provide a government for the Territory of Hawaii.

Mr. VEST. Mr. President, no one opposed the annexation of Hawaii more intensely than myself, but that is now a dead issue, and of course it is the duty of every Senator to secure the best possible government, the most equal and fair, for the inhabitants of those islands.

I shall vote for the pending bill, because in its general outlines it is beyond and above constitutional criticism and raises none of the issues which will be raised in regard to Puerto Rico and the Philippines. I think that the thanks of the country are due to the Senators who prepared this bill. There is no provision in it changing the tariff and, even by implication, publishing to the world that Hawaii is not a part of the United States, or, if a part of the United States, that it can be held as a colony, a province, without the people of those islands having the slightest shadow of self-government.

I shall not repeat, Mr. President, my views at length in regard to the extraordinary assumption that any territory under the jurisdiction of the United States is not a part of the United States. It is to me, with all respect for my colleagues who hold the opposite ground, the most outrageous, the most dangerous, the most unrepublican, the most undemocratic assumption that I have ever heard during my public life or ever expect to hear.

In the last Congress, when discussing the relations of these newly acquired islands to the United States, I undertook to show that by the historic argument, if I may so term it, it was impossible that the men who fought the Revolutionary war and made the Constitution of 1789 could ever have contemplated establishing a colonial system in this country. I said then and I say now—and it can not be successfully contradicted, in my opinion—that the larger portion of the Declaration of Independence was devoted to stating the outrages and wrongs committed upon the colonies by the King of Great Britain, those wrongs being the acknowledged and established features of the colonial system as practiced by European nations.

I have before me that Declaration of Independence in the textbook of the Senate, the Manual and Rules, an old-fashioned edition, which I was compelled to search for in the Senate library, published in 1872. We have now a gaudy, morocco-bound, and gilt-edged edition, purporting to be the same work, from which the Declaration of Independence has been expunged. When I came to the Senate, the Rules and Manual contained the Declaration of Independence and Washington's Farewell Address. Both are now eliminated; I do not know why, unless they had become so old-fashioned and antiquated as to be considered ancient history and simply academic in their form and effect.

Mr. PLATT of Connecticut. Why, Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Connecticut?

Mr. VEST. Certainly.

Mr. PLATT of Connecticut. I hope the Senator is mistaken in supposing that the Declaration of Independence has been eliminated from our Manual, and I think he is, because on page 389 of the edition of the Manual published in 1899 the Declaration is to be found. I think the Senator must have overlooked it.

Mr. VEST. I do not think I did. I looked very carefully for it in the last edition, as I understood it to be, of the Rules and Manual. But it is a matter of no importance. It might have been left out by inadvertence. I do not know how this book is prepared; but I was astonished not to find, or, I was unable to find, in the edition that was placed on my desk at the beginning of this session, any copy of the Declaration of Independence or the Farewell Address of Washington. I shall not undertake to say that it was done because the doctrines in those two great papers had become obsolete, or even that it was intentionally done.

Mr. TELLER. It was put in the back of the volume; that is all.

Mr. VEST. Mr. President, it does not matter whether it is published or not. I repeat that the Declaration of Independence is devoted, much the larger part of it, to an arraignment of the King of Great Britain for applying to the colonies in America the oppressive and despotic features of the colonial system as practiced by the nations of Europe.

It is true that in this Declaration of Independence the colonial system is not denounced specifically and eo nomine, but all of its salient and essential features of despotism are singled out by Jefferson and denounced.

"He," says Jefferson, referring to the King of Great Britain, George III, "has oppressed the people of the colonies by denying them just and fair trial in the courts; has quartered soldiers upon them in time of peace, and committed all the other wrongs that the monarchs of Europe under the colonial system inflicted upon their subjects."

If the men who fought the Revolutionary war could to-day take cognizance of the affairs of the living, they would be astonished to know that they suffered and died, half clothed, half fed, and half armed, for seven long years in order that their descendants might inflict upon other peoples, of any color, the wrongs and outrages which Jefferson denounced in this Declaration.

There was, and it can be seen in the original Declaration of Independence, written by Jefferson's own hand, another indictment besides those found in the Declaration of Independence as we now have it. In the archives of the Government can be found this original Declaration, and it shows upon its face that when Jefferson reported the Declaration it contained the most terrible arraignment of the King of England for introducing African slavery into this continent that ever came from the lips or pen of mortal man.

He has, says Jefferson, made war upon an innocent and helpless people in Africa, torn them from their homes, captivated them—using the old Revolutionary term, which we have now turned into "captured"—captivated them, brought them to this continent, inflicted them upon an unwilling people, and then attempted to incite servile insurrection in order that fire and sword might be put into the hands of the slaves against their owners and masters.

Virginia as a colony had for years protested against the African slave trade, but in vain. The King of England had nullified in every instance the acts of the colonial assembly of Virginia endeavoring to prohibit the importation of slaves into her domain. Jefferson knew this; but when this indictment against the King of Great Britain for bringing into this country African slaves was considered by the Convention, there was then, as always afterwards, a sensitive feeling in regard to the institution of slavery; and at the instance of John Adams and others this part of the Declaration was stricken out.

There is a curious history, Mr. President, in regard to the institution of slavery, or the existence of that institution in the colonies and afterwards in the United States, which has always seemed to me one of the most remarkable features in the formation of the Constitution of 1789. We can now afford to allude to it in this era of fraternal feeling, when our President says that the graves of men on both sides who fell in battle during the civil war should be decorated alike. The debates of the Convention of 1789 show that when the question of the importation of African slaves into this country came up for discussion, Mr. Madison, of Virginia, the leading member of the Convention, denounced the African slave trade as inhuman, un-Christian, and unworthy to exist amidst a free people. He said, using his own language, "it was a shame and disgrace that in a Republic African slavery should be instituted with the consent of its people."

Gouverneur Morris, a member of the Convention, alluding to what had been said by Mr. Madison, deprecated the excited controversy that would follow in regard to the African slave trade, and said that in the same article was a provision to which New England greatly objected, and it was to the effect that the navigation laws could be abrogated by a bare majority of the members of both Houses of Congress. New England was then the great shipbuilding and ship-sailing portion of this country, and the navigation laws gave a monopoly to the shipbuilders of the United States, no foreign-built ship being admitted to the coastwise or foreign trade in this country. "If," said Gouverneur Morris, "the navigation laws, in which New England is greatly interested, and the importation of African slaves can be sent to a committee, I have no doubt that an adjustment or a compromise can be made agreeable to all sections." The motion was carried, and two days afterwards this committee of adjustment reported, requiring two-thirds of both Houses of Congress to repeal the navigation laws, which are yet upon our statute book, and providing that the African slave trade should last until 1800. When this question came before the Convention, General Pinckney, of South Carolina, moved to extend the slave trade to 1808. The motion was seconded by Mr. Gorham, of Massachusetts, and, each State casting one vote, the motion was carried, South Carolina, North Carolina, Georgia, Maryland, and all of the New England States voting for it; Virginia, Pennsylvania, Delaware, and New Jersey voting against it.

Mr. President, the African slave trade lasted until 1808 under this agreement. The institution of slavery, forced upon old Virginia, went out in tears and fire and blood, as Mr. Jefferson said that it would. The South paid a terrible price for this agreement in the Convention of 1789. Her best and bravest sons watered the soil of the South with their blood, and New England, although the price she has paid has not been so terrible and disastrous, sees to-day the shipbuilding, which she endeavored to preserve as a monopoly to her people, almost extinct so far as the foreign trade

is concerned; and the merchant marine of the United States under these navigation laws, a relic of barbarism, has run down from 70 per cent carried in American ships in 1857 to less than 11 per cent to-day; and we are now about to enact a law—and I take it that it will pass this Senate by a large majority—leaving the navigation laws, the result of this bargain with the slave trade in 1789, unrepealed. We are about to give $180,000,000 in subsidies to shipowners in order to do away with the disastrous effects of the navigation laws to which I have alluded.

It is a curious history, Mr. President. In vain the appeal is now made to wipe out those laws, narrow and bigoted and disastrous to our people; and they are kept upon the statute book as if they were some sacred institution, never to be attacked. We are to resort now to the unconstitutional project of subsidies to do away with their evil effects.

Another curious thing, Mr. President, while I am in a reminiscent mood, is that in the Convention of 1789 a proposition was made to give Congress the power to grant subsidies to agriculture, manufactures, and commerce, which was referred without debate to a committee and was never heard of afterwards. I have no hesitation in saying that, in my opinion, there is no constitutional power in Congress to take the tax money of the people of this country and give it as subsidies to any interest; and I am confirmed in the opinion that the men who made the Constitution never intended that subsidies should be granted, from the fact that the proposition to give them to agriculture, manufactures, and commerce was allowed to sleep and was not even dignified by a debate in the Convention.

Mr. President, I had the temerity in the last Congress to quote from the Dred Scott decision, to the effect that this Government has no right to hold colonies; that it has no right to hold any people as subjects, and that no territory can be acquired under the Constitution as it now exists except with the ultimate purpose of its being admitted as a State within the discretion of Congress. I offered a resolution to that effect, which was ridiculed, maligned, and called absurd, and it was charged that I was an unrepentant rebel, a traitor to the country, and that my motives were of the most sinister and malign character.

I said at the time when I quoted from the Dred Scott decision—and I will not repeat the quotation nor place it in the remarks I am now making—that the political part of that opinion was settled beyond resurrection by the result of the civil war; but I asserted then, and I assert now, that the portion of it which related to the power of the United States to hold colonies had been acquiesced in by the entire court, not only the seven Democrats; but Justices McLean and Curtis, who delivered dissenting opinions, did not dissent from what Chief Justice Taney said in regard to the constitutional power to which I have adverted. In answer to that the junior Senator from Connecticut [Mr. PLATT], in reply to my argument, contented himself with denouncing the Dred Scott decision as a discredited opinion, and in his speech referred to it as a decision which is popularly believed to have contained the enuciation that the negro had no right which the white man was bound to respect.

Mr. President, I do not know that I would have addressed the Senate to-day except that I want the opportunity, in justice to the dead, to correct any impression that may have been made by the intimation of the Senator from Connecticut. That statement is a slander upon the seven judges who united in the opinion in the Dred Scott case, and especially upon Roger B. Taney, than whom a purer man never lived in this or any other country. It has gone uncontradicted too long. I challenge any man to find one sentence, one word, one syllable in that opinion which contains any such statement as that to which the Senator from Connecticut alluded. The Senator from Connecticut is an able lawyer, a fair man, as my experience with him in this body has taught me to believe. Chief Justice Taney said in that opinion, alluding to the status of this unfortunate and helpless race of Africans, that they had been treated by the nations of Europe, and especially by the English kings and queens, as having no rights that the white man was bound to respect; but he deprecated that state of things. He expressed sympathy for this most unfortunate race of all that have ever lived beneath the sun. He was not an advocate of slavery and doubted the policy of its existence in this country, as did Mr. Jefferson and Mr. Clay and Mr. Benton, but I repeat that there is not one syllable, not one letter in that much maligned and slandered opinion in the Dred Scott case to justify this political canard that was used to influence the election for President in 1860.

Mr. President, the party feeling that then existed was so intense that William H. Seward, Senator from New York, after the delivery of the Dred Scott decision, which was the day after Taney had sworn in James Buchanan as President of the United States upon the eastern exposure of this Capitol, stated, in a speech to be found in the CONGRESSIONAL RECORD, that Taney stooped and whispered in the President's ear: "To-morrow the Supreme Court will decide the Dred Scott case, and carry slavery into the Territories by virtue of the Constitution"—the monstrous statement that the Chief Justice of the United States would lean down and whisper into the ear of the President the news that the Dred Scott decision would be decided in the interest of slavery! That statement was used in the campaign of 1860, and went through the North uncontradicted, a statement so monstrous as to be beyond belief, even by one who was tainted and poisoned with political venom.

Mr. President, I am glad to be able to state that the Supreme Court of the United States has unanimously, within a few years, reaffirmed the doctrines laid down in the Dred Scott decision as to the power of this Government to hold colonies. I did not have this opinion when I spoke during the last Congress. I have here an opinion delivered by Justice Gray, with the unanimous assent of his colleagues, a few years ago. Is there anyone here who will doubt the loyalty of Justice Gray to this country or to the Republican party? He is a jurist of eminence, having occupied the highest seat upon the supreme bench of Massachusetts, and then, at the instance of the distinguished senior Senator from Massachusetts [Mr. HOAR], as I have understood, he was put forward for the place he now honors upon the Supreme Bench of the United States. If he is not a Republican, if his judicial opinions are to be attacked upon partisan grounds, where will be found the man who can be said to be true to the doctrines of the Republican party? I will ask the Secretary now to read an extract from that opinion as to the point I have made.

The Secretary read as follows:

In the case of Shively *vs.* Bowlby (152 U. S.) Mr. Justice Gray said:

"(1) The Territories acquired by Congress, whether by deed or cession from the original State or by treaty with a foreign country, are held with the object, as soon as their population and condition justify, of being admitted into the Union as States upon an equal footing with the original States in all respects; (2) and the title and dominion of the tide waters and the land under them are held with the United States for the benefit of the whole people, and as this court has often said in cases above cited, 'in trusts for the future States.'"

In summing up the Shively case (page 57) the court said:

"Upon the acquisition of territory by the United States, whether by cession from one of the States or by treaty with the foreign country, or by discovery and settlement, the same title and dominion passed to the United States for the benefit of the whole people and in trust for the several States to be ultimately created out of the territory."

Mr. VEST. That was the doctrine asserted by Chief Justice Taney, that all territory acquired either by purchase, cession, or conquest, either from foreign countries or granted by the original States, as Virginia granted the Northwest Territory, could not be held as colonies; that the United States simply held it as trustee. As the syllabus of that case shows, this was in regard to tide water and tide-water lands in a Territory, and the Supreme Court declared emphatically, in language not stronger than that in the Dred Scott case, that the United States is simply a trustee, and the ultimate purpose of having any such territory is to make it a State.

Mr. President, I have here copious extracts from Judge Cooley's work upon Constitutional Limitations, another distinguished Republican. I will not inflict all these upon the Senate, but I will print them in my remarks in order that they may be criticised, if worthy of criticism. Justice Cooley declares that territory can only be acquired by the United States with the ultimate purpose of changing it into States. In speaking of our Territorial and the British colonial system, Mr. Cooley says:

In this dependence of the Territories upon the central Government there is some outward resemblance to the conditions of the American colonies under the British Crown; but there are some differences which are important and indeed vital. The first of these is that the Territorial condition is understood under the Constitution to be merely temporary and preparatory, and the people of the Territory, while it continues, are sure of the right to create and establish State institutions for themselves as soon as the population shall be sufficient and the local conditions suitable; while the British colonial system contains no promise or assurance of any but a dependent government indefinitely. (Cooley's Principles of Constitutional Law, page 37.)

Mr. Cooley draws a second distinction on page 37:

The second is that above given, that the people of the American Territories are guaranteed all the benefits of the principles of constitutional right which protect life, liberty, and property, and may defend them under the law, even as against the action of the Government itself; while in the colonies these principles were subjects of dispute, and if admitted would be within the control of an absolute imperial legislature, which might overrule them at will.

Mr. Cooley says, writing of our Territorial and the British colonial system:

There is also a difference in respect to taxation which, though not so striking, is still important. The Territories levy their own taxes for all purposes, and they are never taxed separately for national purposes, but only as parts of the whole country and under the same rules and for the same purposes as are the States. Nor is it intended to realize from them any revenue for the National Treasury beyond what is expended by the United States in their interest.

Mr. Cooley says, on page 187 of his work on Constitutional Limitations:

The Constitution also provided that new States may be admitted by Congress into the Union; but whether they should be formed of territory at that time belonging to the States, or from territory that might thereafter be acquired, or taken in as existing States previously independent, was not expressly determined by that instrument. By the ordinance of 1787, however,

which the Constitution left in force, it had been agreed that States, not exceeding five, might be formed from the Northwest Territory and received into the Union; and it may be assumed as unquestionable that the constitutional provision contemplated that the territory then under the dominion of the United States, but not within the limits of any one of them, was in due time to be formed and organized into States and admitted into the Union, as has since in many cases been done.

Indeed, it could never have been understood that any territory which by purchase, cession, or conquest should at any time come under the control of the United States should permanently be held in a Territorial condition, and the new States which have been formed of territory acquired by treaty must be supposed to have been received into the Union in strict compliance with the Constitution.

But we are told that the opinion of Chief Justice Taney in the Dred Scott case was obiter dictum and the point was not before that court. The question in the Dred Scott case was simply this: Did the Constitution of the United States authorize a slaveholder to take his slave into the common territory of the country where slavery was prohibited by Congress without losing property in his slave? The case originated in my own State, Missouri, where an Army officer took his body servant, Dred Scott, into the territory north of the Missouri compromise line of 1820, and on his return to Missouri this negro slave, Dred Scott, sued out a writ of habeas corpus, claiming that by having gone into this territory north of the Missouri compromise line he became free and must necessarily remain free, and that the status of slavery did not attach to him when brought back to the soil of Missouri. The supreme court of Missouri decided the case against Dred Scott.

It was then taken to the Supreme Court of the United States as involving a statute of the United States establishing the Missouri compromise line, and the real question involved in the case was whether in the face of the Missouri compromise the Constitution of the United States proprio vigore gave the slave owner a right to take his property into territory held by the United States Government, as Justice Gray said, as trustee for the people of all the States. Chief Justice Taney and the six associate justices who agreed with him said that the Constitution did override any statute that could be made by Congress as to the right of a citizen of any of the States to take his property, admitted to be property by the Constitution, into the common territory of the Union. The point at issue and the real point was, does the Constitution proprio vigore apply to all the territories of the United States, not only without the action of Congress, but in spite of an act of Congress which said that north of a certain line or degree of latitude slavery and involuntary servitude should not exist?

How, then, could the decision in that case be obiter dictum? It was the point at issue, and Chief Justice Taney and his associates declared emphatically and distinctly that the Constitution applied to the Territories. Nothing was urged in all that elaborate argument, when every justice delivered a separate opinion for himself, about the Congress of the United States applying the Constitution to the Territories of the United States. That is a new departure. I do not mean to say that it has not been advanced before. Mr. Webster used it in the slavery debate over the New Mexican Territory, and the junior Senator from Vermont [Mr. Ross], in an elaborate address which he made here some days ago upon the question to which I am now speaking, quoted from a brief of Daniel Webster in the Canter case, where Webster asked the question, "How does the Constitution get into Florida?" It is the first time, with all due respect to the Senator from Vermont, that I have heard the brief of a feed counsel quoted as judicial authority.

Mr. President, I have quoted once before in the Senate, and make no apology for quoting it again, the opinion of the Supreme Court of the United States in the case of Loughborough *vs.* Blake, in 5 Wheaton. That was a case involving the question whether a direct tax must, by act of Congress, apply to the people of the District of Columbia. Chief Justice Marshall delivered the opinion, and every justice upon the bench, as Marshall took pains to declare, agreed with him in his decision. The question argued in the briefs of counsel and urged before the court was whether the term "United States" included the District of Columbia. We are told now that Puerto Rico is not in the United States, or, if it is, that it is a province, a colony, and that the Philippines are in the same position. The point in this case was, Did the term "United States" include the District of Columbia? It is exactly pertinent to the question that is now pending in regard to these insular possessions. I will ask the Secretary to read so much of this opinion as I have here marked.

The Secretary read as follows:

In 5 Wheaton, "Loughborough *vs.* Blake," Chief Justice Marshall, delivering the opinion of the court, said:

"The eighth section of the first article gives to Congress the 'power to lay and collect taxes, duties, imposts, and excises' for the purposes thereinafter mentioned. This grant is general, without limitation as to place. It consequently extends to all places over which the Government extends. If this could be doubted, the doubt is removed by the subsequent words, which modify the grant. These words are: 'but all duties, imposts, and excises shall be uniform throughout the United States.' It will not be contended that the modification of the power extends to places to which the power itself does not extend.

"The power, then, to lay and collect duties, imposts, and excises may be exercised, and must be exercised, throughout the United States. Does this term designate the whole or any particular portion of the American empire? Certainly this question can admit of but one answer. It is the name given to our great Republic, which is composed of States and Territories. The District of Columbia or the territory west of the Missouri is not less within the United States than Maryland or Pennsylvania; and it is not less necessary, on the principles of our Constitution, that uniformity in the imposition of imposts, duties, and excises should be observed in the one than the other. Since, then, the power to lay and collect taxes, which includes direct taxes, is obviously coextensive with the power to lay and collect duties, imposts, and excises, and since the latter extends throughout the United States, it follows that the power to impose direct taxes also extends throughout the United States."

Mr. VEST. Mr. President, the other day I called the attention of the distinguished Senator from Kentucky [Mr. LINDSAY] to this decision, which I have never heard explained or alluded to by any of my colleagues who favor what I call the imperial side of this question. The answer of the Senator from Kentucky was that which all of us who are lawyers have been in the habit of making when a decision or authority is found absolutely against the position we endeavor to maintain—obiter dictum. How could this decision of Chief Justice Marshall have been obiter dictum when the only question before the court was what was the meaning of the term "United States?" The contention made then was that the term United States did not include the District of Columbia, and the technical assertion was made that when the power was given to Congress to lay imposts, excises, and duties throughout the United States that outside of a State that portion of the Constitution could have no effect. Chief Justice Marshall sweeps that technicality away as if it were a cobweb, and says the meaning of the term "United States" in the Constitution is the empire of the United States, the soil over which the Federal Government has jurisdiction. That decision has never been criticised, and the Supreme Court of the United States in nine opinions since without a dissenting justice has reiterated and reaffirmed the doctrines which Chief Justice Marshall then laid down.

My friend the senior Senator from Ohio [Mr. FORAKER] the other day read from Colonel Benton's Thirty Years' View, which states that in 1850 for the first time appeared in the political history of this country the assertion that the Constitution proprio vigore applied to the Territories. This opinion of Marshall in Loughborough *vs.* Blake was delivered in 1820 and had stood from that time until Benton finished his Thirty Years' View, after his political career was terminated in Missouri, unchallenged and unquestioned, and so far as the Supreme Court of the United States is concerned it never has been questioned, although repeatedly brought before that august tribunal. I can tell the Senator from Ohio, being much more familiar with Colonel Benton, his opinions and public life, possibly, and naturally, that if he will go to the Library and get the last literary production of Colonel Benton, his essay upon the Dred Scott decision, he will find much stronger language. He will find vituperation so vitriolic that it could have emanated from no one else than Colonel Benton, who was the most extreme man in his opinions that ever appeared in the public life of this country.

Mr. President, in order to escape the decision of the Supreme Court in the case of Loughborough against Blake in 5 Wheaton, and other opinions down to three years ago, it has become necessary for the advocates of imperialism, which means the imposition of a government upon people who are not consulted and the exercise of despotic power by one man or cabal of men in the face of all republican or democratic institutions, to devise a new theory. From this decision in 5 Wheaton down to three years ago, as I said, the doctrine of the Dred Scott decision and what is the same thing, that the Constitution applies proprio vigore to the Territories, has obtained in the decisions of the highest court in the country; and it was found necessary to escape from the inevitable and logical result by devising some new theory never heard of before in this country except in the speech made in the Senate by Mr. Webster in answer to Calhoun on the New Mexican Territory and his brief in the Tanto case. It was never heard of in the decision of any judicial tribunal. What is that device, for it is not worthy, in my judgment, of any better name? It is that the Constitution of the United States, said by John Marshall to apply to all the territory over which the Government has jurisdiction, must be extended by act of Congress or by treaty stipulation in order to become vital and operative within the territorial limits.

I have here decisions of the Supreme Court of the United States, which I will not inflict upon the Senate at this late hour, but will take the privilege of inserting them in the report of my remarks, in all of which, and I challenge contradiction, the Supreme Court, without one single dissent, has declared that the Constitution of the United States gave to the people of the Territories and the District of Columbia all the rights, privileges, and immunities given to the people in any of the States.

In Mormon Church *vs.* the United States, Mr. Justice Bradley delivered the opinion, and said:

Doubtless Congress in legislating for the Territories would be subject to those fundamental limitations in favor of personal rights which are formulated in the Constitution and its amendments; but these limitations would exist rather by inference and the general spirit of the Constitution from which Congress derives all its powers, than by any express and direct application of its provisions.

In McAllister *vs.* the United States, Mr. Justice Harlan delivered the opinion and repeated the language of the court in the Mormon Church *vs.* United States.

In Thompson *vs.* Utah, Mr. Justice Harlan, delivering the opinion of the court, said:

That the provisions of the Constitution of the United States relating to the right of trial by jury in suits at common law apply to the Territories of the United States is no longer an open question. (Webster *vs.* Reid, 11 How., 437, 460; American Publishing Company *vs.* Fisher, 166 U. S., 464, 468; Springville *vs.* Thomas, 166 U. S., 707.) In the last-named case it was claimed that the Territorial legislature of Utah was empowered by the organic act of the Territory of September 9, 1850 (9 Stat. 453, chapter 516), to provide that unanimity of action on the part of jurors in civil cases was not necessary to a valid verdict. This court said: In our opinion the seventh amendment secured unanimity in finding a verdict as an essential feature of trial by jury in common-law cases, and the act of Congress could not impart the power to change the constitutional rule, and could not be treated as attempting to do so.

In Murphy *vs.* Ramsey, Mr. Justice Matthews, delivering the opinion of the court, said:

The personal and civil rights of the inhabitants of the Territories are secured to them, as to other citizens, by the principles of constitutional liberty, which restrain all the agencies of government, State and national; their political rights are franchises which they hold as privileges in the legislative discretion of the Congress of the United States.

In Reynolds *vs.* United States, Mr. Chief Justice Waite, delivering the opinion of the court, said:

Congress can not pass a law for the government of the Territories which shall prohibit the free exercise of religion. The first amendment to the Constitution expressly forbids such legislation. Religious freedom is guaranteed everywhere throughout the United States, so far as Congressional interference is concerned.

In Callan *vs.* Wilson, Mr. Justice Harlan, delivering the opinion of the court, said:

There is nothing in the history of the Constitution or of the original amendments to justify the assertion that the people of this District (District of Columbia) may be lawfully deprived of the benefits of any of the constitutional guaranties of life, liberty, and property, especially of the privilege of trial by jury in criminal cases.

In the draft of a constitution reported by the committee of five on the 6th of August, 1787, in the convention which framed the Constitution, the fourth section of Article XI read that "the trial of all criminal offenses (except in cases of impeachment) shall be by jury." (1 Elliot's Debates, 2d edition, 229.) But that article was, by unanimous vote, amended so as to read: "The trial of all crimes (except in cases of impeachment) shall be by jury; and such trial shall be held in the State where the said crime shall have been committed; but when not committed within any State, then the trial shall be at such place or places as the legislature may direct." (Id., 270.)

The object of thus amending the section, Mr. Madison says, was "to provide for trial by jury of offenses committed out of any State." (3 Madison Papers, 144.) In Reynolds *vs.* The United States (98 U. S., 145, 154) it was taken for granted that the sixth amendment of the Constitution secured to the people of the Territories the right of trial by jury in criminal prosecutions; and it had previously been held in Webster *vs.* Reid (11 How., 437, 460) that the seventh amendment secured to them a like right in civil actions at common law. We can not think that the people of this District have in that regard less rights than those accorded to the people of the Territories of the United States.

Justice Deady, in the case from Alaska (30 Fed. Rep., 115), said:

The power to enlarge the number and limits of the United States by the admission of new States into the Union is also expressly given to Congress. In the construction of this power it has been practically held to authorize the acquisition of territory not then qualified for such admission, and the government of the same by Congress in the meantime, and until it is deemed fitted therefor.

In the exercise of this power, however, Congress can not do or authorize any act or pass any law forbidden by the Constitution, as suspending the writ of habeas corpus in the time of peace; passing a bill of attainder or ex post facto law; quartering soldiers in a house without the consent of the owner in time of peace; making a law respecting the establishment of religion; but it may exercise any legislative power not expressly forbidden to it by the Constitution, and to this there may be a further limit that the same shall not be inconsistent with the spirit and genius of that instrument, nor contrary to the purpose for which territory may be acquired. Subject to these limitations the manner in which this power can be exercised rests in the discretion of Congress.

I ask now—and I will not use the word "challenge"—any of my colleagues who have asserted this extraordinary doctrine that the Constitution is dead in the Territories until the breath of life is breathed into it by Congress or by treaty to find me one single allusion in all these cases to the effect that Congress has applied the Constitution by direct act to these Territories or that treaty stipulations had done the same thing.

What intelligent lawyer believes that the Supreme Court of the United States would have disposed of this great question without alluding to the fact that there was a treaty stipulation which extended the Constitution to the New Mexican territory, or the Northwestern territory, or the Louisiana territory, or the Florida territory, or that Congress had in 1871 passed an act applying the power of the Constitution to the District of Columbia, set apart for the seat of government?

Here are cases which I have collated, showing that the right of trial by jury could not be taken away from the inhabitants of the District of Columbia. Is there anything in these decisions stating that that right could not be taken away because the territory of the District of Columbia was carved out of Maryland and Virginia or ceded by them to the National Government; that the Constitution having spread its ægis over this territory, once a part of these two States, it must remain there for all time to come?

Is it possible that the nine eminent jurists upon the Supreme Bench did not see and know that this point disposed of the whole controversy? When was it ever heard that an act of Congress was necessary to extend the Constitution until this new doctrine of imperialism was brought before the people of the United States?

Why, Mr. President, if that be the law, in what a deplorable condition must have been the inhabitants of the Territory of Oregon, which we took from Great Britain upon a compromise, when Colonel Benton declared in his first speech in the United States Senate, when that controversy was before Congress, that he could take 10,000 Missourians and settle it in a fortnight? Colonel Benton believed in manifest destiny, and that the soil of the United States or of this continent belonged to the white men; and he largely sympathized with the idea that the Indians and the Latin races must give place to the white man, as the buffalo had given place to the domestic animal.

If this doctrine be true, as I said, then in Oregon, when it was a Territory and before its admission into the Union as a State, the people there could have been hung without a trial by jury; they could have been made to pay tithes to an established church notwithstanding the Constitution of the United States forbade it; they could have had soldiers quartered upon them in time of peace; they could have been refused the right of the writ of habeas corpus, and they were left at the mercy of Congress to enact any such laws as a partisan majority might see fit to place upon the statute book, there being no treaty stipulation nor act of Congress extending the Constitution over that Territory.

I repeat that this doctrine is utterly abhorrent. It violates every principle of republican government. It goes further even than England has ever gone with some of her colonies, because in Canada and Australia to-day the great writs of right to obtain which the commons of England made war upon their kings and barons are extended to the people in these territories. In the Crown colonies this doctrine which is sought now to be applied to Puerto Rico and the Philippines obtains to its full extent, but not so in Canada and Australia.

Mr. President, I now repeat that I heartily approve of this bill before the Senate. It contains no such unconstitutional provision as that in the Puerto Rico bill, declaring that 25 per cent of the present tariff taxes shall be levied upon Puerto Rican imports. The Constitution says that—

Congress shall have power to lay and collect taxes, duties, imposts, and excises; * * * but all duties, imposts, and excises shall be uniform throughout the United States.

Is Puerto Rico a part of the United States or not? Will some Senator on the other side answer me that question and remove any nebulosity about this argument? Is Puerto Rico a part of the United States or entirely outside of its domain and jurisdiction? If it is a part of the United States, where do you get the authority to place upon the imports from that country one-fourth of what you put upon the imports from another, and by what right do you place an export duty, as is done in the bill pending in another portion of this Capitol, when the Constitution says expressly that no export duty shall be imposed either by the United States or any State? Where do you find the constitutional power to make this discrimination as to one part of the territory of this country, or at least territory which is under our jurisdiction?

Mr. President, we are told that the people there are not citizens. What do you propose to do with the fourteenth amendment, which declares that all persons born or naturalized in the United States, and subject to the jurisdiction thereof, shall not be deprived of their rights as citizens of the United States? No State shall make any law abridging that right. What do you do with the children that are born in Puerto Rico and the Philippines? What becomes of the young Malay who grows and becomes 21 years of age and demands his right as a citizen because he was born in the jurisdiction of the United States? You are driven to the alternative of saying that the Philippines are not within the jurisdiction of the United States, when you know that your Army and Navy are being used to-day to enforce the Federal power in those islands.

Mr. President, I do not know, nor shall I pretend to prophesy, what is to be the end of these strange and monstrous doctrines. It may be that I have the pessimism of advanced years; but it seems to me that we have come to the most critical period in all our history. The war between the States was not any covert attack upon the Constitution of the country. It was an open, bold, armed revolution. The men who fought the Federal authority honestly believed that they were fighting for the Constitution, and gave the highest evidence of their sincerity in laying down their lives in defense of what they believed.

"Eternal vigilance is the price of liberty," said Andrew Jackson. And now here, not with arms in our hands, but through the

insidious attacks dictated by political necessity, we are undermining the Constitution, and, like the deadly crevasse upon the Mississippi River, we are commencing with a minute but fatal assault upon the levee that defends the rights of the people.

Mr. President, if it be said that we are compelled to refuse these people in the islands citizenship, and that they are not fit for it, why not content yourselves with saying the time has not come to give them self-government?

I heard the distinguished Senator, the young and brilliant Senator, from Indiana [Mr. BEVERIDGE], in his carefully prepared address, declare here that these people in the Philippine Islands could never become citizens of the United States. How, then, do you propose to hold them? Are they colonies? Are the people there subjects? The Republican party claims that it deserves the gratitude of all humanity for having placed on the Constitution these great amendments for personal and civil rights, declaring that slavery should no longer exist, that the immunities and privileges of every citizen shall be held sacred by the States.

How can you in the Republican party forget those things, and against our history, against our traditions, against the memory of the men who fought through the Revolutionary war to escape this very thing, now impose upon the people of the United States the issue, Is this a republic or an empire? If you can ignore the Constitution, trample upon all that we have taught our people to believe for a hundred years, and, in order to secure the votes to retain your party in power, appeal to the glamour of conquest, gold, and glory, Mr. President, our professions of republicanism and democracy are the merest travesty in public life. I am no Cassandra shrieking calamity through the streets of Troy; but if the people of this country deliberately, next November, indorse the position the Republican party assume to-day, then you should pass, or the State of New York should pass, an act taking down the Statue of Liberty at the mouth of New York Harbor, with the lamp in hand to guide the oppressed of all lands to this country. You should tear down the statue, extinguish the lamp, and leave us to the gloom and darkness of colonial despotism.

Mr. FORAKER. Mr. President, at this late hour I shall omit to say much that I would say if I were to follow at an earlier hour in the day the Senator from Missouri [Mr. VEST] after such a speech as we have listened to. But it seems to me that, notwithstanding the lateness of the hour, it is the duty of some one, and I might as well discharge it as anybody else, to ask the indulgence of the Senate until at least a few remarks may be made in answer to those to which we have just been listening.

The Senator from Missouri is always interesting, no matter how much he may be in error, and he is especially interesting when he deals in reminiscences. But I have no disposition to take the time which under other circumstances I would take to follow him in the suggestions that have flown from the reminiscences in which he has indulged.

I do want to say, however, before passing to that which I have it especially in mind to say, that with respect to his remarks in regard to the Dred Scott case, all that was gone over fully in the last Congress; and, in answer to a speech somewhat like that which he has just now made, in respect to that decision it was then pointed out that all the judges of that court did not agree with Chief Justice Taney in his declaration of his opinion that territory could be acquired by the United States only for the purposes of ultimate statehood; that a present purpose of statehood must accompany the acquisition.

It was pointed out at that time, by, I think, a very careful analysis of that case, that instead of the other judges agreeing with Chief Justice Taney in that respect not one single member of that court agreed with him in that regard, unless it was Mr. Justice Wayne. There is some ground for supposing that he was in accord with the Chief Justice, but there is not a line, I undertake to say, in the decision of any one of the other members of the court that will warrant any such claim. If there is I have not been able to find it.

That is all I care to say at the present time about the Dred Scott decision. The debate of last year will fully reveal the authorities relied upon for the statements I have made.

What I rise for more particularly, Mr. President, is to answer that which was said by the Senator that has immediate relation to the question that is pending now before the Senate. We have been told by the Senator that the proposition of those who favor the character of legislation which we have pending here is iniquitous; that it is without precedent; that it is astounding; that it is unrepublican, undemocratic, un-American; that it is in contravention of the Constitution, in contravention of the Declaration of Independence, and in contravention of the Farewell Address of George Washington.

Now, Mr. President, all this declamation illustrates that there is, in fact, nothing new under the sun. Neither the legislation proposed nor the criticisms of the Senator are new. Both are old, and very old at that. I hold in my hand McMaster's History of the People of the United States, and will read from page 24 of the third volume. At this place the author is giving the history of the legislation that was proposed and finally enacted creating a Territorial government for Louisiana. A bill was brought in and was under consideration. That bill was framed, as has always been understood, by James Madison and Thomas Jefferson. They surely understood both the Constitution and the Declaration of Independence. Here is what was said about the bill:

> This bill, said its enemies, violates a treaty, the Constitution, and every principle of American republican government. It does not show one trace of liberty. It denies to the men of Orleans rights solemnly promised them by the treaty of purchase. It sets up a complete despotism. The people have nothing to say in the choice of a legislative council. The legislative council have nothing to say in the choice of laws. The President names the governor, and the governor, in the language of the bill, is to "make the laws." When he has made a law he is to lay it before the council; but not for the purpose of debate, of amendment, of correction. No; with the air of an Eastern potentate he is to say:
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> Here is the law. Will you take it or reject it? There is no chance given them to suggest amendments. They must approve or disapprove, and nothing more. And suppose they do not approve; what then? Why, the governor may, if he choose, prorogue them, send them home, and as they are not paid when not in session such dismissal is the same thing as taking money out of their pockets. Thus it is that the governor has the legislative council in his power. If they will not do his bidding, he will not suffer them to meet; and if they do not meet, they can not get any pay. Was there ever such a government in this country since the days of the colonial governors? Was it not against just such government as this that the colonies rebelled?

Then the author goes on to call attention to the fact that another objection made by the enemies of this measure was that it denied trial by jury, one of the guaranties of the Constitution, in all criminal cases, except only those which were punishable capitally, and that it denied trial by jury in civil cases except when there was involved at least $100 instead of $20, as the Constitution provides.

I mention all this for the purpose of showing not only that the comments of the Senator from Missouri have a precedent, that he is not telling the Senate anything new, but that the legislation also has a precedent; that the authors of the Constitution, and the author especially of the Declaration of Independence, did not entertain any such views as the Senator from Missouri has here expressed. Their proposition was denounced as ours is, and yet adopted as ours will be.

Enough as to that for the present. Now, one thing more. Instead of all the authorities being to the effect claimed by the Senator from Missouri, they are, as I understand them, to exactly the contrary effect, commencing with the Constitution itself.

What is it, Mr. President, the Constitution of the United States confers upon the Congress power to do with respect to the Territories? It is to prescribe all needful rules and regulations for territory belonging to the United States; not territory that is a part of the United States, but the territory belonging to the United States. The Constitution itself contradistinguishes between the territory that is comprised within the Union and territory which may be outside of the Union—which may be simply possessed by the United States. Thus the Constitution itself establishes, by its very language, that territory may belong to the United States without being a part of the United States.

I have here also, to which I wish to call attention in this connection, a decision that I have not heard quoted in this debate, though doubtless it has been cited—the case of Snow *vs.* The United States, reported in 18 Wallace, at page 317. Mr. Justice Bradley, speaking for the court, says:

> The government of the Territories of the United States belongs primarily to Congress, and secondarily to such agencies as Congress may establish for that purpose. During the term of their pupilage as Territories they are mere dependencies of the United States. Their people do not constitute a sovereign power. All political authority exercised therein is derived from the General Government.
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> It is, indeed, the practice of the Government to invest these dependencies with a limited power of self-government as soon as they have sufficient population for the purpose. The extent of the power thus granted depends entirely upon the organic act of Congress in each case, and is at all times subject to such alterations as Congress may see fit to adopt.

Without stopping to read other authorities to the same effect, I shall content myself with saying that all the authorities of the Supreme Court, where the question has been directly under consideration, have recognized the fact that there is the United States proper, composed of the Union, for which the Constitution is the organic law, and territory outside of the Union, simply belonging to the United States, which it is the province of Congress to govern as the Congress may see fit to govern it. Mr. Justice Bradley characterizes these outside Territories as mere dependencies. He was speaking of Utah, New Mexico, Arizona, etc. If they are mere dependencies, much more are our recent acquisitions only dependencies.

Ordinarily, almost without exception, heretofore in governing this outside territory, we have extended the Constitution as one of the first laws of the Territory; and having thus extended the Constitution, and having made it to apply there, we have taken that as our rule of action, and it has obtained as the organic law in that way, but in no other way.

Only a few days ago I had occasion to read here—as the Senator from Missouri has just said—what Mr. Benton said in his History

of Thirty Years in the United States Senate as to the origin of the doctrine that the Constitution extends to newly acquired territory ex proprio vigore. I need not, I am sure, in making answer to the Senator from Missouri, go beyond that one authority. Surely it is sufficient, especially after the encomium he has spoken upon Mr. Benton, for me to say that according to the authority of Mr. Benton the doctrine that the Constitution extended ex proprio vigore to newly acquired territory was not an ancient doctrine, but a newly invented doctrine in 1850 to meet the exigencies of the slave interest at that time.

They wanted the Constitution extended to the Territories in order that slavery might be there recognized according to the Constitution and be permitted under it; and when, in the emergency of that debate, Mr. Calhoun brought forward that doctrine nobody opposed it any more vigorously than did Mr. Benton himself. Mr. Benton tells us that this was the beginning of that doctrine, that such was its purpose, and that it was but a vagary of a diseased mind. This authority is sufficient, and I shall treat it as conclusive until Mr. Benton is answered and overthrown. Until the time of which Mr. Benton speaks the Constitution had never been extended in a single instance by Congressional action beyond the limitations of the Union itself. The Territory in every instance had been governed directly by such laws as Congress might see fit to enact, or authorize a local legislature to enact.

In several instances, instead of extending the Constitution, Congress compromised by extending the Ordinance of 1787, extending it without any limitation at all, in all its provisions, as to the territory that was designed to come in as free States, and extending it as to the territory in the South that it was expected would come in as slave States, excluding the eighth article, which prohibited slavery. The Ordinance of 1787 and not the Constitution was thus extended to Mississippi and Alabama and became a part of the Territorial organic law of all that territory.

So, Mr. President, I say there is not anything new either in the denunciation that is indulged in or in the proposition upon which we rely for the legislation that is now being proposed. There is abundant precedent for both. Having said that much, I want now to turn to the bill we have under consideration, and speak very briefly as to the proposition embodied therein, to which objection has been made, providing for a Federal court.

We had some debate on this subject a few days ago. There were some inaccuracies of statement in that debate. They are to be excused by reason of the fact that the debate was unexpectedly precipitated and no one had had an opportunity, except only those Senators who perhaps were contemplating bringing it up, to make any investigation. I recall one inaccuracy of my own. It was asserted in the debate by some one that we had never before in creating a Territorial government undertaken to establish a court with United States jurisdiction, except only with a limited tenure and with a mixed jurisdiction.

I assented to that. I did it thoughtlessly, for when I had time to think of it I recalled what I should have recollected at the time, for I was perfectly familiar with it, that when we came to establish a Territorial government for Louisiana we provided not only a complete system of Territorial courts, with limited tenures and with such jurisdiction as we saw fit to confer, but in addition thereto we also provided that Louisiana should be a judicial district and should have a district court, the judge of which should be appointed by the President, and that he should have the same powers, the same jurisdiction precisely, and the same tenure of office as belonged to the court of the Kentucky district.

The court for the Kentucky district was provided for by the act of 1789, the judiciary act. No courts were created by that act except only what are called constitutional courts. When, therefore, in legislating for the district of Orleans, as it was called, the Congress saw fit to provide that there should be a district court, a district judge with life tenure, and with the same jurisdiction as the Kentucky district, they were making a constitutional court in the sense that they were at least making precisely the same kind of a court in point of jurisdiction and tenure as they had a right to make in the exercise of their power to create a constitutional court under the judicial article of the Constitution.

In pursuance of that act a judge was appointed, the court was put into operation, and pretty soon a case arose that found its way to the Supreme Court of the United States—the case of Serè and Laralde *vs.* Pitot and others, reported in 6 Cranch, page 332. The decision was announced by Chief Justice Marshall. The question in the case was as to the jurisdiction of that court, as to whether or not the parties who had brought suit had the right to invoke its jurisdiction. It was an action by the assignee of a chose in action. Chief Justice Marshall commenced by saying:

> This suit was brought in the court of the United States for the Orleans Territory.

Then he proceeds to dispose of the case. That is all I care to read from that decision. I read enough, however, to show, in view of what I have already stated, that Congress not only made a United States court with a life tenure and constitutional jurisdiction, but that that court was recognized by Chief Justice Marshall as a United States court in contradistinction to the term "Territorial" or "legislative" court.

In the case of McAllister (141 U. S. Reports), referred to in debate a few days ago—cited, I believe, by the Senator from Connecticut [Mr. PLATT]—the question was whether or not the court in Alaska, which had been given United States jurisdiction by Congress, was a United States court within the meaning of the tenure of office act, and the court there, after a very lengthy review of all the decisions, held that it was not a United States court; that only those courts could properly be said to be United States courts which were constitutional courts in the sense in which that term is ordinarily employed. That decision was undoubtedly correct.

Now, Mr. President, the point I wish to make with respect to this is that, taking that definition of a United States court, and taking the statement of Chief Justice Marshall in the case to which I have referred, and from which I have quoted, it certainly does appear that we had a United States court, a constitutional court, if you please, in the Territory of Orleans, outside the States, and therefore that we have approved precedent for the creation of such a court in a Territory and consequently not within a State of the Union.

But it does not matter in such a case whether you call it a "constitutional court" or a "Territorial court." It is a court created by Congress, as all courts must be; and if it be given all the constitutional jurisdiction and the judge be given the life tenure, I do not know why we may not assume that Congress in creating the court proceeded under the judicial article of the Constitution rather than under the provision authorizing it to legislate for the Territories. But however that may be, it will remain that Congress has plenary power to create in a Territory such courts as it may see fit, and confer such jurisdiction as it sees fit, and give the judge such tenure as it may see fit. This power is not exceeded by what is here proposed. So that if there is any valid objection to section 88 of the bill it must be solely on the ground of policy.

I think the Senator from Alabama [Mr. MORGAN] made it clear, in his most admirable presentation of this matter this afternoon, that we ought to have in the Hawaiian Islands a Federal court, with a life tenure, and all the jurisdiction that can be given to it under the Constitution; for it is, as has been said, a court that must have, in the most pronounced sense, an important admiralty jurisdiction and a very extended jurisdiction of almost every character to make it proper for us to distinguish it from a purely local court.

There are a great many other things which I should be glad to say in regard to this matter before taking my seat, but the whole day has been spent in this debate, it is now very late, and I do not wish to detain the Senate.

Mr. CULLOM. I rise to move that the Senate adjourn, but before making that motion, I desire to say to the Senators who are here that I am very anxious to get along with this bill as rapidly as possible, because the condition of affairs in those islands especially requires that some legislation be had, so that they can protect themselves from plagues and diseases and be able to live at all.

With this remark, and with the understanding that we are to meet to-morrow, I move that the Senate adjourn.

Mr. MORGAN. I ask the Senator to withdraw the motion for a moment.

Mr. CULLOM. I withdraw it for a moment in order to suggest that we agree to vote on the bill to-morrow at 4 o'clock.

Mr. MORGAN. On the bill and amendments?

Mr. CULLOM. Yes. I hope the Senate will agree to that.

The PRESIDENT pro tempore. The Senator from Illinois asks unanimous consent that the Hawaiian bill and the pending amendments may be voted upon to-morrow at 4 o'clock. Is there objection?

Mr. TELLER. I shall have to object, Mr. President.

Mr. CULLOM. Then I move that the Senate adjourn.

Mr. BATE. I move that the Senate adjourn until Monday.

Mr. CULLOM. I hope that will not be done.

Mr, BATE. I think it was the expectation of many Senators that an adjournment over would be had.

Mr. CULLOM. I am sure it was not expected by the Senate. I do not think anyone has been justified in entertaining any such expectation.

Mr. BATE. I do not wish to make the motion if a session is desired to-morrow.

Mr. CULLOM. I very much desire a session for the consideration of the Hawaiian bill to-morrow.

Mr. BATE. Very well; I withdraw my motion.

Mr. CULLOM. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Saturday, February 24, 1900, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February 23, 1900.*

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

TRAFFIC BRIDGE ACROSS RED RIVER, LOUISIANA.

The SPEAKER laid before the House, with the amendments of the Senate, the bill (H. R. 4473) to authorize the Natchitoches Railway and Construction Company to build and maintain a railway and traffic bridge across Red River at Grand Ecore, in the parish of Natchitoches, State of Louisiana; in which the concurrence of the House was requested.

The amendments of the Senate were read, as follows:

In line 7, page 1, strike out "their" and insert "it."
In line 1, page 3, strike out "on said bridge."

Mr. BREAZEALE. I move that the amendments of the Senate be concurred in.

The motion was agreed to.

ADDITIONAL MESSENGERS FOR HOUSE POSTMASTER.

Mr. BULL. I rise to make a privileged report from the Committee on Accounts.

The Clerk read the following resolution, introduced by Mr. BROWN December 20, 1900:

Resolved, That the House Postmaster be, and he is, authorized to employ three messengers, at $100 per month each, during the sessions of the Fifty-sixth Congress, to be paid out of the contingent fund of the House.

The amendment reported by the Committee on Accounts was read, as follows:

In line 3, after the word "each," insert "from February 1, 1900."

The SPEAKER. The question is on agreeing to the amendment reported by the Committee on Accounts.

Mr. RICHARDSON. I should like to know whether this is not an unusual resolution. Does it not propose to increase the force of the Postmaster beyond anything that has heretofore been done?

Mr. BULL. It does not go beyond what we have done heretofore in several Congresses—for the first time, I believe, in the Fifty-third Congress.

Mr. RICHARDSON. The resolution is recommended by the Committee on Accounts?

Mr. BULL. Yes, sir.

Mr. RICHARDSON. And the minority concurred in it?

Mr. BULL. Yes, sir.

The amendment was agreed to.

The resolution as amended was adopted.

TRADE OF PUERTO RICO.

Mr. PAYNE. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of House bill 8245. And pending this motion, I desire to give notice to the House that on Monday next, immediately after the reading of the Journal, I shall make a motion to close general debate.

Mr. RICHARDSON. I hope the gentleman from New York [Mr. PAYNE] will reconsider that intention. It is absolutely impossible for all gentlemen of the minority on this side to get in during to-day and to-morrow the speeches they desire to make. In view of this fact, I hope the gentleman from New York will not insist on closing the general debate so early as he has indicated. Of course I can not prevent the gentleman from giving his notice, but I want to say to him that so far as we can we shall resist the enforcement of any such notice.

Mr. PAYNE. This matter of the time to be occupied in debate was talked over in the Committee on Ways and Means when the proposition to bring the bill before the House was pending and when a date was fixed for that purpose. We agreed then upon a week's general debate, which, of course, would close the discussion to-morrow. And that was the understanding. In fact, the gentleman from Tennessee was ready, when the bill was taken up on Monday morning, to concede that and to conclude the debate to-morrow, and it was only because a further arrangement was desired by some gentlemen on this side in reference to voting on amendments that that agreement was not reached on Monday morning—that we close general debate on Saturday. It was then the desire and expectation of both sides of the Committee on Ways and Means that that be done. I only want to give notice——

Mr. RICHARDSON. So I understand.

Mr. PAYNE. So that gentlemen on both sides may govern themselves accordingly.

Mr. RICHARDSON. There is something, of course, in what the gentleman has just said about there having been in the beginning the hope of an agreement; but the gentleman will remember that there was no agreement reached; and he stated at that time that he would let the debate run for a week and then try to close it on Monday at 2 o'clock. I concede that there was something of an understanding that it should be closed. But we have in fact gone on without reaching any agreement, and, I may say, with the idea on the part of some of us that there would be a further extension. I hope very much that we shall not close the debate at the early time indicated by the gentleman from New York. If it be done, it will be impossible for a number of gentlemen on this side to get in the speeches they desire to make.

Mr. PAYNE. I will only say, Mr. Speaker, that to all who have applied to me I have uniformly stated that I intended to do the very best in my power to close the general debate upon the bill this week. I made this statement in order that gentlemen on both sides of the House might understand exactly the situation.

Mr. DALZELL. Why, Mr. Speaker, if the gentleman from Tennessee will permit me, there were two hours allowed for debate last night that were not even taken advantage of.

Mr. RICHARDSON. Just a word on that, Mr. Speaker. I had arranged, I will state to the gentleman, with members on this side of the House who desired to occupy one-half of that time; supposing, of course, that gentlemen on the other side would occupy the remainder. I did not wish to transgress upon the time of the other side. As it was I put in about an hour and a quarter, and could have used very much more time if I had been apprised of the fact that gentlemen on the other side did not desire to occupy it.

Now, I hope the gentleman from New York will not undertake to close debate without giving an opportunity to at least the older members of the House who desire to be heard to talk upon a question which is probably the most important one with which we will have to deal during this Congress.

Mr. POWERS. Mr. Speaker, I sincerely trust the gentleman from New York will not insist on closing the general debate to-morrow. There are many gentlemen on the floor of the House who are not entirely clear as to the action they should take in reference to the pending bill. This discussion is certainly very useful in bringing out the advantages proposed by the committee and the objections which are raised by the minority to the bill.

It seems to me that this being a new question, one of novel impression, the utmost latitude of debate consistent with the state of the public business should be given, and that all gentlemen who desire to do so may have an opportunity of being heard upon the question. I sincerely hope therefore that the gentleman will see that it is due to the House to extend the time beyond to-morrow for general debate.

I myself confess that for one I want more light upon the question. I want to listen to the speeches pro and con. I do not desire to be forced to vote on the unsettled state of my own mind on the question at so short a notice as this. I think the time allotted is not sufficient. It will do no harm to give to the House and the country light on the question, and it certainly can do no harm to indicate to the people of the country that a majority of the House are trying to be liberal and fair and give reasonable opportunity for the presentation of the opposition's views.

Mr. RICHARDSON. I suggest to my friend from New York, who is always a fair-minded, amiable gentleman, that Monday being District of Columbia day, we might devote the day to that purpose so that the District will not lose its day, and take this bill up afterwards for further discussion.

Mr. PAYNE. I do not think we should allow other matters to enter into consideration here until we have taken final action upon this bill. That I will certainly object to.

Mr. RICHARDSON. It will take all day Monday, at all events, even if we adopt the suggestion of the gentleman from New York. The District will lose its day, and on Tuesday another matter which will probably come before the House may be presented for consideration.

Mr. PAYNE. Mr. Speaker, the motion is that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the pending bill. I think we had better go on with that in view of the conditions prevailing.

The SPEAKER. This discussion is only by unanimous consent.

Mr. THAYER. Mr. Speaker, I have a few remarks that I would like to make with reference to the closing of the general debate on this bill to-morrow night. It is a most important matter—one of the most important with which we will have to deal during the Congress. There are many gentlemen on this side of the House who desire to be heard on the question, and some, as I am informed, on the other side, and if this order to close the general debate shall be insisted upon, it will exclude all of those persons interested in the discussion except those who are on the Committee on Ways and Means and the Committee on Insular Affairs. Now, I am anxious on behalf of members on this side of the House that they shall have an opportunity of being heard.

I hope, therefore, that time will be extended to both sides of the House, and that the gentleman from New York will not insist on closing the debate on this important question, which should have the fairest and fullest consideration, at the time he has mentioned.

Mr. GROSVENOR. Mr. Speaker, I would like to say to the gentleman from Tennessee that he must bear in mind, and I know

that he will appreciate it, that the Democratic party on that side of the House has been debating this question for the past two months; that tons and tons, carload after carload of mail matter has been distributed upon the subject throughout the country, debating the question all over the land.

I do not believe that, on reflection, the gentleman from Tennessee will find much new material on the Democratic side of the House that can be used in the continuation of the debate.

Mr. RICHARDSON. Well, Mr. Speaker, in reply to the gentleman from Ohio, who is almost always accurate, I will say that in this case he is very wide of the mark. No gentleman on this side of the House has debated the proposition that is in this bill, the proposition of unequal taxes in the Territories. This is the first time that was ever presented or ever debated here.

Mr. GROSVENOR. If my friend will allow me, they do not debate that question now.

Mr. RICHARDSON. Oh, yes, they do.

Mr. GROSVENOR. They are debating the Philippine question, which they have been debating for the last two months.

Mr. RICHARDSON. We have a question here now that never was here before and that has never been debated before.

The SPEAKER. The question is on the motion of the gentleman from New York [Mr. PAYNE], that the House resolve itself into the Committee of the Whole for the further consideration of the bill (H. R. 8245).

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 8245) to regulate the trade of Puerto Rico, and for other purposes, with Mr. HULL in the chair.

Mr. JONES of Virginia. Mr. Chairman, I shall not undertake to state with absolute precision the provisions of the measure now under discussion. That has been done by those who have preceded me in this debate. Generally stated, it provides that the duties collected upon all articles imported into Puerto Rico from ports other than those of the United States shall be the same as those now paid upon such articles imported into the United States from foreign countries. But it also provides—and to that extent I am unalterably opposed to the bill—that certain duties shall be levied upon all merchandise coming into the United States from Puerto Rico and coming into Puerto Rico from the United States. For, from the standpoint from which I view this subject, it is not material whether the duties thus imposed are comparatively high or comparatively low, whether they are 25 or 50 per cent of those imposed under existing law upon merchandise imported into the United States.

As a matter of fact, the proposition contained in this bill is to impose upon the products of Puerto Rico which may be imported into the United States a higher rate of duty than Spain exacted upon like products imported from Puerto Rico into that Empire. For, even under Spanish rule, although there was not absolute free trade between the Peninsula and the island of Puerto Rico, there was freer trade than this bill proposes, the duty then imposed having been only about 10 per cent of that laid upon the products of other countries. My objection to the bill is that it attempts to discriminate against the people of Puerto Rico; that its purpose is, and its effect would be, to raise up against the products of the island a tariff barrier which, if it did not shut them out from the markets of the United States, would unquestionably impose upon them an unequal and therefore unjust and illegal burden of taxation. Such discrimination would, in my opinion, be an act of bad faith on the part of our Government, as well as a palpable infringement of the constitutional rights of a people whose anomalous, deplorable, and almost helpless condition, largely the result of American occupation and American rule, should arrest the attention and excite the commiseration of every citizen of our Republic.

By the treaty of Paris, the ratifications of which were exchanged on the 11th day of April last, Puerto Rico was ceded to the United States. Since that date Spanish sovereignty has absolutely ceased to exist in that island, and for months prior thereto every vestige of Spanish authority had been driven therefrom. Its inhabitants, according to those who are entitled to speak for them, and whose testimony was given before committees of this House, are anxious to be incorporated into our body politic, and are even now clamoring at the very doors of this Congress to be permitted to have the laws of our Republic, so far as those laws may be applicable to their conditions, extended over them. The only question, then, apparently, about which there is any serious division of opinion is whether this island shall become an integral part of the territory of the United States and its inhabitants admitted to the enjoyment of all the rights, privileges, and immunities of our American citizenship, or whether it shall be held as a dependent province or subject colony, to be governed by Congress unhampered and unfettered by the prohibitions and limitations contained in the Constitution which created that Congress.

As I have already said, Mr. Chairman, there are two propositions involved in this bill, both of serious import, but one of them of far-reaching influence and of transcendent importance, at least to the people of the United States. One of those propositions is that it is both expedient and just to levy duties upon the products of Puerto Rico when brought into the ports of any one of the States of the Union, and that proposition carries with it the other and far more important one, that Congress can legislate for Puerto Rico unrestrained by the provisions of the Constitution.

When Spanish power and authority were destroyed in Puerto Rico, the inhabitants were given to understand by the representatives of the President that thenceforth and forever they were to have and enjoy those blessings of liberty which are the possessions of every American citizen. Their island home was to become a part of the territory of the United States; they were to share in the fortunes of the people of this Republic and to enjoy those individual rights and privileges which belong to each of its citizens. They were taught to believe that the American flag carried with it, wherever it floated permanently, the full and complete rights of American citizenship. In fine, they were made to understand and to believe that they would be incorporated into the United States as an integral part thereof; that they were to dwell under the folds of the American flag, to enjoy the benefits of American laws and American institutions, and to be governed under the Constitution of the greatest Republic on earth.

It is a matter of common report and, indeed, of common information and knowledge that when the American forces under General Miles entered Puerto Rico they were everywhere received with open arms and demonstrations of joy by the native inhabitants. It is equally but deplorably true that the blessings which the Puerto Ricans believed would follow American occupation and rule have not been realized. On the contrary, it is indisputably true that the present industrial condition of the people of Puerto Rico is infinitely worse than it was under Spanish rule. This is not entirely, but it is to a very great extent, due to the disturbance of the trade and business relations which existed under Spanish dominion. They realized, of course, that with the destruction of Spanish authority would come the loss of Spanish markets. The great bulk of their trade had hitherto been with Spain and Cuba, for with both they had enjoyed substantial, although not absolute, free trade.

With the return of peace Spain levied as against Puerto Rico customs duties which are practically prohibitory, and for a considerable period thereafter the duty imposed by Cuba upon tobacco imported from Puerto Rico was as high as $5 a pound—an absolutely prohibitive duty, as it was intended it should be. Thus Puerto Rico lost the markets which she had enjoyed for her coffee, sugar, and tobacco in Spain and Cuba without the compensatory advantage of a free market for the two latter products in the United States. For, be it remembered, the Dingley tariff rates are still imposed upon every article of merchandise imported into the United States from Puerto Rico. It is true there is no duty upon coffee, but it was due to the high price of Puerto Rican coffee and to the fact that it had never been introduced into our markets and was, therefore, unknown to our people, that no market had been found in this country for the crop which was in store when the terrible tornado which visited the island on the 8th of August last destroyed that as well as the crop then maturing. It not only destroyed the crop of the year previous, then stored in frail and insecure structures to await a market, and the growing crop of that year, but it destroyed every growing thing within the path of its fury.

Mr. Chairman, I will not attempt a rehearsal of the sad story of the devastation and ruin wrought by that fearful hurricane. Its dreadful details are so fresh in the minds of the members of this House as to render it unnecessary for me to recall them. General Davis, the governor-general of the island, says, in his report upon the industrial and economic conditions affected by this hurricane, that—

> The industrial conditions existing before the hurricane, bad as they were, were excellent compared with those resulting from the storm.

And that is the testimony of all who have any knowledge of Puerto Rican affairs.

Tens of thousands of individuals would in all probability have perished from starvation, and there would have occurred upon this hemisphere, and in territory belonging to the United States, a repetition of those famines which have periodically devastated large sections of India and China but for the prompt and generous aid extended by the American people. According to General Davis, one-third of the total property of the island, outside of the soil itself, was destroyed, and he estimates that it will require fully five years to reestablish the coffee vegas, and that necessarily years of want and industrial paralysis must follow.

Surely, Mr. Chairman, it would seem, under conditions such as these, conditions some of which we as a people are directly responsible for, that Congress should legislate in a spirit of the utmost liberality towards these unfortunate and sorely smitten people. It does seem to me that even were the power of Congress

unlimited in this respect it would be cruelty itself to impose upon them the discriminating and unequal tariff duties provided for in this bill. Every dictate of justice and humanity demands that in this matter of tariff taxation we should not impose burdens greater than those imposed by Spain even before the island of Puerto Rico had been visited by a disaster too appalling to describe and at a period when its inhabitants were in the enjoyment of a maximum of agricultural and industrial prosperity.

In opening this discussion the gentleman from New York, the chairman of the Committee on Ways and Means and the Republican leader upon this floor, assigned as the reason for having abandoned the bill introduced by himself, which provided for free trade between Puerto Rico and the United States, and substituting therefor the measure now under consideration, that he had discovered that the original measure would not produce by half the revenue necessary to run the insular government of that island. He had ascertained that with free trade between the United States and Puerto Rico there would be collected "not exceeding $500,000 from the tariff and $500,000 from the internal revenue; in all, a million dollars to meet $2,000,000 of expenditures."

Then it was he began to consider "what effect the internal-revenue taxes would have upon the island." Let me read to the House the exact words employed by the gentleman from New York in describing the effect the application of our internal-revenue laws to Puerto Rico would have upon the rum traffic of that island. This is important because it is the first and main reason assigned by the author of this bill for having abandoned his free-trade bill. These are his own words:

They manufacture there annually a million and a half gallons of rum. It is sold all over the island. It is a necessity of life, or they think so, for the poor people of that island. These million and a half gallons retail at from 25 to 40 cents a gallon. The internal-revenue tax upon that, under the law that we were about to extend, would amount to $1.20 a gallon. The price to these people would be multiplied by four. How could they get their rum? We were cutting it off.

I imagine, Mr. Chairman, that other and more persuasive arguments must have influenced the change of heart so suddenly experienced by the gentleman from New York. Between the time of the introduction of his original bill and the substitution therefor of this one, had the distinguished chairman of the Ways and Means Committee failed to hear the storm of protests which arose from the advocates of a high protective tariff—a tariff for protection only? Can it be possible that the protests of the beet-sugar manufacturers influenced him not?

It is possible, of course, that he has been converted to the Democratic doctrine of a tariff for revenue, and that had he known any sources from which to raise the revenue with which to run the Puerto Rican government other than those of rum and cigarettes, the gentleman would have stood by his original free-trade bill. But, I submit, this is hardly probable.

Three days before this bill was reported in the House from the Committee on Ways and Means, the Senate Committee on Pacific Islands and Puerto Rico reported a bill for the temporary civil government of Puerto Rico. As introduced, that bill provided for free trade between the United States and Puerto Rico. As reported to the Senate it provided for a discriminating duty. In speaking of this change of policy the committee say:

This proposition was objected to on various grounds. It was urged that—
1. It was in violation of the policy of protection.
2. It was inimical to the interests of the United States, with which Puerto Rican products would come in competition.
3. It would be a precedent that would have to be followed in other cases that might hereafter arise where the competition resulting might be still more injurious to American interests.

Mr. Chairman, to my mind, the evidence is overwhelming that the change of position on the part of the Republican leaders of both Houses of Congress in regard to this question was superinduced by the storm of opposition developed in the protectionists' camp. The advocates of protection, for the sake of protection, do not fear the importation of free Puerto Rican coffee. There is no tariff duty upon coffee now, and there is no coffee produced in the United States with which foreign coffee can come into competition. They do not apprehend danger to the cane and beet sugar industries of this country, for the average annual sugar product of Puerto Rico has only been about 58,000 tons, and according to the best evidence attainable that quantity can not be more than doubled under the most favorable conditions, whilst it is a well-known fact that we produce only about one-fifth of the 2,000,000 tons which we annually consume. The tobacco which under free trade would come into our markets would be insignificant as regards both the quantity and quality of that product. These protectionists do, however, become greatly excited when they discover what they regard as a "violation of the policy of protection;" and the establishment of a precedent to be cited when Congress comes to deal with that great Republican bugbear, the Philippine Islands, positively unnerves them.

The people of Puerto Rico do not appear to be greatly disturbed concerning the loss of revenue which the chairman of the Committee on Ways and Means tells us will follow free trade between that island and the United States. They are not even alarmed at the prospect of an increase of tax upon the rum which they manufacture and drink. They are perfectly willing that the tax upon it shall be quadrupled, and, if need be, that the property interests of the islands shall be taxed as they are everywhere taxed in the States of this Union. They are even prepared to supplement their public revenues by a public loan, for, fortunately, the island is free from debt. But what they want first, last, and all the time, and what they insist upon having, is free trade between their island and the rest of the United States. That, they believe, and with reason, will bring them prosperity when their agricultural lands shall have been restored to that degree of productiveness which existed prior to the terrific hurricane which left such a train of disaster in its wake. So far as I know and believe, not a single inhabitant of Puerto Rico favors the discriminating duties of this bill. They all desire free trade, and yet we are told that these tariff taxes are to be imposed for their benefit and solely in their interest. Permit them, Mr. Chairman, to be the judges if they alone are to be affected by this policy.

Let me call the attention of this House for a moment to the testimony of some leading and representative citizens of Puerto Rico upon this question. These witnesses were the accredited representatives of the Chamber of Commerce, the Agricultural Society, and the two political parties of Puerto Rico. I read now from the testimony of Mr. Finlay, one of the largest planters on the island, given before the Committee on Insular Affairs. He does not agree with the author of this bill as to the hardships which a tax on rum might be supposed to impose upon the people of Puerto Rico. I will read from the testimony of both Mr. Armstrong and Mr. Finlay. This is what they say:

Mr. PAYNE. Are you willing to take the internal-revenue laws and the tariff laws and pay a tax on rum and tobacco?
Mr. ARMSTRONG. Yes, sir; if we get free trade.
Mr. PAYNE. Can rum stand a tax of $1.10 a gallon?
Mr. ARMSTRONG. If we get free trade we can stand it, I think.
The CHAIRMAN. Do you know how much rum they manufacture there?
Mr. ARMSTRONG. I have no idea exactly, but perhaps Mr. Finlay knows about rum.
Mr. FINLAY. I could not tell you, but it is all consumed in the island. If they want to get drunk, let them pay for it, Mr. PAYNE. I am a rum manufacturer, and they can put on as much as they like.

I read again from the testimony of Mr. Armstrong, a native Puerto Rican, and a representative of the chamber of commerce:

Mr. ARMSTRONG. We appear representing the commercial interests of the island, and I can confirm what my colleague has said. We favor the bill introduced by Congressman PAYNE, and most urgently need free trade. Of course if we are to continue with the present conditions many months more the island is doomed—we will starve; but free trade will help us out, because now there is no work and no enterprise, no building, and free trade is one thing that I beg to urge upon the attention of the committee.
The CHAIRMAN. You think tariff regulations should come first and then improvement of the civil government should follow?
Mr. ARMSTRONG. Yes, sir; we want the tariff regulations immediately; we can not wait.

Mr. Arturo Bravo gave this testimony:

Mr. BRAVO. I am representing the chamber of commerce, and I come here as a delegate from the chamber of commerce in the same capacity as my friends, Mr. Armstrong, Mr. Finlay, and some other gentlemen who have previously stated in regard to the measures that must be taken to relieve the present conditions of the island, and the main point which I urgently refer to is the law providing for free trade, because the financial conditions of the island are such that if nothing is done by this Government in that way, we feel confident that the island will be utterly ruined. I repeat what Dr. Ames reported, because it is a real fact.

In reply to a question addressed to him by my colleague upon the committee, Mr. MADDOX, of Georgia, as to whether the people of his island desired free trade with the United States, Mr. Lucus Amadeo, an extensive coffee planter of Puerto Rico, said:

Mr. AMADEO. Opinion is useless. My opinion is a profound conviction that it should immediately be granted as one of the most necessary measures.

This witness proved to be a man of exceptional intelligence. He demonstrated in his own person, and to the entire satisfaction of all who heard him, I think, that whatever may be said in regard to the capacity of the illiterate classes of Puerto Rico for self-government, there can be no question as to the ability of the educated classes to administer the affairs of government. I quote an interesting and instructive passage from his testimony. It may be that some of my colleagues will take exception to his definition of the word "parasite:"

Mr. TAWNEY. Do you think that illiterate class should be given any voice at the present time in the local government in Puerto Rico in the way of a right to vote?
Mr. AMADEO. Lately I have been studying that question quite a good deal, and I have arrived at a profound conviction that the harm derived from restricting the vote far outweighs the harm that an unrestricted vote might produce. I have found it is not always the educated class that knows how to make use of their electoral rights to more advantage than the illiterate class. Parasites do not flourish among the illiterate class, and cases of nations can be mentioned where education is at its highest where socialism and militarism—the plague of modern times—have reached an extraordinary degree of development. By parasites I mean officeholders.

Mr. Chairman, we are not confined to the testimony of citizens of Puerto Rico as to an existing necessity for free trade between that island and the United States.

The Hon. Henry K. Carroll, special commissioner to Puerto

Rico, gives it as his opinion that the people of that island should be permitted to enter our ports with their products free of all duty.

General Davis, military governor of Puerto Rico, than whom there is no higher authority upon this question, gives it as his deliberate and well-considered opinion that all duties on trade between the United States and Puerto Rico should be removed.

It has already been said over and over again upon this floor that the Secretary of War, in his last annual report, urged upon Congress the propriety and the justice of giving to the people of Puerto Rico free trade relations with the United States.

The President, in his last annual message to Congress, said "our plain duty is to abolish all customs tariff between the United States and Puerto Rico and give her products free access to our markets." That which was our plain duty three months ago has now become our imperative duty—a duty which we can not avoid, if we would, either with honor to ourselves or with justice to the people of Puerto Rico. [Applause.]

As an original proposition, I was opposed to the annexation of Puerto Rico. Now that annexation is an accomplished fact, accomplished with the full consent of the inhabitants of the island, I would not deny to them the enjoyment of every right possessed by the citizens of every Territory which is a part of the United States, and without which their industries must continue in a state of utter prostration, if, indeed, they do not actually perish. Mr. Chairman, to refuse to do them this act of simple justice is to violate one of the plainest provisions of the Constitution, which each member of this House has solemnly sworn to support. To evade a plain duty is to commit an act of dishonor, but to violate the Constitution of your country is to commit a crime.

Mr. Chairman, there can be no question as to the power of the Federal Government to acquire this territory. That power has been exercised under the Constitution for a hundred years, and it has repeatedly received the sanction of the Supreme Court of the United States. In the case of Insurance Company *vs.* Canter, as far back as the year 1828, Chief Justice Marshall said:

> The Constitution confers absolutely on the Government of the Union the power of making war and of making treaties; and that consequently Government possesses the power to acquire territory, either by conquest or by treaty. The usage of the world is, if a nation be not entirely subdued, to consider the land of the conquered territory as mere military occupation until its end shall be determined at the treaty of peace. If it be conceded by treaty, the acquisition is confirmed and the conceded territory becomes a part of the nation to which it is annexed, either by the terms of stipulation in the treaty of cession or under such as its new master shall impose.

Territory can, then, be acquired either by conquest or treaty; but it must be acquired with the purpose and intent of its becoming at some day a member of the American sisterhood of States.

Chief Justice Taney said, in delivering the opinion of the court in the celebrated Dred Scott case (19 Howard, 446, 447):

> There is certainly no power given by the Constitution to the Federal Government to establish or maintain colonies bordering on the United States or at a distance, to be ruled and governed at its own pleasure, nor to enlarge its territorial limits in any way except by the admission of new States. That power is plainly given, and if a new State is admitted it needs no further legislation by Congress, because the Constitution itself defines the relative rights and powers and duties of the State and the citizens of the State and the Federal Government. But no power is given to acquire a territory to be held and governed permanently in that character.
>
> And, indeed, the power exercised by Congress to acquire territory and establish a government there according to its own unlimited discretion was viewed with great jealousy by the leading statesmen of the day. * * *
>
> We do not mean, however, to question the power of Congress in this respect. The power to expand the territory of the United States by the admission of new States is plainly given, and in the construction of this power by all [the departments of the Government it has been held to authorize the acquisition of a Territory not fit for admission at the time, but to be admitted as soon as its population would entitle it to admission. It is acquired to become a State, and not to be held as a colony and governed by Congress with absolute authority; and as the propriety of admitting a new State is committed to the sound discretion of Congress, the power to acquire territory for that purpose, to be held by the United States until it is in suitable condition to become a State upon an equal footing with the other States, must rest upon the same discretion.

To the same effect is the opinion of the court in Murphy *vs.* Ramsey (114 United States Reports):

> The power of Congress over the Territories is limited by the obvious purposes for which it was conferred, and those purposes are satisfied by measures which prepare the people of the Territory to become States in the Union.

But, Mr. Chairman, Congress can exercise no powers over this territory which are prohibited by the Constitution. It can not, as this bill proposes to do, legislate in respect to this territory unrestricted by either the prohibitions or limitations laid upon it by the Constitution. Congress is a creature of the Constitution and all its powers are derived therefrom and limited by its provisions.

Section 8 of Article I of the Constitution is in these words:

> The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States.

It is contended by the advocates of this measure that the words "United States" as here used embrace only the territory included within the boundaries of the several States composing the Federal Union; that they do not and were not intended to embrace the Territories as well as the States. This, however, can not at this late day be regarded as an open question. Chief Justice Marshall, in the case of Loughborough against Blake (5 Wheaton, 317), in delivering the opinion of the court, said:

> The eighth section of the first article gives to Congress the "power to lay and collect taxes, duties, imposts, and excises" for the purposes thereinafter mentioned. This grant is general, without limitation as to place. It consequently extends to all places over which the Government extends. If this could be doubted, the doubt is removed by the subsequent words, which modify the grant. These words are: "But all duties, imposts, and excises shall be uniform throughout the United States." It will not be contended that the modification of the power extends to places to which the power itself does not extend.
>
> The power, then, to lay and collect duties, imposts, and excises may be exercised, and must be exercised throughout the United States. Does this term designate the whole or any particular portion of the American empire? Certainly this question can admit of but one answer. It is the name given to our great Republic, which is composed of States and Territories. The District of Columbia or the territory west of the Missouri is not less within the United States than Maryland or Pennsylvania, and it is not less necessary, on the principles of our Constitution, that uniformity in the imposition of imposts, duties, and excises shall be observed in the one than the other. Since, then, the power to lay and collect taxes, which includes direct taxes, is obviously coextensive with the power to lay and collect duties, imposts, and excises, and since the latter extends throughout the United States, it follows that the power to impose direct taxes also extends throughout the United States.

If, then, the island of Puerto Rico is an integral part of the territory of the United States, and if, as Chief Justice Marshall said, the term "United States" designates the whole of the American empire, it must necessarily embrace this island. It is unquestionably a part of the territory of the United States. But I need not dwell upon this point. The language employed by Chief Justice Marshall is too plain to be misunderstood and leaves nothing to be said upon that point. The term "United States" is used in this section in a geographical and not in a political sense. It follows, then, as the day the night, that if Puerto Rico is embraced in the term "United States," as those words are used in the section of the Constitution which I have just read, no customs tariff can be laid upon its products which are not laid upon those of every other State and Territory in the United States. The decision of the court in Loughborough *vs.* Blake has never been overruled. It stands to-day as the law of our land.

It has been said in this debate, I know, that there are to be found cases overruling the decision in this case; that Chief Justice Marshall himself, in a subsequent case involving the very point at issue here, took the opposite view of the meaning of the term "United States." The case referred to is that of Hepburn *vs.* Ellzey (2 Cranch). The question in that case was whether residents of the District of Columbia could maintain an action in the circuit court of the United States for the district of Virginia. It was held that in order to give the court jurisdiction it must appear that the District of Columbia was a State. The act of Congress confers jurisdiction upon the circuit courts only in cases between a citizen of the State in which the suit is brought and a citizen of another State, and the court held that the District of Columbia was not a State—nothing more and nothing less. In line with this decision, it has also been held by the same court that a citizen of a Territory was not capable of suing in the courts of the United States under the judiciary act.

A Territory, of course, is no more a State than is the District of Columbia, although designed to become one. The case of the American Insurance Company *vs.* Canter is also relied upon to support the contention that Congress is not controlled by the Federal Constitution in legislating for the Territories of the United States. It is contended that Chief Justice Marshall so held in this later discision. This contention is not borne out by the language employed by that most distinguished of all jurists. On the contrary, the great Chief Justice said that neither the laws enacted by Congress nor those enacted by the Territorial legislature of Florida in respect to that Territory could stand "if inconsistent with the laws and Constitution of the United States."

In the case of Scott *vs.* Sandford, from which I have before quoted, Chief Justice Taney said in regard to the powers of Congress to legislate in respect to the property and person of the citizens of the Territories:

> The power of Congress over the person or property of a citizen can never be a mere discretionary power under our Constitution and form of Government. The powers of the Government and the rights and privileges of the citizens are regulated and plainly defined by the Constitution itself. And when the Territory becomes a part of the United States, the Federal Government enters into possession in the character impressed upon it by those who created it. It enters upon it with its powers over the citizen strictly defined and limited by the Constitution, from which it derives its own existence, and by virtue of which alone it continues to exist and act as a Government and sovereignty. It has no power of any kind beyond it; and it can not, when it enters a Territory of the United States, put off its character, and assume discretionary or despotic powers which the Constitution has denied to it. It can not create for itself a new character separated from the citizens of the United States, and the duties it owes them under the provisions of the Constitution. The Territory being a part of the United States the Government and the citizen both enter it under the authority of the Constitution, with their respective rights defined and marked out; and the Federal Government can exercise no power over his person or property beyond what that instrument confers, nor lawfully deny any right which it has reserved.

Perhaps no decision of the Supreme Court has ever been more fiercely assailed than that in the Dred Scott case; but, upon the

point that Congress can not exercise powers prohibited by the Constitution, there was no division in the court, the two dissenting justices maintaining that doctrine as stoutly as the majority of the court.

Mr. Justice McLean used this emphatic language in discussing this identical question:

In organizing the government of a Territory Congress is limited to means appropriate to the attainment of the constitutional object. No powers can be exercised which are prohibited by the Constitution or which are contrary to its spirit, so that, whether the object may be the protection of the persons and property of purchasers of the public lands or of communities who have been annexed to the Union by conquest or purchase, they are initiatory to the establishment of State governments, and no more power can be claimed or exercised than is necessary to the attainment of the end. This is the limitation of all the Federal powers.

Justice Curtis, the other dissenting judge, was equally emphatic. He said:

Since, then, this power was manifestly conferred to enable the United States to dispose of its public lands to settlers, and to admit them into the Union as States, when in the judgment of Congress they should be fitted therefor; since these were the needs provided for; since it is confessed that government is indispensable to provide for those needs, and the power is to make all needful rules and regulations respecting the Territory, I can not doubt that this is a power to govern the inhabitants of the Territory by such laws as Congress deems needful until they obtain admission as States.

* * * * * * *

If, then, this clause does contain a power to legislate respecting the Territory, what are the limits to that power? To this I answer that in common with all the other legislative powers of Congress it finds limits in the express prohibitions of Congress not to do certain things; that in the exercise of the legislative power Congress can not pass an ex post facto law or bill of attainder, and so in respect to each of the other prohibitions contained in the Constitution.

The proposition for which I contend, and which I maintain is founded in reason and supported by the highest judicial authority, that Congress can not legislate for the Territories of the United States unrestrained by the prohibitions and limitations of the Constitution, is in no wise affected by the other proposition that Congress possesses powers over the Territories not possessed by it over the States. My contention is that whatever powers Congress possesses and shall assume to exercise over Territories must be exercised within the limitations and prohibitions of the Constitution. And when gentlemen read from decisions of the Supreme Court which speak of the "absolute," "full," "supreme," and "plenary" powers of the Federal Government over Territories, it must always be understood that those powers are to be exercised in subordination to the Constitution, from which Congress derives its existence and every power which it possesses.

Thus, when Mr. Justice Waite, in delivering the opinion of the court in the National Bank *vs.* County of Yankton (101 U. S. Reports), declared that "Congress is supreme," he qualified that statement by adding that it "has all the powers of the people of the United States, except such as have been expressly or by implication reserved in the prohibitions of the Constitution."

Mr. Justice Harlan said, in Thompson *vs.* Utah (170 U. S., 346):

That the provisions of the Constitution of the United States relating to the right of trial by jury in suits at common law apply to the Territories of the United States is no longer an open question.

The advocates of this bill seem to rely much upon the decision in the case of Mormon Church *vs.* United States (136 U. S. Reports). In delivering the opinion of the court in this case, Mr. Justice Bradley said:

The power of Congress over the Territories of the United States is general and plenary.

And yet, in that very connection he quoted with evident approval the language of Mr. Justice Matthews in the case of Murphy *vs.* Ramsey (114 U. S. Reports), which was a case relating to the legislation of Congress over the Territory of Utah. This is what Justice Matthews said, which was approvingly quoted by Justice Bradley:

The people of the United States, as sovereign owners of the national Territories, have supreme power over them and their inhabitants. In the exercise of this sovereign dominion they are represented by the Government of the United States, to whom all the powers of the Government over that subject have been delegated, subject only to such restrictions as are expressed in the Constitution or are necessarily implied in its terms.

It is true that in the Mormon Church case the court added:

Doubtless Congress in legislating for the Territories would be subject to those fundamental limitations in favor of personal rights which are formulated in the Constitution and its amendments; but these limitations would exist rather by inference and the general spirit of the Constitution, from which Congress derives its powers, than by any express and direct application of its provisions.

In the dissenting opinion of Chief Justice Fuller in that case I find this language:

Congress possesses such authority over the Territories as the Constitution expressly or by clear implication delegates.

* * * * * * *

In my opinion Congress is restrained not merely by the limitations expressed in the Constitution, but also by the absence of any grant or power, express or implied, in that instrument.

* * * * * * *

I regard it of vital consequence that absolute power should never be conceded as belonging, under our system of government, to any one of its departments. The legislative power of Congress is delegated and not inherent, and is therefore limited.

The report made to the Senate by the Committee on Pacific Islands and Puerto Rico does not take the extreme ground which the majority members of the Ways and Means Committee in this House occupy. That report does concede that there are some things which it is beyond the power of Congress to do, although it is insisted therein that the right to disregard the constitutional limitations upon the power of Congress to impose duties which are not uniform throughout the United States is not one of them.

I read from the Senate report:

But while this power of Congress to legislate for newly acquired territory does not flow from, and is not controlled by, the Constitution as an organic law of the Territory, except when Congress so enacts, yet, as to all prohibitions of the Constitution laid upon Congress while legislating, they operate for the benefit of all for whom Congress may legislate, no matter where they may be situated, and without regard to whether or not the provisions of the Constitution have been extended to them; but this is so because the Congress, in all that it does, is subject to and governed by those restraints and prohibitions. As, for instance, Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; no title of nobility shall be granted; no bill of attainder or ex post facto law shall be passed; neither shall the validity of contracts be impaired; nor shall property be taken without due process of law; nor shall the freedom of speech or of the press be abridged; nor shall slavery exist in any place subject to the jurisdiction of the United States.

It will be apparent, however, from a careful reading of that report, that the Senate committee does not feel entirely sure of its ground; for, after all, it bases the right of Congress to enact the legislation proposed in this bill upon the terms of the treaty of Paris rather than upon any interpretations of the Constitution which have been delivered by the Supreme Court. An examination of all the cases appears to have driven that committee to this lame and, as I hope to demonstrate, impotent conclusion.

I read again from this Senate document:

But, however the question may stand on authority and general principles, there does not seem to be any room to doubt the power of Congress to legislate according to its own discretion with respect to Puerto Rico.

In the treaty of Paris it is expressly provided—

"That the civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by the Congress."

No such clause as this has ever before been found in any treaty ceding territory to the United States. Its effect is, therefore, to be considered now for the first time. There is no ambiguity about it; neither can there be any controversy as to its effect. A treaty is a part of the supreme law of the land, made so by the Constitution itself:

"This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding." (Second clause, Article VI, Constitution.)

This provision does not say that all treaties made in pursuance of the Constitution, or consistently with the Constitution, but all treaties made under the authority of the United States, shall be, together with the Constitution and laws enacted in pursuance of it, the supreme law of the land. As to all matters, therefore, with which it properly deals, a treaty is an instrument of equal dignity with the Constitution itself.

It is not to be wondered at that this learned committee does not adduce, or attempt to adduce, a line of authority to maintain the monstrous proposition that "a treaty is an instrument of equal dignity with the Constitution itself." I do not believe that any court in the land has ever so held, or that there can be produced a line written by any respectable writer upon constitutional law in support of this remarkable contention.

On the contrary, the courts have held, and I had supposed that it was universally conceded, that the Constitution is paramount to treaties as well as to the statutes of Congress.

Mr. Justice Swayne, in delivering the opinion of the court in the Cherokee Tobacco cases, reported in 11 Wallace, page 616, says, in considering the second section of the fourth article of the Constitution:

It need hardly be said that a treaty can not change the Constitution or be held valid if it be in violation of that instrument. This results from the nature and fundamental principles of our Government. The effect of treaties and acts of Congress when in conflict is not settled by the Constitution. But the question is not involved in any doubt as to its proper solution. A treaty may supersede a prior act of Congress (Foster and Elam *vs.* Neilson, 2 Peters, page 314), and an act of Congress may supersede a prior treaty. (Taylor *vs.* Morton, 2 Curtis, page 454; The Clinton Bridge Company, 1 Walworth, page 155.) In the cases referred to these principles were applied to treaties with foreign nations.

Other cases might be cited to same effect, but I will only quote from one more. Mr. Justice Gray said, in delivering the opinion of the court in United States *vs.* Wong Kim Ark (169 U. S., 701):

It is true that Chinese persons born in China can not be naturalized, like other aliens, by proceedings under the naturalization laws, but this is for want of any statute or treaty authorizing or permitting such naturalization, as will appear by tracing the history of the statutes, treaties, or decisions upon that subject, always bearing in mind that statutes enacted by Congress, as well as treaties made by the President and Senate, must yield to the paramount and supreme law of the Constitution.

I challenge the production of any case in which a contrary doctrine can be found. There is none.

Mr. Chairman, if there can be discovered no more convincing authority to sustain the contention that Congress possesses the power, under the Constitution, to enact the legislation proposed in this bill than this treaty stipulation, then its advocates may as well abandon all pretense that the Constitution has any binding force and effect upon their action and boldly proclaim that,

in their judgment, the exigencies of the situation confronting them justifies their repudiation of that sacred instrument.

On the day before yesterday the distinguished gentleman from Pennsylvania [Mr. DALZELL] declared, in the course of his speech, that "he was not impressed with the argument that all government is by the consent of the governed." One of the most cherished principles laid down in the great chart of American liberty and freedom, the immortal Declaration of Independence, is that "governments derive their just powers from the consent of the governed." To sustain this principle our forefathers risked their fortunes and their lives. To perpetuate it we who have inherited the blessings of free government, transmitted by those who proclaimed and successfully defended the principles upon which that Government was founded, should be willing to risk even our lives. [Applause.] But, after listening to the speech of the gentleman from Pennsylvania and others who belong to his school of politics, I am constrained to believe that the leaders of the Republican party have not only lost all reverence for the Declaration of Independence, but that they are prepared, in order to accomplish their party purposes, to overthrow the very sheet anchor of our liberties, the Constitution itself.

The gentleman from Massachusetts [Mr. MOODY] disclosed on yesterday the reasoning which lies behind the whole argument of those who, like himself, favor this proposed legislation. He declared with much fervor that, if what he described as the "dictum" of Judge Marshall, the greatest expounder of the Constitution who ever lived, is to stand as the true interpretation of the Constitution, it will admit, if I caught his words aright, millions of the benighted inhabitants of the Philippine Islands into the enjoyment of all those privileges which are his birthright as an American citizen. Did it not occur to the gentleman, I ask, that he should at least be willing to permit the Filipino to enjoy his own birthrights, whatever they may be? This is true, Mr. Chairman, if it be the purpose of the Republican party to permanently hold and govern those islands. If gentlemen agree with the gentleman from Massachusetts and with me that such must be the inevitable consequence of holding the Philippines, then I warn them against the policy which the Republican party is now pursuing in respect to those islands. If you believe that free trade with Puerto Rico will mean free trade with the Philippines, then I trust you will not be deceived by the specious and unsupported arguments of those who would fain have you believe that Congress can legislate for the Territories of the United States unrestrained by the limitations and prohibitions contained in the Constitution itself. [Applause.]

It would be difficult to exaggerate the importance of this question. It is one of the great turning points of history, and the future not only of this country but of the world is deeply involved in its decision. It has not as yet received from the great body of the people the attention it deserves. Nevertheless, the humblest citizen of our Republic has a deep and personal stake in its decision. Representatives upon this floor owe it to the country that the clouds of sophistry and misrepresentation by which this question has been obscured shall be dispelled, and it is the pressing duty of each one of us to assist, so far as we may be able, in the formation of a sound body of public sentiment which will imperatively call a halt in the steady and rapid march which the Government is now making toward imperialism. Men, good and true, I fear, are being led astray by the "fifing and drumming," flag waving, and all the other cant and tinsel of a cheap and spurious so-called patriotism. Away with the false idea that the spirit of commercialism, the greed for gain, the eager and unscrupulous worship of the dollar mark are the symbols of all that is worth striving for in this world.

Mr. Chairman, I am not yet prepared to believe that the American people, if given their free choice, would deliberately elect to barter their own freedom for the pleasure of first conquering and then tyrannizing over the savage tribes of the Philippines. A studied effort has been made to deceive and betray them. I pray it may not succeed. Even if the Government had both the physical and constitutional power to hold and govern the Philippines as a subject colony, to do so would be a short-sighted and false policy. In my judgment, the conquest and forcible annexation of the Philippines would prove positively obstructive to the healthy expansion of our trade with China and the East generally. Certainly such a costly experiment is not worth the sacrifice of our freedom and the rights of others whose fate the fortunes of war have committed, temporarily I trust, to our keeping.

Mr. Chairman, for centuries the history of colonial Holland and Spain has been a sickening record of native insurrection and bloody suppression. England, the greatest colonial power on earth, having held India for more than a century, dares not to-day withdraw one of the 70,000 soldiers quartered there for the purpose of aiding in the subjugation of the brave and sturdy patriots of the Transvaal, lest revolt and insurrection may follow such action. The struggle for Spanish and American supremacy in the Philippines has drenched those unfortunate islands in blood for centuries, and the end is not yet.

Mr. Chairman, I believe in expansion—in a natural, healthy growth of expansion—but I am opposed to this Government's entering upon a bloody career of conquest and the substitution of a policy of imperialism for that pure republicanism bequeathed to us by our forefathers. I am proud of the history of the mother of States. It was under the Administration of Jefferson that the Louisiana purchase was negotiated; Monroe was President when Florida was acquired, and Tyler presided over the destinies of this country when Texas was annexed. I revere the memories of Jefferson, Madison, Monroe, John Tyler, and Abel P. Upshur—they were all expansionists. Who would dare call them imperialists? The most generous and patriotic act the world has ever witnessed was that by which the State which I have the honor in part to represent upon this floor ceded to the continental government, and thereby made possible the establishment of the Government of the United States, that magnificent domain known as the Northwestern Territory, out of which has been erected five and a part of a sixth of the States of this Union. That splendid act of self-sacrificing patriotism can never be too highly exalted. Daniel Webster said of Virginia in this connection: "The honor is hers; let her enjoy it; let her forever wear it proudly." [Long applause on the Democratic side.]

[Mr. MADDOX addressed the committee. See Appendix.]
[Mr. BARTHOLDT addressed the committee. See Appendix.]

During Mr. BARTHOLDT's remarks the following occurred:

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. WHEELER of Kentucky. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended for five minutes. I want to ask him a question.

The CHAIRMAN. The gentleman from Kentucky asks that the time of the gentleman from Missouri be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. WHEELER of Kentucky. In the early part of his speech the gentleman spoke of the gentleman from Missouri [Mr. BENTON] speaking in behalf of the Goebelites of Missouri. Now, I have no desire to mix up in the political controversies of Missouri, but I want the gentleman from Missouri [Mr. BARTHOLDT] to explain what he means by that expression.

Mr. BARTHOLDT. Mr. Chairman, I have no desire to enter into a discussion of this question now. I occupied the floor on that question last week, and a complete answer of the question of the gentleman from Kentucky will be found in the RECORD in connection with the speech that I shall print to-morrow.

Mr. WHEELER of Kentucky. I hope the gentleman will have the manliness, if he used the expression in an opprobrious sense, to say so, and not attack Kentucky Democracy by innuendo. If he means to reflect upon the Kentucky Democracy, let him say so, and give some gentleman a chance to reply to him; and if not, strike it from the RECORD. I do not want to mix up in the controversy in Missouri, but I do not intend to allow the gentleman or anyone else to reflect upon the people I have the honor to represent upon this floor. If the gentleman will eliminate that from his remarks, I have nothing to do with the controversy.

Mr. BARTHOLDT. In reply to the gentleman from Kentucky, I wish to say that I do not represent anybody or any district in Kentucky, but I do represent my people, and my people regard the Democratic election law passed by the last Democratic legislature as just as bad as the Goebel election law of Kentucky. The reason for their opinion and the reason for my opinion the gentleman from Kentucky will find in the remarks that I delivered here a week ago, and which will be printed to-morrow.

Mr. WHEELER of Kentucky. I have assured the gentleman that I have nothing to do with the Missouri controversy nor do I intend to criticise any position he has taken. I do not care how he criticises the law passed by the last Missouri legislature; but do not, in the effort to rid yourself of an evil, attempt to do an injustice to a man or a measure that you know nothing of.

Mr. GROSVENOR. I suggest to the gentleman from Kentucky that he read an editorial published in the Louisville Courier-Journal upon this subject.

Mr. WHEELER of Kentucky. I think the gentleman from Ohio had better examine the election laws of his own State before he finds any fault with the Kentucky election law, for they are similar in many particulars.

Mr. GROSVENOR. Yes, we vote on a ballot; that far and no farther.

Mr. RUSSELL. Mr. Chairman, there is a delightful serenity in the Constitution of the United States. Amid the contentions and ravages of the centuries the calmness of the venerable and remarkable document is still preserved. Its elasticity is unbreakable and its construction still remains unfathomable. Individuals and provinces may transmigrate, but the Constitution of the

United States is an ever-present tangible evidence of the existence of the same political creed under different conditions.

It is a remarkable fact that the influence of the Constitution is unvarying upon succeeding generations of interpreters and students. If it ever had or ever was likely to have an unanimity of interpretation, there would be danger of the instrument losing its prestige, there would be anxiety lest the national life become sluggish, and there would be the deplorable probability of inertia in the legal profession.

Whenever the Republic of the United States has discovered that its political or commercial proportions were requiring a new suit of clothes, the constitutional tailors have gone into the ecstacies of the fashion business. [Laughter.] There has been considerable cloth wasted in attempting to produce a proper fit and an appropriate style for the expanding national body; but somehow in the end the Republic has been as comfortably and prudently dressed as it ought to be, and surely well enough protected to escape any serious ailments or fatal maladies. Each time that the Republic has required a new dressing there seemed to have come the most difficult and alarming period for the constitutional tailors. On such times the old fashion plates were scanned and measured and contorted beyond a possible recognition. [Laughter.]

These periods have always been contentious times, very wearing on the nerves of sensitive folks, very prolific for patriotic assurances, very suggestive for partisan efforts, and very solicitous for laymen who think there is some law in common sense and some safety in dealing with present difficulties in the light of present conditions and present necessities. Statesmen and jurists and political parties have been honest and earnest in contentions over constitutional limitations and constitutional admissions as applicable to important periods of progression in our national life. The country has found able and sincere advocates on either side of a constitutional question, so easily provoked, whenever an Administration or a legislature is called upon to meet and settle a new political problem, and sometimes even when an old and well-demonstrated application is given to a new condition.

This state of affairs has never injured the Constitution or the country and never will. The Constitution was made for all time, and the country has intelligence and wisdom to meet the requirements of present and future as it has past times. So the vigor and the ability with which the present constitutional contention is made over a present political condition which has arisen in Puerto Rico is merely following all precedent and history in the past. Anyone enjoying a legal fray might appear as plaintiff or defendant in the controversy with the surety of being able, at least, to have a standing in court and with the assurance of being able to secure conscientious advocates for either side of his choice.

To some of us, to be sure, who are not of the legal profession there appears a sensible view to take of the situation in following, for temporary benefit for the Puerto Ricans and for present welfare for ourselves, any course which promises the equitable, peaceful, and prosperous relations between the two peoples who hope and expect in proper time to become permanently and intimately associated in civil relations. That is the course which the Executive has taken, and wisely taken, for more than a year in our relations with Puerto Rico. And I deny that in the dealings of the Executive Departments with Puerto Rico the island and its people have not been benefited.

Saving the disaster and destruction of property by hurricane, I assert that the physical, moral, and mental condition of the common people of Puerto Rico has improved during a year and more of United States trusteeship. Their financial condition has not so improved except in that relief which they have from Spanish taxation. I would not, however, lightly pass over that improvement, for it is great, and its burden, if still in force, would have been to-day unbearable in face of the hurricane's destruction of coffee and sugar plantations. Their municipal relations among themselves have improved—vastly improved. Their civil relations with this country—their political union with the United States—have not progressed as rapidly and as positively as the well-to-do and politically ambitious classes in the island anticipated and desired, and I am bold here to state that I believe that much of the present contention, a great deal of the present political controversy in this House, is engendered by the too hasty effort of a class of Puerto Ricans to force Congressional action on lines which shall logically and swiftly lead to statehood.

Puerto Rico has become a territorial part of the United States. She ought to and will remain a territorial part of the United States. She will secure, step by step, accordingly as she shows her aptitude and her fitness, all the advantages, the blessings, and the prosperity which are inherent and assured to any territory which comes under the flag of the United States and the legislation of the United States Congress. But there should be no hasty action to place the island in the sisterhood of States. There should be no impatience in the island, and I believe there is no impatience in the United States, to hurry or to guarantee this relationship.

Mr. Chairman, I would not too lightly treat the constitutional authority which may control revenue legislation affecting Puerto Rico. Neither would I too seriously charge the inhabitants of the island with impatient ambition to acquire the rights of statehood as paramount to all other things conditioned on their territorial relations with the United States. But what I do say is that the constitutional authority is so evenly combated, to say the least, and the ultimate object of the islanders for statehood is so apparent that neither the Constitution nor the statehood at this present time should interfere with this House proposing and enacting legislation on revenue which commends itself as the most practical and the speediest and the safest and the easiest for the temporary support and benefit of the island and her people.

Now, the President, in his recommendation last December for the abolition of customs duties between Puerto Rico and the United States, had, I believe, one thought and one purpose, and one only. That was legislation which, with honor to the Puerto Ricans and with regard to our duty to the new possession, should afford a support for a wise and economical and progressive government of the island and give business encouragement and hope to her people. That thought and that purpose was commendable to the kindly and patriotic heart of our President. It was wisely intended and rose above party tenets and partisan advantage. It may be taken as the earnest suggestion to Congress to do something practical and effective. It was not dictatorial, nor has it been dictatorial, in its pressure, as I have interpreted it or as I have subsequently heard of it. That thought and that purpose has now, as I believe it had last December, the sympathy and the approval of the people of the United States. But I do not believe that either the President or the people are now contemplating anything more than the most practical temporary revenue legislation for Puerto Rico—an expedient for emergency situations. If it be shown that for the immediate future some legislation other than the abolition of customs duties is more available and more practical, then I believe it is not only the duty of this House, but it is the sense of the Administration, as it will be the judgment of our people, that such legislation should be considered and enacted.

It has been the judgment of the majority of the Ways and Means Committee that the abolition of customs duties between the United States and Puerto Rico would not so well accomplish the relief for the island and her people, pressing and immediately necessary, as the legislation proposed in the bill now under consideration. For myself, I am sincerely of that opinion, and I advocate this measure as a wise, practical, efficient means for support and encouragement for Puerto Rico and her people. Interesting as may be the constitutional question, sentimental as may be the equality of all territory and all peoples under our flag, I advocate this measure as a beneficent, though temporary, policy for Puerto Rico in raising for her revenue and in stimulating her business and her trade. [Applause on the Republican side.]

Paramount to the revival and the increase of business for the island is the necessity for revenue, for money, for cash, for the support of its general government and its public institutions. It is repugnant to me, as I believe it unjust to the Puerto Ricans and unsanctioned by our people, who would help the independent prosperity of the individual, to signal the advent almost of Puerto Rico into Territorial relations with the United States by the imposition of a debt upon the island. Under Spanish régime, with the collections of multiform taxation, the island, in its corporate existence, had kept free from mortgaged or bonded indebtedness. It does not occur to me as a proper policy for this Government in any form to sanction the support of the island by its bonded indebtedness. It would at the very beginning of its new national life handicap and mortgage its future fiscal and business relations. It is unnecessary and would be unwise. There is left, then, the two means of providing revenue for the support of the island—by tariff or by direct taxation, discarding, of course, the charitable appropriation from the United States Treasury to meet running expenses of the island, which latter does not strike me as an encouraging omen for the cheer and independence of a people who can and should take care of them.

As long—and that means always, I trust—as Puerto Rico remains a Territory of the United States, her commerce must be in very large measure with the United States. Her imports will come from the United States and her exports will go to the United States. The abolition of tariff duties between the island and the United States would necessarily leave a small volume of imports from the foreign countries upon which duties could be collected. The careful estimate has been made that the maximum amount of duties collected from foreign importations to Puerto Rico would not exceed $500,000 per annum. The lowest, most economical administration of general government for the island is carefully estimated to require $1,750,000. Under this estimate there is the admitted necessity of much curtailment in works of public improvement now being carried on under military administration, such as betterment of roads, building of schoolhouses, sanitary improvements, and the like.

These estimates show the deficit, under lessened public improvements, of some $1,250,000 revenue annually for the support of the island. How is this deficit to be met? Not by internal taxation; not by that means, because there is no large revenue estimated from the island under the provisions of the United States internal-revenue law; not by that means particularly and emphatically, because upon internal and direct taxation must depend the support and improvement of municipalities and local affairs. So I discard, for the present at least, the abolition of customs duties between Puerto Rico and the United States as a failure to produce the necessary revenue wanted at once to support the island.

And so, Mr. Chairman, I approve the bill of the Ways and Means Committee as a measure to produce revenue for the island of Puerto Rico. Let not the members on this side of the House be misled as to the purpose of our bill. Let not the sentiment of the country, which is desirous, and properly so, to deal justly with the new possession, to treat her as one of us, overlook the fact that the first and the just duty of this Congress is to furnish revenue for her support, and to furnish it in a way which shall make the people of the island feel their independence and not make them charity patients. This bill will be to Puerto Rico a revenue bill, whatever else it may be. It will, on most conservative estimates, raise a revenue of more than $2,000,000 annually, every penny of which shall be a fund in the hands of the President for his wise distribution for the benefit of the island and its people.

Do you ask how I figure this amount of revenue? I do it in this way: Allow to the island the same amount and value of imports from foreign countries as were carefully estimated under the abolition of customs duties between the United States and Puerto Rico and there is a revenue of $500,000. Allow to the United States 60 per cent of the imports to the island, and there will be more, for Spain, under her exacting system, secured that per cent, and there will be collected by the rates of this bill more than $607,000. Thus, from the duties on imports into Puerto Rico, allowing for no increase over the business of the depressed years of 1898 and 1899, there will come to the island a revenue of more than $1,107,000 per annum. To this sum is to be added the customs duties collected on the island's exports to the United States. I estimate those duties to be: On sugar, $480,000; on tobacco, if in form of leaf, $180,000; and if in form of cigars and cigarettes to the extent of one-quarter the whole exportation, six times that amount; on molasses, cattle, hides, fruits, etc., $200,000. Thus we have a total revenue on exports from the island of from $760,000 to $1,760,000 to add to the revenue from duties on importations into the island, making the total revenue estimated under present conditions of from $1,867,000 to $2,867,000. And this to meet an estimated necessary expenditure for general government of $1,750,000 per annum. Let me repeat and emphasize my advocacy of this measure because it gives Puerto Rico its necessary revenue, because it makes the island self-supporting, and because it places in the hands of the President not a charitable fund, but a wisely arranged collection from the beneficiaries themselves sufficient to administer the government of the island and continue the building of schoolhouses and public improvements. [Applause on the Republican side.]

There has been somewhat said in this debate and much more published in press and pamphlet regarding the freedom of trade and the possession of markets by Puerto Rico under the Spanish rule. In a great measure the claim is misleading, if not a misrepresentation. There was a restriction of trade and a contraction of markets for Puerto Rico while the island was under the dominion of Spain. I wish to call attention to some of the noticeable facts of this restriction and this contraction. Export duties, customs duties, and consumption taxes were imposed on the exports of the products of Puerto Rico, even when sent to Spain.

The export duties and the cargo dues collected on the coffee which the island sent to Spain amounted to nearly $300,000 per annum. The coffee producer of Puerto Rico was compelled to pay 5.7 cents per pound upon the coffee for which he found a market in Spain. Consequently for years there had been a steady diversion of the coffee trade from Spain, and latterly not more than one-third of the great staple product of the island had found its market in the dominion country. This does not indicate freedom of trade between Spain and her island colony. The other markets which the island had for her coffee are still preserved, and had the hurricane not destroyed the coffee plantations there would be, under the provisions of this measure, better trade prospects for Puerto Rico's staple products than ever before.

There would have been in place of the 5.7 cents Spanish duty on coffee free importation to the markets of the United States. Sugar, the second of the Puerto Rican products in value and in quantity, when exported to Spain was subjected to cargo and consumption dues amounting to 2.94 cents per pound. The full United States tariff rates on sugar were less than the duties imposed in Spain on sugar from Puerto Rico, and one-fourth of those rates, as proposed by this bill, would amount to about three-eighths of a cent a pound on raw sugar and about one-half a cent per pound on refined sugar. It has been natural, then, that the exports of sugar from Puerto Rico to Spain have continually fallen off, and latterly the sugar imports from the island to the United States have been twice as large as they were to the dominion country.

The third product of Puerto Rico for export has been tobacco, and under Spain the duties on that export amounted to nearly 15 cents per pound on leaf, as against 8½ cents under the proposed law now under consideration. The same heavy dues were levied on Spanish exports proportionately on the other and lesser productions of the island. It was the common comment before the war, and while Puerto Rico was subject to Spain, that trade relations between the colony and the dominion country were burdensome, and, to quote from the expression of one of the largest mercantile firms on the island in 1898, it was "one of the greatest complaints of the Puerto Ricans that they were denied free trade with Spain and treated as a foreign country."

Equal burdens were put upon imports into Puerto Rico by Spanish law and royal decrees. Importers on the island were obliged to pay a license to do an importing business, varying from $1,750 to $420 per year. No planter of coffee, sugar, or tobacco could import even machinery or food supplies from Spain or any other country without first of all paying this license for the privilege.

So, Mr. Chairman, there seems to me much exaggeration in the statement of freer trade relations which Puerto Rico enjoyed under Spanish dominion. Yet with these burdens the island claims to to have been fairly prosperous before the war. If that be true, how much more prosperity may she anticipate under a revenue law which so greatly—yes, by threefold—reduces the taxation and tariff on both her imports and her exports.

But there is beyond this a measure of protection for Puerto Rican industry in the proposed law. Before the war, before it was anticipated that Puerto Rico should become a Territory of the United States, there was a strongly developed and growing movement among the agricultural, industrial, and commercial interests of the island for a modification of their Spanish tariff on protective lines and for the purpose of securing commercial treaties, especially with the United States. Industrial commissions were ordered by Spain to investigate and report on this matter. The commissions met, and it is interesting to read from the report of the special commissioner of the United States, Henry K. Carroll, on the findings of these Puerto Rican tariff commissions in December, 1898. Let me quote:

The representations of the industrial leaders of Ponce, not originally intended for the United States, but for Spain, indicate that they not only desired to introduce new business enterprises, but that they knew that the only possible way of doing so was under the protection of judicious tariff schedules. The arguments in support of their appeal are such as we have long been familiar with in the United States. Countries, they say, which have no industries of their own can never advance to the front rank. Manufacturing countries are the richest and most powerful. They have the largest resources, the necessaries of life are within the reach of all, and the lower classes are better off. Manufacturing is the source, they add, of progress, because it contributes to the general education and to the general wealth; of well-being, because it cheapens prices and enlarges the range of things accessible to the poor: of morality, because it gives work, stimulates to good habits, and opens to woman a wide field of usefulness. It improves social relations, lessens indigence and vice, and converts vagrants into prosperous workingmen.

It is impossible, however, they contend, to have thriving industries without positive protection. "A government anxious for wealth and social prestige would not leave its industries to take care of themselves, but would stimulate" them by removing or lowering the duties on raw materials, by imposing high duties on competitive goods, and by making all possible concessions to them. If such a course might seem to shut out altogether foreign competition, they argue that it would stimulate home competition and give the people better goods and cheaper goods.

They conclude their appeal to the Sagasta government at Madrid with these words, using reiteration to add emphasis:

"Protection, protection, and protection, in every sense of the word, in all its forms, and in every measure—this is what the industries of Puerto Rico need."

The report further says that—

At an interview held at the office of this commission November 4 with the heads of the various gremios or unions of the artisans of San Juan, Santiago Iglesias, head of the gremio of carpenters and president of the Federation of Workingmen, expressed the opinion that "protective duties on all manufactured articles should be imposed, so as to protect the embryonic industries which exist here * * * for at least a number of years. After they are able to look after themselves the competition of other markets could be admitted."

Now, Mr. Chairman, just what the Puerto Ricans sought for their commercial advantage just before the island became a territory of the United States this proposed measure gives them now. It affords the revenue protection which the industries of the island needed in 1898, which they need to-day. It treats the new possession in its relation to the old United States better than the old States and Territories are treated in their relations to each other. I commend this to those who are sentimental about a considerate care and a just equality for the commercial interests of Puerto Rico.

There is a somewhat prevailing opinion in this House that the measure under consideration was especially inspired to protect the beet-sugar and tobacco productions of the United States. It is the evidence of these parties particularly interested in these productions, that the free importation into the United States of Puerto

Rican products was not now, or likely to be, a serious or material injury to any United States industry. I have believed and I still believe that free trade between the island and the United States would be of no material injury to the States and of no material benefit to the island.

I do not now speak of its possible indirect effect in subsequent legislation as relating to other present or prospective Territorial possessions. So much has been said of tobacco interests, and particularly of Connecticut Valley tobacco concerns in this measure, that I wish to give some memorandum regarding Puerto Rican tobacco and its possible or probable relations with the United States grown leaf. The memorandum is prepared by Prof. Milton Whitney, of the Agricultural Department, and recently prepared. It reads as follows:

The Puerto Rican tobacco is essentially a filler tobacco—that is, a leaf of strong body with a rich aroma, suitable for the inside of a cigar, but not suitable for wrapping a cigar according to the requirements of our domestic markets. For wrapper purposes the leaf should have very little taste or aroma; it should be thin, very elastic, so that it will cover well, and should have good texture and grain in order to give the cigars good style. These qualities are not inherent in the Puerto Rican tobacco, as far as I am aware.

There are certain manufacturers who use the Puerto Rican type of dark, heavy wrapper leaf, but these manufacturers would not use the domestic or Sumatra type of wrapper under any circumstances. On the other hand, a manufacturer using the domestic or Sumatra style of wrapper would not use the dark, heavy Puerto Rican leaf under consideration, no matter at what cost it could be obtained.

The following table gives, for the principal tobacco districts, the most reliable estimates obtainable of the total yield of the crop of 1898, the total value when prepared for market, and the approximate average price per pound:

District.	Pounds.	Total value.	Value per pound.
Connecticut Valley	20,000,000	$4,000,000	$0.20
Pennsylvania*	30,000,000	2,250,000	.07½
New York	10,000,000	1,200,000	.12
Florida:			
Cuban†	1,500,000	450,000	.30
Sumatran	1,500,000	750,000	.50
Wisconsin	33,000,000	3,960,000	.12
Ohio:			
Zimmer Spanish†	13,125,000	1,968,000	.15
Little Dutch†	4,000,000	480,000	.12
Gebhard	5,000,000	750,000	.15

*Low-grade filler. †Filler.

The normal crop of Puerto Rico, according to Levi Blumenstiel & Co., averages about 6,000,000 pounds, of which never more than 20 per cent is fit for United States consumption. The crop this year is about half the average.

The Connecticut Valley tobacco is used altogether for wrappers and binders. The refuse and torn leaves are not used for filler purposes in this country, but are exported mainly to England, and sold for a very low price.

I do not see that the Connecticut growers have any reason for protesting so loudly against the free importation of Puerto Rican tobacco, for, in my opinion, they would be greatly benefited if a new filler, even superior to any of our domestic tobaccos, were obtainable at a reasonable cost upon which the Connecticut tobacco could be wrapped.

A certain amount of this Connecticut tobacco is unquestionably used in Tampa and Key West as a substitute for Cuban wrappers as a wrapper for "clear Havana" cigars, but I do not think any considerable part of the Connecticut Valley crop is so used. The Connecticut tobacco is used mainly to cover the Zimmer Spanish, Little Dutch, Pennsylvania, Florida, and as a substitute for Sumatra wrapper on imported Cuban fillers—the highest priced domestic cigar. The competition affecting the Connecticut tobacco comes entirely from the imported Sumatra leaf.

The Pennsylvania tobacco is a low-grade filler, used extensively in the manufacture of stogies, cheroots, and low-priced cigars. It is unquestionably the cheapest and lowest grade filler leaf produced in this country at the present time, as measured by the present market demands. I do not see how the introduction of the Puerto Rican tobacco could affect materially the interests of the Pennsylvania tobacco grower, as it would be for the manufacture of an entirely different grade of cigars, selling at a higher price than the Pennsylvania farmers can ever realize on their tobacco. There is always a demand for cheap cigars and cheroots, and the introduction of a better grade of foreign tobacco would hardly affect this grade of domestic tobacco.

The New York tobacco comes midway in quality between the Pennsylvania filler and the Connecticut Valley wrapper. It is used to some extent for both purposes, but is mainly a binder, corresponding to the Wisconsin leaf. It would probably be affected to a considerable extent by the introduction of Puerto Rican tobacco.

In Florida there are two types of tobacco, grown to about the same extent. The Cuban variety is used almost exclusively for filler purposes, and while they have wrapper grades it is difficult to sell such to the trade. This crop would be largely affected by the introduction of Puerto Rican tobacco, except that it might prove a desirable mixture, as it blends well with the Cuban and Puerto Rican filler leaf.

The Florida-grown Sumatra is used almost exclusively for wrapper purposes and would not be affected to any great extent by the introduction of Puerto Rican tobacco. I was informed by one of the large growers in Florida that they would welcome the free introduction of even Cuban tobacco, as they would then give up the production of the filler leaf and bend all their energies to the production of a desirable wrapper leaf for covering the Cuban filler, as it is a well-known fact that good wrapper leaf is very hard to produce in the island of Cuba.

The Wisconsin tobacco is the seed-leaf variety, similar to the Connecticut Valley tobacco, but is much coarser, with coarse veins, and is only adapted for binders for cigars. It is not used to any considerable extent for filler purposes or for wrappers. It would hardly be affected by the introduction of Puerto Rican tobacco.

Ohio produces three types of tobacco. The Gebhard is a seed-leaf variety, used for wrapper purposes, and would hardly be affected by the introduction of Puerto Rican tobacco. The Zimmer Spanish and the Little Dutch are both filler leaves exclusively, the former being the finest filler tobacco grown in this country. Both the Zimmer Spanish and the Little Dutch districts would be very seriously affected by the introduction of the Puerto Rican tobacco.

In conclusion, I would say that the Florida-grown Cuban tobacco would be injured by the introduction of Puerto Rico tobacco, but in some areas the Florida growers could very well give up the cultivation of this and extend the cultivation of the Florida-grown Sumatra leaf for wrapper purposes. The Zimmer Spanish and Little Dutch would be very seriously affected, as these tobaccos are of the same grade as the Puerto Rican tobacco. The other tobacco districts of this country would not, in my opinion, be very seriously affected by the introduction, duty free, of the Puerto Rican tobacco.

Mr. HENRY of Connecticut. Will the gentleman allow me an interruption?

Mr. RUSSELL. Certainly.

Mr. HENRY of Connecticut. Does the gentleman believe that the introduction of Puerto Rico tobacco will not compete with the tobacco of Connecticut?

Mr. RUSSELL. That is my firm belief, and I will go further and say that if left by itself we could have Habana tobacco brought into this country free of duty and it would be a boon for the leaf-tobacco growers of the country.

Mr. HENRY of Connecticut. And the only serious competition we to-day fear in Connecticut is that of Sumatra tobacco, and later on, possibly, the more serious competition of Filipino tobacco, for which the free importation of Puerto Rico tobacco may form a precedent.

Mr. RUSSELL. Certainly; and I will seriously oppose the free importation of Sumatra or Philippine tobacco.

Mr. HENRY of Connecticut. And the gentleman does not regard this as a permanent measure?

Mr. RUSSELL. I regard it as a temporary measure which we as good Samaritans provide for the people of Puerto Rico.

Now, Mr. Chairman, I disavow that there was anything intended or anticipated in this measure of hostility to Puerto Rico and her people. I think I speak for the majority of the Committee on Ways and Means in declaring that friendly consideration and sincere effort to benefit the island was our purpose.

You gentlemen on this side who are inclined on your first interpretation of the measure to question it as inconsiderate of the rights of Puerto Rico, as deliberated to burden or retard her commercial advancement, do the committee an injustice, and I speak kindly but honestly in so saying. You gentlemen on the other side who so violently attack the measure as a proposition which designs to make us masters over rather than partners with Puerto Rico are playing politics. You shout imperialism. If it be imperialism to care for and protect and sustain a possession which has come to us until she be able to stand alone to assume her full stature of equality and responsibility and burdens among the rest of her sisters in one great Republic, then we are imperialists; and there is neither shame nor tyranny in that position, but there is duty and honor and welfare for all concerned. [Long applause on the Republican side.]

[Mr. LITTLEFIELD addressed the committee. See Appendix.]

The CHAIRMAN. The gentleman from Iowa [Mr. LACEY] is recognized for twenty minutes.

Mr. LACEY. Mr. Chairman, I am in hearty sympathy with the general purposes of those who speak for the most liberal treatment of Puerto Rico, but it by no means follows that the exact plan outlined by the President in his message should be adopted by Congress.

The President suggests the propriety of unrestricted trade between Puerto Rico and the States of this Union. His proposal, in short, is to strike off all the existing tariff duties upon all shipments, both to and from the island, in its commerce with the United States.

This proposition was referred to the Ways and Means Committee, and its chairman introduced a bill to at once carry out the suggestion of the President.

That committee entered upon the investigation of the whole question and soon encountered difficulties that have not been generally understood by the people of this country.

The discussion of this question has followed along the lines of abstract principles, without taking sufficient account of actual conditions that must be met.

The question that we must determine is, in a few words, simply this: The President recommends the removal of all the existing duties.

The committee reports that the present duties collected in the island are used to carry on the existing government, and that if these duties are all immediately repealed there must be some other means provided for carrying on that government. The committee could not devise any method for providing immediate revenues for that purpose, and therefore they answer the proposition of the President by this bill, which provides:

1. The present tariff duties between the United States and Puerto Rico shall be reduced to one-fourth the rates now collected under the Dingley Act. A further reduction is suggested by some, and may be agreed to.

2. The proceeds of these duties, whether collected in Puerto Rico or the United States, shall be set apart as a special fund for the use of the government of the island and for school purposes there.

This law is evidently intended as a temporary expedient, but I think it would be well to so state by some form of amendment to the bill, so as to assure the inhabitants of the island that fuller commercial freedom is in store for them as soon as other and permanent means can be provided for raising revenues for her public needs.

Is there anything unfair or unjust toward these people in the proposed plan?

No one in this House can have a more kindly feeling toward the Puerto Ricans than I have.

I visited that island in company with the gentleman from Indiana [Mr. LANDIS] a year ago. I was struck with the friendly reception that Americans universally received. It was not feigned. We were received with a warm welcome by the little children; and children speak the truth. When little boys and girls ran out by the roadside and handed us oranges and refused to receive pennies in exchange and shouted, "Americano mucho bueno," I knew that they felt kindly toward the people of the United States. The friendly feeling was too frank and open to be doubted for a moment.

In dealing with that island we should recognize the fact that its situation is different from that of other islands that have fallen to us as the result of the treaty with Spain. The Committee on Ways and Means was confronted with very grave problems in the preparation of this bill. Let me call the attention of the Committee of the Whole to some of those difficulties.

My friend from Indiana and myself had an interview, through the aid of an interpreter, with General Henry's cabinet, who were advising and aiding him in the administration of the affairs of that island, and I questioned those gentlemen as to the methods of taxation, the plans of raising revenue with which to run the schools, to pay the expenses of the courts and the police, and to keep the roads in repair. We were assured that the system of taxation under the Spanish Government had been in the main levies upon production and upon consumption. Milk was taxed a cent a quart; beef was taxed when it was killed and taken into the cities for consumption. Almost every article of food, almost every single article of consumption, such as charcoal, was taxed in some form. It is true that the land was also taxed, but it was taxed upon such an unequal basis as would be wholly unsatisfactory in any State in the American Union.

Now, it is necessary to provide some system of taxation for that island. I asked my friend [Mr. LITTLEFIELD] who has just taken his seat and who has pleased the House and the galleries by his wit and his eloquence—I asked him the question whether we were not confronted with the alternative that we must allow that island to bond itself for from three to ten millions of dollars or else provide substantially the method of revenue devised in this bill, and he conceded that the bill must pass or else the island must be bonded for its running expenses. He suggested also the further remedy of appropriating money from the National Treasury as a substitute for both debt and local taxation.

Mr. Chairman, the annual expenses of that island will be anywhere from two to three million dollars. It is proposed to bond it to the amount of from three million to ten million dollars and have it start upon its career as a Territory or as a State in the American Union, should it become one, loaded down with a heavy debt, though among its misfortunes it has at least the present good luck to be free from its old burden of Spanish bonds and to owe nothing in its governmental capacity. Either revenues must be provided, the island must be bonded, or else there must be an appropriation made out of the Treasury of the United States and taxes levied upon the people of Maine, Iowa, and Tennessee to support the government of that island. Is my friend from Tennessee [Mr. RICHARDSON], the leader of the minority on this floor—I ask his attention—is he ready to tax the people of Tennessee to pay the expenses of governing the island of Puerto Rico?

Mr. RICHARDSON. Yes; as quickly as I would do the same for Arizona or New Mexico.

Mr. LACEY. But Arizona and New Mexico pay internal revenue taxes. Arizona is a barren country. Arizona is, perhaps the most unfortunate of all our possessions, so far as her obligations to the hand of Nature are concerned. But Puerto Rico, little Puerto Rico, the size of the Congressional district which it is my honor to represent, with an area of 3,600 square miles, has a population of 1,000,000 people. In legislating for Puerto Rico we have a different proposition from that of legislating for a sparsely populated Territory which, when settled with Americans, is to come in as a State. This island has already its full share of population. It is densely settled by law-abiding and peaceable people.

In going through Puerto Rico I felt as safe as I would in Kentucky. The gentleman from Indiana [Mr. LANDIS], with his wife and little boy, together with my daughter and myself, passed unarmed and unescorted through that island. We were suprised to see that it was well tilled from the tops of the mountains to the very waves of the sea. One day I selected, at random, 8 miles from the nearest town, a piece of ground which, measured by my eye, embraced about 100 acres. How many houses do you suppose were on it? I counted forty-five of those little thatched cottages, with inmates averaging 10 to 12 each; between 450 and 500 people on 100 acres of land in a country district. There is not a country town in Tennessee, Iowa, or Maine that is as thickly populated as the farming region in Puerto Rico outside of the towns. Florida would have a population of thirteen and a half million of people if it were as densely populated as Puerto Rico.

Iowa would have nearly 16,000,000 upon the same scale of settlement. We find this little island filled with people—300 to the square mile—kind, easily governed, and tractable. Puerto Rico in four hundred years has grown until it swarms with people. It is a veritable human ant hill. In its genial climate the children play naked by the roadside until they are 6 or 7 years old, almost free from the diseases which decimate the rising generation in colder climes. It is the gem of the ocean. It stands away out beyond the heated Gulf Stream in the cold waters of the Atlantic, for the waters of the north sweep down and temper the climate, relieving the people of most of the deadly fevers which are such an obstacle to the growth and prosperity of Cuba and other islands of the West Indies. The people have been fairly prosperous notwithstanding the bad effects of Spanish misgovernment. We are on trial quite as much as Puerto Rico is.

We must give them something better than they have had heretofore under the Government of Spain; and this bill, Mr. Chairman, with all the criticisms that have assailed it, will certainly accomplish that.

It is provided in the bill that the revenues of the island, those received through the custom-houses of the island, whether paid by American shippers to the island or paid by the islanders themselves when they are shipping into the United States, shall be used for the benefit of the insular government.

Mr. MCCULLOCH. If this island is so magnificent as the gentleman describes it, and so prosperous under ordinary conditions, why can it not stand the system of general taxation that we apply to the rest of the country?

Mr. LACEY. It undoubtedly can, but at present it has no such system. In response to the gentleman from Arkansas, I will say that the difficulty is that heretofore Cuba ordinarily took most of the tobacco from Puerto Rico, worked it up into alleged genuine Habana cigars, and exported it in that form. Spain took nearly all of the coffee produced there. It is a peculiarly fine coffee, and the Spanish coffee drinkers had learned to use it and paid a much higher price than Americans are willing to pay for it.

That coffee will become known and appreciated by our people in due time, and they will become willing to pay the price warranted by its superior excellence.

But the fact remains that the old Spanish coffee market has been cut off, and the American market has not yet taken its place.

Having lost her market, without getting another in its stead, the unhappy islanders scarcely know which way to turn. To add to the difficulties of the situation, the terrific cyclone of last year swept over the island and destroyed hundreds of lives and millions of dollars' worth of property.

We must grant relief to the people there. This bill proposes to do that. It does not propose to deprive the people of the money collected there. It does not propose to send the taxgatherers to the island. It is proposed to use the money collected through the ordinary channels, the customs-houses of the United States, for the benefit of the people of the island and for no other purpose. The bill furnishes the practical machinery, and the money raised under it will be used to carry on the government of the island. When a complete local civil government shall be organized, familiar with all the details of local conditions, a system of taxation adapted to the wants of the people can be devised and all these custom dues removed.

Mr. LLOYD. Will the gentleman state how much revenue, in his judgment, will be furnished by the bill?

Mr. LACEY. No one can tell with absolute accuracy. It can only be estimated. We have the estimate of the chairman of the Committee on Ways and Means in his opening speech. He estimates the revenues at $2,300,000 and expenses about $2,000,000, including the proposed school system. I have no disposition to criticise that estimate. I have not sufficient data to justify me in saying that it is inaccurate. This proposition relieves the islands entirely from the operations of the internal-revenue tax for the time being. The Insular Committee is preparing and is about ready to report a bill in which the privilege is given to the people of the island to manage their own affairs under a form of Territorial government.

Mr. LLOYD. Then this bill, as I understand, in your opinion, will provide sufficient revenue for the support of the island?

Mr. LACEY. I understand that it will.

And now, Mr. Chairman, I want to say that so far as the island of Puerto Rico is concerned the situation is entirely different from that of the Philippine Islands. This legislation is proposed, in part, for the purpose of making a legal test. I care but little for

that. The test could have been made by leaving a duty on cocoa, or some one of the items or any of the items exported or imported from the island, which would have answered the same purpose. But I do not understand that the main purpose of the bill is to make that test, although, as a matter of fact, it grows out of it as an incident, as I understand the operation of the bill.

The arguments have been so persistently directed to the constitutional question involved in the assumption of the right to levy duties on goods transported to and from Puerto Rico and the United States that the actual operations of the proposed law seem to have been nearly lost sight of.

The question is an intensely practical one. The island must have revenues to carry on its local government. Their revenues are mainly collected at present in the custom-houses. New methods of taxation must be devised to take the place of the present system. These new methods can be much better formulated by a local legislature, fully informed as to the habits, customs, wishes, and necessities of the island. It will take time to prepare and pass a law providing a system of local self-government. When that question has been settled it will take further time for the local government to formulate and enact an appropriate system of taxation.

When the system shall be adopted it will take further time to make assessments and tax levies and to begin the collection of the same. The taxes at this moment being collected in the various States of the Union were generally levied last year and are now being slowly paid in to the taxgatherers. It will take probably two years' time to create and put such a system into operation. Now, what is to be done in the meantime? It is easy to make a declaration in favor of immediate and untrammeled trade between the United States and Puerto Rico, but what is to be done in the interim between the two systems? There is a transition period to be provided for.

It is to this question, overlooked by the public generally and by many of the members of this House, that the Committee on Ways and Means were compelled to address their attention. The theorist might ignore this feature of the problem.

The practical legislator must leave no vacuum in the local treasury. Nature abhors a vacuum, particularly in a governmental safety vault. The committee simply say:

> Let us throw off three-fourths of these duties and give the other fourth to the people, and during this interval also relieve the island from internal-revenue taxes.

Of course this plan ought not to be adopted if it is forbidden by our Constitution, and hence, of necessity, the constitutional question must be and has been discussed in this debate.

I have preferred to direct my remarks in this controversy mainly to the practical features of the proposed bill.

But I wish to take a little time in the discussion of the power of Congress to enact such a law.

In the acquisition of territory in the past we have annexed uninhabited regions and have legislated almost wholly with a view to the building up of contiguous American States upon virgin soil. The legislation of the past and the decisions of the courts have been with reference to those conditions. By acquiring the Philippines, with 10,000,000 people, and Puerto Rico, with a million more, Hawaii, with 150,000 more, all at a considerable distance from our shores, we find ourselves involved in new questions, and the written Constitution must be construed in the light of these new surroundings. If there is no present power under the Constitution to enact suitable legislation to meet these new conditions and responsibilities, the Constitution should be so amended that the problem may not remain insoluble.

If the authorities and reasons seem equally balanced, Congress should resolve the doubt in favor of exercising the necessary powers to legislate for these new conditions.

The Constitution was framed with special reference to the thirteen original States and the adjacent territory which was to be ceded to the General Government by the States. The fathers were many of them fearful of the future growth of the country, but the expansion process has gone on, and every extension of our domain has proven of advantage to the whole. In 1803 Jefferson sent Monroe to buy from Bonaparte, the First Consul, the mouth of the Mississippi River. Bonaparte staggered Monroe by offering to sell the whole Louisiana Territory instead for $15,000,000. Fortunately there was no Atlantic cable; and those who thought the transaction unconstitutional could not make their objections until it was too late. That purchase cost the United States 3¾ cents an acre.

The cession of territory by Georgia cost the General Government 10.1 cents an acre more; Spanish Florida cost 17.1 cents an acre; the great cession from Mexico cost 4.5 cents an acre; the Gadsden purchase cost the most of all, when we purchased the deserts of southern Arizona at 34.3 cents an acre. The Texas cession cost 25.17 cents an acre, and Alaska, the most unpromising of all, cost 1.14 cents an acre.

Every purchase has been criticised and condemned in one generation and then approved and the lands held with satisfaction in the generation following. It is a bad land indeed that American enterprise can not get any good out of. The very sands of the sea of Alaska now sparkle with gold, and the Louisiana purchase has become immensely more important than the whole American Union was at the time that Monroe closed out that remarkable real-estate transaction.

With nearly 80,000,000 people at the beginning of the twentieth century, this nation will resolutely face its future destiny. That destiny bids the American people to accept the ocean as a part of the heritage of the future.

These islands, if held by us, must be held for the twofold purpose of bettering the condition of their people and for the advantage of our own people in taking a prominent, if not the first, place in the general commerce of the world.

Statesmen should not descend to the business of merely playing party politics on great questions like these, and I am gratified to be able to testify that most of this discussion has been upon a very high plane and has been confined almost exclusively to the questions embraced in the proposed legislation.

The constitutional question has been so elaborately discussed by the members of the committee having the bill in charge that I will not devote as much time to the subject as its importance would seem to demand. The Constitution provides:

> The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States.

When Calhoun invented the dogma that the Constitution carried African slavery with it wherever it went, and also the further dogma that the Constitution, of its own power, extended itself at once, slavery and all, over California and our other new possessions, in one of his speeches in the Senate he attempted to clinch the argument by reading the sixth amendment, which provided that—

> This Constitution * * * shall be the supreme law of the land.

Webster, who sat near him, asked the question, "What land?"

On July 7, 1898, Hawaii was annexed, and the resolution of annexation provided—

> Until legislation shall be enacted extending the United States custom laws and regulations to the Hawaiian Islands the existing customs relations of the Hawaiian Islands to the United States and other countries shall remain unchanged.

How could this be if the Constitution and its provision as to uniform customs laws at once extended to Hawaii at the time of its annexation? Many gentlemen opposing this bill on constitutional grounds are on record as voting without hesitation for the Hawaiian plan.

The question was a pertinent one then, and it is the question now in dispute.

The right of a nation to grow depends no more upon its constitution than the right of a child to grow depends upon law. The tree that ceases to grow begins to decay; the nation that ceases to grow is ready for its decline.

There is only one constitutional question involved in the present controversy, and that is as to whether Congress is bound to make excises, imposts, and duties in all our new possessions uniform with those in force in the United States. The Constitution provides:

> The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory and other property belonging to the United States.

Many authorities have been cited for and against the proposition that Congress has power to legislate for these possessions without making the duties uniform.

Whatever we may conclude in this debate, the Supreme Court of the United States is the final arbiter upon this question. The United States Government in Florida and Louisiana assumed not to be bound by strict constitutional limitations in the government of those Territories.

General Jackson refused, as governor of Florida, to recognize even the writ of habeas corpus, because it had not been extended to Florida by Congress, and President John Quincy Adams sustained him in it. In Louisiana, under Jefferson, the right to trial by jury was limited to cases exceeding $100, though the Constitution provided that the right of such trial should not be taken away where the amount in controversy exceeded $20.

There are legislative, executive, and judicial precedents recognizing the authority of Congress to legislate for the Territories and possessions of the United States.

The Supreme Court is a much more congenial place for the discussion of constitutional questions than this assembly.

Points of law are never applauded in that court. We must wait for a final authoritative decision from that calm and dispassionate tribunal after the proposed legislation shall have become she subject of judicial controversy.

In Fleming *vs.* Page (9 Howard, 616) the Supreme Court of the

United States discusses the question and expressly declares that the ports of one of these new possessions are not domestic ports within the meaning of the Constitution, and that the rule of uniformity of duties does not apply. I quote an extract from the opinion:

This construction of the revenue laws has been uniformly given by the administrative department of the Government in every case that has come before it. And it has, indeed, been given in cases where there appears to have been stronger ground for regarding the place of shipment as a domestic port; for after Florida had been ceded to the United States, and the forces of the United States had taken possession of Pensacola, it was decided by the Treasury Department that goods imported from Pensacola before an act of Congress was passed erecting it into a collection district, and authorizing the appointment of a collector, were liable to duty; that is, that although Florida had, by cession, actually become a part of the United States, and was in our possession, yet, under our revenue laws, its ports must be regarded as foreign until they were established as domestic by act of Congress; and it appears that this decision was sanctioned at the time by the Attorney-General of the United States, the law officer of the Government.

And although not so directly applicable to the case before us, yet the decisions of the Treasury Department in relation to Amelia Island and certain ports in Louisiana, after that province had been ceded to the United States, were both made upon the same grounds. And in the latter case, after a custom-house had been established by law at New Orleans, the collector at that place was instructed to regard as foreign ports Baton Rouge and other settlements still in the possession of Spain, whether on the Mississippi, Iberville, or the seacoast. The Department in no instance that we are aware of, since the establishment of the Government, has ever recognized a place in a newly acquired country as a domestic port, from which the coasting trade might be carried on, unless it had been previously made so by act of Congress.

The principle thus adopted and acted upon by the Executive Department of the Government has been sanctioned by the decisions in this court and the circuit courts whenever the question came before them. We do not propose to comment upon the different cases cited in the argument. It is sufficient to say that there is no discrepancy between them. And all of them, so far as they apply, maintain that under our revenue laws every port is regarded as a foreign one unless the custom-house from which the vessel clears is within a collection district established by act of Congress and the officers granting the clearance exercise their functions under the authority and control of the laws of the United States.

In Cross *vs.* Harrison (16 Howard, 164) the Supreme Court of the United States decided that San Francisco was not a domestic port, entitled to uniform duties, until Congress had so declared. I quote:

The territory had been ceded as a conquest, and was to be preserved and governed as such until the sovereignty to which it had passed had legislated for it. That sovereignty was the United States, under the Constitution, by which power had been given to Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States, with the power also to admit new States into this Union, with only such limitations as are expressed in the section in which this power is given. The government, of which Colonel Mason was the executive, had its origin in the lawful exercise of a belligerent right over a conquered territory.

It had been instituted during the war by the command of the President of the United States. It was the government when the territory was ceded as a conquest, and it did not cease, as a matter of course, or as a necessary consequence of the restoration of peace. The President might have dissolved it by withdrawing the Army and Navy officers who administered it, but he did not do so. Congress could have put an end to it, but that was not done. The right inference from the inaction of both is that it was meant to be continued until it had been legislatively changed. No presumption of a contrary intention can be made. Whatever may have been the causes of delay, it must be presumed that the delay was consistent with the true policy of the Government. And the more so, as it was continued until the people of the Territory met in convention to form a State government, which was subsequently recognized by Congress, under its power to admit new States into the Union.

* * * * * * *

Our conclusion from what has been said is that the civil government of California, organized as it was from a right of conquest, did not cease or become defunct in consequence of the signature of the treaty or from its ratification. We think it was continued over a ceded conquest, without any violation of the Constitution or laws of the United States, and that until Congress legislated for it the duties upon foreign goods imported into San Francisco were legally demanded and lawfully received by Mr. Harrison, the collector of the port, who received his appointment, according to instructions from Washington, from Governor Mason.

As to Puerto Rico, the exercise of this power in Congress is necessary, because it will be for the good of the island to provide revenues for the government there until a permanent civil government can be provided and put into operation.

This is no time for mere political sparring or fencing. The welfare of the island of Puerto Rico should not be trifled with in the interests of any political party. Gentlemen on the opposition side of the House have taken occasion in this debate to criticise many things, or, rather, all things, done by the present Administration. They have disapproved of the conduct of the war with Spain.

It is some consolation to know that the conduct of that war was also disapproved by the Spanish Government.

When I hear the other side assuming to be the defenders of the President I must be pardoned for being unable to recognize their sincerity. We are accustomed to hear constant denunciation of Mr. Cleveland from his former Democratic associates, and it is a daily occurrence to hear them sound the praises of Lincoln, Grant, and Garfield; but we must recollect that these Republican statesmen are all dead. When these gentlemen assume to take up the cause of one of our living leaders we may well beware.

The Administration and the Congress have had a closer and better understanding with each other than at any time in fifty years. The President served so long in this body that he fully understands and appreciates its motives, methods, and purposes, and there is little danger of antagonism growing out of mere matters of detail in the accomplishment of a desired common purpose.

To-day we are face to face with the proposition as to whether the Congress of the United States can in due time legislate in regard to the Philippine Islands. Are our friends on the other side willing to have it determined that the cotton of the South shall be placed in absolute and equal competition with that produced in the Philippines? Are they prepared to say that the agreement for a ten years' open door with Spain in the Philippines shall also indirectly open in the United States the ports of San Francisco and give free trade through Spanish channels with foreign countries and the United States? You must remember that that treaty was indorsed by Mr. Bryan and ratified with the aid of Democratic votes.

It is therefore, Mr. Chairman, much more than a mere political party question that we are considering to-day. I regret that our opponents seem so willing to discuss everything from a party standpoint alone.

I wish to read in this connection from the Washington Post of this morning an extract from a speech of Senator Gorman made before the national Democratic committee at the Raleigh Hotel in this city yesterday:

"Let the party in power hold its convention first, as it has always done," said Mr. Gorman. "Let it complete its record in Congress," he said, "and put forth its principles in its platform, and then let us meet both the record and the platform with our indictment, as we have done in the past."

And then, after determining in advance to "find an indictment against the party in power" for everything that it might do, they patriotically chose the Fourth of July as the date for a party convention. The day that should be devoted to high and patriotic national observance is set apart for the partisan purpose of indicting the Administration of William McKinley for whatever it has done in the past and for whatever it may do in the future.

The criticism of a party whose leaders in advance resolve to find an indictment against whatever their opponents may do loses much of its weight with the people.

Luckily, they will not have the opportunity to include soup houses, industrial panics, and general lack of employment among the counts of their indictment.

We should endeavor to solve the question before us in a practical way for the benefit of the American people and for the best interests of the people whose lot has been cast with us under the recent treaty with Spain. [Applause on the Republican side.]

Mr. GARDNER of Michigan. Mr. Chairman, we are near the close of the fifth day of a debate that will be memorable in the annals of the American Congress. I should be alarmed at the dangers that have been prophesied against our country and against the islands under our jurisdiction by the passage of the pending measure were it not for the recollection that the same gloomy forebodings have been indulged in before every great forward step our country has made, from the time when we were only a Confederacy to this hour. The constitutional objections that are alleged against the pending measure have been made in one form or another from the beginning of our national history.

Though it was my fortune once, for a time, to be associated with men learned in the law, I make no pretense to critical legal knowledge such as has been arrayed here on both sides of this question during the last five days. I shall speak not as a lawyer, but as a layman, and as such I ask the gentlemen on the other side if they can name one great step in the advance of our national progress that has not been contested on the ground of unconstitutionality?

Our first national expansion was made in the face of this objection. The Northwest Territory became the common property of the United States by various Atlantic coast States—which claimed to the Mississippi River—relinquishing their Territorial rights beyond the head waters of streams flowing into the Atlantic and ceding the same to the General Government. The State of Maryland exacted this as a condition precedent to the ratification of the Articles of Confederation. But those articles nowhere, either "directly or indirectly or by implication, authorized the Congress to acquire, retain, or govern territory;" and yet under this confederacy the Congress did, without warrant of law, acquire and retain territory and did institute government, and under such conditions that its beneficial influence has been felt from that day to this, and will continue to be while the Government endures.

Though the constitutionality of the act was seriously questioned at the time, who is there now to cast a word of reproach against the men who thus builded so wisely into the foundations of the Republic? When the present Constitution was framed it was thought best to confer upon the Congress a power which had been assumed by the Congress of the Confederacy without constitutional authority.

No man on either side the Chamber, as I recall, in this discussion has had the temerity to claim that the acquisition of the Louisiana Territory was made by constitutional authority. Jefferson himself said it was without warrant in the Constitution.

Yet Jefferson has no single claim to the gratitude of the American people comparable to that which has grown out of the violation of the letter but the maintenance of the spirit of that great instrument. President Jefferson stood in the same attitude to the people of the Republic as a subordinate commander on the battlefield does to his chief. With written orders in his pocket directing where and how he shall do, with the commander in chief a mile or more in the rear, the officer on the line, seeing an unlooked-for emergency, keeps the spirit by violating the letter of the command.

He does to his chief as Jefferson said with reference to the Louisiana purchase:

We will throw ourselves upon the people, believing they will justify the acts, which they would have done had they been in our place.

The act by which was made the second great acquisition of territory sounded the death knell of the strict-construction theory and the star of Hamilton rose to the ascendant, shining on the pathway of implied powers and liberal construction.

Shortly after the Louisiana purchase had been annexed to the Union the question arose as to government of the territory so acquired. Then, as now, the Congress was confronted by the theory of constitutional limitations of its power to legislate for the Territories. Mr. Nicholson, of Maryland, an able and faithful disciple of Jefferson, declared that Louisiana was not a State.

It is—

He said—

a territory purchased by the United States in their confederate capacity and may be disposed of by them at pleasure. It is in the nature of a colony whose commerce may be regulated without any reference to the Constitution.

Mr. Rodney, another able advocate and defender of the policy of Mr. Jefferson, said in effect that the Constitution was made for States and not for Territories.

The bill shows—

Argued Mr. Rodney—

that Congress have a power in the Territories which they can not exercise in the States, and that the limitations of power found in the Constitution are applicable to States and not to Territories.

John Randolph, another great leader and supporter of the Jeffersonian policy, said:

Gentlemen will see the necessity of the United States taking possession of this country in the capacity of sovereigns to the same extent as that of the existing government of the province.

Scarcely had the status of the newly acquired Territory been determined in its relation to the power of Congress to govern it when another question arose, involving, as was believed and contended, an important constitutional question demanding settlement. That question was as to whether any part of the Louisiana purchase could be admitted as a State into the Union. On this proposition Uriah Tracy, of Connecticut, voiced the position of the Federalists when he said:

We can acquire and hold territory, but to admit the inhabitants into the Union to make citizens of them and States by treaty we can not constitutionally do, and no subsequent act of legislation or even ordinary amendment to our Constitution can legalize such measures. If done at all, they must be done by the universal consent of all the States or parties to our political association.

Less than a decade after this declaration Louisiana came knocking at the doors of Congress, asking for admission to the Union. Josiah Quincy, the leader of the minority, and one of the ablest of the many able men Massachusetts has sent to the Congress of the United States, declared in effect that—

If Louisiana comes in, Massachusetts goes out of the Union.

And this on the ground of the unconstitutionality of such admission. It was not for a South Carolinian first to lift the hand of incipient rebellion. It was rather for a distinguished son of Massachusetts to declare that the bonds that bound the States of this Union together were severed if Louisiana came in, and that Massachusetts was thereby absolved from her allegiance. But, Mr. Chairman, the man who gave utterance to those sentiments lived to regret it and to revise his judgment. And in that supreme test which came to the nation fifty years afterwards the sons of that grand old Commonwealth repudiated the declarations of Quincy, and with the words of another and still more illustrious representative inscribed upon her banners, "Liberty and Union, now and forever, one and inseparable," they went forth to fight and to die upon every great battlefield in the war for the preservation of the Union.

While wars are to be deplored because of the inevitable loss of life, the expenditure of treasure, the entailment of suffering, the sacrifices of property, and the demoralizations, social and financial, that are liable to follow in their wake, yet they have had some important compensating features. They have served to reveal both our weakness and our strength as a nation. No one thing has so quickened the national spirit or so developed the national character or so broadened the views of men by extending the horizon of their vision as war.

Out of the war of 1812–1814 there grew three great national measures, each and every one of which was successively challenged on the ground of unconstitutionality, and each and every one of them, without an amendment, is to-day recognized within the limitations of the fundamental law, and each and every one is now further recognized as a part of our unwritten Constitution, if I may so use that term. In the war just mentioned the weakness of our monetary system was so apparent that it resulted in giving to the nation the national bank in 1816, when the same party in control in 1811 regarded the establishment of such an institution by Congress as an exercise of power not granted in the Constitution.

Henry Clay, in discussing this measure, frankly avowed his changed opinion as to its constitutionality, saying that in interpreting the words "necessary and proper" reference must always be had to existing circumstances; that when conditions change the interpretation must be so modified as to meet and satisfy such change.

Another result of our second war for independence was the establishment of a system of internal improvements. Calhoun, as chairman of the committee that reported the bill and the champion of the measure on the floor of the House, "contended that to counteract the tendency to sectionalism and disunion nothing could be more necessary or more advantageous than a large national system of internal improvements, establishing the great lines of commerce and intercourse and binding together all the parts of the country in interests, ideas, and sentiments."

Calhoun was then at the meridian of his splendid young manhood, his every heart throb beating with love for the whole land. He argued the constitutionality of the measure with all the force of his superb reasoning powers, basing his contention as to the power of Congress upon the "general welfare provisions" of the Constitution. As is well known, President Madison, though in sympathy with the object, vetoed the bill on constitutional grounds. What amendment has since been added to the Constitution relative to internal improvements? But who now questions the wisdom or the constitutionality of providing for and carrying on our great system of river, harbor, canal, and other like internal improvements? To-day in the unwritten constitution the power of Congress to appropriate money for internal improvements is unquestioned.

The war of 1812–1814 also made painfully apparent our industrial dependence on foreign nations. One of the direct results of this war was the establishment of a system of tariff protection. The principle of protection was advocated by some of the ablest Democrats of the Jeffersonian school who have ever participated in national legislation. And yet, a few years ago, when the Democratic party came into power—the only time since Buchanan went out—they came upon a platform the salient principle of which was that any tariff other than for revenue is unconstitutional, and yet that party, during its four years' reign, framed and passed a tariff bill so repugnant to the then Democratic President as a protective measure that he would not sign it, but condemned it as a piece of "perfidy and dishonor."

I predict, Mr. Chairman, that the Democratic party will never again go to the people on a platform that challenges the constitutional right to protect American industries. [Applause on the Republican side.] That right is in the unwritten constitution, and it is there to stay.

Again, Mr. Chairman, when that great conflict was on between the States, when the South was striking at the nation's life with consummate power and effectiveness, when the Union was bleeding at every pore, when loyal men in the North were wavering in their faith as to the final triumph of the national arms, when the bonds of the Confederacy were more popular in Europe than those of the United States, when the bankers of England and the Continent refused to invest in our national securities, when the coffers of the civilized world were closed against us, when, unless our credit could be maintained, dissolution and ruin were inevitable, then it was that in this House, thirty-eight years ago this very month, a proposition was made authorizing the issue of Treasury notes and making them legal tender in the payment of debts. At that time, in this Chamber and at the other end of the Capitol also, men who prized the Constitution more than they did the life of the nation pronounced and voted against that measure as unconstitutional. Who were they, do you ask? The late Mr. Bayard, at that time Senator from Delaware, afterwards Secretary of State and ambassador to Great Britain said:

I shall, however, pass over the constitutional argument. I really do not think, from anything I have heard on the subject, that it is worth an argument. The thing is, to my mind, so palpable a violation of the Federal Constitution that I doubt whether in any court of justice in this country, having a decent regard to its own respectability, you can possibly expect that this bill which you now pass will not, whenever the question is presented judicially, receive its condemnation as unconstitutional and void.

He was one of the great lights of the Democratic party, a man whom it delighted to honor even to the day of his death.

On the same day Senator Pearce, a Maryland Democrat, said in relation to the same measure:

Mr. President, the exigencies of the country are very great; I admit my obligation to cooperate with gentlemen here in furnishing the Government with the means of carrying on all its operations; but when a constitutional objection is presented to me, the very allegiance which I owe to the Constitution, and therefore to the Union, compels me not to violate any one of its provisions, as I think I shall do if I vote for the bill. I must therefore cast my vote against it.

Senator Saulsbury, one of the most distinguished Democratic leaders in that Congress, said:

It was my desire and intention to vote for this bill, provided the provision making these notes a legal tender had been stricken out. That provision has been retained in the bill. It is so clearly unconstitutional, in my opinion, that I can not consistently vote for it.

George H. Pendleton, candidate for Vice-President in that memorable second campaign against Lincoln, likewise declared against the constitutionality of the legal-tender act in the following words:

Sir, it seems to me that if the language of the Constitution and the weight of authority can settle any proposition it is that Congress has not the power to do that which it is proposed shall be done by the provisions of this bill.

And yet, Mr. Chairman, notwithstanding the adverse opinion of these distinguished leaders of a great party, the legal-tender act is recognized to-day by the highest court in this land as within the province of the Constitution. That great principle, a product of a civil-war emergency, is now a part of the unwritten constitution of our country. If a like emergency should again arise, no American will question the constitutionality of an act to make United States notes of issue legal tender.

And so it is, Mr. Chairman, that the march of national progress from the beginning of our history to this hour has been in the "very teeth," to use a favorite phrase of the gentleman from Maine, of men who, like himself, have proclaimed that certain acts designed to remove obstacles to that advance were unconstitutional. The Constitution was made for the country and not the country for the Constitution. [Applause on the Republican side.]

I now come to that part of the question which seems to have been very largely lost sight of in this discussion, namely, the measure for the relief of Puerto Rico and its government. The gentleman from Massachusetts [Mr. McCALL] likens Puerto Rico to "a poor little lamb," and the gentleman from Maine [Mr. LITTLEFIELD] characterizes its inhabitants as "that magnificent people of magnificent history on that magnificent island of magnificent resources, the Pearl of the Antilles." I thought several times during the delivery of his speech that if he had spent a day studying the dictionary for synonyms of "magnificent," as he declares the distinguished chairman of the Judiciary Committee did for "definitions of exports," the verbiage of his speech would have been greatly improved. [Laughter.]

What is it proposed to do by this bill? What do we take from Puerto Rico, and what do we give her? She brings to us her products, and we buy them and pay 25 per cent of the duty which we exact from all other nations bringing like products to our ports. In other words, we furnish her a market by reducing the Dingley tariff 75 per cent as against any competing nation. What is proposed to be done with the money thus collected as import duty? I do not want this to be lost sight of. Section 4 of the bill provides:

That the customs duties collected in Puerto Rico in pursuance of this act, less the cost of collecting the same, and the gross amount of all collections of customs in the United States upon articles of merchandise coming from Puerto Rico, shall not be covered into the general fund of the Treasury, but shall be held as a separate fund, and shall be placed at the disposal of the President, to be used for the government and benefit of Puerto Rico until otherwise provided by law.

It will thus be seen that under the provisions of this bill every single dollar of the money collected as duties on her products used in this country goes back into the hands of the chief executive to be used for the benefit of the island. Is that "taking the fleece from the poor little lamb?" [Laughter.]

Again, when American products are admitted into Puerto Rico, we ask her people to pay 25 per cent of what they would pay other nations as duty on like products. And every dollar of that money, above the cost of collection, goes directly to that island. For what? The gentleman from Maine says 25 per cent of that "magnificent people of magnificent history" can read and write.

Other gentlemen on the floor of this House who have visited the island say from 5 to 10 per cent, while the chairman of the Ways and Means Committee informs us that from 12 to 14 per cent can read or write. Think of it! The injustice and cruelty we are doing them, when we give them this money for the benefit of their island country, to educate their sons and daughters that they may be fitted for the responsibilities of self-government and make them worthy to be citizens of this great Republic. [Applause on the Republican side.]

Our countrymen of the South have this problem on hand now—the uneducated blacks of the South and the uneducated whites of the South, for which they are voluntarily taxing themselves. In the light of the last thirty years it is unbecoming in the gentleman from Maine to thrust the black man into this discussion, and especially in the face of the generous conduct of the South toward him. What has the South done in this respect? She had scarcely returned from the obsequies of her lamented Confederacy, her land desolate, her homes laid waste, her cities in ashes, her industries ruined, her labor system revolutionized, her valorous sons wounded, maimed, and broken in health.

When she began almost at once to voluntarily tax herself, poor as she was, to educate the children of the men and the women who had been her chattel slaves, and who had been freed, as was claimed by many in the North, by the act of a tyrant and a usurper of constitutional authority. That is what they called him who, to save the Union, struck the shackles from a race and started it on a career of development, of progress, of power and achievement which, in the centuries that are to be, will shed luster on the age in which we live.

Mr. BARTLETT. Will the gentleman allow me an interruption?

Mr. GARDNER of Michigan. Yes.

Mr. BARTLETT. I want to say that as far as the South is concerned, all the laws with reference to educating the people of the South, especially of Georgia, were passed by the State legislature.

Mr. GARDNER of Michigan. That is what I want to show to the people of the country.

Mr. BARTLETT. Oh, I misunderstood the gentleman.

[Here the hammer fell.]

Mr. WM. ALDEN SMITH and Mr. MORRIS. I ask that the gentleman be allowed to complete his remarks.

Mr. PAYNE. I have no objection to the gentleman going on till five minutes of 5, when the committee must rise.

Mr. GARDNER of Michigan. Mr. Chairman, during this debate much has been said on both sides of the Chamber by gentlemen opposed to this bill about ex post facto laws, bills of attainder, suspension of the writ of habeas corpus, and deprivation of the right of trial by jury. I ask the gentlemen from the South and the gentleman from Maine [Mr. LITTLEFIELD] and the gentleman from Massachusetts [Mr. McCALL] what there is in the past history or the present spirit of the American people to justify such a declaration of probable or possible conduct toward the dwellers in Puerto Rico?

The gentleman from Maine, in the course of his remarks, frequently alluded to "a stump speech" and "a peroration." He gave us both. [Laughter.] But I say he detracts from the dignity that has hitherto characterized this discussion; he belittles this splendid forum of debate, in which great questions are discussed and action taken that affects not only America and Americans, but the civilized world, when he appeals to passion and prejudice as some stump speakers might when before the populace.

Gentlemen on the other side of this question, by lifting into prominence fears of the reenactment of tyrannous measures that received their deathblow at Runnymede, have done an injustice in this that they have excited fears that are groundless and created misapprehensions that have no foundations in fact among the few people in Puerto Rico who can read and therefore guide public opinion in that island. Gentlemen must know that there is nothing in our history that will justify the aspersions cast upon the past nor the insinuations upon the present by the assumption that we will tyrannize over this people. [Applause.]

Mr. Chairman, this question involves much more than providing temporary revenue for the island of Puerto Rico. It is one of much larger proportions and of greater moment. We have reached another stage in the forward march of the American people. We are at one of the initial points of legislative history. Around this discussion will linger an abiding interest as indicative of the spirit and wisdom of American statesmanship. We did not seek the war, and its swift and unlooked-for results were as astonishing to us as to other nations. We did not covet these possessions; we did not want them; they have come to us by a force of circumstances we could not foresee nor wholly control. The possession of these islands confronts us with conditions to be met and problems to be solved for which the past furnishes no precedents to guide.

The fathers of the Republic never anticipated as possible that which is now upon us. While the measure under discussion is one of a temporary nature, involving as it does the process of adjustment of Puerto Rico to the new order of things, the real question, to my mind, lies in the fact that it is the establishment of a precedent, not alone for Puerto Rico nor the Philippine Archipelago, but wherever in the providence of God the Stars and Stripes in the future shall march to victorious conquest [Applause.]

Standing as we do at the open door of this new opportunity, let us not be deterred from going forward. The Republican and not the Democratic party is charged with responsibility. These men on the other side can afford, politically speaking, to line up solidly against us. They rejoice at any signs of division or dissention among the majority. From a mere party standpoint of

view they can afford to take all the chances of opposition to the bill. They have everything to gain and nothing to lose. The Republican party can not afford to take any chances [applause], for under our system of government the responsibility rests upon the majority and not on the minority. The party that has unflinchingly accepted the responsibilities and given to the country the splendid results of the constructive statesmanship of the last forty years will not falter nor fail now.

The gentleman from Maine—and I thought the remark was unworthy of a man of his great abilities—made an insinuation which, read between the lines, seems to me to assail the integrity of the Committee on Ways and Means. If the gentleman knows anything against that committee, as a Republican and a patriot, it is his duty to speak out and say it now and here openly. I am not ready to follow the Ways and Means Committee, or any other committee, or even the party, if, as the gentleman insinuates, there is something—shall I say corrupt—about this committee. I do not believe it; and until the gentleman makes the direct and positive assertion and proves it, I will not believe it. [Applause.]

Mr. Chairman, I desire to thank you and the House for the courtesy of this kindly hearing and for the voluntary extension of time allotted me. I am a new member here. As such I have watched this discussion with intense interest. It seems to me the debate of this week has lifted this historic assemblage to the level of its best traditions. The discussion has been worthy of this body and of the splendid intellects on either side. The duty of action now awaits us. Let us meet that duty like men conscious of the responsibility it imposes, believing that what we do will best contribute alike to the welfare of our country and to the island people for whom we legislate. [Loud applause.]

Mr. PAYNE. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HULL, Chairman of the Committee of the Whole, reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill H. R. 8245, had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 5487. An act authorizing the construction by the Texarkana, Shreveport and Natchez Railway Company of a bridge across Twelve-Mile Bayou, near Shreveport, La.;

H. R. 4698. An act granting an increase of pension to John C. Fitnam; and

H. R. 7660. An act granting additional right of way to the Allegheny Valley Railway Company through the arsenal grounds at Pittsburg, Pa.

CLOSE OF DEBATE ON PUERTO RICO BILL.

Mr. PAYNE. Mr. Speaker, after some consultation with the gentleman from Tennessee [Mr. RICHARDSON], I think we shall be able perhaps to agree by unanimous consent that the general debate on the Puerto Rico bill shall close on Monday at 5 o'clock.

Mr. RICHARDSON. I acknowledge that at first I could hardly see how the gentlemen on this side who wanted to speak could get in their speeches within the time suggested; but we shall try to do so, and I think we can, although it will be difficult.

Mr. PAYNE. Then, Mr. Speaker, I ask unanimous consent that general debate on the bill be closed on Monday next at 5 o'clock p. m.

Mr. RICHARDSON. Mr. Speaker, so many gentlemen have applied to me on this side of the House since I had a conference with the gentleman from New York that I hope he will agree that general debate shall run through Monday and Tuesday. There will certainly be no objection if we can agree to closing the debate on Tuesday evening.

Mr. PAYNE. Oh, I think Monday will give ample time. I must insist upon my original request, and ask unanimous consent to close the debate on Monday evening at the time I have fixed.

Mr. RICHARDSON. I think it will be almost impossible for gentlemen on this side who have made application to me for time to be heard.

Mr. PAYNE. Of course we will not object to a night session on Monday night.

Mr. RICHARDSON. Very well, make that a part of the agreement.

Mr. PAYNE. I will. I ask unanimous consent that the debate close on Monday at 5 o'clock—the general debate—coupled with the request that we have a night session on Monday, the House taking a recess from 5 o'clock until 8, and allowing the time from 8 o'clock until half past 10 for debate only.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. RICHARDSON. That is, that the House take a recess from 5 o'clock to 8, and the time from 8 o'clock until 10.30 to be devoted to debate only?

Mr. PAYNE. That was the request I made.

Mr. WILLIAMS of Mississippi. And suppose the gentleman from New York makes also a proposition that we take a vote on the passage of the bill at 4 o'clock on Tuesday?

Mr. PAYNE. I will say Tuesday at 3 o'clock, if that will suit the gentleman, with the proviso that the committee may offer amendments to the bill at any time during the debate under the five-minute rule, whether such amendments are strictly in order at the point offered or otherwise; the debate on Tuesday, of course, to be under the five-minute rule.

Mr. RICHARDSON. I will agree to that. Amendments may be offered under the five-minute rule by the committee at any stage of the bill, provided it be also understood that the minority may have the right to offer a substitute for the bill if they so desire.

Mr. PAYNE. In Committee of the Whole?

Mr. RICHARDSON. Certainly; in Committee of the Whole.

Mr. PAYNE. I shall not object to that. And that the committee rise at 3 o'clock on Tuesday, and report the bill, with such amendments as may have been agreed to in Committee of the Whole, to the House.

Mr. McRAE. That will give them four hours for debate on Tuesday?

Mr. PAYNE. Four hours for debate on Tuesday under the five-minute rule.

The SPEAKER. The Chair will restate the question as the Chair understands it, and submit it to the House for its approval.

The gentleman from New York asks unanimous consent that general debate upon the pending bill shall terminate on Monday next at 5 o'clock, with an evening session, beginning at 8 o'clock and extending to 10.30 o'clock, for debate only; and that on Tuesday, immediately after the reading of the Journal, discussion upon the bill shall take place under the five-minute rule; that the committee shall rise at 3 o'clock and report the bill with any amendments to the House; that the Committee on Ways and Means shall have the privilege of offering an amendment at any stage of the proceedings under the five-minute rule to any section of the bill, and that the minority may also have the privilege of offering a substitute if they so desire.

Is there objection to the agreement which has been suggested?

There was no objection.

Mr. PAYNE. It is understood that the substitute is to be offered in committee?

The SPEAKER. In Committee of the Whole.

Mr. RICHARDSON. And that the session of the House shall begin at 11 o'clock on Monday and Tuesday?

Mr. PAYNE. That has already been agreed to.

The SPEAKER. The Chair hears no objection to the suggestion of the gentleman from New York.

ORDER OF BUSINESS.

The SPEAKER. The Chair will announce as Speaker pro tempore for the evening session the gentleman from Illinois [Mr. BOUTELL].

Mr. PAYNE. I move that the House now take a recess until 8 o'clock p. m.

Mr. LINNEY. I ask the gentleman to withdraw that for a moment.

Mr. PAYNE. I will withdraw the motion for a moment.

Mr. LINNEY. I wish to give notice that as soon as the pending bill is disposed of the Committee on Elections No. 1 will call up the case of Aldrich *vs.* Robbins from Alabama for immediate consideration.

Mr. MIERS of Indiana. Let me ask, Mr. Speaker, what becomes of the night session to-night?

The SPEAKER. The rule adopted three days ago disposes of that. The session to-night is devoted to general discussion on the pending bill.

Mr. MIERS of Indiana. I ask unanimous consent to be allowed three minutes to state my connection in reference to the Calendar as now made up.

Mr. PAYNE. The gentleman will have ample opportunity hereafter, and I must insist on my motion that the House now take a recess until 8 o'clock this evening.

The motion was agreed to; and accordingly (at 4 o'clock and 55 minutes p. m.) the House took a recess until 8 o'clock p. m.

The recess having expired, the House, at 8 o'clock p. m., resumed its session and was called to order by Mr. BOUTELL of Illinois as Speaker pro tempore.

And then, on motion of Mr. PAYNE, the House resolved itself into the Committee of the Whole House on the state of the Union, for the further consideration of the bill (H. R. 8245) to regulate the trade of Puerto Rico, and for other purposes, with Mr. HULL in the chair.

Mr. LLOYD. Mr. Chairman, on the 18th of October, 1898, the island of Puerto Rico became a part of the United States. It is one

of the most fertile and most densely populated islands in the world. The conditions that exist there at the present time are deplorable indeed. These conditions have been brought about, if we can trust those whose duty it has been to investigate the matter, by reason of that which has been done by our own Government. When Puerto Rico came to us it is claimed that it did so willingly, and that the people of that island rejoiced because they were permitted to enjoy the benefits of a free country under the flag of the great Republic; but to their dismay and disappointment the condition that exists in that country to-day is worse than that in which they found themselves when we assumed authority there.

I do not speak from personal observation with reference to the situation in Puerto Rico, because I have no personal knowledge on the subject. But if we can rely upon the reports that are given us by those who have been there and who have investigated these matters, and whose duty it is to report to us the conditions existing in Puerto Rico, we can not doubt that the people in that island are to-day in the throes of financial distress and are looking anxiously to Congress for relief.

Mr. Mansfield, in his report to the Adjutant-General of the situation there, said in reference to the trade relations with the island:

> Free trade with the United States was expected and should be allowed.

Capt. W. S. Schuyler, in making like report and commenting on the evils to be remedied, said:

> Chief of these is the condition of trade, which has been completely dislocated without prospect of amelioration unless a free market in the United States can be substituted for that which is lost. * * * The duty still remains on most of the imports, and unless it is speedily removed it is impossible to see any future for the island.

Capt. A. C. McComb, in his report to the War Department, uses the following language:

> The island lacks new markets for its crops and has lost the old ones with Spain. The country is in a most depressing financial condition. The country to-day is poorer than before the occupation.

Lieut. Alonzo Gray, in a like report of conditions, informs the Government:

> I can not see that the American occupation has, as yet, done anything to improve this people. Improvement will come only when this island is treated as any of our Western Territories are and given absolute free interstate commerce.

The consul at San Juan, Hon. Philip C. Hanna, in his statement of the conditions that obtain in the island, observes:

> I am thoroughly convinced that the tariff question is the all-important question in this group of islands. Puerto Rico can never become prosperous until she can buy bread for her people without paying enormous revenue duties for the privilege of bringing that bread into the island. It seems reasonable to me, as an American, that the people of this newly adopted country should be allowed to purchase the products of the United States and land them on their own shores without paying tribute to any government whatever. I believe the island should have absolute free trade with all parts of the United States. I believe in making Puerto Rico as thoroughly American as possible from the very start, and we can not make it so unless we treat Puerto Ricans as we do other Americans. They should be allowed to buy Minnesota flour and Dakota wheat and every product which the farmer of the great Northwest has to sell, and lay it down in their own country on the same terms that the man in New York receives the same products.

In the Annual Report of the Secretary of War recently published in explaining conditions in Puerto Rico, these observations are made:

> So long as the island was a part of the Spanish possessions there was substantially free trade with Spain and Cuba. Immediately upon the transfer of the island from Spain to the United States, Spain erected a tariff barrier against the introduction of Puerto Rican products. The interests of Cuban agriculture led to the erection of a similar barrier in the tariff adopted for Cuba, so that Puerto Rico was debarred from the principal markets which she had previously enjoyed, and at the same time this country has maintained its tariff against Puerto Rican products just as it existed while the island was Spanish territory. The result is that there has been a wall built around the industry of Puerto Rico. * * *
>
> It is plain that it is essential to the prosperity of the island that she should receive substantially the same treatment at our hands as she received from Spain while a Spanish colony, and that the markets of the United States should be opened to her as were the markets of Spain and Cuba before the transfer of allegiance. * * * The highest considerations of justice and good faith demand that we should not disappoint the confident expectation of sharing in our prosperity with which the people of Puerto Rico so gladly transferred their allegiance to the United States, and that we should treat the interests of this people as our own; and I wish most strongly to urge that the customs duties between Puerto Rico and the United States be removed.

The President, in his annual message to Congress on the 4th of December, speaking of Puerto Rico and its conditions, said:

> It must be borne in mind that since the cession Puerto Rico has been denied the principal markets she had long enjoyed and our tariffs have been continued against her products as when she was under Spanish sovereignty. The markets of Spain are closed to her products except upon terms to which the commerce of all nations is subjected. The island of Cuba, which used to buy her cattle and tobacco without customs duties, now imposes the same duties upon these products as from any other country entering her ports. She has therefore lost her free intercourse with Spain and Cuba without any compensating benefits in this market. Her coffee was little known and not in use by our people, and therefore there was no demand here for this, one of her chief products. The markets of the United States should be opened up to her products. Our plain duty is to abolish all customs tariffs between the United States and Puerto Rico and give her products free access to our markets.

In addition to these plain and positive statements of the highest officers of the Government, there have been a number of Puerto Ricans before the committee who have investigated this bill and have given testimony with reference to the situation in the island and that which is necessary for the restoration of its business interests and permanent prosperity there. I shall only refer to the statement of one of these, Mr. Oyanguren, who has been a resident of the island for more than fourteen years and is a prominent merchant of the island and a director of one of the principal banks of San Juan. His language is as follows:

> It seems to me that the Government has no adequate comprehension of the situation in Puerto Rico, or at least they do not realize the utter misery that prevails there, which is without a parallel in its history. For did they live through it, and did they compare it to the contentment of other times enjoyed by the island, they would feel the immediate necessity of putting an end to this precarious situation, overcoming all obstacles, all opposition to a speedy action by both Houses of Congress; for so long as these evils prevail in the island they can not but point out to this great Republic as the causer, unconsciously, it is true, of this state of affairs. It reflects unfavorably upon your credit as a colonizing power. You know, through your generals, Puerto Rico welcomed your soldiers. Puerto Rico conceives it a blessing to form a part of this great Republic, but the wretched condition in which you have left them until now is causing among them the greatest disappointments.

Now, with the recommendations and statements of the Army officers, the indorsement of free trade by the Secretary of War, and the positive statement of the President as to our duty, why is it that the gentlemen who usually need no other guide than the dictum of the President are to-day insisting on violating these positive statements about what should be done? What produces this change of base?

The revolution in sentiment seems to have occurred since the learned chairman of the Ways and Means Committee presented his free-trade bill on January 13 last. What reason is given for this political somersault? What changes have occurred in Puerto Rico to determine this new policy? It is suggested that information has come to the committee since that time. Has not the same information gone to the President? If it has, why is it that he permits his recommendation to go unchallenged? Why does he not send another message, calling attention to the changed conditions which create the necessity for the pending bill?

It is intimated by one in close touch with the President, the gentleman from Ohio [Mr. GROSVENOR], that the President is in sympathy with this bill. Can it be explained why he should recommend as a plain duty of Congress that it should establish free trade with Puerto Rico in December and oppose such proposition now? Have conditions changed in that island since that time? Are the inhabitants less in need of markets for their produce? Has their depressed industrial condition been remedied? I have heard something about the President giving secret instructions.

You remember that a commission was appointed to secure international bimetallism in 1897 and visited Europe with that purpose. It was then stated and very generally believed that the President's public utterance and his private instruction were contradictory. Many good citizens were confident that while in public utterance he commended, and apparently in good faith set forth to accomplish it, in fact he did what he could to prevent the purpose for which the commission was sent out. But gentlemen in this Chamber repelled the charge of insincerity and deception then made.

The same gentlemen to-day, in effect, say that the President is deceiving the country; that he is opposed to his own plain declaration. I am disposed to accept his only published utterance as the expression of his conviction of duty as to this legislation. If the advocates of this bill are right in their implied charge of deceit and secret connivance, then the indictment frequently made, that another is the real President, is fully established, for that other influence, mightier than the President and more powerful than the people, is urging the passage of this measure. What is the mighty influence that has so changed the opinion of members?

In my opinion it is the sugar trust and tobacco trust. Why is it that we admit Hawaiian sugar free and seek to place a duty on Puerto Rico sugar? There is four times as much sugar produced in Hawaii as in Puerto Rico. The evident and significant difference is this: Hawaiian sugar is owned and controlled by the sugar trust, represented by Mr. Spreckles. The sugar plantations in Puerto Rico are not yet owned by this giant monopoly. If they were, gentlemen now clamoring for party harmony would be here insisting on standing by the will of the President and enthusiastically proclaiming that they would rather risk his judgment than their own. [Applause.]

The pending bill provides "that all merchandise coming into the country from Puerto Rico and coming into Puerto Rico from the United States shall be entered upon payment of 25 per cent of present duties on foreign goods."

Puerto Rico was ceded to this Government by Spain in the Paris treaty. It came to us by conquest and cession, without limitation or restriction, and no one questions the present title of the United States to the island, nor its right to control the citizens thereof. The real question raised by this bill, however, is whether Puerto Rico is a part of the United States and subject to the provisions of its Constitution, or whether it is without the beneficent

influence of this charter of liberty and to be treated as a dependency or a colony subject to the direct control and changing views of Congress.

There has been quite a learned discussion as to the legal and constitutional questions involved. It is not my intention in the limited time at my disposal to discuss at any length this important phase of the case. I rejoice in what I believe to be the fact that the Puerto Ricans are entitled to the benefits of the same Constitution and are to enjoy the same blessings of freedom as the States of the Union. If it is true, however, that they ought to be controlled as Congress directs, as argued by the supporters of this bill, then the Stars and Stripes, so dear to the lovers of liberty and free government, will have for them a far different meaning from what it has to us.

I am a firm believer in the doctrine that the American flag, the proud heritage of our fathers, has but one significance and carries the same hope to every people who are expected to acknowledge it, whether in States, organized Territories, or in the islands of the sea over which it is to permanently wave. It can not be said, as I understand our institutions, that the emblem of human liberty, the flag of the greatest Republic, has one meaning in California and another in Arizona; that Alaskans, Hawaiians, Puerto Ricans, and Filipinos are to have no abiding hope as to what it shall mean to them; that it shall float over a free people at home and subjugated colonies in the seas. I certainly hope that this Congress will not venture into the unknown and untried experiment of colonial empire and cut themselves loose from the moorings and safeguards of the Constitution, but that they will stand on the firm principles on which this Government was based.

But gentlemen insist that the poor starving people of Puerto Rico, homeless and without property in many instances, can not pay the taxes necessary to meet the expenses of their government, and that some method of taxation must be adopted to raise the revenue other than the direct or property tax. If you listen to the plaintive words of some of those who have made speeches on the floor of the House on this bill, you would suppose that the most poverty-stricken people that the world ever saw may now be found in the island of Puerto Rico. What are the facts? That little island, less than two-thirds the size of the district which I have the honor to represent in the State of Missouri, with five times its population, has an estimated valuation of $160,000,000. How much revenue is it necessary to raise to meet the expenses there?

General Davis in his report on civil affairs of Puerto Rico, recently made, gives the estimated expenditures in the Puerto Rican budget as $1,943,678.71. In this estimate of expenditure $390,000 goes to the repair of roads or the construction of new roads; over $240,000 for the support of the schools in the island. That same budget shows that by the methods of local taxation which obtain there, there would be raised $553,549. It is estimated that the customs duties which would be received on goods imported from countries other than the United States would bring a revenue of at least $500,000, leaving, as you will observe, about $900,000 to be provided for. Now, the question which is sought to be raised by the advocates of this bill is the determination of the method by which this deficiency may be met.

It has been suggested as a proper method of supplying this deficit that a tax be placed on rum. Over 1,600,000 gallons of intoxicants are used in that island each year. A tax of 60 cents per gallon, one half of what is paid in the United States, placed on this beverage would bring a revenue sufficient to supply the money necessary to meet the expenses of the local government. But what is proposed by this bill? What goods are exported from the United States to Puerto Rico? What of our products must those people have? In the monthly summary of commerce the statistics of 1895, the latest accurate ones that can be obtained, show that these people imported $2,948,188 worth of meats of all kinds; that they imported also flour, vegetables, and other provisions to the amount of $3,834,267. By this bill it is proposed that these poverty-stricken people who could not pay a tax on property must pay tribute to the Government before it can receive the bread, meat, and vegetables that are necessary to sustain its people.

This bill, in effect, further says that notwithstanding we have shut off your market in Cuba, and have placed you in the position that Spain has closed her doors to your products, yet, notwithstanding your miserable condition, you shall not sell your products in the market of the United States without paying tribute to the Government. Did I say to the Government? It would be much more appropriate to say that you shall not find a market for the products of your soil without paying tribute to the sugar barons and tobacco trusts of the country. [Applause.]

The gentleman from Ohio [Mr. GROSVENOR] said, in speaking on this phase of the question:

> I hear them saying, "You have got a colonial possession, have you? You have got an island out there that is a colony, and that island has to be supported out of the Treasury of the United States." In such a contingency you would not have to put any Republicans over there on the "Cherokee Strip" in the next House of Representatives. I will undertake to say that they could all sit right here on that side [pointing to one corner of the Hall]. Would it not be glorious? And, my friends, this is one of the entering wedges; this is one of the first steps. If the Democrats can drive you to bolt your party organization, destroy this system that we propose to operate under in this bill, and drive the President to ask us to appropriate money in the way just suggested, then they will have achieved one of the most glorious victories in this generation.

What a happy consummation devoutly to be desired. Is the success of the Republican party hanging on this slender thread? What a concession to come from such high authority! How important that the minority, who have so persistently antagonized this iniquitous bill, shall continue the fight until the "glorious victory" is achieved. [Applause.]

The Puerto Ricans are asking for bread; gentlemen propose to give them a stone. They ask that we buy their products; we refuse to do so without tribute. They ask to buy our bread to stay their hunger; we reply you must first pay taxes to the Government before we will sell to you. They ask the privileges of American citizens in buying and selling in any portion of the Republic; gentlemen answer, you have no rights under the Constitution or treaty with Spain except those which Congress shall choose to give you.

They say, We claim the benefits of your free institutions. Reply is made that you must bow to the authority of this nation and do its bidding. It is true that Spain encouraged your trade and made markets for your crops, permitted you to have 16 representatives in the lower house and 4 in the upper in the Spanish Cortes, but we will treat you generously and magnanimously, and extend to you the benefits of liberty and free government without representation in Congress. We will tax you against your will and over your protest, but you shall have the protection of the American flag.

This Government keeps in that island for its pacification over 3,000 soldiers at a cost of over $4,000,000 annually to the people of this Government, yet gentlemen insist that if an appropriation were made for the civil establishment, the people would hurl the Republican party from power. Why not seek to relieve this burden of carrying on this military establishment? None of our new reformers concerned so much about the Treasury ever mention this enormous burden. Why, I ask, is this the case? In my opinion it is because they are concerned to build up the spirit of militarism and increase the permanent standing Army. The truth is, the Puerto Ricans are not asking relief in this way. They want the rights of American citizens, and I hope they will receive them. They wish to be treated as other Territories have been, and I am deeply concerned that they shall be.

Is it not a little surprising that it is sought to establish a tariff tax for Puerto Rico and then say that we have no authority over it; that it is a territory over which the Constitution has no protection? If it be true that the Constitution is so restricted, then the same reasoning will apply to Oklahoma, Arizona, New Mexico, Alaska, and any territory belonging to the United States. Al, that this Congress has to do is to say that Oklahoma, for example, shall pay customs duties, and it will be obliged to pay them. If Oklahoma is a part of the United States, Puerto Rico is a part of the United States. If Arizona is under the protection of the Constitution, then Puerto Rico is under the protection of the same Constitution.

I am concerned that the flag of the nation, the honor of the nation, that the Constitution of this great country, shall be carried to all its territories. I believe that the flag that waves over the Speaker's stand, which means freedom to American citizens, should mean the same freedom and should carry the same rights to the citizens of Puerto Rico. The flag that waves over California should alike wave over Hawaii, and mean in Hawaii just what it means in California.

The flag should have but one great meaning wherever it is unfurled; and I am concerned that wherever the flag of this nation shall be unfurled it shall not be hauled down as long as it is held to carry out the ideas of our fathers in establishing a free government. I believe that that flag should be hauled down wherever it does not symbolize freedom and wherever it does not mean equal rights to all. [Applause.]

I am opposed to this bill because it violates the Constitution of our country. It seeks by its iniquitous provisions to avoid the fundamental law and make subjects of those who are entitled to the benefits and immunities of citizens. I condemn it because it is the first fatal step toward imperialism, because it violates the principles laid down in the Bill of Rights, and overrides free government. I denounce it because I am in favor of the Republic established in the blood of our fathers and opposed to an empire sought to be established under the new régime. I spurn it because it seeks to overthrow law and precedent and establish the doctrine of opportunism.

With these convictions, I earnestly hope that this body will defeat this bill, and my feeble efforts shall be extended in that direction. [Applause.]

Mr. WHITE. Mr. Chairman, perhaps at no time in the history of our nation have there been more questions of moment before us for consideration than we have at this time. Our recent war with Spain and the result in acquisitions of territory by reason of that war, and the necessary legislation for the government of these new possessions in order that they may not work any harm with us, to establish rules, laws, and customs, require the most thoughtful consideration of all of our statesmen. Not only the question that we have before us to-night as to the character of the tariff to be imposed upon Puerto Rico, but the government that shall be established to perpetuate, elevate, and civilize and Christianize the Hawaiian Islands, the Philippine Islands, and, in my opinion at no very distant day, the Cuban Island, also require our very best effort.

The weightiness of the consideration of these questions is increased by the peculiar circumstances surrounding these new possessions. Their relative geographical position, their climate, their distance from our shores, their close proximity to other foreign powers, coupled with a heterogeneous composition of population of these islands, and their want in Christian and civil development, all tend to increase the consideration and make more complex the solution of their future government.

But these responsibilities are ours, taken of our own motion, and our plain duty with reference to these people must not be shirked, but met and disposed of honestly, patriotically, in the spirit of justice between man and man.

As a humble Representative of this House, I would like to feel free to discuss and aid in the disposition of these questions in the same way that my 355 colleagues on this floor do.

Mr. Chairman, it would be a great pleasure to me to know that fairness and justice would be meted out to all the constituent parts of our beloved country alike in such a way as to leave no necessity for a defense of my race in this House against the attacks and unfair charges from any source. The very intimation of this fact with reference to the surroundings of the colored people of this country at this time, naturally causes the inquiry: Should not a nation be just to all of her citizens, protect them alike in all their rights, on every foot of her soil—in a word, show herself capable of governing all within her domain before she undertakes to exercise sovereign authority over those of a foreign land—with foreign notions and habits not at all in harmony with our American system of government? Or, to be more explicit, should not charity first begin at home?

There can be but one candid and fair answer to this inquiry, and that is in the affirmative. But, unfortunately for us, what should have been done has not been done, and to substantiate this assertion we have but to pause for a moment and make a brief survey of the manumitted Afro-American during the last thirty-five years. We have struggled on as best we could with the odds against us at every turn. Our constitutional rights have been trodden under foot; our right of franchise in most every one of the original slave States has been virtually taken away from us, and during the time of our freedom fully 50,000 of my race have been ignominiously murdered by mobs, not 1 per cent of whom have been made to answer for their crimes in the courts of justice, and even here in the nation's Capitol—in the Senate and House—Senators and Representatives have undertaken the unholy task of extenuating and excusing these foul deeds, and in some instances they have gone so far as to justify them.

It was only a few days ago upon this floor that the gentleman from Mississippi [Mr. WILLIAMS] depicted one of these horrible butcheries and held it up to the public in the following language:

> A man leaves his home—a farmer. He goes down to the little town of Canton to market and sell his crop. It is rumored in the neighborhood that he had brought money from the market town the week before and that it is in the house. That night six or seven negro men break into that house, ravish his daughter and his wife, and then they manacle and tie them together, and not only them but the little children—one of them, I believe, four or five years of age—manacle them down in the center of that house and set it on fire and burn them all up, hoping that the fire had done away with all trace of the crime. One of the negroes happened to have a peculiar foot, which led to tracking him. That led to crimination and recrimination among the criminals and to a confession. It led to confessions from others. The people arose and lynched those men, and while they were lynching them they burned one of them, a voice coming from the crowd that he ought to receive the punishment himself which he had meted out to this innocent, helpless woman, her helpless daughter, and her helpless little children.

This is entirely ex parte; nothing has been said of the other side. While I deprecate as much as any man can the fiend who commits an outrage upon any woman, and do not hesitate to say that he should be speedily tried and punished by the courts, yet I place but little credence in the statement of a mob hunting for an excuse for its crimes when the statement is made that the victim confessed with a rope perhaps around his neck. No court of justice anywhere in this broad land of ours would allow testimony under duress of this kind to be introduced against a defendant. A shoe track, a confession while being burned at the stake with the hope that life may be spared thereby, are very poor excuses for taking of a human life. A trial by jury is guaranteed to every one by the Constitution of the United States, and no one should be deprived of this guaranty, however grave the charge preferred against him.

In order to fasten public sentiment against the negro race and hold them up before the world in their entirety for being responsible for what some are pleased to call "the race crime"—rape—the gentleman from Georgia [Mr. GRIGGS] described in detail the other day the "fiendishness" of Sam Hose, late of his State, and I believe his district, and among other things he said:

> But let me tell you of a case that happened in Georgia last year. A little family a few miles from the town of Newnan were at supper in their modest dining room. The father, the young mother, and the baby were seated at the table. Humble though it was, peace, happiness, and contentment reigned in that modest home. A monster in human form, an employee on the farm, crept into that happy little home and with an ax knocked out the brains of that father, snatched the child from its mother, threw it across the room out of his way, and then by force accomplished his foul purpose. * * * I do not seek to justify that, but I do say that the man who would condemn those people unqualifiedly under these circumstances has water instead of blood to supply his circulation. Not the limpid water that flows from the mountain streams, Mr. Chairman, but the fetid water found in the cesspools of the cities.

The other side of this horrible story portrays a very different state of affairs. A white man, with no interest in Hose or his victim, declares upon oath that Hose did not commit this atrocious crime charged against him, but was an employee of Cranford, and had importuned him for pay due him for labor. This incensed his employer, who rushed upon Hose with a gun. Hose seized an ax and killed Cranford instantly, in self-defense, and then fled to the woods with the greatest possible speed. I do not vouch for either side of this story, but only refer to it to show the necessity for trying all persons charged with crime, as the law directs.

The gentleman might have gone further and described the butchery in his district of six colored persons arrested upon suspicion of being guilty of arson, and while they were crouching in a warehouse, manacled with irons, and guarded by officers of the law, these poor victims, perhaps guilty of no crime whatever, were horribly shot to death by irresponsibles, no one of whom has ever been brought to justice.

He might have depicted also, if he had been so inclined, the miserable butchery of men, women, and children in Wilmington, N. C., in November, 1898, who had committed no crime, nor were they even charged with crime. He might have taken the minds of his auditors to the horrible scene of the aged and infirm, male and female, women in bed from childbirth, driven from their homes to the woods, with no shelter save the protecting branches of the trees of the forest, where many died from exposure, privation, and disease contracted while exposed to the merciless weather. But this description would not have accomplished the purpose of riveting public sentiment upon every colored man of the South as a rapist from whose brutal assaults every white woman must be protected.

Along the same line the Senator from Alabama [Mr. MORGAN], in a recent speech, used this language:

> In physical, mental, social, inventive, religious, and ruling power the African race holds the lowest place, as it has since the world has had a history, and it is no idle boast that the white race holds the highest place. To force this lowest stratum into a position of political equality with the highest is only to clog the progress of all mankind in its march, ever strenuous and in proper order, toward the highest planes of human aspiration.
>
> Whoever has supposed or has endeavored to realize that free republican government has for its task the undoing of what the Creator has done in classifying and grading the races according to His will overestimates both the powers and the duties of its grand mission.
>
> It is a vain effort and is fatal to the spirit and success of free government to attempt to use its true principles as a means of disturbance of the natural conditions of the races of the human family and to reestablish them on the merely theoretical basis, which is not true, that, in political power, all men must be equal in order to secure the greatest happiness to the greatest number.
>
> It is the experiences of the younger men, arising out of the effort to work negro suffrage into our political system as a harmonious element, and not the prejudices or resentments of the former slaveholders, that have prompted this strong and decisive movement in the Southern States. It will never cease unless it is held down by military power. It is a social evil as well as political, and the cost of its suppression will not be counted by this and succeeding generations in connection with questions of material prosperity.
>
> No great body of white people in the world could be expected to quietly accept a situation so distressing and demoralizing as is created by negro suffrage in the South. It is a thorn in the flesh and will irritate and rankle in the body politic until it is removed as a factor in government. It is not necessary to go into the details of history to establish the great fact that negro suffrage in Louisiana and the other Southern States has been one unbroken line of political, social, and industrial obstruction to progress and a constant disturbance of the peace in a vast region of the United States.

This language impliedly puts at naught and defies the fourteenth and fifteenth amendments to the Constitution of the United States, and from present indications it is only a matter of a short time when the abrogation of these constitutional provisions will be openly demanded.

It is easy for these gentlemen to taunt us with our inferiority, at the same time not mentioning the causes of this inferiority. It is rather hard to be accused of shiftlessness and idleness when the accuser of his own motion closes the avenues for labor and industrial pursuits to us. It is hardly fair to accuse us of ignorance when it was made a crime under the former order of things to learn enough about letters to even read the Word of God.

While I offer no extenuation for any immorality that may exist among my people, it comes with rather poor grace from those who forced it upon us for two hundred and fifty years to taunt us with that shortcoming.

We are trying hard to relieve ourselves of the bands with which we were bound and over which we had no control, nothing daunted, however, like the skilled mariner who, having been overtaken by the winds and storms and thrown off his bearings, stops to examine the chart, the compass, and all implements of navigation, that he may be sure of the proper course to travel to reach his destination.

In our voyage of life struggle for a place whereon we can stand, speak, think, and act as unrestricted American citizens, we have been and are now passing through political gales, storms of ostracism, torrents of proscription, waves and inundations of caste prejudice and hatred, and, like the mariner, it is proper that we should examine our surroundings, take our bearings, and devise ways and means by which we may pursue our struggle for a place as men and women as a part of this body politic.

Possibly at no time in the history of our freedom has the effort been made to mould public sentiment against us and our progress so strongly as it is now being done. The forces have been set in motion and we must have sufficient manhood and courage to overcome all resistance that obstructs our progress.

A race of people with the forbearance, physical development, and Christian manhood and womanhood which has characterized us during the past two hundred and eighty-five years will not down at the bidding of any man or set of men, and it would be well that all should learn this lesson now.

As slaves we were true to our rulers; true to every trust reposed in us. While the white fathers and sons went forth to battle against us and the nation to perpetuate our bonds the strong, brawny arms of the black man produced the food to sustain the wives, children, and aged parents of the Confederate soldier, and kept inviolable the virtue and care of those intrusted to his keeping, and nowhere will anyone dare say that he was unfaithful to the helpless and unprotected over whom he kept a guardian watch.

How does this statement of facts compare with the frequent charges made against colored men for outraging white females? Is it a futile attempt to prove that an ignorant slave was a better man and more to be trusted than an intelligent freeman? But of these brutal murders, let us revert to a few facts and figures.

Since January 1, 1898, to April 25, 1899, there were lynched in the United States 166 persons, and of this number 155 occurred in the South. Of the whole number lynched, there were 10 white and 156 colored. The thin disguise usually employed as an excuse for these inhuman outrages is the protection of the virtue among white women.

I have taken the pains to make some little investigation as to the charges against the 166 persons killed, and find as a result of my efforts that 32 were charged with murder, 17 were charged with assault, criminal or otherwise, 10 with arson, 2 with stealing, 1 with being impudent to white men, and I am ashamed to acknowledge it, but this latter took place in North Carolina. Seventy-two of the victims were murdered without any specific charge being preferred against them whatever. Continuing this record of carnage, I give the record of the number of lynchings, with causes, from April 24, 1899, to October 20, 1899, inclusive:

Crime committed:

Murder	9
Talked too much	2
Barn burning	1
Trespass	1
Sheltering a murderer	3
Defending a colored man	3
Brother to murderer	1
Suspected of murder	1
Drowned a man	1
Innocent	2
Bad character	1
Wounded a white man	1
Mormonism	1
Assault, criminal and otherwise	16
Nothing	2
Church burning	2
No cause stated	3
Put hand on white woman	1
Shooting a man	2
Entered a lady's room drunk	1
Wanted to work	7
Spoke against lynching	2
Total	63

Of the 63 lynched there were 1 Italian, 1 Cuban, 4 white men, and 57 negroes.

These facts and figures which I have detailed are reliable; still the same old, oft-repeated slander, like Banquo's ghost, will not down, but is always in evidence.

Perhaps I can not better answer the imputation of the gentleman from Texas [Mr. BURKE] than by reading an editorial from the New York Press of February 2, 1900:

HOW "USUAL" IS THE "CRIME."

The time is passing when Southern members of Congress can defend the practice of lynching, as did Mr. BURKE of Texas, on Wednesday, on the ground of abhorrence of rape, the "usual crime." Statistics on the subject have been kept of late years. It has been shown as to last year, both by the Chicago Tribune's table and the figures presented by Booker T. Washington in a magazine article, that the "usual crime" was unusual by over 90 per cent. There were only 12 lynchings for rape out of 103 lynchings of all kinds. So when Southern politicians and Southern writers and speakers proceed, as they invariably do, to justify the practice of lynching on the ground that its terrors are necessary to restrain the brute instincts of the black, they are guilty of as serious a libel as was ever perpetrated by one race on another.

The ravishers among negroes are almost literally one in a million. The 10,000,000 blacks of the country furnish in one year a dozen criminals of this class. Comparative data would be troublesome to come at, for in the North the chastity of women is not paraded before the community upon its invasion and later at the polls by its men "protectors." Rape cases are swiftly and silently tried in Northern courts. Newspapers rarely, if ever, report them, and consultation of the criminal statistics of every State would be necessary to establish the number. But it is doubtful if those statistics would make as good a showing for the white race.

The refutation of this calumny is not merely a matter of abstract justice. The Democratic party rules States where it is in a minority, and at the same time maintains its full representation in the nation, both of that minority and the majority it has suppressed largely by virtue of this rape issue. The Northern sympathy which would redress these wrongs has been steadily and systematically alienated by the repetition of the story, with the "usual crime" as proof, that the negro race was rapidly devoluting to the missing-link stage. It has been the constant inculcation that every Southern family had a potential orang-outang in its woodshed in the shape of its black "hired man."

There is no doubt whatever that this argument has had more to do with the astounding indifference of the North to the criminal invasion of the human rights of the blacks than any other one cause. That the nation, after spending more than 300,000 lives and three thousand millions in money to rescue the negro from slavery, should then abandon him to a state in many respects infinitely worse is explicable only on the theory that it has been persuaded of its mistake in the man. The attitude is the result simply of a conspiracy to make the man out a brute.

A sinful conspiracy it has been. Considering the motive of political maneuver, this systematic deprivation of the negro's good name is rather more discreditable to the people responsible than the old deprivation of his liberty, or the later deprivation of his political and civil rights. But to believe that it can long prevail is to despair of the Republic. It will come to be realized throughout this country before a great while that these sickening Southern horrors have not in nine cases out of ten the justification of a home destroyed. It will be generally known that the ordinary lynching is for murder, arson, theft, fun—anything but rape. Then there will be a Federal descent on all concerned in these demoniac pastimes which will be as much more "thorough" than the old Ku-Klux prosecutions as the crimes which inspired it are more inhuman than any perpetrated by the blood-stained klan. The few remaining Southern Republican members can not do a greater national service than by reiterating these facts to Congress and the country, as did Messrs. LINNEY and WHITE in the recent debate.

Mr. Chairman, in order to show the horrors which must inevitably follow where the laws are disregarded and the human butchers take the place of the courts, permit me to read from the white press again, The Roanoke Times, and allow me to again interject the information that these parties were all white:

THE TERRORS OF MOB LAW.

From Newport News now comes the report that the lynching of young Watts in that city for an alleged criminal assault a few days ago was all a horrible mistake. From the statements now made it looks as if Watts were the victim of a woman's desire to hide her shame. The whole affair is most revolting, yet it is an instance of the most miserable effects of mob violence. Too often have communities allowed themselves to be wrought up and led into the commission of deeds that they could not but regret upon calm reflection. In the case of Watts, if the above statements are true, all of the facts would have come out and the lynching of an innocent man avoided. Of course there are times when men are so much worked upon by the horror of the crime committed that they can hardly be expected not to lose their heads, yet there are no cases in which the exercise of the law would not be a better course. The Watts instance is a striking example of the result of over-zealous law and order committees.

We make this the occasion for relating a most remarkable incident which has recently come to our knowledge. Hon. W. W. Baker, member of the house of delegates from Chesterfield County, gives us the story, and in the interest of law and order authorizes us to use it. In the same spirit and for the same purpose we publish it. Some time ago a citizen of Chesterfield, upon the complaint of a married woman, was arrested on a charge of criminal assault. The woman was heard to scream, and the man was seen to run from the house. There was no question as to his identity, because he was well known to the community. The woman declared that he had assaulted her, and even went so far as to show finger prints upon her throat. There was great indignation in the community, and a party was organized to lynch the man, but, fortunately for him, a special grand jury was summoned and immediate steps taken to have the case regularly tried in court.

Mr. Baker was foreman of the grand jury, and although the evidence against the man seemed to be conclusive, he determined to do everything in his power to get at the facts. The woman told a straightforward story, and, as we have already said, exhibited finger marks on her throat, which she declared were inflicted by the prisoner. After her testimony was given, Mr. Baker impressed upon her the fact that this man's life was in her hands; that if he was guilty of the terrible crime of which she had charged him, he deserved to be hung, but that if he was not guilty she would be guilty of murder for swearing away his life. The woman finally broke down and confessed that she had told her story in order to conceal her own shame, and the bruises on her throat were made by her indignant husband because of her infidelity. Of course the grand jury did not return a true bill, and the incident was closed.

This shows how dangerous mob law is. Human liberty and human life are precious, and the organic law of the land provides that whenever a man has been accused of a crime he shall have a fair trial before a jury of his peers and shall have the privilege of introducing testimony in his own behalf. It is the business of our courts to thoroughly investigate all such cases and ascertain the exact truth. But the mob does not pursue such a course. The mob acts upon impulse and often upon ex parte evidence and never gives the accused the opportunity of introducing testimony to prove his innocence. When the mob rules no man's life is safe, for the mob hangs men upon the mere suspicion.

In referring to the subject of lynching a few days ago on this floor to a privileged question of personal explanation in reply to some vile references made against me by the Raleigh (N. C.) News and Observer, I stated in defense of my race that this wretched

crime was committed occasionally by both white men and black men. Thereupon this same paper, together with other lesser lights in the State, pounded upon me as a slanderer of white men in the South and especially in North Carolina. "Out of their own mouths shall ye know them."

I read from the columns of the same News and Observer that was issued but a few days after it jumped on me:

[Fayetteville Observer.]

SENSATION AT LUMBER BRIDGE—MAGISTRATE WHO TRIED REUBEN ROSS CHARGED WITH RAPE.

A big sensation was created in Lumber Bridge and throughout Robeson County this morning when it was known that M. L. Harley, J. P., had issued a warrant for the arrest of S. J. McLeod, J. P., charging him with criminal assault on a colored girl named Dora Patterson, at his home, in Lumber Bridge, day before yesterday.

Mr. McLeod is the magistrate who held the preliminary trial of Reuben Ross and committed him to jail for the crime for which he was hanged on last Friday.

I might add that McLeod's victim was not only colored, but a cripple, and that McLeod is a white man living in North Carolina.

Mr. Chairman, the sickening effect of these crimes is bad enough in degenerating and degrading the moral sensibilities of those who now play upon the arena of the nation, but this is nothing when compared with the degrading and morbid effect it must have upon the minds of children in communities where these murders are committed in open daylight with the flagrant defiance of all law, morals, the State and nation, and the actors are dubbed as the best citizens of the community.

I tremble with horror for the future of our nation when I think what must be the inevitable result if mob violence is not stamped out of existence and law once permitted to reign supreme.

If State laws are inadequate or indisposed to check this species of crime, then the duty of the National Government is plain, as is evidenced by section 1 of the fourteenth amendment to the Constitution of the United States, to wit:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

To the end that the National Government may have jurisdiction over this species of crime, I have prepared and introduced the following bill, now pending before the Committee on the Judiciary, to wit:

A bill for the protection of all citizens of the United States against mob violence, and the penalty for breaking such laws.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all persons born or naturalized in the United States, and subject to the jurisdiction thereof, and being citizens of the United States, are entitled to and shall receive protection in their lives from being murdered, tortured, burned to death by any and all organized mobs commonly known as "lynching bees," whether said mob be spontaneously assembled or organized by premeditation for the purpose of taking the life or lives of any citizen or citizens in the United States aforesaid; and that whenever any citizen or citizens of the United States shall be murdered by mob violence in the manner hereinabove described, all parties participating, aiding, and abetting in such murder and lynching shall be guilty of treason against the Government of the United States, and shall be tried for that offense in the United States courts; full power and jurisdiction being hereby given to said United States courts and all its officers to issue process, arrest, try, and in all respects deal with such cases in the same manner now prescribed under existing laws for the trial of felonies in the United States courts.

SEC. 2. That any person or persons duly tried and convicted in any United States court as principal or principals, aiders, abettors, accessories before or after the fact, for the murder of any citizen or citizens of the United States by mob violence or lynching as described in section 1 hereof, shall be punished as is now prescribed by law for the punishment of persons convicted of treason against the United States Government.

SEC. 3. That all laws and parts of laws in conflict with this statute are hereby repealed.

I do not pretend to claim for this bill perfection, but I have prepared and introduced it to moot the question before the Congress of the United States with the hope that expediency will be set aside and justice allowed to prevail, and a measure prepared by the Committee on the Judiciary that will come within the jurisdiction of the Constitution of the United States, as above cited.

There remain now but two questions to be settled: First, perhaps, is it expedient for the American Congress to step aside from the consideration of economic questions, the all-absorbing idea of acquisition of new territory, and consider for a moment the rights of a portion of our citizens at home and the preservation of their lives? That question I leave for you to answer.

The second is: Has Congress power to enact a statute to meet these evils? In my opinion it has ample authority under the Constitution of the United States.

A right or immunity, whether created by the Constitution or only guaranteed by it, even with or without express delegation of power, may be protected by Congress. (Prigg *vs.* Commonwealth of Pennsylvania, 16 Peters, 536; Slaughterhouse Cases, 16 Wall., 36; 83 U. S., XXI, 394; Virginia *vs.* Rivers, 100 U. S., 370; United States *vs.* Reeves, 92 U. S., 214; Sturgis *vs.* Crowninshield, 4 Wheat. Rep., 122, 193.)

But it has been argued that the act of Congress is unconstitutional because it does not fall within the scope of any enumerated powers of legislation confided to that body, and therefore is void.

Stripped of its artificial and technical structure, the argument comes to this, that although rights are exclusively secured by, or duties are exclusively imposed upon, the National Government, yet, unless the power to enforce these rights or to execute these duties can be found among the express powers of legislation enumerated in the Constitution, they remain without any means of giving them effect by act of Congress and they must operate solely proprio vigore however defective may be their operation, nay, even although, in a practical sense, they may become a nullity from the want of a proper remedy to enforce them or to provide against their violation. If this be a true interpretation of the Constitution, it must in a great measure fail to attain many of its avowed and positive objects as a security of rights and a recognition of duties. Such a limited construction of the Constitution has never yet been adopted as correct, either in theory or practice.

No one has ever supposed that Congress could constitutionally, by its legislation, exercise powers or enact laws beyond the powers delegated to it by the Constitution. But it has on various occasions exercised powers which were necessary and proper as means to carry into effect rights expressly given and duties expressly enjoined thereby. The end being required, it has been deemed a just and necessary implication that the means to accomplish it are given also, or, in other words, that the power flows as a necessary means to accomplish the end. (United States Supreme Court Reports, 38-41, 618-619.)

By permission I will here reproduce a letter written by one of the ablest lawyers in the Commonwealth of Massachusetts, an ex-attorney-general of that State, to a friend of his in this city. I refer to the Hon. A. E. Pillsbury. His letter is as follows:

I am aware that this is a difficult subject to deal with, but is not to be dismissed offhand. The precise question is whether the United States has any power, under the fourteenth amendment or otherwise, to protect the lives of its own citizens against mob violence within the States which the States do not prevent or punish or commonly make any attempt to prevent or punish. This question has never been directly decided. There are two grounds upon which I think it at least possible that Federal legislation for this purpose may be supported.

The first is found in the express rights and powers conferred by the fourteenth amendment. Strauder *vs.* West Virginia (100 United States, 303) holds that the fourteenth amendment confers, as a Federal right, immunity from hostile or unfriendly action of the States or their agencies. Ex parte Virginia (100 United States, 339) declares as of course that Congress has power to enforce the fourteenth amendment against State action however put forth, whether executive, legislative, or judicial; that such enforcement is no invasion of State sovereignty; and sustains the constitutionality of the section, civil-rights act of March 1, 1875, which punishes State officers for acts of omission, among others, for failing to summon colored citizens for jury duty. (See also Tennessee *vs.* Davis, ibid., 257.)

The Civil Rights Cases (109 U. S., 3), while holding unconstitutional the provision of the same act forbidding the denial of equal accommodations in railroad trains and places of entertainment, etc., on the ground that the law in this particular was not corrective of any hostile action of the State or its agencies, broadly declares that if State laws do not protect the citizen in all his Federal rights his remedy will be found in further corrective legislation, which Congress may adopt under the fourteenth amendment. See also the strong dissenting opinion of Mr. Justice Harlan.

The powers of Congress were by no means exhausted in the civil rights legislation.

The fourteenth amendment creates and defines citizenship of the United States as a Federal right, and makes the primary change and citizenship of the States secondary and derivative.

It would be no greater stretch than the court has often indulged to hold that the amendment confers upon citizens of the United States within the States the right to the same protection, at least in their lives, that the Government owes them everywhere else, and that the United States may afford this protection against mob violence within the States or the inaction or indifference of the States and their agencies in refusing or omitting to prevent or punish the murder of colored citizens by mobs.

Suppose a State law against murder omits to provide any penalty against the murder of colored persons. It could hardly be denied that this would violate the equality clause of the fourteenth amendment and that Congress could interfere for their protection. Suppose a State law applies the penalty to all murders, but the State authorities openly and notoriously omit to enforce it against the murders of colored persons. The resulting mischief is the same as if the law contains no penalty for the latter offense. The omission to enforce the penalty is as much the act of the State as the omission to enact it. The open and notorious omission of the State to prevent or attempt to prevent lynching encourages and contributes to the doing of it. Can it be said that Congress, having power to correct the mischief in the former case, is powerless in the latter? Why has it not the power? For the sole reason, if any, that the general power of domestic regulation is reserved to the States.

But this is only a negative reason, and does not affirmatively exclude the exercise within the State of any power, expressed or implied, which the United States may possess. There is now another possible ground which had not appeared in the day of the Civil Rights case.

Siebold's case (100 U. S., 371, 394) broadly intimates, and Neagle's case (135 U. S., 1, 69) directly decides, that there is a "peace of the United States" throughout our jurisdiction; that the United States may preserve and enforce it by preventing an assault upon a Federal officer within a State, even to the extent of killing the assailant, and that this is not an invasion of State sovereignty.

The same process of reasoning which leads to that conclusion is capable of leading to the conclusion that the United States has the same power of protecting its citizens as of its officers within the States. It was only an implied power in the case of the officer. The power which the United States has and exercises to protect its citizens outside the States is only an implied power.

Under the "peace" doctrine there is at least ground to affirm that the murder of a citizen of the United States by a law-defined mob is an invasion of the peace of the United States; and under the fourteenth amendment that the default of a State and its officers in taking means to prevent or to punish such murders is a violation of the rights thereby secured; and that the United States may take measures to preserve the peace of the United States within the States, and may extend to its citizens the protection in their lives which the States deny by failing to furnish it. All reasonable presumptions, in legislation and in judicial construction, are to be made in favor of the protection of life.

It hardly need be said that the express provision of the fifteenth amendment against abridging the right of citizens of the United States to vote does not by implication authorize the States to kill citizens of the United States or suffer them to be killed without interference; nor does the provision for Congressional legislation to enforce it exclude by implication the

exercise of any other power which the United States may possess under the fourteenth amendment or otherwise.

I am not prepared to assert that this is impregnable for the constitutionality of such legislation; but there is enough in it to afford food for thought, and, in my opinion, ground for the attempt. If Congress and the Executive deemed the protection of our own citizens in their lives and liberties of as much importance as the conquest and subjugation of the Filipinos, I think the Constitution would be found adequate to it.

It is quite possible that more difficulties may be found in working out the remedy than in establishing the constitutional power; but if the power exists, I see no reason why the murder of a citizen of the United States by a mob should not be declared a crime against the United States and punished as such. The responsible officers of the county or other districts in which such crimes occur might be punished by the United States for omission to bring or attempt to bring the offenders to trial under the State laws. The occurrence of a lynching might be declared sufficient prima facie evidence of denial by the State and its officers of equal protection. A fine might be levied on the county or district in which the lynching occurs. The military powers might be brought to bear upon any such district or neighborhood for the prevention of further offenses, which provision by itself would go far to prevent them.

Any bill for the purpose must, of course, contain a certain provision for the empaneling of juries in the Federal courts in proceedings for the punishment of the offenses in question. It is also worth considering whether the equity powers of these courts may not be invoked. The rule that equity does not prevent or punish crimes may be reserved by statute, subject only to the constitutional guaranty of jury trial. The liquor selling can be prevented and punished by bill in equity, which is held constitutional in some of the States, and it is possible that mob violence directed against the lives of unoffending people may be.

If the Republican party leaders consider that any attempt at legislation of this character is inadmissible for political reasons, I can understand it, though I do not agree to it. The legal proposition that the United States, having unquestioned power to protect its citizens in their lives and their property in every other quarter of the world, has no power to protect them in their lives within sight of its own capital where the States openly, notoriously, and purposely fail to do it is so monstrous that it is not to be conceded until affirmed by final authority.

* * * * * * *

To admit that our nation, which is made up of several States, is unable to enforce law throughout its limits whenever the people therein are disposed to violate the same, and that the State governments, or rather the lack thereof, are superior to and ultimately independent of the General Government, is to admit, if I mistake not, the soundness of the late contested platform of secession. What is government if not enforcement, rather than the enactment of law? And what is law if not the protection of the lives and peace of the people? If the United States has no government which can effect this throughout its jurisdiction, the will of any State to the contrary notwithstanding, what is the improvement of its Government over that of the Turks in Armenia?

In concluding these remarks, Mr. Chairman, I wish to disclaim any intention of harshness or the production of any friction between the races or the sections of this country. I have simply raised my voice against a growing and, as I regard it, one of the most dangerous evils in our country. I have simply raised my voice in behalf of a people who have no one else to speak for them here from a racial point of view; in behalf of a patient and, in the main, inoffensive race, a race which has often been wronged but seldom retaliated; in behalf of the people who—

> Like birds, for others we have built the downy nest;
> Like sheep, for others we have worn the fleecy vest;
> Like bees, for others we have collected the honeyed food;
> Like the patient ox, we have labored for others' good.

[Prolonged applause.]

Mr. LITTLE. Mr. Chairman, the constitutional questions presented by the pending bill have been so ably discussed that I shall pass by that with the statement that I fully agree with the minority of the committee. The questions that I do desire to discuss briefly are so interwoven, so dependent one upon the other, that I find it difficult to discuss them independently; they are imperialism and standing armies. The first is the fruit of greed and love of power, and the last, a large standing army, is the result of the fear of popular government by those who would wrong the people.

There has been much able discussion in this House and throughout the country on the subject of imperialism. And there has been much confusion over the terms "expansion" and "imperialism;" in fact, they have generally been used as if bearing the same meaning.

The extension of the territory of a country, which territory is adjacent thereto or sufficiently close and adapted or suitable to become a part of the government, to be molded into states, to be governed under the uniform constitution and laws of the country, would be expansion.

The taking of a nation of people and their country by purchase from another nation which has no moral right to sell, or by conquest, which, on account of its location and character of its people, could not in the nature of things become a part of the government, for the purpose of enforcing a government upon them without their consent, is imperialism. The one is American and does not violate the fundamental principles of our Government, and presents itself more as a question of expediency than otherwise, each proposition depending upon its own merits. The other belongs exclusively to empires and monarchies and is contrary to all the history and principles of our country, and does not find support in the teachings of any of the great men who established this Government for the benefit of mankind.

Therefore, Mr. Chairman, in this discussion I shall confine myself to the Philippine question, and shall not confuse the question of expansion or natural growth with the question of imperialism and force. Much effort is being put forth to show that in the purpose of the Administration to hold and govern the people of the Philippine Islands they are but executing the teachings of Jefferson, Jackson, and the great Democrats of the past. Nothing to my mind, Mr. Chairman, is farther from the truth of history. Nowhere in history can you find a declaration of these great statesmen, patriots and Democrats, or any of them, advocating the taking by conquest or purchase a nation of people on the Eastern Hemisphere and governing them by force, after the manner of the kingdoms of Europe, as dependencies.

And the man who makes the claim is either misinformed as to the history of his own country or confuses the truth of the past with the false issues of the present, so as to divert the public mind from the real question and real danger.

We hear much said by the advocates of imperialism about the Louisiana purchase, and the various acquisitions of territory by the United States in the past. But what analogy can there be between these acquisitions to become a part of the United States, practically contiguous territory and the acquisition of a foreign country in the Eastern Hemisphere and more than 8,000 miles from our shores, with 9,000,000 people, not intended to ever become a part of one homogeneous government under the same constitution and laws, but to be subjects and vassals.

Mr. Chairman, there is no more analogy, in my judgment, between the two propositions than there is between right and wrong, between liberty and serfdom, between a republic and an imperial monarchy.

The great Louisiana purchase, made in 1803, was a legitimate, desirable, and necessary acquisition to our country, and was acquired under the direction of the great Democrats of that day.

The third article of the treaty for the cession of this vast territory contained the following language:

> The inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of the citizens of the United States; and in the meantime they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess.

Also the treaties ceding to the United States Florida, California, New Mexico, and Utah contained similar provisions. These treaty stipulations embodied the wise and patriotic thought of the "Immortals" of the Democratic party of that day. They taught expansion and legitimate growth within constitutional limitations. Listen to the language of the treaty:

> The inhabitants of the ceded territory shall be incorporated in the Union of the United States and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, etc.

The purposes and the hopes of the wise men who were instrumental in securing these splendid additions to our country were to build up and establish a great and powerful compact nation of liberty-loving people who would be able to defy and defeat the combined armies of the kingdoms of the world. But, Mr. Chairman, the imperialist, with a great manifestation of pride, asks us what will we do with the territories acquired from Spain under the treaty of peace.

My answer, Mr. Chairman, is that there is a policy distinctly American that can and ought to be pursued. It is not a new or dangerous policy. It has been tried in the past, and that test bears the highest evidence of the wisdom and justice of the policy.

At the end of the war between this country and Mexico in 1848 Mexico was reduced to a state of almost anarchy. What did this country do? Bolstered up a newly organized government until a treaty was made, then withdrew from the territory and left the Government in the hands of the people. Revolution after revolution followed in quick succession, but we did not feel called upon to place them under the tutelage of this Government and send our armies and force a government upon the people without their consent. And now we can look with pride at the happiness and progress of the people of Mexico, with a stable and just government, keeping step with the progressive nations of the world.

They were at our doors; we subjugated them by the power of our armies, but we did not make them dependent subjects of this Government under the pretext that it was necessary to maintain our international obligations or in obedience to "manifest destiny." But we told them to organize and maintain their own free and independent government and enjoy the blessings of a government based upon the will of their own people. We said to the imperial crowns of Europe, "Hands off; let them work out their own destiny."

This course, Mr. Chairman, is and has been the "manifest destiny" of this Government, and if pursued in the future will add new glory and honor to the Republic and strengthen the cause of human liberty throughout the world. This was the Democratic way that the Republican Administration would abandon.

Mr. Chairman, when did we get this notion of governing foreign nations of people and of maintaining the peace in the Orient? How old is it with us? Some little examination of that question might be profitable at this time.

Take Haiti, lying just beyond Cuba, where there have been many revolutions and much internal strife. We have not interfered nor allowed any other nation to interfere. They are much nearer to us than the Philippines; they are a part of the Western Hemisphere. How is it with Venezuela? She has had many revolutions. No longer than 1895 England, under the pretext of a boundary dispute, concluded to extend the blessings of English imperialism over a portion of that country.

What did the United States do? They asserted the principles of the Monroe doctrine over that country and compelled England to abandon her purpose or accept the alternative of a war with this country, which she wisely declined. This country then left Venezuela to work out its own destiny. This action on the part of our Government met with almost the universal approval of our people. This policy was then regarded in the light of farseeing statesmanship and as the outgrowth of an exalted and unselfish patriotism.

But now it is said the course we pursued toward Mexico, Haiti, and Venezuela, if followed as to the territory in the Orient surrendered by Spain, would be monstrous and disgrace the nation in the eyes of the civilized nations of the world. Why such a radical change in our policy? What has happened to demand of us that we should abandon these high purposes of our Government? The one great distinctive feature that distinguishes our Republic from the kingdoms of Europe is this policy. What gave birth to this new American idea, that is scarcely twelve months old?

Who is it, Mr. Chairman, that would have announced the present teachings of the imperialists two years ago. Who is it that would have announced these un-Amerian doctrines in the halls of Congress even one year ago. Not one among all the representatives of the people here. There is a cause for this rapid change, Mr. Chairman, and that cause, in my opinion, is not altogether what has happened or is happening in the Philippine country; but what has happened there has furnished the opportunity for certain forces and elements in this country to develop themselves, and they have adopted the misleading terms of "expansion," "manifest destiny," and "national duty" to cloak from public view the purpose to overthrow the principles of safety and liberty and destroy the love and veneration of our people for the Constitution and the immortal Declaration of Independence. [Applause.]

Now, Mr. Chairman, this brings us down to one of two propositions, that we must accept if we determine to exercise permanent sovereignty over the Philippine Islands.

First. That they thereby become citizens of the United States and are Filipino-Americans, endowed with the rights and privileges of an American citizen to go and come to this country as often as they may desire. This, I believe, will be their status under our Constitution and the present decision of our Supreme Court, if carried out.

Chief Justice Fuller in Boyd *vs.* Thayer (143 U. S.), says:

> Manifestly the nationality of the inhabitants of territory acquired by conquest or cession becomes that of the government under whose dominion they pass, subject to the right of election on their part to retain their former nationality by removal or otherwise, as may be provided.

Second. If they do not in fact become a part of the United States by the exercise of sovereignty over them under the treaty, they must be treated as subjects and governed after the order of monarchies by this Government. This I do not believe can be done under our form of government without violating the fundamental principles of the law of the land and overthrowing the uniform line of decisions of the Supreme Court since its earliest history.

Mr. Chairman, if there existed no constitutional restrictions to prevent us from pursuing either of these policies, I would still oppose them both. To admit them as citizens and a part of this Government would be disastrous to our people in many ways.

Upon the present basis of representation in Congress it would entitle them, when they become a State, to 53 members of this body, to say nothing of the number of Senators to which they would be entitled, which would enable them to decide almost every disputed question in Congress and to determine every closely contested election. They would, as citizens, have the right of ingress and egress the same as any other citizen of the Republic. Their half-clad hordes, their cheap labor, could come here in such numbers as to endanger the pursuits of our laboring people in their struggles for the comforts of life for themselves and their families.

But, Mr. Chairman, this is useless talk. The American people will never consent to this, and no man dare advocate it. No star will ever be added to our flag representing an Asiatic race. This proposition being out of the way, we are compelled to hold them as vassals and subjects, to be governed by us by force, or else we must liberate them upon such terms as will be fair to the United States and just to them.

And if this Government undertakes to pursue the course of domination and subjugation followed by the European powers, it will be in total disregard of the policies heretofore pursued by this nation and in violation of its Constitution and laws. It will be in effect an abandonment of the Monroe doctrine, and will be a complete revolution of our own Government. Those who advocate this English colonial policy are forced to deny the most venerated principles of the Declaration of Independence, and many of them openly and boldly challenge and dispute them. They deride and challenge the wisdom of the political fathers, who consecrated their lives, their property, and their sacred honors upon the altar of free government.

They would change the glorious history of the past, and convict the Revolutionary fathers of a mistake in resisting the oppression of Great Britain by now openly applying the same principles to a nation of 9,000,000 people in a foreign country that Great Britain undertook by her armies to enforce upon the colonies in America when they were scarcely 3,000,000 strong.

If this, Mr. Chairman, is not imperialism, what is it? The advocates of this doctrine squirm under the name imperialism, and say they are expansionists. If they are, England and every other European country are expansionists upon exactly the same principles.

England, Germany, Russia, France, all hold and govern their colonies by force. And if we, by our military power, undertake to permanently hold and govern the Philippine people without their consent, what differentiates those Governments from ours? If it is imperialism for them, it is likewise imperialism for us.

If it is oppression and tyranny in them to govern other nations of people by force, it is no less a crime for our own country to do the same thing. Mr. Chairman, before we can successfully put on the old cloths of the monarchies of the world, made threadbare by the wear of centuries, and direct the future of our Government in the bloody pathway of cruelty and oppression pursued by them, we must revolutionize our own Government and repudiate its glorious history.

We must tear down the bulwarks of the Constitution and repudiate the Declaration of Independence; for whenever its sacred principles are read and learned by the governed colonies it will inspire in the hearts of the people the hope of liberty and teach them that it is a God-given right to throw off the yoke of a foreign government that seeks to govern them without their consent. [Applause.] It is an open concession that England was right in her effort to govern our ancestors in the days of the Revolution.

Mr. Chairman, in the discussion of this question it is claimed by the friends of imperialism that the permanent retention and control of the Philippines is essential to the extension of our foreign trade. And to my mind no argument made on this subject has less of real merit in it than this one. They point with confidence to the fact that our export trade has greatly increased in the last year and would have this House and the country believe that our trade had increased in proportion to the destruction of our men in the Philippines. We have had no trade with the archipelago during this great increase in our foreign trade. The ports in these islands have been under blockade during the whole time.

Our trade has been entirely in the markets of the world that have been open to us for years and years and has not been favorably affected by our conflict in the Philippines. The open-door policy in China, which has been the case for years, is now paraded as one of the natural results following from the acquisition of these islands, forgetting that if we continue to control the islands, we, too, must adopt the open-door policy.

Mr. Chairman, considering for a moment the question as to the dollars and cents in it, it is a vastly losing bargain.

The entire imports of the islands in 1894, which were the largest in recent times, amounted to only, $23,558,552. If the importers realized a net profit of 20 per cent, that would leave the entire profits at less than $5,000,000. If it should be increased tenfold, the profits would only be about forty-five millions. We now have in these islands 65,000 men and officers. It is estimated by the best military authority that the cost of maintaining an army in a foreign country will amount to $1,500 per man for a year. At this rate our army in the Philippines is costing us $97,500,000 a year.

So you see upon the basis of 1894 it would take the import trade twenty years to pay us for our expense during the year 1899. But in addition to our Army we are supporting there a vast naval squadron, amounting to at least $25,000,000 a year, making, all told, an annual expense of more than $120,000,000. But some will say that when you have subjugated the people you can withdraw your army. Not so. The history of the world shows beyond doubt that there never has been an instance where the white race have held in subjection an Asiatic race that it did not require a great army of occupation to do so. And I believe the longer we pursue our mistaken policy the greater will be the loss and disaster to us.

But this is not all, Mr. Chairman. I can see in this policy dangers to the people of the South more appalling to me than the expenditure of a few million dollars—dangers that I believe will paralyze her progress and imperil her great agricultural interests.

I find, sir, in the report of Major-General Green, of the Army

of the United States, made in August, 1898, the statement that "cotton was formerly produced there in large quantities."

We find from an examination of the statement of the Treasury Department, issued in 1899, entitled, "Summary of commerce and finance," that as far back as 1818 these islands exported not only homespun cotton fabrics, but that they exported in one year $25,000 worth of long-staple cotton. We also find that in that country there is a native tree that is known as the "cotton tree," which yields a coarse fiber resembling our cotton.

Now, Mr. Chairman, these natural conditions so favorable to the production of cotton, and so much so that the cotton tree grows without cultivation—who can predict to what extend these islands may add to the cotton stock of the world? Already the long-staple cotton from Egypt has been coming in competition with our own cotton to such an extent that many Southern planters have been asking for a protective tariff. For several years this competition has greatly reduced the price of the long staple. This year the price of this cotton took a sharp advance, owing to the short crop in Egypt, and yet some people seem to believe that this increase was caused by the war in the Philippines. I find in this same report the following statement, which I will quote:

> Long-staple cotton was formerly extensively cultivated in the province of Llocos Norte, whence many years ago large quantities of good cotton stuffs were exported. This industry still exists. The cultivation of this staple was, however, discouraged by the local governors in order to urge the planting of tobacco for the government supplies.

The cultivation of cotton was discouraged by Spain and almost prohibited in the islands in the interest of the tobacco monopoly, from which the Government could extort greater revenues. I also find that the coprah oil is produced in these islands from the cocoanut-palm nuts, and that 53,750 tons of this oil was produced there in 1897. This oil is used for every purpose that the cotton-seed oil of the South can be used for, and may prove to be a dangerous competitor.

There are in these islands about 9,000,000 people; of these, about 6,000,000 are of the Catholic faith, and the remainder are heathens, Mohammedans and Chinese. The price of labor in that country will average from $2 to $3 per month; and being in near touch with China, her hordes may be turned into that country by the adventurers, who will dominate the people there, if we maintain permanent sovereignty over the islands under the treaty of Paris. In the Story of the Philippines, written by Mr. Fiske, this statement occurs, at page 66:

> The long-staple cotton could be easily cultivated, and at one time there were cotton fields in northern Luzon. * * * It only needs enterprise and common sense to make cotton raising a valuable industry.

Now, Mr. Chairman, with this acknowledged natural condition in that country, with its pauper labor capable of producing cotton and cotton goods in such quantities as to absolutely threaten this great industry in our own country, is it wise in us to force conditions there that will build up this competition against our own farmers and manufactories? I think not.

To-day the South, in its development in manufacturing cotton goods, is not only surprising her own people, but has startled New England, and she is warned that she must soon go out of business unless this rapid development of the factories of the South is handicapped in some way. The East can not compete with the South, where cotton, fuel, and labor can be had at the very doors of the factories. Many of these New England factories are going South. Many more of them, that have collected tribute from our people for a quarter of a century under the tariff system, and have grown rich from the unreasonable bounty collected from our people, are not willing to give up these splendid privileges without a struggle.

And I have all along been surprised that the Republican Representatives from the Eastern States, and their Senators with them, save two, stood solid for a policy that they claimed would be of such a great advantage to the great cotton-growing South. The contest between the manufacturing sections of the country, North and East, and the great producing South has not always fallen on patriotic and unselfish lines. For years and years the South has paid the tariff taxes, and the other sections of the country have gathered the profits into their own pockets. And I do not suspect that they will look at the commercial side of the Philippine question from a wholly unselfish standpoint.

The keen eyes of the trusts and corporations that have grown rich and arrogant from the benefits given them by class legislation see in the Philippines vast opportunities if they can only induce the people under the leadership of President McKinley, MARK HANNA, STEVE ELKINS & Co., to adopt the policy of imperialism, which would require a vast army to be kept there to dominate the people while the trusts and corporations exploit the country.

The New England factories could be transferred there, and cotton could be raised and manufactured by the pauper laborers of that country, costing from 5 to 10 cents a day, with a few bosses and experts to direct it, and their products could enter the markets of Asia and China at prices that would absolutely destroy our trade. They could, by utilizing that vast army of pauper laborers, grow cotton and ship it to the United States far below the cost of production here.

And I firmly believe, Mr. Chairman, that it is this great promise that excites the cupidity and avarice of the great corporations and trusts in this country, whose power is driving the present Administration madly and blindly on to the disastrous policy of imperialism and oppression. What would be the difference to our people whether we send our armies to the Orient to guard the factories and protect these heartless syndicates at public expense, while they dominate and speculate upon the people there and utilize their lands and cheap labor to destroy our foreign markets, or permit this pauper labor to come here and drive our farmers from their farms and our mechanics and laboring people from the factories and shops?

Either would be equally criminal in us. We have prohibited the importation of pauper contract labor by law. And I protest that we shall not now adopt a policy that will permit our capitalists to go to the Philippines under the protection of our flag and build up a competition that will destroy our foreign markets. Such a policy would be a greivous crime against the army of burden bearers in this country. [Applause.]

The farmers and laborers of our country, it seems, under the wisdom of modern statesmanship as evidenced by the policies of the Republican party, are not only to be required to bear the great burdens of taxation without promise of relief and to submit to the extortions of trusts and combines at home without let or hindrance, but are to be called upon to pay the expenses of vast armies to support the imperial policies of the President, while other nations are to be plundered by adventurers, but must see our own markets destroyed and our peace endangered and the perpetuity of our institutions threatened, if not destroyed. [Applause.] And yet those who underrate the intelligence and patriotism of the farmers, laborers, and legitimate and intelligent business men of the country flatter themselves that they can induce them to aid in their own destruction under the plea of "manifest destiny."

Mr. Chairman, you and your party deceive yourselves; you do not know and appreciate the intelligence of our people. They are not only intelligent and industrious, but they understand to a remarkable degree the practical political questions of the hour. They are acquainted with the matchless history of our Government. They love our institutions. They stand ready to offer any sacrifice to perpetuate our institutions, but no eloquence can persuade them and no power can compel them to abandon the well-known principles and policies of our Government and to accept the imperial policies of European nations. [Applause.]

Mr. Chairman, the war in the Philippine Islands is a useless war, for which the President and those under his control are responsible. I believe after the most careful consideration that the alternative was forced upon the Filipino people to fight or consent to become the permanent colonial subjects of the United States. If that is not true, the war was the result of the most masterly stupidity that ever marked the disgrace of a public officer. There has never been a day from the beginning of this war that it could not have been stopped upon terms not only just to the United States but with national honor.

Our Government said to Mexico, "We will aid you to establish your government, and when proper and just treaty agreements are entered into we will withdraw our armies and leave your government to your own people." The Filipinos are better equipped for self-government than the Mexicans were at that time. They aided us in driving Spain from the Island of Luzon. They fought bravely and killed and captured more than 15,000 Spaniards; yet our wise and benevolent President says to them, "Surrender unconditionally, and then we will tell you what we are going to do," when they have at all times stood ready to lay down their arms upon an assurance of national independence, upon such terms as the United States should suggest; but still the cruel war goes on.

How easy, how just, how honorable it would be for the United States to say to these people struggling for national independence, "Lay down your arms; we will aid you to establish a government, which shall be yours when established, as soon as you shall, by treaty stipulations, agree to indemnify the United States for the amount paid Spain," and make such trade agreements as shall be deemed wise touching our trade relations, reserving to ourselves, if need be, such harbors, naval and military stations as may be necessary to aid our commerce, and then say to the nations of the world, as we did in the case of Mexico, "Let them alone while they work out their own salvation."

There has not been an hour since the treaty of Paris was signed that the Philippine people would not cheerfully accept these honorable conditions.

Mr. Chairman, the treaty of peace with Spain was signed at Paris December 10, 1898, more than a year ago, and no war has

been declared against any other nation by Congress. And yet, Mr. Chairman, we find the appropriations asked for the Army and Navy for the next fiscal year are enormous.

The estimates for the Navy will reach $65,000,000, and for the Army the enormous sum of $111,700,364, making a grand total of $176,700,364. Estimating our population at 75,000,000, this will amount to a tax of a little more than $2.35 upon the head of every man, woman, and child in the United States, or a tax of over $12.25 upon every family of five persons in the United States. And the amount for last year is even greater than this; but admit it is the same, then for the two years of imperialism in the Philippines it will cost an amount equal to a tax of $25 upon every family of five in the United States.

This sum, Mr. Chairman, may look small to you and your party leaders, but it is an enormous tax upon the man who must support his wife and children by his daily labor, either in the shop or upon his little farm. When a man is compelled to use the greatest industry and strictest economy to make ends meet, and then you put an extra tax upon him of $25 or $50, it means much to him. It means that not only he, but the wife and children for whom he labors so hard must want for the comforts of life, and yet he gets no relief.

The poet Miss Landon has beautifully and truthfully said:

Few save the poor feel for the poor.
The rich know not how hard
It is to be of needful rest
And of needful food debarred.
They know not of the scanty meal,
With small, pale faces 'round;
No fire upon the cold, damp hearth
When snow is on the ground.

But this is not all that this unwarranted policy costs us. Every man that is wounded and the widow and children of those who are killed in battle or die from disease, also those who become diseased from the service, become pensioners upon the Government.

And out of an army of 65,000 men in the Philippines it is a low estimate to say that they will furnish a pension roll of 20,000 persons annually, to say nothing of the senseless sacrifice of brave American soldiers, worthy to die in a nobler and grander cause.

But the good soldier must obey orders. It is not his privilege to question the right or wrong of a war. It is his to do and to die. Great has been the sacrifice already. How long will the Administration pursue this blunder? Transports are arriving almost weekly laden with the sick, insane, and dead as the fruits of this policy. Mr. Chairman, I speak not alone for the Filipino; I plead not so much for his home and country. But I plead for American homes. I plead for the brave boys that from a sense of duty to the Commander in Chief of our Army, who are called upon to make this useless sacrifice. It is my own country, Mr. Chairman, that I would save from the fatal policy of empire and greed and lust of power.

Mr. Chairman, we should profit not only from our own experience within the last year, but by the present experiences of Great Britain. To-day the little Dutch colonies of South Africa are holding at bay her embattled legions. The two little Republics in South Africa, with a total population of only 150,000 people, are challenging the power of England and shaking her Empire to its center. Already her list of casualties amount to more than 10,000 men, and her supremacy is threatened by other powers, and a conflict now with any of the other great nations would end in the overthrow of English power.

These brave people in their struggle for liberty, by their bravery and courage, have the admiration and deserve the sympathy of liberty-loving people everywhere. The hearts of the American people are with them, but by your course in the Philippines the lips of the Administration are sealed and there is a padlock upon their consciences. No resolution of sympathy for that brave and patriotic people in their struggle for liberty can be considered in this House. The Republican majority here, if not in actual sympathy with England, are handicapped by the advocacy of her doctrines of imperialism, and must stand still and witness in silence the greatest military struggle of recent times for liberty and independence, and not so much as express sympathy for the brave and invincible people of the little Dutch Republics. [Applause on the Democratic side.]

Mr. Chairman, this is not all of imperialism. It means large standing armies at home. Before the war with Spain our Regular Army consisted of only 25,000 men, representative of that great army of citizen soldiery engaged in the busy walks of life to whom the Republic must look for support in the hour of peril. But now we are asked to make the standing Army 100,000 strong. How long will it be, if we pursue the present policies, until it will be increased more and more until it will become a burden sorely to be borne by our people and become a dangerous factor in our government, and, in the hands of an unscrupulous, and ambitious President, be the means of overthrowing our own Government or oppressing our people?

But if we are to abandon the Monroe doctrine and cast aside all the warnings of the great statesmen of the past, from George Washington to McKinley, and engage in all the European controversies and struggles for supremacy in the East, we must make up our minds that the military must become the dominating power in our own Government, and that great armies and a navy sufficient to dominate the seas is our only safety, and that trade, business, and labor must be taxed to pay for their support. I warn the people of the dangers of great standing armies. Their existence is repugnant to free government, and will endanger the liberties of the people. I will never vote to put any nation of people under such rule.

Those of us who come from the South have reasons for our objections to military rule. We know what it means to set up military control over a people. We have had the bitter experience.

For four years we groaned under the rule of political plunderers and military criminals, and so long as I shall live I shall never consent to place that scourge upon any nation of people on earth.

I am not ready to abandon the policy as declared by Jefferson when he said:

Peace, commerce, and honest friendship with all nations, entangling alliances with none.

This has been and should continue to be the motto of this country in its foreign relations. In this way we can extend our commerce to every port in the world without the aid of great standing armies, with all their attendant evils and burdens.

I firmly believe that we should still hold to the wise declarations announced by the father of our country in his parting words:

Europe has a set of primary interests, which to us have none or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her friendships or enmities. Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation; when we may choose peace or war as our interest, guided by justice, shall counsel.

Mr. Chairman, let us all hope that in the final settlement of these great questions the wisdom and justice of the American people will prevail, and that our American institutions will be preserved as a perpetual inheritance to the people of this nation as long as governments among men shall exist.

Let our best energies be put forth to secure to all our people justice and fair treatment, giving each an equal chance in the race of life.

Believing that our territory should extend no further than our Constitution, laws, and institutions may go, I am for the Republic and against the empire. [Applause.]

Mr. Chairman, if there be no objection, I will ask permission to print as an appendix to my remarks certain authorities and declarations of statesmen in the past.

APPENDIX.

Article I, section 8, of the Constitution reads as follows:

"The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States."

What is meant by the words "United States" as used in this provision, and can one tax be levied in the States and another in the Territories?

In Loughborough *vs.* Blake (5 Wheat, 643), Chief Justice Marshall, in the opinion of the court, says:

"The power, then, to lay and collect duties, imposts, and excises may be exercised, and must be exercised, throughout the United States. Does this term designate the whole or *any particular portion of the American empire?* Certainly this question can admit of but one answer. *It is the name given to our great Republic, which is composed of States and Territories.* The District of Columbia or the territory west of the Missouri *is not less within the United States than Maryland or Pennsylvania; and it is not less necessary, on the principles of our Constitution, that uniformity in the imposition of imposts, duties, and excises should be observed in the one than the other.*"

In the case of Cross *vs.* Harrison (16 Howard, 164) Justice Wayne, for the court, says:

"To permit these goods to be landed in the port at San Francisco would be a violation of that provision of the Constitution which enjoins that all duties, imposts, and excises shall be uniform throughout the United States. Indeed, it must be clear that no such rights exists, and that there was nothing in the condition of California to exempt importers of foreign goods into it from the payment of the same duties which were chargeable in the other parts of the United States. * * * That the ratification of the treaty made California a part of the United States, and that as soon as it became so the territory became subject to the acts which were in force to regulate foreign commerce with the United States after those had ceased which had been instituted for its regulation as a belligerent right."

What is the true policy of expansion? Jefferson in his message to Congress at its first session after the Louisiana purchase used this Democratic language:

"With the wisdom of Congress it will rest to take those ulterior measures which may be necessary for the immediate occupation and temporary government of the country; for its incorporation into our Union; for rendering the change of government a blessing to our newly adopted brethren; for securing to them the rights of conscience and of property; for confirming to the Indian inhabitants their occupancy and self-government, establishing friendly and commercial relations with them, and for ascertaining the geography of the country acquired."

President Polk, in his message of December 2, 1845, referring to the annexation of Texas, said:

"This accession to our territory has been a bloodless achievement. No arm of force has been raised to produce the result. The sword has had no part in the victory. We have not sought to extend our territorial possessions by conquest or our republican institutions over a reluctant people. It was the deliberate homage of each people to the great principle of our federative Union."

President Monroe, in his message of December 2, 1823, after referring to the struggle of the Greeks for liberty and other matters affecting our foreign relations, says:

"The citizens of the United States cherish sentiments the most friendly in favor of the liberty and happiness of their fellow-men on that side of the Atlantic. In the wars of the European powers in matters relating to themselves we have never taken any part, nor does it comport with our policy so to do. It is only when our rights are invaded or seriously menaced that we resent injuries or make preparation for our defense. With the movements in this hemisphere we are of necessity more immediately connected, and by causes which must be obvious to all enlightened and impartial observers. The political system of the allied powers is essentially different in this respect from that of America. This difference proceeds from that which exists in their respective governments, and to the defense of our own, which has been achieved by the loss of so much blood and treasure, and matured by the wisdom of their most enlightened citizens, and under which we have enjoyed unexampled felicity, this whole nation is devoted. We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety.

"With the existing colonies or dependencies of any European power we have not interfered and shall not interfere; but with the governments who have declared their independence and maintained it, and whose independence we have on great consideration and on just principles acknowledged, we could not view any interposition for the purpose of oppressing them or controlling in any other manner their destiny by any European power in any other light than as the manifestation of an unfriendly disposition toward the United States."

President Fillmore in his first message to Congress said:

"Among the acknowledged rights of nations is that which each possesses of establishing that form of government which it may deem most conducive to the happiness and prosperity of its own citizens, of changing that form as circumstances may require, and of managing its internal affairs according to its own will. The people of the United States claim this right for themselves, and they readily concede it to others. We make no wars to promote or to prevent successions to thrones, to maintain any theory of a balance of power, or to suppress the actual government which any country chooses to establish for itself."

President Buchanan, in a message to Congress, said:

"It has been made known to the world by my predecessors that the United States have on several occasions endeavored to acquire Cuba from Spain by honorable negotiation. If this were accomplished, the last relic of the African slave trade would instantly disappear. We would not, if we could, acquire Cuba in any other manner. This is due to our national character. All the territory that we have acquired since the origin of the Government has been by fair purchase from France, Spain, and Mexico, or by the free and voluntary act of the independent State of Texas in blending her destinies with our own."

In his inaugural address he said:

"It is our glory that whilst other nations have extended their dominion by the sword we have never acquired any territory except by fair purchase, or, as in the case of Texas, by the voluntary determination of a brave, kindred, and independent people to blend their destinies with our own."

He also said:

"Our past history forbids that we shall in the future acquire territory unless this be sanctioned by the laws of justice and honor."

The immortal Webster in a speech in the United States Senate March 23, 1848: "In the part which I have acted in public life it has been my purpose to maintain the people of the United States what the Constitution designed to make them—*one people, one in interest, one in character, and one in political feeling.* If we depart from that we break it all up. Arbitrary governments may have territories and distant possessions, because arbitrary governments may rule them by different laws and different systems. Russia may rule in the Ukrane and the provinces in the Caucasus and Kamchatka by different codes, ordinances, or ukases. We can do no such thing. They must be *of us, part of us, or else strangers.*"

It was also Webster that uttered this grand truth:

"No matter how easy may be the yoke of a foreign power, no matter how lightly it sits upon the shoulders, if it is not imposed by the voice of his own nation and of his own country, he will not, he can not, and he means not to be happy under its burden."

Mr. SULZER. Mr. Chairman, this bill is radically wrong in principle, against common sense on its face, clearly contrary to the dictates of humanity, and absolutely in violation of the letter and the spirit of the Federal Constitution. It seeks to extend to a limited degree the Dingley tariff law to the goods, wares, and merchandise of the people of the island of Puerto Rico, which island is now, and for some time past has been, a part of the territory of the United States.

It imposes a tariff tax on all merchandise coming into the United States from Puerto Rico, and into that island from the United States, at a rate equal to 25 per cent of the duties collected on merchandise imported into the United States from foreign countries; and further provides that duties collected in United States ports upon manufactured goods from Puerto Rico shall be equal in rate and amount to the internal-revenue tax imposed by the United States upon the same articles manufactured in the United States, and in addition thereto 25 per cent of the duties now collected by law upon like articles of merchandise imported from foreign countries, and that duties collected in the island upon manufactured goods from the United States shall be equal to the internal-revenue tax imposed in Puerto Rico upon articles manufactured therein, and in addition thereto 25 per cent of the duties now collected by law upon like articles of merchandise imported from foreign countries.

In my opinion this bill violates the traditional policy of the Government, strikes a cruel blow against a portion of the people of our country, and makes a discrimination as unwise as it is cruel and unjust. It is one of the most iniquitous bills ever introduced in this House. I am unalterably opposed to this kind of legislation, and shall vote against this bill.

Mr. PAYNE. Does the gentleman except the money bill?

Mr. SULZER. I said it was "one" of the most iniquitous bills ever introduced, and I repeat it.

Mr. PAYNE. Oh, that is a stock phrase.

Mr. SULZER. That may be, but your legislation warrants it, and the word is none too strong and, to my mind, can not be too often used to fitly express your action here. You trample under foot the Constitution, and you ride roughshod over the rights of the people. The currency bill is an infamous financial job. This bill is an infamous tariff job, and they are both inherently iniquitous.

Now, Mr. Chairman, since the ratification of the treaty of peace between Spain and the United States the island of Puerto Rico has been and is now a part of the domain and territory of this country, and the Constitution applies to it, and should apply to it, just as much as it applies to the District of Columbia or the Territory of Arizona. To contend otherwise is as preposterous as it is untenable.

The people of Puerto Rico are citizens of the United States and entitled to the same privileges, the same rights, and the same immunities under the Constitution that the people of any other State or Territory are entitled to in the Federal Union. This bill compelling the citizens of Puerto Rico to pay a tariff tax on their goods, wares, and merchandise to and from this country is unwarranted, unjustifiable, unprecedented, un-American, and, in my judgment, unconstitutional. In all our past history no political party ever dared to attempt to pass a bill like this, a bill as inhuman as it is unfair, a bill that discriminates by special legislation against the people of one section of the country in regard to imposts—taxes.

The Constitution regarding this matter is clear and plain. Section 8 of Article I says in language that can not be misunderstood:

> The Congress shall have power to lay and collect taxes, duties, imposts and excises; * * * but all duties, imposts and excises shall be uniform throughout the United States.

This provision of the Constitution has been passed upon and interpreted again and again by the United States Supreme Court, and from the days of John Marshall down to the present time the highest court in all our land has always held that the laying and collecting of impost duties must be uniform throughout the United States.

Mr. Chairman, I do not propose and I have not the time to review the authorities. I shall content myself by referring to a few of the more important of them. John Marshall, in delivering the opinion of the court in the case of Loughborough *vs.* Blake (5 Wheaton, page 319), said of the clause of the Constitution requiring uniformity of duties, excises, and imposts throughout the United States—the very clause involved in this bill:

> The power to lay and collect duties, imposts, and excises may be exercised and must be exercised throughout the United States. Does this term designate the whole or any part of the United States? Certainly this question can admit of but one answer. It is the name given to our great Republic, which is composed of States and Territories. The District of Columbia or the Territory west of Missouri is not less within the United States than Maryland or Pennsylvania, and it is not less necessary, on the principles of our Constitution, that uniformity in the imposition of imposts, duties, and excises shall be observed in the one than the other.

In the case of Cross *vs.* Harrison (16 Howard, 198) the court clearly considered the territory embraced in California as a part of the United States within the meaning of this same clause of the Constitution.

I am unable to find any support in judicial decisions for the doctrine that the inhabitants of Territories have no constitutional rights, but exist only by the will of Congress. On the other hand, it has been repeatedly held by the Supreme Court that Congress is bound by the restrictions of the Constitution in dealing with Territories. The broadest construction I have been able to discover, given by any decision of the Supreme Court to the legislative power of Congress over Territories, is set forth in the Canter case, and holds in effect that Congress possesses the powers of the General Government and also the powers of a State legislature unrestrained by a State constitution. This interpretation would still leave Congress subject to those limitations which are imposed by the Constitution upon both the national and the State governments. Since the National Government is required to observe the rule of uniformity in levying duties, excises, and imposts, and the States are substantially prohibited from levying such taxes, it follows that Congress has no power to tax thus unequally either in its capacity as a national or a State legislature.

Daniel Webster spoke directly upon the very proposition involved in this bill. On the 23d of March, 1848, he said in the United States Senate:

> An arbitrary government may have territorial governments in distant possessions, because an arbitrary government may rule its distant territories

by different laws and different systems. Russia may govern the Ukraine and the Caucasus and Kamchatka by different codes or ukases. We can do no such thing. They must be of us—part of us—or else estranged. I think I see, then, in progress what is to disfigure and deform the Constitution. * * * I think I see a course adopted that is likely to turn the Constitution under which we live into a deformed monster—into a curse rather than a blessing—into a great frame of unequal government, not founded on popular representation, but founded in the grossest inequalities; and I think if it go on, for there is a great danger that it will go on, that this Government will be broken up.

Numerous recent decisions recognize the doctrine that Territories are infant States. Among them are the following:

In Weber against Harbor Commissioners (18 Wallace, 65) Justice Field said:

Although the title to the soil under tide waters of the bay was acquired by the cession from Mexico equally with the title to the upland, they held it only in trust for the future States.

And in Knight *vs.* United States Land Association (142 United States, page 183) Justice Lamar said:

Upon the acquisition of the territory from Mexico the United States acquired the title to the tide lands equally with the title to the upland, but with respect to the former they held it only in trust for the future States that might be erected out of such territory.

In Shively *vs.* Bowlby (152 United States, 48) Justice Gray reiterated the doctrine of Knight against United States and Weber against Harbor Commissioners.

Mr. Chairman, in my opinion the true theory is that the Constitution applies to the entire domain of the United States, and while the power of Congress over the Territories is plenary, this term is only used in connection with the Territorial and municipal government which must be conducted under the authority of Congress. Congress thus possesses a power over the Territories which it does not possess over the States; but so far as the Federal powers are concerned, they operate equally over the States and Territories and are to be exercised with regard to the prohibitions and limitations of the Constitution.

This is stated in National Bank *vs.* County of Yankton (101 U. S.), in which Chief Justice Waite, after stating that Territories are but political subdivisions of the outlying domain of the United States, said, with reference to the organic law of a Territory:

It is obligatory on and binds the Territorial authorities, but Congress is supreme, and for the purposes of this department of its governmental authority has all the powers of the people of the United States, except such as have been expressly or by implication reserved in the prohibitions of the Constitution.

In Reynolds *vs.* United States (98 U. S., 162) the court says:

Congress can not pass a law for the government of the Territories which shall prohibit the free exercise of religion. The first amendment to the Constitution expressly forbids such legislation.

In Springville *vs.* Thomas (166 U. S., 707) the court says:

In our opinion the seventh amendment secured unanimity in finding a verdict as an essential feature of trial by jury in common-law cases. The act of Congress could not impart the power to change the constitutional rule and could not be treated as attempting to do so.

In Thompson *vs.* Utah (170 U. S., 346) Justice Harlan said:

That the provisions of the Constitution of the United States relating to the right of trial by jury in suits at common law apply to the Territories of the United States is no longer an open question.

In Murphy *vs.* Ramsey (114 U. S., 15) the court says:

The people of the United States, as sovereign owners of the national Territories, have supreme power over them and their inhabitants. In the exercise of this sovereign dominion they are represented by the Government of the United States, to whom all the powers of the Government over that subject have been delegated, subject only to such restrictions as are expressed in the Constitution or are necessarily implied in its terms.

Now, sir, it being conceded that Puerto Rico is a part of the domain of the United States, and the Constitution enjoining that all impost taxes shall be uniform throughout the United States, it appears to me that this bill levying impost taxes of 25 per cent of the Dingley tariff rates against the goods, wares, and merchandise of the citizens of Puerto Rico is, and in the name of common sense, justice, and humanity ought to be, unconstitutional, and if the bill ever passes I trust, I hope, and I believe the courts will declare it unconstitutional and absolutely null and void.

Mr. RAY of New York. Will the gentleman allow a question?

Mr. SULZER. Yes; if it is not too long.

Mr. RAY of New York. I hold in my hand a book which contains a decision of the Supreme Court which overrules John Marshall.

Mr. SULZER. Well, God forbid that you should ever overrule him. [Laughter.] John Marshall was one of the greatest jurists that ever sat on the bench of the United States Supreme Court, and in this matter, with all due respect to my colleague from New York and the book he holds in his hand, I prefer to follow the judgment of John Marshall.

Mr. RAY of New York. I am surprised at the ignorance of gentlemen on that side of the House, and some on this side, on this question.

Mr. SULZER. Well, then, I will say that no one is surprised at your knowledge of the law. [Laughter and applause.] And to satisfy you I will now admit that you know more law than the Supreme Court ever knew or ever will know.

Mr. NEVILLE. Will the gentleman yield to me a moment?

Mr. SULZER. Yes; certainly.

Mr. NEVILLE. If the Republican theory is correct, that the foreigners pay the tax, how can the Republicans claim to be good Samaritans and at the same time impose a tax on the Puerto Ricans?

Mr. SULZER. That is an ethical question, and I respectfully submit it to my good friend from New York [Mr. PAYNE]. But let me tell you now that no Republican will answer it. [Laughter and applause on the Democratic side.]

Mr. Chairman, it is not often that I agree with the President. In a political way we differ materially in regard to legislation for the best interests of the people; but in regard to this legislation for Puerto Rico, if the President meant what he said in his annual message to Congress, I agree with him. Let me read what the President said to Congress regarding this matter at the beginning of this session of Congress:

It is our plain duty to abolish all customs tariffs between the United States and Puerto Rico and give her products free access to our markets.

This he said was necessary because the island—

had been denied the principal markets she had long enjoyed, and our tariffs have been continued against her products as when she was under Spanish sovereignty; that the markets of Spain are closed to her products except upon terms to which the commerce of all nations is subjected. The island of Cuba, which used to buy her cattle and tobacco without customs duties, now imposes the same duties upon these products as from any other country entering her ports. She has therefore lost her free intercourse with Spain and Cuba without any compensating benefits in this market. The markets of the United States should be opened up to her products.

The Secretary of War in his annual report uses the following language:

The highest considerations of justice and good faith demand that we should not disappoint the confident expectation of sharing in our prosperity with which the people of Puerto Rico so gladly transferred their allegiance to the United States, and that we should treat the interest of this people as our own; and I wish most strongly to urge that the customs duties between Puerto Rico and the United States be removed.

And as late as the 19th of January, the chairman of the Ways and Means Committee, Mr. PAYNE, declared by the introduction of House bill 6883, for which the pending bill is offered as a substitute, against the policy of this bill and in favor of free trade between the United States and Puerto Rico.

Now, sir, I concur in the recommendations of the President and the Secretary of War, that it is our plain duty not to enact a tariff law against Puerto Rico, but give her products free access to our markets; and that the dictates of humanity and the highest considerations of justice and good faith demand that we should not disappoint the confident expectations of the poor people of that beautiful gem of the Antilles—Puerto Rico.

If this bill should pass, the President can not consistently sign it, if he were honest and sincere in what he said in his message to Congress.

The overwhelming sentiment of the American people is against the passage of this bill, and in the face of that sentiment and the President's recommendation to Congress I would like some Republican to explain to me and the country the reasons why the Republican majority in this House are resorting to every conceivable expedient to enact this outrageous and unjust measure into law? [Applause on the Democratic side.]

When this Puerto Rico tariff bill was introduced, it abolished all customs tariffs between that island and the United States; but when it was reported by the chairman of the Ways and Means Committee it raised a customs barrier of 25 per cent against the poor people of Puerto Rico. Why the change? Did the President ask it? Did the Secretary of War ask it? Did the people of Puerto Rico ask it? No; absolutely no! The people of the island of Puerto Rico strenuously object and urgently protest against the passage of this bill. and, so far as we are aware, the President has not changed his mind, although we know from experience that mind is like a weather vane, changing with every puff of political wind.

Why, then, was the change made? Well, it is said, and not denied, that the majority of the Ways and Means Committee made this change at the request of the sugar trust, the tobacco trust, and the whisky trust. I believe this to be the truth about the matter.

The agents of the trusts dictated this unjust discrimination against the citizens of Puerto Rico, and seem to have more power and more influence here than the American people. You dare not disobey the trusts. They own and control the Republican party. They are in the saddle and they are riding the Republican party to destruction. They make you sneer at the will of the people; they make you laugh at law and public opinion; they make you violate the imperative injunctions of the Constitution in order to obey their selfish dictates of sordid greed.

Now, sir, I would like to ask my friend from New York [Mr. PAYNE], the chairman of the Ways and Means Committee, what he would do if the agents of the trusts should come here and demand a tariff of 25 per cent against the goods and merchandise of the people of New York, or the people of Illinois, or the people of

Oklahoma? Would he dare pass a bill laying tribute on the products of the people of those States? I think not. Would such a bill be considered just or constitutional? I think not. And yet would not such a bill be just as reasonable, just as sensible, and just as constitutional as the bill now under consideration? I can see no material difference.

The case seems to be analogous. As the Supreme Court has said, all impost taxes must be uniform throughout the United States, and to-day Puerto Rico is just as much a part of the United States as Alaska or the District of Columbia. In my opinion this proposition is incontrovertible, and this inhuman discrimination against the poor people of Puerto Rico is a Republican outrage, an act of unparalleled injustice, a shameful protective-tariff crime, and all done by the Republican party to please the sugar trust, to placate the tobacco trust, and to paralyze the struggling industries of Puerto Rico.

Pass this cruel, this heartless bill, and what will the 1,000,000 starving human beings in Puerto Rico think of us? Will they not wish they were back in Spain? Will it not be a just cause for continued complaint? And will they not cry out against the injustice and truthfully say, in the words of the patriot fathers, "No taxation without representation?" Spain would never treat one of her colonies as we now propose to treat the poor Puerto Ricans. What will the people down there think of our boasted civilization and of our superior free institutions? What an object lesson to the world this bill presents of Republican duplicity, Republican injustice, and Republican subserviency to the sordid greed of the monopolistic trusts.

The other day the gentleman from Ohio [Mr. GROSVENOR], the spokesman of the Administration, said regarding this bill and the islands which came to us by reason of the treaty of peace with Spain:

> We have got them, and we are going to take care of them. We are going to make all the money out of the transaction we can.

That sums the whole question up in a single sentence. The Republican party is going to make all the money out of the transaction it can. It is going to exploit the islands ceded to us by Spain and make all the money out of them it can. This is not expansion; it is imperialistic piracy—the meanest and most inhuman kind of robbery, because it not alone beggars the present generation but entails woe and misery on millions yet unborn, and does it all under the flag of the Republic and in the name of freedom and justice, magnanimity and benevolent assimilation. What an inspiring spectacle of false pretense and hypocrisy the Republican party presents to-day in its unconstitutional march to empire!

The citizens of Puerto Rico are an intelligent, honest, peaceable, law-abiding people. Recently they were visited by a frightful hurricane which did great damage to the property of the island, and they are now poor and sorely distressed. We should, if we are true to ourselves, give to them instead of taking from them. Governor-General Davis, in his last report to the War Department, said:

> I regard free trade between Puerto Rico and the United States as a necessity.

Pass this bill to loot them, and in all the years to come what will they think of us? The Republican party has deprived them of self-government and given them a military government. They have no representation here. Under Spanish rule they were represented by twelve representatives and four senators in the Spanish Cortes. They had their own local legislature and absolute home rule. Why, under the circumstances, I ask, in the name of all that is fair and just and decent, should we now tax them and rob them of the little they have? Have we made their condition better or worse?

Have we liberated them from monarchical tyranny only to enslave them in industrial oppression? The poor people of Puerto Rico will speak, and the great heart of the Republic will answer and respond in the coming campaign. The American people will never repeat in the dying year of the nineteenth century the crimes and the blunders of George the Third in the closing years of the eighteenth century. We have not forgotten our past. The spirit of 1776 still lives, and the American people will ere long again vindicate the immortal principles enunciated in the Declaration of Independence. In the sisterhood of States there must be no stepdaughters. The flag we all love must not be used as a cloak to rob and oppress our fellow-citizens at the dictation of the trusts and to bolster up the falling Republican protective tariff fallacy.

Mr. Chairman, I speak earnestly on this subject. My sympathy is with the struggling citizens of Puerto Rico. I want to extend to them the right hand of fellowship, and under the folds of the American flag and by virtue of the law of the land welcome them into the Federal Union. I want to help them, and not injure them. I want to save them, and not destroy them. I want them to love the Union, not hate us and despise our institutions.

I want to keep faith with them and do unto them as we would that others should do unto us. The act you do to-day is a criminal act of Republican spoliation, and the consequences will be more far-reaching and more destructive than you now imagine. It is another step in your mad march toward imperialism and the subversion of our free institutions. I protest against it with all the emphasis I can command, and I solemnly warn my countrymen that the day is not far distant when the Republic will be destroyed if the wrongs and the usurpations of the Republican party are allowed to go unheeded, unchecked, and unrebuked.

The manhood of this country must speak out, the great conscience of America must find voice, the citizenship of the Republic must assert itself, ere it be too late and ere all is lost. Let us be honest, let us be fair, let us be just, let us be true to our past, true to ourselves, and it will follow like the night the day we can not then be false to any citizen in all the broad domain of our great and glorious Republic.

In the contest which is now on between the Republic and the empire I take my stand with the people against empire and in favor of the perpetuity of the Republic. Ours is the great Republic, the beacon light of the world, the refuge of the oppressed of every clime, the home for the downtrodden of every land, and it is incumbent and a sacred and imperative duty on those who are here and enjoying the inestimable blessings of our free institutions to see to it that the Government of Jefferson, of Jackson, and of Lincoln does not perish from the earth. [Loud applause on the Democratic side.]

Mr. JETT. Mr. Chairman, I ask unanimous consent that all gentlemen who have addressed the committee at this session be permitted to extend their remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection, and it was so ordered.

Mr. WILLIAM E. WILLIAMS. Mr. Chairman, it is not altogether encouraging to attempt to discuss a question of so much importance when so nearly all the persons present are of one opinion and belief. I am sorry that there are not more of our friends across the aisle present, but I am pleased that the venerable chairman of the Ways and Means Committee [Mr. PAYNE] survived the ordeal of this afternoon and is able to be present at this session. [Laughter.]

I am not accustomed to extending my sympathy to the enemy; and yet, Mr. Chairman, during the discussion this afternoon, when the gentleman from Maine [Mr. LITTLEFIELD] was debating this question, I did feel sorry to the very depths of my heart for the unfortunate creatures on his side of the Chamber, who withered under the fire of sarcasm and masterful argument that fell from his lips. He certainly punctured their armor, exposed their fallacies, and, I might say, laid bare their hypocrisy. [Applause.]

The intolerance and contemptuous sneers of gentlemen upon the other side of this Chamber of anything that savors of Democracy is wanting in this debate, and instead we find them driven to distraction in their madness and desperation, vainly hoping for some loophole or avenue of escape from their most untenable position. Helpless and pitiful, they grovel in the dark, without a precedent, without a ray of light, without sanction of law or morals.

The brazen assurance and bold effrontery that have heretofore characterized their lordly proceedings upon this floor are gone, but the same inherent tendency, the same defiance of ordinary decency, remains in their mad zeal to dishonor the flag of the nation and trample the Constitution under foot for the mere sake of party expediency. I have predicted that the Republican party would encounter their greatest difficulty when they undertook to create laws and maintain civil government in our new possessions, and, indeed, their boasted expansion has already, as manifested here, proven their downfall and encompassed their defeat.

As I understand the history of this bill, an original bill for free trade with Puerto Rico was introduced by the same gentleman [Mr. PAYNE], following the suggestions and recommendations of the President, but now, instead of that, a change of heart has been indulged, and this substitute has been reported. Some gentlemen have gone far enough to say that the President likewise has changed his mind. I do not know.

I hope, Mr. Chairman, that the President of the United States, whom we all respect as President, if we do not respect his politics, has enough backbone and courage to stand by his deliberate convictions, which he entertained when he transmitted his annual message to Congress, and I hope that he will not be influenced by the tobacco and sugar trusts to change front at this time, and go with the majority of his party upon the other side of the House in their efforts to conciliate those interests, for the purposes and benefit of their party in the coming election.

There are two reasons, as I understand the question, why this change of front has been made. I understand that representatives of the tobacco and sugar trusts from all over the country have hovered around the Committee on Ways and Means for several weeks past, urging upon them that their interests be protected at

the expense of the helpless citizens of Puerto Rico. And for the purpose, I am constrained to believe, of conciliating these interests and bringing to the assistance of the Republican party whatever they may see fit to contribute to the campaign fund of that party, they have changed front and come in here with the flimsy excuse that conditions have changed, without stating wherein they have changed, and now seek to impose a tariff duty upon those people in violation of pledges made, and that too in the face of the recommendations of the Secretary of War and the President.

I believe, though, the stronger and perhaps the better reason for the change which gentlemen have indulged was plainly stated and admitted upon the floor of the House day before yesterday by the gentleman from Pennsylvania [Mr. DALZELL] when, in his desperate appeal for unity of action upon that side of the House, he said, "If this bill is defeated, the Republican party is put in the hole, and every one of us goes in the hole with it." Yes, Mr. Chairman, I believe that the Republican party is in the hole, I believe it will stay in the hole, and I believe when the election comes in November that hole will be closed behind it.

Mr. NEVILLE. Pulled in after them.

Mr. WILLIAM E. WILLIAMS. Yes; and hermetically sealed. [Laughter.] I see the difficulty that confronts the Republican party. The gentleman from Pennsylvania [Mr. DALZELL] frankly admitted it when he said that if this bill is defeated and no revenues are raised for the purposes of defraying the expenses of the local government of Puerto Rico and for public improvements, Congress will have to go into the Treasury of the United States for the money and that the people will repudiate that kind of thing. I may not quote his exact language, but this was the substance and effect of what he said.

Very well; who is responsible? Not gentlemen upon this side, but gentlemen upon the other side of the Chamber who are responsible for the imperial policy upon which they have launched the country; and if it becomes necessary to go into the National Treasury to defray the expenses of Puerto Rico, the least dependent of our new possessions, the one most capable of defraying its own expenses, it is true the people will open their eyes and wonder what will be the result when it comes to maintaining a government in the Philippine Archipelago. I see the difficulty that confronts them, and it is with charity that I for one am willing to concede that the change is an emergency, justified only by the political necessity of the case. [Applause.]

Now, Mr. Chairman, I have not the time and will not undertake to discuss the various phases of this case, but only incidentally to allude to the objections which I see to this bill. The Constitution provides that "all duties, imposts, and excises shall be uniform throughout the United States." Now, to avoid the letter of the Constitution, gentlemen have taken the ridiculous position that these acquisitions are not a part of the United States.

That question has been fully discussed, but I desire to express my candid opinion in accord with what I believe to be the uniform holdings of the Supreme Court, that all countries over which the American flag floats, that all territory which looks to Congress and the American flag for protection are entitled to the benefits of the Constitution, and the residents thereof entitled to all the immunities of American citizens. [Applause.] The power of Congress to lay and collect taxes is plainly defined by the Constitution in section 8 of Article I, which reads as follows:

> The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States.

The issue joined on this bill involves a construction of the term "United States." The meaning of the term as here employed has been defined by the Supreme Court in an opinion delivered by Chief Justice Marshall in the case of Loughborough *vs.* Blake (5 Wheaton, 660). I read from that case as follows:

> The eighth section of the first article gives to Congress the "power to lay and collect taxes, duties, imposts, and excises" for the purposes thereinafter mentioned. This grant is general, without limitation as to place. It consequently extends to all places over which the Government extends. If this could be doubted, the doubt is removed by the subsequent words, which modify the grant. These words are: "But all duties, imposts, and excises shall be uniform throughout the United States." It will not be contended that the modification of the power extends to places to which the power itself does not extend.
>
> The power, then, to lay and collect duties, imposts, and excises may be exercised, and must be exercised throughout the United States. Does this term designate the whole or any particular portion of the American empire? Certainly this question can admit of but one answer. It is the name given to our great Republic, which is composed of States and Territories. The District of Columbia or the territory west of the Missouri is not less within the United States than Maryland or Pennsylvania, and it is not less necessary, on the principles of our Constitution, that uniformity in the imposition of imposts, duties, and excises shall be observed in the one than the other. Since, then, the power to lay and collect taxes, which includes direct taxes, is obviously coextensive with the power to lay and collect duties, imposts, and excises, and since the latter extends throughout the United States, it follows that the power to impose direct taxes also extends throughout the United States.

This case has often been cited with approval, and nothing can be found in the subsequent decisions of the Supreme Court that conflicts with it, but the same construction and definition has been steadfastly adhered to throughout the long line of decisions which follows it, involving, as they do, every conceivable question wherein an application could be invoked.

Hence, Mr. Chairman, Puerto Rico is a part of the United States, as much so as the district of Alaska or the Territories of New Mexico or Arizona or the States of Virginia and Illinois, and Congress has no more right to impose a tariff duty upon the products of the one than the other. To do so is a direct violation of the rule of uniformity enjoined by the Constitution and a disregard of the express prohibitions and limitations of that instrument. This bill levies a tariff duty only upon the products of Puerto Rico and not upon those of any other State or Territory, and is unconstitutional.

The Constitution further provides, Mr. Chairman, that Congress shall have power "to make all needful rules and regulations respecting the territory of the United States." This is true, and it ought to be; but let me say right here—and gentlemen no doubt feel the force of what I say upon this point—that whatever action Congress exercises relative to the control of these possessions, the rules and regulations which it sees fit to adopt relative to the territory of the United States must be exercised by authority and within the limits of the Constitution and not beyond the limits of the Constitution.

It is the Constitution which confers upon Congress the power to deal with these Territories, and not Congress that confers power upon the Constitution. These gentlemen would have us believe that Congress, the creature of the Constitution, is greater than the Constitution, and that the Constitution is suspended and awaits for Congress to put it into operation before its benefits and immunities can be extended to the Territories. It is true that no law, however supreme, is effective without the establishment of judicial machinery for its enforcement, but that machinery, when established, must be such as is contemplated by the organic law and suitable for its enforcement, and can not be extra-constitutional.

The Constitution is our only authority for the imposition of tariff duties, and when imposed must be strictly within the letter or implied construction of that instrument. To assume that Congress may levy taxes or exercise other material functions without authority of the Constitution which created it and clothed it with all its powers would be revolutionary, and if exercised in one instance it may be in many, and the ship of state launched upon stormy seas without guide and without compass, a hapless craft, subject to political billows and partisan breakers.

Our only safety lies within the sacred limits of the Constitution, which vouchsafes equal protection to life, liberty, and property to all our citizens, at home and abroad, in the Orient and in the Occident, and no less to the plain, law-abiding, confiding, and helpless inhabitants of Puerto Rico or the struggling Filipinos than to the brave, strong, and capable citizens of the States who live within the shadow of the Dome of the Capitol. [Applause.] Mr. Webster, who has been quoted often in this debate, than whom no abler expounder of the Constitution has lived, near the close of his brilliant career, in the discussion of a proposition in the Senate involving the issues presented by this bill, said:

> An arbitrary government may have territorial governments in distant possessions, because an arbitrary government may rule its distant territories by different laws and different systems. Russia may govern the Ukraine, and the Caucasus, and Kamchatka by different codes or ukases. We can do no such thing. They must be of us—part of us—or else estranged. I think I see, then, in progress what is to disfigure and deform the Constitution. * * * I think I see a course adopted that is likely to turn the Constitution under which we live into a deformed monster—into a curse rather than a blessing—into a great frame of unequal government, not founded on popular representation, but founded in the grossest inequalities; and I think if it go on, for there is a great danger that it will go on, that this Government will be broken up.

There is another reason; not only a legal reason under the Constitution why we should not pass this bill, but there is a moral reason as well. Gentlemen are familiar with the fact that General Miles when he landed upon the territory of Puerto Rico, when he met no enemy but the Spaniards, issued a proclamation to the people there pledging them the immunities of American citizens and guaranteeing them the protection of the American flag and the Constitution of this Republic. It has been well said that we can not afford to violate faith; we can not afford to violate our pledges made to those people, who came to us freely, believing that they were to receive the benefits of a republican form of government, and willingly submitted themselves to the jurisdiction of the United States.

Now, in order to effect what we understand is attempted here, the Republican party have to run afoul not only of the Constitution of the United States, but they violate the pledges made by the commanding general and ignore the recommendations of the Secretary of War and of the President of the United States. I am glad to know—and yet it is with a sense and degree of shame—I am glad to know that the President himself has changed front, as well as other members of his party, and to-day seeks this iniquity, and is willing to go to the country on this question. Hear

what he said in his message to Congress in December and explain, if you can, his remarkable flop in less than three months. Listen. He says it is—

our plain duty to abolish all customs tariffs between the United States and Puerto Rico and give her products free access to our markets.

This he said was necessary because the island—

had been denied the principal markets she had long enjoyed, and our tariffs have been continued against her products as when she was under Spanish sovereignty. That the markets of Spain are closed to her products except upon terms to which the commerce of all nations is subjected. The island of Cuba, which used to buy her cattle and tobacco without customs duties, now imposes the same duties upon these products as from any other country entering her ports. She has therefore lost her free intercourse with Spain and Cuba without any compensating benefits in this market. The markets of the United States should be opened up to her products.

The Secretary of War in his annual report uses the following language:

The highest considerations of justice and good faith demand that we should not disappoint the confident expectation of sharing in our prosperity with which the people of Puerto Rico so gladly transferred their allegiance to the United States, and that we should treat the interest of this people as our own; and I wish most strongly to urge that the customs duties between Puerto Rico and the United States be removed.

Late in January the chairman of the Ways and Means Committee introduced a bill providing for free trade with Puerto Rico. That measure would have received practically the unanimous support of both sides of the Chamber and have become a law. But it is not the purpose of the Administration to treat our new possessions as a part of us, eventually to become States of the American Union. The Constitution is to be departed from in our dealings with the new territories, and they are to be made dependent colonies.

I understand full well that the Administration does not care a fig for Puerto Rico; that this precedent is about to be established not for the mere sake of deriving a revenue from that island, but as a precedent for our future guidance in the control of the Philippines. It is not so essential in the case of Puerto Rico, but the Republican party have conceived that whatever policy or system of government may be established there will be extended to the Philippines. They attempt to justify this bill by the pretext that the revenue derived shall be expended by the President for the use and benefit of Puerto Rico, in the establishment of schools and the construction of public improvements.

That, Mr. Chairman, is a mere subterfuge, designed only to deceive and hoodwink the American voter. What difference does it make, so far as the principle involved is concerned, whether this money is covered into the Treasury of the United States and judiciously appropriated by Congress in the usual, customary, and constitutional way for needful purposes in the island, or whether it shall be expended by and under the direction of the President without constitutional authority, and that, too, by the means and instrumentality of carpetbaggers, political jobbers, and partisan favorites? [Applause.]

We are told that the reason for extending this imperial system to the Philippines is because they are a lot of savage tribes, semi-barbarians, incapable of self-government. Then why, in the name of God, did you pay twenty millions for them and make them a part of us? Why, in the name of justice and right, are you expending one hundred millions a year, maintaining a gigantic army in an effort to subjugate them and make them amenable to the Constitution and the laws of our country?

We were told that they possessed great commercial value and that their acquisition would redound to the commercial glory and material wealth of our nation, and now, when they have proven an enormous burden without any equivalent in return by way of revenue or trade, some other excuse and justification is ventured, and God Almighty is now charged by the President with all the responsibility. Says he:

Providence cast them into our lap, and now a great duty devolves upon us as a Christian people.

[Laughter.]

In the first instance an appeal is made to the sordid, mercenary spirit of greed and monopoly in the interest of trade and commerce, and when that theory is exploded, we hear the old appeal to the maudlin, religious sentiment of the country, resorted to only by hypocrites and Pharisees, demagogues, sacrilegious pretenders, and political mountebanks. [Applause.] We are also told that American labor must be protected from competition with the cheap labor of the islands, by imposing a tax upon their products commensurate with the difference in the cost of labor between the different sections of our country.

This was easy of accomplishment when they were foreigners, but since they are a part of us you can not discriminate against them in favor of any other section or part of our common country. Give the Filipinos their independence and then you can afford ample protection to American labor without trespassing upon the spirit and violating the letter of the Constitution. Besides, my friends, these islands produce nothing that will come in competition with American labor in any essential or material degree. Develop their industries to the fullest extent and yet they can not supply our demand for those products adapted to their soil and their climate, which can not be produced in this country. This, Mr. Chairman, is a mere excuse, a bit of political claptrap designed to deceive the American workman. [Applause.]

The attempt here made to make an exception of our new possessions and the establishment of an arbitrary system of government for them other and different from that of the rest of our common country; denying them the protection and immunities of the Constitution, and yet subjecting them to all the rigor of its penalties; refusing them the blessings of the flag of the Republic, and yet exacting of them homage and allegiance to its authority; depriving them of independence and self-government, and yet compelling them to worship at the shrine of American liberty—all this, gentlemen, is imperialism in its worst and meanest form.

Go on in your mad and reckless purpose, heed not the warning upon every hand, hear not the rumbling of the gathering storm, pass this bill, do violence to the heart and conscience of the people, outrage every instinct of virtue and decency, scorn every sentiment of justice and equity, defile the American flag, trample the law under foot, tear the Constitution into shreds, and there is a day of reckoning awaiting you, when the hand of justice will smite you, when an outraged and indignant people will rise in their might and repudiate your iniquity, dethrone your party, and consign to eternal and everlasting oblivion the authors of this infamy. [Applause.]

In conclusion, Mr. Chairman, let me say, so long as we retain these possessions they are comprised within the United States and constitute a part of the great American Republic, and are as much entitled to the immunities of American citizens, the protecting ægis of the Constitution, and the glory of our flag, as the proudest State of the Union or the most exalted citizen in the land. The Constitution and the flag are one and inseparable.

Wherever one goes the other must follow. The flag symbolizes the essential truths of the Declaration of Independence and signalizes the authority of the Constitution. Withdraw the one and the other must be hauled down. We revere the Constitution and love the flag of our country; with uncovered heads and the most profound reverence we bow beneath its dauntless colors; untarnished and unsullied we bear it aloft on the shield of democracy and fervently pray that it may continue in all the future as in the past, to "wave over the land of the free and the home of the brave." [Loud applause.]

Mr. BURNETT. Mr. Chrirman, no more important question has come before this House for many years than the bill now under consideration.

The pending measure is pregnant with importance, not only because of the financial or commercial interests involved, but, above and beyond those, on account of the grave legal questions and the principles of governmental policy that are at stake. I believe if this bill passes that it will have to be done in flagrant violation of the plain letter of the Constitution itself.

The language of Article I, section 8, is so clear, it seems to me, that no recourse to any other canon of construction is needed than that which is given to plain, unambiguous English language. But were this not true, that rule of construction which permits us to refer to the history and situation of the country, and the mischief to be remedied, when the meaning of a constitution or of a statute is sought to be ascertained, will throw a flood of light upon the section now under consideration.

One of the causes that gave the new Republic birth was that it was oppressive and unjust imperialism to tax English subjects without giving them representation. The long struggle which had had this and other causes for its origin was, no doubt, fresh in the minds of our forefathers when they met to declare the fundamental law that was to give organic life to the young Republic. With this before their eyes, they declared that "all duties, imposts, and excises shall be uniform throughout the United States." Was it their intention in the very inception of the Government to retain to Congress the right to do with future acquisitions—call them Territories or colonies, if you please—that from which they had fought for seven long years to free themselves?

Did those who had just stricken from their own limbs this chain of tyranny deliberately leave it in the power of a legislative body to rivet it upon posterity?

Mr. Chairman, to argue such a proposition is to strike from the brows of those whom we have honored as patriots that halo with which it has ever been our pride to invest them. They did not so intend, and the splendid judges who were their contemporaries, and whose pens, and heads, and hearts were inspired by the same noble motives, show by their enunciations from the bench that such was not their purpose or intention.

Read these opinions in the light of contemporaneous history and hold them before the mirror of then passing events and you will find reflected the intention of those who desired to be true to their posterity as well as to themselves. The rule of construction that I have stated applies as well to the organic as to the statute law.

A learned writer on the Constitution, Judge Baldwin, who was himself a distinguished member of the United States Supreme Court in the first half of the century, in discussing the rules of construction that I have invoked, says:

An adherence to these rules is called for by the highest considerations in the construction of the Constitution. If they are not followed, there are none others which a court is at liberty to adopt as the indicia of the intention of the members of the general convention which framed and the State conventions which ratified it.

The conditions from which sprang the war of the Revolution, the evils they sought to remedy first by the old Articles of Confederation, then by the Constitution, would stamp its framers as traitors to their own posterity to say that the oppressions which they themselves had thrown off they intentionally empowered Congress to place upon their offspring.

We look back through the vista of a hundred years for their meaning, and yet we have it given in no uncertain tones by those who were themselves actors in the thrilling drama of the last quarter of the eighteenth century.

When Chief Justice Marshall, in the Loughborough case (5 Wheaton, 660), announced the proposition that the term "United States," as used in the Constitution, designated the whole American empire, Territories and States, there came from that body no word of dissent. Why? Because it was the enunciation of a proposition that those knew to be true who had lived through the times which gave it birth.

I believe, Mr. Chairman, that it was no dictum, but a plain declaration of the law involved in the case before the court. But suppose it was dictum, and does not rise to the dignity of settled law. It is, at least, the opinion of one of the most magnificent lawyers that ever graced the bench or bar. Not the opinion of one who, like ourselves, must look back through the shadows of a century, but of one who lived and moved and had his being just when the Constitution which he was construing was being ordained.

Judge Baldwin was an associate justice of the Supreme Court of the United States during part of the time that Marshall was Chief Justice. In his Views of the Constitution, on page 84, he says, referring to Florida and Louisiana:

When power or property thus passed to the United States, it is held subject to the terms and stipulations of the grant; and Federal power is exercised over all the territory within the United States, pursuant to the Constitution and the conditions of the cession. Whether it was a part of the original territory of a State of the Union or of a foreign State ceded by deed or treaty, the right of the United States in or over it depends on the contract of cession, which operates to incorporate as well the territory as its inhabitants into the Union, placing both under the jurisdiction of its Constitution and Government. It—

The Constitution—

was a cession of nine States of so much of their separate power as was necessary for Federal purposes to the body politic called the "United States," the "American Confederacy," "Republic," or "empire," as a term of designation including States and Territories.

On page 85 of this same excellent little volume this judge, sitting side by side with Marshall on the bench of the court which must ultimately settle these great questions of constitutional law, citing the Loughborough case, said:

That the court held that Congress had the same power of taxing in the District as they have in the Territories, by the same rules of apportionment and uniformity as the States; that the power did not depend solely upon the grant of exclusive legislation, but was given in the grant of the first clause, eighth section, first article, "to lay and collect taxes," as a general one, without limitation of place, extending to "all places over which our Government extends," in the words of the grant, throughout the United States. This term designates the whole "American empire." It is the name given to our great Republic, which is composed of States and Territories, all of which are alike within the "United States;" and it is not less necessary, on the principle of our Constitution, that uniformity in the imposition of imposts, duties, and excises should be observed in the one than in the other. Its language comprehends the Territories and the District of Columbia as well as the States.

It will be seen that this learned judge quotes almost literally the language of the court in Loughborough's case and gives it his unequivocal sanction.

Is it not significant that one who was not only the contemporary of Marshall but his associate on the bench should thus concur in his language and views unless he, too, thus interpreted the Constitution? But the repeated decisions of the United States Supreme Court confirming the doctrine laid down in the Loughborough case should forever set at rest the idea that the declaration in that case is dictum. Not only so, but this view of it was taken by the majority themselves until they began to see how the contrary opinion might be of great substantial benefit to them in the coming campaign.

Judge Curtis, of the Insular Commission, in an article in The Outlook of February 10, says:

Territorial government means absolute free trade with the United States, and all control or regulation of trade removed and no protection of the island's infant industries; the flooding of our country with all the products of manufactures of the islands raised by the cheap and slave labor prevailing there. It means declaring all the inhabitants of these islands "citizens of the United States," at least all who do not own allegiance to some country other than Spain, and all the Spanish who do not within the year qualify as citizens of the Peninsula; and all the children of these and of Chinamen, Japanese, Portuguese, Spaniards, and others who are thereafter born on the islands, are to be at once American citizens, as decided by the Supreme Court in United States vs. Wong Kim (169 U. S., 654).

It will be seen that Judge Curtis admits that all these evils, as he terms them, will follow Territorial government; but his intimation is that no such condition will exist till Territorial government is inaugurated. But the majority of the Committee on Ways and Means who report this bill take the startling position that the Constitution in its political sense is confined in its limitations to the States, respectively, that constitute the Union. In this they differ widely from the opinion of Judge Curtis, just cited, and we may say from the decision which he cites.

When the treaty of Paris was ratified, the inhabitants of Puerto Rico became citizens of some government. Certainly not of Spain, because by that treaty they ceased to be citizens or subjects of that Government. Then it follows as a corollary that they became citizens of the nation to which the island was ceded and amenable to its laws. But what laws? Certainly the laws of the United States. But Congress had passed no law governing it, and the only law of ours that could apply to them or extend over them was that organic law of the United States which gives life and vitality to our Government itself. The laws existing in that island at the time of cession, so far as not inconsistent with the Constitution, continued then in force; but wherever they were in conflict with that higher law they must of necessity yield to it. The very language of the treaty itself, instead of militating against that proposition, as the majority of the committee seem to assume by their report, sustains that view.

The treaty says, "The civil and political status of the native inhabitants shall be determined by Congress." Does this mean that between the time of ratification of the treaty and the action of Congress there shall be an interregnum when there is no law of the United States in force in the island? Surely not. If not, what law but that of the island then in existence, so far as limited by our Constitution, could apply?

Suppose that punishment by unusual torture should be inflicted in that island before Congress gives it a code of laws. Could not the authorities of our Government interfere to prevent it? If so, that power comes from the Constitution.

Many of the natives of the island, under the authority of Wong Kim's case, heretofore cited, are citizens, subject to our authority, recognizing our flag, and yet, if the majority are right, without the pale of that Constitution which should ever go in the hands of the American flag bearer wherever that flag is set up.

Again, when Congress does begin to legislate under the terms of cession upon the civil and political status of the native inhabitants of the island, now citizens of our Government, there is nothing to restrain them save the sweet will of the lawmaking power of the Government. This is the view of the majority, but was that the purpose and intent of those who erected a fabric destined for immortality?

Can any American conceive of an American citizen on American soil not under the ægis of that Constitution which is the boast of our people in every land, in every clime? If so, then may the citizens of Puerto Rico, nay, of every Territory within the bounds of our Union, well refuse to say amen to that prayer of the American citizen for the Constitution—"Esto perpetua." Well may that ardor for the principles of our Government be cooled in the breast of an inhabitant of the island or of our Territories when told that the arms of our Constitution are too short to embrace him within its folds.

The Texan is within its protection so long as he stays within the borders of his own State, but let him step one foot into New Mexico, and no constitutional power can reach him there. But unfortunately for the majority, this absurd doctrine is again laid low by the just hand of our Supreme Court. In Thompson *vs.* Utah (170 U. S., 346) the court says:

That the provisions of the Constitution of the United States relating to the right of trial by jury in suits at common law apply to the Territories of the United States is no longer an open question.

If this be true, it would seem that, for some purposes, at least, the Constitution goes with the flag. If for some, where is the line of demarcation? Again, we suppose it is to be left to the arbitrary and despotic will of Congress to say, "Thus far, O Constitution, shalt thou go, and no farther!"

If Congress is supreme, and no existing Constitution can lay its restraining hand upon it, to what extremes of injustice it may, by force of political pressure, be compelled to go. By this bill it is seeking to perpetrate a most outrageous and unjust discrimination against its own citizens.

We have an island prostrate at the feet not of its conqueror, but its former ally and pretended friend. Starvation stares its people in the face. The gaunt, hungry features of its women and children appeal to Congress to fulfill its pledges made when we asked their aid against the Spanish foe. But with scorn we turn from them to the fat and bloated Hawaiian sugar king. And why? Because a national campaign is at our door, and the poor Puerto Rican has not a cent to help the cause of his oppressor, while Spreckels can open his barrels to the greedy Republican maw. Thus his sugar comes in tariff free, and the Puerto Rican is made to foot the bill.

Truly they have come asking you for bread, and you have given them a stone.

But, Mr. Chairman, if this bill passes and stands as law, it has broken down the barrier, so far as our islands and Territories are concerned, against imperialism, militarism, and centralism, and, unrestrained by the Constitution, a partisan Congress has nothing to stop its martial tread.

Let us see what may be done if this bill is passed.

In section 9 of Article I of the Constitution we find this declaration:

No title of nobility shall be granted by the United States.

In speaking of this clause, Mr. Hamilton, in the Federalist, says:

This may be truly denominated the corner stone of republican government; for so long as they are excluded there can never be serious danger that the government will be any other than that of the people.

But if that clause of the Constitution does not apply to Territories, how easy will it be for a Republican Congress to confer upon a Republican Territory the power to create counts and lords and barons in return for the check of some rich foreign potentate who is willing to aid the exchequer of the failing Republican cause. In this day, when so many American girls are willing to trade off themselves and their inherited fortunes for an empty title, how many there are who would willingly step just over into the Territories and procure an act of Congress to confer a title upon some native American citizen, and in return help the Grand Old Party in its dying throes.

The first amendment of the Constitution says:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press.

But if the position of the majority is correct, that the Constitution does not go into our new possessions, can not Congress pass a law establishing the Catholic religion for one part of the island and the Protestant for another?

Could it not capriciously declare that no newspaper shall be published in the island or that it would be treason to criticise any official within its domain? If this could be done in Puerto Rico, because the Constitution does not go there, could it not be done in Arizona or in Alaska also? To say that no such thing will ever be attempted does not meet the argument, for if the power exists, how soon it will be exercised if the apparent necessity should arise. Three months ago, when the President in his message advised free trade with Puerto Rico, that man would have been thought insane who would have predicted that the American Congress in less than three months would have been seriously discussing a tariff on the products of American labor made on American soil. But when the tobacco trust and the sugar trust give the command their loyal subjects fall into line.

The fourth amendment of the Constitution says:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated.

Yet, if this Constitution is as so much waste paper in our island possessions, or in the Territories, the minions of an oppressive constabulary could on any pretext search the houses and seize the property of American citizens, and none could molest or make them afraid.

The eighth amendment of the Constitution says:

Excessive bail shall not be required, nor excessive fines imposed, nor cruel nor unusual punishments inflicted.

Yet if that Constitution does not follow the flag and lodge with every American citizen while on American soil, the poor laborer beneath Puerto Rico's tropic suns or on Alaska's frigid soil may rot in prison cells because he can not give excessive bail to meet some greedy landlord's trumped-up charge.

When trial day at last shall come, he is led in chains to be tried, not by a jury of his peers, but by some Jeffries in some dark Star Chamber where justice can not come and mercy is not known. Time was when just such scenes as these were known. When? When the Constitution did not hold its sway and the many bowed as humble vassals to the few. Blot the Constitution from our law in any land where waves the flag, and the carnival of the oppressor of the weak will run red-handed through all that land. Then what will the wondering native think of that justice and liberty which General Miles promised should be his?

But, Mr. Chairman, Moloch must be appeased, and, as is ever the case, the weak must be the sacrifice. He can not resist. He is prostrate beneath our triumphant feet; storms have wrecked his little all, but that does not count to those who father trusts and lead the people chained to their victorious car.

Mr. Chairman, the dangers I have pointed out are but a few of those which may follow in the wake of the passage of this bill. It is the ruthless hand of the despoiler laid at the root of that tree which has sheltered us and stood the storms of a hundred years.

Woodman spare that tree!
Touch not a single bough!
In youth it sheltered me,
And I'll protect it now.

That Constitution which was once thought to be the sheet anchor of our faith is now to become the hiss and byword in the mouth of the strong, and is made an instrument of oppression against the weak.

The reach of this question is not properly estimated by those who press this bill. Their report shows that it is not.

They assume by that report that the treaties by which our former territory was acquired are inhibitions upon the power of Congress to deprive the inhabitants of such territory of their civil or political rights.

This proposition sets the treaty above the power of Congress.

Such is not the case. A treaty provision may repeal an act of Congress passed previously to the ratification of the treaty, but Congress, on the other hand, has power by subsequent legislation to repeal the treaty. This is settled in numbers of decisions of the United States Supreme Court. (See Tobacco case, 11 Wallace, 516–521, and authorities there cited.)

Then, if this be true, no matter how positive may be the treaty assurances given to those who desire to cast their lot beneath the American flag, a partisan Congress may come along as soon as we have them within our grasp and set at naught all the promises by which we gained their confidence and secured our power.

Is this the law of a republican government? When we have wound our nets about them, is there no power but the limit of our wills which restrains us? If there is, it is the Constitution of the United States, and nothing else.

If that is broken down, it is an assault not so much upon the commercial interests of our wards as it is upon the liberties of our people. Stroke by stroke the Constitution will be undermined, step by step the onward tread of imperialism will be heard, until the heavy foot of the tyrant will be upon the prostrate form of the Republic.

Mr. Chairman, I have not discussed the general principles of expansion, because I believe the constitutional questions involved in this case, and the contempt with which they are treated by the expansionists who favor this bill, are the strongest illustrations of the danger that lies hidden in the doctrine of expansion itself.

Judging from this first step, it means a large protective tariff and no constitutional rights or liberties.

How does that accord with the teachings of those who from the blood and treasure of the Revolution evolved the doctrine of equality under the law?

If it merely stopped with our island possessions, it would not be so dangerous. But that will be but another link in the chain that the trusts and money power are forging about the limbs of the people.

Hence, I said, Mr. Chairman, at the opening of my remarks, that "no more important question has come before this House for many years than the bill now under consideration."

Note the prediction: If this bill passes it marks the first milestone on the road that leads to the destruction of constitutional government, and he who now boasts of American independence may truly say, with Scotia's bard:

If I'm designed yon lordling's slave,
By nature's law designed,
Why was an independent wish
E'er planted in my mind?
If not, why am I subject to
His cruelty or scorn?
Or why has man the will and power
To make his fellow mourn?

[Loud applause.]

Mr. STARK. Mr. Chairman, I had not intended to address the House on the pending measure, as the legal phase of the question has been so ably traversed, and eminent speakers, representing all political parties, have so clearly demonstrated the injustice and unconstitutionality of the proposed law; but on hearing the remarks of the distinguished gentleman from Ohio [Mr. GROSVENOR] in relation to conditions in my home State with which I am perfectly familiar, and noting that he is greatly in error in relation thereto, I consider it a duty to let the facts be known. His utterance was as follows:

Last fall, in the campaign in Nebraska, the members of a Nebraska regiment criticised the conduct of Colonel Bryan in resigning and coming home, and a good deal of jeering and laughter was going on over the State, and the lieutenant-colonel of his regiment wrote a letter, which was widely published in Nebraska, explaining why the Colonel resigned and came home. He said that he (the Colonel) had information that there was critical danger that the treaty with Spain would be defeated, and he fled from his regiment and came here as a patriotic duty to secure a vote or two in favor of ratification. And he secured one or more. One Senator at least who was opposed to ratification when he came voted for the ratification and made it the supreme law of the land. And now his followers everywhere are coming before the people of the country and saying that it is a condition into which the country has been thrown by the act of the Republican party.

At that time it was legitimate. At that time it was good politics and good patriotism to have shut out the Philippines and all this horde that these last two hours of the speech of the gentleman from Georgia has been aimed at. Everybody knows that it was at that time a question of fair and just deliberation, and yet to-day if you were to select the one man of all other men on the continent of America who is, above all others, responsible for the condition that we are in in regard to the Philippines and Puerto Rico, it would be William J. Bryan, of Nebraska. Everybody knows that. Did he do it to get

his country into trouble, that his followers on the floor might charge it to the Republican party and make political capital for him; did he? If so, it was an unpatriotic thing that he did. Did he do it because he thought it was the best thing for the country? If he did, it was a patriotic thing, and I honor him for it; but his followers must not undertake to charge the responsibility alone where the responsibility does not belong.

The reputation of the gentleman from Ohio for fairness and mathematical accuracy is well established. Desiring to spare him any possible mortification that might result from the reflection that the public was acting on misleading information promulgated by him, I respectfully ask his attention and that of the House to certain facts that seem to have escaped his penetrating scrutiny. He speaks of the resignation and home coming of Colonel Bryan having caused a good deal of jeering and laughter, and of his having received the criticism of the Third Nebraska for his action. It is possible that Mr. Bryan might have been ridiculed by certain of his opponents, no matter what course he had seen fit to adopt, but the first query of the thoughtful mind would be as to the source from which the carping proceeded. It is better to receive the jeers than the cheers of some people. Men have been known to measure the hospitality of a kindly host by the snarling of a surly cur at the entrance of his domicile, and this is not always a safe guide.

A few politicians, a handful of noisy newspaper men, did try to arouse partisan clamor and popular discontent with the action of Colonel Bryan, but their efforts were wholly unsuccessful. It may interest the gentleman from Ohio to know that an election has taken place in Nebraska since the return of Colonel Bryan's regiment. The subject upon which he speaks and all other matters relating to national issues have been directly passed upon by our people. Most potent, grave, and reverend seigniors from Ohio and elsewhere were sent by the Republicans to Nebraska to enlighten our electors and assist them in arriving at a verdict. After a full hearing of arguments presented, the principles represented by Colonel Bryan were vindicated in 85 of the 90 counties of our State, and the Fusionists increased their majority from 2,800 to 15,081. This certainly is a sufficient answer as to the attitude of the voters of Nebraska, and shows the estimation in which W. J. Bryan is held in the State of which he is an honored citizen.

Touching the intimation that members of the Third Nebraska censured Colonel Bryan, I wish to state that Governor Poynter, of Nebraska, is in the city and characterizes all such utterances as "wide of the truth." He avers that Colonel Bryan received hearty cheers publicly given by the Third Nebraska after its return, and that there was no disapprobation or lack of cordiality manifested toward him by officers or men. In further testimony concerning this fact, I desire to submit an article printed in the Washington Post—certainly not a Bryan organ—on December 16, 1898, giving the official language of United States officers bearing upon the resignation and public services of the great Nebraskan:

COLONEL BRYAN'S RESIGNATION—TEXT OF THE LETTER AND FLATTERING INDORSEMENTS OF HIS SUPERIORS.

The War Department yesterday made public the following letter from Col. William Jennings Bryan, resigning his commission as a volunteer officer:

CAMP ONWARD,
Savannah, Ga., December 10, 1898.

To Adjutant-General United States Army, Washington, D. C.

SIR: The dispatches from Paris announce that the terms of the treaty between the United States and Spain have been fully agreed upon, and that the commissioners will sign the same as soon as it can be engrossed. Believing that under present conditions I can be more useful to my country as a civilian than as a soldier, I hereby tender my resignation, to take effect immediately upon its acceptance.

Respectfully, etc.,
W. J. BRYAN,
Colonel, Third Regiment Nebraska Volunteer Infantry.

The letter bears the following indorsements from the division and corps commanders under whom Colonel Bryan served:

HEADQUARTERS FIRST BRIGADE,
FIRST DIVISION, SEVENTH ARMY CORPS,
December 10, 1898.

Respectfully forwarded. It is with sincere regret that the First Brigade should lose the services of so efficient an officer.

W. H. MABRY,
Colonel First Texas Volunteer Infantry, Commanding.

HEADQUARTERS FIRST DIVISION, SEVENTH ARMY CORPS,
December 10, 1898.

It is with regret that this resignation is forwarded approved. Colonel Bryan's regiment, the Third Nebraska Volunteer Infantry, is in high state of efficiency and discipline, and his efforts for its welfare have been untiring.

LLOYD WHEATON,
Brigadier-General, United States Volunteers, Commanding.

HEADQUARTERS UNITED STATES FORCES,
Camp Onward, December 10, 1898.

Respectfully forwarded, approved. I deeply regret that Colonel Bryan is called on to tender his resignation. I concur in what is said in the foregoing indorsements.

J. WARREN KEIFER,
Major-General Commanding.

SAVANNAH, *December 10, 1898.*

Having turned over the command of the troops here to General Keifer, I will not be prevented as Colonel Bryan's former commander, on the eve of my departure for Cuba, from saying I greatly regret that the Colonel has decided to sever his relations with my Seventh Corps, for our relations have been very agreeable, and he has ever been most faithful and conscientious in all duties confided to him.

FITZHUGH LEE,
Major-General, United States Volunteers.

Accepted by order of the President.

R. A. ALGER,
Secretary of War.

DECEMBER 12, 1898.

The response to the letter was contained in the following telegram, dated Washington, December 12, 1898:

Col. WILLIAM JENNINGS BRYAN,
Third Nebraska Volunteer Infantry:
(Through Corps Commander, Savannah, Ga.)
Resignation received and accepted.

H. C. CORBIN,
Adjutant-General.

I do not mean to charge the Ohio statesman with misrepresentation or deception, but simply state the truth, offer the evidence, and rest this portion of the case. His difference is with the facts, not with me.

Touching the latter part of the extract from the speech above quoted, the attitude of the speaker is a peculiar one. It might be explained on the theory of a lack of candor, but I will assume that he was actuated, as in the other propositions mentioned, by lack of information. It is possible that he is such a busy man—that his time is so fully occupied in acting as apologist in chief for the present Administration—that he has never heard of the last election in Nebraska; that he has been so engrossed that he did not know of the utterances of Colonel Mabry, Brigadier-General Wheaton, Major-General Keifer, General Fitzhugh Lee, and Governor Poynter; that he was not advised of the personal care bestowed by Colonel Bryan upon his men, of the expenditure of his own salary in hospital luxuries for them, nor of the well-known fact of their loving loyalty to him. No echo of the cheers of the soldiers for their respected leader reached his ears. He has had no time to read from the published work of Mr. Bryan, Republic or Empire, page 53, that—

The opponents of a colonial policy should make their fight in support of a resolution declaring the nation's purpose rather than upon the ratification of the treaty.

A man can not be everywhere and know everything, and it is not surprising if, engrossed in his gigantic and self-imposed task as mouthpiece for the man who has favored and opposed bimetallism, opposed and favored criminal aggression, and who is now said to oppose the tariff legislation favored by his party, there are some little matters that escape his notice. Like other mortals, he is but human (I have sometimes thought very human, indeed), and of course must be conceded to have his limitations.

If it were not the result of lack of knowledge, it might well be deemed cowardly for Republicans to charge Mr. Bryan with supporting the treaty without at the same time quoting his spoken and written utterances in favor of a declared policy for the United States. Think of the Republican party, with its mighty leaders, its majority in Congress, its full control of the executive department and national appointments, placing upon a private citizen the primary responsibility for legislation he did not design, which he never approved, and which he refrained from opposing only upon the plainly stated ground that there was, in his judgment, a better way to mitigate the evils brought upon the country by Republican abandonment of the ideals of the Republic. What a spectacle is presented in the onward march of the majority toward militarism and imperialism, protesting at every step their reluctance to undertake the journey, and asserting that they are only induced to do so by the fact that they are acting under the leadership of duty, destiny, Deity, and democracy.

Colonel Bryan's policy was to permit the ratification of the treaty accompanied by the same clear and frank declaration of the purposes of the United States regarding the Philippines that had been already made in reference to Cuba. No person, unless an imperialist at heart, could make objection to such a course. We had taken that action with regard to Cuba. In the early days of the Republican party the act of March 2, 1867, placing the South under military rule, was accompanied by a similar provision indicating a purpose to abolish that form of authority as soon as a just and safe civil government could be established to take its place. The precedents were in favor of the adoption of that policy, and it was evidently desired by the American public.

Had this suggestion been followed, bloodshed would have been avoided and our difficulties satisfactorily adjusted. It was not done. The Administration took its own course and in so doing is entitled to the glory of success and chargeable with the ignominy of failure. They are answerable for the blood and treasure their course of action has cost, and its results upon our institutions will be laid at their door. Any attempt to make an Alger of Colonel Bryan and drive him to the wilderness of obscurity as an expiation for their offenses will result in ludicrous and lamentable failure. [Applause.]

Mr. RYAN of Pennsylvania. Mr. Chairman, the bill now under consideration raises the question, Has the Congress of the United States the power to impose a tax or income duty on all imports from the territory of Puerto Rico, the same being territory belonging to the United States?

I will not here enter into a discussion as to the right of the United States to acquire territory, for it has long since been settled by the highest judicial power of our country that that is one of its prerogatives, either by conquest or cession. I will not now dwell upon the wisdom or propriety of our country acquiring islands off the coast of Asia, 8,000 miles from the coast of North America and having no possible link of connection with the American continent, but confine myself to the important question raised by this bill.

Upon examination we find that the first section applies to Puerto Rico and its adjacent islands, which were ceded by treaty of December 10, 1898, by Spain to the United States.

Section 2 provides that all merchandise imported into Puerto Rico from ports other than United States ports shall pay the rate of tariff duties collected on merchandise from foreign countries imported into the United States.

Section 3 imposes a tariff tax on all merchandise coming into the United States from Puerto Rico, and into that island from the United States, at a rate equal to 25 per cent of the duties collected on merchandise imported into the United States from foreign countries; and further provides that duties collected in United States ports upon manufactured goods from Puerto Rico shall be equal in rate and amount to the internal-revenue tax imposed by the United States upon the same articles manufactured in the United States, and in addition thereto 25 per cent of the duties now collected by law upon like articles of merchandise imported from foreign countries, and that duties collected in the island upon manufactured goods from the United States shall be equal to the internal-revenue tax imposed in Puerto Rico upon articles manufactured therein, and in addition thereto 25 per cent of the duties now collected by law upon like articles of merchandise imported from foreign countries.

Section 4 provides that the net collections under this act in Puerto Rico and the gross amount collected on merchandise from the island into the United States shall be placed at the disposal of the President for the expenses of the island,

The gentleman from New York, chairman of the Ways and Means Committee, who opened the debate on the other side of the Chamber, felicitates himself on the declaration of the Constitution—

That Congress shall have power to make all needful rules and regulations respecting the territory and other property of the United States.

And furthermore that the—

sovereignty over the islands of Puerto Rico was ceded to the United States by the recent treaty with Spain, and that it was therein provided inter alia that "the civil and political status of the native inhabitants shall be determined by Congress."

This, it appears, he takes as his basis for presenting and recommending the passage of this bill, not unmindful of section 8, Article I, of the Constitution, which restricts the powers of the Congress of the United States, when it says that "all duties, imposts, and excises shall be uniform throughout the United States."

The Constitution is the supreme law of the land, and that Constitution has full force wherever the flag of the Union floats over its soil. It can not and is not denied by the gentlemen on the other side that Puerto Rico belongs to the United States. To maintain that the Constitution is inoperative as to the territory of Puerto Rico is equivalent to contending that it is without force in all other Territories of the United States. It is a well-settled question that the Constitution has full force in all parts of the United States—its supremacy paramount, as all State laws must conform thereto.

In Reynolds *vs.* United States (98 U. S., 162) the court says:

Congress can not pass a law for the government of the Territories which shall prohibit free exercise of religion. The first amendment to the Constitution expressly forbids such legislation.

In Thompson *vs.* Utah (170 U. S., 346) Justice Harlan said:

That the provision of the Constitution of the United States relating to the right of trial by jury in suits at common law apply to the Territories of the United States is no longer an open question.

When California became ours by the treaty of peace and a contest arose over the right of the temporary government set up by the United States to exact duties on imported goods landed at San Francisco, the Supreme Court said:

By the ratification of the treaty California became a part of the United States.

It is, therefore, Mr. Chairman, evident that the Constitution of the United States is operative and applies to all the Territories of our country, and at this time applicable to our new Territory, Puerto Rico. There the flag waves, and there the Constitution rules through the temporary government established by the Chief Executive under the powers given to him by the Constitution.

Again, Mr. Chairman, he says:

The Constitution provides that Congress shall have power to make all needful rules and regulations respecting the territory and other property of the United States.

And then proceeds to say:

It would seem plain that the revenue laws to be applied to Puerto Rico are absolutely within the power of Congress to determine.

The conclusion arrived at by the gentleman from New York is not borne out by the Constitution, which says that—

All duties, imposts and excises shall be uniform throughout the United States.

There is an express prohibition in this provision that Congress shall not impose unequal duties, imposts, and excises, which can not be changed except by the people through constitutional amendment. Congress has but limited power over the Territories. The instrument which created this body, prescribed and defined, in language unmistakable, its powers, says:

Congress shall have power to make all needful rules and regulations respecting the territory and other property of the United States.

In Murphy *vs.* Ramsey (114 U. S. Reports), the Supreme Court of the United States held that—

The power of Congress over the Territories is limited by the obvious purposes for which it was conferred, and those purposes are satisfied by measures which prepare the people of the Territory to become States in the Union.

Judge McLean says:

In organizing the government of a Territory, Congress is limited to means appropriate to the attainment of the constitutional object. No powers can be exercised which are prohibited by the Constitution or which are contrary to its spirit.

Justice Curtis, in considering the clause of the Constitution giving Congress the power to make all useful rules and regulations respecting territory of the United States, said:

If, then, this clause does contain a power to legislate respecting the territory, what are the limits to that power?

To this I answer that, in common with all the other legislative powers of Congress, it finds limits in the express prohibitions of Congress not to do certain things; that in the exercise of the legislative power Congress can not pass an ex post facto law or bill of attainder, and so in respect to each of the other prohibitions contained in the Constitution.

It is therefore evident, Mr. Chairman, that it is not within the power of this House to pass this bill without disregarding the spirit of the Constitution. It can not be contended that we have the power by implication, for that power is confined to all acts not inconsistent with the genius and spirit of the Constitution. The bill, when first presented to the House by the chairman of the committee, provided for the removal of all customs tariffs between the United States and Puerto Rico and to give her products free access to our markets.

It has been openly charged on the floor of this House that no change was suggested until the representatives of the sugar trusts, beet-sugar producers, and tobacco producers gathered about the committee room and importuned for this taxation, fearful, I presume, that the free importation of sugar and tobacco would be a potent factor in not only reducing the price of sugar and tobacco to the consumer, but endangering the life of the trusts by reducing their dividend-declaring powers. It is vicious legislation of this character which has caused trusts and monopolies to grow in our country at the expense of the consumer and honest American laborer whose devotion to flag and country has been proven on every battlefield of the Union.

The sugar trust of this country has sent its representatives to the Committee on Ways and Means to impress upon that body the necessity of placing a tariff on sugar imported from Puerto Rico into the United States.

Before the sugar trust had fully fastened its fangs upon the consumers of the United States good granulated sugar was bought at $3.90 a hundred.

To-day the sugar trust has forced the American people to pay $5.20 to $6 a hundred for the same grade of sugar, a difference of more than $200,000,000 annually to the American people.

From conditions existing at this time throughout our country I believe I am warranted in asserting that a criminal conspiracy exists among the heads and representatives of trusts whereby business is arrested, the consumer impoverished, and the laborer degraded. They strike, Mr. Chairman, at the elective franchise of the citizen. They are not entitled at the hands of an American Congress to special privileges, and Congress ought to restore to the people the equal rights and privileges intended by the Constitution. The special privileges which created and fastened trusts upon the people should be uprooted and forever destroyed. [Applause.]

Paid agents, organizers, and officers of trusts are at this time engaged spreading pamphlets and statements throughout this country in an effort to convince the public that the consumer will receive the benefits of this concentration of capital and business; that the miner, laborer, farmer, and mechanic all are to be benefited through a reduction in the price of articles brought about through the reduced cost of production.

I now hold in my hand a pamphlet, in size about 12 by 15 inches, containing 32 pages, entitled A Memorial to the Congress of the United States from the League of Domestic Producers. A work of art, Mr. Chairman, for in it I find 32 beautiful engravings of various sugar factories, sugar cane and sugar-beet fields throughout this country.

On the first page of this book I find a picture of the largest sugar-beet factory in the world, built by Spreckels Sugar Company, near Salina County, Cal., at a cost of $2,500,000. But, Mr. Chairman, it appears from the wailings of its representatives who appealed to the Committee on Ways and Means that this little company that could only afford to spend $2,500,000 to build the largest sugar-beet factory in the world is yet but a swaddling infant industry and must be protected against the free importation of sugar from the little island of Puerto Rico, now one of the Territories of the United States. When President McKinley sent his message to this Congress, among other things, he said:

> Our plain duty is to abolish all customs tariffs between the United States and Puerto Rico and give her products free access to our markets.

The President set forth his reasons why this should be done, and well knew that it was contrary to the spirit and purpose of the Constitution of the United States to continue a tariff between this country and Puerto Rico, a Territory of the United States; and I have no doubt but he was guided in his interpretation of that instrument by the learned opinions delivered by our Supreme Court judges, of which Chief Justice Marshall was one, whose opinion I here present in full:

> The eighth section of the first article gives to Congress the power to "lay and collect taxes, duties, imposts, and excises," for the purposes thereinafter mentioned. This grant is general, without limitation as to place. It consequently extends to all places over which the Government extends. If this could be doubted, the doubt is removed by the subsequent words which modify the grant. These words are, "but all duties, imposts, and excises shall be uniform throughout the United States." It will not be contended that the modification of the power extends to places to which the power itself does not extend. The power, then, "to lay and collect duties, imposts, and excises" may be exercised, and must be exercised, throughout the United States.
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> Does this term designate the whole or any particular portion of the American empire? Certainly this question can admit of but one answer. It is the name given to our great Republic, which is composed of States and Territories. The District of Columbia, or the territory west of the Missouri, is not less within the United States than Maryland or Pennsylvania, and it is not less necessary, on the principles of our Constitution, that uniformity in the imposition of imposts, duties, and excises should be observed in the one than in the other. Since, then, the power to lay and collect taxes, which includes direct taxes, is obviously coextensive with the power to lay and collect duties, imposts, and excises, and since the latter extends throughout the United States, it follows that the power to impose direct taxes also extends throughout the United States.

The leader on the Republican side of this House, in order to carry out the wishes of the President, immediately presented a bill to abolish all tariffs between the United States and the territory of Puerto Rico, and now, to the surprise of the members of this House, and no doubt to the President likewise, offers a substitute for the original bill, reducing the tariff now existing and still continuing a tariff, contrary to the law of our land. To justify his act he says it is done for the purpose of raising revenue for the territory of Puerto Rico, to build the roads, improve the country, and educate the people and prepare them for statehood, and most earnestly denies that the tariff proposed is for the protection of the great American sugar trust. It can not be denied that the gentleman who appeared before the committee represented large interests, when we call to mind that the amount of refined sugar which went into consumption in 1899 was 2,040,676 tons. The American Sugar Refining Company manufactured 1,385,608 tons, the independent refiners but 585,765 tons, the beet-sugar factories, which make refined sugar, 68,368 tons, and the foreign refiners only 5,935 tons.

The importance of further protecting this infant industry is to be considered when we are reminded through the Chicago press of February 24 that a $200,000,000 trust has been in contemplation for some days past, through the consolidation of the American Sugar Glucose Refining Company and all the so-called independent sugar refineries. H. O. Havemeyer, of the sugar combine, has, it is said, secured an option on the Arbuckle Sugar Company, the Doescher concern, and outside plants in Boston and New Orleans, and the purpose is to increase the capitalization from $75,000,000 to $200,000,000.

But, Mr. Chairman, we are told by the leaders on the other side of the House that this bill is for the benefit of the poor Puerto Rican, and not in the interest of the sugar trust; that the sugar trust does not want this bill. In connection with this statement I wish to call the attention of members to the statement of Mr. Oxnard, made before the Committee on Insular Affairs, of which Mr. PAYNE has the honor of being a member. And at this time I will also call attention to the fact that the same Mr. PAYNE presented a bill to this House to abolish all tariffs between the United States and Puerto Rico on January 19, and three days later, on January 22, Mr. Oxnard made the following statement, in a hearing before that committee. In reply to the question "What is your business?" Mr. Oxnard said:

> I represent the American Beet Sugar Association, of which I am president, and which comprises thirty of the sugar factories from the Pacific to the Atlantic, in twelve different States.

And continuing, he said:

> What we claim is this: While we are perfectly willing to let them come in, we think they will very largely increase their production of sugar and perhaps be a reproduction of what Hawaii did, and we claim they are taking and will take in time a large portion of our markets from us, and we would like to have some tariff put against them.

[Applause.]

I believe, Mr. Chairman, I stated that Mr. PAYNE was there, and here is one of the questions he put to Mr. Oxnard, president of the American Beet Sugar Association:

> You have had free sugar from Hawaii all the time?

To which Mr. Oxnard answered:

> Yes; but that has more than doubled in the last ten years, and that has hurt us.

Continuing, he said:

> I do not claim that the admission of the present sugar—what they are making now—will hurt us so much, but what I claim is large investments will go into Puerto Rico in the sugar business as soon as it is found that these immense profits can be made.

That is the statement of the representative, and president, of the American Sugar Association; and can it be denied that they do not want this tariff after they have appealed to the committee to impose it?

Well may the people, the consumers of sugar, ask, Did the conversion of the other side of this House date from the time that the president of the American Beet Sugar Association appealed to the committee for a tariff on sugar from Puerto Rico?

The organization of trusts, Mr. Chairman, was never meant to benefit the public, and the Supreme Court of the United States, in a recent decision, said:

> It is not for the real prosperity of any country that such changes should occur which result in transforming an important business man, the head of his establishment, small though it may be, into a mere servant or agent of a corporation for selling the commodities which he once manufactured or dealt in, having no voice in shaping the business policy of the company and bound to obey orders issued by others. Nor is it for the substantial interests of the country that any one commodity should be within the sole power and subject to the sole will of the combination of capital.

They do not benefit the army of commercial travelers heretofore employed by individuals, manufacturers, and corporations doing a legitimate business under the laws of our country. They are now obliged to seek other employment, as their services have been dispensed with through the organization of trusts, on the pretense, it is claimed, to curtail expenses as a means for reducing the cost of production.

Nearly all commodities controlled by trusts have been advanced from 5 to 100 per cent. The farmer, who pays advanced prices for wire fence, nails, pipes, window glass, plows, harrows—in short, all farming implements; the housekeeper, who pays more for cooking utensils and home necessities; the mechanic and laborer, who fails to receive a proper increase in wages, and the traveling man, who has been dispensed with to enable the trusts to earn large profits to pay unwarranted dividends, can not and will not be deceived; and the power that creates, fosters, and encourages trusts should not receive the indorsement of the American people. [Applause.]

And now, Mr. Chairman, I call the attention of the House to the recommendations of President McKinley to this Congress bearing on this question. He said:

> It must be borne in mind that since the cession Puerto Rico has been denied the principal markets she had long enjoyed, and our tariffs have been continued against her products as when she was under Spanish sovereignty. The markets of Spain are closed to her products except upon terms to which the commerce of all nations is subjected.
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> The island of Cuba, which used to buy her cattle and tobacco without custom duties, now imposes the same duties upon these products as from any other country entering her ports. She has therefore lost her free intercourse with Spain and Cuba without any compensating benefits in this market. Her coffee was little known and not in use by our people, and therefore there was no demand here for this, one of her chief products.
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> Our plain duty is to abolish all customs tariffs between the United States and Puerto Rico and give her products free access to our markets.

Mr. Chairman, the situation in Puerto Rico is such as to require the immediate attention of this Congress. In 1898 a tariff was placed on that island for the purpose of obtaining a temporary income for it. The tariff then placed was somewhat better than the Spanish tariff which was in operation prior to 1898, so far as its general provisions are concerned, but it is more hurtful to the island than the old tariff.

Under the Spanish tariff there were concessions in favor of Spain and her colonies; under the present tariff there are no concessions in favor of any nation or colony. Puerto Rico is, therefore, shut out from its natural markets by reason of the change of ownership. The island has been self-supporting; its exports exceeded its imports and became a territory of the United States free of debt. The loss of market through the Cuban and Spanish

tariffs has caused a stagnation in business enterprise, throwing thousands of men out of employment.

Last spring destitution was so great that the General Government gave employment to 20,000 men, building and repairing the roads. The American flag flies all over the island and to-day there is greater suffering than when the insignia of the King of Spain floated from its fortresses. They hailed the advent of our authority with joy. They longed for the "blessings of liberty," which our Constitution insured, and surely it will not be denied them now. Follow the mandates of the Constitution, abolish all tariffs as between the United States and its territories, of which Puerto Rico is one, and contentment, happiness, and fullness will follow in the wake. [Applause.]

The CHARIMAN. The time of the gentleman has expired.

[Mr. DALY of New Jersey addressed the committee. See Appendix.]

Mr. GREEN of Pennsylvania. Mr. Chairman, many important questions must be answered by this Congress. None are more important or more pressing than the framing of legislation for the government of the Sandwich Islands and Puerto Rico and the declaring of the policy which will be pursued in dealing with the people of the Samoan Islands and the Philippine Archipelago. Nearly three months of this session have passed. None of these important questions have been settled.

It is high time that all these questions should be settled. They should not only be promptly settled, but permanently settled by constitutional enactments which shall secure to the people of these countries the greatest happiness and prosperity, and make good our proud boast of being the great apostles of freedom, liberty, and independence, and of not only advocating these principles but of assisting in spreading them throughout the nations of the world.

Legislation for the government of Puerto Rico is especially pressing, owing to the present condition of affairs there. With an area of but 4,000 square miles, with a million of inhabitants, over 800,000 of them white people of mixed nationality—Spanish, Portuguese, French, Italian, English, American, and Irish—fully one-quarter of her people can read and write. All are accustomed to a stable government, are law abiding, and thrifty. They, in large part, follow agricultural pursuits, and have no important manufacturing industries. They are all free and have never been ground down or abused by Spain. They have enjoyed equal representation with the provinces of Spain in her legislative bodies, have been lightly taxed, and had their interests well protected. At the time they became a part of this country by treaty they had not only no public debt, but one million and a half dollars in their treasury.

For the five years from 1892 to 1896, inclusive, the exports were worth nearly $85,000,000, the imports about $70,000,000, leaving a trade balance in their favor of nearly $15,000,000, or about $3,000,000 per annum. The chief products of the island are coffee, sugar, tobacco, and tropical fruits. These articles constitute almost entirely their exports. The coffee grown there is the finest in the world—easily the equal of the Mocha and Java sold in our markets; so fine in quality that almost the entire product found a ready market in Spain and the Spanish possessions, where it went by reason of favorable discriminating tariff duties. In value, the coffee exported exceeded that of all other commodities.

Sugar came next in value. For the past twelve years the average annual production has been about 58,000 tons. The high-grade sugars went largely to Spain and the raw sugars to the United States. In value the exports of sugar were about one-half that of coffee.

The next most important article of production and export is tobacco, about 4,000,000 pounds. Nearly all was exported to Cuba and there mixed with Cuban tobacco and was sold in foreign markets. It is not of a kind such as is grown in this country, but of much higher and finer flavor, suitable for making the highest grade of cigars.

Such is, in brief, our new possession, Puerto Rico, the Pearl of the Antilles. Its people are worthy of American citizenship. In ordinary times it is more than self-supporting. At all times it can pay its way from its own resources. Its products will be of great benefit to our people, and it will furnish a comparatively large market for our cereals and manufactured commodities.

The great hurricanes of last summer brought great distress upon the people of this island, destroying many million dollars' worth of their crops, stored and ready to be marketed, and many million dollars' worth more of their growing crops, besides doing great damage to the coffee, sugar, and tobacco plantations, reducing these people temporarily to poverty and want and making them in part dependent upon the charity of this country for present maintenance and support.

By the high tariff maintained by Spain and Cuba since Puerto Rico became a territory of the United States she has lost her reliable coffee markets and must establish new ones. So also has she lost her old-established markets for sugar and tobacco. To establish new ones is costly and takes time. At the present time she has suffered much by the transfer of her sovereignty from Spain to the United States.

Should any citizen of this country hesitate in saying that under all these conditions our policy in dealing with the people of this newly acquired territory should be most broad and liberal, one which would make them friendly, contented, and happy, and cause them to feel that they had been benefited by their change from the yellow and red flag of Spain to the Stars and Stripes?

We must remember that the people of Puerto Rico came to our soldiers as soon as they set foot on their shores, not with arms in their hands intent upon repelling us and treating us as invaders, but with outstretched arms welcoming us as friends and deliverers. We must also remember that General Miles, the commander of our armies, promised them that they would not only be treated liberally and fairly, but that under our flag they would have the same freedom from taxation and the same rights, privileges, and immunities as were enjoyed by the citizens of the United States; and with this understanding and promise they became our allies and accepted our sovereignty.

This is not the time nor this the subject for patchwork legislation; this is not the time to sacrifice the interests of these people at the beck and nod of those selfish combinations who control the sugar and tobacco trusts in the United States.

This is not a partisan question, but a national question, neither in the interest of nor for the advancement of the success of the Republican, Democratic, or Populistic parties. It will only become a partisan issue as you who control the majority of this House of Congress by your action make it partisan.

I congratulate the Democratic members of this House who have already preceded me on the straightforward stand they have taken. I congratulate those on the Republican side who have publicly registered their determination to treat the people of Puerto Rico as part and parcel of the people of the United States, and I congratulate the President of the United States on his declaration, which says, in language too plain to be mistaken by our plain people:

> That our plain duty is to abolish all customs and tariffs between the United States and Puerto Rico and give her products free access to our markets.

I congratulate the Secretary of War on the declaration, made in his recent report, as follows:

> The question of the economic treatment of the island underlies all the others. If the people are prosperous, and have an abundance of the necessities of life, they will, with justice, be easily governed, and will, with patience, be easily educated. If they are left in hunger and hopeless poverty, they will be discontented, intractable, and mutinous.
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> The principal difficulty now on the island of Puerto Rico is that the transfer of the island from Spain to the United States has not resulted in an increase of prosperity, but in the reverse. The industry of the island is almost entirely agricultural. The people live on the products of their own soil and upon the articles for which they exchange their surplus products abroad. Their products are in the main coffee, sugar, and tobacco. The prosperity of the island depends upon their success in selling these products. I most strongly urge that the custom duties between the United States and Puerto Rico be removed.

When I read this declaration of President McKinley in his message to this Congress, and when I read the declarations of his Secretary of War, I naturally believed they could be relied upon as having been made with full knowledge of the premises and were sincere; and I have continued to place implicit trust and confidence in the integrity and reliability of their declarations until their truth and sincerity were directly challenged by the Washington Birthday declaration of the gentleman from Ohio [Mr. GROSVENOR]. He shocked me by the blunt statement that no matter what the President of these United States had said to Congress, his statement in that message was insincere or unreliable, and that if any Republican member of this body doubted the fact that the President now no longer adhered to the doctrine that it was both right and expedient that the products of Puerto Rico should be admitted into this country free and that our products should go into their ports free, he had only to visit the White House and be assured that such was the fact.

This startling declaration challenged attention; it amounted to an arraignment of the President's public declaration and practically accused him of practicing deception. Although it was known that the gentleman from Ohio was close to the President, it was hard to believe that the head of the Government was insincere or untruthful.

I could not credit the statement that in the most public manner the President should demand that we should give free trade to Puerto Rico; that this should be followed by the more detailed statement of the Secretary of War recommending the same action, a statement which by its very detail showed that less than three months ago accurate information of the conditions existing on the island had been gathered and, after mature deliberation, free trade for its products had been advised on the grounds that it would be beneficial to the people residing there;

that such action, and such action alone, would be fair to them and assure their happiness and prosperity and make them contented—and that now, without any known changed conditions, by whisperings in ears of members of this body in the secret recesses of the White House, entirely different action should be advised. I hardly even now can give credit to this declaration of the gentleman from Ohio.

Yet it is but fair to say that I was informed by a Republican member sitting near me when the statement was made that he had called upon the President and been asked to support the measure in its present form. Taking this latter statement to be true, an explanation of this change of front becomes necessary—an explanation that will explain.

The President is put in the dilemma that he either did not know what he was talking about when he published his message or that he had weakly yielded to the influences which notoriously were pressing to have this tariff tax imposed—the sugar and tobacco trusts of this country.

If the declaration in his message was made in ignorance of the conditions existing on the island or in ignorance of what was for the best interests of its inhabitants, what right has this Congress to follow his advice and recommendations on any other inportant question?

If he has yielded to the importunities of the sugar and tobacco trusts and is willing now to oppress people of this country already reduced to a suffering condition by misfortune beyond their control, for the mere purpose of adding dollars to the already large profits of the owners and managers of these trusts, what faith can the people of the United States place in any declaration he or his party may make of their antagonism to monopolies and trusts?

By their fruits ye shall know them—acts always speak louder than words.

The leaders of the Republican party in this body, when all this had been plainly shown and when their attention was called to the fact that the original bill which they had introduced, in line with the declaration of the President's message and with that of the Secretary of War, gave free trade to Puerto Rico, felt bound to offer some explanation. They saw the dilemma their change of front had placed them in; they saw the danger of making a clean breast of it and admit that they had surrendered to the importunities of these trusts; so they attempted to excuse their action by laying it to changed conditions. Although repeatedly asked to inform this body what these changed conditions were, they have been absolutely unable to mention a single important change in the conditions existing on that island. There are changed conditions existing now, but not changed conditions in Puerto Rico. These changed conditions can be summed up in one word: Sugar—cane sugar, beet sugar, any other kind of sugar. Whatever kind of sugar it may be the people of the United States can and will judge for themselves. I do protest against these men standing up in this body and declaring that they are imposing this tariff tax in the interest of and solely for the benefit of our unfortunate people inhabiting these islands. I protest against their posing as good Samaritans to the people of Puerto Rico when they are only subservient tools of these selfish sugar and tobacco interests.

I challenge the sincerity of these declarations that they have solely at heart the interest of these islanders, when the people whom they pretend to benefit deny that the imposition of these duties will benefit them, and protest against their imposition, assuring us that they will injure them. Neither the people of Puerto Rico nor the other people of this great country want these taxes imposed. Would you know on what ground I make the statement that this tax has been imposed at the instance of the sugar and tobacco monopolies? It is admitted that their agents appeared before the Ways and Means Committee, protesting against the free-trade provisions of the original bill and secured the pending measure.

The declarations of the chairman of this committee that when a beet-sugar factory was located in every Congressional district we would see the virtue of the imposition of this tariff sufficiently shows to me the true reasons for making this sudden change.

And it is for this reason that I protest against this bunco game which is attempted to be played upon not only our people of Puerto Rico, but on all our people.

I would have thought the manipulators of this scheme were braver men if they had plainly and frankly given their real reasons for the change.

Although it is admitted that the passage of proper legislation on this subject is urgent, they can not, on their own showing, deny that the constitutionality of the pending measure is, to say the least, doubtful, and will have to be passed upon by the Supreme Court.

The best lawyers of this body have, to my mind, conclusively proved that the provisions of this bill are in two important particulars against the mandates of the Constitution. They are briefly as follows: The duties imposed upon commodities shipped from one part of the United States to another part of the United States are in reality export duties—whether collected at the port of shipment or at the port at which they are received—in direct contravention of section 9, paragraph 5. "No tax or duty shall be laid on articles exported from any State. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another."

Congress by the passage of this act would be acting in contravention also of section 8, paragraph 1:

> The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States.

It seems to me to be foolish to contend that after we have received Puerto Rico by treaty as a part of the United States, and as such are in the very act of legislating for her people, that she is not a part of these States. If she is not, what on earth is she part of, or to what country does she belong?

By passing this unconstitutional bill, or, for the sake of argument, say this probably unconstitutional bill, are we not making a fine beginning in our dealings of this newly acquired possession. If, after it goes into operation, and expensive machinery is set in operation for the collection of these tariffs, the Supreme Court should declare the law to be unconstitutional, what a spectacle this Congress would present, not only to the people of Puerto Rico, but to the eyes of the world. And we would be forced to pay back these duties to those from whom they were collected, even perhaps after they had been expended for improvements on the island.

What possible harm could be done to anyone if we established absolute free trade between Puerto Rico and the balance of the United States? This is what her people want. This, I believe, is what our people want, for it will give them cheaper sugar and cheaper tobacco of a high grade. Let us see whether the admission of sugar would materially cripple the growers of sugar or tobacco in this country.

In 1898 the total importation of sugar into this country, including that coming from Puerto Rico, was 1,344,900 tons. Statistics show there is an annual increased consumption, by reason of growth of population chiefly, of 100,000 tons. Puerto Rico, before the destruction of her plantations, produced an average of 58,000 tons. By improved methods of production and treatment of the cane we may count upon an annual increase of not more than 5,000 tons a year, and that would be limited to ten years. The utmost limit of her production would never be more than 100,000 tons—not as much as the increased consumption of the United States in a single year. The trusts would not be very much damaged, surely.

Take tobacco. About 4,000,000 pounds in good seasons would come to the States. The tobacco is of superior quality, of high flavor, usually sold to us as Habana; for, as I have said, it heretofore was largely shipped to Cuba, mixed with that tobacco, and sold to our dealers as Habana. Our cigar manufacturers could afford to give a much better cigar for the money our people are paying now, thereby increasing their production and enlarging their trade, and could afford to pay better wages to those who work for them.

Besides this, it would greatly assist in securing for us an export trade in high-grade manufactured cigars, and we are surely looking to extend our commerce. It does not come into competition with the cheaper grades of tobacco raised in the States of the Union. As for the people of the island of Puerto Rico, they will receive more for their commodities to the extent of the tariff which, under this bill, they are forced to pay; they can pay their labor better wages; they can the better pay the taxes necessary to be raised to run their local government and maintain their local institutions, including their schools, as well as make new permanent improvements.

If through present misfortune they need ready money now beyond the amount they are reasonably able to contribute for permanent improvements, I see no great objection to their being permitted by proper legislation to raise money by a temporary loan and pay it off gradually under the sinking-fund process. The States do that now, the municipalities do that now, when extensive permanent improvements are made. It is perfectly proper that those who in the future will enjoy these improvements shall contribute to their payment.

Besides this, the people of Puerto Rico have raised money in emergencies this way before, and are willing and desire to meet present necessities in this way. Why shall we interpose objection and seek to hamper them with tariff taxes under the plea that we wish to build new schoolhouses for them and extend their educational facilities, already in quite an advanced state of development?

What is our plain duty at this time? Adhere to the Constitution strictly construed; by our legislation prevent any questions from arising which shall require the delays and decisions of the

Supreme Court; prevent the possibility of wasting money in collecting taxes which we will have to pay back again with interest; treat our new people as brothers and friends, and deal with them with an eye single to their interests and their interests alone; show them that to live under the Stars and Stripes means liberty, independence, happiness, prosperity; show them that we keep the promises made by the head of our Army, by which they came under our control and protection; show them that we do as we profess, and that no selfish clique of men banded together in monopolies and trusts can control our legislation. If we do this we have done our full duty. If we do otherwise we should hang our heads in shame. [Loud applause.]

Mr. GILBERT. Mr. Chairman, the question now before this Committee of the Whole House is as to the right of Congress to levy import duties upon goods coming into this country from Puerto Rico. The pending bill proposes to impose a tax of 25 per cent of the duties now collected from goods coming in from foreign countries upon all goods coming into this country from Puerto Rico. There are other questions presented of minor importance, and I shall confine what I have to say to this main question.

The Constitution plainly provides that "all duties, imposts, and excises shall be uniform throughout the United States." It is admitted upon every hand that since the treaty of Paris Puerto Rico has become a territory of the United States. But it is now gravely contended that a territory of the United States is no part of the United States and that Congress may legislate for these territories without being restricted by any of the provisions of the Constitution. The ground upon which this claim is predicated is founded upon this language of the Constitution:

> The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

Our contention is that under this last provision Congress can make only such needful rules and regulations as the Constitution authorizes.

The other side of this House is insisting upon a new and to me a most startling and dangerous proposition, and that is that as to the Territories Congress is absolute and unrestrained. It is seriously argued that as to this territory Congress has that omnipotent power and divine right possessed by kings, lords, and commons and may enact laws for Puerto Rico directly in conflict with this Constitution. I say this to me is a new and dangerous doctrine. You have, in my judgment, no more right under the Constitution to charge impost duties upon goods coming from Puerto Rico than you have to charge for goods coming from Arizona, New Mexico, or from any other of the Territories of the United States.

This Government never in its history has imposed any tax upon goods coming from any of the Territories into the States; and the reason is Congress has never until this session believed it had the right to do so. No decision of the Supreme Court can be found to sustain or countenance such a right. Those who maintain that Congress is omnipotent in the Territories will be driven by the logic of their position to contend that, although the Constitution proclaims that Congress shall make no law respecting the establishment of religion, this applies only to the States, and that, notwithstanding this provision, Congress may pass a law making all of the inhabitants of this island worship at some particular shrine and pay taxes to support some particular religion. The Constitution proclaims, "No title of nobility shall be granted by the United States."

But the advocates of this bill proclaim that this only applies to the States and not to the Territories and that Congress may make dukes, earls, and counts in Puerto Rico.

The Constitution proclaims that—

> In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury, etc.

But the advocates of this bill proclaim that Congress may deny a trial by jury to the people of this island and that Congress may build there a Bastile or a Kremlin and place persons therein and keep them to rot without a hearing or a trial. If there is no Constitution to restrain us, we can oppress and enslave our subjects as England does hers.

It is nonsense to say that Congress is too civilized and too humane to maltreat these poor people. That may be so, but I doubt if we are personally any more gentle or humane than the members of the British Parliament. We do not know what Congress might do if all constitutional limitations are withdrawn. We know that England has for more than one hundred years browbeaten, oppressed, and tyrannized over the Emerald Isle. We know that bonfires of welcome were lighted in London for the Sultan of Turkey at the very time he owned and kept eleven palaces, every one of which was a seraglio filled with hundreds of the fairest damsels that could be gathered from the slave markets of Circassia as well as from the homes and firesides of his own countrymen. We know that the British Parliament sustained the unspeakable Turk while engaged in the massacre of hundreds of thousands of Christian Armenians.

We know that this Parliament not only declared war against our ancestors and tried to oppress them, but, not satisfied with ordinary war, armed the savages, filled them with whisky, and turned them loose to murder and scalp the women and children that were left unprotected upon our western frontier.

Nor is it true that this omnipotent Parliament is any more humane to-day than it was during the last century. England to-day keeps a standing army in Egypt to collect taxes, and she collects an annual tax of 40 per cent of the products grown in the rich valley of the Nile, and even the silent statues of Memnon threatened to become again vocal to denounce the hard and pitiless oppressor of that ancient land.

We shall not follow in the footsteps of England. We have a Constitution, we have a Government of limited power, and by that Constitution we will stand, even though the heavens fall.

Why, the fourteenth amendment alone settles this question. It provides:

> No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

This amendment was added to the Constitution long after Chancellor Kent and Judge Story wrote their Commentaries and settles for all time the preposterous claim of absolute power anywhere.

In the case of Strander *vs.* West Virginia (100 U. S., 310) the Supreme Court construed this amendment, and Mr. Justice Strong, in rendering the opinion of the Court, uses this language:

> The fourteenth amendment makes no attempt to enumerate the rights it designed to protect. It speaks in general terms, and those are as comprehensive as possible. Its language is prohibitory; but every prohibition implies the existence of rights and immunities, prominent among which is an immunity from inequality of legal protection, either for life, liberty, or property.

Pursuant to this fourteenth amendment, section 1977 of the United States Revised Statutes was enacted. This statute provides:

> All persons within the jurisdiction of the United States shall have the same rights in every State and Territory to make and to enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens.

Will some lawyers on the other side of this House stand up and tell me that this statute is unconstitutional when it follows the very language of the Constitution and extends the equal protection of the laws to all the Territories?

Again, the Supreme Court said, in the case of Virginia *vs.* Rives (100 U. S., 317), speaking of this amendment and this statute:

> They enact that all persons within the jurisdiction of the United States shall have the same rights in every State and Territory to make and enforce contracts and shall have all the rights of person and property and shall be subject to like punishments, pains, penalties, taxes, licenses, and exactions of every kind.

The gentleman from Pennsylvania [Mr. DALZELL] admitted that the United States could not institute slavery in Puerto Rico because in the thirteenth amendment new language appears for the first time. Article XIII reads:

> Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction.

The new words are:

> Or any place subject to their jurisdiction.

He says this amendment does extend into the Territories, and that it is the only part of the Constitution that does extend into Territories. His argument is that these words are here introduced for the first time into the Constitution. That is true, but this is not the last time these words occur in the Constitution. In the fourteenth amendment are the words:

> Nor deny to any person within its jurisdiction the equal protection of the laws.

It is true this amendment is expressly prohibitory to the States. But certainly no lawyer will contend that Congress, since the adoption of the fourteenth amendment, can, within its jurisdiction, deny to any person the equal protection of the laws. And besides, we have just seen that every prohibition to the States carries an implied right to every person and is a guaranty in all the States and in all the Territories to every person of the equal protection of the laws.

The significant words now come back to grieve those who were in such hot haste to make the Southern slave, fresh from the cotton fields, a citizen and a voter. The Supreme Court again said, speaking of these amendments (ex parte Virginia, 100 U. S., 345):

> They were intended to be what they really are, limitations of the power of the States and enlargements of the power of Congress. Congress is authorized to enforce these amendments by appropriate legislation.

It is thus made the duty of Congress to see to it that no person within the States or Territories is denied the equal protection of the laws. Again, the Supreme Court said the word "person" in the fourteenth amendment includes corporations, whether created by Congress or by the legislature of the State. (Santa Clara County *vs.* Southern Pacific Railway Company, 118 U. S., 395; Smyth *vs.* Ames, 169 U. S., 466.)

So that the very moment Congress incorporates a railroad company or a bank to do business in Puerto Rico such corporations at once become persons clothed with the protecting arms of the Constitution and the laws. The very moment an American citizen goes into the ports of Puerto Rico with goods, or lands upon the island and builds a house, he becomes entitled to this all-pervading sweep of the Constitution and is entitled to the equal protection of the laws. Nay, more; the very moment Puerto Rico becomes a Territory of the United States every negro upon that island stands under the protection of the American flag and is entitled to the equal protection of the laws. The Supreme Court has not left us to guess out even this question.

In the case of Yick Wo *vs.* Hopkins (118 U. S., 356) that court again said:

The provisions of the fourteenth amendment extend to all the States and Territories within the jurisdiction of the United States.

The fourteenth amendment to the Constitution is not confined to the protection of citizens. It says:

"Nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

These provisions are universal in their application to all persons within the territorial jurisdiction, without regard to any differences of race, of color, or of nationality; and the equal protection of the laws is a pledge of the protection of equal laws. It is accordingly enacted by section 1977 of the Revised Statutes that: "All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other."

The questions we have to consider and decide in these cases, therefore, are to be treated as involving the rights of every citizen of the United States equally with those of the strangers and aliens who now invoke the jurisdiction of the court.

One of the most distinctive powers conferred upon the Federal Government by the Constitution is the power to make treaties with foreign nations, and yet every lawyer knows that if the terms of a treaty conflict with the terms of the Constitution the treaty must give way and the Constitution stands as the supreme law. Why is this? Because the Government of the United States is always and everywhere a government of limited powers. It is always and everywhere a Government limited by the terms of the Constitution, and when this Government exercises its highest functions of sovereignty and nationality, when treating with foreign countries, it goes with the Constitution in its hands and says, here are the limitations of power and this the charter party under which it sails into every port. Certainly the Territories have until now always been regarded as a part of the United States.

Chief Justice Waite rendered the unanimous decision of the Supreme Court in the case of National Bank *vs.* Yankton (101 U. S., page 133), and the court there said:

All Territories within the jurisdiction of the United States not included in any State must necessarily be governed by or under the authority of Congress. The Territories are but political subdivisions of the outlying dominion of the United States. Their relation to the General Government is much the same as that which countries bear to the respective States, and Congress may legislate for them as a State does for its municipal organizations.

The organic law of a Territory takes the place of a constitution as the fundamental law of the local government. It is obligatory on and binds the Territorial authorities; but Congress is supreme, and for the purposes of this department of its governmental authority has all the powers of the people of the United States, except such as have been expressly, or by implication, reserved in the prohibitions of the Constitution.

Will anybody argue that the State has absolute and despotic powers over the counties not restrained by any constitutional limitations? "Congress," say the court "may legislate for the Territories just as States may legislate for their own municipalities." So just as the State is bound by the Constitution, Congress is also in dealing with the Territories.

In the constitution of Kentucky and many other States a provision like this is found:

Absolute and arbitrary power over the lives, liberty, or property of the citizen exists nowhere in a republic, not even in the largest majorities.

These States were admitted into the Union by Congress with these provisions in their constitutions, and Congress has thereby frequently announced the truth that arbitrary power exists nowhere in this Republic. Indeed this doctrine has been frequently announced by our highest court. Thus in the great and leading case of McCulloch *vs.* State of Maryland (4 Wh., 405) Chief Justice Marshall said:

This Government is acknowledged by all to be one of enumerated powers. The principle that it can exercise only the powers granted to it would seem too apparent to have required to be enforced by all those arguments which its enlightened friends, while it was defending before the people, found it necessary to urge. The principle is now universally admitted.

The States can not exercise supreme arbitary power, for the obvious reason that they surrendered many of the functions of government to the United States, as set forth in the Constitution. The United States can not exercise absolute arbitrary power either in the Territories or elsewhere, because it is itself always and everywhere a Government of limited powers.

In the famous Dred Scott case all the court agreed to this proposition, and there said:

But the power to admit new States includes the power to acquire territory to be admitted as a State when in a suitable condition, and consequently includes the power to maintain a government there in the meantime. The territory being a part of the United States, the Government and the citizens both enter it under the authority of the Constitution, with their respective rights defined and marked out. (Scott *vs.* Sanford, 60 U. S., 393.)

The case of Loughborough *vs.* Blake (5 Wh., 319) is directly in point. The Supreme Court there said:

The eighth section, first article, of the Constitution gives to Congress the power to lay and collect taxes, duties, imposts, and excises for purposes thereinafter mentioned. The grant is general, without limitations as to place. It consequently extends to all places over which the Government extends. If this could be doubted, the doubt is removed by the subsequent words which modify the grant. These words are: "But all duties, imposts, and excises shall be uniform throughout the United States."

It will not be contended that the modifications of the power extend to places to which the power itself does not extend. The power, then, to lay and collect taxes, duties, imposts, and excises may be exercised, and must be exercised throughout the United States. Does this term designate the whole or any particular portion of the American empire? Certainly this question can admit but one answer. It is the name given to our great Republic, which is composed of States and Territories. The District of Columbia or any Territory west of the Missouri is not less within the United States than Maryland and Pennsylvania, and it is not less necessary on the principles of our Constitution that uniformity in the imposition of imposts, duties, and excises should be observed in the one case than in the other.

Then the power to lay and collect taxes, which includes direct taxes (which was the question in that case), is obviously coextensive with the power to lay and collect duties, imposts, and excises; and since the latter extends throughout the United States, it follows that the power to impose direct taxes also extends throughout the United States.

In England, from whence most of our legal principles and legislative notions are derived, the authority of the Parliament is transcendent and has no bounds.

The power and jurisdiction of Parliament—

Says Sir Edward Coke—

is so transcendent and absolute that it can not be confined, either for causes or persons, within any bounds. And of this high court—

He adds—

it may be truly said: "Si antiquitatem spectes est vetustissima; si dignitatem, est honoratissima; si jurisdictionem, est capicissima."

It has sovereign and uncontrollable authority in the making, confirming, enlarging, restraining, abrogating, repealing, reviving, and expounding of laws concerning matters of possible denominations, ecclesiastical or temporal, civil, military, maritime, or criminal, this being the place where that absolute despotic power, which must in all governments reside somewhere, is intrusted by the constitution of that Kingdom. All mischiefs and grievances, operations and remedies that transcend the ordinary course of the laws are within the reach of this extraordinary tribunal. It can regulate or new model the succession to the Crown, as was done in the reign of Henry VIII and William III.

It can order the established religion of the land, as was done in a variety of instances in the reigns of Henry VIII and his three children. It can change and create afresh even the constitutions of the Kingdom and of Parliaments themselves, as was done by the act of union and the several statutes for triennial and septennial elections. It can, in short, do everything that is not naturally impossible; and therefore some have not scrupled to call its powers, by a figure rather too bold, the omnipotence of Parliament. True it is that what the Parliament doth no authority upon earth can undo.

From this passage it is evident that in England the authority of the Parliament runs without limits and rises above control. It is difficult to say what the constitution of England is; because, not being reduced to written certainty and precision, it lies entirely at the mercy of the Parliament; it tends to even governmental exigency; it varies and is blown about by every breeze of legislative humor or political caprice.

Some of the judges in England have had the boldness to assert that an act of Parliament made against natural equity is void; but this opinion contravenes the general position that the validity of an act of Parliament can not be drawn into question by the judicial department. It can not be disputed and must be obeyed. The power of Parliament is absolute and transcendent; it is omnipotent in the scale of political existence. Besides, in England there is no written constitution, no fundamental law, nothing visible, nothing real, nothing certain, by which a statute can be tested. In America it is widely different. Every State in the Union has its constitution reduced to written exactitude and precision.

What is the Constitution? It is the form of government, delineated by the mighty hand of the people, in which certain first principles of fundamental laws are established.

The Constitution is certain and fixed; it contains the permanent will of the people and is the supreme law of the land; it is paramount to the power of the legislature, and can be revoked, be altered, only by the authority that made it. The life-giving principle and death-doing stroke must proceed from the same hand.

What are legislatures? Creatures of the constitutions, they owe their existence to the constitutions; they derive their power from the constitutions; it is their commissions; and therefore all their acts must be conformable to it, or else they will be void. The Constitution is the work or will of the people themselves in their original, sovereign, and unlimited capacity.

Law is the work or will of the legislatures in their derivative and subordinate capacity. The one is the work of the creator and the other of the creature.

The Constitution fixes limits to the exercise of legislative authority, and prescribes the orbit within which it must move.

In short, gentlemen, the Constitution is the sum of political system, around which the legislative, executive, and judicial bodies must revolve.

Whatever may be the case in other countries, yet in this there can be no doubt that every act of the legislature repugnant to the Constitution is absolutely void.

These are the arguments advanced by the Supreme Court in the great case of Vanhorne's Lessee vs. Dorrance.

I am opposed to this whole imperial policy, even if there were no constitutional objections. No empire ever civilized any people in the world's history. Sardanapalus put the torch to his own palace and destroyed treasures, concubines, and all. But the historian tells us that less than 5 per cent of the people owned all the property and held in bondage all the balance of the population. When Cæsar fell at the foot of Pompey's Pillar there was not a school for the education of children outside of the patrician class in all the Empire, and Brutus himself was lending money at 48 per cent and owned more than 10,000 white slaves.

When Napoleon was carried to St. Helena he left Europe covered with two millions of freshly made graves, and not a survivor of all his wars had been made freer or better by his campaigns. Our great Constitution has come to us through centuries of strife, treasure, and blood. Its great purpose was to insure the blessings of liberty to us and to our posterity, and let us stand by it. This nation, said Mr. Lincoln, can not last half slave and half free. The citizen is himself not wholly free who owns a slave. So this country can not remain a great Republic and at the same time hold in subjection those alien and oriental races. Make them Territories now, and in a few years some political party will clamor to make them citizens and voters. This you now say is impossible.

At the beginning of the war no Republican would have thought of taking the millions of negroes from the cotton fields of the South and in a few years making them not only citizens and voters but filling the halls of the legislatures of the Southern States with them. That carnival of ignorance and crime no good man wants to see repeated. So let this wild march of imperialism stop now before it is too late. England has not civilized the Egyptian, the Australian, nor the Hindoo. We have not civilized the Indian, the negro, nor the Eskimo, and we will not civilize either the negroes of Puerto Rico or the Malays on the other side of the earth.

I am very well aware that new members, like small boats, are expected to keep close to shore. I am also aware that it was the cackling of the geese that warned the sleeping sentinels that the barbarians were scaling the walls of the capitol.

The march of imperialism is going right on. A handful of English capitalists control our financial system and a handful of American millionaires are talking about an Anglo-American alliance. But these flunkies to the British Crown are not the American people and are not even in sympathy with the American people.

I am opposed to increasing the opportunities for the millions of negroes in Puerto Rico and the 10,000,000 Asiatics in the Philippines of becoming American citizens and swarming into this country and coming in competition with our farmers and mechanics and laborers. We are trying to keep out the Chinese with one hand, and now you are proposing to make Territories of the United States out of Puerto Rico and the Philippine Islands, and thereby open wide the door by which these negroes and Asiatics can pour like the locusts of Egypt into this country.

I say keep them all out. We can not even civilize the Chinese within our borders and who have been here for fifty years. These Chinese will wear pigtails, eat rats, worship Confucius, and die steeped in the dreams of the elder ages in spite of all the churches and schools that are around and about them.

And I am opposed to even risking that heritage of liberty for us and our children by throwing away the Constitution and trampling under our feet the practice and precedents of more than one hundred years. [Loud applause.]

[Mr. GORDON addressed the committee. See Appendix.]

Mr. JETT. Mr. Chairman, that concludes the list of gentlemen who desire to be heard on this side this evening.

Mr. PAYNE. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. BOUTELL of Illinois having resumed the chair, Mr. HULL reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill H. R. 8245, had come to no resolution thereon.

And then, on motion of Mr. PAYNE (at 9 o'clock and 35 minutes p. m.), the House adjourned until 11 o'clock to-morrow, Saturday.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. CUMMINGS, from the Committee on the Library, to which was referred the bill of the House (H. R. 8072) for the preparation of a site and erection of a pedestal for statue of late Maj. Gen. George B. McClellan, reported the same without amendment, accompanied by a report (No. 423); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHERMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 4098) to establish a light and fog signal to mark the main southern entrance of the new breakwater at Buffalo, N. Y., reported the same with amendment, accompanied by a report (No. 426); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the Senate (S. 282) extending the time for the completion of the bridge across the East River between the city of New York and Long Island, now in course of construction, as authorized by the act of Congress approved March 3, 1887, reported the same without amendment, accompanied by a report (No. 425); which said bill and report were referred to the House Calendar.

Mr. SAMUEL W. SMITH, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 8466) to amend an act entitled "An act in relation to taxes and tax sales in the District of Columbia," reported the same without amendment, accompanied by a report (No. 427); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. HENRY of Mississippi, from the Committee on War Claims, to which was referred the bill of the Senate (S. 1243) for the relief of the owner or owners of the schooner *Bergen*, reported the same without amendment, accompanied by a report (No. 424); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. GROUT: A bill (H. R. 8855) authorizing the purchase of a site for a building for the accommodation of the Supreme Court of the United States—to the Committee on Public Buildings and Grounds.

By Mr. MERCER: A bill (H. R. 8856) amending the act of August 15, 1894, entitled "An act making appropriations for current and contingent expenses of the Indian Department and fulfilling treaties and stipulations with various Indian tribes for the fiscal year ending June 30, 1895, and for other purposes"—to the Committee on Indian Affairs.

By Mr. GARDNER of New Jersey: A bill (H. R. 8874) to extend the anti-contract-labor laws of the United States to Hawaii—to the Committee on the Territories.

By Mr. PEARRE (by request): A bill (H. R. 8875) to incorporate the District Patrol and Alarm Company of the District of Columbia—to the Committee on the District of Columbia.

By Mr. RICHARDSON: A joint resolution (H. J. Res. 185) prohibiting the transportation of barbed fence wire, wire nails, and other products of the American Steel and Wire Company from one State to another—to the Committee on the Judiciary.

By Mr. GARDNER of New Jersey: A concurrent resolution (H. C. Res. 20) requesting Secretary of War to submit an estimate of cost of dredging 114,000 cubic yards necessary for the improvement of Beach Thoroughfare, New Jersey—to the Committee on Rules.

By Mr. LOUD: A resolution (H. Res. 161) providing a rule for the consideration of H. R. 6071, to amend the laws relating to second-class matter—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BROWNLOW: A bill (H. R. 8857) for the relief of Joseph Goodman—to the Committee on Military Affairs.

Also, a bill (H. R. 8858) for the relief of Hugh L. Bowlin—to the Committee on Military Affairs.

Also, a bill (H. R. 8859) for the relief of Henry J. Manis—to the Committee on Military Affairs.

By Mr. DAVIS: A bill (H. R. 8860) for the relief of A. T. Triay—to the Committee on Claims.

By Mr. EMERSON: A bill (H. R. 8861) granting a pension to Robert Leonard—to the Committee on Invalid Pensions.

By Mr. GROUT: A bill (H. R. 8862) granting an increase of pension to Hiram Perkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8863) granting an increase of pension to Samuel Packman—to the Committee on Invalid Pensions.

By Mr. SOUTHARD: A bill (H. R. 8864) for the relief of Louis A. Yorke—to the Committee on Naval Affairs.

Also, a bill (H. R. 8865) to pension Elizabeth Corrie—to the Committee on Invalid Pensions.

By Mr. THOMAS of Iowa: A bill (H. R. 8866) granting an increase of pension to Wayman J. Crow—to the Committee on Invalid Pensions.

By Mr. WILSON of South Carolina: A bill (H. R. 8867) for the relief of the McCreery Land and Investment Company—to the Committee on War Claims.

Also, a bill (H. R. 8868) for the relief of James S. Eichelberger—to the Committee on War Claims.

Also, a bill (H. R. 8869) granting an increase of pension to Mrs. E. C. Steele—to the Committee on Pensions.

Also, a bill (H. R. 8870) granting a pension to Mrs. L. Hames—to the Committee on Pensions.

Also, a bill (H. R. 8871) for the relief of William Lockhart, of Union County, S. C.—to the Committee on War Claims.

Also, a bill (H. R. 8872) for the relief of A. O. Garvin, of Union County, S. C.—to the Committee on War Claims.

By Mr. PEARRE (by request): A bill (H. R. 8873) for the relief of George Ivers, administrator of William Ivers, deceased, late of Santa Fe, N. Mex.—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Petition of the Union Labor League, praying for the passage of a bill to protect free labor from prison competition—to the Committee on Labor.

By Mr. ALEXANDER: Petition of Josephine Luelsniger and other trained women nurses, of Buffalo, N. Y., favoring the passage of House bill No. 6879, providing for the employment of women nurses in the military hospitals of the Army—to the Committee on Military Affairs.

By Mr. BULL: Protest of the Board of State Charities and Corrections of Rhode Island, against the passage of bills to forbid the interstate transportation of prison-made products—to the Committee on Labor.

By Mr. CAPRON: Protest of the Board of State Charities and Corrections of Rhode Island, against the passage of bills to forbid the interstate transportation of prison-made products—to the Committee on Labor.

By Mr. DALZELL: Petitions of Louis Brehm, Frederick Sherer, and other druggists, of Pittsburg, Pa., for the repeal of the stamp tax on medicines, etc.—to the Committee on Ways and Means.

Also, petition of United Labor League of Western Pennsylvania, urging the passage of House bill No. 5450, to protect free labor from prison competition—to the Committee on Labor.

Also, petition of Association of American Knit Goods Manufacturers, Philadelphia, Pa., protesting against the ratification of the reciprocity treaty with France—to the Committee on Ways and Means.

By Mr. FLETCHER: Resolution of the St. Paul Trades Labor Assembly, of St. Paul, Minn., favoring the passage of a certain bill for the establishment of a national park at the head waters of the Mississippi River, in the State of Minnesota—to the Committee on the Public Lands.

By Mr. FOSS: Petition of Brunot Batt and other druggists of Chicago, Ill., relating to the stamp act on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. FOSTER: Papers to accompany House bill No. 8809, relating to the demand for indemnity from Spain for the unlawful arrest and imprisonment of August E. Gans, of Illinois—to the Committee on Foreign Affairs.

By Mr. GAINES: Papers relating to the claim of William T. Crusen, administrator of the estate of Jacob Crusen, of Loudoun County, Va.—to the Committee on War Claims.

By Mr. GRAHAM: Petition of the United Labor League of Western Pennsylvania, A. R. Thornburg, president, in favor of House bill No. 5450, to protect free labor from prison labor—to the Committee on Labor.

Also, petition of the League of American Sportsmen, urging the passage of House bill No. 6634, for the better protection of song and insectivorous birds, the game birds, and game animals—to the Committee on Interstate and Foreign Commerce.

By Mr. GREENE of Massachusetts: Resolutions of the New England Shoe and Leather Association, of Boston, Mass., favoring the passage of House bill No. 887, for the promotion of exhibits in the Philadelphia museums—to the Committee on Interstate and Foreign Commerce.

By Mr. GROUT: Petition of the Board of Trade of St. Johnsbury, Vt., George H. Cross, president, favoring the passage of House bill No. 887, in the interest of manufacturing and commercial industries—to the Committee on Interstate and Foreign Commerce.

Also, papers to accompany House bill No. 1957, to remove the charge of desertion from the record of Norris W. Silver, alias Charles W. Nichols—to the Committee on Military Affairs.

Also, paper to accompany House bill granting a pension to Hiram Perkins—to the Committee on Invalid Pensions.

Also, papers to accompany House bill No. 4414, granting a pension to Adaline Powell, of Strafford, Vt.—to the Committee on Pensions.

By Mr. HENRY of Connecticut: Resolutions of the New Haven (Conn.) Chamber of Commerce, for competing cable facilities between the United States and Cuba, etc.,—to the Committee on Insular Affairs.

By Mr. LACEY: Memorial of the Empire State Society of Arizona, in favor of statehood for Arizona—to the Committee on the Territories.

By Mr. McDOWELL: Petition of Francis W. Shepardson and others, asking that Rev. T. J. Sheppard be placed on the roll of Army chaplains—to the Committee on Military Affairs.

By Mr. McRAE: Resolutions of the Commercial League of Fort Smith, Ark., relating to the condition of affairs in Indian Territory—to the Committee on Indian Affairs.

By Mr. METCALF (by request): Resolutions of citizens of Oakland, Cal., in relation to the war in South Africa—to the Committee on Foreign Affairs.

Also, petition of Delancey J. Macdonald and other clerks of the Oakland (Cal.) post-office, praying for the passage of House bill No. 4351—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Carpenters and Joiners' Union No. 36, of Oakland, Cal., relating to public lands—to the Committee on the Public Lands.

Also, resolutions of the Chamber of Commerce of San Francisco, Cal., favoring the passage of House bill No. 887, for the promotion of exhibits in the Philadelphia museums—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Chamber of Commerce of San Francisco, Cal., in relation to the consular service—to the Committee on Foreign Affairs.

Also, resolutions of San Francisco (Cal.) Chamber of Commerce, calling for an increase in coast artillery—to the Committee on Military Affairs.

Also, resolutions of the Chamber of Commerce of San Francisco, Cal., relative to the reciprocity interests of the country—to the Committee on Ways and Means.

By Mr. NOONAN: Petition of W. H. Cramer, druggist, and others, of Chicago, Ill., for the repeal of the stamp tax on proprietary medicines—to the Committee on Ways and Means.

By Mr. OTJEN: Petition of Robert W. Davidson and other employees of the Milwaukee (Wis.) post-office, praying for the passage of House bill No. 4351—to the Committee on the Post-Office and Post-Roads.

By Mr. POWERS: Resolutions of the New England Shoe and Leather Association, Boston, Mass., favoring the passage of House bill No. 887, in the interest of manufacturing and commercial industries—to the Committee on Interstate and Foreign Commerce.

By Mr. SPRAGUE: Petition of Post No. 26, Grand Army of the Republic, Department of Massachusetts, in support of House bill No. 4742, to provide for the detail of active and retired officers of the Army and Navy to assist in military education in public schools—to the Committee on Military Affairs.

By Mr. STARK: Papers to accompany House bill No. 7812 granting a pension to Lydia Strang, of Osceola, Nebr.—to the Committee on Pensions.

By Mr. STEVENS of Minnesota: Resolution of the St. Paul Trades and Labor Assembly, of St. Paul, Minn., urging the passage of a certain bill for the establishment of a national park at the head waters of the Mississippi in the State of Minnesota—to the Committee on the Public Lands.

Also, resolution of the Chamber of Commerce of St. Paul, Minn., urging the adoption of the recommendations of the Postmaster-General in regard to the abuses of second-class postage—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the St. Paul Trades and Labor Assembly, of St. Paul, Minn., urging the passage of House joint resolution No. 33, to regulate the employment of enlisted men in competition with civilians—to the Committee on Labor.

By Mr. YOUNG of Pennsylvania: Petition of the Cigar Leaf Tobacco Board of Trade, in relation to duties on merchandise deposited in public or private bonded warehouses, etc.—to the Committee on Ways and Means.

Also, resolutions of the council of the American Society of Mechanical Engineers, urging certain improvements to increase the efficiency of the United States Patent Office—to the Committee on Patents.

SENATE.

SATURDAY, *February 24, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. DAVIS, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

HISTORY OF THE CENSUS.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Commissioner of Labor, transmitting, in response to a resolution of the 23d instant, the manuscript prepared by him on the History and Growth of the United States Census. Quite a large mass of papers accompany the communication.

Mr. HALE rose.

The PRESIDENT pro tempore. What does the Senator from Maine suggest in relation to it?

Mr. HALE. I did not quite understand. Is it a history of the census?

The PRESIDENT pro tempore. It is a report of Mr. Carroll D. Wright, in response to a resolution of the Senate, giving the history and growth of the census. The resolution was offered by the chairman of the Census Committee, the Senator from Montana [Mr. CARTER].

Mr. HALE. I should think, from the size of the document, that the printing must exceed the $500 limit, and so it ought to go to the Committee on Printing.

Mr. PENROSE. I move that it be referred to the Committee on the Census.

Mr. HALE. I do not see any objection to that, and then that committee can scrutinize it and report; but it has to be printed first, or else there is no use to refer it. I suggest it had better go to the Committtee on Printing, and then have them refer it, when it is ordered printed, to the Committee on the Census.

Mr. PENROSE. I suggest, as the communication was sent here in response to a resolution submitted by the chairman of the Committee on the Census, and as he is absent, it is only courtesy due to him to hold the matter up or refer it to his committee.

Mr. HALE. Under those circumstances let it lie on the table until the Senator comes in. I did not know that he had offered the resolution.

Mr. PENROSE. I understood the Chair to so state.

The PRESIDENT pro tempore. Yes; it was in response to a resolution submitted by the Senator from Montana [Mr. CARTER].

Mr. HALE. Then let it lie on the table.

The PRESIDENT pro tempore. It will lie on the table for the present.

Mr. CARTER subsequently said: The communication from the Commissioner of Labor, embraced in the package before the Senate, is a history of the various censuses taken from the foundation of the Government up to this time. I presume, viewing the mass at this distance, the amount involved in printing will exceed the sum named in the rule, $500, and I therefore suggest that the communication and accompanying papers go to the Committee on Printing for report.

The PRESIDENT pro tempore. The communication and accompanying papers will be referred to the Committee on Printing under the rule, there being no objection.

Mr. CARTER subsequently said: Mr. President, during the morning hour a report received from the Commissioner of Labor in response to a resolution of the Senate was referred to the Committee on Printing under objection of the Senator from Maine [Mr. HALE]. Since that time, I understand the Senator has apprised himself of the nature of the communication and the desirability of having it printed. In view of the fact that it should be printed without delay, I move that the Committee on Printing be discharged from the further consideration of the subject-matter, and that the usual number of copies of the document be printed.

The PRESIDENT pro tempore. The Senator from Montana, from the Committee on the Census, asks that the order referring the report of the Commissioner of Labor to the Committee on Printing this morning be reconsidered and that it be referred to the Committee on the Census, and ordered to be printed. Is there objection? The Chair hears none, and it is so ordered.

INTERIOR DEPARTMENT LIBRARY.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Acting Secretary of the Interior, with inclosure, requesting that provision be made in the legislative, executive, and judicial appropriation bill for appropriation for the purchase of current literature for the library of the Department of the Interior in the sum of $500; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (H. R. 4698) granting an increase of pension to John C. Fitnam;

A bill (H. R. 5487) authorizing the construction by the Texarkana, Shreveport, and Natchez Railway Company of a bridge across Twelve-Mile Bayou, near Shreveport, La.; and

A bill (H. R. 7660) granting additional right of way to the Allegheny Valley Railway Company through the arsenal grounds at Pittsburg, Pa.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented a petition of the Grand Lodge, Brotherhood of Locomotive Firemen, of Peoria, Ill., and a petition of Local Branch No. 305, National Association of Letter Carriers, of Joliet, Ill., praying for the enactment of legislation to increase the pay of letter carriers; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Chamber of Commerce of Quincy, Ill., and a petition of the Business Men's Association of Hampton, Va., praying for the adoption of certain amendments to the interstate-commerce law; which were referred to the Committee on Interstate Commerce.

He also presented a memorial of the National Live Stock Exchange of Chicago, Ill., remonstrating against the passage of the so-called oleomargarine bill, and praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of Local Union No. 99, Cigar Makers' International Union, of Ottawa, Ill., remonstrating against the admission of products from Puerto Rico and the Philippines free of duty; which was referred to the Committee on Pacific Islands and Puerto Rico.

He also presented a memorial of Local Unions Nos. 14, 15, 217, and 227, Cigar Makers' International Union, all of Chicago, Ill., remonstrating against the reduction of the tariff on cigars imported from Puerto Rico; which was referred to the Committee on Pacific Islands and Puerto Rico.

He also presented memorials of the National Paperhangers' Association, of Chicago; the Trades' and Labor Association, of Bloomington; the Federal Union of Mt. Vernon, and the Trades' and Labor Assembly, of Canton, all in the State of Illinois, remonstrating against the cession of public lands to the several States; which were referred to the Committee on Public Lands.

He also presented petitions of Local Union No. 63, United Brotherhood of Carpenters and Joiners, of Bloomington; of Local Union No. 58, United Mine Workers, of Kewanee; of Local Union No. 416, United Brotherhood of Carpenters and Joiners, of Chicago; of Local Union No. 52, Coal Miners' Union, of Centralia; of Local Union No. 800, United Mine Workers, of Streator; of Local Union No. 274, Cigar Makers' International Union, of Pekin, and of Local Union No. 98, United Mine Workers, of Duquoin, all in the State of Illinois, praying for the enactment of legislation limiting the hours of daily service of laborers, workmen, and mechanics employed upon public works in the United States or any Territory or the District of Columbia, and also to protect free labor from prison competition; which were referred to the Committee on Education and Labor.

Mr. HEITFELD presented the petition of Catharine P. Wallace, president, and Anna Van Schick, secretary, on behalf of the New Mexico Woman Suffrage Association, praying that political equality be granted to the women of Hawaii and the other new island possessions; which was referred to the Committee on Pacific Islands and Puerto Rico.

He also presented a memorial of the Chamber of Commerce, of Boise, Idaho, remonstrating against the leasing of public lands to individuals and private corporations, etc.; which was referred to the Committee on Public Lands.

He also presented a petition of sundry citizens of Idaho, praying for the establishment of an Army veterinary corps; which was referred to the Committee on Military Affairs.

Mr. PERKINS presented a petition of the Chamber of Commerce, of San Francisco, Cal., praying for the enactment of legislation to regulate the consular service of the United States; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Chamber of Commerce, of San Francisco, Cal., praying that an appropriation be made to continue the work of the Philadelphia Commercial Museum; which was referred to the Committee on Commerce.

He also presented a petition of the Chamber of Commerce, of San Francisco, Cal., praying for the enactment of legislation to increase the artillery force of the United States Army; which was referred to the Committee on Military Affairs.

He also presented a memorial of the Cahuenga Valley Lemon

Exchange, of Colegrove, Cal., remonstrating against the establishment of free trade with the people of Puerto Rico; which was referred to the Committee on Pacific Islands and Puerto Rico.

He also presented a petition of the California State Woman Suffrage Association, praying that the right of suffrage be extended to the women of Hawaii, Cuba, Puerto Rico, and the Philippines; which was referred to the Select Committee on Woman Suffrage.

He also presented a petition of the Oakland City Council, of California, praying for the appointment of a commission of United States engineers to examine and make plans for the improvement of Oakland Harbor, in that State; which was referred to the Committee on Commerce.

Mr. GALLINGER presented a letter, in the nature of a memorial, from A. Purley Fitch, of Concord, N. H., remonstrating against the free distribution of blackleg vaccine by the Bureau of Animal Industry; which was referred to the Committee on Agriculture and Forestry.

Mr. SPOONER presented a petition of Du Lac Grange, No. 72, Patrons of Husbandry, of Wisconsin, praying for the construction of the Nicaragua Canal; which was ordered to lie on the table.

He also presented a memorial of Local Union No. 61, Cigar Makers' International Union, of La Crosse, Wis., remonstrating against the admission of cigars free of duty from Puerto Rico and the Philippines; which was referred to the Committee on Pacific Islands and Puerto Rico.

He also presented a petition of Local Union No. 61, Cigar Makers' International Union, of La Crosse, Wis., praying that all the remaining public lands be held for the benefit of the whole people and that the public grazing lands be leased to settlers on adjacent lands, etc.; which was referred to the Committee on Public Lands.

Mr. FRYE presented a petition of the congregation of the Friends' Church, of Elba, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in military canteens, Soldiers' Homes, immigrant stations, and public buildings, and also to prohibit the transmission by mail or interstate commerce of pictures or descriptions of prize fights; which was referred to the Committee on Education and Labor.

He also presented memorials of the Medical Society of the City Hospital Alumni of St. Louis, Mo.; of the Medical Society of the State of California, and of the Lake County Medical Association of Colorado, remonstrating against the enactment of legislation for the further prevention of cruelty to animals in the District of Columbia; which were referred to the Committee on the District of Columbia.

THE PACIFIC CABLE.

Mr. HALE. I present a letter from Edmund L. Baylies, accompanying a summary of the argument presented to Congress upon the question as to whether the proposed Pacific cable shall be made and laid by a private corporation or by the United States; also a letter from James A. Scrymser, accompanying a report of Mr. Carson, manager of the Anglo-American Telegraph Company, respecting the life of ocean cables, and a copy of a hearing before the Committee on Naval Affairs on the 13th instant on the bill (S. 2) to provide for the construction, maintenance, and operation, under the management of the Navy Department, of a Pacific cable. I move that the papers be printed as a document and referred to the Committee on Naval Affairs.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. HALE. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 7941) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1901, to report it with sundry amendments, and to submit a written report thereon, which I ask may be printed. I shall endeavor to call the bill up at some early day next week.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (S. 855) for the relief of Mary A. Coulson, executrix of Sewell Coulson, deceased, reported it without amendment, and submitted a report thereon.

Mr. TURNER, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 98) providing for the erection of a public building at the city of Spokane, in the State of Washington, reported it with an amendment, and submitted a report thereon.

Mr. HARRIS, from the Committee on Military Affairs, to whom was referred the bill (S. 1260) to enable the President to restore Second Lieut. Henry Ossian Flipper, United States Army, to duty, rank, and status in the United States Army, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 1319) granting an increase of pension to Annie E. Joseph, reported it with amendments, and submitted a report thereon.

Mr. MONEY, from the Committee on Public Buildings and Grounds, submitted a report to accompany the bill (S. 1402) for the erection of a public building at Natchez, Miss., heretofore reported by him.

Mr. MARTIN, from the Committee on Claims, to whom was referred the bill (S. 2584) for the relief of Mary E. McDonald, reported it without amendment, and submitted a report thereon.

Mr. HOAR, from the Committee on the Judiciary, to whom was referred the bill (S. 142) for the relief of Frederick K. Carlisle, asked that the committee be discharged from its further consideration, and that the bill and accompanying papers be referred to the Committee on Claims; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 2533) to restrict grounds of divorce and improve the procedure in the District of Columbia and the Territories, and for other purposes, asked that the committee be discharged from its further consideration, and that the bill be referred to the Committee on the District of Columbia; which was agreed to.

BILLS INTRODUCED.

Mr. DAVIS introduced a bill (S. 3310) to restore the name of W. H. Mills to the roll of the Volunteer Army of the United States, and to grant him an honorable discharge therefrom; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3311) for the relief of Edwin Bell; which was read twice by its title, and referred to the Committee on Patents.

He also introduced a bill (S. 3312) granting a pension to Hanora Darwan; which was read twice by its title, and referred to the Committee on Pensions.

Mr. STEWART introduced a bill (S. 3313) extending the mining laws to saline lands; which was read twice by its title, and referred to the Committee on Mines and Mining.

Mr. HALE introduced a bill (S. 3314) granting a pension to Mary I. Bradbury; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. WOLCOTT introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3315) granting an increase of pension to William G. Stone;

A bill (S. 3316) granting an increase of pension to William C. C. Whitlock; and

A bill (S. 3317) granting an increase of pension to John W. Baynum.

Mr. MONEY introduced a bill (S. 3318) for the relief of the estate of John W. Cunyus, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 3319) relating to the administration of law and justice in the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. MORGAN introduced a bill (S. 3320) for the relief of Mrs. Sophia H. Fitts; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. DAVIS submitted an amendment proposing to increase the salaries of pressmen in the office of the Treasurer of the United States from $1,200 to $1,400, and also the salary of one compositor and pressman in the same office from $3.20 per day to $1,400 per annum, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment proposing to appropriate $2,000 for the preparation of a general index to the published volumes of the diplomatic correspondence and foreign relations of the United States, intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

He also submitted an amendment extending the provisions of an act entitled "An act granting extra pay to officers and enlisted men of United States Volunteers," approved January 12, 1899, to all regimental and company officers and enlisted men who served in the Volunteer Army of the United States during the war with Spain and were honorably discharged therefrom prior to January 12, 1899, intended to be proposed by him to the Army appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. FAIRBANKS submitted an amendment proposing to increase the allowance for salary of the consul at Bahia, Brazil, from $2,000 to $2,500, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

GOVERNMENT FOR PUERTO RICO.

Mr. CULBERSON submitted two amendments intended to be proposed by him to the bill (S. 2264) to provide a government for the island of Puerto Rico, and for other purposes; which were ordered to be printed.

LUCY E. BOARDLEY.

Mr. WARREN submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Lucy E. Boardley, widow of William Boardley, deceased, late a laborer in the Senate stables, a sum equal to six months' salary at the rate paid to said laborer per annum, said sum to be considered as including funeral expenses and all other allowances.

SENATOR FROM PENNSYLVANIA.

Mr. PENROSE. Mr. President, yesterday, as I understand it, it was agreed that the resolution relative to the credentials of Hon. M. S. Quay should be called up on Monday morning. It will be observed that during the speech of the Senator from Virginia [Mr. DANIEL], when the hour of 2 o'clock arrived, the Senator from Massachusetts [Mr. HOAR] asked unanimous consent "that the unfinished business be taken up at the conclusion of the remarks of the Senator from Virginia, and that he now proceed with his remarks." The Senator from Illinois [Mr. CULLOM] said, "That is all I desire."

I do not desire to call up the resolution to-day; but I desire to notify the Senate that I shall call up the resolution on Monday, and if members of the majority of the committee are not prepared to proceed, Senators representing the opinion of the minority of the Committee on Privileges and Elections will proceed in the case.

ORDER OF BUSINESS.

The PRESIDENT pro tempore. Is there further morning business?

Mr. COCKRELL. The Calendar.

The PRESIDENT pro tempore. If not, the Calendar under Rule VIII is in order.

Mr. CULLOM. I would ask the Senate to proceed with the consideration of the Hawaiian bill, but I see that the Senator from Connecticut [Mr. PLATT] who was to make some remarks is not present, and also the Senator from Alabama [Mr. MORGAN] seems not to be here now. I will allow the regular order to run along until those gentlemen come in.

Mr. HALE. What is the understanding? Is it that we shall proceed to consider unobjected cases under Rule VIII?

The PRESIDENT pro tempore. That is the regular order.

Mr. COCKRELL. That is the regular Calendar.

FORT PEMBINA MILITARY RESERVATION LANDS.

The bill (S. 157) providing for the selection of the lands within Fort Pembina Military Reservation, N. Dak., by the State of North Dakota was announced as first in order on the Calendar.

Mr. COCKRELL. The Senator who reported that bill is absent. Let it be passed over, retaining its place.

The PRESIDENT pro tempore. The bill will be passed over.

SCHOOLS OF MINES.

The bill (S. 2746) to aid the public-land States to support schools of mines was read, and considered as in Committee of the Whole.

Mr. ALLISON. This is a pretty important bill. I hope some Senator will explain its provisions, so that we may see the effect of it.

Mr. COCKRELL. Let the report be read. It is very short.

Mr. ALLISON. Very well.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the report submitted by Mr. PETTIGREW January 29, 1900, as follows:

The Committee on Public Lands, to whom was referred the bill (S. 2746) to aid the State of South Dakota to support a school of mines, have considered the same and beg leave to report in lieu thereof a bill to aid the public-land States to support schools of mines.

It has been deemed wise by the committee to recommend the enactment of general legislation of this character covering all the public-land States.

The committee respectfully recommends the passage of this bill, for the reason that it will aid in the establishment of institutions of learning in the mineral-land States, where the sciences of chemistry, metallurgy, mineralogy, geology, mining, and mining engineering, and other allied subjects can be taught. In the opinion of the committee it is especially important to do this in the States where the mining operations are practically carried on and where the practical application of this knowledge can be made. The lack of scientific knowledge in the development of our mining resources has been a great hindrance to this industry in the past. While the great universities in the East have taught these allied sciences, nevertheless it has been practically impossible for the youth of the mineral-land States to enjoy these advantages, owing to the great distance these institutions of learning are located from the seat of mining operations.

This bill proposes an expenditure of 50 per cent of the moneys received from the sale of mineral lands in the respective States for the purpose of aiding these institutions, and it is provided therein that such expenditure shall in no case exceed $12,000 annually; and it is further provided that the several States receiving this expenditure shall also expend a like amount in aid of these institutions. Students coming from other States are given the same privileges in these schools which are accorded to residents of the respective States where they may be located. The advantages of these schools will therefore extend to all students, regardless of the States they may come from, who may desire to pursue the study of these sciences.

The committee is of the opinion that it is to the interest of the entire country that such institutions be encouraged, to the end that it may bring about a more intelligent effort to the development of the vast mineral resources of the United States.

Mr. PLATT of Connecticut. I was not in when the bill was read, and therefore I wish to make an inquiry. Is it intended to give every public-land State, whether it has minerals in it or not, the right to establish a school, or only those States which are largely mineral? I suppose, for instance, without speaking by the book, that the State of Nebraska has very little of mineral land, and there are other States. I do not know what the bill provides for.

Mr. TELLER. If the Senator will let me read the first section of the bill, it is as follows:

That each of the public-land States shall annually receive 50 per cent of all moneys paid to the United States for mineral lands within said States, respectively, for the maintenance of a school of mines in each of the said States: *Provided*, That said sum so to be paid shall not exceed the sum of $12,000 per annum to each State, nor shall it exceed the amount annually expended by each of the said States for said school of mines.

Mr. PLATT of Connecticut. That, then, would only——

Mr. TELLER. It only really applies to mineral lands. I will say that this is a bill which has passed the Senate, I think, in almost the exact terms several times. A Senator near me asks if it applies to iron and coal. As it applies to mineral lands, I think it would apply to coal.

Mr. ALLISON. Where there are public lands now?

Mr. TELLER. Yes; where there are public lands now.

Mr. ALLISON. I do not know what the definition of a public-land State is.

Mr. WOLCOTT. Mr. President——

The PRESIDENT pro tempore. Does the senior Senator from Colorado yield to the junior Senator from Colorado?

Mr. TELLER. Certainly.

Mr. WOLCOTT. I suppose perhaps there ought to be some amendment reciting that the bill is to apply in States where there are now public lands undisposed of.

Mr. TELLER. There is no objection to inserting that. When the bill formerly passed the Senate it was limited, I believe, to Colorado, and it has been enlarged by making it apply to all the States.

Mr. COCKRELL. In section 1, line 8, after the word "each," I move to insert "now having public lands;" so as to read, "to each State now having public lands."

Mr. WOLCOTT. That will do.

Mr. PETTIGREW. Mr. President, I see no necessity for the amendment. There will be no revenue if there are no public lands, and therefore the bill will not apply to a State where there are not public lands to be disposed of. This, I think, is a bill which I introduced for South Dakota, and the Committee on Public Lands amended it by embracing all public-land States. It has passed the Senate, however, several times since 1890.

Mr. STEWART. It refers to the mineral lands of any State. If there are not mineral lands in a State, of course it does not apply.

Mr. PETTIGREW. No; of course not. There is no necessity for the amendment at all.

Mr. PLATT of Connecticut. I trust we will be excused for asking questions. Are there not schools of mines in some of those States now?

Mr. TELLER. I should like to say to the Senator that several of the mineral-land States and States producing precious metals have schools of mines. Colorado has maintained a school of mines and has kept it open for all the world for a great many years and paid the bills herself. While this will give us $12,000, it will not be a tithe of what we pay every year. We have a school of mines that, in my judgment, is equal to any school of mines in the world for the purposes for which schools of mines are maintained. It is not a very large amount that we are receiving. It seems to me that some of the States that have just started their schools of mines will be very much benefited, and I think it no more than fair that they should have it.

Mr. WOLCOTT. Mr. President, just a word as to the propriety of changing the phraseology. Of course if there are not public lands from which there are revenues, there would be no revenue from the sale of public lands that could be applicable to schools of mines in those States. But it is not a proper designation of a State of this Union to call it a public-land State. You might just as well in a bill say all navigable-river States shall be governed so and so, or all public-building States; you might as well say all coinage-mint States shall have so and so appropriated for them. It is not a proper designation of a State to speak of it as a public-land State. The bill should read, "All States having public lands undisposed of within their borders," or "All States having public lands." Every State has some public land—public land for its public buildings—and that is not a proper designation of a State. As long as we are passing the measure, it seems to me wiser that

we should designate our Commonwealths by States and then limit the conditions by proper designation, and not call our States public-land States. There is not any such thing as public-land States.

Mr. CARTER. Mr. President, independent of the phraseology, the measure is meritorious. The mere matter of phraseology is an inconsiderable matter.

Replying further to the suggestion of the Senator from Connecticut, I will say that the State of Montana has constructed a very commodious building in the city of Butte, near by the leading copper-producing camp of the United States, for a school of mines.

Mr. PLATT of Connecticut. If the Senator will allow me, I think, upon reading the bill carefully, I have no objection to it. It only provides that this sum shall be paid to States where there are schools of mines maintained. I did not so understand it at first.

Mr. CARTER. There is but a small proportion of the actual expenses of conducting the schools that will be paid through the operations of this bill. Only a portion of the sums collected within the States from sales of mineral lands will be given, but it will materially add to the efficiency of the schools. The contribution is analogous to the aid given to agricultural schools in the various States for agricultural development.

Mr. WARREN. Mr. President, it seems to me that if there is to be any amendment, for which I do not see any necessity, all that would be necessary would be to strike out the words "public land" before "State." Then it would read that each State shall annually receive one-half of the proceeds from the mineral lands, etc. I can not see any objection to that, if there is to be any amendment.

Mr. WOLCOTT. That covers it.

The PRESIDENT pro tempore. The Chair is not informed of any pending amendment.

Mr. WARREN. I will not offer it as an amendment if none is considered necessary. It seems to me, however, that what I proposed is the only kind of an amendment that would be needed.

Mr. CARTER. There is no need of an amendment.

Mr. HOAR. I should like to ask the Senator from Colorado if that phrase, whether theoretically liable to his criticism or not, has not got into legislative use?

Mr. WOLCOTT. The phrase "a public-land State?"

Mr. HOAR. Yes.

Mr. WOLCOTT. No; I do not think so.

Mr. HOAR. It is certainly in familiar use. For instance, one of the famous speeches of Charles Sumner is entitled, "Justice to the Land States." That is the title under which the speech passes. Of course it is not like a legislative provision of law, but I have the impression that that phrase has become a common one in our legislation.

Mr. WOLCOTT. But there are many of the States to which that phrase was applicable then to which it would not be applicable now. It was a transitory condition in any event. I would say, "a State having public lands," and I offer that as an amendment, Mr. President.

The PRESIDENT pro tempore. The amendment of the Senator from Colorado will be read. Where shall the amendment come in?

Mr. WOLCOTT. Let the first line of section 1 read: "That all States having public lands shall annually receive 50 per cent," instead of reading "each of the public-land States."

Mr. COCKRELL. That would just be striking out the words "the public land" before "States" and after the word "States" inserting "having public lands."

Mr. WOLCOTT. That will do. I accept the suggestion of the Senator from Missouri.

Mr. COCKRELL. Let that change be made in line 3, and that will end it.

The PRESIDENT pro tempore. The Senator from Colorado accepts the modification of the Senator from Missouri. It will be read.

The SECRETARY. Change line 3 so as to read:

That all States having public lands shall annually receive 50 per cent of all moneys, etc.

Mr. COCKRELL. I thought it was to read "each of the States." Let it go the way it is, though.

The PRESIDENT pro tempore. Is there objection to the amendment?

Mr. PETTIGREW. I do not know that I have any objection to the amendment. The designation of public-land States, however, is one that has been used for a generation as distinguishing those States where the Government disposed of the public domain. Of some of the States, the original thirteen States and some of the others, the area was not public domain. Many of them were not surveyed as we now survey the public lands of the United States. But I can see no harm in the amendment, and I care nothing about it. The Department has designated these States as public-land States in official communications, and Congress has designated them as public-land States time and time again in laws. Therefore there is no necessity for a departure, but I do not know that there is any harm in a departure in this connection.

I want to say also, in answer to the question of the Senator from Connecticut, that South Dakota has maintained a school of mines for the last sixteen or seventeen years—a very excellent school. Under this bill we can not receive from the Government more money than we expend upon the school. However, we are expending very much more than the amount which this bill will give us, and it will simply enable us to maintain a better school than we have been maintaining.

Mr. CARTER. Mr. President, the language employed in the proposed amendment is scarcely expressive of the thought the Senator has in mind, I apprehend. I presume the amendment contemplates the expression of the idea of States having public lands as being States within whose borders public lands exist. "Having" implies ownership. None of the States own public lands in the common acceptation of the term as used in reference to the public domain of the United States. If "having" public lands implies ownership, then the construction of the phraseology would render the bill inoperative. I presume the better word would be embracing public lands or containing public lands.

Mr. WOLCOTT. That word I certainly would not object to.

Mr. CARTER. Instead of the word "having," then, I suggest that the word "embracing" be inserted.

Mr. WOLCOTT. It is a good word.

The PRESIDENT pro tempore. The Senator from Montana suggests an amendment which will be stated.

The SECRETARY. Amend the amendment by striking out the word "having" and inserting the word "embracing."

Mr. RAWLINS. I move to amend the amendment by striking out the words "public lands" and leaving the section otherwise to stand as it was reported by the committee.

Mr. WOLCOTT. I hope the Senator from Utah will preserve "embracing."

Mr. RAWLINS. That word does not have any fascination for me, because this provision is limited by the subject-matter. "Each of the States shall annually receive 50 per cent of all moneys paid to the United States for mineral land within said States." There is no necessity for talking about States having public lands or public-land States, because that last clause clearly limits the provision.

Mr. COCKRELL. Let it be read.

The PRESIDENT pro tempore. The Secretary will read the first amendment.

The SECRETARY. The first amendment was to strike out after the word "that" the words "each of the public-land States" and insert in lieu the words "all States embracing public lands."

The PRESIDENT pro tempore. The Senator from Utah proposes an amendment to the amendment.

Mr. RAWLINS. If that is in order, it is to strike out the words "public lands."

The SECRETARY. Strike out the words "public lands;" so as to read:

That each of the States shall annually receive 50 per cent, etc.

Mr. COCKRELL. That is right.

The amendment to the amendment was agreed to.

The amendments as amended were agreed to.

The PRESIDENT pro tempore. Are there further amendments?

Mr. WOLCOTT. Section 2 of the bill reads:

That before any money shall be paid to each of the said States under the provisions of this act the Secretary of the Interior shall certify to the Secretary of the Treasury that each of the said States is maintaining a school of mines.

Of course, I do not suppose that has been sanctioned and hallowed by long usage so as to convey a more distinct idea than its faulty diction would appear to make it convey. The framer of the bill certainly does not want it to appear that before any money shall be paid to each of the States the Secretary shall be satisfied that each of the States is maintaining a school of mines.

I suggest that as the bill now stands the phraseology would be vague and uncertain, and that it should be amended so that in the first line of section 2 the word "each" be changed to "any," so as to read:

That before any money shall be paid to any State under the provisions of this act the Secretary of the Interior shall certify to the Secretary of the Treasury that such State is maintaining a school of mines.

The PRESIDENT pro tempore. The Senator from Colorado proposes an amendment, which will be read.

The SECRETARY. On page 1, line 11, section 2, strike out the words "each of the said States" and insert the words "any State," and in line 1, page 2, strike out the word "each" and insert the word "such."

Mr. WOLCOTT. Strike out "each of the said States" and insert "such State," in line 1 on page 2.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ALLISON. Let it be read as amended.

The PRESIDENT pro tempore. The Secretary will read the clause as amended.

The Secretary read as follows:

SEC. 2. That before any money shall be paid to any State under the provisions of this act the Secretary of the Interior shall certify to the Secretary of the Treasury that such State is maintaining a school of mines within its borders in which students in attendance are given instruction in chemistry, metallurgy, mineralogy, geology, mining, mining engineering, and so forth.

Mr. HOAR. I desire to suggest to my honorable friend the junior Senator from Colorado that that "and so forth" deserves his attention.

Mr. WOLCOTT. This is another bill, is it not?

Mr. HOAR. It is the same bill. There must be a school which instructs persons in "and so forth," according to the way it was read. Do I understand the Senator to approve that?

Mr. WOLCOTT. If I have interfered at all, it has been with great hesitancy, because it is the special province of the senior Senator from Massachusetts to correct the errors made by the rest of us in grammar, spelling, and punctuation. I only undertook to help this bill because the Senator seemed to be temporarily engaged on other duties; and I will now yield to him and let him fix the bill as he believes it should be arranged.

Mr. PLATT of Connecticut. I do not find the words "and so forth" in the bill anywhere.

Mr. HOAR. It was read at the desk, but it can be read again.

The PRESIDENT pro tempore. The Chair instructed the Secretary that it was unnecessary to read the balance of that entire section.

Mr. HOAR. I beg the Chair's pardon. I understood that that was a part of the bill. It was read as such at the desk. I make no further point.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. ALLISON. The title ought to be amended.

The PRESIDENT pro tempore. The title will be amended in accordance with the phraseology.

The title was amended so as to read: "A bill to aid certain States to support schools of mines."

FORT PEMBINA MILITARY RESERVATION LANDS.

Mr. RAWLINS. Mr. President——

Mr. CULLOM. I was about to make a motion to proceed to the consideration of the Hawaiian bill.

Mr. RAWLINS. Will not the Senator permit one bill to be called up that was passed over in the absence of the Senator from North Dakota [Mr. HANSBROUGH]?

Mr. CULLOM. Will it lead to any discussion?

Mr. RAWLINS. I think not. If it does, I shall not press it.

Mr. CULLOM. I will yield for that purpose.

Mr. RAWLINS. I ask that the bill (S. 157) providing for the selection of the lands within Fort Pembina Military Reservation, N. Dak., by the State of North Dakota be taken up.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDENT pro tempore. The bill has been read at length, and an amendment is pending.

Mr. RAWLINS. I ask that the amendment be read.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. It is proposed to insert the following:

That the right is hereby granted to any State to locate and make selection of public lands within abandoned military or other reservations in such State to satisfy the grants of lands made thereto.

Mr. RAWLINS. There ought to be no objection, it seems to me, to this amendment. Under the different enabling acts——

The PRESIDENT pro tempore. Will the Senator from Utah indicate where in the bill this amendment is to come in?

Mr. RAWLINS. I propose it as an additional section to the bill.

The PRESIDENT pro tempore. The amendment is offered as an additional section.

Mr. HANSBROUGH. I trust the Senator from Utah will not insist upon that amendment. His amendment proposes general legislation. It is not a matter that has been before any committee of the Senate. I assure the Senator that if he will introduce a bill carrying out the provisions of his amendment and send it to the Committee on Public Lands, it will be duly considered there. It will take the usual course of general legislation. It will be sent to the Interior Department for report, and then be considered by the committee. I do not believe that the amendment has any place on this bill.

Mr. RAWLINS. Mr. President, if the Senator from North Dakota will permit, this is a bill which I did introduce at the last session of Congress, which was referred to the Committee on Public Lands, and not acted upon. I again introduced it on the first or second day of this session, and it has been pending before the Committee on Public Lands, and referred by that committee to a subcommittee. I have conferred with the members of that committee in relation to it, and I have understood from them that there was no objection to it.

I desire simply to state the object of the bill. In interpreting the grants made by Congress to the different States it has been uniformly held by the Land Department, and also in repeated decisions by the Supreme Court of the United States, that land within abandoned military reservations might be subject to selection to satisfy such grants. Recently, within the past three years, there has been a ruling by the Secretary of the Interior to the effect that such lands are not open to those grants.

The object of this bill is solely to remove the difficulty arising from that decision. It continues the practice which has always prevailed in respect of all the States to which Congress has made grants of land. For instance, there is this exception in all the grants, so far as I have been able to ascertain, that lands within Indian reservations and military reservations are not subject to grants made to the State. That is true.

It has never been held that where a reservation has been abandoned, obliterated as a reservation, having no vitality as such, that those lands came within the exception as to the grant. Recently it has been held that that is so. The object of this provision is to remove that difficulty; and I trust the Senator from North Dakota will not object. The Senator from Minnesota [Mr. DAVIS] and other Senators have had occasion to investigate the subject. The provision I have offered is simply to continue the practice to the uniform ruling of the courts relating to the practice of the Land Department ever since the Government has existed until within the last two years.

Mr. HANSBROUGH. I shall be obliged to object to or to oppose the amendment until the Committee on Public Lands can secure a report from the Interior Department on this subject-matter. I have no doubt that if the Interior Department shall be requested to give us a report, it will send to the committee and to the Senate all the facts which the Senator from Utah refers to, and then we may act upon the proposition intelligently.

I hope the amendment will be voted down.

Mr. RAWLINS. Then I ask that the whole matter go over. Here is a special bill making a grant of an existing reservation, and certainly if an abandoned reservation should not be reserved, an existing reservation should not.

The PRESIDENT pro tempore. Objection is made, and the bill goes over.

JAMES H. WATERS.

Mr. CULLOM. I will withhold my request for a few minutes to proceed to the consideration of the Hawaiian bill, for the reason that there is objection to going on with the bill until the Senator from Alabama [Mr. MORGAN] is in his seat.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 28) to remove the charge of desertion from the military record of James H. Waters.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary o War to remove the charge of desertion from the military record of James H. Waters, late of Company D, Sixteenth Regiment Massachusetts Volunteer Infantry, and to grant him an honorable discharge to date the 8th of December, 1862; but that no pay, bounty, or other emolument shall become due or payable by virtue of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADDITIONAL COMMISSIONER FOR INDIAN TERRITORY.

Mr. PLATT of Connecticut. I ask unanimous consent for the present consideration of Senate bill 3018, which is a local bill reported from the Committee on the Judiciary, and there seems to be some necessity for its immediate passage.

There being no objection, the Senate, as in Committee of the Whole, proceeded to the consideration of the bill (S. 3018) for the appointment of an additional United States commissioner in the northern judicial district of the Indian Territory.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MONONGAHELA RIVER BRIDGE.

Mr. PENROSE. I ask unanimous consent to call up for present consideration the bill (H. R. 4006) to authorize the Union Railroad Company to construct and maintain a bridge across the Monongahela River. The bill is very urgently required.

Mr. COCKRELL. What is the number on the Calendar?

Mr. PENROSE. It is Order of Business No. 117, a bill reported by the Committee on Commerce by the Senator from Missouri [Mr. VEST], which has already passed the House of Representatives.

The PRESIDENT pro tempore. The bill was heretofore passed over without prejudice.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SCHOOL OF FORESTRY IN NORTH DAKOTA.

Mr. COCKRELL. Regular order, Mr. President.

The PRESIDENT pro tempore. The next bill on the Calendar in regular order will be stated.

The bill (S. 158) granting to the State of North Dakota 30,000 acres of land to aid in the maintenance of a school of forestry was announced as first in order; and the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. COCKRELL. Let a part of the report on that bill be read.

The PRESIDENT pro tempore. The report will be read.

Mr. HANSBROUGH. Yes; let the report be read. I think there will then be no objection to the bill.

The Secretary read from the report submitted by Mr. HANSBROUGH January 30, 1900, as follows:

The Committee on Public Lands, to whom was referred the bill (S. 158) granting to the State of North Dakota 30,000 acres of land to aid in the maintenance of a school of forestry, have had the same under consideration, and beg leave to report it back with the recommendation that it do pass.

By the act to provide for the division of Dakota into two States and to enable the people of North Dakota, South Dakota, Montana, and Washington to form constitutions and State governments and to be admitted into the Union on an equal footing with the original States, and to make donations of public lands to such States (chap. 180, 25 Stat. L.), there were granted to the State of North Dakota, in addition to other lands, 170,000 acres for apportionment for such other educational and charitable purposes other than those therein named. These lands, by a provision in the constitution of North Dakota, were divided as follows: Twenty thousand acres to the hospital for the insane, 40,000 acres for the Soldiers' Home, 30,000 acres for a blind asylum, 40,000 acres for industrial and school of manual training, 40,000 acres for a scientific school. This exhausted the grant of 170,000 acres and left noth[illegible] for the school of forestry, which by the same constitutional provision was to be located at some point in McHenry, Ward, Bottineau, or Rolette counties as might be determined upon by an election to be held for that purpose. At the election held Bottineau, Bottineau County, was selected.

Your committee does not deem it necessary to expatiate on the necessity of the encouragement of schools of forestry and the advantages to be derived from the proper knowledge of tree culture in prairie States, in which the proper planting and cultivation of trees means so much to the development of the country. Much has been done by the Division of Forestry, in the Agricultural Department, and still more can be done by the encouragement of institutions such as that located at Bottineau.

Mr. COCKRELL. I should like to have the Senator make an explanation regarding the first part of this report. It is there stated that—

There were granted to the State of North Dakota, in addition to other lands, 170,000 acres for apportionment for such other educational and charitable purposes other than those therein named.

Then the memorial of the general assembly of North Dakota says:

Whereas the Congress of the United States, in the passage of the enabling act aforesaid, granted to the State of South Dakota 120,000 acres of land for the use and support of an agricultural college in said State.

Mr. HANSBROUGH. That refers to the State of South Dakota. The memorial of the State of North Dakota recites the facts substantially which have been read and are contained in the report of the committee. The 170,000 acres that were appropriated have been divided as stated in that report—40,000 acres to the Soldiers' Home, 30,000 acres to the blind asylum, and so on, leaving nothing for the school of forestry, which is provided for in the constitution of the State.

Mr. GALLINGER. Before this bill is acted upon, I want to call the attention of the Senator from North Dakota to the fact that I am receiving letters—I have one now in my hand, and have had others during the last few weeks—entering very solemn protests against these donations of public lands to the States. These letters come from labor organizations, and I think they reflect the resolution which was passed in Chicago by the Federation of Labor.

I know very little about this matter, as we are not much interested in this subject in New England; but I should like to ask the Senator from North Dakota whether, in his opinion, the objections which are made are well grounded or not; whether there is danger of our continuing to give away the public lands to the detriment, as these men say, of actual settlers and home builders? If that should be the fact, I think it is a bad form of legislation and that we ought to call a halt to it. I do not, however, raise any objection to the bill beyond simply asking for information.

Mr. HANSBROUGH. I doubt if the Federation of Labor, which has communicated with the Senator from New Hampshire on this subject, knows quite as much about the public-land question as those who have had to deal with that subject. I do not believe that the appropriation of these lands for the purpose indicated would injure the public-land policy of this country or be a great detriment to settlers or proposed settlers or intending settlers in any part of the country; on the contrary, I think the establishment of schools of forestry and the planting of trees in the prairie States would greatly enhance the value of the lands which have been taken and those which are yet to be taken. I know that would be so in the case of North Dakota.

Mr. WARREN. Mr. President——

Mr. COCKRELL. If the Senator from Wyoming will permit me, I was reading, when interrupted a moment ago, a clause in the memorial of the general assembly of North Dakota, as follows:

Whereas the Congress of the United States, in the passage of the enabling act aforesaid, granted to the State of South Dakota 120,000 acres of land for the use and support of an agricultural college in said State, and granted to the State of North Dakota for the same purpose only 90,000 acres of land.

Were these 90,000 acres of land in addition to the 170,000 acres, or were they a part of the 170,000 acres? The report says there were 170,000 acres granted to North Dakota, and this memorial says only 90,000.

Mr. HANSBROUGH. I am not responsible for the memorial, but I am responsible for the report of the committee, and the facts contained in the report of the committee have been taken from the record. North Dakota got but 90,000 acres for its agricultural college, while South Dakota got 120,000. The appropriation of 30,000 for a school of forestry in North Dakota would put us on an even footing with South Dakota as to lands granted for agricultural college purposes, although the school of forestry is entirely a separate institution.

Mr. CULLOM. I only want to say a word. I am not familiar with the provisions of this bill——

The PRESIDENT pro tempore. The Senator from Wyoming [Mr. WARREN] was recognized before the Senator from Illinois [Mr. CULLOM] rose.

Mr. CULLOM. I beg pardon. I was not aware of that.

Mr. WARREN. If the Senator from Illinois will wait a moment perhaps I may cover the ground he was intending to inquire about, as I had the floor.

Mr. CULLOM. I did not know that.

Mr. WARREN. The Senator from New Hampshire [Mr. GALLINGER] has referred to a letter from the Federation of Labor. I desire to say that I have had such letters, and, in fact, petitions, but they do not refer, in my judgment, to a matter of this kind in even the remotest degree.

Mr. CULLOM. Those I have received, if the Senator will allow me a moment, have been protests against turning over the public lands of the country to the States. Those appealing to me seem to feel that if those lands get into the hands of the States the opportunity for homesteads will have been cut off, and their appeal is that the lands shall be given for homesteads to the people, instead of given to the States or disposed of in any other way.

Mr. WARREN. What the Senator from Illinois has said is true in part, but the communications which I have received referring to this subject refer more particularly to the proposition of leasing all of the public lands or of ceding such lands to the States.

It will be remembered that two Departments of the Government have in their reports recommended the leasing of all public lands. I had occasion recently to look up all these State grants of land, and I found that the grant in North Dakota was less than half the amount which Congress has granted to a State admitted to the Union since North Dakota was admitted. I found in the State which I have the honor in part to represent here that the Government still owns to-day nearly 90 per cent of all the lands within the State.

While the amount stated in this bill under consideration may seem large to a man who has but a garden patch, it is a mere spot on the map compared with the amount of land which still remains in that State. Every donation of land for such a purpose as this is sought to be used for will enhance in value the Government lands which remain two or three or perhaps ten times as much as the value of these donated lands taken from the public domain would be worth. I do not think any other distributions of the land as wisely made as the granting of such comparatively small amounts as these for such purposes.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TERRITORY OF HAWAII.

Mr. CULLOM. I ask unanimous consent that the bill relating to the Territory of Hawaii may be taken up.

The PRESIDENT pro tempore. The Senator from Illinois asks unanimous consent that the Senate proceed to the consideration of the bill named by him. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 222) to provide a government for the Territory of Hawaii.

The PRESIDENT pro tempore. The question before the Senate is on the amendment submitted by the Senator from Connecticut [Mr. PLATT].

Mr. TELLER. What is the amendment? I think it perhaps should be stated.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to amend section 81, on page 35, as follows: In line 22, before the word "shall," to strike out "governor" and insert "President;" in line 23, after the word "senate," to strike out "of the Territory of Hawaii;" in line 25, after the word "courts," to insert "and the governor shall nominate and, by and with the advice and consent of the senate of the Territory of Hawaii, appoint;" in line 11, on page 36, after the word "may" and before the word "remove," to insert "by and with the advice and consent of the senate of the Territory of Hawaii;" in line 16, after the word "removed," to strike out:

Except the chief justice and justices of the supreme court, who shall hold office during good behavior, and the judges of the circuit courts, whose terms of office shall be six years, and;

and on page 37, after the word "provided," at the end of line 12, to strike out:

Except the chief justice and associate justices of the supreme court and the judges of the circuit courts, who shall continue in office until their respective offices become vacant;

so that, if amended as proposed, the section would read:

SEC. 81. That the President shall nominate and, by and with the advice and consent of the Senate, appoint the chief justice and justices of the supreme court, the judges of the circuit courts, and the governor shall nominate and, by and with the advice and consent of the senate of the Territory of Hawaii, appoint the attorney-general, treasurer, commissioners of public lands, commissioner of agriculture and forestry, superintendent of public works, superintendent of public instruction, auditor, deputy auditor, surveyor, high sheriff, members of the board of health, commissioners of public instruction, board of prison inspectors, board of registration and inspectors of election, and any other boards of a public character that may be created by law; and he may make such appointments when the senate is not in session by granting commissions, which shall, unless such appointments are confirmed, expire at the end of the next session of the senate. He may, by and with the advice and consent of the senate of the Territory of Hawaii, remove from office any of such officers except the chief justice and justices of the supreme court and the judges of the circuit courts, who shall be removable by impeachment only. All such officers shall hold office for four years and until their successors are appointed and qualified, unless sooner removed, except the commissioners of public instruction and the members of said boards, whose terms of office shall be as provided by the laws of the Territory of Hawaii.

The manner of appointment and removal and the tenure of all other officers shall be as provided by law; and the governor may appoint or remove any officer whose appointment or removal is not otherwise provided for.

The salaries of all officers other than those appointed by the President shall be as provided by the legislature, but those of the chief justice and the justices of the supreme court and judges of the circuit courts shall not be diminished during their term of office.

All persons holding office in the Hawaiian Islands at the time this act takes effect shall, except as herein otherwise provided, continue to hold their respective offices until such offices become vacant, but not beyond the end of the first session of the senate, unless reappointed as herein provided.

Mr. TELLER. It is rather difficult to understand what all those amendments are as they have been read from the desk.

Mr. CULLOM. Will the Senator allow me to make a suggestion?

Mr. TELLER. Yes.

Mr. CULLOM. I think the substance of the amendments, which are scattered through a page or two, amounts to about this: The present bill reported by the committee provides that the judges of the supreme court and the circuit courts of the Territory shall be appointed by the governor and confirmed by the legislature of the Territory and paid by the Territory. Now, the substance of the proposed amendment is that the judges shall be appointed by the President and confirmed by the Senate of the United States; and I suppose, according to the usual theory, the United States would pay their salaries instead of the Territory of Hawaii.

Mr. MORGAN. And it reduces the term of office to four years.

Mr. CULLOM. Yes; and reduces the term of office to four years of all of the judges. That is the substance of the proposed amendment, as I understand.

Mr. TELLER. The amendment proposing to strike out the word "governor" would at least put the section in harmony with previous legislation. Of course, this is a departure from the old legislation respecting Territories. I must say that I think we ought to be very careful in framing legislation of this character. It occurs to me it would be an improvement on the system to allow the governor to make the appointments, because you would then get a little nearer to the people than you do with the President making them.

The President has, I believe, in all cases, so far as I recollect, appointed the judges of the Territories. Every man who has lived in a Territory for any length of time knows that there have been very gross abuses of that power. I believe it is impossible to give that power to the President without such abuses occurring, for the reason that he is so far away from the people who are to be served by the judges, that there is such a universal desire to get office in this country, and that so many people who succeed in obtaining such places are totally incompetent. I believe it would be better to leave the appointing power to the governor, who, I suppose—I do not know—is to be a citizen of the Territory. I do not know whether there is such a provision in the bill or not; but if it is not there, it ought to be.

Mr. CULLOM. The provision of the bill is simply that the governor shall be a resident, and I suppose that will probably be construed to mean a resident during his term of service.

Mr. PLATT of Connecticut. "Shall reside in."

Mr. CULLOM. "Shall reside in" is the expression.

Mr. TELLER. A man could not very well act as judge in a Territory without residing in the Territory.

Mr. CULLOM. If the Senator will allow me—of course if the appointment is left to the governor of the Territory, I should assume that the governor would select men in the Territory for the places.

Mr. TELLER. There ought to be a provision in this bill that the governor—I know that raises a very ugly question as to whether we can limit the power of the President—but there ought to be a provision, which, I think, if it were in here, would at least be persuasive on the President, if not mandatory, to select the governor from inhabitants of the Territory. I am not clear but what we have a right to do that. The governor ought to be so selected, because in this case there is a different condition existing there from that which has existed in any other Territory we have ever organized.

Mr. SPOONER. Will the Senator allow me a moment?

Mr. TELLER. Certainly.

Mr. SPOONER. I suppose there is no doubt that Congress may prescribe the qualifications of eligibility which may be necessary for the appointee. Congress can not require the President to appoint any particular man or can not dictate to him whom he shall appoint; but I suppose it would be competent for Congress to say that the governor should be a resident of the islands.

Mr. TELLER. I should think so.

Mr. COCKRELL. There is no question about that.

Mr. TELLER. But I have heard that disputed so often that I did not care to bring it up and make the assertion, as I was not prepared to go on and discuss it. At all events, the governor ought to be selected from the people of that Territory, and the judges ought to be selected from the Territory.

As I was saying when interrupted, the condition existing in Hawaii is entirely different from what existed when most of the Territories, in fact, I may say all the Territories, were heretofore organized. The organization of a Territory usually occurs when there are very few people in it, and some Territories have been almost without a population. Here is a stable and established community with a government which has existed for more than fifty years. The people have had the privilege of self-government for several years under a republican administration, and enjoyed a good deal of freedom under a monarchical administration. All of the people there may not be fit for participation in the government; but certainly there is a sufficient number to insure an absolutely safe and stable government, as good as there can be in any of the ordinary communities of no greater number than there are in Hawaii. I believe it will be better to leave that provision just where it is in the bill, and let the President appoint the governor, if that is the policy, although I should like very much better myself to see the provision that the people there should have the right to elect their governor.

I see no difficulty in giving to these people a constitution. That would not create a State. I would let the people of the Hawaiian Islands create their own organic act and arrange their affairs just as they want them.

Here is a people that, if they were in sufficient numbers, we would not hesitate, unless we were frightened at the fact that there was no contiguity between their territory and that of the United States, that they did not touch each other——

Mr. TILLMAN. Will the Senator from Colorado allow me?

Mr. TELLER. Wait a moment until I get through with my sentence.

Unless that was the case, we should be very willing to take in the Territory of Hawaii as a State. I do not know that it will ever be a State; but if there should be two or three hundred thousand people, such a population as we are going to admit to the franchise, I should be in favor of taking them in as a State.

Now I will hear the Senator from South Carolina.

Mr. TILLMAN. I will call the Senator's attention to the first section of this bill, in which the declaration is made:

That the phrase "the laws of Hawaii," as used in this act without qualifying words, shall mean the constitution and laws of the republic of Hawaii.

And that the proposition which the Senator has just made, that they ought to be allowed to make a constitution, is already provided for, except that the constitution which is given them under this act, if we shall pass it, is a constitution in which only about 2,600 men had any part in making; whereas if you want to give a republican government there, one which will embrace within its provisions the will of the people who will be allowed to vote under this bill, then you would have to call a constitutional convention and allow the electors, limited to those who can read and write, to enact a constitution for themselves.

Mr. TELLER. Well, Mr. President, I know the difficulties of those people having such a constitution as we would favor.

Mr. TILLMAN. And yet they are having a constitution.

Mr. TELLER. But to a large extent we are modifying it or repealing it. I should have liked to see a provision here—and that is all we need to have done—to let the people assemble in convention and create a constitution of their own. I should then have been in favor of enlarging the suffrage in that community; but I am very much opposed to restrictions except where they are absolutely necessary.

Mr. MORGAN. I wish to correct the impression of the Senator from South Carolina about the constitution. This bill does not give Hawaii a constitution.

Mr. TELLER. No; I know it does not.

Mr. MORGAN. It wipes it out entirely; and the words to which the Senator from South Carolina refers are merely descriptive words to show the changes made in the statutes of Hawaii.

Mr. TELLER. I was about to say that we have repealed the constitution and almost all the laws, and we are to reenact them here to some extent.

Mr. MORGAN. Yes.

Mr. TELLER. I would not be willing to apply to those people provisions I would be willing to apply to some of the other new possession we have acquired. We acquired those islands in fee by arrangement with the people. We are under some obligations to them that we are not under to some other people, whether it be the people of Puerto Rico or the Philippines. I want to give those people just as much self-control, self-government, control over their affairs as is possible, and I believe it is in our power to give them absolute control over their affairs, if we see fit, except, of course, the general laws that govern States as to import duties, etc., would have to prevail there. For that reason we had better leave this provision in here and let the governor appoint the judges.

I have had some experience in a Territory, and I have seen, with the best of intention on the part of the President, very vicious and bad men appointed to places of that character. Once appointed, we always found it almost impossible to get them out. We might make just as many representations as we chose to the executive department, but the people who had secured their appointments always had more strength than we had, and we suffered immensely. Every Senator here who has lived in a Territory will bear me out. One of the great evils in Territorial life has been that we were not in condition either to designate our men or to get rid of them when they turned out to be bad. Is not that true?

Mr. PLATT of Connecticut. Mr. President, I am not able to-day to speak at any particular length or with any particular vigor, on account of my health, but my reason for thinking it is better that the judges should be appointed by the President of the United States is, I believe, a reason which grows out of my desire that what we do here shall be best for the people of Hawaii. I believe it is much better for the people of those islands that the appointing power of the judges should reside in the President, rather than reside in the governor of the islands. I agree quite with all the Senator from Colorado says, and I suppose there are competent persons there for judges, although my attention has been called to some very remarkable decisions which have been made from time to time by the judges of those courts. But I suppose there are plenty of persons there competent to be judges. The difficulty in Hawaii is this: There is a small governing population and a large population that as time goes on will not like the government of the limited number of people who participate in and who control it.

The people of Hawaii and the people of the United States might as well look ahead a little and see what is coming, for in coming under the American flag there will develop in Hawaii American politics, with all its evils and all its benefits. They have never yet had political parties in Hawaii; that is, among the people who are now to take control of the government and whom it is hoped will maintain and continue their control of that government. They have been one party. They have, of course, been bound together in resisting the monarchy and in establishing a new republic. That binds them together. But when they become a Territory, there will be plenty of politics in that Territory, and among this small class of American citizenship. There will be the rich man in politics in that Territory, seeking to control elections and to control legislatures and to control governors. There will be the adventurer and the ward heeler in politics there, seeking to do the same thing, and as time goes on it will be a miracle practically if those people who are now in control of the government, and who, it is hoped, will continue to control the government, shall succeed in keeping out corruption and keeping out self-seeking and keeping out impure politics.

Now, it is inevitable, Mr. President, that the American citizens there are going to divide politically; that when divided into two parties or more, each wing will seek, by appeals to the Hawaiian citizenship and the Portuguese citizenship, to carry their point; and while no man can set himself up to be a prophet, to my mind the grave danger in Hawaii is to come just in that way. While we admit that the people now in control—President Dole and the judges—are men of high character, the time is coming when the judges, if left to the appointment of a governor there, will not be of the same high character that they are now; and it is because I want to protect the people of Hawaii against themselves and against the class of people who I think will finally get in control of the politics of the islands that I want to retain a little control over the islands in the hands of the President of the United States. I may be entirely mistaken about this, Mr. President, but I hear American citizens from Hawaii now talking about the "Dole gang." They have got that far in Hawaii, at least, in politics. They talk about the party in power and the president and those who sympathize with him as a gang. They have learned some of the political slang of the United States, to say the least. I believe it better for the people of Hawaii, more for their protection, more for their future interest, that they shall have something to rely upon besides themselves.

I would agree with the Senator from Colorado [Mr. TELLER] if that entire citizenship was like the citizenship of the Americans, the Germans, and the English people there. I would then be entirely willing to give them what would amount to practical self-government, retaining only the sovereignty of the United States over them and the ultimate power which we should exercise only under circumstances of the greatest necessity to regulate their affairs. I believe that to be entirely consistent with the doctrine of our Constitution and with the Declaration of Independence. I believe self-government in Hawaii or Puerto Rico or the Philippines, or any other possession which we may acquire, when the people are fitted for it, is entirely consistent with our sovereignty, as consistent with our sovereignty as the exercise of self-government in the States of the Union. There would be no more reason, if the people of Hawaii and Puerto Rico and the Philippines were well fitted to carry on self-government, to say that they are still vassals and subjects than there is now for saying that the people of our States are vassals and subjects. They have to submit to the sovereignty of the United States, and they have in many things to be controlled by the United States Government.

However, I did not rise for the purpose of making any extended remarks, for I am not equal to it to-day, but simply for the purpose of saying that I believe it is better for the people of Hawaii themselves that they shall be protected against the evils which I think are surely coming upon that people. It is a great experiment that they and we are entering upon, and it is well for them and for us that some power should still be retained and reside in the United States Government. If my fears should turn out to be unfounded, if it should turn out in the future that everything was harmonious there, that the citizenship there became homogeneous and harmonious, and that these dangers which I think I can see are only imaginary, it will be time enough then to give them larger power.

But, Mr. President, I want once more to revert to the fact that this bill contemplates that the government of those islands is to be dominated by 4,000 people out of a hundred and fifty thousand, and that it will be almost impossible to continue that state of affairs.

Mr. CULLOM. If the Senator will allow me, I hope that the developments by trial in that Territory will be such that it will not be very long, certainly not many years, before more power can be placed in the hands of the people than the bill proposes, and I shall certainly hope that the time will very soon come when the elective franchise can be granted safely to the great body of the people of that Territory.

Mr. PLATT of Connecticut. It would be very difficult to frame a bill in which more power would be given to the people of that Territory than is given in this bill. Of course, we could allow them to elect their own governor and their own secretary of state, but with that exception this bill gives all the power that can be given to them, and arbitrary power at that.

Mr. CULLOM. I referred more to the voting power, the legislature, and that sort of thing, than to any other point.

Mr. PLATT of Connecticut. If that time shall come, then it will be quite time enough, it seems to me, to extend to them these remarkable and extraordinary powers, such as we have not extended to any people wherever we have organized a Territory.

Now, it is said that this is an entirely different case from the ordinary organization of a Territory; that ordinarily we have organized a Territory over large areas of land, sparsely settled. That is true. It is said that here we have an established government, which has been in existence for three or four years, rescued from the queen and from monarchical institutions. That is true. But Senators overlook the fact that wherever we have organized a Territory heretofore we have organized it with its entire population, whether sparsely occupying the country or not, drawn from the older States of the Union, where they had been in the habit of participating in State governments, where education had reached its highest development. Mr. President, we organized

the Territory of Wyoming a little while ago, and we were told that the proportion of illiteracy in it when we organized it as a Territory was less than in many and perhaps less than in any of the States of the Union.

Mr. CULLOM. The same fact exists with reference to this Territory.

Mr. CAFFERY. Will the Senator from Connecticut allow me?

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Louisiana?

Mr. PLATT of Connecticut. I want to say one word in reply to the Senator from Illinois. Nearly half of the population there are Chinamen and Japanese.

Mr. CULLOM. Not of the voters.

Mr. PLATT of Connecticut. Then the observation which the Senator made does not apply to all the people inhabiting the Territory.

Mr. CAFFERY. I will inquire of the Senator from Connecticut whether, if literacy is a qualification for citizenship, the Kanakas, the original inhabitants of Hawaii, are not entitled to the privileges of American citizenship, for I am told, and I think I have seen it stated, that 100 per cent of them can read and write.

Mr. CLARK of Wyoming. Pretty nearly.

Mr. CULLOM. It is true that the records show that so far as the Hawaiian population are concerned, nearly all of them read and write in the Hawaiian or English language.

The PRESIDENT pro tempore. The Senator from Illinois has not been recognized by the Chair.

Mr. CULLOM. Excuse me, Mr. President.

Mr. PLATT of Connecticut. I was answering what had been said, that we could more safely intrust the entire management of affairs to the people of that Territory than we could intrust them to the people of the territory northwest of the Ohio River and the territory acquired from Louisiana, out of which so many States have been made. I do not think so, because, as I say, half that population, practically, are either Chinese or Japanese. If I remember the figures, 26,000 more are Portuguese.

Mr. TILLMAN. I will give the Senator from Connecticut the figures, if he will permit me.

The PRESIDENT pro tempore. The Chair has not recognized the Senator from South Carolina.

Mr. TILLMAN. Will the Senator from Connecticut permit me?

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from South Carolina?

Mr. PLATT of Connecticut. I will.

Mr. TILLMAN. Mr. President, I will take occasion to notify you every time you allow any other Senator to do the same thing. I shall not have one rule apply to me and not have it apply to others.

Mr. CULLOM. Mr. President, if the Chair will recognize me, I was called to order myself a moment ago, and I apologized to the Chair for violating the rule.

Mr. TILLMAN. I am perfectly willing to be called to order if the Chair will apply the rule impartially. I have no objection in the world to abiding by the rules of the Senate, and I will do it and always do it; but in the latitude of debate we have not observed the rule, and I will not allow the Chair, if he will permit me to speak so impudently, to apply one rule to me and to apply another rule to other Senators.

Mr. SPOONER. It is only fair to the Chair to say that in the last month he has repeatedly called attention of Senators to that rule. He has called my attention to it when I have violated it.

Mr. TILLMAN. I am not at all nettled with the Chair. I am rather amused. I think the Chair was rather inclined to have a little fun at my expense, as he did the other day. I have not the slightest ruffling of feeling on that score at all.

Mr. SPOONER. I think every Senator here must see, and that is the theory of the rule, that it is essential to proper debate that the rule shall be enforced.

Mr. TILLMAN. I recognize it and do not dispute it.

Mr. SPOONER. It is necessary to proper order in debate.

Mr. TILLMAN. I do not dispute the necessity of its enforcement in the interest of orderly debate. I simply insist that it shall not apply to me only.

The figures, if the Senator from Connecticut will permit me, taken from the report of the Hawaiian Commission, are: Hawaiians and mixed bloods, 39,000; Japanese, 25,000; Chinese, 21,500; Portuguese, 15,000; Americans, 4,000; British, 2,250; Germans and other Europeans, 2,000; Polynesians and miscellaneous, 1,250, and, as we have repeated evidence, there have been 25,000 additional Japanese contract laborers imported since, so that the total number of Japanese and Chinese would be 71,000, or thereabouts—more than half.

Mr. PLATT of Connecticut. It would be about half.

To resume what I was saying, Mr. President, there is an entirely different condition of population, of citizenship, from that which has ever existed in any Territory which we have ever organized in the United States, and it makes it very much more dangerous to allow absolute control in those islands without any restraint to be exercised from what may be called the home Government of the United States. In the Northwest Territory, and I venture to say in the Territories of Wisconsin and Colorado and Minnesota and Dakota, and all those Territories, when a Territorial government was organized, although there may have been but few people there, they were all of them American citizens who had participated in the privileges and duties and responsibilities of American citizenship. If we thought it was wise to limit them in the power which was committed to their hands, it seems to me, as I said the other day, it is much wiser to retain some power in the hands of the President and Congress where we have such a mixed, and, I fear, dangerous population politically to deal with, and where, it seems to me, the gravest questions are likely to arise.

Mr. President, among those 4,000 American citizens there have grown up a class of wealthy men. They talk about millions out there just as they talk about it in some of the Western States. A man with a million or two is not to be considered a wealthy man at all. There are multi-millionaires in Hawaii, and if there is any truth in what is said about corporate influence controlling legislation, there is the spot for it to be exercised and to control legislation and the courts. If there is any danger in the United States of corporate influence controlling legislatures and the judiciary, that danger is multiplied ten times in Hawaii; and I do think that, with all our experience in the appointment of judges for Territories—some of it has been bad, but upon the whole it has been good—we may safely believe that the judges to be appointed by the President of the United States would be as able men and less likely to be controlled by any improper influences in the islands of Hawaii than if appointed by a governor whom the President should appoint. Are we going to get any better judges by letting the appointing power be diluted through the governor whom the President shall appoint than if the judges are appointed directly by the President himself?

And so, Mr. President, notwithstanding this discussion, I still hold to my belief that it is better for the people of Hawaii that the judges should be appointed by the President, and I think I am permitted to say that that is coming, to some extent at least, to be the prevailing sentiment of the people of Hawaii, if their representatives here truly represent the people there. While at first they thought it best to preserve the judiciary as it was, the appointing power to be in the hands of the governor, and a life term or a long term, in view of these grave questions that are ahead of them, they believe it is better that the power should reside in the President of the United States.

Something was said yesterday to the effect that we must provide for the payment of the salaries of these judges if we appoint them. That is true. And my belief is so strong that it is necessary that this power should be retained in the hands of the President and in the control of Congress that I would be entirely willing to assume on the part of the Government the payment of their salaries and all the expenses of the courts. I have been wondering a little who is going to pay the expenses of this Territory under the pending bill. All that the bill specifically provides is that we shall pay the salaries of the governor and the secretary and the Federal judge, as he is called, and the marshal and the district attorney. I suppose it intends to carry the idea that the people of Hawaii are going to pay all the rest of the expenses of running that Territory. But there is nothing in the bill that provides for it. It is left open. One does not need to be gifted with any great prevision to see that only at the next session of Congress they will come here asking for appropriations to carry on their Territorial government as other Territories are appropriated for.

Mr. MORGAN. Mr. President——

The PRESIDING OFFICER (Mr. PERKINS in the chair). Does the Senator from Connecticut yield to the Senator from Alabama?

Mr. PLATT of Connecticut. Yes, sir.

Mr. MORGAN. I suggest to the Senator from Connecticut that the tax laws of Hawaii are preserved in this bill.

Mr. PLATT of Connecticut. I was coming to that.

Mr. MORGAN. Various other revenues are provided for; and they are quite ample to sustain the government under the provisions of this bill.

Mr. PLATT of Connecticut. I was coming to that. It will not be many years before they will want to relieve themselves of their local tax laws and the burdens of local taxation and have the Government pay for the Territory of Hawaii the same as they pay for other Territories.

Mr. MORGAN. Will the Senator from Connecticut point out now any ground for that suspicion which he has just expressed?

Mr. PLATT of Connecticut. I think I will. We propose in this bill to make the ports there ports of the United States and extend our customs laws there. We are, therefore, to collect on all goods imported there from foreign ports the same duties that we collect in our home ports. We are to put that in the Treasury of the United States. Then we extend our internal-revenue laws there, and we are going to call upon them to pay all the internal-revenue

taxes which we pay here in the States; and we put that in the Treasury of the United States.

Mr. President, it will not be one year's time, if this Territory is admitted, before we shall be told by the people of Hawaii that it is not fair to appropriate the customs duties which are paid out through custom-houses and the internal-revenue taxes which are collected by an internal-revenue collector stationed there, and put them into our own Treasury, and make them pay all, or practically all, of the expenses of running the government.

Mr. CLARK of Wyoming. Will the Senator from Connecticut allow me to ask him a question?

Mr. PLATT of Connecticut. Certainly.

Mr. CLARK of Wyoming. Would not that be a just contention, in the view of the Senator?

Mr. PLATT of Connecticut. Mr. President, I do not see upon what principle we propose to make the people of Hawaii tax themselves for the support of the government which we give them here and tax them for the support of our Government. I do not see on what principle that is done. There are a great many things in these laws that we do not——

Mr. TILLMAN. Mr. President——

Mr. PLATT of Connecticut. Will the Senator from South Carolina excuse me for a moment? If this bill passes, we are going to have two systems of internal-revenue taxation in Hawaii. Take the part of the bill which repeals the sections in the chapters referred to in the bill; that does not repeal the chapter about stamp duties, and here we have a schedule of stamp duties in Hawaii, the same as we have a schedule of stamp duties under our internal-revenue taxation, and they are both to go side by side in Hawaii.

No, Mr. President, we can not hug to ourselves the delusion that we can make those people pay internal-revenue taxes into our Treasury and turn into our Treasury all the customs duties that are collected there and not expect them to come here to Congress and ask that we should at least appropriate that amount of money toward the support of their Territory, that we should at least relieve them from the burdens of taxation to that extent. So I think this question that we shall have to provide for the salaries of the judges, if they are appointed by the President, and for the expenses of the courts need not alarm us at all.

Mr. TILLMAN. Mr. President, I should like to ask the Senator from Connecticut before he takes his seat, as he has been discussing that phase of the subject, whether or not the Federal relations, so to speak, between Hawaii and the United States are any different from those which exist between the United States and South Carolina other than that one is a Territory and the other is a State? Is it not a fact that we send the mail to those people and distribute it at the expense of the Federal Government through postage stamps?

Mr. PLATT of Connecticut. No; as I understand——

Mr. TILLMAN. Do they have their own individual postal laws?

Mr. PLATT of Connecticut. I understand that they do and that those laws are recognized in this bill.

Mr. CULLOM. Their postal system passes under the United States laws, if the Senator will excuse me.

Mr. TILLMAN. Then, with the permission of the Senator from Connecticut—or, rather, I believe I have the floor—I would ask, is Hawaii in the United States or is it not; and if not, why not?

Mr. CULLOM. It will be when this bill passes.

Mr. TILLMAN. If it was in the United States when we annexed it by joint resolution and extended the Constitution over it, and if it has a postal system of its own and is going to have a revenue-tax system of its own, why did we bother with it anyway?

But, to come back down to the other question, I want to ask the Senator if there is not a very considerable expense by the Federal Government which has not been broached here, and that is the maintenance of a military post there for the protection of this little handful of 7,000 white men against the Chinese, Japanese, Portuguese, and Kanakas, and others who are dissatisfied with the government now given them?

Mr. PLATT of Connecticut. I do not know about that, Mr. President.

Mr. TILLMAN. I think the Senator can very easily refresh his memory, if he will, by finding out that our troops were there before we annexed the islands, and are there now, and will be there and are likely to be there for all time.

Mr. PLATT of Connecticut. There is nothing in the bill about it.

Mr. TILLMAN. There is nothing in the bill about it, of course, but it is a Federal expenditure. We are spending money to maintain those soldiers there for the protection of life and property. I do not believe in the principle of having people taxed and having the money spent elsewhere, because that is the kind of a thing that has been going on in my part of the country so long that we have got used to it and quit crying or complaining.

Take the expenditures of the Federal Government at an average of $500,000,000 a year, make all due allowances for our poverty and other things, and we pay at least $100,000,000 of that amount. How much is spent among us? This subject is entirely foreign to the subject of debate, but then, if Hawaii is to have a special claim upon the little amount of Federal taxation of imports and revenue stamps and other sources of Federal income there, and we are to give it to her, I want to ask you upon what basis of equality or equity or justice you would attempt to do it?

The Senator, of course, knows that he has merely presented a suppositious question as to what is coming, and is arguing against allowing the Hawaiian people to be turned over to the oligarchy which we all acknowledge exists there and which is being perpetuated by this bill. We seek to give some measure of protection by supreme judges and other judges appointed by the President, supposed to be an impartial man, who wants to have good, clean, honest judges, and not put those judges in the power of the governor, even though the governor be appointed by the President, and let the governor be the head, the judges his tools and underlings, obliged to obey his orders or they will not be reappointed, and the whole machine to be an autocracy greater than that of Russia. I sympathize with the Senator from Connecticut in the effort to protect these people from any such deplorable condition as that.

Now, Mr. President, as I have the floor, I will go on to take up some other phases of the subject, because while I did not intend to speak on this bill, and have not given the subject any great amount of examination, and have contented myself with an occasional inquiry or a suggestion as I sat in my seat here and listened to the debate and the amendments that have been offered, I have felt so indignant at the treatment I received the other afternoon from the Senator from Alabama [Mr. MORGAN] that I have investigated it a little more fully, and I want to point out some of the enormities and outrages that are being perpetrated in this very act, or have been attempted to be perpetrated, and to call the attention of the Senate to certain phases of the question that no one has alluded to heretofore.

Before I leave that question, the Senator from Alabama——

Mr. MORGAN. I wish to say——

Mr. TILLMAN. Mr. President, I decline to yield to the Senator from Alabama. He has put himself outside of the pale of courtesy so far as I am concerned. He can take all the time he pleases after I get through. I will say further, as an explanation of that to those who were not present, that the reason why I feel thus is that it is the second time since I have been a member of this body that I have been treated with indignity and discourtesy and rudeness by the Senator. While he is an old and honored member here, and a man who is worthy of our admiration in a great many respects, I contend that he has not been as courteous and observant as he should have been of the amenities of debate and the politeness due from one member of this body to another.

Now, the reason why I say this is because the other afternoon, in a perfectly good spirit, without any malice against anyone, merely for the purpose of inquiry and enlightenment, to get the subject fairly before the Senate, I asked the Senator some questions and—well, he waved me aside with a kind of a sneer that that was about all I knew concerning it, and that I knew so little about it I was not worthy of consideration. Then later on he permitted the Senator from Colorado [Mr. WOLCOTT] to "make a suggestion," in which there was an assault—a direct, positive assault—upon my State. Very naturally, I rose after the Senator from Colorado got through and asked permission to explain—simply to explain. What was the action of the Senator from Alabama? He simply said, "No; I can not permit it; take some other time." It is the first time since I have been here that any man's State has ever been mentioned by anyone in an opprobrious way, that a refusal was made to allow him, then and there on the spot, and let it go in the RECORD alongside of the accusation or attack, to clear up or explain, if he asked permission to have it done.

The attack of the Senator from Colorado was that the vote in my State was suppressed, and he read figures from the Congressional Directory going to show that the vote in the last State election for Congressmen was some 28,000 for seven Congressmen. The same would apply to the State of Alabama; to almost every other Southern State similarly situated to mine. It applies to Mississippi. It was not new. It had been brought up in debate on the PRITCHARD resolution, and the Senator from Mississippi [Mr. MONEY] explained it in regard to his State. I wanted only three minutes to give some explanation here. I was denied it. No Republican would have denied it to me, because there is no man on the other side so lacking in courtesy and fairness and decency as to have permitted a State to be attacked in his time and then refuse to allow its Senator here to defend it.

In that connection, Mr. President, I will carry out my purpose and show now and here why the vote in South Carolina is so small at the legal election in November. Under our new constitution, in which the suffrage is based on an educational qualification, enlarged to illiterates by the payment of taxes on $300, we have about 114,000 registered voters. In other words, a man who

can read and write or pays taxes on $300 worth of property is allowed to vote. There are in the State some fourteen or fifteen thousand colored voters registered. Of the balance of the vote, white, 97 per cent is Democratic.

Mr. CLARK of Wyoming. What is the total vote?

Mr. TILLMAN. The total registered vote is 114,000 or 115,000. I say 97 per cent of the white vote is Democratic. Well, now, at our Democratic primaries, protected by law for the nomination of the party candidates, held in the summer, at least 90 per cent of that vote turns out, and there is great interest and excitement, as some of you have heard in the papers in the campaigns in which I have been interested down there for governor and Senator. There is no lethargy there in politics, there being as much politics to the square mile as in any other State in the Union. But there has been no organized Republican party in the State since 1884. The Republicans do not hold any State convention; they do not nominate any candidates for governor and other State officers. In one Congressional district they did so up to the period when the last constitution was inaugurated, in 1895, in what is known as the black district, where we strung the negroes together for the purpose of giving them one district, and then we turned around and took it away from them, having the usual greed of the Anglo-Saxon and his unwillingness to allow the colored race to dominate him or have any influence in government, just as you gentlemen now propose to do for Hawaii.

I said there were no Republican nominations except for Congressmen in the black district. The Republican machine is composed of those who are appointed by the Republican President to the post-offices and the Federal positions—the marshal, and so forth, the collector of the port, and the district attorney. They control the patronage. They send delegates to the national convention for the Republican party. It is as rotten a borough as any other State in the Union so far as Republican influence is concerned, because there is no hope, no possibility, of any electoral vote for any Republican candidate in South Carolina.

Well, with no candidates opposing our Democratic nominees at the legal elections in November, being merely a ratification of the primary elections or nomination in August, what object is there for men to turn out and vote? They simply do not do it. Therefore three or four thousand or four or five thousand in a Congressional district go to the polls in November and ratify the action of the party in August.

The Senator from Colorado [Mr. WOLCOTT] I see is absent from the Chamber. I think if he had known all the circumstances of the debate he would not have waltzed into it in the way he did. His State in the last election in one Congressional district polled fifty-odd thousand and the other polled 80,000. Everybody knows why that is. It is simply because women in Colorado vote.

On the question of suppression, as indicated by the paucity of the vote, I will quote some figures used by the Senator from Mississippi [Mr. MONEY] in regard to Massachusetts and Connecticut to show that it is not always necessary to have any statute law or any illegality or any infamous proceedings in elections to cause a small vote.

In 1890 the State of Massachusetts, which has an educational qualification the same as my State, polled 285,000 votes. What is the total voting population of Massachusetts? Six hundred and sixty-five thousand. In Connecticut the same year the vote was 125,000, out of a total vote of 224,000. Nobody will contend that the vote of Massachusetts was suppressed; that there was interference with anybody. I presume that the Republicans had a full swing there, as they have almost always had, except when an occasional uprising of the people took place. The party felt that the ticket was safe, and enough Republicans went out, seeing that the Democrats were not active and were taking no interest, and voted to save the ticket and elected it. The Democrats feeling no interest in the election, knowing they could not carry it, remained at home. Nearly 400,000 voters in Massachusetts did not turn out.

Why not allow other people to have the same rights and exercise them when you are indifferent in politics? Why accuse us of the South always of suppressing and oppressing the colored race? We do enough of it; I do not dispute it; but we are not doing in my State half the devilment, never have done half the devilment, that is proposed to be done in this Hawaiian law that you are now enacting.

You said in 1867 and 1868, when you passed the constitutional amendments, that involuntary servitude in the United States and all the Territories thereof should cease, or in any territory under its dominion. You know since and you knew it when you annexed Hawaii that there were 20,000 contract slaves there who were whipped when they refused to work and were driven to their work under the lash. What did you do? Did you put in a provision in the resolution of annexation annulling those contracts and protecting those people? No.

Now what do you propose to do, or, rather, what did this committee propose to do? The bill has been amended, but we have got to take it as the committee sent it here, as showing the latter-day Republican policy. Here is the way they brought it in. Here is the provision for which the committee stands sponsor and is responsible as far as its action goes. Any amendment or assistance or benefit to those people that will come from legislation will come from the Senate itself as proposed by the amendment of the Senator from Massachusetts. Here is the provision of the bill:

SEC. 10. That all obligations, contracts, rights of action, suits at law and in equity, prosecutions, and judgments existing prior to the taking effect of this act shall continue to be as effectual as if this act had not been passed.

In another section we repeal the provision of the Hawaiian constitution and all the Hawaiian enactments or statutes which allow punishment of those contract laborers by imprisonment and whipping, and then turn around and say that all existing contracts must be fulfilled, and that the law, so far as they are concerned, must continue in effect. It is to give three or five more years of slave labor to the sugar corporations which are behind this bill, which were behind the annexation resolution, and which have sent their sugar in here until we have remitted duties to the amount of $80,000,000.

And then you get up and attack South Carolina because her vote is small! What kind of a vote do you propose to give those people? The proposition here is to limit the vote to those who can read and write. I have no objection to that; we are doing it ourselves; but you go forward and say that Senators shall not be voted for by any man who does not own a thousand dollars' worth of property, whereas our provision is that if you own $300 worth and do not read and write you have the right to vote.

I sympathize with the little oligarchy in Hawaii in a way, the 4,000 white men or white women, with young men and children, Americans, 7,000 all told. I do not want them massacred. I do not want them put under the domination of the Kanakas. They are not going to be. If you were to let them loose, they would hire enough or control enough of votes, buy enough of votes, if necessary, as is being done in some of the Southern States, to elect their government; or they would cheat them, as we used to do. What I object to, gentlemen, is the hypocrisy of those in this Chamber who stand up here and contend and contend and contend that the South must be treated differently from those people; that the colored race must be differently treated in the Philippine Islands, Hawaii, and Puerto Rico from what they are treated in our States of Mississippi, Louisiana, Texas, Alabama, and South Carolina.

If it is good to have white supremacy in the Hawaiian Islands, why is it not in my State? We are Americans, gentlemen. The white people in that State are almost wholly descendants of men who fought in the Revolution. There are but 9,000 foreign-born citizens in it; and if we are backward and old-fogyish in some things, we love liberty as well as you do. We know the inherent superiority of the Anglo-Saxon, and when we were forced by the Federal Government to submit to the oppressions of a majority of colored people, ex-slaves, from 1868 to 1876, when life had become not worth living on the terms you were giving it to us, we all rose in our manhood and, in spite of Grant and his army, we took the government away from those people. We have held it ever since, and we will hold it for all time.

I do not object to those white men in Hawaii being protected, but do not protect them with hypocrisy and cant. Be men! Stand up! Come out and say why you do this thing.

This provision in the bill providing for contract laborers—that is, for the contracts with contract laborers being carried out—has been amended. The Senate has endeavored, I believe, to keep that provision from being enacted by the amendment of the Senator from Massachusetts; but you still have all these judges appointed by the governor, with the governor recommended by the sugar planters to the President, with no means of communication between that country and this, with the large number of Americans over there who are not worth a thousand dollars and therefore can not vote for a senator, with the provisions of this bill looking to the perpetuation of the rule of wealth without regard to the old slogan of the Republican party, manhood suffrage, God, and morality, and brotherhood of man, and all of that old stuff which you believed in once and fought for, but which you now repudiate.

Why do you not come out like men and say so if you have changed your position, if you no longer regard the colored races with the affection you once had for them, if you make no move looking to the protection of them in Hawaii or in Puerto Rico? Poor Puerto Rico is not provided for in this bill. We will come to that when the bill comes over from the House, if it ever gets over; therefore I will not expatiate on that. But what I am contending for here is that you ought not, as decent men, as Christian men, as self-respecting men, to lend your assistance and your votes to any scheme of government which in its essence is a military despotism supported by the Army of the United States and the maintenance of an oligarchy of a few thousand or a few hundred rich men manipulating and controlling the rest.

Here is a letter which the Senator from Idaho [Mr. HEITFELD]

handed me a moment ago, dated Honolulu, January 26, 1900, which I will read for the information of the Senate:

Hon. HENRY HEITFELD:

DEAR SIR: Yours of January 8 was received two or three days since. Also received the copy of the Cullom bill, for which I thank you. As to suggestions, the most important one I can make is that the immigration laws should go into effect at once on the signature of the President. If that is put off until the 4th of July, this government, which has imported between 20,000 and 30,000 Japanese laborers into these islands since the American flag was raised over them, will import as many as they can in the interim.

While the black plague is here, brought from China and Japan, while millions of dollars of property have been destroyed by fire to eradicate the plague, several thousand Japanese laborers have been landed on these islands. There are many, many Americans here who object to this importation of Asiatics; but woe to him who has the temerity to do it openly! The sugar interests are as vindictive and relentless as a head hunter of Borneo. I think the supreme court justices should be appointed by the President rather than by the governor; then we might have some varied interests here.

I do not think it best to put the legislature under the thumb of the judiciary by giving the supreme court the right to determine who are the representatives and senators.

The Senator from Wisconsin has had that amended out of the bill.

Finally, I most earnestly entreat you, Senator, to give the Fairbanks bill, extending the labor and immigration laws of the United States immediately to Hawaii, your earnest support.

Mr. CLARK of Wyoming. Whom is the letter from? Will the Senator tell us?

Mr. TILLMAN. Did you hear it say, "Woe to him who has the temerity to do it openly?"

Mr. CLARK of Wyoming. This is the Senate of the United States, Mr. President——

Mr. TILLMAN. It was the Senator from Idaho [Mr. HEITFELD] who told me that the writer was a responsible man, and that he was a truthful man, but I would not undertake to give his name here without his consent.

Mr. CLARK of Wyoming. I do not know why the name should not be given when a charge of that kind is made.

Mr. TILLMAN. Are we going to send an investigating committee out there to see that the oligarchy of wealth there is put down and that justice is done to the American immigrant?

Mr. CLARK of Wyoming. May I be allowed a question?

Mr. TILLMAN. Certainly.

Mr. CLARK of Wyoming. I want to say to the Senator from South Carolina that I am thoroughly in sympathy with him on the proposition of appointing the judges by the President; neither can I be charged with being extra friendly to that portion of the population over there which the Senator condemns; but I think it is unwise, I think it is not right, that a charge of that sort should be made in the Senate of the United States against any reputable body of citizens without having the source of the charge made known.

Mr. TILLMAN. I will consult with the gentleman who gave me the letter. If the writer were from my State, I would give his name without asking his permission.

But, at all events, you see that this gentleman has pointed out the very ulcers and sores of tyranny, which we ourselves have seen and have eliminated from this "perfect bill," this paragon of legislative excellence, which has been brought in by the Committee on Foreign Relations in relation to a government which the Senator from Alabama [Mr. MORGAN] has praised so highly as being a perfect government, the best government under the sun, almost; a government that is equal to that of any of the American States, and all that sort of thing. That government is to rest, first, on the appointment of a governor by the President, of a native or a resident; and, secondly, that governor is given all the judiciary, to be under his thumb and control and influence, if this bill goes through. The lower legislative branch of the government is to be elected by those who can read and write; and as to the senate, by those who have $1,000, and to be voted for by nobody who has not a thousand dollars. Therefore, the wealthy classes in the Territory are to control its destinies; the "governing classes," as some Senator said the other day—a new phrase in America, by the way—"the governing classes!"

Mr. HOAR. Just as you have a governing race.

Mr. TILLMAN. We have a governing race just as you would have in Massachusetts if you had 750,000 negroes and only 500,000 white men. [Laughter.] I do not deny, and never have denied, that the white people in South Carolina control the State and intend to continue the control of it. We have a God-given right to control it; and when our civilization was in jeopardy we rose and took the control, as I said a while ago.

Mr. HEITFELD entered the Chamber.

Mr. TILLMAN. I will say to the Senator from Idaho [Mr. HEITFELD] that I have read this letter with his permission, and the Senator from Wyoming [Mr. CLARK] called my attention to the fact that I did not give the name of the gentleman who wrote the letter. I told that Senator I had no authority to give the name of that gentleman, and that I would refer him to you. The writer himself says that a man who dares openly to oppose the sugar barons out there and the corporations and their officers who control the sugar plantations is in jeopardy of his life. The Senator from Idaho can give the name if he desires to do so, but I am not at liberty to do it.

Mr. HEITFELD. Judging from the letter, I am satisfied the gentleman who wrote it does not want his name to be known. I will say, however, that I knew this gentleman in Idaho several years ago, when he was in the Government service—an entirely reliable man. I should like to give his name, but I do not know that, under the circumstances, I have a right to do so. I will give the name to the Senator from Wyoming privately, if he so desires.

Mr. TILLMAN. If the Senator from Wyoming will move for a Senatorial investigating committee, or a joint committee, to go out there and investigate the devilment that has been going on, and is going on now, and will continue to go on after we have passed this bill——

Mr. CLARK of Wyoming. I will say to the Senator from South Carolina that I do not need any investigating committee. I have been there myself.

Mr. TILLMAN. Then, will you get up and testify in your own behalf as to what the conditions there are? I notice that you have been endeavoring to liberalize this bill and protect the people there.

Mr. CLARK of Wyoming. If the Senator ever gets through, I will make my statement.

Mr. TILLMAN. Well, that is a left-handed compliment that I do not think comes with any good grace from the Senator.

Mr. CLARK of Wyoming. I have taken very little time of the Senate.

Mr. TILLMAN. The Senator is not in the habit of making long-winded speeches, and he does not bother us much with speeches of any kind; but those which he makes are always lucid and forceful, and I always listen to them with instruction. I maintain, however, that I never tire the Senate. I never speak unless I have got something to say; and when I get through saying it I stop. [Laughter.]

I only point out this in this long, rambling speech, which is cut into so many parts that it has not any logical connection or force, and what I wish to say is that this bill enacts and reenacts certain laws from the statute book of Hawaii, which none of us know anything about, and it repeals other laws of Hawaii which none of us know anything about. We are legislating in the dark and upon the good faith of the committee that they would not mislead us. You have seen that committee bring in a proposition looking to the carrying out of contracts made since the islands were annexed and leaving laws in force regarding these existing contracts. That is the reason there was a necessity to rush in and get 25,000 slaves in there, so as to be able to "wallop" their yellow negroes and drive them to the sugar fields. Perhaps some Senator would dispute the proposition as to the walloping, but here is the testimony before the committee as to the method pursued, from which I will read, as follows:

Q. Suppose a "contract" laborer is idling in the field, what do you do?

A. We dock him; we give him only one-half or three-quarters of a day, and if he keeps it up we resort to the law and have him arrested for refusing to work.

Q. What do you accomplish by putting him in jail?

A. For the first offense he is ordered back to work, and he has to (eventually) pay the cost of court. If he refuses to obey orders, he is arrested again and a light fine is inflicted, which the planter can pay and take it out of his pay, or else he is put on the road to work. For the third offense he is likely to get three months' imprisonment.

Imprisonment with hard labor in the penitentiary, and liable to be whipped if he does not obey the orders of the warden. We whip them in our penitentiary, and you whip them in yours; and you whip them when they are imprisoned for crime and will not obey orders. The crime here is that the laborer comes from Japan or from China under contract, and he gets tired after a while and wants to get away and get into the United States—the glorious and blessed country where the thirteenth, fourteenth, and fifteenth amendments are supposed to protect the colored man—with the result I have indicated. Then, since we annexed those islands they have imported 25,000 more of these contract laborers, and the committee propose to allow them to be made to carry out their contracts.

Another phase of this question I do not understand, but which perhaps the Senator from Alabama [Mr. MORGAN] or the Senator from Illinois [Mr. CULLOM] will enlighten me upon, is that there is some mention made in some of the documents I have read of the obligation on the part of the Hawaiian government to the Japanese Government to pay the contract price of those laborers before they are brought away; and there is an obligation on the part of the Hawaiian government to see that the obligation made by the contract laborer in Japan is carried out, and that he receives his compensation. I do not know whether any such provision of law as that exists or not, but if it does, it simply means that the republic of Hawaii originally, and the Territory of Hawaii now, unless we by legislation prevent it—I can not get any consecutive idea about this bill, and it would take seventeen Philadelphia

lawyers to tell what it means in the way we have fixed it and what its effect will be—but, as I have said, unless we prevent the judicial tribunal to so interpret the law, and unless we prohibit such contracts, and unless we emancipate those contract laborers, they will be forced to carry out their contracts, and there is no hope for them outside of this Capitol.

I asked the Senator from Massachusetts [Mr. HOAR] this morning, a man who I know abhors this whole scheme, as I do, to have this bill reprinted with all the amendments in it before a vote is taken, and then Senators should take it and study it carefully. I fear some way will be found, some loophole through the judiciary to be appointed by that governor, by which they could enforce those contracts by some annulment of the provisions which have been put in here. It will certainly be done if we are not careful.

Mr. President, I have very little more to say. As I have tried to say a half dozen times in the Senate, I sympathize with the white people in Hawaii. I believe it is the only race there capable of self-government. I know that through their instrumentality the islands have been lifted up, at least they have been made more wealth producing and that conditions are better for the few who are now there than they were formerly.

Is there any provision here by which any American who will want to go there and engage in the cultivation of coffee, or some other product which would promise him more remuneration for his labor than he now obtains, is invited there? Is that a country which immigrants will seek? Is there any inducement for a man to go there to get a living where he has got to show that he owns a thousand dollars in clean cash or in property before he can participate in the Government in any effectual way? Is that American? Is it republican?

I am going to propose at the proper time—and I inquire of the Chair if there is an amendment now pending?

The PRESIDING OFFICER. There is a pending amendment, offered by the Senator from Connecticut [Mr. PLATT].

Mr. TILLMAN. I am going to propose, at the proper time, to put you gentlemen on your mettle, so that the Senator from Colorado [Mr. WOLCOTT], who is so solicitous about the suppression of the negro vote in South Carolina can go upon record, that we incorporate as the suffrage provision of the Hawaiian Islands the constitution of South Carolina to-day; and I dare you to vote for it, and I dare you not to vote for it. [Laughter.]

Mr. CLARK of Wyoming. I regret, Mr. President, that the attack on the Senator from Colorado [Mr. WOLCOTT] is made in his absence.

Mr. TILLMAN. I notified him that I was going to reply to his speech. He caused the attack.

Mr. CLARK of Wyoming. The Senator from Colorado will undoubtedly be able, at the proper time, to take care of himself.

Mr. President, I am in sympathy with the Senator from South Carolina on the pending amendment; but it seems to me that when he charges the Republican party with hypocrisy in this bill because of his solicitude for the natives of the Hawaiian Islands it comes with very bad grace from a Senator who, in the same speech, declares that, by the Eternal God, the vote of South Carolina never shall be cast as it was registered.

Mr. TILLMAN. I have never declared anything of that kind.

Mr. CLARK of Wyoming. The Senator declared that the white population of the South would always control that portion of the country.

Mr. TILLMAN. My language is capable of no such interpretation. I declared that our registered vote numbers to-day 114,000 under the Constitution, and I now declare that those voters are as free to go to the polls and register and have their votes counted and have an honest return as is the case anywhere else in the United States.

Mr. CLARK of Wyoming. Will the Senator from South Carolina declare on this floor to-day that every method has not been used, and is not now being used, to disfranchise the colored people of the South?

Mr. TILLMAN. I know nothing about other States; but I acknowledge openly and boldly in the sight of God that we did our level best to keep every negro in our State from voting. [Laughter.]

Mr. CLARK of Wyoming. So when the Senator charges the Republican party with hypocrisy, I ask him to first sweep his own doorstep. I did not intend to say anything of this character when I rose, but I am in sympathy with this amendment. I believe, as I said a few days ago, that the Hawaiian Islands should be accorded the fullest possible measure of self-government consistent with our institutions.

I do not believe there is any crying desire on the part of the people of the Hawaiian Islands for anything more than our Territorial form of government. Neither the Senator from South Carolina nor anybody else can accuse me of being especially interested in what he calls "the gang" or "the family compact." In fact, Mr. President, perhaps I am a little outside of their good will, because I have been much more interested in the people, in the inhabitants of the islands, than I have been in those who control; but yet it will not do for any Senator of the United States, without information, upon mere hearsay, to rise in his place in the Senate of the United States and assail the government which now exists.

If there is anything in the Hawaiian Islands to-day which tends toward civilization, if there is anything in the islands of Hawaii to-day which tends toward republican institutions, if there is anything in the Hawaiian Islands to-day which tends toward education and good government, it can all be laid to the hands of those men from New England who, nearly one hundred years ago, went to those islands to spread the gospel of Christ and civilize them. The same character of men are in control of affairs there to-day. I do not agree with the system they have inaugurated there. I am in sympathy with the Senator from South Carolina in many particulars.

Mr. TILLMAN. Will the Senator allow me to ask him a question?

Mr. CLARK of Wyoming. Certainly.

Mr. TILLMAN. These missionaries, these God-fearing men, these Christians, inaugurated and have practiced for years this contract-labor system. Was that right?

Mr. CLARK of Wyoming. I am not here to defend that.

Mr. TILLMAN. Was that in accordance with Republican theories and doctrines and provisions?

Mr. CLARK of Wyoming. I am not here to defend any contract-labor system. The Senator can not put me in that position.

Mr. TILLMAN. Whenever you defend the government of Hawaii as such a high and noble type of government, you must shoulder the responsibility of defending all the acts of that government or else pick out of the category those which you do not defend.

Mr. CLARK of Wyoming. When the Senator gets through with his bulldozing methods, I will proceed.

Mr. TILLMAN. I shall not interrupt the Senator any further.

Mr. CLARK of Wyoming. I said whatever there was of Christianity in those islands, whatever there was of good government in those islands, whatever there was of republicanism in those islands, was due to the efforts of the men who went there from New England one hundred years ago; and the Senator himself knows it.

Mr. TILLMAN. Yes; I know it.

Mr. CLARK of Wyoming. Their whole system is not perfect; but the Senator can not put me in the attitude of defending contract labor when he knows my position on this bill; when he knows I am antagonizing my own committee on this bill, he can not do it, and I will not allow it, Mr. President; but I say it is not in the mouth of any man to rise up and condemn those people on imperfect information.

Mr. FORAKER. The Senator having made the remark that he had been antagonizing his own committee in regard to the question of contract labor, does he mean to have it inferred from that that the Committee on Foreign Relations favor contract labor?

Mr. CLARK of Wyoming. I did not speak of contract labor especially. I spoke of various amendments which I had offered to the bill and which were submitted to the Committee on Foreign Relations.

Mr. FORAKER. Certainly nothing should be more distinctly understood, for such is the fact, than that it was the purpose of the committee in reporting the bill—at least I so understood it—to cut off contract labor; and we made an effort to have the bill passed on that ground at the last session of Congress.

Mr. CLARK of Wyoming. The Senator is perfectly right on that point. I was speaking of offering amendments to the bill when it was being considered by a committee of which I am a member.

Mr. FORAKER. The Senator used the expression in connection with contract labor, and I thought he might be misunderstood.

Mr. CLARK of Wyoming. I did not intend to do anything of that kind, of course.

But, Mr. President, to get to the point of the amendment which is now under consideration, it is whether or not the governor of this proposed Territory of Hawaii shall appoint the judges of the circuit and supreme courts, or whether those appointments shall be vested in the President of the United States, as has been the case with all our other Territories.

We have provided in this bill that the governor of the Territory shall be appointed by the President. Nobody, as I said to the Senator from South Carolina, can accuse me of being more than friendly toward the present government of Hawaii; nobody can accuse me of being inimical to the native population of Hawaii. I want those people to have the largest amount of local self-government possible. I do not believe that they should be granted

any greater powers, local conditions excepted, than have been granted to the Territories of the United States when they were made Territories.

It is true, as the Senator from Colorado [Mr. TELLER] said, the people of the Territories often have suffered injustice by the appointments of the President; but that is a matter of ancient history; it has not occurred since 1888, when, in both political platforms, notice was served that the people of the Territories, so far as possible, wanted the appointments made from their own citizenship; and the appointments have generally been so made.

I believe it would be a dangerous departure to grant to any governor of any Territory the right to appoint the members of the supreme and inferior benches. They already, under the general organic act of the Territories of the United States, have the right to appoint all the State officials, save only the secretary of state, the power remaining in the President to appoint the governor, the secretary of state, and the judges of the courts. I do not believe there is any cause at this time to depart from that custom. The governor appoints the attorney-general, the auditor, the treasurer, the superintendent of public instruction, the various boards of charitable institutions, and other boards which are necessary in a Territorial government. I think we ought to leave in the discretion of the President the appointment of these high judicial officers.

There is no one who has a higher opinion than I have of the present supreme bench of the islands of Hawaii. Some of its members are known to many of the Senators here. There is no one who has a higher opinion than I have of the circuit judges of Hawaii. I know all of them. They have a bar at Honolulu and Hilo which would do credit to any cities of like size in the United States; and there is no question but that from the bar of that Territory the President, in his discretion and in his wisdom, can find men to fill these important offices.

Mr. President, I am not interested in this matter, except that I want to see the best thing done for the people of those islands. Anyone who travels over them from north to south and from east to west can not but feel his heart go out for their welfare. There is not one who travels in those islands but who knows that it has been not only the passing of a kingdom, but that it is the passing of a race. The Kanaka will not exist on this globe of ours very long.

So I say, Mr. President, I am only impelled by the good, or what I think will be the good of those islands when I rise in my place. There is no general demand over there that anything but a Territorial form of government shall exist. What they fear is something less. They fear the colonial form of government, to which my friend from South Carolina is, perhaps, so justly opposed.

If we give, then, to the Hawaiian Islands a Territorial form of government, with the privileges we have in the Territories, the people there will be perfectly content, they will be perfectly satisfied, they will have good-will toward the American Republic; and when you say they are opposed to annexation, it is a mistake, except when they confuse the word "annexation" with the word "tyranny."

Mr. TELLER. The Senator from Connecticut [Mr. PLATT] says that his interest in this bill is the interest he feels in the people of Hawaii. I suppose that is the interest of all of us. If the Senator can make it appear that the people of Hawaii want the President to make the appointments, I believe I should be willing that such should be done; or if he can show that there would be any advantage to the people of Hawaii, then I certainly should be for it. I very much doubt, however, whether the people would not prefer to have a man living in their midst—their governor—to make these appointments. I think that would insure the appointment of officials who would be residents and inhabitants of the islands. I am not sure that that can be done unless we put into the bill some provision which will compel it.

The President, if authorized to make these appointments, would be likely to make them, as he has been always making them. I do not speak of the present President, but as our Presidents have been making them for the last forty or fifty years. My acquaintance with this system of appointments began in 1861. I do not care now about going over and designating; but we never got proper appointments until we secured a Delegate in Congress, who had force enough to insist that the selection should be made from our own people. When we did that, we had in the Territory good judges.

Mr. PLATT of Connecticut. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Connecticut?

Mr. TELLER. Certainly.

Mr. PLATT of Connecticut. The President by this bill appoints the governor. Now, is he not just as likely to appoint a governor who would not make good selections of judges as he would be to make a bad selection of judges himself?

Mr. TELLER. The governor has to live with these people, whether he is appointed from Connecticut or Hawaii. He has got to be surrounded by these people, who will complain to him. When we had bad judges, vicious judges, judges who took bribes, judges who were ignorant of the law, judges who were immoral and indecent in their intercourse with their fellow-men of the Territory—and we had some who would come under that description—the trouble was that they did not feel that they had any connection with us. They knew that they had people in the East who had secured their appointments and who would stand back of them, no matter what we said. If you are to send a man who is to live there, and particularly if you take a man who does live there, which I should think the President would do, for I should consider it almost criminal if he did not, without any reference to what the statute might be upon the subject of their vocation and residence—if he will do that he will select as judges men who have the confidence of the people—and as there is provision that they may be removed when just such conditions arise, if they do, as did arise in many of the Territories, he would see that they were removed.

It seems to me this debate proceeds upon entirely false premises. There is not a condition there such as the Senator from Connecticut seems to suppose. There is no danger of that government being destroyed. There is quite a large Kanaka vote, or native vote, I will say. I know something about those people. We had them in the West at a very early day. They disappeared after a few years. They are a gentle, decent, well-behaved people. They belong to a race that was once very numerous in those seas, a race that has disappeared practically, a race that can not stand the civilization of and contact with the Anglo-Saxon. The Senator from Wyoming undoubtedly tells the truth when he says they will disappear. It is a disappearing race.

I do not believe it is possible, by anything we can do, to preserve the race, but while they live they are entitled to the utmost consideration. It is their land. They owned it. They lived there. They were invaded by the desire to give them the blessings of a different religion and a different civilization from what they had. There were 200,000 of them there when this benevolent assimilation began. They lived in absolute comfort and absolute peace, except that occasionally disputes arose between one chieftain and another. They began gradually to disappear when this new civilization appeared. They are not to blame for it. They ought not now to be deprived of their rights in the land of their birth and the birth of their ancestors.

I will say to the Senator from Connecticut that there is no more danger of those people bringing about an improper state of affairs than there is of the Americans who are there—not a bit. They can read and write. They are practically all of them members of a church. They are a religious people naturally. They are a kindly dispositioned people. Everybody on this floor has said so who has had anything to say about them. We restrict them in this bill; and unless that restriction is removed, I do not intend to vote for the bill. You give them an intellectual or educational qualification. That is not enough. A man who does not have a thousand dollars' worth of property is to be deprived of the opportunity to vote. That is done upon the theory, according to the Senator from Connecticut, that he is an unsafe citizen.

Mr. PLATT of Connecticut. That is for the senate.

Mr. TELLER. For the senate. He may vote for members of the other house; but that enables a moiety of the people of that community to elect the obstructing body—the senate. They are the people who have naturally the ear of the appointing power, whether it be the President of the United States or the governor, as to many of the officers. You have given the governor a power never before given to a governor in this country. You never, as I recollect—certainly you did not do it in Colorado or Wyoming—have given the governor the right to appoint all the officers. We used to elect the auditor and we used to elect the treasurer and officers of that kind. We elected our county judges.

Mr. CLARK of Wyoming. Will the Senator from Colorado allow me?

Mr. TELLER. Yes.

Mr. CLARK of Wyoming. I do not know how it was in Colorado, but the only appointive officers we had in Wyoming in Territorial days were the governor, the secretary, and the judges of the courts. The auditor, the treasurer, the superintendent of public instruction, and all the boards were appointed by the governor, by and with the advice and consent of the Territorial council.

Mr. TELLER. That was the way with us. But I will venture to say that in their organic act or enabling act they had the same provision—until the legislature provided otherwise.

Mr. CLARK of Wyoming. That is the fact.

Mr. TELLER. That was the provision of the enabling act in Colorado. The governor made the first appointments, and they only held until the close of the first session of the legislature. It provided for the election. I do not know what they did in Wyoming; but if they did not, it was because they did not care to do it.

Now, here you deny to these people, if the President makes the appointment of the governor, the election of every officer practically, even the sheriff. We elected a sheriff in every county. So

they did in Wyoming. We elected county judges in every organized county. So they did in Wyoming. I know they did. Then there is the sheriff, who is the high executive officer of the Territory. I do not know but that there will be power in the legislature—I suppose there will be—to provide for a sheriff for each county, because I suppose they will have the general power of legislation.

What I want to protest against is the suggestion made by the Senator from Connecticut that there is danger of revolution. I do not know that he used that term, but that there is danger of the disruption of society there if these people are allowed to vote. The 30,000 Kanakas can be just as safely intrusted with the elective franchise, I repeat, as the Americans. I think they are infinitely more likely to give a decent government than some of the Americans who are there and who have been trying to arrogate to themselves all the power under the government, whether monarchical or republican in form.

I think we are under obligations to those people. We are obligated to give them as much self-government as they had when we took them in. They never could have contemplated that we intended to curtail their rights. The Kanakas, subject to a property qualification as to some offices, were all entitled to vote. They will be entitled to vote now except for senators, I understand. If a Senator will get up here and tell me how the ownership of property qualifies a man to vote, I will be glad to listen to him. It is not republican in form or in principle to say that the possession of a piece of property worth a thousand dollars gives a man a right to vote or a capacity to vote properly, and that the absence of it does not. It is too late in the history of this country and the history of free government to put these property qualifications there.

I want to repeat that all I am interested in is serving these people. The commission that went over there thought this was the proper thing to do. I understand from them that they believe it is acceptable to the people. Privately they have told me so, I think. The Senator from Wyoming, I think, said that he believed the people were changing their views on the subject; that they would prefer that the President should appoint the judges instead of the governor.

Mr. CLARK of Wyoming. Oh, no.

Mr. PLATT of Connecticut. I said it.

Mr. TELLER. It was the Senator from Connecticut. I beg pardon.

Mr. CLARK of Wyoming. My statement was that I thought the people would be satisfied with the usual Territorial form of government.

Mr. TELLER. They are entitled to a Territorial form of Government as good as any people ever had. You are not giving them such a government under this bill. You are not giving them the freedom you gave us. Of course, I would not want to say that the people of Colorado were not superior to the Kanakas. We then had a heterogeneous class of people. There was not a country or an island, I think, on the face of the earth that did not have its representative in Colorado, and we had a large population that could not either read or write. We found them there. They belonged there long before the Territory was organized, and yet we extended to all of them the opportunity to vote. There was no restriction. The enabling act said it was restricted to white male inhabitants. Any Kanaka could have voted under that. Every Mexican and half-Indian voted under that if he wanted to. It was only the negro who was excluded by that provision in practice in the Territory. All I am insisting upon is that these people shall have what I think we are under obligations to give them, a government of the people, by the people, and for the people, and if they are not qualified to discharge the duties of citizenship then there is not any community in the world that is, in my opinion.

When we come to deal with the Puerto Ricans and the Philippine people we are confronted with a different condition entirely.

Mr. CLARK of Wyoming. Before the Senator takes his seat, I will say that I think, so far as he and I are personally concerned, we are not far apart on this proposition. I will ask him if this amendment would be acceptable to him if it provided that the judges should be appointed by the President from citizens of Hawaii?

Mr. TELLER. I do not know but that it would be. If I could be sure that the President would take these judges from the citizens there I would not particularly object to this amendment. That is what I want to do. On my own suggestion I should be in favor of limiting it in that way; but I understand there are some Senators here who would raise the question whether we have any right to put that restriction upon the President. If that can be done without a controversy, so far as I am concerned I shall lose much of my interest in it, although I still believe it would be a little better to leave it as the committee or the commission put it, whichever did it, when they made this arrangement, than to change it as suggested.

Mr. CARTER. Mr. President, the pending amendment merely involves the question whether the judges of the courts in Hawaii shall be appointed by the governor or by the President. Other amendments follow which are merely incidental to that chief proposition. In considering the propriety of the course of action to be taken in this case, it is well to remember that the conditions being dealt with are unique. From all information obtainable from public prints, individual observation, historical narrative, and other sources of information it is quite obvious that we are dealing with a people and a condition where the most violent extremes of ignorance and intelligence, of wealth and poverty exist. The population is a curious conglomeration, made up of the aborigines, Portuguese, Spaniards, Germans, and other various nationalities of Europe slightly represented in the mercantile classes, Americans, Japanese, and Chinamen.

When the government of the republic was established limitations were placed upon the suffrage. Limitations were placed upon representation, deemed necessary for the preservation of any form of government. With that question this amendment does not necessarily deal, but in view of the combination of people and interests, with the large planter and the very poor peon, if you please; with the person possessed of millions and the person possessed of nothing, it is not difficult to perceive that the influences which secure the appointment of the governor will represent one class of people, and that that class will be represented throughout the government in unbroken influence, expressed through its courts, if the governor is permitted to make the appointments.

The original idea connected with our own Government involved the widest convenient and possible distribution of power. The election in the States of the judiciary by the people, the election of the governors by the people, and the appointment of the judiciary in the Federal system by the President, thus mingling together the executive and judicial departments, arose from the necessities, not the desirability of the situation. It would have been better to have elected the circuit and district judges of the United States by popular vote if that could have been done without abating the authority of the General Government. It could not be done, and therefore appointment was resorted to. To vest in the governor of the Territory of Hawaii the absolute right to control by appointment and removal all the judiciary of that Territory, will make of the governor, who will be in the beginning but the leader of a faction there, the autocrat of the island, appointing and removing, at his own sweet will, those who construe the law.

I am aware, and became so by experience, of the evils referred to by the Senator from Colorado [Mr. TELLER], the appointment of what became known as the carpet-bag gang constantly moving into the Territories from the States. They were generally made up of wind-broken and worn-out politicians, disturbing factors in the districts and the States, and sent out to the Territories for the purpose of getting rid of them. The Territory that was the most remote from railroad connections usually got the worst batch, because relatives, friends, and politicians wanted to put the worst men so far away that they could never get back. This led to an abuse that became a national scandal so pronounced that the great political parties of the country, not moved thereto by the power of the Territories, because the Territories had few votes in convention and none in the electoral college, but by a sense of justice and right, incorporated in their respective platforms a solemn pledge to the people of the United States that home rule should be guaranteed to the people of the Territories. That home rule materialized through the appointments of citizens to the respective offices in the Territories filled by Presidential appointment.

This body, a part of the appointing power, became so thoroughly imbued with the justice and fairness of that course of action that it became, and is to-day, an utter impossibility for any Presidential nominee for any Territory to pass through the Senate and be confirmed unless the appointee is a resident of the Territory. This principle has grown up by custom into a law as binding as any law upon our statute books, and it is not more likely to be violated. There is one exception to the statement I have made, and that is the district of Alaska, where there does not exist any Territorial government in the sense in which Territories have been ordinarily organized. It is but a district government. No legislature is provided for it. The conditions are such as to make it almost impossible to provide for an election which would secure a fair expression of the voice of the people inhabiting the district.

In the light of the suggestions made here, wherever relative to party action, Presidential action, and the action of the Senate, it would be useless to run the hazard of incorporating into this bill a questionable amendment restricting the President territorially as to the place from which appointees might be selected. The rule heretofore adopted would be adhered to most sacredly in reference to Hawaii if the President were authorized to appoint the judges. It does seem to me that no ill result can follow the selection by the Chief Executive of this nation of proper parties to preside over the judicial system of Hawaii. On the other hand, it is not improbable that the most serious abuses might follow the

lodgment of the supreme power in a governor selected by the President. That governor may be at all times an excellent man, and he may be at times a designing and unworthy man. The ordinary Executive act carries with it little of enduring injury to a people, but the appointment of judges to preside on the bench may lead to consequences evil and long enduring, which would last long years after the unworthy officer had been removed. There is no necessity for departing from the ancient rule under which the President has made these appointments. There are many and serious considerations for adhering to that rule.

Mr. CULLOM. Mr. President, I desire to say only a word, and that I have said in substance heretofore. The commission and the committee were desirous, and believed it was in the direction of public sentiment in this country, of interfering with the local status of the government of those islands as little as possible, and so it was determined by the commission that perhaps it would be better to allow the governor to appoint the judges as vacancies occur; and it was done somewhat in view of the fact that the history of the appointment of Territorial judges heretofore has not been very savory. It is true, however, as I know myself, that there have been a great many very excellent judges appointed for the Territories belonging to the United States.

Mr. CARTER. I fully concur with the view just expressed, that men of the very highest character and of the highest order of legal attainments have frequently been put upon the benches from the States and served on the bench with credit to themselves and the country.

Mr. CULLOM. I have in my mind one gentleman especially who signalized himself very greatly, as I think and the American nation, by his services as a judge in the Territory of Utah, as well as in the State of Utah for a while since it has been admitted into the Union. So the committee thought the country would feel that we were not undertaking to make these islands a Territory exactly in harmony with the other Territories belonging to the United States, with a view to bringing it into the Union as a State—at least, not very soon. So far as I am concerned, I was trying to avoid that, I will say frankly; yet the commission did not feel that we could establish a colony there or that we could establish a commission to govern those islands like we have now in the District of Columbia. So the commission determined that we would let that alone as nearly as we could.

We found a good system of courts there—a supreme court, circuit courts, and so on. The judges seemed to be satisfactory to the people; the system seemed to be satisfactory to the people; and hence it was we determined that when vacancies occurred we would authorize the governor of the Territory, whom everybody agreed would have to be appointed as the chief officer of the Territory, to fill them.

Now, so far as I am concerned, I have no concern whatever, if it is deemed best in the interest of those islands and most in harmony with the theory of our Government and safer, if it is decided that the President of the United States should appoint the judges. So far as I am concerned, it is simply a question as to which is the better course to pursue. If I felt that it would be more satisfactory to the great body of those people there, not simply the rich class as against the poor, but to the body of the people of the Territory, that the President should appoint them, I would have no earthly objection. On the contrary, I think I would rather favor it, and I am not disinclined right now to say that I have no special objection to the President of the United States appointing the supreme court and the circuit court judges of the Territory.

Senators must bear in mind that the judges to whom we have referred have no other duty than to administer the Territorial laws—the local laws of the Territory. They have nothing to do with the United States statutes under the theory of our bill, but, upon the contrary, all to do with the Territorial statutes. We provide in the bill that a United States judge shall be appointed who shall have all to do with the United States statutes. It seemed to me, as it did to other members of the commission, that that perhaps was a wiser course to pursue in the organization of the Territory.

I am not going to reply to the remarks of the Senator from South Carolina [Mr. TILLMAN], because I do not think it is necessary. We have gone over this ground time and again. My distinguished friend the Senator from Connecticut [Mr. PLATT] has made a good many criticisms of the situation and of the bill, and has asked what is going to become of those people and how they are going to act in the future. While I am on my feet, I desire to make a remark or two on that subject. So far as those islands are concerned, the people there are very much more afraid that our course here will disturb and bring about a bad condition of things in the islands than we are that they will bring about a bad condition of things with us. They are afraid of partisanship. They are afraid of adventurers coming there who will disturb and uproot the very foundations of what they call the republic.

Mr. PLATT of Connecticut. That is what I say.

Mr. CULLOM. I know the Senator says that, and he thinks that they are coming here for the purpose of appealing to the Congress of the United States or the Government of the United States to run their government for them in a financial point of view. They do not expect anything of that sort. They expected to pay for those Territorial judges as they expected to discharge their obligations to all the local establishment of the Territory—the legislature and all the local appointments that might be made or provided. I happen to have a statement here that shows a little of the revenues that they are depending upon. Not to go over the items in detail, there are about a million dollars raised in the islands from the tariff laws.

Mr. GALLINGER. Will not the Senator put the statement in the RECORD?

Mr. CULLOM. Yes; I will put this paper which I hold in my hand in the RECORD. Including the tariff laws, the customs laws, and those duties, they raise in the islands nearly $3,000,000.

Mr. PLATT of Connecticut. But we are going to take away what they receive under the tax.

Mr. CULLOM. Under this law we take away a million of it. They still have $2,000,000 left, and they are entirely content. Not a single man in the Territory has ever suggested to any member of the commission, so far as I know, that they are coming to the United States to get appropriations to run the local government. Nothing of that sort is intimated, nothing of that sort is desired. If we take these judges out of the category of appointees by the governor, they will be taken out of the list of those to be paid for by the Territory, and I think they ought to be. If we make the President appoint them, and they become in that sense United States judges, I think the United States ought to pay for them.

But the original proposition has been that nothing in connection with those islands is to be paid by the Government except the collector of customs, the postmasters, the collector of internal revenue, the judges of the United States court, the governor, the secretary of state, the United States marshal, and the district attorney. All the balance of the establishment is to be paid under the theory of this bill by the people of the Territory itself.

The statement referred to is as follows:

Statement as to financial resources of the republic of Hawaii.

The latest report accessible is that of the year ending December 31, 1898, the report for last year not yet having come to hand.

For the twelve months ending December 31, 1898, the total treasury receipts of Hawaii were $2,568,489.12, as follows:

Fines, penalties, and costs	$59,183.70
Chinese immigration fund	8,817.60
Revenue stamps	82,060.50
Custom bureau	896,975.70
Postal bureau	86,456.06
Tax bureau	811,818.67
Interior office	198,225.69
Honolulu waterworks	69,564.20
Honolulu market	9,189.25
Hilo waterworks	3,672.00
Koloa waterworks	140.00
Lanpahoehoe waterworks	115.50
Conveyance bureau	16,794.25
Electric light	968.20
Land revenue	108,382.97
Land sales	48,863.06
Prison	1,473.10
Registry of brands	44.00
Government realizations	139,604.22
Department of public instruction	7,749.80
San Francisco consul fees	18,370.65
Total current receipts	2,568,489.12

Nearly all of the foregoing items indicate the source from which the revenue was derived, but several require explanation:

The item, interior office, $198,225.69, was derived chiefly from license fees, the largest of which was $68,000 for merchandise licenses; that is, licenses permitting the dealing in merchandise. The other items making up the total amount were for patent-office fees, rents on lands under control of the minister of the interior, etc.

The item, government realizations, $139,604.22, given was composed of various items of unclassified receipts. In this instance the two largest items were school tax, special deposit, $75,124.09; land sales, special deposit, $18,100.00. In addition to these amounts there were the other receipts, such as from the store at the leper settlement, the sale of hides, etc. (The board of health maintains a store at the leper settlement to afford the people opportunity to obtain such things as they need. The goods are paid for out of the appropriation made by the legislature. All receipts of sales are turned into the treasury as a government realization.)

The item, conveyance bureau, $16,794.25, represents receipts from the office of the registrar of deeds and conveyances.

CUSTOMS RECEIPTS.

It will be observed that of the total receipts of the government for the year there was received from the customs bureau $896,975.70.

With the increased values of property and the increased volume of business, the total receipts for the year just ended should be in the neighborhood of $3,000,000, of which one-third, or $1,000,000, would be from the customhouse.

When the customs receipts are taken by the United States, the islands will be deprived of not less than one-third its revenue.

Mr. CULLOM. Now, with that situation, it seems to me that there ought not to be shown that degree of criticism and of faultfinding and of disposition to uproot this whole bill and to adopt a new theory, but, upon the contrary, it seems to me that the theory of the bill ought to be sustained.

Mr. President, I have said here all the time that I did not like

the provision of the bill providing for one set of voters for the house of representatives and another for the senate of the Territory. I would much prefer some plan by which the whole population who are entitled to vote at all should vote for both houses of the legislature, and I have never said yet that I would not vote for such a provision. I come here, however, as chairman of the commission defending the bill generally, because it was the best we could agree upon.

Mr. President, I do not care to take up the time of the Senate longer in discussing the bill at this time. I would have been very glad if we could have made such progress with the bill to-day as to get through it and get it into the other House of Congress.

Mr. SPOONER. Mr. President, I do not join in any general criticism upon this bill. I have read the bill with great care, and I am frank to say, and feel bound to say, that on the whole it seems to me to have been drawn with great skill and with a desire to subserve the interests of the people of Hawaii.

I was not in favor of the annexation of Hawaii, nor did the manner in which it was accomplished meet my approval. It was done, however, and I bowed to the decision, as I always do, of the majority. The islands were annexed; and I am as anxious as any other man, and I assume we all are anxious, to do in this legislation, the first legislation for Hawaii, what is for the best interest of that people.

One reason why I was not in favor of the annexation of Hawaii was because I thought I realized the difficulty of bringing into entire harmony with our system and our theories that distant people, situated in a climate where necessarily conditions existed which differed from those which surround us, and how difficult it would be for us to apply all of our theories to that island. I have sometimes thought that the annexation of Hawaii to the United States would be, in the long run, a detriment rather than a benefit to those islands and the people of the islands.

Take this matter of contract labor. I always doubted, so far as the interest of that people was concerned, the wisdom of extending, perhaps, not the immigration laws, but the contract-labor laws which we have in this country to those islands, because of the conditions which surround them there, the climate, and all that. My recollection is that the Senator from Alabama [Mr. MORGAN], who certainly is always frank and has for many, many years had the interest of that people very much at heart, stated in the last session of Congress, when an attempt was made by the Senator from Indiana [Mr. FAIRBANKS] who had charge of the bill to extend the immigration laws of the United States and the contract-labor laws of the United States to Hawaii, that it would be extremely detrimental to that people.

Mr. MORGAN. I do not remember to have taken that ground.

Mr. SPOONER. I may be mistaken, but I think not.

Mr. FAIRBANKS. If the Senator from Wisconsin will permit me, I will state that the Senator from Alabama objected to the consideration of the bill which I introduced at the last session of Congress on the ground, as I understood him, that its passage would be detrimental to those people; and it was upon his objection that we failed to secure the passage of the bill.

Mr. MORGAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Alabama?

Mr. SPOONER. Certainly.

Mr. MORGAN. That bill was reported by the committee on the morning of the final adjournment of Congress. There was another measure in which I was very greatly interested that would be set aside and put out of joint entirely if that bill had been considered, and I objected to its consideration on that ground and only on that ground.

Mr. SPOONER. I still think that my recollection is not at fault as to the ground upon which the Senator from Alabama opposed the bill.

Mr. MORGAN. If the Senator will allow me, I never have believed that those contract-labor laws were to the advantage of the people of Hawaii. The people who have derived the advantage from it live in California. They are the owners of the great sugar estates in Hawaii. They are the men who have controlled the legislation in Hawaii upon this subject, and they are controlling it to-day and its policy, not the people of Hawaii. I have always been opposed to having California control the Hawaiian Islands.

Mr. SPOONER. I will call later the attention of the Senator to the language which he uttered, and he may then say to me whether I misconstrued him or not. I do not intend to do him injustice. His statement had great weight with me.

But, Mr. President, I rose to speak only a moment upon this amendment, for which I shall vote. I suppose if the proposition were made to incorporate this provision in the law which governs Arizona, Idaho, or any of the Territories proper of the United States it would not receive much support, although some Senators might think it would be wise.

Mr. MORGAN. Will the Senator allow me to interrupt him a moment?

Mr. SPOONER. Certainly.

Mr. MORGAN. I wish to call his attention to the statute as to Arizona:

> The judicial power of Arizona shall be vested in the supreme court and such inferior courts as the legislative council may by law prescribe.

And of that the supreme court only is appointed by the President.

Mr. SPOONER. Certainly; that is the proposition of which I was speaking. Our practice has always been, as I recollect it, under the laws which from time to time have been enacted for the government of the Territories, that the judges of the supreme court should be appointed by the President of the United States by and with the advice and consent of the Senate.

Mr. MORGAN. But if the Senator will allow me——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Alabama?

Mr. SPOONER. Certainly.

Mr. MORGAN. If the Senator will allow me, the amendment proposes to appoint the judges of the supreme court and of the circuit courts.

Mr. SPOONER. I doubt the wisdom of the amendment in that respect, but I am speaking of judges of the supreme court. I can see no earthly reason why, as Hawaii has become a part of the United States, in arranging for its judicial system, so far as the supreme court is concerned, we should depart from that theory which has governed us hitherto.

Arizona and some of the other Territories, within our own part of this continent, within reach of our public opinion, inhabited by men who for many years have been citizens of the United States, are, so far as their judicial system is concerned, governed in this way. But I think since the Presidents of the United States have been more governed by the fair principle that the judges should be chosen from the Territories, there has been very little complaint and very little reason for complaint as to the character and the qualifications of the judges who have been appointed.

One difficulty with us all is that Senators seem to treat Hawaii here now as sui generis in all respects. It is sui generis in some respects; it is unique in some respects. It was a republic. It is no longer a republic. It was an independent government. It is no longer an independent government.

The Senator from Alabama spoke the other day about butchering the republic by this legislation. We are not butchering the republic. The people of Hawaii butchered the republic, Mr. President. They sought annexation with the United States. They had a propaganda in this country and able men throughout the country advocating, in the press and on the rostrum and everywhere, the annexation of Hawaii to the United States. They entered into a treaty with the United States by the very terms of which, the moment it became effective, the republic of Hawaii was to die.

Mr. MORGAN. It did not. It is living now.

Mr. SPOONER. If it is living now, why do we not send a minister to it, as we did then?

Mr. MORGAN. I mean it is living with all of its functions and powers except foreign relations. If the Senator——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Alabama?

Mr. SPOONER. I always yield to the Senator.

Mr. TILLMAN. Will the Senator from Wisconsin allow me to interrupt him?

Mr. SPOONER. Certainly.

Mr. TILLMAN. We have a minister there in fact—at least we are paying him there right now—Mr. Sewall. He is no longer accredited as a minister, but he is now the executive agent of the President to communicate with this principality.

Mr. SPOONER. That is another thing. It can not be an independent republic, of course, as it was once, and be a part of the United States. But when the resolution of annexation passed both Houses of Congress and was accepted, the republic of Hawaii as an independent political entity ceased to exist, and it became, by the resolution of annexation, a part of the United States.

Mr. CULLOM. Will the Senator from Wisconsin permit me?

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Illinois?

Mr. SPOONER. Certainly.

Mr. CULLOM. I simply wanted to call attention to all there is of it as to its present existence, and that is to the provision of the annexation act continuing the situation until the legislative act was passed by Congress.

Mr. SPOONER. Of course, Mr. President.

Mr. CULLOM. I suppose that is what the Senator from Alabama means.

Mr. MORGAN. That is all I mean.

Mr. SPOONER. Of course no one will dispute that if by the acquisition of territory, it being taken out from under the dominion of the government which theretofore had controlled it, all of its laws were to cease, there would be anarchy. So in all the

treaties it has been provided that until Congress should act the laws should continue in operation, and this resolution wisely provided, necessarily provided, that until Congress should act the laws should continue in force and in operation. But they did not—

Mr. TELLER. They would continue anyhow.

Mr. SPOONER. Yes, as a matter of international law.

Mr. CULLOM. I do not know that they would continue.

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Illinois?

Mr. SPOONER. Certainly.

Mr. CULLOM. I shall have to beg pardon again for interrupting without leave.

Mr. SPOONER. Not at all. I always yield.

Mr. CULLOM. I beg pardon of the President of the Senate, I mean. The laws not only would exist, but there would be nobody there to enforce them, unless the government that existed there when the annexation act was passed continued to exist; and so the government is existing as well as the laws in a sense.

Mr. SPOONER. The resolution of annexation provided that the powers, civil, military, and judicial, necessary to the government of the island should be vested in such persons and exercised in such manner as the President should direct.

Mr. CULLOM. Yes, and he continued it at his discretion.

Mr. SPOONER. Certainly. Now we are providing laws for Hawaii.

Mr. CULLOM. Yes.

Mr. SPOONER. Really, the laws that have been in force there were in force, strictly speaking, under our law annexing the islands to the United States. So it is no longer, Mr. President, an independent republic; it is a part of the United States; and we are proposing by this bill to erect it into a Territory of the United States. I can very well see (and the commission and the committee were obviously wise about that) that in proposing a code of laws for the Territory of Hawaii they should leave in force the laws which are peculiar to their conditions over there, the laws which are not inconsistent with the Constitution of the United States, the perpetuation of customs peculiar to that people, to that climate, and to their former organization, property rights, and all that. That is proper; that is necessary. To do anything else, if we had power, would be tyrannical and indecent.

But, Mr. President, I am unable to see why, so far as their judicial system is concerned, they should have any right to insist that the judicial system of the republic should be continued in this Territory, and that we should give to them, so far as their court of last resort is concerned, a Territory very much smaller in population than some of the old Territories of the United States, a system of judiciary different from that which we give to the Territories.

Mr. CULLOM. Will the Senator from Wisconsin allow me to interrupt him?

Mr. SPOONER. Certainly.

Mr. CULLOM. I do not desire to interrupt the Senator, but I only want, as the Senator goes along talking about the situation, to say, in justice to those people, that so far as the commission know there was no determined purpose on the part of any of the people of those islands to have one form of government different from another, except that they did not want to be called a colony or be made a colony, and they did not want a commission to govern them.

Mr. SPOONER. We are not proposing to make them a colony.

Mr. CULLOM. As to the supreme court, there was no particular discussion, so far as I remember, as to whether they should be continued in office or the same establishment retained or not. The truth is, that no Senator ever had to deal with a population that was so thoroughly desirous, apparently, of doing what seemed to be right as the people of those islands in reference to this Government.

Mr. SPOONER. I do not question that, Mr. President. But are they a part of the United States?

Mr. CULLOM. Certainly.

Mr. SPOONER. And we ought to bring them, as soon as we can, into harmony with the system which we apply to the other Territories of the United States, treating them as a part of this country, treating them no better so far as their judiciary is concerned than we treat the old Territories. I can conceive of no reason, and none certainly has been given, which would warrant the Senate in making an exception in respect to the supreme court in Hawaii to that which prevails in the other Territories of the United States. The President, of course, is to appoint the governor. He appoints the governors of the other Territories. He appoints the judges of the supreme court in the other Territories. Why should he not appoint the judges of the supreme court in that Territory? They certainly can not complain that we treat them as a part of this country and of our own people by treating them as we treat the Territories on the mainland so far as the judicial system is concerned.

Here is a proposition, Mr. President, to authorize the governor of the island to appoint the supreme judges, to make the decision of that supreme court in matter of life and death final, giving no appeal from that Territorial tribunal to any tribunal above it. That is not the law as to any other Territory. Why should it be as to this? Why should a man condemned to die in Arizona have a right to appeal to a higher tribunal, and a man, an American citizen, if you please, condemned to die in Hawaii for a violation of a local law have no appeal from the supreme court of that State?

There was great force, to my mind, in the argument made by the Senator from Connecticut [Mr. PLATT] in support of the proposition that peculiarly in the Territory of Hawaii ought the President of the United States to appoint these judges. It is far away from us. The land ownership there is in the hands of a few, and in the hands of the rich; perhaps, as the Senator from Alabama intimated a few moments ago, in the hands of powerful men in California. It is largely a syndicate-controlled island.

The senate which is to confirm these judges is a small senate. It is a senate of only 15 men. It is a senate in the election of whose members the people at large have no voice. The natives of that island—the men who were born there, the men who love it, the men whose home it is—even though they be intelligent, even though they can read and write, even though they be docile and kindly and gentle, have no voice, unless they have money, in the election of that senate which, in conjunction with the governor, is to appoint these important officers. It is not a contest of manhood alone. It is a contest of manhood, of intelligence, and property. The band of men who under this bill—and I am not certain that it could properly be changed—are to choose this senate, a majority of whom will confirm or refuse to confirm the appointee of the governor, are comparatively small in number.

I think it would be wiser for that whole people if we in this one particular adhere to the policy which has governed the Congress of the United States in establishing at least the supreme court of that Territory. The President can be trusted—not only this President, but the Presidents who are to come after him. I can hardly conceive it possible, Mr. President, that there will be an occupant of the White House who, remembering the history of that people, remembering how they came to us, keeping in mind their isolation, their distance from us, the peculiarities of their situation there, different in language and customs, and all that, would choose some broken-down politicians, possibly ignorant in the law, possibly bankrupt in integrity as well as in purse, to take into their hands the administration of justice as members of the supreme court of the islands of Hawaii.

But the President alone is not to appoint these judges. If the amendment proposed by the Senator from Connecticut [Mr. PLATT] shall be adopted, they are to pass the Senate of the United States. The President will appoint them by and with the advice and consent of the Senate. I am not ready to believe that the day will soon come when a Judiciary Committee of this body will be found willing to give their consent, or when the members of this body will be found willing to give their consent, to the confirmation of a judge, or a man for a judge of the supreme court of Hawaii, out of harmony with that people and not in all respects fit to discharge those important duties. They can, it seems to me, in safeguarding their interests, be left much more safely to rely upon the President and upon the Senate for the confirmation of appointments and the confirmation of proper men than upon the governor and of the little senate elected by a small band of property owners in Hawaii, which eight men control. We all know how they would probably be elected and what, as a rule, their relation would be to the large property interests in Hawaii.

Mr. TILLMAN. Mr. President, will the Senator from Wisconsin allow me to ask him a question?

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. SPOONER. Yes, sir.

Mr. TILLMAN. The Senator has painted such a graphic picture of the dangers from this little oligarchy, or the senate that is to be elected by voters possessing a property qualification, that I should like to ask him if he is going to consent by voting to allow that provision in this bill to remain in it?

Mr. SPOONER. That, the Senator will admit, has nothing whatever to do with the question which briefly I am discussing. I shall cross that bridge when we come to it, and endeavor to do, when we come to it, what I think is for the best interests of the people for whose benefit we are enacting this measure.

I have nothing more to say, Mr. President.

Mr. MORGAN. Mr. President, when I spoke of the republic of Hawaii as being in existence, of course I meant the government that is now in existence there, modified by the act of Congress; not that an independent republic exists there by any means, but that this republic exists there according to the terms and provisions of an act of the Congress of the United States; and in that sense, and to that extent, that all of the laws and constitutions of the

republic of Hawaii are in existence to-day and have been in existence since the 12th day of August, 1898.

That being so, what has taken place there? They have not had any meeting of the legislature to enact any laws since this act was passed by Congress; but the judiciary there have gone on and exercised all of their duties and powers; and I know as a matter of history that men have been hanged in Hawaii since the 12th day of August, 1898, under the laws of that republic. I know, as I stated here the other day, that the indictments under which those men were hanged ran in the name of the republic of Hawaii, and so by the order of the President of the United States.

We found when the commission went out there this government in full existence, in the full exercise of all of its authority; and the question that was presented to us was how far we should reduce or razee that government in every direction, so as to make it conform more nearly to the laws and the Constitution of the United States and to the prepossessions or the opinions of the people of the United States. Well, we tore it down and went as far as the commission thought they could in justice or in safety go, both in regard to the powers of the electors and also in regard to the judiciary and the executive departments of that government. It was a work of great labor to remodel that entire government. The committee did not feel that they would be authorized to appear before the Government of the United States with anything less than a system of laws fully written out for the government of Hawaii, taking those laws from the civil and penal codes of Hawaii, repealing such as we thought were in conflict with the laws and Constitution of the United States and many that we thought were in conflict with the public policy of the United States, and we have reported here and had printed in extenso all the laws that are retained. No Senator can justly complain that he can not understand the laws of Hawaii as they will exist when this bill is passed, for the reason that every statute is here plainly printed.

The preparation of this code of laws involved a great deal of labor and a great deal of care; and, as I have observed heretofore in this debate, it was gone over by the commission with extreme care, brought to the Committee on Foreign Relations, and examined there with great care in the last Congress and also in the present session of Congress. So, if there are any accidental omissions, if there are any difficulties or any changes that ought to be made, the commission and the Committee on Foreign Relations have not been able to discover them. The committee has done all that they knew how to do in the preparation of a system of laws upon which the republic of Hawaii could be changed into a Territorial government without destroying important and valuable rights and interests in that Territory.

The part of the bill which is objected to by the Senator from Connecticut is that which relates to the tenure and appointment of the judiciary of the islands. In the preparation of this measure we also had reference to all the statutes of the United States organizing the different Territories; and we found there, for instance, in regard to Arizona, that—

> The judicial power in Arizona shall be vested in a supreme court and such inferior courts as the legislative council may by law prescribe.

Another part of this statute prescribes that—

> The supreme court of every Territory shall consist of a chief justice and two associate justices, any two of whom shall constitute a quorum, and they shall hold their offices for four years and until their successors are appointed and qualified. They shall hold a term annually at the seat of government of the Territory for which they are respectively appointed.

The law was consulted and observed in the preparation of this bill. The reasons that I had—I do not know what reason any other commissioner might have had—but the reason that influenced my action upon the subject of the method of appointing the judiciary was one that I have not heretofore chosen to express in a report or on the floor of the Senate.

I found in Hawaii, what I have just remarked about a while ago, that the great money power there was owned in California; that it was owned by corporations, some of which were organized in California and a few of them in Hawaii. It is so to-day. Claus Spreckels and the other moneyed men who hitherto have been in Hawaii, who own very large portions of the islands, and now reside in California, have all the rights and privileges of citizens of the State of California.

I know another thing, that the money power in the United States controls the election of Presidents. I understand that perfectly well, and we all understand it. I know that the influence of patronage in the election of the President of the United States is a very powerful and a very important matter, and I was satisfied, and I am satisfied now, that if we pass this bill the judges of Hawaii will pass under the jurisdiction of the political agencies of this Government, and that the people of Hawaii will be consulted in regard to those judges only to an extent that they have got some votes to cast, and in no other way, for the President of the United States or somebody else in convention or somewhere else. It has got so now that the casting of a vote by a Territory in a convention, Democratic or Republican, is as full an expression of the influence of that Territory upon a Presidential election as if they had the right to vote in the electoral college. They make the nominations, and the nominations are always followed by the one party or the other, as either may be in the ascendency.

I wanted to divorce, if I could, the judicial establishment in Hawaii from the political agencies in the United States. If that was a just and proper motive, that was what I wished. I have not wished that in the passing of that government into the control of the Government of the United States there should be any temptation whatever to any President of the United States, whether he was a Democrat or whether he was a Republican, to appoint men in those islands as judges as a reward for their political services to either party in the United States; and, Mr. President, I think I am entirely justified in that attitude by the history of this country, and I am certainly justified in it by the highest morals of political economy.

I passed through an experience of this kind, and I understand, I think, perhaps a little better than gentlemen who have not had such an experience, the principle that ought to control the Government of the United States in action like this. The republic of Hawaii, being a government that to-day exercises every function and power of government within its own limits, as I observed, is precisely in the attitude that the State of Alabama was in and the State of Georgia was in when they were coupled together in a satrapy for the purposes of reconstruction. It was not declared when that reconstruction was introduced here into Congress that the States had lost their sovereign rights or their place in the American Union. That was not declared. But the Government of the United States took the control of them, and that control was absolutely unlimited. To such an extent was it carried that in my own State a lieutenant in the command of a military company has gone into the circuit court while the judge was holding court, taken him off the bench, and locked him up in jail because he inflicted a fine upon a drunken soldier who was in a row in the streets of Jacksonville, Calhoun County, Ala.

That was the situation, which at the time was indescribably severe upon us. We did not suppose, and I never thought, there was any constitutional justification for it at all. Nevertheless, Alabama, after she had seceded from the American Union, had not been represented in the Senate or in the House of Representatives up to that time, and this governmental reconstruction was imposed upon us, and we were compelled to accept it in order to get our representatives into this body and into the other House.

Upon what principle did the Government of the United States proceed in doing that? They proceeded upon the idea that the State of Alabama, the State of Georgia, and all the other Southern States had come under the supreme power and jurisdiction of Congress in so far as Congress had the right to send its military officers there to compel obedience to the laws of the United States enacted by this same Congress.

Upon what predicate was that action based? It was upon the predicate that we had disassociated ourselves by our own act from the Government of the United States, and the laws of nations justified the Government of the United States in holding us in a state, I may call it, of suspended animation as a State government, and of admitting us into the Union upon certain conditions which we were required to accept and adopt; for instance, the ratification of the fourteenth and fifteenth amendments.

Hawaii, when this act of annexation was passed and when she accepted it, was placed by your statute exactly in the same situation, except that in Hawaii the civil power of the Government of the United States was extended over that Territory through the act of the President instead of the military power which was extended by act of Congress in 1866 and 1867, which I believe were the dates. Hawaii, therefore, to-day is in the situation that Louisiana was, as I have heretofore observed, under the act approved by Mr. Jefferson, where, in virtue of international law, Louisiana was held subject to the jurisdiction and power of the Congress of the United States, and the President of the United States in that act—I do not know in that act by express terms, but in this act by express terms—the President of the United States has the power—

> Until Congress shall provide for the government of such islands all the civil, judicial, and military powers exercised by the officers of the existing government in said islands shall be vested in such person or persons and shall be exercised in such manner as the President of the United States shall direct.

Mr. SPOONER. And it was the same in Louisiana?

Mr. MORGAN. It was the same in Louisiana.

There we have it. There is no justification for that act of Congress in the Constitution itself, except so far as the Constitution of the United States has adopted the law of nations, and the law of nations, under the Constitution of the United States, by the declaration of the Supreme Court of the United States in many cases, and by the statement of the commentators on the laws of the United States, is a part of the law of the land.

The law of nations is a part of the laws of the land. So, under the authority of the law of nations, Congress has so provided

that what we call the republic of Hawaii—that is to say, the government that exists in Hawaii to-day and has existed since the passage of this act—should remain in full force and operation as to its local laws, but the President of the United States should vest the jurisdiction and power that was provided in those local laws in such persons as he saw fit. He could have removed every man who was in office in Hawaii, if he had chosen to do so, and appointed citizens of the United States from any of the States or Territories to have gone there and to have executed this act of Congress. He has chosen to leave Hawaii in the condition in which Congress found it and left it also at the time of the passage of that act.

I maintain that from that Hawaii had a just right to expect that the Government of the United States would treat her like she treated Alabama and Georgia when they might be admitted into the Union, we will call it, or to a Territorial form of government; that is to say, to provide for those people the preservation of all the rights and powers which they enjoyed at the time of annexation, subject, however, to the laws, the Constitution, and the general public policy of the United States.

If it is the general public policy of the United States—and this question was debated before the commission—that the judges of the courts there should be appointed by the President of the United States and that their tenure should be four years, then, Mr. President, of course there can be a perfect justification on the part of Congress in adopting that course; but that is not compulsory on the Congress of the United States. The Congress has a just discretion about this matter, and it ought to exercise it. The point I make about the tenure of office in the Hawaiian Islands, claiming that the judges of the supreme court ought to be in for a longer period of time than four years—it ought to be nine years, in my judgment—is that that is a peculiar legislative and judicial arrangement in Hawaii and that it requires men who have an understanding of the laws, the customs, the habits, and the history of Hawaii, and, in a large part, of the language of the Hawaiians, in order to comprehend exactly what a judge ought to know who is on the bench presiding in the most important of all questions that the mind of man can conceive of. That is my idea about the tenure of office.

While it may do to appoint a judge of the supreme court of Arizona for four years, Arizona being under the common law, her people speaking the English language and being accustomed entirely to our institutions and laws—while that might be justified in Arizona, it is a very dangerous thing to do in Hawaii, in my judgment, and upon that proposition as to the tenure of office—that is the argument which I advance—it is a dangerous thing in tearing down that government and replacing it with a Territorial government to go so far as to put our judges over them for so brief a period of time; and that, too, Mr. President, in connection with the fact that every judge who is appointed in every Territory is appointed purely on political grounds, and on no other, induced me to try to break that record—and other gentlemen of the commission were also satisfied with it—and to have for those islands out there a different situation, a different condition.

I do not want a politician from California or from New York or from anywhere else to go to the President and say: "Sir, I contributed a million dollars to your election; I have got vast interests in the islands of Hawaii, and I want you to appoint Mr. So-and-So a judge there, residing in Alabama or in Kentucky or in Michigan." I want to divorce, disconnect, the judicial system of Hawaii from the possibility, so far as we can do so, of having influences of this kind to operate upon them. I do not want to leave the judicial system of Hawaii a prey to the politicians of the United States.

A good deal of declamatory statement has been made here, and a good deal of defamatory statement also, in respect to the people of Hawaii, the classes who are to be admitted and those who are be excluded from voting for the 15 senators in those islands. A money qualification to vote annexed to a white man is an odious and an abominable thing. I believe in the right of every white man who has got moral status enough to cast an honest vote having the right to vote, without respect to his age, if he is over 21 years, and without respect to the ownership of property that he may have, and without respect to his ability to read or write. That is my judgment about it. But in expressing this judgment how many of the States of this Union do I assail in their policy? How many of the States of this Union have property qualifications for voting? How many of them have literary qualifications for voting—qualifications that are accidental, that belong to the condition of the man rather than to his natural powers and rights as a white man? How many States, I ask, have these qualifiations for voting? Quite a large number. And why should those States that now have property qualifications, literary qualifications, and various other qualifications come here to object to that limitation on that class of electors in Hawaii who are permitted to vote for senators based upon the ground of property?

What is the test in Hawaii, Mr. President? It is whether a man is an indigent vagabond, who does not attempt to take care of his property or his family, who makes no accumulation, who does no work and does not want to work—a servile man, a man belonging to an inferior race of people—whether a man of that sort is a qualified elector.

But now the Senate seems not to have reflected, seems not to be thinking about the real attitude of this question. What are we doing here to-day? We are not fixing permanent organic laws upon the Territory of Hawaii. These election laws are not permanent organic laws at all; they are laws which may be modified by the subsequent action either of Congress or of the legislature. We take a community there that for the first time is to be brought in under the laws of the United States with the electoral privilege.

Let me illustrate, Mr. President, for just a moment. I will take Puerto Rico as my theme for the sake of the illustration. We have there nine hundred and odd thousand people. We will assume that one-fifth of them are men 21 years of age—about the proportion we have in larger communities. Perhaps it is not so large there. We are supposed now to be preparing to enable those people to exercise for the first time in their existence the right of local self-government. Do we select the whole body of the people without reference to the age of 21? The Spanish age of eligibility to the electoral privilege is 20 years, not 21. Do we select the whole body of the male population, Spanish, negro, mestizo, and confer upon them the power to organize a government in Puerto Rico? Are we expected ever to do a thing of that kind? In the inauguration of representative government in Puerto Rico, as in Hawaii, where the subject is res integra, and in Hawaii, so far as we are concerned, just as it is in Puerto Rico, we select the men who put the government machinery into motion for the first time. In Hawaii we have the advantage of having men who for years and years, even back under the monarchy, have had training in this matter of considering governmental projects and voting upon them. We have that very great advantage in Hawaii. In Puerto Rico we have not got a man who has ever had the privilege of doing any act at all as a voter or a constituent or a factor in the idea of self-government.

Now, we are making the selection; we are making it in Hawaii; we are not making it permanent; we are making it provisional; and the question is, Who will the Congress of the United States intrust, in the first instance, with the powers of local self-government to the extent they may go and form and organize a government in Hawaii, or commence the execution of a government in Hawaii? That is the question now before the Senate. If I had the honorable Senator from Connecticut [Mr. PLATT] there in Hawaii, with a pencil and a piece of paper in his hand, and had those people to pass in review before him, there is many a one he would strike out, to whom he would not intrust, as a member of the United States Senate, the power of organizing and conducting government in Hawaii.

Mr. PLATT of Connecticut. Mr. President, I support the provision about the property qualification for voting for senators.

Mr. MORGAN. Very well; and if the Senator had the selection of judges in Hawaii he would find men there who are thoroughly competent, qualified by long training and eminent ability, for the discharge of those judicial functions.

The Senator said that he had heard of some decisions in Hawaii by the supreme court that were peculiar. Questions are peculiar there, Mr. President, but there is no peculiarity in the decisions of Hawaii that is affected in any way in the world by personal incompetency or corruption. On the contrary, I have in my library the eleven books of the reports of the supreme court of Hawaii, and I can cite you to instances in the Supreme Court of the United States where those decisions have been quoted on general topics of law, and quoted as authority. The judicial system of Hawaii is one that is admirable, and the records of the supreme court of the republic and the monarchy of Hawaii show its admirable qualities.

The first time the supreme court was ever organized in Hawaii was by Kamehameha III, and he made himself the chief justice of the supreme court. The king conferred that honor upon the office that he himself sat on the bench with the associate justices, and from that time forward nothing has been so carefully considered as the jurisdiction, the practice, and the conduct of the supreme court and of the subordinate courts in those islands. So I should say that the Senator from Connecticut would find amongst those people a man more strictly eligible to a judgeship in those islands than he would find in California or in Maine or in Connecticut.

Now, if you will put him into the office and let him stay there for nine years, which is not a long term for a judge of a supreme court to hold, that man will become identified with the people. He will understand the interests that are bearing upon that community. He will understand the power that resides in California and rules in Hawaii. He will understand and, if he is honest, he will appreciate the necessity of having the judicial establishment stand aloof from and be independent of this foreign power on the

coasts of the Pacific Ocean. In my judgment, these matters are so worthy of consideration that I did not feel at liberty to tear down a system which has a life tenure for supreme court judges and a tenure of six years for circuit court judges and reduce the tenure and transfer the appointment of the judges into the hands of a power which was entirely foreign and entirely distant to a great many people in Hawaii.

Suppose the President of the United States were to select a really eminent, good man, whether he is a native Kanaka or whether he is a native-born white man, for there are many of that kind in Hawaii who have spent all their lives on the island, who were born there, and who feel for that island the same patriotic zeal that I trust I feel for the State of Alabama and the Government of the United States. Suppose such a man were appointed by the President of the United States and were to come before the Senate and hear the rabid, vicious, defamatory, horrible explosions of wrath and denunciation and vengeance and disgust that have been uttered by Senators on this floor in this debate, would we expect a fair consideration from the Senate under such denunciations of a man who belongs to that abhorred race or that abhorred region of the world? Sir, I should say that a gentleman from Hawaii who, after hearing the debates here to-day, would be willing to submit himself to the jurisdiction of this body would be either a very bold or a very bad man—one of the two. The demonstrations made here are entirely foreign, entirely antagonistic, and ferociously opposed to any conception that there can be either morality or law or justice in the Hawaiian Islands or that those people are entitled to any consideration whatever.

I said to the Hawaiians, when I first went there, "If you want justice in the Government of the United States, stand your ground and apply for admission as a State into the American Union, where your Senators can come upon this floor, and in the other House your Representatives can come and take care of your interests; for if you throw yourself into the hands of a foreigner and that foreigner is influenced in his conduct toward you by prejudice and passion or by the baneful effect of political power bought with money, you will be in a serious condition hereafter, and you will live to lament the fact that ever you consented to become a part of the United States of America." Mr. President, no warning could have prevented the Hawaiians from coming here. Those people have as assiduously and as continuously celebrated the birthday of American independence for fifty years as we have. They have never allowed a Fourth of July occasion to pass that they did not bring out the banners of the United States and hold their feasts and festivals in honor of our independence.

Those missionaries who went there, who seem to have lived to receive the opprobrium that is due only to the worst class of men that ever existed, infused into those people the first idea of liberty, the first conception of Christianity. They were their teachers. They translated the Bible into their language. Theirs was a spoken language, consisting of an alphabet of thirteen letters, nearly all of them vowels, and a few consonants. The missionaries translated the Bible into their language, formed the grammar and dictionary of the language, taught it in schools, so that the laws were not only written, but printed, in Hawaii and in the Hawaiian tongue, and built up for them from the foundation stone to its splendid majestic attitude that wonderful combination of people in Hawaii which, after all, grew into a republic. They did not usurp republican ideas or doctrines or principles and force them upon an unwilling multitude, but the whole people were inspired by the love for republican institutions, out of which grew this celebration annually of our natal day, the 4th day of July.

A people in that condition have the right to expect at our hands something besides abuse. Let some man point out a defect in the government of Hawaii, some corruption, some mismanagement, some abuse of trust or power; then I will be prepared to hear him with patience; but when it comes to the mere question as to whether the Hawaiian government has consented to make labor treaties and labor contracts to get her sugar-cane fields established there, and when that question runs off into a mock idea of liberty and justice and right, I am prepared to say that the people of Hawaii are misjudged upon that question. If they have been wrong about it, it is because they have been overruled by powers that were outside of Hawaii, most of them in California, for the purpose of enabling the sugar planters to get the labor of Japan and China upon their sugar estates.

Now as to Japan. A Japanese has as much right to make a labor contract with a man in the United States as a German has. They would both have a full right to do that but for the prohibition of our laws. A man can make a labor contract with a subject of Japan to go to Germany or England or France to work, but he can not do it as to the United States, because we prohibit it. That is the only reason for it. Hawaii, consulting her own interests, was not bound to prohibit such contracts. Nor was her conduct in making treaties for the purpose of getting those people into the islands to do work in the slightest degree immoral or incorrect in political economy.

It turned out to be a serious evil, because the influences which started this labor business in Hawaii have pressed it entirely too far. But now we propose to extend this act so as to repeal all those laws. It is a positive repeal of all those laws; and also we extend over those islands the laws and Constitution of the United States in full force, so that there is not a shred of a contract left standing in Hawaii if it is opposed to the laws of the United States. There were contracts in existence there at the time of annexation, but the labor contracts were not preserved, because they were opposed to the policy of the United States declared in law, and no contract which is opposed to the public policy of the United States Government as declared by the law can be valid after the passage of this act.

But contracts have been made since, and the amendment of the Senator from Massachusetts, I believe, invalidates those contracts. That amendment in its present form is an outrage upon the Constitution of the United States, for the reason that men have made contracts in Hawaii with companies in Japan for the purpose of importing labor. Those contracts can not be, or ought not to be, invalidated by any act of Congress. So far as the Japanese citizen is concerned, he ought not to be subjected to the laws which were not in force at the time those contracts were made. But so far as the contract itself is concerned, how can we afford to say that contracts which were valid, made since the 12th day of August, 1898, shall be made invalid by the operation of positive law? There we are cutting into the arrangements of those men, not in Hawaii, but chiefly in California, and who caused those contracts to be made.

We are cutting into them in such a way as would be utterly disastrous if we had any power to do it. We are merely raising questions that we have no power to enforce, for I take it that after all the Supreme Court of the United States, when it comes to sound this question to the bottom, will hold that the Constitution of the United States operates as a prohibition upon Congress to invalidate any contract that was valid at the time it was made, I think so. That is a point which has never been exactly decided, but it certainly has not been decided against the proposition I advance.

Mr. SPOONER. Will the Senator from Alabama allow me?

Mr. MORGAN. Certainly.

Mr. SPOONER. Does not the Senator understand that it is a fundamental principle of equity jurisprudence that the specific performance of a contract for personal service will not be enforced by a court of equity?

Mr. MORGAN. You can not enforce the specific performance of a contract by personal service in any court.

Mr. SPOONER. That is right. That is one branch of the amendment.

Mr. MORGAN. Only one branch, and that I am in favor of.

Mr. SPOONER. Let me ask the Senator another question.

Mr. MORGAN. Yes, sir.

Mr. SPOONER. Is it at all in harmony with our sense of right or theory of government that a violation of a contract for personal service shall be criminally punished?

Mr. MORGAN. Not at all. I opposed all those laws in the South.

Mr. SPOONER. That is the second branch of the amendment?

Mr. MORGAN. Yes.

Mr. SPOONER. And the two are all that is embraced in the amendment offered by the Senator from Massachusetts.

Mr. MORGAN. No; I think not. I think the amendment of the Senator from Massachusetts cuts down every contract in relation to the subject of the importation of labor under contract. There are some of them, I think, of very great magnitude, the largest of them, the most important of them, held in California.

Mr. CHILTON. It would be constitutional to interfere with contracts so far as future importations of people are concerned?

Mr. MORGAN. Oh, yes. That is cut off because the laws of the United States prohibit it absolutely.

Mr. CHILTON. That is right.

Mr. MORGAN. It is not only a void act, but a criminal act under the policy of the United States.

Mr. CHILTON. So, even if contracts existed, they could be interfered with to that extent at least?

Mr. MORGAN. Oh, yes. As this bill leaves the laws of the United States and Hawaii no man has any more right to import Japanese into Hawaii under contract than he has to import a German or a Frenchman into Maine or Massachusetts under contract to labor.

Mr. SPOONER. That statement I think is true, but that follows from the bill. It does not follow from the amendment offered by the Senator from Massachusetts.

Mr. MORGAN. I think the amendment of the Senator from Massachusetts goes very much further and seeks to make a Congressional invalidation of contracts for personal service held in those islands.

Mr. SPOONER. If the Senator will permit me, the amendment provides that no proceeding shall be maintained specifically to

enforce any contract heretofore or hereafter entered into for personal service or to criminally punish a violation thereof. That is the amendment.

Mr. MORGAN. The repeal of the statutes on that subject in Hawaii and the introduction of the laws of the United States cover the whole case absolutely and make the amendment unnecessary.

Mr. SPOONER. I am speaking of that amendment.

Mr. MORGAN. I think the amendment in the language in which it is couched is a dangerous one to personal rights and private interests there that are legitimate. But I do not care to stop the course of my argument upon this matter to enlarge upon that point. I am addressing myself entirely to the question of the judiciary.

Mr. SPOONER. I beg the Senator's pardon for interrupting him.

Mr. MORGAN. But in regard to the enforcement of the law restricting immigration from China and restricting labor-contract immigration from Japan and India or Australia or anywhere else, ought there not to be in the islands of Hawaii a jurisdiction that has unquestionable power to deal with that question? Now, the jurisdiction that is conferred in this bill or the jurisdiction that was conferred in the statute giving the power to the supreme court of the Territory is not adequate to these two questions to which I have just adverted—the restraint and the control of immigration from China, which is prohibited, and all contract-labor immigration from Japan or any other country. The difficulty we have had in restricting Chinese immigration is that it has scattered itself along the whole coast of the United States and even around to north of the British boundary and perhaps south of the boundary with Mexico, and the persons who are prohibited from coming in here from China have percolated through these boundary lines, and we have had to exercise a good deal of vigilance and to employ a number of officers in order to check and prevent an influx of Chinese, and the courts have had to exercise a very earnest power—I was about to say arbitrary power, and it would be arbitrary but for the statute in the control of this immigration.

Now, sir, can we have a better protection against these two evils—for they are so declared by the national law—than to have at Hawaii, a point where all these ships touch, a district court of the United States fully empowered by our statutes to deal with this question; and if we have a district court, is it not one that naturally and necessarily is independent of all local influences in Hawaii which might be in favor of the admission of Chinese immigration for the sake of its labor and of labor-contract immigration from Japan? Where is there a point in the United States where the power of the district court would be more available or more useful or more necessary than in Hawaii for this very purpose?

Then we will take up the importation of diseases from the Orient, that great pesthouse, that bed of generation of all the great dreads that ever visit humanity—the bubonic plague, cholera, the black plague, or whatever it is. In the approach of ships to the United States there ought to be an establishment of quarantine in Hawaii subject to the power and control of a Federal court, so that the authority of the United States might there be felt, far out from the land, and the importation of diseases might be stopped at that favorite possession. If the Philippines after a while become in a condition where the men who have annexed those islands are willing to take care of the interests of the United States and the local population, if it gets into shape, which I hope it will do very soon, we will find an absolute necessity for a court of this kind at Manila; and with a court of that kind at Manila and another one at Honolulu, and with the district courts that are on the coast above it there, we shall have our coasts remarkably well guarded, so far as the exercise of the judicial power of the United States is concerned, and but for that power we would not have them guarded at all.

I will not go over the argument I made upon this question yesterday, and yet it is an inviting field to me. I wish to say to the Senator from Connecticut and the Senator from Wisconsin that if they feel in conscience bound to reduce the tenure of the supreme court judges in Hawaii to four years and are willing to assume the expense of the judicial establishment there that they have provided for in the amendments that are proposed, if the Senators will withdraw their objection to this Federal court and let it stand there, I will feel that the people of the United States and its Government have got a protection there that can not be exercised properly and completely by these local courts of four years' tenure in Hawaii. Let us have in that part of the earth of which we are now taking jurisdiction and control a judicial establishment that is in some sense adequate to the wants of this great nation.

Shall we have supreme or circuit judges in the Territory, with short tenures of office, and have come before them all these great questions of admiralty law and maritime contracts, collisions, and questions about violations of the customs laws and the internal-revenue laws? Shall we impose upon those courts, that are now full of business and have all the work they can do, the difficulty of conducting this administration of justice in which the United States as a Government is so conspicuously and immediately concerned? Shall we pack it upon them and trust to a poor, weak, frail establishment the adjudication of all these great questions which must necessarily arise in Hawaii in consequence of its isolated position?

We are going very far indeed, if, consulting the past, we determine in our own minds that we will not grow or improve or increase it in any direction at all, and if we conclude that a court that is fit for Arizona, in the great American desert, is really fit for Hawaii, out in the bosom of the Pacific Ocean, 2,000 miles from us. Perhaps we can agree about that, but as a member of this commission and as a member of the Committee on Foreign Relations, after this subject has been so maturely considered I can not consent to do less than to have the Senate understand the whole field and vote upon it, as far as I am able to imform them, intelligently.

Mr. CULLOM. The Senate is pretty thin. I do not know whether there is a quorum here or not. I doubt if there is, but——

Mr. TILLMAN. The Senator can find out by having a call of the Senate.

Mr. CULLOM. It is evident the Senate does not desire to vote upon the question to-night, and I am inclined to think we may as well adjourn.

Mr. MORGAN. I hope the Senator from Illinois will ask for a day to decide this matter. Senators will never be in their seats until a day is appointed.

Mr. CULLOM. I should be very glad to have a day fixed when we can dispose of the case, if it is possible to do so.

Mr. COCKRELL. This is not an appropriate time to fix a day by a unanimous-consent agreement by which all Senators will be bound.

Mr. MORGAN. We have been doing it all the time.

Mr. CULLOM. Would there be any objection to such an arrangement?

Mr. COCKRELL. Let it be done in the morning, when Senators are all present, so that all Senators may hear and understand the agreement.

Mr. CULLOM. Unless there is a disposition to have an executive session, I will move that the Senate adjourn.

Mr. TILLMAN. I want to offer an amendment to the bill, so that I can have it printed and in shape for Senators to examine.

The PRESIDING OFFICER (Mr. PERKINS in the chair). It will be in the form of an amendment to the amendment.

Mr. TILLMAN. No, sir. It is a separate amendment to a separate and distinct part of the bill. It is not to the particular part under discussion now. I wish to offer it and get it in shape.

The PRESIDING OFFICER. If there be no objection, by unanimous consent the amendment will be received.

Mr. TILLMAN. I wish to strike out sections 59, 60, 61, and 63 of the bill dealing with the question of suffrage, and to substitute therefor the provisions of the present constitution of the State of South Carolina dealing with the same subject, including the registration laws of our State.

As the subject of the suppression of the colored vote in South Carolina has been brought prominently into this discussion, and as I have nothing to conceal and am ashamed of nothing in connection with it, and in order to give it the very widest possible circulation, I ask that the parts that I have marked here, which I offer as an amendment, from the constitution of our State and the parts of the bill which I ask to be stricken out shall be published in the RECORD in parallel columns, and let the people of the United States who read the RECORD see just what is being proposed here in the way of suppression of votes in the Hawaiian Islands and compare it with the South Carolina methods. I think we have improved on it down there somewhat, but, then, that is my opinion. I should like to get it before the country, however.

The PRESIDING OFFICER. The Senator from South Carolina desires to have printed a proposed amendment. If there is no objection, the amendment will be printed and lie upon the table for future consideration.

Mr. TILLMAN. I want it printed in the RECORD also.

The PRESIDING OFFICER. The amendment will also be printed in the RECORD. That is the understanding of the Chair.

Mr. PLATT of Connecticut. I hope the Senator will not ask to have them printed in parallel columns, as I do not want to get that practice in the RECORD. The Senator does not care for that?

Mr. TILLMAN. I have no objection to the two going in one after the other. Let the provisions of the Hawaiian bill precede the provisions of the South Carolina constitution, and then people can compare them.

The amendment proposed by Mr. TILLMAN is as follows:

Beginning on page 23 of the bill, strike out sections 59, 60, 61, and 62 in the following words:

SEC. 59. That each voter for representatives may cast as many votes as there are representatives to be elected from the representative district in which he is entitled to vote. He may cast them all for one representative, or may apportion them among the several representatives in such manner as he

sees fit: *Provided, however*, That any fractional division of a vote shall be void.

The required number of candidates receiving the highest number of votes in the respective representative districts shall be the representatives for such districts.

QUALIFICATIONS OF VOTERS FOR REPRESENTATIVES.

SEC. 60. That in order to be qualified to vote for representatives a person shall—

First. Be a male citizen of the United States.

Second. Have resided in the Territory not less than one year preceding and in the representative district in which he offers to register not less than three months immediately preceding the time at which he offers to register.

Third. Have attained the age of 21 years.

Fourth. Prior to each regular election, during the time prescribed by law for registration, have caused his name to be entered on the register of voters for representatives for his district.

Fifth. Prior to such registration have paid, on or before the 31st day of March next preceding the date of registration, all taxes due by him to the government.

Sixth. Be able to speak, read, and write the English or Hawaiian language.

METHOD OF VOTING FOR SENATORS.

SEC. 61. That each voter for senators may cast one vote only for each senator to be elected from the senatorial district in which he is entitled to vote.

The required number of candidates receiving the highest number of votes in the respective senatorial districts shall be the senators for such district.

QUALIFICATIONS OF VOTERS FOR SENATORS.

SEC. 62. That in order to be qualified to vote for senators a person must possess all the qualifications and be subject to all the conditions required by this act of voters for representatives, and, in addition thereto, he shall own and be possessed in his own right of real property in the Territory of the value of not less than $1,000, and upon which legal taxes shall have been paid on that valuation for the year next preceding the one in which such person offers to register; or shall have actually received a money income of not less than $800 during the year next preceding the 1st day of April next preceding the date of each registration.

And insert in lieu thereof the following:

SEC. —. All elections by the people shall be by ballot, and elections shall never be held or the ballots counted in secret.

SEC. —. Every qualified elector shall be eligible to any office to be voted for, unless disqualified by age, as prescribed in this constitution. But no person shall hold two offices of honor or profit at the same time: *Provided*, That any person holding another office may at the same time be an officer in the militia or a notary public.

SEC. —. Every male citizen of this State and of the United States 21 years of age and upward, not laboring under the disabilities named in this constitution and possessing the qualifications required by it, shall be an elector.

SEC. —. The qualifications for suffrage shall be as follows:

(a) Residence in the State for two years; in the county, one year; in the polling precinct in which the elector offers to vote, four months; and the payment six months before any election of any poll tax then due and payable: *Provided*, That ministers in charge of an organized church and teachers of public schools shall be entitled to vote after six months' residence in the State, otherwise qualified.

(b) Registration, which shall provide for the enrollment of every elector once in ten years, and also an enrollment during each and every year of every elector not previously registered under the provisions of this article.

(c) Up to January 1, 1898, all male persons of voting age applying for registration, who can read any section in this constitution submitted to them by the registration officer, or understand and explain it when read to them by the registration officer, shall be entitled to register and become electors. A separate record of all persons registered before January 1, 1898, sworn to by the registration officer, shall be filed, one copy with the clerk of court and one in the office of the secretary of state, on or before February 1, 1898, and such persons shall remain during life qualified electors unless disqualified by the other provisions of this article. The certificate of the clerk of court or secretary of state shall be sufficient evidence to establish the right of said citizens to any subsequent registration and the franchise under the limitations herein imposed.

(d) Any person who shall apply for registration after January 1, 1898, if otherwise qualified, shall be registered: *Provided*, That he can both read and write any section of this constitution submitted to him by the registration officer or can show that he owns, and has paid all taxes collectible during the previous year on property in this State assessed at $300 or more.

(e) Managers of elections shall require of every elector offering to vote at any election, before allowing him to vote, proof of the payment of all taxes, including poll tax, assessed against him and collectible during the previous year. The production of a certificate or of the receipt of the officer authorized to collect such taxes shall be conclusive proof of the payment thereof.

(f) The general assembly shall provide for issuing to each duly registered elector a certificate of registration, and shall provide for the renewal of such certificate when lost, mutilated, or destroyed, if the applicant is still a qualified elector under the provisions of this constitution, or if he has been registered as provided in subsection (c).

SEC. —. Any person denied registration shall have the right to appeal to the court of common pleas, or any judge thereof, and thence to the supreme court, to determine his right to vote under the limitations imposed in this article, and on such appeal the hearing shall be de novo, and the general assembly shall provide by law for such appeal and for the correction of illegal and fraudulent registration, voting, and all other crimes against the election laws.

SEC. —. The following persons are disqualified from being registered or voting:

First. Persons convicted of burglary, arson, obtaining goods or money under false pretenses, perjury, forgery, robbery, bribery, adultery, bigamy, wife beating, housebreaking, receiving stolen goods, breach of trust with fraudulent intent, fornication, sodomy, incest, assault with intent to ravish, miscegenation, larceny, or crimes against the election laws: *Provided*, That the pardon of the governor shall remove such disqualification.

Second. Persons who are idiots, insane, paupers supported at the public expense, and persons confined in any public prison.

SEC. —. For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States nor while engaged in the navigation of the waters of this State or of the United States or of the high seas nor while a student of any institution of learning.

SEC. —. The general assembly shall provide by law for the registration of all qualified electors, and shall prescribe the manner of holding elections and of ascertaining the results of the same: *Provided*, That at the first registration under this constitution and until the 1st of January, 1898, the registration shall be conducted by a board of three discreet persons in each county, to be appointed by the governor, by and with the advice and consent of the senate. For the first registration to be provided for under the constitution the registration books shall be kept open for at least six consecutive weeks and thereafter from time to time at least one week in each month up to thirty days next preceding the first election to be held under this constitution. The registration books shall be public records, open to the inspection of any citizen at all times.

SEC. —. The general assembly shall provide for the establishment of polling precincts in the several counties of the State, and those now existing shall so continue until abolished or changed. Each elector shall be required to vote at his own precinct, but provision shall be made for his transfer to another precinct upon his change of residence.

SEC. —. The general assembly shall provide by law for the regulation of party primary elections and punishing fraud at the same.

SEC. —. The registration books shall close at least thirty days before an election, during which time transfers and registration shall not be legal: *Provided*, That persons who will become of age during that period shall be entitled to registration before the books are closed.

Mr. CULLOM. Unless there is a disposition to have an executive session, I will move an adjournment.

Mr. PLATT of Connecticut. I should like to have an executive session. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 4 o'clock and 50 minutes p. m.) the Senate adjourned until Monday, February 26, 1900, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate February 24, 1900.

UNITED STATES ATTORNEY.

Francis H. Parker, of Connecticut, to be attorney of the United States for the district of Connecticut, vice Charles W. Comstock, whose term will expire April 1, 1900.

COLLECTOR OF CUSTOMS.

Herbert Morissey, of Massachusetts, to be collector of customs for the district of Plymouth, in the State of Massachusetts, to succeed Daniel W. Andrews, whose term of office has expired by limitation.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 24, 1900.

INDIAN AGENT.

Joseph O. Smith, of Cortez, Colo., to be agent for the Indians of the Southern Ute Agency in Colorado.

POSTMASTERS.

Isaac Dyer, to be postmaster at Skowhegan, in the county of Somerset and State of Maine.

Nathaniel A. Burnell, to be postmaster at Cumberland Mills, in the county of Cumberland and State of Maine.

Lancetta L. Byram, to be postmaster at Liberty, in the county of Union and State of Indiana.

James W. Danser, to be postmaster at Freehold, in the county of Monmouth and State of New Jersey.

Edward Burroughs, to be postmaster at Metuchen, in the county of Middlesex and State of New Jersey.

George A. Herrick, to be postmaster at Madison, in the county of Somerset and State of Maine.

Grant Coats, to be postmaster at Rockford, in the county of Mercer and State of Ohio.

Emil O. Ellison, to be postmaster at Lamoure, in the county of Lamoure and State of North Dakota.

Rufus Daggett, to be postmaster at Utica, in the county of Oneida and State of New York.

Charles E. Welch, to be postmaster at Phœbus, in the county of Elizabeth City and State of Virginia.

Cyrus E. Hipple, to be postmaster at Conshohocken, in the county of Montgomery and State of Pennsylvania.

Charles H. Ellsworth, to be postmaster at Hudson, in the county of Summit and State of Ohio.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February 24, 1900.*

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

TRADE OF PUERTO RICO.

Mr. PAYNE. Mr. Speaker, I move that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of House bill 8245.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. HULL in the chair.

Mr. CLAYTON of Alabama. Mr. Chairman, it is my intention to discuss this bill, the law applicable to it, and the questions that have grown out of the acquisition of new territory by the United States.

In the case of Puerto Rico

THE FACTS,

in brief, are that while the military forces of the United States were in occupancy of the island the Paris treaty was made and ratified by which the island was ceded to the United States by Spain. Therefore, as a matter of law and fact Puerto Rico belongs to the United States and is as much a part thereof as Arizona.

Puerto Rico certainly is not now a Spanish possession or dependency, and it is equally certain that the island is not an independent State or sovereignty. Confessedly, if it be a possession of any other world power or an independent State, the United States has no authority or right to legislate in regard to the island. And as an inducement for this Congress to do justice to Puerto Rico let us not forget that the people in that island have welcomed the dominion of the United States and now ask that Congress pass all necessary laws for them and the island that Congress may enact, having due regard for the Constitution, its authority, and its limitations.

THE PLANS PROPOSED FOR THE GOVERNMENT OF PUERTO RICO

are suggested in—

(1) The President's recent message to Congress, where he says it is—

our plain duty to abolish all customs tariffs between the United States and Puerto Rico and give her products free access to our markets;

(2) The bill introduced on January 19, 1900, by the gentleman from New York [Mr. PAYNE], the leader of the majority on this floor, in which it is sought "to extend the laws relating to customs and internal revenue over the island of Puerto Rico ceded to the United States," so that there might be a free interchange of the products of our States and the products of Puerto Rico;

(3) The bill (H. R. 5466) introduced by the gentleman from Iowa [Mr. LACEY] and the joint resolution (H. J. Res. 115) introduced by the gentleman from Michigan [Mr. WEEKS], which furnish peculiar schemes of military government with some sort of subordinate civil attachments; and

(4) The bill introduced by the gentleman from Texas [Mr. HENRY], which frames a complete Territorial form of government for that island—such a government as the Constitution authorizes and such a government as the people of Puerto Rico desire.

THE BILL NOW UNDER CONSIDERATION

is entitled "A bill to regulate the trade of Puerto Rico, and for other purposes," and it provides (1) that the customs laws of the United States shall apply to Puerto Rico to the extent that upon all articles imported into that island from ports other than those of the United States the same tariffs, customs, and duties shall be paid as are now by law collected upon articles imported into the United States from foreign countries; (2) that upon the passage of this act all merchandise coming into the United States from Puerto Rico and coming into Puerto Rico from the United States shall be entered at the several ports of entry upon payment of 25 per cent of the duties which are required to be levied, collected, and paid upon like articles of merchandise imported from foreign countries, and in addition thereto, upon articles of merchandise of domestic manufacture, and upon articles of United States manufacture coming into Puerto Rico, customs duties equal in rate and amount to the internal-revenue tax which may be imposed in Puerto Rico upon the same articles of Puerto Rican manufacture; and (3) that the customs duties collected in Puerto Rico in pursuance of this act, less the cost of collecting same, and the gross amount of all collections of customs in the United States upon articles of merchandise coming from Puerto Rico shall not be covered into the general fund of the Treasury, but shall be held as a separate fund, and shall be placed at the disposal of the President, to be used for the government and benefit of Puerto Rico until otherwise provided by law.

THE AUTHORITY OF CONGRESS TO LEGISLATE FOR TERRITORIAL POSSESSIONS

is found in Article IV, section 3, paragraph 2, of the Constitution, which reads:

The Congress shall have power to dispose of and make all needful rules and regulations respecting the Territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States or of any particular State.

Or this authority to regulate or govern new territory is derived as an inseparable incident to the right of the United States to acquire territory. This power is stated by Chief Justice Marshall in the case of Insurance Company *vs.* Canter (1 Peters, 542) as follows:

Perhaps the power of governing a Territory belonging to the United States, which has not by becoming a State acquired the means of self-government, may result necessarily from the facts that it is not within the jurisdiction of any particular State and is within the power and jurisdiction of the United States. The right to govern may be the inevitable consequence of the right to acquire territory. Whichever may be the source whence the power is derived, the possession of it is unquestioned. * * * In legislating for them Congress exercises the combined powers of the general and of a State government.

This bill neither disposes of nor regulates the territory or other property belonging to the United States. It amounts necessarily to an exercise of the power to govern and is kindred to all the powers to govern the Territory and its population because derived from the same source. It taxes, and as the power to tax is the highest power of government and is founded upon sovereignty, this bill, if enacted into law, is one way of declaring by Congress, following the treaty and cession made and obtained by the Executive and the Senate, that Puerto Rico is a part of the territory of the United States, to be dealt with by Congress, and entitled to the benefits of certain self-operating principles of the Constitution.

It is a pretense to say that the setting apart of the customs duties derived under this bill as a special fund to be used by the President for the government and benefit of Puerto Rico is a regulation of territory. And for two reasons: First, because the customs duties are to be derived not solely from articles imported from foreign countries, but also from duties imposed upon articles exported from the United States into Puerto Rico as well; and, second, the placing of a special fund at the disposal of the President as the Commander in Chief of the Army and Navy is not the regulation of territory. This bill is a tax measure and a questionable appropriation of money to be used by the military arm of the Government. No provision is made in it or by this appropriation for any government or regulation of Puerto Rico other than such regulation and government as the Commander in Chief is now enforcing, and this appropriation can not be the clothing of the Commander in Chief with any powers that the Constitution has not conferred or that Congress has not already given. In short, Mr. Chairman, this bill is not a regulation of territory, and if it be any regulation at all it is not entirely intra territorial, but it is extra territorial and affects the States of the Union as well as this particular Territory or island. The framers of the Constitution never intended that the States of the Union should be so discriminated against in favor of any Territory, and this power to regulate or govern a Territory, whether the power is expressed or implied, can not be so construed as to bring this bill within the constitutional purview.

CONGRESS HAS NO POWERS EXCEPT THOSE WHICH ARE CONFERRED

directly or impliedly by the Constitution, and this is true under every canon of construction adopted by any court in the history of American jurisprudence. The Federal Government has no power to tax any Territory except in cases provided by an express grant of power, or where the authority can be implied as a necessary incident of the express power—necessary for the execution of that which is expressly conferred. The States, acting through their delegates, wrote the Constitution; and the States, when they adopted the Constitution, formed the United States and fixed the Constitution as the guide forever for this Government, and there is and there can be no Federal Government outside of the Constitution. And while it is a Government of delegated powers, it is a Government also of limited powers. It is unnecessary to cite the tenth amendment to the Constitution or any other provision of that instrument to support so plain a proposition.

The Federal Government can act in all cases where it is authorized to act, but it can not act in any case where the authority is withheld or not granted, or where prohibited. It is as much a government of limitations as of authority. It has powers, but restraints are imposed upon its powers. This is true of the Government as a whole. It is true of each of the three coordinate departments of the Government. Congress may not do anything except what it is expressly or by fair implication in the Constitution authorized to do. It is limited by the reserved rights of the States, by the prohibitions of the Constitution, and by the principle that no department of the Federal Government can encroach upon the domain of any other department, and by the principles that underlie the American theory of government.

The Federal Government can not be a government of a written constitution when considering its relations to the States, and an absolutism, unbound by the Constitution, when legislating in reference to matters beyond the limits of the States.

To the student of our American system of government—the State and the Federal—a review of the powers of and the limitations upon the Federal Government should never become wearisome. To the conscientious member of this House who desires to observe that instrument which he has sworn to support a discussion of the provisions of the Federal Constitution in the consideration of any pending measure ought not to be abstract. Mr. Chairman, if the United States is not a government controlled in all cases by a written constitution, may it not become arbitrary and despotic whenever the agencies through which it acts elect to invoke the doctrine of inherent power? Where and how are the powers of the Federal Government conferred? In and by the Constitution and its amendments which was and were ratified by the States, each acting in its individual and sovereign capacity. In no other way could the Constitution have been adopted, and in no other way can it be amended, either by subtraction or addition. If this be not true, then where does the Government of the Constitution begin and where will it end? This Congress must look to the Constitution for the authority to pass any pending measure, and must not forget prohibitions and limitations.

This new idea of "inherent sovereignty" and of "plenary powers," of which we have heard much in this debate, ought not to drive a member of this House from the observance of the Constitution and those principles by which it has always been or ought to have been interpreted. The argument of necessity or of expediency, however subtlety may clothe it or the genius of refinement may maintain it, can not derogate the manifest purpose of the Constitution or the intention of the statesmen by whom it was framed. It is true that Congress is not like the British Parliament; and, Mr. Chairman, I refer to this because in the progress of this debate this Government has been likened by some members on the other side of the House to the British Parliament, and the powers of Congress have been alleged to be similar in some respects to those exercised by the British Parliament. The Parliament is a sovereign and constituent assembly.

It can—

To quote an English writer (Bryce)—

make and unmake any and every law, change the form of government or the succession to the Crown, interfere with the course of justice, extinguish the most sacred private rights of the citizen. Between it and the people at large there is no legal distinction, because the whole plenitude of the people's rights and powers resides in it, just as if the whole nation were present within the chamber where it sits. In point of legal theory it is the nation, being the historical successor of the folkmoot of our Teutonic forefathers. Both practically and legally it is to-day the only and the sufficient depository of the authority of the nation, and is, therefore, within the sphere of law, irresponsible and omnipotent.

In the American system there exists no such body. Not merely Congress alone, but also Congress and the President conjoined, are subject to the Constitution, and can not move a step outside the circle which the Constitution has drawn around them. If they do, they transgress the law and exceed their powers. Such acts as they may do in excess of their powers are void, and may be, indeed ought to be, treated as void by the meanest citizen. The only power which is ultimately sovereign, as the British Parliament is always and directly sovereign, is the people of the States, acting in the manner prescribed by the Constitution, and capable in that manner of passing any law whatever in the form of a constitutional amendment.

Opposed to the British theory of government is the American theory, stated by Judge Cooley in his work on Constitutional law, who cites Ableman *vs.* Booth (21 How., 506, 520), and United States *vs.* Cruikshank (92 U. S., 542), to be that—

The Congress of the United States derives its power to legislate from the Constitution, which is the measure of its authority, and any enactment of Congress which is opposed to its provision, or is not within the grant of powers made by it, is unconstitutional and void, and therefore no law and obligatory upon no one.

And the same author further declares, giving as authority Ex parte Milligan (4 Wall., 2, 120), that—

The Constitution itself never yields to treaty or enactment.

In the progress of this debate I have heard it asserted positively on this floor that this House is compelled to respect a treaty although it may conflict with what the House believes to be constitutional requirement.

Judge Cooley continues:

It never changes with time, nor does it in theory bend to the force of circumstances. It may be amended according to its own permission; but while it stands it is "a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times and under all circumstances." Its principles can not, therefore, be set aside in order to meet the supposed necessities of great crises. "No doctrine involving more pernicious consequences was ever invented by the wit of man than that any of its provisions can be suspended during any great exigencies of government. Such a doctrine leads directly to anarchy and despotism, but the theory of necessity on which it is based is false, for the Government within the Constitution has all the powers granted to it which are necessary to preserve its existence."

It is asserted by the advocates of this bill that in legislating for and otherwise dealing with new territorial acquisitions the Federal Government has the

INHERENT POWER OF ABSOLUTE SOVEREIGNTY;

that its power to govern and tax these acquisitions is unlimited and plenary, subject only to the discretion of Congress. Some of them, I think, have cited the opinion in Murphy *vs.* Ramsey (114 U. S.) to sustain their contention, but the court there recognized the express and implied restrictions of the Constitution upon the Federal Government. I quote from the opinion:

The counsel for the appellants in argument seem to question the constitutional power of Congress to pass the act of March 22, 1882, so far as it abridges the rights of electors in the Territory under previous laws. But that question is, we think, no longer open to discussion. It has passed beyond the stage of controversy into final judgment. The people of the United States, as sovereign owners of the national Territories, have supreme power over them and their inhabitants. In the exercise of this sovereign dominion they are represented by the Government of the United States, to whom all the powers of government over that subject have been delegated, *subject only to such restrictions as are expressed in the Constitution or are necessarily implied in its terms*

In the study of this question it will be interesting to read Reynolds *vs.* United States (98 U. S., 145); Cummings *vs.* Missouri (4 Wall., 277); Ex parte Garland (4 Wall., 333); Webster *vs.* Reid (11 How., 437); Dred Scott *vs.* Sanford (19 How., 393); American Publishing Company *vs.* Fisher (166 U. S., 464); Romney *vs.* United States (136 U. S., 1); Thompson *vs.* Utah (170, U. S., 343); Callan *vs.* Wilson (120 U. S., 547). In Mormon Church *vs.* United States (136 U. S., 1, 44), the justice who delivered the opinion of the court, in speaking of the powers of Congress to legislate for territory, said:

Doubtless Congress, in legislating for the Territories, would be subject to those fundamental limitations in favor of personal rights which are formulated in the Constitution and its amendments; but these limitations would exist rather by inference and the general spirit of the Constitution, from which Congress derives all its powers, than by any express and direct application of its provision.

Mr. Chairman, it will not be denied that all powers of Congress are derived. A creature present but the creator absent and nonexistent can not be true. This creature, Congress, is necessarily restrained by all the limitations imposed by this Constitution, the creator, and it can do nothing that violates or disregards the limitations imposed by the creator. Congress has some discretionary powers, and in such cases may act as the necessity of the situation may require in exercising its discretion.

To illustrate: There are many rights and privileges enumerated in the Constitution for the enjoyment of the people of a Territory, but it may be that while it is in a Territorial condition the inexperience, illiteracy, or other unfitness may disqualify them for the exercise and enjoyment of all the constitutional rights and privileges; and in such condition and under such circumstances Congress may select such of these constitutional rights and privileges as it would be safe and proper to grant to the people of the Territory, withholding others until the people become qualified for their enjoyment. But in no case can the discretion of Congress extend to legislation against the spirit, character, and genius of our constitutional Government.

So it may be affirmed that it has never been maintained by the courts and, so far as I know, never maintained by the Congress until this debate that the Government of the United States is in any respect clothed with absolute or plenary power; but, on the other hand, Congress is controlled by the Constitution and principles of our institutions.

THE POWER OF CONGRESS TO IMPOSE DUTIES, ETC.,

is derived from the provision of the Constitution which says that Congress shall have power—

To lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States. (Article I, section 8, paragraph 1.)

Congress has no other power to lay and collect taxes, duties, imposts, and excises. It is apparent, therefore, that all the power of Congress to levy and collect taxes is solely a derivative power, and can not consequently be an inherent power, as an inherent power is necessarily self-existing. This taxing power is limited by the public objects specified, as they have just been recited, in the Constitution. And this power is also limited by the other inseparable requirement that all duties, imposts, and excises shall be uniform throughout the United States.

Mr. Chairman, if "United States" means the States of the Union, then manifestly a bill for the government and benefit of Puerto Rico solely and to build schoolhouses there, among other things, according to the statement of the gentleman from New York [Mr. PAYNE], is not a bill for the common defense and general welfare of the United States. If the United States means the States of the Union and the Territories, and if this bill is for the benefit of Puerto Rico solely, it can not be for the benefit of the entire United States. The Constitution or the taxing power therein can not be stretched so as to authorize the levy of a tax upon imports into the United States and upon exports therefrom into Puerto Rico for the exclusive benefit of Puerto Rico, nor can the power to govern and regulate Territories, together with the power to tax, be so construed as to warrant the conclusion that the taxing power is unlimited by uniformity as regards a Territory.

Again, this bill is obnoxious to the Constitution because it is an indirect way of levying duties upon the exports of the States of the Union. The bill conflicts with section 9, paragraph 5, of Article I, of the Constitution:

No tax or duty shall be laid on articles exported from the States.

The duties and imposts to be collected on articles from the United States imported into Puerto Rico is a tax or duty on articles exported from the State from which they came. The place of the collection of the tax does not alter the case. If the articles are exported from New York the tax is laid there on the articles so exported, for without exportation there would be no tax, although the tax itself is collected in one of the ports of Puerto Rico. There is no authority for the mere collection of this tax at a Puerto Rican port except the authority which grows out of the levying of the tax upon the articles exported from the State. The levying of the tax is the sine qua non to the collection. The collection is the mere correlative, the sequence of the power to levy the tax.

Again, and for argument sake admitting that the doctrine of uniformity of taxation is not applicable to a territory, still this bill is obnoxious to the section of the Constitution which requires uniformity for taxation "throughout the United States," for the ports of New York and Mobile are of the United States and are

in the territory covered by the provision "throughout the United States." This bill proposes to levy a tax upon articles exported from "throughout the United States" to a territory, or possession, if you please, of the United States. Think you, sir, that the States intended to confer such a power of discrimination in taxation upon the Federal Government? Have we forgotten the jealousies that animated the States in surrendering any taxing power to the Federal Government? We can not be blind to the intention of the framers of the Constitution. We can not forget the restrictions put upon the taxing power of the Federal Government by the States, and how they hedged around this power with limitations, and that the sole ground of this distrust was the fear of disregard of the rule of uniformity.

And again, the limitations upon this taxing power of the Federal Government is coextensive with the power. Wherever and whenever the one goes, the other must likewise go. The limitation, which is no more and, indeed, no less than the principle of equality and fairness in taxation, is as devoted to the power to tax as Ruth was to Naomi—

Entreat me not to leave thee, or to return from following after thee; for whither thou goest I will go, and where thou lodgest I will lodge. Thy people shall be my people, and thy God my God. Where thou diest, will I die, and there will I be buried. The Lord do so to me, and more also, if aught but death part thee and me.

Judge Story, in his work on the Constitution (volume 1, fourth edition, page 708), quotes from Loughborough *vs.* Blake (5 Wheaton, 317), saying:

The eighth section of the first article gives to Congress "power to lay and collect taxes, duties, imposts, and excises," for the purpose thereinafter named. This grant is general, without limitation as to place. It consequently extends to all places over which the Government extends. If this could be doubted, the doubt is removed by the subsequent words, which modify the grant. These words are, "but all duties, imposts, and excises shall be uniform throughout the United States." It will not be contended that the modification of the power extends to places to which the power itself does not extend.

Mr. Chairman, let us be candid. It is

THE EFFECT OF LEGISLATING FOR THIS NEW TERRITORY

that has inspired this measure and invented new and un-American doctrines to sustain its provisions. It is manifestly founded upon political and partisan considerations. Let us face the situation and now acknowledge that if the Republic is to live and expand to the Eastern Hemisphere, the harmony of the Constitution must sooner or later prevail in the Philippine Islands, and as much so as in Massachusetts or in Alabama. Are you, the Representatives of the States of this Union, prepared to admit that this is desirable? I apprehend that you are not, for you have been careful not to say so. This bill marks a new epoch in the history of our country. Shall our Union grow so as to take in ten or a dozen or more new States in the Philippine Archipelago, or shall this bill mark the beginning of the downfall of the Republic, of constitutional government, and fix the advent of the empire?

Is this the meaning of the expansion you favor? In our past history all expansion embraced territory about which no question was raised that in due time the territory was to become States in the Federal Union. It being manifest that the acquisition of Florida, Louisiana, California, and Oregon was with the ultimate object of conferring statehood, no apprehension existed or was suggested that these territories or the people who might inhabit them would be held and ruled by Congress in Territorial government in perpetuity. For the first time in our history the question of keeping and ruling the population of a territory owned by the United States by Territorial government established by Congress in perpetuity confronts us. It may be admitted, for it is true, that the difficulties in dealing with Puerto Rico do not present the same objections and conclusive reasons as in the case of the Philippine Archipelago. It may be conceded that in the case of Puerto Rico, and possibly Hawaii, time, proximity, and American intercourse and settlement may qualify those territories for statehood. But in the case of the Philippine Islands I apprehend no political party that now exists or that may be hereafter organized will ever be bold enough to declare that the Philippine Islands can or will ever be admitted as a State or as States in the Federal Union.

Mr. Chairman, I call upon any member of this House belonging to either party to declare that in any event or under any circumstances or conditions he believes that the Philippine Islands can or ought to be or will be admitted as a State or as States into the Federal Union. The answer to this question furnishes the crucial test in the contention as to the disposition to be made of the Philippine Islands. If the Philippine Islands in no event and under no circumstances are to be admitted to statehood, then the question arises, Shall they be held by the United States in a territorial condition in perpetuity, or only held in a territorial condition under Territorial government until the people of the United States, through their Representatives in Congress, shall decide that the people of those islands have become qualified under American government for separate and independent self-government and, when so qualified, shall be allowed, under the supervision and control of Congress, to establish separate, independent government of their own?

I am convinced, as a Democrat, that when the Democratic party defines and declares its position in national convention—this position is already known—it will never concede that the Philippine Islands should be admitted to statehood on any qualifications for self-government they may acquire and possess, and that at the earliest time when it can be made known to Congress that the people of the Philippine Islands are qualified for self-government they shall be conceded the right of independent self-government. Probably the question as to when such qualification for self-government shall be decided by Congress can only be answered by time and trial. How much time and how much trial will be required for the final concession of independent self-government to the Filipinos may be left to the future. But we must now determine whether time and trial shall insure independent self-government to the Filipinos or whether they are to be held under Territorial government permanently. Territorial government in perpetuity or independent self-government is the far-reaching question that Congress must now determine. The American system or the old British colonial system must be applied to the Philippine Archipelago. I challenge the Republican party to answer what is its position—perpetual Territorial government or independent self-government for the Filipinos when they are qualified for independence. Which? One or the other of these results is unavoidable. The Republic must grow on constitutional lines and by constitutional authority, or it must grow by unrestrained military force, subservient not to the will of the people, but used and controlled as the caprice of a military commander may determine.

I challenge the Republican party to declare now what is its position upon these great questions. You never had a foreign policy during the incumbency of the present Administration. You have set your sails to catch the popular breezes and have drifted with the tide of events. You are to outward appearance drifting to-day. You do not know to-day what your policy is, except it be this policy—the permanent ownership of the Philippine Islands under a Territorial government in perpetuity—and you have not dared and you dare not now and will not dare in your next platform to avow as much. It is your purpose to pursue that course, and those who proclaim expansion loudest are its warmest advocates. [Applause on the Democratic side.]

We can not tax these acquisitions forever without representation without doing violence to the principles of liberty and justice which animated our forefathers in their struggles of 1776 against the mother country. The power to regulate or to govern the Territories must not be construed as authority for a departure from the ancient landmarks. The United States can not lawfully, without amendment to the Constitution, embark upon a scheme of colonial government.

And, indeed, Mr. Chairman, the United States can not expand except as the Constitution and the spirit of our institutions may authorize; and full and free constitutional government must be eventually accorded to all the lands that may come under the flag of our country. This is the inevitable consequence of expansion, and if we ignore it we are cowardly time-servers, guided alone by the voice of greedy commercialism, which is blinded by avarice, crying aloud for trade, knowing no law but the law of gain, and worshiping no God but the almighty dollar.

I quote from an excellent commentator on the Constitution, a distinguished Virginian, one of the great number of distinguished Virginians, a gentleman who for a number of years adorned by his learning and helped to guide the proceedings of this House, Mr. Tucker. I read from Tucker on the Constitution:

Again, we have seen that, pending the session of the convention in July, 1787, the Confederation Congress passed the ordinance of 1787, which showed what was deemed necessary, not only in the disposition of the property, but in the organization of the territory for settlement and colonization. This trust as to the land as property, and as the seat of civilized life, was intended by this clause to be the disposition and regulation of the territory prescribed in this clause. The view is strengthened by the associated clause as to new States. Congress was to admit new States formed out of this very territory, for which the ordinance had been passed. Congress, as the trustee for the States, may dispose of the property as a common fund for the United States, as provided for in Virginia's deed of cession. But it must do more; it must so rule the territory as a domain for colonization by all the States, who are coowners, as to enable them to form civil bodies politic, self-sufficient and autonomous, to enter into the Union as free States and coequal members.

Congress could exercise a double power—that of regulating the property and that of aiding the communities who had bought and settled upon it to organize bodies politic for the government of their society. Scattered over this territory, how can the embryo societies organize themselves without the superintending aid of those to whom the territory belongs? Can any one State do this? That would be to exclude the power of others equally entitled. Can all do this as separate, distinct States undertaking to do it together? That is impracticable. Who must do it? The organ, the trustee of the States under the power granted to them by the Constitution. And by the terms of this clause, as the mere property right does not reach the case, then the right and duty of admitting these communities, when completely organized as States, into the Union makes the duty of Congress to control them by its governmental power an inevitable inference. If this were not done, the temporary squatters upon the territory would have to improvise an organization and regulate the affairs of the territory according to their own will. This course of reasoning has led to a conclusion which has had the largest judicial sanction. The power of Congress to govern the Territories

of the United States, whether or not based on the same course of reasoning in all cases, has been adopted as an undoubted conclusion. This being so, what limitation may be admitted upon the power of Congress in the government of this common territory held by Congress in trust for all the States equally? It belongs to the United States; Congress is a trustee to manage it for these equal partners.

And the editor in the footnote to the text cites the decisions of the courts bearing on the subject.

Mr. Chairman, we have come to the point where we must

CHOOSE BETWEEN A REPUBLIC AND AN EMPIRE.

The Democratic party, to which I belong, has already, through its national committee, at its meeting held in this city on the last anniversary of the birth of George Washington, declared its position on this great question, for in the call for the assembling of the next national convention of that party—

conservative citizens of the United States, irrespective of past associations and differences, who can unite with us in the effort for pure, economical, and constitutional government, and who favor the republic and oppose the empire, are cordially invited to join in sending delegates to the national convention.

You who seek by misconstruing the Constitution to ingraft upon the Republic a colonial scheme are not bold enough to attempt it by proposing a constitutional amendment, but you seek to do it by the insidious method of adding to the Federal Government powers it does not possess. Your purposes can not long deceive the American people, and when the light of public consideration is turned upon your plots and plans, the Constitution-observing and liberty-loving American people will smite you hip and thigh, and with just and righteous indignation drive you from the temple the fathers have builded. [Applause on the Democratic side.] Unswerving observance of the Constitution is the price that we must pay to hand down the Republic unimpaired as a heritage to our children's children.

Disregard of the Constitution will grow into a contemptuous defiance of that great instrument, and this defiance will wax stronger and stronger, until the Constitution shall become nothing more than an historic memory. An absolutism will sit enthroned upon the ruins of the Republic and wield the scepter of military power over a land now the asylum of the oppressed and the abiding place of a free and self-governing people. Against such a possibility let us, fellow Americans, now oppose ourselves. Here and now let us defeat this unconstitutional, this un-American, this audacious and unjust measure. A measure unjust to the people of Puerto Rico; unconstitutional, though designedly plausible; audacious, but insidious, and dangerous because it is to be taken as a precedent for the guidance of this Government. God bless and defend the Republic! In powers it is ample for the common defense and general welfare of 75,000,000 of living Americans and for their multiplied children, but not ample enough in its powers to deny forever self-government to any people whose substance it takes by taxation enforced by armies.

Let the Government of the United States be guided forever by the Constitution and the gladsome light of American jurisprudence; let us not contemplate an empire whose pathway is to be illumined by the gleam of bristling bayonets. [Applause.]

America, composed of forty-five States, mayhap of fifty, is better for us and those that are to come after us than an empire with a flag emblazoned by myriad stars signifying nothing but governmental grandure trampling under foot the happiness and independence of the individual citizen. This simple Republic is far better than a splendid empire with colonies belting the globe with its power but leaving fair Columbia on the Western Hemisphere to weep over the torn and scattered fragments of our dual government, State and Federal, the greatest experiment and the grandest failure of all time. [Prolonged applause on the Democratic side.]

Mr. Chairman, the gentleman from Tennessee [Mr. RICHARDSON] yielded me forty-five minutes of the time under his control, and the gentleman from Louisiana [Mr. ROBERTSON] yielded me thirty minutes. I see that I have consumed but fifteen minutes of the latter time, and therefore I will reserve the remainder of my time, and will, at the proper time, yield it to the gentleman from Louisiana [Mr. BROUSSARD].

Mr. TAWNEY. Mr. Chairman, I have been most profoundly impressed with the great importance of the questions involved in this discussion. Until yesterday these questions have been considered by gentlemen on both sides of the House with the sincerity, and earnestness that should characterize the discussion of questions of so great importance, and the dignity of the forum in which they are to be tried. I regret that it was left for the gentleman from Maine [Mr. LITTLEFIELD], who, I see, is not now in his seat—I regret, I say, that it was left for him to play, in this great debate, the part of a buffoon for the benefit of the Democratic party, and for the amusement of the galleries.

Mr. RICHARDSON. I call the attention of the gentleman to the fact that the gentleman from Maine [Mr. LITTLEFIELD] is now in his seat.

Mr. TAWNEY. The Democratic applause with which that peculiar affectation of voice was received on yesterday would not have greeted a speech made upon the pending bill by that late peerless American statesman and always loyal Republican predecessor of the gentleman from Maine. Neither the hope of notoriety nor the existence of legal technicalities could have induced that gentleman [Mr. Dingley] to have deserted the ranks of the Republican party and joined the ranks of the Democrats simply because his judgment respecting party policy did not coincide with the judgment of his associates upon the Ways and Means Committee or upon the floor of this House. Nor could he have been induced to have exhibited that want of decent courtesy toward the members of that committee or his colleagues upon the floor of the House which the gentleman [Mr. LITTLEFIELD] exhibited in the course of his remarks by questioning their motives and accusing them of garbling legal quotations and playing the part of demagogues.

What is the excuse which the gentleman offers for this unusual, and I might say, unprecedented course? What is his justification? He tried to make this House believe that it is because in seeking to pass this bill we are attempting to impose a tax upon the people of Puerto Rico, or exacting tribute of them, and also because, according to the peculiar logic of this backwoods lawyer, as he calls himself, this bill is unconstitutional. But in the course of his remarks he told the House that if this bill is enacted into law the spruce lumbermen of the State of Maine, carrying their lumber to the island of Puerto Rico, will be obliged to pay a duty of 50 cents a thousand on all the rough lumber which they take to that island. It is not, therefore, a tax upon the people of Puerto Rico, but the tax which this bill imposes upon the products of his constituents that he complains of. That is one of the reasons why the gentleman can not agree with his party associates in imposing a duty upon American products going into the island of Puerto Rico, although he knows that every dollar of that duty is segregated from the revenue of our Government and paid over to the people of that island for their benefit and for the maintenance of their government, thus relieving them from burdens they can not now bear.

And if the theory which he as a Republican and a protectionist has always advocated—that is, if the man who imports pays the duty—then this tax upon, American products going into Puerto Rico and upon the products of that island coming into the United States is paid out of the profits of those engaged in that trade. It is not therefore a tax upon the people of Puerto Rico that has occasioned his fierce opposition and unjustifiable assault upon the committee that reported this bill.

FREE TRADE WITH PUERTO RICO WILL BE OUR PERMANENT POLICY.

Mr. Chairman, when the Committee on Insular Affairs commenced the consideration of the questions pertaining to the revenue and government of Puerto Rico, I, like the gentleman from Maine [Mr. LITTLEFIELD], favored free trade between that island and the United States. I am in favor of that policy now as a permanent trade policy, but since I have learned of the deplorable financial and industrial condition of the people, their immediate necessity for revenue, and their hopeless inability to raise the same, I favor the passage of the pending bill as a temporary expedient, believing that it is my duty to do so. Many people from Puerto Rico appeared before the committee. We had General Davis before us, the military governor of that island. What is it, asks the gentleman from Maine [Mr. LITTLEFIELD], that caused the change of front on the part of the Ways and Means Committee on this proposition?

For my associates I do not pretend to answer. But, as for myself, I will tell the gentleman what prompted me to change my views with respect to the temporary trade relations between Puerto Rico and the United States. It was simply the facts as they were portrayed to the committee as to the present industrial, financial, and poverty-stricken condition of the people, and the fact that unless some measure of this kind is adopted, that island must be mortgaged at a high rate of interest or become a charge upon the Treasury of the United States.

They must have revenue to maintain their municipal and their insular government. How is that revenue to be obtained? Is there any other known way by which you can raise revenue to defray ordinary governmental expenses except by taxation? Is it not by that means that all Territorial, State, and National Governments are maintained? This revenue, then, must be raised either by direct or indirect taxation.

STATEMENT OF GENERAL DAVIS.

The statement of General Davis before the Committee on Insular Affairs as to the immediate necessity for additional revenue is this. This is what he said on the 10th of January, 1900, not what he said in his report made last September. I take it, therefore, that this is the present judgment of the Governor-General as to the amount of revenue needed, and also his best judgment with respect to the inability of the people of Puerto Rico to raise that revenue at this time.

General Davis said:

It seems to me that Puerto Rico has got to realize in some way $5,000,000 a year from taxes at least. It ought to be much more than that, but at least $5,000,000 for municipal government and insular government, including public works and schools. I would say a minimum of $1,000,000 a year for schools is the least we could have. But $5,000,000 is two and a half times—

Mark this, gentlemen—

Five million dollars is two and a half times more than I can collect from taxes, to say nothing of the hurricane, and perhaps five times as much as I can collect now. To bridge over that, means must come from somewhere, or this prostration will continue.

He also told us that on account of the terrible catastrophe that visited the island last August, two-thirds of all the current wealth of the island was wiped out of existence.

His exact statement was as follows:

But in August a calamity came upon the island, the like of which it is impossible to cite an example. I believe there have been similar calamities, but they are fortunately unknown to the people of the United States. In one day two-thirds of all the current wealth was obliterated; it was wiped out in one day. Everyone knows that such a calamity can not occur without disarranging everything commercial, industrial, and social. The disturbance of trade conditions by the change of sovereignty and the further disturbance by this calamity has left the island in a very grave industrial situation. The food issued by the orders of the President have continued and are continuing in a limited degree at the present time. It has left poverty and ruined houses, inability to restore them, and many other ills, following such a calamity, everywhere.

Now, the gentleman from Maine [Mr. LITTLEFIELD] and the gentleman from Massachusetts [Mr. MCCALL] and all gentlemen upon the other side of this House who oppose the passage of this bill suggest as a substitute proposition free trade and one of two alternatives by which the money necessary to maintain their government can be obtained—either bond the island or appropriate the money direct from the Treasury of the United States.

NEITHER ALTERNATIVE WOULD BE JUST OR WISE.

In either case, according to the statement of General Davis, the amount necessary should not be less than $10,000,000, and in the judgment of others it should not be less than $16,000,000.

Now, suppose we attempted to meet this emergency by extending to a people 85 per cent of whom can neither read nor write the power to mortgage their island for the purpose of defraying the expenses of their government, what would have occurred? Those on the other side of this House and all the anti-expansionists throughout the country would have immediately said that we had started out on a policy of retaining our insular territory for the benefit of the people of the United States and turned the inhabitants over to the merciless greed of heartless bondholders.

Mr. GROW. To organized greed.

Mr. TAWNEY. As the gentleman from Pennsylvania well remarks, they would cry out that we have turned them over to organized greed. So that, in the judgment of those who reported this bill, it was not deemed wise or just to the people of Puerto Rico to adopt that alternative; nor do I believe 10 per cent of the American people would ever indorse the policy of retaining our newly acquired possessions and maintaining civil government therein by direct appropriations from the Treasury of the United States. Immediately the Democrats and anti-expansionists would have said, even though this was only declared to be our temporary policy, that we proposed to retain these islands and govern them by taxing the American people, and upon no principle of right or justice could a policy of this kind be defended.

General Davis, in substance, makes this further remark, in the statement from which I have read, that by no system of local taxation now in existence or which I could possibly devise can more than one-fifth of the necessary revenue be raised next year, and not more than two-thirds of the revenue necessary to defray ordinary governmental expenses and give the people the relief which their present condition imperatively demands.

Mr. Chairman, in view of that situation, in view of the present industrial and prostrate condition of the people in that island, the Ways and Means Committee of this House, whom the gentleman from Maine on yesterday charged with having acted in bad faith in bringing in this bill, deemed it for the best interest of the people of Puerto Rico, and just to the people of the United States, that we raise this necessary revenue by indirect rather than by direct taxation, and to obtain this revenue and remove as far as possible the present restrictions upon the trade of Puerto Rico and the United States, we take off 75 per cent of the duty now imposed by law. I want to say to every man upon the floor of this House that if the conditions would have warranted we would have taken off every cent of it.

Mr. SIMS. Will the gentleman yield to me for a question?

Mr. TAWNEY. I will.

Mr. SIMS. If the President was not informed as to the conditions of Puerto Rico when he sent in his annual message and made recommendations, and now is informed and has present information to cause a reversal of that recommendation, why does he not send a special message and give us the benefit of his recommendation and additional information?

Mr. TAWNEY. I am not the keeper of the President's confidences nor am I his adviser. I have not been there, either through the front door or the back door, for the purpose of finding out what the President's opinion on this question is. All I know is this: That almost simultaneous with the visit of General Davis on the 10th of January to the capital of this nation there was an entirely different sentiment, an entirely different opinion, in many high official quarters respecting the wisdom of adopting at this time the policy which was recommended in the message of the President of the United States under the conditions as we now know them to exist.

But I say this to the gentleman from Tennessee, that whether that recommendation was made upon the report of General Davis last September or whether the recent visit of the governor-general has effected a change in the judgment of those who recommended a different policy than now proposed, I come to this House in the capacity of a representative of 200,000 people. I come here expecting to consider and give due weight to the recommendations of our Chief Executive; but if, after such consideration, in my judgment and in the judgment of the majority of my party, it is not deemed wise or expedient to follow those recommendations, I shall never hesitate to follow my own judgment and the combined judgment and wisdom of my party in this House [applause on the Republican side], especially when, as in this instance, I have reason to know I am acting in accord with the wishes and judgment of the President at this time.

FOR WHOSE BENEFIT ARE THESE DUTIES IMPOSED?

Now, Mr. Chairman, I want to call attention to another fact that does not seem to be generally understood.

Every dollar of the revenue collected under this bill, whether collected at the ports of Puerto Rico or in the ports of the United States, under the provisions of this bill, is segregated from all other revenues of the Government and turned over to the people of Puerto Rico to be used in defraying the expenses of their government and to enable them to make such internal improvements as are necessary to better their present condition. Not a dollar of it is retained, and if the theory of the protectionists is true—and I do not and never have doubted it—then the sugar and tobacco trusts that now control and will export these products to this country will pay 25 per cent of the present duty on their sugar and tobacco, and the people in the United States who export their products to Puerto Rico will pay the remainder of the revenue collected under this bill.

It is only in such specific instances as the gentleman from Maine [Mr. LITTLEFIELD] alluded to yesterday that there is any complaint with respect to this proposition. There is a sentiment among the people in certain parts of the United States against this bill, a sentiment based upon the supposition that by the ordinary system of local taxation a sufficient amount of revenue may be derived for the purpose of paying the ordinary governmental expenses of the island and for other purposes, and that this measure is not necessary, and that therefore we propose to levy tribute upon the people of Puerto Rico. Upon such false statements and misrepresentations as these largely rests the sentiment against the passage of this bill. Instead of that being the purpose of this bill, it is intended and proposed to do just the opposite. The fact is, my friends, no other way can be devised for raising the revenue necessary for the maintenance of insular government in the island of Puerto Rico that will not be a serious burden upon the people of that island and a burden which they can not now bear.

Mr. WM. ALDEN SMITH. Did the committee go into the question of municipal taxation to find out whether it was equitably levied and whether we could derive any greater revenue from it?

Mr. TAWNEY. The committee did, and the hearings were printed and taken into consideration by the Ways and Means Committee. That matter was fully explained by General Davis.

Mr. WM. ALDEN SMITH. It has not been explained to the House, and I want to know whether the present plan of municipal taxation exhausts the Government resources in that direction?

Mr. TAWNEY. If the gentleman was not here when I referred to that matter, I will have to repeat what I have said.

Mr. WM. ALDEN SMITH. Oh, I beg the gentleman's pardon.

Mr. TAWNEY. General Davis made this statement, that by no system of local taxation now in existence upon the island, by no system of local taxation he could devise, could he possibly raise more than one-fifth of the necessary revenue in the next year and two-thirds of it in the two succeeding years.

Mr. WM. ALDEN SMITH. That is based upon the present value of lands in Puerto Rico.

Mr. TAWNEY. Yes; on the present value of lands in Puerto Rico, with the system of taxation they have in vogue.

Mr. WM. ALDEN SMITH. I want to make this suggestion to the gentleman if it does not interrupt him too much: Under reciprocity with Puerto Rico the land of Puerto Rico greatly increased in value. The result was and is that with closer trade relationship higher values result and more revenue may be collected by municipal taxation.

Mr. TAWNEY. My friend must bear in mind this fact, that the conditions which exist there to-day are not normal——

Mr. WM. ALDEN SMITH. I am aware of that.

Mr. TAWNEY (continuing). From two causes; and that in the judgment of the Governor-General of the island the necessity for this revenue is immediate. We can not wait until the island recovers from that condition of prostration in which it now is.

Mr. WM. ALDEN SMITH. That being the case, is there any objection to making the policy proposed by this bill applicable for two years until this condition is relieved or bridged over?

Mr. TAWNEY. None whatever; but my friend from Michigan knows as well as every other member of this House that the next Congress can repeal this bill. Just as soon as that island recovers from the prostration that now exists the property and the business interests of the island can pay a tax sufficient to maintain their government without the aid of this measure. I have no doubt in the world that Congress will repeal it. This is not intended at all as a permanent policy, but it is for the purpose of meeting a necessity that can be met in no other way without mortgaging the island or taxing the American people. [Applause.]

Mr. THROPP. Will the gentleman permit me a question? If the people of the United States have to pay these duties, either directly or indirectly, why not make a direct appropriation now from the Treasury?

Mr. TAWNEY. For this reason, my friend. The people who enjoy the advantages and benefits of that trade pay the duties, and not the poor people throughout this country who do not participate in the profits of that trade. [Applause on the Republican side.]

Mr. WM. ALDEN SMITH. Is that answer applicable to the exports to Puerto Rico?

Mr. TAWNEY. It is.

Mr. Chairman, that is all I desire to say concerning the question of expediency. I have occupied more time on this branch of the question than I intended, and I shall now proceed to discuss generally the propositions before this House involved in the pending measure.

THE SOURCE AND RESPONSIBILITY FOR EXISTING PROBLEMS.

But first let us refresh our recollection as to the source and responsibility for the great problems confronting this Congress. They are the direct and unavoidable consequence of a foreign war, a war instituted, not by any political party, nor as the result of political action, but by our National Government in defense of national honor and in obedience to the universal demand of the people, regardless of party or section, and upon the unanimous vote of their Representatives in both branches of the Fifty-fifth Congress.

Now that we are called upon to face the incidents of that war and solve in a practical way the problems thus bequeathed to us, we find the people's representatives in this Congress divided. Those upon the other side of the Chamber, whose responsibility for the existence of these difficult problems is equal with ours, are striving to evade their share of that responsibility by opposing everything which they think contemplates the permanent retention and government of the territory acquired as one of the incidents of a war initiated to accomplish the grandest purpose that ever moved a nation to arms. Instead of sharing manfully and courageously this new responsibility, they present to the country and to the world the humiliating spectacle of advocating the policy of abandonment, a policy they themselves would have been ashamed of and would have denounced as cowardly and dishonorable could these same consequences have been seen the day we declared war as clearly as they now appear.

Or, if their party was in control and had to deal with these consequences, how many of them would dare advocate this policy? Had you known upon that memorable day when, as one man, we all forgot party and in a spirit of patriotism rose upon this floor and recorded our solemn declaration of war against Spain that every consequence which has since followed that act would inevitably occur, including the acquisition of territory and the government of a race foreign to our own, there is not one of you who would not have blushed with indignation and shame had any member upon either side of the House voted against that declaration because he imagined that in the consequences of that war he could see imperialism or a violation of the Constitution in the acquisition of that which we had no constitutional right to acquire and the government of a people we had no power to govern.

As a Republican I welcome the party responsibility for a wise and generous and patriotic settlement of these momentous questions. Great as is this responsibility, the Republican party will be found equal to its performance. Never in its history has it sought to evade any responsibility or failed in the discharge of any public duty when in control of the Government. But as an American proud of his country, proud of its marvelous achievements in peace and its matchless victories in war, I sincerely regret that our friends do not accompany us in dealing with the incidents of a foreign war they longed to precipitate and enthusiastically joined in declaring. I regret that they have allowed a party exigency to drive them into a position which, as I shall show, no political party in the history of our country has ever occupied respecting newly acquired territory, its government, or the political status and rights of its inhabitants.

THE SPECTER OF IMPERIALISM.

In the pending measure and in the majority report which accompanies it these gentlemen imagine they see the evidence of a purpose to hold Puerto Rico and the Philippine Islands not as embryotic States, but to hold, rule, and govern them permanently as colonies under an imperialistic policy. With gentlemen who think they see the evidence of a purpose to hold Puerto Rico permanently I have no controversy. We all know there is no other intention, no other purpose. Since the day we acquired this island no Democrat in either House of Congress or in the country has ever proposed its recession to Spain or the establishment of a government there independent of the Government of the United States. It is universally recognized that the moral purposes of our war with Spain demand that the island of Puerto Rico should no longer be a political plague spot in that otherwise purified Caribbean Sea, and also that the material interests of our people and the necessities of our commerce all demand that we should hold and govern this island because it lies at the gateway of that sea which, when the commerce of Asia is fully developed and the Nicaraguan Canal is built, will, both from a naval and a commercial view, become the most important ocean route on our planet. It is for this reason that our Democratic friends are not criticising either the acquisition or permanent retention of this island.

But so far as it is claimed that this bill or any other act on the part of the Republican party, or its representatives, affords evidence of a purpose to hold permanently and forever govern our newly acquired territory by an unrestrained or despotic power, or without reference to the future capacity of these islands to ultimately share with us all the blessings of political freedom and the beneficent advantages of statehood, I most emphatically deny. Ever since the acquisition of this Territory and the abandonment by the Democratic party of free silver as a live political issue the leaders of that party have sought to arouse the prejudice of some, and excite the fears of others, by vociferously proclaiming that in desiring to permanently hold and govern our insular territory the Republican party is placing athwart the pathway of American progress the grim specter of imperialism. [Applause on the Republican side.]

Although the gigantic outlines of this fallacy of mental vision is rapidly diminishing in the rosy dawn of the world's new day, and in the near approach of the campaign of 1900, yet there are a few distinguished leaders of that great party who fondly cling to the notion that this ghost, which they call imperialism, may yet be vitalized and made a living issue upon which to divide the American people and obtain for their party control of the Government. To accomplish this, however, you must employ something more than mere assertion or bombastic declamation; you must find something more tangible than the evidence furnished by the pending bill—a bill which merely contemplates the raising of sufficient revenue to enable the poor, distressed people of Puerto Rico to maintain, under the authority of the United States, a government and secure for their children and themselves the necessary means of acquiring a common-school education. [Applause on the Republican side.]

The fact that this is sought to be done by indirect rather than by direct taxation does not aid your political purpose, nor will the fact that a large part of the revenue thus obtained be contributed by the American people, thereby lessening the burdens of the people, and the property of this poverty-stricken island enable you to advance your prospects of political success by the demagogical cry of imperialism

No; there is nothing in this bill, there is nothing in the declaration of power to govern territory accompanying it, and there is nothing in the history of the Republican party that can by any process of legerdemain known to the Democratic party be framed into a purpose on our part to hold Puerto Rico and the Philippine Islands forever as dependencies.

THE FUTURE OF THESE ISLANDS UNKNOWN.

What man can forecast the future of these islands when brought fully under the influence of our Government and in contact with the example of our people, and who would say that in the future, distant though that future may be, the inhabitants of our insular territory may not acquire sufficient knowledge of our laws and institutions, may not be sufficiently taught the lessons of freedom and self-government, or that by degrees they "will not pass on through the childhood of republicanism, through the improving period of youth and arrive at the mature experience of manhood," aye, statehood? We can no more predict the future possibilities of these islands or the growth and prosperity of their inhabitants than did our forefathers correctly forecast the future of Louisiana and the inhabitants thereof.

Since acquiring these islands there has been no authoritative party utterance nor declaration on the part of the Government, or the Administration, that could be construed into a purpose or the evidence of a purpose of holding in any other way or under any other form of government our insular territory than that under which we have always held territory belonging to the United States, and for almost half a century have held and governed the territory of Alaska, New Mexico, and Arizona. The territorial extent of a nation's domain does not constitute imperialism. Imperialism is the forcible, despotic rule and dominion over states originally separate, whereby through vast provinces people are subjected to the rule of a despot.

It is this that strikes terror to the minds of so many at the mere mention of the word "imperialism." Knowing this, and knowing, too, that the word "free," either as a prefix to the word "trade" or "silver," has become useless as a Democratic shibboleth, and can no longer serve as a means of deceiving the American people, our Democratic friends now seek to attach to the policy of their opponents the word "imperialism," in the hope thereby of frightening the American people away from the support of the Republican party. [Applause and laughter.] Imperialism, in the sense of despotic rule, can never have a place in our Republic except by the destruction of the Republic itself and the extirpation of the American ideal. With such imperialism Republicanism is relentlessly at war. The conditions that necessarily produce imperial despotism can not and never will be tolerated in our American life. But I will tell the gentlemen what can be done, what the American people are doing and will ever continue to do. We can and we will make an imperial domain a republic.

THE EXTENT OF A NATION'S DOMAIN DOES NOT CONSTITUTE IMPERIALISM.

The mere acquisition of territory and its government by Congress in accordance with the spirit of our Constitution and the principles of American civil liberty is not a condition of imperialism. If it is, then imperialism has always been the policy of our Government. The seventh act that became a law under the Constitution of the United States added to the Union more territory than the whole area comprising the States then united, although, as I shall hereafter show, that act, which made that vast domain northwest of the river Ohio a part of the United States and gave to the inhabitants a despotic government, was enacted into law by the men who not only made the Constitution, but who also, on the 4th of July, 1776, in their immortal Declaration of Independence, declared that governments derive their just powers from the consent of the governed.

This act prescribed a government for the people inhabiting the "Northwest Territory" that was not only not republican in form, but which expressly violated their previous declaration by imposing upon the people of that Territory a government unrepublican in form and without the people having any voice either in its establishment or in its administration. If the charge of imperialism can be made against the Republican party of to-day, then you can with far greater consistency lay the same charge at the door of the fathers of our Republic and of every political party that has ever been charged with the responsibility of governing territory belonging to the United States. Those few narrow and conservative individuals who in 1803 opposed the acquisition of the Territory of Louisiana resorted to this same cry of "imperialism," not, however, for the purpose of prompting the Government to abandon the Territory, but for the purpose of preventing any portion of that Territory from ever being admitted into the Union as a State, claiming that it should be held and governed as a province.

The Government of the United States—

Said Mr. Griswold, a Representative from Connecticut—

was not formed for the purpose of distributing its principles and advantages to foreign nations. It was formed with the sole view of securing these blessings and advantages to ourselves and our posterity.

And when called upon to say how the Democratic party proposed to govern this territory and to define the relation of its inhabitants to the Government of the United States, Hon. Samuel L. Mitchill, a Democratic Representative from the State of New York, thereafter a United States Senator from that State, speaking for himself and for the Administration of Thomas Jefferson, said:

There was nothing compulsory upon the inhabitants of Louisiana to make them stay and submit to our Government. But, if they chose to remain, it had been most kindly and wisely provided that until they should be admitted to the rights, advantages, and immunities of citizens of the United States they shall be maintained and protected in the enjoyment of their liberty, property, and the religion which they profess. What would the gentleman propose that we shall do with them? Send them away to the Spanish provinces or turn them loose in the wilderness? No, sir; it is our purpose to pursue a much more dignified system of measures. It is intended, first, to extend to this newly acquired people the blessings of law and social order. To protect them from rapacity, violence, and anarchy. To make them secure in their lives, limbs and property, reputation, and civil privileges. To make them safe in the rights of conscience.

In this way they are to be trained up in a knowledge of our own laws and institutions. They are thus to serve an apprenticeship to liberty; they are to be taught the lessons of freedom, and by degrees they are to be raised to the enjoyment and practice of independence. All this is to be done as soon as possible—that is, as soon as the nature of the case will permit, and according to the principles of the Federal Constitution. Strange that proceedings declared on the face of them to be constitutional should be inveighed against as violations of the Constitution! Secondly, after they shall have been a sufficient length of time in this probationary condition, they shall, as soon as the principles of the Constitution permit, and conformably thereto, be declared citizens of the United States. Congress will judge of the time, manner, and expediency of this.

The act we are now about to perform will not confer on them this elevated character. They will thereby gain no admission into this House nor into the other House of Congress. There will be no alien influence thereby introduced into our councils. By degrees, however, they will pass on from the childhood of republicanism through the improving period of youth and arrive at the mature experience of manhood, and then they may be admitted to the full privileges which their merit and station will entitle them to. At that time a general law of naturalization may be passed; for I do not venture to affirm that by the mere act of cession the inhabitants of a ceded country become, of course, citizens of the country to which they are annexed.

Mr. ROBB. Will the gentleman allow me a moment?

Mr. TAWNEY. Yes, I will yield to the gentleman.

Mr. ROBB. I would like to ask the gentleman this question: If those people are not citizens of the United States, what are they?

Mr. TAWNEY. Ah, my friend, I anticipated that question. I want to say that what I have just read was not my statement. It was the statement of Samuel L. Mitchell on the floor of this House on the 23d of October, 1803, respecting the inhabitants of the Territory of Louisiana. Mr. Mitchell was a Democrat.

Mr. ROBB. It is immaterial to me whose statement it was. I want to know what you have to say on that question.

Mr. TAWNEY. I will come to that question.

Mr. ROBB. If those people are not citizens of the United States, are they citizens of any country? And if they are not citizens of any country, what is their civil status?

Mr. TAWNEY. I will answer the gentleman later in the language of men who were the contemporaries of the men who founded our Government.

Substitute here for the word "Louisiana" the words "Puerto Rico and the Philippine Islands," and this declaration of the policy of our Government under the Administration of Thomas Jefferson and the Democratic party in 1803 respecting the inhabitants of Louisiana is a perfect and exact description of the policy of the Government to-day under the Administration of William McKinley and the Republican party respecting the inhabitants of Puerto Rico and the Philippine Islands, as shown by the messages and other public utterances of the present Executive of the nation. Notwithstanding the third article of the treaty ceding Louisiana expressly provided:

The inhabitants of the ceded territory shall be incoporated in the Union of the United States and admitted as soon as possible according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States.

Yet Jefferson and his party associates then declared that there was no purpose on their part to incorporate the inhabitants of Louisiana into the Union or to clothe them with the rights, privileges and immunities of American citizens under the Constitution until such time as Congress should deem it necessary and expedient to confer upon them such a political status and the civil rights thereby secured.

Where can you, modern disciples of a new Democracy, find in this Democratic announcement of a Republican policy any ground to charge that in adopting such a policy toward a people over whom the sovereignty of the United States has been extended, who for centuries have lived under the sovereignty and rule of a despotic power, we are departing from the policy or the traditions of our fathers? [Applause on the Republican side.]

ALL PARTIES RESPONSIBLE FOR ACQUISITION OF NEW TERRITORY.

Mr. Chairman, when Congress, by and with the advice and consent of William Jennings Bryan, ratified the treaty concluded at Paris December 10, 1898, ceding to us Puerto Rico and the Philippine Islands, we acquired this territory with the consent of the leaders of all political parties and in accordance with the Constitution and rules of international law and international morality. That we will hold and govern it in accordance with the spirit of the fundamental law of our land and the principles upon which our Government is founded is no less certain than that we possess it by every right known to the law of nations and the Constitution of the United States.

While, aside from the question of expediency, the bill under consideration presents but a single question, Has Congress the power to impose any duties upon the products of territory belonging to the United States when such products enter the ports of the United States, and the power to impose any duties upon the products of the States when their products enter the ports of such territory? yet the bill has been made the subject for the discussion of every question pertaining to the acquisition and government of territory and the political status and civil rights of its civilized inhabitants.

Upon the other side of this House gentlemen have contended, with much force and learning—

First. That the power of the United States to acquire territory

is limited to the acquisition of territory for the purpose of subsequently converting the same into States.

Second. That as soon as territory is acquired it becomes a part of the United States, and the Constitution and laws, of their own force, extend over the same.

Third. That, independent of treaty stipulations or Congressional enactment, the inhabitants of ceded territory, immediately upon its acquisition, become citizens under the Constitution and entitled to all the rights, privileges, and immunities enjoyed by citizens of the United States.

This, sir, is a fair statement of the position of the Democratic party as announced upon this floor, and, except the first two paragraphs, it places that party in a position respecting newly acquired territory and the status and rights of its inhabitants which no political party in the history of our country has ever occupied.

Not since the close of the civil war has any public question been considered more thoroughly or discussed with greater ability than have the propositions just stated. Every decision of the Supreme Court of the United States having any bearing whatever has been cited and commented upon. But with one exception no decision of that court has been found, and none can be found, that involved and therefore decided the question of the relation of territory to the United States, the question of the extension of the Constitution and laws to territory as soon as acquired without Congressional enactment, or the question of the citizenship of the civilized inhabitants of such territory. But all of these questions have been repeatedly decided by the legislative branch of our Government, and the position which we occupy to-day with respect to the relation of our new territory to the United States is identically in line with the legislative determination of this question by previous Congresses.

THE RIGHT TO ACQUIRE TERRITORY AN INCIDENT OF SOVEREIGNTY.

Since the formation of our Government the power to acquire territory has never been successfully denied. The only controversy that has ever existed respecting this question has been as to the source of the power and the purposes for which it may be exercised. So far as the question of the right of acquisition is concerned, the Supreme Court of the United States has repeatedly recognized that power. In view of these decisions, which hold that the power to acquire may be traced to either one of two sources, and that this power in its very nature can not be limited to any specific purpose, I shall not take the time of the House to discuss at any length the position taken by our friends on the other side upon this branch of the question.

The powers and the rights of the sovereign nations of the world are equal. National constitutions as between nations are unknown. The United States in its external or international relations is assumed by all other sovereignties to possess absolute powers unrestrained by constitutional limitations. Possessing, therefore, every attribute of national sovereignty, and, as said by Justice Lamar (135 U. S., 84), "the Federal Government being the exclusive representative and medium of the sovereign nation," it follows that any power possessed by any sovereignty is possessed by the United States and, unless specifically prohibited by the Constitution, can be exercised without restriction by the Federal Government.

It is true that the war and treaty making power is in express terms given by the Constitution to the nation. But the war and treaty making power is not created by the Constitution; it merely designates the agencies for its exercise. It will not be assumed that had such agencies not been designated our nation could not have waged the wars and made the treaties of our history. A nation needs no express grant of power for an international act, and it has specific authority for but very few.

The right to acquire territory, irrespective of its location, contiguous or foreign, by conquest, treaty, purchase, or discovery, is an acknowledged and well-established attribute of sovereignty and has been exercised by the sovereign nations of the world from the beginning of history. No one will pretend to say that this inherent and unlimited right of sovereignty is specifically renounced in the Constitution or is limited to the acquisition of territory only for a specific purpose. Hence it remains an unlimited attribute of the sovereign people of the United States, and Congress and the President have been designated by the people as the sole and exclusive agents to whom has been delegated the exercise of this sovereign right.

THE RIGHT TO GOVERN A NECESSARY INCIDENT.

If, then, the right to acquire exists, either as an incident of national sovereignty or as one of the implied powers of the Constitution, the right to govern is a necessary incident of the right to acquire and is restricted only by those limitations which, as Justice Bradley, in Mormon Church *vs.* The United States (136 U. S., 134), says, are—

Those fundamental limitations in favor of personal rights which are formulated in the Constitution and its amendments. But—

As he says—

these limitations would exist rather by inference and the general spirit of the Constitution from which Congress derives its powers than by any express or direct application of its provisions.

The personal rights and the privileges and immunities here referred to by Justice Bradley are not left in the realm of speculation. They have been very clearly and very ably stated by Justice Washington, of the Supreme Court of the United States, in the case of Corfield *vs.* Coryell (4 Wash., C. C., 380).

TERRITORY WITHOUT CONGRESSIONAL ENACTMENT NOT A PART OF UNITED STATES.

If the mere acquisition of anything does of itself make that thing a part of that which acquired it, or if the mere act of acquiring territory makes such territory a part of the United States, without any Congressional enactment, then it is immaterial how that territory is acquired. The Constitution and laws of the United States necessarily extend over it and by their own force, the same as this Constitution and these laws extend throughout the United States. On the other hand, if, as we claim, this territory in the language of the treaty was ceded "to" and not as a part of "the United States," the relation of that territory to the acquiring Government and its jurisdiction remains as fixed by the treaty until in the exercise of its power Congress changes that relation by declaring that it shall be a part of the United States and extends to its inhabitants the Constitution, which was made, as Judge Cooley has well said, "for the States, not for Territories."

The soundness of this contention and the whole question at difference between us in this discussion rest entirely upon the sense in which the term "the United States" was originally used in the Constitution. In view of the very learned discussion of this phase of the question on the part of my colleagues upon the Committee on Ways and Means, it is hardly necessary for me to even attempt to add anything to that discussion, but there are some historical facts bearing upon this question which, to my mind, are conclusive, and remove every possible doubt that any unprejudiced mind may have as to the sense in which the term "the United States" was used in the Constitution, and the relation of territory to the United States as understood by the framers of that instrument.

And right here I want to call attention to a very remarkable fact that occurred on yesterday during the speech of the gentleman from Maine [Mr. LITTLEFIELD]. When the gentleman reached that branch of his constitutional argument he amused the House and the galleries for almost five minutes with a play upon words involving the term "United States." I supposed, as did others, that he was going to dispose entirely of the question of the sense in which the term "United States" is used in the Constitution without further argument. But, much to my surprise, the gentleman consumed three-quarters of an hour by the clock in discussing that question to prove that it included territory as well as States, and left it in a state of more nebulous uncertainty than anyone who has undertaken to discuss it.

In what I have to say on this branch of the question I shall not allude to a decision of the Supreme Court. But I want to call attention to some of the contemporaneous acts and constructions by the legislative branch of the Government, and ever since followed, for the purpose of ascertaining the true sense in which the term "United States" was used and the relation of territory thereto.

Outside of the Constitution there are but two reliable sources to which we may go to ascertain the true sense in which this term is used in the Constitution, and whether or not it was the intention of those who framed and adopted it to include territory outside of the area comprising the States that were then united. First, the contemporaneous construction; second, the judicial interpretation of the provisions of the Constitution relating to territory and its government.

CONTEMPORANEOUS CONSTRUCTION SHOULD CONTROL JUDICIAL MIND.

In the dissenting opinion of Justice Curtis in Scott *vs.* Sandford (19 Howard, 616) this eminent justice of our Supreme Court said:

A practical construction, nearly contemporaneous with the adoption of the Constitution and continued by repeated instances through a long series of years, may always influence and in *doubtful cases should determine the judicial mind on a question of the interpretation of the Constitution.*

In support of this proposition Mr. Justice Curtis cites numerous decisions of the Supreme Court of the United States.

In view of this universally recognized rule of construing our fundamental law, and in view of the doubt that seems to exist in the minds of some, we may well ask, what did the men who made and the people who adopted the Constitution do and say, prior to, at the time, and subsequent to the adoption of that instrument, with respect to the area to be included in the term "the United States?"

THE FIRST USE OF THE TERM "UNITED STATES."

Between the time of the first meeting of the Continental Congress and the Declaration of Independence the term "United Colonies" was used and had come into general use. The first time that this term was used in any official document or declaration was June 7, 1775, Journal of Continental Congress, volume 1, edition of 1777, page 114.

The first time that these colonies are referred to in the proceedings of the Continental Congress by the term "States" was on June 10, 1776, when it was resolved that a committee be appointed to prepare a declaration "that the United Colonies are, and of right ought to be, free and independent States." And the first time in the history of our Government that the term "United States" was used in any official declaration or document was in the last paragraph of the Declaration of Independence: "We, therefore, the representatives of the United States of America," etc. The same Congress that made this declaration, on the 11th of June, 1776, by resolution, appointed a committee to prepare articles for a confederation to be entered into between the "colonies." The report of this committee was debated from time to time until the 15th of November, 1777, when the Articles of Confederation were finally agreed to. Congress at the same time directed that these Articles of Confederation should be proposed to the legislatures of the States. And Territories? No; to the legislatures of "the United States."

[Here the hammer fell.]

Mr. PAYNE. I ask unanimous consent that the gentleman from Minnesota [Mr. TAWNEY] be allowed to conclude his remarks.

There was no objection.

Mr. TAWNEY. The first article reported by this committee and adopted by the Congress is as follows:

The style of this confederation shall be "the United States of America."

In submitting these articles to the legislatures of the several States of "the United States" Congress declared, among other things:

Whereas the delegates of the United States of America in Congress assembled did * * * agree to certain articles of confederation and perpetual union between the States of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, in the words following, viz.

Then, to make definite and certain what area should constitute "the United States," the preamble to the Articles of Confederation recites as follows:

Articles of confederation and perpetual union between the States of New Hampshire (specifically naming the thirteen States whose independence was declared on the 4th of July, 1776).

WHEN TERM FIRST USED UNITED STATES OWNED NO TERRITORY.

At this time "the United States" mentioned in the Declaration of Independence, in the preamble to the Articles of Confederation, in the first article of the Articles of Confederation which gave the Government its name and style, and in the declaration which accompanied the articles to the several State legislatures, did not own a foot of territory in common. Will some gentleman who now claims that this term includes both States and Territories explain how a name can include that which did not exist when that name was first used to designate the Government of the United States? If this term did not in these several declarations, resolutions, and statutes include territory then, where and by what authority has it since been broadened so as to include that term?

When this term was used in the official utterances of the founders of our Government all the territory was owned by each individual State. In fact the provisional and the definitive treaty that Great Britain made with the United States while the Articles of Confederation were in force and by which the sovereignty of Great Britain over the territory of the United States was transferred ceded that territory not to the United States but to the States collectively, specifically naming each State, so that the title and jurisdiction over the public domain was vested exclusively in the States and sovereignty and dominion throughout this territory was exercised by the States. So careful was the Congress of the United States that prepared the Articles of Confederation to preserve the rights of the several States and the territory which they claimed that they incorporated at the end of Article IX the following proviso:

Provided also, That no State shall be deprived of territory for the benefit of the United States.

Can anything be clearer, then, than that the true sense in which the term "United States" was used up to this time was that it was used as a collective name for the States that had united for the purpose of establishing a national government, or that this term did not, as then used, include anything but the area comprising the States? The legislatures of some of the States insisted that before their representatives should be authorized to bind them by ratifying the Articles of Confederation these articles should be amended. The State of Maryland, the State of Massachusetts, and the State of New Jersey all objected to this proviso at the end of Article IX. Their representatives in Congress each proposed to amend the proviso at the end of Article IX as follows:

After the words "for the benefit of the United States" add, "*Provided, nevertheless*, That the lands within these States, the property of which before the present war was vested in the Crown of Great Britain, or out of which revenue from quit rents arose payable to said Crown, shall be deemed, taken, and considered as the property of the United States, and be disposed of and appropriated by Congress for the benefit of the whole Confederacy, reserving, however, to the States within whose limits such Crown lands may be the entire and complete jurisdiction thereof."

It seems to me, Mr. Chairman, that nothing could be more conclusive of the fact than that in 1778, when these amendments were proposed, there was no thought of including territory either within the name "United States" or that the Government of the United States, as formed in those Articles of Confederation, should exercise any authority or jurisdiction over territory outside of that comprising the States themselves, for in these amendments it was expressly stated that while this territory was to be considered the property of the United States and disposed of by the United States for the benefit of the whole confederacy, yet complete jurisdiction over and control was expressly reserved to the States. The ground upon which these States demanded this amendment was very clearly stated by the legislature of the State of New Jersey. (See first volume Laws of United States.)

All of these amendments were rejected and the Articles of Confederation were adopted; true, not by all of the States, but by more than nine of them.

TERRITORY A MATTER OF CONTENTION BETWEEN THE STATES.

The subject of this territory was a matter of contention between the States from that time on. It was a constant source of irritation both in the Federal Congress and among the States until on the 7th of March, 1780, the State of New York adopted an act in which the legislature of that State said:

Whereas the Articles of Confederation and Perpetual Union recommended by the honorable Congress of the United States of America have not proved acceptable to all of the States, it having been conceived that portions of the waste and uncultivated territory within the limits or claims of certain States ought to be appropriated as a common fund for the expenses of the war, etc.

The act then proceeds to authorize the delegates from the State of New York to limit and restrict the boundaries of that State, and also authorized these delegates to determine the question of "the jurisdiction as well as the right of preemption of soil, or reserving the jurisdiction in part or in whole over the lands which may be ceded or relinquished." Pursuant to this authority the delegates from the State of New York ceded to the United States all of the territory that State claimed beyond those boundaries which now prescribe its territorial limits, including all jurisdiction which the State of New York had theretofore exercised over such territory. This deed of cession bears date of the 1st day of March, 1781, and is the first instance in the history of our Government when territory was ceded to the United States, leaving the political status and civil rights of the inhabitants thereof to be determined by the Congress of the United States.

THE CESSION FROM VIRGINIA.

Again, on the 20th of October, 1783, the general assembly of the State of Virginia authorized their delegates, Thomas Jefferson, Samuel Hardy, Arthur Lee, and James Monroe to convey "unto the United States in Congress assembled, for the benefit of said States, all right, title, and claim, as well as of soil as of jurisdiction, which this Commonwealth hath to the territory or tract of country within the limits of the Virginia charter" subject to certain conditions.

The cession of this territory was accepted by Congress with certain modifications which were not finally agreed to by the general assembly of Virginia until December 30, 1788, which was after the Constitution was adopted.

This was the second instance in which territory was ceded to the United States, leaving to Congress or the Federal Government the power of determining the political status and civil rights of the inhabitants until such time as the territory might be divided into districts and admitted into the Union as States.

Prior to this the Federal Congress had passed what is commonly known as the ordinance of 1787. This was entitled "An ordinance for the government of the territory of the United States northwest of the river Ohio." When this ordinance was under consideration and at the time of its passage by the Federal Congress, the Convention that framed the Constitution was then in session. That Convention was called under authority of the Federal Congress contained in the preamble and resolution adopted by that body on Wednesday, February 21, 1787. When this resolution was adopted, calling the Convention for the purpose of amending the Articles of Confederation and "of establishing in these States a firm National Government," the United States, as such, owned territory over which it had complete sovereignty and jurisdiction, but this territory and its inhabitants were excluded from the name and from any participation in the establishment of that firm National Government.

In the draft for a Constitution, submitted by Mr. Pinckney, and also in the draft reported by the committee on detail, we find that the preamble and first article of the proposed Constitution followed literally the preamble and first article of the Articles of Confederation; that is, the preamble said:

That the people of the States of New Hampshire—

Reciting the thirteen colonies by name—

do ordain and establish the following Constitution for the government of ourselves and our prosterity.

Then in Article I of the draft of this proposed Constitution it was said:

The style of this Government shall be "the United States of America."

What Government? The Government composed of the thirteen States named in the preamble, or any nine of them that might adopt the Constitution, and such States as might thereafter be admitted under its provisions. Is there any evidence here of a purpose to broaden the term "United States" so as to include that which the term did not include when it was used as the collective name of the States, before the United States, as such, had any territory? If there is, I would like to have some gentleman point it out. I might add that in all of the treaties made by the United States after the adoption of the Articles of Confederation and in all of the treaties first made after the adoption of the Constitution the States comprising the Union are each specifically named.

Against all these historical facts; against this contemporaneous construction of the term "United States" by the men who established our Government and made our Constitution; in the face of the fact that when this term was first used the United States did not own a foot of territory, and when the term was again used in the framing of the Constitution the men who proposed the original drafts of that instrument specifically named the States that should constitute the Union, thereby excluding territory that then belonged to the United States, and also excluded the inhabitants of any territory, either then belonging to or thereafter acquired by the United States, from representation in Congress or from voting for President or Vice-President; against this array of facts, showing that the term "United States" was used as the collective name of the States, and as defining the geographical boundaries within which the sovereign power of the Government of the United States should be supreme as against the rest of the world, the men who claim that territory is included within that term can bring us absolutely nothing except the mere dicta of Chief Justice Marshall in Loughborough *vs.* Blake (5 Peters, 317), decided in 1820.

Mr. COOPER of Texas. Will the gentleman allow me to interrupt him a moment?

Mr. TAWNEY. Certainly.

Mr. COOPER of Texas. The gentleman is undertaking to prove that we have a right under the Constitution to levy a discriminating tax. Now, Article I, section 8, of the Constitution declares—

The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States.

Now, under that clause of the Constitution, does the gentleman insist that it would be unconstitutional to levy a tax to defend a Territory or a possession of the United States?

Mr. TAWNEY. I insist that under the contemporaneous construction of the Constitution of the United States by the men who made it, as I shall show before I conclude my remarks, the rule of uniformity or the limitation upon the power of Congress to levy duties, imposts, and excises is not applicable, and was not considered as applicable, to territory belonging to the United States.

Mr. COOPER of Texas. Just one moment more. The gentleman holds that under the Constitution Congress has the power to levy a tax to pay the debts and provide for the defense of the territories and possessions of the United States.

Mr. TAWNEY. Yes, I do.

Mr. COOPER of Texas. Then, in that same clause follows this language:

But all duties, imposts and excises shall be uniform throughout the United States.

Now, that language is part and parcel of the same clause wherein is conferred upon Congress the right to levy duties to defend the territories of the United States. Those duties, as this clause declares, must be uniform. Now, is not that an express declaration of what the term "United States" means?

Mr. TAWNEY. It is not. The gentleman will permit me to say that I have shown from the facts connected with the formation of our Government that the term "United States" could not have included territory—first, because the United States did not own any territory——

Mr. COOPER of Texas. It owned the Northwestern Territory.

Mr. TAWNEY. It did not own the Northwestern Territory when the Constitution was framed. If the gentleman will examine the facts he will find that that cession was not completed until December, 1788. But whether it did or not, it was expressly provided in the original draft of the instrument. The committee on style, which reported the first draft of the Constitution, included absolutely nothing as being a part of the United States except the thirteen States which were specifically named. The gentleman may place any construction he pleases upon that provision of the Constitution. I simply insist that it does not broaden the term in the least so as to include that which was not specifically mentioned as constituting the United States.

Mr. COOPER of Texas. You do not dispute the proposition that under the clause I have read Congress can lay taxes for the defense of the Territories and any possessions of the United States.

Mr. TAWNEY. I do not, but I claim that while the power to impose duties is coextensive with our sovereignty, the limitation upon that power or the rule of uniformity is of less extent, being qualified by the term "throughout the United States." I may also say that in my judgment Congress can, under the second paragraph of the third section of Article IV, conferring "the power to make all needful rules and regulations respecting the territory and other property belonging to the United States," levy taxes; because I take it for granted that no man will dispute the fact that one of the most needful rules for the government of a Territory would be a rule of taxation.

Mr. COOPER of Texas. But the power to tax, as the gentleman knows, arises from this section of the Constitution.

Mr. TAWNEY. That may be true.

Mr. COOPER of Texas. This is the only declaration in the Constitution of the power to levy such a tax.

Mr. TAWNEY. What section is the gentleman reading from? Perhaps I misunderstand him.

Mr. COOPER of Texas. I am reading from section 8, Article I, in which the power to levy a tax to pay the debts and provide for the common defense and general welfare of the United States is authorized. Now, there is where you get your power to levy this tax. But the United States, according to your argument, can, without reference to this provision of the Constitution, levy a tax at its own will in a Territory——

Mr. TAWNEY (interrupting). I thought the gentleman said he was reading from another section of the Constitution. I can only repeat what I have said, that while the power undoubtedly extends to the levying of taxes throughout the United States and Territories the limitation as to the uniformity as to duties extends only to duties levied "throughout the United States."

In view of all that has been said in this discussion, and especially in view of the very able comment of my colleague [Mr. MORRIS] upon the case of Loughborough *vs.* Blake, it is unnecessary to add anything, if anything I could add, to show that the term "United States" or the extension of the Constitution ex proprio vigore was not involved in that case, and that the definition given to that term by Chief Justice Marshall and relied upon by the gentlemen on the other side as their sole evidence of the meaning of that term was clearly extrajudicial.

But notwithstanding the fact that the term "United States" does not include territory, it is nevertheless contended by some that the Constitution and laws of the United States extend by their own force and vigor to the territory within the jurisdiction of the Government of the United States. If that is so, why was it necessary for the men who made the Constitution to publicly declare by statute in 1789 that the territory then belonging to the United States should be a part of the United States and enter into a compact between the people of that territory and the people of the United States whereby the latter guaranteed to the former their political and civil rights?

I suppose that our friends upon the other side will admit that no one can possibly be better qualified to determine this question or that no one could possibly understand the meaning of this term as clearly as the men who made the Constitution and their contemporaries. Here again we find that practical contemporaneous construction, which the Supreme Court of the United States and the supreme courts of all the States have repeatedly said should, in doubtful cases, control the judicial mind in the interpretation of fundamental law, enables us to completely answer the arguments of our opponents.

THE GOVERNMENT OF NORTHWEST TERRITORY.

We have seen that when Congress convened on the 4th of March, 1789, the United States owned territory. They owned that which had been ceded by the State of New York in 1781 and that which had been ceded by Virginia in 1788. We have also seen that, acting under the Articles of Confederation, the Congress of the United States had adopted an ordinance for the government of this territory.

If the Constitution and laws of the United States, when adopted or enacted, extended ex proprio vigore to territory belonging to the United States, certainly the men who participated in making the Constitution, who were members of the first Congress convened under it, would have known and so understood the fact and acted accordingly. But in the first volume of the Statutes at Large we find that they were densely ignorant of the force and effect of the Constitution which they made as to its extension over territory belonging to the Union, according to the Democratic theory of to-day. The seventh act they passed was a law reenacting the ordinance of July 13, 1787. This ordinance contained this significant declaration:

The said territory—

Meaning that which had previously been ceded to the United States—

and the States which may be formed therein shall be, and forever remain, a part of the United States of America.

Although this territory was ceded by the States and the cession was accepted by Congress, yet in the judgment of the men who

framed the Constitution this was not sufficient to make that territory a part of the United States, because it was only ceded "to" and not as a part of "the United States." And to make it a part it was deemed necessary for Congress to so declare by statute, and Congress did so declare. If, in the judgment of these men, the Constitution and laws extended of their own force over territory, will some gentleman upon the other side of the Chamber kindly explain the necessity for the following provisions contained in the ordinance of 1787:

It is hereby ordained and declared, by the authority aforesaid, that the following articles shall be considered as articles of compact between the original States and the people and States in the said territory, and forever remain unalterable.

Then follows the express extension by statute to "the inhabitants of said territory" of the fundamental rights formulated, not created, in the Constitution of the United States.

Here was territory which in area exceeded the area of the States and belonged to the United States when the Constitution was adopted, and yet we find that, in the judgment of the men who represented the people of the United States, this instrument did not extend of its own force to such territory. On the contrary, it was treated as property belonging to the United States and not as a part thereof.

Why, they did not consider at that time the people inhabiting the Northwest Territory, which by this ordinance was made part of the United States—they did not consider them citizens of the United States at all. But they said that the inhabitants of that Territory who had been citizens of one of the States and resided in the district for three years should be entitled to vote, provided—now, remember, provided—that they owned 50 acres of land.

Mr. WILLIAMS of Mississippi (interrupting). Or were residents of the district.

Mr. TAWNEY (continuing). Or were residents of the district.

Mark further what form of government they prescribed for these people. Acting under the power of subdivision 2, section 3, Article IV, of the Constitution, they proceeded, by the reenactment of the ordinance of 1787, to define the political status of the people inhabiting this Territory, and gave to them a form of government and such rules and laws for their conduct and guidance as in the judgment of Congress were deemed "needful." It is true in doing this they did not violate any provisions of the Constitution with respect to personal and property rights, but they did flagrantly violate, if that Territory was a part of the United States, the declaration which these same men made on the 4th of July, 1776, when they declared that—

To secure these rights governments are instituted among men, deriving their just powers from the consent of the governed.

First, they expresaly authorized the President of the United States, by and with the advice and consent of the Senate, to appoint all of the officers which by said ordinance, as enacted under the Articles of Confederation, the Congress of the United States was authorized to appoint. They gave to the President the power of revoking the commission of any officer so appointed. They authorized the appointment of a governor, secretary, and three judges, and then clothed these five men with absolute power, subject only to the revision of Congress, "to adopt and publish such laws, criminal and special, as might be best suited to the Territory." They also provided that as soon as there were 5,000 free male inhabitants, of full age, in the Territory they were to be entitled to elect representatives to a general assembly, but accompanying this authority was the following significant proviso:

Provided, That no person shall be eligible to act as a representative unless he shall have been a citizen of one of the States three years and a resident in the district, or unless he shall have resided in the district three years, and, in either case, shall likewise hold, in his own right, in fee simple, 200 acres of land within the same: *Provided, also*, That a freeholder in 50 acres of land in the district, having been a citizen of one of the States and being resident in the district, or the like freehold and two years' residence in the district shall be necessary to qualify a man as an elector of a representative.

To be eligible to the office of governor this ordinance required that a person should own in fee simple 1,000 acres of land. To be eligible to hold the office of secretary he was required to own in fee simple 500 acres of land.

Mr. COCHRAN of Missouri. Will the gentleman allow me to interrupt him just there?

Mr. TAWNEY. Certainly.

Mr. COCHRAN of Missouri. I will ask the gentleman if, prior to the enactment of the amendments to the Constitution, the provision to which he alludes would not have been constitutional in any State in the Union?

Mr. TAWNEY. I think so.

Mr. COCHRAN of Missouri. Then, they did not violate the Constitution in formulating this condition?

Mr. TAWNEY. I have not said that they did. That has not been my contention.

Mr. COCHRAN of Missouri. Then, what application has the gentleman's argument to the contention that the Constitution has been violated?

Mr. TAWNEY. I have not said they violated the Constitution. I am pointing out the action of those who founded our Government and made the Constitution to show that instead of their claiming that the Constitution extended of its own force to territory. They took just the opposite view and by statute extended to the people of the Northwest Territory many of those rights secured under the Constitution, showing that under their construction the Constitution did not extend to the people of that Territory.

Mr. COCHRAN of Missouri. How can you do that?

Mr. TAWNEY. The very fact, my friend, that the men who made the Constitution admitted by this legislation that to secure to those people those rights specified in the ordinance of 1787, they had to renew the compact entered into with them under the Articles of Confederation whereby their property rights were to be secured, shows conclusively that they knew that the Constitution did not apply to the people inhabiting the Northwest Territory. That is how I do it.

Mr. COCHRAN of Missouri. Why, nobody contends that they could not do it within the Constitution.

Mr. TAWNEY. Not only that, but this could only be done by statute.

Mr. COCHRAN of Missouri. But it was constitutional.

Mr. TAWNEY. I am not disputing that proposition.

Mr. COCHRAN of Missouri. How do you prove that this is unconstitutional by citing a regulation which you contend is entirely constitutional?

The CHAIRMAN. The gentleman from Minnesota has the floor.

Mr. TAWNEY. The gentleman has just come from the cloakroom. I am not to blame if he did not hear the application I was making of these historical facts. Otherwise I would indulge him further. [Laughter.]

Mr. WILLIAMS of Mississippi. Will the gentleman, before he proceeds, permit me one interruption?

Mr. TAWNEY. Yes, if it relates to the subject that I have under discussion. I am not going to wander off.

Mr. WILLIAMS of Mississippi. I understand, and I am right on this line. The gentleman has been discussing the fact that the Congress fixed certain holdings of real estate as prerequisite to holding office out in the Northwest Territory, and he has been contending that for that reason Congress did not recognize these people as citizens of the United States. Now, do I understand the gentleman to contend that in order to be a citizen of the United States a man must be qualified either to hold office or to vote?

Mr. TAWNEY. No, sir; I did not so state.

Mr. WILLIAMS of Mississippi. Very well. That is what I wanted to ask.

Mr. TAWNEY. The general assembly—and I want to say right here that I am calling attention to the form of government given to the people in the Northwest Territory, not because I claim that that form of government was unconstitutional, but because we hear so much to-day about government by the consent of the governed and the giving to the people inhabiting our recently acquired territory a republican form of government. I want to say here and now that any man who examines the Territorial acts from the passage of the ordinance of 1787 down to the present time will find that until territory belonging to the United States was organized, and the Constitution and laws extended by statute to such Territory, there never has been any different form of government than that prescribed for the territory northwest of the river Ohio. The general assembly consisted of the governor, legislative council, and house of representatives. The legislative council consisted of five to be selected, not by the people of the Territory, but by Congress, and the legislature thus created, a part of which was elected and a part appointed by Congress, was authorized to select a delegate to Congress, who was given a voice, but no vote, in that body.

ORDINANCE OF 1787 ADOPTED WITHOUT REFERENCE TO THE CONSTITUTION.

It will be seen that this ordinance, reenacted in the First Congress, was adopted without reference to the provisions of the Constitution in regard to a republican form of government, and without any reference whatever to the limitations imposed by that instrument upon the power of Congress. In other words, this ordinance is the practical and contemporaneous interpretation of that provision of the Constitution which declares that—

Congress shall have the power to dispose of and make all needful rules and regulations respecting the territory and other property belonging to the United States.

The precedent thus established, by those who made the Constitution, for the government of territory in accordance with the spirit of the Constitution and the principles upon which the Government was founded, but independent of its limitations, has been uniformly followed in respect to the government of all the territory we have ever acquired except Alaska.

LAWS OF UNITED STATES EXTENDED TO NEW STATES BY STATUTE.

But this is not the only contemporaneous act which conclusively shows that there is no extension and that there can not be any ex

proprio vigore extension of the Constitution and laws of the United States. When the States of North Carolina and Rhode Island came into the Union by adopting the Constitution, and when their representatives attended the meeting of the First Congress, that body had been in session almost a year; laws had been enacted in the meantime for the United States. I suppose if any member upon this side of the House should say that these laws would not, of their own force, extend to North Carolina and Rhode Island, after they had adopted the Constitution and come into the Union, the whole Democratic side of the House would rise and exclaim that the man who made that statement was non compos mentis, that it would be absurd to advance such a proposition, and yet the men who participated in that Congress and in the Constitutional Convention advanced that very proposition.

On February 8, 1790, they passed an act specifically extending the laws of the United States to the State of North Carolina. On June 14, 1790, a similar act was passed for the same purpose, Rhode Island being the last of the original thirteen States to come into the Union. The State of Vermont was admitted by act of February 18, 1791, and on March 2 of that year Congress passed an act entitled "An act giving effect to the laws of the United States within the State of Vermont." The first section of this act reads as follows:

That from and after the 3d day of March next the laws of the United States, which are not legally inapplicable, ought to have and shall have the same force and effect within the State of Vermont as elsewhere within the United States.

The statutes of the United States show that for many years after the adoption of the Constitution it was the uniform practice of Congress to extend all the laws of the United States to the newly admitted States. In view of all these contemporaneous acts, extending by statute the principles of the Constitution and the laws of the United States, it seems impossible that any lawyer of average intelligence should for a moment hold that without Congressional enactment such extension would take place, no matter what relation territory may bear to the United States, and certainly it can not be held that of their own force either the Constitution or laws of the United States extend to territory that is not a part of the Union.

RULE AS TO UNIFORMITY OF DUTIES NOT APPLICABLE TO TERRITORY.

But, Mr. Chairman, it is said that this bill is unconstitutional because it imposes a different rate of duty upon the products of Puerto Rico than is imposed on like products entering the ports of the United States from foreign countries. The particular provision of the Constitution claimed to be violated is that provision of section 8, Article I, which provides:

But all duties, imposts and excises shall be uniform throughout the United States.

I take it for granted that this provision of the Constitution is not more sacred now than it was in the first twenty-five years of our constitutional Government, nor do I imagine that it will be claimed that this limitation upon the power of Congress was of less extent then than it is now, yet during that period the several Congresses repeatedly violated it, if gentlemen are correct in their conclusions with respect to this bill and with respect to territory being a part of the United States.

On March 3, 1797, Congress passed an act adding 10 per cent to the duties imposed by law upon articles when imported in ships and vessels not of the United States. Section 104, chapter 72, Laws of 1799, provided:

That the goods and merchandise, the importation of which shall not be wholly prohibited, shall and may freely pass for the purpose of commerce—

Into the territories of the United States by British subjects from the territories of the King of Great Britain, and under this provision such goods and merchandise paid no higher duties than those paid by citizens of the United States when importing the same in American vessels.

Here was a clear violation of the rule of uniformity above quoted, if the Northwest Territory was a part of the United States with or without Congressional legislation.

Section 105 of this act also violated the rule of uniformity by allowing certain goods and merchandise to be imported into the ports of the Northwest Territory and into the ports of the Ohio and Mississippi rivers, wholly within territory belonging to the United States, at the preferential rate.

On May 1, 1802, Congress extended all of the privileges granted by sections 104 and 105 of the act of 1799 to—

vessels and merchandise belonging to persons residing at New Orleans and other points in Louisiana or Florida on the Mississippi or any of its branches.

This privilege extended only to the ports in the territory belonging to the United States.

Again, section 8 of the act of February 24, 1804, provided that—

French ships or vessels, coming directly from France or any of her colonies, laden only with the produce or manufactures of France or any of her said colonies, and Spanish ships or vessels, coming directly from Spain or any of her colonies, laden only with the produce or manufactures of Spain or any of her said colonies, shall be admitted into the port of New Orleans and into all other ports of entry which may hereafter be established by law within the Territories ceded to the United States by the above-mentioned treaty, in the same manner as ships or vessels of the United States coming directly from France or Spain or any of their colonies, and without being subject to any other or higher duty on the said produce or manufacture than by law now is or shall at the time be payable by citizens of the United States on similar articles imported from France or Spain or any of their colonies in vessels of the United States into the said port of New Orleans or other ports of entry in the Territories above mentioned; or to any other or higher tonnage duty than by law now is or shall at the time be laid on the tonnage of vessels of the United States coming from France or Spain or from any of their colonies to the said port of New Orleans or other ports of entry within the Territories above mentioned.

Clearly and emphatically, this was in violation of section 8 of Article I of the Constitution, referred to by the gentleman from Texas [Mr. COOPER] a moment ago, if the rule of uniformity of duties applies to Territories as well as to States, because they gave to the products of France and Spain coming into the ports of Louisiana a preferential rate of 10 per cent on goods and 40 cents per ton on vessels.

The fact is that in these several statutes, almost contemporaneous with the Constitution, Congress wholly disregarded the constitutional limitation upon its power and imposed duties upon goods and merchandise throughout the United States which were not uniform, if territory is a part of the United States. That Congress had the power to do this was clearly recognized by Albert Gallatin, then Secretary of the Treasury.

In his letter to Congress of October 25, 1803, written just two days after the treaty ceding Louisiana to the United States was ratified and the ratifications exchanged, this distinguished statesman and Secretary of the Treasury, after speaking of a certain expenditure that had to be made, said:

The existing surplus revenue of the United States will, as has been stated, be sufficient to discharge $600,000 of that sum; and it is expected that the net revenue collected at New Orleans will be equal to the remaining $200,000. That opinion rests on the supposition that Congress shall place that port on the same footing as those of the United States, so that the same duties shall be collected there on the importation of foreign merchandise as are now by law levied in the United States; and that no duties shall be collected either on the exportation of produce or merchandise from New Orleans to any other place, nor on any articles imported into the United States from the ceded territories, or into those territories from the United States.

In this letter Mr. Gallatin, in effect, said to Congress that in his judgment you have the power to impose a different rate of duty upon foreign merchandise entering the ports of Louisiana than the duties imposed at the ports of the United States; that you have the power to impose duties upon articles imported from the ceded territory into the United States or imported into that territory from the States, but that the exercise of this power was unnecessary because of the then existing surplus in the Treasury of the United States.

ALL THESE QUESTIONS CONSIDERED AND DECIDED BY CONGRESS IN 1803.

On the resolution in the House of Representatives, presented on the very day that this letter of Mr. Gallatin was sent to Congress, referring so much of the President's message as related to the occupation and the establishment of a government over the Territory of Louisiana, this exact question of whether a rate of duty collected at Territorial ports different from the rate imposed and collected at the ports of the United States was unconstitutional, together with every other question involved in this discussion, was most ably and thoroughly discussed and decided.

This is not only one of the most instructive debates on the questions now under consideration contained in the Annals of Congress, but it is at the same time, to me, one of the most interesting discussions concerning the power of Congress to deal with territory independent of the limitations of the Constitution I have ever read or have been able to find. I commend this debate to the gentlemen upon the other side, because they will there find every objection they and their party have made, not only to the pending bill, but to all the propositions which have been advanced upon this side of the House, fully and completely answered; answered, too, by men of the highest order of ability, men who sought only the welfare of the Government and the good of the people; answered by Democrats whose Democracy was not a mere negative policy, but positive, based upon sincere convictions, Democrats who were not constantly engaged in coining catch phrases or epigrammatical sentences with which to mislead or deceive the people.

I especially commend to my young but distinguished friend from Virginia [Mr. SWANSON], whose zeal for his party and enthusiasm over his own ideas impels him to see in this bill the evidence of Congressional despotism, who is carried back to the days of the immortal Patrick Henry to find an opprobrious name for those who advocate the passage of this measure and claim for Congress the same power which his Democratic predecessors always claimed, hoping thereby to arouse the prejudices of the ignorant and unthinking. The speech, in this debate, of Thomas M. Randolph, from the State of Virginia, the son-in-law of Thomas Jefferson, and a States' rights Democrat, as well as the speech of that very distinguished Democratic statesman from the State of Virginia, John Randolph, in favor of every proposition we to-day

advance, are speeches that our friend from Virginia [Mr. SWANSON] and his colleagues on that side of the House should have carefully read and studied before entering upon this debate.

Every argument which they have advanced against our position in this debate is there answered. If they take the trouble to read these speeches, they will there find, as all other Democrats will, that not only the very power which we claim Congress possesses in respect to the government of territory was claimed, but the claim was ably sustained by each of the gentleman's distinguished Democratic predecessors, and all these questions were decided in favor of the Republican contention of to-day. Not only that. On the following day they will find that Mr. John Randolph, as chairman of a select committee, reported, advocated, and secured the passage of a bill in the House of Representatives for the government of Louisiana which, in point of despotic power, either Congressional or Executive, has no equal in the legislative history of our Republic. It made Thomas Jefferson in effect king of Louisiana.

The gentleman from Tennessee [Mr. RICHARDSON], the distinguished leader upon that side of the House, in his speech a few days ago, boasted that every foot of territory acquired prior to 1898 was acquired under Democratic Administrations. He omitted, however, to mention the fact that, except as to Alaska, every measure proposed and adopted by Congress initiating a civil government for this territory was proposed and adopted when the Democratic party was in control of Congress, and that every act thus passed for this purpose was signed by a Democratic President. If he will take the trouble to examine these statutes he will discover that in every one of them, and that in every Congress called upon to create a civil government for the territory acquired under Democratic Administrations, power was exercised by his party, in both Houses and by the Executive branch of the Government, the existence of which he now denies, and which no one would now think of exercising.

But, Mr. Chairman, it would be manifestly unfair for me to pass over the debate which occurred in the House of Representatives October 25, 1803, on the resolution to authorize the President to take possession of Louisiana and govern the same, without calling specifically to the attention of the other side of this House what their Democratic predecessors said in respect to the questions we are now discussing.

These questions involved the power of the Government to acquire territory by purchase, the relation of such territory to the United States, the political status and rights of its inhabitants; whether the limitations of the Constitution applied to the treaty-making power and to Congress in negotiating for the purchase of territory and governing the same, and especially whether the seventh article of this treaty, which provided that French and Spanish ships coming directly from France or Spain, or any of their colonies, when loaded with the produce or manufactures of France or Spain, or their colonies, were to be admitted for twelve years into the ports of ceded territory at a rate of duty 10 per cent below that imposed upon like produce when coming from foreign countries into the ports of the United States, was a violation of that provision of the Constitution in regard to the uniformity of duties, imposts, and excises, and also that provision which says that no preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another.

Upon the first question, as to the relation of Territory to the United States, the Hon. Cæsar A. Rodney, a Democratic Representative in that Congress from the State of Delaware, and afterwards Attorney-General under Presidents Jefferson and Madison and a United States Senator from that State, said:

> The Constitution adverts to States themselves, and the distinction between States and Territories is bottomed upon reason.

He then asks:

> Whence the necessity for the distinction?

And answers it by saying:

> When Territories grow into States and become represented in the public councils, a majority of them may become leagued together and carry into effect regulations prejudicial to other States.

Upon this same question, Hon. Joseph H. Nicholson, a Democratic Representative in that same Congress from the State of Maryland, afterwards judge of the court of appeals of that State, in speaking of the relation of the Territory of Louisiana to the United States, said:

> It can not be contended that this territory is ipso facto admitted. * * * Whatever may be the future destiny of Louisiana, it is certain that it is not now a State. It is a territory purchased by the United States, in their confederate capacity, and may be disposed of by them at pleasure. It is in the nature of a colony whose commerce may be regulated without any reference to the Constitution. Had it been the island of Cuba which was ceded to us, under a similar condition of admitting French and Spanish vessels for a limited time into Habanna, could it possibly have been contended that this would be giving a preference to the ports of one State over those of another, or that the uniformity of duties, imposts, and excises throughout the United States would have been destroyed? But because Louisiana lies adjacent to our own territory is it to be viewed in a different light? Or can the circumstances of its being separated by a river only, instead of the sea, constitute any real difference in regard to the commercial regulations which we may think proper to establish? The restrictions in the Constitution are to be strictly construed, and I doubt whether under a strict construction the very same indulgence may not be granted to the port of Natchez, which does not lie within any State, but within the territory of the United States. It has never been deemed expedient to do so, and in all probability never will.

Again, Mr. Mitchill, of New York, who I have before quoted in the course of my remarks, speaking upon the question of the limitation in the Constitution as to uniformity of duties throughout the United States, says:

> For the preference forbidden by the Constitution applies to States in the Union and equal members thereof. The domain we are about to acquire is not a State, for that is a sovereign and independent republic. Nor is it a province, this being an inhabited country, subdued by force of arms. Nor is it a colony, which is a sprout or scion, as it were, of the parent trunk. In its relation to us it is a Territory, a word signifying a peculiar and mingled idea of a country and inhabitants in the inchoate or initial condition of a republic. * * * The port of New Orleans is not a part of any State in the Union. The abolition of the discriminating duties in favor of the two European nations is confined absolutely to the ports of Louisiana.

Again, Mr. Elliott, of Vermont, another very distinguished Representative in the Eighth Congress, speaking upon this same subject, said:

> Colonies or provinces are a part of the eminent domain possessing them, and, of course, are national property. Colonial territory may be transferred from one nation to another by purchase. This purchase can be effected by treaty alone.

Speaking of the discriminating duties in favor of the products of France and Spain authorized by the seventh article of the treaty ceding Louisiana, Mr. Elliott said:

> Let us again inquire with what views and with what objects the Constitution was formed. The Articles of Confederation were but a feeble band of union, the "shadow of a shade"—to borrow a political expression—of a Federal system. Several States, sovereign and independent with respect to many objects, united under a national government, as it respected the most important national objects, and formed a Federal system novel in its nature and unequaled in the annals of all ages and nations. The States as such were equal, and intended to preserve that equality; and the provision of the Constitution alluded to was calculated to prevent Congress from making any odious discriminations or distinctions between particular States. "No preference shall be given to the ports of one State." It was not contemplated that this provision would have application to colonial or territorial acquisitions.

In speaking of the political status and rights of the inhabitants of Louisiana, Mr. John Randolph—and now I want to answer from a Democratic standpoint a question propounded by the gentleman on the other side a moment ago, in the language of Mr. Randolph. He said:

> How did the people at Natchez become entitled to the rights of citizens? Although born out of our allegiance, the moment our Government was established over them did they not possess of right a security for their lives and property? When I speak of their acquiring the rights of citizens I do not mean in the full extent in which they were enjoyed by citizens of any one of the particular States—since they possessed not the right of self government—but those of personal liberty, of personal security, and of property, which were among the dearest privileges of our citizens—a stipulation to incorporate the ceded country.

He is now speaking of the stipulation in our treaty with France ceding to us Louisiana, which provided that the inhabitants should be incorporated into the Union and admitted, as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States.

> A stipulation to incorporate the ceded country does not imply that we are bound ever to admit them to the unqualified enjoyment of the privileges of citizenship. It is a covenant to incorporate them into our Union, not on the footing of the original States or of the States created under the Constitution, but to extend to them, according to the principles of the Constitution, the rights and immunities of citizens.

That was the position of John Randolph, of Virginia, in 1803, as to the political status and civil rights of the inhabitants of Louisiana when he was called upon to say what he and his party and his friend Thomas Jefferson proposed to do with regard to the rights of those people.

Mr. Randolph did not claim, as his successors in this House claim, that the principles of the Constitution extended of their own force to the Territory of Louisiana, conferring upon the inhabitants thereof all rights and immunities of citizens under the Constitution, but, as he said, they would "extend to them, according to the principles of the Constitution, all the rights and immunities, including jury trial, liberty of conscience," etc.

Mr. Randolph was not only a distinguished Democrat, but he was one of the principal advocates of the ratification of the treaty by which we acquired Louisiana, and, as I have before said, was the chairman of the select committee that reported the resolution authorizing the President to take possession of Louisiana and govern the same without any limitations and under no restrictions whatever.

In speaking of the fears of the anti-expansionists of that day Mr. Thomas M. Randolph, the son-in-law of Thomas Jefferson, said:

> But it is dreaded that so widely extended a country can not exist under a republican government. If this dogma be indisputable, I fear we have already far exceeded the limits which visionary speculatists have supposed capable of free government. This argument, so far as it goes, would prove that instead of acquiring we ought to divest ourselves of territory. If the extent of the Republics of Greece or Switzerland, of ancient or modern times, is to be our standard, we shall dwindle, indeed. They have formed the basis of most theories on this subject. The acquisition of the country west of the Mississippi does not reduce us to the necessity of settling it now or for a long time to come.

Mr. Crowninshield, another Democratic Representative, from the State of Massachusetts, who was tendered the position of Secretary of War by President Jefferson, upon the question of the violation of the Constitution owing to the difference between the duties to be collected upon French and Spanish products imported into the ports of the ceded territory, said:

I have no objection to that article of the treaty. Those vessels are to pay a tonnage duty and duty on their cargoes similar to our own. * * * It surely can not be unconstitutional to receive the ships of France and Spain in the ports of the new territory upon any terms whatever. * * * There is no superiority granted to foreign vessels trading to Louisiana; it merely places them on an equal footing with our own ships in those ports for a limited time. The difference of duties is only 10 per cent on the duty and 44 cents of tonnage.

WHAT CONGRESS HAS DECIDED.

Here, then, we see that all these questions were considered in this House almost a hundred years ago by the contemporaries of the men who made the Constitution. We also see that Congress decided that territory could be acquired, held, and governed indefinitely as such; that territory was not a part of the United States; that the civilized native inhabitants were not citizens of the United States, and could only become such by an act of Congress, notwithstanding treaty stipulations, and that the admission of Spanish and French products into the ports of the ceded territory at a rate of duty 10 per cent below that imposed upon all foreign products entering the ports of the United States was not a violation of that provision of the Constitution requiring uniformity of duties throughout the United States. The vote in the House by which all these questions were decided, October 25, 1803, as far as this branch of the Government can decide anything, was the decisive one of yeas 90, nays 25, there being no absentees.

The following day, as I have said, the bill authorizing the President to take possession of and govern Louisiana was reported. It gave the President, Thomas Jefferson, the founder of Democracy, despotic power over that territory. It is no justification to say that this was only temporary. There is no such thing as the temporary violation of the fundamental law of our land. The party that violates it temporarily may perpetuate that violation as long as it remains in power. No, it was not a violation of the Constitution. Having decided the day before that territory is not a part of the United States, but property belonging to it, they proceeded to make such rules and regulations for the government of Louisiana as they deemed needful, and they did this independent of the limitations of the Constitution.

In view of all these historical facts, in view of all the acts of practical contemporaneous construction I have cited, and in view of the fact that the Supreme Court of the United States has never decided to the contrary, it is impossible for any man to successfully contend that the power of Congress over territory to which the Constitution and laws of the Union have not been extended is not plenary.

But the mere existence of this power need not alarm the inhabitants of our insular territory. Nor will gentlemen upon the other side ever have any real occasion to complain of its improper exercise under Republican control. We will now give to the people of Puerto Rico a bond that plenary though this power is, it will never be exercised over them as the legislative power of many States under Democratic control is now exercised.

No; the Republican party, born out of the agonies of a long-suffering people, trampled upon by the most corrupt and villainous oligarchy that ever cursed a republic, has too many pages of its history written in the blood of American patriots who fought under its great leader, Abraham Lincoln, in the cause of freedom and civil liberty to be accused by its Democratic opponents of seeking to oppress any people of any race or color living under the shadow and protection of our nation's starry emblem of liberty. [Prolonged applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BOUTELL of Illinois having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment the following resolution:

House concurrent resolution 44:

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound of the report of the Philippine Commission 15,000, 10,000 for the use of the House and 5,000 for the use of the Senate.

The message also announced that the Senate had passed without amendment the bill (H. R. 4006) to authorize the Union Railroad Company to construct and maintain a bridge across the Monongahela River.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 3206. An act authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Brig. Gen. E. O. C. Ord from Oak Hill Cemetery, District of Columbia, to the United States National Cemetery at Arlington, Va.

S. 3239. An act for the relief of Richard Allston.

TRADE OF PUERTO RICO.

The committee resumed its sitting.

[Mr. EDDY addressed the committee. See Appendix.]

Mr. LACEY. I ask unanimous consent to extend my remarks in the RECORD.

There was no objection, and leave was granted.

Mr. TOMPKINS. Mr. Chairman, not being in accord with the majority of my colleagues on this side of the House, Ideem it proper to briefly state my reasons.

I am as loyal and devoted a member of the Republican party as there is on the floor of this House. I cherish its traditions and glory in its achievements and am ready at all times to loyally supports its policies and defend its principles, but I do not recognize in this bill a Republican measure, there are absent those principles of equality and justice that have always characterized Republican legislation. I heartily believe in the principle of protection. I believe in, and have endeavored to teach in a humble way, the benefits and blessings of a protective tariff—a tariff against the products of other and foreign lands when such products come in unfair and unequal competition with American industries and American productions, but I have never before known the Republican party to advocate or favor, or even suggest that there should be any discrimination in tariff duties between States or Territories of our own. In fact, such a policy—such a discrimination—any inequality in Federal taxation, is expressly declared by the Constitution to be unlawful.

Gentlemen have argued with much force and many legal authorities and precedents that Puerto Rico is not a part of the United States and not a Territory entitled to the benefits of our Constitution and laws, and hence that that provision of the Constitution is not applicable. Others have argued with equal force, and apparently as many decisions and authorities, that the constitutional limitations do apply to legislation for territories ceded to us and over which we assume control and exercise the functions of Government, even before statehood is created. These arguments have been very learned and interesting, but either solution of this constitutional question can not determine for me the question of the propriety of the proposed legislation.

The brilliant argument of the gentleman from Pennsylvania on Monday, and, indeed, all the arguments in support of the bill, except those of the gentleman from New York [Mr. PAYNE] and the gentleman from Ohio [Mr. GROSVENOR], have dealt alone with the question of the power of Congress to impose an unequal and discriminating tariff upon imports from Puerto Rico. I take a broader ground, and insist that, admitting the power, admtting the legal right to enact this law, that under the existing circumstances and conditions it would be improper and unjust to exercise it, especially when it is conceded by the report of the majority of the committee that no injury will come to our industries or products by the admission free of duty of all products of the island.

Regardless of the constitutional question, I take the ground that, having taken their island, having thrust upon them our Government, having gone to them bearing the banner of freedom, and having assured them of our intention and purpose to "bestow upon them the immunities and blessings of the liberal institutions of our Government" (being the language of the letter of General Miles to the Puerto Ricans, written July 28, 1898), and having promised to give them (in the language of the same letter) "the advantages and blessings of enlightened civilization," having assured them that we came to them in the cause of liberty, justice, and humanity, it would be the most flagrant injustice and the clearest and most patent evidence of insincerity and bad faith to deny them the same privileges, immunities, and trade facilities enjoyed by all our States and Territories, especially when it is conceded that all the products they can export, and even double their present producing capacity, would not, if admitted free of duty, interfere with our own products. Here is the language of the report of the majority of the Committee on Ways and Means in respect to sugar:

The consumption of sugar in the United States last year was, in round numbers, 2,000,000 tons, of which about 1,400,000 tons paid the full duty under the law of 1897. The balance was furnished by the free sugar of Hawaii, the cane sugar of Louisiana, and the beet sugar of the Northern States. This 45,000 tons of Puerto Rican sugar is not enough to supply the increasing demand for consumption of a single year, and no one claims that if admitted free it would have any appreciable effect upon the price of sugar in the United States. No one now claims that the 300,000 tons of Hawaiian sugar affects the price in the United States. The price of sugar being fixed in the United States, it follows that this $1,000,000 reduction in tariff duty, or the greater part of it, would, at this very critical time, come to the rescue of the sugar producers of Puerto Rico. That it would infuse new life and vigor and hope into the people of this island needs no argument.

Nor would the reduction of this duty injure or retard the wonderful growth of the beet-sugar industry in the United States, which it is estimated will reach the production of more than 100,000 tons during the present year.

With respect to tobacco—and these are the only two products of the island upon which there is any tariff—the report says:

Fortunately this tobacco is not of such a quality as to furnish any menace to the tobacco industry of the United States. It is of a different quality; is useful only for fillers, and generally for the better grades of cigars.

It is not, then, to protect our own home industries and products that this law is proposed. What is the motive that prompts it? From the arguments of the gentlemen who have spoken in support of the measure it would appear that the chief reason is that the Congress has power to do it; the power of Congress is to be declared and demonstrated. Conceding the power, why is it invoked in this instance? It has not been exercised with respect to the Hawaiian Islands, which last year exported to this country 300,000 tons of sugar, or nearly eight times the entire output of Puerto Rico. No provision for a tariff was inserted in the treaty recently made with the Sultan of Jolo, by which the United States assumed sovereignty over the archipelago of Jolo. On the contrary, that treaty expressly provides as follows:

All trade in domestic products of the archipelago of Jolo, when conducted under the American flag, shall be full, unlimited, and undutiable.

Is not the same American flag to float over the commerce of Puerto Rico? The gentlemen on the other side of the question boast and rejoice in the assurance, as we all do, that the American flag is not to come down, but is to continue to float over all of these possessions. But why, tell me, shall one law apply to the commerce sailing under the Stars and Stripes on the Atlantic Ocean and another law for the same class of commerce—the same commodities and under the same flag—on the Pacific Ocean? Why this discrimination against Puerto Rico? Two reasons, and two only, have been given by the gentleman from New York, the chairman of the committee. The first is that this tariff will create a fund for the maintenance of a public-school system for the island. The second is that a free-trade policy will establish a bad precedent, and that soon Cuba and the Philippines will be knocking at our door for similar legislation. Now, as to the first, a public-school system should be established and maintained in Puerto Rico on the plan of the American public-school system, conducted under American supervision, but it should be established and maintained by local taxation. A simple and complete system of school taxation can be devised and put in operation.

But why not establish and maintain such a system in the same manner as the public-school systems are supported and maintained in the different States of the Union and in our own districts? What is to prevent this great Government from conceiving and formulating and putting into operation a system of public schools and a system of local taxation to support them? It is true that there are no counties or townships in the island of Puerto Rico. The island has not been so subdivided. But what is to prevent Congress dividing the island into school districts, if you please, and putting into each one a school system, putting it into operation, and raising money for the support of the various schools throughout the island, supporting them and maintaining them by a system of local taxation?

Mr. LACEY. Will the gentleman yield to me for a question?

Mr. TOMPKINS. Certainly.

Mr. LACEY. Does the gentleman think that it would be better, until a local government is organized in the island, to give power for the establishment of such a system to the people of the island—in other words, that they should do that for themselves rather than that Congress should attempt to put such a system into operation?

Mr. TOMPKINS. I think that Congress should at once take that question of local government into consideration, and just as speedily as possible establish it on the island.

Mr. LACEY. That is very true. But would it not take a year or two at least before any local self-government could be established there, and in the meantime what is to become of the school system about which the gentleman has been talking?

Mr. TOMPKINS. It will be a year or more, of course, under the proposed legislation, before any public-school system could be established.

Mr. LACEY. Then how would the island be run in the meantime? Where is the money to come from?

Mr. TOMPKINS. By local taxation.

Mr. LACEY. Then you propose that a local government shall make laws for the government of the island and the collection of the taxes. But what local government could make the levy?

Mr. TOMPKINS. There should be some sort of local government or some supervisory control, at least, exercised by Congress until a thorough system is established.

Mr. LACEY. I am, perhaps, quite in sympathy with the gentleman's proposition, but I only wanted to point out the difficulties. The difficulty is to apply a method for the immediate regulation of the affairs of the island and put the custom-houses in operation. I was only calling his attention to the difficulties which seem to surround the position he is taking with regard to the matter.

Mr. TOMPKINS. The people can wait a reasonable time until a suitable system can be established.

But the gentleman from New York says, "Tax those who can best afford to pay it. Impose it in the form of tariff duties and then the rich owners of the sugar and tobacco plantations will have to pay it." My answer to that proposition is, collect it by means of a system of local taxation upon the land, and then, too, the rich sugar and tobacco plantation owners will have to pay it. The gentleman from Ohio, Mr. GROSVENOR, stated that the sugar and tobacco interests constituted but a small part of the interests of the island, and it is conceded by the Ways and Means Committee that these two classes constitute only 25 per cent of the producers of the island. Their proposition, therefore, is that 25 per cent of the producers shall pay a tax for the support and maintenance of the entire island, for no other tax is proposed by this law. The injustice of such a plan must be apparent to all. A better plan would be to devise and put in operation an equitable local system of taxation by which all landowners, regardless of what they may produce, will contribute their share toward the expenses of the government of the island.

As to the second reason, if the argument that the constitutional limitations in reference to taxes and tariffs do not apply in this case and that Congress may legislate freely and at will for any territory or possession, and enact such laws for their government as may seem expedient, is good, then the second reason given for this bill is fallacious. The gentleman from New York in his speech said:

I want to make a precedent that all men can read with reference to the Philippine Islands, and if Cuba shall come I want to give notice to Cuba that we propose to protect this industry when it comes to the question of admitting the 1,000,000 tons that will come from Cuba.

He also said:

No damage will be done by the little island of Puerto Rico, but I do not want to see competition with the cheap labor of the Philippines.

So that a reason for the proposed legislation is that a precedent may be established to be used against Cuba and the Philippine Islands. Let us see if such a precedent is necessary. Certainly not according to the arguments of the gentlemen on the other side of this question. They insist that there are no limitations upon the power of Congress in dealing with any of these islands; that Congress may enact such legislation as may be deemed necessary and expedient in any given case. If that be so, then when the Philippine Islands or Cuba come knocking at the door of Congress, as predicted by the gentleman from New York, with different conditions and circumstances, Congress may declare, by virtue of the power it is now asserted it possesses, that because of the different conditions prevailing, and for the purpose, it may be, of protecting home productions, a reasonable and proper tariff shall be imposed. It seems the height of folly and injustice to impose a tariff where no protection for home industries is served thereby, and where such tariff is opposed by and works a hardship upon those upon whom it is imposed, simply for the purpose of establishing a precedent to enable that to be done which Congress already has the constitutional right to do.

I unite and agree with the chairman of the Ways and Means Committee in his declaration—

I do not want to see competition with the cheap labor of the Philippines.

Nor will we so long as the Republican party is in power and he Republican principle of protection is applied where it should be. When the Filipinos apply to us for free trade with their country, we may and should say to them: You have been in insurrection against us; you have cost us millions of money and thousands of precious lives because of the attitude of some of your people; it is still necessary to maintain a standing army, at an enormous yearly cost; we came as your deliverers and you have rebelled against us and shot down your benefactors, and while we, in the cause of humanity, have gladly rescued you from the oppression of Spain and are willing to confer the blessings of American civilization, yet we can not admit your products free of duty to compete with the products of well-paid American labor until such time as we shall have received back from you the cost of putting down your insurrection, the cost of maintaining an army to preserve peace, the cost of pensioning our wounded soldiers and the dependent ones of those you have slain, and until, by the civilizing and educating forces of American institutions, you shall attain unto that degree of education and advancement by which your lives will be ennobled and your labor dignified and enhanced in value so as to compete fairly with the educated and well-paid labor of native and naturalized Americans.

That is the position this Government may take with reference to the Philippine Islands when the question arises. No such condition exists with respect to Puerto Rico. With respect to Cuba there need be no fear of a precedent, because it is our purpose to grant to the people of that island a free and independent government. Then we shall deal with her by treaty or tariff laws as we deal with the other nations of the world. That Congress has the power to take care of the Philippine question when it comes has not only been admitted by the gentlemen who have discussed the legal proposition, but in the report of the majority of the committee, which accompanies this bill, we find the following on this question:

The representative of the beet-sugar industry who appeared before your committee stated that the admission of sugar free of duty from Puerto Rico,

even should the product be doubled, would work no injury to the beet-sugar interests. His fears were that this original bill might be regarded as a precedent for free sugar from the Philippine Islands, and eventually from Cuba. It is a sufficient answer to this that the substitute reported establishes no precedent. On the contrary, we expressly assert by this substitute the right to discriminate between Puerto Rico or the Philippine Islands and the United States. Cuba is to have a government of its own, and there is no menace to the beet-sugar industry from that quarter. Surely the party which had the courage to provide adequate protection in 1897 for this new industry can be safely trusted to foster it, now it has passed beyond the stage of experiment and is an assured success.

So that the claim that this legislation is required as a precedent when we come to deal with the Philippine Islands and Cuba is destroyed by their own report and arguments.

To summarize briefly: There is no need of this legislation for protective purposes; that is conceded. There is no need of it as a precedent; because if Congress has the power to enact this law, it will have the same power to enact a similar law for the Philippine Islands. If we open our markets to the products of Puerto Rico, the rich and fertile soil spoken of by the gentleman from New York will be made "to bloom and blossom as the rose," and enable them to pay taxes liberally for the support of their school system and home government.

Every legal and humane reason exists for the defeat of this measure and the establishment of free trade between the United States and Puerto Rico.

President McKinley, in his annual message, read at the opening of this Congress, said:

> Our plain duty is to abolish all customs tariffs between the United States and Puerto Rico and give her products free access to our markets.

Is our duty any less plain now than it was then? Conditions have not changed. These people are now suffering poverty and starvation. Since Spain has enacted a high and prohibitive tariff they have had no market for their products. Their lands are uncultivated, their people are idle, and men, women, and children hungry and suffering are looking across the waters to us with all our wealth, prosperity, and happiness, and are asking and pleading that we open our ample markets to the products of which their little island is capable, demanding that we grant to them the immunities, privileges, blessings, liberty, and civilization we so bountifully promised; and if this great nation is just and true to its promises, if we want the future good will and loyal allegiance of these people and the respect of the rest of the world, we will not fail to heed the cry. [Loud applause.]

Mr. POWERS. Mr. Chairman, the questions that present themselves to the House at this time for consideration are the most important questions that have arisen since the period of the civil war. During the period of the civil war the statesmanship of the nation was called upon to settle the extent and limits of our Federal Constitution in its application to domestic affairs. To-day we are called upon to measure its capacity in connection with our relation to foreign affairs. So that that instrument during the period of forty years has been called upon to vindicate itself to the people of our nation and to the people of the world as the palladium of the liberties of a free people.

I am not vain enough, Mr. Chairman, nor arrogant enough to claim that on this occasion the views which I entertain as to the proper scope of that instrument are sound and would meet the approval of the tribunal which ultimately must pass upon them; but, sir, I feel a duty, and what I regard to be the duty of every member of this House, to contribute to this common fund of discussion such impressions as occur to me in regard to the scope of that instrument as applied to the bill now under consideration. I have no apologies to make for the attitude I take on this occasion. I assume it to be the privilege—nay, I regard it to be the sworn duty—of every member of this House to act and vote upon all questions of public import the scope of which is so wide as this at least from the standpoint of American citizenship, and not from the standpoint of American politics. [Applause.]

I believe, sir, he serves his party best who serves his country most; and actuated with that purpose, and with that alone, I proceed to give to the House such humble views as I entertain upon this important question, in the hope that the fallacy of them will be pointed out before we have occasion to act on this matter by way of vote, if there be fallacy, and that the merit of them, if they have any humble merit, may have its proper weight in the deliberations of this committee.

Now, sir, what have we before us? This bill proposes, comprehensively stated, to impose a tax of 25 per cent of existing rates upon certain products of Puerto Rico landed in American ports, and the same rate of duty upon such products that go from the United States to Puerto Rico, in both collections the fund realized to be applied for the benefit of the people of Puerto Rico. Well, sir, if we were to extend the provisions of our tariff law, or any tariff law, to Puerto Rico, most assuredly this small fraction of 25 per cent is a moderate and a liberal one. The Constitution requires duties to be uniform throughout the United States.

By the treaty made with Spain, among other things Spain ceded to the United States "sovereignty" over Puerto Rico. I quote the language of the treaty. It was a cession of sovereignty. What do we understand by that term? What do we mean by the word "sovereignty?" I have not taken pains to consult the dictionaries, but the common understanding that people have of it is the power to govern. That was all the right that Spain had over Puerto Rico, and it was the only thing that she could grant. It was the only thing that she did grant, and the thing she granted to the United States was merely the right to exercise the supreme power of government over the people and territory of that island.

The first question is, How are we, having that right granted to us, to exercise it? We have over our own territory and people the right of sovereignty; added to that, by this cession comes this grant of sovereignty from Spain. Is our method of asserting our sovereignty any other and different in the case of this new grant from Spain than it always has been under the Constitution that we are under? Most assuredly not. We can not carry on the functions of a government exerting two kinds of sovereignty. Our American sovereignty is tied down and fettered by the language of the Constitution itself. The Constitution itself is our authority and justification in taking the added sovereignty from Spain. Having taken it, it then comes under the provisions of our organic law, to be exercised by such methods and in such ways and in such manner as the Constitution itself may prescribe.

Now, sir, we have heard a great deal during this long debate for six days about the Constitution and about the proper vigor of the Constitution. What do we mean by it? What is understood by the expression "the Constitution of the United States?" Is it some sacred volume that has come down to us from a former generation that is to be respected because of its elegant binding? It is a mere record of certain great principles of government that are therein described and limited. If it be that, then it is not the document itself, but it is the principles that are embodied in it that are material for our consideration in questions of this kind. It is the depositary, so to speak, of the sovereignty of the American people themselves, and they alone have, or had originally, absolute sovereignty, if you may so term it.

All power rested with them. They saw fit in their wisdom to delegate a certain portion of it to a form of government. That form of government was made up of executive, legislative, and judicial branches. That was all there was of it. Every power that is specified in the Constitution as having been granted by the people is applied by and applicable to these three subdivisions of sovereignty. So that when we talk about the Constitution, Mr. Chairman, we are not to look upon it as an elastic parchment that we can spread over newly acquired territory. We are to look at it as the resort to which we can go to find out how we can govern outside territory; and that is the work that is before us to-day. Much has been said by the courts and in the literature on this subject as to the time when Puerto Rico became a part of the United States, became American territory.

As I have already said, the cession that was made to us was not the cession of territory, it was the cession of sovereignty, but that unquestionably ex vi termini carries the main thing itself, and at least we have so treated it thus far. But the courts tell us there are certain stages in the progress of the annexation of foreign territory to our own that must be observed as events go forward. They tell us that the territory on hand at the time the Federal Constitution was adopted belonged to the United States. They tell us that certain islands that somebody discovered a few years ago, on which were valuable guano beds, were not territory of the United States but appertained to the United States. They tell us that the annexation of foreign territory to our territory is not a completed work, is not an executed transaction, until we accept the cession.

Well, sir, I agree to that. It seems to me they follow the analogies of the law in that holding. Everybody knows that a gift from one person to another is not valid unless accepted. And everybody knows that a deed of my farm to my friend from Pennsylvania carries nothing to him until he accepts it. And so in this case, the cession of the sovereignty over Puerto Rico by Spain does not carry the territory into our territory until the United States, in some form, by some affirmative act signifying the fact, accepts that cession. And we are told in this connection that the passage of this bill, that any act of the legislative power of the Government, is an act that signifies or will signify an acceptance. I agree to that.

But, Mr. Chairman, is that the only way in which we can accept it? Is that the only way in which we can make Puerto Rico a part of the American territory? I say not, sir. We have had on Puerto Rican soil for many months a government established by the United States under the war power of the Constitution. We have had our governor-general, we have had all the machinery necessary to administer the affairs of that island. Schools have been established, schoolhouses have been built, all the wants of the people have been regarded and have been supplied by the Government of the United States of America. Ten times more affirmative acts have been called into being since the occupancy of that island than could be implied from any mere act of civil legislation.

Mr. THROPP. Will the gentleman permit me to ask him a question?

Mr. POWERS. Certainly.

Mr. THROPP. Did we not perform an affirmative act in accepting the transfer by the passage of the treaty?

Mr. POWERS. I will say in answer to my friend from Pennsylvania that when I am arguing that under this doctrine of the courts it is necessary to have an acceptance in order to make annexation, I do not mean to stop and quarrel with them. No matter about that. I am trying as well as I may to follow along the lines of judicial construction to see where it will take me as the final result in this case. I do not propose to antagonize that any further than it seems necessary.

Now, then, as I was saying, and this is the point I desired to make, these affirmative acts of military occupation, of actual possession of the territory itself, of assuming control over the people, of paying out our money for their benefit, of receiving to a certain extent their services, are affirmative acts that are potential enough at all events to indicate the acceptance of that cession and thereby make Puerto Rico a part of our American territory. Now, what follows from that result? If by treaty Puerto Rico has become a part of American territory, then I insist that she is to be treated precisely as Arizona, Oklahoma, or New Mexico, and all the Territories that we have had since the foundation of the Government. [Applause.]

I insist, sir, that there is no power anywhere that can discriminate against one acre of American territory in favor of another. So that if this reasoning is sound, that up to this moment Puerto Rico has become by our voluntary acceptance a part of our territory, then, sir, all the consequences must follow that would follow from the government or administration of the Territory of Arizona.

I do not overlook the fact that my friends who contend differently may insist that whatever acts of sovereignty we exert must be on the civil side of the Constitution.

But is that sound? Can any gentleman give me an intelligent reason why any exertion of sovereign power on the part of the United States in order to perfect an inchoate right to a foreign territory must be exercised on the civil side of the Government rather than on the military side? I think not. I submit that conundrum to gentlemen who are imbued with different notions respecting the rights of the Government, to answer before this debate may close.

Now, then, I have said that if the reasoning down to this point is sound we must treat Puerto Rico as American territory and treat it in the same way precisely that we treat Oklahoma, New Mexico, and Arizona, and in the same way that all along the line of our history, from the adoption of the Constitution to this day, we have treated our Territories that were unorganized.

Right here it is pertinent to inquire, Do you think, Mr. Chairman, that you could impose a stamp duty upon a deed of real estate in Arizona with a consideration of $1,000 larger than you impose upon a deed of real estate in Arizona having the same consideration? Do you suppose you could impose a duty upon the ores of Arizona and a still different one upon the ores in Oklahoma? And if you may not discriminate between those two, do you imagine that you could make a discrimination in favor of or against Puerto Rico, if she be American territory? I think not.

So that we are brought directly to the very marrow of this question, and that is whether we can impose one kind of duty for one part of our American territory and a different kind—whether greater or less, I care not—upon some other part. Gentlemen who have preceded me have attempted to solve this question by undertaking to give us a definition of what is meant by the term "the United States." The Constitution declares that duties must be uniform throughout the "United States."

Until within the last ninety days I, in common with the great mass of 75,000,000 American people, had always supposed that the "United States" embraced the 45 States that are in statehood and embraced also the outlying Territories that will some time become States. The boys and girls in our schools have been taught to believe that the United States of America comprehended all the territory over which we exercised jurisdiction. But of late we have been told that this is a popular error, and that the time has at last come to change our educational methods, to change our generally held notions and learn to our sorrow and humiliation that the United States is no more nor less than that portion of our territory that has had the opportunity to elect governors and State legislatures and to send men here to represent them in Congress.

Why go back to the days of the Constitution, when we had thirteen States, and I was almost ready to say thirteen times as much of outlying territory. Suppose at that time the fathers had been asked, "What do you include in your great new-born nation, the United States? Do you claim only that narrow margin along the Atlantic coast? Is that the limit of your conception of the limits of your new Government?" If such a question had been asked, the answer would have been, "Why, no; we look away beyond to the Mississippi; we see that great Northwest Territory; we see the territory that was ceded by Connecticut now covering the famous Western Reserve of Ohio; we see the great cession made by New York; we see the vast cession made by South Carolina." They congratulated themselves that even at that time we had an empire of almost Roman, almost Asiatic boundlessness, out of which were to be erected the coming new States of this Union.

We must find out whether these new schoolmasters that have given us this definition are correct; because if they are, it is the duty of every man on this floor to bow in respect to their new dispensation. So I have taken occasion to find out where this term "United States" originated in any authentic form; where it came into use by force of any authoritative expression of the American people. And I find the first instance of it is recorded in the Declaration of Independence, made July 4, 1776. In that instrument the representatives of the "United States" declare that "these colonies are and of right ought to be free and independent States." It is true they used the expression "The United States," in which respect they were a little bit ahead of time. They had not become united States at all; they were nothing more than united colonies. But in anticipation of glories to come they assumed the title and went ahead.

Well, in a little more than a year after that the Congress of the Confederation, without any previous authority from any source whatever, assembled themselves together and formulated the Articles of Confederation. Those articles, as has been said this afternoon, were articles of friendship and amity between certain States named—New Hampshire, Massachusetts, Virginia, etc. In those articles it is declared in the very first section that "the style of this Confederacy shall be the United States of America." Now, that is the first time where you can find, in any authentic paper issued by authority, any use of the term "United States;" and those who used that term did not limit it to the two words "United States," but they added "of America"—clearly implying that at that time at least the fathers of the Republic had no purpose to annex the Philippines.

Now, going along in the progress of our history as a Government, in 1787, while these Articles of Confederation were in force, a Convention was called, the result of which was the formulation of the Federal Constitution as it now stands, with the exception of the amendments that have been added. Now, in that instrument they changed the source of power. It is no longer a league of States, a confederation of States—New Hampshire, Massachusetts, Rhode Island, etc.—but another sovereign power comes into play—"We, the people," not we, the people of New Hampshire, Massachusetts, Rhode Island, etc., but "We, the people of the United States," do, for certain purposes enumerated, "ordain and establish this Constitution"—for whom? "For the United States of America," keeping up the same style in referring to the country to be governed as had been adopted in the Articles of Confederation.

Now, these words, "the United States of America," appear in the Federal Constitution only twice. They appear in that section defining the powers of the President for the first time, there shall be a "President of the United States of America," and in the attesting clause at the close of the instrument, done in the year of our Lord so and so and of the independence of the "United States of America," etc. These are the only occasions where they are to be found in that instrument.

So that you see, Mr. Chairman, I think it a clearly demonstrable proposition that there is no technical meaning to the term "United States," for the words are used, as the courts tell us always is the case in the statutes, in the common meaning and acceptation given to them by the people of the country. When we say "the United States of America," we mean precisely the same thing as when we say "the United States." And when we say "the United States," the idea conveyed to the common mind—the common acceptation of the term—is that it means not only the organized States of the Union, but every Territory, every acre of territory, that is under the flag of the United States. It seems to me that that is absolutely clear and unquestionable.

Well, sir, in addition to that, the courts have been called upon occasionally to give their views and their construction of the meaning of this term. I have alluded to the fact that in the common speech of the people, the common acceptation of the people, the term "United States" is a comprehensive one, and not in any sense a technical one; that it does not mean, as has been argued upon the floor of this House, States that were united, but it means more comprehensively all of the territory under the flag of the United States.

Now, the courts, I say, have been called upon to define that proposition. We have had a great deal of talk about the much-quoted case of Loughborough *vs.* Blake, reported in 5 Wheaton, which has been pointed to by one side as triumphant proof in support of their theory, and is pointed at by the other side as the obiter dictum of an obscure judge.

In Loughborough *vs.* Blake (5 Wheaton, 643), Chief Justice Marshall, in the opinion of the court, says:

The power, then, to lay and collect duties, imposts, and excises may be exercised, and must be exercised, throughout the United States. Does this

term designate the whole or any particular portion of the American empire? Certainly this question can admit of but one answer. It is the name given to our great Republic, which is composed of States and Territories. The District of Columbia or the territory west of the Missouri is not less within the United States than Maryland or Pennsylvania; and it is not less necessary, on the principles of our Constitution, that uniformity in the imposition of imposts, duties, and excises should be observed in the one than the other.

Well, it is certain that Chief Justice Marshall, in that case, did say that the United States comprehended the Territories as well as the States and the District of Columbia. That fact is not disputed, as I understand it. The Chief Justice said it, whether true or not. He said it whether it was part of the adjudication of the question before him, or whether it was an obiter dictum, or, as sometimes the lawyers call it, a "slopping over" of the court.

But one thing must be understood clearly in reference to the case. It was decided in 1820, some eighty years ago. Various questions to which it might be pertinent if it were bad law have been before the courts since it was adjudicated, and I undertake to say that there is not in the whole mass of our judicial literature in the United States courts, nor in the State courts, so far as I can find any case to which the same legal principle applied, in which the case of Loughborough *vs.* Blake was cited, that disputed its authority; no case in which it has been said that the great Chief Justice Marshall, when he declared that the United States comprised the Territories and the District of Columbia, uttered a mere dictum of the court.

Now, is it not a surprising fact in our judicial history that in three-fourths of a century, in all the various questions that have sprung up touching the clear meaning and effect of this language, that no complaint has been made, no lawyer has been found who has undertaken to claim that this question was a mere dictum of the court? On the contrary, on two or three occasions this decision was referred to approvingly, showing that the judicial mind of the nation, showing that the legal mind of the nation, showing that the popular opinion of our people were still wedded to the belief that when Chief Justice Marshall said what the scope and meaning of the words "United States" was that it was regarded by the people as true in fact and true in law.

But, Mr. Chairman, within the last ninety days there has sprung up a criticism upon his language. It sprung up first in the law schools, and later on it has been transplanted to this floor. Well, it is useless, when a man says that the language of the court is obiter dictum, it is useless to try to convince him of his error; it is useless to spend any time with one who is bold enough to put his opinion against that of Chief Justice Marshall on a great question of constitutional law.

I remember, sir, when I was in the practice of the law and my adversary confronted me with a decision that sent me onto the rocks, I very often said, "Why, that is not law, that is a mere obiter dictum." It was a convenient way out, a very "present help in time of trouble," and I imagine that its application in this case, perhaps, may be safely grounded upon the same basis.

Well, who was Chief Justice Marshall, who they say indulged in slopping over when he was rendering judicial opinions? He was the friend and classmate of James Monroe, the friend of James Madison, the close and intimate friend of George Washington. He was a member of the convention called in Virginia to pass upon the question of ratifying the Federal Constitution, and was the man of all others who succeeded in securing a favorable vote in that convention for that purpose.

He was an eminent lawyer at the bar. He lived in the very time when the Constitution was being framed and talked about and discussed in the public press, at the fireside, in the courts, and everywhere where men do congregate. He was thoroughly imbued, therefore, with every possible view that was presented with respect to the spirit and proper vigor of that instrument. He came to the bench in the year 1801, after having had this preliminary experience. He was an intimate and close friend of Washington, and, with Washington, largely instrumental, as I stated, in carrying the ratification of that Constitution through the Virginia convention.

Why, sir, he was brought up at the very feet of Washington, as Paul was at the feet of Gamaliel, and, like Paul, was "taught according to the perfect manner of the law of the fathers." John Marshall was the author of more of the opinions that are recorded in our reports which pass upon the vital questions of the Federal Constitution than any other of the judges who have adorned that great bench. He was the judge who rendered the opinion in the great Dartmouth College case, in Brown *vs.* Maryland, and in countless other cases which involved the most absorbing study, the most learned research that could be applied to the Constitution of this country.

Now they say he slopped over. Well, Mr. Chairman, if anybody is guilty of obiter dicta in reference to the power of our Constitution, I would commend to the gentlemen who are criticising Chief Justice Marshall's dictum, as they call it, the duty of looking after their own reasoning to see if they are not being led into the declaration of a worse dictum than the learned Chief Justice uttered.

What power has Congress in legislating for a Territory? The case of Scott *vs.* Sandford, commonly known as the Dred Scott case, has been referred to. It is true that some of the announcements made by the majority in that case did not commend themselves to the judgment of the Northern people, at least, in respect to rights in the unorganized territory of the United States.

But, sir, I never heard any criticism made against Judge Curtis, I never heard any criticism made against Justice McLean, that they were actuated by any feeling other than a desire to declare the law. That was perhaps the only case—it is the only one I remember—where each member of the United States Supreme Court prepared a written opinion. The case was of such vast importance, the temper of the nation was such, that each judge thought it necessary to write out his opinion at length. I am not going to stop to read at length from any body's opinion, but the whole court said that—

> The Federal Government enters into possession—
>
> Of its territory—
>
> in the character impressed upon it by those who created it. It enters upon its territory with its power over the citizen strictly defined and limited by the Constitution.

Now, how could that be unless the Constitution extended over that territory?

Mr. WM. ALDEN SMITH. Who said that?

Mr. POWERS. That was the opinion of Chief Justice Taney in the Dred Scott case, speaking for the whole court. Now, Judge Curtis said in his opinion:

> If, then, this clause does contain a power to legislate respecting the Territory, what are the limits to that power? To this I answer that in common with all the other legislative powers of Congress it finds limits in the express prohibitions of Congress not to do certain things; that in the exercise of the legislative power Congress can not pass an ex post facto law or bill of attainder, and so in respect to each of the other prohibitions contained in the Constitution.

Now, he was applying that to the Territory that was in question. Justice McLean says:

> In organizing the government of a Territory Congress is limited to means appropriate to the attainment of the constitutional object. No powers can be exercised which are prohibited by the Constitution or which are contrary to its spirit, so that, whether the object may be the protection of the persons and property of purchasers of the public lands or of communities who have been annexed to the Union by conquest or purchase, they are initiatory to the establishment of State governments, and no more power can be claimed or exercised than is necessary to the attainment of the end. This is the limitation of all the Federal powers.

This House has been deluged with legal decisions for the last week, and I do not propose to add any further burden in that behalf, merely saying that in addition to these cases are the cases of the Mormon Church *vs.* Utah (136 U. S.), Murphy *vs.* Ramsey (114 U. S.), National Bank *vs.* Yankton (101 U. S.), and Geofrey *vs.* Riggs (114 U. S.).

In the case of Geofrey against Riggs, in 114 U. S., the question arose under a treaty between this country and France. By one article of that treaty it was stipulated that citizens of France "in the United States" might inherit property, and a corresponding privilege was given to citizens of the United States in France. The question arose in the District of Columbia. The heirs of one of the parties that came within the scope of the treaty were claiming certain property in this District, and the question was whether the treaty by its language extended to the District of Columbia. Mr. Justice Field delivered the opinion of the court, and in the course of that he says that—

> Although the words "United States" are used, nevertheless the words are to be construed in a way to effectuate the purpose of the treaty, which was to give the people of the United States, wherever they dwell, the right and benefit that that treaty conferred, that they could inherit equally as well as if they lived in one of the States themselves, and so in that way State might mean and does mean under this treaty the District of Columbia.

Now, Mr. Chairman, the Constitution, as we have already seen, was ordained by the people for the United States of America; and the United States of America at that time contained thirteen organized States and a large area of territory known as the Northwest Territory, which belonged to the United States. Over this territory Congress was empowered to legislate. They might "make needful rules and regulations respecting the territory," etc. The power, then, to legislate over a Territory was given. By whom? Was it inherent in Congress? Who gave Congress that power? The Constitution of the United States.

Now, then, if they derive the power from the Constitution, do they not take that grant of power cum onere? Do they not take it fettered and restricted by the other conditions of the very instrument under which the grant of power is made? Most assuredly they do—always do. When, therefore, Congress undertakes to legislate for a Territory, they are exercising constitutional power; they are exerting the vigor of the Constitution; they are carrying a portion of sovereign power into a specific act; and in that way, and in no other, Congress may be said to legislate the Constitution into a Territory.

Why, we have heard something said here during this debate about Congress extending the Constitution over a Territory by legislative act. What do you mean by that? Has Congress any

power to give the Constitution effect and put it into operation anywhere outside the power that the Constitution itself prescribes? Can you say, "Be it enacted that the Constitution shall be extended over Ireland?" Does that carry it there? Not at all. The idea that Congress can legislate the Constitution into a Territory by specific enactment is, it seems to me, a fallacy; but I can understand what they mean. If they say that Congress can under the Constitution extend some of the powers granted by the Constitution, it may be that it at least carries the Constitution into that Territory; and it is only by force of legislative act in that way that you can extend your Constitution over a Territory.

Why, take the case referred to by my friend from Minnesota [Mr. TAWNEY]. He alluded to the admission of the State of Vermont, the first of the newborn States. The circumstances attending that admission were these: Vermont was an independent State, fully equipped with all the machinery of government—a governor, legislature, courts, mail routes, post-offices, and everything that an independent nation has. It was known as "the independent State of Vermont." It had fought its way to independence, the same as the colonies had theirs, but it was not one of the colonies, no part of any one of them. It set up housekeeping for itself, and it organized this new government, and so an act providing for its admission recites that—

Whereas the State of Vermont desires admission——

Mr. TAWNEY. The act for the admission of Vermont did not provide for the extension of the laws of the United States.

Mr. POWERS. I am coming to the point you make. The enabling act provides:

Whereas the State of Vermont—

Recognizing them as a State by name and calling them by name—

has petitioned for admission into the Union: Therefore,

Be it enacted, etc., That the State of Vermont be admitted into the Union.

Now, then, a day or two later, as my friend says, Congress did pass an act extending the laws of the United States to the State of Vermont so far as they were locally applicable. Now, I want to ask of my friend when did the Constitution get up there?

Mr. TAWNEY. When the State was admitted into the Union.

Mr. POWERS. Well, how; by force of its own vigor?

Mr. TAWNEY. By the fact that it had become a State of the Union.

Mr. POWERS. In its own proper vigor?

Mr. TAWNEY. Yes, sir.

Mr. POWERS. Did the legislative act have anything to do with it?

Mr. TAWNEY. No, sir; it only extended the laws of the United States to Vermont.

Mr. POWERS. What is the process, if my friend will kindly inform me, under which the Constitution gets there when it sets its proper vigor in motion?

Mr. TAWNEY. It went to the State of Vermont because the Constitution of the United States was adopted for the United States, and as soon as Vermont became a State the Constitution, of course, extended to that State without any Congressional enactment; but the laws which had previously been enacted for the United States, in the judgment of the men who made the Constitution, did not extend to the State of Vermont. The question, however, of whether the Constitution extends to a Territory is an entirely different question. When a State becomes a part of the United States, which is mentioned in the Constitution, the Constitution necessarily applies to that State.

Mr. POWERS. Let me submit to my friend and to the House whether this is not the logic of that proposition. When Congress passed its enabling act admitting Vermont into the Union——

Mr. TAWNEY. Right there will the gentleman allow me a suggestion? The State of Vermont was admitted by a little bit of a resolution of about six lines.

Mr. POWERS. Yes; it never took a great deal of work to get Vermont into the Union. [Laughter.]

Mr. WM. ALDEN SMITH. It would take a good deal to get her out.

Mr. POWERS. Let me inquire if this is not the logic of the proposition, that when Congress passed the enabling act admitting Vermont into the Union it was exercising its constitutional power?

Mr. TAWNEY. Yes.

Mr. POWERS. And the mere exercise of that power carried the Constitution into or over or upon the object of its exercise.

Mr. TAWNEY. It made Vermont a part of the United States, and the Constitution already adopted for the United States of course applied to the State of Vermont.

Mr. GAINES. Will the gentleman from Vermont allow me a question?

Mr. POWERS. My friend from Tennessee will have to excuse me. I have about all on this side of the House that I can attend to. [Laughter.]

Now, then, Mr. Chairman, as I said at the outset, I have no pride of opinion that will forbid my conversion to any different theory, if some gentleman will point out to me the fallacy of this reasoning. But if this reasoning be sound, it follows inexorably that wherever the American people, in the exercise of their constitutional power, plant the American flag, that act itself carries with it the Constitution of the United States, because that act itself is the exercise of the proper vigor of the Constitution and extends such vigor to the object of its exercise. The companionship of the flag and the Constitution is as inseparable as was that of Ruth and Naomi.

Mr. TAWNEY. Will the gentleman allow me a question right there?

Mr. POWERS. Certainly.

Mr. TAWNEY. He will admit that if that is so the men that made the Constitution must have so understood it; and if they did, why was it necessary for the men who made the Constitution and participated in the proceedings of the First Congress of the United States to enter into a solemn compact with the people inhabiting the Northwest Territory for the purpose of insuring to them all the fundamental rights in regard to personal liberty and property secured by the Constitution, if the Constitution already extended to the Northwest Territory?

Mr. POWERS. You mean by an act of Congress?

Mr. TAWNEY. Yes; by an act of Congress they entered into that solemn compact.

Mr. POWERS. Was it an act of Congress or an act of the Confederation?

Mr. TAWNEY. An act of Congress.

Mr. POWERS. After the adoption of the Constitution?

Mr. TAWNEY. The seventh act passed by the Congress of the United States.

Mr. WILLIAMS of Mississippi. He means the Congress of the United States reenacted the act of the Continental Congress.

Mr. POWERS. When the Constitution was adopted it superceded the Articles of Confederation. The Northwest Territory came to us before the Constitution was adopted, and the Congress of Confederation, without any power specified in those articles, proceeded to legislate over it. It raised the question in the minds of some people as to the power of the Congress of the Confederate States to legislate upon the subject for which at least no power had been delegated to them. For this reason new legislation was had. The Congress of Federation was an absolute despotism, so to speak. It combined all the executive, all the legislative, and all the judicial powers of the people, and there was no President, no court, except as they acted provisionally.

Mr. WILLIAMS of Mississippi. If the gentleman will permit me a suggestion right there, there was doubt upon another question, and that was whether a law of the Continental Congress was a law of the United States unless it was expressly reenacted. Now, the Continental Congress had made a solemn compact with the States of Virginia, New York, and Connecticut, and it was considered necessary, in order that it should be binding law on the United States, that it should be passed by the Congress of the United States.

Mr. TAWNEY. But, if the gentleman will pardon me, in reenacting the act they expressly negatived the idea that the right created by the act of the Constitution of the United States extended to the people of the Northwest Territory.

Mr. WILLIAMS of Mississippi. I think the gentleman——

Mr. POWERS. Mr. Chairman, I do not want to disturb the equilibrium of this situation in the least, but as long as I have the floor I shall have to ask my friends to postpone their little by-play until a more convenient season. [Laughter.] You must not imagine that because I am good-natured now I always shall be. [Laughter.]

Now, then, there is another little test I want to apply to the understanding of our people in and out of authority. I believe that in all the Territories of the United States——

[Here the hammer fell.]

Mr. McCALL. I ask unanimous consent that the gentleman from Vermont [Mr. POWERS] be granted fifteen minutes additional.

There was no objection.

Mr. POWERS. Now, in response to the courtesy of the House I must give notice that I can not possibly yield for interruptions. My time has been picked away from me in that manner already.

As I was saying, in every Territory of this Union—and I presume the same thing is true in Puerto Rico, though I can not aver it—every official is called upon to take an oath to support the Constitution of the United States. Why do such officers swear to support the Constitution if it does not apply to them? Why exact of them such an oath? Does not the exaction show that those in authority are in accord with the ancient notion that has come to us from a hundred years ago that the United States includes all territory over which the flag floats? It seems to me so.

I insist that all the power that this Congress has in the premises or in any premises is just so much as and no more than is conferred by the Constitution of the United States.

It has been urged here, as I have already observed, and I wish to return to the question, that Congress in legislating for territory has a plenary power. The gentleman from Pennsylvania [Mr. DALZELL] labored very ingeniously and very plausibly to convert me and others to the notion that plenary power was something outside of the Constitution—something beyond the Constitution.

Article I, section 1, of the Constitution provides:

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Now, the people were sovereigns. They parted, among other things, with their sovereign right to legislate. They declared that that right which they parted with should be vested in a Congress consisting of a Senate and House of Representatives. These two bodies are endowed with just so much legislative power as the Constitution conveys. In another article the instrument conveys the right to admit new States; under this provision Congress admitted Vermont and Texas and other States. Another provision conveys to Congress the right "to make rules and regulations for the government of the territory and other property belonging to the United States."

That clause has been held to mean, and, in fact, it should be held to mean, that Congress may legislate on the subjects named, because Congress can make no "rule or regulation" unless in the form of a legislative act. They do not prescribe a lot of by-laws, but they enact something in the ordinary form of law, and that is the only way they can make rules or regulations, and this is what they do in respect to the Territories.

The gentleman from Pennsylvania says that this is a plenary power. I agree that it is plenary to the extent of its scope. I agree that so far as the Constitution has conferred that power it is plenary. A better word would have been "exclusive." It is an exclusive power to legislate for the Territories. The provision, instead of authorizing Congress to make "needful rules and regulations," might just as well have read that "Congress shall have power to legislate." But if Congress has any power to legislate for a Territory other than or outside of or beyond what is conferred by the Constitution, will not some gentleman be kind enough to tell me where Congress derives any such authority? It is not inherent in Congress, because Congress itself is the creature of the Constitution.

Now, if Congress has plenary power, or whatever other name you may apply to it meaning power outside of the Constitution, it is due to us who are seeking light on this question that the Committee on Ways and Means should kindly inform us whence the origin of that power and when and where it was granted. Why, Mr. Chairman, this is the most dangerous proposition that was ever announced on the floor of Congress. If Congress has a power outside the Constitution it is the worst possible despotism that could be set up on American soil. Is this what the fathers of the Republic, when they framed that sacred instrument, contemplated? Did they suppose they were fashioning a government that should result in giving to the legislative body of the nation a power to do whatever it might please? Not at all, sir. They hedged these legislative provisions about with various safeguards and restrictions; they hedged about the powers of Congress more than any other powers conveyed by that instrument. The President of the United States can act within the scope of his jurisdiction, but his acts may be overturned by the Supreme Court.

The Congress of the United States are under a double check. First, the President may veto their action if they run wild, and, secondly, the courts may set it aside if they run wild. And the history of all free states shows that the dangerous element in a free state is the legislative element, not the executive element. In a monarchical state the danger is in the crown, in the executive authority; but in a free government the danger is in the exercise of undue legislative power, and that is the very reason why the President is given a veto over the action of Congress.

But, sir, I have dwelt long enough on this question—too long. I am well aware that I have not assisted the House in working out this question to a satisfactory conclusion. I confess that it has been very difficult for me to satisfy myself. But it seems to me that the bill violates the clause of the Constitution requiring uniformity in the imposition of duties, as it discriminates against Puerto Rico.

A great many years ago, in one of the workshops of one of the marble manufacturing establishments in my State—one of the largest in the country, if not in the world—I saw a piece of statuary which represented a giant in a sitting posture with his arms inclosed about the waist of a struggling maiden. With flowing hair, with frenzied eyes, with outstretched arms, she was trying to make her escape.

On inquiry of the artist, I was told the idea that he sought to represent; that the design was to picture science controlling electricity, and I thought it a most beautiful conception and most admirably and artistically worked out. There was this little, impatient, flashing, elusive element in nature entering into a desperate struggle to get beyond the bonds which held it and which were illustrated by the strong arm of the giant.

I have wondered, Mr. Chairman, whether that did not typify the situation that presents itself to us at the present time—the Federal Constitution with its strong right arm around the American Congress, that is struggling and stretching out its arms to wander at will, impatient in its restraint, but still firmly held by the restrictions and fetters that the Constitution imposes. That work was designed for a public building in Boston. Why not order a duplicate of it for Washington?

And while I do not profess to know anything as to the æsthetic taste of my friends on the Ways and Means Committee, I would suggest whether, instead of placing such a group in Statuary Hall, it would not be better for the righteousness of fiscal legislation to place it in the rooms of the Committee on Ways and Means. [Laughter and applause.]

This question of constitutional power is not to be the butt of ridicule, as some have tried to make it; it is vital that the Republican party, charged with legislation respecting our new possessions, should frame a policy that the courts will indorse. Otherwise the butt of ridicule will be turned to plague its authors.

Mr. Chairman, until this day nobody has ever held that Congress could go outside the Constitution and legislate upon any subject, at home or abroad. It is a new discovery, a new doctrine that is unsupported in reason, in logic, and in law. When the Constitution declares that duties must be uniform throughout the "United States," it plainly means "uniform"—at the same rate—in all places on American soil where duties can be levied, and the only answer that can be made to this proposition is that now insisted upon, namely, that outside the organized States Congress can put the Constitution behind them and act of its own free unhampered motion—that the Constitution does not extend to Puerto Rico, and so the people of Puerto Rico have no constitutional rights that white men are bound to respect. The question is not whether the Constitution extends to Puerto Rico, but whether it extends to Congress. If it does, then we are held to its observance whenever and wheresoever we exercise its power.

Puerto Rico is either American territory or foreign territory. It can not at one and the same time be both, nor can it be American for one purpose and foreign for another. It can not be American for purposes of government and foreign for purposes of plunder.

Mr. Chairman, I have thus tentatively expressed the reasons that lead me to the conviction that the proposed legislation is at least of doubtful constitutional validity. The long unquestionable opinion of the people, the views of the courts, and the language of the Constitution itself, all point in this direction.

I have done my duty by contributing my views to the common fund of debate—not, as I said at the outset, assuming to instruct, but hoping for light and inviting correction if in error. We have a tribunal organized for the express purpose of deciding all such questions. When that tribunal shall decide this one, I shall accept its decree as final, and certainly shall not seek escape for my logic by branding the decision as an obiter dictum.

But, sir, if the legislation is constitutional, the next question arises, is it expedient?

Whatever may have been the differences in the public mind touching the acquisition of foreign territory under the Spanish treaty, but little objection has been made to the acquisition of Puerto Rico.

Lying at the gateway of the Gulf, it will stand strategically as an outpost guarding Gulf ports and the entrance to the Isthmian Canal, now certain to be built.

In war, for which thoughtful nations will in time of peace prepare, such an outpost is a vital necessity as a home shelter for our own and a threatening menace to our enemies' fleet.

In time of peace it can be made, under proper tutelage, a constantly growing market for the surplus of our agricultural, manufacturing, and commercial industries. Its people are more susceptible to civilizing growth than most oppressed Spanish subjects. Its physical geography admits of promising material development. Its harbors are buttressed by impregnable natural defenses against the elements that beleaguer their anchorage. Its climate is healthful and inspiring and will permit American immigration.

Plant the little red schoolhouse on its slopes, open its doorways to unfettered commercial intercourse, send the schoolmaster and philanthropist to set up before its people the lofty ideals of American civilization, give them a hope rather than a dread, uplift rather than downtread them, inspire the belief that they are wards rather than slaves, and in the near future we may fondly hope that they will become educated enough, Christianized enough, and Americanized enough for home rule and free American citizenship. All this done, no reason of location or character or characteristics can long delay the admission of the "Pearl of the Antilles" as a State in the Union.

But treat them as a mere colonial dependency, as a legitimate

prey, as the victim of mercenary greed, so that the change of allegiance is at best a mere change of masters, and oppression, now as before, is the doom of these people, you eternally disgrace American statesmanship and by comparison make that of Spain respectable. Puerto Rico is American territory, under the American flag, and amenable to our sovereign authority. Upon principles of justice and fair dealing, as well as by our traditions and our unbroken policy, she should stand for consideration as all other territories have stood from the birth of our Constitution.

A large majority of our States are the outgrowth of territorial pupilage. No one of them has been taxed upon its imports or exports. This bill marks a new departure in our fiscal policy and must not be lightly considered nor hastily passed.

Free trade among ourselves is the bed rock upon which our dogma of protection rests. Our own markets must be free to every citizen who dwells on American soil. We create them; we protect them in peace and in war. We are taxed to support them, and thus have the right of free access to them. If strangers seek them, they must at least stand on no vantage ground over us. They must pay an equivalent that will equalize any economic advantage they may have or any economic disadvantage we suffer.

President McKinley, in his annual message sent to us in December, says that it is—

> Our plain duty to abolish all customs tariffs between the United States and Puerto Rico and give her products free access to our markets.

I prefer to stand with the President, who views the field from a higher standpoint than any of us. He advised our exchange of products with Puerto Rico without tribute on either hand. If Puerto Rico "belongs" to us or "appertains" to us or is "part" of us, how can we exact of her a tribute that we do not exact of any other of our "belongings," our "appurtenances," or our "parts?"

I heard a gentleman yesterday who advocates the taxation of Puerto Rico products as proposed by this bill say that under its provisions we were taking the part of the good Samaritan. If I recall the parable correctly, it seems to me that the committee is as far from the teachings of the parable as they are from the teachings of the Constitution.

Puerto Rico is the victim of thieves. She wants oil and wine, not taxation. She can recover from her wounds if she can get her food and necessaries of life without tribute. You propose to tax the breadstuffs, agricultural implements, boots and shoes, lumber, and every other of the necessaries of life that should enter Puerto Rico free. True, your tax is moderate, but any rate of duty is a burden. You send a cargo of these same necessaries to every other American port free. Where does the good Samaritan "come in" in this proceeding?

Our people desire new markets. Puerto Rico already is a buyer of our agricultural products. In 1896 out of a total of 173,678 barrels of wheat flour sent from the whole world to Puerto Rico the United States sent 157,359.

In the same year out of a total of hog products, comprising bacon, hams, pork, and lard, sent to Puerto Rico from the whole world amounting to 10,322,046 pounds the United States sent 10,220,477 pounds.

In less proportion but in large amounts we sent them beef products, potatoes, beans, pease, butter, cheese, wood manufactures, iron and steel manufactures, mineral oils, coal, cotton manufactures, paper, patent medicines, glassware, and so forth.

The character of our exports to the island indicates the wants of this people under the oppressive domination of Spain. It is easy to see how those wants will be multiplied under the uplifting conditions of American control.

Puerto Rico sends to us coffee, sugar, and tobacco. These exports represent practically all that the island raises, though oranges, bananas, and other tropical fruits can easily be made important exports.

We receive from the island exports that we want; we ship to the island products they want. It is, therefore, in the main an exchange of the necessaries of life, and according to the Republican faith such exchange, in normal times, should be effected without tax.

What excuse can you make to the farmer and the manufacturer, both of whom look upon our expansion of territory as promising them new customers for their products, when you tell them they must pay a duty on their shipments, while in every other American port their shipments go free? It would be wise politics to answer this question now rather than next October.

We have but one plain duty in the premises, and that is to legislate for this little island, about the size of Rhode Island and Delaware combined, on the basis of a broad charitable duty, to encourage and uplift them, and the bread that you cast upon the waters that wash its shores will speedily return, multiplied tenfold.

And in all acts of legislation, wherever it be applied, let it not be forgotten that the Constitution is the chart and compass that guides our action, and that it was not made for the straightened margin of the Atlantic coast, but for the millions of men that should people the vast expanse of our territory, for those that had already attained the full stature of American statehood, and for those who invade our unorganized domain to bring new States under its beneficient empire, and for those who have for three hundred years been doomed to a vassalage worse than slavery, and now, in the vicissitudes of war and under the blessing of Almighty God, have gladly, hopefully, and loyally invoked a better life and a higher civilization under a sovereignty which respects the rights of man. "Therefore all things whatsoever ye would that men should do to you, do ye even so to them: for this is the law and the prophets."

Much as I dislike to differ with a committee of this House upon a matter so serious as that now under consideration, yet, sir, I believe that our organic law commands and every impulse of the heart compels the defeat of this bill in its present form.

If the committee will modify its terms, or minimize its baneful effects, or limit its cruel exactions, I could with greater charity excuse them, but in its present form I shall never give it my support. [Loud applause.]

During the delivery of the foregoing remarks the following proceedings took place:

The CHAIRMAN. The time of the gentleman from Vermont has expired.

Mr. POWERS. Mr. Chairman, I ask unanimous consent that I may be permitted to print in the RECORD further remarks touching this question.

The CHAIRMAN. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. BROUSSARD. Mr. Chairman, it has been properly stated that this is the most important question ever called up for solution by any Congress. To my mind, the life of the Republic is involved in the principle underlying this bill; liberty is up for judgment; security and safety are threatened. If the contention of the majority of the Ways and Means Committee be correct, then suddenly, even as the chameleon changes his color, just so has the Republic been changed into an empire. But one post of safety lies beyond our present line; but one other post to be captured by the majority, and the surrender is assured. The Supreme Court alone can reverse the findings of this body, crazed by the glitter of empire into forgetfulness of the fundamental dogmas of republican government and of the religion of liberty. Did not my faith go to the wisdom and rectitude of that high tribunal, then indeed would my soul despair for the safety of the temple of liberty.

Believing as I do, that territory can not at one and the same time be in the Republic and out of it; that one can not at once be a citizen of the Republic and an alien to it; that Congress can not adopt a law establishing a religion in Puerto Rico, nor one preventing the free exercise thereof; nor for abridging the freedom of speech or of the press in that Territory; nor deny the rights of its people to assemble peaceably and petition the Government for a redress of grievances; nor infringe the right of the Puerto Rican people to keep and bear arms; nor to quarter any soldier in time of peace in any house on that island without the consent of the owner, nor in war but in accordance with law; nor to relieve from immunity the persons, houses, papers, and effects in that Territory from unreasonable seizure and search; nor provide to try a person in Puerto Rico for a capital or infamous crime except on presentment or indictment by a grand jury; nor for being twice put in jeopardy of limb or life; nor for compelling a witness to testify against himself; nor depriving him of life, liberty, or the pursuit of happiness without due process of law; nor for taking property for public use without just compensation; nor for depriving an accused of a speedy and public trial, or of trial by jury in the State and district wherein the crime shall have been committed; nor providing against being informed of the nature and cause of the accusation, and being confronted by the witnesses against him; nor depriving the accused of compulsory process for obtaining witnesses in his favor or deprived of the assistance of counsel; nor for the exaction of excessive bail, nor excessive fines; nor from cruel and unusual punishments; nor authorizing slavery and involuntary servitude, except as punishment for crime upon due conviction; nor for the enactment of any law impairing the obligation of contract; nor of passing any law denying or abridging the right to vote on account of race, color, or previous condition of servitude; nor of suspending the writ of habeas corpus in times of peace; nor for a bill of attainder; nor of passing an ex post facto law, etc., any more than of imposing a tax not uniform in its application throughout the Republic.

If this measure can become the law, then no restriction operates on Congress upon all of these matters, since they are, each and every one, prohibitions on Congress, and the power to disregard one of the restrictions is the power to disregard all of them.

I believe the spirit and the letter of the highest law of the land

impose these restrictions on Congress, and I shall never consent to legislate them away, nor confer these powers on myself as a member of this body, for I am firmly convinced God created no man good enough to govern his neighbor except within these restrictions. I could not subscribe to the doctrine involved in this measure without battering down my judgment, nor could I vote for it without committing a rape on my conscience.

I need quote no authority on this point, primarily, because the position is essentially self-evident and fundamental, and for the further reason that such authorities have been fully discussed by my colleagues who occupy this side of the controversy.

But if I did not entertain this opinion, I would still be precluded from voting for this measure by the inequalities of it and the wickedness of its scope. Taking that view of the matter, I shall show that this measure, even with the constitutional objection waived, is so bad as not to deserve the support of fair-minded men on this floor.

I desire, Mr. Chairman, to call the attention of the committee to the arguments of the gentleman from New York [Mr. PAYNE], chairman of the Ways and Means Committee and leader of the majority on the floor.

I take up his argument not as indication of favor to him, but because of his high position in this House, and as the head of the committee who framed this measure he necessarily has given much time and attention and thought to the subject, and his argument must be accepted as the essence of the reasons and wisdom impelling the committee's action.

I listened to his argument a few days since with every attention, and I have since read the speech, so as to make certain that I did not misunderstand either his language or his reasons or his conclusions.

I was indeed, Mr. Chairman, astounded at some of the statements made by the gentleman. I admit he has furnished me the best reason to oppose this measure, apart from the constitutional question involved, than any I have heard.

The burden of his task was to prove that there should be no internal-revenue tax in the island proper, and that we were in duty bound to find a market for the production of the island.

Here is the gentleman's argument on the first proposition:

> They manufacture there annually a million and a half gallons of rum. It is sold all over the island. It is a necessity of life, or they think so, for the poor people of that island. These million and a half gallons retail at from 25 to 40 cents a gallon. The internal-revenue tax upon that, under the law that we were about to extend, would amount to $1.20 a gallon. The price to these people would be multiplied by four. How could they get their rum? We were cutting it off.
>
> Well, now, some gentlemen may say they would be better off without the rum. I think that myself, that constitutionally and in the matter of laying up money they would be better off without the rum, but they have been used to it all their lives. They are poor people, and when a government comes along and arbitrarily cuts off rum from a community that has been accustomed to it, every man of whom wants it, why there is bound to be trouble, and there would have been trouble with those Puerto Ricans if we had passed that act in that way to cut off their supply of rum.

So the people could not stand the tax on their rum? Well, if they can not on rum, how can they on their flour and wearing apparel and their pork and their rice and their lumber? I pause for an answer. But the gentleman says the attempt to collect such a tax would bring on trouble. And pray, sir, who here fears trouble in the execution of the law?

Indeed, the gentleman has been metamorphosed a good deal since last I heard him. In the Philippines it was, Shoot them down if they resist arbitrary authority. In Puerto Rico the gentleman wishes us to be cautious not to legislate the Puerto Rican on an equality with the American, lest we may excite the ire of these people and trouble might follow. This statement is unworthy of the gentleman.

It is a slander on Puerto Ricans, for I believe as long as the duty devolves on Congress to legislate for them within the Constitution, they will always appreciate that they come into this great Republic not as favored by the law, but as persons entirely amenable to the law.

This internal-revenue tax would amount to $1,800,000 and would alone have afforded two-thirds of the necessary revenues to administer the affairs of the island. At the same time this legislation would be fair to the people there and here.

Now, Mr. Chairman, here is another idea of the gentleman. He says these people have lost their market by submitting to the United States. This is not true.

The gentleman says:

> The three principal items of export were coffee, sugar, and tobacco, in the order named. About 60 per cent of the total exports was coffee, about 20 per cent sugar, and about 5 per cent tobacco.

Coffee, then, is 60 per cent of their export. It was free into this country before the invasion of the island. It is free now. It will be free under this bill; so that at one fell stroke 60 per cent of their exports is eliminated from this discussion by the gentleman's statement. This bill, therefore, as to 60 per cent of exports, can neither improve the condition of the Puerto Rican nor injure him, no matter what its fate.

As to sugar, he says:

> Of sugar about three-fifths came to the United States and two-fifths went to Spain. That is about the proportion that has been exported to the two countries for the last ten years. Some of the time perhaps we got two thirds of it.

Sugar, then, is 20 per cent of his export trade. The Puerto Rican, despite the advantages Spain gave him, for at least ten years past has preferred—found it more advantageous—to ship from three-fifths to two-thirds of his sugar crop to the United States, preferring to pay the tax imposed on him by the Dingley law to the trade advantages Spain gave him. So that his condition is changed under the present order of things only from two-fifths to one-third of his sugar production, which formed 20 per cent of his exports. And, clearly, if he found it advantageous heretofore to ship two-thirds, why can he not ship the entire crop now under the same condition?

So that, when you come to sift down the argument of the gentleman from New York [Mr. PAYNE], you find that all the complaints of the gentleman—all the disasters, injustice, etc.—growing out of the transfer of this island, as he says, affects scarcely 20 per cent of his export trade of 17,000,000 pesos, or only 3,400,000 pesos of that trade is affected, at worst. As the gentleman has not enlightened the House on this 20 per cent, we have the right, and it would seem logical, to conclude that as to this 20 per cent he is no worse off than as to the balance.

The benefit conferred on the Puerto Rican is that you have relieved him from the annual Spanish tax of over 5,000,000 pesos—that is, of a tax of $3,000,000.

The gentleman says the sugar tax under the bill is borne by the people of Puerto Rico. I controvert the gentleman's position, and can even refute him by so high an authority as himself.

He contended in the discussion of this measure that we paid nothing when we returned the collections made on sugar and tobacco in our ports, that the money we collected was paid by the Puerto Rican, and when we returned him the money it was his own money we returned, for, as the gentleman says:

> That makes a pretty figure if you remit all that duty of $1.60 a hundred pounds, or $35.84 for a long ton, a total of $1,000,000 on the 45,000 tons that they will export to the United States this year. Suppose we take a quarter of that and give them three-fourths.
>
> Suppose we take $400,000, or rather give it into the hands of the President of the United States, in order to carry out the benevolent object of building roads and building schoolhouses for these Puerto Ricans; are we not dealing more generously with these whole people to do that—that is, to provide schools on the mountains and on the mountain sides, where the poor coffee planters are struggling along for an existence—than to give the whole of it to the sugar planters and let the schools go? [Applause.]

Again he says:

> So with tobacco. I find that the whole duty on their 4,000,000 pounds of tobacco, at 35 cents a pound, would amount to $1,400,000. We might give this to the tobacco planters, because on all these articles, gentlemen, make no mistake, the price of sugar and the price of tobacco is made in the United States, and they have to pay these duties to get into our markets. And if we remit the duty, we remit for them. Suppose we say, then, we will divide with these people; that we will give them $1,000,000 out of their duty on tobacco, and take $350,000 and add it to the revenues to come from these islands.

The gentleman takes the position that the tariff on sugar and tobacco is borne by the Puerto Ricans. He argues that if these articles are brought into this country under this bill they will pay a tax, paid exclusively by the Puerto Rican people, and therefore that we ought to pay the money back to them. Now, it happened that the gentleman some years ago, in the Fifty-first Congress, when the same question was pending before Congress and the McKinley bill was being discussed, when the question was to remit the entire tax upon sugar and to substitute for it a bounty of 2 cents a pound, the gentleman gave utterance to certain sentiments, and I want to compare them now with the sentiments uttered by him the other day as he addressed the House upon this question. He then said that the tax was being paid by the people of this country, and now he says that when we give back this money after having collected it we are only doing the thing which is right—to return the tax to those who have paid it. He said in the Fifty-first Congress:

> It appears that last year we imported sugar and molasses to the amount of 2,700,547,667 pounds, on which, including molasses, we paid duties amounting to $55,975,984.52.
>
> Now, in this instance the tariff was a tax and was added to the price which the consumer paid for the imported sugar. There is no mistake about that. No Republican has ever denied that. What we have said, and what we do maintain, is that where you can produce articles in this country in competition with imported articles and you impose a tariff duty, the price goes down, in some instances even below the amount of the duty, and in such a case the tax is not added to the price of the article and the tariff is not a tax.

Again, he said:

> Somebody, therefore, got the 2 cents a pound, which was the amount of the tariff, because, as I have said, in this instance the tariff is added to the cost of the commodity.

So that when the gentleman was making a speech for the repeal of the duty upon sugar he contended that the tax that was imposed upon sugar imported into this country was a tax which the sugar consumer paid and that the foreign producer paid none of it. The other day, when he undertook to show that the American people were giving nothing to the Puerto Rican people by transferring the revenues under this bill into the treasury of Puerto Rico, he took the position that the tax was being paid by the foreign producer, and therefore we lost nothing by giving this money back to the Puerto Rican people.

Now, I believe the gentleman was right in the Fifty-first Congress and wrong the other day; so, therefore, we relieve these people of $1,200,000 of duty and collect $400,000 on sugar paid by the consumer, and then give the $400,000 to them to build roads, schools, etc. And we relieve them of the additional sum of $1,000,000 of tariff and collect $350,000 on tobacco paid by the consumer, and then give the $350,000 to build roads, schools, etc.—$2,750,000 to secure the trade of a million people, or $2.75 per capita of the trade of $10,200,000.

Mr. HAWLEY. If the gentleman will pardon me, I should like to ask him a question.

Mr. BROUSSARD. Why, certainly.

Mr. HAWLEY. Do I understand you to contend that the money which is paid here in importing sugar from Puerto Rico is paid by the American people?

Mr. BROUSSARD. I not only say that, but I quote the authority of the chairman of the Committee on Ways and Means [Mr. PAYNE] in support of it. [Applause on the Democratic side.]

Mr. HAWLEY. I am not asking any higher authority than the gentleman who is addressing the House, and I desire to know of him now whether he believes that the importation of the sugar from Puerto Rico under this bill, taxed as it is 37½ cents per hundred pounds, or approximately that, will influence in any way the price of sugar in this market?

Mr. BROUSSARD. You mean just simply the Puerto Rican crop?

Mr. HAWLEY. I mean the Puerto Rican crop. That is what we are discussing.

Mr. BROUSSARD. I do not think it will affect the price of sugar at all, so far as the Puerto Rican crop is concerned; but if the policy that your party is adopting relative to this island is carried out as to the Philippines or Cuba, I believe we will not raise a pound of sugar in the country, either in Louisiana or in the North, where beet sugar is being raised. [Applause on the Democratic side.]

Mr. HAWLEY. Do I understand the gentleman to say that the price will not be affected and that the American people will not pay the tax which is levied in the import duty prescribed in this bill? That is the only question that I wanted to ask.

Mr. BROUSSARD. I object to being interrupted further, inasmuch as my time is very limited, but I will state to the gentleman upon this question that while I do not believe forty or fifty or a hundred thousand tons of sugar raised in the island of Puerto Rico can affect the price of sugar in this country, I still believe that when that sugar comes in here under that bill the tax that will be collected will be paid by the American people and given to the people of Puerto Rico. [Applause on the Democratic side.] I want to say right here that while I might under some circumstances favor a tariff that shall in some way protect American labor and American product, I shall never consent to a tariff that affords no protection, lays down the basis for the destruction of a great American industry, and does not put a cent in the Treasury of the United States.

Now, Mr. Chairman, upon this question of sugar. The entire output of the world in sugar is about 8,000,000 tons. Of that, 6,000,000 is beet sugar and 2,000,000 is cane sugar. We consume 2,000,000 tons. Of that amount we produce in the United States 250,000 tons of cane sugar and about 100,000 tons of beet sugar.

The following table shows the production of beet sugar in the United States:

	Tons.
New York	2,300
Illinois	3,000
Michigan	24,000
Minnesota	3,500
Nebraska	7,000
New Mexico	900
Colorado	1,000
Utah	9,000
Oregon	1,100
Washington	500
California	42,700
Total	95,000

The Hawaiian Islands produced last year 300,000 tons, and this year's crop is estimated to exceed that by 50 per cent. Puerto Rico can produce 150,000 tons and more, the Philippines certainly 500,000 tons, while Cuba's production since 1853 is as follows:

Year.	Tons.	Year.	Tons.	Year.	Tons.
1853	322,000	1869*	726,000	1885	631,000
1854	374,000	1870*	726,000	1886	731,723
1855	392,000	1871*	547,000	1887	646,578
1856	348,000	1872*	690,000	1888	656,719
1857	355,000	1873*	775,000	1889	560,333
1858	325,000	1874*	691,000	1890	632,368
1859	536,000	1875*	718,000	1891	816,980
1860	447,000	1876*	590,000	1892	976,960
1861	466,000	1877*	520,000	1893	815,894
1862	525,000	1878*	533,000	1894	1,054,214
1863	507,000	1879	670,000	1895	1,004,264
1864	575,000	1880	530,000	1896	†225,221
1865	620,000	1881	493,000	1897	†212,051
1866	612,000	1882	595,000	1898	†300,000
1867	597,000	1883	460,397		
1868	749,000	1884	558,937		

*During the ten years' war.
†Note decrease during the last war, thus exceeding just before the late revolution 1,000,000 tons.

Now, then, if we carry out the policy which I described a while ago to my friend from Texas [Mr. HAWLEY], and we take in all of these islands, what becomes of our home sugar? In Cuba there has been raised at one time in one year as much as 1,054,000 tons of sugar, or over one-half of the entire consumption of the American people of that article. We find that in Puerto Rico—the estimates are by gentlemen who came here representing the sugar interests before the Committee on Ways and Means—that while they have not produced more than 60,000 or 70,000 tons in any one year, that the capacity of the island for the cultivation of sugar perhaps exceeds 170,000 tons.

I find that to be the opinion, as I understand, of General Davis. We find in Hawaii that they produced last year 300,000 tons of sugar; and this year the production of sugar will increase by 50 per cent, due to the fact that Hawaii has been taken into this country and has the opportunities of the American market. We find that as to the Philippine Islands there is no estimate of the amount of production of sugar, but under the crude conditions prevailing they have produced there 500,000 tons, and in the Visayas alone 325,000 tons were produced in 1893, or more sugar than was raised last year in the State of Louisiana. So that the entire tonnage of sugar in all of those islands if added together will largely exceed the amount of sugar consumed by the American people. These islands have already demonstrated that fact. What their ultimate capacity for production is can not even be surmised, so immense is it.

Now, then, what is the result of such a policy? Let us compare the conditions under which sugar is produced there and here. Let us compare the yield per acre, the wages paid, the cost of production, and all of those things that enter into the cost of the production of sugar, and see how our people will fare under this policy.

In Puerto Rico we find this from the report of the Secretary of Agriculture, relating to the cost of labor in that island:

> I investigated the wage scale of the sugar, tobacco, and coffee industries, and these are the chief ones of the island. A great many boys from 10 to 15 years of age are employed. They get from 15 to 35 cents a day only. Spanish money, or from 9 to 18 cents, American money. The unskilled adult laborer receives from 35 to 63 cents, or an average over the island of 50 cents, Spanish money. This equals 30 cents, American money.

In Cuba I have no doubt the wages are the same as in Puerto Rico. In the Philippine Islands, I find from reading the book recommended to us by the gentleman from Mississippi [Mr. WILLIAMS], The Philippine Islands, by John Foreman, the following as the scale of wages paid in the islands:

Laborers (sugar making, three months), per week	$1.50
Laborers (by the year), per month	4.00
Overseers (by the year), per month	6.00
Machinists (sugar making), per month	30.00

Now, I want to compare this scale of wages with the wages paid in the sugar districts of our country. I understand that the wages paid in the beet-sugar districts are higher than those paid in Louisiana. The laborers in Louisiana receive 80 to 90 cents per day; during the sugar making a dollar per day; skilled laborers from $2 to $5 per day. And by skilled labor I do not merely mean mechanics, but all the men employed around the machinery in the refineries—men who have not been educated to any particular trade, but men who are able by efficiency to manage portions of the machinery. They get from $2 to $5 per day as against $1.50 per week in the Philippine Islands. The production of sugar per acre is found to be—

	Tons.
Puerto Rico	2
Hawaii	4 to 11
United States (beet)	1 to 1½
United States (cane)	1 to 1½

In the United States the planter of the sugar beet plants it from

the seed, and it costs a very small amount. In the sugar-cane district the planter is compelled to save one-third of every year's crop in order to make seed for the following year; so that he plants 3 acres of land in order to grind sugar off 2 acres, and therefore one-third of the expense incurred in cultivation of the crop is lost by the sugar planter, being used in seeding his crop for the succeeding year. In Puerto Rico we are informed that the planter has to renew his planting once in ten or even twenty years, and it is the same in Cuba and the Philippine Islands. In Hawaii planting is renewed every three or four years, but you must remember his yield is in many instances 10 and 11 tons of sugar per acre of cane. Now, if gentlemen will take this scale of wages paid in Louisiana and remember the fact that one-third of the crop raised has to be used for the setting out of the crop of the succeeding year, and then compare it with the fact that in the islands it may be that they will have only to do so every eight or ten years, you can see what difference it will amount to in the cost of wages. [Loud applause on the Democratic side.]

The whole logic of the situation, however, can be summed up better by comparison of cost of production in the United States and the cost on the islands. The cost of production in the United States is put by Professor Wiley, of the Agricultural Department, at 3½ cents per pound. The cost in Puerto Rico is put by Mr. Finlay, who appeared before the Committee on Ways and Means and is a Puerto Rican and a sugar planter of that island, as 2.1 cents per pound, a difference of nearly 1½ cents. In Cuba the estimate is the same as Puerto Rico, 2.1 cents. In the Philippines I have no estimates, but, judging from the scale of wages paid labor, I should think the production of sugar would not exceed the cost of 1½ cents per pound.

Then, again, the House will recall that under the McKinley tariff law sugar was on the free list, the American producer receiving from the Government 2 cents per pound bounty on his sugar. This did not affect the production of sugar in the Hawaiian Islands, though under that law it was competing with the bounty-fed German sugar, and the islands, at the time not being part of the United States, got none of the bounty. This proves conclusively our inability to compete with the island sugars—the Philippines, Puerto Rico, Cuba, and Hawaii. Annex the first three groups of islands as you have done with the last named, and as you are about to do with the second, and you at once destroy the sugar industry in this country. You destroy $100,000,000 invested in that industry in Louisiana alone, and you close down 33 beet-sugar factories now in operation in the West, the Northwest, and the North.

Mr. Oxnard, representing the beet-sugar industry, appeared before the Ways and Means Committee while this bill was under consideration by that committee. Mr. Hill appeared before the committee also. He appeared in the interest of the cane people. Both gentlemen agreed that what they most feared was the precedent the opening of our market to Puerto Rico would establish. Yet this bill is but the opening wedge, to be followed by the Philippines and then by Cuba.

As to the Philippines, I am justified in my assertion by the fact that every Republican who has spoken on the subject in either branch of Congress, and the President himself in his public utterances, have agreed to declare the Republican policy to be to retain the Philippines. That much of the policy of that party we know. If they are retained, under what condition will they be so retained? Can anyone doubt that, at best, if a tariff can be imposed as contemplated by this bill, it will only be at a 75 per cent reduction of the present tariff rates? Nay, is it not safe to assume that, inasmuch as the reasons urged for imposing the tariff in this bill is the impoverished condition of Puerto Rico and the people of that island, this tariff is only a temporary measure—only an emergency policy—but that eventually, and that soon, the sugars of Puerto Rico and later of the Philippines will be admitted here into free competition with our sugars?

I see that clearly—the end of this policy of expansion. Already members on the other side of the Chamber, only to-day, are suggesting that it is proper to limit the life of this bill, if it becomes law, and many are suggesting two years as the proper length of time for its operation.

As to Cuba, this bill can not be a precedent, to my mind; but my conclusions are not more comforting.

Listen to the recommendations of General Wilson, commanding military department of Matanzas and Santa Clara—the sugar bowl of Cuba—to the Adjutant-General of the Army:

2. For the free entry into each country of the natural and manufactured products of the other, under a common and uniform tariff, as against all other nations.

(If for any reason it should be found impracticable to adopt this provision in full, then there should be the greatest allowable reduction of duty on sugar, which is the principal crop of the island, and the one which requires the greatest possible concession.)

And the President, evidently taking his cue from this report, says:

The new Cuba yet to arise from the ashes of the past must needs be bound to us by ties of singular intimacy and strength if its enduring welfare is to be assured. Whether those ties shall be organic or conventional, the destinies of Cuba are in some rightful form and manner irrevocably linked with our own, but how and how far is for the future to determine in the ripeness of events.

There is the whole policy—whether those ties shall be organic (annexation) or conventional (by treaty). Either policy brings us disaster.

But perhaps it may be said that these conclusions are overdrawn. Let me see:

Under the Wilson tariff bill a duty of 40 per cent ad valorem was imposed on imported sugars. Sugar sold approximately at 2 cents per pound. This, therefore, was a duty of about $16 per ton. Under that law it was universally conceded by all who knew anything on the subject that sugar could not be produced in this country—at least, sugar-cane sugar—for beet was scarcely produced then.

The result of that law was financial disaster throughout the sugar districts, and plantations everywhere sold for a mere song. Ruin and insolvency and bankruptcy resulted.

The present duty is about $30 per ton. You propose to reduce this duty to 25 per cent of the present duty, or to $7.50. If sugar could not be produced with the duty at $16, it certainly can not be at $7.50.

No duty, and 25 per cent of the existing tariff law, will bring about the same disastrous condition in so far as the American producer is concerned—a worse condition than existed under the Wilson tariff.

RICE.

	1898.	1899.
	Pounds.	*Pounds.*
Consumption in the United States	480,000,000	No data.
Home production	190,000,000	300,000,000
Importation	190,000,000	204,000,000

Marketed production of rice in the United States from 1847 to 1898.

[Statistics Dan Talmage's Sons Co. Pounds cleaned. Figures each year for crop of preceding year.]

Year.	North and South Carolina.	Georgia.	Louisiana.	Total.
1847	93,488,800	22,043,400	----------	115,477,200
1848	81,381,000	21,081,600	----------	102,462,600
1849	96,751,200	22,408,800	----------	119,160,000
1850	86,662,600	25,575,200	----------	112,237,800
1851	81,414,600	21,361,200	----------	102,775,800
1852	81,776,400	23,957,400	----------	105,733,800
1853	84,188,400	18,279,000	----------	102,467,400
1854	82,981,800	18,448,800	----------	101,430,600
1855	64,150,200	6,721,866	----------	70,872,066
1856	85,662,000	17,944,200	----------	103,606,200
1857	83,043,000	16,521,600	----------	99,564,600
1858	89,436,600	18,807,000	----------	108,243,600
1859	93,667,800	22,625,400	----------	116,293,200
1860	96,516,000	21,369,000	----------	117,885,000
1861	82,171,200	21,429,000	1,679,000	106,279,200
1862	(1)	(1)	2,051,830	2,051,830
1863	(1)	(1)	2,086,280	2,086,280
1864	(1)	(1)	1,580,790	1,580,790
1865	2,471,400	(1)	2,269,180	4,740,580
1866	7,500,000	(1)	2,746,490	10,246,490
1867	12,018,600	8,429,200	4,706,720	25,154,720
1868	16,650,600	6,171,800	4,982,590	27,813,790
1869	23,428,200	10,720,800	9,502,910	43,651,910
1870	25,423,200	15,217,800	13,329,880	53,970,880
1871	25,800,000	15,000,000	14,088,880	54,888,880
1872	25,705,200	[2]6,750,000	[2]6,870,790	39,325,990
1873	28,344,000	11,924,400	12,007,380	52,275,780
1874	25,840,200	14,221,200	22,338,980	62,400,380
1875	28,360,800	13,002,600	26,450,000	67,813,400
1876	27,354,500	15,106,200	41,400,000	83,860,800
1877	28,940,400	16,087,800	41,630,000	86,628,200
1878	26,926,200	17,914,200	[2]32,882,000	77,732,400
1879	25,304,400	18,437,400	[2]37,772,000	81,513,800
1880	[3]38,252,400	24,344,400	25,000,000	85,596,800

Year.	North Carolina.	South Carolina.	Georgia.	Louisiana.	Total.
1881	5,160,000	30,052,200	24,715,200	51,941,590	111,868,990
1882	8,220,000	[2]30,815,200	[2]18,345,000	55,224,610	102,604,810
1883	7,128,000	[2]27,349,800	[2]18,457,200	47,150,000	99,985,000
1884	7,467,600	26,913,000	21,119,400	55,200,000	110,700,000
1885	8,202,900	32,366,730	22,902,000	46,000,000	109,561,630
1886	[2]5,250,000	30,398,700	[2]14,496,300	100,050,000	150,195,000
1887	9,000,000	32,395,800	19,973,700	94,300,000	155,669,500
1888	5,400,000	28,455,000	11,975,700	67,800,000	113,630,700
1889	6,131,500	26,637,300	13,709,400	81,250,000	124,733,200
1890	6,818,700	30,432,900	15,095,400	79,375,000	131,722,000
1891	7,650,000	28,275,000	13,125,000	87,750,000	136,800,000
1892	6,697,800	27,153,900	12,005,700	109,778,200	155,665,600
1893	6,818,400	33,250,500	15,078,000	182,400,000	237,546,900
1894	[3]3,937,500	[3]11,372,445	[3]8,688,015	[3]98,887,200	122,885,160
1895	4,000,000	22,364,800	[3]6,656,000	[3]76,800,000	109,820,800
1896	2,720,000	27,901,440	10,464,000	[4]127,600,000	168,685,440
1897	2,720,000	29,532,160	[2]8,727,040	[2]55,907,200	96,886,400
1898	2,080,000	28,395,200	10,181,760	[3][5]75,644,800	116,301,760
1899	2,560,000	23,054,720	3,584,000	107,792,000	136,990,720

[1] No report for North and South Carolina or Georgia—civil war.
[2] Harvest storms. [3] Drought during growing season in Louisiana.
[4] Unfavorable growing conditions. Large per cent of poor quality, and, because of exceptionally low values, devoted to feeding purposes, not reaching commercial channels. [5] Reduced acreage.

The following table shows the amounts of rice and rice products imported into the United States during the fiscal years from 1894 to 1899:

Year.	Rice.	Broken, etc.	Total.
	Pounds.	*Pounds.*	*Pounds.*
1894	86,810,536	55,351,281	140,161,820
1895	141,301,411	78,262,909	219,564,320
1896	78,190,373	68,534,273	146,724,646
1897	133,939,930	63,876,204	197,816,134
1898	129,810,630	60,474,685	190,285,315
1899	153,857,026	50,340,267	204,177,293

This last year we produced in the United States 300,000,000 pounds of rice, almost as much as the total consumption of the previous year and one-half of that year's consumption.

We have the authority of Prof. S. A. Knapp, the agricultural explorer of the Agricultural Department, who has, with his learning and usual business tact, made a thorough examination of the subject, that there are over 3,000,000 acres of land on the South Atlantic and Gulf coast adapted and available for rice culture, which, in his estimation, would produce twenty-five hundred million pounds of rice—many times our present consumption.

But as we surrender our market to Puerto Rico free of charge, and throw American labor and American products in unjust and unfair competition with the cheap production of the island, contributing with our money for her government, so do we likewise pay for the privilege of shipping American products to her people.

While we produce about one-half of the rice consumed in the United States, we at the same time produce a large quantity of second-grade rice, for which there is little or no market in this country—I mean broken rice. I am told by a well-informed and intelligent rice grower in my district that a great deal of that rice is a drug on the market, and sometimes has to be used as food for cattle. The American people are small consumers of rice, but they are particular, and use only the best grade. The Puerto Ricans, on the contrary, consume this second grade almost exclusively, Professor Knapp informs me. Now, here is a market for this rice. What do you propose to do with it? Tax it 25 per cent of the present tariff for the use of that market.

I am sorry the Monthly Summary of Commerce and Finances of the United States for November, 1899, has compiled together the statistics as to the trade of Puerto Rico and Cuba, or else I should have been pleased to furnish you with the figures.

Reducing the tariff on rice exported from here into Puerto Rico, 75 per cent appears a beneficent act to our American producers, but close scrutiny will reveal the falsity of this apparent boon.

The tax on rice as fixed by the Dingley law was intended to and did equalize the opportunities of the American producer with the foreign producer on the American market. Under it the foreign producer has found it advantageous to compete with the American in that market to the extent of one-half the total American consumption. There remained in October, 1899, rice in bond 11,159,641 pounds, showing more rice was imported than could be consumed. If the foreigner found no profit in this contest he would have retired from it. The moment you apply this status of the American market to the Puerto Rican market and burden the American producer with 50 cents per hundred pounds on his rice, do you not see—is it not patent—that you legislate the American producer entirely out of the Puerto Rican market and turn that market to the Japanese, Chinese, and Asiatic producer? Undoubtedly, for this cheap-labor producer has one-half a cent a pound the advantage of the American producer in that market.

Clearly, if the duty be the same in the United States and in Puerto Rico, as this measure provides, on foreign rice, and the American rice producer must pay half a cent a pound duty to go to Puerto Rico, the foreign producer will not ship a single pound of rice into this country until he shall have supplied the wants of the people of Puerto Rico, for he will have a half cent per pound in Puerto Rico the advantage over the American market, and consequently will undersell the American rice to an absolute certainty. Thus your bill, which appears to give the American people the benefits of the small trade of Puerto Rico, in fact deprives him of the main article of importation in that island, rice.

The Constitution forbids you to impose an export tax on American product, yet by an indirect method you here, in violation of that Constitution, propose to tax the rice producer, the lumber manufacturer, etc., for the privilege of doing business with a territory your boast is is American territory. Where will the end be? If this be your expansion, of which you prate so much; if this be your liberty following the flag; if this be your commerce following your conquests; if the sum and substance of your new creed be to tax the American people to support the people of the new territory of the United States; to build their schools and their roads at the expense of the American people; to surrender the American people's markets to the cheap competition of the peoples of these territories, and then to charge the American people before they can trade with the peoples of these new territories—then I say, God save the American people from your wisdom and your theories. The sooner the American producer and the American laborer understand the logic of your conclusions and the result of your expansion policy, the better for them.

But to return to rice. Mr. Chairman, again, another discrimination against the rice producer of Georgia, Louisiana, Texas, North and South Carolina is concealed in this apparently harmless measure. Rice does not compete alone with rice as a food stuff, but with every known cereal.

We export buckwheat, corn, corn meal, oats and oatmeal, rye and rye flour, wheat and flour in immense quantities, and send them to almost every port in the world. Despite that fact, a tax of from 25 cents per bushel to 25 per cent ad valorem is imposed on all these food stuffs by the Dingley law. On flour this tax is 25 per cent. As long as the tax was applied to the American market it was harmless; applied to the Puerto Rican market it operates a discrimination against the American rice producer.

Spain had a tariff on flour entering Puerto Rico of $4 per 93 kilograms (equivalent to about 200 pounds) and a consumption tax of $2.30 per 200 pounds, making $6.30 a barrel. The surrender of Puerto Rico to this country destroyed this tax. The application of your measure to the island substitutes for it 6½ per cent ad valorem duty and imposes upon rice a tax of 16 per cent. This is an unjust and unfair advantage given one American product needing no protection over one needing it.

There is, Mr. Chairman, no benefits anywhere to be derived from this measure to the American people. There is, Mr. Chairman, no justice under it for the American rice producer. There is, Mr. Chairman, no safety for the American sugar producer under this bill. Nor, indeed, from the would-be colonial policy of the Republican party. To that industry but one safe course is open. It lies in the Democratic policy of anti-expansion. It consists in carrying out the policy declared by Congress as to Cuba—to make her free and independent—and to apply the same policy to the Philippine Islands and carry out that policy, as under the Constitution we should do.

Believing, as I do, that this measure, if successful, is the beginning of the end of American sugar; that it will operate as an effective barrier to the sale of American rice in Puerto Rico; that the doctrine under which it is brought here is wrong and violative of the Constitution; that the only safety for the people I have the honor to represent here and their great industries, their prosperity and happiness, all unite in condemning the Republican party's policy of expansion, I am compelled to vote against this measure.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BROUSSARD. I would like to have more time, and I ask unanimous consent for five minutes.

Mr. DALY of New Jersey. I will have to object, because the gentleman from Massachusetts has been waiting for two days to get in.

Mr. BROUSSARD. I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. THAYER. Mr. Chairman, I propose, in the brief time allotted me, to present some suggestions for the consideration of the House on the present policy of this Administration toward the Philippines.

It will be remembered, Mr. Chairman, that we entered upon the late war with Spain for a single purpose, well understood, clearly defined, and forcibly stated in solemn resolution by the Congress of the United States, as follows:

> The United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island (Cuba) except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and the control of the island to its people.

And the purpose that was then declared was impliedly made in relation to all other Spanish possessions, and so accepted and understood, not only by the great body of our people, but by all other nations as well. It was to be a war for humanity's sake and not for conquest, plunder, or annexation. The sacrifice of life and treasure that would be involved in the struggle was to be a free-will offering to freedom and independence. The youth and valor of this country, actuated by American patriotism and America's high sense of justice and right, rose in their majesty and declared that Spain's coercion and subjugation of our neighboring people, seeking freedom and independence, should cease, and that liberty should not perish in our midst. Here was one of the grandest spectacles ever presented to man, compelling and receiving the admiration and respect of every liberty-loving nation on earth.

Soon after the war for humanity and liberty was actually begun, Admiral Dewey, for the purpose of capturing the Spanish

fleet, sailed into Manila Harbor and found in Manila the Filipinos in open revolt against Spanish sovereignty and Spanish dominion, and anxious and willing to become our allies in the war against Spain. They cooperated with us upon the theory that our enemy was their enemy. We gladly accepted their cooperation and furnished them with additional arms, that their assistance and cooperation might be the more effectual. While Dewey assaulted Manila by sea, at a time when he had not a soldier to embark for an army of occupation, the Filipinos besieged the city successfully by land. Their officers were in direct communication with our officers. They were our willing and accepted allies during the remainder of the campaign and until Spain sued for peace. Did we by word or act or suggestion, expressed or implied, intimate to these people that, having conquered Spain, we would then turn our attention to subjugating them, and while we had assisted them in casting off the yoke of bondage of Spain we would subject them to a like vassalage to ourselves? What had they, in all fairness, the right to expect from a powerful free Republic, which had entered into war with Spain for the expressed purpose of freeing a people seeking independence?

But greed cries aloud for commercial gain, and pictures the immense advantage to be derived from our possession in the Orient, and urges us to go in and possess ourselves of the Philippines. The siren voice of the tempter is heard drowning the voice of reason. The press, yes, and the pulpit, too, join in the wild babel of the imperialists in urging the gods of war, in the name and for the sake of commercial expansion and religion, to overpower and subdue these weak and unprotected inhabitants, that trade may be expanded and religion taught.

And so to-day the spectacle is presented of the youth, valor, and strength of the nation being used by the present Administration to conquer, subdue, and destroy the people of a nation whose greatest offense is that they are struggling for their independence, the same as Cuba was when we presented our kind offerings in her behalf.

What has wrought this great change in the American policy? A nation willing to intercede in behalf of a people struggling for independence to that extent that it voluntarily would wage war upon a friendly nation, that a weak and struggling people might obtain its independence, immediately afterwards waging a war for conquest and subjugation upon a weak and defenseless people struggling solely for independence.

How can these two policies so diametrically opposed to each other be accounted for? The American people are not fickle, unkind, or unjust; they are not unmindful of the just and limited powers of the Constitution, nor have they divorced themselves from the beneficent influences and principles of the Declaration of Independence. We need not look far for an explanation. The American people have never been permitted to pass upon this un-American policy and to affix their seal of disapprobation upon it, and should not now be held responsible for this great blunder and greater wrong. There has been a studied purpose on the part of the Republican Administration to keep even the representatives of the people, the Congress of the United States, from adopting and promulgating any policy toward the Philippines until a sufficient time had elapsed in which it could prepare and influence the people to accept this imperialistic policy, which a year ago was so abhorent to our people and so foreign to the traditions of our Republic. But the time has now come when the legally constituted authority for the establishment of the American policy toward the Filipinos should assert itself, regardless of any one man's desires, pride, or ambition.

Those who oppose this un-American, imperialistic policy have been accused by the camp followers and apologists of the present Administration of not being able or willing to propose a remedy for the evil which exists, and tantalizingly ask "if we would have them haul down the flag and our Army and Navy retreat in ignominy and shame?" The conspicuously able and, as I am told and believe, generally fair and generous gentleman from Illinois has been inoculated with the same virus and tarred with the same stick and gave vent the other day to the same sentiment when, facing this side of the Chamber with the air of one who is about to announce an argument that is unanswerable, he stated, "This bill appropriates $45,000,000 to sustain the Army for the balance of the fiscal year. If anybody wants to move to strike the appropriation out, here is the place and now the time." Others firing on the same line and prompted by a like sentiment have asserted that those who oppose the present policy of the Administration are "unpatriotic, disloyalists, and copperheads."

Mr. Chairman, there ought not to be, and I am confident there is not, a gentleman on this side of the House or on that side who would hesitate for an instant to vote munitions of war, supplies, and money, even should it take the last cent in the Treasury, to support the Army and Navy in defending the flag, wherever raised and wherever it floats. Those who think otherwise misjudge the American people of all parties and all sections of our country.

If the Spanish war had been a failure in everything else, as it was not a failure in anything, it would have been worth all it cost in treasure, in sacrifice, blood, and life in furnishing the opportunity it did for our Southern brethren to demonstrate to the world beyond a possibility of doubt their patriotism, their love of country, love of union, and devotion to the old flag. And it will require something more than the insinuations, innuendoes, the taunts, and jeers of a Republican partisanship to arraign the anti-imperialists as disloyalists, traitors, and copperheads.

President McKinley, in his message to Congress, states that—

> The future government of the Philippines rests with the Congress of the United States. Few graver responsibilities have ever been confided to us. Until Congress shall have made known the formal expression of its will I shall use the authority vested in me by the Constitution and the statutes to uphold the sovereignty of the United States in those distant islands.

Our attention is thus directed to our duty, and the President is relieved of further responsibility of our policy toward the Philippines.

We should not permit ourselves to shirk the responsibility which the law has imposed upon us. Here is the place and now the opportunity to proclaim to the world, emphatically and free from equivocations or doubt, the policy of our Government toward the Philippine Islands and their inhabitants, namely, "That it is not the purpose of this Government to deprive the people of the Philippine Islands of their independence and right of self-government, and as soon as they will lay down their arms and acknowledge and accept our supremacy they may establish a republican form of government and declare their independence, and we will protect them against the aggressions of the powers of the world." [Applause on the Democratic side.] Let this policy of our Government be announced, and not another shot will be fired nor another life sacrificed.

And, too, Mr. Chairman, we are not ashamed of the company we keep. In all matters pertaining to the welfare of our country, the prosperity of our people, and the perpetuation and protection of our republican institutions we prefer the counsel and advice of Boutwell, HOAR, HALE, and Fuller to that of HANNA, PLATT, QUAY, and BEVERIDGE. [Applause on the Democratic side.]

We need make no apologies for our cause or for our conduct, nor do we come with bowed heads and trembling hearts to seek pardon from the crowned heads of Europe—or the would-be crowned heads of America—but to assert our allegiance, our loyalty, and our love for the grandest and noblest country that the sun meets in his coming, and the purest, wisest, and most beneficent Government vouchsafed to a people. We come not to destroy but to defend and protect the liberties of the people at home and abroad and to sound the note of warning lest there shall be a betrayal of this great trust of popular government which was confided to our hands or any infringement upon the high ideals of honor, equality, and freedom, and to beseech those actuated by an all-consuming desire for patronage and power to halt before any ill-advised step shall be taken which shall bedim the glory of that brightest gem in the coronet of nations.

Consider the birth, the development, the achievements, the glory of the independent American Republic, and ask yourselves, the proud possessors of this rich inheritance to which I have referred, and mindful of the sacred memories of the fathers, if we can afford to refuse to 10,000,000 people, heretofore friendly to us, struggling solely for their liberty and independence, to at least try the experiment. When they ask bread, shall we give them a stone? When they plead for liberty and independence, shall we refuse it and compel them by an overpowering force to become our subjects and our political slaves? God forbid!

But, says the imperialist, your premises are false. The present conditions that prevail in our relations with the Philippines makes the present situation an exception to what otherwise would be willingly agreed to. These people and these islands are ours; we have bought and paid for them twenty millions of money. They have been ceded to us by Spain. They are insurrectionists. They have fired on the flag. They are incapaple of self-government, and should we leave them to themselves other powers would come in and possess themselves of this territory and these people.

This is the excuse and this the defense. I join issue upon these statements, and purpose briefly to consider some of the conditions and see in how far the facts will sustain the claim.

After victory had crowned our arms at Santiago in the war with Spain, terms of peace were to be agreed to and a commission was sent to formulate the plans and terms. Spain, while she had shown herself lamentably weak and impotent in war, showed herself bright and strong in diplomacy. At the meeting of the representatives of the two powers there was a willing seller and a willing buyer, conditions most favorable for a trade, and our commissioners, acting under the specific directions from the mansion located at the other end of the avenue, "to be sure, in agreeing upon the terms of peace, to get at least Luzon," were ready buyers and the shrewd Spanish diplomats palmed off on America's peace commission, for $20,000,000 of gold, her paper sovereignty of the Philippines.

Will some one please inform the American people what in reality

we received for our $20,000,000 of gold? Spain had no sovereignty over the Philippines to sell, cede, or give away. The Philippines consist of 1,000 islands, inhabited by 10,000,000 people. Sovereignty is defined by the combined experience of the great lexicographers to be "the original, absolute, and universal power by which all persons and things in a state are controlled and governed." In the light of this definition and measured by this standard, Spain never had any sovereignty over any part of the Philippine Islands, except the city of Manila and the territory around the city not exceeding 20 miles into the country, and perhaps a few other small cities; and even here almost continually the authority, the possession, and the control of Spain were denied and opposed. All the other territory and people of the Philippine Islands were substantially free and independent of Spain's claim of sovereignty and control.

What, then, I ask again, did we get from Spain for our $20,000,000 of money? I will tell you, Mr. Chairman, what we got. We got an excuse and a miserable pretext to conquer, coerce, and subjugate to our will 10,000,000 people, and that is about all we did get.

The vendor of property, real or personal, can convey no better title than he has, and in order to have a sale there must be not only an agreement upon the price and the money paid, but there must be a delivery. The grantor must be in possession of the thing sold. Spain was not in possession or control of a single square mile of the Philippine Islands when the terms of the treaty were agreed upon and the attempt to cede the islands made. The Spanish fleet at Manila had been annihilated and the Spanish forces bottled up in Manila by the combined efforts of Dewey by sea and Aguinaldo by land, and Spain found herself totally incapacitated and powerless to exercise the least semblance of authority or prerogative even in Manila herself.

By what authority, then, does the young silver-tongued orator from Indiana, the well-recognized mouthpiece of the present Administration on the Philippine question, declare that "the Philippines are ours, and ours forever?" Not, Mr. Chairman, until we secure them by conquest as the legitimate plunder of war. At present there is a cloud upon our title, and one which can not easily be removed.

Had I the time, I should be pleased to call the attention of this House to the conditions which prevailed at the beginning of the outbreak between the two armies, and to the coincidence that the first gun was fired just before the vote on the ratification of the peace treaty was to be taken in the United States Senate. Suffice it to be said that when two belligerents are found with their coats off, sleeves rolled up, and facing each other in a threatening attitude, it makes little difference, in determining who commenced the fight, to know who gets in the first blow.

We are told by the imperialists that through all these years the American people have been groping in darkness and error in their interpretation of the language of the Declaration of Independence; that "man's inalienable rights are the pursuit of happiness, and to secure these rights governments are established among men, deriving their just powers from the consent of the governed;" that this language does not mean that government must have the consent of the governed; that this is too broad a statement; that the statement goes no further than to mean that governments should have the consent of some of the governed, not stating whether it is any considerable portion or not.

And so they would have you infer if they can find a limited number of Filipinos who are willing to consent to our form of government, we are justified under their interpolation of the Declaration of Independence in imposing upon the remainder of that people our form of government, and cite in confirmation of their interpretation the fact that the Indian whom we have had in our midst these many years have not consented to our form of government. They might have added with equal propriety and further illustration of their contention every convict serving a sentence in our penitentiaries. That is an argument of the new school of statesmen intrusted with the duties and responsibilities of legislators.

And so when you find a class of people who do not understand or will not accept our form of government or are not capable of understanding it, then we are under no obligation to get their assent to it, but are at liberty and justified under the Declaration of Independence to impose upon such people the form of government we may choose, regardless of their consent or objection, making the sovereign dominant power sole arbiter and judge of the capability, wishes, and rights of the weaker nation or people.

Something like this was the announcement of the arrogant and imperious Briton a little more than a century ago to her weak, struggling, liberty-loving American colonists, and out of and following that announcement a little unpleasantness occurred between the dictator and the objector, with the result that declaration was made to all the world that the foundation and base upon which the great superstruction of the American Republic was to be built was "That man had an inalienable right to life, liberty, and the pursuit of happiness, and that to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed."

That declaration, through all our history for more than a hundred years, has been accepted, cherished and worshiped by a grateful, intelligent, prosperous, and liberty-loving people, until an excuse for an injustice done or to be done a weak and struggling people was needed. Then, and not till then, were raised up the latter-day statesmen, wiser in their own conceptions than those who penned the immortal Declaration itself and those who framed the Constitution, wiser than the long line of jurists and statesmen who have come and gone before—the Jeffersons, the Calhouns, the Sumners, the Lincolns—and aping the arrogance and injustice of imperial Briton a hundred years ago, defiantly proclaim through their chosen mouthpiece, the gifted and eloquent phrase maker from Indiana, from his high place in the Senate of the United States, in substance, that the weak and struggling Filipinos, 7,000 miles away, in their chosen homes, have no rights of self-government which the American people, intoxicated with greed and hope of gain, are bound to respect, and, overpowered by the iron heel of the victorious conquerors, must become the subjects and political slaves of the American people. And that people too who sprung from the loins of those who stood at Concord Bridge and Bunker Hill, at Yorktown and Valley Forge, that they might enjoy and transmit intact and unimpaired to their children and their children's children, to the last moment of recorded time, the principles and sentiments recorded in the immortal Declaration of Independence, shall deny the right of self-government to a prostrate people, pleading for liberty and independence.

These same expounders of the Constitution and interpreters of the Declaration of Independence have also discovered that when we are considering the great right of self-government we are to be confined exclusively to Anglo-Saxon self-government and to our own peculiar form of Government; that if a people should propose a republican form of government differing from our own form of Anglo-Saxon government, in such a case to that people the Declaration would not be applicable. Having arrived at this conclusion by processes of reasoning best suited to their own purposes, they see their way clear to deny to the Filipinos the right of self-government and keep within the new applied doctrine of the Declaration of Independence. But it should be borne in mind that they reach this much desired conclusion, not by argument from evidence and facts, but by the simple assertion that the Filipinos are not capable of self-government, the Anglo-Saxon kind of self-government. To use the language of the able gentleman from Indiana:

> It is barely possible that 1,000 men in all the archipelago are capable of self-government in the Anglo-Saxon sense. My own belief is that there are not 100 men among them who comprehend what Anglo-Saxon self-government even means, and there are more than 5,000,000 people to be governed.

Now, by what authority does the honorable gentleman assert that the inhabitants of the Philippine Islands are incapable of self-government? When was the crucial test applied? When were the people of those islands permitted to demonstrate the truth or the falsity of these assertions?

One takes upon himself grave responsibility when he unqualifiedly declares that a people of 10,000,000 souls, inhabiting a country by themselves for three hundred years, attending to their own wants in their chosen way, and anxious to establish their independence of all the world, are incapable of self-government. Let us calmly and dispassionately consider some of the facts and evidence bearing upon this question, that we may the better judge of the reliance we should place in the statements of those who assert, without producing evidence, the incapacity of these people for self-government.

Admiral Dewey, whose opportunity for observation of the condition of these people has been great, vouches for their ability, and says:

> They are far superior in their intelligence and more capable of self-government than the Cubans.

This statement was made June 23, 1898. Two months later, in a letter dated August 29, he referred the War Department to his former expressed opinion and added:

> Further intercourse with them has confirmed me in this opinion.

And it is asserted upon the authority of those who have made the matter a study, and from the meager statistics at hand, that one-half the people of these islands are so far educated as to be able to read and write the language of their respective provinces; to build churches and schoolhouses, some of which have been supported and maintained for more than two hundred years; to establish normal schools, nautical schools, agricultural schools, schools of the arts and trades, schools of painting, geological seminaries, military academies, and other colleges and institutions of learning.

Upon the best of authority it is asserted that this people are so far advanced as to be able to build bridges and fortifications, and

are skilled in the science and tactics of war; that they are temperate, frugal, and fairly industrious, considering that they live in a country where the necessities of life are bestowed by nature's lavish hand to a degree that is equaled in few countries and exceeded in none; that they are a people capable of raising and equipping a standing army, with skilled officers and effective appliances—in short, sufficient with the American forces to defeat and put to rout the military force of Spain; to adopt a constitution and a crude form of republican government, and maintain the same for a substantial length of time, the constitution which they adopted comparing very favorably with those of the South American republics and well adapted to the conditions which existed among them.

All these statements are facts for the proof of which there is an abundance of testimony, not only from our generals, Anderson, Merritt, and Otis—unbiased American officers—but from such creditable witnesses as Naval Cadet Leonard R. Sargent and Paymaster W. B. Wilcox, of the United States Navy, who, with the permission of General Otis, made tours of inspection and observation through the islands themselves, spending more than ten months of time on the islands. These were men who went not for the purpose of seeking some evidence to support their preconceived opinions of the incapacity of the Filipinos for self-government, but for the sole purpose of impartially ascertaining the facts of the real status and condition of these people.

But let us go further, Mr. Chairman, and summons witnesses and authorities which no one can question, that we may fairly consider what weight, if any, should be given to the charge by the imperialists that this people are not capable of self-government. No one will question the authority of our Secretary of the Interior. We find, on the authority of the annual report of the Department of the Interior, House Document No. 5 of the Fifty-fifth Congress, that the College of Santo Tomas was founded in 1611, courses and faculties were organized in 1870, with the title of the University of the Philippines; it had 581 students in 1845, and in 1856 nearly 1,000, and that the total number graduated from this one college is 11,000; that there were four colleges and seminaries in Luzon, Cebu, and Iloilo, with an attendance in 1885 of 1,580 male and 400 female pupils. Good observers state the aptitude of the natives for instruction; that nearly all the Tagalos can read and write. The best educated are without doubt those who, having studied at the University of Santo Tomas, have become lawyers. Among them can be found advocates worthy to be compared with the most celebrated in Spain.

The military music of the garrisons at Manila and the large towns of the provinces is carried on to an astonishing degree of perfection, so that there is nothing better at Madrid. In the provinces every village has its public school, in which instruction is obligatory. In 1890 there were 1,016 schools for boys and 592 for girls in the archipelago, with an attendance of 98,761 boys and 78,352 girls. Mr. Alexander A. Webb, United States consul at Manila in 1891, states that the general government appropriated $404,731.50 for schools in 1890, of which sum normal schools received $10,520. In 1890 the school of art and science was established in Manila. In the school are taught languages, bookkeeping, higher mathematics, chemistry, natural history, mechanics, political economy, mercantile and industrial legislation, drawing, modeling, wood carving, and all the trades. And lastly the Philippine Commission, in its recent report to the President, referring to what disposition shall be made of the Philippines, recommend that they shall be treated as a "first-class territory," with all the powers of local self-government except the power to vote in either branch of Congress," thus conceding their ability for self-government and refuting the proposition that there is need of our interference to protect them from anarchy.

In the light of all this evidence and these facts, and in spite of them, the sweet singer of the Wabash publicly proclaims that these people are incapable of self-government. The Anglo-Saxon kind, Mr. Chairman, the only kind the new school in politics teaches was intended in the Declaration of Independence.

Why are these statements so recklessly made? It is that an excuse may be offered to deprive this people of their inalienable, God-given right of self-government.

In making the above statements and producing the evidence and authorities for their verification, I wish it to be distinctly understood that I am speaking of the Filipinos as a whole. The above conditions do not prevail in all the islands alike. There are many islands and many places where the inhabitants are uncivilized, barbarous, and but little removed from savagery. The number of this class in all the islands of the archipelago may equal nearly one-third of the entire population of the islands.

A fair estimate of the population of the islands would be that one-third of the people are educated, intelligent, and industrious; one-third educated to a very limited extent, as evidenced by their ability to read and write their own language, and are employed in the industries of their several island provinces sufficiently to procure a scanty livelihood; the other third are in a half-civilized condition, living in indolence, squalor, and superstition.

But if this is the condition of the Filipinos in their entirety, who shall say that they are not, as a people, capable of self-government? Because one-third are indolent, shiftless, irresponsible people, shall the other two-thirds be deprived of the right of self-government if they are willing and anxious to try the experiment?

We might, with equal propriety, deny to many people of the States south of the Mason-Dixon line the right of independence and self-government because a majority of the population were formerly slaves and are now ignorant, indolent, and unsuited and absolutely unfit for self-government if left by themselves. Do you establish as the standard of the capability of a people for self-government that every one of the people must be capable of understanding and appreciating the process, authority, power, and effect of government? Or rather is it not the result of the combination of the civilized and the uncivilized, the intelligent and the unintelligent, the educated and the ignorant, the good and the bad, that the general average of the whole in intelligence and moral attainments may be ascertained? And if this latter is the true test, who shall say, in the light of the undisputed and indisputable facts as to the condition of the inhabitants of the Philippine Islands, that they are not fit to at least make the experiment of self-government?

At Chicago, in October, 1899, Mr. McKinley asserted that—

> The war with Spain was undertaken not that the United States should increase its territory, but that the oppression at our very doors should be stopped. This noble sentiment must continue to animate us, and we must give to the world the full demonstration of our purpose.

It would seem, then, that oppression is to be stopped when within a hundred miles of our doors, but when found 7,000 miles away must be enforced by us. Mr. Chairman, for the purpose of showing what heretofore has been the accepted meaning of the Declaration of Independence, I propose to make a few quotations. Hamilton said in 1775:

> The words "governments derive their just powers from the consent of the governed" are sacred words, full of life-giving energy. Not simply national independence was here proclaimed, but also the primal rights of all mankind.

The great Republican party in 1860 declared in its national platform:

> That the maintenance of the principles promulgated in the Declaration of Independence that governments are instituted among men deriving their just powers from the consent of the governed is essential to the preservation of our republican institutions.

And Mr. McKinley in 1890 at the New England Society dinner in New York, emphasizing further this accepted interpretation, declared that—

> Human rights and constitutional privileges must not be forgotten in the race for wealth and commercial supremacy. The government by the people must be by the people and not a few of the people. It must rest upon the free consent of the governed and of all the governed. Power, it must be remembered, which is secured by oppression, or usurpation, or by any form of injustice is soon dethroned.

Politicians ought to have good and retentive memories.

What irony is contained in these words in view of the present policy of this Administration! Again, listen to the words of Webster in his speech on Kossuth:

> This sentiment of country is an affection not only for the soil on which we were born, it not only appertains to our parents and sisters, brothers and friends, but our habits and institutions and the government of that country in all respects. We may talk of it as we please, but there is nothing that satisfies the human mind in an enlightened age unless man is governed by his own country and the institutions of his own government. No matter how easy may be the yoke of a foreign power, no matter how lightly it sits upon his shoulders, if it is not imposed by the voice of his own nation and of his own country, he will not, can not, and he means not to be happy under this burden.

Again, hear the words of Abraham Lincoln. Speaking of those who drafted the Declaration of Independence, he says:

> Wise men as they were, they knew the tendency of prosperity to breed tyrants, and so they established these great self-evident truths, that when in the distant future some man, some faction, some interest should set up the doctrine that none but the rich men, or none but white men, or none but Anglo-Saxon white men were entitled to liberty and the pursuit of happiness, their posterity might look up again to the Declaration of Independence and take courage to renew the battle which their fathers began.

But, Mr. Chairman, do we fully appreciate the ultimate force and effect of our denying the doctrine of self-government to the Filipinos? This Republic is still in its infancy, as it were; its span is but little past a century. Other republics have risen and flourished for a time, but insatiate greed for power and conquest, to be obtained, if needs be, at the expense of denying to others their just rights, have caused these republics to crumble and decay. The serious question for the people of this country to consider is what effect an imperial policy will have upon ourselves if we permit it to be established. The welfare of the Philippines is but an incident in the proposed departure from fundamental American principles.

History shows that a nation built upon force rests upon insecure foundations, but a nation built upon the doctrine of self-government and administered upon the doctrine of equal rights to all and special privileges to none rests upon a solid basis and need never die. Our American Republic was founded upon the eternal principles of liberty, equality, self-government, and the

consent of the governed, and to this day has been administered strictly along these lines and in accordance with these principles.

The moment we deny these rights and principles to the Filipinos we lower the standard at home and endanger self-government in the United States.

But what, Mr. Chairman, will be the effect of bringing into competition with our honest, skilled, and Christianized labor the cheap, unintelligent, and, as it were, serf labor of 10,000,000 people? We have been, and are now, considering what further legislation can be had to protect the American laborer against the influx of labor from foreign countries. If it is necessary, in order to protect the labor of this country, to exclude the comparatively intelligent labor of Europe demanding entrance to our ports, what shall be said of the purpose to place in competition with the labor of this country, directly and indirectly, the cheap, unintelligent labor and brute force of 10,000,000 people? For it must be conceded that if you are to conquer and captivate this people, making them subjects, and hold the islands as merely territorial acquisitions, then, if you pay any respect to constitutional law, precedent, and right, the labor and products of the Philippines will be upon equal terms and free competition with the labor and products of the United States.

If the Filipinos are to become citizens of the American territory there is no just power on earth known to men which can prevent them from visiting their American cousins whenever and wherever they please and participating and sharing in American employment, any denial of this proposition to the contrary notwithstanding. And it will need something more convincing than the simple assertion by one who has spent a few weeks in the Philippines collecting data to sustain his radical, preconceived ideas of this people to convince our wage-earners of the correctness of the following euphonious assertion of the gentleman from Indiana, namely, that—

> Nothing could beguile, no force compel, these children of indolence to leave their thrilling lives for the fierce and fervid industry of high-wrought Americans.

He knows that the same assertion might with equal propriety a few years ago have been made concerning the Chinese whose coming since has been such a menace to our people that we have been obliged to resort to national legislation to prohibit their immigration. But even if the Filipinos should not immigrate here, still our labor would not be free from their baneful influence. The moneyed interests of soulless trusts and combines would invest capital where they could procure the cheapest labor, and manufactories would spring up in the Philippines with just sufficient skilled labor to superintend and direct the unskilled labor of the many natives, who would be employed at 25 cents per day, and the product thus secured would be placed on the counters and sales rooms in San Francisco, Chicago, New York, and Boston, to be sold in direct competition with the product of labor here, with the inevitable result that wages would be decreased or manufactories stopped altogether in those industries which come into competition with those which would spring up in the Philippines.

We frequently hear of "the imperial destiny of the Republic." In fact we are referred to "destiny and Providence," in these turbulent times, far more frequently than has been wont during the last hundred years, when speaking of secular things. This is but an impious attempt to rid ourselves of the just fruits of our blunders and incompetency.

Mr. Chairman, the bell that rings out the announcement of the American empire will at the same fell stroke sound the death knell of the American Republic. Imperialism, surrounded by all the pomp, power, and prestige of war and conquest, can not consort with the unostentatious simplicity and virtue of the Puritan Republic.

History records the warning fact that all along the pathway of nations are found wrecks of republics which in their eagerness and ambition sought imperial power and dominion. The sad fate of the republic of Greece, once safe, strong, and powerful, should admonish us with the solemn warning of her fate. The insatiate greed for wealth and for empire of the world flourished for a season, but a just God, who rules over the destinies of nations as He does over the destinies of man, prescribed the limits. Rome fell because she had undertaken to deprive other nations of their freedom and their right of self-government. Spain, once the richest and most powerful Kingdom in all Europe, through her greed for power and prestige to extend her possession throughout the world by colonial expansion, hypocritically proclaiming that she was but following the way that "destiny" led that she might civilize the savages of the Philippines, among others that she coveted, and borrowing the livery of heaven to serve the devil in under the form of colonial government, inflicted serfdom and slavery upon the native people. Her humiliation followed as a just retribution, and to-day Spain presents the sad spectacle of being the poorest, the weakest, and most despised nation in all Europe.

The honorable gentleman from Pennsylvania, seeing and appreciating the force of the argument against annexation for want of contiguity of territory, in contradistinction to the conditions which prevailed in the annexation of nearly all the provinces we have heretofore annexed, Florida, Louisiana, Texas, and the rest, makes use of a somewhat original and unique device. He summons to his aid the modern and improved methods of travel and communications, which have tended to annihilate space and time, and without attempting to answer the serious and potent objections to the annexation of a foreign and outlying and disconnected province, 7,000 miles from our nearest shore, in another clime, its inhabitants unchristianized Mohammedans in a large degree, speaking foreign languages, and adverse to our social, political, and American traditions, cites, as if in satisfactory explanation to these objections the time necessarily spent in the primitive methods of transportation formerly to and from one State to another or from the seat of Government to the then possession to be acquired.

As if this was an answer to the grave objections of going outside and away from the continent to attack islands in the Pacific Ocean which were never intended in the economy of nature to be united or attached to the American Continent, and which will require a greater navy and army for their protection and defense, if annexed, than are now required for all the rest of the American Republic.

Under the conditions which prevail in regard to the Philippines, it was never claimed or suggested by any student, writer, statesman, or jurist, prior to 1898, that it was in the province of the nation to annex territory not contiguous to the States and not intended eventually for statehood, and especially a province populated with a distinctively homogeneous people, more densely populated than any State in the Union, capable of self-government, and struggling for independence. These conditions, I assert, are without a parallel in American history, and it has been left for the imperialist and those thirsting for world power to assert the right of annexation under these conditions.

The eloquent gentleman from Pennsylvania tauntingly proclaimed, to use his own words:

> That you raise your hands in horror and howl about shooting freedom into people.

If we do, I wish to inform the gentleman that we raise our hands the higher and howl the louder our protestations against shooting subjugation and slavery into any people if perchance they encumber our pathway to confiscation and commercial gain. We acknowledge our opposition to war, and subscribe rather to the sentiment that prompted the Czar of Russia at nearly the end of the nineteenth century, with the history of carnage and destructive wars behind it, to summon the nations of the earth to a peace conference, for the consideration of what means could be devised and promulgated to the end that there should be an end of the barbaric idea of a former age that the freedom, even much less slavery, must be shot into a people, and that war might be justified only as a last resort of the defender, and not the first resort of the aggressor.

What a commentary upon this peace conference of the nations of the world is the present attitude of two of the great nations! This peace conference had scarcely dissolved when one of the most advanced and highly educated nations of the world entered upon a bloody war against an intensely religious people that they might possess themselves of the gold fields of these people, and another progressive, prosperous, and highly educated nation is engaged in a war of conquest against a Mohammedan people for commercial gain.

The eloquent gentleman from Pennsylvania, in his newly-acquired rôle as defender and apologist of the present un-American Administration, would have you on the other side of this Chamber take counsel of Taylor, Polk, and Buchanan, rather than of Webster, Sumner, and Lincoln, in all matters pertaining to the future welfare of this country in its relations to the Philippines. And having attempted to commit you Republicans to the doctrines of these democratic middlemen of a former generation, asserts, as if without fear of contradiction, that—

> Should the Administration [McKinley] surrender this territory [the Philippines] and the advantages it secures to America, the historian of the future will write it down as one of the most pusillanimous Administrations that ever had control of national events.

Why, Mr. Chairman, he will do that in any event, and he will add that it was one of the most weak-backed, vacillating, trust-ridden apologies for an Administration ever witnessed by a suffering people since the time of Buchanan, to whom this gentleman so confidently refers the Republican members of this House for inspiration and direction in dealing with one of the most momentous questions which has attracted the public thought and public attention of the American people since the early sixties. My Republican friends, choose ye this day whom you will this day follow, Webster, Sumner, and Lincoln, or Tyler, Polk, and Buchanan,

even at the sacrifice of incurring the displeasure of the honorable and accomplished gentleman from Pennsylvania.

At the very threshold of this imperialistic policy to annex the Philippines as territory is an insurmountable obstacle. The long line of precedents and decisions of the highest courts in the land deny the right of annexation of territory, except upon condition that it shall in time be admitted to statehood, and I call the attention of the House to the provisions in all, or nearly all, the treaties heretofore ceding territory to us which especially provide that the territory shall be admitted to statehood, as appears in the Florida treaty, which is as follows:

The inhabitants of the territories which His Catholic Majesty cedes to the United States by this treaty shall be incorporated in the United States as soon as may be convenient with the principles of the Federal Constitution and admitted to the enjoyment of all the privileges, rights, and immunities of the citizens of the United States.

In order that there might be no doubt as to our purpose on this question that the right of statehood is not to be granted to this people, the following resolution on February 17, 1899, was presented in the United States Senate and afterwards passed that body:

Resolved, That by the ratification of the treaty of peace with Spain it is not intended to incorporate the inhabitants of the Philippine Islands into citizenship of the United States, nor is it intended to permanently annex said islands as an integral part of the territory of the United States; but it is the intention of the United States to establish on said islands a government suitable to the wants and conditions of the inhabitants of said islands, to prepare them for local self-government, and in due time to make such distribution of said islands as will best promote the interests of the citizens of the United States and the inhabitants of said islands.

In view of this resolution and the expressed policy of this Administration, no one would venture to assert that we are to annex these islands for the purpose and with the intention that they shall ultimately be admitted as States into the Union. And without this purpose we have no authority under the Constitution to admit them as Territories. In support of this contention I wish to cite a few of the many decisions of our Supreme Court touching this very question.

In Murphy *vs.* Ramsey (114 U. S. Reports, 15) the court says:

The power in Congress over the Territories is limited by the obvious purposes for which it was conferred, and those purposes are satisfied by measures which prepare the people of the Territories to become States in the Union.

In another decision directly in point is found, in Shively *vs.* Bowlby (152 U. S., 1), the following:

The Territories acquired by Congress, whether by deed of cession from the original States or by treaty with a foreign country, are held with the object, as soon as their population and condition justify it, of being admitted into the Union as States, upon an equal footing with the original States in all respects.

And again, to this same point, I refer this House to the language of Judge Cooley in his Principles of Constitutional Law, page 170, where he summarizes the whole theory and doctrine as follows:

And when territory is acquired the right to suffer States to be formed therefrom and to receive them into the Union must follow of course, not only because the Constitution confers the power to admit new States without restriction, but also because it would be inconsistent with institutions founded on the fundamental idea of self-government that the Federal Government should retain territory under its own imperial rule and deny the people the customary local institutions.

Again, in confirmation of the claim here made, I wish to cite the opinion of Chief Justice Marshall himself, given in the case of Loughborough *vs.* Blake (5 Wheaton, 137):

Does this term designate the whole or any particular portion of the American empire? Certainly this question can admit of but one answer. It is the name given to our great Republic, which is composed of States and Territories. The District of Columbia or the territory west of the Missouri is not less within the United States than Maryland or Pennsylvania.

If these opinions are to be respected and to control, then the inhabitants of the Philippines, if annexed as territory to the United States, will at once become citizens thereof and entitled to all the rights and privileges which have been granted heretofore to the inhabitants of our Territories, for the fourteenth amendment to the Constitution of the United States provides that—

All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States.

Mr. Chairman, I wish to call the attention particularly of the members on the other side of the House to a statement of a prominent Republican of the great Republican city of Philadelphia, believing, as I do, that he expresses the sentiment of very many men in the Republican party to-day.

The statement over his signature is as follows:

I am an expansionist, but I place the Constitution above expansion; I am a protectionist, but I value the Declaration of Independence beyond all tariff; I am an admirer of William McKinley, but I would not sacrifice the foundation of the American Republic to make him or any other man President.

Able and learned men may differ in their interpretation of the Constitution as affecting our right to annex foreign territory and foreign people against their consent, some holding such an act to be within the powers conferred by the Constitution and others denying it. I care not whether it is within or without the authority of the Constitution, for I am confident that the subjugation and the annexation of these people against their will is beyond the confines of the well-established purposes and traditions of our Republic and wholly in opposition to the heart, soul, and conscience of the American people, who constitute the only sovereignty of a free republic. [Applause on the Democratic side.]

And let the immortal words of Abraham Lincoln ring in your ears:

What constitutes the bulwark of our liberty and independence? It is not our frowning battlements, our bristling seacoasts, our Army and Navy. These are not our reliances against danger. All of these may be turned against us without making us weaker for the struggle. Our reliance is in the love of liberty which God has planted in us. Our defense is in the spirit which prizes liberty as the heritage of all men in all lands—everywhere. Destroy this spirit, and you have planted the seed of despotism at your own doors. Familiarize yourself with the chains of bondage, and you prepare your own limbs to wear them. Accustomed to trample on the rights of others, you have lost the strength of your own independence and become the fit subjects of the first cunning tyrant who rises among you.

Mr. Chairman, whom shall we follow in this, the time of our extremity, when doubt and uncertainty compass us about and the destiny, it may be, of our beloved country hangs trembling in the balance? Shall we follow Lincoln or BEVERIDGE?

I am aware that the popular cry of to-day is, "Wherever the flag has been raised it never must be hauled down," and the man who will not take up the refrain and join in the chorus is accused of disloyalty. Mr. Chairman, if the price of temporary popularity is the stifling of conscience and conviction, I am not thirsting for popularity. If the test of loyalty is to join in this un-American policy and soulless cry for greed and gain, I decline it. I profess a higher loyalty, the test of which is true allegiance to our flag, not so much where for the time being it may be unfurled, but rather for what it signifies and what it means. There is at least one thing which can happen to the American flag worse than to be hauled down, and that is to have its meaning and its message changed and stultified by misguided and erratic men, though loud in their protestations of loyalty.

Heretofore that flag has meant freedom to the oppressed of all the world, independence, equality, and self-government, and war only that blessed peace might follow in its train, and may God grant and the American people insist that its message may never be altered, despite the wild clamor of corporate greed, insatiate commercialism, and the shrill shriek of impatient imperialists thirsting for empire and world power.

May that flag never wave over any but a free and independent people, and may the luster of its stars never be dimmed by the shadow of the crowned imperial eagle. May its stripes of pure red and white never be crossed by the yellow bar sinister of warfare for conquest. May it never advance save to bring liberty, independence, and self-government to all beneath its folds. May it never retire save from a place where its presence would mean disloyalty to the true American idea. May it float untarnished and unchanged save by the blossoming of new stars in its celestial field of blue. May all seas learn to welcome it and all lands look to it as the emblem of the great American Republic. [Long and continued applause on the Democratic side.]

Mr. PAYNE. Mr. Chairman, I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HULL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 8245, and had come to no resolution thereon.

ENROLLED BILL SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 4473. An act to authorize the Natchitoches Railway and Construction Company to build and maintain a railway and traffic bridge across Red River at Grand Ecore, in the parish of Natchitoches, State of Louisiana.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 419. An act amending the act providing for the appointment of a Mississippi River Commission, etc., approved June 28, 1879—to the Committee on Levees and Improvements of the Mississippi River.

S. 208. An act granting an increase of pension to Josephine I. Offley—to the Committee on Invalid Pensions.

S. 677. An act granting an increase of pension to Jerusha W. Sturgis—to the Committee on Invalid Pensions.

S. 2220. An act granting an increase of pension to Eudora S. Kelly—to the Committee on Invalid Pensions.

S. 2008. An act granting a pension to Flavel H. Van Eaton—to the Committee on Invalid Pensions.

S. 209. An act granting an increase of pension to Cornelia De Peyster Black—to the Committee on Invalid Pensions.

S. 1919. An act granting an increase of pension to Consolacion Victoria Kirkland—to the Committee on Invalid Pensions.

S. 820. An act granting an increase of pension to Anna M. Deitzer—to the Committee on Invalid Pensions.

S. 3017. An act granting an increase of pension to Julia M. Edie—to the Committee on Invalid Pensions.

S. 3266. An act authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Brig. Gen. E. O. C. Ord from Oak Hill Cemetery, District of Columbia, to the United States national cemetery at Arlington, Va.—to the Committee on the District of Columbia.

S. 3239. An act for the relief of Richard Allston—to the Committee on Claims.

BRIDGE OVER FISHING CREEK, NORTH CAROLINA.

Mr. BELLAMY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2925) to authorize Frank Hitch to construct and maintain a bridge across Fishing Creek within the boundary lines of Edgecombe County, N. C.

The Clerk read the bill at length.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be read a third time; and being read the third time, it was passed.

On motion of Mr. BELLAMY, a motion to reconsider the last vote was laid on the table.

Mr. BELLAMY. Mr. Speaker, I ask unanimous consent that the House bill lie on the table.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that the House bill lie on the table. If there is no objection, the request will be granted.

There was no objection.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 7 minutes p. m.) the House adjourned until Monday next at 11 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. WARNER, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 268) to amend the Revised Statutes of the United States relating to the northern district of New York, to divide the same into two districts, and provide for the terms of court to be held therein and the officers thereof and the disposition of pending causes, reported the same with amendment, accompanied by a report (No. 428); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FLETCHER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 3003) to amend an act entitled "An act to authorize the Grand Rapids Water Power and Boom Company, of Grand Rapids, Minn., to construct a dam and bridge across the Mississippi River," approved February 27, 1899, reported the same without amendment, accompanied by a report (No. 429); which said bill and report were referred to the House Calendar.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 8063) to legalize and maintain the iron bridge across Pearl River, at Rockport, Miss., reported the same with amendment, accompanied by a report (No. 431); which said bill and report were referred to the House Calendar.

Mr. FLETCHER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 1931) to provide for the erection of a bridge across Rainy River, in the State of Minnesota, between Rainy Lake and the mouth of Rainy River, reported the same without amendment, accompanied by a report (No. 432); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. FLETCHER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 8229) for the relief of the mother of William R. McAdam, reported the same without amendment, accompanied by a report (No. 430); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on the Library was discharged from the consideration of the bill (H. R. 8602) for the relief of Theophilus Fisk Mills; and the same was referred to the Committee on Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. EDDY: A bill (H. R. 8876) granting the right of way to the Minnesota and Manitoba Railroad Company across the ceded portion of the Chippewa (Red Lake) Indian Reservation in Minnesota—to the Committee on Indian Affairs.

By Mr. CLAYTON of New York: A bill (H. R. 8877) granting extra pay to officers of the Spanish-American war not having received any benefit from previous acts passed for this purpose—to the Committee on War Claims.

By Mr. COOPER of Wisconsin: A bill (H. R. 8878) to provide a government for Puerto Rico, and for other purposes—to the Committee on Insular Affairs.

By Mr. LACEY: A bill (H. R. 8912) to authorize arrests without warrant in certain cases in forest lands and forest reserves—to the Committee on the Public Lands.

By Mr. TONGUE: A bill (H. R. 8913) extending the privilege of bounty land to persons who served in the Indian wars of the United States subsequent to March 3, 1855—to the Committee on the Public Lands.

By Mr. KAHN: A bill (H. R. 8914) to increase the salary of the United States district attorney for the northern district of California—to the Committee on the Judiciary.

Also, a bill (H. R. 8915) to increase the salary of the United States marshal for the northern district of California—to the Committee on the Judiciary.

By Mr. BISHOP: A joint resolution (H. J. Res. 186) providing for a resurvey of Muskegon Harbor, Michigan, with a view to obtaining 20 feet of water and a uniform width of 300 feet—to the Committee on Rivers and Harbors.

By Mr. RICHARDSON: A joint resolution (H. J. Res. 187) prohibiting the transportation of silver-plated ware and other products of the International Silver Company, and so forth, from one State to another—to the Committee on the Judicary.

By Mr. LITTLEFIELD: A concurrent resolution (H. C. Res. 21) authorizing a survey of Medomak River, Maine—to the Committee on Rivers and Harbors.

By Mr. TOMPKINS (by request): A resolution (H. Res. 162) relating to the appointment of a special messenger under direction of the Doorkeeper—to the Committee on Accounts.

By Mr. FITZGERALD of Massachusetts: A resolution of the legislature of Massachusetts relating to the development of a system of docks in Boston Harbor and the widening and deepening of the channel—to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BURNETT: A bill (H. R. 8879) granting a pension to Robert C. Ballard—to the Committee on Invalid Pensions.

By Mr. BRENNER: A bill (H. R. 8880) granting an increase of pension to Henry Guckes—to the Committee on Invalid Pensions.

By Mr. BURKETT: A bill (H. R. 8881) to remove charge of desertion from military record of Robert Ricketts—to the Committee on Military Affairs.

Also, a bill (H. R. 8882) to remove the charge of desertion from the military record of William H. Spradling—to the Committee on Military Affairs.

Also, a bill (H. R. 8883) to remove charge of desertion from military record of Harman H. Vanfelden—to the Committee on Military Affairs.

By Mr. BISHOP: A bill (H. R. 8884) authorizing the retirement of First Sergt. Merriman H. Ellis—to the Committee on Military Affairs.

By Mr. BURTON: A bill (H. R. 8885) granting a pension to Sara H. M. Miley—to the Committee on Pensions.

By Mr. BELL: A bill (H. R. 8886) for the relief of Charles F. Bullock, of Ouray, Colo.—to the Committee on Invalid Pensions.

By Mr. BULL: A bill (H. R. 8887) for the relief of Capt. E.

St. John Greble and other officers and enlisted men of the United States Army—to the Committee on War Claims.

By Mr. COUSINS: A bill (H. R. 8888) granting a pension to Henry O'Connor—to the Committee on Invalid Pensions.

By Mr. CUMMINGS: A bill (H. R. 8889) for the relief of William Plimley, late general superintendent of the money-order division of the post-office at New York—to the Committee on Claims.

By Mr. DAHLE of Wisconsin: A bill (H. R. 8890) granting an increase of pension to John T. Hayes—to the Committee on Invalid Pensions.

By Mr. FARIS: A bill (H. R. 8891) to increase the pension of William Rheuby—to the Committee on Invalid Pensions.

By Mr. HENRY of Mississippi (by request): A bill (H. R. 8892) for the relief of Robert Moss, of Hinds County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 8893) for relief of estate of John W. Cunyus, of Hinds County, Miss.—to the Committee on War Claims.

By Mr. HARMER: A bill (H. R. 8894) providing for an increase of pension to Adam Walter—to the Committee on Invalid Pensions.

By Mr. JOHNSTON: A bill (H. R. 8895) granting a pension to Arthur G. Kiddy, late a private of Company D, Home Guards, One hundred and thirty-third Regiment Virginia Militia—to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 8896) to remove the charge of "absence without leave" standing against George W. Bell—to the Committee on Military Affairs.

Also, a bill (H. R. 8897) for the relief of John Gleason, alias John Smith—to the Committee on Naval Affairs.

Also, a bill (H. R. 8898) granting a pension to George A. Crall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8899) to increase the pension of L. Washburn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8900) to increase the pension of Edward M. Franklin—to the Committee on Invalid Pensions.

By Mr. LITTLEFIELD: A bill (H. R. 8901) granting a pension to Mrs. Clara L. Harriman—to the Committee on Invalid Pensions.

By Mr. McPHERSON: A bill (H. R. 8902) granting an increase of pension to Charles P. King—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8903) granting an increase of pension to Eliza Wildman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8904) granting an increase of pension to Sydney Palen—to the Committee on Invalid Pensions.

By Mr. McDOWELL: A bill (H. R. 8905) to correct the military record of Andrew J. Dingman—to the Committee on Military Affairs.

By Mr. ROBB: A bill (H. R. 8906) for the relief of the estate of John Buford, deceased—to the Committee on War Claims.

By Mr. TONGUE: A bill (H. R. 8907) for the relief of Sidney W. Moss, of Oregon City—to the Committee on Claims.

By Mr. WILLIAMS of Mississippi: A bill (H. R. 8908) for relief of C. C. Reed, of Jasper County, Miss.—to the Committee on War Claims.

By Mr. COCHRAN of Missouri: A bill (H. R. 8909) granting an increase of pension to John Patton—to the Committee on Invalid Pensions.

By Mr. CUSACK: A bill (H. R. 8910) granting a pension to Mary J. Oxley—to the Committee on Invalid Pensions.

By Mr. CRUMP: A bill (H. R. 8911) granting a pension to Mrs. Maggie Gibbs—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARTLETT: Resolutions of the Federation of Trades of Atlanta, Ga., favoring the bill prohibiting the transportation of convict-made goods from one State into another—to the Committee on Labor.

By Mr. BELL: Letters of W. A. Hover & Co., of Denver; J. M. John, of Trinidad; Luke Cahill, of Las Animas; John Love, of Raton; A. Anderson, Live Stock Farm, Payton; Saguache Stock Growers' Association; R. S. Harbor, of Burlington; T. B. Seely, of Mosca; S. E. Newcomb, of Lajara, and citizens of Kit Carson County, State of Colorado, in opposition to the anti-vaccine resolution—to the Committee on Agriculture.

Also, resolutions of Federal Labor Union, No. 6975, of Boulder, Colo., and petition of Cattle Growers of Kit Carson County, Colo., E. E. Fordham and others, against the leasing of public lands—to the Committee on the Public Lands.

By Mr. BELLAMY: Petitions of members of the bar of Rutherfordton, Shelby, and Monroe, N. C., asking for the appointment of a resident clerk of the United States circuit and district courts at Charlotte, N. C., to accompany House bill No. 6968—to the Committee on the Judiciary.

By Mr. BULL: Papers to accompany House bill for the relief of Capt. E. St. John Greble and other officers and enlisted men of the United States Army—to the Committee on War Claims.

By Mr. BURKETT: Protest of Cigar Makers' Union No. 276, of Plattsmouth, Nebr., against the passage of bill admitting products of Puerto Rico free of duty—to the Committee on Ways and Means.

Also, resolution of Cigar Makers' Union No. 276, of Plattsmouth, Nebr., against the alienation of public lands by the United States to any but actual settlers, and also in favor of Government building of reservoirs—to the Committee on the Public Lands.

Also, petition of S. M. Benedict, of Lincoln, Nebr., in relation to House bill No. 1, monetary and banking systems—to the Committee on Banking and Currency.

By Mr. COCHRAN of Missouri: Remonstrance of the St. Joseph Live Stock Exchange, State of Missouri, against amending an act defining butter, etc.—to the Committee on Ways and Means.

By Mr. CONNELL: Petitions of C. Ruland, G. A. Travis, George T. Smith, George E. Plummer, and others, of Dalton, Pa., and vicinity, Norman Leach and G. W. Frasier, to amend the oleomargarine law—to the Committee on Agriculture.

Also, memorial of the Grocers and Importers' Exchange of Philadelphia, Pa., praying for legislation to build up the merchant marine of the United States—to the Committee on the Merchant Marine and Fisheries.

By Mr. CUSACK: Papers to accompany House bill granting a pension to Mary J. Oxley, widow of Thaddeus D. Camblin—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: Petition of William C. Young and others, of Greenfield, Mo., for legislation granting land warrants to old soldiers—to the Committee on the Public Lands.

By Mr. ESCH: Resolutions of Federated Trades Council of Milwaukee, Wis., asking for legislation to increase the requirements and qualifications of seamen and firemen on the Great Lakes—to the Committee on the Merchant Marine and Fisheries.

Also, resolution of the Wisconsin Cheese Makers' Association, praying for the passage of the Grout bill making oleomargarine in original packages subject to provisions of the interstate-commerce laws—to the Committee on Agriculture.

Also, resolutions of Lucius Fairchild Post, No. 11, Grand Army of the Republic, Department of Wisconsin, asking for legislation proposed by the national pension committee of the Grand Army of the Republic, and for the passage of Senate bill No. 283 and House bill No. 2583—to the Committee on Pensions.

By Mr. FITZGERALD of Massachusetts: Petition of S. A. D. Sheppard, of Boston, Mass., and other druggists, relating to the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

Also, petition of James T. Donahue and other employees of the Boston post-office, in favor of House bill No. 4351—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Boston (Mass.) Chamber of Commerce, calling for an increase in coast artillery—to the Committee on Military Affairs.

Also, resolutions of the New England Shoe and Leather Association, of Boston, Mass., favoring the passage of House bill No. 887, for the promotion of exhibits in the Philadelphia museums—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the New England Shoe and Leather Association, of Boston, Mass., favoring free trade between the United States and Puerto Rico and our new possessions—to the Committee on Ways and Means.

Also, resolutions of the Chamber of Commerce of New York, for legislation for the better government of Alaska—to the Committee on the Territories.

Also, resolutions of the Chamber of Commerce of New York, for increased facilities in the distribution of mails in New York City—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Chamber of Commerce of New York, for the appointment of a commission to study and report upon the industrial conditions of China and Japan—to the Committee on Foreign Affairs.

By Mr. FOSS: Petition of George Schreimer and other druggists of Chicago, Ill., for the repeal of the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. GAMBLE: Resolutions of Cigar Makers' Union No. 387, of Yankton, S. Dak., protesting against the admission into the United States free of duty of the products of the Philippine Islands and Puerto Rico—to the Committee on Ways and Means.

By Mr. GRAHAM: Petition of the League of Domestic Producers, Herman Myrick, chairman, in opposition to present tariff legislation by Congress in relation to Puerto Rico—to the Committee on Ways and Means.

By Mr. JETT: Resolutions of the Quincy Freight Bureau, Quincy, Ill., favoring the passage of Senate bill No. 1439, to amend the act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. KAHN: Petition to accompany House bill to remove the charge of absence without leave standing against George W. Bell—to the Committee on Military Affairs.

By Mr. LORIMER: Petition of the Chicago National Bank and commercial firms of Chicago, Ill., praying for the extension of the pneumatic postal-tube system to Chicago—to the Committee on the Post-Office and Post-Roads.

By Mr. McDOWELL: Papers to accompany House bill to remove the charge of desertion now standing against Andrew J. Dingman—to the Committee on Military Affairs.

By Mr. McPHERSON: Papers to accompany House bill granting an increase of pension to Eliza Wildman—to the Committee on Invalid Pensions.

Also, paper to accompany House bill granting an increase of pension to Sydney Palen—to the Committee on Invalid Pensions.

By Mr. MINOR: Petition of Irving M. Webber and other railway postal clerks of the Eighth Congressional district of Wisconsin, for the reclassification of the Railway Mail Service—to the Committee on the Post-Office and Post-Roads.

By Mr. NOONAN: Petition of Charles Lange and other druggists of Chicago, Ill., relating to the stamp tax on medicines, etc.—to the Committee on Ways and Means.

By Mr. ROBB: Petition of Abraham Buford to accompany House bill for the relief of the estate of John Buford, deceased—to the Committee on War Claims.

By Mr. ROBINSON of Indiana: Petition of International Association of Machinists, Friendship Lodge, No. 70, William H. Schultz, secretary, Fort Wayne, Ind., in favor of leaves of absence to the employees of navy-yards, gun factories, and naval stations, and arsenals of the Government—to the Committee on Naval Affairs.

By Mr. RYAN of New York: Petitions of James W. Putnam, M. D., Roswell Park, M. D., and Josephine Lintsinger and other trained women nurses, of Buffalo, N. Y., favoring the passage of House bill No. 6879, providing for the employment of women nurses in the military hospitals of the Army—to the Committee on Military Affairs.

By Mr. SPERRY: Resolutions of the Chamber of Commerce of New Haven, Conn., expressing its approbation of President McKinley's position as to customs tariffs between the United States and Puerto Rico—to the Committee on Ways and Means.

Also, resolutions of the board of aldermen of New Haven, Conn., expressing its sympathy with the proposed extension of Territorial rights to the island of Puerto Rico and its opposition to the policy of imperialism—to the Committee on Ways and Means.

Also, resolution of the Chamber of Commerce of New Haven, Conn., praying that a franchise be granted to a competing cable company for laying a cable to connect the United States with Cuba—to the Committee on Interstate and Foreign Commerce.

By Mr. UNDERWOOD (by request): Petition of the heirs of V. Burrow, deceased, late of Lauderdale County, Ala., asking reference of his war claim to the Court of Claims—to the Committee on War Claims.

Also (by request), petition of the heirs of Nathaniel Kennemer, deceased, late of Jackson County, Ala., asking reference of his war claim to the Court of Claims—to the Committee on War Claims.

Also (by request), petition of Tabitha Stephens, of Jackson County, Ala., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

Also (by request), petition of Malinda McLendon, of Jackson County, Ala., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. WEEKS: Communication of T. A. Wood, grand commander Indian War Veterans of the North Pacific Coast, Portland, Oreg., urging the passage of House bill No. 53, granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive—to the Committee on Pensions.

Also, protest of G. H. Hammond & Co., against the pending bill increasing the tax on oleomargarine, etc.—to the Committee on Ways and Means.

Also, resolution of the board of control of State house of correction and branch prison at Marquette, Mich., in opposition to the passage of House bill restricting the interstate transportation of prison-made products—to the Committee on Interstate and Foreign Commerce.

By Mr. WEYMOUTH: Papers to accompany House bill No. 2876, for the relief of Egbert Stricksma—to the Committee on Claims.

By Mr. YOUNG of Pennsylvania: Protest of the G. H. Hammond Company, of Hammond, Ind., against increasing the tax on oleomargarine—to the Committee on Ways and Means.

Also, petitions of Vetterlein Brothers and Boltz, Clymer & Co., of Philadelphia, Pa., favoring the passage of House bill No. 7935, relating to the duties on imported leaf tobacco—to the Committee on Ways and Means.

Also, petition of Cover, Drayton & Leonard, of Philadelphia, Pa., protesting against the ratification of the reciprocity treaty with France—to the Committee on Foreign Affairs.

Also, petitions of B. S. C. Thomas and Charles Este, of Philadelphia, Pa., favoring the passage of House bill No. 887, for the promotion of exhibits in the Philadelphia museums, etc.—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Edgell Company, S. H. Levin's Sons, and Cresswell & Washburn, of Philadelphia, Pa., for the improvement of Trinity River from the Gulf of Mexico to the city of Dallas, Tex.—to the Committee on Rivers and Harbors.

SENATE.

MONDAY, *February 26, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on motion of Mr. CULLOM, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

TRADE RELATIONS WITH PUERTO RICO.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting a letter from Brig. Gen. George W. Davis, United States Volunteers, military governor of Puerto Rico, together with a translation of a petition from tobacco merchants, growers, and manufacturers of Puerto Rico, asking for free-trade relations with the United States; which, with the accompanying letter, was ordered to lie on the table and be printed.

INTERNATIONAL PRISON COMMISSION.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of State, transmitting a letter from Mr. S. J. Barrows, commissioner of the United States on the International Prison Commission, inclosing a report prepared by him relating to the reformatory system in the United States; which, with the accompanying paper, was referred to the Committee on Printing.

REPORT ON THE ISLAND OF LUZON.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of the 21st instant, a report made by Paymaster W. B. Wilcox and Navel Cadet L. R. Sargent, on a trip through the island of Luzon; which, with the accompanying paper, was referred to the Committee on the Philippines, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 2925) to authorize Frank Hitch to construct and maintain a bridge across Fishing Creek, within the boundary lines of Edgecombe County, N. C.; and

A bill (S. 3003) to amend an act entitled "An act to authorize the Grand Rapids Water Power and Boom Company, of Grand Rapids, Minn., to construct a dam and bridge across the Mississippi River," approved February 27, 1891.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 4473) to authorize the Natchitoches Railway and Construction Company to build and maintain a railway and traffic bridge across Red River at Grand Ecore, in the parish of Natchitoches, State of Louisiana; and it was thereupon signed by the President pro tempore.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented a petition of Dunlap Grange, No. 919, Patrons of Husbandry, of Peoria County, Ill., praying for the enactment of legislation to protect the song birds of the country; which was referred to the Committee on the Judiciary.

He also presented a memorial of the Sangamon County Medical Society, of Springfield, Ill., remonstrating against the enactment of legislation for the further prevention of cruelty to animals in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Modern Remedy Company, of Kewanee, Ill., praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

He also presented a memorial of the Trades Council of Elgin, Ill., remonstrating against the cession of the public lands to the several States; which was referred to the Committee on Public Lands.

He also presented a petition of the Board of Trade of Chicago, Ill., praying for the passage of a river and harbor appropriation

bill at this session of Congress; which was referred to the Committee on Commerce.

He also presented a memorial of sundry citizens of Pana, Ill., and a memorial of sundry citizens of Peotone, Ill., remonstrating against the passage of the so-called parcels post bill; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Freight Bureau of Quincy, Ill., and a petition of the Produce Exchange of Toledo, Ohio, praying for the adoption of certain amendments to the interstate-commerce law; which were referred to the Committee on Interstate Commerce.

He also presented memorials of Local Union No. 47, Cigar Makers' International Union, of Quincy; of Local Union No. 114, Cigar Makers' International Union, of Jacksonville, and of the Federation of Labor of Springfield, all in the State of Illinois, remonstrating against the importation of cigars from Puerto Rico free of duty; which were referred to the Committee on Pacific Islands and Puerto Rico.

He also presented a memorial of the Woman's Temperance Union of Wheaton, Ill., and the memorial of J. B. Atherton and sundry other citizens of Washington, D. C., remonstrating against the sale of intoxicating liquors in the Hawaiian Islands; which were referred to the Committee on Pacific Islands and Puerto Rico.

He also presented the petition of W. S. Swan and 2 other citizens of Harrisburg, Ill., praying for the adoption of an amendment to the pension appropriation bill increasing the pay of examining surgeons; which was referred to the Committee on Pensions.

He also presented a memorial of the Federation of Labor of Chicago, Ill., remonstrating against the passage of House bill No. 5067, concerning the boarding of vessels; which was referred to the Committee on Commerce.

He also presented petitions of Local Union No. 367, Carpenters and Joiners' Union, of Centralia; of Local Union No. 13, Press Feeders and Helpers' Union, of Peoria; of Local Union No. 94, United Mine Workers, of Mowequa; of Local Union No. 9, International Brotherhood of Electrical Workers, of Chicago, and of Local Union No. 99, United Mine Workers, of Belleville, all in the State of Illinois, praying for the enactment of legislation to protect labor from prison competition, and also to limit the hours of daily labor on Government works; which were referred to the Committee on Education and Labor.

He also presented a petition of Local Union No. 8, Printed Bookbinders' Union, of Chicago, Ill., praying for the enactment of legislation to print the label on all publications of the Government; which was referred to the Committee on Education and Labor.

Mr. SHOUP presented the petition of John P. Ryan and 101 other citizens of Boise, Idaho, praying for the establishment of an Army veterinary corps; which was referred to the Committee on Military Affairs.

Mr. PENROSE presented a memorial of General Judson Kilpatrick Camp, No. 233, Division of Pennsylvania, Sons of Veterans, remonstrating against the enactment of legislation to prohibit the wearing of any uniform similar to that used in the United States Army and discriminating in its provisions against the organization of Sons of Veterans; which was referred to the Committee on Military Affairs.

He also presented a petition of the Board of Trade of Philadelphia, Pa., praying that an appropriation be made to continue the work of the Philadelphia Commercial Museum; which was referred to the Committee on Commerce.

He also presented a petition of Local Union No. 145, Cigar Makers' International Union, of Williamsport, Pa., remonstrating against the admission of the products of Puerto Rico free of duty; which was referred to the Committee on Pacific Islands and Puerto Rico.

Mr. NELSON presented a petition of the city council of Brainerd, Minn., praying for the enactment of legislation to improve the armament of the militia; which was referred to the Committee on Military Affairs.

He also presented a memorial of Local Union No. 271, Cigar Makers' International Union, of Rochester, Minn., and a memorial of Local Union No. 77, Cigar Makers' International Union, of Minneapolis, Minn., remonstrating against the importation of cigars from Puerto Rico free of duty; which were referred to the Committee on Pacific Islands and Puerto Rico.

Mr. PLATT of New York presented a memorial of the New York County Medical Association, remonstrating against the enactment of legislation for the further prevention of cruelty to animals in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the mayor, aldermen, and city council of New York City, praying that the building of the proposed twelve new gunboats and six cruisers be done at the navy-yards of the country and particularly at the New York Navy-Yard; which was referred to the Committee on Naval Affairs.

He also presented a petition of Local Union No. 350, Cigar Makers' International Union, of Troy, N. Y., remonstrating against the admission of cigars from Puerto Rico free of duty; which was referred to the Committee on Pacific Islands and Puerto Rico.

He also presented petitions of Local Union No. 14, Journeymen Tailors' Union, of Troy; of Local Union No. 39, Amalgamated Sheet Metal Workers' International Association, of Syracuse, and of Subordinate Lodge No. 36, Brotherhood of Boiler Makers and Iron Shipbuilders of America, of Brooklyn, all in the State of New York, praying for the enactment of legislation to protect free labor from prison competition, and also to limit the hours of daily service on public works; which were referred to the Committee on Education and Labor.

He also presented a petition of 78 women, trained nurses, of Buffalo, N. Y., and a petition of 31 physicians, trained nurses, and citizens of Buffalo, N. Y., praying for the employment of women nurses in the military hospitals of the Army; which were referred to the Committee on Military Affairs.

Mr. DEPEW presented a petition of the congregations of the First Presbyterian Church and the First Methodist Episcopal Church of East Syracuse, N. Y., praying for the enactment of legislation to prohibit the sale of beer and intoxicating liquors in Soldiers' Homes, immigrant stations, and Government reservations; which was referred to the Committee on Education and Labor.

Mr. MASON presented a petition of Local Union No. 69, Teamsters' Union, of Centralia, Ill., praying for the enactment of legislation to protect free labor from prison competition, and also to limit the hours of daily service on public works; which was referred to the Committee on Education and Labor.

He also presented resolutions of the board of county commissioners of Douglas County, Nebr., expressing sympathy for the people of the South African Republic and favoring peace between Great Britain and the South African Republic; which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Chicago, Ill., praying for the establishment of an Army veterinary corps; which was referred to the Committee on Military Affairs.

He also presented petitions of the Moline Pump Company, of Moline; the William D. Gibson Company, of Chicago; the Stover Manufacturing Company, of Freeport; the Crescent Yellow Pine Company of Chicago; the Q. and C. Company, of Chicago; the Lakeside Press Company; the Moline Plow Company, of Moline; the Wilson Moline Buggy Company, of Moline; the Aermotor Company, of Chicago; the Weber Wagon Company, of Chicago, and of the Chambers, Bering, Quinlan Company, of Decatur, all in the State of Illinois, praying that an appropriation be made for the construction of a new fireproof Patent Office building; which were referred to the Committee on Public Buildings and Grounds.

He also presented a memorial of the Thirteenth Ward Home Industrial Club, of Chicago, Ill., and a memorial of the Cigar Makers' Blue Label Club, of Chicago, Ill., remonstrating against the proposed reduction in the tariff of 75 per cent on cigars imported from Puerto Rico; which were referred to the Committee on Pacific Islands and Puerto Rico.

He also presented a memorial of Local Union No. 99, Cigar Makers' International Union, of Ottawa, Ill., remonstrating against the admission of cigars from Puerto Rico free of duty; which was referred to the Committee on Pacific Islands and Puerto Rico.

He also presented memorials of sundry citizens of Pana, Dana, and Peotone, all in the State of Illinois, remonstrating against the passage of the so-called parcels-post bill; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Dunlap Grange, No. 919, Patrons of Husbandry, of Peoria, Ill., praying for the extension of the free rural mail delivery system throughout the country; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry railway mail clerks of Joliet, Ill., praying for the enactment of legislation to provide for the classification of clerks in first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. MASON. I present a petition of citizens of Chicago, praying for the extension of the pneumatic-tube system in that city, and accompanying it is a resolution passed by the board of directors of the Chicago Board of Trade, also requesting favorable action by Congress as to the pneumatic-tube system in the city of Chicago. I move that the petition and resolution be referred to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

Mr. BURROWS presented sundry papers to accompany the bill (S. 3134) granting a pension to Martha Agnew; which were referred to the Committee on Pensions.

The PRESIDENT pro tempore. The junior Senator from Maine presents a memorial of protest and petition from the people of Puerto Rico to the Congress of the United States.

It is the impression of the Senator from Maine that it might be well to have it printed in the RECORD.

Mr. CULLOM. I ask that that be done.

Mr. FORAKER. I ask that the memorial be printed in the RECORD and referred to the Committee on Pacific Islands and Puerto Rico.

There being no objection, the memorial was referred to the Committee on Pacific Islands and Puerto Rico, and ordered to be printed in the RECORD, as follows:

Memorial of protest and petition from the people of Puerto Rico to the Congress of the United States.

HONORABLE GENTLEMEN: The undersigned, members of the several delegations representing the people of Puerto Rico and their interests, availing themselves of Article I of the Constitution, which says: "Congress shall make no law respecting * * * the right of the people peaceably to assemble, and to petition the Government for a redress of grievances," have the honor to submit to the kind consideration of the Legislature of the United States this memorial of protest against the present government, social and economical conditions of the island; and respectfully petition that their several grievances be heard, and immediate relief be granted them, in order that the newly acquired territory shall be saved from utter ruin and desolation, and the United States of America, by fulfilling the sacred pledges made them at the time of annexation, may maintain their integrity in the hearts of a grateful people, as well as their immaculate reputation in the eyes of all nations. These pledges, we will not deny, were a most powerful incentive to the spontaneous support given the American army of redemption by our compatriots, and to their moral as well as practical support, in a great measure, is due the rapid and easy conquest of the until then powerful foe.

But after almost a year of the ratification of the treaty of peace, which we were told was to inaugurate an era of happiness and prosperity for our people, after nearly a year of unparalleled hardship and suffering, a perishing people have ceased to ask themselves why with such enthusiasm and trust they amalgamated themselves and all their interests with those of the larger body which came to redeem them from the odious dependence upon an effete monarchy. In very despair they have become silent upon long contemplation of a military despotism as unjust to a law-abiding people, as unworthy of the liberty of a free nation. "Those who deny freedom to others deserve it not for themselves, and under a just God, can not long retain it," said Lincoln. "They must be of us, part of us, or else strangers," said Webster. The Puerto Rican people have become perplexed in contemplation of the attempt to impose upon them a crushing tariff system which makes the struggle for existence an utter impossibility; of a financial depression that shuts out the hope of succor even from usurers to forefend starvation; of pledges broken and faith disestablished in the minds of an earnest, industrious, million who turned their faces to the flag of freedom only to find that the emblem gives them no protection, no hope; who "gave their hand to their redeemer that they might be satisfied with bread; who turned their backs upon the old conditions and accepted the new, only to discover themselves cut off from all the world—a people without a country, a flag almost without name, orphans without a father."

But to remain silent any longer is not possible. In one voice these children by late adoption cry out to the mother country that redeemed them, "Who are we; what are we? Have we been invited to come under the sheltering roof, only to starve at the doorstep? Are we citizens or are we subjects? Are we brothers and our property territory, or are we the bondmen of a war and our island a crown colony?"

The answer must come soon, or there will be few left to hear. It must come direct, without evasion or circumlocution, for the mitigation of the woes at the present time and for the preservation of a nation's probity and sense of justice in the eyes of other nations and in the light of history to come. For at the present the Puerto Ricans are neither Spaniards nor Americans—severed from the one, they have not yet been received by the other; with no voice in the administration of the Government that rules them; taxed without representation; with no relief for distress, nor redress for so many wrongs; with no markets wherein to dispose of their goods, and hence no incentive to toil and prosper; with no credit to tide over present adversity and give them hope for the future; and unless Congress comes to the immediate rescue, only starvation and ruin before them.

When, "in the cause of liberty, justice, and humanity," General Miles, with his small army, landed at Ponce on July 28, 1898, and planted there the flag which has ever been the emblem of freedom, justice, and progress, Puerto Rico had been struggling for over four hundred years under overwaning Spanish domination. In the statements and promises of General Miles's manifesto there was no obscurity or guile. Its pledge was solemn, its warranty of a nation's faith and good will inviolable. "They [the people of the United States] come bearing the banner of freedom, inspired by a noble purpose to seek the enemies of our country and yours. * * * They bring you the fostering arm of a nation of free people, whose greatest power is its justice and humanity to all those living within its fold. * * * We have come * * * to bring you protection, not only to yourselves, but to your property, to promote your prosperity and bestow upon you the immunities and blessings of the liberal institutions of our Government."

After twenty months of survival upon the hope and solace inspired by these broad and solemn assurances, we are constrained to ask ourselves and the people whom the illustrious general represented, Was that the end of a noble purpose when "the enemies of our country and yours" were driven from the Western Hemisphere forever? Where is this "fostering arm," this "justice," blind to our afflictions and deaf to our prayers; this "humanity," so inhuman; this "protection of life and property," which finds speedy repudiation at the hands of those who should be the first to fulfill them? Having rescued us from miserable shelter and burned that to the ground, are we to be denied admittance into this "fold," but left out of doors to survive or perish, to seek our own now impossible salvation or be forever fallen? Where is to be found the "prosperity" which a free and rich people promised to promote? Where are these "immunities and blessings of the liberal institutions of our Government?" In the name of justice we protest that Puerto Rico knows them not, has never known them since American occupation of the island, nor will she know them till the mother country takes the adopted child by the hand and leads her into the "empire of liberty," over the threshold of constitutional rights, and treats her as one of her own.

And what is it that the people of Puerto Rico expect and ask of the Government in which they have no voice, but which rules their very being? Only Territorial rights—such as have long been granted to Arizona, New Mexico, and Oklahoma, and are already prepared to apply to Hawaii.

And what is there in these prerogatives which Hawaii can ask without opposition and Puerto Rico can not? Hawaii, with only one-fifth of white population, while Puerto Rico has seven-tenths; Hawaii, burdened with debt, while Puerto Rico owes not a dollar; Hawaii, far away from the greatest port of entry of the Western Hemisphere, while Puerto Rico is almost as near as Louisiana, which in 1804 petitioned Congress for Territorial rights, even as the "Gem of the Antilles" does now; Hawaii, the Mecca of cheap alien labor of the Orient, with over 20,000 Chinese, which are excluded from the land of its protection, and as many Japanese; Hawaii, a mighty competitor in the sugar interests on cheap labor, capable of sending into this country a million tons of sugar annually, with a small part of the territory yet developed, while Puerto Rico, at the utmost, could never provide a hundred thousand tons—"a mere drop in the bucket," as President McKinley said. On competitive grounds what logical argument can be brought to bear in the interest of Hawaii to the exclusion of Puerto Rico?

Within these Territorial rights, then, according to the principles laid down in the Constitution, it is just to demand and expect:

FIRST. THE IMMEDIATE AND ABSOLUTE DISCONTINUANCE OF MILITARY RULE.

By what right and authority is military government maintained in a peaceful possession or integral part of these United States the Puerto Ricans have failed to discover. It is in harmony with the teachings of political science and the true principles of democracy that no paternalism, in any way whatever, whether military or civil, should be exercised in Puerto Rico. The Puerto Rican people have not lost, by becoming through the fate of war a portion of the American territory, the right of self-government. And if Puerto Rico is not a part and parcel of the adopted mother country, the latter has no right to legislate for her, and, above all, to place her under the yoke of militarism.

Puerto Rico has never raised hand or voice against her to be thus punished; but, on the contrary, pledged her blood and property to the new standard of freedom and justice. Military rule is inimical to the pursuit of legitimate industries, opposed to the full enjoyment of liberty within the limitations of civil law; it is destructive, never constructive. Under military government there is no prosperity, because there is no common faith, no maintenance of individual rights, no sustained credit. The cross of militarism must be lifted. It is distasteful to the people of the United States. It has become intolerable in our island; it is worse than monarchical; it is despotic; thoroughly opposed to the Constitution and the spirit of equality and fraternity in this the foremost Republic in the world. It becomes, therefore, imperative that the present military government come to an end without further delay.

The second demand within the bounds of Territorial rights is the establishment of a form of popular self-government similar in every detail to the one established in Arizona. There is no tangible reason why Hawaii should be granted even a better Territorial government than Arizona, New Mexico, or Oklahoma, and Puerto Rico one inferior even to the one she had under Spanish rule when the United States took possession of the island. The bill now before the Senate, known as S. 2264, does not meet the requirements of the island or come up to the just expectations of the Puerto Rican people. Qualifications for either voter or legislator should be the same in Puerto Rico as obtain in the proposed government of Hawaii; property restrictions at the polls, being monarchical in principle, is therefore repugnant to American citizens. These restrictions produce in Puerto Rico only 30,000 voters out of a possible 200,000, with universal suffrage. Even now the voting population stands comparison with that of New Mexico at about 90 per cent in Puerto Rico's favor. The islanders are an earnest, aspiring people, and suffrage is the foremost educator of the masses. With the realization of self-government and closer amalgamation with the United States, enlightenment would spread on every hand.

With self-government, then, all things will become possible for Puerto Rico, while with the perpetuation of the military principle the hand of progress will be stayed and the inalienable rights of an intelligent people ignored, noble and lawful aspirations will be curbed, and seeds of legitimate discontent and distrust sown.

SECOND. FREE COMMERCE BETWEEN PUERTO RICO AND THE UNITED STATES.

Without absolute free commerce between the United States and its adopted island there will be no resumption of industries in the latter, no prosperity, nothing but stagnation, retrogression, and disaster. With the withdrawal of Spanish interests and the nonsubstitution of American promotion of prosperity, as was natural to expect, Puerto Rico finds the props and mainstays cut from beneath her whole commercial structure. Swept by cyclone and depressed by military rule, the unsettled outlook forbids any reconstructive capital from developing the resources of the island. Upon the withdrawal of the military and the establishment of free commerce, it would be possible to negotiate loans for the rehabilitation of a devastated island.

Free commerce would be the first and best recognition on the part of Congress that Puerto Rico is really an integral part of the Union. Moreover, free commerce means cheap and abundant food for the islanders who are now starving. To maintain a tariff upon any article of human necessity which comes from the mother country would be inhuman and unwise. The United States have never yet taxed its own people for the necessities of life. Why should they the Puerto Ricans?

Again, helped to its feet by free commerce with the States, the island would not only reestablish its former productiveness and prosperity, but it would be a correspondingly large buyer in the markets of the States. Indeed, it is a matter of wonder why manufacturers, farmers, and stock growers of the United States do not realize that free commerce between them and Puerto Rico means as much and more to them than it does to the latter. Machinery, construction material, hardware, vehicles, leather and cotton goods, drugs, chemicals, and an infinite variety of manufactures, breadstuffs, food supplies, canned goods, and dairy products will be available to Puerto Rico with the advantages of free commerce, even though a large part of these commodities have heretofore come from England and elsewhere. It is self-evident that with no tariff the more the islanders would buy, meaning profit to the seller and development to the island, while Puerto Ricans would be permitted by the lower cost of commodities to reap the distinctive advantages of higher wages, better living, greater development, and larger life.

Free commerce means an increase of shipping on American bottoms, while at present the freight rates are well-nigh prohibitive. The "coastwise shipping laws," at present a grievous hardship to Puerto Rico, would, under free commerce, be modified to the best interests of both countries. The laws which now compel us to use American ships only, as there are few in our harbors, give them the advantage of a monopoly at advanced freight rates; while other crafts which bring to Puerto Rico commodities that should come only from the United States, who would gladly accept lower rates were we privileged to utilize them, return without cargoes. These are a few of the manifold hardships imposed by the United States which free commerce will remove.

Cut off from the markets of the world, is it not strange that Congress should hesitate to grant the same commercial freedom and opportunity now possessed by the people of State and Territory alike, and soon to be accorded to Hawaii, when the elimination of the odious tariff is the salvation of Puerto Rico from utter prostration and ruin?

THIRD. THE SUBSTITUTION OF AMERICAN MONEY FOR THE PUERTO RICAN.

The change of currency must naturally follow the establishment of free commerce, as to maintain a foreign currency in a Territory of the United States would be absurd, and any attempt to put the island upon the gold basis, now in vogue in the United States, before the accomplishment of free trade would be ruinous. The exact standard of equity in substituting American for Puerto Rican currency is a matter easily determined by Congress after the grant of Territorial rights and privileges to the island.

FOURTH. THE AUTHORIZATION OF A LOAN.

With the reconstruction of the island, upon the maintenance of free commerce, the withdrawal of the military and the establishment of a Territorial legislature, it will be possible to negotiate a loan for the development of industries, the founding of schools, the building of roads and public works, and for maintaining the government till such a time as prosperity justifies an insular tax to be levied for these ends. As the island is without debt, as soon as there will be permanency in government and industrial organization, capital would be ready to render assistance upon a 4 or 5 per cent interest basis, instead of the 24 per cent plan in evidence under Spanish rule. But first of all the permanency of the government and the stability of its industrial structure must be assured. These are themselves a sufficient guaranty from Congress in the application of Territorial rights.

The acceptance of the fostering arm of the United States by the Puerto Ricans was based on the faith in the pledge and word of honor of an American general representing the highest governmental authority. To date nothing has been done to fulfill these high obligations, those most solemn promises. All authorities point to the truth that the condition of the island is far worse than ever within the mind of this generation under Spanish dominion—a sad commentary on the vaunted freedom, equality, and "promotion of prosperities" of the invading Republic. It is not charity that the Puerto Ricans desire; charity is the one thing they despise and regard as their harbinger of ruin. They have never been a pauper nation, and they will not begin now. All the sad facts as to the condition of the island since American occupation have been communicated to the President of the United States, both by the commissioners and delegates representing the people of the island and by the committees sent thither to investigate the case. The President was so far convinced that immediate legislation was necessary to the restoration of peace and prosperity to the island that in his last message to Congress he strongly urged and advised the withdrawal of the tariff differences between the adopted island and the States, and the Secretary of War, in his late annual report, sustains the position of the Chief Executive, maintaining that "we should treat the interest of this people as our own, and most strongly to urge that the customs duties between Puerto Rico and the United States be removed."

With the President, the Cabinet, the War Department, and the wisest lawgivers in Congress of one mind with regard to the wisdom and expediency of granting Puerto Rico Territorial rights, the first of which is to bring about the establishment of free commerce, how is it possible that there should be opposition cogent enough to defeat the ends of humanity, not to say overriding the principles of the Constitution under whose benignant rule representatives from many nations have lived in peace and prosperity for a hundred years and more, and will continue so to do in one solemn brotherhood of freedom and contentment for untold generations to come?

Let Puerto Rico be instantly declared a part and parcel of the mother country by adoption, an integral Territorial district and not a mere tributary; her citizens in reality citizens of the United States and not subjects of an arbitrary and imperialistic power.

Let the wise provision of absolute and unrestrained free commerce between Puerto Rico and the United States become a permanent law and an accomplished fact.

Let the Territorial form of government be established in the authority and under the protection of the administrative power at Washington and in direct consonance with the principles of constitutional right.

Let American money be substituted for the Puerto Rican.

Let there be full and complete authorization for the floating of bonds for the pressing needs of the island, to restore a measure of industry and the establishment of schools, public works, and government budget.

Let there be authorized by Congress full protection in the treaties of the United States for the products of the island.

Lastly, let there be a commission appointed to codify the laws, and to report upon the interests of the island in the way of general improvements—harbors, highways, light-houses, coast surveys, irrigation, etc.

With these authorized and accomplished, Puerto Rico, once "the gem of the Crown of Spain," will become a star of promise, and perhaps at some future day permanently fixed in the blue of the flag that came to bring it freedom and the sheltering arm, and by whose standards loyal Puerto Ricans shall be glad to live and, if need be, proud to die.

Respectfully,

T. LARRINAGE.
L. SANCHEZ MORALES.
LUCAS AMADEO.
MANUEL F. TUNCOS.
J. JULIO HENNA.
J. R. LATIMER.
AZEL AMES.
GEO. S. FINLAY.
D. W. LUCE.

WASHINGTON, D. C., *February 26, 1900.*

REPORTS OF COMMITTEES.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the bill (S. 2321) for the construction of a driveway and approaches to the national cemetery at Salisbury, N. C., submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. McBRIDE, from the Committee on Public Lands, to whom was referred the bill (S. 1486) for the relief of J. W. Leigh, reported it with amendments, and submitted a report thereon.

Mr. SEWELL, from the Committee on Military Affairs, to whom was referred the bill (S. 3191) for the relief of the estate of James Young, reported it without amendment, and submitted a report thereon.

Mr. HANNA, from the Committee on Naval Affairs, submitted a report to accompany the bill (S. 403) for the relief of Theodore J. Arms, assistant paymaster in the United States Navy, heretofore reported by him.

The PRESIDENT pro tempore. From the Committee on Commerce the junior Senator from Maine reports, with amendments, the bill (S. 727) to promote the commerce and increase the foreign trade of the United States, and to provide auxiliary cruisers, transports, and seamen for Government use when necessary. The Senator desires to state that a report was prepared, but it requires some modifications on account of amendments which have been made to the bill by the committee. The report will be presented at a later day.

Mr. VEST. I submit an amendment by way of substitute for the bill just reported. I move that it be printed and lie on the table until the bill is considered.

The motion was agreed to.

BILLS INTRODUCED.

Mr. MASON introduced a bill (S. 3321) granting a pension to Mary A. Buford; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 3322) to remove the charge of desertion from the military record of Arthur Trader; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 3323) for the relief of the owners and occupants of Camp Tyler, in Cook County, Ill.; which was read twice by its title, and referred to the Committee on Claims.

Mr. PENROSE introduced a bill (S. 3324) for the relief of Frank Oldengot, alias Frank Oltencott; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced a bill (S. 3325) to correct the military record of Charles M. Gridley; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PERKINS introduced a bill (S. 3326) to amend an act approved February 11, 1897, authorizing the entry and patenting of lands containing petroleum or other mineral oils or other hydrocarbons, and chiefly valuable therefor, under the provisions of the laws relating to placer mining claims; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 3327) directing the Secretary of the Treasury to refund to the Pacific Coast Steamship Company the sum of $174.57, collected as duties on a diving outfit; which was read twice by its title, and referred to the Committee on Finance.

He also introduced a bill (S. 3328) to authorize the President to appoint and retire Richard Henry Savage, with the rank and grade of major; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. GALLINGER introduced a bill (S. 3329) granting a pension to Kate B. Warren; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DEPEW introduced a bill (S. 3330) to establish the University of the United States; which was read twice by its title, and referred to the Committee to Establish the University of the United States.

Mr. CULLOM introduced a bill (S. 3331) granting a pension to James Anderson; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 3332) granting a pension to Daniel B. Bush; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 3333) authorizing Hugh T. Reed to be placed on the retired list with the rank of captain; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. CLARK of Wyoming introduced a bill (S. 3334) to remove the charge of desertion from the military record of James Calhoun; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. WARREN introduced a bill (S. 3335) to provide for the purchase of a site and the erection of a public building thereon at Laramie, in the State of Wyoming; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. CLARK of Wyoming introduced a bill (S. 3336) to enable the people of Arizona to form a constitution and State government and to be admitted into the Union on an equal footing with the original States; which was read twice by its title, and referred to the Committee on Territories.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. MASON submitted an amendment proposing to increase the salary of the chief of division of postage stamps, office of the Third Assistant Postmaster-General, from $2,250 to $2,500, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. McBRIDE submitted an amendment proposing to appropriate $204,800, to be paid to the Coos Bay, Umpqua, and Siuslaw Indians, of Oregon, in full of all demands and claims against the United States for the lands described in the agreement made with them August 11, 1855, intended to be proposed by him to the Indian appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Indian Affairs.

Mr. NELSON submitted an amendment proposing to increase the salary of the surveyor-general of Minnesota from $1,800 to $2,000, intended to be proposed by him to the legislative, executive,

and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. DAVIS submitted an amendment proposing to place under Class V the consulate at Nuevo Laredo, intended to be proposed by him to the diplomatic and consular appropriation bill; which was ordered to lie on the table and to be printed.

MRS. ELIZABETH FOSTER, DECEASED.

Mr. COCKRELL. In consequence of the death of Mrs. Elizabeth Foster, at the advanced age of 98 years, I move that the bill (S. 1985) granting an increase of pension to Elizabeth Foster be stricken from the Calendar, and that it be indefinitely postponed.

The motion was agreed to.

MAY A. RANDALL.

Mr. GALLINGER. Mr. President, I desire to enter a motion that the Senate reconsider the vote whereby the bill (S. 2368) granting a pension to May A. Randall was passed.

I move that the House be requested to return the bill to the Senate.

The motion was agreed to.

SENATOR FROM PENNSYLVANIA.

The PRESIDENT pro tempore. If there be no concurrent or other resolutions, the Calendar is in order.

Mr. TURLEY. I ask that the resolution in the Quay case be laid before the Senate.

The PRESIDENT pro tempore. Recognizing the custom of the Senate, and at the request of the Senator from Tennessee, the Chair lays before the Senate the following resolution.

The Secretary read the resolution reported from the Committee on Privileges and Elections, as follows:

Resolved, That the Hon. Matthew S. Quay is not entitled to take his seat in this body as a Senator from the State of Pennsylvania.

Mr. TURLEY. Mr. President, having joined with the majority of the Committee on Privileges and Elections in reporting this resolution and recommending its passage, it is proper that I should give to some extent the views which actuated us in our action.

It is a question which in its general aspect has been frequently before the Senate. I do not think that any case exactly like this has ever been before the Senate. There was one somewhat similar to it, but not exactly on all fours with it, one that I will notice as I proceed.

Although the facts have been stated to the Senate, yet, in order to have my remarks understood, I will again lay them before the Senate, premising that there is no dispute as to the following facts:

Prior to March 3, 1899, Mr. Quay was a Senator in Congress from the State of Pennsylvania. His term of office, to which he had been elected by the legislature of Pennsylvania, expired by efflux of time on the 3d day of March, 1899. The legislature of Pennsylvania convened in regular session on the first Tuesday in January, 1899. On Tuesday, January 17, 1899, it began balloting for the purpose of selecting some one to succeed Mr. Quay and fill the vacancy which would occur on the 3d day of March, 1899. Daily ballots were taken in obedience to the provisions of the act of Congress of July 25, 1866, and of the Pennsylvania statute of January 11, 1867, from that date until April 19, 1899. The legislature adjourned April 20 without effecting an election. Thereafter, on April 21, 1899, the governor of Pennsylvania appointed Mr. Quay to represent the State of Pennsylvania in this body until the next meeting of the legislature.

It will thus be seen that the vacancy, which the governor of Pennsylvania has here attempted to provide for by a temporary appointment, was one which was foreseen, one which was caused by the expiration of a prior term, one which occurred while the legislature of Pennsylvania was in session, and one which that legislature had an opportunity of filling before it occurred, and also after it occurred, in the interim between the date of the occurrence and the appointment by the governor.

Now, it would seem, Mr. President, from a statement of those facts, that if there ever was a case in which the governor of the State was, under the provisions of the Constitution, without power to make a temporary appointment to this body, this is the case. It is in the teeth of every provision of the Constitution bearing on the subject. The vacancy occurred while the legislature was in session, not during a recess of the legislature. The legislature remained in session nearly two months, taking daily ballots to fill the vacancy. The vacancy was one which was foreseen, which happened by the expiration of a regular term, which did not occur either by death, resignation, or any accident.

I intend first, as briefly as I can, to take the provision of the Constitution bearing upon this subject and to construe it as we would any ordinary instrument, any statute, or any provision of law. Then I will take the history of that provision and construe it in the light of the facts surrounding the convention by which it was adopted; and the conclusion, it seems to me, will be the same in both cases. Finally, I shall notice the precedent which the Senate has established in cases like this.

It has always seemed to me that in construing statutes and constitutions the safest rule to follow is the one which requires us to give to the words used their ordinary and usual meaning, and why? Because constitutions, laws, and statutes are passed for the mass of the people, for the ordinary people, and they ought to be clothed in language so plain and simple that the ordinary man may understand them upon reading them.

I think, therefore, that when courts pass upon statutes and constitutions, and when a body like this passes upon statutes and constitutions, they ought, if possible, to give that meaning to the words used which is given to these words by the ordinary mass of the people who are to be governed by the laws and constitutions.

Now, when we come to the clause of the Constitution bearing upon this subject, we find it divides itself into two branches. The first is that—

The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof, for six years; and each Senator shall have one vote.

Now, giving to these words their ordinary meaning, what is the paramount and manifest intention of this phrase of the Constitution? It is, first, to have the Senators chosen by the legislatures of the States. The legislatures are made the bodies to select the Senators to represent the States in this body. Another paramount intention was to make the representation of the States equal in the Senate. Each State was to have two Senators, and each Senator one vote. The men who were framing the Constitution were framing a republican form of government.

Nowhere through the Constitution do we find, except in this one instance, power given to an executive under any circumstances to fill a vacancy in a legislative body. Indeed, such power is, in its elements and essence, contrary to that great provision of our Constitution which says that the executive, judicial, and legislative departments shall be independent of each other. So it is that in forming this body, the idea being to give the States equal representation, the power to fill seats in this body was vested in the legislature of the States, which are chosen by the people of the States.

Now, take this clause and let us see how it operates. I want to say here on this point that I agree fully with the doctrine that the intention was to keep the Senate full, and I agree fully with what was said by the Senator from Virginia [Mr. DANIEL] in his address here on Friday, when he said:

And in construing it—

Referring to this clause of the Constitution—

I start with this general proposition—that there can exist no vacancy in any office in the United States at any time, and no vacancy in the Senate of the United States which can not be instantly filled, however that vacancy may have arisen.

I agree with the general proposition. The word "instantly" as used there probably is not correct, but I do agree with the idea and the proposition that it was the intention of the framers of the Constitution to keep the Senate full. But how was it to be kept full? That is the question now before us. We all agree on the intent, what was to be accomplished, but the method by which the Senate is to be kept full is the question.

Take this first clause. Under the operations of the first clause, which I have just read, there never could be a vacancy in a regular Senatorial term which expired by limitation, except in the one single case of the man who was selected by the legislature refusing to accept, or, in the other case, of his dying before his qualification. Leaving those two out of the way for the moment—I shall return to them directly—in every other case under the operations of this first clause it is impossible that there should be a vacancy in the beginning of a regular term of office in this body if the legislature does its duty.

When the Constitution was passed the legislatures of the States met more frequently even than they do now. I think from the debates on the Constitution that the longest period between sessions of a legislature at that time was one year. So, under this provision, there would always be a legislature in existence before the beginning of a regular term, which could fill that term; and hence I say that if the legislature did its duty there never could be a vacancy in the beginning of a regular term of a Senator in this body.

I want to say further, Mr. President, and I submit it to my brother Senators, that in framing the Constitution its authors never contemplated a case where the citizens would fail to perform their political duties, or where State legislatures would deliberately fail to perform the duties they are sworn to perform. That was a contingency which the framers of the Constitution never intended to provide against.

Indeed, it is a contingency which, under our system of government, it is impossible to provide against, for whenever legislatures fail to perform the duties for which they are chosen and the duties which are devolved upon them and the duties which they are sworn to perform, then the fabric of our Government goes to pieces. It is the very foundation upon which the whole system is built, that the people themselves will be faithful to their political duties, that they will watch and preserve their political rights, and that the legislatures of the States will be equally faithful in the performance of their duty.

Hence it was not intended by the framers of the Constitution to deliberately make a provision that if a legislature, which is selected by the people of a State to perform these duties and to choose its Senators to represent that State in this body, deliberately fails to perform its duty, then somebody else shall perform it. In other words, the whole scheme must necessarily rest for its safety and perpetuity upon the idea that these duties will be performed.

Far better would it be for the safety of the Republic to establish the doctrine firmly and forever that if the legislature of a State willfully and deliberately fails to perform the duty of selecting Senators to represent that State in this body, then that the State itself shall go unrepresented until the people choose representatives who will perform the duty.

Mr. STEWART. Will the Senator allow me to call his attention to section 4 of Article I?

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Nevada?

Mr. TURLEY. Certainly.

Mr. STEWART. The provision I am about to read is said by contemporaneous writers to have been placed in the Constitution under the apprehension that the States might not do their duty in that respect:

> The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing Senators.

It was stated in the debates that this was put in to prevent a State from failing to provide for electing members of the legislature. Some of them had already shown a spirit of that kind. Inasmuch as that would be a little in conflict with what the Senator was saying, I thought it was well to call his attention to it.

Mr. TURLEY. I do not see how it would accomplish the object, if that was the object. It gives to Congress the power to fix the times and places of holding the election. They can not fix the place, but they can fix the time and manner, like we have done in the act of 1866. But how does that force a legislature to do its duty?

Mr. STEWART. Not the legislature, but Congress.

Mr. TURLEY. How does it force the State to do its duty? How does the fact that Congress says a certain legislature shall be the one to elect the Senators force that legislature to do it?

Mr. STEWART. If the legislature does not do it——

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Nevada?

Mr. TURLEY. Yes, sir.

Mr. STEWART. It requires Congress to do it. If the legislature fails, Congress may provide for the election. That was put in on the ground that they might fail to do their duty, as it was shown by the debates.

Mr. TURLEY. Now, Mr. President, I can answer that. I am glad to have these interruptions. In the first place, under the clause of the Constitution which I have just read, there would always be a legislature in existence to perform this duty. In other words, the only way it could be avoided would be by the legislature deliberately refusing to perform the duty, or else by the people of the State failing to elect a legislature.

Only those two kinds of vacancies could arise under this clause, without the other one being in there, that the legislature absolutely refused to perform the duty, or declined to do it, or failed to do it, or that the people of the States failed to elect a legislature. Giving Congress the power to fix the time and the manner, but not the place, does not compel the people to elect the legislature, nor does it compel the legislature, which is elected and in existence at the time, and which, under the act of Congress, ought to perform the duty, to perform it. We are under that just where we would be under this, if the people or the legislature declined to perform the duty.

It is impossible on our theory of government to coerce the people or to coerce legislatures in the performance of such great sovereign duties. There is no power to coerce them, because the people are themselves the sovereigns, and the legislatures in these matters are the constituencies of this body, and if they deliberately fail in this matter then it is a case where the system itself breaks down.

So I say it is that under this provision of the Constitution, wisely framed and worded, a scheme was given to the people of this country by which every Senatorial term could be filled at its commencement, and it could only be by neglect or failure of duty that it was not done.

Now, let us go a little further and see where this left the framers of the Constitution. These contingencies arose, then, that a Senator, after being elected, of course, might die; he might resign; he might be expelled; and at some time the contingency might arise that after he was regularly elected and chosen by the legislature he might decline to take the office, or he might die before he was sworn in. Here were uncertain things which might occur, and which would have to be provided for, or else the provision giving the States equal representation in the Senate would be violated.

Now, mark them. It was not the case of a vacancy in a regular term at its beginning, because that was fully provided for under the provision saying that the legislature should fill the regular term. But it was a case of death, of resignation, of expulsion, of refusal to serve—all matters which could not be provided for under the first clause.

Mr. BURROWS. Something happening to the incumbent of the office.

Mr. TURLEY. Something pertaining directly to the incumbent, something rendering him, either by his own act or by some act outside of him, incapable of filling the office. Hence it was then that this second clause was provided, and that is as follows:

> And if vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

Now, giving these words their ordinary meaning, just as ninety-nine men out of every hundred that you meet in this country, on the streets or on the trains or in your houses, would give them, the vacancy must occur during a recess of the legislature, because if it occurred while the legislature was in session then the body which has the right to fill these places would have the opportunity to supply the vacancy. But it must be during a recess, when the legislature could not fill it. I will notice as I go on, as I believe it must have been in the minds of the framers of the Constitution, though some of the cases have departed from that view, that it must have been a vacancy occurring by some accident, something pertaining to the individual holding the office.

But now what power is given to the governor? It is not to fill the place. The vacancy, when it once occurs, is the same vacancy until it is filled. If any Senator here who is in for a six years' term dies to-morrow, his legislature not being in session, and the legislature meets thereafter and fails to fill his place and adjourns, the vacancy is the same vacancy which occurred or happened at his death. That is the vacancy that the power is given to the governor to temporarily supply—not to fill, but to temporarily supply—and how long can he supply it? He can supply it until the next meeting of the legislature, not as long as it exists.

Can language be plainer than this? He can supply it not as long as it continues or exists, but he has a limited, special power to supply it until the next meeting of the legislature, thus showing again that the framers of the Constitution intended that the legislature alone should fill these vacancies, and that the governor should only act during that temporary and short period when the legislature had no opportunity to act.

It is contended on the other side that as long as the vacancy lasts, no matter how many legislatures may have met and adjourned without filling it, the governor may appoint and reappoint and appoint again, and that under certain exigencies or accidents of the case he might keep his appointee in this Senate for nearly a full term of six years. How easy it would have been to have said that if the framers of the Constitution had so intended. Suppose the clause had read thus:

> If vacancies happen by resignation or otherwise during a recess of the legislature of any State, the executive thereof may make temporary appointments until the vacancy is filled by the legislature.

If that language had been used, the governor would have had the power to supply it by appointment until the legislature finally filled it. The language is simple, plain, explicit; and yet, instead of using such language, the framers of the Constitution deliberately used language which conveys exactly the opposite meaning. Instead of giving a general power to fill the vacancy as long as it exists and until the legislature fills it, it limits the power until the next meeting of the legislature.

Let me illustrate by a case, Mr. President. Suppose a merchant in this country intends taking a long voyage, a tour around the world, or any other lengthy journey, and he has a general agent to represent him until his return. Fearing that that agent may die or resign or that some accident may happen to him and he may become incapable of performing his duty, he gives a power of attorney to a third man authorizing him in case of the death, resignation, or incapacity of this agent to then appoint another agent in his stead, temporarily, until the merchant's return to this country and his resumption of the charge of his business.

Suppose he returned and took charge of his business, and then afterwards went away again. Would anybody contend that this power of attorney lasted and operated through the second voyage or the second journey? No; because the merchant would have returned and resumed charge of his business, and the whole matter would have been just as here. Whenever the legislature returns, as the body which under this clause of the Constitution has the full jurisdiction and the full power to act in these matters—when that body meets, then the power of the governor at once ceases.

I wish to refer briefly on this question to what was said by the Senator from Wisconsin [Mr. SPOONER] when we had the Corbett case under consideration. The question then which was being

debated was, What would you do in a case where the governor had made his appointment rightfully, and the legislature meets, tries to elect a Senator, fails to elect one, and adjourns? Has the governor the power to appoint again? Now, this case is even stronger than that, because this has the element in it of a vacancy occurring while the legislature was in session.

But, putting that aside, at any rate, after this vacancy occurred the legislature of Pennsylvania was in session for some two months, from March until nearly the end of April, and was making daily efforts to fill this seat. Therefore it comes directly within the principle of the case of where a governor has made an appointment to fill a vacancy which occurred during the recess of the legislature and the legislature thereafter has met and failed to fill the place. The Senator from Wisconsin, in discussing these questions and speaking on the Johns case, said:

I may be wrong about it, but it has seemed to me that there is ground for fair distinction as to the power of temporary appointment between the case where the legislature meets and fails to fill an anticipated vacancy and where the legislature meets, a vacancy then being in existence, and adjourns without filling it. The Constitution says, in a general way of course, that Senators shall be chosen by the legislature. It does not say by what legislature or in terms when it shall be done.

Then, further on, he said:

It may very well be a different thing if when the legislature meets the vacancy exists. There is a mandate laid by the Constitution upon that legislature not simply to choose a Senator, but as to the time when it shall be done, and it is peculiar in that respect. The governor can make temporary appointment "until the next meeting of the legislature, which shall then fill such vacancy." Is there no ground for the distinction?

Further on the Senator said:

What ground the Kensey Johns case went on I do not know, except that it was the case that when the legislature met the vacancy existed. The governor had never appointed at all; and there were great constitutional lawyers who argued for this construction of the Constitution, which would decide the Johns case, if it were a correct contention—and there was much to sustain it—that the word "until" used in that clause of the Constitution does not limit the duration of the term of the appointee of the governor, but limits the governor's power of appointment.

Further on, when a question was put directly to him, he said:

Yes, it is proper, but purely academic, for in my judgment it is not involved in this case. My own impression has been that there is no authority in the Constitution for the governor to make a number of appointments to fill a continuing vacancy. If my term should become vacant by my death tomorrow, in the recess of the legislature, the governor, of course, would have a right to appoint my successor, and he might come here and be sworn in and die in a month. I should think in that case the governor would have the power undoubtedly to make another appointment.

All of which is true; but his judgment was at that time that there was no authority in the Constitution for the governor to make a number of appointments for filling a continuing vacancy. Of course, when a new Senator is appointed or elected by the legislature, and dies, a new vacancy occurs upon which the clause of the Constitution operates just as it did upon the original vacancy.

Mr. President, I am going to discuss this somewhat in detail, and I want to take up the word "happen," about which there has been so much controversy in these debates—"if a vacancy happen." What does "happen" mean? Again I revert to the rule that we ought to give it the meaning which the mass of the people give to it; and I think every Senator will agree with me that in the common, ordinary, everyday meaning of the word, as used by the masses of the people, it has the idea of accident, something unforeseen, casualty. Of course it may be used in a different sense, and may have a different meaning, according to its use; but all these other meanings are secondary. They are none of them its primary meaning as it is ordinarily used.

As I said, if you were to start out and ask every man you met indiscriminately what his idea was of what the word "happen" meant, he would give you in some way the idea of accident, of casualty. Finally, you might meet a philologist or an expert in construction, and he would tell you that sometimes it meant that, and sometimes it means just the opposite of that. He would tell you that a certain author a hundred years ago had used it in a different sense; he would tell you that it might, according to its context and its subject, mean a continuous condition, as the Senator from Virginia said, that it might mean one thing now and another thing to-morrow—"all things to all men"—until when you left him you would be as confused and confounded as to what the true meaning of the word was as a lawyer would be who searched for a consistent, regular line of decisions in our Federal Reporters. But, Mr. President, as I have said, the common, ordinary meaning is that which I have given to it.

Let me illustrate that a little further and thus show you how hard it is to use the word without its having this meaning. I am going now to refer to the report of the minority of the committee in this case, in which they seek to give it another meaning. I read from the minority report on page 18:

Now, we affirm—

Say the minority—

with great confidence that the phrase used in the Constitution is employed in ordinary usage to describe events that do not depend upon chance, and to describe a continuing condition without reference to the time or method of its origin.

If the Fourth of July happen on Sunday, the coming of Sunday and the coming of the Fourth of July, the coincidence of those two things, is the result of fixed and unchangeable natural laws; and that word expresses not merely the beginning of the Fourth of July, or the beginning of Sunday, but the continued identity of the two periods of time described throughout their entire length. Indeed, the word "coincidence" is equivalent to the words "happening at the same time," and is used to describe events that are not fortuitous.

That is literally true; and yet when you look at it in another light, you will see that, as used here, the idea of chance or accident as it is accepted by the common mind prevails. It is true that the Fourth of July and Sunday happen on the same day according to fixed laws; but those laws are not kept in mind by the mass of the people; and it is in the ordinary acceptation of ordinary people, rather than in this sense of an accident to them, that these two things happen on the same day.

Coincidences are unusual things. Not but that, of course, they are governed by law, as everything else is; but in ordinary parlance, in ordinary acceptance, that is the way they are usually understood. They are unusual things, accidental things, things which do not usually occur; and if you take the illustrations on the other side, you will find the same sense runs through them all.

I may as well admit here that there is nothing which happens by chance. Everything is governed by fixed laws. But we do not know what those laws are, and hence to us it is chance. But if we bring it down to abstract principles, then there could be no such thing as "happen" in the sense of chance. That meaning of the word is eliminated from the subject if we treat it according to abstract law. But this Constitution was not prepared for scientists or philologists, but for people construing language according to stated rules; it was prepared to be plainly read and understood by every man who was to be governed by it.

But let me go a little further. The minority say that the word "happen" is synonymous with "occur;" "to come to pass;" "to take place." I agree to all of that; I accept those definitions. Let us see what those synonyms, those words, mean. "Occur" has a good many meanings, like all other words. It means, according to Webster's International Dictionary, "to meet;" "to clash;" (2) "to go in order to meet;" "to make reply" (this being now obsolete); "to meet one's eye;" "to be found or met with;" "to present itself;" "to offer;" "to appear;" "to happen;" "to take place;" all things that occur instantly, and which generally occur accidentally.

(a) "To come to pass;" "to occur;" as, the ceremony will not take place.

(b) "To take precedence or priority."—*Addison.*

(c) "To take effect;" "to prevail."

"If your doctrine takes place."—*Berkeley.*

"But none of these excuses would take place."—*Spenser.*

"To come to pass" means, by the same authority, "to happen;" 'to fall out."

Now, put those words in the Constitution and see if its meaning is changed any. Let us read it in the light of those words:

And if vacancies occur by resignation or otherwise.

Is that any stronger for the other side than it is as written here, "if vacancies happen?" When you say "a vacancy occurs," do you mean a continuous vacancy, or do you mean "a time at which the vacancy takes place?" Suppose you say "if a vacancy takes place" or "if a vacancy comes to pass by resignation," every word that you substitute for "happen" there means this, at least—it means to indicate the point of time at which the vacancy begins. "Occur," "come to pass," "happen," "take effect"—all these indicate the point of time at which the vacancy begins.

A vacancy does not occur and recur every minute and every second as long as it lasts. It occurs once, and then, to the ordinary mind, it continues to exist until it is filled; but it occurs at the time it begins, just as death occurs, and then the state of being dead, the state of death, continues. Birth is the beginning of life, and occur is the time at which the vacancy begins. This analogy fits in with the meaning and intention of the framers of the Constitution. They meant a vacancy which began when a legislature was not in session, because if the legislature was in session, then, under the Constitution, it was the body whose sworn duty it was to act, and the body which alone had the power to act. Therefore, no matter what word you substitute for the word "happen," you come back to it, that it means the point of time at which the vacancy takes place, or occurs, or comes to pass. That is, in my mind, the only reasonable explanation which can be given to it.

I now pass on, and I come to the word "otherwise." I want to discuss that briefly, because the Senator from Virginia [Mr. DANIEL] has stated, or rather his argument is, that it is preposterous to give to the word "otherwise" the meaning which we give to it in this phrase. The language is, "if vacancies happen by resignation or otherwise." We say that under the ordinary

rules of construction which prevail in such cases the word "otherwise" is limited by the word "resignation;" that is, a general word following specific words is limited by the specific words. The Senator from Virginia said, and other Senators say, "otherwise" means "in a totally different manner." I agree that it means in a different manner; it means in a different way.

But what is the question here? The question in construing this word is, what is to cause the vacancy which can be filled by the governor? The Constitution says "a vacancy caused by resignation." Now, a vacancy caused by death is a vacancy caused in a different manner, a wholly different manner. A vacancy caused by expulsion is a vacancy caused in still another different manner, wholly different from the other; but a vacancy caused by a refusal to accept is a vacancy caused in still another manner.

Now, what we say is that the word "otherwise" should be construed, according to all the rules of construction, to mean causes of the same general character, causes of like character, not identical causes—different causes, caused in a different way, caused in a different manner—but still causes of like general character.

Let me see what the Supreme Court of the United States has said on this question. It is referred to in the minority report of the Lee Mantle case and several other cases. The general rule is laid down, as follows:

> A general word which follows particular and specific words of the same nature as itself takes its meaning from them and is presumed to be restricted to the same genus as those words; or, in other words, as comprehending only things of the same kind as those designated by them, unless, of course, there is something to show that a wider sense was intended.

Now, in the case in 18th Howard, Ham *vs.* The State of Missouri, the facts were these:

> The plaintiff in error was indicted for a trespass on land belonging to the State of Missouri, which had been granted in 1820 to that State for school purposes, being every sixteenth section of certain boundaries of land. Ham pleaded that by another act, in 1811, the Congress of the United States had reserved and set apart from entry and sale certain lands against which there were outstanding claims until said claims had been settled. The terms of the grant to the State of Missouri were of every sixteenth section, "unless the same had been sold or otherwise disposed of."

Ham's counsel contended that the act of 1811, reserving and setting apart from entry and sale certain of these lands against which there were outstanding claims, until said claims had been settled was "otherwise disposing of" them; and manifestly it was, taking the words "otherwise disposed of" in their broad sense, just as here "otherwise," unless limited by the word "resignation," would include every kind of vacancy. So "otherwise disposed of" would include every imaginable disposition, temporary, permanent, in fee, or any kind of disposition. Yet the Supreme Court when they construed that said "otherwise" was limited by "sale," and it could only be a disposition which was of the same character and nature as a "sale."

I pass from that case. In another case, the Thames Insurance Company *vs.* Hamilton, Chancellor Hallsbury says:

> If understood in their widest sense the words are wide enough to include the injury; but two rules, now fairly established as a part of our law, may be considered as limiting these words. One is that words, however general, may be limited with reference to the subject-matter in relation to which they are used. The other is that general words may be restricted to the same genus as the specific words that precede them. (See Sutherland on Statutory Construction, page 357.)

This case was an action upon a policy providing for insurance against all the perils of the sea, and of "all other perils, losses, and misfortunes that have or shall come to the hurt, detriment, or damage of the aforesaid subject-matter of this insurance or any part thereof." The damage alleged was to a donkey engine, which was used in pumping water into the main boiler, and which burst, owing to a valve being closed which ought to have been open.

The holder of the policy contended that it came in under the words "other perils," which undoubtedly it did, because the language was as broad as it could be if we look alone to the words "or other perils, losses, or misfortunes." Here was the destruction of a donkey-engine by the bursting of a valve, and the policy was against perils of the sea. Although the language "or other perils" was used, yet it was limited to perils of like character, the perils of the sea. Can cases be stronger?

Just so we said here, "otherwise" should be limited to causes of a like character, of the same genus, as resignation; and it fits in again with the whole scheme, it fits in again with the plan, because there was no need to provide against any other kind of a vacancy than that caused by an accident of that sort. A vacancy caused by the regular efflux of time, which could be foreseen, was provided for in the first part of the clause, and it was only those vacancies which were caused by accident, which could not be foreseen, that it was necessary to provide against; and to avoid the necessity of using a great number of words, one word indicating the general genus or class was used, and then "otherwise" included every other cause of like character and of like kind.

Mr. President, I come now to a point I wish to touch upon briefly, simply wishing to say that if we construe this clause of the Constitution—referring again to what the Senator from Virginia has said, and to what we all agree, that the intent was to keep the Senate always full—I say that under our construction a plain, simple, consistent, and adequate means of keeping the Senate full is supplied. It can be kept full at all times, when vacancies occur by efflux of time, by the election by the legislature; when they occur accidentally, by the appointment of the governor until the legislature meets; and thus the Senate is always full.

It is as easy to keep it full that way as it is under the other doctrine. If the idea had been, fellow-Senators, that the Senate must at every instant of time be kept full, would language like this have been used? Let us see what all admit and what the framers doubtless saw. Many of our legislatures remain in session for months. In many States the habit has grown up of limiting the time of their session, but when this Constitution was framed and for years afterwards and now in many States the sessions are unlimited.

Take the case of the State of Pennsylvania. There the legislature met in January and it could hold sessions as long as it pleased—I believe there is no limitation on the sessions of the legislature of that State. It was in session during January, February, March, and April—four months. During two months of this time there was a vacancy in the Senate which, it is admitted, nobody but that legislature could then fill. So, under all constructions and any construction that is supported on this floor, here was a two months' period, and if the legislature had run longer, four, five, or six months, there would have been that length of period, during which there was no way of filling this vacancy as long as the legislature remained divided in its opinions and failed to perform its duty.

In 1898 the policy of this Government was changed in less than two months. War was declared and a greater portion of it was successfully fought in less than four months. How many great measures were passed in that short time. When the power is given to the governor to appoint, it is not said that he must appoint; it is not said that the Senate must always be full; but it is said he "may appoint;" it is left to the governor to exercise his discretion; and where is the paramount, controlling intent which would override every other intent and every other motive of the framers of the Constitution, that the Senate should always and at all times, at every instant, have its full quota of Senators?

Necessarily there must be times when there are vacancies, and the language is simply to give the privilege to the governors, on behalf of their States, to fill those temporary vacancies. If a governor does not choose to fill such a vacancy, no man can say he has violated his trust. It is a discretion which he settles with his own conscience under his oath of office, but the legislature that fails to perform this duty does, in my judgment, violate its oath of office. There is the difference and distinction between the two.

Mr. President, I am taking up more time than I intended. I want to advert briefly now to the historical side of this question. When the Convention met there were several plans proposed for selecting Senators; two, differing in detail, contemplated the selection by the House of Representatives, one contemplated an election by the people, one by electors chosen by the people, two for election by the legislature, and one for appointment by the President out of a certain number nominated by the legislature. The plan for the legislatures to elect was adopted with the equal State representation. The matter was then referred to the committee on detail.

Now, notice the report as it came from the committee on detail. As it came from the committee on detail the clause read thus:

> The Senate of the United States shall be chosen by the legislatures of the several States. Each legislature shall choose two members. Vacancies may be supplied by the executive until the next meeting of the legislature. Each member shall have one vote.

It is to be noticed, Mr. President, that under that language as there reported by the committee on detail this appointment would have been good.

Mr. HOAR. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Massachusetts?

Mr. TURLEY. Certainly.

Mr. HOAR. The Senator is relating history. Is it not also true that that language had passed the entire body unquestioned before it went to the committee on detail in that form? In other words, did not the Constitutional Convention once vote for language which the Senator now concedes would have authorized this appointment; and then did not they change that language for the sole reason that they wanted to remove this doubt about the right to resign?

Mr. TURLEY. Well, I am not as familiar with the details of that as is the Senator from Massachusetts, and I have not the book here. As I read the Constitution, the Convention selected the method of having the Senators chosen by the legislatures and equal State representation, and then the matter went to the committee on detail.

Mr. HOAR. The Senator will pardon me. I think he will find this stated in the minority report, if he will look at it. The history of this thing is this: The Convention enacted, taking up section by section, certain arrangements, among others this arrangement: They shall be chosen by the legislature; vacancies shall be filled. That was everybody's opinion. Then, having got through the Constitution and passed their opinion on every separate arrangement, they sent it to a committee on detail to arrange the style and any detail which might be necessary to carry out their purpose, the purpose which my honorable friend concedes was to let the governor appoint if the legislature could not fill a vacancy.

At least, that is what we claim. Then Mr. Madison, who reports the thing himself, so you are sure you have a correct report of the purpose, got up and said what I shall read. Mr. Ellsworth first said in the discussion how important it was that the Senate should always be full, and Mr. Madison got up and said, "If you leave this as it is, we shall have the English question on us of the right of a Senator to resign. Therefore I move to put in the words, 'which are in now,' in order to make it clear that a Senator may resign or decline." That was the sole reason for making any change. The whole Convention having once said unanimously, "If there is a vacancy under any circumstances whatever, the governor may fill it," Mr. Madison says, "Let us make a change in the language to show that a man can resign."

Mr. PENROSE. I happen to have Taft's Election Cases here. I should like to call the Senator's attention to the exact reading of the original article as reported from the committee on detail. Section 1 of Article V reads as follows:

> The Senate of the United States shall be chosen by the legislatures of the several States. Each legislature shall choose two members. Vacancies may be supplied by the executive until the next meeting of the legislature. Each member shall have one vote.

There is no qualification or limitation whatever put upon the right of the executive.

Mr. TURLEY. I have read that. I am going to concede, because I have not carefully examined that point, that the Convention did at one time adopt that clause.

Mr. BURROWS. Will the Senator from Tennessee allow me for one moment?

Mr. TURLEY. Certainly.

Mr. BURROWS. Of course that original general statement that the legislatures should choose Senators and that vacancies should be filled by the executive was simply a declaration of the general policy to be pursued in the framing of that provision. But when that general policy or declaration went to the committee on detail it was completely changed, and instead of saying that vacancies shall be supplied by the executive it was modified by saying that vacancies happening during the recess of the legislature.

Mr. HOAR. That was not by the committee on detail. It was after it came back from the committee.

Mr. TURLEY. The committee on style.

Mr. BURROWS. I misused the word. I should have said the committee on style. It said, "vacancies happening during a recess."

Mr. HOAR. My honorable friend, if he will pardon me, is in error in his memory, as he will see if he will look at the record. It was not changed in committee. It was changed, when it came back, on Mr. Madison's motion.

Mr. BURROWS. It was changed.

Mr. HOAR. The Senator said it was changed in committee.

Mr. BURROWS. In the committee on detail or the committee on style; one or the other.

Mr. PENROSE. I should like to inform the Senator from Michigan that it is a well-known and admitted fact that the committee on style had no authority whatever to alter the matter contained in any provision of the Constitution. The amendment was placed in the Constitution upon the open floor of the Convention, and all that the committee on style did was to strike out the words "refusal to accept," leaving in the words "resignation or otherwise" in the interest of simplicity and good English.

Mr. HOAR. After the report of the committee on style, the committee having reported, and after the Convention had voted that all vacancies should be filled by the governor, according to Mr. Madison's report of his own proceedings—

> Mr. Madison, in order to prevent doubts whether resignations could be made by Senators or whether they could refuse to accept, moved to strike out the words after "vacancies" and insert the words "happening by refusal to accept, resignation, or otherwise."

Then Gouverneur Morris goes on and says:

> This is absolutely necessary. Otherwise, as members chosen into the Senate are disqualified from being appointed to any office by section 9 of this article, it would be in the power of the legislature, by appointing a man Senator against his consent, to deprive the United States of his services.

For instance, a man might be appointed to the Supreme Court of the United States.

Mr. TURLEY. I understand that language of Mr. Madison was used after the committee on detail had reported.

Mr. HOAR. That is what I said.

Mr. TURLEY. And before it went to the committee on style.

Mr. HOAR. It was made on Mr. Madison's motion, not by the committee.

Mr. TURLEY. Yes; after the section was before the Convention on the report of the committee on detail.

Mr. HOAR. That is it exactly.

Mr. TURLEY. Then Mr. Madison's motion was adopted, and it went to the committee on style.

Mr. HOAR. I will ask the Senator another question, if he will permit me.

Mr. TURLEY. Certainly.

Mr. HOAR. Does the Senator think it is credible that that great change, made on this avowed motive alone, was really made for another purpose by that Convention and nobody said a word about it?

Mr. TURLEY. I will answer the question.

Mr. BEVERIDGE. May I ask the Senator from Tennessee a question?

Mr. TURLEY. Certainly.

Mr. BEVERIDGE. The Senator spoke of the language which might have been used under certain circumstances. Is not the contention of the Senator from Massachusetts correct? And if it is true that it was only intended to include those cases that came within the same class as the word "resignation," why did they not say so, since there are only four enumerated by the Senator from Tennessee, and they are very brief and to the point—death, expulsion, resignation, and refusal to serve? Why were not those inserted and named specifically, as they did the word "resignation," instead of putting in the word "otherwise?" In that connection is it not true—I do not remember about it, but my memory is a little bit refreshed—that two or three of these cases were inserted by the committee, and afterwards stricken out so as to leave the word "otherwise" to mean in any other manner? Those questions simply arise in my mind, and I think they are pertinent.

Mr. PENROSE. The Senator is correct. The word "refusal" was stricken out.

Mr. BEVERIDGE. Yes.

Mr. TURLEY. It was stricken out by the committee on style.

Mr. PENROSE. I should like to ask the Senator from Tennessee one question right here. Does he include insanity in this arbitrary definition of the causes of vacancy included in the words "resignation or otherwise?"

Mr. TURLEY. I do.

Mr. PENROSE. I recall reading in the Senator's previous speeches that he had doubt upon that question, and I wanted to know whether he had progressed in his constitutional ideas about the matter.

Mr. TURLEY. I will say I have progressed that far. When you come to the question of insanity, probably it would require an inquisition of lunacy. I mean that whenever, under the law as it exists, a Senator who held a seat in this body was properly and in a regular manner declared insane, then the seat would be vacant, just as it would by resignation or death. I will say that.

Mr. PENROSE. I remember that the Senator expressed doubt on that point in his speech upon the Corbett case. I did not know whether he adhered to that view.

Mr. TURLEY. I have advanced to that point, if I did then entertain that view.

Mr. BURROWS. As I understand the history of this matter it was this—I have the authority before me: The Convention considered many resolutions in relation to the formation of government and the creation of the Senate and filling a vacancy, and they finally referred three resolutions, Nos. 4, 11, and 22, which related to the organization of the Senate, to the committee on detail. The committee on detail made their report back to the Convention, in which they reported that vacancies may be supplied by the executive until the next meeting of the legislature.

This report was considered by the Convention in committee of the whole and was amended by the Convention, so that instead of leaving the power with the executive to fill vacancies, it was modified by the Convention so as to read:

> Vacancies happening by refusals to accept—
>
> Limiting the general power of filling vacancies—
>
> Vacancies happening by refusals to accept, resignations, or otherwise, may be supplied by the legislature of the State in the representation of which such vacancies shall happen, or by the executive thereof until the next meeting of the legislature.

The vacancy was to be filled by the legislature or the executive thereof until the next meeting of the legislature. That was as it stood when it went to the committee on detail. Then the committee on style changed it to its present form.

Mr. BEVERIDGE. If they had left that as it was, what would the word "otherwise" have meant? Suppose they had left it?

Mr. BURROWS. I think it would mean exactly what it means now, namely, other like vacancies.

Mr. TURLEY. I will answer the question of the Senator from Indiana, and then I will take up the matter adverted to by the Senator from Massachusetts, for I do think that when we consider this it sustains our view of this case.

In reply to the Senator from Indiana, I can answer him better in the language of the Senator from Wisconsin [Mr. SPOONER], who was asked a similar question in the Corbett case, or one of the debates on this question, as to why all these causes had not been enumerated.

Mr. BEVERIDGE. There are only four possible.

Mr. TURLEY. You have found insanity since, which would make five. I do not know what might happen afterwards. There are a great many ways. Concede that there are but four, or call it five. The Constitution of the United States is remarkable for one thing, and that is for its conciseness, its brevity, and its comprehensiveness; and the Senator from Wisconsin, in answer to that question, and I think it was a good answer, said that the framers of the Constitution guarded against overloading it with repetition of like expressions.

When it enumerated one, resignation, and then added the word "otherwise," if you apply the ordinary rule of construction, because the great majority of the members of the Convention were lawyers, and all of them educated men, who understood to a nicety the use of language, you will see that in the most concise and explicit form they do express the idea which otherwise would have required two or three lines to express it. That is the answer to that question.

Now I wish to come back to the question which the Senator from Massachusetts put to me, and I hope he will be back before I get through, because I want to ask him one question when I get through with this matter. Undoubtedly as this clause came from the committee on detail this appointment would have been good. Under this provision any vacancy could be supplied by the executive. No matter when it occurred and no matter how it occurred, just so there was a vacancy in existence, the executive could supply it until the next meeting of the legislature. What occurred? When that clause came up for debate in the Convention in committee of the whole, I believe—

Mr. Wilson objected to vacancies in the Senate being supplied by the executives of the States. It was unnecessary, as the legislatures will meet so frequently. It removes the appointment too far from the people, the executives in most of the States being elected by the legislatures. As he had always thought the appointment of the executive by the legislative department wrong, so it was still more so that the executive should elect into the legislative department.

Mr. Randolph thought it necessary in order to prevent inconvenient chasms in the Senate. In some States the legislatures meet but once a year. As the Senate will have more power and consist of a smaller number than the other House, vacancies there will be of more consequence. The executives might be safely trusted, he thought, with the appointment for so short a time.

Mr. ELLSWORTH. It is only said that the executive may supply vacancies. When the legislative meeting happens to be near, the power will not be exerted. As there will be but two members from a State, vacancies may be of great moment.

Mr. Williamson moved to insert after "vacancies shall be supplied by the executives" the words "unless other provisions shall be made by the legislature." Mr. Ellsworth said he "was willing to trust the legislature or the executive of a State, but not to give the former a discretion to refer appointments for the Senate to whom they pleased."

Then Mr. Madison came, with the language used by the Senator from Massachusetts:

Mr. Madison, in order to prevent doubts whether resignations could be made by Senators, or whether they could refuse to accept, moved to strike out the words after "vacancies" and insert the words "happening by refusals to accept, resignations, or otherwise, may be supplied by the legislature of the State in the representation of which such vacancies shall happen, or by the executive thereof until the next meeting of the legislature."

It will be seen that in this whole discussion there was objection to the executive having this power at all, and the idea was never once presented in the discussion of enlarging his power, of giving him a general power, of giving him a power which could be exercised again and again and over and over, but every suggestion was that it was limited, that it was confined in its scope and extent, and that it could only exist until the next meeting of the legislature.

When Mr. Madison's amendment was adopted, how did the language read? After Mr. Madison's language was adopted the clause read as follows:

The Senate of the United States shall be chosen by the legislatures of the several States. Each legislature shall choose two members. Vacancies happening by refusal to accept, resignation, or otherwise may be supplied by the legislature of the State in the representation of which such vacancies shall happen or by the executive thereof until the next meeting of the legislature.

Now, it is curious, but under Mr. Madison's amendment I still think this appointment would have been valid. Here you have the Convention considering and acting on two clauses which gave quite an unlimited power of appointment to the executive. If it had been intended to clothe the executive with the power which is now claimed for him, why was not the language left as it originally stood in one or the other of these clauses? Will any Senator answer me the question, Why was it that the Convention deliberately, through its committee on style, adopted language which now stands in the Constitution and which conveys exactly the opposite idea upon the question from that conveyed by the clauses as reported by the committee on detail and as amended by Mr. Madison?

It is said that the committee on style had no authority to make this sort of a change in the instrument, but it is to be remembered that when the committee on style reported the instrument back it was acted on by the whole Convention. It was never a complete instrument; it was never finally adopted by the Convention until it was put in the shape in which we find it by the committee on style, and then it was adopted and signed. So it was the action of the whole Convention in changing these words and putting this limitation upon the power of the executive.

Here, under the original clauses as reported by the committee and as amended by Mr. Madison, I repeat, we had clauses which would have justified this appointment and which would give the governor the power to appoint, no matter when a vacancy occurred; but that language was deliberately changed, and his power was limited to vacancies which occurred during a recess of the legislature and was limited to the next meeting of the legislature. Now, why was that change made?

The Senator from Massachusetts asked me if there could be any reason except that given by Mr. Madison, which was that it was to remove doubts as to the rights of Senators and Representatives to resign. I have a reply to that. Let me ask two questions. Do Senators on the other side of this question maintain that the right of a Senator in this body to resign rests upon this clause of the Constitution? Do they maintain that if that amendment proposed by Mr. Madison had not been adopted in one form or the other a Senator could not resign from this body?

If they do, where do they find the right of a member of the House of Representatives to resign? If the right to resign depends upon this clause of the Constitution, then the giving of it to the Senate is impliedly, at least, a refusal of it to the members of the House of Representatives, and this construction would force you to the position that a member of the other House could not resign.

Mr. CARTER. I should like to respond briefly to the Senator's question. The question as to why this line was inserted with reference to Senators and not with reference to the members of the House seems to admit of a clear answer. The Constitution was framed over a hundred years ago. It was framed in the light of the law as it was then understood in its application to public officers and members of Parliament in Great Britain. It was believed by Mr. Madison—it had been believed and had grown up as a practice in England—that the right did not exist in a member of Parliament after election to resign his place.

That rule applied to officers in minor positions as well. It was not proposed in the particular case that members of the Senate in the first instance might not resign, nor was any word spoken in reference to resignations in the clause to which the committee on detail directed its attention, to wit, vacancies may be supplied by the executive until the next meeting of the legislature. But according to Mr. Madison's testimony, when the committee on style undertook to deal with that section they encountered the proposition whether the right would be recognized in the Federal Government for a Senator or a Representative, if you please, to resign at all.

The recognition in one case would be tantamount to a recognition in both cases. So I think it is clear that the construction must be in the light of conditions that existed at the time the instrument was framed rather than in the light of a century of usage which has grown up in this country and has modified the common law and the common usuage of England in a hundred different ways aside from this.

Mr. TURLEY. I am familiar, from general reading, and especially from reading the very instructive speech of the Senator from Wisconsin on this question in the Corbett case, with the history of the law in England on the right of members of Parliament to resign. They had to apply to be made masters of the hounds or of the Chiltern Hundreds, an office not consistent with being a member of Parliament.

Mr. SPOONER. Steward.

Mr. TURLEY. Steward, or whatever it is. But what I say is this: In the first place, the framers of the Constitution, in my judgment, were not really considering how a man could get out of office or how he could resign. The great question they had before them was how to constitute the Senate and who it was that should fill these places. This expression of Mr. Madison is seized upon to give a totally different meaning to this clause from that which is imparted by the ordinary terms and words used in it.

It is said that simply because he suggested a doubt as to the power to resign, these words were put in, and hence it is that I ask the question, Do they maintain that the right of a Senator to resign depends on that? If they do, then I say again, in reply to

the Senator from Montana, that if the right to resign did not exist, expressly giving it to one is an implied withholding of it from the other on the theory of the old Latin maxim, expressio unius est exclusio alterius.

Suppose an act had been especially passed saying that Senators might resign, or a special clause had been put in another part of the Constitution saying that the right of Senators to resign is hereby given them; would that give it to the members of the House of Representatives? On the contrary, by every rule of construction, it would exclude members of the House of Representatives.

And now I come again to Mr. Madison. I say no matter what his ideas or views may have been, he was but one member of that Convention. Other members of that Convention may have voted for this clause because they saw that it meant what they wished to have enacted in the Constitution. Again, as to Mr. Madison, he was well skilled in all rules of construction. He knew how instruments of this kind ought to be construed; and if he intended to remove this doubt as to the power to resign, he must have also intended that the language which he inserted should be governed by the ordinary rules of construction and that the vacancies which could be filled must be those which were caused by refusal to accept, resignation, or some other like cause, because the rule by which the word "otherwise" is limited by the previous specific word applies more strongly to this amendment as fixed by Mr. Madison than it does to the clause as we now have it, because he repeated two of the same causes—refusal to accept or by resignation. He must have known and he must have intended that the only vacancies which a governor would have the right to fill were those of the like kind and like character as refusal to accept or resignation.

But, Mr. President, it does seem to me, I repeat, a proposition which can not be got over that here this clause, as it came from the committee on detail, in apt language gave almost unlimited power of appointment; and the Convention deliberately changed it when it came from the committee on style, and was finally adopted by offering the language so as to limit the power as we contend for it. Why was not the language retained as reported by the committee on detail? It would have been very easy to have done that.

Mr. CARTER. Will the Senator yield to a question?

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Montana?

Mr. TURLEY. Certainly.

Mr. CARTER. I ask the Senator whether, in his opinion, this clause was inserted in the Constitution with a view to securing a full membership in the Senate at all times or of preventing a full membership at any time?

Mr. TURLEY. I think it was intended to secure a full membership. I have already stated that.

Mr. CARTER. Unquestionably. Then in that case, this being a debated and debatable question of construction, does not the public policy require that we should yield to the manifest purpose of the Convention in construing the language rather than resist the purpose and attempt to defeat it by construction?

Mr. TURLEY. I am glad the Senator asked me that question. I think public policy requires just exactly the opposite from what the Senator contends for. As I gather from his question, his idea is that this intention of keeping the Senate full should make us enlarge the governor's power and give him the right to appoint, no matter how derelict the legislature were in the performance of their duty. I say not. I say, Mr. President, that it is better for the country that this Senate should have many vacant seats than that we should constantly have the disgraceful legislative contests which are becoming common over the land.

I say it is far better for the welfare of our country and the safety of our Republic that every State be notified in language which can not be mistaken that its permanent representation in this body depends upon its selecting men to its legislatures who will do their duty, who will not be swayed by faction, by power, or by any other illegal or corrupt motive. It is far better that each State should understand that than that these things should be condoned by extending and enlarging the power of the governor. Let it once be understood, Mr. President, that a vacancy of this kind, where the legislature has had an opportunity to fill it, will not be filled if the legislature fails to do its duty, and the legislatures will do their duty and will fill the places.

Mr. CARTER. I will call the Senator's attention, with his permission, to a fact.

Mr. TURLEY. Certainly.

Mr. CARTER. Since the decision of the Mantle case by the Senate more difficulty has originated in the attempt to elect Senators than occurred within a generation prior to that time. So the panacea is not entirely adequate.

Mr. PENROSE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Pennsylvania?

Mr. TURLEY. Certainly.

Mr. PENROSE. If the Senator will permit me on the same point, I should like to ask him whether he does not lose sight of the absolute inability of the legislature frequently to fill a vacancy by reason of the existence of three parties, all divided and fairly and conscientiously so, rendering it impossible that any one candidate can get a majority of the whole legislature, as required by the act of Congress of 1866? Is not that inability a matter which is not the fault of the legislature and not the fault of the people of the State, but a most unfortunate occurrence, which, however, brings about a vacancy?

Mr. TURLEY. Well, I will answer both the questions.

I say to the Senator from Montana that, in my judgment, but for the adverse decisions in the Mantle case and the Corbett case we would have had many more instances of this sort than we have had. I say another thing. The belief or the impression which probably prevails that this Senate is not going to decide this question as a constitutional and legal question, but is going to decide it according to its membership, according to who it is who is making application for a seat in this body, has greatly to do with these contests. Let it once be known that, no matter what occurs, this is not a party question, that it is not a political question, that it is a constitutional question, that we are judges, and that we are going to stand by our decision, and these contests will cease.

Now, as to the three parties, it is a very rare thing. I can not recall a case where that has happened. Probably it has happened; but if you will trace out the cases where legislatures have failed to elect, it is three ambitious candidates for office, frequently in one party, nearly always in one party. It is the rarest thing—I can not recall one case now—where an honest division on party lines, with three or four parties in existence, has caused the legislature to fail to elect.

Mr. STEWART. Mr. President——

The PRESIDENT pro tempore. Will the Senator from Tennessee yield to the Senator from Nevada?

Mr. TURLEY. Certainly.

Mr. STEWART. Will the Senator explain how we can let it be known what our policy is? Since we have been at it over a hundred years and have varied the decision almost as often as we have had occasion to decide, and there is so much established on each side, I want to know how long it will take to get a line of decisions for anybody to respect.

Mr. TURLEY. I am glad the Senator asked that question. If he will just bear with me a little while, I will show him, I think, that we have got a line of decisions right now which for seventy-five years has established a safe, reasonable, and proper principle in accordance with the ordinary meaning of the words used in this clause of the Constitution.

Mr. BURROWS. An unbroken line.

Mr. TURLEY. For seventy-five years, I will say; and when I come to the cases I am going to take the time to go over them. It will not take very long, but when I come to the cases and when I finish with them the Senator from Nevada will see that for seventy-five years no man has ever been admitted to a seat in this Senate where the legislature either before the vacancy occurred had an opportunity to fill it or had an opportunity to fill it after the vacancy occurred.

In not one single instance since the Lanman case has a Senator been admitted here where either of those conditions existed, where the legislature had the right to fill the vacancy, if it was at the beginning of a term before the vacancy happened, or where after the vacancy happened it had the right to fill the term. Never under those circumstances has a Senator been admitted since 1825; and never in the history of the Government has a Senator ever been seated on this floor where the vacancy took place when the legislature was in session.

If any Senator can point me to a single case, from the foundation of the Government up to this time, where that has occurred, I will give up this question. Never but once before was any application of that kind ever made, and that was in the Allen case, as I shall show directly; and there the vacancy occurred only nine days before the legislature adjourned. But he was refused his seat. In the case now under consideration the vacancy occurred, the legislature being in session. It remained in session sixty days thereafter. Now, never in all that time has——

Mr. SPOONER. The matter of time would not make any difference, would it?

Mr. TURLEY. Possibly it might. If a vacancy occurred the very last day of the session of the legislature, we might have a very interesting question here, one which I will say now is an abstract one, like the Senator from Wisconsin said about this being an abstract one two years ago. It may become concrete some time.

Mr. PENROSE. Mr. President, will the Senator allow me?

Mr. TURLEY. Certainly.

Mr. PENROSE. Do I understand the Senator from Tennessee to state that there has never been in the history of the Senate a

case of a Senator being seated when appointed by the governor after the legislature had an opportunity to fill the term?

Mr. TURLEY. Oh, I never said that. I said never since 1825. I said that there never had been a case where a Senator had been admitted when the vacancy occurred while the legislature was in session.

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. TURLEY. Certainly.

Mr. SPOONER. In some States, of course, the duration of the term of the legislature is fixed by constitutional provision. If the legislature was to adjourn by constitutional limitation on the 4th day of March without electing a Senator, does the Senator say there would be no power in the governor to appoint?

Mr. TURLEY. Well, I can have two answers to that. I do not know, of course. That is a bridge we shall cross if we get to it. But I was going to say this to the Senator frankly——

Mr. SPOONER. If the Senator will permit me, it looks to me like a question of power, and I do not see how that question of power can depend on whether the legislature is in session two days or thirty days after the vacancy occurs. The question, to my mind, is, where the legislature happens to be in session when the vacancy occurs, but by constitutional limitation adjourns at the end of that day or at the end of the next day, whether the Senator would say that there is no power, under the Constitution, in the governor to appoint.

Mr. TURLEY. If you ask me what I say, I would say that there was no power to do it. What I meant to say was that I could see how a Senator would vote for the existence of a power in that kind of a case who would not do it in a case like this, and for this reason, that, as I construe these decisions, the cardinal principle, the great principle established in them, is that wherever the legislature has had the power and the opportunity to elect, then the governor has no power to appoint.

It might very well be said that if the vacancy, by death or resignation, or whatever the cause is, occurred at the very last moment and just before the legislature adjourned, the legislature in that case had never had the power to do it, and that the spirit of the Constitution was and is that the legislature must have an opportunity and the power to do it. That is the same principle which controlled the Senate in the Bell case. But that does not help this case. That does not bear on this case. It would be an exception. If I had my own way about it, or my own view, I would construe it strictly, and I would not admit the power; but I can see how men could differ on that and say that it was within the general spirit of the Constitution.

Mr. SPOONER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Wisconsin?

Mr. TURLEY. Yes, sir.

Mr. SPOONER. If it is not agreeable to my friend——

Mr. TURLEY. Oh, it is. I am perfectly willing to yield.

Mr. SPOONER. The Senator says we should construe that clause of the Constitution strictly.

Mr. TURLEY. Oh, I say I would do it.

Mr. SPOONER. Now, what would be the Senator's construction of the word "meeting" in the clause, "the governor may appoint until the next meeting of the legislature?" In its ordinary acceptation that would be until the assembling and organization of the legislature.

Mr. TURLEY. I think, probably, if I had been in the Convention I would have voted just that way.

Mr. SPOONER. Then if the governor could not appoint while the legislature was in session there might be six months when there would be no Senator, although they might elect one before they adjourned.

Mr. TURLEY. Oh, yes.

Mr. SPOONER. And if the appointee by the governor, which of course is a temporary appointment, can only hold until the next meeting of the legislature, there might be in a great many States months where there would be no Senator, and yet before the legislature adjourned they would elect one. I call the attention of the Senator to the fact that the impossibility of placing the ordinary construction upon that word (and it is not a word of technical meaning) required in the popular interests that the Senate long, long ago should resort to a fiction of law, which they did resort to in treating the session as an entirety, in treating it so that the last day meant until the meeting, in order to prevent an interregnum when there should be no Senator from the State.

Mr. TURLEY. I appreciate that.

Mr. CULLOM. Will the Senator allow me?

The PRESIDENT pro tempore. If the Senator from Tennessee will suspend one moment, the Chair will lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 222) to provide a government for the Territory of Hawaii.

Mr. CULLOM. I do not desire to interrupt the Senator, but——

Mr. TURLEY. I will state to the Senator from Illinois that in going through these cases it will probably take me half an hour or three-quarters more.

Mr. CULLOM. I simply ask that the unfinished business be temporarily laid aside.

Mr. TURLEY. No; I prefer to finish to-morrow.

Mr. BURROWS. The Senator from Tennessee prefers to finish to-morrow.

Mr. TURLEY. I will let the Senator have the unfinished business taken up now.

Mr. CULLOM. The Senator can suit his own pleasure, so far as that is concerned.

Mr. TURLEY. I will retain the floor and resume it at the close of the routine business to-morrow morning, when I shall finish.

Mr. HOAR. I shall object to its being temporarily laid aside. I ask unanimous consent that this matter be postponed until to-morrow and that the unfinished business be taken up.

The PRESIDENT pro tempore. The Senator from Massachusetts asks unanimous consent that the election case may be taken up to-morrow morning immediately after the routine business. The Chair hears no objection.

Mr. HOAR. That it be postponed till then.

TERRITORY OF HAWAII.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 222) to provide a government for the Territory of Hawaii.

Mr. CULLOM. On page 5 of the bill, line 12—I have the most recent print—I offer an amendment, to come in after the word "Naturalization" and before the word "section." I ask unanimous consent to make a few amendments in connection with the bill, and this is the first I propose.

The PRESIDENT pro tempore. The Senator from Illinois asks unanimous consent to present an amendment, which will be stated.

The SECRETARY. After the word "Naturalization," in line 12, on page 5, insert "Chapter 116—Bankruptcy."

The PRESIDENT pro tempore. Without objection, the amendment will be agreed to.

Mr. CULLOM. I desire, on page 8 of the bill, at the beginning of section 10, after the words "That all," to strike out the words "obligations, contracts," and by unanimous consent to strike out an amendment that was reported to that section and agreed to, which is not necessary in view of the latter one just offered. The first part of section 10 will then read:

That all rights of action, suits at law, etc.

The PRESIDENT pro tempore. The Senator from Illinois asks unanimous consent to offer an amendment, which will be stated.

The SECRETARY. After the word "all," in line 2, page 8, strike out the words "obligations, contracts, except contracts for labor entered into since August 12, 1898;" so as to read:

That all rights of action, suits at law and in equity, prosecutions, etc.

The PRESIDENT pro tempore. Without objection, the amendment will be agreed to.

Mr. NELSON. That is striking out an amendment we agreed to the other day.

Mr. CULLOM. It is included in the amendment which I desire to offer.

Mr. TILLMAN. I suggest to the Senator from Illinois in charge of the bill that the Senator from Connecticut [Mr. PLATT] has had an amendment pending and is very much interested in this matter, and I think it is nothing but fair to him that he should be present and see what is being done.

Mr. CULLOM. I am not reaching his amendment at all. I will reserve that.

Mr. TELLER. What amendment is the Senator on now?

Mr. CULLOM. In the same section; section 10.

Mr. CLARK of Wyoming. The tenth section, on page 8.

Mr. CULLOM. I desire to change the amendment offered by the Senator from Massachusetts, adding a few words to it in the light of——

Mr. TELLER. Will the Senator read the language as he wants to have it inserted?

Mr. CULLOM. I am going to send it to the desk. I desire to strike out the amendment on the ninth page, which is the last amendment to the section, and insert what I send to the desk.

Mr. TILLMAN. Do you mean to strike out the amendment offered by the Senator from Massachusetts?

Mr. CULLOM. It is included in this amendment, and a few words added. The Secretary will please read it.

The PRESIDENT pro tempore. The Secretary will read the amendment.

The SECRETARY. Strike out the amendment at the end of section 10, page 9, and insert:

That no suit or proceeding shall be maintained for the specific performance of any contract heretofore or hereafter entered into for personal labor or service, nor shall any remedy exist instituted solely or be enforced for breach of any such contract except in a civil suit or proceeding to recover damages for such breach.

Mr. TELLER. I wish to say that that will not answer the purpose at all.

Mr. HOAR. No; there are other words, "instituted for the sole purpose."

Mr. TELLER. As I understand the Senator from South Dakota, I think he wants to present that matter. They have held that this is not a criminal proceeding, although they may send a man to jail for life.

Mr. CULLOM. This amendment is to cover that sort of a case. It is to prevent that.

Mr. PLATT of Connecticut. Let the amendment be read once more.

Mr. SPOONER. Let it be again read.

The PRESIDENT pro tempore. The Secretary will read the amendment.

The Secretary again read the amendment.

Mr. HOAR. The clerks have it wrong or it has been handed to them wrong.

Mr. CULLOM. I presume it was my fault. I thought I had it right. I ask the Senator from Massachusetts to dictate to the clerks just what he desires.

Mr. HOAR. The words "instituted solely" should come after "proceeding."

The PRESIDENT pro tempore. The Secretary will read the amendment as modified.

The Secretary read as follows:

That no suit or proceeding shall be maintained for the specific performance of any contract heretofore or hereafter entered into for personal labor or service, nor shall any remedy exist or be enforced for breach of any such contract except in a civil suit or proceeding instituted solely to recover damages for such breach.

The PRESIDENT pro tempore. Is there objection to the amendment? The Chair hears none, and the amendment is agreed to.

Mr. TELLER. Is that all right?

Mr. CULLOM. That seems to cover all of it. Now, I desire to offer an amendment as part of section 14, to come in at the end of the section.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. At the bottom of page 9, insert, as a part of section 14, the following proviso:

Provided, however, That the governor may, in his discretion, on thirty days' notice, order a special election before the first general election, if in his opinion the public interests shall require a special session of the legislature.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the amendment is agreed to.

Mr. CULLOM. In section 27, after the word "censure" in that brief section, I desire language a little different from the words contained in the bill. I offer the amendment which I send to the Chair.

The PRESIDENT pro tempore. The Secretary will state the amendment.

The SECRETARY. In section 27, page 14, strike out the words "suspension or expulsion" and insert the words:

Or by a two-thirds vote suspend or expel a member.

Mr. CULLOM. Those are the usual words used in such cases instead of the words that are found in the section.

The PRESIDENT pro tempore. Is there any objection? The Chair hears none, and the amendment is agreed to.

Mr. SPOONER. I ask the Senator if he thinks it right to limit the power of expulsion to disorderly behavior or neglect of duty?

Mr. CULLOM. I was only correcting the words of the section as they stood in the bill.

Mr. SPOONER. Under that a man, of course, might become intoxicated and be offensive, or he might be insulting to the body, and you could expel him, or he might neglect his duty and you could expel him.

Mr. CULLOM. I think the Senator will find enough in this bill giving power to the legislature over its membership, both inside and out; I think that is all that occurs in the constitution of almost any State.

Mr. SPOONER. Is there any other provision in the bill giving power to each house to punish its members by expulsion?

Mr. CULLOM. No.

Mr. SPOONER. Why would it not be better to just take the provision of the Constitution of the United States and let it cover disorderly conduct, or let it cover bribery, or any other dishonorable transaction which ought to unfit a man for membership in such a body?

Mr. PLATT of Connecticut. The language of the Constitution is——

Mr. SPOONER. The bill of particulars here is too narrow.

Mr. CULLOM. I am willing to add to those words, but I want to use that phrase instead of the words "suspension or expulsion." The words used in the bill seemed to be rather awkward. The Senator from Connecticut was about to read the language of the Constitution.

Mr. PLATT of Connecticut. The language of the Constitution is:

Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

Mr. CULLOM. That is this provision.

Mr. PLATT of Connecticut. Not exactly.

Mr. CULLOM. Very nearly.

Mr. TELLER. You qualify it. You limit it.

Mr. SPOONER. You limit it to disorderly behavior and neglect of duty, but that is not the limitation imposed by the Constitution of the United States.

Mr. CULLOM. How much broader is the provision of the Constitution of the United States?

Mr. PLATT of Connecticut. Why not put in, in place of the section, just the provision of the Constitution of the United States?

Mr. SPOONER. I think that would be better.

Mr. PLATT of Connecticut. It reads:

Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

Mr. CULLOM. That is pretty nearly this section.

Mr. SPOONER. That leaves each body to determine what is or is not adequate cause for expulsion. It may be one thing or another.

Mr. CULLOM. Send up the provision of the Constitution and let the clerks copy it.

Mr. TELLER. I should like to suggest to the Senator who has this bill in charge that in these matters it would be a great deal better plan to follow the established language of the Constitution of the United States or of some of the States. They seem to have started out upon the theory that they were to have something new in this bill. Now, this is new. Take the provision for punishment; I do not know—the legislature having punished a man—whether there will be any other power to punish him. I should say not, unless there is some provision for it. Now, take the twenty-eighth section:

That no member of the legislature shall be held to answer before any other tribunal for any words uttered in the exercise of his legislative functions in either house.

Why not follow the language of the Constitution of the United States? The words here are new words. Nobody knows what they mean, and they require interpretation, while the others have been adjudicated, and all know what they mean.

Mr. CULLOM. The truth is, as a matter of fact, that we are borrowing the language of the constitution of Hawaii.

Mr. TELLER. I am not making any complaint about that, but we are required to approve of this peculiar language in the twenty-eighth section, the section which has just been before the Senate, and in one or two others.

Mr. CULLOM. The amendment before the Senate is to the twenty-seventh section. I ask the Secretary to read the amendment.

The SECRETARY. It is proposed to strike out section 27, on page on page 14, and to insert:

Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

The PRESIDENT pro tempore. The question is on the amendment striking out section 27 and inserting as a substitute what has just been read.

The amendment was agreed to.

Mr. TELLER. Now, I should like to suggest to the Senator from Illinois that we substitute the language of the Constitution of the United States for that contained in the twenty-eighth section of the bill. We all know what the language of the Constitution means, and the people of Hawaii will know what it means.

Mr. CULLOM. Let us pass over that for the present.

I desire to amend in section 54, by striking out, beginning in line 9, after the word "bills."

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to amend, on page 21, section 54, after the word "bills," in line 9, by striking out:

And until the legislature shall have acted the treasurer may, with the advice of the governor, make such payments, for which purpose the sums appropriated in the last appropriation bill shall be deemed to have been reappropriated.

The amendment was agreed to.

Mr. CULLOM. On page 26, in section 62, after the word "representatives," in line 12, I move to strike out all the remainder of the section.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to amend, on page 26, section 62, line 12, after the word "representatives," by striking out:

And, in addition thereto, he shall own and be possessed in his own right of real property in the Territory of the value of not less than $1,000, and upon which legal taxes shall have been paid on that valuation for the year next

preceding the one in which such person offers to register; or shall have actually received a money income of not less than $300 during the year next preceding the 1st day of April next preceding the date of each registration.

Mr. CULLOM. I desire those words stricken out.

Mr. PLATT of Connecticut. Have the committee agreed to that?

Mr. CULLOM. I am making that motion on my own responsibility.

Mr. PLATT of Connecticut. I have been one of those Senators who thought it was better to maintain the property qualification as a right to vote for senators, and I hope it will not be stricken out.

Mr. TILLMAN. What is the amendment now proposed?

Mr. CULLOM. It is to strike out the property qualification for voters, so that those voting for members of the house and senate will simply be required to have the educational qualification, proper age, and so forth.

Mr. TILLMAN. You have the same qualification for voters for both the members of the senate and the house of representatives?

Mr. CULLOM. Yes. The section will then read:

SEC. 62. That in order to be qualified to vote for senators a person must possess all the qualifications and be subject to all the conditions required by this act of voters for representatives.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Illinois [Mr. CULLOM]. Those in favor of the amendment will say "aye."

Mr. TILLMAN. Please wait a moment, Mr. President. I wish to suggest to the Senator that this question of qualifications for the suffrage having been discussed somewhat at length on Saturday, I felt called upon to submit a substitute for this whole provision. I did not do that in any spirit of bravado, or for the purpose of exploiting the system we have in our own State of South Carolina, but for the purpose of having the comparison made as between the methods used in the South, in my State especially, for the suppression, if you choose to use that term, of the illiterate black vote, and to show how far we went or felt willing to go, and how much we failed of going as far as this bill proposes to go.

Since the proposition is made to strike out the property qualification, I should at least like to get a vote on the amendment I offered for this reason: There is no provision in this bill for registration, except by indirection. The words are mentioned in the bill in two or three places, that men must register and that they are to have certain qualifications in order to register; but still there is no provision anywhere directing a new registration before the government of Hawaii shall begin to operate, or rather before it shall take this new form. I think it very essential to having the sense of that people to let the new Territorial government begin under a new registration and the election of a new legislature, so that we shall have the sense of the electors in the laws which they will enact.

There is a provision of the bill limiting the registration to 1902, I think—that is, no registration shall be had before 1902.

Mr. CULLOM. Nineteen hundred and three.

Mr. TILLMAN. Nineteen hundred and three. Well, I see no reason for that. I will call the Senator's attention to this fact, that in the House report——

Mr. CULLOM. If the Senator will allow me, we are very anxious to get this bill through.

Mr. TILLMAN. The Senator will not be obstructed by me in any undue manner, but I want to have a vote on the South Carolina suffrage clause as contradistinguished to the amendment which the committee have brought in to the bill as it came from the committee.

Mr. CULLOM. I have no objection.

Mr. TILLMAN. If you will give me a yea-and-nay vote, I shall be satisfied, after I have explained my amendment.

Mr. FORAKER. If the Senator will permit me, the Senator from Illinois has just said that he has no objection to his having such a vote.

Mr. TILLMAN. I want to call the attention of the Senate to the fact that in a general election held in February, 1892, the last held under the monarchy before Liliuokalani was called on to step down and out and the marines of the United States were called in to assist in upsetting the kingdom, the vote as registered was 14,217, composed as follows: Hawaiians, 9,931; Americans, 670; British, 572; Germans, 399; Portuguese, 2,232; Norwegians, 86; Swedes 26, and others, 301. After the overthrow of the monarchy, the conditions required by the so-called republic were that no one should be eligible to register and vote unless he had taken the oath of allegiance to the republic, and the vote was registered as follows:

Registered vote for constitutional convention of May, 1894, natives and half-castes 745, Hawaiians, foreign born, 184, Americans 577, British 338, Germans 236, Portuguese 1,572, others 210, a total of 3,852. We see, then, that the electorate has been reduced from 14,217 to 3,852. But, Mr. President, in the last election, September, 1897, four years after the government of the so-called republic was inaugurated, the registered vote was as follows: Hawaiians 1,126, Americans 409, British 247, Germans 189, Portuguese 612, Norwegians 26, others 84, total 2,693 voters, constituting the so-called republic of Hawaii, a reduction of the electorate from 14,217 down to less than one-sixth.

Mr. PETTIGREW. I should like to ask the Senator if that was for members of the senate?

Mr. TILLMAN. I am giving the report of the House members of the Committee on Territories in support of the bill which they have submitted, and I am submitting these facts as having been set forth in that report.

Mr. PETTIGREW. I understand that.

Mr. TILLMAN. As to what the present conditions of suffrage are I do not know. I presume the Senator from Illinois [Mr. CULLOM] can tell us.

Mr. PETTIGREW. I should like to ask the Senator if those voters are not simply those who can vote for members of the house, and if that is the number that can also vote for members of the senate?

Mr. TILLMAN. I can not answer that unless some one will tell me whether there has ever been a property qualification heretofore in those islands—in this glorious republic—for voting for senators.

Mr. PETTIGREW. Under the republic there was a property qualification for senators about the same as that provided by the pending bill as it was reported here; but the qualifications for voting for members of the house were the same as in this bill under the so-called republic. I wish to know whether the list of voters which the Senator has read is the list of voters who could vote for house members or for senate members?

Mr. TILLMAN. I am unable to answer you. I am only giving the figures I find here of the registered voters under the monarchy and under the so-called republic, and calling attention to the fact that whereas the constitution which was framed by those who overthrew the monarchy, recognized 3,852 persons as qualified to vote, at the last election there were only 2,693, and those 2,693 voters were the men who passed the qualifying resolution ceding their territory to the United States.

Mr. LINDSAY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Kentucky?

Mr. TILLMAN. With pleasure.

Mr. LINDSAY. I ask the Senator if the paper he has there shows how many of those English, German, and Portuguese people who voted are citizens of the United States or have taken any steps to become citizens of the United States?

Mr. TILLMAN. Well, you are asking me too many conundrums. There are so many unknown quantities in this Hawaiian bill and in all things pertaining to Hawaii that I have not been able to discover; and I will have to ask the Senator from Alabama [Mr. MORGAN], or the Senator from Ohio [Mr. FORAKER], or the Senator from Illinois [Mr. CULLOM] to answer your question; I can not.

Mr. LINDSAY. I asked the question because my recollection is that many people voted under the Hawaiian constitution who were not naturalized citizens of the government of Hawaii at all.

Mr. TILLMAN. They had registered under the Hawaiian laws.

Mr. LINDSAY. Yes; but they were American citizens or German subjects.

Mr. TILLMAN. That only accentuates the point I am trying to make, which is that this electorate as now composed is so small, there have been so many votes suppressed, and there is such an absolute condition of an oligarchy having possession of those islands, that I want to call attention to the fact that there appears to be here a largely reduced electoral vote or limitation of suffrage, and so far as the senate is concerned there will be less than 2,693 men to vote for senators.

Mr. CULLOM. Will the Senator allow me a word?

Mr. TILLMAN. With pleasure.

Mr. CULLOM. I thought if we took out from the bill the property qualification and relieved the people of the islands from the prohibition to vote because they might not own property, we would settle the question of whether there would be an oligarchy there or whether there would be any disposition on the part of Congress or anybody else to interfere with those people in their right to vote on the basis of intelligence. I hope that my distinguished friend from South Carolina, as the bill is now about what we want on that score, and what he asks for, will let it go to a vote.

But to answer the Senator to the best of my ability, I will say that with all the information I have got—and this I have stated before—the estimate of the qualified voters under this bill, with the property qualification out, would be: Hawaiians, or part Hawaiians, 10,000; Portuguese, 2,300; Americans and Europeans, 3,000; but whether the British and Germans, if you please, will be content, when this bill is passed and the islands become in fact a part of the United States and under United States laws, to become naturalized citizens and stay there and vote, I do not know,

and I do not think anybody else does. We can only find that out by trying them.

Mr. TILLMAN. I still insist, Mr. President, that the South Carolina suffrage regulations are much more liberal than those in this bill, inasmuch as we only require an educational qualification, and enlarge that by allowing illiterates, who do not know how to read or write, but who pay taxes on $300 worth of property, to vote also; and I contend that Senators can not, with any degree of fairness and consistency, get up here and attack my State for having suppressed the negro vote unconstitutionally and unduly, and in a mean, dishonest way turn around and enact a provision in the act creating the Territory of Hawaii which is less liberal than we have enacted.

Mr. CULLOM. If I may be allowed, I have not myself said a word about the Senator's State.

Mr. TILLMAN. I hope the Senator does not think I am aiming any personal shaft at him. I have no personal ax to grind in this matter. I am only standing here to advertise the fact that the State of South Carolina has disfranchised all of the colored race that it could under the thirteenth, fourteenth, and fifteenth amendments. We have done our level best; we have scratched our heads to find out how we could eliminate the last one of them, and we would have done it if we could, but we could not under the thirteenth, fourteenth, and fifteenth amendments.

Mr. CULLOM. We understand that perfectly well.

Mr. TILLMAN. Then why are we twitted with the suppression of the vote? Why are we sneered at and abused and called cheaters, ballot-box stuffers, and all that sort of thing?

Mr. CULLOM. Nobody is doing it that I know of.

Mr. TILLMAN. You did do it once, and it was insinuated here on Saturday; and I do not like it. [Laughter.]

Mr. CULLOM. I do not like it myself.

Mr. TILLMAN. Does the Senator acknowledge that he himself is ashamed of having had those slurs cast upon South Carolina?

Mr. CULLOM. I say I do not like the treatment of the colored people in that State.

Mr. TILLMAN. Why are you not treating the Kanakas just as liberally as we are treating the colored people? Why are you treating them worse than we treat the negroes?

Mr. CULLOM. We are giving them all the right to vote.

Mr. TILLMAN. Indeed you are not. You are giving it only to those who can read and write, just as we give it the colored people in our State, and in addition to that, if the negro has been sufficiently forehanded and industrious to gather $300 worth of property together, his vote goes along with the property, giving him the right to vote for those who are to govern him.

You deny the Kanakas that privilege, and I ask you to give it to them and to the Portuguese. There will be lots of poor devils of Americans over there, possibly, who can not read and write, and who will be debarred the right of suffrage under this bill. If, however, you will accept the South Carolina provision and appoint registration officers who will use the "understanding clause" and rush them through—that elastic provision which exists in Mississippi—you may be able to register the white men there just as we have done. Does anybody object to that?

Mr. SPOONER. Mr. President, was that qualification in regard to property industriously inserted in the South Carolina constitution in order to safeguard the rights of negroes to vote who happen to have $300——

Mr. TILLMAN. It was not put there to safeguard the rights of any man, but was intended for the colored people, simply because we could let the whites there register anyhow under the "understanding clause." We have got some little conscience down there about the negroes, Senators, though you do not seem to think so; but we have got more than you have for the Kanakas and Portuguese. I am asking you to acknowledge that, and let us alone. That is all.

Mr. SPOONER. Mr. President, I shall vote for this amendment. I am rather sorry that the Senator from South Carolina constantly insists upon our engaging here upon a discussion as to the South Carolina constitution and the question of negro suffrage in the South. We discussed that subject a great deal years ago, and many of us have opinions about it now which do not coincide with his. We have none of us been anxious to raise any sectional questions or to have any sectional discussion. I have always supposed the Senators from the South, especially in view of some things which have happened within a year, would be glad that none of us feel inclined to discuss those questions.

Mr. TILLMAN. Will the Senator please to particularize and specify?

Mr. SPOONER. I can specify. If the Senator wants debate upon this subject, when this bill shall have passed he can have it. If he wants to repeat his denunciations of the act of Congress giving colored men the right to vote, whether it was wise unwise as matter of policy, an infamous crime—which I deny, in the light of the history of that day—he can have it.

Mr. TILLMAN. Will the Senator allow me?

Mr. SPOONER. But I think this is not the time for it nor the place for it, and I doubt if the Senator is not peculiar among all the Senators who represent the South here in desiring to discuss it. You are making your own constitution; South Carolina is enforcing her own laws. I am not saying that she has departed from the fourteenth amendment in doing so, and I do not care, for one, to discuss that now.

The Senator has said that they have sedulously attempted to exclude the negro vote; he has repeated that many times. We all know it. They do it now by a constitutional provision. They did not do it always by a constitutional provision.

Mr. TILLMAN. We could not.

Mr. SPOONER. That is a matter which is in the past. It is a disagreeable past; it is not a pleasant thing nor perhaps a profitable thing for us now to discuss. We have all been glad that the time has come in the history of this country when there is so little of sectional animosity and so little of sectional questions to be debated in the Senate, and I am not a little surprised, Mr. President, it should rest with a Southern Senator to constantly protrude or interject this question into the Senate.

I am not complaining of the Senator from South Carolina. I like him; I admire his frank, manly, and direct methods; I recognize his ability. I may be mentally dull, but I am unable to see how the question of South Carolina's action in relation to the suffrage is involved in this Hawaiian bill.

Mr. TILLMAN. Will the Senator allow me to enlighten him?

Mr. SPOONER. This is a proposition to confer suffrage by the laws of the United States upon the people of Hawaii. It is not a proposition at all to disfranchise those who already have the right to vote, and I should suppose the Senator from South Carolina would be glad—I am, at least—that the Senator having this bill in charge offers this amendment.

I do not like the property qualification. I do not like a property qualification. There is philosophy and reason, Mr. President, oftentimes in an educational qualification, but there is nothing of manhood suffrage in a property qualification. It may well be said that in some parts of the country men only should vote who are able to read and write. It can hardly be maintained that a man should be permitted to vote who can not read and write, but happens to own so much property. Manhood suffrage is one thing; dollar suffrage is another.

I do not know what will be the policy of the United States—the compulsory policy of the United States—in dealing generally with this question in what are called "the island possessions." It is a new question to us; there are new conditions; there are different people from any with whom we have had to deal before. But one thing stands out plain here as to Hawaii—admitted here as to Hawaii—and that is that the natives there, who will vote under this bill as it is proposed to amend it, are men who can read and write; they were born there; that was their kingdom when it was a kingdom; it was their republic when it was a republic. It is a part of this country now, Mr. President; and I shall not vote, if I can help it, for any proposition which gives intelligent men no right to vote unless, in addition to intelligence, they own property.

My friend from South Carolina must pardon me. I am not reading him any lecture; I am not quarreling with him. I clearly recognize the difficulties of the situation of his people. I recognized it long ago; but with all he can say there is a wrong down there yet to be righted, and it does not impeach in any way, either, the thought in my mind—the right of South Carolina under the constitutional amendments to disfranchise in a uniform and constitutional way those whom she thinks the public interests require should be disfranchised. But I do not wish to enter into that question now. I hope we can get along without entering into it at all. I am tired of these questions. We laid aside the bloody shirt. Why can not the Senator? Why not let the past, so far as we can as honorable men do it, bury its own dead?

I shall vote for the amendment proposed by the Senator from Illinois. I shall not vote to base the privilege of any man to vote upon the ownership of property.

Mr. TILLMAN. Mr. President, my sole purpose in bringing up this issue is to make it perfectly plain that the Republican party of to-day is not the Republican party of thirty-five years ago. The Senator from Wisconsin, who is one of the broadest and most liberal minded men in this Chamber, and a man whom I like personally as well as any other—he shall not outdo me in complimentary personal allusions, because he can not—says that there is no sectionalism left, that the bloody shirt has been buried, and that he and others are willing to leave it in its grave.

Mr. SPOONER. We have buried it.

Mr. TILLMAN. Let us see about that. I have introduced a bill, which was referred to the Pension Committee, asking that section 4716 of the Revised Statutes, which declares in terms that no man who gave aid or comfort to the rebellion, or anybody connected with him, either as father or as child, shall be pensioned. That statute stands on your books, and is to-day a bar against men who have served in the recent war and who have fought under the

flag. If sectionalism is dead, why does not that committee bring in that bill here with a favorable report and let us strike the act from the statutes? If the war is not over——

Mr. GALLINGER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from New Hampshire?

Mr. TILLMAN. I hope the Senator from New Hampshire does not suppose I am attempting to bulldoze him or his committee. I would not have alluded to this, but I have been charged with waving the bloody shirt, when you have on your statute books an act which says that Confederate soldiers or anybody connected with or kin to them shall not draw a pension; and still you know that the Southern people are paying forty millions a year pension tribute to the men who conquered them.

Mr. GALLINGER. The Senator will permit me. I am not exercised about my being bulldozed or my committee being bulldozed, but I hope the Senator will restrain his soul in patience. That bill came to our committee a little while ago. We have fifteen hundred private pension bills and forty-eight general pension bills. We are doing the best we can with them. We are working days and nights and Sundays over them. I have tried to take care of some of the Senator's bills.

Mr. TILLMAN. The Senator has been very kind and courteous.

Mr. GALLINGER. This bill is being considered by the committee, and in due time a report will be made on it. Whether it will be favorable or unfavorable depends upon circumstances, but the Senator shall have his day in court on that bill. It will have fair consideration. I will guarantee the Senator that.

Mr. TILLMAN. I thank the Senator. I did not expect anything less than that, but for the purposes of my argument, in this general way of resurrecting the bloody shirt for a few moments before we finally lay it away forever, I want to call attention to the remarkable change that has come over the spirit of the dream of the Republicans; to remind you gentlemen from the North that your slogans of the past—brotherhood of man and the fatherhood of God—have gone glimmering down the ages. The brotherhood of man exists no longer, because you shoot negroes in Illinois, when they come in competition with your labor, as we shoot them in South Carolina when they come in competition with us in the matter of elections. You do not love them any better than we do. You used to pretend that you did, but you no longer pretend it, except to get their votes. That is what I am trying to bring out here prominently and accent it as far as I am able in my feeble way.

You deal with the Filipinos just as we deal with the negroes, only you treat them a heap worse. You deal with the Puerto Ricans, or you propose to deal with the Puerto Ricans, just as we deal with the negroes, only you treat them a heap worse. I simply want to remind you gentlemen that you are under bond to your consciences and your past record to do certain things, and if it be said that it does not lie in my mouth, as a man from the South, to stand up here and proclaim that, that we do not do it, and that therefore I am a hypocrite in my pretense of endeavoring to have these colored races treated right, I will tell you that this is the difference: We of the South have never made any pretense of considering the negroes our equals or as being fit for suffrage. We fought to keep them slaves and protested against their enfranchisement. You of the North contended that they were equal to white men and should have all the rights of citizens, and you framed the three amendments to carry it into effect. There is no inconsistency in our reminding you of these things and calling attention to your change of attitude toward the colored races. You have changed; we have not, except on the subject of slavery. No one in the South would consent to its restoration.

In the past I and those whom I represent have felt constrained to do certain things because of the reconstruction devilment which we were not willing to do, but we were forced to do. I would not have brought this matter up if the Senator from Colorado had not twitted me the other evening with suppressing the colored vote, even at this late day, when any man who wants to inform himself can see that the negro can register if he can comply with the constitution of South Carolina just as freely as anybody else, and can vote just as freely, and have his vote counted.

The Senator from Wisconsin said a while ago that the thirteenth, fourteenth, and fifteenth amendments and the reconstruction acts were passed under duress and under the dictates of conscience. I do not doubt that. I do not doubt that those who voted for the amendments and the reconstruction acts felt constrained to do it for their sense of obligation to the ex-slaves. Possibly it was necessary to do it. I want to call the attention of Senators, and of the country, too——

Mr. SPOONER. I did not say that.

Mr. TILLMAN. You said so a moment ago. I misunderstood you if you did not.

Mr. SPOONER. I did not say that the amendments were passed under duress.

Mr. TILLMAN. No? They were passed under duress, however, because we in the South were forced to swallow them in order to get back into the Union. Otherwise the amendments would not have received the two-thirds vote.

Mr. SPOONER. I do not object to the Senator saying they were passed under duress. What I object to is his imputing that remark to me. I did not say that, or I do not think I did.

Mr. TILLMAN. I did not intend to misquote the Senator in the slightest degree——

Mr. SPOONER. I know that.

Mr. TILLMAN. And I do not propose to misrepresent him.

Mr. SPOONER. I know that.

Mr. TILLMAN. I understood you to say that if I wanted to bring up the whole issue and debate it as to the advisability or necessity of the thirteenth, fourteenth, and fifteenth amendments, you were ready to do it. I do not want to do it. I am willing and ready to let the dead past bury its dead if you will bury it and let it alone and let us alone. That is what I propose. But you will not let us alone. You are continually bringing the race issue into every kind of proposition, to sneer at and abuse the Southern people.

Mr. SPOONER. The trouble with the Senator from South Carolina is that he will not let us let him alone. [Laughter.]

Mr. TILLMAN. An honest confession is good for the soul, and when I get gentlemen in a position where I have them on one or the other prongs of a dilemma—on the prongs of my pitchfork—I do not care which side they take, and I have got them right there. I like to drive it home to you, do you know? [Laughter.] You either were in error in regard to the colored races then or you are wrong now. You may be honest in both cases, because you have learned something; but if you have learned, why do you not acknowledge it? That is all I am asking.

Do you realize the difficulties under which the Southern people labor? Do you recognize the fact that the colored race, even when it has been educated to a limited degree, is still unfit for suffrage, for the simple reason that the negroes do not possess that moral character and that moral fiber which are necessary to good citizenship? Even when in some degree equal to that of the lower strata of whites they are still not fit to vote, for this reason: They are always led off by their preachers and others; they are the natural prey of the demagogues, and they are bribable, whether they have the franchise by virtue of intelligence or of manhood suffrage.

Mr. FORAKER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Ohio?

Mr. FORAKER. I thought the Senator from South Carolina had concluded. I wanted to ask to have a document printed.

Mr. TILLMAN. The Senator must be very anxious for me to get through. He must not like this.

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Ohio?

Mr. TILLMAN. I yield.

Mr. FORAKER. I think I like it as well as anybody else in the Chamber. If there is any comfort to the Senator in that remark, he is entirely welcome to it.

Mr. TILLMAN. It is a very nice compliment, considering that you have a very large Republican majority here and that very few of you seem to be willing to take up the gage I have thrown down.

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Ohio?

Mr. TILLMAN. I yield with pleasure.

Mr. FORAKER. I would not have interrupted the Senator, but I thought he was about to take his seat.

Mr. President, I present a letter from Mr. Carlos Soler, together with a petition for the adoption of certain changes in the by-laws of the Banco Español de Puerto Rico. I move that the letter and accompanying papers be printed as a document and referred to the Committee on Pacific Islands and Puerto Rico.

The motion was agreed to.

Mr. TILLMAN. I have only a few more words to say and then I will let the Senate vote on this proposition.

I have exhumed the bloody shirt for a brief moment and am waving it like a red flag to a bull and the latter will not fight or budge, and I will call the attention of my friends from the North—I have a great many on that side, I am proud to say—to the fact that they do not know yet, and never will know until they come South and live with us, just what we have had to contend against and just what we have to contend against even now. They do not realize it; they can not realize it; and it is for the purpose of trying to have them study this question of race a little more and analyze it that I have attempted, in my feeble way, to intrude on this body for the brief remarks I have made on this subject.

I will tell you, while I am talking about negro suffrage, why they are so dangerous as voters. In any State where the whites divide—and they have divided in every Southern State except mine and Mississippi—into Populists and Democrats the negro

has been the balance of power, through which one side or the other has controlled the elections by means of bribery, for the negro voter was a purchasable one.

Therefore we have been confronted by the condition of a large, ignorant debased vote, thrust upon us by the fourteenth and fifteenth amendments. Other States, not so peculiarly situated as mine, have retained that negro vote. They have taken no steps looking to its elimination by educational qualification or any other system. That vote to-day stands as a menace to the freedom, to the purity of the ballot box, to the purity and honesty of elections, to the decency of government, and it is there forever until there is a constitutional provision made here which will relieve us from it.

I should be glad to see an education qualification throughout the North. I believe no man is fit to be an elector unless he is able to read and write and understand something about government and its great principles. But who hopes to see that? No party at the North will dare to undertake to limit suffrage in that way, because it would mean at the first election that the vote which they dread would go to the other party and they would be beaten, and the demagogues in both parties would plead that you must have equality of manhood without regard to patriotism or intelligence or decency or ability or any other qualification which makes a man fit to vote.

You gentlemen are face to face with a problem here in the government of these new islands which should make you pause, whether it does or not. You have committed yourself to the doctrine of the equality of man. You have brought this country to it through blood, and the lives of half a million men were lost to test it; millions of treasure were spent to test it, and yet, in thirty years, have you reached any solution? No. You yourselves are unwilling to attempt to give these people any modicum of self-government or the least possible say so in it; and yet to-day we have men in the North, men in this Chamber, men in the other House, who never omit an opportunity to charge the Southern people with unfairness and dishonesty and ballot-box stuffing and fraud and force.

Let me tell you how we were situated in our State. We had a hundred and twenty-five thousand negroes of voting age and we had a hundred thousand whites. Now, can you lift yourselves over the fence with your boot straps and beat that by honest methods? Yet you stood up here and insisted that we must give these people a "free vote and a fair count." They had it for eight years, as long as the bayonets stood there, and in 1876 they sent more bayonets, because we had got the devil in us by that time and we did not care whether we had any government. We preferred to have a United States Army officer rather than a government by carpetbaggers and thieves and scallywags and scoundrels, who had stolen everything in sight and had mortgaged posterity; who had run their felonious paws into the pockets of posterity by issuing bonds.

When that happened, we took the government away. We stuffed ballot boxes. We shot them. We are not ashamed of it. The Senator from Wisconsin would have done the same thing. I see it in his eye right now. He would have done it. With that system—force, tissue ballots, and so forth—we got tired ourselves. So we called a constitutional convention, and we eliminated, as I said, all of the colored people whom we could under the fourteenth and fifteenth amendments.

You gentlemen say you are satisfied with that. If you are satisfied we are; but don't any of you get up here any more and twit me with South Carolina suppressing the colored vote, because we are all Democrats and voted in the primaries in August, but when the election comes we do not turn out. I wish the Senator from Colorado [Mr. WOLCOTT] was here. He brought this matter up. He illustrated a point, I suppose, or thought he was illustrating it, by the paucity of our vote. He is not here. I had a rod in pickle for him, but I do not care to strike him in his absence. I think I will leave the matter alone for the present, and if nobody again bothers my State, I will bother nobody.

The PRESIDENT pro tempore. The Senator from Illinois asks unanimous consent for the consideration of an amendment, which will be stated.

The SECRETARY. After the word "representatives," in line 11, section 62, page 26, it is proposed to strike out the remainder of the section.

The PRESIDENT pro tempore. The amendment will be agreed to, if there be no objection.

Mr. PLATT of Connecticut. I object. I would rather that there should be a vote.

Mr. CULLOM. I ask for a vote, Mr. President.

The PRESIDENT pro tempore proceeded to put the question.

Mr. CULLOM. I hope the Senate will vote on this amendment.

Mr. SPOONER. What is it?

Mr. CULLOM. To strike out the property clause.

Mr. TELLER. What is it?

Mr. CULLOM. It strikes out the property clause.

Mr. TILLMAN. I should like to have the yeas and nays. Let us see who is willing to limit suffrage to those owning a thousand dollars' worth of real estate.

The PRESIDENT pro tempore. The proposed amendment will be once more stated to the Senate.

The SECRETARY. After the word "representatives," in line 11, on page 26, section 62, it is proposed to strike out the following:

And, in addition thereto, he shall own and be possessed in his own right of real property in the Territory of the value of not less than $1,000, and upon which legal taxes shall have been paid on that valuation for the year next preceding the one in which such person offers to register; or shall have actually received a money income of not less than $900 during the year next preceding the 1st day of April next preceding the date of each registration.

The PRESIDENT pro tempore. The question is on agreeing to the amendment, which has been stated, upon which the Senator from South Carolina demands the yeas and nays.

Mr. TILLMAN. I should like to hear the words that are to be stricken out.

The PRESIDENT pro tempore. What has been read just this moment is to be stricken out.

Mr. TELLER. The whole section?

Mr. TILLMAN. The whole section?

Mr. CULLOM. The whole section, with the exception of what I will now read, by leave of the Senate:

SEC. 62. That in order to be qualified to vote for senators a person must possess all the qualifications and be subject to all the conditions required by this act of voters for representatives.

The remainder of the section goes out.

Mr. BATE. Pardon me. What are the qualifications of representatives?

Mr. CULLOM. Intelligence—ability to speak, read, and write the English language.

Mr. BATE. There is no property qualification?

Mr. CULLOM. None whatever.

Mr. TILLMAN. In the House bill there is a provision which describes the qualifications for electors for both houses without having one for the house and another for the senate. It is much simpler. That can be arranged in conference, however.

Mr. CULLOM. It is as simple as it can be.

The PRESIDENT pro tempore. Does the Senator from South Carolina ask for the yeas and nays?

Mr. TILLMAN. I should like to see who in this House will vote for a property qualification, if the Senate will give me that privilege.

Mr. BATE. I do not understand this to be a property qualification, but the reverse of it. I am against the property qualification. I am rather extreme in this regard. I believe a man should have a right to vote if he can be made to muster or if he can be forced to sit on a jury or to work on a road against his will or be drafted in the Army. That is the man we look to, and I believe he should have a right to vote.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Illinois, upon which the yeas and nays are demanded.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CLAY (when his name was called). I am paired with the junior Senator from Massachusetts [Mr. LODGE]. If he were present, I should vote "yea."

Mr. FRYE (when his name was called). I am paired with the junior Senator from Arkansas [Mr. BERRY].

Mr. MCBRIDE (when his name was called). I have a general pair with the Senator from Mississippi [Mr. MONEY]. As he is not present, I withhold my vote.

Mr. MCLAURIN (when his name was called). I am paired with the Senator from North Carolina [Mr. PRITCHARD]. I am sure he would vote "yea" if he were here, and I will vote. I vote "yea."

Mr. MORGAN (when his name was called). I am paired with the Senator from Iowa [Mr. GEAR].

Mr. PENROSE (when his name was called). I have a general pair with the Senator from Delaware [Mr. KENNEY], who is absent. If he were present, I should vote "yea."

Mr. QUARLES (when his name was called). I have a general pair with the Senator from Texas [Mr. CULBERSON]. If he were here, I should vote "yea."

Mr. SPOONER (when his name was called). I have a general pair with the Senator from Tennessee [Mr. TURLEY], who is absent from the Chamber. I am told that if present he would vote "yea." I will therefore vote. I vote "yea."

Mr. TALIAFERRO (when his name was called). I am paired with the junior Senator from West Virginia [Mr. SCOTT].

Mr. THURSTON (when his name was called). My colleague [Mr. ALLEN] is absent in the West on important matters, and during his absence I am paired with him generally; but I am satisfied he would vote "yea" on this motion, and I will therefore exercise my privilege and will vote. I vote "yea."

Mr. BATE (when Mr. TURLEY's name was called). My colleague [Mr. TURLEY] is in attendance upon the Committee on Privileges and Elections. If he were here, he would vote "yea."

Mr. VEST (when his name was called). I am paired with the Senator from Minnesota [Mr. NELSON]. I do not think he has voted. I believe, however, he would vote "yea." I will vote. I vote "yea."

Mr. WARREN (when his name was called). I am paired with the senior Senator from Washington [Mr. TURNER]. I do not know how he would vote. If I were at liberty to vote, I should vote "yea."

The roll call was concluded.

Mr. McMILLAN. I am paired with the Senator from Kentucky [Mr. LINDSAY]. As he has not voted I will withhold my vote.

Mr. PETTUS. I have a general pair with the senior Senator from Massachusetts [Mr. HOAR]. I do not know whether or not he has voted.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The Chair is informed that the Senator from Massachusetts has not voted.

Mr. PETTUS. Then I must not vote. If I had the right to vote, I should vote "yea."

The result was announced—yeas 39, nays 1; as follows:

YEAS—39.

Allison,	Foraker,	McCumber,	Simon,
Bacon,	Foster,	McLaurin,	Spooner,
Bate,	Gallinger,	Martin,	Stewart,
Carter,	Hanna,	Mason,	Sullivan,
Chilton,	Hansbrough,	Perkins,	Teller,
Cockrell,	Hawley,	Pettigrew,	Thurston,
Cullom,	Heitfeld,	Platt, N. Y.	Tillman,
Davis,	Kean,	Rawlins,	Vest,
Deboe,	Kyle,	Ross,	Wetmore.
Fairbanks,	McComas,	Sewell,	

NAYS—1.

Platt, Conn.

NOT VOTING—46.

Aldrich,	Culberson,	Lindsay,	Proctor,
Allen,	Daniel,	Lodge,	Quarles,
Baker,	Depew,	McBride,	Scott,
Berry,	Elkins,	McEnery,	Shoup,
Beveridge,	Frye,	McMillan,	Taliaferro,
Burrows,	Gear,	Mallory,	Turley,
Butler,	Hale,	Money,	Turner,
Caffery,	Harris,	Morgan,	Warren,
Chandler,	Hoar,	Nelson,	Wellington,
Clark, Mont.	Jones, Ark.	Penrose,	Wolcott.
Clark, Wyo.	Jones, Nev.	Pettus,	
Clay,	Kenney,	Pritchard,	

The PRESIDING OFFICER. No quorum has voted. The Secretary will call the roll.

Mr. CLAY. I will vote to make a quorum.

Mr. COCKRELL. Call the roll.

Mr. CULLOM. Call the roll.

The PRESIDING OFFICER. The Chair will inform the Senator from Georgia that it is too late now. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Bacon,	Fairbanks,	McCumber,	Scott,
Bate,	Foraker,	McLaurin,	Sewell,
Butler,	Foster,	McMillan,	Shoup,
Carter,	Frye,	Martin,	Simon,
Chilton,	Gallinger,	Mason,	Spooner,
Clark, Wyo.	Hanna,	Morgan,	Stewart,
Clay,	Hansbrough,	Penrose,	Sullivan,
Cockrell,	Hawley,	Perkins,	Taliaferro,
Culberson,	Heitfeld,	Pettigrew,	Teller,
Cullom,	Jones, Nev.	Platt, Conn.	Thurston,
Daniel,	Kean,	Platt, N. Y.	Tillman,
Davis,	Kyle,	Quarles,	Vest,
Deboe,	McBride,	Rawlins,	Warren,
Elkins,	McComas,	Ross,	Wetmore.

The PRESIDENT pro tempore. In answer to the roll call 56 Senators have responded. There is a quorum present.

Mr. TILLMAN. I am satisfied in regard to the yeas and nays, and I withdraw the demand.

The PRESIDENT pro tempore. The Senator from South Carolina withdraws the demand for the yeas and nays. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CULLOM. The amendment offered by the Senator from Connecticut in reference to the appointment of judges is pending. I hope that will be taken up for consideration. I desire to say while I am on my feet that I have determined, so far as I am personally concerned, to make no objection to the adoption of the amendment. I wish to add a slight amendment to the amendment, and I will call the attention of the Senator from Connecticut to it:

That the President shall nominate and, by and with the advice and consent of the Senate, appoint the chief justice and justices of the supreme court and judges of the circuit courts.

After the word "courts" I wish to add:

Who shall hold their respective offices for four years, unless sooner removed by the President.

Then it goes on:

And the governor shall nominate and, by and with the advice and consent of the senate of the Territory of Hawaii, etc.

Mr. PLATT of Connecticut. There is no objection to that. I supposed it was included on the next page, in line 7, but there is no objection to having it in both places.

Mr. CULLOM. Is it included there?

Mr. PLATT of Connecticut. There may be a question whether it is included there or not.

Mr. CULLOM. I think it is a little doubtful whether it is included there.

Mr. SPOONER. I think the Senator from Connecticut will conclude that the next page refers only to appointees of the governor.

Mr. PLATT of Connecticut. That is possible. I supposed it referred to all of them, because the original language was that all except the chief justice and associate justices of the supreme court should hold office during good behavior. That, you think, might apply to all of them, and there is no objection to having the language where it is suggested by the Senator from Illinois.

The PRESIDENT pro tempore. The Senator from Connecticut offers an amendment, or sundry amendments, all, however, looking to the same end. Shall they be treated as one amendment?

Mr. CULLOM. I think they ought to be regarded as one amendment.

Mr. PLATT of Connecticut. They have been so considered in the discussion.

The PRESIDENT pro tempore. Without objection, they will be treated as one amendment. The question is on agreeing to the amendment of the Senator from Connecticut.

The amendment was agreed to.

Mr. PERKINS. Mr. President, I propose the following amendment——

Mr. CULLOM. If I may be allowed to proceed, I desire to strike out——

The PRESIDENT pro tempore. The Senator from California has offered an amendment.

Mr. CULLOM. Oh, excuse me.

Mr. PERKINS. I trust the Senator from Illinois, after hearing this amendment read, will accept it.

The PRESIDENT pro tempore. The amendment of the Senator from California will be stated.

The SECRETARY. Amend by adding at the end of section 100 the following:

And the coasting trade between the islands aforesaid and any other portion of the United States shall be regulated in accordance with the provisions of law applicable to such trade between any two great coasting districts.

The amendment was agreed to.

Mr. HANSBROUGH. Mr. President——

Mr. CULLOM. Allow me to offer an amendment.

Mr. HANSBROUGH. I yield to the Senator from Illinois.

Mr. CULLOM. I desire to strike out of the bill all of section 86 in reference to impeachment, etc. Those provisions of the bill providing for impeaching a supreme court judge go out of the bill as a result of the fact that the judges of the supreme court and circuit courts are to appointed by the President and will be subject to removal.

The PRESIDENT pro tempore. The Senator from Illinois moves an amendment to strike out the whole of section 86 relating to impeachment.

Mr. CLARK of Wyoming. I call the attention of the Senator to the same provision, which is in section 81 on page 38, as it is left in the bill:

Except the chief justice and justices of the supreme court and the judges of the circuit courts, who shall be removable by impeachment only.

Mr. CULLOM. I thought that was out.

Mr. CLARK of Wyoming. No; it is in the reprinted bill, page 38, lines 4, 5, and 6.

Mr. CULLOM. These lines ought to go out. I am referring to section 86.

The PRESIDENT pro tempore. The question is on agreeing to the amendment striking out section 86.

The amendment was agreed to.

The PRESIDENT pro tempore. What is the next amendment?

Mr. CULLOM. On page 38 of the new print, section 81, the words in lines 4, 5, and 6.

Mr. PLATT of Connecticut. After the word "officers."

Mr. CULLOM. After the word "officers." I move to strike out:

Except the chief justice and justices of the supreme court and the judges of the circuit courts, who shall be removable by impeachment only.

Those words ought to go out.

The PRESIDENT pro tempore. The Secretary will read the proposed amendment.

The SECRETARY. After the word "officers," line 4, page 38, strike out the following:

Except the chief justice and justices of the supreme court and the judges of the circuit courts, who shall be removable by impeachment only.

The amendment was agreed to.

Mr. HANSBROUGH. I offer an amendment to come in after the word "lands," in line 6, page 35, of the new print.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. After the word "lands," line 6, page 35, insert:

Including the selling, granting, leasing, or other disposition of the public domain and agreements or franchises concerning the same granted by the Hawaiian government prior to the 11th day of September, 1899, and subsequent to the 12th day of August, 1898.

The amendment was agreed to.

Mr. HANSBROUGH. I move to strike out on page 33 of the new print of the bill all that portion appearing in italics, or, in other words, the committee amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to strike out on page 33, line 2, after the word "provide," the committee amendment, as follows:

That all sales, grants, leases, and other disposition of the public domain and agreements concerning the same and all franchises granted by the Hawaiian government in conformity with the laws of Hawaii prior to the 11th day of September, 1899, are hereby ratified and confirmed.

The PRESIDENT pro tempore. The Senator from North Dakota asks unanimous consent that the amendment hitherto adopted may be stricken out.

Mr. CULLOM. Mr. President, I wish to say just one word. This matter of the exact legislation that ought to be enacted in connection with these lands over there is very important to those people. I desire to say that I have been trying to-day to get a definite statement from the Interior Department. I have not yet received it.

I will consent to the adoption of the amendment offered by the Senator from North Dakota with the understanding that when this bill gets into conference I desire to be tolerably careful in determining the sort of legislation we ought to enact in reference to those lands, and if I find on consultation with the Secretary of the Interior and the Commissioner of the General Land Office that a different phrase or different provision should be enacted, I will take the liberty of trying to change it the best I can. I want to be perfectly frank with the Senator from North Dakota and with the Senate on that question.

Mr. TELLER. May I interrupt the Senator from Illinois?

Mr. CULLOM. Certainly.

Mr. TELLER. I suggest, then, if the Senator wants to reserve that right, that he had better prepare some amendment here—something that will allow it to be amended in conference by striking out some part.

Mr. CULLOM. The amendment of the Senator from North Dakota proposes to strike out the amendment which the Senate has adopted, and that gives us the liberty to change it.

Mr. ALLISON. It will if you leave the amendment in.

Mr. GALLINGER. If the amendment is left in, it may be changed. If it goes out, there will be nothing for the conference to act upon.

Mr. TELLER. Put in something there to hang the amendment on.

Mr. CULLOM. Then I hope the Senator from North Dakota will allow the amendment to remain. I want to say to him that I wish to do exactly what is best for those people and for the Land Office of the United States. Whatever is the best policy to pursue to protect the lands, and at the same time not tie up those people over there for a year or two, I should be glad to adopt. I do not want, however, to adopt a policy with reference to those lands that will result in their not being able to settle upon those lands or lease those lands or take homesteads or anything else until this session has gone by and a commissioner has gone over and investigated and reported to some future Congress, because it would be nearly two years, perhaps, in that case before they would be able to do anything. I want to avoid that if I can consistently with the best interests of the people there.

Mr. HANSBROUGH. Mr. President, we have just adopted an amendment to the bill which covers the language contained in this committee amendment; and we instruct the Secretary of the Interior to investigate, by a special agent or otherwise, as he may see fit, the leasing, the selling, or other disposition of the public domain in Hawaii.

Now, then, if we empower the Secretary of the Interior to make an investigation we certainly do not want to confirm the very things that have been done by the government of Hawaii that caused the President of the United States to issue a proclamation on the 11th day of September of last year. I think in this connection that proclamation should be included in the RECORD. I will send it to the desk to have it read. It may be of guidance to the committee of conference hereafter.

Mr. ALLISON. I ask the Senator from North Dakota to yield to me for a moment.

Mr. HANSBROUGH. I yield to the Senator from Iowa.

Mr. ALLISON. I wish to suggest to the Senator from Illinois having charge of the bill that as respects conferences on any provision in the bill there can be no conference if the House agree to the phraseology as now inserted in the Senate, because this is a Senate bill. If they pass the bill without amendment, it becomes a law. If they do not change this section, I do not see very well how conferences respecting differences between the two Houses can reach the section. So I think it is rather important to put the section in proper shape now.

Mr. CULLOM. Of course if the House agrees to what the Senate adopts, that is the end of the question.

Mr. ALLISON. When the amendment of the Senator from North Dakota is adopted here, it goes to the House as a part of the text of the bill, and the House will look at the whole text and make some changes then.

Mr. HANSBROUGH. I propose to strike out the committee amendment, as I think the Senator from Iowa understands, the Senate having inserted the same language in another part of the bill.

Mr. ALLISON. I agree it is wise to do that; for if the Senate did not do it, there would be two provisions having precisely the same effect in one section of the bill.

Mr. HANSBROUGH. That is just what I am trying to obviate.

Mr. CULLOM. Will the Senator from North Dakota allow me to interrupt him?

Mr. HANSBROUGH. Certainly.

Mr. CULLOM. My desire is that the bill shall be so formed, so far as the land question is concerned, as to be as nearly in harmony with the judgment of our Land Office here as we can get it. I would be very glad if this could remain a little while undisposed of, until I see whether in the course of half an hour or so I do not hear from the Commissioner of the General Land Office. I do not think it is safe to tie up all the land over there so that it will be after this session is over, and some time during the next, a year from now, before we get anything at all done in dealing with the lands there. I think the Senator ought to allow either the Senate bill to stand as we have it, or so consent to the bill as that it will not throw the whole subject into the hands of the Secretary of the Interior to be disposed of a year and a half hence before they can be prepared to do anything at all.

Mr. HANSBROUGH. I do not believe that the effect of the amendment which I have proposed, and of one other that I hope to be able to propose, will be as the Senator from Illinois fears it will be.

The PRESIDENT pro tempore. Is there objection to striking out the amendment of the committee on page 33?

Mr. HANSBROUGH. I hope that the proclamation of the President will be read.

Mr. GALLINGER. Let it go in the RECORD without being read.

Mr. HANSBROUGH. It is brief and I want to have it read.

The PRESIDENT pro tempore. The proclamation will be read.

The Secretary read as follows:

[Hawaii—Public lands.]

By the President of the United States of America. Executive order.

The President of the United States hereby directs that all proceedings taken or pending for the sale or disposition of the public lands in the Hawaiian Islands shall be discontinued; and that if any sales or agreements for sale of said public lands have been made since the adoption of the resolution of annexation, the purchasers shall be notified that the same are null and void, and any consideration paid to the local authorities on account thereof shall be refunded.

In witness whereof I have caused the seal of the United States to be hereunto affixed. Washington, September 11, 1899.

[SEAL.] WILLIAM McKINLEY.

By the President:

ALVEY A. ADEE,
Acting Secretary of State.

Mr. HANSBROUGH. The President of the United States certainly had some good reason for issuing this proclamation only four or five months ago, but it is proposed by this bill to ratify and confirm the very sales and leases of lands which the President says shall not be confirmed. That is a very good reason, I think, why this amendment should go out.

Mr. CULLOM. May I interrupt the Senator from North Dakota?

Mr. HANSBROUGH. Certainly.

Mr. CULLOM. Some of the transactions which were entered into in Hawaii were for homesteads in those islands. I know of five or six transactions where young men are proposing to go there, and there are several now there trying to make homesteads of 100 acres of land up beside the mountains on the Hawaiian Islands. Those transactions are held up by this proclamation of the President. The House committee, if I may be allowed to refer to the House, went over all the transactions that had taken place there between the dates referred to by the President, and reported a provision affirming all the transactions which had taken place.

Now, I do not know whether it is right or not, but I do not want the bill to get in such shape as that, because of that holding up on the part of the President, we shall hold up all the transactions for the next year and a half, so that they can do nothing in trading in land, giving homesteads, or anything else, until we hear from the Secretary of the Interior, and afterwards act on the subject by Congress itself at a future session.

Mr. HANSBROUGH. I do not believe that the amendment has the effect ascribed to it by the Senator from Illinois.

Mr. TELLER. I should like to suggest to the Senator from Illinois that he can accomplish what he wants by providing that the executive department may ratify these transactions if they find them proper.

Mr. CULLOM. I am willing that that sort of an amendment should be made.

Mr. TELLER. I think that might be done without any danger.

Mr. HANSBROUGH. I have no objection to that modification.

Mr. STEWART. Let the amendment be read again.

Mr. HANSBROUGH. Now, it is suggested that the President of the United States be given authority, if in his discretion he thinks it is a proper thing to do, to ratify and confirm these sales, etc., and I say that I am willing to accept that.

Mr. CULLOM. And any future ones that may be made under his direction or permission.

Mr. HANSBROUGH. I am perfectly willing to give him that authority.

Mr. CULLOM. That will give those people an opportunity to live and do business. That is all I am trying to secure.

The PRESIDENT pro tempore. There is really no motion pending. The Senator from North Dakota asks unanimous consent that an amendment the other day adopted by the Senate as in Committee of the Whole might be rejected.

Mr. HALE. He asked a vote on it.

Mr. CULLOM. I have no objection to that amendment going out, provided I can get an addition to the amendment proposed by the Senator from North Dakota that we acted upon a while ago, that the President of the United States shall have the power of doing that.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from North Dakota? The Chair hears none, and the amendment goes out.

Mr. CULLOM (to Mr. HANSBROUGH). Now offer your other amendment.

Mr. HANSBROUGH. Now I propose the amendment in this form:

That all sales, grants, leases, and other disposition of the public domain and agreements concerning the same, and all franchises granted by the Hawaiian government in conformity with the laws of Hawaii prior to the 11th day of September, 1899, may be ratified and confirmed by the President of the United States.

Will that answer the purpose of the Senator from Illinois?

Mr. CULLOM. As far as it goes; but if you will add now that any future transactions in any real estate by the Land Office or whoever has the authority to trade the lands there shall be subject to the approval or disapproval of the President, I would have no objection to that.

Mr. SPOONER. Will the Senator from Illinois allow me?

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Wisconsin?

Mr. HANSBROUGH. I yield to the Senator from Wisconsin always.

Mr. SPOONER. The jurisdiction to dispose of the public domain is in Congress, not in the President.

Mr. CULLOM. That is true.

Mr. SPOONER. I doubt the power of Congress to delegate that power to the President. I suggest to the Senator whether his purpose would not be accomplished, so far as past sales and grants are concerned, by inserting after the word "that" the words "subject to the approval of the President."

Mr. TELLER. It seems to me that is the same thing.

Mr. SPOONER. No; not as to the future, but as to past transactions. It will read, "That, subject to the approval of the President of the United States, all sales, grants, leases, etc., are hereby ratified and confirmed."

Mr. HANSBROUGH. I think that covers it. I will accept that.

Mr. SPOONER. As to the future, that raises a different question.

Mr. HANSBROUGH. I accept the modification proposed by the Senator from Wisconsin.

The PRESIDENT pro tempore. The amendment as modified will be read to the Senate.

Mr. COCKRELL. Let us have the page and all.

Mr. SPOONER. I move, if the Senator will permit me——

Mr. HANSBROUGH. Certainly.

Mr. SPOONER. I move to insert on page 33 of the new print, line 2, after the word "That," the words "subject to the approval of the President."

Mr. CULLOM. That paragraph has gone out.

Mr. PLATT of Connecticut. You want to put it back?

Mr. SPOONER. Do not let it go out.

Mr. CULLOM. We will put it back, then.

Mr. COCKRELL. On what page is it?

Mr. SPOONER. On page 33 of the new print.

The PRESIDENT pro tempore. That amendment just went out by unanimous consent.

Mr. CULLOM. I hope it will go back by unanimous consent.

The PRESIDENT pro tempore. Shall it go back by unanimous consent? The Chair hears no objection, and it is back.

Mr. SPOONER. Now I move to insert after the word "That" the words "subject to the approval of the President."

Mr. COCKRELL. What line?

Mr. SPOONER. Line 2, page 33, of the new print.

Mr. CULLOM. At the top of the page.

The PRESIDENT pro tempore. The Senator from Wisconsin moves an amendment, which will be read.

The SECRETARY. Line 2, page 33, after the word "That," insert "subject to the approval of the President."

The PRESIDENT pro tempore. Without objection, it is agreed to.

Mr. CULLOM. Now, I think——

Mr. HANSBROUGH. I desire to offer another amendment.

Mr. CULLOM. Very well.

Mr. HANSBROUGH. I wish to strike out, in line 19, page 33, the words "granted, sold, or;" so that it will read:

And no lease of agricultural land shall be renewed by the government of the Territory of Hawaii for a longer period than five years, until Congress shall otherwise direct.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 33, in section 73, line 19, after the words "shall be," it is proposed to strike out the words "granted, sold, or;" so as to read:

And no lease of agricultural land shall be renewed by the government of the Territory of Hawaii for a longer period than five years until Congress shall otherwise direct.

Mr. HANSBROUGH. I wish to call the attention of the Senator from Illinois to section 101, which, it seems to me, conveys all the crown lands to the Government of Hawaii, taking the title entirely out of the hands of the Government of the United States. I may be wrong in my reading of the section, but I call the attention of the lawyers about me to that section. I think it ought to be stricken out.

Mr. CULLOM. I have no objection.

Mr. FORAKER. I think that has reference to the provision in the joint resolution of annexation, and that, according to that provision to which I have referred, all of the lands belonging to the republic of Hawaii at the time of annexation were to pass to the United States. This declaration is simply to satisfy that requirement of the annexation act.

Mr. HANSBROUGH. The provision of the joint resolution to which the Senator from Ohio refers is as follows:

The existing laws of the United States relative to public lands shall not apply to such lands in the Hawaiian Islands; but the Congress of the United States shall enact special laws for their management and disposition.

It seems to me, by the section in the bill to which I have referred, we grant all the crown lands to the government of Hawaii.

Mr. MORGAN. Mr. President, the manner in which this bill has been mommicked and chewed up here this morning, by the consent of the chairman of the commission, satisfies me that I have no longer any particular interest in it or that I have any particular knowledge of its provisions. We put in amendments here without the slightest consideration of the facts on which they are based; and the amendment suggested now is entirely misunderstood, and, if I have caught correctly the remarks of the Senator who offered it, the text of the bill itself is misunderstood.

SEC. 101. That the portion of the public domain heretofore known as crown land is hereby declared to have been on the 12th day of August, 1898, and prior thereto, the property of the Hawaiian government.

On the 12th day of August, 1898, the annexation was completed, and it then became the property of the United States. There are certain lawsuits threatened—I think none of them are pending—in favor of the heirs presumptive and otherwise of the crown of Hawaii, set up in antagonism or in opposition to the title of the United States. The object of this statute was to declare that in respect of those lands they were on the 12th day of August, 1898, and prior thereto the lands and property of the government of Hawaii, and after that they became the lands and property of the Government of the United States, and then the bill proceeds to say—

and to be free and clear from any trust of or concerning the same, and from all claim of any nature whatsoever upon the rents, issues, and profits thereof.

Mr. HALE. Where does the Senator get the warrant, in reading this, for his interpolation of the words "Hawaiian government, and thereafter to be the property of the United States." That is not in this bill.

Mr. MORGAN. That is in the act of annexation.

Mr. HALE. I was going to ask the Senator if the act of annexation—if the Senator has that—will show how by the treaty or act of annexation those lands were effectually placed in control of the United States, whether the disposition would only operate as clearing them from trusts and agreements? Has the Senator that provision?

Mr. FORAKER. Mr. President, I have the act right before me.
Mr. MORGAN. Will the Senator read it, please?
Mr. FORAKER. I will read it, if the Senator will allow me.
Mr. HALE. What does it say?
Mr. FORAKER. It is as follows:

Whereas the government of the republic of Hawaii having, in due form, signified its consent, in the manner provided by its constitution, to cede absolutely and without reserve to the United States of America all rights of sovereignty of whatsoever kind in and over the Hawaiian Islands and their dependencies, and also to cede and transfer to the United States absolute fee and ownership of all public, government, or crown lands, public buildings or edifices, ports, harbors, military equipment, and all other public property of every kind and description belonging to the government of the Hawaiian Islands, together with every right and appurtenance thereunto appertaining.

Mr. HALE. Is that the preamble?
Mr. FORAKER. That is the "whereas;" it may be said to be the preamble, I suppose. Then the resolution goes on to enact that the islands are annexed upon those conditions, which are thus recited. This is intended, as I understand it, and so understood it in the committee when I voted in favor of reporting the bill, simply to set at rest all disputes with respect to those lands.
Mr. HALE. The Senator has no doubt, under that provision and what follows, that those lands are absolutely ceded to the United States, so that the reference here is only a citation?
Mr. MORGAN. I had not quite completed my explanation, and I do not think anybody ever gets a chance to complete a sentence now on the floor of the Senate.
Mr. HALE. It is pretty hard to do so.
Mr. MORGAN. Yes; it is pretty hard to do so.
Mr. FORAKER. May I have the permission of the Senator from Alabama until I read another line in connection with what I read a moment ago?
Mr. MORGAN. I yield.
Mr. FORAKER. I read now from the resolution of annexation itself, commencing at the second paragraph:

The existing laws of the United States relative to public lands shall not apply to such lands in the Hawaiian Islands; but the Congress of the United States shall enact special laws for their management and disposition.

Mr. HANSBROUGH. I take it that section 101 is a special law. It occurred to me—I may be wrong about it—that it was an absolute grant of the Crown lands back to the government of Hawaii, and here, by the last paragraph, the government of Hawaii is authorized to alienate those lands or to appropriate them to other uses. So, as I stated a few moments ago, I submit this question to the lawyers about me here, and of course I shall be guided by their opinion as to that.
Mr. FORAKER. Mr. President, the gist of the last sentence of that section refers to the portion of the public domain about which the section legislates, and not to the republic of Hawaii.
Mr. HANSBROUGH. I understand that.
Mr. FORAKER. And the necessity for this arose from the fact that they did have a controversy as to whether or not the republic of Hawaii had become possessed of the fee-simple title to the Crown lands, as they were called originally. All the lands in the Hawaiian Islands were divided into three classes, one-third belonging to the public, one-third belonging to the government for governmental purposes, and one-third belonging to the crown, to be used only for the support of the royal family.

The question arose—and it is not necessary here to go into details about it—as to whether or not those Crown lands had become possessed by the republic of Hawaii, and to set that question at rest this declaration is made. Whether or not it does have that effect in law is another question, but the only purpose of this is to show that, according to our declaration, the republic of Hawaii had become possessed of the fee-simple title to the Crown lands, and that in consequence they passed to the United States and are now the lands of the United States.

Mr. HANSBROUGH. Mr. President——
The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from North Dakota?
Mr. MORGAN. I yield.
Mr. HANSBROUGH. I desire to suggest that so long as there is a doubt about the effect of this section it will be a good idea to strike it out.
Mr. CARTER. Will the Senator from Alabama yield to me for one moment?
Mr. MORGAN. I yield the floor entirely, Mr. President. I do not care to say anything more about the matter. I was appealed to for some information about it; but if the Senate does not want to hear it, of course I can not give it.
Mr. CARTER. I supposed the Senator from Alabama desired to review the various suggestions made and to submit the committee's point of view concerning them.

It will be observed that the treaty of cession was approved on the 7th day of July, 1898, which is said to have resulted in an absolute cession, without reservation, to the United States of all the public lands of Hawaii. Section 101, which the Senator from North Dakota [Mr. HANSBROUGH] proposes to strike out, causes the Congress of the United States to now say that it is hereby declared that on the 12th day of August, 1898, these lands belonged to the government of Hawaii.

Mr. FORAKER. The Senator will allow me to suggest that he is perhaps overlooking the fact that the annexation was not consummated when we passed our joint resolution, but only when that was accepted by the Hawaiian government, and we were allowed to take possession on the 12th day of August, 1898.
Mr. CARTER. All that is left of this section, briefly put, is that it constitutes a legislative declaration of a forfeiture of the right of the queen or of the crown to the public lands of Hawaii. In that sense its efficacy is questionable. It is certainly an attempt to deprive a person not in court of certain alleged property rights without any hearing or attempt to give a hearing on the merits. I do not object to that, if Congress thinks that is a proper way to proceed, but it would be well, if the section remain in the bill, to leave no question as to the right of the Hawaiian government to enact a law by which this public domain may be disposed of.

It is the opinion here, I believe, that this right should be reserved to the Congress of the United States. I therefore suggest, if the section remain in the bill and the amendment proposed by the Senator from North Dakota [Mr. HANSBROUGH] is voted down, that on page 49, section 101, line 2, it would be well to strike out the words "by law" and insert the words "action of Congress;" so that there will be no question as to what power is to pass the law; or to insert "by the laws of the United States," or "as may be provided by the laws of the United States," or any equivalent terms.

Mr. FORAKER. I think that is satisfactory to everybody.
The PRESIDENT pro tempore. That amendment is now in order.
Mr. CARTER. I offer that amendment.
Mr. CULLOM. I desire to say a word. A few minutes ago I appealed to the distinguished Senator from Alabama [Mr. MORGAN] to give his views about this section, but he was so interrupted that he was not able to do so fully. I hope the Senator will yet explain that section, so that we may determine whether it ought to remain in the bill or to be taken out.
Mr. MORGAN. I thought the Senate had agreed that it should remain in the bill.
Mr. CULLOM. If it has, I am satisfied.
The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Montana [Mr. CARTER].
Mr. COCKRELL. Let me understand what that amendment is.
The PRESIDENT pro tempore. The amendment will be stated.
The SECRETARY. On page 49, section 101, after the word "provided," at the end of line 1, it is proposed to strike out "by law" and insert "by the laws of the United States."
Mr. MORGAN. There is no objection to that. That is what it now means.
Mr. COCKRELL. Why not change that? Why not strike out the period after the word "thereof," in line 24, on page 48, insert a comma and the word "and," and then strike out the word "It;" so as to read:

SEC. 101. That the portion of the public domain heretofore known as crown land is hereby declared to have been on the 12th day of August, 1898, and prior thereto, the property of the Hawaiian government, and to be free and clear from any trust of or concerning the same, and from all claim of any nature whatsoever upon the rents, issues, and profits thereof, and shall be subject to alienation and other uses as may be provided by the laws of the United States.

Thus making it all one sentence; and then there will be no misconstruction about it.
Mr. FORAKER. That is better.
Mr. CARTER. I will accept the amendment of the Senator from Missouri.
The PRESIDENT pro tempore. The Senator from Montana [Mr. CARTER] modifies his amendment as suggested by the Senator from Missouri [Mr. COCKRELL]. The amendment as modified will be stated.
The SECRETARY. On page 48, in section 101, after the word "thereof," it is proposed to strike out the period and the word "It" and insert a comma; and on page 49, line 2, after the words "provided by," to strike out "law" and insert "the laws of the United States."
The PRESIDENT pro tempore. The question is on agreeing to the amendment as modified.
The amendment as modified was agreed to.
Mr. RAWLINS. I offer the amendment, which I send to the desk, to come in at the end of section 82, on page 39, of the new print.
The PRESIDENT pro tempore. The amendment will be stated.
The SECRETARY. On page 39, at the end of section 82, it is proposed to insert:

Provided, That writs of error, bills of exceptions, and appeals in all cases from the final decisions of the said supreme court of Hawaii may be taken to the circuit court of appeals of the ninth judicial circuit of the United States where the value of property or amount in controversy shall exceed $1,000, except that a writ of error or appeal shall be allowed to said circuit court of

appeals of the United States from the decision of said supreme court of Hawaii or of any court or judge upon any writ of habeas corpus involving the question of personal freedom.

The amendment was agreed to.

Mr. BUTLER obtained the floor.

Mr. RAWLINS. There is one other matter, Mr. President, to which I want to call the attention of the Senator from Illinois, if the Senator from North Carolina [Mr. BUTLER] will permit me, which is in line with the amendment just adopted.

Mr. BUTLER. I want to offer an amendment, but I will yield to the Senator for a suggestion.

Mr. RAWLINS. It is in relation to section 88, on page 42. That section contains this provision:

The laws of the United States relating to appeals, writs of error, removal of causes, and other matters and proceedings as between the courts of the United States and the courts of the several States shall govern in such matters and proceedings as between the courts of the United States and the courts of the Territory of Hawaii.

That relates to the Federal courts. If I read that provision aright, it only gives the right of review, in cases of decisions by the Federal court of Hawaii, by the appellate courts of the United States, say, the circuit court of appeals or the Supreme Court of the United States, only in cases where there would be a like right of review of the decision of a State court. If I understand correctly the rule as to all Federal courts in this country, it is that there is given upon certain specified conditions a right of appeal in every case, while in respect to the State courts the right of appeal exists only from the final decision of the highest court in the State, and then only where there has been a Federal question involved or a right or an immunity or a privilege claimed under the Constitution or some treaty where the decision of the State court is against the validity of such right.

Now, is it the intention of the Senator to so limit this right of review of the decisions of the Federal court in Hawaii, making that right far less extensive than pertains to other Federal courts?

Mr. BUTLER. I desire to offer an amendment on page 39 of the new print of the bill.

Mr. PLATT of Connecticut. What has become of the other amendments?

The PRESIDENT pro tempore. There is no amendment pending.

Mr. BUTLER. I offer an amendment, on page 39 of the new print, section 84, line 22, after the words "relative to," by inserting "postal savings banks, and the laws relative to."

I will state that this is under the head of "Laws continued in force" in Hawaii, and the purpose of the amendment is to continue in force the present laws of Hawaii establishing a system of postal savings banks. This bill provides for keeping in force certain other laws of Hawaii, and this law that I desire to keep in force is probably the best law that they have. If my amendment is adopted, section 84 will then read:

That the laws of Hawaii relative to postal savings banks and relative to the judicial department, etc.

I send forward the amendment to the desk.

Mr. HALE. Are those laws in relation to postal savings banks the same as we have in the United States?

Mr. BUTLER. No; but they are the present laws of Hawaii, under which a very popular and successful system of postal savings banks has been established and operated since 1885. It is that system that this bill as it stands will abolish, but which I do not want to see abolished. The purpose of my amendment is to save that beneficent system for those people. Unfortunately we have no such system in this country. We are, indeed, the only civilized country in the world that has not a system of postal savings banks, but there have been during the last thirty years numerous efforts in Congress to establish them.

There have been more than 30 bills introduced in the House of Representatives and at least 20 in the Senate. As far back as 1873 a bill was introduced in the House by Mr. Maynard, who was afterwards Postmaster-General, I believe, to establish such a system. Senator MONEY, while a member of the House, introduced such a bill and got a favorable report from the House committee. The report was made by Mr. LACEY, the chairman of the committee, and it is a very strong and interesting document. Similar bills have been introduced in the Senate by Senators Gordon, Miller, Manderson, Mitchell, Sawyer, KYLE, Turpie, Peffer, Quay, MASON, COCKRELL, and myself, but so far we have not been able to get a bill enacted into law.

At the last session of Congress the Senate Committee on Post-Offices and Post-Roads reported favorably a bill (S. 4747) to establish such a system. I had the honor of preparing the report for the committee to accompany that bill, which is Senate Report No. 1504, but the session adjourned before the bill could be brought to a vote. I invite the attention of Senators to that bill and to that report. The bill was carefully prepared after an examination of the laws of twenty-five or thirty nations that now have a system of postal savings banks in successful operation. The bill was carefully examined by the Post-Office Department and had the approval of the Postmaster-General. The report which accompanies the bill reviews the systems of other countries now in operation and shows that the system proposed in the bill contains the best provisions in the laws of all other countries, as shown by experience.

The system now in operation in Hawaii is a very successful one and is discussed in that report. Before that bill was reported by the Senate committee, a resolution was passed by the Senate instructing the Secretary of State to secure from every country in the world official information as to the systems of postal savings banks in operation in their respective countries. I have here the report of the information gathered by the State Department, being Document No. 39 of the second session of the Fifty-fifth Congress, which contains the information gathered by the Secretary of State through our diplomatic representatives from every country in the world having postal savings banks, which is practically every civilized country except ours.

Mr. HALE. If the Senator will allow me—I do not propose to open a discussion of the question as to the desirability of establishing postal savings banks in the United States, for perhaps the Senator and I should disagree about that—what I do want to get at is whether his amendment proposes to continue in force every law in Hawaii with reference to postal savings banks, whether that is the law here, and if that is so, what is the operation and extent of the postal savings bank system in Hawaii? Does the Senator know about that?

Mr. BUTLER. I shall be very glad to answer that question.

Mr. HALE. I do not care to have the Senator go into a detailed statement of the postal savings banks here, so as to renew that agitation.

Mr. BUTLER. I do not desire to agitate the Senator, but I will give the information which the Senator asks for, and trust that it will not affect anyone as offensive agitation. There is now in operation in Hawaii a complete and successful system of postal savings banks similar to the systems already adopted by Great Britain in 1861, by Belgium in 1869, by Japan in 1875, by France in 1882, Austria in 1883, and many other countries during and since that time. It is very popular, as everyone will admit who knows anything about it.

Mr. HALE. How extensive is that system?

Mr. BUTLER. The system was adopted in Hawaii in 1886. During the first six months there was deposited—I read from Senate Document No. 39—over $51,000 with over 500 depositors. In 1896 the number of depositors reached 7,494, with a total deposit of $730,356.61, which was an average deposit for each depositor of $97, and, by the way, that is a little more than in Great Britain, where they have an average deposit of $75, and that would make about one depositor for every two voters, as the number would be under the provisions of this bill if it shall become a law.

The system has worked admirably. It is very popular, and I think our commissioners who went over there and who report this bill would be able to tell you that they never heard any complaint against the system, but, on the other hand, that it was universally popular. It has been of great benefit; and you could not find a single person in Hawaii who would be in favor of abolishing it.

Mr. HALE. Have they the feature in Hawaii that we have so extensively here of savings banks?

Mr. BUTLER. They have postal savings banks.

Mr. HALE. I do not mean postal savings banks, but local savings banks.

Mr. BUTLER. I am not advised officially as to that, but I think they have also private savings banks.

Mr. HALE. I wish some member of the commission or of the Committee on Foreign Relations would tell us about that.

Mr. BUTLER. I would say to the Senator that that would be immaterial for this reason: There will be no trouble about continuing this system, because many countries have private savings banks and postal savings banks, and indeed every civilized country in the world has savings banks, and yet they also have postal savings banks. We have savings banks in this country, and New England particularly——

Mr. HALE. We have no postal savings banks.

Mr. BUTLER. No, but New England and the Northern and Middle States, where population is most dense, have more private savings banks than any other part of the country, and there are a great many in the Senator's own State. But there are more than 40,000 people for every savings bank in that section. There are only 760 savings banks in that section, with a population of over 30,000,000 people; so even that section of this country where there are the greatest number of savings banks needs postal savings banks.

In those 12 States there are 5,720 money-order post-offices where there are no savings banks of any kind. Surely the people around these 5,720 money-order offices need savings banks, but private capital has not furnished them. Shall they be denied them till it suits the convenience and pleasure of private capital—prompted solely by private gain—to furnish them?

In the 13 Southern States there are only 2 mutual savings banks

(which are the only real savings banks) and 110 commercial savings banks (which can hardly be called savings banks), 112 in all, covering a population of 18,000,000 people. There are in these States 3,980 money-order offices where there are no savings banks of any kind. And in the 16 Western States there are only 7 mutual savings banks and 420 commercial banks, making 427 in all, covering a population of over 32,000,000 people. There are in these States 6,771 money-order offices where there are no savings banks of any kind. The 4 Pacific States have 20 mutual savings banks, 50 commercial savings banks, 70 in all, covering a population of 3,000,000. There are in these 4 States 863 money-order offices where there are no savings banks at all.

In short, the 33 Southern, Western, and Pacific States have altogether only 609 savings banks, covering a population of over 52,000,000 people, or one savings bank to 84,000 population. Not 1 in 500 of these people do or can deposit in any of these savings banks. Would this be the case if there were postal savings banks at every postal money-order office? In Great Britain, where postal savings banks have long been in successful operation, one person out of every five of their population has a deposit and bank account. That is more than one depositor for every voter.

Shall we wait fifty years, or one hundred years, or one thousand years, until countless generations are born and dead, until private capital will see fit to establish a sufficient number of savings banks conveniently located to the people? And even if there were a sufficient number of savings banks, what guaranty is there that they would be any safer and less liable to break and squander the hard-earned savings of the people than those that are now in existence?

Mr. PLATT of Connecticut. What is the amendment which the Senator from North Carolina proposes?

Mr. BUTLER. I propose to continue in force the present laws of Hawaii relative to the postal savings banks.

Mr. PLATT of Connecticut. Does the Senator want the minister of finance of Hawaii to be authorized to issue coupon bonds of the Hawaiian government up to the amount of $1,000,000, to issue coupons for the amount of postal savings bank deposits, etc.? Does he want to put this under the control of the old officers of the Hawaiian government? That is the act, and it will all have to be remodeled if it is to be revived and continued there. It has been repealed.

Mr. BUTLER. The law has not been repealed.

Mr. PLATT of Connecticut. I mean it is proposed to be repealed by this bill.

Mr. BUTLER. This bill, if enacted, would repeal it, of course; and that is just what I do not want to do.

Mr. PLATT of Connecticut. On page 4, in chapter 59, "The postal savings banks," is found the postal savings bank law there with all its details; and that law provides that the system shall be run under the old officers of the government.

Mr. HALE. That would conflict with the general purpose of the bill.

Mr. PLATT of Connecticut. The bill would have to be entirely remodeled if that amendment should continue the system in force.

Mr. MASON. Excuse me.

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Illinois?

Mr. BUTLER. Certainly.

Mr. MASON. I understand that those who succeed to the powers and prerogatives of the old officers would continue the savings bank under the present law.

Mr. BUTLER. Certainly. I am thoroughly familiar with the law of Hawaii providing for a system of postal savings banks. It is copied in full in the report I had the honor to make from the Senate Committee on Post-Offices and Post-Roads. I examined it carefully with every other law before drawing the bill that I had the honor to offer. I know its imperfections under the changed conditions; but, as the Senator from Illinois suggests, what we are after is to preserve the system. Of course the officers who are named under the new government succeed to the duties of those now exercising those duties, and they can simply carry on the system.

Mr. SPOONER. What officers succeed?

Mr. BUTLER. I am not able to answer the Senator at present, because I am not familiar with just that detail of the bill. But there are officers to occupy the same positions. There is the minister of finance under the old government. There will be an officer named in this bill to perform his duties.

Mr. SPOONER. What officer is to take the place of the minister of finance and perform the functions of that office?

Mr. BUTLER. I do not remember at present just what he is called, and it is immaterial to the amendment under discussion. But I will ask the Senator in charge of the bill what officer under the bill is to perform the functions of the old minister of finance?

Mr. CULLOM. When the office of minister of finance is abolished, if this provision is left in, I do not know that it provides for anybody taking charge of it especially.

Mr. SPOONER. It is simply a misfit.

Mr. CULLOM. That is all. I have no objection to the continuance of that portion of the law which would be in harmony with the remainder of the bill and with the laws of the United States. The only consideration influencing the commission in disposing of the subject was that the postal savings bank there, in view of the fact that the annexation act provided that we should pay all the debts, had to be stopped in some way or other in order that we might know what the obligation was. So the bill provides that it shall be wound up at the indicated time, and the act of annexation provides that that shall be first paid of the four millions that are to be paid by the United States under the annexation joint resolution.

Mr. SPOONER. As I understand it, the United States has assumed the debt?

Mr. CULLOM. It assumed the old indebtedness and provided that that portion of the indebtedness should be paid off first. I will read the provision:

> The public debt of the republic of Hawaii, lawfully existing at the date of the passage of this joint resolution, including the amounts due to depositors in the Hawaiian Postal Savings Bank, is hereby assumed by the Government of the United States; but the liability of the United States in this regard shall in no case exceed $4,000,000.

That is the amount we agreed to pay of the indebtedness of the Hawaiian Islands.

> So long, however, as the existing government and the present commercial relations of the Hawaiian Islands are continued as hereinbefore provided, said government shall continue to pay the interest on said debt.

Mr. CHILTON. The question arises whether it be possible to ingraft this postal savings bank system on the new condition. The republic of Hawaii had charge of the postal service there?

Mr. CULLOM. Yes.

Mr. CHILTON. Hereafter the United States will have charge of it?

Mr. CULLOM. Certainly.

Mr. CHILTON. Now the question is whether the United States will issue its bonds for moneys deposited in the post-offices in Hawaii when it will not issue bonds for that purpose in any other part of the country.

Mr. CULLOM. That is the difficulty.

Mr. CHILTON. Then another question arises, whether the taxpayers of the United States can be called upon properly to pay interest on postal savings banks deposits in Hawaii when they are not called upon to pay such interest as to other parts of the country.

Mr. CULLOM. All those points were suggested and considered, and we thought the only thing we could do about it was to wind it up and pay off the debt according to the annexation provisions, and then if it is desirable to establish a postal savings bank system in the United States I have no objection to it, so far as I am concerned.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from South Carolina?

Mr. BUTLER. Certainly.

Mr. TILLMAN. Will the Senator from Illinois tell me, or does he know, what is the amount of that obligation? There is a limitation of a maximum amount of $4,000,000; but how much is it? Has the matter been adjusted? Are any steps proposed to be taken by this bill looking to its adjustment?

Mr. CULLOM. I do not remember the exact amount, but there is a considerable amount due.

Mr. TILLMAN. Are there any figures in existence anywhere? Is anybody at work on that adjustment?

Mr. MASON. The report will show.

Mr. CULLOM. My own report shows something about it.

Mr. BUTLER. I have already read the figures.

Mr. MASON. The report states it.

Mr. BUTLER. Seven hundred and thirty thousand three hundred and fifty-six dollars and sixty-one cents is the amount due depositors.

Mr. TILLMAN. That is the amount due depositors. What is the public debt of the islands—the other obligations for which we are responsible up to the amount of $4,000,000?

Mr. CULLOM. Four million was supposed to be the amount of indebtedness, including the bank debts, that the islands owed.

Mr. TILLMAN. That is what I knew, but I thought it was about time, as we have had these islands about two years, to begin to know how much we owe.

Mr. CULLOM. The first thing we ought to do, it seems to me, is to get a bill passed giving them a government and then pay what we have agreed to pay.

Mr. TILLMAN. I thought we were to pay the public debt of Hawaii; that is, the obligations which the republic of Hawaii has accumulated against itself.

Mr. CULLOM. We do pay the public debt, but we first pay the postal savings bank depositors.

Mr. BUTLER. Why not pay the debt the people want paid and

not the one the people do not want paid? The people do not want this paid. They do not want the postal savings bank system abolished.

Mr. CULLOM. That is not the question. The annexation law provides that that shall be first paid. It is not a question as to what we want to do. We are acting and this report was made under the annexation joint resolution, and we thought we must wind up that bank, pay its debts, and then pay the remainder of what we promised—the public debt.

Mr. HALE. Otherwise there would be nobody to pay this bank debt.

Mr. CULLOM. No.

Mr. BUTLER. I notice you make no provision for continuing the system which has been very beneficial to and very popular with the people. Is it the purpose of the committee to abolish it? I notice the committee has brought in a bill which they intend to present to us pretty soon—4945—to abolish the whole thing outright. They not only leave out the law, repeal it, but provide for completely abolishing it and making an end of it.

Mr. CULLOM. Here is the statement.

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Illinois?

Mr. BUTLER. I do.

Mr. CULLOM. I am very sorry tnat the discussion must proceed in this sort of way, but it seems to be necessary.

The foregoing shows the gross public debt on August 12, 1898, to be $4,603,747.34. On the same date there was cash in treasury to the credit of the following accounts, certified to by the register of—

Public accounts	$546,739.04

I will not take up time by reading the remainder of the statement, but that was the amount of the public debt on the 12th of August, 1898.

Mr. BUTLER. Mr. President, all that I desire is that this system, which has worked admirably, which is popular, which has been very beneficial, shall not be abolished as a punishment to the people when we take them in as a part of our civilized government. Are we to take from them some of the advantages and conveniences and blessings of civilization when taking them under our wing and flag? Are we to make them retrograde? As I have stated, every civilized government of any importance, so far as I have been able to find out, except ours, have followed the example of Great Britain and other nations and have established such a system.

There never has been a country in which such a system has been established where it has ever been abolished. There has never been a country in which such a system was established where there ever was any objection raised to it that was successful or even formidable. The only effort in any country where such a system has been established is to perfect it. Such postal banks have grown in popularity and strength everywhere.

The Hawaiian system is not perfect, but let us keep it and perfect it. It is no experiment. It will be no drain on our people. It will be a blessing to them, and a blessing that I hope we will soon give to our own people.

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. BUTLER. Certainly.

Mr. SPOONER. I suppose it is necessary to any postal system that the government shall pay interest on deposits?

Mr. BUTLER. Certainly, if it sees fit, and whatever amount it sees fit. We can pay 2 per cent or 1 per cent, or even nothing, if we see fit.

Mr. SPOONER. Will the Senator kindly answer the question put by the Senator from Texas [Mr. CHILTON], on what theory he proposes that the Government of the United States shall pay interest on deposits in Hawaii and nowhere else in the United States? If the Senator thinks we should have a postal savings bank system in the United States, including Hawaii, that is a matter which will come up, as an independent proposition, later in the session. How can we adapt that to the present situation in Hawaii?

Mr. BUTLER. I think if we can not begin the good system all over the country, we ought to keep it in that portion of our country, among those people whom we have taken under our wing, and not rob them of what they have. We certainly have enough sense, ingenuity, and patriotism to do it if we desire to do it.

Mr. MASON. If we are to have one law for this land and another law and another constitution for the other land, what is there to prevent the people in Hawaii from enjoying the postal savings bank system there?

Mr. BUTLER. That is exactly the proposition.

Mr. MASON. It is the proposition. We propose to leave to the people in Hawaii the benefit of the postal savings bank system. I do not understand that you propose to extend the Constitution to Hawaii.

Mr. CHILTON. Oh, yes.

Mr. MASON. Do we?

Mr. CULLOM. Of course we do.

Mr. MASON. That is news to me.

Mr. SPOONER. It is a fact just the same.

Mr. MASON. I am very glad to hear it. We extend both the flag and the Constitution to Hawaii.

Mr. KYLE. Hawaii has been annexed, has it not?

Mr. MASON. I know; but there are other places to which it has not been extended. Puerto Rico has been annexed.

Mr. CHILTON. They were good enough to put it in the bill.

Mr. STEWART. We get it in every bill we can.

Mr. MASON. Very well. In Hawaii they have a postal savings bank system, where the poor who have a few cents and a few dimes can deposit them in the savings bank and can have security. The only country in the world that is absolutely dominated in its legislative branch by the bankers apparently is the United States. We have offered year after year a proposition to take the money out of the safe-deposit vaults and out of the bureaus and stockings and the hiding places where the poor people with small savings hide their money and put it in the Government's hands at a small rate of interest.

I had the distinguished honor of helping to report from the committee the bill introduced by the Senator from North Carolina [Mr. BUTLER], and of joining him in the report, to give to the United States the benefit of the postal savings bank system. As he has said and as the record shows, this is the only civilized country in the world where the bankers control legislation to the extent of keeping the people with small savings from depositing them in the Post-Office Department or in a Department of the Government.

Mr. President, read, if you like, the communications from the bankers of this country. They would rather stagnate circulation. They would rather that the millions of the poor people should be hoarded in bureau drawers and in stockings and in safe-deposit vaults in preference to running the risk of having the small deposits taken from their banks and put with the Government. There is no civilized nation in the world, except ours, that does not borrow from the poor people who have small amounts to loan, and it is because the men who receive money without interest dominate the legislation here.

In this particular amendment the Senator from North Carolina proposes to leave some of the good things in Hawaii that they have discovered for themselves. We have taken a voting system from Australia. We might possibly take a banking system from Hawaii. There the bootblack and the scrub woman and the man who shovels in the streets can take his or her small savings to the government and say "1 or 2 per cent; all we want is security." Hawaii has that system. It is one of the good things she had before we took her in, and the proposition of the Senator from North Carolina is to leave Hawaii what she already has in that respect.

Gentlemen tell us here that we are to establish ideal governments; that we are to travel across the sea and to establish great things with the aid of pure-minded and strong men, and after we have established it there it may reform the council of Chicago and New York, and possibly the Congress of the United States. There is no liberty-loving man but who knows that the bankers of this country have defeated every proposition that has been made here to give the American people a chance at the savings banks. The proposition here of the Senator from North Carolina is that we shall give the Hawaiians better government. If we have better police laws, give them to them; if we have better laws of any sort, give them to them; but if they have a good thing, leave it to them. They have a simple banking system under which the poor people can go and deposit their money. If the amendment does not fit the bill, it is the fault of the men who run the bill.

Mr. CULLOM. Will my colleague allow me?

Mr. MASON. Excuse me; I do not mean my colleague.

Mr. CULLOM. Whenever the Senator is ready to spread the postal savings system all over this country, then we will see whether such a proposition ought to be put upon the statute books as to Hawaii. We have by this bill, as far as we have gone, extended the laws of the United States over that Territory.

Mr. MASON. But the Senator will excuse me. He has saved some laws they had there.

Mr. CULLOM. Oh, yes; most of them.

Mr. MASON. We asked you to save this law. It is the best one left, and he has not saved it.

I simply ask to put in as a part of my remarks the compiled laws as to postal savings banks in Hawaii, pages 164, 165, 166, and 167.

Mr. BUTLER (to Mr. MASON). Put in the report of the consul at Hawaii.

Mr. MASON. It may be a little long. Very well; I will be glad to have that put in also. It will be found in Document No. 39, Fifty-fifth Congress, second session.

The papers referred to are as follows:

HAWAII.

Mr. Sewall to Mr. Sherman.

LEGATION OF THE UNITED STATES,
Honolulu, Hawaiian Islands, September 13, 1897.

SIR: I have the honor to forward, agreeably to circular of July 17, replies to the interrogatories contained therein regarding postal savings banks.

I also inclose reports of the postmaster-general and minister of finance, which are of interest as more fully setting forth the details of the working of the postal savings banks than do the answers to the interrogatories.

The Hawaiian government owns no interest in any telephone or telegraph lines.

I have the honor, etc.,

HAROLD M. SEWALL.

Interrogatory 2. The annual aggregate amounts of deposits in postal banks, as shown by official reports for each year since the establishment of the system:

1886 (six months from July 1)	$51,892.28	1892	$396,701.47
1887	162,292.66	1893	202,243.87
1888	492,305.92	1894	259,762.11
1889	874,787.50	1895	229,034.97
1890	732,576.14	1896	334,558.26
1891	706,019.77		

Interrogatory 3. What is the rate of interest paid to depositors?

Four and one-half per cent at the present time.

Interrogatory 4. What limits, if any, are placed upon the amounts received on deposit?

Two thousand five hundred dollars is the limit for any one depositor. Five hundred dollars is the limit on interest-bearing deposits.

Interrogatory 5. What is the shortest period for which deposits are received?

One week.

Interrogatory 6. What is the amount of the individual deposits annually?

Year.	Number of accounts.	Due depositors Dec. 31.	Average amount due depositors.
1887	819	$134,883.10	$164
1888	1,860	477,475.85	256
1889	2,641	909,613.87	344
1890	3,299	1,013,632.08	307
1891	3,452	963,354.20	279
1892	2,583	568,402.08	220
1893	2,445	509,394.32	208
1894	2,653	587,401.61	221
1895	3,596	598,098.44	166
1896	7,494	730,356.61	97

Interrogatory 7. Are the certificates transferable; and if so, under what regulations?

Nontransferable.

Interrogatory 8. Are the certificates of deposit convertible into government bonds; and if so, upon what terms?

Yes; see copy of law herewith.

Interrogatories 9 to 21. The government owns no telegraph or telephones.

COMPILED LAWS.

Postal savings bank.

SEC. 772. There shall be established in the general post-office at Honolulu, as a part of the bureau of the Hawaiian postal service, a savings bank to be known as the "Hawaiian Postal Savings Bank," of which the postmaster-general shall be ex-officio manager.

SEC. 773. It shall be lawful for the postmaster-general to authorize and direct such of his officers as he shall think fit to receive deposits, and to pay the same, together with the interest accrued thereon, under such regulations as may be prescribed under the authority of this act: *Provided always*, That such deposits shall not be of less amount than one-quarter of one dollar, or a mutiple thereof.

SEC. 774. Every deposit received by any officer so authorized by the postmaster-general shall be entered by him at the time in the depositor's book, and the entry shall be attested by the signature of the said officer. This entry on the depositor's book, with the attestations of the said officer, shall be conclusive evidence of the claim of the depositor to the repayment of such deposit with interest thereon on demand, made by him in the manner hereinafter provided.

SEC. 775. The officers engaged in the receipt or payment of savings deposits shall not disclose the name of any depositor nor the amount deposited or withdrawn except to the postmaster-general, or to such officers as may be appointed by him to carry this act into operation.

SEC. 776. The books of the Hawaiian Postal Savings Bank shall be opened, and the manager shall receive all deposits offered on and after the 1st day of January, A. D. 1885.

SEC. 777. Married women and minors may in their own right make deposits and receive repayment, giving valid receipts therefor: *Provided, however*, That minors under the age of 15 years can only give a valid receipt therefor upon the countersigning of the same by their natural or legal guardian.

SEC. 778. In case any depositor shall die leaving a sum of money on deposit in the postal savings bank not exceeding $100, and letters of administration or notice of existence of a will be not produced to the postmaster-general within a period of sixty days after the death of the depositor, or in case of disputes of any one claiming to be entitled to any money deposited in the postal savings bank under $100, as assignee, executor, administrator, or next of kin to the depositor, the matter may be referred in writing to a justice of the supreme court, whose award or order in writing shall be binding and conclusive on all parties to all intents and purposes without any appeal.

SEC. 779. In case any depositor shall die leaving any sum of money on deposit in the postal savings bank exceeding $100, the same shall only be paid to the executor or administrator on the production of letters of administration.

SEC. 780. If a depositor become insane, having on deposit not exceeding $100, the postmaster-general may, in his discretion, authorize payment from time to time out of the funds of such depositor to any person having charge of him.

SEC. 781. On demand, by notice upon the postmaster-general in such form as may be described in the regulations under this act by a depositor or party legally authorized to claim on account of a depositor for repayment of any deposit or part thereof, such depositor shall be absolutely entitled to payment of any sum not exceeding $100, which may be due him within thirty days after giving such notice, and shall be absolutely entitled to payment of any sum or sums over $100 which may be due him within ninety days after giving such notice, and the officer making such repayments shall enter the same upon the book of the depositor and attest the entry by his signature: *Provided, however*, That payments may be made to depositors, in the discretion of the postmaster-general, on demand, or at any time prior to the periods mentioned in this section.

SEC. 782. The rate of interest payable on deposits made under this act shall not exceed 6 per cent per annum on deposits amounting to $500 and under in any one account, and shall not exceed 5 per cent per annum on all amounts exceeding $500 in any one account, but no interest shall be paid on any deposits exceeding at any one time $2,500 in any one account, and no interest shall be paid on any deposits made after September 30, A. D. 1892, exceeding $500 in any one account. Interest shall not be calculated on any amount less than $5 or some multiple thereof, and shall not commence until the 1st day of the calendar month next following the deposit, and shall cease on the 1st day of the calendar month in which such deposit is withdrawn. All deposits not exceeding $2,500 in any one account that shall have been on deposit two months prior to July 1 of each year shall not be assessed for taxes and shall be free from all Government taxation.

SEC. 783. Interest on all deposits shall be calculated to the 31st day of December in every year, and shall be added to and become part of the principal money, and the postmaster-general shall on that day of each year furnish the minister of finance with a sworn statement of the rate of interest and the amount thereof calculated and actually passed to the credit of the depositors on the books of the postal savings bank.

SEC. 784. All moneys received by the postmaster-general as deposits in the Hawaiian Postal Savings Bank in excess of $2,500 shall be paid into the treasury; and the registrar of public accounts shall open in the books of the treasury an account to be called the "Hawaiian postal savings," to which he shall credit all deposits made on this account; and he shall debit such sums as may be withdrawn or warrants issued by the postmaster-general for payment of sums due to depositors. All moneys received to this account, as well as the reserve in the hands of the postmaster-general as ex officio manager of the Hawaiian Postal Savings Bank, shall be deemed and treated as part of the public debt, for which the treasury is responsible to the depositors, and the treasury account shall, on the 1st day of January of each year, be credited as of that day with the interest actually allowed and paid to depositors under this act for the previous year ending December 31.

SEC. 785. There shall be at all times retained in the treasury, as a special reserve to meet the demands of depositors in said postal savings bank, not less than 10 per cent of the deposits in such bank on all deposits up to an aggregate of $500,000.

SEC. 786. If at any time the moneys paid into the treasury on account of the Hawaiian Postal Savings Bank, and the interest accrued thereon, shall be insufficient to meet the lawful claims of the depositors, it shall be the duty of the minister of finance to pay the amount of such deficiency out of any moneys not otherwise appropriated, and report said amount to the next ensuing legislature.

SEC. 787. An annual account of all deposits received and paid out under authority of this act, and the expenses incurred during the year ending December 31, together with a statement of the tots' amount due at the close of the year to all depositors, shall be made by the postmaster-general to the minister of finance, who shall lay the same before the legislature at its next ensuing session.

SEC. 788. The minister of finance is hereby authorized to issue coupon bonds of the Hawaiian government up to the amount of $1,000,000, to be styled the "postal savings bank loan," to be issued to depositors in the Hawaiian Postal Savings Bank who may apply for the same, to be made payable in periods not less than five or not more than twenty years, at the option of the minister of finance, and to bear interest at the rate not to exceed 6 per cent per annum, to be paid semiannually, principal and interest payable in gold coin of the United States of America or its equivalent. Any such depositor with an aggregate credit on his pass book of not less than $200 in gold coin of the United States of America, which shall have been on deposit at least three months, who shall apply to the postmaster-general for such bonds, shall be entitled to an issue of an amount thereof in sums of $100 or multiples thereof, which amount shall be immediately withdrawn from said depositor's account with the Postal Savings Bank.

SEC. 789. In order to give greater security to depositors in the Hawaiian Postal Savings Bank and to facilitate the repayments to depositors in case of withdrawals of deposits in excess of the ordinary course of business, the minister of finance is hereby authorized to issue coupon bonds of the Hawaiian government for the amount of postal savings bank deposits on deposit in the treasury on the 1st day of July, 1888, and on the 1st days of January and July of each year thereafter he is hereby further authorized to issue such bonds up to the amount of the net postal savings bank deposits paid into the treasury during the six months next preceding such date of issue, with the amount of the interest credited thereon and added thereto on December 31 of each year.

SEC. 790. Such bonds shall be of a denomination not less than $100, and shall be redeemable not less than five nor more than twenty years after date, and shall bear interest at 6 per cent per annum, principal and interest to be paid in gold coin of the United States of America or its equivalent. They shall express upon their face that they are issued as security for the postal savings bank deposits, and are negotiable only upon the indorsement of the postmaster-general and the minister of finance, with the consent of the cabinet.

SEC. 791. Such bonds shall be held by the postmaster-general in trust as security for deposits in the Hawaiian Postal Savings Bank, but he shall not draw the interest thereon, and before negotiation of such bonds, as provided by law, it shall be his duty to detach all interest coupons on the bonds that have accrued and deposit the same in the office of the minister of finance, where they shall be canceled.

SEC. 792. In the event of demands for withdrawals of deposits from the postal savings bank in excess of the reserve on hand or available at the treasury, the postmaster-general, with the written consent of the cabinet, is hereby authorized to borrow sufficient money to meet such demands upon the lowest terms obtainable, and give such bonds, or any necessary portion thereof, as security for the money so borrowed, or he may, with such consent as aforesaid, sell a sufficient number of such bonds, after first advertising for tenders therefor, to the person or persons making offers the most advantageous to the Government, and apply the proceeds to the payment of such demands.

SEC. 793. If the postmaster-general shall at any time withdraw from the Treasury moneys deposited therein by the postal savings bank for which bonds shall have been issued as aforesaid, he shall at the same time surrender to the Treasury bonds the par value of which shall equal the amount so withdrawn, which bonds so surrendered shall be forthwith canceled by the registrar of public accounts as redeemed bonds.

SEC. 794. The postmaster-general, with the consent of the cabinet, may make and from time to time, as he shall see occasion, alter all needful regulations for carrying this act into execution; and after publication such regulations so made shall be binding on the parties in the subject-matter hereof to the same extent as if such regulations formed part of this act.

SEC. 795. All expenses incurred in the execution of this act shall be paid out of the appropriations for the general post-office.

SEC. 796. The passage of this act shall in no way change the status of the deposits now in the postal savings bank, either principal or interest; and nothing herein contained shall be construed to mean any interference with such deposits, principal, or interest.

SEC. 797. For the purpose of further securing depositors in the Hawaiian Postal Savings Bank, the minister of finance, with the consent of the cabinet, is hereby authorized to sell at not less than par, from time to time, treasury notes of the Hawaiian government not exceeding the amounts of the deposits in the postal savings bank at the time of issue.

SEC. 798. Such notes shall each be of the denomination of not less than one hundred nor more than five thousand dollars; shall be payable in not less than three months nor more than eighteen months after date of issue; shall bear interest at a rate not exceeding 6 per cent per annum, payable semiannually, and shall be payable, principal and interest, in gold coin of the United States of America or its equivalent, and shall be exempt from any taxes whatsoever.

SEC. 799. Such notes shall be sold only for the purpose of obtaining moneys with which to pay demands which may be made upon the postal savings bank which the treasury is unable to meet from other sources, and shall be held as a special deposit for such purpose, and used for no other purpose; provided, however, that moneys heretofore paid out of the treasury to depositors may be repaid to the treasury out of the receipts from such notes.

SEC. 800. The postmaster-general, as manager of the postal savings bank, with the consent and approval of the minister of finance, may issue to any person term deposit certificates in the name of the Hawaiian Postal Savings Bank for deposits of not less than $50 nor more than $5,000.

SEC. 801. The amount so deposited shall draw interest at a rate not to exceed 6 per cent per annum, to be computed in accordance with the law regulating the bank. Such deposits shall not in the aggregate exceed $150,000 at any one time.

SEC. 802. The term for which any deposit shall be received under this act shall not exceed twelve months.

SEC. 803. The form of the said certificate shall be as follows, and shall contain the conditions hereinafter set forth:

Hawaiian postal savings bank certificates.

$—— No. —

HONOLULU, ——, 189—.

Received from —— ——, in —— coin, —— dollars on deposit, payable in —— coin on presentation of this certificate properly indorsed. This deposit is made for —— months, and will bear interest from ——, 189—, at the rate of —— per cent per annum, and in accordance with the conditions printed hereon.

Interest, ——.

Approved: —— ——, *Minister of Finance.*

Conditions.

Present this certificate at the postal savings bank at the expiration of the term stated herein. Interest will cease at that date.

Holders at a distance may indorse this certificate and send by mail to the postal savings bank, when it will be paid.

This certificate may be transferred by indorsement, and principal with interest will be paid to the holder hereof.

Mr. MASON. Mr. President, I think there is a good deal of force to the suggestion of the Senator from Wisconsin, and also the same suggestion made by the Senator from Illinois, that it ought to be uniform and extend all over the country, but the Senate is never in a hurry. We can take this up a week from next summer just as well as now. I make the suggestion that if the amendment offered by the Senator conflicts with any other suggestions made, the whole bill ought to be amended so as to conform to it.

The laws, as you will see if you read them carefully, provide for a certain officer to receive these deposits. The officers of the Hawaiian government must have successors. It would naturally be the Postmaster-General of the United States as to this matter. The objection may be made that it is not uniform. Nothing is uniform at the present day. We make one law for this country and another law for another country. We have gone into the lawmaking business for the whole world.

Even I have tried to introduce and to secure the passage of laws that should govern the Parliament of Great Britain and the Boers in South Africa. The Senator from Illinois, my colleague, proposes now to make laws for Hawaii. The Senator from Ohio [Mr. FORAKER] proposes to make laws for Puerto Rico, and some others as to the Philippines. If we are to save for the benefit of the people of those islands the particular laws which they have found good for them, there must be some way to save to the people of the Hawaiian Islands this splendid system that encourages saving, that gives security to the poor depositor and lets the bootblack and the scrub woman and the laboring man take what he has to the government and say, "Save that for me for my bread on a rainy day or my funeral, as the case may be."

The only civilized government in the world that is dominated by the bankers within its four sides is the United States, and if we can not get to-day a postal savings bank in the United States, we ought to save it for the poor benighted heathen, who have had sense enough to be ahead of us about fifty years in the march of civilization, and who have built up for themselves a splendid system of postal savings banks. We take them in under our flag, and I am informed, and I thank God for it, we give them the Constitution with the flag; but we take away their postal savings bank. I am for the amendment offered by the Senator from North Carolina.

Mr. KYLE. Will the Senator allow me to ask him a question?

Mr. MASON. Certainly.

Mr. KYLE. I should like to know whether he knows of any constitutional or legal objection to leaving in this portion of their law?

Mr. MASON. There can not be, because we leave them a portion of their laws that we think they want.

Mr. KYLE. I can not think of anything in the way at all. I want to add my word that I am heartily in favor of this proposition. As long as seven or eight years ago I introduced a bill covering the same proposition in the United States. I think the first bill offered, in 1890, was by Senator Manderson, of Nebraska, to establish a postal savings bank in the United States. I liked the bill then. It was indorsed by the National Farmers' Alliance and by the labor organizations of the United States. I believe it is a bill the people want, as the Senator from Illinois [Mr. MASON] has remarked; and if there is any way to preserve it, I hope it will be done.

Mr. MASON. I thank the Senator. I introduced a bill in the last Congress, which was known as the Record bill. I presented petitions here in favor of the postal savings banks in this country signed by over two and a half million people and signed in practically all the States of this Union.

Mr. KYLE. It has been objected to upon the part of some that we did not know how it was going to work. We know how it works abroad—how it works in Germany, France, and these other foreign countries.

Mr. MASON. And even Hawaii.

Mr. KYLE. Exactly.

Mr. MASON. They say it is popular; it is successful; it gives a safe investment; it is a convenience to the government to get money at a low rate of interest; and at the same time it is a great convenience to the poor people who have savings to deposit.

Now that Hawaii is a part of the United States it will be more and more an object lesson to the people of our country as to the practical workings of this system, and I think it ought to be preserved to the people of the country, if possible.

Mr. ALLISON. I notice by section 5 of this proposed act, found on page 3 of the new print, that all the laws of the United States not locally inapplicable to Hawaii are extended over that country. Is that the understanding?

Mr. CULLOM. It is.

Mr. MASON. Read that again.

Mr. ALLISON. I ask the committee to explain to me whether our postal system is extended to Hawaii?

Mr. CULLOM. Does the Senator mean the post-office system?

Mr. ALLISON. Our post-office system.

Mr. CULLOM. Of course.

Mr. ALLISON. That is to say, we are to have post-offices there?

Mr. CULLOM. Yes; post-offices there.

Mr. ALLISON. And postmasters?

Mr. CULLOM. Appointed by the President.

Mr. ALLISON. We are to have all the machinery of our Post-Office Department and our postal system?

Mr. CULLOM. Entire; certainly so.

Mr. ALLISON. I have also understood in this debate that under the annexation joint resolution we have agreed to pay the debts of Hawaii up to $4,000,000.

Mr. CULLOM. That is true.

Mr. ALLISON. That is the limit?

Mr. CULLOM. That is the limit.

Mr. ALLISON. And that is to include the amount due by the government of Hawaii, under its local postal system, on account of savings banks?

Mr. CULLOM. That is true. It is so provided in the annexation act.

Mr. ALLISON. I should be glad to have the committee, if they can, tell me whether or not since August 12, 1898, the local Hawaiian postal savings system has been going on, and whether they have been taking deposits under this system, and whether the debt has been increased from August, 1898, up to the present time.

Mr. CULLOM. We had no power to do anything further than to report what the state of the case was, and there are provisions in the bill for the purpose of putting an end to the accumulation of indebtedness by those islands which the United States will have to assume.

I can state for the information of the Senator that at the time the commission were there and when we were about to come to conclusions as to what we ought to report, among others, as to the winding up of the postal savings banks, because we had to do that in order to find out how much we would have to pay, the people there supposed that the bill to be reported by the commission would be passed a year ago, during the last session of Congress, and many of the depositors in the postal savings banks were making arrangements, as I remember it, and the Senator from Alabama will correct me if I am mistaken, for transferring their deposits to other banks in the city of Honolulu. How much of that was done I do not know. I suppose the Senator from Alabama does not, either. What has been done since we came away, in view of the fact that the bill has not passed, I know nothing

about, but I suppose there is an indebtedness accumulating there which has to be paid by the Government.

Mr. MASON. Just a moment. There is no possible claim that the Government of the United States would be bound by any new deposits after the passage of the act of annexation.

Mr. CULLOM. Yes.

Mr. MASON. They might deposit $40,000,000.

Mr. MORGAN. All their laws were continued in force.

Mr. MASON. You only agreed——

Mr. CULLOM. Oh, no.

Mr. MASON. If I do not interrupt you——

Mr. CULLOM. Not at all.

Mr. MASON. As I understand, we only agreed when we voted for annexation——

Mr. CULLOM. I will read this provision of the statute, if the Senator from Iowa will allow me.

Mr. ALLISON. I will yield to both Senators to elucidate this question.

Mr. CULLOM. It is as follows:

The public debt of the republic of Hawaii, lawfully existing at the date of the passage of this joint resolution——

Mr. MASON. That is the point I made—the date of the passage.

Mr. CULLOM (reading)—

including the amounts due to depositors in the Hawaiian Postal Savings Bank, is hereby assumed by the Government of the United States; but the liability of the United States in this regard shall in no case exceed $4,000,000. So long, however, as the existing government and the present commercial relations of the Hawaiian Islands are continued as hereinbefore provided said government shall continue to pay the interest on said debt.

Including the postal savings debt.

Mr. MASON. Certainly; that no deposit shall be made after annexation.

Mr. ALLISON. That is immaterial for the purpose I have in view. I do not wish to make any point on that. Now I will ask the Senator from Illinois, who I supposed had charge of this bill—his colleague did not seem to think he has.

Mr. MASON. He has.

Mr. ALLISON. If he had, he made some criticism.

Mr. MASON. He did not.

Mr. ALLISON. I should like to ask the Senator from Illinois how much of the government of Hawaii will be left after this bill passes?

Mr. CULLOM. Does the Senator mean the laws?

Mr. ALLISON. No; I do not mean the laws. They have a government there now, and we propose here, if I understand this bill, to change in some ways the form of that government and to make it a Territory of the United States.

Mr. CULLOM. Let me read a section to the Senator.

Mr. ALLISON. I only want——

Mr. CULLOM. It is a short section.

Mr. ALLISON. Very well.

Mr. CULLOM. Section 8 provides:

That the offices of President, minister of foreign affairs, minister of the interior, minister of finance, minister of public instruction, auditor-general, deputy auditor-general, surveyor-general, marshal, and deputy marshal of the republic of Hawaii are hereby abolished.

That much of it goes out.

Mr. ALLISON. That is enough for my purpose, if the Senator will allow me.

Mr. CULLOM. And a good deal more, in one way and another.

Mr. ALLISON. As I understand these provisions, we propose to annex Hawaii as a Territory of the United States and extend our Constitution and laws over that Territory.

Mr. MORGAN. We have already done that.

Mr. ALLISON. Yes.

Mr. MASON. That has already been done.

Mr. ALLISON. That has been done. Now the Senator from North Carolina proposes that we shall continue the savings banks of Hawaii. I want to submit to him that that is an impossibility. The effect of what he proposes is that the United States Government shall establish a savings bank in one of its Territories, and whatever savings deposits there may be in that Territory, of course, if it is a postal savings bank, must go into the postal system in some form and the Post-Office Department is to be responsible.

Now, Mr. President, I submit that it is an impossibility. In the first place, you can not amend this law in any way so as to do it unless you establish a postal savings bank system for Hawaii alone, this Territory of ours which we are legislating for. Then I submit further that if that would be possible it would be a manifest injustice for the Government of the United States, which is about to transfer its own public debt to an interest-bearing debt of 2 per cent, to pay 4½ per cent to the depositors in the post-office service in Hawaii. So, not perhaps fully sympathizing with and realizing the great importance of this universal postal system for all the United States, I submit now that it is better for us to await the report of the Senator from North Carolina and his Post-Office Committee, and get a general system, and when we get it all perfected and all in good play and shape we shall extend it, of course, to Hawaii.

Mr. MORGAN. Mr. President, when the commission got to Hawaii they found themselves confronted with a proposition of law enacted by Congress that the postal savings debt should be paid, and paid first. Naturally, therefore, the commission concluded that that establishment was to be wound up; and so in making a report of their bill for the purposes of carrying into effect what we thought was proper in changing the government of Hawaii, two bills were reported here, one for the repeal and winding up of the savings-bank system in Hawaii, and the other for regulating the currency between the two countries. One of those bills went to the Committee on Finance, the one relating to the currency. They were put in separate bills because they were not supposed to be actually necessary to the reinstatement of a new government or a Territorial government in Hawaii. I do not know to what committee the other bill went.

Mr. CULLOM. I think both bills went to the Committee on Foreign Relations during the last session, but no action was taken there on either.

Mr. MORGAN. The bill relating to the postal savings bank went to the Committee on Post-Offices and Post-Roads of the Senate in December, 1898. It was expected, of course, that these three bills—the one for establishing the government, the one for regulating the coinage, and the other regulating the postal system and the winding up of the savings bank—would be reported either simultaneously, or pretty nearly so, and acted upon in the Senate according to their merit and according to the precedence they were entitled to.

Now, what we ought to do to carry out the intention of Congress as expressed in the act of annexation, is to take up the bill of the Committee on Post-Offices and Post-Roads and make it a part of this bill for the government. I will read it. It is very short:

That the laws of Hawaii relating to the establishment and conduct of any postal savings bank or institution are hereby abolished. And the Secretary of the Treasury, in the execution of the agreement of the United States as expressed in an act entitled "A joint resolution to provide for annexing the Hawaiian Islands to the United States," approved July 7, 1898, shall pay the amounts on deposit in Hawaiian postal savings banks to the persons entitled thereto, according to their respective rights, and he shall make all needful orders, rules, and regulations for paying such persons and for notifying such persons to present their demands for payment. So much money as is necessary to pay said demands is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be available on and after the 1st day of July, 1899—

It would be now the 1st day of July, 1900—

when such payments shall begin, and none of said demands shall bear interest after said date, and no deposit shall be made in said bank after said date. Said demands of such persons shall be certified to by the chief executive of Hawaii as being genuine and due to the persons presenting the same, and his certificate shall be sealed with the official seal of the Territory and countersigned by its secretary, and shall be approved by the Secretary of the Interior, who shall draw his warrant for the amount due upon the Treasurer of the United States, and when the same are so paid no further liabilities shall exist in respect of the same against the Government of the United States or of Hawaii.

SEC. 2. That any money of the Hawaiian Postal Savings Bank that shall remain unpaid to the persons entitled thereto on the 1st day of July, 1899, and any assets of said bank, shall be turned over by the government of Hawaii to the Treasurer of the United States, and the Secretary of the Treasury shall cause an account to be stated as of said date, between such government of Hawaii and the United States in respect to said Hawaiian Postal Savings Bank.

Mr. MASON. Will the Senator from Alabama yield to me for a moment?

Mr. MORGAN. Certainly.

Mr. MASON. That is simply to wind up the savings bank.

Mr. MORGAN. That is exactly what it does. The commission were compelled to make a provision of that kind, because the Government of the United States has assumed the whole of the outstanding debt of the postal savings bank.

Mr. MASON. Will the Senator from Alabama yield to me for a moment?

Mr. MORGAN. Certainly.

Mr. MASON. But you do not assume any debt beyond the date of annexation?

Mr. MORGAN. No; we do not. We could not do that. Now, I will read the report of Mr. Damon, who was the minister of finance of Hawaii, in which he says:

HAWAIIAN POSTAL SAVINGS BANK.

This institution was established, by act of the legislature in 1884, to encourage the deposit of small savings at interest, with the security of the government for repayment thereof, and was opened for business July 1, 1886, with His Majesty Kalakaua as the first depositor.

On the 12th day of August, 1898, the amount due to 10,555 depositors, classified by nationalities as follows:

Americans	602
British	526
Germans	329
Hawaiians	1,291
Portuguese	495
Sundry nationalities	221
Chinese under the board of immigration	7,091
Total	10,555
Amounted to	$836,297.34
And to 68 special depositors for sums exceeding $500, the sum of	77,750.00
A total of	914,047.34

These deposits bear interest at 4½ per cent per annum, and interest is credited to the several accounts on the 31st day of December of each year, and is a charge on the current revenues of the Government.

The present cash reserve to meet the demands is $112,409.23, of which $105,000 is on special deposit at the treasury.

There was a reserve that we found in the treasury for the purpose of paying this off. The law of Hawaii required these postal savings banks to keep always a certain amount in reserve.

Mr. BUTLER. Ten per cent.

Mr. MORGAN. Ten per cent was required to be kept in reserve.

The surplus over the requirement of the cash minimum reserve of $50,000 has been used by the government for public works and permanent improvements.

During the twelve years of its existence every call by depositors has been promptly met, and the general confidence and usefulness to the community has been shown in its use by all nationalities.

The foregoing shows the gross public debt on August 12, 1898—

That is, the general debt of Hawaii—

to be $4,603,747.34. On the same date there was cash in treasury to the credit of the following accounts, certified to by the register of—

Public accounts	$546,739.04
Cash on hand in the Hawaiian treasury on August 12, 1898.	
Current account, balance	$284,014.51
Loan fund account, balance	38,370.17
Total	322,384.68
Special deposits.	
Land sales	$66,026.23
Road tax	53,270.83
School tax	54.30
Hawaiian Postal Savings Bank	105,000.00
Total	224,354.36

I hereby certify that the above is a true and correct statement as of above date.

W. G. ASHLEY,
Registrar of Public Accounts.

That was the report which the minister of finance made to the commission.

Mr. SPOONER. Will the Senator kindly read the aggregate amount of the postal savings bank indebtedness? I did not catch it. I thought he said about $900,000.

Mr. MORGAN. Nine hundred and fourteen thousand and forty-seven dollars and thirty-four cents. That does not take into account the credits it is entitled to, about $700,000.

Mr. CULLOM. Seven hundred thousand dollars.

Mr. MORGAN. Yes. Now, while we were there the winding up of that bank was quite a puzzle, quite a difficulty, for the reason that the Government had no right to call in these certificates of deposit, and the people were hanging onto them. There was but one way to stop them at all, and that was to cut off the interest on these deposits after a certain date and force the people to bring them in for payment, for redemption. The bill, as you will notice here, has made an ample provision, I think, and a correct provision, for paying these outstanding certificates taken up and redeemed.

Now, an arrangement was proposed there for the purpose of getting the banks to take over the whole establishment, the assets, and to give the banks or some bank, an incorporated establishment there, a savings bank, the same rights and privileges that the government of Hawaii had under this law. They seemed to be figuring with a view of bringing that about, but I have not any idea that any money has been received into that postal savings bank since annexation, although it may have been done. I can not say it has not been done, but that was not the intention of the Government at the time we were there. They looked to the fact that the act of Congress would necessarily involve a winding up of the postal savings bank system.

That was a part of the act of annexation, a necessary part of it, and therefore they were preparing for it and they expected and hoped to be able when they got legislative powers to confer upon some bank—the bank was named, but I forget what bank it was—some very excellent institution there that the people would be willing to have the assets turned over to, with the consent of the United States, and let them assume the redemption of the outstanding certificates, they being, of course, refunded by the United States as the certificates might be called in; in other words, that the certificates would go into the bank, the Government of the United States would pay the debt under the act of annexation, and that would give to the bank a fund upon which it could carry the system. It was intended to transfer it to a bank instead of to the local government.

Mr. MASON. Will the Senator from Alabama allow me just a moment? It was the whole plan and scope of the commission to wind up the savings-bank system?

Mr. MORGAN. That is it. We felt that it was, of course, our duty to do it. As the Senator from Iowa has suggested, after the repeal of all of the laws of Hawaii in this act this postal bank goes by the board unless we reenact it as a system of the Government of the United States.

Mr. MASON. But does not the Senator in his bill reserve some of the laws? Section 6 provides:

That the laws of Hawaii not inconsistent with the Constitution or laws of the United States or the provisions of this act shall continue in force, subject to repeal or amendment by the legislature of Hawaii or the Congress of the United States.

Mr. MORGAN. But the provisions of this act——

Mr. BUTLER. On page 39 a whole lot more of them are continued in force.

Mr. MORGAN. A great many laws are continued in force, but none inconsistent with the provisions of the act we are passing now.

Mr. MASON. This act is not inconsistent, because it does not touch the question. An act to be inconsistent with another act must touch a question upon which the original act was passed.

Mr. MORGAN. We wish to make this act consistent with itself. It is proper now to take up the bill that was offered by the Senator from Illinois and put it on the pending bill as two additional sections. That will complete the system, so far as this postal savings bank is concerned.

Mr. BUTLER. Wiping it out.

Mr. MORGAN. Wiping it out, of course.

Mr. MASON. I will call the Senator's attention, if he will permit me, to page 39 of the new print, line 22, section 84:

That the laws of Hawaii relative to the judicial department, including civil and criminal procedure, except as amended by this act, are continued in force, subject to modification by Congress or the legislature.

Mr. MORGAN. Yes.

Mr. MASON. That section provides further:

The provisions of said laws or any laws of the republic of Hawaii which require juries to be composed of aliens or foreigners only, or to be constituted by impaneling natives of Hawaii only, in civil and criminal cases specified in said laws, are repealed, and all juries shall hereafter be constituted without reference to the race or place of nativity of the jurors.

And so on. Here is the closing clause of the section:

No plaintiff or defendant in any suit or proceeding in a court of the Territory of Hawaii shall be entitled to a trial by a jury impaneled exclusively from persons of any race.

That does not apply; I beg the Senator's pardon. What I wanted to call your attention to was the main part of what I have read, section 84, entitled "Laws continued in force." What the Senator from North Carolina contends, as I understand him, and I think he is right, is that there is nothing in the amendment that is inconsistent with the present laws of the United States or with the Constitution of the United States to allow the people of that Territory to have their Territorial law, if you please to call it so, even though they deposit in the post-office of the United States.

Mr. MORGAN. The only thing that is inconsistent with the retention of the postal savings bank system in Hawaii is the part of the act of annexation in which we assume the payment and extinguishment of all its outstanding obligations; that is all.

Mr. BUTLER. Then, if the Senator will pardon me——

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from North Carolina?

Mr. MORGAN. Certainly.

Mr. BUTLER. Then there can be no inconsistency in so amending it or failing to carry out any part of it, especially when it meets with the approval of the people of Hawaii. Nobody can complain if we do not pay that debt when the very people to whom it is owed do not want us to pay it. If we were to-morrow to pass a law offering to pay to every depositor who wanted us to pay, you could not find one in the kingdom who would ask you to pay it.

Mr. MORGAN. I wish to be entirely frank about the matter——

Mr. BUTLER. Indeed we could reduce the interest to 2 per cent, as I think we should do and will do, and as the bill which the Committee on Post-Offices and Post-Roads has recommended fixes the rate of interest, and I am satisfied every person in the kingdom would still want to continue the system, and they would not let us pay unless we forced them to receive it.

Mr. MORGAN. I wish to be entirely frank about this matter. I will say that I believe the authorities in Hawaii—I have had no opportunity to consult with the people about it—would have been very glad to have retained this postal savings bank system, a system that has worked well, as Mr. Damon's report shows. You can see from the number of depositors and the character of the depositors that it is very popular. There are 7,091 Chinese who were depositors; 1,291 Hawaiians were depositors; 602 Americans, 526 British, 329 Germans, and then of sundry nationalities, 221. It is very popular there. But the commission felt constrained by the statute under which they were acting to wind up that institution, because Congress had so declared.

Now, the question is, Shall it be reinstated; and if so, when reinstated is it an institution of Hawaii or is it an institution of the United States? Of course it is an institution of the United States. It is a fragmentary law applying to a single Territory, establishing in that Territory a postal savings bank.

I do not know that I have any special objection to having that

thing done, because I want to give the people of Hawaii all the liberties, rights, privileges, and opportunities that it is possible for them to enjoy. But a bill, I have been informed, is coming in here from the Committee on Post-Offices and Post-Roads, bringing in a provision for a general system of postal savings banks for the United States. Of course that will include Hawaii, and in order to pass that bill we would have to get rid of the postal system in Hawaii. That bill would repeal the postal system as we found it in Hawaii and as it exists to-day. It is going on to-day, but I do not think actively.

In order to get this matter into a correct legislative attitude, so that we can vote upon it intelligently, I propose to add these two sections to the bill as additional sections, amending the sections by striking out "1899" where it occurs and inserting "1900;" so that it will read:

So much money as is necessary to pay said demands is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be available on and after the 1st day of July, 1900.

Strike out "1899" wherever it occurs in this amendment and insert "1900." Then we would have something, Mr. President, which would perfect the bill, and it is necessary to perfect it, for it was really a part of it when it was offered here, although it was sent to separate committees for the reason that the Committee on Post-Offices and Post-Roads and the Committee on Finance are more properly the committees to deal with those particular features of the report of the commission than the Committee on Foreign Relations. That is why the provisions were separated and put in separate bills. I am not so sure but that we ought also to add the coinage bill, but then that is a matter about which no question has been raised. We have had enough questions here now to turn a man crazy over this bill, most of them growing out of the fact that Senators have not understood it.

Mr. CULLOM. Mr. President, I think it is about the time when we should cease the consideration of this bill for to-night, as it is evident we can not finish it.

Mr. MORGAN. I will offer the amendment now.

Mr. CULLOM. The amendment of the Senator from North Carolina comes first.

Mr. MORGAN. I beg your pardon.

Mr. CULLOM. I should like to say that I will be exceedingly gratified if we can fix a time to-morrow for the final disposition of this bill. I am exceedingly anxious to get the bill through the Senate, so that it may be finally sent to the other House. I ask the Senate whether we can not have unanimous consent to dispose of the bill by a final vote upon it to-morrow at 4 o'clock.

Mr. MORGAN. And the amendments?

Mr. CULLOM. The bill and amendments.

Mr. HALE. I hope the Senator will not ask that that be done. I hope the Senator will not ask us to do that now. There are several matters that are of importance to be discussed hereafter which have not yet been reached, and it is uncertain how much of the time to-morrow may be taken up in the consideration of the report of the Committee on Privileges and Elections. I think the Senator in charge of the bill—while I appreciate his anxiety to close it up—had better not now endeavor to fix a time for taking a vote on it.

Mr. CULLOM. Will the Senator consent, then, that the bill shall be finished to-morrow before adjournment?

Mr. HALE. I think it is very uncertain as to what time we can begin the consideration of the bill to-morrow.

Mr. CULLOM. I inquire of the Senator from Pennsylvania [Mr. PENROSE] whether it is expected that any Senator will desire to speak on the question in which he is interested to-morrow?

Mr. PENROSE. I understand there are four or five Senators on both sides of the controversy who are ready at any time to address the Senate. I also remind the Senator that the Senator from New York [Mr. DEPEW] has given notice of his intention to speak to-morrow on the Philippine question.

Mr. COCKRELL. That is to be in the morning hour.

Mr. PENROSE. Yes; but it will necessarily take some time which would otherwise undoubtedly be consumed by the Pennsylvania Senatorial case.

Mr. HALE. The Senator from Tennessee [Mr. TURLEY] when he suspended his remarks to-day gave notice that he desired on to-morrow to continue.

Mr. PENROSE. I understand the Senator from Tennessee expects to occupy at least an hour to-morrow, and if he is then interrupted as much as he has been to-day, he may occupy a longer time.

Mr. HALE. I think the Senator from Illinois had better not ask for an agreement this evening.

Mr. FORAKER. There is such an extreme necessity, as it seems to me, for legislation for Puerto Rico that I want to suggest the propriety of our having night sessions. I do not know what the sense of the Senate may be with respect to such a proposition.

Mr. HALE. There are but few Senators now here.

Mr. CULLOM. I sincerely hope that the Senate will allow the Hawaiian bill to be considered until it is disposed of and at as early a date as is reasonable. There are considerations, which I do not care to speak of here, which render it important that the bill should be promptly acted upon. I should be very glad indeed to get it through the Senate and into the other House.

Mr. FORAKER. My great anxiety about it is that I may secure the consideration of the Puerto Rican bill as early as possible.

Mr. PETTUS. If the Senator from Illinois will allow me, if in order, I want to inquire of him whether it would not be best now to order the printing of the bill with the amendments to it so far as they have been agreed to?

Mr. CULLOM. I secured an order for its reprinting on Saturday night.

Mr. PETTUS. There have been so many amendments since that it is impossible to carry them in one's head. It is a mere suggestion on my part; I do not want to make any motion.

Mr. CULLOM. I think the Senator will find, on an examination of the last print of the bill, that there are not very many amendments which have been adopted to-day. I will drop the subject for the present, in the hope that I may get the bill through to-morrow; and I will now move that the Senate proceed to the consideration of executive business.

The PRESIDENT pro tempore. Will the Senator from Illinois withhold the motion for a moment that the Chair may present some matters to the Senate?

Mr. CULLOM. I withdraw the motion temporarily.

REPORT OF BOARD ON GEOGRAPHIC NAMES.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and referred to the Committee on Printing:

To the Senate and House of Representatives:

I transmit herewith for the information of Congress, and with a view to its publication in suitable form, if such action is deemed desirable, the Second Report of the United States Board on Geographic Names, constituted by Executive order issued on September 4, 1890.

Your attention is invited to two recommendations of the board:

First. That in addition to the number of copies of this report printed for the use of Congress 5,000 copies be printed for the use of the board.

Second. That to conduct the necessary correspondence, make investigations of questions submitted, prepare, print, and promptly distribute the decisions as made, Congress be asked for an annual appropriation of $2,500.

WILLIAM MCKINLEY.

EXECUTIVE MANSION, *February 26, 1900.*

INDUSTRIAL COMMISSION REPORT.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the chairman of the United States Industrial Commission, transmitting the report of the secretary of the Industrial Commission on the work of the commission to January 1, 1900.

The Chair is uncertain to what committee this communication should be referred.

Mr. PENROSE. I move that that communication be referred to the Committee on Education and Labor. I think that committee has the subject-matter in charge.

Mr. FORAKER. The Senator from South Dakota [Mr. KYLE], whose name is signed to the communication which has been read, is now here.

The PRESIDENT pro tempore. The Chair will state to the Senator from South Dakota that he has presented a partial report from the Industrial Commission, and the Chair wishes to know what disposition shall be made of it?

Mr. KYLE. The law creating the Industrial Commission, which was approved June 18, 1898, provides that from time to time the commission may make reports to Congress.

The PRESIDENT pro tempore. The Chair has received and presented to the Senate one of those reports.

Mr. HALE. Let it be printed.

Mr. KYLE. I presume the usual number of copies should be printed.

Mr. HALE. It should be printed as a document.

Mr. KYLE. Yes; printed as a document.

Mr. HALE. And then lie upon the table.

Mr. KYLE. Yes; and then lie upon the table.

The PRESIDENT pro tempore. That order will be made, in the absence of objection.

EXECUTIVE SESSION.

Mr. CULLOM. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 5 o'clock and 18 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 27, 1900, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate February 26, 1900.

CONSULS.

George B. Anderson, of the District of Columbia, now consul at Grenoble, France, to be consul of the United States at Prescott, Canada, vice Grenville James, nominated to be consul at Grenoble.

Grenville James, of New York, now consul at Prescott, Canada, to be consul of the United States at Grenoble, France, vice George B. Anderson, nominated to be consul at Prescott.

APPOINTMENTS IN THE ARMY—INFANTRY ARM.

To be second lieutenants, to rank from February 1, 1900.

Clifford U. Leonori, of New York.
Ralph B. Lister, of Colorado.
Spencer M. Bowman, of the District of Columbia.
Frank B. Davis, of North Carolina.
Daniel Van Voorhis, of Ohio.
Benjamin H. Pope, of Texas.
Julian L. Dodge, of New York.

PROMOTIONS IN THE VOLUNTEER ARMY.

Thirty-fifth Infantry.

First Lieut. Harry N. Cootes, Thirty-fifth Infantry, United States Volunteers, to be captain, February 21, 1900, vice Langworthy, deceased.

Second Lieut. Gordon N. Kimball, Thirty-fifth Infantry, United States Volunteers, to be first lieutenant, February 21, 1900, vice Cootes, promoted.

SECOND LIEUTENANT IN MARINE CORPS.

Louis G. Miller, a citizen of Ohio, to be a second lieutenant in the United States Marine Corps, from the 23d day of February, 1900, to fill a vacancy existing in that Corps.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 26, 1900.

APPOINTMENT IN THE ARMY.

Subsistence Department.

First Lieut. Charles R. Krauthoff, Fourteenth Infantry (captain and assistant commissary of subsistence, United States Volunteers), to be commissary of subsistence with the rank of captain, February 15, 1900.

APPOINTMENTS IN THE VOLUNTEER ARMY.

To be assistant surgeon with the rank of first lieutenant.

John Carling, of New York, acting assistant surgeon, United States Army, February 16, 1900.

Puerto Rico Regiment.

Maj. James A. Buchanan, Fifteenth United States Infantry, to be lieutenant-colonel Puerto Rico Regiment, United States Volunteer Infantry, February 19, 1900.

To be quartermaster with the rank of major.

Capt. Isaac W. Littell, assistant quartermaster, United States Army, February 15, 1900.

To be major-general by brevet.

Brig. Gen. Harrison Gray Otis, United States Volunteers (since honorably mustered out of service), for meritorious conduct at the battle of Caloocan, Philippine Islands, March 25, 1899.

To be brigadier-generals by brevet.

Col. Owen Summers, Second Oregon Volunteer Infantry (since honorably mustered out of service), for conspicuous gallantry at Maasin Bulac bridge, San Isidro, Philippine Islands, May 17, 1899.

Col. Harry C. Kessler, First Montana Volunteer Infantry (since honorably mustered out of service), for distinguished service in action at Malolos, P. I., March 31, 1899.

To be major by brevet.

Capt. James F. Case, Second Oregon Volunteer Infantry (now major, Fortieth Infantry, United States Volunteers), for distinguished services and gallantry at Maasin Bulac bridge, San Isidro, P. I., while acting division engineer officer, May 17, 1899.

To be commissary of subsistence with the rank of major.

Capt. Matt R. Peterson, commissary of subsistence, United States Army, February 15, 1900.

PROMOTIONS IN THE VOLUNTEER ARMY.

To be surgeon with the rank of major.

Capt. Luther B. Grandy, assistant surgeon, Thirty-fifth Infantry, United States Volunteers, February 14, 1900.

To be assistant surgeon with the rank of captain.

First Lieut. John A. Metzger, assistant surgeon, Thirty-fifth Infantry, United States Volunteers, February 14, 1900.

POSTMASTERS.

William A. Grummon, to be postmaster at Rockwell, in the county of Cerro Gordo and State of Iowa.

E. B. Dowell, to be postmaster at Indianola, in the county of Warren and State of Iowa.

HOUSE OF REPRESENTATIVES.

MONDAY, *February 26, 1900.*

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of Saturday was read and approved.

GRAND RAPIDS WATER POWER, ETC., COMPANY, OF MINNESOTA.

Mr. MORRIS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 3003) to amend an act entitled "An act to authorize the Grand Rapids Water Power and Boom Company, of Grand Rapids, Minn., to construct a dam and bridge across the Mississippi River," approved February 27, 1899.

The Clerk read the bill at length.

The SPEAKER. Is there objection to the present consideration of the Senate bill? [After a pause.] The Chair hears none.

The bill was ordered to be read a third time; and being read the third time, it was passed.

On motion of Mr. MORRIS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

REPRINT OF A BILL.

Mr. BABCOCK. Mr. Speaker, I ask unanimous consent for the reprint of the bill H. R. 4618, known as the pure-food bill.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent for the reprint of the House bill 4618, known as the pure-food bill. Is there objection? [After a pause.] The Chair hears no objection, and it is so ordered.

ORDER OF BUSINESS.

Mr. BABCOCK. Now, Mr. Speaker, under the rules of the House this is District day. I take it for granted that the House will prefer to proceed with the Puerto Rican debate, and I ask unanimous consent that next Monday may be considered as District day instead of to-day.

The SPEAKER. The gentleman from Wisconsin asks that next Monday be set aside for business of the District of Columbia instead of to-day. Is there ojection? [After a pause.] The Chair hears none, and it is so ordered.

CHOCTAW, OKLAHOMA AND GULF RAILROAD COMPANY.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent for the present consideration of Senate bill 2354, enlarging the powers of the Choctaw, Oklahoma and Gulf Railroad Company.

The Clerk read at length the Senate bill with House amendments.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SULZER. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman from New York [Mr. SHERMAN] if the bill has been reported by the committee.

Mr. SHERMAN. It has been unanimously reported by the Committee on Indian Affairs.

Mr. SULZER. Is it in the usual form?

Mr. SHERMAN. It enlarges somewhat the rights of the railroad company which built the railroad, the charter of which was obtained ten years ago. It permits the company to acquire by purchase and extension which is now controlled by lease, and by the purchase saves the road the expense of maintaing two corporations.

Mr. BAILEY of Texas. Mr. Speaker, if the gentleman will permit me, I never heard of this bill until it was read, but I know the circumstances of the corporation. The road was built wholly in the Indian Territory. They subsequently extended their lines to Memphis, and this bill, I take it, simply allows them to purchase the line from where the line now exists to Memphis, making a continuous line.

Mr. SHERMAN. And also the power to extend certain branches.

Mr. TALBERT. I should like to inquire of the gentleman from New York if this bill carries with it any appropriation?

Mr. SHERMAN. Oh, no, indeed.

Mr. SULZER. And it does not take the Indian lands without just compensation?

Mr. SHERMAN. Not without compensation; certainly not.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The Chair understands that the gentleman from New York called up the Senate bill with House amendments?

Mr. SHERMAN. Yes.

The House amendments were agreed to.

The bill was ordered to be read a third time; and being read a third time, it was passed.

On motion of Mr. SHERMAN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. Is there a House bill similar in character?

Mr. SHERMAN. It is somewhat different, but it has not yet been reported.

ORDER OF BUSINESS.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent to modify the order under which we are proceeding on the Puerto Rican bill in this respect: That the order for the evening session on Monday evening be vacated, the general debate to be continued on Tuesday until 5 p. m., and that the order heretofore made for Tuesday be operative on Wednesday in reference to taking a vote.

The SPEAKER. The gentleman from New York asks unanimous consent that the order for general debate for this evening be vacated, and that general debate be continued on Tuesday till 5 o'clock, and the order operative for Tuesday become operative for Wednesday. Is there objection?

Mr. RICHARDSON. Mr. Speaker, I wish to say a word in regard to that request. I consider this a most remarkable application to come from the majority side of this House. We accept it over here as a frank, candid confession on their part that they have a bad bill on their hands and now, in a repentant mood, they come and admit that they have not votes enough to pass it in its present shape. We can not look at it in any other way.

Now, the Democratic party—I speak for some of its members—recognized that fact. The Democratic party has always been magnanimous to their fallen foes. [Laughter.] They never strike an antagonist when he is down. They have never struck a blow at the Republican party when it has been prostrate at their feet, as we find it to-day. We have always been magnanimous and liberal. The party now dominating the politics of this country has not been so magnanimous. If the conditions existing were reversed, your party would not be liberal now. We are not disposed to take advantage of this situation. It is a pitiable one. Your great party come here and make frank confession that they have given us a bad bill, which we on this side and which many patriotic gentlemen on the other side have denounced, and are not willing to support. They come here and admit it. And they want more time—the very thing we have been asking for more than a week, and which they have been refusing.

The Democratic party, it seems to me, can not object to having more light on this question. The gentlemen on the other side have come to our position, and we can hardly recede from it. But we think that we ought to impose some terms on these gentlemen. We propose to be as moderate and as mild as we can in insisting on terms; but if they are going to take from us the session fixed for to-night, we want one for Tuesday night to further debate this question; and we insist on the right to offer our substitute, if we wish to do it, and to have it pending in the Committee of the Whole and in the House when the bill is reported to the House.

Now, exacting these generous and moderate terms, we are prepared, so far as I am concerned, to consent to this request, this appeal, this entreaty made by the majority side of the House [laughter]; and I am not joking when I state these facts. [Renewed laughter.]

Mr. PAYNE. Mr. Speaker, I recognize the generosity and magnanimity of the gentleman from Tennessee.

Mr. RICHARDSON. You ought to.

Mr. PAYNE. And not to be outdone by him, I will consent to modify the request that we have an evening session to-morrow night for the continuation of this debate.

The SPEAKER. The request of the gentleman from New York [Mr. PAYNE] is so modified as to include an evening session to-morrow.

Mr. PAYNE. With the usual limitation—that it shall commence at 8 o'clock and close at half past 10 o'clock.

Mr. RICHARDSON. And that we shall have a right to offer a substitute, if we wish to do so.

Mr. PAYNE. That is understood to be in the other order, but it may be included in this if the gentleman desires it.

Mr. RICHARDSON. The understanding was that the substitute was to be offered in Committee of the Whole. Now I understand it to be that it may be offered in the House if we desire to do so.

Mr. PAYNE. Very well; I have no objection.

Mr. RICHARDSON. All right; the gentleman is in good humor this morning.

The SPEAKER. Is there objection to the proposition as now stated by the gentleman from New York [Mr. PAYNE]? The Chair hears none, and it is so ordered.

Mr. PAYNE. That relieves me from the necessity of giving notice to the House, as I otherwise might have to do, that before 5 o'clock this evening I shall move that the House adjourn till to-morrow. I say this to show that there is a little magnanimity on this side as well as on the other.

Mr. Speaker, I move that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of the bill (H. R. 8245) to regulate the trade of Puerto Rico, and for other purposes.

The motion was agreed to.

TRADE OF PUERTO RICO.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. HULL in the chair.

Mr. RICHARDSON. I yield twenty minutes to the gentleman from Georgia [Mr. BARTLETT].

Mr. BARTLETT. Mr. Chairman, before I proceed with my remarks I would like to ask permission of the House to extend them in the RECORD if I so desire and to include with them as an appendix an article which has appeared in the February, 1900, number of McClure's Magazine with reference to the cost of holding colonies and their trade.

The CHAIRMAN. The gentleman from Georgia [Mr. BARTLETT] asks unanimous consent to extend his remarks in the RECORD.

Mr. BARTLETT. And to publish with them the article I have named.

The CHAIRMAN. Is there objection? The Chair hears none.

[Mr. BARTLETT addressed the committee. See Appendix.]

Mr. LANHAM. Mr. Chairman, we are now brought face to face, in an intensely practical way, with conditions of the utmost importance, for we are confronted with a situation which marks the initial step in the inauguration of a civil policy in the administration of our insular possessions. The issues so well predicted, and the complications so much dreaded by so many of the far-seeing good people of America, are now actually upon us. That the fundamental principles of our Government are involved must be apparent to any well-informed and observant man; that we are about to do what will be of the farthest-reaching consequence and fraught with the most momentous results, can not be seriously denied. That the soundest statesmanship and profoundest patriotism are urgently called into requisition, must be impressed upon every reflecting and conscientious Representative. "What shall the harvest be?" is an anxious inquiry that addresses itself to the mind of every true American. The mercantile features of the subject are insignificant and count for nothing in the presence of the graver and weightier matter of rightfully interpreting the Constitution and properly defining the status of those island peoples that have fallen within our jurisdiction, and determining the course to be pursued toward them by the United States, as well as the kind of government under which they are to hereafter live, the recognition of the rights to which they are entitled, and which it is now suitable to accord to them.

The time has come when, in Puerto Rico at least, it would seem that in some degree civil government is to be substituted for military rule. It is not to be forgotten that the people of this island greeted our approach and welcomed American sovereignty, and the assurances we then gave them ought to be constantly kept in mind and faithfully executed. They have not engaged in any insurrection against our authority since it was first asserted. No insurgency on their part has menaced our peace nor taken the lives of our soldiery. Our flag has floated serenely over the Puerto Ricans. That they will cheerfully acquiesce in any just dominion we may establish, and under proper treatment from us will continue to rejoice in the transfer of their allegiance from Spain to the United States and their permanent connection with our great Union, it seems reasonable to assume. How shall we demean ourselves toward them, and what shall we do with them? It is recorded that when Alexander invaded India and captured Porus, a rich and powerful king, he inquired of his captive how he thought he ought to be treated. "Like a king," was the proud answer made to the conqueror's question; and it is said that Alexander gave him back his kingdom, to be held, however, subject to the Macedonian Crown. How shall we treat the Puerto Ricans, and what treatment have they the right to expect at our hands? Are they less deserving than was Porus, the Indian king? Are we less magnanimous than was the ancient Grecian warrior? Is there with us more of barbarism and less of human toleration in the closing year of the nineteenth century than there was with the heathen in 327 B. C.? Is the spirit of American greed stronger than was the rapacity of Grecian conquest? Is Punic faith a trait of American character? We must either treat this people like Americans, or as an alien race unworthy of sharing the blessings of our Government and beyond the pale of our Constitution.

Mr. Chairman, I affirm, as a postulate of sound American doctrine and constitutional philosophy, that there can be no such thing under the genius and theory of our institutions as a division and separation of the privilege and liberty of individual citizenship or civic right or national manhood into aliquot parts. [Applause on Democratic side.] The idea of a man being only three-quarters of an American citizen, or entitled to only three-quarters of the immunites of American protection, or limited to three-quarters of the guaranties of the Constitution of the United States, or that he is one-quarter slave or vassal or foreigner and three-quarters free or native or naturalized, is preposterous to the last degree and offensive to the essential spirit of our republican

polity. [Applause on Democratic side.] If we can abridge one-quarter of the just rights of "any person within the jurisdiction of the United States," or deprive him of one-quarter "of the equal protection of the laws," we can take away from him the whole of such privileges and all of "that which he seemeth to have."

The Puerto Ricans are either entitled to free trade and unrestricted uniform commercial intercourse with and throughout the United States, by virtue of their being within our jurisdiction, or none whatever. The President was right when he said to Congress that it is "our plain duty to abolish all customs tariffs between the United States and Puerto Rico and give her products free access to our markets." Whatever may be the final outcome of this bill, I, for one, am glad that the President has thus declared, and that these written words will permanently remain in the literature of Executive communication. I would shudder to contemplate a deliberate utterance to the contrary by the Chief Magistrate of our country. I rejoice that he has thus proven his familiarity with and practically recognized one of the basal principles of our system of government. The American people may differ upon lines and methods of ordinary expediency, but there ought to be perfect agreement among them upon fundamental and vital propositions, and it is gratifying indeed whenever the President of the United States is unequivocal in their enunciation. When we ignore the ancient landmarks and do violence to our written Constitution, we enter upon a career of wild experiment which can only end in disaster.

I do not contend that the people of Puerto Rico are now ready for statehood, or even that they will be, during the lives of many of us who take part in this discussion; but, territorially speaking, that island is a part of the United States, just as much so as are Arizona, New Mexico, and Oklahoma, and for all purposes of the imposition of or exemption from taxation, its people are to be considered as the equals of the inhabitants of any of our Territories. This conclusion, it seems to me, can not be escaped, and this must be the case, or otherwise there will be adopted a colonial policy and the radical and complete transformation of our system of government, an unconditional capitulation of republican institutions to the reign of imperialism, a substitution of the methods of monarchy for those of popular sovereignty.

Mr. Chairman, no stronger or more thoroughly American words have ever been written, no more timely and alarming caveat was ever uttered by a philosophic statesman, than are found in the closing sentences of the views in opposition to this bill submitted by the gentleman from Massachusetts [Mr. MCCALL]. I wish the attention of every man in the United States could be focalized upon them. I wish the world could read them.

He says:

> But I regard it as a most inauspicious omen that our first legislative act should be framed on the theory that freedom does not follow the flag, but that the latter goes to those islands unattended by the great principles of liberty which have made it glorious. Who can measure the evil that will result from a denial of the fundamental muniments against oppression with which our Constitution surrounds the individual? If even in this country and with all these safeguards the citizen is not always secure against official exaction or the rapacity of those who are more powerful than he, what can be expected without this protection in islands that are separated from us by 10,000 miles of sea? Is it not clear that at the outset there is danger that we may pave the way for a more hideous extortion and robbery than ever disgraced India?

A grander speech never fell from the lips of any man on this floor than that delivered by the gentleman from Maine [Mr. LITTLEFIELD], nor can too much be said in approval of the utterances of Mr. POWERS of Vermont and Mr. TOMPKINS of New York, against this bill.

I earnestly commend their patriotic words to the political associates of those worthy gentlemen, and beg to remind them that one of the most pathetic things in all classic story, is the description of the destruction of Troy. The Trojans were infatuated when they invited the Grecian horse to be led within their walls; but there were some of them who suspected the danger and besought their countrymen to trust not the horse ("Equo ne credite, Teucri!"). The warning went unheeded, and the result was brought about that "Troy no longer stood and the lofty altars of Priam no longer remained." Let me urge you, gentlemen of the Republican party, to hearken to the admonitions of your own able statesmen, if you will not listen to us, and stay the mad rush to national ruin.

> Hasten, sinners, to be wise,
> Stay not for the morrow's sun;
> Longer wisdom you despise,
> Harder is she to be won!

[Applause.]

Mr. Chairman, I firmly believe that if this Government shall commit itself to and establish a permanent imperial policy with reference to the islands ceded to us by Spain, it can but end in the downfall of our great Republic, and from the passage of this measure of imperialism, we shall have occasion hereafter to date the Ilias Malorum of our distinctive institutions. I confess to the deepest solicitude for the future of my country when I contemplate what is now involved and must result as a logical consequence, upon the enactment of the measure now under consideration. Prudence and principle alike demand that we should promptly emphasize our earnest condemnation of what it proposes. Let Congress, in the just exercise of its high functions, begin and prosecute a wise and constitutional course of action toward the inhabitants of these islands, without seeking to make a case for the purpose of experimenting with the Supreme Court, and thereby confessing a legislative incapacity to work out the correct solution of pending problems.

Mr. Chairman, as a patriotic American, I would not have my country to shirk any proper responsibility or evade any duty it owes to itself or to those whom the fortunes of war have placed within its care and keeping and beneath its shield and protection. I earnestly desire that it should suitably discharge every honorable obligation resting upon it and mete out entire justice both to its perfect and inchoate citizens. It can not afford to do wrong. Its conscience must be preserved and its good name and national character and plighted faith must be maintained. I earnestly pray that it may be equal to every present and future emergency; that it may hold fast to the faith of the fathers, and that every "blessing of liberty" may continue to abide with us and be transmitted unimpaired to those who shall come after us. [Loud applause on the Democratic side.]

Mr. MOON. Mr. Chairman, it is not improper to discuss under this bill general territorial and governmental questions now interesting the people. Among the many serious propositions presented for the determination of the American Congress and people are the issues of expansion in territory and imperialism in administration. Expansion is one issue; imperialism, or militarism, is quite another. All expansionists are not imperialists, but all imperialists are expansionists. One issue pertains to the limit of territory, the other to the limit of power in the control of the territory.

Expansion of territory for legitimate purposes has been the policy of this Government. It has hitherto been a practical necessity, vitally important in upholding our institutions. The acquirement of the territory heretofore possessed by us was imperative, that we might secure, as far as possible, a position of isolation in the world without formidable neighbors inimical to republican institutions, to menace us and that we might avoid the maintenance of a large standing army to protect our frontiers and its cost to the people.

An ocean-girded republic was necessary to the cause of human freedom. This expansion meant the enlargement of the Republic, the building of new States for the Union. It was constitutional, legitimate, and natural expansion. It was in most cases as essential to the preservation of our institutions as the invocation of the Monroe doctrine was necessary to the establishment and perpetuity of republics in the Western World.

If for the preservation of our own Republic it should become necessary to incorporate into it contiguous or other territory, we could not hesitate in the performance of this duty, for self-preservation is the first law of nature for nations as well as for individuals: but so long as this prime necessity, which alone could excuse us, does not exist, we would do violence to our institutions to forcibly annex any people, for the doctrine that all just government rests on the consent of the governed applies always and everywhere, except when the withholding of such consent would destroy our own existence as a free people or constitute a perpetual menace to our peace and happiness; then, and then only, the appeal to force is justifiable and will give "survival to the fittest," and annexation by conquest is resolved into right. Upon this doctrine alone can we justify the driving of the red man into the western seas.

Expansion by consent is always lawful, and expansion by conquest, when this imperative necessity exists, is justifiable; but expansion for any other purpose than the incorporation of the territory acquired ultimately into the Union as a free State is not justifiable under our form of government.

Expansion by conquest for mere gain is without justification. It is invasion and murder for public plunder. While a wise policy would confine the acquisition of territory to this hemisphere, it can not be denied that if we have the right to acquire by consent or by legitimate conquest (as a prime necessity for self-preservation) territory in the western world, then the same reasoning would enable us to acquire it in the East; but the acquisition of such territory must under all circumstances be for the same legitimate purpose—the ultimate establishment of a free State, to the end that the principles of free government under the Constitution may be advanced and the welfare of this Union promoted and protected.

Before discussing the question of the application of our Constitution and laws to the ceded territory and the rights of citizenship in that territory, let us consider our right of sovereignty in that territory. Did we acquire the right morally and legally to exercise the ultimate power of a sovereign in these islands? Is our right to govern the result of treaty stipulations or does it rest on conquest, or both? Are our rights complete or inchoate?

Puerto Rico is a legitimate acquisition of the Union. Why? She acknowledged Spain as her sovereign; Spain ceded in the Paris treaty of peace her right of sovereignty over Puerto Rico to the United States. The people of Puerto Rico have acquiesced in the cession and given voluntary allegiance to the United States, the new sovereign. Our right to Puerto Rico is based, therefore, on the cession of the governing power in the island and the consent of the people. The Puerto Rico question involves no complication as to the proper and lawful exercise of sovereignty in the island by the United States. We have expanded as to Puerto Rico, and I know of no method by which Puerto Rico could now be alienated or detached from this Union unless we recognize the right of secession.

The Hawaiian Islands came to us by virtue of the treaty-making power. Her de facto government agreed to the annexation, and not entirely without the approbation of her masses. Our claim to these islands, shadowed as it is, rests on the doctrine of consent. Expansion as to the Hawaiian Islands is accomplished.

The solution of the Philippine question is more difficult. Our attitude in these islands is unsatisfactory and embarrassing. I can not agree with those who would abandon the Philippine Islands and withdraw our forces therefrom under existing conditions; nor am I prepared, as a question of law or good faith and morals, to admit the right of our Government to permanently control and annex these islands to the United States nor to concede under the law and facts that the United States, has more than the inchoate right of sovereignty over them, subject, it may be, ultimately to be perfected by reason of the necessities of the case only.

The present military occupation of the Philippine Islands by this country is lawful. We declared war against Spain in the name of human rights and liberty to redeem the perishing and oppressed people of Cuba from the exactions and tyranny of the Spanish Government. The Philippine Islands were recognized then by us as a part of the colonial possessions of Spain. To force the relaxation of her grasp on Cuba the American navy proceeded to Manila Bay and destroyed the fleet of Spain, and with the aid of Philippine soldiers on land, then in revolt in the island of Luzon against Spain, destroyed her power in this territory. Thus the city of Manila and a portion of the island of Luzon came under the actual control of the United States and her Philippine allies.

This was a lawful military occupation of that portion of the islands by the United States. Under these circumstances the Paris treaty of peace was made, by which, in consideration of $20,000,000, Spain relinquished her claim to sovereignty over the hundreds of islands in the archipelago, and the Spanish-American war ended. Up to this time our soldiers have occupied Luzon as a military necessity. If we acquired lawfully the right of dominion over the Philippine people by virtue of the treaty, then, of course, our occupancy and permanent retention of the islands can not be questioned; but if we did not (which we will assume to be true for the present), then our right to temporary occupation depends on existing conditions and the necessities of the case rather than the law.

Immediately after the treaty of peace a conflict arose between the United States troops in Luzon and the natives over our right to occupy the territory pending the action of our Government as to its policy. That territory was disputed, and the appeal to arms was made by Aguinaldo, the Philippine dictator. All government was practically destroyed. There exists no means by which public or private wrongs can be redressed. Aguinaldo or any other dictator is as offensive to human rights as the tyranny of Spain. Those of the islanders who are now sustaining the right of the United States to occupancy would perish at the hands of the alleged dictator's government but for the presence of our forces. The islands have been brought to their present unsettled condition and absence of government. It is idle to discuss the moving causes to this condition. We are in part responsible for it; whether properly or improperly so is immaterial. The conditions must be changed. The islands must be pacified. If it can not be done peaceably, it must be done forcibly. We have destroyed all form of government there and we can not withdraw from the islands until we secure protection to life, liberty, and property in that section where we have been the instrument, voluntarily or involuntarily, of producing in part this unhappy situation. We can not leave the islands without law, order, or government and the people the prey of predatory bands of assassins and guerrilla warfare. Order must be established in the islands. Until this is done no free government can be given to them. Whatever jurisdiction may ultimately assume control there, our obligation is the same. We must secure to the Philippines that free government promised and guaranteed on our sacred honor to Cuba. We began the war against Spain for freedom; we must end it for freedom.

Did we acquire legitimate and complete sovereignty over the Philippine Islands by the treaty of peace between Spain and the United States? Did sovereignty become ours by conquest or by consent? The treaty itself precludes the idea that we acquired any sovereign right in the islands by conquest. The interpretation by the commissioners of the treaty repudiates the idea of acquisition by conquest. If we claimed by conquest, our claim could attach only to the conquered territory—Manila and a contiguous portion of the island of Luzon. If we obtained any title, it was by cession for the consideration of $20,000,000. Spain did not assume to communicate to us complete sovereign rights in the archipelago. She simply relinquished her sovereignty. Did this relinquishment vest us with the powers of a sovereign? We no doubt acquired such title as Spain had. We could not by this cession obtain a title superior to hers. If she had not complete sovereignty, we did not acquire it. If her sovereign power had been broken and destroyed in all or a part of the islands she assumed to control when she relinquished her rights in our favor, then we purchased only such legitimate right as she at that time had to enforce obedience to her power in the islands. Sovereignty can not be put in abeyance.

If the governing power is dethroned by the people in a monarchy, then sovereignty vests in the people; if dethroned by another power, it passes to that power capable of exercising and maintaining it. In a republic sovereign power is vested in the people at all times. When a monarchy is incapable of enforcing its mandates the scepter has departed and sovereignty is no longer actual, complete, and effective, but becomes technical, inchoate, and unreal. If we shall believe the history of the times, the power of Spain had ceased and sovereignty was reconquered by the people in most of the Philippine Islands when she relinquished her claims in the Paris treaty.

As to these islands, we purchased them from a dethroned sovereign and acquired no moral or legal right to supreme power over their people even under the crude laws of nations. In other islands of the archipelago the people were struggling as were the people of Cuba to cast off the yoke of Spanish oppression. Particularly was this true in Luzon. In the name of humanity we came upon the scene of action. The final struggle for liberty by the people was unabated. Spain was engaged in her last and supremest effort to maintain her sovereignty over an unwilling people. Our arms, united with the revolutionary subjects, freed the island of Spanish dominion. We did battle there in the holy cause of Cuban freedom.

The Philippine people hailed our coming as their deliverers, too. Did we interfere in the cause of freedom, or was it to prevent the people from reconquering sovereignty from Spain that we might purchase it and give them a new master? The attempt of our Government to purchase under such circumstances the right to rule an unwilling people, then engaged in a struggle for independence, impugns the honor and integrity of our own great and free people. The technical right of Spain to be recognized as a sovereign in the island of Luzon until her sovereignty was reconquered by the people may legally exist and by the laws of nations she might transfer such a right to us, but in my humble judgment the principles of a republic forbid that it should become the purchaser in the market overt, without their consent, of the liberties of any people. [Applause on the Democratic side.]

The banner of Filipino freedom was "waving high aloft" and proudly sustained. The power of the Spanish dynasty had well-nigh ended. Her colonies were all in revolt; her ministry was violent; her Cortes indignant; her people maddened with disaster and rebellion. Her armies were routed; her navy at the bottom of the sea; her throne trembling. The last act to accomplish Filipino independence and to break the chains of three centuries of tyranny was about to be performed when the Paris treaty of peace announced the bargain and sale of their liberty by their expiring monarch. Can we press our technical claim to sovereignty under these facts? Can we deceive the intelligence of mankind by these pretenses? Is not our country worthy of a better cause than this? We may do violence to good conscience; we may act in bad faith toward our friends, if not our allies; we may convert the war of Cuban freedom into a war of conquest to perfect our inchoate right of sovereignty over a proud and liberty-loving people, but we can not satisfy ourselves nor the enlightened judgment of the world that we are right. The blessings of Heaven can not be with the cause of injustice. Let us proclaim to the Philippine people our intention of restoring order, establishing peace, and enabling them to provide a free government of their choice, and then to depart the islands, leaving them to liberty and the pursuit of happiness. [Applause on the Democratic side.]

But, Mr. Chairman, in deference to the fixed and no doubt sincere views of those who feel that we have the moral and legal right to permanently retain and annex the Philippine Islands to the United States, let us assume that these islands, equally with Puerto Rico and Hawaii, are legitimately under our sovereign control; then what is the duty, the responsibility, and the measure of the obligations of the United States to these countries, and what are their rights of citizenship? Can the United States govern them at

the pleasure of Congress, uncontrolled by constitutional limitations? Are the inhabitants of these countries entitled to the rights of citizenship of the United States by virtue of their annexation?

Does the Administration, including Congress, have any inherent power of right of sovereignty, in the absence of the grant of such power, expressly or by implication, in the Constitution? These questions may be answered as one. When territory is acquired by the United States and annexed, it must and can be done for one purpose only—that is, the formation ultimately of a free State to become one of the States of the Union. The acquisition of territory for any other purpose has no warrant in the Constitution. Then the new territory comes into the constitutional control of the Government of the United States with the inchoate right of ultimate statehood. This right exists independent of treaty stipulations with the power ceding the territory. It arises out of the Federal Constitution, and a treaty stipulation violative of this right would be nugatory as in contravention of the Constitution, the supreme law of the land.

The power given in the Constitution (section 3 of Article IV) to Congress to admit new States into the Union carries with it the right to acquire the territory out of which these States are to be erected, and necessarily the right to determine when the new States are fitted for admission. No new territory could be obtained except by constitutional authority. Why is it that Congress could not acquire territory for another purpose than ultimate statehood? The section of the Constitution mentioned would not prohibit it if the United States had plenary sovereignty. It is because the people, in whom all sovereignty rests, limited the sovereign power of the United States by the terms of the Constitution. Amendment 10 provides:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

The Constitution did not grant the power to establish colonies. Congress therefore has power to acquire territory only to make new States. This, however, is not an open question. The highest judicial tribunal in the United States has determined it. The minority of the Committee on Territories, having under consideration a bill to provide a government for Hawaii, reported to the House in January, 1899, their objections to the passage of the then pending measure, and based those objections on the oft-cited decision of the Supreme Court on this issue. It was held in the case then cited and frequently discussed in this Congress, that—

> The United States under the present Constitution can not acquire territory to be held as a colony to be governed at its will and pleasure, but it may acquire territory which at the time has not a population that fits it to become a State, and may govern it as a Territory until it has a population which, in the judgment of Congress, entitles it to be admitted as a State of the Union. During the time that it remains a Territory Congress may legislate over it within the scope of its constitutional powers in relation to citizens of the United States, and may establish a Territorial government, and the form of this local government must be regulated by the discretion of Congress, but with powers not exceeding those which Congress itself, by the Constitution, is authorized to exercise over citizens of the United States in respect to their rights of person or rights of property.

The assumption that Congress has any specially granted power to legislate at will for the new possessions under the provision of the Constitution that Congress may dispose of and make all needful rules and regulations respecting the territory and other property of the United States is denied. In two well-settled cases the United States Supreme Court has said:

> The clause in the Constitution authorizing Congress to make all needful rules and regulations for the government of the territory and other property of the United States applies only to territory within the chartered limits of some one of the States when they were colonies of Great Britain and which was surrendered by the British Government to the old Confederation of the States in the treaty of peace. It does not apply to territory acquired by the present Federal Government by treaty or conquest from a foreign nation.

Whether the power to legislate for and control the newly acquired territory belongs to Congress by this provision or as the result of the power to acquire it, that power comes from the Constitution, and its exercise must be in accordance with the Constitution in respect to the rights of persons and property under it. Other decisions are numerous and the force of those decisions can not be broken by the assumption that the question was not before the court and that the decisions on the point are mere dicta. The issue was clear, the adjudication was positive, and no dissent on this point existed. The decision was one of Federal constitutional construction and was not, as has been contended, based on treaty stipulations.

If no discussion had occurred and no decision had been made, as a question of first impression it would seem that if territory was acquired and added to the United States, whether created into a State or not, the citizens of such territory, by the act of annexation, would become citizens of the United States, though not of any particular State, and would be entitled, in reference to their rights of person and property, to the rights of American citizens under the Constitution. The Constitution by its own proper force extended over and protected the new as well as the old citizen of the Republic in the Territories as well as in the States. It is not necessary that Congress shall pass an enabling act to extend the constitutional guaranties to the citizens of a newly acquired territory. This would be the creature giving vitality to the creator.

The special governmental machinery for the enforcement of the citizen's rights within the territorial limits of the new acquisition must be provided by Congress, but it can not abridge nor deny to the citizen any of his constitutional guaranties, nor can it deprive him of the equal rights of citizenship in any part of the Republic. If the territory be a part of the Republic its inhabitants are citizens of the Republic.

If Puerto Rico and Hawaii are not a part of the United States, where do they belong? They are not independent. They can not establish a government of their own. The Governments formerly controlling them no longer control them. They have been annexed to this Republic by solemn treaty. They owe allegiance to the United States. They can not be in a state of political nonexistence. Where are they if they be not under the flag and Constitution of this Republic? Are they not subject to our laws? Shall they be subject to punishment for the infraction of the Constitution and laws and be not entitled to appeal to that Constitution and law for protection when their rights are infracted? Does Congress in the passage of general laws for the United States include the Territories by name, or does it include them in the general term, "throughout the United States?"

If the contention be correct that a Territory, organized or unorganized, is not a part of the United States, then it follows that all United States statutes not specially embracing the Territories by name are not applicable in those Territories, and the enforcement of such general laws heretofore has been illegal and unjust. The absurdity of the position is apparent. There can be no semicitizenship of this Republic. The moment the American flag is lawfully raised over new territory its inhabitants become American freemen, whose rights and liberties can not be abridged under the Constitution and over whom no colonial government can be established. [Applause on the Democratic side.]

Congress can not rule any part of the territory of this Union as a conquered province. Those who would fix a government unrepublican in form on the Territories of Hawaii and Alaska and deny equal rights to Puerto Rico, and who have openly avowed that it is necessary that the Philippine Islands shall be governed by a government simple and strong, by the Army and Navy, at the will of President or Congress, "without consultation of the people or participation on their part in the government," have declared for the adoption of a rule of action that is over, above, and beyond the Constitution. It is a declaration against local government and against individual rights and liberties. It presents in another form the question of not only the true interpretation of the organic law, but the more dangerous question of the assumption by our Government of extra constitutional powers alleged to be inherent in the Government administration, regardless of the fundamental law.

There yet are those who believe that the Constitution of the United States is the supreme law of the land, and that the Government can exercise absolutely and without reservation all the power that the Constitution confers on it and every power that may be fairly implied to carry out the powers expressly granted. This has been the uniform interpretation of both State and Federal courts. Not until now has anyone contended that the Government was not one of powers prescribed and limited by the Constitution, and that all sovereign power not expressly granted by the Constitution nor fairly implied therefrom was expressly reserved by and to the people of the States. No intelligent man has stood upon the American hustings or in the American Congress and advocated this doctrine of inherent power in the Administration until now.

How far power might be implied to give effect to power expressly granted has been and forever will be in dispute. There will always be the strict constructionist and the liberal constructionist of constitutional powers, but the right of the Administration to exercise power not expressly or impliedly granted is nowhere admitted. From whence comes this new doctrine? Does it mean that the Constitution is no longer the source of power? Does it mean that sovereignty has departed from the people and is now vested in the Administration? This is the doctrine of kings and emperors. Is the Republic gone? Has the empire come? He who advocates the adoption of power inherent in administration and not authorized by the Constitution is neither a Democrat, a Republican, nor a patriot. It is the doctrine of the Tory and the monarchist. The proposition admits of no debate. It is at once subversive of the Constitution, the law, and popular rights.

Apply the doctrine of militarism to the Territories, and it will spread with its crushing power over the great Commonwealths that constitute the Union. Destroy truth, justice, and liberty in the Territories, and truth, liberty, and justice will pass away in the States. Can it be that this is the culmination of the contention on the great constitutional questions that has gone on since the

Government began? Is it the result of the growth of Federal power to the destruction of local rights? Is it the fulfillment of the prophecy of the enemies of the Republic? Is it possible that, notwithstanding implication has arisen upon implication in the construction of the Federal Constitution, and the most liberal views entertained and enforced as to the power of the Government, the enemies of local government may now entirely discard and abandon the Constitution and deny its power to limit their encroachment on popular rights? Are they at last driven to this new doctrine?

Many have doubted that it was good for the common people that so much power should be contralized in the General Government. With some degree of alarm the growth of Federal jurisdiction and the concentration of power have been beheld, but so long as this power was claimed to be the natural development of Federal constitutional rights apprehension for the safety of the country was allayed, for it seemed reasonable that under no condition could the Administration become greater than the Constitution nor deny its binding force so long as it proclaimed obedience to it. But when we are told that the Government has power inherent to rule the people as it pleases, and therefore unconstitutional power, we must meet the issue. We must declare that the conflict is irreconcilable and irrepressible until the Government is redeemed to the people and the President, Congress, and all men bow to the Constitution as the supreme law of the land. When the contemplated innovation shall have been sustained and acquiesced in, the memories of the Republic may live, but the empire will advance to absolutism.

It is said that the commercial interests of our country demand the annexation of the Philippines. I am not prepared to say that our commercial interests will be advanced by this acquisition. If it be so, the inevitable sacrifice of principle and sound public policy embraced in such a departure is too great to be influenced by such considerations. If commerce can not prosper without the destruction of human liberty, let commerce perish. The wild fanatics on this subject demand the annexation of the islands in the name of Christianity, that the faith of the church may be taught to the people. Christianity teaches love, mercy, forgiveness, and justice. Let not cruel hate, injustice, and crime blaze the way of its triumph. The crime of imperialism can not be hidden under the vestments of the Nazarene.

The difficulty of establishing just and satisfactory government for Hawaii and Alaska and the complaints of injustice and wrong that come from these Territories, ought to teach us that the rule of distant territory and far-off islands in the seas can not be satisfactory to them or profitable to us. Expansion is not always inimical to our interest, but expansion may, and it does now, threaten to be so extensive as to weaken and exhaust us by sapping our resources in its maintenance in opposition to the consent of the people over whom it is proposed to maintain our unwelcome jurisdiction.

As a matter of policy there are many reasons why we should not perfect our claim to the Philippine Islands. Their distance from us, 7,000 miles; the difference in the customs, manners, and mode of living of these people and our own; the insurrectionary spirit of the people; the immense cost of maintaining a large standing army and navy to enforce obedience from a refractory people to our laws; the deleterious effect of competition of the labor of that section with our own; the competition in manufactured products, the production of the unpaid and unfed labor of the islands, with the products of American workingmen; the injurious effect of competition with these people in agricultural products; the admission to equal rights with our laboring people in their homes in the States of this alien Asiatic race who could and would overrun our marts of labor—these are some of the reasons why, in sound public policy, the Philippines should not be annexed.

We can not bring the cheap laborers of these islands to the standard of living and wages of the American workman, but we may reduce the standard of living and wages of our own people by enabling free and easy competition in the field of American labor by the Asiatic. The true policy would seek the elevation of the labor of our country. Our workingmen should have better wages that they may have better opportunities. Better opportunities will give the children better education, and the Republic will be strengthened by the enlightenment of its citizens.

Every consideration of principle, sound public policy, and human rights forbids the pursuit of imperialism by this Government. Can we be part free and part vassal? Will we longer hesitate between right and wrong? Shall the paths of safety be abandoned for perilous ways? We have been drifting away from the principles and practices of free and popular government. The impressions which our fathers had of justice and liberty seem not to be the heritage of their children. The sway of principle is quietly and gently yielding to the more enticing love of gain. Exalted thoughts and noble purposes are succumbing to sordid and mercenary ideas and motives. We need the revival of the spirit of 1776.

We must come once again under the shelter of the Constitution. We must realize that the powers of the Federal Government are now fully developed and that the verge of Federal jurisdiction with safety to the people and to Federal institutions has been reached. That if a further exercise of Federal power is necessary to the "public welfare" it must come from the people by Constitutional amendments, and not by legislative or judicial invasion or Executive usurpation of the reserved rights of the people. An empire under a constitution is better for the masses than an imperial democracy setting at defiance the most sacred rights of citizenship.

But we will not have the empire; we will not have an imperial democracy. Congress may discard the Constitution; it may deny popular rights; it may assume unwarranted power; it may yield to the unhallowed demands of corporate greed; it may wound, but it can not destroy, the spirit of American liberty. The common people of this Union are still capable of self-government. The avenging day, when their patience with the puppets of aristocracy shall cease, is not far distant. They will pledge again their lives, their fortunes, and their sacred honor to the Republic. If despotism shall place it there, they will tear from the ensign of the Union the words of "invasion and imperialism," so "treasonable to human liberty." They will give that flag to the free breeze of heaven once more as the emblem of the power, the justice, and the mercy of a God-fearing and liberty-loving people.

The Republic will live under the Constitution, to enforce the equal rights of its citizens in the States and in the Territories and to cast the shield of its protection around them in foreign lands, when kingdoms and empires shall have fallen and the minions of imperial power sleep in unknown graves. Ere another sun shall light to the paths of duty the anxious people of Puerto Rico, let the message flash across the mighty deep that the American Congress welcomes her with equal rights to the bosom of the Republic, and that crowns for her, Alaska, Arizona, Hawaii, New Mexico, and Oklahoma, as sovereign States in our great Union, are being molded in obedience to the Constitution by the hands of freemen and patriots. [Loud applause on the Democratic side.]

Mr. BOUTELL of Illinois. Mr. Chairman, among the gentlemen who oppose this measure there is as great diversity of opinion as to its demerits as there is in reference to the identity of the gentleman who sued Mr. Blake. I don't know whether it was Mr. Lufborough or Mr. Lowborough or Mr. Looborough or Mr. Lockborough or Mr. Loborough. And in listening to the deductions by the counsel in this case, and to the decisions of the courts, it is impossible for me to tell what the court intended to decide in this case.

The gentleman from Ohio [Mr. BROMWELL] admits that this is a constitutional measure, but that it is a bad fiscal measure. The gentleman from Massachusetts [Mr. MCCALL] admits that it is a good fiscal measure, but that it is a bad constitutional measure. But it remained to the distinguished gentleman from Maine [Mr. LITTLEFIELD], who seldom honors this House with his presence except when the gentleman from Maine is to speak, it remained for the gentleman from Maine, the irresistible torrents of whose eloquence swept over this House for two hours last Friday in a vain endeavor to disclose to us the vision of righteousness that Almighty God had vouchsafed to him [laughter on the Republican side], the sound of whose argument still reverberates in the outer chambers of our minds, but fails to penetrate the inner courts of our intelligence—it remained to him to make the discovery about this bill that it was bad in every particular, not only bad constitutionally, but bad financially, bad morally, bad spiritually, and a bad literary production; in fact, nothing good about it at all except as it induced him to take the Lord into his confidence in the matter. [Laughter on the Republican side.]

He sought divine guidance, he did not pray according to the Scriptures; and I may say that the Scriptures circulate in Illinois and we enjoy Gospel privileges. He did not pray according to the Scriptures, but he stood and cried: "O God, I thank Thee that I am not as other men are, unjust, extortioners, or even as these Republicans." [Laughter on the Republican side.] And then I can imagine he went further and said: "O Lord, this is an awful bad bill; it is an evil, a corrupt, a wicked, an abominable, a detestable, an unspiritual measure; an infamous, iniquitous bill, and there is danger of me and you sinking into the sink of that iniquity. It is a rotten measure; it is designed to rob 12,000,000 of angelic creatures of their wings and their crowns of American citizenship. It is an undebatable bill and I can not bear to speak of it. O Lord, grant me strength to oppose it for three hours [laughter on the Republican side], and peradventure you will not hold up my hands for three hours, give me two hours to show what a bad bill it is;" and then he comes in here and tells us that he intends to do the right as God gives him to see the right. God grant him an improvement of his vision. [Laughter and applause on the Republican side.]

The Lord has various ways of guiding His people. "God moves in a mysterious way His wonders to perform." He led the people

of old by a pillar of cloud by day and by a pillar of fire by night; and it seems to me as though the gentleman from Maine had got lost in the pillar of cloud, and, like a ship enveloped by fog, we only know that he is seeking the light by the sound. [Applause on the Republican side.]

In listening to his remarks I frequently heard the word "garbled" applied to some quotation which was read by the gentlemen in support of the bill. I heard the word "distortion" used in reference to some of their quotations, but when the gentleman from Maine attempted, for the sake of throwing a glamour over the position he took, to tell you that the people of Puerto Rico were "a magnificent people, a people who had liberated their slaves, a people who enjoyed manhood suffrage," I would like to call his attention, and the gentlemen in this House, to a little piece of garbling which he dropped into.

Why did he not read from the report of General Davis the fact that the Puerto Ricans themselves have not the conception of manhood that we have? Why did he not read from this report that the age at which a man can vote under their laws was 25 years? Why did he not give the account of that last election, where the order was made allowing all those who had arrived at 21 years of age to vote, and read this from the report?—

The class who can not fulfill these conditions, say 75 per cent of the males over 21 years of age, are usually in a state of abject poverty and ignorance, and are assumed to include one-fifth of the inhabitants.

They are of the class usually called peons. This word in Spanish America, under old laws, defined a person who owed service to his creditor until the debt was paid. While those laws are obsolete, the condition of these poor people remains much as before. So great is their poverty that they are always in debt to the proprietors or merchants. They live in huts made of sticks and poles covered with thatches of palm leaves.

A family of a dozen may be huddled together in one room, often with only a dirt floor. They have little food worthy of the name and only the most scanty clothing, while children of less than 7 or 8 years of age are often entirely naked. A few may own a machete or a hoe, but more have no worldly possessions whatever. Their food is fruit, and if they are wage earners, a little rice and codfish in addition.

They are without ambition and see no incentive to labor beyond the least that will provide the barest sustenance.

All over the island they can be seen to-day sitting beside their ruined huts, thinking naught of to-morrow, making no effort to repair and restore their cabins, nor to replant for future food.

And then he continues:

Between the negro and the peon—

Seventy-five per cent, mark you, of the population of the island over 21 years of age—

Between the negro and the peon there is no visible difference. It is hard to believe that the pale, sallow, and often emanciated beings are the descendants of the conquistadores who carried the flag of Spain to nearly all of South America, and to one-third of North America.

One family of industrious people, such as are found all over the United States, contributes more to the general prosperity and wealth of the country than ten families of these peons.

And yet the gentleman from Maine, who has, I say, in order to cast a mist and a vapor before the eyes of the people in discussing this constitutional and fiscal question, garbled the report of General Davis and every other report that has been made on the subject, tells us that the people of Puerto Rico are a magnificent people and enjoy manhood suffrage. Twenty-five per cent of the males over 21 years of age abject paupers!

The gentleman says he wants to do the right as God gives him to see the right. So do we in this Chamber in this emergency. We have a great responsibility placed upon us on this occasion; but, Mr. Chairman, let us remember our own people. In doing justice by the Puerto Ricans, let us see that the hand that metes out justice to them does not do an injustice to our own fellow-countrymen. We must do right by the Philippines; but in doing right by 8,000,000 Filipinos, let us see that we do no wrong to 80,000,000 freedom-loving American citizens.

The inhabitants of Puerto Rico are not capable of self-government. The inhabitants of the Philippine Islands are not capable of self-government. The inhabitants of all those islands are incapable of assuming the responsibility of American citizenship. Nations and people differ. "There is one glory of the sun and another glory of the moon and another glory of the stars; and one star differeth from another star in glory." So it is with the nations of the world. The star which the people of those islands are following, after their years of ignorance and oppression, is not the star that guides the destinies of the American people. It is our mission to lift up their eyes, to show them the right road, to point out to them the star of freedom, and when we have done that for them, give them a government of their own or admit them into full union in the United States.

But I wish to read one or two more references concerning this people. The gentleman from Maine did not read, as I listened to him, anything from the report of Dr. Henry K. Carroll, made up of interviews with these people taken down verbatim. I read from page 270. Dr. Carroll asked a native, Mr. Ortiz—

How many prisoners have you in the municipal jail?

Mr. ORTIZ. One madman there only. We send our prisoners to San German. We only detain prisoners in our jail one day.

Dr. CARROLL. Have you no other places for an insane person?

Mr. ORTIZ. No; not even a prison. It is only a detention place.

It thus appears that they have no provision for their insane poor.

Mr. BARTLETT. Will the gentleman allow me to interrupt him? Is it not true that Dr. Carroll, in that same book, recommends free trade between those islands and the United States?

Mr. BOUTELL of Illinois. I do not think it is.

Mr. BARTLETT. Will the gentleman allow me to show it to him?

Mr. BOUTELL of Illinois. Not now; when I get through.

On page 690, speaking of the laws of marriage, we have this testimony:

Dr. CARROLL. Is it not true that, while a great many live together in the marriage relation without having had any ceremony performed, they are generally true to each other and a man has one wife and a woman has one husband while they both live?

Mr. LUCAS AMADEO. It is very frequently the case that there are no ties of any kind, and the man goes his way and the woman goes her way and the children go their way. Very often a woman has children by several men, to none of whom she was married.

In the report of General Davis, on page 16, he says:

The statistics for 1887 report the number of legitimate births as 14,847, and the illegitimate as 10,947.

Forty per cent of the births in the island, it thus appears, are illegitimate.

Mr. BARTLETT. Mr. Chairman——

Mr. BOUTELL of Illinois. One moment, please.

Again, on page 693, we find an interview between Dr. Carroll and a Catholic priest; and the Catholic Church seems to have been the only pillar of civilization in the island:

Dr. CARROLL. I want to ask a few questions with regard to the subject of marriage, which is an extremely important subject in this country.

Father MONTANES. I consider it of immense moment, as concubinage is a sore in the country, and is putting an end to family relations.

And again, on page 588, it appears that they have no hospitals and no asylums and that their poor simply exist by begging. On page 768 I find an interview between Dr. Carroll and Dr. Joaquin Cervera:

Dr. CARROLL. The difficulty about admitting sugar and tobacco free is only to be settled when the form of the future government of Puerto Rico is settled. There is, I understand, a commission now in the United States advocating the independence of Puerto Rico. In such a case the United States would maintain its tariff as against Puerto Rico, and Puerto Rico would maintain its tariff as against the United States.

Mr. CERVERA. That question has not been discussed in Puerto Rico by any considerable number of people. Puerto Rico, in my opinion, must depend upon some outside government.

Now, Mr. Chairman, I ask the attention of gentlemen on both sides of this Chamber who have maintained that the Puerto Ricans should to-day be given absolute independence. I want to call their special attention to the closing words on this page:

We do not want independence.

And again, let me call your attention to the interview which is published on page 776 of this same volume, where there is inserted the action of the board of agriculture, manufactures, and commerce of Puerto Rico, in which they say in substance that they are in favor of free trade with the United States, but that if any interest in the United States would be thereby endangered, a reduction of 90 per cent on the tariff paid by the other interests should be accorded.

Mr. BARTLETT. Now I beg the gentleman's pardon for an interruption, but I desire to call his attention to what Mr. Carroll in a general report on page 596 says as to the recommendation of free trade between the island and the United States.

Mr. BOUTELL of Illinois. I do not question that statement. I did not understand the gentleman's suggestion in the first instance. I admit that he recommended free trade.

Mr. BARTLETT. That is the point I desired to call your attention to.

Mr. BOUTELL of Illinois. That is true. But I am referring now to the character of the inhabitants of Puerto Rico as bearing on the question at issue in this discussion.

Mr. BURKE of Texas. If the gentleman will permit me, I would like to ask him a question. Assuming that everything the gentleman has said as to the people of Puerto Rico and their condition and demands is true, and if they are subject to the control of our Government, do you not think, as a patriotic principle of justice and right, that there should be no unjust discrimination between that territory and any other Territory under the Government of the United States? I want to ask the gentleman from Illinois whether, in other words, assuming, I say, what he says in reference to these people is true, he does not think it appeals more strongly to the Congress of the United States than it would otherwise appeal if the conditions he has suggested did not exist?

Mr. BOUTELL of Illinois. I will say to the gentleman from Texas that I think we ought to do toward the Puerto Ricans whatever seems just and right and proper for their good without doing any injustice or any wrong to our fellow-countrymen.

Mr. SLAYDEN. To do unto them, in other words, as you would have them to do unto us.

Mr. BOUTELL of Illinois. Yes, govern them according to the Golden Rule.

Mr. BURKE of Texas. Do you not think the recommendation of the President of the United States in his message to Congress ought to be carried out with reference to the relations between the United States and this island? I ask you, as a Republican, do you not believe that that ought to be done? The gentleman can answer the question yes or no.

Mr. BOUTELL of Illinois. Mr. Chairman, I am going to discuss the question now in reference to the matter in my own way, and if I believed that the best way for raising revenue for the benefit of the Puerto Rican people is under the provisions of this bill, I should vote for the bill itself.

Mr. BURKE of Texas. I want the gentleman, who is always frank and fair—I want the gentleman to answer my question. As I have said, it is a simple question and can be answered yes or no.

Mr. BOUTELL of Illinois. I think I have already answered the gentleman's question.

Mr. BURKE of Texas. Then I entirely failed to hear the answer.

Mr. BOUTELL of Illinois. I have alluded to the characteristics of the Puerto Rican people for no other reason than to show the method by which the gentleman from Maine in his argument attempted to deceive this House and deceive the people in reference to the character of these inhabitants. And now I do not think the character of these inhabitants or the character of the inhabitants of any other acquisition that we may obtain has anything to do with the principle involved.

Let me state the principle, Mr. Chairman, which has been reiterated on the other side of the House: That whenever we acquire territory by any means that territory becomes at once incorporated into the United States; the inhabitants of that territory become citizens of the United States, and their status is fixed by the Constitution of the United States. I propose to give to the House some illustrations that will show to what extent that principle would lead the country. I say to you that the condition of the inhabitants of the island is absolutely immaterial as to the question involved. The constitutional question would be no different if we were discussing Nova Scotia, where 95 per cent of the people are educated.

And now, gentlemen, I want to call your attention to this proposition, and to see what answer you would make to it. If we should be at war with Holland—which God forbid—and the island of Java should fall into our possession, would Java be a part of the United States and would its inhabitants be citizens of the United States? If in a war with France we took the island of Madagascar, would Madagascar thereby become incorporated into the Union and would her inhabitants become citizens under the Constitution? If we should have a war with England and should take the island of Jamaica, would that come under the Constitution by that acquisition and her inhabitants become citizens?

Mr. RIDGELY. Will the gentleman yield for a question?

Mr. BOUTELL of Illinois. One moment. If we should be at war with China and should capture the island of Hainan, would that become territory incorporated into the Union and would the inhabitants become citizens? That is your contention. Every man who has spoken on that side of the House has said that the Puerto Ricans are citizens to-day, that the Filipinos are citizens to-day, and the gentleman from Nevada [Mr. NEWLANDS] enunciated the doctrine that we hold the territory so acquired in trust for the inhabitants for ultimate statehood. And if in such a war the island of Hainan, inhabited by Chinese, came into the American Union and the inhabitants would become American citizens, will some one on that side of the House tell me how you are going to deal with the Constitution and the law on our statute books excluding Chinese from territories of the United States?

Will John Marshall heliograph down to you what you will do in that dilemma, or will the divine Daniel, recumbent on the clouds of glory, wigwag down to the gentleman from Maine [Mr. LITTLEFIELD] some explanation of the embarrassment? I tell you, Mr. Chairman, that when you begin to realize the length to which your contention will take you, you will regret your expressions in this House and you will, on both sides of this Chamber, regret your votes on this measure. [Applause on the Republican side.]

But, Mr. Chairman, let me elucidate this principle by another illustration, and before doing so let me repeat the principle again exactly as you have given it.

Mr. RIDGELY. Now will the gentleman permit a question?

Mr. BOUTELL of Illinois. Just one moment, until I get through with this line of thought.

Let me give you another illustration in reference to the acquisition of territory; and that it may sink deep into your hearts let me repeat the principle. You say territory acquired by the United States becomes incorporated into the territory of the United States; that its inhabitants become citizens; that their political status is fixed by the Constitution, and that we hold the territory in trust for the inhabitants, for ultimate statehood.

Let me propound this to the gentleman from Nevada: Suppose that the captain of one of our cruisers, in sailing in the equatorial Pacific, should discover a hitherto unknown and uncharted island. Suppose he should land and hoist the American flag and leave a squad of marines in charge, and should come home and report his discovery, and it should be communicated to other nations, and it should appear that it was really hitherto unknown and uncharted. That island, by the fundamental laws of nations, becomes ours. You claim that thereby, because we have acquired it by discovery, it would become incorporated into the United States and its inhabitants would become citizens of the United States.

Well, suppose that a year following the same captain should go back there and the officer commanding the marines should say to him, "Captain, this island is rich in coal mines; it is prolific in oil lands," and supposing, acting on that information, we should bring into the island some of the natives of the adjoining south sea islands to work these mines, to work these oil wells, where intelligent Northern people could not work. And supposing, in the natural order of events, there should be a population of five or ten thousand inhabitants on one side of the island, working those mines and those wells. Would they, according to your contention, become citizens of the United States? They would.

But suppose after a lapse of ten or fifteen years the American vessel came back there to the only harbor that was known, and they should say to him, "We have made a great discovery. Across the mountains, in the middle of this island, there are three or four thousand cannibals." According to the contention of you gentlemen they would be citizens of the United States. Their civil status would be fixed by the Constitution. Gentlemen, I tell you that that principle which deprives the Congress of the United States of the right to deal with territory which we acquire will, if maintained by you, some day lead us into trouble.

Mr. COCHRAN of Missouri. Will the gentleman allow me to ask him a question?

Mr. BOUTELL of Illinois. Yes.

Mr. COCHRAN of Missouri. Does the gentleman think that anybody has contended that as to savages entirely uncivilized the principle we have contended for applies anywhere or ever did?

Mr. BOUTELL of Illinois. If there are any savages in Puerto Rico or any savages in the Philippines, you have made that contention, because you have said without reservation that the Puerto Ricans are citizens to-day and that the Filipinos are citizens to-day. I decline further, for I must hurry on.

Mr. COCHRAN of Missouri. I do not blame you for declining to yield.

[Cries of "Oh!" on the Republican side.]

Mr. BOUTELL of Illinois. Mr. Chairman, I believe I have only six minutes left in which to attempt to compress what it would take me sixty minutes to say. I do not think that I have ever been discourteous in answering questions of gentlemen on this floor, and when the gentleman makes that reply he reminds me of an epitaph I found last year, which I copied down, as I do all epitaphs which seem to have some application:

> Here lies the body of Robert Gordon,
> Mouth almighty, and voice according.
> Stranger, tread lightly near this wonder;
> If he opens his mouth, you are gone to thunder.

[Great laughter.]

Mr. COCHRAN of Missouri. That must have been written in anticipation of your denying me the privilege of asking you a question.

Mr. GORDON rose.

Mr. RIDGELY. Now, will the gentleman allow me to ask him a question?

Several MEMBERS. Is it this GORDON?

Mr. GORDON. Does the gentleman refer to "Gordon of Ohio?" [Laughter.]

Mr. BOUTELL of Illinois. No; a Gordon buried in Maine.

Mr. RIDGELY. Does the gentleman yield to me for a question?

Mr. BOUTELL of Illinois. I do.

Mr. RIDGELY. My question is, Does the gentleman contend that we have a right to govern and a right to tax the people of Puerto Rico and deny them the rights of citizenship of this country?

Mr. BOUTELL of Illinois. Yes.

Mr. RIDGELY. You contend that we have?

Mr. BOUTELL of Illinois. Yes. [Laughter.]

Mr. RIDGELY. You put it square. I wanted to put you on record.

Mr. SHATTUC. Oh, the record is all right.

Mr. BOUTELL of Illinois. Now, Mr. Chairman, gentlemen on the other side make no exception; you leave no alternative. You simply lay down the principle that territory acquired by the United States must be incorporated into the Union and the inhabitants given the rights of citizenship and their civil status fixed by the Constitution. Where, then, does that principle lead you? Gentlemen have asked me questions to try to disconcert me in my position in reference to Puerto Rico and the Philippines. I say

you leave no alternative. Territory that we acquire or that we discover or acquire as an incident of war, according to your contention, must either be dropped at once or incorporated into the Union. You leave no middle ground.

Mr. SNODGRASS. Will the gentleman allow me to ask him a question?

Mr. BOUTELL of Illinois. I will.

Mr. SNODGRASS. Do you think that there is any parallel between territory merely discovered and occupied and territory that by consent of Congress or by treaty has been annexed to the United States?

Mr. BOUTELL of Illinois. Of course there are differences in territory, differences in climate, differences in people, differences in the way in which we get the territory, differences in stipulations which we make when we get the territory by written instrument; but you on your side have left no room for distinction.

I do not wonder, when these illustrations are brought to you and you see that the general principle would not hold water, that you want to find some way out of it. Now, I want to give you another illustration that you will be very anxious to get out of. I want to see a canal built connecting the waters of the Atlantic and the waters of the Pacific. I want to see the land on which that canal is built belong to the United States. I want to see the United States build that canal without any alliance or any connection, direct or indirect, with any other country on the face of the world. [Loud general applause.]

Mr. NORTON of Ohio. Do you want to fortify it?

Mr. BOUTELL of Illinois (continuing). But that canal has got to be built in a tropical climate, taking thousands of men; and that canal has got to be built by thousands of men used to a tropical climate that will never be fit for American citizenship; and they are going to live there, not only to build the canal, but they are going to live there to operate it, and I will never give my assent to the principle which would say that that territory should be controlled and governed by the voice of the people who inhabit it and build and operate that canal. I say that that territory should be held and governed by Congress as a territory belonging to the United States.

Mr. NORTON of Ohio. Will the gentleman yield to me for a question?

Mr. BOUTELL of Illinois. I will.

Mr. NORTON of Ohio. You are in favor of building that canal merely by American capital and American ownership. Are you in favor of fortifying it also?

Mr. BOUTELL of Illinois. I am in favor of fortifying it by American guns and maintaining the Monroe doctrine. [Loud applause.]

Mr. NORTON of Ohio. Good; we all agree with you.

Mr. BOUTELL of Illinois. I want to tell you another thing. You have said a good deal on the floor of the House about our contending for an English and colonial system.

Gentlemen, the principle which you are striving to maintain in this House is a principle against which another young republic, under alien stars, is fighting its death struggle. The whole imperial power of the English Empire is being used—for what? To force British subjects into the citizenship of the Transvaal Republic against the will of the Boers. You stand here in the place of the Puerto Ricans and the Filipinos and you insist that the Constitution of the United States covers them without the American people having any voice in the matter.

Who made the Constitution? Our ancestors, the people of the thirteen original colonies. For whom did they make it? For themselves and for their posterity; and if you maintain that the United States can not acquire and hold territory as an incident of war, or in any other way, without incorporating it into the Union and giving to the inhabitants the rights of citizenship, then you cease to be a free republic, and you take away the right of contract.

What is the fundamental principle of a free government underlying all written instruments? It is this: That those who organize the government shall have the free choice as to whom they admit to the burdens and benefits of that government. And the maintenance of this principle would, I say, take away from the American people the right that every other nation has, whether monarchy or republic—the right to exercise its own free choice as to who shall share with them the privileges and benefits of that Government.

Mr. SNODGRASS. Will the gentleman allow me a question?

Mr. BOUTELL of Illinois. Yes.

Mr. SNODGRASS. Do not they exercise that right of choice when they ratify a treaty which confers it?

Mr. BOUTELL of Illinois. If they ratify a treaty which confers it, they exercise the choice, but I do not think there is under consideration here any treaty which gives them that right.

Mr. BARTLETT. May I ask the gentleman a question on that line?

Mr. BOUTELL of Illinois. Well, I will ask the gentleman to wait until I see how much time I have.

The CHAIRMAN. The gentleman has nineteen minutes remaining.

Mr. BOUTELL of Illinois. I will listen to the gentleman.

Mr. BARTLETT. Does not the gentleman draw a distinction between the political rights of a people who may come to be annexed to the United States and their rights under the Constitution? In other words, is it not true, no matter where they are, that they have certain rights that are fundamental—political rights, such as the franchise, which is not dependent on the Constitution?

Mr. BOUTELL of Illinois. The gentleman from Georgia is quite right. These people have certain fundamental rights, just as our people have some fundamental rights, which it is our duty to protect.

Mr. BARTLETT. One other question, and then I will not bother the gentleman any more, for he is always very courteous. Is it not the fundamental right of all people in the United States, whether in States or Territories, to have taxation uniform, trial by jury, habeas corpus, not to have any ex post facto law, and all the rights under the Constitution guaranteed to the people of the United States, no matter where they are, independent of the Constitution, fundamental rights, and that the other rights you speak of are simply political rights?

Mr. BOUTELL of Illinois. We have, of course, in the country, States and Territories, all the rights given by the Constitution and the laws, but I am trying to give the illustration of territory that we acquired involuntarily. I say we should not be a free people if there were anything in our Constitution which compelled us to give them all the rights guaranteed by the Constitution until they were capable of enjoying them.

Now, Mr. Chairman, I maintain in relation to these people that they have not the capacity of self-government; second, that they have not shown the capacity for assuming the burdens and responsibilities of American citizenship. What, then, shall we do with them? Must we leave them to their own suicidal devices, or leave them to be the sport and prey of other nations? You leave us no alternative. Whatever measure we adopt must be temporary. I think there is no man on this side of the House but who will agree with me that all these measures are simply temporary measures for the advantage of these people, looking to a time when they shall be able to be admitted into the United States.

But I say, and I hope I make myself clear, that under your contention there is no alternative; we must either let go of these people or admit them as citizens. I tell you, gentlemen, that I am opposed to admitting into citizenship of the United States any people until they show a capacity for bearing the burdens and responsibilities of our Government. I am opposed to bringing into competition with our free American labor the pauper-paid and pauper-fed labor of the Orient. [Applause on the Republican side.] But I do want to fight for the principle which I think, and have tried to show, lies at the very root of our institutions. If you take away our right to hold and govern the territory by Congress, you take away the right of self-protection.

As I say, if in war you take a part of the territory of the enemy and can not hold it, and it is not fit to be taken into the Union, and it would injure us to dispose of it, you take away the right of self-protection.

I say, Mr. Chairman and gentlemen, that we on this side of the Chamber, in maintaining the right to govern these territories by Congress, are maintaining a policy that is humane, a policy that is generous, a policy that is in accordance with the dictates of our Christian civilization.

Mr. Chairman, I would like to read and especially call attention of gentlemen on that side of the House to this principle that was laid down by a distinguished gentleman in arguing the bill in favor of the annexation of Hawaii, and I read from the CONGRESSIONAL RECORD of June 14, 1898:

> Nations have always acted, and should govern themselves at all times, upon principles entirely different from those which actuate individuals. I admit that individuals do, and should oftentimes, act for the good of others regardless to a greater or lesser extent of the result of their action on themselves. But this is not true of nations.
>
> Governments must base their action upon purely selfish considerations. In looking at the question of the annexation of Hawaii, or of any foreign territory, the only question that should enter into consideration by us is the one question: Is it best for the United States? The weal or woe, the misery or happiness, the poverty or prosperity of the foreigner or those to be annexed is not involved, and not to be considered in making up our minds as to the annexation of foreign territory.
>
> Take this all in, my friends:
>
> Governments must base their actions upon purely selfish considerations.
>
> Gentlemen, listen to this:
>
> The weal or woe, the misery or happiness, the poverty or prosperity of the foreigner or those to be annexed is not involved, and not to be considered in making up our minds as to the annexation of foreign territory.

A MEMBER. Who said that?

Mr. BOUTELL of Illinois. That, Mr. Chairman, is the well-considered expression of one of the ablest gentlemen in this

House. That, Mr. Chairman, is the carefully thought-out principle which should be applied, in his estimation, to these annexations of territory. That is not a mere haphazard expression dropped in an unprepared speech like my own; that was an expression, carefully written down and listened to word for word by myself, from one of the best speeches ever delivered in this House. That principle of absolute, unqualified selfishness on the part of nations dealing with foreign territory is the principle of the distinguished gentleman from Tennessee [Mr. RICHARDSON].

Mr. RICHARDSON. That is right; that is sound.

Mr. BOUTELL of Illinois. I admit, Mr. Chairman, that that enunciates a principle that has some truth in it, though I would not go quite to the length of the gentleman from Tennessee. The Republican party take a different view. Let us do justice to the Filipinos, I say; let us do justice to the Puerto Ricans; but in doing that let us not do injustice or wrong to ourselves.

Now, Mr. Chairman, I have addressed myself solely to the constitutional features of this measure; and I should very much regret to see this measure discarded by this House on constitutional grounds. And, gentlemen on the other side, I tell you that there is no one who will regret more than you yourselves that you put yourselves by voice or vote in favor of this principle for which you have been contending.

This bill seeks to provide a revenue that must be immediately available for the people of Puerto Rico. If any gentleman can suggest a better method, let him do so; but there has not been even an attempt to do so on either side of the House.

I submit, Mr. Chairman, that I would not give my assent to this bill if I supposed it was anything but a temporary measure; and before the consideration of this bill is over I shall submit, if no one else does, a provision declaring that this is only a temporary measure; that it is simply a measure to raise this revenue for the Puerto Ricans.

If the amount fixed here is too much, if there is any way in which it bears hardly on the Puerto Ricans, let us know it; but, gentlemen, let us not stand apart arguing this matter in partisan bitterness. Up, my friends, up above the mists and miasma of party strife. Up above the clouds of partisan rancor! Up, up, my fellow-countrymen, to the serene heights where we can consider this measure from the standpoint of true, loyal American citizens, unaffected by party differences! [Applause.]

That, Mr. Chairman, is my sentiment about the constitutional feature of this bill, and if anybody can suggest something to improve the fiscal character of the bill, I shall be pleased to consider it and accept it.

If I have time, Mr. Chairman, I would like, in closing, to say a few words in reference to the strictures that have been made on the Republican party in following out this policy. You gentlemen on the other side of the Chamber lose no opportunity to taunt us with "imperialism." You gentlemen who, from your first President, Jefferson, down to Andrew Johnson, who, on the suggestion of the gentleman from Tennessee [Mr. RICHARDSON], I accept as a Democrat, have never failed to use your power to add territory to the United States.

You taunt us with "imperialism!" You have taken in as American citizens Frenchmen and Spaniards and Mexicans and half-breeds and Indians and negroes and Eskimos and Aleuts. And because, forsooth, two years ago we wanted to take in a few volcanic islands as a naval base and coaling station you taunted us with "imperialism."

Why, Mr. Chairman, it reminds me of the bear calling the ant a glutton. A great bear, who had filled himself up on bread and honey and many other things, was walking one December morning to his winter quarters when he saw an industrious little ant rolling carefully some small crumbs of sugar to his home. The bear stopped and said, "What are you doing?" The ant replied, "I am providing my winter's store." The bear responded, "What a glutton! I never eat in the winter." "I know," said the ant, "your ways of eating and mine differ; but I think mine are the better. Now, you quit calling me names and go and sleep off your banquet and let me attend to the affairs of my own household."

You gentlemen who have taken in 2,800,000 square miles of territory wherever you could find it—taking into American citizenship all classes and conditions of men—just let us manage this little thing as a Republican measure and quit calling us names.

You taunt us with "imperialism;" you talk about our forcible measures! Gentlemen, your party is the only party in this country that ever assembled in this Capitol with closed doors and in secret session passed resolutions and acts that were for three years suppressed, to occupy the territory of a neutral nation, a friend of the United States. And you taunt us with "imperialism!" You say that territory that is acquired by the United States must be incorporated into the Union; that the inhabitants must become citizens of the United States.

But, gentlemen, your party is the only party that ever disposed of territory of the United States to a foreign monarch. You taunt us with "imperialism!" Your party, I say, is the only party that ever sold American soil to a foreign king. We in our best light are trying to carry freedom and order and government to these islands that we have taken as an incident of conquest and relieved from the oppression of Spain; and you taunt us with "imperialism." You sold the province of Texas to the King of Spain just as you might have sold a farm, and turned over to the Spanish monarchy citizens of the United States (according to your contention) just as you would have disposed of cattle on a ranch in the West.

The gentleman from Texas the other day said in the course of his discussion that if a delegation came from his State and asked him to favor the pending bill he would see them damned before he would vote for it. But a delegation of Texans came up here in 1819 and asked the Democrats in Congress not to sell them out to Spain, and yet you did just what the gentleman from Texas said he would do. A Democratic House, a Democratic Senate, a Democratic President told the Texas people that they could be damned if they objected, and then sold 380,000 square miles of territory with the people on it to the throne of Spain, and yet you, as a political party, taunt us with imperialism. [Applause on the Republican side.]

Good God! Mr. Chairman, if anything we are doing is in accordance with the dictates of imperialism, what you have done is in accordance with the prerogatives of the Almighty. And if we are to be called "imperialists" because of the views that we honestly assume on this question, you must be called "omnipotents," and Divine Providence can erase the United States from the list of his responsibilities and turn them over to you for your management. [Laughter and applause on the Republican side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. HENRY of Connecticut. Mr. Chairman, I ask unanimous consent that the gentleman from Illinois may be permitted to conclude his remarks.

There was no objection.

Mr. BOUTELL of Illinois. Now, Mr. Chairman, while on this subject of imperialism I wish to say another word or two.

Mr. GAINES. Will the gentleman from Illinois permit me to ask him a question?

Mr. BOUTELL of Illinois. Yes.

Mr. GAINES. You say the Democratic party has been a party of expansion, and you allude to the fact that we acquired the Territory of Louisiana, the Territory of Florida, the Mexican Territory, and other territory under Democratic Administrations. Now, I ask the gentleman if in the deeds of cession by which we acquired them we did not expressly, expressly provide, that they should be "admitted into the Union" as soon as possible—sufficiently inhabited—as sister and equal States of the Union; and has not that been done in nearly every case? Florida is already a State, California is a State, Louisiana is also a State, and nearly all of the territory acquired by the purchase from France—the Louisiana purchase—has been admitted into the Union as States of the Union; and has not this territory in the meantime, before admission as States, been held under the protection of the Federal Constitution, and has not Democratic Supreme Courts and the Republican Supreme Courts of the United States repeatedly held that the Constitution applied to this territory, and that we held this territory to make "future States" of the Union, but in the meantime it was to be held under the protection of the United States Constitution?

Now, I have enjoyed the speech of the gentleman from Illinois very much, and I have waited patiently to ask him this question and hope he will answer it.

Mr. BOUTELL of Illinois. Now, let me say to the gentleman from Tennessee a single word: I got all ready to answer his question, and had it in mind, but one provision and condition and one suggestion followed another so fast upon each other's heels that I lost track of the entire subject. [Laughter and applause.] The question reminds me somewhat of what I heard in court up in my city, where a lawyer was defending a man in a criminal case. When the lawyer, who had been questioning the witnesses in defense of his client, had finished his examination, the judge took it up and asked several questions which were, to say the least, very searching questions, and looked as though they were intended to bring about the conviction of the man. As one specially pointed question was asked, the lawyer, who saw enough to indicate what was in the mind of the court, rose and said, "If your honor asks that question as counsel for the prosecution, I object; but if your honor asks it as counsel for defense, then I withdraw the question." [Laughter and applause on the Republican side.]

Mr. GAINES. I have enjoyed your anecdote, and now I hope the gentleman, at all events, will answer the questions I have asked him.

Mr. BOUTELL of Illinois. Now, if the gentleman from Tennessee asks that question for the purpose of showing how much he knows of the matter, I object—— [Laughter.]

Mr. GAINES. I want to see how much you know about it.

Mr. BOUTELL of Illinois (continuing). But if he asked it for the purpose of showing how much I do not know, I withdraw the question. [Laughter and applause.]

Mr. GAINES. I am satisfied you know all about it, and I want you to tell your side about it.

Mr. BOUTELL of Illinois. Now, Mr. Chairman, the gentleman asked me a question, which, in my righteous indignation over the sale of Texas, I forgot. The cession of the Louisiana province to the United States contained a clause saying that the territory should be incorporated into the Union and that the inhabitants should be given the rights of American citizens under the Constitution, and that clause has often been referred to by gentlemen on both sides of this House. It was a very good clause, apparently, to insert in that treaty, and it was in the treaty of the cession of Florida and in the treaty of the cession of Mexico. But let me tell the gentleman from Tennessee how that clause came to be put in there. It was not at all owing to the Democratic party.

When Thomas Jefferson sent James Monroe and Robert R. Livingston to Paris to negotiate this treaty, they fell in with two gentlemen who were used to drawing treaties themselves. It was their business. They had drawn treaties altering the whole map of Europe, and when those two American gentlemen came in contact with the crafty Corsican and the wily Talleyrand, they ran up against what we in these days would call a pretty tough proposition. And what did Napoleon want to do? In 1803 he wanted to get rid of all his colonial possessions, and get them where England could not get them; and the wily Talleyrand drew that clause to prevent our disposing of any of that territory to England.

Mr. GAINES. Did the wily Talleyrand draw the treaty with Mexico?

Mr. BOUTELL of Illinois. And when that treaty was signed, the crafty Corsican turned around to Talleyrand and winked and said, "I have just given to England a maritime rival that will sooner or later humble her pride." And when our envoys came home and told how that clause got in there, our Democratic friends turned right around and repudiated the treaty, as any sovereign nation has a right to do. Or if they did not repudiate the treaty, and according to your contention the Louisiana province was incorporated into the Union and its inhabitants were citizens of the United States—if that be true, and you did not repudiate the treaty, you broke your faith and you sold American territory and disposed of American citizens to the Crown of Spain.

Mr. GAINES. Just one more question, now.

Mr. BOUTELL of Illinois. Not just now.

The CHAIRMAN. The gentleman from Illinois declines to yield at this time.

Mr. BOUTELL of Illinois. Not just now. Now, since we brought in a proposition here to acquire the Hawaiian Islands, we have heard nothing all over this country but "expansion" and "imperialism."

I have mentioned some things which, it seems to me, indicate something like imperialistic tendencies in the Democratic party. And before passing I want to call attention, without taking the time of the House too much, to the resolutions and statutes to which I referred. In the third volume of the Statutes at Large, page 471 and page 472, are the secret resolutions passed by a Democratic Senate and a Democratic House and signed by a Democratic President—Madison—authorizing the occupation of Florida, the territory of a neutral power, and holding it until we could negotiate to keep it.

They are as follows:

Resolutions and acts relative to the occupation of the Floridas by the United States of America.

RESOLUTION.

Taking into view the peculiar situation of Spain, and of her American provinces, and considering the influence which the destiny of the territory adjoining the southern border of the United States may have upon their security, tranquillity, and commerce: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States, under the peculiar circumstances of the existing crisis, can not, without serious inquietude, see any part of the said territory pass into the hands of any foreign power; and that a due regard to their own safety compels them to provide, under certain contingencies, for the temporary occupation of the said territory; they at the same time declare that the said territory shall, in their hands, remain subject to future negotiation.

Approved January 15, 1811.

An act to enable the President of the United States, under certain contingencies, to take possession of the country lying east of the river Perdido and south of the State of Georgia and the Mississippi Territory, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, authorized to take possession of and occupy all or any part of the territory lying east of the river Perdido and south of the State of Georgia and the Mississippi Territory, in case an arrangement has been or shall be made with the local authority of the said territory for delivering up the possession of the same, or any part thereof, to the United States, or in the event of an attempt to occupy the said territory, or any part thereof, by any foreign government; and he may, for the purpose of taking possession and occupying the territory aforesaid, and in order to maintain therein the authority of the United States, employ any part of the Army and Navy of the United States which he may deem necessary.

SEC. 2. *And be it further enacted*, That $100,000 be appropriated for defraying such expenses as the President may deem necessary for obtaining possession as aforesaid and the security of the said territory, to be applied under the direction of the President, out of any moneys in the Treasury not otherwise appropriated.

SEC. 3. *And be it further enacted*, That in case possession of the territory aforesaid shall be obtained by the United States as aforesaid, that until other provision be made by Congress the President be, and he is hereby, authorized to establish within the territory aforesaid a temporary government, and the military, civil, and judicial powers thereof shall be vested in such person and persons and be exercised in such manner as he may direct, for the protection and maintenance of the inhabitants of the said territory in the full enjoyment of their liberty, property, and religion.

Approved January 15, 1811.

An act concerning an act to enable the President of the United States, under certain contingencies, to take possession of the country lying east of the river Perdido and south of the State of Georgia and the Mississippi Territory, and for other purposes, and the declaration accompanying the same.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this act and the act passed during the present session of Congress, entitled "An act to enable the President of the United States, under certain contingencies, to take possession of the country lying east of the river Perdido and south of the State of Georgia and the Mississippi Territory, and for other purposes," and the declaration accompanying the same, be not printed or published until the end of the next session of Congress, unless directed by the President of the United States, any law or usage to the contrary notwithstanding.

Approved March 3, 1811.

An act authorizing the President of the United States to take possession of a tract of country lying south of the Mississippi Territory and west of the river Perdido.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be, and he is hereby, authorized to occupy and hold all that tract of country called West Florida, which lies west of the river Perdido, not now in possession of the United States.

SEC. 2. *And be it further enacted*, That for the purpose of occupying and holding the country aforesaid and of affording protection to the inhabitants thereof, under the authority of the United States, the President may employ such parts of the military and naval force of the United States as he may deem necessary.

SEC. 3. *And be it further enacted*, That, for defraying the necessary expenses, $20,000 are hereby appropriated, to be paid out of any moneys in the Treasury not otherwise appropriated, and to be applied for the purposes aforesaid, under the direction of the President.

Approved February 12, 1813.

Now, I want to say a word about the history of this matter of expansion, and it will be in a little lighter vein, and I hope not to tire the House.

In 1820 a gentleman who had traveled for some time in the United States returned to his home. He was here during the good old days of Jackson, of Madison, and of Monroe. There was nothing but Democracy in the country then. He could not speak of the country without speaking of Democrats. The Federalists had all died out. No Whigs had arisen in the country. It was in the good old palmy days of universal Democracy. This gentleman, when he got home, published this book, and here are some of the observations which he made of the character of the people, the character of the Government, the aspirations of our citizens, and the plans of the Democracy:

It will be seen by this computation that the actual extent of the Anglo-American territory is more than seven times greater than that of France before the Revolution, and of the whole peninsula of Spain and Portugal. "The Americans," says Volney, "delight in drawing comparisons of this kind, and the vanity inspired by their flattering dreams of future grandeur induces them to measure the importance of foreign nations by this prodigious scale." When Volney thus wrote the Americans had not yet acquired Louisiana, nor had their view been expanded toward the brilliant prospect which was afterwards opened to their presumptious and mad ambition.

The Americans, at present, think themselves superior to all the nations of Europe, and believe that their dominion is destined to extend now to the Isthmus of Panama, and hereafter over all regions of the New World.

That, my friends, was in the good old days of the strict construction of the Constitution, the good old days of universal Democracy. But he proceeds and says:

But their situation at the head of the New World, without rivals to impede or restrain their march; an immense and varied surface of territory; their rapid and astonishing progress in population, the arts and industry; the brilliant series of their prosperity; the powerful success of their arms in the late war against Great Britain; and the respect which they fancy they have inspired in the principal powers of Europe, have raised their vanity to an extreme, of which it is scarcely possible to form an idea. They consider themselves superior to the rest of mankind, and look upon their Republic as the only establishment upon earth, founded upon a grand and solid basis, embellished by wisdom, and destined one day to become the most sublime colossus of human power and the wonder of the universe.

It is not only in the mouths of enthusiasts or demagogues who seek to inflame the imaginations of the mob with seductive and exalted ideas that this language is heard; it resounds from every side. The works of all the Anglo-American writers are strewed with these haughty sentiments—these brilliant predictions, suggested by an overweaning vanity. Their public monuments attest the excess of this pride and ostentatious confidence.

Here is something in which we are all interested:

The house in which the Congress holds their sessions they call the Capitol. A little rivulet near it, about 3 yards wide and a fourth deep, they denominate the Tiber.

That, my good friends, was in the good old Democratic days of Madison and Monroe, and I have no doubt they called it after the Capitoline Hill in Rome, and that little stream, the river Tiber that ran here at the foot of Capitol Hill until the Republican party got into power and filled it up, and yet you taunt us with imperialism!

Here again he says:

The Federal Government appears to be insatiable in the acquisition of territory; it has never ceased more and more to extend the limits of the country, and every day to enlarge them with new acquisitions.

And yet to-day we must be taunted with imperialism!

Now, see how they went about it:

The United States had scarcely seen their independence acknowledged, tranquillity and good order established in their Republic, and the place settled which they were to hold among independent powers when they formed the ostentatious project of driving from the continent of America the nations that held possessions on it and of uniting under their dominion, by federation or conquest, the whole of the colonies. As a preparation to realize this gigantic plan, the United States began by procuring a geographical and statistical survey of the whole continent and islands which they coveted. They sent emissaries everywhere, and even military expeditions, under the orders of well-informed and experienced chiefs, to explore the internal provinces of Mexico and the islands of Puerto Rico and Cuba. They procured correct maps of those dominions of Spain; made themselves acquainted with the soil, climate, and productions; formed connections with their inhabitants, and endeavored to scatter among them the seeds of independence, proclaiming that the happiness they enjoyed in their Republic was due to their wise Constitution.

* * * * * * *

They employed the same cunning against Amelia Island, and attempted the same thing against Mobile and the rest of the territories of West Florida as far as the river Perdido.

We sometimes hear it said that our holding the Philippines is in accordance, not with the spirit of the Republican ideas, but of imperialism, as though we had set out to conquer some land whose productivity had just been discovered.

Listen to what your party was doing eighty years ago:

The same system was in agitation with regard to Mexico, Caracas, the internal provinces, Santa Fé, Buenos Ayres, Cuba, and even the Philippines, and if the effect they promised themselves was not produced, still they did not abandon the plan of invading these provinces of the Spanish monarchy and weakening and dividing them to the end that they might offer them their protectection and unite them to their dominions.

And finally:

In respect to the revolutionists of America, it has already been said that the United States flattered themselves that by promoting their independence various republics might be formed, which, but little able to defend themselves against the mother country and maintain their independence against other powers that might seek to oppress and enslave them, would confederate with them, and that thus a single republic might be formed of that vast continent the presidential seat of which, it was proposed, should be changed from Washington to the Isthmus of Panama.

These were the sentiments and the dreams which that distinguished diplomat and writer found in this country in the good old days from 1809 until 1819. This is the "memoir" published in Madrid in 1820 by "D. Luis De Onis, late minister plenipotentiary near that Republick, and present Embassador from H. M. at the Court of Naples," the friend of your political ancestors, who negotiated the Florida treaty and sold out my friend's province to the Crown of Spain; and you taunt us with imperialism!

Mr. BALL. Will the gentleman allow me to ask him a question?

Mr. BOUTELL of Illinois. I will.

Mr. BALL. Do I understand the gentleman from Illinois to say that Texas was sold to or ceded to Spain by the United States?

Mr. BOUTELL of Illinois. It was, in 1819.

Mr. BALL. That statement has no historical justification or foundation in ascertained facts. There was a contention brought about by the cession of a large scope of territory from France to Spain and Spain to France and from France to the United States, that the Louisiana purchase embraced Texas. Spain never conceded this claim, and the United States never exercised jurisdiction over this territory. In 1819, when we acquired Florida, the treaty recognized the Sabine River as the true boundary line. Therefore any claim to Texas by the United States was at best a question of boundary.

Mr. BOUTELL of Illinois. This is the first time I have ever heard it denied by a statesman, by a historian, or by a geographer that the Louisiana purchase did not extend to the river Bravo. Napoleon told Monroe and Livingston that it did, and if we did not take possession of it to the river Bravo, he would take possession of it himself.

Spain always claimed it. France always claimed it. Mellish's map, which was published in 1818, shows this territory organized as the Territory of Missouri, and the records of this Congress show that citizens came here and petitioned for the maintenance of their rights as American citizens; and if it was ever disputed that Texas belonged to the United States and was sold under the administration of Democracy, I read from a man whose Democracy never was challenged, James K. Polk, President of the United States:

Texas, once a part of our country, was unwisely ceded away to a foreign power.

[Applause on the Republican side.] And, again, in another message following that he goes into the whole history of the matter. I am glad Texas is back again. I thank God the people of Texas were able to organize themselves as a republic. I thank God that we held out our hand to welcome them back again, and I regret that ever a President of the United States set his hand to a document that ceded away territory of the nation.

Now, Mr. Chairman, I will simply say in closing that in maintaining this constitutional principle that Congress has the right to make all needful rules and regulations for the disposal of and for the government of territory which we acquire, we are standing by a principle without which we would not be a free people, we are contending for a principle without which we would not have a right to self-protection, and we are here contending for a principle which gives us the right to deal with people incapable of self-government and without the capacity for American citizenship.

Why, you gentlemen leave us no other alternative. This principle should always be animated by the spirit of the Declaration of Independence. I have no fear that my colleagues in this House or our successors in this Chamber will ever use this principle without being animated by the spirit of the Declaration of Independence and by the guaranties of the Constitution. We should never so govern territory acquired by the United States except temporarily, and there is where we stand. You leave us no alternative; we must either rid ourselves of territory that we have acquired by discovery, or as incident to war, or by purchase, or we must incorporate it into the Union and give the inhabitants the rights of American citizens which they are not able to enjoy.

Our contention is that the Constitution had in contemplation just such cases as this; it gives us the right, temporarily, if you choose, and as it always should be, to govern territory so acquired by Congress, with the view of showing to these people the benefits of a free government, with a view to leading, directing, and helping them along the road that leads to independent self-government or incorporation into the United States. And I say, Mr. Chairman, I have no fear that the American people, in maintaining that principle, will ever act contrary to the spirit of our great charters. On the contrary, if we exercise this right to govern people not capable of self-government, not capable of American citizenship, in the case of these islands—if, I say, we exercise this principle in leading the Puerto Ricans and Filipinos to the light, then may our children recall with pride that we in our day have been the means of leading these people to see the benefits the inestimable privileges of the Declaration of Independence and the guaranties of the Constitution, and that they, through our efforts, were led to pledge their maintenance, their lives, their fortunes, and their sacred honor. [Loud and continued applause on the Republican side.]

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and Mr. HITT having taken the chair as Speaker pro tempore, a message in writing from the President of the United States was communicated to the House of Representatives by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed bill of the following title:

On February 24, 1900:

H. R. 6267. An act to amend an act entitled "An act to amend an act to suspend the operation of certain provisions of law relating to the War Department, and for other purposes."

TRADE OF PUERTO RICO.

The committee resumed its sitting.

Mr. JAMES R. WILLIAMS. Mr. Chairman, at this late hour in the discussion I would not presume to add anything new to this debate. But the question involved in the passage of this bill is of so much concern to the future of this Republic that I can not refrain from entering some protest beyond a mere vote against this measure.

Mr. Chairman, I have no written speech, and I have no high-sounding declamation on that unwritten constitution of the United States to which some gentlemen on the other side seem to be so much devoted, existing, as they contend, in the consciences of Congress, subject, of course, at all times to amendment by party caucus and by party expediency. And while, Mr. Chairman, I am as much opposed as any other member on this floor to the policy of the President toward the Philippine Islands, as far as yet revealed, I shall not enter into any discussion of that question now. But I will confine my observations to the question directly before the House. And I would not permit myself to be frightened by the ghost of the Chinaman or the foreign savage, which seems to have so many terrors for my colleague across the aisle.

It is sufficient answer to the gentleman to say that for over one hundred years we have governed the territory of the United States under the Constitution and within the Constitution without encountering any such embarrassment or danger as he suggests. [Applause on the Democratic side.] This bill proposes to tax the people of Puerto Rico on the products she sends to us and also on the products we send to Puerto Rico. A discrimination between Puerto Rico and the rest of the United States in the levy and collection of customs duties, contrary to that provision in the Constitution which requires all duties, etc., to be uniform throughout the United States.

Mr. Chairman, in the first place, has Congress the power to pass such a bill? In other words, has Congress unlimited power to legislate for the Territories, unrestrained by the limitations and prohibitions of the Constitution? In determining this question it might be well to consider for a few moments only the conditions

under which the framers of the Constitution drafted that important document.

I will not go into the history of all the grievances which forced the American colonies to a revolution. It is sufficient to say that when the framers of the Constitution met in convention all the grievances of despotic power from which they had so severely and so recently suffered were still fresh in their minds.

I desire to call the attention of members to the fact that one great object which the authors of our Constitution seem to have had in view from the beginning to the end of that document was to preserve and protect the rights of the individual against despotic power from any source.

And if they were thoughtful enough to provide from the beginning to the end of that instrument securities against the power of Congress to interfere with the rights of the individual citizen of the States; if they were cautious enough to limit Congress when legislating for their own constituents, for their own people, upon whose votes their own election depended; ah, more, if the founders of the Constitution were thoughtful enough to limit in that instrument the legislatures of the States from doing certain things that would interfere with the rights and privileges of the citizens of their own States, how careless and thoughtless they were when they came to grant Congress the power to legislate over the people of the Territories, who had no representatives in Congress and no legislatures to look after their local interests, if they left Congress to do just as it pleases with the people of our Territories, unrestrained by any limitations or prohibitions whatever.

No gentleman in discussing this question has attempted to assign a single reason why Congress should not be bound by the limitations and prohibitions of the Constitution while legislating for a Territory, and the framers of the Constitution generally did that which was reasonable, and left but little undone that in reason should have been done. Surely as colonies they had endured too many outrages from a British Parliament to provide an American parliament to govern with the same despotic power any part of our own country. That the framers of the Constitution had some fears of Congressional despotism and were anxious to provide against its exercise is apparent in a letter from Mr. Jefferson to Mr. Madison written March 15, 1789. While advising a declaration of rights in the Constitution Mr. Jefferson said:

> The Executive in our governments is not the sole, it is scarcely the principal object of my jealousy. The tyranny of the legislature is the most formidable dread at present, and will be for many years. That of the Executive will come in its turn.

There seem to be two sources of power discovered by gentlemen on the other side authorizing Congress to act on this bill; one that Congress has the power, inherent, outside of the Constitution, to govern Territories, and the other that the framers of the Constitution threw into that instrument one little section which they claim is in no way connected with the rest of the Constitution, and therefore authorizes Congress to violate the other provisions of the Constitution while legislating for the Territories. And to demonstrate that unlimited power they quote the language of the section itself, which is as follows:

> The Congress shall have power to dispose of and make all needful rules and regulations for the territory and other property of the United States.

They dwell on the word "needful" as significant in showing Congress has unlimited power over Territories.

Do you suppose the framers of the Constitution thought that they were prohibiting Congress or the legislatures of the States from doing anything that was needful to the citizens of the States? By the limitations and prohibitions in the Constitution they were intending to restrain Congress from doing only those things which were not "needful" but hurtful to the people anywhere in the United States.

If Congress proceeds on the theory that it has inherent power outside of the Constitution or is not bound by the Constitution while legislating for our Territories, then I suppose it will not be necessary to have the President sign this bill, as that is only a requirement when legislating under the Constitution. If Congress undertakes to legislate under one section of the Constitution without being bound by other provisions of it, it will soon find itself in a hard road to travel.

Why, the very first thing you expect to do when you pass this bill through both Houses of Congress is, under another section of the Constitution, send it to the President of the United States for his approval; and, acting under another part of the Constitution, he will either sign that bill and make it a law, or, as required by the Constitution, he will return it to the House in which it originated, with his objection. And if you undertake to pass this bill over the President's veto, you will pass it by a two-thirds majority, as required by the Constitution. And in taking that vote you will take it by yeas and nays, according to another provision of the Constitution, than the one giving you power to make all needful rules for Territories.

With all your inherent power you can not take a single step toward the passage of this bill without running up against the Constitution, though I admit that is very little obstruction to a Republican in these days of imperialism. If you will take the Constitution and read its various provisions granting power to Congress, you will find many instances where the power granted in a section is not limited in that section, but in some other.

These prohibitions are general; these limitations are general. That section of the Constitution which authorizes Congress to pass revenue bills reads as follows:

> The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States.

Here is a limitation which requires duties to be uniform throughout the United States, and it is general and refers to all revenue bills, including the one now before the House. But the rate of duty contained in this bill is not uniform, but has one rate for Puerto Rico and another for the rest of the United States, though Puerto Rico is as much a part of the United States as Arizona or New Mexico, and the Supreme Court will so hold if it follows an unbroken line of decisions on that question heretofore rendered by that high tribunal.

But, sir, I wish to call attention to another feature of this bill, and it is this: This bill which you propose to pass with your unlimited power fixes a tax upon the people of the United States here at home. I suppose you are acting under the Constitution when you pass it for the United States, and outside of the Constitution when you pass it for the people of Puerto Rico.

Again, the Constitution provides that—

> Congress shall have power to lay and collect taxes, etc., to pay the debts and provide for the common defense and general welfare of the United States.

I admit, Mr. Chairman, that we have been very liberal in construing that clause "general welfare of the United States:" but we have never gone so far as to claim that under the Constitution of the United States Congress has the power to levy and collect taxes from the people of the United States to promote the general welfare of a country outside of the United States. Yet, sir, that is just what this bill provides, if Puerto Rico, as you contend, is not a part of the United States. Let some gentleman on the other side point out in the Constitution where Congress gets its authority to levy and collect this money from our people and spend it to promote the general welfare of a people outside of the United States, as they contend.

Now, Mr. Chairman, I had intended to take up the report of the majority, but it has been so much more ably discussed than I could discuss it, and its fallacies have been so much more forcibly pointed out by those who have preceded me, that I desire to refer to it only briefly. What do the authorities cited by the majority of the committee show? That Congress has supreme power in the Territories. But gentlemen on the other side seem to make no distinction between supreme power and unlimited power. Their authorities show that Congress has the same power in the Territories that the State legislatures and Congress have in the States. That is true. But in legislating for the citizens of the States both Congress and the State legislatures are bound by the limitations and prohibitions of the Constitution.

Their authorities show that a Territory is not a State. Why, Mr. Chairman, no one has ever contended that it was. Their authorities show that the Territorial courts are not themselves provided for in the Constitution. They are not, and there is a reason for it. The Territorial government is supposed to be but a temporary government. Whether it will be so or not in the future no living American can tell; but it was supposed that it would be temporary in the past, and therefore the courts created and named in the Constitution were intended to operate in conjunction with the State courts, and were not adapted to or intended for Territory with but a temporary government.

But, Mr. Chairman, the case which they seem to consider as conclusive on the other side, and with which they all closed their constitutional argument, is what is known as the Ross case. That was a case where an American citizen, having committed a murder in a ship in one of the harbors of Japan, was tried in that foreign country under a treaty with that Empire. The case was afterwards presented to the Supreme Court of the United States, and the court held that the Constitution of the United States did not operate in a foreign country, and no one claims that it does. If Puerto Rico is a foreign country, the Constitution does not operate there, nor does it give Congress the authority to legislate there.

And so, Mr. Chairman, you may go through all the decisions which have been presented here and you will find many opportunities for the Supreme Court to use the words "unlimited power," but it does not in any of its decisions make use of such language. On the other hand, the language is clear, in an unbroken line of decisions, that Territories belonging to the United States are a part of the United States, and therefore Congress is bound by the limitations and prohibitions of the Constitution while legislating for the Territories.

But my colleague, Mr. HOPKINS, seems to think that when the court undertakes to construe the Constitution hereafter it will necessarily take into consideration the climatic conditions of the new Territories.

Why, Mr. Chairman, just imagine, if you will, the Supreme Court of the United States, that august tribunal, listening intently to evidence on the climate over in the Philippine Islands, hot or cold, wet or dry, in order to give a very learned and wise construction to the Constitution of the United States. [Applause and laughter on the Democratic side.] My colleague, Mr. HOPKINS, may take into consideration climatic conditions for violating the Constitution, but certainly not in construing it.

Other gentlemen claim, especially the gentleman from Massachusetts [Mr. MOODY], that they are acting under that great unwritten constitution which they allege is in the minds and the hearts of the American people. Why, the gentleman from Massachusetts exclaimed—though he has made some change in the RECORD—What is a constitution on paper! My answer to him would be that a constitution on paper does not amount to very much in a Republican Congress or under an imperial Administration. But, Mr. Chairman, that little old written Constitution, which gentlemen are seeking to disparage, for over one hundred years has preserved to the American people the blessings of freedom and self-government. [Applause on the Democratic side.]

What a condition we would be in if left to depend upon that unwritten constitution to which gentlemen refer, written only in the hearts of members of Congress, and only Republican members, I suppose, and which would be obliterated by every partisan question or caucus held for party purposes. [Applause on the Democratic side.]

But the gentleman from Massachusetts had something to say about his colleague [Mr. MCCALL], who differed with him on this question. Remember, he had been picturing to us how we could depend on the unwritten constitution, the great expansive American conscience that every Congressman has or is supposed to have; and, having done so, he turned to chastise his colleague because his conscience did not have the political elasticity necessary to keep pace with the very elastic conscience of the gentleman from New York [Mr. PAYNE]. [Laughter and applause on the Democratic side.] I suppose you are acting under what you assume to be constitutional authority, and yet you do not seem to quite agree among yourselves.

Ah, sir, if it is so difficult to agree upon the written Constitution, how much greater difficulty would you find in trying to agree on your unwritten constitution, if you had to hunt around for your constitution in the consciences of the members of Congress? You would probably find one constitution in the conscience of the Republican member to-day, and after the caucus to-night another kind of a conscience to-morrow. [Laughter and applause on the Democratic side.] And if you will turn to the RECORD—I will not take the time of the House to read it—Mr. Chairman, as a Republican, it would do your very soul good to see how the gentleman from Massachusetts pictures the rights and liberties of the American people as safe in the hearts of members of Congress on his side—mark the expression, on his side of the House, meaning the Republicans. But when the Democrats come into the majority, this great American conscience would no doubt change and the unwritten constitution would likewise change. What a ridiculous contention!

But I am glad the Constitution has been written. If for no other purpose, it will show, Mr. Chairman, just to what extent you have mutilated it when you violate its provisions by the passage of this bill. It has been suggested that the consciences of Republicans are not even in accord with each other or with that of the President.

Mr. WILLIAM E. WILLIAMS. Does my friend speak of the "consciences" of Republicans? What does he mean by that?

Mr. WILLIAMS of Mississippi. That would be something impossible to find, and there is no foundation for the suggestion of my friend from Illinois. [Laughter.]

Mr. JAMES R. WILLIAMS. Well, it is an evanescent thing, difficult to find, although we may talk about it. We may consider it and hunt for it, though we may never find it. [Laughter.]

Mr. Chairman, I did not notice what time I began.

Mr. COCHRAN of Missouri. I would suggest that the gentleman's time be measured by the standard of the last six minutes of the former speaker, the gentleman from Illinois [Mr. BOUTELL], which stretched out to thirty-one minutes.

The CHAIRMAN. The gentleman has thirty-six minutes remaining. He has used twenty-four minutes.

Mr. JAMES R. WILLIAMS. Now, Mr. Chairman, the constitutional part of this question has been gone over and over so much that it is not very interesting to this House, and as I suppose will not amount to very much anyway, on the other side of the Chamber at least. Now, I do not say what I am about to say to cast any reflections upon the President of the United States, but I do it to show how utterly worthless is that great Constitution, written only in the conscience of a Congressman. I had a member, as strong a Republican as sits across the aisle, say to me, since this debate has been going on, that there were at least twenty Republicans intending to vote against this bill if the President had not changed his opinion. I do not say his convictions, but his opinion.

Now, I do not state whether the gentleman was correct or not, and I would not allude to this, but as Republicans have taken the liberty of discussing the President's view and how it had reached them privately, I feel that a Democrat is entitled to at least this much liberty, not to cast any reflection upon the President, but to show how utterly worthless is that unwritten constitution in the conscience and heart of a Republican, when the President gets after him, if he did. [Applause on the Democratic side.]

Now, Mr. Chairman, while we are on that, it is a very good time to allude to it. I say the President of the United States, acting under the Constitution, is required, and it is his duty, to communicate to this House any information he may have as to the condition of those people affecting this bill. He sent his message to Congress and declared that it was the duty of Congress to pass a bill giving the people of Puerto Rico free trade with the United States. Here is the language in his message sent to us in December:

> Our plain duty is to abolish all customs tariffs between the United States and Puerto Rico, and give her products free access to our markets.

I submit, sir, that if the President has received any information since then, which has changed his opinion on this question, it is his duty under the Constitution to furnish that information to this House. If the President has changed his mind, as some members claim, the fact that he refuses to give his reasons to this House is the best of evidence that they are partisan only and he dare not make them public. [Applause on the Democratic side.]

I do not say that he has changed. I believe that he is of the same opinion now; and when I heard the able speech of the distinguished gentleman from Maine [Mr. LITTLEFIELD], so much in accord with the President, coming from the far East as he does, it occurred to me that under this state of affairs he would make an admirable candidate for Vice-President on a ticket with Mr. McKinley.

A MEMBER. Has he a barrel?

Mr. JAMES R. WILLIAMS. I do not know whether he has a barrel of money, but he has a barrel of brains. I ask you to take up his speech and just read it in connection with the constitutional argument of my colleague from Illinois [Mr. HOPKINS], who says the Supreme Court will have to take into consideration the hot weather and the cold weather in the Philippine Islands in order to give a correct interpretation to the Constitution of the United States.

Mr. CANNON. Will my colleague yield for a question?

Mr. JAMES R. WILLIAMS. Only for a moment, for my time is limited, and in justice to those who are to follow I can not ask for an extension.

Mr. CANNON. It is only for a moment. Will my friend vote for his Vice-Presidential candidate, the gentleman from Maine? He seems to have a Vice-Presidential candidate on this side, while I have one upon the other side. [Laughter.]

Mr. JAMES R. WILLIAMS. If I expected to vote the Republican ticket, I would accept it as some consolation for the crime to vote for the man from Maine. [Applause on the Democratic side.] While he is a Republican, there is a good deal of Democracy in what he says, and that simply means that he is in favor of governing these Territories according to the Constitution of the United States. That is all there is to it. [Applause on the Democratic side.]

But, Mr. Chairman, aside from the constitutional question, we ought, under all the circumstances, to treat these people fairly and justly.

Now, we have had some hearings before the Committee on Insular Affairs, and I want to refer to some things that were said there. I want to show to this House, so far as I am able, that this is an unjust and oppressive measure to the people of Puerto Rico, and I want to call the attention of my colleague [Mr. BOUTELL of Illinois], who has just taken his seat and who said he was unwilling to do anything that would be an injustice to the other people of the United States; I want to say to him that the great American Constitution is wide enough so that we can do our whole duty, and can do exact justice to the people of Puerto Rico, without doing any injustice to any other part of the United States.

Now let us see. What has brought about this change of heart in the chairman of the Ways and Means Committee? I will show you the minister who affected him most and put him on the mourners' bench, before I get through. There is something more than the Constitution in this question.

General Davis was the first man who appeared before the Committee on Insular Affairs. He is Governor-General of Puerto Rico, the appointee of the President.

And here is what he said:

All Puerto Ricans expected that the coming of the American flag would give all the rights and privileges which Americans everywhere else enjoyed, respecting trade, and they were disappointed.

He says that is what they expected. Let us see what he says they ought to have. The condition brought about by the cyclone was well known to the President, and well known to the gentleman from New York [Mr. PAYNE] and the gentleman from Minnesota [Mr. TAWNEY] when they were advocating free trade with those islands a short time ago. Talking first in regard to taxation, here is what General Davis says:

It seems to me that Puerto Rico has got to realize in some way $5,000,000 a year from taxes, at least.

This statement was made on the 8th of January.

And your bill provides for something over one million. General Davis says in his testimony that it will take $1,000,000 to pay the expenses of the insular government, and this does not include the cost of municipal government. He says it will require at least one million a year for public roads; that they are now in bad condition. So, when you Republicans claim that the revenue under this bill is for schools, you state something you ought to know is not true.

Now, sir, we come to something in the report by General Davis that I desire gentlemen to hear. He advocates a loan of $10,000,000 for Puerto Rico, and says the island can get this loan at 5 per cent, without any guaranty from the United States, and that the island is in great need of the money at this time. He would spend it for the running expenses of the island, for public improvements badly needed, schools, etc. He says the island is out of debt and could easily pay this loan in a few years. This is what the people of Puerto Rico desire. Free trade with the United States would so stimulate the industries and general business of the island that the value of all property would at once be greatly increased, and the loan would not be 5 per cent indebtedness for the island. But you say you do not want the people of Puerto Rico to mortgage their island for this money.

Sir, they would ten times rather mortgage their property than sell their liberties at the low price fixed in this bill. [Applause on the Democratic side.] General Davis says they are in such condition that they need this money immediately, while it will take you a year to raise the amount you estimate under this bill. You talk as though it would all be paid in next week; the schoolhouses would be up and the children going to school in thirty or sixty days. What an absurd contention! Dr. Ames, one of the best informed men from that island before the committee, said, "What the people there need most is well-established government, and next to that free trade with the United States." [Applause on the Democratic side.] Almost every industry in the island has been represented before our committee by intelligent, well-informed gentlemen from Puerto Rico, and they are unanimous in their demand for free trade with the United States. They say, and all the evidence shows, that the people of Puerto Rico are in much worse condition to-day than they were while under the control of Spain. When annexed to the United States they lost their markets in Spain and Cuba and acquired no new markets in our country. But you Republicans claim you know better than they themselves what they need. That is just what England thought about the wants of the American colonies in 1776.

Let us see what General Davis says in his testimony about the condition of these people. I read from his testimony before the committee.

General DAVIS. There are tens of thousands and even hundreds of thousands of families in Puerto Rico—I think I can say hundreds of thousands, certainly more than 100,000 families—whose entire worldly goods of a family consisting of father, mother, and from three to a dozen children, are not of the intrinsic value of $5.

When the chairman of our committee asked General Davis, if we should give those people modern school facilities, whether he thought we would have educated communities there in a few years, his answer was in these words:

If you give them industrial conditions that will enable them to earn enough to wear clothes and shoes and walk upright, yes, sir; but you can not attempt to educate children who are naked and dirty, always naked, and whose father is pretty near it and whose mother is close to it.

You propose by this bill to tax these poor, naked, starving people on every sack of flour or meal, every pound of meat, every mouthful of provisions, and every stitch of clothing they are compelled to buy from us, and you propose to commit this outrage upon them in the name of charity, in the name of education. Sir, your bill will keep them hungry and naked and out of school, for General Davis says they must first have food and clothing before you can put them in school.

There never was a greater misrepresentation of law, facts, and purposes to secure the passage of a bill than in the case now before us. You Republican gentlemen may sugarcoat this vicious measure with all the hypocrisy at your command, but you can not deceive these people with your empty-handed philanthropy. They will look with contempt upon your pretended charity and the bogus tears of sympathy which you so profusely shed. They do not come to us asking for alms. They do not ask us to share with them our property, but our rights, our liberties, our privileges, as American citizens. Puerto Rico does not ask us or expect us to take care of her people. What she does want is good government and just laws that will enable her people to take care of themselves.

I admit, Mr. Chairman, that Puerto Rico will need a system of taxation; but instead of placing this tax upon the necessaries of life, to be paid largely by the poor classes, why not give Puerto Rico a government that will enable her people to raise revenue for her roads, schools, and local government, by placing a tax upon the property instead of the poverty of the island. Congress can give the people of Puerto Rico an internal system of taxation, or authorize them to adopt one for themselves, by which those people in less than six months could have at their disposal twice as much revenue as you will get under this bill in the entire year, and the burdens much less. With a proper local system of taxation, such as we have in the States, they could make their assessments, levies, and appropriations, and draw upon and use their revenues before collected, as is now done in many of the States; and this direct tax, say, of 2 per cent, would raise at least $4,000,000, and the poor family with $5 worth of property would pay but 10 cents, if assessed at all, while under your bill he will pay many times that amount on the necessaries of life or go without them.

So if you are determined to pass this obnoxious bill, do not aggravate your crime by pleading as an excuse for it the necessities of the people you are about to wrong.

Mr. Chairman, I am about to come to something that shows it was not the want of revenue in Puerto Rico that has produced this sudden change among the Republicans. They knew three months ago as well as now the deplorable condition in that island and its great necessity for revenue, but they had not heard from the sugar trust, and perhaps did not till after the gentleman from New York [Mr. PAYNE] had introduced his free-trade bill on the 19th of January. General Davis at this time had stated to the Committee on Insular Affairs, of which the gentleman from New York [Mr. PAYNE] is a member, that Puerto Rico would need at least $5,000,000 of revenue. This statement was made by General Davis on the 8th of January. Mr. PAYNE introduced a bill providing for free trade between Puerto Rico and the United States January 19, and on the 22d of January one Mr. Oxnard, without any invitation, appeared before our Committee on Insular Affairs, of which Mr. PAYNE is a member, and made the following statement. I read from his testimony before the committee.

Mr. Oxnard said:

I represent the American Beet Sugar Association, of which I am president, and which comprises thirty of the sugar factories from the Pacific to the Atlantic, in twelve different States. If I may have three minutes, all I want to say is this: The Puerto Rican manufacturer made sugar profitably with a tariff of a cent and a half against him. I do not presume they made sugar without making money. * * * What we claim is this: While we are perfectly willing to let them come in, we think they would largely increase their production of sugar and probably be a reproduction of what Hawaii did, and we claim they are taking and will take in time a larger proportion of our market from us, and we would like to have some tariff put up against them.

Mr. PAYNE. You have had free sugar from Hawaii all the time?

Mr. OXNARD. Yes, sir; but that has more than doubled in the last ten years, and that has hurt us. I do not claim that the admission of the present sugar, what they are making now, will hurt us so much, but what I claim is large investments will go into Puerto Rico in the sugar business as soon as it is found that this immense profit can be made.

Now, I do not pretend to say what influence this demand of the sugar trust against free trade with Puerto Rico had upon the Republican policy; but, sir, no Republican can deny the fact that until the sugar trust did make its appearance here every leading Republican official in Washington who expressed himself, including the President, was in favor of free trade with Puerto Rico, and soon after the appearance of the sugar trust at Washington there was a very sudden change of heart among the Republican leaders, including, as it is now claimed, the President himself. Mr. Chairman, it is very far from me to even intimate that there is any arrangement or understanding between the Republicans and the sugar trust by which the latter is to be protected against free sugar from Puerto Rico, and as a consideration the sugar trust to make a good, fat contribution to continue the crown on William the First.

But without any such arrangement or understanding just such things may finally take place. Here is a man who represents the sugar trust. He knows what effect free sugar would have upon that industry in Puerto Rico. He says it would cause large investments to be made in that island and that the people there would greatly increase their production of sugar. That is just what we claim. Free trade with Puerto Rico would cause large sums of money to be invested in that island, breathe new life into their paralyzed industries, build up new ones, increase the opportunities of the laboring people, enable them to earn their own food and clothing, pay their own taxes, buy their own books, build their own schoolhouses, and become well-to-do citizens. This is just what the people of Puerto Rico want. We must not lose sight of the fact that the people of the United States would be benefited

by the course I have suggested. We can benefit Puerto Rico and at the same time benefit our own people.

Every pound of sugar, tobacco, and coffee imported from Puerto Rico into the United States will be paid for with our flour, meal, meat, clothing, machinery, and other American products, and the balance of trade is sure to be in our favor. If such an arrangement should result in reducing the price of sugar in this country, the benefit would go to the consumer. So we can surely afford to be just to the people of Puerto Rico when it is so greatly to our interest to do so. But, Mr. Chairman, it has been rumored in the papers that the Republicans are about to amend this bill, making it a temporary measure, in order to make sure of its passage.

Mr. Chairman, Puerto Rico needs free trade now, the best market she can get for her products. As I have stated, free trade with Puerto Rico would at once carry large investments to that island in the sugar and tobacco business, increase the volume of money there, increase business of all kinds, and would immediately increase the value of lands in the island. This would enable the landowners, who are heavily mortgaged, as the evidence shows, to renew their loans and save their land. But, sir, if you delay free trade to Puerto Rico for two years, or even one year, the value of these lands will continue low, they will not be able to extend their loans, they will lose their lands under mortgage, the sugar trust will have the opportunity to go in and buy them up at low prices; then the Republicans, I suppose, will be ready to admit sugar from that island free.

Now, Mr. Chairman, they talk about the real estate down there being worth $100,000,000. General Davis says that a fair valuation under this census will put it at $130,000,000, and this without any government or markets. Who doubts, after hearing the statement of the president of the sugar association, that free trade would immediately increase the value of lands in Puerto Rico and in a short time double their value?

I want to say to the gentlemen on the other side, who are so anxious to protect the American people against the pauper labor of that little island, in God's name, give it just laws, good government, and you will have no pauper labor there in a few years to contend against. [Applause on the Democratic side.] Drive it out of the island as well as the rest of the United States.

Mr. LINNEY. Will the gentleman allow me a question right there?

Mr. JAMES R. WILLIAMS. Yes; a question.

Mr. LINNEY. Will the defeat of this bill give the Puerto Ricans free trade?

Mr. JAMES R. WILLIAMS. Ah, the gentleman is a Republican, in the majority. If you have the power to pass this bill, you have the power to pass a free-trade bill. [Applause on the Democratic side.] And you could pass it with almost a unanimous vote. I have heard a good deal of talk over there that you would like a better bill. Some of you would like a free-trade bill better than this bill. The trouble is you like a Republican bill better than any other kind of bill, and you want a Republican bill before you will vote for it. You do not want the help of the Democrats to pass a free-trade bill.

Ah, but you say, "We are afraid of the people of the Philippine Islands." You had better thought of that before now. Why, sir, we are not legislating for those people; and the fact that you are willing to wrong the people of Puerto Rico in order to establish a precedent for the Philippine Islands shows your great emergency for the passage of this bill is not in Puerto Rico, but in the politics of the Republican party.

Mr. Chairman, the American Government, aside from all constitutional questions, should at all times and in all places at least be just. Those people—those unfortunate, helpless, naked people—do not deserve this cruel treatment at our hands. Whether a good bargain or a bad bargain, this island is a part of the territory of the United States. It came to us, not by conquest or criminal aggression, but without the cost of a single dollar or a single drop of blood. With extended arms we invited those people to the protecting care of the Republic, and they gladly accepted our invitation.

With all the zeal and enthusiasm of their new-born patriotism, they welcomed our soldiers to their sunny shores as the coming of a new redeemer. They gathered around the American flag as happy children gather around a Christmas tree, intoxicated with their great devotion to its grandeur and its glory. They had been taught that that flag would protect them, not against foreign despotism alone, but against American despotism as well. They had been assured by our representatives that with that flag would come all the rights, privileges, and blessings of a liberty-loving people.

Since then they have been waiting, still waiting, in eager expectation for the full enjoyment of American rights and American privileges. And the very first fruit that they are to gather from this new tree of liberty is this iniquitous Payne bill, which indeed has more pain in it for the people of Puerto Rico than anything else. [Laughter.] Mr. Chairman, much as I admire that beautiful island and the loyalty and patriotism of her people, if we can not retain it without establishing under this dome of liberty a British Parliament to govern it, I say for the sake of human freedom, for the glory of our own Republic, let us give it back to its own people to work out their own destiny. [Applause.] Ah, Mr. Chairman, it would be far better for the people of Puerto Rico to be governed by their own representatives, with a constitution, than by foreign representatives without a constitution, notwithstanding the great infallible American conscience with which Congress is at all times so richly endowed, as claimed by gentlemen across the aisle.

Mr. Chairman, if Puerto Rico is good enough for our flag, it is good enough for our Constitution. I believe the fathers intended these two idols should dwell together in time of peace in every land, in every island of the sea, under the jurisdiction of the Republic; and the American citizen at any time or in any place who would separate them, who would lower the Constitution to raise the flag, respects an empire more than he loves a republic. [Applause on the Democratic side.] Our beautiful banner, our national emblem, now waves over the island of Puerto Rico as notice and warning to all the rest of the world that it is a part of our own free America. It is the flag of the free; it is the flag of the Republic, and invites to its new dominions its old companion, the Constitution, to execute its flattering promises to those people who so proudly joined in its peaceful dedication to that beautiful island.

Mr. Chairman, in the name of our national honor, in the name of our great American Republic, that considers its flag but a symbol of its Constitution, if we can not, if we will not, extend our Constitution to our flag, then let us return our flag to our Constitution, rather than have it longer wave over those people as a national lie to the great principles of human equality which its whole history so gloriously represents. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BURKETT having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested;

S. 28. An act to remove the charge of desertion from the military record of James H. Waters;

S. 158. An act granting to the State of North Dakota 30,000 acres of land to aid in the maintenance of a school of forestry;

S. 3018. An act for the appointment of an additional United States commissioner in the northern judicial district of the Indian Territory; and

S. 2746. An act to aid certain States to support schools of mines.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 2363) granting a pension to Mary A. Randall.

TRADE OF PUERTO RICO.

The committee resumed its sitting.

Mr. BROWN. Mr. Chairman, I rise with the keen sense of embarrassment that must be felt by every member when he undertakes to add anything new to the debate that has already extended over more than one week in this House; but if I have the time I can, with the patience of the House, say why it is that I think this is one of the most important of all the measures now engaging the attention of this Congress. It is not so important because of Puerto Rico itself. It is not so important because of anything that may come to the inhabitants of Puerto Rico, or to the people of the United States, out of this particular bill, but it is of vast importance as a legislative construction or interpretation of the Constitution in its application to territory that has been acquired by the United States since the war with Spain commenced, and as a precedent for future legislation relating to this island, to the Philippines, and to all our new possessions.

The first section of the bill provides that it shall apply to Puerto Rico and the adjacent islands ceded to the United States by our treaty with Spain last year. The second section provides that the same duties which are collected upon articles imported into the United States from foreign countries shall be collected upon all articles imported into Puerto Rico from ports other than those of the United States. That is, this second section prescribes the same duties for Puerto Rico as for the United States on all articles imported from foreign countries, putting Puerto Rico and the United States on an equality in so far as the importation of foreign goods into either is concerned. As to these two sections of the bill, the first and the second, there is no controversy in the House. The divergence of opinion, the wide difference of view, we witness when we come to section 3, which is as follows:

SEC. 3. That on and after the passage of this act all merchandise coming into the United States from Puerto Rico and coming into Puerto Rico from the United States shall be entered at the several ports of entry upon payment of 25 per cent of the duties which are required to be levied, collected, and paid upon like articles of merchandise imported from foreign countries; and, in

addition thereto, upon articles of merchandise of Puerto Rican manufacture coming into the United States, customs duties equal in rate and amount to the internal-revenue tax which may be imposed in the United States upon the same articles of merchandise of domestic manufacture, and upon articles of United States manufacture coming into Puerto Rico customs duties equal in rate and amount to the internal-revenue tax which may be imposed in Puerto Rico upon the same articles of Puerto Rican manufacture.

Now, what have we here? It is because of this section that we have strong opposition to the bill. The objections come from the nearly unanimous voice of the Democratic side of this Chamber, swelling in volume, it is true, by the arguments of a few gentlemen on this side. What is the ground of these objections? Why is the bill, and particularly this third section, so vigorously assailed? What does this section contain which so arouses strong and continued opposition? Let us see. It provides that merchandise—the term here meaning anything dutiable—which goes from the United States to Puerto Rico or which comes from Puerto Rico to the United States shall pay a duty of 25 per cent of our established customs duties.

This provision furnishes the ground of difference and discussion in the House. This duty of 25 per cent of the rates of our present tariff, to be applied to all goods going from the United States to Puerto Rico or coming from Puerto Rico to the United States, is objected to by at least three classes of the members of this body—first, those who are commonly denominated free traders; secondly, those who believe in tariff duties generally, but who are opposed to such duties in and between the United States and Puerto Rico; and, thirdly, those who, whether believing in the system of tariff duties or not, declare that the bill is contrary to that part of the Constitution which provides that—

All duties, imposts and excises shall be uniform throughout the United States.

If Puerto Rico is a part of our country in the meaning of the designation "the United States," as the name is used in the Constitution, and if the Constitution as the supreme law of the land now applies to Puerto Rico without further action by Congress, then the contention of those who oppose this bill on constitutional grounds is sound, for in fact the bill does not establish uniformity of duties in the United States and Puerto Rico. Taking the United States and Puerto Rico together, the bill destroys the uniformity of duties. The bill would leave certain duties at one rate and certain other duties at 25 per cent of that rate. This would not be a uniformity of duties in the United States and Puerto Rico.

This objection to the bill, that it violates the Constitution, raises the important issue of the debate and the vote. It comes to us, and must be met by us under our solemn obligation to support the Constitution. Does the Constitution now extend and fully apply to Puerto Rico as a part of the United States? I do not wish to believe that it does. I do not so believe. I reject such a conclusion.

We are now and here to say what Congress believes is meant by the name "United States" in the section which declares that tariff duties "shall be uniform throughout the United States." Does this name now fully embrace within its constitutional meaning the island of Puerto Rico? Is Puerto Rico in this sense a part of the United States? When the phrase, "throughout the United States" is used, do we mean, in view of this provision of the Constitution, the same as we would mean if we should say, "throughout the United States and Puerto Rico?" Does the Constitution extend to Puerto Rico? Is Puerto Rico in and a part of the United States under the Constitution? What, in fact, is the legal and constitutional status of the little island?

We are to remember, as we go along, that while the issue here raised only relates directly to a spot in the ocean not as long as the distance from Cincinnati to Columbus in the State of Ohio, and only half as wide as it is long, the decision reached may constitute a precedent for the far more important and difficult legislation concerning the Philippine Islands and all the new lands acquired by our Government.

A good while ago, at Waynesville, Ohio, where a roving book peddler had been drawn by the fame of its people as a reading community, I purchased of him the two volumes of a work having a title very apt to capture a boy's fancy. It was called "Thirty Years' View," being the personal and public view of Thomas H. Benton, who was a Senator of the United States for the State of Missouri from 1820 to 1850.

Only a little while before the close of his Senatorial career Benton heard for the first time the same thing we are hearing here to-day, that whenever our Government acquires new territory it at once becomes a part of the United States, the Constitution immediately of its own force extending and applying to such territory, and this doctrine he heard from the lips of John C. Calhoun, one of the great authors of constitutional heresies that had much to do with bringing on the bloody attempt to destroy the Union.

Benton states (page 713) that in the discussion on the Oregon Territorial bill Calhoun said this:

As soon as the treaty between the two countries is ratified the sovereignty and authority of Mexico in the territory acquired by it become extinct, and that of the United States is substituted in its place, carrying with it the Constitution, with its overriding control over all the laws and institutions of Mexico inconsistent with it.

The notion of Calhoun here was precisely what the view is of those who say that the sovereignty of the United States, being substituted for the sovereignty of Spain in Puerto Rico, has carried with it to that island the Constitution of the United States. This doctrine of Calhoun was invented, as Benton says, to aid the slaveholder in taking his slave to the new Territory, because as slavery was permitted under the Constitution, if the Constitution of itself extended to the territory which we had acquired from Mexico, the slaveholder could go to that Territory and hold his slave there. Calhoun further said, referring to the Constitution:

It is the supreme law, not within the limits of the States of this Union merely, but wherever our flag waves. Wherever our authority goes the Constitution, in part, goes—not all its provisions, certainly, but all its suitable provisions.

One of the "suitable provisions" which, according to Calhoun's new doctrine, extended to all the Territories, was the provision permitting the holding of slaves. We are told here, in the very language which Calhoun used fifty years ago, that our Constitution goes "wherever our flag waves." We are told here that as our flag waves in Puerto Rico our Constitution has gone there, and is so in force there that we must recognize Puerto Rico as a part of the United States, whether we wish to do so or not.

Let us see what Benton himself, a lifelong Democrat, said about this new doctrine of Calhoun. The great Missouri Senator (page 713) declared:

A new dogma was invented to fit the case—that of the transmigration of the Constitution (the slavery part of it) into the Territories, overriding and overruling all the anti-slavery laws which it found there and planting the institution there under its own wing, and maintaining it beyond the power of eradication either by Congress or the people of the Territory. Before this dogma was proclaimed efforts were made to get the Constitution extended to these Territories by act of Congress.

Failing in those attempts, the difficulty was leaped over by boldly assuming that the Constitution went of itself, that is to say, the slavery part of it. In this exigency Mr. Calhoun came out with his new and supreme dogma of the transmigratory function of the Constitution in the ipso facto and the instantaneous transportation of itself in its slavery attributes into all acquired territories. * * *

History can not class higher than as a vagary of a diseased imagination this imputed self-acting and self-extension of the Constitution. The Constitution does nothing of itself, not even in the States for which it was made. Every part of it requires a law to put it into operation. No part of it can reach a Territory unless imparted to it by act of Congress. * * * In a word, this dogma of the self-extension of the slavery part of the Constitution to a Territory is impracticable and preposterous, and as novel as unfounded.

While the same dogma now proclaimed as to Puerto Rico is not novel, it is surely as impracticable and preposterous as it was fifty years ago, when enunciated by John C. Calhoun. In the same debate, after we had acquired territory from Mexico, as the result of our successful war with her, when territorial questions were engaging the attention of the Congress, when the great statesmen of that day were meeting the questions that then arose, and when Calhoun was preaching this dogma and Benton was combating it, Daniel Webster said this on the subject:

The Constitution is extended over the United States, and over nothing else. It can not be extended over anything except over the old States and the new States that shall come in hereafter, when they do come in. There is a want of accuracy of ideas in this respect that is quite remarkable among eminent gentlemen, and especially professional and judicial gentlemen. It seems to be taken for granted that the right of trial by jury, the habeas corpus, and every principle designed to protect personal liberty is extended by force of the Constitution itself over every new Territory. That proposition can not be maintained at all. How do you arrive at it by any reasoning or deduction? It can only be arrived at by the loosest of all possible constructions.

Do we not see here the same "want of accuracy of ideas," the same "loosest of all possible constructions" of the Constitution?

Now, Mr. Chairman, here were three of the great figures of 1850, and they were contending in the Senate over the very question about which we are talking in this prolonged debate. There was Calhoun proclaiming the doctrine which we now hear, that the Constitution of the country goes of itself, by virtue of its own inherent force, into the territory that is acquired, and so applies itself to that territory as to become the supreme law thereof, and that is precisely what we are told in this case.

If we adopt this view now, we must admit that this bill, in fixing a special tariff rate for Puerto Rico, is unconstitutional. If we accept this view as correct, we must concede that we can not, by tariff duties high or low, discriminate against the products of Puerto Rico, or the products of the Philippine Islands, or the products of any other tropical region which we possess. If we admit that this view is sound, then we must confess that Congress can not give any degree of protection to the farmers and other producers of our country as against the cheap labor and the cheap conditions of the tropical lands.

I will not admit, will not confess, that we are so powerless. For myself, I would reserve the right, unless I am told by the Supreme Court that Congress can not do so, to impose on the products of tropical lands a fair discriminating duty in the interest and for the protection of the farmers and other producers of the district I represent and of the farmers and producers of the whole country.

I have been quoting the views of Webster and Benton against the theory of Calhoun and equally against the position of those who oppose the passage of this bill. At this stage of the discussion, when the constitutional question has been so thoroughly and ably debated, it seems useless to consider it further, but I can not well refrain from citing the opinion of Mr. Justice Bradley, in Snow *vs.* The United States (18 Wallace, page 317):

> The government of the Territories of the United States belongs primarily to Congress, and secondarily to such agencies as Congress may establish for that purpose. During the term of their pupilage as Territories they are mere dependencies of the United States. Their people do not constitute a sovereign power. All political authority exercised therein is derived from the General Government.
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> It is, indeed, the practice of the Government to invest these dependencies with a limited power of self-government as soon as they have sufficient population for the purpose. The extent of the power thus granted depends entirely upon the organic act of Congress in each case, and is at all times subject to such alterations as Congress may see fit to adopt.

Justice Bradley here speaks of these Territories as dependencies. We claim that Puerto Rico is such a dependency. It is a dependency of the United States. It is not a part of the United States in the view of that part of the Constitution which provides that all duties shall be uniform. It is simply a territory, a dependency, a piece of property belonging to the United States.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BROWN. I should like to have a little more time.

Mr. SHATTUC. Mr. Chairman, I ask unanimous consent that the gentleman be permitted to conclude his remarks.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that his colleague may be permitted to conclude his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. BROWN. And, Mr. Chairman, what is it that Congress can do with a Territory, which, in the language of Justice Bradley, is a "dependency" of the United States? Let the Constitution tell us—Article IV, section 3:

> The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

Is not this plain to the schoolboy? Applied to this case, it means that Puerto Rico is property belonging to the United States, and not a part of the United States in the sense that tariff duties must be the same, or "uniform," in and between the United States proper and that island. This view will permit Congress to legislate for that little territory and for all the larger territories that have come to us as a result of the war as in the discretion of Congress may be wise and just.

This is not merely a question of interest to the student of the Constitution. It is a matter of practical and material importance. It is a question which right now comes home, in a degree, to the farmers and producers of the district which I have the honor to represent on this floor. Can they be protected against the cheap products of the cheap lands we have acquired, against the direct competion of half-paid labor in countries where the cost of production and of living is not one-half what it is here?

I think they can be, as they should be, so protected, even against territories which belong to the United States. In the district I represent the tobacco interest is becoming a large and very important one. In at least three counties of that district many farmers are profitably engaged in the growing of tobacco. It is a branch of the cultivation of the soil which has been rapidly extending and which has been bringing to the farmers of those counties a very fair return for their labor.

During the past week it has been my privilege to come into personal contact with a number of the farmers of that district. It is a fact, Mr. Chairman, that they view with some concern the proposition advanced on the Democratic side of this House, that we must have absolute free trade between Puerto Rico and the United States. They are not blind to the fact that the great tobacco interest, in which they are so much interested, is put in some degree in jeopardy by the proposition of our friends on the other side of the House, that the tobacco of Puerto Rico shall be admitted into the United States without the payment of any duty whatever.

Our friends on the other side of the House, and some gentlemen on this side, say that it is right that this tobacco, and the great amount to which it might be increased by future cultivation in the island of Puerto Rico, shall come into the United States free of any duty whatever. Speaking of this local interest, and yet an important one, I am heartily in favor of the proposition contained in the third section of the pending bill. Indeed I would have preferred a higher rate of duty.

Mr. Chairman, there is another interest that is rapidly increasing, that is rapidly growing to great importance, in the United States, and that is the manufacture of beet sugar. It is estimated that there will be 100,000 tons of beet sugar manufactured in the United States this year. It is also stated that already arrangements have been perfected for the erection of 51 beet-sugar factories to be built in this country during the year 1900. The sugar of Puerto Rico sent away from that country annually amounts to 58,000 tons.

I would say to the farmers of the United States who are looking to the sugar-beet industry as a source of large income to them that they shall be protected in fair and reasonable measure against the tropical sugar territories.

This bill in terms applies only to the United States and to Puerto Rico and the adjacent islands. But as a precedent, as a guide mark for the future, it will point the way thousands of miles across the sea to lands which will bring us problems by the side of which the questions about Puerto Rico will sink into insignificance.

For all these territories Congress has power to "make all needful rules and regulations." The provisions of this bill are needful rules and regulations for Puerto Rico. The bill is right in denying the correctness of Calhoun's view of the Constitution in its application to territories of the United States, wise in asserting the right of Congress to legislate in its discretion for our dependencies, and merciful in providing that every dollar of the duties which it imposes shall be placed in the safe hands of our wise and humane President, to be used by him for the benefit of the people of the island.

We may well here inquire what the views of the President are on this subject, for while Congress is an independent branch of the Government, acting within its constitutional sphere, on its own responsibility and judgment, it will not fail to give the most respectful consideration to the recommendations of the President. In his annual message last December he said:

> Our plain duty is to abolish all customs tariffs between the United States and Puerto Rico and give her products free access to our markets.

But now, with the people of Puerto Rico in urgent need of the money which this bill will produce, all of which is to be expended for their benefit, with this bill now opposed on the ground that we have no constitutional power to pass it, it is asserted by those whose intimate relations with the President give great weight to their statements that he earnestly desires the passage of the bill. I quote from the remarks of my distinguished colleague [Mr. GROSVENOR] in the House last Thursday:

> Mr. Chairman, I think I know the President of the United States well, and will venture to make a statement with reference to his opinions, if you will listen to me. I think if the conditions were such as the President of the United States understood them to be in November last, he would prefer a free-trade bill. I think that, understanding all the considerations involved here now, nothing would give the President greater sorrow and regret than the defeat of this bill and the turning over the control of this House to the Democratic minority. But I will venture—only in my individual capacity—to suggest to any gentleman who does not credit what I have said, to go to the President of the United States and ask him the direct question.
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> Conditions are very different to-day, and there are conditions binding upon us to-day that were never dreamed of by any of us last December.

To the power to make all needful rules and regulations for all these territories while we possess them there is added the power of Congress to dispose of them. If we desire to keep them perpetually, our title can never be called in question; but if at any time we, or those who come after us, conclude that they are not desirable as dependencies, and that they will never become fit for States of the Union, they can be disposed of. But now we own them, now our flag waves over them, now we must govern them. If we wisely exercise the right which the Constitution has given us, if we legislate for these new Territories, these new possessions, in harmony with the dictates of patriotism and humanity, we may get through the great work that is put upon us in such a way as to satisfy the sound judgment of the country. [Loud applause on the Republican side.]

Mr. MONDELL. Mr. Chairman, the terms of the pending bill as a pronouncement of our policy toward Puerto Rico did not, on my first examination of it, commend themselves to my sympathies as the policy to pursue in our first legislation respecting that island. When I read of the cordial welcome which our troops received from the people there and the joy and enthusiasm with which they greeted our flag; when I read the grandiloquent pronunciamentos with which the local officials of the island proclaimed to their people the joyful fact that they were a part of the great American nation and the satisfaction and acclaim with which such announcements were received by them, I thought, Here is a land of rare beauty and fertility, a tropic gem set in a summer sea, whose people have studied our history and acquainted themselves with our policies well enough to thoroughly appreciate the blessings of our form of government and the value of our institutions, and it therefore seemed to me that whatever questions might arise for settlement relative to other lands over which by the fortunes of war our flag waved, as far as the gem of the Antilles was concerned, our duty and our obligations could be met and performed without much controversy or division of sentiment. It had not occurred to me that the question of policy relative to this island now presented would or need be raised.

The island is small, and as small as it is a large portion of its area can not be cultivated in crops which will compete with our products, and the fears which have been expressed in some quarters that if the island is allowed to freely ship its produce to our

market certain domestic agricultural interests would be unfortunately affected are groundless. The greatest possible development of the sugar and tobacco industries in the island under the most favorable circumstances could never in the slightest degree injuriously affect any industry in this great land, and therefore, Mr. Chairman, I felt that considerations both of sentiment and expediency would in all probability suggest the extension of our tariff and other laws over these islands.

But, Mr. Chairman, a committee of this House has given the conditions in Puerto Rico careful consideration, having the facts relative to conditions there before it, and has brought the pending measure here for our consideration, and in their report and in speeches in support of the measure have shown to my satisfaction that a blanket extension of the customs and internal-revenue laws of the United States to these islands, instead of being a blessing, under the present condition of affairs, would be an injury—an injury by too sudden and radical a change in present conditions in some respects and in closing the only avenue for the raising of needful revenue, leaving us the only alternative to meet current demands there for revenue of Federal appropriations or insular bonds, neither of which methods would be for the best permanent good of the island.

The first because, besides being an unjust burden upon our people, it would encourage a spirit of dependence on the Federal Government not calculated to produce a good citizenship, the latter being an unwise handicap upon the future development of the islands. And so, Mr. Chairman, the committee having gone carefully over the entire matter, has finally decided that the bill now before us will raise the necessary revenue from the purses of those best able to pay it, without imposing the high rates of the internal-revenue laws or other burden upon the people of the island, and at the same time gives them access into our splendid markets at one-quarter the duty which foreigners would have to pay.

But, Mr. Chairman, the question as to the wisdom or fairness of the policy proposed toward Puerto Rico is not the real point at issue before this House to-day. The real question is as to the power of Congress to do this thing. The minority contends that the Constitution of the United States extends to Puerto Rico and all other possessions of the United States by its own vigor and force, and that therefore it is in force there, and Congress in legislating for the island is bound by section 8 of Article I of the Constitution, which provides "that all duties, imposts and excises shall be uniform throughout the United States," and all other provisions and limitations of the Constitution.

The question is, therefore, Is Puerto Rico a part of the United States within the meaning of this clause of the Constitution? With the real issue thus presented, Mr. Chairman, I can not hesitate for a moment in my position on this bill. I may not feel fully satisfied that we are proposing the best, wisest, and most liberal policy toward Puerto Rico, but I can not take any position or cast any vote in connection with the bill which will leave a particle of doubt in the mind of anyone as to my position on the constitutional question; and the question being now before us, I am willing to follow the committee on the question of policy, as I can not follow that of the opposition on the question of the Constitution. [Applause on the Republican side.]

The gentlemen of the other side refer to our contention that the Constitution does not extend by its own force to acquired territory as a new doctrine. Why, Mr. Chairman, it is as old as our history. It was written into law by the First Congress of the United States in legislating for the Northwest Territory in 1789. It was recognized by this body in all its legislation for the Territory of Louisiana, and this very principle of tariff discrimination was adopted by the treaty-making power under Jefferson relative to Louisiana. It is indelibly inscribed in the acts of Congress relative to the Floridas, and no court has ever questioned the constitutionality of those acts. It was followed in all the acts of that stern and sturdy old Democrat, Andrew Jackson, while acting as the governor of the Territory of Florida.

No court, with one possible exception, has ever held squarely that the provisions and limitations of the Constitution have force and effect in any territory over which its provisions have not been specifically extended by Congressional action, and any portion of decisions which seem to point that way are in every case, in my opinion, mere dicta. They tell us that this is imperialism. Well, if it is, Thomas Jefferson, the patron saint of the Democracy, was our first emperor and Andrew Jackson was the viceroy and Poo-Bah of the Floridas. [Laughter and applause on the Republican side.]

If it is imperialism, then all the inhabitants of the Northwest Territory, Florida, and Louisiana, in the good old Democratic times were subjects of the empire and never found it out. Some of the gentlemen grew almost tearful as they pictured the possible fate of the peoples of the new Territories if they are compelled to submit to "the whims and tender mercies of Congress." Well, the Territories have been doing fairly well in the past, and in the good old Democratic times the Congress legislated for Florida and Louisiana along lines certainly not within the spirit of the Constitution as framed for the States.

While the new acquisitions are not under the Constitution except as Congress provides, the Congress is under the Constitution all the time, whether it be legislating for the Union of States or for the "Territories which are the property thereof." The Constitution declares:

> No bills of attainder or ex post facto law shall be passed; no title of nobility shall be granted. Neither slavery nor involuntary servitude shall exist within the United States or any place subject to their jurisdiction.

These prohibitions and the fundamental principles on which our Government is founded, to "establish justice, promote the general welfare, and secure the blessings of liberty," govern all legislation by Congress, and Congress, always under the Constitution, can not legislate to deprive any inhabitant of the Territories of the inalienable rights to "life, liberty, and the pursuit of happiness."

They use a very pretty figure of speech, and say that "the Constitution follows the flag." On the contrary, I contend that the Constitution sends the flag, upholds and maintains it, and goes as a statute when the Congress, under the Constitution, sends it, and only attaches as a Constitution when the people of the Territory accept it irrevocably as a condition of admission as a sovereign State of the Union. To what might not this strange doctrine of the transmigration of the Constitution lead us?

The Executive and the Senate are the treaty-making power. In the exercise of that power territory may be annexed, and under this strange doctrine it matters not what the character of the inhabitants may be, they immediately become American citizens, free to come and go, and to ship into our ports free all the products of their pauper, pittance-paid labor. To be specific, according to their contentions the Constitution is now in force in the Philippines, and all the Filipinos and half clothed and half civilized are our fellow-citizens, and their productions may come freely into our ports.

I for one am not willing to abdicate my rights as a Representative of the people in any such manner as this. Under our Constitution the treaty-making power may annex territory, but I can not believe that the framers of the Constitution in their wisdom intended to confer on the treaty-making power the authority to add to the citizenship of the Union a mixed assortment of Malays and Chinese and expose our people to the evils resulting from contact or competition with them or their produce.

I believe, rather, that they intended that no person "in territory belonging to the United States" should enjoy the privileges or assume the burdens imposed by the Constitution except by the will of the people of the United States voiced by their Representatives in this Congress. The timid and faint-hearted on the other side may call this imperialism, but if it is, it is what the fathers gave us when they framed the Constitution and as they interpreted it in their first legislation on the subject and which they followed by their legislation under Thomas Jefferson relating to Louisiana.

Under the doctrine they advance our Constitution now extends to Cuba; for if it follow the flag, it must be present wherever we exercise authority. In order to avoid some of the inevitable effects of their position, the opposition hold to a theory that there may be in territory over which our flag floats and over which we exercise authority a condition of military government or control during which the Constitution does not operate, and this whether a state of war or insurrection exists or no, but that the moment Congress attempts to legislate the Constitution becomes operative. Under this theory if the Congress failed to legislate for an indefinite period, there would continue for said period only the military rule.

If the Congress hesitated because the people were unfitted for American citizenship or their labor or their produce should not come into competition with ours, there would continue indefinitely arbitrary military rule. Our Democratic friends are perfectly complacent and satisfied with despotic arbitrary military rule, but tremble for the rights and liberties of the people of a Territory under the legislation of the American Congress acting under the American Constitution.

Under that view of the transmigratory qualities of the Constitution we might well hesitate to go to war with any nation whose people we would not care to have become citizens or whose standard of labor were lower or products such as to interfere seriously with our domestic produce, no matter how great a provocation we might have, from the fact that the Senate and the President might see fit to annex them to our territory, and thus they would become of our citizenship, their produce be given free access to our market.

No, Mr. Chairman, the Constitution of the United States, the wisest instrument ever drawn for the guidance of government instituted among men, was adopted as the Constitution of certain States, which accepted it, and such other States as might in the future through their people apply for admission into the Union formed under that Constitution. The gentlemen refer only to the

privileges and immunities of the Constitution, and seem to lose sight of the fact that it also imposes certain burdens on those accepting it, and that the admission of new territory under it may add to the burdens of those already living under it.

Mr. Chairman, if we pass this bill we maintain the principle which has been followed by our fathers from the beginning of our history. We shall serve notice on all concerned that the Union of States as a sovereign power can protect its citizens from the admission of undesirable citizenship and the competition of cheap labor even from its own territory, but that the Congress can be depended upon to deal fairly, even liberally, with the peoples who inhabit annexed territory.

And the peoples of Puerto Rico, experiencing prosperity under its provisions, will be strengthened in their loyalty to the glorious flag of the free, and will set about preparing themselves to accept in the fullness of time the Constitution of the United States as their very own in the only way which it can extend to them, as a Constitution, by the joint action of themselves and the States as represented in Congress on their admission as a sovereign State of the Union. [Loud applause.]

Mr. SUTHERLAND. Mr. Chairman, in the debate upon this bill many members have availed themselves of the opportunity to discuss imperialism and its results. I will say to my Republican friends that there is no fear on this side of the Chamber in meeting the issue of imperialism and the permanent retention of the Philippine Islands. All on this side the aisle agree with the great Nebraskan, who, in 1898, was the first to declare against imperialism as a menace to the Republic; and judging from the results of the last election the people are standing by him in his contest against the Republicans on that question. [Applause.]

KENTUCKY, OHIO, AND NEBRASKA.

Allow me to call your attention to the political contest in three States in 1899. The Democratic platform of Kentucky contained one plank which reads as follows:

We declare the conduct of the present National Administration as to the Philippines to be repugnant to every line of the Bill of Rights, the Constitution, and the Declaration of Independence.

The Democrats waged a fierce fight for their platform and their candidates, and notwithstanding the fact that thousands of disaffected Democrats voted for the Republican candidates and 12,140 went to John Young Brown, the Democracy elected the governor and the legislature by a safe majority, insuring the election of a Silver Senator to succeed Senator LINDSAY.

The Ohio Democratic platform relative to the Philippine Islands reads as follows:

We are radically and unalterably opposed to imperialism in the United States of America. When we have solved some of the race problems that confront us at home, then by example we can proclaim the blessings that flow from free institutions, and thus procure "benevolent assimilation" without "criminal aggression." * * * We demand that the Cubans and Filipinos not only be permitted, but encouraged, to establish independent republics, deriving all of their governmental powers from the consent of the governed. * * * A large standing army in our Republic is a menace to liberty.

Standing on this platform, the Democrats fought imperialism and a big army, and the 1899 election returns show that the President's policy was not indorsed by his home State. Nash, the Republican candidate for governor, received 417,199 votes; McLean, Democratic candidate, received 368,176 votes, and Jones, nonpartisan candidate, received 106,721 votes. Adding the McLean and Jones vote, which was an anti-Administration vote, leaves the Republican party a minority party by 57,698.

In 1899 the Nebraska Democratic platform in regard to imperialism read as follows:

We believe that the Filipinos should have received the same treatment as the Cubans, and that, as the Cubans were assured of ultimate independence and protection, so the Filipinos should have been assured in the beginning of our nation's intention to give them independence as soon as a stable government could be established and protection from outside interference. Such assurance should be given now.

On this question the Populist platform read as follows:

We declare the Monroe doctrine to be the doctrine of national self-preservation, and that safety is to be found alone in avoiding the quicksands of imperialism and the dangerous waters of militarism. And we oppose all foreign political alliances and all interference in European and Asiatic politics.

While the fusion nominee for supreme judge of Nebraska in 1899 had made an excellent record as governor and was otherwise a strong man, yet it is but fair to say that our splendid victory was an emphatic indorsement of the principles advocated by Mr. Bryan. The Republicans made a tremendous effort to defeat Mr. Holcomb for the avowed reason that the defeat of our candidate would be accepted as a repudiation of Mr. Bryan by his home State. We accepted the challenge, and made the slogan of our campaign, "A vote for Holcomb is a vote for Bryan." Every silver voter felt the necessity of defending our principles, and consequently the campaign was waged on national lines, with a result as follows: In 1896 the Bryan electors received a plurality of 13,576, while in 1899 Holcomb's plurality was 15,107, a gain of almost 2,000 over the plurality of 1896.

Mr. Chairman, we believe that the result of an imperial policy will be the demoralization of our form of government and the subversion of the principles on which that Government is founded. We accept these issues as the Republicans have presented them to us. We will nominate once more our great leader of 1896, and God grant, in the interest of all the people, that when the verdict is announced in November next victory may be written on his banners. [Applause.]

We are engaged in the same cause espoused by the men who adopted that immortal document prepared by Thomas Jefferson, a part of which reads as follows:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed.

Out of the struggle of 1776 a nation was born. The Constitution, as the organic law of our land, was but an outgrowth of the ideas of the Revolution. Colonies were formed into states, and constitutions, state and national, were adopted. The old colonial system was abolished, and with it taxation without representation. The States desired justice and equality before the law, and were willing that the States to be admitted should have the same rights and blessings.

A strong Federal Government was established, with certain delegated powers, supreme within themselves. All others were reserved to the States, respectively, or to the people. The framers of our Constitution had been cursed by the colonial system and were done with it. Sovereign and subject were ever after distasteful terms to them. They felt that all men were equal before the law and that all men should have a voice in Government matters; that no longer in America should distinctions be maintained, but that every man should be permitted to walk erect and say, "This is my Government, and I am part of it."

When the States that laid claim to certain territory west of Pennsylvania and north of the Ohio River ceded it to the people in 1780–1786, and before the adoption of our Constitution, the grant was accepted and a Territorial form of government established by what is known as the ordinance of 1787. Ohio, Indiana, Illinois, Michigan, and Wisconsin were the States that were afterwards formed out of the limits of the cession. I wish to emphasize the idea of the patriots of that early day in regard to the rights and equality of all by quoting from that ordinance.

It was provided that when any of these divisions in the Northwest Territory should have a certain population it was to be at liberty to form a State government, and was then to be admitted to the Union "on an equal footing with the original States in all respects whatsoever." In 1803 President Jefferson purchased what is known as the Louisiana Territory, lying west of the Mississippi River, and out of which something like twelve States were afterwards formed. The third article of the treaty of cession from France to the United States provides as follows:

The inhabitants of the ceded territory shall be incorporated in the Union of the United States and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States; and in the meantime they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess.

Mr. Chairman, in the year 1819 we purchased of Spain East and West Florida, and, as in the case of the Louisiana cession, both parties were so careful of the rights of the inhabitants that in the treaty of cession it was agreed, in Article VI:

The inhabitants of the territories which His Catholic Majesty cedes to the United States by this treaty shall be incorporated in the Union of the United States as soon as may be consistent with the principles of the Federal Constitution and admitted to the enjoyment of all the privileges, rights, and immunities of the citizens of the United States.

In 1848, in our treaty with Mexico, limiting and defining the boundary line between the two Republics, and in which California, New Mexico, and other parts were ceded to the United States, it was provided, in Article IX, as follows:

The Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican Republic conformably with what is stipulated in the preceding article shall be incorporated into the Union of the United States, and be admitted at the proper time (to be judged of by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States, according to the principles of the Constitution; and in the meantime shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction.

In the Gadsden purchase of 1853 it was provided that the provisions of the treaty of Guadalupe Hidalgo relative to citizenship and statehood should apply as fully as if they were recited and set forth in the Gadsden treaty. And while in the treaty of 1867, in which Russia ceded to the United States the Territory of Alaska, no special agreement was made as to future statehood, yet it was provided that the civilized inhabitants—

If they should prefer to remain in the ceded territory, they, with the exception of uncivilized native tribes, shall be admitted to the enjoyment of all the rights, advantages, and immunities of citizens of the United States, and shall be maintained and protected in the free enjoyment of their liberty, property, and religion.

It will thus be seen that in all the great treaties I have mentioned in which territory was ceded to the United States it was

expressly provided that the territory ceded was to be formed into States with all the rights and equalities of statehood, with the exception of Alaska, in which all rights of citizenship were guaranteed.

Mr. Chairman, it was left to the Republican party and the present Administration to negotiate a treaty under which territory containing a dense population was ceded to the United States without making any provisions in regard to statehood or the rights of the inhabitants.

I hold that we can not, under our form of government and under our Constitution, take a grant of land and occupy it as a sovereign without giving to the inhabitants all the rights to which the citizens of the States are entitled. That we can not as a Republic exist as sovereign and subject, and that as a Government giving equal rights to all its citizens we can not maintain colonies and dependencies.

We must hold the Philippine Islands, if they are to be permanently retained, either under the colonial system as Territories without representation and without the other rights and privileges accruing to prospective States, or we must hold them with the intention of ultimately forming them into States and placing them upon the same footing as the present members of the Union. It is impossible that the Chinese, the Malay, the Moro, and the Tagalo could ever become good American citizens, capable of understanding and upholding those principles upon which our Government is founded.

Who dares to contemplate that in the near future we will permit eight or ten Senators and forty-odd Representatives from those islands to participate in legislation as representatives from the Philippine States? Yet we will have that condition of things if those islands are ever formed into States; and I insist, Mr. Chairman, that if we permanently retain them, under the Constitution of our country it can only be done with a view to ultimate statehood. Let us see what the Supreme Court of the United States says upon these questions. In Scott *vs.* Sandford (19 Howard, U. S. Court Reports) it is said:

> There is certainly no power given by the Constitution to the Federal Government to establish or maintain colonies bordering on the United States or at a distance, to be ruled and governed at its own pleasure, nor to enlarge its territorial limits in any way, except by the admission of new States. That power is plainly given; and if a new State is admitted, it needs no further legislation by Congress, because the Constitution itself defines the relative rights and powers and duties of the State, and the citizens of the State and the Federal Government. But no power is given to acquire territory to be held and governed permanently in that character.

And again in the same case the court said:

> The power to expand the territory of the United States by the admission of new States is plainly given; and in the construction of this power by all the departments of the Government it has been held to authorize the acquisition of territory not fit for admission at the time, but to be admitted as soon as its population and situation would entitle it to admission. It is acquired to become a State, and not to be held as a colony and governed by Congress with absolute authority; and as the propriety of admitting a new State is committed to the sound discretion of Congress, the power to acquire territory for that purpose, to be held by the United States until it is in a suitable condition to become a State upon an equal footing with the other States, must rest upon the same discretion.

Under this decision it is absolutely impossible to hold territory for colonial purposes, or in the way the present Administration seems to have determined to retain the Philippine Islands. What is the United States, and how broad is the territory embraced within the meaning of this term? It is every foot of soil over which we exercise jurisdiction. The great Chief Justice Marshall, in defining the term "United States," in Loughborough *vs.* Blake (5 Wheaton), held:

> Does this term designate the whole or any particular portion of the American empire? Certainly this question can admit of but one answer. It is the name given to our great Republic, which is composed of States and Territories. The District of Columbia or the territory west of the Missouri is not less within the United States than Maryland or Pennsylvania.

The Supreme Court of the United States in the case of Shively *vs.* Bowlby (152 U. S.) says:

> And the Territories acquired by Congress, whether by deed of cession from the original States or by treaty with a foreign country, are held with the object, as soon as their population and condition justify it, of being admitted into the Union as States, upon an equal footing with the original States in all respects.

In the case of The United States *vs.* Moore (3 Cranch) it was said:

> The Constitution was made for the benefit of every citizen of the United States, and there is no such citizen, whatever may be his condition, or wherever he may be situated within the limits of the territory of the United States, who has not a right to the protection it affords.

In Murphy *vs.* Ramsey (114 U. S. Supreme Court Reports) the court said:

> The personal and civil rights of the inhabitants of the Territories are secured to them, as to other citizens, by the principles of constitutional liberty which restrain all the agencies of government, State and national. Their political rights are franchises which they hold as privileges in the legislative discretion of the Congress of the United States.

And again:

> If we concede that this discretion in Congress is limited by the obvious purposes for which it was conferred, and that those purposes are satisfied by measures which prepare the people of the Territories to become States in the Union, still the conclusion can not be avoided that the act of Congress here in question is clearly within that justification.

In Pollard *vs.* Hagan (3 Howard) the Supreme Court said:

> Every nation acquiring territory, by treaty or otherwise, must hold it subject to the constitution and laws of its own government, and not according to those of the government ceding it.

The Wong Kim Ark case (169 U. S. Supreme Court Reports) very ably and emphatically declares the law in regard to children born within the limits and jurisdiction of the United States. Wong Kim Ark was born in California of Chinese parents, who were domiciled residents of the United States. They were simply Chinese people engaged in business in San Francisco, and in 1890 they returned to China. In 1894 Wong Kim Ark returned from a temporary visit to China, and permission was refused him to land, based on the provisions of the Chinese-exclusion acts. The case was decided March 28, 1898, and the law declared to be as follows:

> A child born in the United States, of parents of Chinese descent, who, at the time of his birth, are subjects of the Emperor of China, but have a permanent domicile and residence in the United States, and are there carrying on business, and are not employed in any diplomatic or official capacity under the Emperor of China, becomes at the time of his birth a citizen of the United States, by virtue of the first clause of the fourteenth amendment of the Constitution: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside."

Mr. Chairman, under this decision all children born in the Philippine Archipelago of Tagal, Chinese, Moro, or Japanese parents, being within the jurisdiction of the United States and within its territorial limits, are citizens of our country, and as such natural-born citizens are entitled to all the rights and privileges of native-born Americans. If a Chinaman, born in the United States, by virtue of such birth becomes an American citizen, against whom no special act can apply, then I insist that a child born on the Philippine Islands is a citizen of the United States if the Philippine Islands belong to and are to remain a part of the United States.

Mr. Chairman, I now desire for a few moments to consider another phase of this great question. Militarism is a burden grievous to be borne by the taxpayers. The soldier is taken from fields of productive labor and is enlisted in the service of his country. He must be paid, furnished with clothing and supplies, with food and ammunition. Surgeons must be detailed to care for him when the bullet or saber of the enemy finds him. His transportation to distant fields must be paid out of the Treasury, and the sum total of all these items is enormous.

Imperialism is the dream of the ambitious and of those who wish that in the ages yet to come their names may be rescued from oblivion. That when multiplied millions are placidly moving along on the river of time, careless alike of the present or the end of the voyage, some act may rescue the name of the imperialistic dreamer from the unknown millions, and for a brief moment enable it to shine in the eye of the careless multitude. Ambition has covered battlefields with the slain and caused streams to run red with blood. It has broken hearts, made orphans, condensed all the sorrows of the heart into a crystal tear, and has changed the peaceful mission of nations. And militarism, the scourge of Europe, should have no foothold on American soil.

Imperialism is to-day attempting to destroy a patriotic people in South Africa, whose only crime is a belief in old-fashioned liberty and because a gold reef is found within their borders. At one time it was thought that 25,000 men were enough for our army purposes. To-day, because it is proposed that we become a world power, establish and maintain colonies, build a mighty navy, and force ourselves into the troubles of the world at large, 100,000 men are deemed hardly sufficient.

I wish to give at this point a letter from the War Department showing the total number of men enlisted in the Spanish and Philippine war and the number who did not see service abroad.

> WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
> *Washington, D. C., January 19, 1900.*
>
> SIR: In reply to your letter of the 18th instant, to the Secretary of War, requesting information as to the number of men enlisted for service in the Army during the Spanish war, etc., I have the honor to say that the records show that the number of volunteers enlisted prior to the signing of the treaty of peace was, commissioned officers, 10,017; enlisted men, 213,218; total, 223,235. The number of men enlisted in the Regular Army between April 21, 1898, and April 11, 1899, was, approximately, 73,000. The number of troops, regular and volunteer, sent abroad, between April 21, 1898, and April 11, 1899, was, approximately, 95,000, leaving a balance of about 201,535 that did not leave the limits of the United States during that period.
>
> Very respectfully,
>
> WM. H. CARTER,
> *Assistant Adjutant-General.*
>
> Hon. R. D. SUTHERLAND,
> *House of Representatives.*

The following letter shows the cost of our war to December 31, 1899:

> TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
> *Washington, D. C., January 20, 1900.*
>
> SIR: In reply to your communication of the 18th instant, requesting information as to the amount expended for war purposes, exclusive of amounts

expended for building battle ships, from the beginning of the war with Spain to the present time, I have the honor to state as follows:

Estimated expenditures on account of the war with Spain, from March, 1898, to December 31, 1899.

War	$256,750,000
Navy	68,000,000
Payment to Spain	20,000,000
Interest on bonds issued for war expenditures	7,616,763
Total	352,366,763

Information as to what amount may be included in the above-named Navy expenditures for battle ships should be obtained from the Navy Department.

Respectfully,

L. J. GAGE, *Secretary.*

Hon. R. D. SUTHERLAND,
House of Representatives.

During the last twenty years we have had not to exceed 25,000 men in our Regular Army at any one time. We have at this date 100,000, and it is the policy of the Administration to maintain an army of that size unless public sentiment is too vigorous in opposition. Heretofore it has cost us about $25,000,000 per year for the support of our Army. Now it is costing over one hundred and twenty-five millions per year, an increase of one hundred millions, that must be paid by the taxpayers of our country. It is estimated that in times of peace it costs the Government about $1,000 to maintain a soldier for one year.

In time of war the cost is much more, depending upon the work that is to be done, the cost of transportation to the point where the troops are needed, the amount of ammunition used, and other contingencies the cost of which can not be accurately estimated. Secretary of the Treasury Gage estimates the expenses of the Government for various purposes for the fiscal year beginning July 1, 1900, at $738,000,000; and as estimates are always conservative, it is safe to say that our expenditures will far exceed that sum for the year I refer to. He estimates the expense for the War Department as follows:

Salaries and expenses	$2,326,366.00
Military establishment	128,170,583.54
Public works	50,988,271.49
Miscellaneous	4,926,630.00
Permanent annual appropriations	3,701,000.00
Total, War Department	190,112,851.03

For the Navy Department, his estimate is as follows:

Salaries and expenses	$734,181.20
Naval establishment	58,425,334.83
Public works	15,820,174.32
Permanent annual appropriations	1,490,000.00
Total, Navy Department	76,469,690.41

Taking the estimates for military establishment, $128,170,583.54, and naval establishment, $58,425,334.83, we have a total for war purposes of $186,595,918.37. If we compare these estimates with the war expenditures of the years past, it will be readily seen that imperialism is a very expensive luxury. There is another item of expense that is worthy of attention. The Government is paying out about $145,000,000 per year in pensions to those who participated in our past wars and to their widows and orphans. A large army permanently employed in the Philippines, Puerto Rico, and elsewhere must of necessity mean that our increase of pensions from that source alone will be large, based upon disease, if not upon injuries received in actual conflict.

I am heartily in favor of liberal pensions for the survivors of all our wars, their widows and orphans, but am wholly opposed to a policy that renders necessary so large a military establishment that adequate pensions will soon become an impossibility. The immense expenditures by the European governments for army purposes, and their small pension rolls compared with our own, show that no country can maintain large armies and at the same time grant liberal pensions. I contend that the proposition to force upon a hostile people a form of government distasteful to them and not in accord with our fundamental law is gross folly and can not result in good to either nation.

A republic rests upon the consent of the governed, and in time of trouble must depend upon the patriotism of its people. No hired soldiery in the past has caused Old Glory to shine as the sun in the heavens or its stars to gleam like the heavens at night. Out of the little country homes or from the residences in the cities, at the word of danger, millions have volunteered, not for money or for goods, but that the great Republic might exist and its principles continue to glow in the hearts of its sons and daughters.

Who wants this country to drift into imperial splendor and who wishes to hear the steady tramp of a great army of hired soldiers? In the light of the splendid past, who wants to say good-by forever to the volunteers, the best, the truest, and the most faithful of all soldiers; the volunteer who for sake of country and the country's flag offers himself that his nation may live?

Who has demanded an increase of our standing Army to 100,000 men? Has a single farmer sent his voice out from the peaceful quiet of his country home in favor of more soldiers and more taxes? Has the minister from the pulpit, the lawyer from his office, the merchant from his store, or any of the toiling millions prayed for military glory and expense? Who, then, makes this demand? The capitalist, the speculator, and the tax dodger have lifted their voices unto high heaven in favor of a big army.

The gold grabber and the stock manipulator, who fear that some time the people may vigorously protest against extortion and wrong, in the shriveled limits of their souls are in favor of many soldiers to protect them and their ill-gotten gains, forgetting that even when wronged the American people are just and generous. The financier, who is anxious to grab franchises and to secure profitable privileges in the islands of the sea, is in favor of militarism. The capitalist, who is not satisfied with his millions, but wishes to add thereto, and whose sleeping hours even are full of sorrow because he can not grasp his money bags tight in his hands when he prepares to take passage with Father Charon over the Styx, is in favor of more fields to conquer and people to exploit.

The working people of Warder, Pana, and Hazleton understand that armies are not always used to fight foreign foes, and the toiling millions ought to bear in mind that an increase of our Army has always been demanded by capitalists when the protests of labor unions against oppression and wrong have been the strongest. The capitalistic class hails with joy the retention of the Philippines, as it will force upon our country what they have demanded for years—a big army. It is they who are forcing the Administration to continue in its course of imperialism in violation of the Constitution, but not the people who desire only the paths of peace.

The real object of the demand for the retention of the Philippine Islands by this Government is not benevolent assimilation, not the ultimate good of the inhabitants, nor the betterment of this country; but the hidden motive is the presence of sufficient military and naval strength to enable the capitalists of England and America at the proper time to invade China with railroads, open up the territory containing 500,000,000 people to the planting of factories, where can be found the cheapest labor on earth, and thus make China the workshop of the world.

It has been the history of nations from the beginning of time that when rulers depart from the paths of national justice and begin to wrong and to oppress the people, then came national decay and death. Jackals howl over the ruins of Babylon and the dust of centuries has buried its civilization. When Hannibal, with his conquering legions, marched to the very gates of Rome, it seemed as if nothing could resist him; but when Rome struck the return blow, Carthage became a thing of the past and the victorious Romans sowed salt over its location.

Rome was great and its influence upon the world tremendous, but Gibbon says that Augustus "bequeathed as a valuable legacy to his successors the advice of confining the Empire within those limits which nature seemed to have placed as its permanent bulwarks and boundaries." England to-day is treading the wine-press of the wrath of nations because of the eagerness and rapacity of her ruling classes, their selfishness and greed. Never a spot so fair or peaceful but England desired it, if it would but add to her riches.

The Boer Republic stands in the way of British greed and British conquest. Her flag and colonies must be found in every land, and in her anxiety to add more territory and more gold mines to her possessions she seems to have struck a rock at last. She is following in the footsteps of the nations, and her military prestige, regardless of the result of the present war, is waning.

The following extract from the report of the Republican members of the Committee on Ways and Means on the Puerto Rico bill, clearly shows the Republican idea of the power of Congress to legislate for Puerto Rico and the Philippines independent of the limitations of the Constitution:

> In the treaty with Russia whereby Alaska was acquired no provision was made for the incorporation of the territory into the Union, but provision was made that the inhabitants should have the immunities of citizens of the United States and protection in the enjoyment of their liberty, property, and religion. Had not these terms been made in the treaties, the territory acquired would have become subject to the legislation of Congress under its power to make all needful rules and regulations respecting it, which is without limitation.
>
> If by the mere acquisition of territory by the United States its government becomes subject to the limitations of the Constitution, then clearly there was no necessity for the insertion of limitations in the respective treaties. So far as legislation with respect to these treaty-acquired territories has been had, it is to be attributed to the guaranties secured by the terms of the treaty. In the case of territory acquired with no limitations upon the power of Congress, its power is absolute and exclusive, except in so far as it is limited by the thirteenth amendment to the Constitution, which prohibits the existence of slavery in any place over which the United States has jurisdiction.

The Republicans hold that the islands belong to us, and that the native who revolts against our authority is guilty of treason; that we control the people and make their laws and prescribe their form of government, whatever kind we in the future determine to give them, and yet the provisions of the Constitution do not apply to them. The Republicans also hold that the people of the islands are not entitled to trade with us, except upon such terms as we choose to impose.

That they belong to us for the purposes of exploitation, but

they refuse to say that the Constitution extends over these people, but assert that Congress has the power to govern Puerto Rico and the Philippines independent of the limitations of the Constitution. It is the old doctrine of the divine right of kings that the Republicans have resurrected, and their attempt to strain and twist the Constitution to make it fit their position would be amusing if it were not so dangerous.

The Constitution creates Congress, which exists only by virtue of that organic law, having no power except such as is committed to it by its creator. It is enveloped and surrounded and its actions guarded by the instrument that brings it into life. Congress is but the creature of the fundamental law, and it can not exercise jurisdiction where the provisions of the Constitution do not extend.

How absurd and monstrous to hold that the Constitution, strong and vigorous as it is in holding forty-five States together, steadily guiding the movements of a great people in their internal and foreign relations, is impotent to go with its creation—Congress—outside of the limits of the States, but must helplessly see the agent that it creates legislate happiness or misery for a defenseless people.

> A power, therefore, in the General Government to obtain and hold colonies and dependent territories, over which they might legislate without restriction, would be inconsistent with its own existence in its present form. (Scott vs. Sandford, 19 Howard, U. S. Court Reports.)

One wrong step follows another. It does not appear that the President had any idea when the peace commissioners met at Paris that we would demand the cession of the Philippines to the United States. But as the peace negotiations went on and the pressure from capitalists and speculators increased, the desire to add population and land to our possessions became the ruling policy. In the protocol of August 12, 1898, we find the following agreement relative to the United States and the Philippines:

> ART. 3. The United States will occupy and hold the city, bay, and harbor of Manila, pending the conclusion of a treaty of peace, which shall determine the control, disposition, and government of the Philippines.

That agreement left the future of the islands open for discussion, for it was agreed that the United States would only occupy the city, harbor, and bay of Manila pending the settlement of the whole question. The American and Spanish commissioners met in Paris October 1, 1898, and it was not until October 31, 1898, that the American commissioners demanded the cession of the Philippines to the United States.

In reply to the charge of the Spanish commissioners, that the cession of the Philippines was not set forth in the protocol of August 12, 1898, and was not within the contemplation of either party until after the commissioners had been in session one month, the American commissioners said:

> In the case of the Philippines, the United States, except as to the bay, city, and harbor of Manila, confined itself to demanding that the subject should be left in the widest and fullest sense for future negotiation. While it did not, with the exception referred to, demand specific concessions, it reserved and secured the right to demand them. Its position, therefore, is not that its present demand in respect of the Philippines were specifically set out in the protocol, but that they are justified by and included in the right which it therein expressly reserved and secured to make demands in the future.

The responsibility for the government of the islands was not thrust upon us by the act of Providence, nor were they forced upon us by the fortunes of war; but after the Peace Commissioners had been in session one month the demand was made for the Philippines by the American commissioners. They urged in justification of this late demand that the right to make demands in the future had been reserved.

It is further shown that the cession of the Philippines, for which the President is undoubtedly responsible, was not a result of Providential dealing alone, as we paid $20,000,000 to bind the bargain. We then have the Administration pressure for the islands, and the cession as a result of the demand. Then came the request of the Administration for a great army of 100,000 men. Then resulted the Republican argument that we govern ten millions of people in Puerto Rico and the Philippines through Congress as subjects and independent of the limitations of the Constitution.

Then follows the Republican proposition that we can enact tariff laws that will prevent the people of Puerto Rico and the Philippines from trading with our country, and at the same time asserting that those islands are American soil and subject to the laws Congress may see fit to impose. Thus we see that the Republican party is ultimately brought to the point of declaring that no fundmental law binds Congress in dealing with these islands, except the thirteenth amendment to the Constitution, relative to slavery; and on this point they run against the President, who conveniently set aside the thirteenth amendment by Article X of the agreement with the Sultan of Sulu, which reads as follows:

> ART. X. Any slave in the Archipelago of Jolo shall have the right to purchase freedom by paying to the master the usual market value.

Under the exclusion act we prevent the Chinese from coming to our country, but we take them in by the thousands at Manila. We pass rigid immigration laws to keep out undesirable European immigrants, but admit 10,000,000 Asiatics with one flourish of the pen. The problem of dealing with 8,000,000 negroes in our country, in advancing and civilizing them, engages the attention of our best statesmen, yet without a care or a thought we add 10,000,000 of Asiatics, Mohammedan Moro pirates, Tagalogs, Malays, Chinese, and half-breeds to our population as carelessly as if government in the interest of all the people carried no responsibility with it.

I protest against militarism as the outgrowth of diseased ambition, and regard the simplicity of the Republic and the glory and patriotism of the volunteers as our best protection. I protest against a large standing army as a menace to civil liberty and a violation of the principles upon which our Republic is founded. I protest against policing the Philippine Islands at an enormous expense to our people in order to protect the capitalist and franchise grabber who desires to exploit the islands.

I deny the proposition that trade follows the flag, and that in order to maintain commercial supremacy we must establish colonies and have a great army. I hold as ridiculous the doctrine that bargains are made at the point of a shotgun, and that dividends are declared through the agencies of battle ships, or that goods are sold and profits realized by the help of battalions of soldiers. We send iron bridges to Egypt, locomotives to Europe, and goods to all parts of the world, because we make a superior article or can undersell our competitors, and the gleam of the bayonet and the rattle of the Krag-Jörgensen is not reckoned in trade balances.

Must we keep American soldiers for all time in the Philippines? Must we subject them to dangers and disease? Shall the ever-monotonous message of death from the guerrilla's bullet or disease be our portion? Shall the gates of our Temple of Janus swing outward, always outward? Will the ears of Americans listen forever to the shrill cry of the war eagle, and not be rested by the cooing notes of the dove of peace?

As long as the rest of those in authority is broken with the golden vision of imperial splendor, and the senses pleased with the fragrant incense of adulation and flattery, we can not hope for rest. But when the day of the awakening comes, and the people restore the things as established by the fathers, then we may hope that imperialism, the ill-favored vulture of monarchical Europe, will spread its wings for its return to the place that has been its congenial home for ages.

Mr. JOHNSTON. Mr. Chairman, I had not expected to have an opportunity to say one word in this great debate, and therefore in the limited time allotted to me it is not possible for me to be able to much more than enter my protest against the passage of this bill. In my humble judgment a more mischievous, iniquitous, unjust, and unrighteous, as well as unconstitutional, piece of legislation has not been attempted in this House during this session; even far more dangerous, indeed, than the gold-gambling bill, with its national-bank attachment.

The advocates of this measure under discussion would have this House believe that the legislation proposed is of the most innocent and harmless character; in fact, a very humane measure, intended for the suffering people of the island of Puerto Rico. And while some seek to justify the measure on the plea of humanity, others take for its justification the bold ground that Congress, in dealing with this island and its inhabitants, is omnipotent and is not bound by the prohibitions, limitations, and restrictions of the Federal Constitution. Strange indeed, if true, that Congress, the creature of the Constitution, can override, overreach, and dominate the very instrument which gives to it the only vitality and authority which it possesses. No such thing as a republic and an empire can exist at one and the same time under our Constitution and form of government.

Puerto Rico, by virtue of the treaty with Spain, is either a part of the territory of the United States or it is not. There is no middle ground or position. Congress, attempting by this bill to legislate for the inhabitants of the island, must of necessity obtain its power and authority from the Constitution alone, for it has no other; and if this be true, then Congress can not impose any other taxation upon said inhabitants than that which it can impose on the people of the States and Territories of the United States.

Unequal taxation is unjust taxation, and unjust taxation is no less plunder, no matter under what pretense it is imposed, even though under the sanction of law, under which it is sought to be justified.

We can not disguise it. The question is, Shall we ruin Puerto Rico or not? We will not if we exercise our power honorably and conscientiously; yet we may disgrace ourselves as a nation by using it oppressively, by breaking our pledges and dealing unjustly with the people of this island.

I will not attempt to discuss, for I have no time to do so, the constitutional questions involved, nor will I attempt to review the decisions of the Supreme Court of the United States bearing upon this question, as this has already been ably done on both sides of this Chamber, and my judgment is convinced that the measure is unconstitutional.

But, Mr. Chairman, there is more in this bill and its far-reaching results than its advocates are willing to concede or disclose. It is doubtless to be made the precedent and foundation for legislation upon a larger and more extended scale, to be hereafter entered upon, touching the government and control of our recent acquisitions from Spain, and which is intended to bind us hand and foot to a colonial and imperial policy likened after that of Great Britain.

This is but the first step that is to mark our departure from constitutional methods and our embarkation upon the highway of imperial and colonial policy. I am certainly glad that the advocates of this policy in this House are about to receive a just rebuke, not only from the Democratic members of the House, but from a number of the liberty-loving Representatives on their own side of the House.

I am sure, if I mistake not the temper of the House, that the patriotic representatives of the people on this floor will, by their votes on this bill, throttle this monster of iniquity and unrighteousness and give to the advocates of this measure, and the policy they thereby propose to inaugurate, a solemn lesson which they will not soon forget, and that is that the people of this land of freedom still love and intend to maintain and perpetuate our free institutions, and will not suffer the temple of liberty erected by the fathers of the Republic to be immolated, but will resist to the bitter end all attempts at the establishment of empire, or of a policy which, if pursued to its legitimate end, will necessarily result in the destruction of our free institutions. [Loud applause.]

Mr. Chairman, I yield ten minutes to the gentleman from Illinois [Mr. JETT].

[Mr. JETT addressed the committee. See Appendix.]

Mr. NOONAN. Mr. Chairman, the pending bill relates to the structure of our Government. Its gravity is obvious.

It involves new doctrines of constitutional construction and new questions of policy.

In this discussion I shall endeavor to confine my remarks to constitutional construction.

This new doctrine of construction, in the language of one of its ablest exponents, the distinguished senior Senator from Connecticut, is as follows:

That the United States is a nation; that as a nation it possesses every sovereign power not reserved in its Constitution to the States or the people; that the right to acquire territory was not reserved, and is therefore an inherent sovereign right; that it is a right upon which there is no limitation, and with regard to which there is no qualification; that in certain instances the right may be inferred from specific clauses in the Constitution, but that it exists independent of these clauses; that in the right to acquire territory is found the right to govern it; and as the right to acquire is sovereign inherent right, the right to govern is a sovereign right not limited in the Constitution, and that these propositions are in accordance with the views of the Constitution, the decisions of the Supreme Court, and the legislation of Congress.—*Congressional Record*, volume 32, page 287.

This utterance was made upon the floor of the Senate on the 19th day of December, 1898.

I assail this new doctrine of construction, and in so doing I affirm that the United States is a nation; that the Federal Government is a Government of enumerated and delegated powers; that all powers not so enumerated and delegated nor prohibited to the States are reserved to the States or to the people; that the Federal Government is limited in its power to acquire and govern territory; that the possession by the Federal Government of an inherent sovereign right of any kind is repugnant to the letter and spirit of the Declaration of Independence, the Constitution of the United States, to the American form of government; and that these propositions are in accordance with the views of the framers of the Constitution, the decisions of the Supreme Court of the United States, and the legislation of Congress.

In order to know the law we needs must know the facts. Now, Mr. Chairman, what are the facts? As I take it, the immediate facts are:

First. The acts of the legislative and executive departments of this Government;

Second. The acts of the Spanish Government; and

Third. The acts of the inhabitants of the Philippine Islands and Puerto Rico.

A knowledge of these immediate facts will give you the ultimate facts. Apply to these ultimate facts the law of nations and the Constitution of the United States, and you will have constructed a foundation upon which to establish the policy which ought to be declared by this nation.

It is hardly necessary for me to remind the members of the House what are the immediate facts in the case. Of these immediate facts, to my mind, the salient facts are:

1. The declaration of war and its causes.

2. The adoption of the joint resolution favoring the independence of the people in Cuba, in part as follows:

First. That the people of the island of Cuba are, and of right ought to be, free and independent.

* * * * * * *

Fourth. That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island, except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the island to its people.

3. The destruction of the Spanish fleet by Commodore Dewey in Manila Bay.

4. The negotiations of the consuls and the command ersof the Army and Navy of the United States with the insurgent leaders, the insurgent government, and the acts and doings of the representatives of the insurgent government of the Philippines.

I ask leave to insert, as part of my remarks, extracts from official documents transmitted with the treaty in the President's message to the Senate (Senate Document No. 62, Fifty-fifth Congress, third session), as follows:

Mr. Wildman, consul, Hongkong, to Mr. Day, Secretary of State.

HONGKONG, *November 3, 1897.*

SIR: Since my arrival in Hongkong I have been called upon several times by Mr. F. Agoncilla, foreign agent and high commissioner, etc., of the new republic of the Philippines.

Mr. Agoncilla holds a commission, signed by the president, members of cabinet, and general in chief of the republic of Philippines, empowering him absolutely with power to conclude treaties with foreign governments.

Mr. Agoncilla offers, on behalf of his government, alliance, offensive and defensive, with the United States when the United States declareswar on Spain, which, in Mr. Agoncilla's judgment, will be very soon. In the meantime he wishes the United States to send to some port in the Philippines 20,000 stand of arms and 200,000 rounds of ammunition, for the use of his government, to be paid for on the recognition of his government by the United States.

Mr. Williams, consul at Manila, to Mr. Cridler, Third Assistant Secretary of State.

CONSULATE OF THE UNITED STATES,
Manila, Philippine Islands, February 22, 1898.

SIR: Without specific instructions it seems my duty at this critical period to inform the Washington Government somewhat as to political conditions here. * * *

Peace was proclaimed, and since my coming festivities therefor were held; but there is no peace and has been none for about two years. Conditions here and in Cuba are practically alike. War exists; battles are of almost daily occurrence. * * *

A republic is organized here, as in Cuba.

Mr. Williams, consul at Manila, to Mr. Cridler, Third Assistant Secretary of State.

MARCH 19, 1898.

* * * Insurrection is rampant. * * * Rebellion was never more threatening to Spain. Rebels getting arms, money, and friends, and they outnumber the Spaniards, resident and soldiery, probably a hundred to one. * * *

Mr. Williams to Mr. Cridler.

MARCH 27, 1898.

* * * Cuban conditions exist here, possibly in aggravated form. Spanish soldiers are killed and wounded daily, despite claimed pacification, and the hospitals are kept full. * * * Since the beginning of this dispatch I learn of the desertion to the insurgents of another entire regiment. * * *

Mr. Williams, consul at Manila, to Mr. Day, Secretary of State.

MARCH 31, 1898.

* * * From consensus of opinion received from men of several nationalities, from oldest foreign residents, from natives, Chinese, and a few Spaniards, I believe of the Philippine people, estimated at 15,000,000, not 5 per cent are loyal to Spain. * * *

Mr. Pratt, consul-general, Singapore, to Mr. Day, Secretary of State.

[Confidential.]

APRIL 28, 1898.

* * * Being aware of the great prestige General Aguinaldo has with the insurgents, I determined to see him. At my request a secret interview was accordingly arranged and obtained assurances of his willingness to proceed to the Philippines and confer with Commodore Dewey, should the latter so desire. I telegraphed the Commodore whose reply read thus: "Tell Aguinaldo come as soon as possible. Dewey."

The General impressed me as a man of intelligence, ability, and courage, and worthy the confidence that had been placed in him. * * *

Mr. Pratt, consul-general, Singapore, to Mr Day, Secretary of State.

APRIL 30, 1898.

The General stated that he hoped the United States Government would assume protection of the Philippines at least long enough to allow the inhabitants to establish a government of their own.

Mr. Williams, consul at Manila, to Mr. Day, Secretary of State.

MAY 12, 1898.

SIR: To aid you, if possible, permit me to give assurance of the friendliness of the Philippine natives to our country and to me as its representative. * * * The insurgent leader * * * reported to me that they had 37,000 troops in arms, good and bad, surrounding Manila, endeavoring to cooperate with us. * * * To show their friendliness for me as our nation's only representative in this part of the world, as soon as the natives found me out, they crowded around me, hats off, shouting "Viva los Americanos!" * * * Few United States troops will be needed for conquest, and fewer still for occupancy. * * * Expulsion of Spaniards will remove all discord and danger. * * *

Mr. Williams, consul, Manila, to Mr. Day, Secretary of State.

MAY 24, 1898.

SIR: I have the honor to report successful efforts on the part of the insurgents for more successful war against Spain. Officers have visited me during darkness of night to inform the fleet and me of their operations. * * * To-day I executed a power of attorney, whereby General Aguinaldo releases to his attorneys in fact $400,000, now in the bank at Hongkong, so that from the money there can be paid for 3,000 stand of arms bought there and expected here to-morrow. * * *

Proclamation of General Aguinaldo.

MAY 24, 1898.

FILIPINOS: The great nation, North America, cradle of true liberty, and friendly on that account to the liberty of our people * * * has come to manifest even here a protection which is decisive as well as disinterested toward us, considering us endowed with sufficient civilization to govern by ourselves, this, our unhappy land. To maintain this so lofty ideal * * * it is our duty to detest all those acts which belie such an idea as pillage, robbery, and every class of injury to persons as well as to things.

Mr. Day, Secretary of State, to Mr. Pratt, consul-general, Singapore.

JUNE 16, 1898.

This Government has known the Philippine insurgents only as discontented and rebellious subjects of Spain, and is not acquainted with their purposes. * * * They have neither asked nor received from this Government any recognition. If in the course of your conferences with Aguinaldo you acted upon the assumption that this Government would cooperate with him in the furtherance of any plan of his own, or that in accepting his cooperation it would consider itself pledged to recognize any political claims which he might wish to forward, your action was unauthorized and can not be approved.

Mr. Williams, consul at Manila, to Mr. Day, Secretary of State.

JUNE 16, 1898.

SIR: I have the honor to report that since our squadron destroyed the Spanish fleet, May 1, the insurgent forces have been most active and almost uniformly successful in their many encounters with the Crown forces of Spain. General E. Aguinaldo, the insurgent chief, has returned recently to Cavite to resume direction of insurgent forces. He is not permitted by his people to personally lead in battle, but from headquarters governs all military movements. * * * For future advantage I maintain cordial relations with General Aguinaldo.

JUNE 18, 1898.

Aguinaldo's proclamation, establishing the dictatorial government, contains the following:

"*To the Philippine public:*

* * * "I have proclaimed in the face of the whole world that the aspiration of my whole life, the final object of all my efforts and strength is nothing less but your independence, for I am firmly convinced that that constitutes your constant desire and that independence signifies for us * * * entrance into the concert of civilized nations."

Aguinaldo's proclamation, June 23, 1898, establishing the revolutionary government, contains the following:

* * * "The dictatorial government will be entitled hereafter the 'revolutionary government,' whose object is to struggle for the independence of the Philippines until all nations, including the Spanish, shall expressly recognize it as to prepare the country so that a true republic may be established."

Mr. Williams, consul at Manila, to Mr. Day, Secretary of State.

JULY 2, 1898.

To General Anderson and all I am rendering every possible assistance, and have been asked by him to treat with Aguinaldo as to American interests.

Brig. Gen. Thomas M. Anderson, commanding United States forces, to Aguinaldo, commanding the Philippine forces.

JULY 4, 1898.

GENERAL: I have the honor to inform you that the United States of America, whose land forces I have the honor to command in this vicinity, being at war with the Kingdom of Spain, has entire sympathy and most friendly sentiments with the natives of the Philippine Islands. For these reasons I desire to have the most amicable relations with you, and to have you and your people cooperate with us in military operations against the Spanish forces. In our operation it has become necessary for us to occupy the town of Cavite as a base of operations. In doing this, I do not wish to interfere with your residence here and the exercise by yourself and other native citizens of all functions and privileges not inconsistent with military rule. * * *

Anderson to Aguinaldo.

JULY 6, 1898.

I am encouraged by the friendly sentiments expressed by your excellency in your welcome letter received on the 5th instant. To endeavor to come to a definite understanding which I hope will be advantageous to both, * * * very soon we expect a large addition to our force, and it must be apparent to you as a military officer that we will require much more room to camp our soldiers, and also store room for our supplies. For this I would like to have your excellency's advice and cooperation, as you are best acquainted with the resources of this country. * * * I am solicitous to avoid all conflict of authority, which might result from having two sets of military officers exercising command in the same place.

Mr. Williams to Mr. Moore.

JULY 18, 1898.

SIR: There has been a systematic attempt to blacken the name of Aguinaldo and his cabinet on account of the questionable terms of their surrender to the Spanish forces a year ago this month. It has been said that they sold their country for gold, but this has been conclusively disproved. * * *

Agoncillo, late minister of foreign affairs in Aguinaldo's cabinet, called on me and made proposals, which I transmitted to the State Department. In reply, was instructed to courteously decline communication regarding alleged mission. I obeyed instructions to the letter until the breaking out of the war, and, after consultation with Admiral Dewey, I received a delegation from the insurgent junta, and they bound themselves * * * to place themselves absolutely under the orders of Admiral Dewey if permitted to return to Manila. * * * It was May 16 before I could obtain permission from Admiral Dewey to allow Aguinaldo to go by U. S. S. *McCulloch*. Immediately upon the arrival of Aguinaldo at Cavite he issued the proclamation which I had outlined for him before he left. * * * He, of course, organized a government. * * *

In conclusion, I wish to put myself on record as stating that the insurgent government of the Philippine Islands can not be dealt with as though they were North American Indians.

Anderson to Aguinaldo.

JULY 19, 1898.

Your offer of assistance is appreciated, and your assurances of good will are most gratifying. * * * I would be obliged if you would permit him (Major Bell) to see your maps and place at his disposal any information you may have on the above subjects, and also give him a letter or pass addressed to your subordinates which will authorize them to furnish him any information they can on these subjects and to facilitate his passage along the lines upon a reconnoissance around Manila, on which I propose to send him.

Aguinaldo to Anderson.

BACOOR, *July 24, 1898.*

* * * I came from Hongkong to prevent my countrymen from making common cause with the Spanish against the North Americans, pledging before my word to Admiral Dewey to not give place (to allow) to any internal discord, because (being) a judge of their desires I had a strong conviction that I would succeed in both objects, establishing a government according to their desires.

Thus it is that in the beginning I proclaimed the dictatorship, and afterwards * * * I established a republican government that to-day exists, giving it a democratic and popular character as far as the abnormal circumstances of war permitted. * * * We expected that the great North American nation which struggled first for its independence and afterwards for the abolition of slavery and is now actually struggling for the independence of Cuba would look upon it with greater benevolence than any other nation. Because of this we have always acknowledged the right of preference of our gratitude.

Mr. Cridler, Third Assistant Secretary of State, to Mr. Williams.

AUGUST 4, 1898.

Your course, while retaining amicable relations with the insurgents, in abstaining from any participation in the adoption of their so-called provisional government is approved.

5. The President's proclamation of benevolent assimilation to the Philippines is in part as follows:

EXECUTIVE MANSION, *Washington, December 21 1898.*

To the SECRETARY OF WAR.

SIR: The destruction of the Spanish fleet in the harbor of Manila by the United States naval squadron commanded by Rear-Admiral Dewey, followed by the reduction of the city and the surrender of the Spanish forces, practically effected the conquest of the Philippine Islands and the suspension of Spanish sovereignty therein.

With the signature of the treaty of peace between the United States and Spain by their respective plenipotentiaries at Paris on the 10th instant and as the result of the victories of American arms the future control, disposition, and government of the Philippine Islands are ceded to the United States. In fulfillment of the rights of sovereignty thus acquired and the responsible obligations of government thus assumed the actual occupation and administration of the entire group of the Philippine Islands becomes immediately necessary, and the military government heretofore maintained by the United States in the city, harbor, and bay of Manila is to be extended with all possible dispatch to the whole of the ceded territory.

* * * * * * *

Finally, it should be the earnest and paramount aim of the military administration to win the confidence, respect, and affection of the inhabitants of the Philippines by assuring to them in every possible way that full measure of individual rights and liberties which is the heritage of free peoples, and by proving to them that the mission of the United States is one of benevolent assimilation, substituting the mild sway of justice and right for arbitrary rule. In the fulfillment of this high mission supporting the temporary administration of affairs for the greatest good of the governed there must be sedulously maintained the strong arm of authority to repress disturbance and to overcome all obstacles to the bestowal of the blessings of good and stable government upon the people of the Philippine Islands under the free flag of the United States.

WILLIAM MCKINLEY.

This order will be duly proclaimed and enforced.

G. D. MEIKLEJOHN,
Assistant Secretary of War.

6. Commencement of hostilities between the American forces and the Filipinos.

7. The ratification of the treaty of peace, which contains the following:

ARTICLE IV.

The United States will, for a term of ten years from the date of the exchange of the ratifications of the present treaty, admit Spanish ships and merchandise to the ports of the Philippine Islands on the same terms as ships and merchandise of the United States.

ARTICLE IX.

Spanish subjects, natives of the peninsula, residing in the territory over which Spain by the present treaty relinquishes or cedes her sovereignty, may remain in such territory or may remove therefrom, retaining in either event all their rights of property, including the right to sell or dispose of such property or of its proceeds; and they shall also have the right to carry on their industry, commerce, and professions, being subject in respect thereof to such laws as are applicable to other foreigners. In case they remain in the territory, they may preserve their allegiance to the Crown of Spain by making before a court of record, within one year from the date of the exchange of ratifications of this treaty, a declaration of their decision to preserve such allegiance, in default of which declaration they shall be held to have renounced it and to have adopted the nationality of the territory in which they may reside.

The civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by Congress

ARTICLE X.

The inhabitants of the territories over which Spain relinquishes or cedes her sovereignty shall be secured in the free exercise of their religion.

8. The contemporaneous action of the Senate at the time the treaty was under debate, including the Bacon resolution, which was offered as an amendment to the McEnery joint resolution, and voted down by the Senate, the amendment being as follows:

Resolved further, That the United States hereby disclaim any disposition or intention to exercise permanent sovereignty, jurisdiction, or control over said islands, and assert their determination, when a stable and independent government shall have been erected therein, entitled to recognition as such, to transfer to said government, upon terms which shall be reasonable and just, all rights secured under the cession by Spain, and to thereupon leave the government and control of the islands to their people.

The vote announced on the adoption of the amendment was 29 yeas, 29 nays, and 32 not voting, 16 pairs having been announced and recorded. The Vice-President decided the tie vote by voting "nay" and declared the amendment lost. (CONGRESSIONAL RECORD, volume 32, page 1846.)

The McEnery joint resolution was then adopted by the Senate, the resolution being as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That by the ratification of the treaty of peace with Spain it is not intended to incorporate the inhabitants of the Philippine Islands into citizenship of the United States, nor is it intended to permanently annex said islands as an integral part of the territory of the United States; but it is the intention of the United States to establish on said islands a government suitable to the wants and conditions of the inhabitants of said islands, to prepare them for local self-government, and in due time to make such disposition of said islands as will best promote the interests of the citizens of the United States and the inhabitants of said islands.

On the question of adoption the vote was—yeas 26, nays 22, not voting 42. (CONGRESSIONAL RECORD, volume 33, page 1847.)

9. The continued existence of hostilities.

10. And the facts arising from the surrounding circumstances, such as habits, manners, and customs of the inhabitants, the climate and natural resources, social economics, commerce, and environments.

Now, Mr. Speaker, it is not my intention to deduce the conclusions of facts which are warranted by these immediate facts.

However, these salient facts which I have called to mind, comprising some of the acts of this Government, the Spanish Government, and the inhabitants of the Philippines, justify the conclusion that we have to consider the following points:

QUESTIONS ARISING.

First. Had the inhabitants of the Philippines and Puerto Rico, before the ratification of the treaty or have they now, according to the tenets of international law, any right to deny the authority of the Government of the United States?

Second. Assuming that the treaty in all its provisions is constitutional, what are the relations of the territory of the Philippines and Puerto Rico to the territory of the United States?

Third. What are the relations of the inhabitants of the Philippines and Puerto Rico to the inhabitants of the United States?

Fourth. What are the relations of the inhabitants of the United States to the territory of the Philippines and Puerto Rico?

Fifth. What are the relations of the inhabitants of the Philippines and Puerto Rico to the territory of the United States?

And on these points, as I said, I will confine my discussion to the constitutional sphere of argument.

SOCIETY AND CIVILIZATION.

Before doing so, however, I wish to submit a few abstract remarks on political science, without being considered academic.

Man is more than an individual. "Man by nature is a social being," said Aristotle. Animated by self-interest, he desires the society of others. Only great intellects seek solitude.

Society is the perpetual communication of material and moral benefits between mankind. Each member has his rights and duties.

Law or right, like duty, springs from conscience, and consequently whatever wounds the conscience is neither right nor duty. The circle of rights and duties is as broad as that of the necessary relations which bind together free beings. Whatever wounds the conscience of a nation is neither a right nor duty.

Rousseau said:

Nature took little care to bring men together by mutual wants. The social contract was an advance on the state of nature and, instead of destroying natural equality, on the contrary, substituted moral and legitimate equality for whatever inequalities nature may have placed among men. Thus the social contract was entered into for the improvement of the lot of humanity:

Civilization is the aggregate of the material and moral progress of mankind. The German philosopher Kant discovered civilization in the spread of human liberty.

De Molinari wisely observes that liberty and property are better guaranteed in proportion as civilization gains ground and that progress made in guaranteeing liberty and property is an essential condition of all other progress.

Guizot says that civilization consists of the development of human society and of man himself.

Nothing but the general freedom of all rights, all interests, and all opinions, the free manifestation of the legal coexistence of all these forces, can restrain each force and each power within its legitimate limits and prevent it from encroaching on the rest.

Subjected to analysis, we see that man is a social being, formed and adapted to live and cooperate with his fellow-men. Common needs and like desires are the powerful springs of action which urge man to harmonious effort or cooperation, and this cooperation tends to weld individual men into a social body. Here are the beginnings of civilization and society, the foundation upon which are builded the moral, intellectual, and spiritual progress of mankind. As this social body grows it develops a life and character of its own, distinct from the individuals that compose it, and this life and character find expression in the establishment of a government.

GOVERNMENT.

Thus government is the agency through which is expressed the national will or life of the society.

It will be noticed that this social body, which an eminent writer of political economics has called the body economic, always precedes and always underlies government; and government is but the organ or agency of society.

According to the ancient Greek writers, only three forms of government existed.

First. Monarchy, or the reign of a single man.

Second. Aristocracy, or the reign of the great and wealthy, in which the supreme power is vested in a select assembly. This would be government by the consent of "some of the governed."

Third. Democracy, or the reign of the aggregate of men, in which the supreme power remains with the people at large and is exercised either collectively or by representation.

Though all governments have the same task to perform, they are far from existing under the same form. Some modern writers recognize that there are as many forms of government as there are States.

When we speak of governments as despotic, autocratic, absolute, limited, parliamentary, constitutional, representative, dictatorial, or revolutionary, the words describing the same are used to denote the differences in form between these governments because of the unequal apportionment of power among the different departments of each government.

Even despotic, absolute, and autocratic governments are subservient to the latent desires and sentiments in the mass of the people, which from time to time find outward expression strong enough to impose upon the government impassable limits.

The European idea was and is that the government is a thing conferred or imposed upon the people. In their scheme the people were nothing.

When Thomas Jefferson penned the Declaration of Independence and wrote therein that all governments derive their just power from the consent of the governed, he voiced no new sentiment, but put in concrete form the American idea of government. The training and tradition of the American colonies were reduced to coherent and articulate expression. He clearly differentiated the American idea of government from that of the European. Here government was a thing to be established by the people themselves. The people were everything indigenous to the soil and growing up out of it.

In contrasting European and American systems of government, Webster said:

The great elements, then, of the American system of government originally introduced by the colonists and which were early in operation, and ready to be developed more and more as the progress of events should justify or demand, were:

Escape from the existing political systems of Europe, including its religious hierarchies, but the continued possession and enjoyment of its science and arts, its literature and its manners;

Home government, or the power of making in the colony the municipal laws which were to govern it;

Equality of rights;

Representative assemblies, or forms of government founded on popular elections. (Vol. I, p. 103.)

Of our system of government the first thing to be said is that it is really and practically a free system. It originates entirely with the people and rests on no other foundation than their assent. (Vol. I, p. 34.)

NEW DOCTRINE OF CONSTRUCTION.

Heretofore, in the construction of the American form of government there has existed two schools—one called the school of strict constructionists, the other called the school of broad constructionists.

Up to the present time these two schools have been the only known schools of the construction of the Constitution; but now a new school has arisen, which seeks to establish a new doctrine in the construction of our government.

Of all the advocates of this new doctrine the ablest, most fearless, and most audacious exponent is the distinguished statesman who for upward of twenty years has represented the great State of Connecticut in the Senate of the United States, Mr. PLATT, and who has made the most elaborate and exhaustive argument in its support.

TERMINOLOGY.

This new doctrine contains words and phrases which, because of their correlation and synonymous meaning, are more or less confounded by writers and speakers.

Political science should be discussed according to the rules of logic; its terminology needs must be precise and complete in order to avoid fallacious conclusions.

The words "nation," "sovereign," "sovereign power," "sovereign right," "sovereign nation," "sovereign citizen," "legislative power," "international law," "internal and external sovereignty," and "government" are of necessary and frequent use, and each should be clearly defined.

The terms "nation," "state," "sovereign," "government" are

frequently used synonymously. This is a dangerous usage and not warranted in a scientific discussion of our form of government.

As to the inaccurate use of terms, Webster said:

Sir, we mislead ourselves often by using terms without sufficient accuracy, or terms not customarily found in the Constitution and laws.

* * * * * * *

The term "sovereign" or "sovereignty" does not occur in the Constitution of the United States. The Constitution does not speak of the United States as "sovereign States." It does not speak of this Government as "a sovereign government." It avoids studiously the application of terms that might admit of different views, and the true idea of the Constitution of the United States * * * is, that powers are conferred on the legislature, not by general, vague description, but by enumeration. The Government of the United States holds no powers which it does not hold as powers enumerated in the Constitution, or as powers necessarily implied. (Volume 5, page 389.)

Sovereignty is that supreme, absolute, uncontrolled authority which exists in every nation; the supreme power in a state, the original, absolute, and universal power by which all persons and things in a state are controlled and determined.

Sovereignty is divided in its exercise into external and internal sovereignty. External sovereignty is the general expression of national power and independence in the intercourse with other nations.

As to sovereignty, Justice Wilson said:

When the society was formed it possessed jointly all the previously separate and independent powers and rights of the individuals who formed it, and all the other powers and rights which result from the social union. The aggregate of these powers and these rights composes the sovereignty of the society or nation. In the society or nation this sovereignty originally exists. For whose benefit does it exist? For the benefit of the society or nation. Is it necessary for the benefit of the society or nation that the moment it exists it should be transferred?

* * * * * * *

I think such a position has never been evinced to be true. Those powers and rights were, I think, collected to be exercised and enjoyed, not to be alienated and lost. (Volume I, page 169.)

A sovereign state is one which has the supreme power of controlling its citizens or subjects, declaring war and peace, making and enforcing laws for the realm, and dealing with perfect equality in its intercourse with the other sovereign nations of the earth.

Sovereign power is the right to exercise that authority officially.

Inherent sovereign power is the undelegated, innate, original right to exercise authority. It is synonymous with "inherent sovereign right."

Inherent sovereign right means a right which is possessed as an original quality, undelegated.

As to sovereignty of government, Webster said:

Mr. President, the nature of sovereignty or sovereign power has been extensively discussed by gentlemen on this occasion, as it generally is when the origin of our Government is debated. But I confess myself not entirely satisfied with arguments and illustrations drawn from that topic. The sovereignty of government is an idea belonging to the other side of the Atlantic. No such thing is known in America. Our governments are limited. In Europe sovereignty is of feudal origin and imports no more than the state of the sovereign. It comprises his rights, duties, exemptions, prerogatives, and powers. But with us all power is with the people. They alone are sovereign; and they erect what governments they please, and confer on them such powers as they please. None of these governments is sovereign in the European sense of the word, all being restrained by written constitutions. (Volume 3, page 469.)

In political science man is a person; a nation is an artificial person, and the family of nations is an ideal association of these artificial persons. Man is a unit, with a conscious will to act. This conscious will is his sovereignty; it is indivisible and supreme in himself.

That will is expressed through some organ of his physical structure. That organ is the agent for the expression of his conscious will.

A nation as an artificial person is an ideal unit, with an artificial conscious will, comprising the aggregate conscious wills of the individual persons composing it. In this aggregate conscious wills of the individual persons we find the sovereignty of the nation.

This ideal conscious will of the body politic is the sovereignty of the nation. This ideal conscious will or sovereignty is inherent to nationality. This will or sovereignty of the aggregate people is expressed through the organ known as government.

The government is the function or agent for the exercise of the sovereignty of the people or the nation.

Government is the form or system or agency by which the affairs of a community are administered; or, further, government is that form of fundamental rules by which the members of a body politic regulate their social action and the administration of public affairs according to established constitutions, laws, and usages.

Government has been defined in the Supreme Court as follows:

Government is of society but the instrument for executing its laws. Government is not a state, but an agency. (Texas vs. White, 7 Wallace, 721.)

Sovereignty can not exceed its powers, but government in the exercise of sovereignty may exceed its authority.

The word "state" refers not to the individual States in the Union, but is synonymous with the word "nation," a people or community associated together and recognized in one civil government.

By international law "a nation" is designated as "a sovereign power."

When the legislative department of our Government is spoken of as "exercising sovereign power" it means the right to exercise official authority or jurisdiction in the matter of enacting laws.

Legislative power in a government is that department to which is granted the right to enact laws. In our Government this power is exercised, under the Constitution, by Congress.

International law, or the law of nations, is defined by Blackstone as "the law which regulates the conduct and mutual intercourse of independent states with each other by reason and natural justice." It may also be defined as the rules of ethics to be observed by nations in their relations with each other.

It is reduced to a code from custom and from conventional stipulations.

SCHOOLS OF CONSTRUCTION.

As I have already stated, there have obtained two schools of construction of the Constitution ever since the foundation of the Government.

The strict constructionists have contended at all times that this Government, in all its departments, was a Government of enumerated and limited powers.

On the other hand, the broad constructionists have always contended for the increase or enlargement of the authority of the Federal Government under assumed powers of the Constitution, and have, whenever they had an opportunity, pursued the policy which would eventually lodge all power in the Federal Government.

These two schools have contended for mastery, respectively, under the expressed and implied terms or the letter and the spirit of the Constitution.

But this new doctrine enlarges the field of controversy, and shifts it to the consideration of what are the powers of the Federal Government of the United States under international law, ignoring entirely the Constitution.

Now, let us see what the representatives of these two historic schools of construction have said.

Thomas Jefferson said:

When an instrument admits of two constructions, the one safe, the other dangerous, the one precise, the other indefinite, I prefer that which is safe and precise. I had rather ask an enlargement of the power from the nation, where it is found necessary, than to assume it by construction which would make our powers boundless. Our peculiar security is in the possession of a written Constitution. Let us not make it a blank paper by construction. I say the same as to the opinion of those who consider the grant of the treaty-making power as boundless. If it is, then we have no Constitution. Nothing is more likely than that their enumeration of powers is defective. This is the ordinary case of all human works. Let us go on, then, perfecting it by adding by way of amendment to the Constitution those powers which time and trial show are still wanting.

Daniel Webster said:

I have said that it is one principle of the American system that the people limit their governments, National and State. They do so; but it is another principle, equally true and certain, and according to my judgment of things, equally important, that the people often limit themselves. They set bounds to their own power. They have chosen to secure the institutions which they establish against the sudden impulses of mere majorities. All our institutions teem with instances of this. It was their great conservative principle, in constituting forms of government, that they should secure what they had established against hasty changes by simple majorities.

* * * * * * *

They (the people) limit themselves in the first exercise of their political rights. They limit themselves by all their constitutions in two important respects; that is to say, in regard to the qualifications of electors and in regard to the qualifications of the elected. In every State, and in all States, the people have precluded themselves from voting for everybody they might wish to vote for; they have limited their own right of choosing.

* * * * * * * *

We are not to take the will of the people from public meetings nor from tumultuous assemblies, by which the timid are terrified, the prudent are alarmed, and by which society is disturbed. These are not American modes of signifying the will of the people, and they never were. (Volume 6, pages 224 and 225.)

ANALYSIS.

Let me again read what the honorable senior Senator from Connecticut has said, for the purpose of analyzing the same.

I propose to maintain that the United States is a nation; that as a nation it possesses every sovereign power not reserved in its Constitution to the States or the people; that the right to acquire territory was not reserved and is therefore an inherent sovereign right; that it is a right upon which there is no limitation and with regard to which there is no qualification; that in certain instances the right may be inferred from specific clauses in the Constitution, but that it exists independent of these clauses; that in the right to acquire territory is found the right to govern it; and as the right to acquire is a sovereign and inherent right, the right to govern is a sovereign right not limited in the Constitution, and that these propositions are in accordance with the views of the framers of the Constitution, the decisions of the Supreme Court, and the legislation of Congress.—*Congressional Record*, volume 32, page 237.

In analyzing the above sentence we find the word "nation" occurs twice. In the first clause, "The United States is a nation." In the second clause, "That as a nation it possesses every sovereign power not reserved in its Constitution to the States or the people."

In the first clause the word "nation" is used in the following sense: "A people or community associated together and organized

under one civil government, and as such possess all sovereign power."

In the second clause the word "nation" is used in a different sense, being synonymous with government, which means "the form of system or agency by which the affairs of a community are administered."

Here we discover the performance of the trick known to logicians as the fallacy of equivocation, being the substitution of similars.

It would be absurd to say "that as a nation the people possess every sovereign power not reserved in its Constitution to the States or to the people."

What the honorable Senator evidently means is "that the Government possesses every sovereign power not reserved in the Constitution to the States or to the people."

Now, in speaking of "government" in this connection a clearer and more definite meaning is understood by the use of the words "Federal Government." And where the relative pronoun is used in the proposition the noun to which it relates should be inserted by way of parenthesis.

For the purpose of technically and definitely stating what the honorable Senator means, I repeat the proposition with such parenthesis.

What the honorable Senator means, I take it, is:

I propose to maintain that the United States is a nation; that as a nation it (the Government, or the Federal Government) possesses every sovereign power not reserved in the Constitution to the States or the people; that the right (of the Government) to acquire territory was not reserved (to the States or the people), and is therefore an inherent, sovereign right (of the Government); that it (the right of the Government to acquire territory) is a right (in the Government) upon which there is no limitation (on the Government by the Constitution) and with regard to which (right to acquire territory) there is no qualification (upon the Government); that in certain instances the right (to acquire territory in the Government) may be inferred from specific clauses in the Constitution, but that it (the right to acquire territory in the Government) exists independent of these clauses; that in the right (of the Government) to acquire territory is found the right (of the Government) to govern it (territory); and as the right (of the Government) to acquire is a sovereign and inherent right (of the Government), the right (of the Government) to govern is a sovereign right (of the Government) not limited in the Constitution.

Now, let us separate the clauses after having interpreted the sentence by way of parentheses, and deduce therefrom their respective propositions.

That I propose to maintain that the United States is a nation.

First proposition: The United States is a nation.

That as a nation it (the Federal Government) possesses every sovereign power not reserved in the Constitution to the States or the people.

Second proposition: That the Federal Government possesses every sovereign power not reserved in the Constitution to the States or to the people.

That the right (of the Federal Government) to acquire territory was not reserved (to the States or the people), and is therefore an inherent sovereign right (of the Federal Government).

Third proposition: That the right of the Federal Government to acquire territory was not reserved to the States or to the people.

Fourth proposition: That the right of the Federal Government to acquire territory is an inherent sovereign right of the Federal Government.

Fifth proposition: That a right not reserved to the States or to the people is an inherent sovereign right of the Federal Government.

That it (the right of the Federal Government to acquire territory) is a right (of the Federal Government) upon which there is no limitation (on the Federal Government by the Constitution) and with regard to which (the right to acquire territory) there is no qualification (upon the Federal Government).

Sixth proposition: That there is no limitation by the Constitution on the right of the Federal Government to acquire territory.

That in certain instances the right (of the Federal Government to acquire territory) may be inferred from specific clauses in the Constitution, but that it (the right of the Federal Government to acquire territory) exists independent of these clauses.

Seventh proposition: That the right of the Federal Government to acquire territory in certain instances may be inferred from specific clauses in the Constitution.

Eighth proposition: That the right of the Federal Government to acquire territory exists independent of specific clauses in the Constitution.

That in the right (of the Federal Government) to acquire territory is found the right (of the Federal Government) to govern it (territory).

Ninth proposition: The right of the Federal Government to govern territory is found in the right of the Federal Government to acquire territory.

And as the right (of the Federal Government) to acquire territory is a sovereign, inherent right (of the Federal Government), the right (of the Federal Government) to govern is a sovereign right (of the Federal Government) not limited by the Constitution.

Tenth proposition: The right of the Federal Government to govern territory is a sovereign, inherent right of the Federal Government.

Eleventh proposition: That the right of the Federal Government to govern territory is not limited by the Constitution.

That the foregoing propositions are in accordance with the views of the framers of the Constitution, the decisions of the Supreme Court, and the legislation of Congress.

Twelfth proposition: That the foregoing propositions are in accordance with the views of the framers of the Constitution, the decisions of the Supreme Court, and the legislation of Congress.

In separating these clauses and deducing therefrom their respective propositions, it will be observed that the honorable Senator's contention contains twelve propositions.

For the purpose of argument I will associate the twelve propositions which I have deduced from the honorable Senator's sentence, as follows:

Sovereignty.—1. That the United States is a nation. 2. That the Federal Government possesses every sovereign power not reserved in the Constitution to the States or to the people. 3. That a right not reserved to the States or to the people is an inherent sovereign right of the Federal Government.

Acquisition of territory.—1. That the right of the Federal Government to acquire territory in certain instances may be inferred from specific clauses in the Constitution. 2. That there is no limitation by the Constitution on the right of the Federal Government to acquire territory. 3. That the right of the Federal Government to acquire territory was not reserved to the States or to the people. 4. That the right of the Federal Government to acquire territory exists independent of specific clauses in the Constitution. 5. That the right of the Federal Government to acquire territory is an inherent sovereign right of the Federal Government.

Government of territory.—1. That the right of the Federal Government to govern territory is not limited by the Constitution. 2. The right of the Federal Government to govern territory is a sovereign inherent right of the Federal Government. 3. The right of the Federal Government to govern territory is found in the right of the Federal Government to acquire territory.

SOVEREIGNTY.

Now, let us take up the honorable Senator's propositions. As to the first of these, "That the United States is a nation," no comment is necessary. It is self-evident.

I take the liberty of citing here the authorities which the honorable Senator quotes in his discussion, that "as a nation the United States is sovereign."

The honorable Senator quotes from Pomeroy as follows:

This nation possesses political sovereignty. It may have any organization from the purest democracy to the most absolute monarchy. But, considered in its relations to the rest of mankind and to its own individual members, it must exist to the extent, at least, of enacting laws for itself as an integral, independent, sovereign society among the other similar nations of the earth.

Of course this nation—the people of the United States—possesses political sovereignty, but its Government does not possess sovereignty.

He quotes from the Chinese Exclusion Case (130 U. S., 603, 604, 605) the opinion by Justice Field:

Jurisdiction over its own territory to that extent is an incident to every independent nation. It is a part of its independence. If it can not exclude aliens it would be to that extent subject to the control of another power. As said by this court in the case of The Exchange (7 Cranch, 116, 136), speaking by Chief Justice Marshall:

"The jurisdiction of the nation within its own territory is necessarily exclusive and absolute.

"It is susceptible of no limitation not imposed by itself. Any restriction upon it deriving validity from an external source would imply a diminution of its sovereignty to the extent of the restriction, and an investment of that sovereignty to the same extent in that power which could impose such restriction. All exceptions, therefore, to the full and complete power of a nation within its own territories must be traced up to the consent of the nation itself. They can flow from no other legitimate source.

"While under our Constitution and form of government the great mass of local matters is controlled by local authorities, the United States, in their relation to foreign countries and their subjects or citizens, are one nation, invested with powers which belong to independent nations, the exercise of which can be invoked for the maintenance of its absolute independence and security throughout its entire territory."

He quotes from Chief Justice Marshall (6 Wheaton, 264, 413):

That the United States form, for many and for most important purposes, a single nation has not yet been denied. In war we are one people. In making peace we are one people. In all commercial relations we are one and the same people. In many other respects the American people are one, and the government which is alone capable of controlling and managing their interest in all these respects, is the Government of the Union. It is their Government, and in that character they have no other.

America has chosen to be in many respects, and to many purposes, a nation; and for all these purposes her Government is complete; to all these objects it is competent. The people have declared that in the exercise of all powers given for these objects it is supreme. It can, then, in effecting these objects, legitimately control all individuals or governments within the American territory.

He also quotes from Justice Bradley in Knox *vs.* Lee (12 Wallace, 457, 555):

That the United States is not only a Government, but it is a National Government, and the only Government in this country that has the character

of nationality. It is invested with power over all the foreign relations of the country, war, peace, and negotiations and intercourse with other nations; all of which are forbidden to the State governments.

It is refreshing to have the honorable Senator quote such language. In the words of an illustrious but illiterate orator, "Them's my sentiments."

I very carefully observe that Chief Justice Marshall speaks of the people as being the nation. "We are a people." "The American people are one." "That the Government is their Government." That "under our Constitution and form of Government * * * the United States in their relation to foreign countries are one nation." "That the people have declared that in the exercise of all powers given for these objects the Government is supreme."

Then, if Chief Justice Marshall be right, the people have declared the Government supreme in the exercise of all powers which the people have given to the Government.

Therefore it must mean that only in the exercise of powers given is the Government supreme. But the people have not declared that the Government is supreme in the exercise of powers not given.

POWERS OF FEDERAL GOVERNMENT.

As to the second and third propositions, "That the Federal Government possesses every sovereign power not reserved in the Constitution to the States or to the people," and "That a right not reserved to the States or to the people is an inherent sovereign right of the Federal Government," it is necessary to inquire where sovereignty resides, whether in the Government or in the people of the nation.

In the case of Chisholm vs. Georgia (2 Dall., 419), the controversy involved was whether the power of sovereignty resides in the people of the United States as a whole or in the States, respectively, or in the people of the States severally. Let me read the following extract from the opinion rendered by Justice Wilson:

To the Constitution of the United States the term "sovereign" was totally unknown. There is but one place where it could have been used with propriety. But even in that place it would not perhaps have comported with the delicacy of those who ordained and established that Constitution. They might have announced themselves "sovereign people of the United States;" but, serenely conscious of the fact, they avoided the ostentatious declaration.

* * * * * * *

Let the state be considered as subordinate to the people.

* * * * * * *

In one sense the term "sovereign" has for its correlative "subject." In this sense the term can receive no application, for it has no object in the Constitution of the United States. Under that Constitution there are "citizens," but no "subjects." "Citizens of the United States," "citizens of another State," "citizens of different States," "a State or citizen thereof." The term "subject" occurs, indeed, once in the instrument; but to mark the contrast strongly the epithet "foreign" is prefixed.

* * * * * * *

I have already remarked that in the practice and even in the science of politics there has been frequently a strong current against the natural order of things, and an inconsiderate or interested disposition to sacrifice the end to the means. This remark deserves a more particular illustration. Even in almost every nation which has been denominated free the state has assumed a supercilious preeminence above the people who have formed it.

* * * * * * *

In despotic governments the government has usurped in a similar manner both upon the state and the people; hence all arbitrary doctrines and pretensions concerning the supreme, absolute, and incontrollable power of government. In each man is degraded from the prime rank which he ought to hold in human affairs; in the latter the state as well as the man is degraded. Of both degradations striking instances occur in history, in politics, and in common life.

* * * * * * *

In the United States and in the several States which compose the Union we go not so far; but still we go one step farther than we ought to go in this unnatural and inverted order of things.

The States, rather than the people for whose sakes the States exist, are frequently the objects which attract and arrest our principal attention. This, I believe, has produced much of the confusion and perplexity which have appeared in several proceedings and several publications on State politics, and on the politics, too, of the United States. Sentiments and expressions of this inaccurate kind prevail in our common, even in our convivial language. Is a toast asked? "The United States," instead of "the people of the United States," is the toast given. This is not politically correct. The toast is meant to present to view the first great object of the Union; it presents only the second; it presents only the artificial person instead of the natural persons who spoke it into existence. A State, I cheerfully admit, is the noblest work of man. But man himself, free and honest, is—I speak to this world—the noblest work of God.

Judge Thomas M. Cooley, the eminent constitutional authority, commenting on this case in his lecture on constitutional history, delivered in 1890, pages 48 and 49, says:

Justice Wilson, the ablest and most learned of the associates, took the national view, and was supported by two others. The chief justice was thus enabled to declare as the opinion of the court that under the Constitution of the United States sovereignty belonged to the people of the United States.

* * * * * * *

After this clear and authoritative declaration of national supremacy, * * * that the Union could scarcely have had a valuable existence had it been judicially determined that powers of sovereignty were exclusively in the States or in the people of the States severally.

Cooley further says, on page 22 of his Principles of Constitutional Law:

In America the leading principle of constitutional liberty has from the first been that sovereignty reposed in the people.

Webster said before the Supreme Court of the United States in the celebrated Rhode Island case:

I have said that it is one principle of the American system that the people limit their governments, National and State.

Again, on the floor of the Senate, June 17, 1850, he said:

The Government of the United States holds no powers which it does not hold as powers enumerated in the Constitution, or powers necessarily implied.

Again, Webster made use of the following language:

They [the people] set a bound to their own power. They have chosen to secure the institutions which they have established against the sudden impulse of a mere majority. All our institutions teem with instances of this. It was the great conservative principle in constituting forms of government that they should secure what they had established against the hasty changes by simple majority.

* * * * * * *

In every State and in all the States the people have precluded themselves from voting for everybody they might wish to vote for. They have limited their own right of choosing. We are not to take the will of the people from public meetings, nor from tumultuous assemblies by which the timid are terrified, the prudent alarmed, and by which society is disturbed. Those are not American modes to signify the will of the people.

Can it be conceived that a people who were so jealous of their liberties that they provided against impulsive changes by limiting themselves in the exercise of their sovereign rights, except in certain well-defined manner—that such a people should divest themselves of all power and grant that unlimited power to be exercised by any department or agency of their Government?

If it be true, as contended by the honorable Senator from Connecticut, "that every right or sovereign power not reserved in the Constitution to the States or to the people is an inherent, sovereign right possessed by the Federal Government," it is a most startling enunciation. It is neither more nor less than to say that the Federal Government exercises absolute, unrestrained, uncontrollable power, except where, by the terms of the Constitution, it is expressly reserved to the States or to the people.

Up to the present time it was supposed that the Constitution acted as a limitation on the powers of the Federal Government and that the powers not expressly granted therein to the Federal Government were reserved to the States and to the people. Such has been the uniform and universal interpretation of the Constitution by the courts and all text writers of note.

That the people created a Government, limiting and enumerating its powers by a written Constitution, has been the accepted theory of all writers and thinkers, and has been repeatedly decided so to be by the Supreme Court of the United States; that the measure of the powers conferred upon the Federal Government or the States is to be found in the Constitution itself; that the powers reserved, withheld, or not conferred remain invested and belong to the several States or to the people.

Let us lay the honorable Senator's propositions side by side with the language of the Constitution itself.

He says:

The Federal Government possesses every sovereign power not reserved in the Constitution to the States or to the people.

A right not reserved to the States or to the people is an inherent sovereign right of the Federal Government.

The amendments to the Constitution are:

ART. IX. The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ART. X. The powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the States respectively or to the people.

BILL OF RIGHTS.

At the time the Constitution was submitted for ratification, a number of the States were unwilling to ratify the same, because it did not contain a Bill of Rights. But it was arranged that as soon as the Constitution, as it was first submitted, should become operative, that a bill of rights in the nature of amendments to the Constitution would be submitted to the people for their ratification.

This was done, and the first ten amendments of the Constitution are spoken of by text writers as the "American Bill of Rights."

And because certain rights were enumerated in these amendments it was deemed necessary to avoid the rule of construction that where the things granted are specifically set forth the instrument was not to be construed to grant other things by implication; so the ninth amendment was inserted in the Bill of Rights and became a rule of construction for courts and statesmen of the Constitution and its amendments.

The ninth amendment expressly states the existence of other rights which are retained by the people and that those rights shall be denied or disparaged because certain express rights are enumerated in the Constitution or its amendments.

By the tenth amendment all powers are reserved to the States or to the people which are not expressly delegated or necessarily implied from those delegated to the United States.

On the other hand, the propositions of the honorable Senator are that the Federal Government possesses every power not reserved to the States or to the people; that a right not reserved to

the States or to the people is an inherent right of the Federal Government, thereby reading that ninth amendment out of the Constitution.

Amend the ninth amendment of the Constitution of the United States by striking out the words "the people" and insert in lieu thereof the words "Federal Government," and you will have the ninth amendment as interpreted by the eminent Senator from Connecticut.

In the tenth amendment, where powers are not delegated to the United States by the Constitution, they are reserved to the States or to the people. Senator PLATT'S contention is that where they are not reserved to the States or to the people they are an inherent sovereign right of the Federal Government. He reverses the express language of the tenth amendment.

Truly, this is a wonderful doctrine.

He has also construed the Declaration of Independence: Government derives its just power from consent of some of the governed.

This distinguished statesman, who for twenty years has represented the State whose fathers were the fourth to sign the Declaration of Independence and the fifth to ratify the Constitution of the United States; this eminent Senator would rend the cardinal principle of the one, read out and reverse the express language of the other, and in so doing has the audacity to say that these propositions are in accordance with the views of the framers of the Constitution, the decisions of the Supreme Court, and the legislation of Congress.

No, no; I can not believe that this Congress or the court of last resort in this land will ever seriously entertain such a doctrine.

Fortunately for the people, the framers of the Constitution anticipated the wisdom of these latter-day apostles of liberty.

ACQUISITION OF TERRITORY.

Now, let us take up the more concrete propositions, as announced in this new doctrine:

1. That the right of the Federal Government to acquire territory was not reserved to the States or to the people.

2. That the right of the Federal Government to acquire territory exists independent of specific clauses in the Constitution.

3. That there is no limitation by the Constitution on the right of the Federal Government to acquire territory.

4. That the right of the Federal Government to acquire territory is an inherent sovereign right of the Federal Government.

5. That the right of the Federal Government to acquire territory in certain instances may be inferred from specific clauses in the Constitution.

As to the first proposition, "That the right of the Federal Government to acquire territory was not reserved to the States or to the people," it does not necessarily follow that because the right to acquire territory has not been reserved to the people that the right has been granted to the Federal Government, as the ninth amendment says:

> The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

And while it is not my purpose to contend that the Federal Government has not been granted the right to acquire territory, I deny that it has been granted that power simply because it has not been reserved to the States or to the people.

And as to the second and third propositions, "that the right of the Federal Government to acquire territory exists independent of specific clauses in the Constitution," and "that there is no limitation by the Constitution on the right of the Federal Government to acquire territory," I deny that there is "no limitation," and that the right exists "independent of specific clauses," and in so doing affirm the following proposition:

That this right of the Federal Government to acquire territory exists by implication from the specific clauses of the Constitution, viz, the war-making and the treaty-making clauses and the clause providing for the admission of new States; and because there are limitations upon the war-making and the treaty-making powers and the right to admit new States it necessarily follows that there are limitations upon the right to acquire territory.

It will be seen from the proposition which I have just stated that I substantially agree with the fifth proposition of the honorable Senator, which is as follows:

> That the right of the Federal Government to acquire territory in certain instances may be inferred from specific clauses in the Constitution.

In the clause providing for the admission of new States one of the limitations is that Congress can not admit any new State without a republican form of government, as provided in section 4 of Article IV of the Constitution, which reads as follows:

> The United States shall guarantee to every State in this Union a republican form of government. * * *

I contend this is an express limitation upon Congress in that respect.

I further assert that the right of Congress to acquire territory under the war-making clause is limited in that while Congress may declare war against any other nation and may annihilate or subjugate the inhabitants thereof to such an extent that there is none with whom to treat, and territory could then be acquired, but for the purpose of eventually admitting such territory into the Union.

Such a condition never existed in the history of this country, and is never likely to occur, because every war has resulted in some kind of a treaty. And this leads me to the consideration of the limitations upon the treaty-making powers.

LIMITATIONS UPON THE TREATY-MAKING POWER.

The treaty-making power in the United States is conferred by the Constitution on the President and the Senate, and extends to all matters which are consistent with the provisions of the Constitution.

The report of the Senate Committee on Pacific Islands and Puerto Rico, made by Senator FORAKER February 5, 1900, Report No. 249, is in part as follows:

> In the treaty of Paris it is expressly provided that the civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by the Congress.
>
> No such clause as this has ever before been found in any treaty ceding territory to the United States. Its effect is, therefore, to be considered now for the first time. There is no ambiguity about it; neither can there be any controversy as to its effect. A treaty is a part of the supreme law of the land, made so by the Constitution itself:
>
> "This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding." (Second clause, Article VI, Constitution.)
>
> This provision does not say that all treaties made in pursuance of the Constitution, or consistently with the Constitution, but all treaties made under the authority of the United States, shall be, together with the Constitution and laws enacted in pursuance of it, the supreme law of the land. As to all matters, therefore, with which it properly deals, a treaty is an instrument of equal dignity with the Constitution itself. This provision was manifestly within the proper scope of the treaty. It can not be claimed that it was ultra vires the treaty-making power or for any other reason invalid. It expressly confers on Congress a right to make the inhabitants of Puerto Rico citizens of the United States or withhold that quality. It may allow them to come into our country without restriction or forbid or regulate their coming, as it may like.

Note the words "a treaty is an instrument of equal dignity with the Constitution itself."

This is a most startling doctrine of constitutional construction to emanate from a committee of the United States Senate.

This distinguished committee quotes no authority to support its conclusion regarding the scope or limitations on the treaty-making power. Nevertheless it takes occasion to quote authorities upon other propositions contained in its report. Upon the subject of "citizenship" it cites freely from Judge Cooley. I will take the liberty of citing from that eminent constitutional lawyer upon the subject of the treaty-making power under the Constitution.

Thomas Jefferson said:

> To hold the treaty-making power as boundless is to make the Constitution blank paper by construction.

I have stated before that there are limitations upon the treaty-making power, and in support of that contention let me read.

Swayne, justice, said in Cherokee Tobacco *vs.* United States (11 Wall., page 616):

> A treaty can not change the Constitution, or be held valid, if it be in violation of that instrument. This results from the nature and fundamental principles of our Government.

Chief Justice Taney, in Dore *vs.* Braden (16 Howard, 635), said:

> That a treaty made by the President with the approval of the Senate is the supreme law of the land, and the courts have no right to annul or disregard any of its provisions unless they violate the Constitution of the United States.

In Whitney *vs.* Robertson (124 U. S., page 195) Justice Field says:

> A treaty is primarily a contract between two or more independent nations, and so regarded by writers on public law.
>
> * * * * * * *
>
> By the Constitution a treaty is placed on the same footing and made of like obligation with an act of the legislature. Both are declared by that instrument to be the supreme law of the land, and no superior efficacy is given to either over the other. When the two relate to the same subject, the court will always endeavor to construe them so as to give effect to both, if that can be done without violating the language of either; but if the two are inconsistent, the one last in date will control the other.

Judge Cooley, in his work on Constitutional Law, page 35, says:

> The Constitution itself never yields to treaty or enactment. It neither changes with time nor does it in theory bend to the force of circumstances.

He further says:

> The Congress of the United States derives its power to legislate from the Constitution, which is the measure of its authority. And any enactment of Congress which is opposed to its provisions, or is not within the grant of powers made by it, is unconstitutional, therefore no law, and obligatory upon no one.
>
> But as between the laws of the United States made in pursuance of the Constitution and a treaty made under the authority of the United States if the two in any of their provisions are found to conflict, the one last in point of time must control. For the one as well as the other is an act of sovereignty, differing only in form and in the organ or agency through which the sovereign will is declared. Each alike is the law of the land in its adoption,

and the last law must repeal everything that is of no higher authority which is found to come in conflict with it. A treaty may, therefore, supersede a prior act of Congress, and, on the other hand, an act of Congress may supersede a prior treaty.

Justice Field, in Geofreys *vs.* Riggs (133 U. S., 258), said:

The treaty power as expressed in the Constitution is in terms unlimited, except by those restraints found in that instrument against the action of the Government or of its departments, and those arising from the nature of the Government itself and that of the States; it would not be contended that it extends so far as to authorize what the Constitution forbids or a change in the character of the Government.

I contend that the treaty-making power in acquiring territory acquires territory of the United States, and that the inhabitants of that territory become entitled to the rights, privileges, and immunities of citizens of the United States as far as the restraints of the Constitution and amendments are concerned.

Chief Justice Marshall, in the Canter case (1 Peters, 542), said:

The inhabitants of the territories which His Catholic Majesty cedes to the United States by this treaty shall be incorporated into the Union of the United States as soon as may be consistent with the principles of the Federal Constitution and admitted to the enjoyment of all the privileges, rights, and immunities of the citizens of the United States.

It is unnecessary to inquire whether this is not their condition independent of stipulation. They do not, however, participate in political power; they do not share in government until Florida becomes a State.

Note the words "whether this is not their condition independent of stipulation."

Particular attention is called by that eminent jurist to the fact that the condition of the inhabitants of the territory acquired by that treaty as citizens of the United States, entitled to all the privileges, rights, and immunities thereof, possibly existed independent of the treaty; that while they were entitled to these rights and privileges, nevertheless they did not participate in political power. They did not share in government until Florida became a State, but were governed by Congress, which itself was subject to the restraints of the Constitution.

I further contend that the provisions of a treaty are mere surplusage, which grant what is guaranteed by the Constitution and its amendments; that its provisions are null and void which purport to grant what is restrained or forbidden by the Constitution and its amendments.

The above conclusively demonstrates that these several clauses are limited in their operation by the Constitution, and therefore it must be that any right or power implied from specific clauses upon which there are limitations of one kind or another also act as limitations upon those powers implied from specific clauses.

INHERENT SOVEREIGN RIGHT.

We will next consider the honorable Senator's proposition—

That the right of the Federal Government to acquire territory is an inherent sovereign right of the Federal Government.

In his endeavor to establish this proposition the honorable Senator claims that the right to acquire territory was not reserved, and is therefore an inherent sovereign right of the Federal Government. He says:

Look the Constitution through, study its clauses, and you will find no suggestion that there was any reservation of the right to acquire territory to the States or to the people. Before the Constitution the States had that right. New York had; Connecticut had it; every State as a sovereign power had it, as every sovereign power must have it. There was no reservation of it to the States or to the people. It has never been alleged in any case, or by any statesman that I know of, that there was any reservation of that power, which originally belonged to the States. It was exercised by them when they were colonies under the Congress of Confederation and by that Congress.

Where, then, is the power? If the States possessed it, and it did not at the time of the formation of the Constitution pass into the General Government without specific grant, where is it now? Not in the States. Is it a lost sovereignty? The States have been deprived of it; they have surrendered it, and he who holds that the nation has not acquired it maintains that it is a lost sovereignty, and that in this respect the sovereignty of the United States is limited.

The honorable Senator further asks:

Are we a sovereign nation? Are we as sovereign as England, or France, or Germany, or Russia, or any one of the Central American States, or Mexico? Who denies to any nation except the United States the inherent right to acquire territory?

* * * * * * *

To deny this is to deny the inherent sovereign right of this people, this nation, to do what any nation may do anywhere. To deny it is to deny that our nation has the same rights that other sovereign nations have.

* * * * * * *

That a nation has a sovereign, inherent, and unlimited right to acquire territory, because this is an essential element of nationality, and that to deny it is to deny our nationality. If this be true, it is quite unnecessary to search the Constitution either for a specific or implied power to acquire territory.

The honorable Senator says:

Before the Constitution the States had that right. It was exercised by them when they were colonies under the Congress of Confederation and by that Congress.

Here again we have this fallacy of equivocation, this play upon words. "It was exercised by them," meaning the States. It was not exercised by the States. It was exercised by the legislatures or governments of the States, because that right had been delegated to the governments.

The honorable Senator oscillates from States to the Federal Government and from the Federal Government back again to the States, but he never reaches the people. He never speaks of the exercise of inherent sovereign rights by Congress. He always uses Congress and Government and nation as synonymous.

He never utters the words "inherent sovereign right of the Government," which is another expression for the "divine right of kings." But he does speak of the inherent sovereign right of the nation to acquire territory, and the inherent sovereign right of the nation to govern territory, and that this right to acquire and govern are unlimited in the Federal Government.

That the Federal Government possesses an inherent sovereign right of any kind is repugnant to the letter and spirit of the Declaration of Independence, the Constitution of the United States, and the American form of government.

I admit that the nation—the people—have an inherent sovereign right to acquire territory. It also has an inherent sovereign right to change its form of government; to establish an empire, monarchy, or dictatorship or create a house of lords and nobility; to repeal the Constitution and all its provisions.

This inherent right in the people is expressly recognized in "The unanimous Declaration of the thirteen United States of America:"

That whenever any form of government becomes destructive of these ends [life, liberty, and the pursuit of happiness], it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. * * *

But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security.

But because a nation has an inherent sovereign right to acquire territory it does not follow that the Government has unlimited powers to exercise that right. Just as a nation has an inherent sovereign right to change its form of government, it does not necessarily follow that the Federal Government can exercise that right.

I deny that the Federal Government has an inherent sovereign right in anything. The possession of delegated powers is not the possession of inherent powers.

Let me repeat the last paragraph of what I a short time ago quoted from the honorable Senator:

That a nation has a sovereign, inherent, and unlimited right to acquire territory, because this is an essential element of nationality, and that to deny it is to deny our nationality. If this be true, it is quite unnecessary to search the Constitution either for a specific or implied power to acquire territory.

In evolving a rule of construction for the Constitution this last paragraph is interesting, to put it mildly. In other words, because there are essential elements of nationality in the people of the United States it is quite unnecessary to search the Constitution either for specific or implied powers granting the Federal Government the right to exercise any or all of these essential elements.

Charles Sumner, on the floor of the Senate, speaking of the limitations upon the Federal Government, said:

These principles were distinctly declared by Mr. Jefferson in 1798, in words often adopted since and which must find acceptance from all parties:

"That the several States composing the United States of America are not united upon the principle of unlimited admission to the General Government; but by compact, under the style and title of the Constitution of the United States, and of the amendments thereto, they constituted a General Government for special purposes, delegated to that Government certain definite powers, reserving each State to itself the residuary mass of right to their own self-government, and that whensoever the General Government assumes undelegated powers its acts are unauthorized, void, and of no force."

If Congress possessed the power to exercise every inherent right in the nation or in the people, unless they are reserved to the people, the amendments are a limitation on the people and not on Congress, and Articles IX and X of the amendments to the Constitution are no longer in force.

The honorable Senator says:

To deny the inherent sovereign right to acquire territory is to deny that our nation has the same rights that other sovereign nations have—as England, France, Germany, Russia, etc.

Now, if the Federal Government or Congress has the same sovereign rights which the Government of England or Germany or Russia has or claims to have, it follows that the rights of the Federal Government are not to be construed according to the Constitution, but according to the rules that obtain under international law or under the rules that obtain in the construction of the powers of monarchical or despotic governments, who rule by "divine right of kings."

Alas for the work of the fathers and their posterity if despotic governments, autocratic governments, absolute governments shall define the powers of limited governments.

Why assert that the Federal Government must exercise and has an unlimited right to exercise all the powers which the government of any other nation of Europe may exercise? Because the United States of America has a written Constitution enumerating the powers of its Government it does not lessen the dignity which comports its diplomatic relations and intercourse with other nations. The honorable Senator forgets that by the unwritten rule

of international law all sovereign States are equal in dignity. No matter what their population, area, influence, or power, they are all deemed equal to each other in respect to their rights and duties. It makes no difference whether it be one of the great powers or one of the lesser powers, as Luxembourg, Montenegro, Roumania, Servia, or Siam, each ranks before the law of nations as the equal of the other. Every nation on the earth is of equal dignity with each other unless the nation itself shall have by treaty or conventional stipulation with another voluntarily surrendered its independence and become what is called a semi-sovereign nation.

And this unwritten law of dignity is not concerned with the distribution of internal power of these nations, whether or not the governing power in monarchical and despotic forms of government possess unlimited legislative and executive power; or whether a nation have a constitution written or unwritten; or as in the United States, where a written constitution enumerates the powers delegated to the Federal Government.

This international code of ethics does not concern itself about the internal machinery of the Government of the United States. It takes no note of the limitations which the people of the United States have seen fit to impose upon themselves and upon their representatives. These are matters which are properly defined in the United States by our constitutional law. It is not concerned with the departments of this Government as departments; it is not concerned with the legislative department of the Government of the United States. The extent of legislative power of the Government of the United States can not legally and properly be construed and interpreted under international law. There is nothing in the law of nations to construe the Constitution of the United States, nor any of its provisions. Neither is there anything in the Constitution of the United States to warrant the limitation of its powers by international law.

The operation of the Constitution of the United States upon its Government and the departments thereof can not be abrogated by any rule of any other nation or family of nations.

No, no; this new doctrine of an inherent sovereign right in the Federal Government of unlimited power to acquire and govern territory can not be established or maintained on the ground that it is necessary to uphold our international dignity.

We are a nation, and our nationality does not depend upon the caprice or canons of construction of foreign nations.

The honorable Senator must find other sources from which to derive this power or principle of construction.

The right of Congress to acquire territory is implied under the war-making and treaty-making clauses and under the clause to admit new States.

Territory may be acquired by conquest as the result of war. The acquisition of territory under the clause to make treaties and the clause to admit new States may be the result of amicable cession, purchase, and agreement with discoverers.

ACQUISITION OF TERRITORY BY DISCOVERY DENIED.

The honorable Senator has contended that this Government has acquired territory by discovery and occupation—to wit, Oregon, guano islands, and other small islands.

This I deny. No territory has ever been acquired by the United States in this manner.

In the United States the discovery of a citizen is not the discovery of the nation; nor is the occupation by a citizen the occupation by this nation.

Under the old common law and the practice of the European nations, newly discovered territory was vested in the Crown by whose subjects it had been discovered. This was the result or consequence of the rule that no subject could ever voluntarily expatriate himself.

This rule, however, has never obtained in the United States. On the contrary, Congress has expressly declared this right of expatriation to be—

> The natural and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty, and the pursuit of happiness. (Revised Statutes, section 1999.)

And as Justice Field has said (In re Look Tin Sing, 10 Sawyer, U. S., 353; 21 Fed. Rep., 905):

> The United States recognized the right of every one to expatriate himself and choose another country. This right would seem to follow from the greater right proclaimed to the world in the memorable document in which the American Colonies declared their independence and separation from the British Crown as belonging to every human being—God-given and inalienable—the right to pursue his own happiness. The English doctrine of perpetual and unchangeable allegiance to the government of one's birth, attending the subject wherever he goes, has never taken root in this country.

And it does not follow that whenever a citizen of the United States discovers territory that the territory ipso facto comes within the jurisdiction of the United States.

He may exercise his right to expatriate himself and set up a government of his own, as has been done; or he may transfer his allegiance to another government, as is his legal right so to do.

For the purpose of securing deposits of guano for the use of the people of the United States, Congress has made provisions under the Revised Statutes.

GUANO ISLANDS.

> SEC. 5570. Whenever any citizen of the United States discovers a deposit of guano on any island, rock, or key not within the lawful jurisdiction of any other government, and not occupied by the citizens of any other government, and takes peaceable possession thereof, and occupies the same, such island, rock, or key may, at the discretion of the President, be considered as appertaining to the United States.
>
> SEC. 5571. The discoverer shall, as soon as practicable, give notice, verified by affidavit, to the Department of State, of such discovery, occupation, and possession, * * * and showing that such possession was taken in the name of the United States, * * * before the same shall be considered as appertaining to the United States.
>
> SEC. 5573. The discoverer, or his assigns, being citizens of the United States, may be allowed at the pleasure of Congress, the exclusive right of occupying such island, rock, or key, for the purpose of obtaining guano, and of selling and delivering the same to citizens of the United States, to be used therein, and may be allowed to charge and receive for every ton thereof, delivered alongside a vessel, * * * a sum not exceeding $8 per ton for the best quality, or $4 for every ton while in its native place of deposit.
>
> SEC. 5574. * * * The discoverer, * * * shall enter into a bond * * * to deliver the guano to citizens of the United States, for the purpose of being used therein, and to none others, at the price prescribed. * * *
>
> SEC. 5578. Nothing in this title contained shall be construed as obliging the United States to retain possession of the islands, rocks, or keys after the guano shall have been removed from the same.

It is very apparent from the foregoing statute that a United States citizen who might discover guano deposits could avail himself of our market and protection of the Government of the United States, provided he complied with the provisions of that statute to the satisfaction of the Government of the United States. If a higher price were offered by some other nation, it would be easy for him to renounce his allegiance to the United States.

And it is also apparent that Congress acquired no jurisdiction by virtue of the mere discovery of the islands by a citizen of the United States; but only on the affirmative showing of the citizen could the United States extend its jurisdiction over such islands.

So, therefore, this could not be considered a discovery by the United States. This statutory arrangement with the discoverer can not be held to be a discovery by the nation, but rests upon the assent of the discoverer.

In the Oregon case the honorable Senator claims it was by discovery by Gray, in 1792, occupation by Astor, in 1811, and the exploration by Lewis and Clarke, in 1805 and 1806.

Now, as a matter of fact, Oregon was a known and disputed territory long prior to the organization of this Government. Spain claimed it by discovery and occupation in the sixteenth century. Great Britain claimed it by discovery and occupation in the seventeenth century. The claim of the United States does not rest upon discovery or occupation at all, but upon our treaties with France, Spain, and Great Britain, respectively.

Other inconsequential islands have been acquired in an informal manner. The acquisition has been permitted rather by sufferance than by legal right, and can not be considered as laying down any precedent or rule for future acquisition of territory.

FEDERAL GOVERNMENT LIMITED BY CONSTITUTION.

Before taking up the limitation upon the government of territory let us consider the limitations in general by the Constitution upon the Federal Government.

As declared by Justice Chase, Cridler *vs.* Bull (3 Dallas, 386), that the Government possesses unlimited power, would be a political heresy.

> The people of the United States erected their constitutions, or forms of government, to establish justice, to promote the general welfare, to secure the blessings of liberty, and to protect their persons and property from violence.
>
> The purposes for which men enter into society will determine the nature and terms of the social compact; and as they are the foundation of the legislative power, they will decide what are the proper objects of it; the nature and ends of legislative power will limit the exercise of it.
>
> This fundamental principle flows from the very nature of our free republican governments, that no man should be compelled to do what the laws do not require, nor refrain from acts which the laws permit.
>
> There are acts which the Federal or State legislature can not do without exceeding their authority. There are certain vital principles in our free republican governments which will determine and overrule an apparent and flagrant abuse of legislative power, as to authorize manifest injustice by positive law, or to take away that security for personal liberty or private property for the protection whereof the Government was established. * * *
>
> To maintain that our Federal or State legislature possesses such powers, if they had not been expressly restrained, would, in my opinion, be a political heresy altogether inadmissible in our free republican government.

Our Government is one of three distinct coordinate departments, and each department within its own sphere is supreme. If the legislative department is unlimited in the exercise of power, the judicial department becomes subordinate to the will of the legislative department.

As Justice Iredell said in the case quoted above:

> If a government possessed of legislative, executive, and judicial departments were established by a constitution which imposed no limits on the legislative power, consequences would inevitably be that whatever the legislative power chose to enact would be lawfully enacted and the judicial power could never interpose to pronounce it void.
>
> * * * * * * *
>
> In order, therefore, to guard against so great an evil it has been the policy

of all American States which have individually framed their State constitutions since the Revolution, and of the people of the United States when they framed the Federal Constitution, to define with precision the objects of the legislative power and to restrain its exercise within marked and settled boundaries.

This is a government of enumerated powers, as said by Chief Justice Marshall in the case of Gibbon *vs.* Ogden (9 Wheaton, 187):

This instrument (the Constitution) contains an enumeration of powers expressly granted by the people to their Government.

This is a government of delegated powers, as said by Justice McLean in the case of John Brisco *vs.* Bank of Kentucky (11 Peters, 257):

The Federal Government is one of delegated powers. All powers not delegated to it or inhibited to the States are reserved to the States or to the people.

Daniel Webster, on the floor of the Senate on the 16th of February, 1833, made use of the following language:

The sovereignty of government is an idea belonging to the other side of the Atlantic. No such thing is known in America. Our governments are all limited. In Europe sovereignty is of feudal origin and imports nothing more than the state of the sovereign. It comprises his rights, duties, exemptions, prerogatives, and powers. But with us all power is with the people. They alone are sovereign; and they erect what governments they please, and confer on them such powers as they please. None of these governments is sovereign in the European sense of the word, all being restrained by written constitutions.

Charles Sumner, at Faneuil Hall, in Boston, September 23, 1846, in speaking of the specified powers conferred on Congress and the wisdom of the framers of the Constitution in anticipating the necessity for its amendment from time to time, said:

Wherever power and jurisdiction are secured to Congress, they may unquestionably be exercised in conformity with the Constitution. And even in matters beyond existing powers and jurisdiction there is a constitutional method of action. The Constitution contains an article pointing out how at any time amendments may be made thereto. This is an important element, giving to the Constitution a progressive character and allowing it to be molded to suit new exigencies and new conditions of feeling.

The wise framers of this instrument did not treat the country as a Chinese foot—never to grow after its infancy—but anticipated the changes incident to its growth. "Provided that no amendment which may be made prior to the year 1808 shall in any manner affect the first and fourth clauses in the ninth section of the first article, and that no State without its consent shall be deprived of its equal suffrage in the Senate."

These are the words of the Constitution. They expressly designate what shall be sacred from amendment, what compromises shall be perpetual, and in doing so, according to a familiar rule of law and of natural logic, virtually declare that the remainder of the Constitution may be amended. Already, since its adoption, twelve amendments have been made, and every year produces new projects. It has been pressed on the floor of Congress to abrogate the power of the veto, and also to limit the tenure of office of the President.

Let it be distinctly understood, then, that this is my answer to the suggestion of binding compromises: That in conferring upon Congress certain specified powers and jurisdiction, and also in providing for the amendment of the Constitution, its framers expressly established the means for setting aside what are vaguely called the compromises of the Constitution. They openly declare, "Legislate as you please in conformity with the Constitution, and even make amendments in this instrument, rendered proper by change of opinion or character, following always the manner therein prescribed." (Volume 2, page 125.)

Justice Taney, in the Dred Scott case, speaking of the power of the Federal Government, says:

These differences arise, as we have said, from the peculiar character of the Government of the United States. For although it is sovereign and supreme in its appropriate sphere of action, yet it does not possess all the powers which usually belong to the sovereignty of the nation. Certain specified powers, enumerated in the Constitution, have been conferred upon it, and neither legislative, Executive, nor judicial departments of the Government can lawfully exercise any authority beyond the limits marked out by the Constitution.

In the same case Justice McLean said:

No powers can be exercised [by Congress] which are prohibited in the Constitution or which are contrary to its spirit.

As to the limited and enumerated powers of the Government, Judge Cooley, on page 23 of his Principles of Constitutional Law, says:

In America the Legislature acts under delegated authority limited by the Constitution itself.

And again, on page 28, he says:

The Government created by the Constitution is one of limited and enumerated powers, and the Constitution is the measure and test of the powers conferred. Whatever is not conferred is withheld and belongs to the several States or the people thereof.

Webster said:

In the part which I have acted in public life it has been my purpose to maintain the people of the United States what the Constitution designed to make them—one people, one in interest, one in character, and one in political feeling. If we depart from that we break it all up. Arbitrary governments may have territories and distant possessions because arbitrary governments may rule them by different laws and different systems. Russia may rule in the Ukraine and the provinces of the Caucasus and Kamtschatka by different codes, ordinances, or ukases. We can do no such thing. They must be of us, part of us, or else strangers.

TERRITORY OF UNITED STATES DEFINED.

The distinguished Senator from Vermont, Judge ROSS, contends—

That the term "United States" in the Constitution must mean the territory of the States united to form the National Government, and not the Territories.

In this connection he cites the Dred Scott decision to support his views. It is refreshing to notice that to support a similar contention the distinguished senior Senator from Connecticut [Mr. PLATT] asserts that the Dred Scott decision is mere dicta.

With all the confidence of a novice, I say, "A plague o' both your houses." That great decision decides against both of your contentions of unlimited power in the Federal Government.

It has been established by numerous decisions that territory acquired by the United States becomes a part and parcel of the domain of the United States and is subject to the provisions of the Constitution.

What constituted territory of the United States was defined by Chief Justice Marshall (Loughborough *vs.* Blake, 5 Wheaton, 317) in the following language:

The power, then, to lay and collect duties, imposts, and excises may be exercised and must be exercised throughout the United States. Does this term designate the whole or any particular portion of the American empire? Certainly this question can admit of but one answer. It is the name given to our great Republic, which is composed of States and Territories. The District of Columbia or the territory west of the Missouri is not less within the United States than Maryland or Pennsylvania, and it is not less necessary, on the principles of our Constitution, that uniformity in the imposition of imposts, duties, and excises should be observed in the one than in the other.

Again, speaking of the jurisdiction of the nation over its Territories, Chief Justice Marshall, in United States *vs.* Bevans (3 Wheaton, 386), said:

What, then, is the extent of jurisdiction which the State possesses? We answer, without hesitancy, that the jurisdiction of the State is coextensive with its territory.

In Cross *vs.* Harrison (16 Howard) Justice Wayne said:

After the ratification of the treaty, California became part of the United States. * * *

The ratification of the treaty made California a part of the United States, and as soon as it became so the territory became subject to the acts which were in force to regulate foreign commerce with the United States.

That territories are part of the domain of the United States was so stated by Chief Justice Waite in The First National Bank *vs.* County of Yankton (101 U. S.):

The Territories are but political subdivisions of the outlying dominion of the United States. * * *

All territory within the jurisdiction of the United States not included in any State must necessarily be governed by or under the authority of Congress.

That Alaska is United States territory has been decided by Justice Harlan in the case of McAllister *vs.* United States (141 U. S.):

The absence from the Constitution of such guaranty for Territorial judges was, no doubt, due to the fact that the organization of governments for Territories was but temporary, and would be superseded when the Territories became States of the Union.

And again, in the case of Steamer *Coquitlam vs.* United States (183 U. S.):

Alaska is one of the Territories of the United States; it was so designated in that order, and has always been so regarded.

The Constitution declares:

ART. VI. This Constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties, etc., shall be the supreme law of the land.

It also declares:

ART. III. The judicial power shall extend to all cases in law and equity arising under this Constitution, the laws of the United States, and treaties made, and which shall be made under their authority.

Here, then, provision is made by the Constitution for construction of the powers and obligations conferred by that instrument.

GOVERNMENT OF TERRITORY.

And the Supreme Court of the United States has expressed itself from time to time upon the powers of the Federal Government to govern territory.

In a recent speech delivered on the floor of the Senate the distinguished Senator from Vermont [Judge ROSS] contended as follows:

The provisions of the Constitution do not, unaided by act of Congress, extend over Puerto Rico and the Philippine Islands.

* * * * * * *

It is thus manifest that in every treaty by which the United States has acquired inhabited territory prior to the late treaty with Spain the ceding power has inserted a provision that the inhabitants, except uncivilized tribes, shall be admitted to the enjoyment of all the rights, advantages, and immunities of citizens of the United States.

* * * * * * *

I fail to find any decision of the Supreme Court which fairly indicates that the Constitution of the United States, unaided by Congressional legislation or by treaty, ex proprio vigore, extends to the territory acquired by the United States.

There are expressions in several of the opinions which would indicate that such might be the view of the writer. Such expressions were unnecessary for the decision. In no case which I have been able to find is this point actually considered as decided.

Inasmuch as the rights of the inhabitants were the subject-matter of the provisions of the treaties, the distinguished Senator has seen fit to disregard all of the decisions of the Supreme Court relating to the constitutional questions arising out of the acquisition and government of territory, more particularly upon the right of trial by jury upon the revenue or the apportionments of direct taxes and the right of citizenship, for the reason that they are general expressions of the opinion of the court and are not to be taken as deciding the point in issue.

But the question of treaty stipulations or the rights conferred by them to the inhabitants was not raised in these cases by the arguments of counsel or in the opinions of the court. It is hardly fair in considering the decisions of the Supreme Court of the United States for a century to dispose of the same aliunde.

The Senator from Vermont says:

Although some expressions in the opinions may give the careless reader the impression that the Constitution extends over the District of Columbia and the Territories, unaided by act of Congress or by treaty; for, if any such expressions can fairly be held to have such force, they would be clearly considered and decided and are no more than dicta.

I insert the opinions, which will speak for themselves.

Senator PLATT quotes the case of American Insurance Company *vs.* Canter (1 Peters, 511) to support his contention that the Federal Government has unlimited power to govern Territories.

This case was one of the earliest cases in which the question of the government of Territories arose. I shall not attempt to construe it, but shall use the language of one of the justices of the Supreme Court in construing it.

Justice McLean, in 19 Howard, says:

In the discussion of the power of Congress to govern a Territory, in the case of The American Insurance Company *vs.* Canter (1 Peters, 511), Chief Justice Marshall, speaking for the court, said in regard to the people of Florida:

"They do not, however, participate in the political power; they do not share in the Government till Florida shall become a State; in the meantime Florida shall continue to be a Territory of the United States, governed by virtue of that clause in the Constitution which empowers Congress to make all needful rules and regulations respecting the territory or other property belonging to the United States."

And he adds:

"Perhaps the power of governing a Territory belonging to the United States, which has not, by becoming a State, acquired the means of self-government, may result necessarily from the fact that it is not within the jurisdiction of any particular State, and is within the power and jurisdiction of the United States. The right to govern may be the inevitable consequence of the right to acquire territory; whichever may be the source whence the power is derived, the possession of it is unquestioned."

And in the close of the opinion the court says:

"In legislating for them (the Territories) Congress exercises the combined powers of the General and State governments."

Some consider the opinion to be loose and inconclusive, others that it is obiter dicta, and the last sentence is objected to as recognizing absolute power in Congress over Territories. * * *

I can see no want of precision in the language of the Chief Justice; his meaning can not be mistaken. He states first the third section, as giving power to Congress to govern the Territories, and two other grounds from which the power may also be implied. The objection seems to be that the Chief Justice did not say which of the grounds stated he considered the source of the power. He did not specifically state this, but he did say "whichever may be the source when the power is derived, the possession of it is unquestioned." No opinion of the court could have been expressed with stronger emphasis; the power in Congress is unquestioned. But those who have undertaken to criticise the opinion consider it without authority because the Chief Justice did not designate specially the power. This is a singular objection. If the power is unquestioned it can be a matter of no importance on which ground it is exercised.

The opinion clearly was not obiter dicta. The turning point in the case was whether Congress had power to authorize the Territorial legislature of Florida to pass the law under which the Territorial court was established, whose decree was brought before this court for revision. The power of Congress, therefore, was the point in issue.

* * * * * * *

Did Chief Justice Marshall, in saying that Congress governed a Territory by exercising combined powers of the Federal and State governments, refer to unlimited discretion? A government which can make white slaves? Surely such a remark in the argument must have been inadvertently uttered. On the contrary, there is no power in the Constitution by which Congress can make either white or black men slaves. In organizing the government of a Territory Congress is limited to means appropriate to the attainment of the constitutional object. No powers can be exercised which are prohibited by the Constitution, or which are contrary to its spirit; so that whether the object may be the protection of the persons and property of the purchasers of the public lands, or of communities who have been annexed to the Union by conquest or purchase, they are initiatory to the establishment of State governments, and no more power can be claimed or exercised than is necessary to the attainment of the end. This is the limitation of all the Federal powers.

In a subsequent case, that of Benner *vs.* Porter (9 Howard, 234), the court, speaking about courts established in Florida during the time that it was a Territory of the United States, said:

They are not organized under the Constitution, nor subject to its complex distribution of the powers of government as the organic law; but rather the creations exclusively of the legislative department and subject to its supervision and control.

Whether or not there are provisions in that instrument (the Constitution) which extend to and act upon these Territorial governments it is not now material to examine. We are speaking here of those provisions that refer particularly to the distinction between Federal and State jurisdiction.

In the last-quoted case it must be very apparent that the point involved was not whether Congress had unlimited power in legislating for the Territory of Florida, but whether or not Congress had exclusive power to govern the Territory.

That territory acquired by treaty or otherwise becomes subject to the Constitution was decided in the case of Pollard *vs.* Hogan (3 Howard, 312):

This brings us to the examination of the question whether Alabama is entitled to the shores of the navigable waters and the soil under them within her limits.

The particular argument relied on against this right is that the United States acquired the land in controversy from the King of Spain. Although there is no direct reference to any particular treaty, we presume the treaty of the 22d of February, 1819, signed at Washington, was the one relied on, and shall so consider the argument. It was insisted that the United States had, under the treaty, succeeded to all the rights and powers of the King of Spain. And by the laws and usages of Spain the King had the right to grant to a subject the soil under navigable waters, that therefore the United States had the right to grant the land in controversy, and thereby the plaintiffs acquired complete title.

If it were true that the United States acquired the whole of Alabama from Spain, no such consequence would result as that contended for. It can not be admitted that the King of Spain could, by treaty or otherwise, impart to the United States any of his royal prerogatives, and much less can it be admitted that they have the capacity to receive them, or power to exercise them.

Every nation acquiring territory by treaty or otherwise must hold it subject to the constitution and laws of its own government, and not according to those of the government ceding it. (Vat. Law of Nations, Book I, chapter 19, 210, 244, 245, and Book II, chapter 7, section 80.)

Other departments than the judicial department of our Government have also construed the power of Congress to govern territories.

When California was acquired, the executive department, through its Secretary of State, sent a communication to Mr. Voorhees, which is quoted at length in the opinion of Justice Wayne, in the case of Cross *vs.* Harrison (16 Howard, 164):

The termination of the war left an existing government, a government de facto, in full operation, and this will continue with the presumed consent of the people until Congress shall provide for them a Territorial government.

This government de facto will, of course, exercise no power inconsistent with the provisions of the Constitution of the United States, which is the supreme law of the land.

And now I come to the celebrated Dred Scott Case. "The evil that men do lives after them; the good is often interred with their bones."

The distinguished Senator from Connecticut has made every attempt to belittle the importance of the opinion of our Supreme Court as far as it relates to the acquisition and government of territories. He characterizes it as a—

Political decision from beginning to end; and every word and every line was framed to meet the necessities of the political situation.

Now, after a lapse of forty years, shall this decision, which was popularly said to be a decision that "the black man had no rights which the white man was bound to respect," be resurrected from its grave and be enacted into a law by the Congress of the United States?

Such a statement hardly comes with good grace from the honorable Senator, who is attempting to eliminate that part of the decision which has an important bearing upon the constitutional obstacles that stand in his way in the present political situation.

But of the case it has been said that—

While there were dissenting opinions in the Dred Scott Case, and while some of the conclusions of that opinion were afterwards overruled in trial by battle, no criticism was made by either dissenting justices of the statement in relation of the Government to its Territories, nor was anything in the war or its result, nor has there been any judicial opinion since expressed by that court which tends to weaken at all the force of Taney's statement.

"The black man had no rights which the white man was bound to respect" would be more correctly stated by saying that "under the Constitution the black man in slavery had no rights which the white man was bound to respect."

It is not happy for the honorable Senator to thus characterize this phase of the decision when he is contending for a doctrine that in newly acquired territory, under the Constitution and the American flag, white, black, or brown men, free or slave, have no rights which we, the people, as a nation are bound to respect.

And after all this denunciation of the case I shall ask leave to insert at length extracts from the decision in order that what the court said may speak for itself.

First, I shall quote from Chief Justice Taney's opinion, and as to the limitations upon Congress he said:

These differences arise, as we have said, from the peculiar character of the Government of the United States. For although it is sovereign and supreme in its appropriate sphere of action, yet it does not possess all the powers which usually belong to the sovereignty of a nation. Certain specified powers enumerated in the Constitution have been conferred upon it, and neither the legislative, executive, nor the judicial departments of the Government can lawfully exercise any authority beyond the limits marked out by the Constitution.

Speaking of sovereignty, the learned justice said:

The words "people of the United States" and "citizens" are synonymous terms and mean the same thing. They both described the political body who, according to our republican institutions, form the sovereignty and who hold the power and conduct the Government through their representatives. They are what we familiarly call the "sovereign people," and every citizen is one of these people and a constituent member of this sovereignty.

Upon the construction of the Constitution, he said:

If any of its (Constitution) provisions are deemed unjust, there is a mode prescribed in the instrument itself by which it may be amended; but while it remains unaltered it must be construed now, as it was understood at the time of its adoption. It is not only the same in words, but the same in meaning, and delegates the same powers to the Government and reserves and secures the same rights and privileges to the citizens; and as long as it continues to exist in its present form it speaks not only the same words, but with the same meaning and intent with which it spoke when it came from the hands of its framers and was voted on and adopted by the people of the United States. Any other rule of construction would abrogate the judicial character of this court and make it a mere reflex of the popular opinion or passion of the day.

I now come to that part of the opinion of the Chief Justice which is the thorn in the side of the eminent Senator from Connecticut, and which he says is a mere dictum and now attempted to be resurrected after forty years and to be enacted into law. The fact

is that upon this phase of the case there were no dissenting opinions, but was concurred in by the full bench:

This brings us to examine by what provision of the Constitution the present Federal Government, under its delegated and restricted powers, is authorized to acquire territory outside of the original limits of the United States. * * * There is certainly no power given by the Constitution to the Federal Government to establish or maintain colonies bordering on the United States or at a distance, to be ruled and governed at its own pleasure, nor to enlarge its territorial limits in any way except by the admission of new States.

That power is plainly given; and if a new State is admitted it needs no further legislation by Congress, because the Constitution itself defines the relative rights and powers and duties of the State and the citizens of a State, and the Federal Government; but no power is given to acquire territory to be held and governed permanently in that character. * * * We do not mean, however, to question the power of Congress in this respect. The power to expand the territory of the United States by the admission of new States is clearly given; and in the construction of this power by all the Departments of the Government it has been held to authorize the acquisition of territory not fit for admission at the time, but to be admitted as soon as its population and situation will entitle it to admission. It is acquired to become a State, not to be held as a colony and governed by Congress with absolute authority. * * * All we mean to say on this point is that, as there is no express regulation in the Constitution defining the power which the General Government may exercise over the person or property of a citizen in a Territory thus acquired, the court must necessarily look to the provisions and principles of the Constitution and its distribution of powers for the rules and principles by which its decision must be governed.

As to the rights of citizens of the United States, he said:

Taking this rule to guide us, it may be safely assumed that citizens of the United States who migrate to a Territory belonging to the people of the United States can not be ruled as mere colonists dependent upon the will of the General Government, and be governed by any laws it may think proper to impose. The principle upon which our Government rests and upon which alone it continues to exist is the Union of States, sovereign and independent, within their own limits, in their internal and domestic concerns and bound together as one people by a General Government, possessing certain enumerated and restricted powers delegated to it by the people of the several States, and exercising supreme authority, within the scope of the powers granted to it, throughout the dominion of the United States. A power, therefore, in the General Government to obtain and hold colonies and dependent Territories over which they might legislate without restriction would be inconsistent with its own existence in its present form. Whatever it acquires it acquires for the benefit of the people of the several States, who created it. It is their trustee, acting for them and charged with the duty of promoting the interests of the whole people of the Union in the exercise of the powers specifically granted.

But some form of civil authority would be absolutely necessary to organize and preserve civilized society and prepare it to become a State, and what is the best form must always depend on the condition of the Territory at the time, and the choice of the mode must depend upon the exercise of a discretionary power by Congress acting within the scope of its constitutional authority and not infringing upon the rights of persons or rights of property of the citizens who might go there to reside, or for any other lawful purpose. * * * But the powers of Congress over the person or property of a citizen can never be a mere discretionary power under our Constitution and form of government.

Again, as to the limitations of the Federal Government by the Constitution, he said:

The powers of the Government and the rights and privileges of the citizens are regulated and plainly defined by the Constitution itself. And when the territory becomes a part of the United States the Federal Government enters into possession in the character impressed upon it by those who created it. It enters upon it with its powers over the citizen strictly defined and limited by the Constitution, from which it derives its own existence and by virtue of which alone it continues to exist and act as a government and sovereignty. It has no power of any kind beyond it. And it can not, when it enters a Territory of the United States, put off its character and assume discretionary or despotic powers which the Constitution has denied to it. It can not create for itself a new character, separated from the citizens of the United States and the duties it owes them under the provisions of the Constitution.

The territory being a part of the United States, the Government and the citizen both enter it, under the authority of the Constitution, with their respective rights defined and marked out, and the Federal Government can exercise no power over his person or property beyond what that instrument confers, nor lawfully deny any right which it has reserved. * * * For example, no one, we assume, will contend that Congress can make any law in a Territory respecting the establishment of religion or the free exercise thereof, or abridge the freedom of speech or of the press, or the right of the people of the Territory peaceably to assemble and to petition the Government for the redress of grievances. Nor can Congress deny to the people the right to keep and bear arms, nor the right to trial by jury, nor compel anyone to be a witness against himself in a criminal proceeding. * * *

The powers over person and property of which we speak are not only not granted to Congress, but are in express terms denied, and they are forbidden to exercise them. Prohibition is not confined to the States, but the words are general and extend to the whole territory over which the Constitution gives it power to legislate, including those portions of it remaining under Territorial government as well as that covered by States. * * * It could confer no power on any local government established by its authority to violate the provisions of the Constitution.

But considering the question before us, it must be borne in mind that there is no law of nations standing between the people of the United States and their Government and interfering with their relation to each other. The powers of the Government and the rights of the citizens under it are positive and practical regulations plainly written down. The people of the United States have delegated to it certain enumerated powers and forbidden it to exercise others.

Justice Campbell in the same case, speaking of unlimited powers claimed by Congress, just what the honorable Senator is contending for, said:

Could it have been the purpose of Washington and his illustrious associates, by the use of ambiguous, equivocal, and expansive words, such as "rules," "regulations," and "territory," to reestablish in the Constitution of their country that fort which had been prostrated amid the toils and with the sufferings of seven years of war? Are these words to be understood as the Norths, the Grenvilles, Hillsboroughs, Hutchinsons, and Dunmores—in a word, as George III would have understood them—or are we to look for their interpretation to Patrick Henry or Samuel Adams, to Jefferson and Jay and Dickinson, to the sage Franklin, or to Hamilton, who from his early age was engaged in combating British constructions of such words?

The disunion between Great Britain and her colonies originated in the antipathy of the latter to the "rules and regulations" made by remote power respecting their internal policy. In framing the Constitution this fact was ever present in the minds of its authors. The people were assured by their most trusted statesmen "that the jurisdiction of the Federal Government" is limited to certain enumerated objects which "concern all members of the Republic." * * *

The feudal system would have recognized the claim made on behalf of the Federal Government for supreme power over persons and things in the Territories as an incident to this title—that is, the title to dispose of and make rules and regulations respecting it. The Norman lawyers of William the Conqueror would have yielded an implicit assent to the doctrine that a supreme sovereignty is an inseparable incident to a grant to dispose of and make all needful rules and regulations respecting public domain.

But an American patriot in contrasting the European and American systems may affirm that European sovereigns give lands to their colonists, but reserve to themselves the power to control their property, liberty, and privileges; but the American Government sells the lands belonging to the people of the several States (i.e., United States) to their citizens who are already in possession of personal and political rights which the Government did not give and can not take away. And the advocates of Government sovereignty in the Territories have been compelled to abate a portion of the pretensions originally made in its behalf and to admit that the constitutional prohibitions upon Congress operate in the Territories. But a constitutional prohibition is not requisite to ascertain the limitation upon the authority of the several departments of the Federal Government. Nor are the States or the people restrained by any enumeration or definition of their rights or liberties.

Justice Catron said:

Congress can not do indirectly what the Constitution prohibits directly.

There were two dissenting opinions in the case, one by Justice McLean and the other by Justice Curtis. In their opinions were reflected the anti-slavery sentiments of the nation; and to give expression to these sentiments the great Republican party of Lincoln and Seward was born.

Surely the views expressed by these two eminent justices should have great weight with the distinguished Senator from Connecticut.

In his opinion Justice McLean said:

In the discussion of the power of Congress to govern a Territory, in the case of the Atlantic Insurance Company vs. Canter (1 Peters, 511; 7 Curt., 685), Chief Justice Marshall, speaking for the court, said: "In regard to the people of Florida, they do not, however, participate in political power; they do not share in the Government until Florida shall become a State. In the meantime Florida shall continue to be a Territory of the United States, governed by virtue of that clause in the Constitution which empowers Congress to make all needful rules and regulations respecting the territory or other property belonging to the United States;" and adds: "Perhaps the power of governing a Territory belonging to the United States which has not, by becoming a State, acquired the means of self-government, may result necessarily from the fact that it is not within the jurisdiction of any particular State, and is within the power and jurisdiction of the United States. The right to govern may be the inevitable consequence to acquire territory. Whichever may be the source whence the power is derived, the possession of it is unquestioned." And in the close of the opinion the court said: "In legislating for them (the Territories) Congress exercises the combined powers of the General and State governments." * * * Did Chief Justice Marshall, in saying that Congress governed a Territory by the exercise of the combined powers of the Federal and State governments, refer to unlimited discretion—a government which can make white men slaves? Surely such a remark in the argument must have been inadvertently uttered. On the contrary, there is no power in the Constitution by which Congress can make either white or black men slaves. In organizing the government of a Territory, Congress is limited to means appropriate to the attainment of the constitutional object. No powers can be exercised which are prohibited by the Constitution or which are contrary to its spirit; so that whether the object may be the protection of the persons and property of purchasers of the public lands, or of communities who have been annexed to the Union by conquest or purchase, they are initiatory to the establishment of State governments, and no more power can be claimed or exercised than is necessary to the attainment of the end. This is the limitation of all the Federal powers.

And as to what constitutes the territorial limits of the United States, he said:

The sovereignty of the Federal Government extends to the entire limits of our territory; should any foreign power invade our jurisdiction it would be repelled. There is a law of Congress to punish our citizens for crimes committed in districts of country where there is no organized government. Criminals are brought to certain Territories or States designated in the law for punishment. Death has been inflicted in Arkansas and Missouri on individuals for murders committed beyond the limit of any recognized Territory or State; and no one doubts the jurisdiction was rightfully exercised. If there be a right to acquire territory, there necessarily must be an implied power to govern it. * * *

I would here simply remark that the Constitution was framed for our whole country. An expansion or contraction of our territory requires no change in the fundamental law. * * *

If the great fundamental principles of our Government are never to be settled there can be no lasting prosperity. The Constitution will become a floating waif on the billows of popular excitement. * * *

And now I quote from the dissenting opinion of Justice Curtis:

As was said by Chief Justice Marshall in the American Insurance Company vs. Canter (1 Peters, 542), the Constitution confers absolutely on the Government of the Union the power of making war and of making treaties, consequently that Government possesses the power of acquiring territory either by acquisition or treaty. (See Sere vs. Pitot, 6 French, 339.) And I add, it also possesses the power of governing it when acquired, not by resorting to suppositious powers nowhere found described in the Constitution, but expressly granted in the authority to make all needful rules and regulations respecting the territory of the United States. * * *

Note what he says about the unlimited power of Congress:

If, then, this clause does contain a power to legislate respecting the territory, what are the limits of that power? To this I answer, that in common with all the other legislative powers of Congress it finds limits in the express prohibitions on Congress not to do certain things; that in the exercise of the legislative power Congress can not pass an ex post facto law or bill of attainder, and so in respect to each of the other prohibitions contained in the Constitution.

As to the purpose for which territory may be acquired, he said:

The subject-matter is the territory of the United States out of the limits of every State, and consequently under the exclusive power of the people of the United States. Their will respecting it, manifested in the Constitution, can be subject to no restriction.

To ingraft on any instrument a substantive exception not found in it must be admitted to be a matter attended with great difficulty. And the difficulty increases with the importance of the instrument and the magnitude and complexity of the interests involved in its construction. To allow this to be done with the Constitution upon reasons purely political renders its judicial interpretation impossible, because judicial tribunals, as such, can not decide upon political considerations. Political reasons have not the requisite certainty to afford rules of judicial interpretations. They are different in different men; they are different in the same man at different times. And when a strict interpretation of the Constitution according to the fixed rules which govern the interpretation of laws is abandoned and the theoretical opinions of individuals are allowed to control its meaning, we have no longer a Constitution; we are under the government of individual men, who for the time being have power to declare what the Constitution is according to their own views of what it ought to mean. When such a method of interpretation of the Constitution obtains, in place of a republican government with limited and definite powers we have a government which is merely an exponent of the will of Congress.

That Congress has exclusive jurisdiction as against jurisdiction by a State over the government of Territories and is limited by the Constitution in such government is recognized and stated by Chief Justice Waite in the case of First National Bank *vs.* County of Yankton (101 U. S.):

A Territory within the jurisdiction of the United States not included in any State must necessarily be governed by or under the authority of Congress. The Territories are but political subdivisions of the outlying dominion of the United States. * * *

They bear much the same relation to the General Government that counties do to the States, and Congress may legislate for them as States do for their respective municipal organizations. The organic law of a Territory takes the place of a constitution as the fundamental law of the local government. The Congress * * * has all the powers of the people of the United States, except such as have been expressly or by implication reserved in the prohibitions of the Constitution. * * *

It may do for the Territories what the people under the Constitution of the United States may do for the States.

Again, in Murphy *vs.* Ramsey (114 U. S.), Mr. Justice Matthews says:

The people of the United States, as sovereign owner of the National Territories, have supreme power over them and their inhabitants. In the exercise of this sovereign dominion they are represented by the Government of the United States, to whom all the powers to govern for them have been delegated, subject only to such restrictions as are expressed in the Constitution, or are necessarily implied under its terms or under the principles and objects of the power itself. For it may well be admitted in respect to this, as to every power of society for its members, that it is not absolute and unlimited. * * *

The personal and civil rights of the inhabitants of the Territories are secured to them, as to other citizens, by the principles of the constitutional liberty, which restrains all the agencies of government, State and national.

The operation of the restraints and prohibitions of the first ten amendments of the Constitution on the Federal Government in the exercise of legislative power over citizens of the United States as distinguished from citizens of individual States is very positively declared by the Supreme Court in the opinion handed down by Chief Justice Waite in 1887 (Spies *vs.* Illinois, 123 U. S., 166), in part as follows:

That the first ten articles of amendment were not intended to limit the powers of the State governments in respect to their own people, but to operate on the National Government alone, was decided more than a half century ago, and that decision has been steadily adhered to since.

That Congress is limited by the Constitution in favor of personal rights in its legislation for Territories was so stated to be by Justice Bradley in the case of the late Corporation of Latter-Day Saints *vs.* United States (136 U. S.).

Justice Bradley, after quoting and approving what I have quoted from National Bank *vs.* County of Yankton and Murphy *vs.* Ramsey, said:

The power of Congress over the Territories of the United States is general and plenary, arising from and incidental to the right to acquire the territory itself and from the power given by the Constitution to make all needful rules and regulations respecting the territory or other property belonging to the United States. * * *

Doubtless Congress in legislating for the Territories would be subject to these fundamental limitations in favor of personal rights which are formulated in the Constitution and its amendments. But these limitations would exist rather by inference and general spirit of the Constitution, through which Congress derives all its powers, than by any express and direct application of its provisions.

The distinguished Senator and many members of this House quote that case to sustain the proposition, that the Federal Government possesses unlimited power in its government of Territories, and the Senator says:

This case has been looked upon by the entire profession as settling the question permanently and forever. I understand this to be the leading and controlling case.

Inasmuch as the power to acquire and to govern territory exists by implication and inference, the limitations on the power to govern must exist by inference and implication. If that case decides anything, it decides this, that limitations upon the Federal Government in its government of Territories does exist.

The language of Justice Bradley, just quoted, was quoted and reaffirmed by Justice Harlan in the case of McAllister *vs.* United States (141 U. S.). As to the limitation upon the purpose for which territory can be acquired by the Federal Government, I wish to quote, in addition to what has already been quoted on that point, the language of Justice Gray, in Shivley *vs.* Bowlby (152 U. S., page 1):

The Territories acquired by Congress, whether it be by cession from the original States or by treaty with a foreign country, are held with the object, as soon as their population and condition justify it, of being admitted into the Union as States upon an equal footing with the original States in all respects.

An act of a Territorial government providing that a verdict by less than the whole number of jurors could be returned was declared invalid because in violation of the seventh amendment of the Federal Constitution by Justice Fuller in the case of Springville City *vs.* Thomas (166 U. S., page 707):

The supreme court of the Territory held, in Hess *vs.* White (9 Utah, 61; 33 Pac., 249), and the decision was followed in these cases, that the act of Congress of September 9, 1850 (9 Stat., 453, chapter 51 6), the organic act of the Territory, vested in the Territorial legislature such unlimited legislative power as enabled it to provide that unanimity of action on the part of jurors in civil cases was not necessary to a valid verdict. But defendants contended that the act of Congress as thus interpreted was in violation of the seventh amendment, and the validity of the act was that way drawn in question.

In the view which the Supreme Court took of the act it was obliged to subject it to the test of the Constitution, and accordingly, in deciding that the seventh amendment did not require unanimity of action, the court held in effect that the act of Congress was constitutional, although it empowered the Territorial legislature to provide for verdicts by less than the whole number of jurors. The question involved was not matter of construction of the Territorial act, but the court discussed its validity, and this depended on the validity of the act of Congress giving it the scope which the court attributed to it.

In this there was error. In our opinion the seventh amendment secured unanimity in finding a verdict as an essential feature of trial by jury at common-law cases, and the act of Congress could not impart the power to change the constitutional rule, and could not be treated as attempting to do so.

I now come to some of the latest expressions of the Supreme Court of the United States upon this point. I refer to the case of Thompson *vs.* Utah (170 U. S.).

The distinguished Senator says, in disposing of this case, with a wave of the hand:

The only thing which this case decides is contained in the headnote. They undertook to try a man in the State court of Utah which, according to the constitution of the State, tried him before eight jurors only, for an offense committed in the Territory, while the people there were under Territorial jurisdiction, and the law required twelve jurors.

That is all there is in the case.

In order to learn what is decided in the case, I wish to cite at some length, as part of my remarks, from the opinion of Justice Harlan:

That the provisions of the Constitution of the United States relating to the right of trial by jury in suits at common law apply to the Territories of the United States is no longer an open question. (Webster *vs.* Reid, 11 Howard, 437, 460; Publishing Company *vs.* Fisher, 166 U. S., 464, 468; 17 S. C. R., 618; Springville City *vs.* Thomas, 166 U. S., 707; 17 S. C. R.)

In the last-named case it was claimed that the Territorial legislature of Utah was empowered by the organic act of the Territory of September 9, 1850 (9 Stat., 453, chapter 51, 6), to provide that unanimity of action on the part of jurors in civil cases was not necessary to a valid verdict. This court said:

"In our opinion, the seventh amendment secured unanimity in finding a verdict as an essential feature of trial by jury in common-law cases, and the act of Congress could not impart the power to change the constitutional rule, and could not be treated as attempting to do so."

The judgment of this court in Reynolds *vs.* United States (98 U. S., 145, 154), which was a criminal prosecution in the Territory of Utah, assumed that the sixth amendment applied to criminal prosecutions in that Territory.

In Callan *vs.* Wilson (127 U. S., 548, 551; 8 Supreme Court, 1301), which was a criminal prosecution by information in the police court of the District of Columbia, the accused claimed that the right of trial by jury was secured to him by the third article of the Constitution, as well as by the fifth and sixth amendments. * * * There is nothing in the history of the Constitution or of the original amendments to justify the assertion that the people of this District may be lawfully deprived of the benefit of any of the constitutional guaranties of life, liberty, and property, especially of the privilege of trial by jury in criminal cases. "We can not think," the court further says, "that the people of this District have in that regard less rights than those accorded to the people of the Territories of the United States."

In late corporation of Church of Jesus Christ of Latter-Day Saints *vs.* United States (136 U. S., 1, 44, 10; Supreme Court, 792) one of the questions considered was the extent of the authority which the United States might exercise over the Territories and their inhabitants. In the opinion of Mr. Justice Bradley reference was made to previous decisions of this court, in one of which, National Bank *vs.* County of Yankton (101 U. S., 129, 133), it was said that Congress, in virtue of the sovereignty of the United States, could not only abrogate the laws of the Territorial legislatures, but may itself legislate directly for the local government; that it could make a void act of the Territorial legislature valid and a valid act void; that it had full and complete legislative authority over the people of the Territories and all the departments of the Territorial governments; that it "may do for the Territories what the people, under the Constitution of the United States, may do for the States."

Reference was also made to Murphy *vs.* Ramsey (114 U. S., 15; 5 Supreme Court, 747), in which it was said:

"The people of the United States, as sovereign owners of the National Territories, have supreme power over them and their inhabitants. In the exercise of this sovereign dominion they are represented by the Government of the United States, to whom all the powers of government over that subject have been delegated, subject only to such restrictions as are expressed in the Constitution or are necessarily implied in its terms."

The opinion of the court in Late Corporation of Church of Jesus Christ of Latter-Day Saints *vs.* United States then proceeded:

"Doubtless Congress, in legislating for the Territories, would be subject to those fundamental limitations in favor of personal rights which are formulated in the Constitution and its amendments, but these limitations would exist rather by inference and the general spirit of the Constitution, from which Congress derives all its powers, than by any express and direct application of its provisions." * * *

Assuming, then, that the provisions of the Constitution relating to trials for crimes and criminal prosecutions apply to the Territories of the United States, the next inquiry is whether the jury referred to in the original Constitution and in the sixth amendment is a jury constituted as it was at common law of twelve persons, neither more nor less. * * * This question must be answered in the affirmative. When Magna Charta declared that no free man should be deprived of life, etc., "but by the judgment of his peers or by the law of the land," it referred to a trial by twelve jurists. Those who emigrated to this country from England brought with them this great privilege as their birthright and inheritance, as a part of that admirable common law, and which fenced around and interposed barriers on their side against the approaches of arbitrary power. * * *

We are of the opinion that the State did not acquire, upon its admission into the Union, the power to provide, in respect to felonies committed within its limits while it was a Territory, that they should be tried otherwise than by a jury such as is provided by the Constitution of the United States. * * *

In our opinion the provision in the constitution of Utah providing for the trial in courts of general jurisdiction in criminal cases, not capital, by a jury composed of eight persons is ex post facto in its application to felonies committed before the Territory became a State, because in respect to such crimes the Constitution of the United States gives the accused at the time of the commission of his offense the right to be tried by a jury of twelve persons, and made it impossible to deprive him of his liberty except by the unanimous verdict of such a jury.

From this opinion of Justice Harlan it certainly is clear that Congress is limited in its exercise of power over the Territories and the inhabitants thereof by the provisions of the Constitution of the United States.

CITIZENSHIP.

The Federal Government in the government of Territories is limited by the Constitution as to the rights of citizens of the United States.

The honorable Senator contends that the Federal Government has unlimited power over the inhabitants of Territories. And it follows, if this be true, Congress would have unlimited power over citizens of the United States who enter Territories from one of the States of the Union.

As the nationality of Spanish subjects who do not in one year renounce the allegiance to Spain, and who by the treaty are declared to adopt the nationality of the territory in which they reside, and the civil rights of the native inhabitants are by treaty to be determined by Congress, it is important for Congress to know what the Supreme Court has said upon this question of rights of inhabitants of Territories and citizens of the United States.

But before citing the decisions of the Supreme Court let me here insert that part of the McEnery resolution which deals with this phase of the case:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled. That by the ratification of the treaty of peace with Spain it is not intended to incorporate the inhabitants of the Philippine islands into citizenship of the United States, nor is it intended to permanently annex said islands as an integral part of the territory of the United States.

Now, citizenship is associated with the territorial limits of a nation, and, as was said by Justice Wayne in Cross *vs.* Harrison, "by the ratification of the treaty California became a part of the United States," it follows that by the ratification of the treaty with Spain, notwithstanding the McEnery resolution to the contrary, the Philippines and Puerto Rico became a part of the territory of the United States, and rights guaranteed by the Constitution to citizens of the United States became operative therein.

The rights of children born in the United States of Chinese parents was considered in United States *vs.* Wong Kin Ark (169 U. S., 449, 703), decided March 28, 1898. Justice Gray, delivering the opinion, said:

The first section of the fourteenth amendment of the Constitution begins with the words, "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside." As appears upon the face of the amendment, as well as from the history of the times, this was not intended to impose any new restrictions upon citizenship or to prevent any persons from becoming citizens by the fact of birth within the United States who would thereby have become citizens according to the law existing before its adoption. It is declaratory in form and enabling and extending in effect. Its main purpose doubtless was, as has been often recognized by this court, to establish the citizenship of free negroes, which had been denied in the opinion rendered by Chief Justice Taney in Scott *vs.* Sanford (1857) (19 Howard, 393), and to put it beyond doubt that all blacks, as well as whites, born or naturalized within the jurisdiction of the United States, are citizens of the United States.

* * * * * *

But the opening words "All persons born" are general, not to say universal, restricted only by place and jurisdiction, and not by color or race, as was clearly recognized in all the opinion delivered in the Slaughterhouse Cases, above cited. * * * Citizenship by birth is established by the mere fact of birth under the circumstances defined in the Constitution. Every person born in the United States and subject to the jurisdiction thereof, becomes at once a citizen of the United States and needs no naturalization.

Justice Curtis, in the Dred Scott Case, said:

I can find nothing in the Constitution which ex proprio vigore deprives of their citizenship any class of persons who were citizens of the United States at the time of its adoption, or who should be native born citizens of any State after its adoption, nor any power enabling Congress to disfranchise persons born on the soil of any State entitled to citizenship in such State by its constitution and laws.

And my opinion is that under the Constitution of the United States every free person born on the soil of a State, who is a citizen of that State by force of its constitution or laws, is also a citizen of the United States. * * *

Undoubtedly, as has already been said, it is a principle of public law, recognized by the Constitution itself, that birth on the soil of a country both creates the duties and confers the rights of citizenship. But it must be remembered that though the Constitution was to form a government, and under it the United States of America were to be one united sovereign nation, to which loyalty and obedience on the one side, and from which protection and privileges on the other, would be due, yet the several sovereign States, whose people were then citizens, were not only to continue in existence, but with powers enumerated, except so far as they were granted by the people of the National Government.

In Slaughter House Cases (16 Wall., 36), Justice Miller says:

To remove this difficulty (raised by the Dred Scott decision), primarily, and to establish a clear and comprehensive definition of citizenship, which should declare what should constitute citizenship of the United States and also citizenship of a State, the first clause of the first section (fourteenth amendment) was framed:

"All persons born or naturalized in the United States, or subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside."

The first observation we have to make on this clause is that it puts at rest both the questions which we stated to have been the subject of differences of opinion. It declares that persons may be citizens of the United States without regard to their citizenship of a particular State, and it overturns the Dred Scott decision by making all persons born within the United States and subject to its jurisdiction citizens of the United States. That its main purpose was to establish the citizenship of the negro can admit of no doubt. The phrase "Subject to its jurisdiction" was intended to exclude from its operation children of ministers, consuls, and citizens or subjects of foreign states, born within the United States.

The next observation is more important in view of the argument of counsel in the present case. It is that the distinction between citizenship of the United States and citizenship of a State is clearly recognized and established. Not only may a man be a citizen of the United States without being a citizen of a State, but an important element is necessary to convert the former into the latter. He must reside within the State to make him a citizen of it, but it is only necessary that he should be born or naturalized in the United States to be a citizen of the Union.

It is quite clear, then, that there is a citizenship of the United States and a citizenship of a State which are distinct from each other and which depend upon different characteristics or circumstances in the individual. * * *

One of these [privileges] is well described in the case of Crandall *vs.* Nevada (6 Wall., 36; 73 U. S., 745). It is said to be the right of the citizen of this great country, protected by implied guaranties of its Constitution, "to come to the seat of government to assert any claim he may have upon that Government, to transact any business he may have with it, to seek its protection, to share its offices, to engage in administering its functions. He has the right of free access to its seaports, through which all operations of foreign commerce are conducted, to the subtreasuries, land offices, and courts of justice in the several States."

And quoting from the language of Chief Justice Taney in another case, it is said:

"That, for all the great purposes for which the Federal Government was established, we are one people, with one common country; we are all citizens of the United States."

And it is as such citizens that their rights are supported in this court in Crandall *vs.* Nevada.

Another privilege of a citizen of the United States is to demand the care and protection of the Federal Government over his life, liberty, and property when on the high seas or within the jurisdiction of a foreign government. Of this there can be no doubt, nor that the right depends upon his character as a citizen of the United States. The right to peaceably assemble and petition for redress of grievances, the privilege of the writ of habeas corpus, are rights of the citizens guaranteed by the Federal Constitution. The right to use the navigable waters of the United States, however they may penetrate the territory of the several States, and all rights secured to our citizens by treaties with foreign nations are dependent upon citizenship of the United States and not citizenship of a State. One of these privileges is conferred by the very article under consideration. It is that a citizen of the United States can, of his own volition, become a citizen of any State of the Union by a bona fide residence therein, with the same rights as other citizens of that State. To these may be added the rights secured by the thirteenth and fifteenth articles of amendment, and by the other clause of the fourteenth next to be considered.

In United States *vs.* Cruikshank (92 U. S., 542) Chief Justice Waite said:

We have in our political system a Government of the United States and a government of each of the several States. Each one of these governments is distinct from the others, and each has citizens of its own who owe it allegiance and whose rights within its jurisdiction it must protect. The same person may be at the same time a citizen of the United States and a citizen of a State, but his rights of citizenship under one of these governments will be different from those he has under the other. * * *

The right of the people peaceably to assemble for the purpose of petitioning Congress for a redress of grievances or for anything else connected with the powers or the duties of the National Government is an attribute of national citizenship and as such under the protection of and guaranteed by the United States. The very idea of a government republican in form implies a right on the part of its citizens to meet peaceably for consultation in respect to public affairs and to petition for redress of grievances.

UNIFORMITY OF TAXATION.

It also becomes important to consider the clause of the Constitution relating to the right to "lay and collect taxes, duties, imposts, and excises" in connection with the provisions of the treaty with Spain, which reads as follows:

The United States will, for the term of ten years from the date of the exchange and the ratification of the present treaty, admit Spanish ships and merchandise to the ports of the Philippine Islands on the same terms as ships and merchandise of the United States.

And the American peace commissioners at Paris, in reply to the Spanish commissioners, represented that the policy of the United States in the Philippines would be that of "an open door to the world's commerce."

The eighth section of the first article of the Constitution provides as follows:

The Congress shall have power to lay and collect taxes, duties, imposts and excises. * * * But all duties, imposts and excises shall be uniform throughout the United States.

The Supreme Court of the United States has on several occasions construed this clause.

At the time California was acquired by treaty with Mexico the

question of this clause came up in the case of Cross *vs.* Harrison. In the report of the case the court takes occasion to show the action of the executive department of the Government at that time by setting forth at length in its opinion the letter from Secretary of State Buchanan to the military governor of California, in words as follows:

By the conclusion of the treaty of peace the military government was established over them, under the laws of war as recognized by the practice of all civilized nations. * * *

The termination of the war left an existing government, a government de facto, in full operation, and this will continue, with the presumed consent of the people, until Congress shall provide for them a Territorial government. The consent of the people is irresistibly inferred from the fact that no civilized community could possibly desire to abrogate an existing government when the alternative presented would be to place themselves in a state of anarchy, beyond the protection of all laws, and reduce them to the unhappy necessity of submitting to the dominion of the strongest.

This government de facto will, of course, exercise no power inconsistent with the provisions of the Constitution of the United States, which is the supreme law of the land. For this reason no import duties can be levied in California on articles the growth, produce, or manufacture of the United States, as no such duties can be imposed in any other part of our Union on the productions of California. Nor can new duties be charged in California upon such foreign productions as have already paid duties in any of our ports of entry, for the obvious reason that California is within the territory of the United States.

Justice Wayne, in deciding the case, said:

By the ratification of the treaty California became a part of the United States; and as there is nothing differently stipulated in the treaty with respect to commerce it became instantly bound and privileged by the laws which Congress had passed to raise revenue from duties on imports and tonnage.

The right claimed to land foreign goods within the United States at any place out of a collection district, if allowed, would be a violation of that provision in the Constitution which enjoins that all duties, imposts, and excises shall be uniform throughout the United States. Indeed, it must be very clear that no such right exists, and that there was nothing in the condition of California to exempt importers of foreign goods into it from the payment of the same duties which were chargeable in the other ports of the United States. As to the denial of the authority of the President to prevent the landing of foreign goods in the United States out of a collection district, it can only be necessary to say, if he did not do so, it would be a neglect of his constitutional obligation to take care that the laws be faithfully executed.

What constitutes the territorial limits of the United States, and the application of this clause of the Constitution thereto, was considered by Chief Justice Marshall in Loughborough *vs.* Blake (5 Wheaton, 317), who said:

The eighth section of the first article gives to Congress the "power to lar and collect taxes, duties, imposts, and excises" for the purposes thereinaftey mentioned. This grant is general, without limitation as to place. It consequently extends to all places over which the Government extends. If this could be doubted, the doubt is removed by the subsequent words which modify the grant. These words are: "But all duties, imposts, and excises shall be uniform throughout the United States."

It will not be contended that the modification of the power extends to places to which the power itself does not extend. The power, then, to lay and collect duties, imposts, and excises may be exercised and must be exercised throughout the United States. Does this term designate the whole or any particular portion of the American empire? Certainly this question can admit of but one answer. It is the name given to our great Republic, which is composed of States and Territories. The District of Columbia or the territory west of the Missouri is not less within the United States than Maryland or Pennsylvania; and it is not less necessary on the principles of our Constitution that uniformity in the imposition of imposts, duties, and excises should be observed in the one than in the other. Since then the power to lay and collect taxes, which includes direct taxes, is obviously coextensive with the power to lay and collect duties, imposts, and excises, and since the latter extends throughout the United States, it follows that the power to impose direct taxes also extends throughout the United States.

As to the uniformity of taxation, Daniel Webster gave expression to the following:

But for the purposes of commerce, trade, buying, and selling it is evidently not in the power of any State to impose any hindrance or embarrassment or to lay any excise, toll, duty, or exclusion upon citizens of other States or to place them coming there upon a different footing from her own citizens.

There is one provision, then, in the Constitution by which citizens of one State may trade in another without hindrance or embarrassment.

DISTRICT OF COLUMBIA.

It is interesting as well as instructive, when examining this new doctrine, to consider the relation the District of Columbia sustains to the Constitution and to Congress.

The District of Columbia and its inhabitants are under the exclusive power of Congress by virtue of Article I, section 8, paragraph 17:

To exercise exclusive legislation in all cases whatsoever, over such District (not exceeding 10 miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States.

While the power of Congress over the territory of the United States has been the subject of contention as to the construction of the provisions of the Constitution, yet there can be no contention as to the power of Congress over the District of Columbia, because it has exclusive power by the express language of the Constitution.

Now, what has been the judicial interpretation and construction of the Supreme Court of the United States of the language of that section granting that power?

The distinguished Senator from Vermont, Judge Ross, in disposing of the decisions of the Supreme Court in relation to the District of Columbia as a Territory and the inhabitants thereof as citizens, says:

That the territory now included in the District when the Constitution was adopted constituted parts of the States of Virginia and Maryland, and before being ceded had become subject to the Constitution. By the cession the territory of the District was not taken from under the operation of the Constitution.

Now that 10 miles square of land which was part of the domain of the States of Maryland and Virginia, and the inhabitants thereof being citizens of Maryland and Virginia, respectively, were entitled to all the rights and privileges of the constitutions of the States of Maryland and Virginia and the Constitution of the United States, so far as it operated over the States of Maryland and Virginia, prior to the cession by these States of that land and those citizens to the Federal Government, under the express provision of the Constitution granting exclusive power and control to the Federal Congress.

By the express provisions of the Constitution that land and those citizens became divested of the operation of the State constitutions and the Constitution of the United States, so far as it related to such at that time. Nothing whatever was reserved in the cessions of that 10 miles square to the Federal Government reserving any rights or privileges by the operation of the Federal Constitution over said territory or the inhabitants thereof. The Constitution of the United States ceased to operate upon the District of Columbia and the inhabitants thereof, except so far as it operated ex proprio vigore upon the exclusive jurisdiction of Congress.

In determining the constitutional rights of the territory and the inhabitants of the District, the operation of the Federal Constitution on that territory prior to its creation as the District was never raised in any of the cases which came before the Supreme Court. On the contrary, the counsel for the Federal Government contended that Congress had unlimited power over the citizens thereof as soon as that territory and people thereof ceased from being under the jurisdiction of the States of Maryland and Virginia, respectively. And that by the cession of the territory of the District, counsel for the Government contended that the same was taken from the operation of the Constitution over the same as part of the States and gave the Federal Government absolute and exclusive jurisdiction.

In the case of the United States *vs.* Benjamin More, which came before the Supreme Court in 1803 upon a writ of error to the circuit court of the District of Columbia, Justice Cranch of the circuit court delivered an elaborate opinion, which is quoted in the report of the case, and part of which is as follows:

It has been contended that Congress, in legislating for the District of Columbia, is not bound by any of the prohibitions of the Constitution. But this is a doctrine to which I can never assent. Can it be said that Congress may pass a bill of attainder for the District of Columbia? That Congress may pass laws ex post facto in the District, or order soldiers to be quartered upon us in time of peace, or make our ports free ports of entry, or lay duties upon our exports, or take away the right of trial by jury in criminal prosecutions?

Yet all this they may do if in legislating for the District of Columbia they are not restricted by the express prohibitions of the Constitution. The words must be positive and strong, indeed, to justify such a construction. The only clause from which such an inference can possibly seem to flow is that which says "Congress shall have power to exercise exclusive legislation in all cases whatsoever over such District," etc. But the whole instrument is to be taken together, and every part is to be made consistent with the residue, if possible. That Congress may legislate in all cases whatsoever over such District, etc., is the general proposition, and the prohibitions are the exceptions. The true construction is that Congress may legislate for us in all cases where they are not prohibited by other parts of the Constitution. The express commands of the Constitution operate as prohibitions of everything repugnant to such commands. * * *

The Constitution was made for the benefit of every citizen of the United States, and there is no such citizen, whatever may be his condition or wherever he may be situated within the limits of the territory of the United States, who has not a right to the protection it affords.

Chief Justice Kilty, of the circuit court of the District of Columbia, said, among other things:

That the word "exclusive," meaning only free from the power exercised by the several States, the legislative power to be exercised by Congress may still be subject to the general restraints contained in the Constitution, though it includes subjects both of a general and local nature. Thus they are restrained from suspending the writ of habeas corpus, unless in the cases allowed, from passing (within and for the District) a bill of attainder or ex post facto law; from laying therein a capitation tax; from granting therein any title of nobility; from making therein a law respecting the establishment of religion, or abridging the freedom of speech or of the press, and from quartering soldiers therein contrary to the third amendment.

Justice Marshall, in the opinion, dismissed the writ of error on the ground that the court had no jurisdiction of the case, which in effect sustained the decision of the court below.

In his opinion in Loughborough *vs.* Blake (5 Wheaton, 317), Chief Justice Marshall made use of the following expression concerning the authority of Congress to impose a direct tax on the District of Columbia:

The difference between requiring a continent, with an immense population, to submit to be taxed by a government having no common interest with it, separated from it by a vast ocean, restrained by no principle of apportionment, and associated with it by no common feelings, and permitting the Representatives of the American people, under the restriction of our Constitution, to tax a part of the society, which is either in a state of infancy advancing to manhood, looking forward to complete equality so soon as that state of manhood shall be obtained, as is the case with the Territories; or which has voluntarily relinquished the right or representation, and has adopted the whole body of Congress for its legitimate government, as is the case with the District (of Columbia) is too obvious not to present itself to the minds of all.

Although in theory it might be more congenial to the spirit of our institutions to admit a Representative from the District, it may be doubted whether in fact its interest would be rendered thereby more secure; and certainly the Constitution does not consider their want of a Representative in Congress as exempting it from taxation.

Though Congress is given exclusive jurisdiction over this District by the express language of the Constitution, and no reference is made to the other clauses of the Constitution, still it was held that Congress is limited by the Constitution in legislating for said District, in the case of Callan *vs.* Wilson (127 U. S., page 540).

Justice Harlan, in delivering the opinion of the court, said:

It is contended by the appellant that the Constitution of the United States secured to him the right to be tried by a jury, and that right having been denied, the police court was without jurisdiction to impose a fine upon him, or to order him to be imprisoned until such time as paid.

* * * * * * *

The third article of the Constitution provides that "the trial of crimes, except in cases of impeachment, shall be by jury, and such trials shall be held in the State where such crimes shall have been committed; but when not committed within any State the trial shall be at such place or places as the Congress may by law have directed." The fifth amendment provides that "no person shall be deprived of life, liberty, or property without due process of law."

* * * * * * *

There is nothing in the history of the Constitution or of the original amendments to justify the assertions that the people of this District may be lawfully deprived of the benefit of any of the constitutional guaranties of life, liberty, and property, especially of the privilege of trial by jury in criminal cases. * * *

We can not think that the people of this District have, in that regard, less rights than those accorded to the people of the Territories of the United States.

It is therefore apparent that the territory of the Philippines and Puerto Rico is territory of the United States and subject to the laws thereof, the McEnery resolution to the contrary notwithstanding.

INTERNATIONAL LAW.

The treaty provides that the civil and political status of the inhabitants of the territory in question shall be determined by Congress.

In the opinion of the most eminent writers on international law the transfer of territory does not include the allegiance of the inhabitants.

Professor Vattel gave expression to this proposition over a century ago.

Professor Woolsey cites numerous cases to support the proposition.

Sir Thurston Baker, in the latest work on international law, states that in modern times the expressed or implied consent of the subject is now regarded as essential to complete new allegiance.

Yet I hear it proclaimed that "by every tenet of international law the United States is sovereign over the territory and inhabitants of the Philippine Archipelago, with or without the consent of the inhabitants."

By the same tenets of international law the British Empire has maintained tyrannical sway over Ireland for centuries, rules famished millions in India by standing armies, and breaks the treaty made by Gladstone to levy war upon the little African republic (whose total population is less than that of my district) in whose domain are valuable gold mines.

International law also recognized the dismemberment of Poland by three empires. And by the same tenets Finland is denied her civil liberties by the Russian Empire.

International law recognizes what is known as the balance of power which sanctions the Armenian atrocities.

The imperial black eagle waves over Alsace-Lorraine; yet every day fresh funeral wreaths decorate the monument to Strasburg in the Place de la Colonnade.

The melancholy truth is that the rules or ethics of international law exist in the abstract and are ignored in the concrete by the application of force.

I contend that under the Constitution of the United States the inhabitants of the Philippines and Puerto Rico are inhabitants of the United States, entitled to the restraints of the Constitution and its amendments, the same as are the inhabitants of New Mexico or the District of Columbia. Every child born in that territory since the exchange of the ratifications of the treaty may claim citizenship of the United States.

In this Republic there are citizens but no subjects; there are Territories but no colonies; and the fundamental organic law does not change in the expansion of its size or the increase of its population.

The American flag does not represent any political party. It does not represent the Federal Government nor any department thereof. Whenever by the operation of the treaty-making power under the Constitution that flag is raised in new lands and over new peoples, it represents the principles of the Declaration of Independence; equality before the law and consent of the governed; and the guaranties of the Constitution and its fifteen amendments, life, liberty, and property, which is the sovereign will of the citizens of the great American Republic.

In conclusion, I affirm that the right of the Federal Government to acquire and to govern territory is limited; that this proposition is in accordance with the views of the framers of the Constitution and the unbroken line of decisions of the Supreme Court of the United States from 1793 to 1898.

That this new doctrine of imperialism—"that the Federal Government possesses inherent, sovereign rights"—is repugnant to the letter and spirit of the Declaration of Independence, the Constitution of the United States, and the American form of government.

The cardinal principles of the Declaration of Independence are equality of man and the consent of the governed.

The people of the United States ordained the Constitution to establish justice, promote the general welfare, and secure the blessings of liberty to themselves and their posterity.

So long as the people defend these charters of liberty, so long will their institutions endure.

In the succeeding epochs of time, there has been a procession of civilizations, whose stories we can only read from the ruins they have left behind them.

The imperial banners of Alexander, Cæsar, and Napoleon have been flaunted to the four winds of the earth, and anon have been trailed in the dust.

Solons of the past have founded republics; kings have granted constitutions. Their governments have risen and have fallen. The ideas of equality and consent were ignored.

Two thousand years ago, Caius Sallustius, the eminent Roman historian, in writing on the fall of the Roman republic, said:

When by perseverance and integrity the republic had increased its power; when mighty princes had been vanquished; when barbarous tribes and populous states had been reduced to subjection; and sea and land alike everywhere opened to her sway, fortune then began to exercise her tyranny and to introduce universal innovation.

At first the love of money, and then of power, began to prevail, and these became, as it were, the source of every evil. For avarice subverted honesty, integrity, and every honorable principle, and in their stead inculcated pride, inhumanity, contempt of religion, and general veniality. Ambition prompted many to become deceitful, to keep one thing concealed in the breast and another ready on the tongue; and estimate friendship and enmities not by their worth, but according to interest, and carry rather a specious countenance than an honest heart. These vices advanced but slowly, and were sometimes restrained by correction; but afterwards, when their infection had spread like pestilence, the state was entirely changed, and the government, from being most equitable, became rapacious and insupportable.

These words were uttered before the Christian era. Twenty centuries of Christian civilization have since elapsed. Are the American people so inert, inactive, and indifferent to the memory of the past and the hope of the future? Shall the American Republic forsake her principles for the greed of imperialism? [Great applause.]

The CHAIRMAN. The gentleman from Kansas [Mr. REEDER] is recognized for ten minutes.

Mr. REEDER. Mr. Chairman and Fellow-Congressmen, we have the honor, we have the privilege, and we also have the responsibility of belonging to a Congress that has a number of very great and important questions to discuss and determine. Probably no Congress since the sixties has had so many new and important questions brought before it as must come before us at this session, and it is barely possible that no Congress during this century or since the very early years of the century has had more important questions to consider and determine.

There is another peculiarity, gentlemen. It is this: That great Power that overrules in the destinies of men has provided that we have exactly the same party to object in the consideration of these great measures; and it has been equally careful to provide that we have exactly the same party to consider and determine what shall be done with these great questions as that same Providence has provided for such tasks in each Congress for the last past forty years.

I want to say further that there is no man who, with the great variety of topics that will come before us, can so carefully consider each of the questions involved as to discover all that the years will disclose as the best that could have been done under the circumstances. Nor will we collectively be able to reach such conclusion. But we have clearly two duties to perform in these matters. We have first the duty of studying carefully the questions that come before us.

Then we have the duty of listening carefully to those who may expound these questions, which also carries with it the duty of judging the men that discuss these questions, as to their ability in making up their judgments as well as to any outside controlling influence that might bias their judgment in the case being considered.

Owing to the considerable influence of my honored colleague from Maine [Mr. LITTLEFIELD], I wish to suppose a case or two. I wish to suppose, first, that our worthy colleague, the gentleman from Maine, is a great constitutional lawyer, and I am of the opinion that he is.

I wish also to suppose that the gentleman from Maine is built on a plan that is seldom found among statesmen—that is, that he would rather be popular than right, provided he did not have to

be too far wrong. Then I wish to go a little further with my supposition. I wish to suppose that the gentleman is not only a constitutional lawyer, but that by some process or other he has discovered that fact himself.

Now, with all those suppositions, I want a case to occur in this House like unto the Roberts case from Utah, and I want the gentleman from Maine to discover that the question at issue in that case is in the line of his particular hobby—constitutional law—and I want to presume that it shall occur to him some night while he is cogitating in his dreams as to how he may become noted and famous that here "possibly I can get unto myself great honor and glory and great popularity if, with my knowledge of constitutional law, I can come before this House and carry enough of the Republican members with me to decide this Roberts matter against the wishes of the Republican majority. The Democrats I can count safely with me, as can anyone else as against the Republicans." This might be quite a temptation. The facts are, whether these foregoing suppositions and presumptions are true or not, these forces lined up just in this way in favor of seating Mr. Roberts in this Congress, but was not quite strong enough to prevail over the will of the Republican majority.

Now, I want you to suppose that another absolutely new question arises, say, this Puerto Rican question, which again involves a great constitutional question. The honorable member from Maine, having launched out in this particular line, discovers that here is another place where his hobby, his great special endowment, comes in play, and suppose he should again say to himself: "Possibly I can get to myself even greater honors now than I did heretofore, and especially as I failed in the first case to carry the Republican majority by storm with my great eloquence and legal acumen (and we all concede it a par excellent effort), I may in this second case succeed better." Now, if our suppositions were true, would not this be a second great temptation? Of course these are only suppositions; and we are willing to concede that probably he is right in some particulars, but in a good share of his conclusions very probably wrong.

Yet, with all his legal lore—and we must acknowledge that he has discovered to us who know little if any of law the fact that he is undoubtedly a great lawyer; but with all this display of his legal learning, let me ask my Republican colleagues, has he led any one of you to believe that we have not a constitutional right to make this law as to Puerto Rico or any other law that the great humane yet just judgment of this great nation may deem both wise and just? As to the Puerto Ricans, we believe that many of the Democrats believe as we do as to the constitutionality of this proposed law.

There are portions of the speech of the gentleman from Maine that I believe many men who are not lawyers could answer very readily. I suppose the honorable gentleman from Maine and others are thinking, "Why do you not answer them, then?" I have intimated partially the reason I will not undertake to answer his argument. I might intimate further. A great many good constitutional lawyers have talked upon this question upon both sides of this House and on both sides of this question, and they have discussed the question very learnedly after years of education in this particular line of thought—constitutional law—and after very careful study of the particular question in hand.

My undertaking to discuss with any one or more of these lawyers so deep a constitutional question with the few weeks devoted to its consideration in connection with other questions as new and nearly as intricate, with no previous training in this particular line, would very much resemble Tom McNeil's Kansas boy's mistake.

Tom is a very bright fellow who lives out in Kansas, and who edits the funny end of the best weekly paper in the United States—the Topeka Mail and Kansas Breeze. He sometimes writes articles for that paper which he calls "Fables brought down to date." He wrote one of those fables three or four months since, which read like this:

There was a certain boy located, I think, in Topeka, the capital of our State; he was about 14 years of age and a very bright youth. He came into possession of a nice, large, good-looking dog, and he conceived the idea that that dog could lick almost anything of the dog kind on earth. Whenever he came to what he regarded a proper opportunity he would turn the dog loose to see him lick some other dog. One day there was a farmer driving into town, and trotting along behind his wagon was a cur, a kind of an ornery-looking, undersized brindle cur, with tail and head down, rather scraggy looking; and it occurred to the boy, "Here is an opportunity for my dog to show his prowess."

So he turned his dog loose and sicked him onto the measly-looking cur. But the brindle dog soon developed qualities that the boy had not calculated were in him. While this part of the programme was going on the old farmer had leisurely tied up his lines and climbed down from his wagon, taking his blacksnake whip with him. When the boy discovered the tendency of the fight he proceeded to try to separate the dogs, and as he did so the old farmer took him one with that blacksnake, and said, "Hold on, my son; my dog did not have much to do with the commencement of this fight, but I think he is capable of seeing to its ending all right."

The moral Mr. McNiel desired the fable to teach is this, that a man or boy should be a little judicious as to the job he undertakes and his ability to grapple with it. With McNiel's fable before my eyes I shall not attempt such discussion on this floor with so learned men as have appeared for each view of the case, but will remark in passing that the discussion thus far has convinced me that we have the right to control this island and pass this law if we deem it just and wise.

The question has been asked here, Who wants this tariff? I will tell you who have argued to me in its favor. Some of the members from California, some of whose constituents are citrous fruit growers and think they deserve some protection against people who have just as good a right to life, liberty, and the pursuit of happiness as they, but who have very much cheaper habits of living, and I am in favor of giving them tariff enough to protect them, and for this reason: I believe that those California people are as good American citizens as anybody; and if there is anything in connection with any law that will do them an injustice, I want to make it right for them. It is also said there are some sugar growers in the United States who desire protection, and I want to say I am in favor of protecting the sugar growers of this country as against those of any other country.

I am also perfectly willing that all people who come under our flag shall have exactly the same advantage as we have, no more and no less. And when these people in Puerto Rico shall have been educated into the same habits, when they spend as much money to clothe and educate their children, when their wives wear as good clothes, and it costs these people as much to live as it does our people, then I am perfectly willing that they shall stand on the same footing as we do in the sale of our products in the United States. But I am utterly opposed to putting people who do not live as well as we do in competition with our people on the same terms as we enjoy. [Loud applause on the Republican side.]

I am as obstinate in my determination to do all I can to bring the homes of the common people of the United States to the highest possible level as the honorable gentleman from Maine and some of these Democrats seem to be to preserve the Constitution and the precedent. As labor-saving machinery increases, I desire all of the common people to be benefited by having to work a little less, get a little better pay, and spend more time for educating themselves and beautifying their homes.

The CHAIRMAN. The time of the gentleman has expired.

Mr. REEDER. I would like to have my time extended a few minutes.

Mr. CANNON. The gentleman desires more time. How much time?

Mr. REEDER. About ten minutes.

Mr. CANNON. I ask unanimous consent that the gentleman's time may be extended ten minutes.

The CHAIRMAN. The gentleman from Illinois asks that the time of the gentleman from Kansas be extended for ten minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. REEDER. Now, Mr. Chairman, I wish to take another view of this question, and I hope and believe a view much more in line with the facts than my supposed view. I want to look upon this question now as if those who object to the passage of this law on constitutional or other grounds object because they actually and honestly believe it a bad law, and I want to discuss it on the theory that the honorable gentleman from Maine would rather be right than be President. The gentleman from Maine is said to be a great constitutional lawyer, and hence he constitutes one good authority on that side, and he is backed up in his judgment by nearly the solid Democratic party. But I am of the opinion that their judgment is not good. [Laughter.]

Now, we can not trust the judgment of Democrats in this or any other matter [laughter]; and I want to insist that I do not say this to produce laughter but because I think it true and that I can prove it to you and them. In the first place, they have not had to form a judgment for forty years on any question. [Laughter.] You have [addressing the Democrats] simply been in the position that you had to oppose what the Republicans had first determined was the right on any question. You did not have to determine what was right. You simply had to let the other fellows determine what was right, and then oppose it or quit your party. Now, you know, Brother Democrats, that this is your history since you and I were boys. [Laughter.]

If you will consider this truth you will readily see that the tendency of such a position all your lives would not conduce to make yours a safe party to judge as to the right or wrong of a subject.

To prove this indictment, I wish to quote what we on the Republican side will agree is good authority; and had I thought when I left home this morning that I should speak on this question to-day, or in fact any day, I should have brought a clipping from one of the Washington daily papers, giving the authority I

desire to commend to the careful consideration of any Democrat who had not considered his party in the rôle of an objector, simply. I cut it out to preserve it; it is good Republican reading.

It will make several Pops scratch their heads out in Kansas if their party asks them to vote for a Democrat on a fusion ticket, when the sole principle involved is that some other Pop shall have Democratic votes for some other office agreed to. The statement I refer to was made by Mr. Gorman on February 22, 1900, while in the Democratic national committee meeting in this city, when said committee had under consideration the date of holding the Democratic national convention, and the statement was made when Mr. Gorman rose to make his speech in favor of desecrating our national holiday by holding a national convention on that day, and in opposition to Mr. Bryan's friends, who desired an earlier date.

Mr. Gorman said let the party in power hold its convention first, as it has always done; let it complete its record in Congress and put forth its principle in its platform (and then let us meet and object).

His exact words were—

And then let us meet both the record and the platform with our indictment.

Can you see it? Indict the whole thing, the right as well as the wrong. Is it possible such a suggestion from such a source can fall on honest hearts and not create suspicion.

Now, there is another reason why I believe I am justified in saying you are not safe judges. It is this: You do not live with as well educated people as the Republicans do. [Laughter.] Now, I say this not for sport, but because I regard it a good, sound reason why you are not so capable as you would be if you were surrounded with a more intelligent people [laughter], for associations do make a wonderful difference in a man's judgment.

Nor do I say it to in any way cast any reflections on your people. My acquaintance with them makes me ready to vouch for them as a people of very marked and noble characteristics.

But, as we are trying the capabilities of our witnesses on the law and the facts in this case, we must speak of facts, and the facts are that in many of your safely Democratic States not over 50 to 60 per cent can read and write, while in Kansas 96 per cent read and write.

I wish to say that an examination of the per cent of illiteracy by the census of 1890 shows that for the whole United States it is 13.3 per cent.

United States illiterate population over 10 years of age, census 1890.

	Per cent.
United States	13.3
North Atlantic	6.2
South Atlantic	30.9
North Central	5.7
South Central	29.7
Western	8.3
South Carolina	45
Louisiana	45.8
Georgia	39.8
Mississippi	41
Iowa	3.6
Kansas	4

These figures fully bear out my assertion, and indicate that it is surely admissible if not our duty to kindly jog your minds along this line, because you, as intelligent men in your sections, should wake to the fact that you owe this great nation not a better or more capable, but a better educated, citizenship in your sections.

Of the people who elect you Democrats to Congress, I believe it perfectly safe to say at least 25 per cent less read and write than can read and write of the people who elect the Republicans to this House. The table above indicates my estimate is much too low. Please look it up, esteemed colleagues, and see if it is not true [renewed laughter]; and if this is true, you must concede, Brother Democrats, that you are not as good judges, because everybody knows that people are of the make-up of their associates to quite an extent. As a further proof—for I desire to fully prove this point or carry the reasoning to a point that will show it to be false—I am going to relate to you an incident I know to be true and follow it with some incidents that could be reasonably expected to come from the first and actual occurrence. Several years ago I was in Missouri buying apples to ship into Kansas. I came across an old lady there and bought all the apples in her orchard, and I stayed there several days having men picking the apples and assisting in such picking myself.

The old lady was as fine an old woman as you ever saw. I do not think I ever saw a better. Casually, one day at dinner, I asked her how long she had lived in that section, and she said forty-seven years. It was, I think, south of a little town called Edgerton, 4 or 5 miles. I asked, as we people in the West often do, where she came from to this locality, and she said: "Right over there," pointing to a house where one of her sons lived, about 300 yards distant and on the other side of the stables. She informed me that she was born there. I found out later that she had been down to Edgerton once and had seen the cars once. She was about 70 years of age. She could not read, nor could her boys and girls, and I want to again say that they were very nice people, because I want to tell the truth, and I want to do it, if possible, leaving no possible chance for misconception or cause of complaint.

Now, suppose my very esteemed and eloquent friend from Missouri, Mr. CHAMP CLARK, were to go to that section to make a speech. The old lady is probably living yet, and I will tell you why. She is a very shrewd woman and not apt to be doing any very foolish things, and as she has not lived more in the last twenty years since I saw her than some of you Democrats have in the last six months, hence there is no good reason in her dying yet. [Laughter.] Now, let us suppose our honored colleague from Missouri should go there, and we all know that he has a very elegant way of fretting the air, and he should make one of his usual elegant speeches in that neighborhood.

Naturally, he would go home with the old lady or some of her children to stay over night, as it is a very nice home to visit in, and during the evening the old lady would probably say, "Mr. CLARK, I am surprised at the way you kin talk, and that we should never have hearn of so smart a man as you before; but then, after living here so long and my boys and the old man before he died votin' for him so regularly, yet, do you know, Mr. CLARK, I never have heard Mr. Jackson speak in my life, and I never heard our noble President, Mr. Cleveland, since he has been President. I have heard he is making a good President, yet sometimes I wonder why they don't elect Mr. Jackson again. We would like to vote for him once more for President." [Laughter.] Mr. CLARK would not explain that they had had another candidate since Mr. Cleveland for President, because it would require a good deal of talk to make the old lady understand. I think you can readily see there would probably arise no very great incentive for putting more study into that speech before unloading it on another sympathetic and suffering audience.

But, now, suppose Mr. CLARK should go out to Kansas or Iowa and make the same speech and stop with some of his Democratic brothers out there. Instead of getting that great meed of praise he got on his native heath, if he had for lack of care made some misstatement, his Democratic sister would say, in the evening talks after the meeting, "Mr. CLARK, I think you made a mistake in your statement as to one thing to-night. I think if you will look up the record you will find it so and so. We Democrats here got that impression first and we argued that a little while. But the other night, at our debating club, one of our neighbor girls read us from the record, and we looked it up after we got home and found that we were wrong and the young lady Democrat was right; and another thing, you do not reason it out just right. I think on this point you ought to reason it out so and so." Now, brother Democrat, when Mr. CLARK would leave the place in Missouri he would not be any better posted, but would simply have an unneeded inducement to be dilatory and careless, which is the very cause and the very result I am basing my judgment on that you Democrats are not as capable as your ability entitles you to be; but when he left Kansas or Iowa he would know more. Not that he would be any prettier or any brighter naturally, but possibly, yea, probably, he would be better posted, and, further, he would not be quite as lazy as he now is. [Laughter on the Republican side.]

Now, there is another reason why you Democrats are not prepared to judge of this or any question. You are forced to judge one way or quit your party. Take a Democrat in Kansas, and after he gets straightened up two or three times the first thing you know he becomes a pretty fair judge of what is going on. So I say to you Democrats, in all candor and with the absolute purpose to be fair and just and gentlemanly to you, that I am confident there are several good reasons why you are not as good judges as your ability entitles you to be, and in presenting these reasons I have not said a harmful word of a Democrat, but do insist the same conditions would affect a Democrat or Republican either, or each, just the same and in just the manner I have indicated; you have no sufficient inducement to be studious and thoughtful. Men are what the opportunities and necessities make them, and if they are not forced to use their opportunities they will be lazy, and that is all there is to it.

Mr. JOHNSTON. Give us the point of your story. [Laughter.]

Mr. REEDER. The point is this. I was trying to prove that the circumstances under which you live do not make you capable of showing as good judgment as your honesty, manliness, and ability entitle this great nation to expect of you. [Laughter.]

Here is something that may surprise you Democrats. You can scarcely grow a Democrat in Kansas, and to prove this I shall shortly be pleased to introduce to the members of this House what I regard as a wonderfully bright, conscientious old gentleman who is a Democrat from Kansas; but must state that he had the malady before he went there, and such a disease is like malaria, very difficult to eradicate from the system if once thoroughly lodged.

My father is coming to visit me here soon [laughter], and I want to say that out of eleven children he never succeeded in getting

one Democratic vote, although nine of those children came to years of maturity. I have often said to him, "Father, you simply brought us up at the wrong time and in the wrong place to grow Democrats." [Laughter.] There is, however, one girl in our family who is a Democrat. She is fully as bright as any one in the family, and I have often wondered at her being a Democrat. But I have lately concluded, because she has shown a disposition to go off with the Spiritualists and is quite a leader in the Christian Science movement, that probably she is not to blame for being a Democrat, but was simply born in the wrong time of the moon. [Laughter.]

Now, I want to say to you Republicans that it is not so wonderful that you are generally on the right side, because you have every inducement and every opportunity to be right. These people who are called leaders of the Republican side have had first choice as to sides for years. They have had to make an affirmative. They do not want to be right any more than you do on the Democratic side. You want to be right; but you fail in taking a right position, because the other fellows generally get the right side and you perforce must take the other.

[Here the hammer fell.]

Mr. REEDER. I would like a couple of minutes more.

The CHAIRMAN. The gentleman asks unanimous consent for two minutes additional. Is there objection?

There was no objection.

Mr. REEDER. Now, Mr. Chairman, I did not expect to talk on this subject at all.

A MEMBER (on the Democratic side). You have not. [Laughter.]

A MEMBER (on the Democratic side). What is the Republican policy on this question?

Mr. REEDER. I want to say just one thing further. Suppose it is a fact that we have discovered in this Congress the greatest leader that ever did lead any party—a leader equal and even superior in intelligence to all the other and older leaders we have here. Suppose it is true that he is competent to lead us all on questions of constitutional law; suppose we are convinced that this is true—and I want, in all due respect, to insist, if he is nearer right, as he surely would have us believe, on the constitutional questions involved than is the President and all these lawyers who have been leaders here for years and took their choice of ground, he is such an intellectual giant as we do not usually run across.

Yet I want to say to you gentlemen on the other side, and to Republicans as well, Democrats may talk all they please, but Abraham Lincoln was the wisest leader the Republicans ever had, and we can seldom do better than to yet follow him; and one of his wisest sayings was—a saying never more true than to-day—that "when you are crossing a stream it is not wise to swap horses." Let us, fellow-Republicans, be safe by following his very shrewd advice, at least in this particular case. [Laughter.]

[Here the hammer fell.]

Mr. WILSON of Arizona. Mr. Chairman, it had not been my purpose to take part in this discussion until long after its beginning; and even now I shall pass no comment on the legal phases of the subject, so ably presented by the respective sides; neither shall I attempt to pass judgment on the merit of the bill itself.

As to whether or not the pending measure is a recurrence to that class of legislation bearing on people in American dominion and subject to American jurisdiction, and which carries with it the harsh burden of taxation without representation, which drove the fathers of this great Union into Revolution against the Crown and Parliament of Great Britain, I am content to leave to what has already been so ably said and will be said hereafter on that subject.

My dear sir, I should not now bother this House for a demand for time were it not because of the fact that my Territory and its conditions, in the course of this debate, have been so gravely misrepresented.

The gentleman from Iowa [Mr. LACEY] in discussing the pending bill, as shown by the Reporter's notes and will be in the RECORD, called forth and said the following:

> Is my friend from Tennessee [Mr. RICHARDSON], the leader of the minority side of this House—I would be glad to have his attention—is my friend from Tennessee ready to tax the people of Tennessee to pay the expenses of governing the island of Puerto Rico?
>
> Mr. RICHARDSON. Yes; as quickly as I would do so in the case of Arizona and New Mexico.
>
> Mr. LACEY. Yes; but Arizona and New Mexico pay internal-revenue taxes. Arizona is a barren country. Arizona is, perhaps, the most unfortunate of all of our possessions, so far as her obligations to the hand of nature are concerned. But Puerto Rico, little Puerto Rico, about the size of the Congressional district which it is my honor to represent, with 3,600 square miles of territory, has a population of 1,000,000 people; and in her case we are confronted with a different proposition from that of legislating for a future State that is at present sparsely populated, or scarcely populated at all.

This statement imputes to that Territory barrenness to a degree that divorces it from obligation to Nature's hand; not only that, but, by indirection, in that statement lurks a meaning that it is a barren country—valuless, sparsely populated, scarcely populated at all.

My dear sir, with reference to that Territory, that statement so positively made concerning it, and coming from a member of Congress of ten years's experience, is an exhibition of a lack of information concerning it that is absolutely inexcusable.

It is such a misrepresentation which, if relied on, can not but lead to injury, and this I can not permit to pass without challenge.

Let me give to the gentleman, to the House, and to the country only a few facts known to exist concerning that Territory.

AREA.

Arizona is a broad land on the sunset side of the continent containing over 113,000 square miles, with 72,792,320 acres of land.

MINERAL CHARACTER AND RESOURCES.

In it is one of the largest and most bounteous mineral belts the eye of man ever beheld. This belt contains all of the precious metals and extends from Utah and Nevada on the northwest to the Republic of Mexico on the southeast, in extent over 400 miles in length and nearly 100 miles in width, covering an area of nearly 30,000,000 acres.

MINERAL DEVELOPMENT.

This vast mineral belt is growing rapidly in development. Its output is increasing every year, so that now the annual output is about as follows:

Copper	pounds..	100,000,000
Gold		$5,750,000
Silver		$1,650,530
Lead		$531,000

The sum total in value being near $25,000,000 annually, and yet the development has scarcely begun.

My dear sir, this one vast item of wealth—its output, as it now is—to say nothing of its growth, would, in ten years, totalize a sufficient amount of treasure to pay for, at a fair price, a sufficient area of tillable land to equal in extent the whole of the State from whence the gentleman comes.

TAXABLE AND TILLABLE LAND.

But we do not stop with mineral alone. While we have about 40,000,000 of acres of grazing lands, we have the largest body of tillable land in the known world. I have reference now to the great Gila and Salt River valleys combined. These lands lie in one great arable plain. They are all susceptible to reclamation and the plowman's hand, and are greater in extent than the valley of the Nile, which fed 60,000,000 of people, and its soil is its equal in fertility and power of production.

To these the hand of the husbandman is already applied, and his improvements are growing great.

CANALS AND LANDS RECLAIMED.

There are in that Territory 125 miles of irrigation canals already excavated and in operation, and this good work is only just begun.

Lands in the Salt River Valley alone, in whole and in part, are in extent 240,000 acres, and in the whole Territory about 1,000,000 acres, with 9,000,000 more susceptible of reclamation—a greater area, if my memory serves me properly, than the whole State of Iowa combined.

PROCEEDS OF DOMESTIC PRODUCTS.

As before said, the yield of these broad acres to him who calls on them is immense. While agriculture and kindred industries there are in their infancy, so to compare it may not be amiss to give a few items of value of domestic products there.

From the Arizona Citizen, a reliable newspaper in the Territory, I take the following:

Hay sold past year, Salt River Valley	$700,000
Fruit sold past year, Salt River Valley	75,000
Cattle and horses sold past year, Salt River Valley	800,000
Honey sold past year, Salt River Valley	80,000
Butter and cheese sold past year, Salt River Valley	76,000
Poultry and eggs sold past year, Salt River Valley	50,000

These figures are given by an enterprising Republican editor, who, I apprehend, will be taken as authority by the gentleman from Iowa.

RAILROAD FACILITIES.

Through that Territory two trunk lines of railroads pass, and in it we have 1,419 miles of completed railroad facilities, with other lines in prospect, some of which is being built.

LAW AND SCHOOL.

No better code of laws can be found in the Union than in the Territory of Arizona. There the law is strongly enforced. Its penalty falls heavily upon the heads of its violators, and by its virtues life is safe, property rights secure, and the pursuits of happiness secured to all men there, with no one to make them afraid.

The most perfect election law in the Government is there. The Australian ballot in its most improved state is in force there. It is so shaped as to so perfectly guard the purity and secrecy of the ballot, and to guard against imposition and fraud, that election contests there are scarcely known. Under its safeguards when the majority speaks at the polls all abide, bow, and obey. Can any country in this great Union boast of more?

SCHOOLS, ETC.

Not only have we these, but we have an excellent educational system, which I apprehend will stand comparison with the best.

We have there a university well equipped, with dormitory accommodations attached, which will do credit to any State.

We have two normal schools, built at a cost of $120,000, with strong faculties, highly graded, and of the most improved. They are the admiration of all and inferior to none.

None of you have a finer public school system. We tax ourselves and maintain all of these systems. Public schools are in session there in nearly every school district in the Territory from five to ten months in the year—mostly ten—with school property of the value $175,000, and high schools, with latest chemical laboratories, graded, and grammar schools are in session all the time in every quarter of the Territory. The fact is, they are excelled nowhere.

The unfortunate sufferer whose reason is dethroned is provided for also. For such unfortunates an asylum has been built at a cost of about $125,000, with a capacity to accommodate 200 patients and more, and it is handsomely maintained.

Right here let it be understood that all counties, and the Territory as well, have their own public buildings, and they are strong and ample. There the Government has none. The Territory and the people furnish the Government all buildings it uses, and they are commodious.

Mr. Chairman, I have thus stated but a few facts, meritorious existing conditions there, going to real worth and value, as a response to the erroneous imputation cast upon that fair land by the gentleman who spoke of that about which he certainly knew nothing at all.

And the gentleman said, "Sparsely populated, or scarcely populated at all."

To that remark I must pay some little attention, for it must necessarily be so misleading as to effect injury unless met. Therefore I can not permit it to pass without mention.

No better answer can be given than to give its population and its character. In 1896 each county immigration commissioner was required to take a census of his county and report the same to the governor as chairman of the State board.

That duty was performed by each and all, and by that system it was found that Arizona had a population of 101,240. This fact will be found in the report of the governor for that year.

My dear sir, we not only have a growing, gaining population, but an exceedingly intelligent population, exceeded by none in any part of the Union.

As is officially stated by Governor Murphy in his very able report to the Secretary of the Interior for the year 1898, 95 per cent of that population does its own reading and writing in the transaction of its own business affairs, and I know he does not overstate it.

Mr. Chairman, that population is a loyal, God-fearing, liberty-loving, American population. No clearer proof of this can be found than in the record that brave people have made.

It is fresh in the minds of us all. If it has slipped the minds of any, then to them let me call attention to the fact that when starvation, butchery, murder, and arson were being caused, perpetrated, and committed by brutal Spain near our doors, and when the strong voice of humane America demanded that these awful crimes against humanity should cease, which resulted in the declaration of war, and which called for American manhood to sustain that American declaration, Arizona was first to offer her services to her country's cause, first to fill her quota, first to rally on the field, first to prepare for the conflict, first to place foot on foreign soil, and there first to rush on the frowning arms of a daring foe, and there, with death-dealing valor, first to face death with a smile. Bones that bleached on San Juan Hill and bodies brought home, in addition to the gallant record made under galling fire, tell only too plainly and with pain just how well Arizona remembered the *Maine*.

And these are the people and this is the country and these are the conditions included in the unjust insinuations made by the gentleman from Iowa.

I know the gentleman too well to charge or even believe that he would misrepresent my people and my Territory knowingly; but he has been misinformed and has borne that misinformation into this House, and I have borne witness here that his mind may become disabused.

Mr. Chairman, in conclusion a little comparison may be in timely order. If so, allow me to call attention to the fact that Iowa was once a Territory. She, as such, sought admission into the Union of States, as Arizona has done so long. She was admitted, and at the time when she was she had a population of only 78,819 souls, and with an estimated taxable wealth of but $20,000,000, while Arizona has over 101,000 population, with a tax roll of taxpaying property at low valuations of the value of $31,473,360, with over $60,000,000 of mining and other property, together with 419 miles of railroad, not on the tax book at all.

Sir, it does seem that the great State of Iowa, now majestic as a State, a State that after her admission into the Union increased her wealth more than eight times in ten years, should reach out after and welcome this sun-kissed land, with its present great fortunes in sight, and with its greatest possibilities in its arms, into the great Union of States. American fairness suggests it. American precedent invites and demands it. Will American manhood in legislation do it? Will it? Our unbounded faith is, it will. [Loud applause.]

During the delivery of the foregoing the time of Mr. WILSON of Arizona having expired,

Mr. LACEY said: I ask unanimous consent that the gentleman have time to conclude his remarks. We are all interested in Arizona and want to hear all the good things that can be said of it.

Mr. RICHARDSON. I understand the gentleman wishes only ten minutes more.

The CHAIRMAN. Unanimous consent is asked that the gentleman from Arizona have ten minutes more. Is there objection?

There was no objection.

Mr. WILSON of Arizona then resumed and completed the delivery of the foregoing.

Mr. GRAHAM. Mr. Chairman, I am very sorry that our good friends of the Ways and Means Committee, when they drew this bill, did not give it the title of "A bill for the temporary relief of Puerto Rico," for that is simply what it is when the metaphysical legal cobwebs that have been spun in debate around this measure are brushed away. The press, the pulpit, and the people generally would then better understand the proposed measure. Why, only yesterday one of our good friends in the pulpit of a prominent Washington church denounced this bill as an attempt to place upon the backs of the poor and suffering inhabitants of Puerto Rico a burden as great as that imposed upon the children of Israel by the Egyptian Pharaoh.

I venture the assertion that the reverend gentleman has never read this bill through, for if he had he would discover that all the revenue raised under the proposed measure revert to and are to be used for the government and benefit of Puerto Rico. Allow me to read the fourth section of this bill for the benefit of that gentleman and the press of the country, who seem to labor under the same delusion, and, I may also add, for the benefit of our Democratic friends on the other side of this Chamber, who seem by their remarks to have lost sight of that feature of this bill entirely:

SEC. 4. That the customs duties collected in Puerto Rico in pursuance of this act, less the cost of collecting the same, and the gross amount of all collections in the United States upon articles of merchandise coming from Puerto Rico shall not be covered into the general fund of the Treasury, but shall be held as a separate fund, and shall be placed at the disposal of the President, to be used for the government and benefit of Puerto Rico until otherwise provided by law.

Now, Mr. Chairman, upon whose shoulders does the burden lay? Why, upon the wealthy sugar planters and coffee raisers of Puerto Rico, who, under this bill, are to pay 25 per cent of the duties levied upon like products coming from other countries into ours, and all of this 25 per cent is to be returned to the poor, struggling, and in some cases almost starving inhabitants of Puerto Rico, not one dollar being retained by our Government. Now, if, as contended by our Democratic brethren, Puerto Rico is already a part of the United States and should enjoy absolute free trade, then, of course, our internal-revenue tax laws are in force there, as in all other parts of the United States and Territories; and would not that be a far greater burden than this bill imposes?

If, on the other hand, by reason of a coalition of a few dissatisfied Republicans with the solid Democratic party in Congress this bill should fail, then the Dingley tariff law remains in force and the full 100 per cent of tariff duties will be levied upon all products of Puerto Rico coming into this country. Will that relieve the burden from these good people who received our soldiers with such demonstrations of welcome and good will?

Now, I am no lawyer, but only a business man looking at this measure from a common-sense point of view, and will not attempt to discuss the constitutional points raised against this bill by the Democracy, who have raised similar constitutional objections to every measure proposed by the Republican party since that party came into existence. I am willing to leave those questions for final determination to the Supreme Court, which is in a better position to decide those points than am I or the members of this House.

Mr. PAYNE. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HULL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 8245, and had come to no resolution thereon.

SECOND REPORT OF BOARD ON GEOGRAPHIC NAMES.

The SPEAKER laid before the House the following message of the President of the United States; which was read, ordered printed, that part relating to the matter of printing referred to the Committee on Printing, and that relating to appropriations referred to the Committee on Appropriations:

To the Senate and House of Representatives:

I transmit herewith, for the information of Congress and with a view to its publication in suitable form, if such action is deemed desirable, the second report of the United States Board on Geographic Names, constituted by Executive order issued on September 4, 1890.

Your attention is invited to two recommendations of the board:

First. That, in addition to the number of copies of this report printed for the use of Congress, 5,000 copies be printed for the use of the board.

Second. That to conduct the necessary correspondence, make investigations of questions submitted, prepare, print, and promptly distribute the decisions as made, Congress be asked for an annual appropriation of $2,500.

WILLIAM McKINLEY.

EXECUTIVE MANSION, *February 26, 1900.*

ENROLLED BILLS SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles:

H. R. 4006. An act to authorize the Union Railway Company to construct and maintain a bridge across the Monongahela River.

S. 2925. An act to authorize Frank Hitch to construct and maintain a bridge across Fishing Creek, within the boundary lines of Edgecombe County, N. C.

S. 3003. An act to amend an act entitled "An act to authorize the Grand Rapids Water Power and Boom Company, of Grand Rapids, Minn., to construct a dam and bridge across the Mississippi River," approved February 27, 1899.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 3018. An act for the appointment of an additional United States commissioner in the northern judicial district of the Indian Territory—to the Committee on the Judiciary.

S. 158. An act granting to the State of North Dakota 30,000 acres of land to aid in the maintenance of a school of forestry—to the Committee on the Public Lands.

S. 28. An act to remove the charge of desertion from the military record of James H. Waters—to the Committee on Military Affairs.

S. 2746. An act to aid certain States to support schools of mines—to the Committee on the Public Lands.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. GIBSON, indefinitely, on account of important business.

To Mr. LANE, for one week, on account of important business.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 12 minutes p. m.) the House adjourned until 11 o'clock a. m. tomorrow.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, a copy of a communication relating to an additional appropriation for removing snow and ice from parks and walks in Washington—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Alexandria Harbor, Louisiana—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Oldmans Creek, New Jersey—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of a project for improvement of the Tennessee River between Chattanooga and Riverton—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting a statement of claims for damages alleged to have been caused by United States troops in the war with Spain—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of State, transmitting report of Mr. S. J. Barrows, commissioner, on the discussions of the International Prison Congress—to the Committee on the Judiciary, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from Gen. George W. Davis, United States Volunteers, military governor, a copy of a petition from citizens of Puerto Rico asking for free trade with the United States—to the Committee on Ways and Means, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. DE VRIES, from the Committee on the Public Lands, to which was referred the joint resolution of the House (H. J. Res. 170) providing for the acquisition of certain lands in the State of California, reported the same with amendment, accompanied by a report (No. 436); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the Senate (S. 739) for the relief of the estate of George W. Lawrence, reported the same without amendment, accompanied by a report (No. 433); which said bill and report were referred to the Private Calendar.

Mr. PHILLIPS, from the Committee on Claims, to which was referred the bill of the House (H. R. 5324) for the relief of the employees of William M. Jacobs, reported the same without amendment, accompanied by a report (No. 435); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, Mr. PHILLIPS, from the Committee on Claims, to which was referred the bill of the House (H. R. 5617) for the relief of T. T. Ricketts and L. C. Ricketts, of Hamilton County, Tenn., reported the same adversely, accompanied by a report (No. 434); which said bill and report were ordered to lie on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 7794) granting a pension to John Canter—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 4563) for the relief of Forrest E. Andrews, Company I, Sixth United States Artillery—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BREAZEALE: A bill (H. R. 8916) to provide for a public building at Natchitoches, La.—to the Committee on Public Buildings and Grounds.

By Mr. RIDGELY: A bill (H. R. 8917) to limit the meaning of the word "conspiracy," and also the use of "restraining orders and injunctions" as applied to disputes between employers and employees in the District of Columbia and Territories, or engaged in commerce between the several States, District of Columbia, and Territories, and with foreign nations—to the Committee on the Judiciary.

By Mr. ALLEN of Mississippi: A bill (H. R. 8918) to prescribe the number of chaplains in the Regular and Volunteer Army and to fix their pay and allowances—to the Committee on Military Affairs.

Also, a bill (H. R. 8919) to provide for a road from Corinth, Miss., through Shiloh National Military Park and to the Shiloh National Cemetery, at Pittsburg Landing, in the State of Tennessee—to the Committee on Military Affairs.

By Mr. SOUTHARD: A bill (H. R. 8920) providing for the purchase of land for the enlargement of the site of the post-office and custom-house building in the city of Toledo, State of Ohio—to the Committee on Public Buildings and Grounds.

By Mr. BELLAMY: A bill (H. R. 8921) to authorize the Butters Lumber Company to construct and maintain a bridge across the Lumber River between the town of Boardman and the town of Fair Bluff, in Columbus County, N. C.—to the Committee on Interstate and Foreign Commerce.

By Mr. UNDERHILL: A bill (H. R. 8922) for the erection of a public building at the city of Yonkers, N. Y.—to the Committee on Public Buildings and Grounds.

By Mr. LOUD: A bill (H. R. 8923) to revise and codify the laws relating to the Post-Office Department and postal service, and to amend the same, and for other purposes—to the Committee on the Post-Office and Post-Roads.

By Mr. JENKINS: A bill (H. R. 8924) to regulate electrical wiring in the District of Columbia—to the Committee on the District of Columbia.

By Mr. HULL: A bill (H. R. 8925) to authorize the detail of an officer of the retired list of the Army as adjutant-general of the District of Columbia Militia—to the Committee on Military Affairs.

By Mr. DE VRIES: A bill (H. R. 8956) to amend section 24 of an act entitled "An act to create the California Débris Commission and regulate hydraulic mining in the State of California"—to the Committee on Rivers and Harbors.

By Mr. BULL: A joint resolution (H. J. Res. 188) authorizing the Secretary of the Navy to cause to be struck bronze medals commemorating the naval battle of Santiago and to distribute such medals to the officers and men of the ships of the North Atlantic Squadron of the United States—to the Committee on Naval Affairs.

By Mr. ROBERTS: A concurrent resolution (H. C. Res. 22) providing for the printing of certain matter by the Bureau of Ethnology—to the Committee on Printing.

Also, a concurrent resolution (H. C. Res. 23) providing for the printing of certain matter by the Bureau of Ethnology—to the Committee on Printing.

By Mr. CATCHINGS: A resolution (H. Res. 163) providing for the payment of elevator conductors—to the Committee on Accounts.

By Mr. PEARRE: A resolution of the general assembly of Maryland, for the passage of a bill to reimburse and indemnify the mayor and councilmen of Frederick city—to the Committee on War Claims.

By Mr. NAPHEN: A resolution of the legislature of Massachusetts, relative to a system of docks at Boston—to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 8926) granting a pension to Chill W. Hazzard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8927) granting a pension to Joseph Bennett—to the Committee on Invalid Pensions.

By Mr. BREAZEALE: A bill (H. R. 8928) for the relief of Marie Eliza Payne, of the parish of Nachitoches, La.—to the Committee on War Claims.

By Mr. BURLEIGH: A bill (H. R. 8929) granting a pension to Lovina J. Reeves—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 8930) for the relief of the trustees of Washington College, in the State of Tennessee—to the Committee on War Claims.

By Mr. BELL: A bill (H. R. 8931) granting an increase of pension to Joel Branbien, late of the United States Navy, and now of Cripple Creek, Colo.—to the Committee on Invalid Pensions.

By Mr. CLAYTON of New York: A bill (H. R. 8932) to correct the military record of Sanford H. Platt—to the Committee on Military Affairs.

Also, a bill (H. R. 8933) to remove the charge of desertion standing against the name of Henry B. Mackey—to the Committee on Military Affairs.

By Mr. CLAYTON of Alabama: A bill (H. R. 8934) for the relief of Daniel Cherry, of Henry County, Ala.—to the Committee on Claims.

By Mr. DE ARMOND (by request): A bill (H. R. 8935) granting a pension to Mrs. Nancy J. Foster—to the Committee on Invalid Pensions.

By Mr. JOHNSTON: A bill (H. R. 8936) for the relief of Hugh Chambers—to the Committee on Military Affairs.

By Mr. LESTER: A bill (H. R. 8937) for the relief of John W. Wilson, Chatham County, Ga.—to the Committee on War Claims.

By Mr. MARSH: A bill (H. R. 8938) to remove charge of desertion from military record of Alonzo McKenzie—to the Committee on Military Affairs.

By Mr. MERCER: A bill (H. R. 8939) relinquishing the title of the United States to Genevieve Laighton to certain lands in the State of Arkansas—to the Committee on Public Lands.

By Mr. MANN: A bill (H. R. 8940) to correct the military record of Hugh T. Reed—to the Committee on Military Affairs.

By Mr. NEVILLE: A bill (H. R. 8941) granting a pension to Capt. John J. Adams, of Crawford, Nebr.—to the Committee on Invalid Pensions.

By Mr. RUPPERT: A bill (H. R. 8942) granting an increase of pension to Michael Howlett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8943) to complete the record of Gottlob A. Engel, second lieutentant, Seventh New York Volunteers—to the Committee on Military Affairs.

Also, a bill (H. R. 8944) granting an increase of pension to Anna F. Rhoades—to the Committee on Invalid Pensions.

By Mr. STARK: A bill (H. R. 8945) granting an increase of pension to William G. Winslow, of Friend, Nebr.—to the Committee on Invalid Pensions.

By Mr. TALBERT: A bill (H. R. 8946) to pay to J. P. Ouzts $209.50 for services as deputy collector internal revenue for district of South Carolina—to the Committee on Claims.

By Mr. THOMAS of North Carolina: A bill (H. R. 8947) for the relief of the estate of James A. Snydam, deceased, late of Craven County, N. C.—to the Committee on War Claims.

By Mr. WHEELER of Kentucky: A bill (H. R. 8948) for the benefit of Susan V. Brindley—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Mississippi: A bill (H. R. 8949) for the relief of Louisa C. Germain, of Meridian, Miss.—to the Committee on Invalid Pensions.

By Mr. EMERSON: A bill (H. R. 8950) granting a pension to Samuel J. Bingham—to the Committee on Invalid Pensions.

By Mr. JOHNSTON: A bill (H. R. 8951) granting a pension to John Canty—to the Committee on Invalid Pensions.

By Mr. LOVERING: A bill (H. R. 8952) providing that section 4716, Revised Statutes, shall not be construed to apply to Union soldiers who, while prisoners of war, in 1864, were set to work, under guard, by the Confederate authorities in the engineer department iron works at Savannah, Ga.—to the Committee on Military Affairs.

By Mr. SOUTHARD: A bill (H. R. 8953) to increase the pension of John A. Wilson—to the Committee on Invalid pensions.

By Mr. SHAFROTH: A bill (H. R. 8954) granting a pension to Henry F. Tower—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8955) granting an increase of pension to Henry A. Jackson—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Memorial of J. Julio Henna and other delegates, representing the people of Puerto Rico, in relation to the government and the interests of Puerto Rico—to the Committee on Insular Affairs.

By Mr. ADAMS: Resolution of Local Union No. 4, Washington (D. C.) International Brotherhood of Bookbinders, in favor of the passage of House bill No. 6872, to print the label of the Allied Printing Trades on all publications of the Government—to the Committee on Printing.

Also, memorial of the Grocers and Importers' Exchange of Philadelphia, Pa., praying for legislation to build up the merchant marine of the United States—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Minnesota National Park and Forest Reserve Association, urging the passage of a certain bill for the establishment of a national park at the head waters of the Mississippi in the State of Minnesota—to the Committee on the Public Lands.

Also, resolution of the Philadelphia (Pa.) Board of Trade, favoring the passage of House bill No. 887, in the interest of manufacturing and commercial industries—to the Committee on Interstate and Foreign Commerce.

By Mr. ALLEN of Mississippi: Petition of William J. Lamb and other citizens of Corinth, Miss., for the completion of a national road from Corinth to Pittsburg Landing, Tenn.—to the Committee on Military Affairs.

By Mr. BELL: Petitions of E. A. Lamper, of Lamar; M. Hamlick, of Hugo; Thomas Roberts, of Cochetopa; E. M. Ammons, of Littleton; N. B. Kent, of Le Jara; A. E. Reynolds and C. B. Rhodes, of Denver; A. W. MacLeod, of Del Norte; A. Shellabarger, of Moffat; W. A. Towers, of Prowers; T. M. Johnson, of Farmington; stock growers of Saguache and Gunnison counties, and citizens of Weld County, State of Colorado, favoring Government distribution of vaccine—to the Committee on Agriculture.

By Mr. BREAZEALE: Petition of Mrs. Marie E. Payne, of Natchitoches, La., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. BROMWELL: Resolution of the Cincinnati Chamber of Commerce, favoring the passage of House bill No. 887, for the promotion of exhibits in the Philadelphia museums—to the Committee on Interstate and Foreign Commerce.

By Mr. BURKETT: Resolutions of the Omaha (Nebr.) Central

Labor Union, in favor of the Government building reservoirs for flood waters—to the Committee on Labor.

Also, papers to accompany House bill No. 6095, to grant a pension to William T. Hutton—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: Petition of Manuel F. Juncas and other delegates of citizens of Puerto Rico, in relation to the affairs of that island, its government and trade—to the Committee on Insular Affairs.

By Mr. DALZELL: Protest of the G. H. Hammond Company, of Hammond, Ind., against increasing the tax on oleomargarine—to the Committee on Ways and Means.

Also, petitions of R. M. Totten and sundry retail druggists of Pittsburg, Pa., for the repeal of the stamp tax on medicines, etc.—to the Committee on Ways and Means.

Also, resolutions of the Importers and Grocers' Exchange of Philadelphia, with reference to the bill for the encouragement of the American merchant marine—to the Committee on the Merchant Marine and Fisheries.

By Mr. DOLLIVER: Petition of W. C. Amsden, of Garner, Iowa, president of the Hancock County Pharmaceutical Association; C. B. Atzen and other citizens of Thor, Iowa; druggists and citizens of Gowrie, Iowa, for the repeal of the stamp tax on medicines, etc.—to the Committee on Ways and Means.

By Mr. EMERSON: Petition of J. S. Hutchins and others, of White Creek, N. Y., for a law subjecting food and dairy products to the laws of the State or Territory into which they are imported—to the Committee on Interstate and Foreign Commerce.

By Mr. FOSS: Petitions of R. W. Allen, A. Daigger, W. H. Stroffregen and other druggists of Chicago, Ill., relating to the stamp act on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

Also, petition of W. F. Niemann and others, of Chicago, Ill., in favor of the passage of House bill No. 4351—to the Committee on the Post-Office and Post-Roads.

By Mr. GAMBLE: Resolutions of the Commercial Club of Sturgis, S. Dak., opposing legislation for the leasing of the public lands lying west of the ninety-ninth meridian, and urging that they be reserved in the interest of agriculture—to the Committee on the Public Lands.

By Mr. GRAHAM: Petition of Local Union No. 4, of Washington, D. C., International Union of Bookbinders, favoring the passage of House bill No. 6872, to print the label of the Allied Printing Trades on all publications of the Government—to the Committee on Printing.

By Mr. GROUT: Petition of Hugh Henry and 15 other citizens of Chester, Vt., for the passage of House bill No. 1144, relating to the prevention of cruelty to animals in the District of Columbia—to the Committee on the District of Columbia.

By Mr. HENRY of Connecticut: Petition of Cigar Makers' Local Union of Hartford, Conn., remonstrating against free trade with our new possessions—to the Committee on Ways and Means.

Also, petition of the Chamber of Commerce of New Haven, Conn., for the improvement of New Haven Harbor—to the Committee on Rivers and Harbors.

By Mr. JONES of Washington: Petition of James Taylor and other citizens of Mayview, Wash., favoring the passage of Senate bill 1439, amending the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

By Mr. LACEY: Petition of J. G. Thayer and 14 other citizens of Blakesburg, Iowa, in favor of the Grout bill taxing oleomargarine—to the Committee on Ways and Means.

Also, petition of Local Union No. 172, of Foster, Iowa, United Mine Workers of America, favoring the passage of House bill No. 6882, relating to hours of labor on public works, and House bill No. 5450, for the protection of free labor against prison labor—to the Committee on Labor.

By Mr. LITTAUER: Petition of W. E. Grove and others, of Dekalb, N. Y., for a law subjecting food and dairy products to the laws of the State or Territory into which they are imported—to the Committee on Interstate and Foreign Commerce.

By Mr. McCLEARY: Petitions of C. H. Draper and Jones Brothers, of Wells, Minn., and C. R. J. Kitlam and others, of Heron Lake, Minn., for the repeal of the stamp tax on medicines, etc.—to the Committee on Ways and Means.

Also, letter of Dr. H. B. Sweetser and Dr. F. S. Knights, as president and secretary of the Hennepin County Medical Association, of Minnesota, against the passage of Senate bill No. 34, prohibiting vivisection—to the Committee on the District of Columbia.

Also, letter of Mrs. Lydia P. Williams, president, and other officers of the Minnesota State Federation of Women's Clubs, favoring the passage of a certain bill for the establishment of a national park at the head waters of the Mississippi River, in the State of Minnesota—to the Committee on the Public Lands.

By Mr. MANN: Papers to accompany House bill No. 527, for the relief of Mrs. Lucy D. Young—to the Committee on Invalid Pensions.

Also, resolutions of the Quincy Freight Bureau, of Quincy, Ill., urging the passage of Senate bill No. 1439, relative to amendments to the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

Also, petition of T. H. Patterson and others, and F. J. Schmidt and others, of Chicago, Ill., druggists, relating to the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

Also, resolutions of the Chicago Federation of Labor, protesting against the passage of House bill No. 5067, concerning the boarding of vessels—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Local Union No. 9, International Brotherhood of Electrical Workers of Chicago, praying for the passage of a bill to protect free labor from prison competition—to the Committee on Labor.

Also, petition of Northwestern Fertilizing Company of Chicago, Ill., asking that Congress establish a national standards bureau in connection with the Office of Standard Weights and Measures for the verification of chemical measuring apparatus and for stamping the same—to the Committee on Coinage, Weights, and Measures.

Also, petition of Glaser, Kohn & Co., of Chicago, Ill., favoring the passage of the Russell bill relating to the tax on alcohol used in the arts or in any medicinal compound—to the Committee on Ways and Means.

Also, papers to accompany House bill to correct the military record of Hugh T. Reed—to the Committee on Military Affairs.

By Mr. MUDD: Petition of John Shadrick, of St. Mary County, Md., praying reference of his war claim to the Court of Claims—to the Committee on War Claims.

By Mr. NAPHEN: Resolutions of the New England Shoe and Leather Association, favoring the passage of House bill No. 887, for the promotion of exhibits in the Philadelphia museums—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Boston Lodge, No. 264, Machinists and employees of Charlestown (Mass.) Navy-Yard, for the construction of gunboats and cruisers in the several navy-yards of the Government—to the Committee on Naval Affairs.

Also, resolution of the Boston (Mass.) Chamber of Commerce, relative to coast artillery—to the Committee on Military Affairs.

Also, resolutions of the Boston (Mass.) Machinists' Union, No. 261, for provision to grant certain employees of the Government the usual leave of absence with pay—to the Committee on Naval Affairs.

By Mr. NEVILLE: Petition of citizens of Indianapolis, Ind., relating to leave of absence for employees of the Bureau of Animal Industry outside of the District of Columbia—to the Committee on Agriculture.

Also, petition of James D. Brayton and other citizens of Bassett, Nebr., in support of House bill No. 8478, for increase of pension to Celia A. Jeffers—to the Committee on Invalid Pensions.

By Mr. NOONAN: Memorial of the Illinois State Society of Arizona, for the admission of the Territory of Arizona to statehood—to the Committee on the Territories.

By Mr. NORTON of South Carolina: Resolution of the Board of Railroad Commissioners of South Carolina, favoring the passage of Senate bill No. 1439, to amend the act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. OLMSTED: Petition of C. A. Slothower, druggist, of Harrisburg, Pa., for the repeal of the stamp tax on proprietary medicines—to the Committee on Ways and Means.

Also, petition of J. S. Risser and other citizens of Lebanon County, Pa., praying for the passage of the Grout bill making oleomargarine in original packages subject to provisions of the interstate-commerce laws—to the Committee on Agriculture.

By Mr. RUSSELL: Resolutions of the Chamber of Commerce of New Haven, Conn., for the improvement of Quinipiac, West, and Mill rivers, and the upper portion of New Haven Harbor—to the Committee on Rivers and Harbors.

Also, petition of David P. Chabot, H. O. Williams, and other citizens of Connecticut, relating to the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

Also, resolution of the Chamber of Commerce of New Haven, Conn., in favor of the laying of competing cable lines to Cuba—to the Committee on Insular Affairs.

By Mr. SHERMAN: Letter of Allen B. Murray, with reference to the organization of acting assistant surgeons, United States Army, of the Spanish-American war—to the Committee on Military Affairs.

By Mr. SPRAGUE: Resolutions of the Boston (Mass.) Chamber of Commerce, favoring increase in the coast defenses—to the Committee on Military Affairs.

By Mr. STARK: Petitions of W. S. Lynds and 41 other residents of Seward County, Nebr.; H. G. Wilcox, of Wahoo, Nebr., and

and 74 citizens of Saunders County, Nebr., to enact in the constitution of Hawaii laws prohibiting the importation, manufacture, and sale of intoxicating liquors and opium, and prohibiting gaming—to the Committee on the Territories.

By Mr. SULZER: Memorial of the National Park and Forest Reserve Association, American Public Health Association, Minnesota State Federation of Women's Clubs, and others, in favor of the proposed national park in northern Minnesota—to the Committee on the Public Lands.

By Mr. WEEKS: Petitions of various creamery butter makers of the Seventh Congressional district of Michigan, and the South St. Paul Live Stock Exchange, relative to the bill imposing a tax on oleomargarine—to the Committee on Ways and Means.

Also, memorial of the Minnesota National Park and Forest Reserve Association and others, urging the establishment of a national park in northern Minnesota—to the Committee on the Public Lands.

By Mr. YOUNG of Pennsylvania: Petition of the Philadelphia Grocers and Importers' Exchange, urging the passage of the bill for the encouragement of the American merchant marine—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Union Labor League, praying for the passage of a bill to protect free labor from prison competition—to the Committee on Labor.

Also, resolutions of the council of the American Society of Mechanical Engineers, urging certain improvements to increase the efficiency of the United States Patent Office—to the Committee on Patents.

Also, petition of Frank H. Fleer & Co., of Philadelphia, Pa., relating to regulations for the use of alcohol in the arts and medical compounds—to the Committee on Ways and Means.

Also, communication of T. A. Wood, grand commander Indian War Veterans of the North Pacific Coast, Portland, Oreg., urging the passage of House bill No. 53, granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive—to the Committee on Pensions.

Also, petition of the Cigar Leaf Tobacco Board of Trade, favoring the passage of House bill No. 7935, relating to the payment of duties on imported tobacco, on its weight at the date of withdrawal from bonded warehouses—to the Committee on Ways and Means.

SENATE.

TUESDAY, *February 27, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. FAIRBANKS, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

ADDITIONAL FORCE IN LAND OFFICE.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior submitting an estimate of appropriation for inclusion in the legislative, executive, and judicial appropriation bill for additional force in the office of the Commissioner of the General Land Office for the fiscal year 1901, aggregating $5,300; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed with an amendment the bill (S. 2354) enlarging the powers of the Choctaw, Oklahoma and Gulf Railroad Company; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 2925) to authorize Frank Hitch to construct and maintain a bridge across Fishing Creek within the boundary lines of Edgecombe County, N. C.;

A bill (S. 3003) to amend an act entitled "An act to authorize the Grand Rapids Water Power and Boom Company, of Grand Rapids, Minn., to construct a dam and bridge across the Mississippi River," approved February 27, 1899; and

A bill (H. R. 4006) to authorize the Union Railway Company to construct and maintain a bridge across the Monongahela River.

PETITIONS AND MEMORIALS.

Mr. QUARLES presented a petition of the Wisconsin Cheese Makers' Association, praying for the enactment of legislation to regulate the sale and manufacture of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Lucius Fairchild Post, No. 11, Grand Army of the Republic, of Madison, Wis., praying for the enactment of legislation giving preference to veterans in Government employ; which was referred to the Committee on Pensions.

He also presented a petition of the Federated Trades Council of Milwaukee, Wis., praying for the enactment of legislation to provide specific qualifications of skill and experience on the part of all men engaged as seamen and firemen on the Great Lakes; which was referred to the Committee on Commerce.

Mr. ALLEN presented a petition of sundry physicians and surgeons of Omaha, Nebr., praying for the employment of women nurses in the military hospitals of the Army; which was referred to the Committee on Military Affairs.

He also presented sundry petitions of citizens of Ewing, Newport, and North Platte, all in the State of Nebraska, praying for a continuance of the distribution of blackleg vaccine by the Department of Agriculture; which were referred to the Committee on Agriculture and Forestry.

Mr. KYLE presented a petition of the board of county commissioners of Walworth County, S. Dak., praying for the enactment of legislation to confer upon the Federal courts exclusive jurisdiction in certain criminal cases originating on Indian reservations; which was referred to the Committee on the Judiciary.

He also presented a memorial of Local Union No. 153, Cigar Makers' International Union, of Sioux Falls, S. Dak., remonstrating against the enactment of legislation to establish free trade in cigars between the United States and Puerto Rico; which was referred to the Committee on Pacific Islands and Puerto Rico.

Mr. DANIEL presented a petition of the Business Men's Association of Newport News, Va., praying for the passage of the so-called shipping bill; which was ordered to lie on the table.

Mr. PENROSE presented a petition of sundry letter carriers of Pottstown, Pa., praying for the enactment of legislation granting an increase of salary to letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. FAIRBANKS presented a petition of Local Union No. 215, Cigar Makers' International Union, of Logansport, Ind., praying that all the remaining public lands be held for the benefit of the whole people, etc.; which was referred to the Committee on Public Lands.

He also presented a memorial of Local Union No. 54, Cigar Makers' International Union, of Evansville, Ind., remonstrating against the enactment of legislation to admit into the United States any products of Puerto Rico free of duty; which was referred to the Committee on Pacific Islands and Puerto Rico.

He also presented a petition of Local Union No. 31, Journeymen Tailors' Union, of Terre Haute, Ind., and a petition of Finishers' Union No. 96, Amalgamated Woodworkers' International Union, of Indianapolis, Ind., praying for the enactment of legislation to limit the hours of daily service of laborers upon public works of the United States, and also to protect free labor from prison competition; which were referred to the Committee on Education and Labor.

Mr. SEWELL presented a petition of sundry railway mail clerks of Trenton, N. J., praying for the enactment of legislation to provide for the classification of clerks in first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Local Union No. 13, Amalgamated Sheet Metal Workers, of Ridgewood, N. J., praying for the enactment of legislation to limit the hours of daily service on public works of the United States, and also to protect free labor from prison competition; which was referred to the Committee on Education and Labor.

He also presented a petition of Local Union No. 20, United Brotherhood of Carpenters and Joiners, of Camden, N. J., praying for the enactment of legislation to limit the hours of daily service of laborers, workmen, and mechanics employed upon the public works of the United States, to protect free labor from prison competition, and that grants to the public lands be given to no person except to actual settlers; which was referred to the Committee on Education and Labor.

Mr. CULLOM presented a petition of the Federation of Labor of Springfield, Ill., praying for the enactment of legislation to increase the pay of letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Board of Trade of Chicago, Ill., praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

He also presented a memorial of Local Union No. 118, Cigar Makers' International Union of Peoria, Ill., remonstrating against the reduction of the tariff on cigars imported from Puerto Rico; which was referred to the Committee on Pacific Islands and Puerto Rico.

He also presented petitions of Local Union No. 321, United Mine Workers, of Ridgely; of Local Union No. 373, United Mine Workers, of Bryant; of Local Union No. 10, United Brotherhood

of Carpenters and Joiners, of Chicago, and of Local Union No. 565, United Mine Workers, of Equality, all in the State of Illinois, praying for the enactment of legislation to limit the hours of daily service of laborers, etc., upon public works of the United States, and also to protect free labor from prison competition; which were referred to the Committee on Education and Labor.

He also presented a petition of the National Board of Trade, of Boston, Mass., praying for the construction of additional cables between the United States and Cuba; which was referred to the Committee on Relations with Cuba.

Mr. THURSTON presented a petition of the congregation of the South Platte Congregational Church, of Hall County, Nebr., praying for the enactment of legislation to limit absolute divorce in the District of Columbia and the Territories; which was referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the South Platte Congregational Church, of Nebraska, praying for the enactment of a Sunday-rest law for the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

He also presented a petition of the congregation of the South Platte Congregational Church, of Nebraska, praying for the enactment of legislation to prohibit the sale of liquors in Army and Navy canteens, etc.; which was referred to the Committee on Military Affairs.

He also presented petitions of sundry physicians and surgeons of Omaha, and of sundry nurses and officers of hospitals of Omaha, all in the State of Nebraska, praying for the employment of women nurses in the military hospitals of the Army; which were referred to the Committee on Military Affairs.

Mr. HOAR presented a memorial of the South St. Paul Live Stock Exchange, remonstrating against the enactment of legislation providing that a tax be placed on the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

Mr. FRYE presented a petition of the Philadelphia Section of the American Chemical Society, praying for the establishment of a national standard bureau; which was referred to the Committee on Mines and Mining.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2543) granting an increase of pension to Edward A. Parmalee;

A bill (H. R. 1979) granting a pension to Sophronia Bailey; and

A bill (H. R. 2321) granting an increase of pension to Horatio H. Warren.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 751) granting an increase of pension to Matthew T. Jones;

A bill (H. R. 2749) granting a pension to Susan Garrison; and

A bill (H. R. 5156) granting an increase of pension to Frances C. Kirby.

Mr. GALLINGER. I am directed by the Committee on Pensions, to whom was referred the bill (S. 831) granting an increase of pension to T. J. Owens, of Blue Mound, Kans., to submit an adverse report thereon and to move its indefinite postponement, for the reason that the ex-soldier has recently died.

The motion was agreed to.

Mr. GALLINGER. I am also directed by the Committee on Pensions, to whom was referred the bill (S. 1237) granting a pension to Robert W. Oliver, to submit an adverse report thereon and to move its indefinite postponement for the same reason, the beneficiary under the bill being dead.

The motion was agreed to.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 2728) granting a pension to Fritz Meyer, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. QUARLES, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (H. R. 5299) granting an increase of pension to Joseph McCune; and

A bill (H. R. 6575) granting a pension to Matilda G. Higbee.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (S. 2159) granting an increase of pension to Ernst Pitschner, reported it without amendment, and submitted a report thereon.

Mr. DEBOE, from the Committee on Pensions, to whom was referred the bill (H. R. 2477) granting an increase of pension to George H. Pennington, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 2526) granting a pension to Margarethe Bomke, reported it without amendment, and submitted a report thereon.

Mr. KYLE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 438) granting a pension to Emma M. Kitt;

A bill (H. R. 2169) granting an increase of pension to Nelson B. Lutes;

A bill (H. R. 2599) granting pension to Philip Yoe; and

A bill (H. R. 5440) granting an increase of pension to Smith Jeweal.

Mr. KYLE, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (H. R. 4416) to increase the pension of Henry Geesen; and

A bill (H. R. 524) granting an increase of pension to Andrew J. Davis.

Mr. KYLE, from the Committee on Pensions, to whom was referred the bill (H. R. 854) granting an increase of pension to John J. McCormick, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 2637) granting an increase of pension to Albert Hammer, reported it without amendment, and submitted a report thereon.

Mr. KYLE. I move that the bill (S. 843) granting a pension to Albert Hammer, being Order of Business 391 on the Calendar, be postponed indefinitely, and that the House bill just reported by me be given the place of the Senate bill on the Calendar.

The motion was agreed to.

Mr. KYLE, from the Committee on Pensions, to whom was referred the bill (S. 3033) granting an increase of pension to William J. Wallace, reported it with an amendment, and submitted a report thereon.

Mr. TALIAFERRO, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2941) granting an increase of pension to Robert Gamble, jr.; and

A bill (H. R. 825) granting an increase of pension to Fannie H. Riggin.

Mr. TALIAFERRO, from the Committee on Pensions, to whom was referred the bill (S. 2552) granting an increase of pension to Mrs. Elizabeth Overby Williams, reported it with amendments, and submitted a report thereon.

Mr. PENROSE, from the Committee on Naval Affairs, to whom was referred the bill (S. 2855) to correct the naval record of John Lindsay, reported it without amendment.

Mr. KENNEY, from the Committee on Pensions, to whom was referred the bill (H. R. 3072) to increase the pension of William W. Wharton, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 3071) granting an increase of pension to John F. Nelson, reported it with an amendment, and submitted a report thereon.

Mr. ALLEN, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5186) granting an increase of pension to Zadok C. Perkins; and

A bill (H. R. 5188) granting a pension to David C. Dane.

Mr. PRITCHARD, from the Committee on Pensions, to whom was referred the bill (H. R. 309) granting a pension to James M. Kercheval, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 1885) granting a pension to Harvey Grant;

A bill (H. R. 5509) granting a pension to Malinda Jones; and

A bill (H. R. 5710) granting an increase of pension to Charles W. Jerome.

Mr. FRYE, from the Committee on Commerce, submitted a report to accompany the bill (S. 727) to promote the commerce and increase the foreign trade of the United States, and to provide auxiliary cruisers, transports, and seamen for Government use when necessary, heretofore reported by him.

WOMAN SUFFRAGE HEARING.

Mr. DANIEL. I beg leave to report from the Select Committee on Woman Suffrage the notes of a hearing before that committee, with a resolution for printing 5,000 copies, and I ask for the present consideration of the resolution.

The resolution was read, as follows:

Resolved, That 5,000 copies of the hearing before the United States Senate Committee on Woman Suffrage, held in the Marble Room of the United

States Senate on the 13th day of February, 1900, be printed for the use of the Senate.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. COCKRELL. I should like to ask if that includes the hearings on both sides?

Mr. DANIEL. It does.

The PRESIDENT pro tempore. The papers referred to are the papers sent to the desk by the Senator?

Mr. DANIEL. Yes, sir.

The resolution was agreed to.

PAYMENT OF STENOGRAPHER.

Mr. DANIEL, from the Select Committee on Woman Suffrage, reported the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the stenographer employed to report the hearings held and to be held by the Select Committee on Woman Suffrage be paid from the contingent fund of the Senate.

THE SHIPPING BILL AND REPORT.

Mr. HANNA, from the Committee on Commerce, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed of Senate bill No. 727 and of the report thereon 1,000 copies each for the use of the Senate and 1,000 copies each for the Committee on Commerce.

BILLS INTRODUCED.

Mr. ALLISON introduced a bill (S. 3337) granting an increase of pension to Buren R. Sherman; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3338) granting a pension to Mary A. Morton; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3339) for the relief of Leonard Wilson; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3340) for the relief of Allis Averill; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PENROSE introduced a bill (S. 3341) granting an increase of pension to Jane E. Wox; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3342) granting an increase of pension to Samuel Dornon; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WOLCOTT introduced a bill (S. 3343) granting an increase of pension to Keziah Fausler; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3344) granting an increase of pension to William G. Stone; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3345) granting an increase of pension to Thomas L. Sims; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FAIRBANKS introduced a bill (S. 3346) granting a pension to Elizabeth Harris; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3347) to provide for the purchase of a site and the erection of a building thereon at Richmond, in the State of Indiana; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 3348) to provide for the purchase of a site and the erection of a building thereon at Elkhart, in the State of Indiana; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. ALLEN introduced a bill (S. 3349) to amend an act entitled "An act granting to the Eastern Nebraska and Gulf Railway Company right of way through the Omaha and Winnebago Indian reservations, in the State of Nebraska," by extending the time for the construction of said railway; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. HARRIS introduced a bill (S. 3350) granting a pension to Lizzie H. McDaniel; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McLAURIN introduced a bill (S. 3351) granting a pension to Jim Lang; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. KENNEY introduced a bill (S. 3352) granting a pension to Sarah Kersey; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BEVERIDGE introduced a bill (S. 3353) to establish a fish-hatching and fish station in the State of Indiana; which was read twice by its title, and referred to the Committee on Fisheries.

Mr. THURSTON introduced a bill (S. 3354) amending the act of August 15, 1894, entitled "An act making appropriations for current and contingent expenses of the Indian Department and fulfilling treaties and stipulations with various Indian tribes for the fiscal year ending June 30, 1895, and for other purposes;" which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 3355) for the relief of Benjamin Longpre; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Lands.

Mr. SEWELL introduced a bill (S. 3356) granting a pension to Mary J. Quinn; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3357) granting a pension to Sarah S. Willis; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FOSTER introduced a bill (S. 3358) for the relief of A. Francis Learned; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. DANIEL (by request) introduced a bill (S. 3359) for the relief of the heirs of John Freeland, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. PETTIGREW introduced a bill (S. 3360) to extend the time for the completion of a bridge across the Missouri River; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MASON introduced a bill (S. 3361) providing for the purchase of lots 75 and 76, with the building thereon, in square 624, in the District of Columbia; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. FORAKER introduced a bill (S. 3362) granting a pension to Isaac Neer; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MASON introduced a bill (S. 3363) granting a pension to Ella G. Morganthaler; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MORGAN introduced a bill (S. 3364) for the relief of Susan Murphy Nelson; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. SPOONER introduced a joint resolution (S. R. 95) authorizing the appointment of a commission to investigate and report upon the principal colleges of commerce of Europe, their methods and results, with a view to promoting an increase of our foreign commerce; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Commerce.

SALARY OF CONSUL-GENERAL AT FRANKFORT.

Mr. SPOONER submitted an amendment proposing to increase the salary of the consul-general at Frankfort from $3,000 to $4,000, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

STENOGRAPHER FOR COMMITTEE ON INDIAN AFFAIRS.

Mr. THURSTON submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Indian Affairs be, and is hereby, authorized to employ a stenographer to report hearings before said committee, the expense of the same to be paid from the contingent fund of the Senate.

RESOLUTION PASSED OVER.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over under unanimous consent.

The SECRETARY. A resolution by Mr. ALLEN providing for a special committee to make a thorough and complete investigation of all dealings and transactions between the Secretary of the Treasury or the Treasury Department and the National City Bank and the Hanover National Bank of New York.

The PRESIDENT pro tempore. The Chair also lays before the Senate another resolution coming over by agreement from a former day.

The SECRETARY. Also a resolution submitted by Mr. ALLEN extending the sympathy of the United States to the people of the South African Republic in their heroic struggle for liberty and popular government.

Mr. ALLEN. Let those resolutions be passed over under the same arrangement to such time as the Senator from Wisconsin (Mr. SPOONER) may return.

The PRESIDENT pro tempore. The Senator from Nebraska asks unanimous consent that these resolutions may lie on the table subject to his call. Is there objection? The Chair hears none, and it is so ordered.

SENATOR FROM PENNSYLVANIA.

The PRESIDENT pro tempore. The Chair recognizes the Senator from Tennessee [Mr. TURLEY].

Mr. TURLEY. Mr. President, I understand that the junior Senator from New York [Mr. DEPEW] has given notice that he wishes to make an address on the Philippine question this morning. I am willing to give way to him, and I ask that the resolution in the Quay matter may be laid over until he finishes his address. I am willing to give him precedence.

The PRESIDENT pro tempore. The Senator from Tennessee asks unanimous consent that the resolution relating to the Senatorial seat from Pennsylvania lie over until the Senator from New York has completed his speech. Is there objection? The Chair hears none.

Mr. HOAR. Will that involve taking up the Quay matter to-day, probably?

Mr. TURLEY. If the Senator from New York finishes his speech in time, then I am willing to go on and conclude mine. If he does not, I can conclude mine to-morrow.

Mr. HOAR. I suppose the Senator from Tennessee would hardly expect to go on after 2 o'clock to-day.

Mr. TURLEY. No, sir. I am perfectly willing for this matter to go over until to-morrow morning, and then to finish my speech to-morrow morning, if it suits the Senate better.

Mr. HOAR. I desire myself to address the Senate very briefly on the statement of one point in the Quay matter, and after my honorable friend from Tennessee has concluded, whenever that shall be. It would be just as well to let it go over until to-morrow.

Mr. TURLEY. Suppose we now let it go over until the Senator from New York finishes his speech; and then if there is time for me to complete mine before 2 o'clock, I can do it. If not, we can then pass it over until to-morrow.

Mr. HOAR. But the Senator from New York expects to take about an hour, and that will be almost until 2 o'clock. I think we should let it go over until to-morrow.

Mr. TURLEY. Well; all right.

Mr. PENROSE. I suggest that the Senator from New York proceed; and if, after the conclusion of his remarks, we find we have time, we can then go on with the Pennsylvania case.

Mr. TURLEY. Either way suits me.

The PRESIDENT pro tempore. The request of the Senator from Tennessee that the Senatorial resolution go over until the completion of the speech of the Senator from New York was announced as agreed to.

THE PHILIPPINE ISLANDS.

Mr. DEPEW. Mr. President, I desire to express my acknowledgments to the Senator from Tennessee [Mr. TURLEY] for the courtesy by which he permits me to go on at the present time.

In the wide range which has been given to the discussion of the Philippine subject, many questions have been raised which, in my judgment, have been settled by events. They embrace our right to govern the Philippines, to stay there, the existence of a de facto Philippine government, alleged understandings from our Government to the Filipino government for a recognition of its independence, the title of the United States to the archipelago, the power of the United States to subdue insurrection within the islands or to impose its laws upon their people, and the power, under the Constitution, for the United States to acquire territories and to govern them, except under the familiar Territorial form, with the understanding that at the proper time they shall be admitted as States.

Most of these questions are purely academic. There are well-meaning and honest people who gather every year in London, and did last year in Boston, to protest against the beheading of Charles the First. But Charles the First was beheaded two hundred and fifty years ago. By his death the chains which bound a free people were broken. Cromwell, with all his mistakes, all his errors, and all the injustice which can be charged against him, created that reign of individual judgment and conscience which has evoluted into civil and religious liberty, which has created the commercial spirit of the English-speaking peoples, which has made them explorers, travelers, masters upon the sea and land, as settlers and colonizers, and has carried, with their influence, self-government and representative institutions all over the world. It is still an academic discussion whether President Lincoln had the right to coerce a sovereign State, but the exercise of that right saved and re-created this Republic and has made it the foremost power of the world. There are constitutional lawyers and writers upon public questions who still discuss the power of Abraham Lincoln to issue the Emancipation Proclamation, but he did issue it, slavery was abolished, and the blessings of the act are enjoyed by owner and bondman equally, by the free States, and by those that were once known as the slave States.

We are in the Philippines; we are there to stay by conquest and by treaty rights. All which precedes the ratification of the treaty by the Senate of the United States is an academic question. Still the presentation of this ancient history, for the rapid progress of events makes history speedily ancient, has occupied so much of the time of the Senate that it is well briefly to review the situation.

I have heard no one dispute the righteousness of our war with Spain. The contention is that, it having been undertaken with the avowed purpose, and that only, of freeing Cuba from intolerable oppression, the forces of the United States should have been concentrated in and about the Island and when the Spaniards were expelled our country should have confined its efforts to the establishment of Cuban independence. The most merciful way to prosecute war, the surest method of speedily enforcing peace, is to strike the enemy wherever he may be weak and vulnerable. To have permitted Spain ports for her fleet and freedom of the seas and the ability to concentrate all her efforts in Cuba would have been the madness of sentiment and criminal folly. By capturing Puerto Rico we closed the harbors where fleets of Spain could go outside of Cuba and cut off her sources of supply. By threatening with a flying squadron the coasts of Spain we kept troops within her home fortifications and ships within her own harbors. The wisest of the many wise orders issued during the war was that to Admiral Dewey when at Hongkong: "Find the Spanish fleet and destroy it." The destruction of that fleet ended the power of Spain in the Pacific Ocean. By the destruction of that fleet and the landing of our troops and the surrender of Manila the United States stood as a conqueror upon the enemy's soil. When the Spanish flag went down from the citadel and the American flag flew from its flagstaff, the three hundred years of Spanish dominion ended and the American occupation began. At this point we hear of the alleged Filipino republic and the alleged assault upon it by the United States. That Dewey, that Merritt, that Anderson used the natives for the purpose of fighting Spain no one denies. It was within the discretion of the commanding generals to utilize the enemies of Spain in such manner as in their judgment would best cripple the enemy. When Dewey, before sailing from Hongkong, sent the commander of the *Petrel* to Aguinaldo to secure his services, Aguinaldo refused, saying that he had sold out, had taken Spain's money and was under obligation not to fight her any more; and it was not until after the battle of Manila that he concluded to go back on his bargain.

I think it will be admitted that there was in the far east no one who could bind our Government to treaty obligations. There has been read here a mass of serenade speeches and banquet addresses and letters from consular agents of this country in China and the Philippines. A consul has no diplomatic authority. His commission covers only commercial questions in the port where he resides. In the imperfections, which are still many, in our consular service these positions are held in many places by foreigners who do not understand our institutions, who receive no salary that would tempt an American to take the place, and yet who occupy and administer important functions as the commercial agents of the Republic. Treaties involving recognitions of governments and cessions of territories are not made by unauthorized persons in the enthusiasm of moonlight serenades or in the fervor of banquet addresses.

Only the President of the United States could bind the country, and he only with the subsequent assent of the Senate. Only when war is progressing can the Commander in Chief of the Army or the Admiral of the Navy make a committal which the President would be bound in any form to consider or respect. Admiral Dewey alone had that power, and he most emphatically denies any committal whatever to Aguinaldo for the independence of his so-called government. President Schurman also emphatically denies any committal on the subject on the part of the Philippine Commission. The various generals of the Army made no committals on their part. All the consuls concerned positively denied having made any such suggestions. The instant that there was brought to the notice of the President and the State Department a statement that unauthorized persons, holding commissions from the United States for another purpose, had made any such suggestions, they were immediately and authoritatively repudiated.

The alleged government, called here the de facto government of Aguinaldo, rests upon an equally flimsy basis. Spain had held these islands, with a slight interruption, when seized by Great Britain, for three hundred years. Her sovereignty over them had been recognized by all the powers of Europe. Her bad government produced frequent insurrections, which were always suppressed and always local to one island or to a part of an island. Sometimes these insurrections were stirred up and promoted by the Captain-General and Spanish officials for the purpose of securing the larger appropriations and the greater expenditures which war would permit, and in order to exercise the powers of martial law for robbery and the confiscation of rebel property.

Aguinaldo headed one of these insurrections and formed a revolutionary government, which, however, existed only on paper and governed nothing but the camp which he had in the mountains at Biac Na Bato. After continuing a desultory and mainly guerrilla warfare for months, he finally opened negotiations with the Spanish authorities, and sold his government to Spain for $800,000, of which $100,000 was paid down. So that at the time that Spain ceded the Philippine Islands to the United States by treaty she had as her title, the sovereignty of three hundred years, and had removed the cloud upon her title by buying the claims of Aguinaldo's government. The transaction stands unique in the history of governments, if Aguinaldo's authority constituted a government. It is the first time in ancient or modern days when a power claiming sovereignty, asking for recognition from foreign

states, for a valuable consideration, which was agreed to, gave a quitclaim of all its rights, its properties, and its powers.

When Dewey was leaving Hongkong, Prince Henry of Prussia, in command of the German fleet in the East, said, "Good-bye, Commodore, I fear I shall never see you again. You are going on a desperate undertaking." This sentiment was the opinion of the admirals of the various European squadrons, and, through them, of the orientals. The Asiatics had heard of the great Republic the other side of the world, but had seen no evidence of its power. The destruction of the Spanish fleet in the harbor of Manila, the silencing of the guns of the forts, and the landing of an American army ended the prestige and power of Spain in the archipelago. The Filipinos, released from fear of punishment and smarting under wrongs present and hereditary, would have flocked to the standard of General Merritt as readily as they did to that of Aguinaldo, had such a course seemed best. The victorious fleet and conquering army of the United States created Aguinaldo's forces.

But for our demonstrated power appealing so dramatically to the Eastern imagination, Aguinaldo would have remained reveling in Hongkong and his followers humbly subservient to the rule of Spain. The signing of the terms of peace and the surrender of Manila to our naval and land forces occurred at the same moment of time. Dewey and Merritt refused to permit the troops of Aguinaldo to enter and loot the city, and forced them to withdraw to a safe distance. The peace treaty, guaranteeing the rights of property in the island by the United States, dissipated the hopes and dreams of the Filipino leaders of division and enjoyment of the confiscated property of the religious societies, the wealth of the church and the riches of the Spanish residents.

Then, and not until then, did Aguinaldo and his party become insurrectionists against the authority of the United States; then, inflaming an ignorant population with lies about the Government and purposes of this country, he received the support which has required a large army to suppress. This people had been cheated and robbed of their rights for centuries. They had never known the blessings of liberty and law, nor what they mean. It was easy for the rebel chiefs to make them believe that we came to plunder and oppress. We now understand why they said, "Better the Spaniard than the American." It is only when peace and order are established in the Islands that we will gain both their confidence and their gratitude by a government which will guarantee law and liberty, civil and religious, and promote their progress and prosperity.

Territorially, constitutionally and by the decisions of the Supreme Court the United States have been expanding for nearly a century. At the close of the administration of Washington our country was bounded by the Atlantic Ocean and the Ohio River. England on the north, and Spain and France south and west, blocked the possibilities of development and commercial power. Jefferson was the author of the Declaration of Independence, of the strict-construction theory of the Constitution and of the extreme doctrine of State rights. He is claimed by the anti-expansion party to-day as their example and guide. He saw that the West must have an outlet or the fairest portion of our country remain a wilderness. He opened negotiations with Napoleon for a harbor at the mouth of the Mississippi and transit over its waters.

Bonaparte had received the vast territory called Louisiana from Spain for a gift to a Bourbon prince of the right to rule a petty principality. He saw he could not hold his acquisition against the power of Great Britain on the ocean, and astonished the American envoys by offering to sell the entire territory. It extended from the Gulf to the Rocky Mountains and the Pacific, and is the seat to-day of a large part of the wealth, population, and political strength of the Republic. Jefferson saw immediately a meaning and a sovereignty in the Constitution which opened his mind almost as was that of Paul on his journey to Damascus. He eagerly said, "We will," to the remark of Talleyrand, Napoleon's famous minister, "Why not take it all?" and for $15,000,000 the inhabitants, French, Spanish and Indian, and the territory became ours.

Monroe followed Jefferson's example and in 1819 bought Florida from Spain for five millions, and Pierce Arizona from Mexico for ten millions, while Seward secured Alaska from Russia for seven millions. Texas came in by annexation, and we claimed and Great Britain yielded Oregon to be ours by right of discovery, because an adventurous Yankee skipper had explored the Columbia River. Mexico lay at our feet crushed and bleeding after the war, but by the treaty of peace we gave her fifteen millions for California and New Mexico, and assumed the debt of three millions five hundred thousand which she owed to American citizens. Under the same broad, generous, and wise policy of dealing with defeated enemies, in confirming the title we had by conquest to the Philippines, we have conceded to Spain for her rights and sovereignty twenty millions.

Constitutional objection and indiscriminate abuse preceded, attended and followed each of these acquisitions. The grim specter of the ruined Republic was each time dragged out from the stage properties of the spectacular drama of despair, only to be laughed back into its crypt by prosperity, population, thriving industries, mutual benefits to the old and new States, and the blessings of American law and liberty impressing the people with the wisdom of the expansion. There have been tyrants and usurpers, if President McKinley is one, doing these same things in the past as he has done, and they are Thomas Jefferson, James Monroe, James K. Polk, and Franklin Pierce.

Our country on this continent, and without including the Spanish islands, numbers 3,692,125 square miles. Washington governed a republic of 1,378,981 square miles, and 2,313,144 have been added from the close of his administration to the beginning of President McKinley's.

The United States has a domain with nearly three times greater area than it possessed when it became a nation, and stands original and alone in the beneficent processes of its growth. Its authority has been extended over new lands covering an area as large as two-thirds of the Continent of Europe, at a mere trifle of the cost to Frederick the Great of the Province of Silesia, or to France of the narrow limits of Savoy. For ninety-seven years we have, in the exercise of that sovereign power which is inherent in nations, gained property by all the processes known to government, but we have waged no war for conquest or subjugation. We have treated our defeated enemies with unusual mercy and consideration. Whether our territories have come by conquest and treaty, by purchase, annexation, or discovery, the people, Congress, and the country are unanimous in the affirmation of our title. The time will be brief until by similar unanimity Puerto Rico and Hawaii, Guam and the Philippines are held to be equally and sacredly territory of the United States.

Many honest minds have been confused by the supposed application of the consent of the governed to the government which Congress provides for new Territories or colonies, and that it is impossible to rule them except by the usual Territorial process until by right they are admitted into the Union as States. Here again a study of the past removes these difficulties. Jefferson was the author of the Declaration of Independence, and that is the one act which he directed should be engraved upon his tomb. He certainly knew the breadth and limitations of its axioms. The government which he organized for the Territory of Louisiana had every element which has been denounced as despotism in the Philippines.

The act of October 31, 1803, passed by Congress and signed by Jefferson, vested—

> All military, civil, and judicial powers in such person or persons and to be exercised in such manner as the President of the United States should direct.

There was no consultation with the inhabitants, no participation in their government accorded them, and no rights assured to them except "The free enjoyment of their liberty, property, and religion." It is no answer to this precedent to say that because there were only 30,000 white people in the Territory it was unnecessary to gain their consent. The constitutional rights of 30,000 are as precious and as sacred as the rights of 30,000,000. From 1803, when this colonial and imperial government was imposed upon Louisiana, until 1819, when Florida was conquered, purchased and ceded by Spain, was ample time in which to discover a vital blow at the Declaration of Independence and a deadly assault upon the Constitution of the United States.

Sixteen years of legislative action, judicial examination and decision, and popular discussion had intervened since Jefferson's arbitrary government had been imposed on Louisiana; but again, and in the same terms, did Congress, March 3, 1819, pass and President Monroe approve an act for the government of Florida vesting—

> All civil, military, and judicial powers in such person or persons and to be exercised in such manner as the President of the United States shall direct.

When this pure colonial and unrepresentative government was extended over Florida that Territory was not a wilderness. It had been settled for two hundred and nine years, and, in addition to its Spanish, French, and English inhabitants, had several flourishing American settlements.

From 1798 down to 1849 the statesmen and jurists whose names and fame are our most precious heritage framed governments for Mississippi, Indiana, Louisiana, Michigan, Illinois, Missouri, Alabama, Arkansas, Florida, Wisconsin, Iowa, Oregon, and Minnesota. Some of these Territories were within the limits of the original thirteen colonies and States, and some in our after-acquired possessions, and to all of them were extended certain specific laws of the United States, but, as if to emphasize the power of Congress in their government, the "Constitution and laws" of the United States were not extended over any of them. In still further emphasizing the power to govern, to grant, and to withhold, the acts of 1850 and afterwards, establishing Territorial governments for New Mexico and Utah departed from this unbroken

line of legislation and specifically made the Constitution and laws of the United States of the same force and effect as in the United States, the language of the laws indicating that without their legislation they did not operate.

Citizen is a broad generalization. In one sense it includes all the inhabitants of every age and sex under the jurisdiction of the United States, and to all of them are guaranteed protection for life, liberty, property and religion. In another and larger way it means those who, in addition to these rights, are entitled to the suffrage, to trial by jury and to every privilege and protection under the Constitution and laws of the United States. The right to vote and participate in the government has been treated with singular freedom. Property qualification or tax, or both, as a prerequisite to vote were common in all the States until 1821 and in Rhode Island until 1888.

Our friends in South Carolina, Mississippi, and Louisiana who stand shivering with fear lest the Filipinos, by becoming citizens, will have the constitutional right to vote, or by being deprived of that vote will become the victims of a despotism more autocratic than Russia, have found no difficulty in excluding from the ballot a large number of their citizens. South Carolina, by the new constitution of the State, makes the requisite for voting the ability to read understandingly the Constitution of the United States, and the possession of $300 worth of property. If this test were imposed on the Philippines, it would effectually deprive the whole native population of the suffrage. They make for their denial of the consent of the governed the ingenious plea that neither by the Declaration of Independence nor the Constitution did the negroes acquire rights or recognition; that the fathers never meant to include them. Certainly, if this be true, it applies with greater force to the alien races who inhabit the Philippine Islands, whose existence was unknown to the signers of the Declaration, the framers of the Constitution, or, in the language of that instrument, to "We, the people of the United States," who "to secure the blessings of liberty to ourselves and to our posterity do ordain and establish this Constitution for the United States of America."

By uniform legislation from the formation of the Republic and by repeated and clear decisions of the Supreme Court these principles are established: First, that the Constitution thus formed was meant for the States in the Union as they severally adopted it. Second, that it becomes operative upon every State subsequently admitted into the Union. Third, that it does not extend by its own force over territory acquired after the adoption of the Constitution, but that Congress has the power to grant so much of its provisions as it deems wise.

The third section of Article IV of the Constitution says:

> The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory and other property belonging to the United States.

The sixth article of the Constitution says:

> All treaties made under the authority of the United States shall be the supreme law of the land.

Here is the charter for the government and the duty to hold and govern the Philippines. By the treaty with France for Louisiana, with Spain for Florida, and with Mexico for territories acquired, the ceding nations reserved specific rights for their inhabitants and a pledge of future statehood. The treaty of Paris with Spain stands alone in the baldness of the cession. Spain reserved nothing by treaty rights for her subjects in the Pacific Islands and the archipelago. The treaty simply says:

> That the civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by the Congress.

The ratification of this treaty by the Senate made it, in the language of the Constitution, "the supreme law of the land." The President and Congress have no discretion. They must obey this law. They must hold these territories as they must hold New Mexico. They must provide government for them as they must also for Alaska. They must suppress insurrection by the same right and duty as they did when Geronimo and his tribe rebelled in Arizona.

It has been repeatedly said here that government by the United States in these islands will be a despotism. Such a belief shows a singular ignorance or misapprehension of the constitutional limitations upon our powers and the spirit of our institutions. While the Constitution does not extend over the Territories of its own force and without legislation, its prohibitions are binding on Congress. In those prohibitions, which are also privileges enjoyed by the people wherever our jurisdiction extends, is a complete charter of rights which Congress can neither limit nor impair. All personal privileges and immunities, such as religious freedom, property rights, freedom of speech and the press, and equality before the law must prevail wherever our flag floats. But outside of the Constitution and laws is an unwritten law created by the genius of the institutions of the paramount power and controlling its acts and officials in all colonial governments.

We know from Cicero's oration that even a Roman proconsul was subject to this idea. England received her lesson in the danger of violating this spirit when she lost her American colonies by our successful revolution, and she has to-day the greatest and most loyal colonial empire the world has ever known by granting such measures of self-government as each colony demonstrates its ability to maintain. Electricity and steam have annihilated time and distance. The Philippines are nearer Washington by months than New Orleans was in Jefferson's Administration. The flag carries with it everywhere the genius and spirit of American liberty and law. No American governor, council and judiciary would be tyrants if they could, and could not be if they would. An insult or a blow at civil or religious liberty by an American administration in far-off Luzon would be flashed under the ocean and across the land. The people would rise in hot indignation, demanding justice and punishment, which the President and Congress would be swift to grant and inflict.

All other nations have been familiar through the ages with the power of sovereignty. Their people have gradually won individual rights from the throne, but without impairing in its national relations this power. We have developed the other way. Slowly and reluctantly we have surrendered individual rights that we might be a nation. We have been a hundred years trying to understand that a government of the people has all the strength, perpetuity and powers of sovereignty, but with an ever-present responsibility to the people. The great debate between those who affirmed and those who denied that we are a nation continued long after Webster's unanswerable argument in the Senate and Chief Justice Marshall's imposing decision from the bench. When submitted to the arbitrament of the sword, the sacrifice of a million noble lives on one side and the other opened the minds of friends and foes to a broader and more elevated understanding of the indissoluble unity, the vast and expansive possibilities, the creative and beneficent spirit and the mighty and glorious power of the United States.

The fears daily expressed by Senators of disastrous consequences to ourselves from the productions and industries of these islands have no justification in the long experience of other nations. Great Britain has found her best markets in her colonies and no invasion of her industries from them. The same is true of the crowded, highly organized, and sensitive industrial interests of Holland. The people of the temperate zones govern all tropical countries outside the Americas. The northern races are the migrators, the colonizers, the rulers, and the organizers of the productive energies of the world. There is a closeness and contact between all parts of the lands and peoples which are under one general government. Though Great Britain has no greater commercial advantages with her colonies than other and competing countries, yet she furnishes 45 per cent of their imports, and if analyzed so as to select only the articles she produces the proportion would be greater. The rapid development of wants and ability to gratify them created by civilization and stable government will enormously increase the consumption and purchasing power of the inhabitants of our island possessions.

America and Europe are the beneficiaries and the victims of the marvelous development of the nineteenth century. Electricity, steam and invention have stimulated production beyond living limits, unless new markets can be discovered. The great migrations of ancient and modern times appear insignificant when compared with the exodus from Europe in the last seventy-five years. The figures reach the enormous volume of 17,000,000 of human beings whose exile from home and country has been mainly enforced by congestion from overproduction and revolution in employments by inventions and development in the arts and industries. Our fertile lands have attracted most of them, but they are practically exhausted, and now the world's problem of markets for the surplus of farms and factories, or low wages, want of employment, idleness, and want is near our own doors.

The markets for the products of our farms and factories accessible by the Atlantic Ocean will soon be filled. But across the Pacific are limitless opportunities. Within a distance from Manila not much greater than Havana from New York live 900,000,000 of people, purchasing now annually from all nations, of the things which we produce, to the sum of a thousand millions of dollars, of which we furnish five per cent. And yet with our Pacific coast and its enterprising people the opening of the canal across the isthmus and an American merchant marine that five per cent should be fifty. With railroads opening up these countries and civilization stimulating their people, the possible increase in their trade dazzles the imagination. To relieve home congestion, starvation and revolution, England, Germany and France are increasing their armies, enlarging their fleets and either waging war or on the eve of great conflicts while partitioning Africa, threatening China, seizing Asiatic principalities and madly building railroads across the continents of Asia and Africa. By victorious war and triumphant diplomacy we are in our own territory within easy reach, at Manila, of China, Siam, Korea,

Annam, the East Indies and Japan. Without war or entangling alliances we will have equal rights with other nations to the ports of the Orient, with all that it means for the demonstrated superiority of our manufactures and the surplus harvests of our farms.

This is not a sordid view, nor can any right apprehension of our Philippine policy or our relations to our island colonies be sordid or purely commercial. In spite of ourselves we have colonial possessions. We have no policy to declare, no glittering resolutions or proclamations to make and in the future to embarrass us. We will stamp out the insurrection and establish a stable government. We will organize local government. We will constitute courts. We will insure with the whole power of the United States security for life and property, freedom of religion and the equal and just administration of the law.

The kindergarten of liberty, under competent instructors, rapidly develops its pupils for larger responsibilities for citizenship, respect for law, for judicial duties and for a constantly increasing share in their local and general assemblies. One year of rule by the United States in Cuba is a convincing object lesson. Brigands have become farmers, and revolutionists conservative citizens. Order has taken the place of anarchy, and law of license. The Cubans are developing their industries and rapidly acquiring habits of self-government. So the uplifting of the people of the Philippines to the comprehension and practice of orderly industry, respect for individual rights, confidence and then participation in government will add enormously to their happiness and reciprocally to the strength, prosperity and power of our country. [Applause in the galleries.]

The PRESIDENT pro tempore. Persons admitted to the galleries must remember that under the rules of the Senate no applause is allowed.

Mr. BACON. Mr. President, in the absence of any suggestion by any other Senator, I desire to say a word in reference to the question of order to which the Chair has just called the attention of the gallery. I have not been very long a member of the Senate, and yet I feel justified in saying that within a very recent date, certainly within a year, there has been a very marked departure in the recognition of the rule, which should be so carefully guarded in this Chamber, that there shall not be any manifestation, on the part of those admitted to the courtesy of the Senate, either of approval or disapproval of anything that is said. I do not say this with reference to the particular manifestation upon this occasion, but I am simply calling attention to the fact that it has been of most frequent occurrence, and I think it is due to the Senate that the public who are admitted to the courtesy of the Senate should be informed of the fact that this is not a formal rule and that a repetition will not simply result in the admonition of the Chair, but in an enforcement of the rule.

Mr. CLAY. I desire to give notice that on Thursday next, immediately after the routine morning business is concluded, I shall call up Senate resolution No. 53, defining the policy of the United States relative to the Philippine Islands, submitted by the junior Senator from Indiana [Mr. BEVERIDGE], for the purpose of submitting a few remarks thereon.

Mr. McLAURIN. I desire to give notice that to-morrow, after the routine business, I shall submit some remarks on Senate resolution No. 45, declaring the purpose of the United States with reference to the Philippine Islands.

The PRESIDENT pro tempore. The Senator from Rhode Island [Mr. ALDRICH] has given notice that he would address the Senate to-morrow.

Mr. McLAURIN. I will follow him, then, Mr. President.

SENATOR FROM PENNSYLVANIA.

Mr. PENROSE. I call for the regular order.

Mr. TURLEY. I ask to have the resolution with respect to the Pennsylvania Senatorship laid before the Senate, and I will conclude my remarks.

The PRESIDENT pro tempore. The Chair lays before the Senate the resolution indicated by the Senator from Tennessee, which will be read.

The Secretary read the resolution reported from the Committee on Privileges and Elections, as follows:

Resolved, That the Hon. Matthew S. Quay is not entitled to take his seat in this body as a Senator from the State of Pennsylvania.

Mr. TURLEY. Mr. President, in resuming this discussion where I left it yesterday I wish to notice briefly, before I come to the decisions of the Senate on the question, the argument which was made upon that clause of the Constitution which gives the power of appointment of Federal officials to the President in case of vacancies in office during the recess of the Senate. It has been held constantly by various Attorneys-General that, under that clause of the Constitution, the President can make appointments of executive officers in cases like the present, and it is said that the construction put upon that clause of the Constitution by the Attorneys-General should be extended to this clause which regulates the manner in which Senators are to be selected and their places supplied.

It will be seen that the language of these two sections is not identically the same. I am not going to take time to dwell on the different phraseology of the two sections, but to call the attention of the Senate to the marked difference in the subjects-matter, if I may so call them, to which the two sections refer. In the case of executive officers, the President is the original appointing power. The Senate only advises and consents to the appointment. The President makes it in the first place in every instance, just as the legislature fills vacancies in the Senate and fills original terms in the Senate. So there is a marked difference between the two cases.

Then, again, Mr. President, if an executive office is filled by an individual and a vacancy occurs, there is no one to perform the duties of the office. The duties must remain unperformed until the vacancy is filled. But how different it is in the Senate. Such a condition of affairs can never occur here. But, as I have said, in the case of the executive office, if the President has not the power to fill it, no matter when the vacancy occurs, then months might pass, or a longer period, during which the functions of some of the most important offices of the Government would go unperformed.

Mr. PENROSE. Mr. President——

The PRESIDING OFFICER (Mr. CARTER in the chair). Does the Senator from Tennessee yield to the Senator from Pennsylvania?

Mr. TURLEY. Certainly.

Mr. PENROSE. If I do not interrupt the Senator's remarks—and I do not want to disturb the logical continuity of his discourse—I should like to ask him whether upon the occasion of the impeachment of Johnson, or the defeat of the force bill, or upon numerous other instances when measures have been decided by one vote in this body, it was not of overwhelming importance to have the office filled, perhaps of vaster importance than having any mere office of employment under the Government filled, and would not perhaps the whole tenor of American history, or certainly American legislation, have been altered had vacancies occurred upon those and other occasions?

Mr. TURLEY. I am glad to answer the Senator's question. Of course, at such times and on such occasions it is of great importance to have the Senate full. I do not know whether or not it was full during the trial of President Johnson on impeachment. I do not know whether or not it was full when the force bill was defeated. I suspect that there were vacant seats in the Senate at both of those times, and yet the country passed safely through both of those emergencies.

But what I do say, it is important to have the Senate full on such occasions, and on every other occasion, provided it is kept full in a constitutional manner. The importance of keeping it full does not justify resorting to unconstitutional methods in order to reach that end.

Now let me point out to the gentlemen on the other side who contend for that position that occasions may occur, under their construction of the Constitution, in which vacancies would happen on just such occasions. I forget the month in the year 1868 during which the impeachment of President Johnson took place, whether it was a long or a short session of Congress, but let me take the case of the impeachment of a President which begins on the 1st of March of a long session of Congress, and let me take the case presented here by the State of Pennsylvania, with a legislature that can hold its sessions indefinitely and with a term expiring by regular efflux of time, say, on the 4th day of March, 1900.

Let me illustrate it by this year. Suppose now the Senate was engaged in such a trial and suppose the legislature of Pennsylvania was in session, as it was a year ago, the vacancy in the Senate having occurred by regular efflux of time. The legislature could remain in session as long as it pleased. It did in that case remain in session for two months after the vacancy occurred. Now, confessedly on the other side, there is no power under the Constitution to fill a vacancy under such a condition as that.

So, then, according to the theory argued on the other side, you may have this very danger which is held up now as the reason why we should violate not only the letter but the spirit of this clause of the Constitution. If the framers of the Constitution intended, as I said yesterday, that there never should be a vacancy in the Senate, if they contemplated impeachment trials and force bills and other cases of important legislation, why did they not say in the Constitution, in language so plain that no one could mistake, that whenever a vacancy occurs, no matter when it occurs or no matter how it occurs, the governor may supply that vacancy until the legislature fills it?

How easy it would have been to have met all these objections. And yet no man can stand here on any theory of the Constitution, so far as this question is concerned, and avert these difficulties and these dangers. They would come on the theory maintained on the other side just as they come under our theory.

Possibly there would be a little less danger in it. The only difference is that you lessen it in a very small degree.

Mr. SPOONER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Wisconsin?

Mr. TURLEY. Yes, sir; I am glad to do so.

Mr. SPOONER. I agree entirely with the Senator from Tennessee that under any construction of the Constitution there may be vacancies in the Senate, but I ask him if it must not have been the object of the framers of that instrument, in providing for temporary appointments by the governor, to minimize to the uttermost extent the dangers of vacancies in a legislative body?

Mr. TURLEY. No, I do not agree to that, Mr. President—not to minimize to the uttermost extent, but to lessen as far as was consistent with the paramount idea which the framers of the Constitution had in mind, and that was to have the Senators selected by the legislatures. Now, they have minimized all these dangers just as far as it was possible for the human mind to minimize them, consistent with that great and paramount idea that the Senators must be chosen by the representatives of the people and must not be the choice of one man.

Mr. SPOONER. Now, if the Senator from Tennessee will permit me again——

The PRESIDING OFFICER. Will the Senator from Tennessee yield to the Senator from Wisconsin?

Mr. TURLEY. I yield with pleasure.

Mr. SPOONER. No one who differs with the Senator will contend for a moment that the governor can choose a Senator. That, it is admitted, can only be done by the legislature. But the appointment made by the governor is only a temporary appointment, and the appointee holds only until the next meeting of the legislature, whose duty it is, under the Constitution, to choose a Senator. Now, what theory is it upon which the Senator would say that this temporary appointment, incorporated in the Constitution for the purpose of minimizing the danger of vacancies, should be by ingenuity restricted?

Mr. TURLEY. Well, I say so just on the principle that I stated yesterday, and as I will illustrate a little further. As I read the Constitution and understand it, the framers thereof intended that the legislatures should keep the Senate full; and they never contemplated the idea of a legislature proving recreant to its duty. They gave the governor the power to appoint where the legislature had no opportunity to elect.

But whenever the opportunity and the power returned to the legislature by the reassembling of the legislature, then they intended to leave it there and put the responsibility upon the legislature, because under that theory no State could ever lose its representation on the floor of this body unless it did so either voluntarily or by the failure of its own legislative officials to do their duty.

Mr. SPOONER. Now, if the Senator from Tennessee will permit me——

Mr. TURLEY. I will.

Mr. SPOONER. Suppose on the second day, or the third day, or the fourth day after that vacancy occurs by efflux of time, the legislature being in session, it had been dispersed by a public enemy or driven away by some pestilence, would the Senator say that the governor then had no power to appoint, the Senate being in session and questions of legislation of the most vital importance pending, perhaps of vital importance to the State, like a boundary question? Would the Senator say that the governor would have no power and was intended to have no power to appoint?

Mr. TURLEY. Well, undoubtedly I would say that the governor had no power to appoint under such circumstances. Now, let me ask the Senator from Wisconsin a question or two. We had that up in the Corbett case. An army, or an insurrection, or a mob which would destroy the legislature would be pretty apt to have the governor running, too. When you go to imagine these cases, you must give them their full effect and force. A mob or an insurrection that could destroy a legislature for any length of time would destroy the State government for the time being.

Now, how we can imagine a governor there in the full exercise of all his functions, and an insurrection in control of all other matters, dispersing the legislature, is rather hard for me to conceive. But if we can conceive it, let us take the abstract question. Then I would say it is one of those miracles almost, or a thing that was never contemplated or intended to be provided for. As soon as the legislature met together again and order was restored, then the Senate would be full. Another clause of the Constitution would come into play at once, and it would become the duty of the General Government, under the provisions of the Constitution, to give that State a republican form of government and to suppress the rebellion.

Mr. SPOONER. I have not very much imagination, but I can imagine that the legislature might be dispersed and its members scattered, so that it would be quite impossible for it to assemble in joint convention or otherwise, and the governor might be killed, but he could hardly be scattered. Wherever he was within the limits of the State I suppose he might exercise his power of appointment. I think that is hardly an answer to my question.

Mr. TURLEY. What I meant to say is that it is hard for me to conceive such a partial destruction of a State government as that question would imply in order to make it practicable. That is the whole question.

Now, I want to refer to one other thing—and a very material one, it seems to me—showing why our construction of this clause of the Constitution is the proper one. I have already argued on it pretty elaborately. But take these important questions; take the force bill; take the Philippine question; take any important question. If a Senator is sent here according to the way we say the Constitution means, he comes here in ninety-nine cases out of a hundred, or, I will say, in a hundred cases out of a hundred, representing his people. He is elected by the legislature, and the legislature is elected by the people.

Now, suppose a governor sends him here. The governor may not represent the people on any such question. Take two of the vacancies that now exist. If we allow this appointment, I am told that in both Delaware and Utah the party which is in power, and which controls the legislature, and which has been put there by the popular vote, and which represents the people according to the last election would not be represented in the Senate.

In other words, a Democratic Senator would represent a Republican State and a Republican Senator would represent a Democratic State. That is what I am told. I have not examined it critically, but I can see that that can result. When the force bill was up, or when any other great question is up, it might be decided wrongfully by a Senator sent here by a governor who did not represent the people he came here to represent. All those things could follow.

Mr. PENROSE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Pennsylvania?

Mr. TURLEY. Yes, sir.

Mr. PENROSE. I would remind the Senator, if the terrible results of that doctrine appall him so, that we have a very highly honored and respected associate sitting here to-day, appointed by a governor who was not a representative of the same party as that which is in control of the legislature. I refer to the distinguished Senator from Nebraska [Mr. ALLEN] who recently arrived here with an appointment from the governor.

Mr. SPOONER. He was elected at the same election.

Mr. PENROSE. I understand that the governor was elected at the same election which elected the legislature.

Mr. BACON. Will the Senator from Tennessee permit me?

Mr. TURLEY. Certainly.

Mr. BACON. There is this distinction in the two cases. In each of the cases, in the case of Delaware and in the case of Utah, the governor was elected under a four-year term and at the succeeding election there was a revolution in the control of the State government so far as the election of a legislature was concerned. So in all those cases the Senator who would thus be appointed would, in fact, not reflect the sentiment of the people as expressed in the last election.

In the case of Nebraska, however, the governor was elected at the same time with the legislature, and while it is true that the legislature is Republican, the popular vote of the State is in accord with the governor who appointed the present Senator from Nebraska.

In the one case there is an absolute reflection of the sentiment of the State as expressed by the popular vote in the last election. In the other two cases there would be an absolute antagonism between the sentiment of the Senator who would be sent here by either the governor of Delaware or the governor of Utah and the sentiment as expressed in the election of the last legislature in each of those States.

Mr. SPOONER. And yet, if the Senator will permit me, he will agree that it was the intention or in the contemplation of the framers of the Constitution that just such a governor might appoint a Senator.

Mr. BACON. That is quite true; but the Senator will remark that in the one case it is unavoidable. In other words, where the appointment is by the governor in the case where the vacancy has occurred subsequent to the session of the legislature it is an unavoidable difficulty which can not be met. In the other case it is not unavoidable, but, as stated by the Senator from Tennessee, it is a failure on the part of the legislature to perform its duty.

Mr. TURLEY. In other words, I would say to the Senator from Wisconsin, it is an argument for not enlarging the power of the governor.

Mr. BEVERIDGE. Will the Senator permit a question?

Mr. TURLEY. Certainly.

Mr. BEVERIDGE. The Senator speaks with reference to the Senate representing the popular will. I wish to ask the Senator whether it is not true that the purpose in making the term of a

Senator six years and making the Senators elective by the legislature was for the purpose of lifting them above the spasmodic and temporary mutations of the public will and making them a representative of the continuous current of public opinion rather than of its temporary whirls and eddies?

Mr. TURLEY. Well, undoubtedly there is great force in what the Senator from Indiana says, that the length of the term was for that purpose; but that has nothing to do, it seems to me, with the original and fundamental proposition that the framers of the Constitution put the power of selection in the legislature, and they did it deliberately because the legislature, coming from all parts of the State, represented the people more directly than the governor would represent them. The debates in the Convention show that. The debates show that the objection was made to giving the appointing power at all, because it was contrary to that principle which says that the legislative, executive, and judicial departments should be kept separate.

Mr. BEVERIDGE. Will the Senator allow me?

Mr. TURLEY. Certainly.

Mr. BEVERIDGE. My question was directed to the point which I understood the Senator was making, that if the Senator was appointed by the governor he would be less representative of the public opinion of the State from which he came. Now, in view of the fact that an election may occur this year which will show the opinion of the State to be one way, and which elects a governor, and an election will occur two years later electing a legislature of a different political complexion, I ask the question whether or not the original design in making the term and fixing the method of the election of Senators was not to lift them above just exactly what the Senator says would be the evil that would come from an appointment by the governor. That was the purpose of my question.

Mr. TURLEY. I understand that the six years' term was to give some degree of independence to the Senators.

Mr. PENROSE. And the method of election, too.

Mr. TURLEY. I understand that, but what I mean is that whether you enlarge the appointing power of the governor, or even leave it as it now stands under the Constitution, unavoidably at times it will occur that the governor will send a man here representing one set of ideas, whereas if the legislature had been in session at that time it would have sent a man representing other ideas here to the Senate. The governor might appoint a man who would come here and hold for a few weeks and vote on important questions, holding one set of ideas, and the legislature of that State, just as soon as it could get together, would send a man representing a different set of ideas, and the ideas which the people of the State at that time wished to enforce. The question comes down to the fact that the political sentiment of the State ought to prevail at the time the place is to be filled.

Mr. SPOONER. So far as this matter of public sentiment is concerned, is it not just as true of an appointment made after the 3d day of March, after the term has been once filled and becomes vacant?

Mr. BEVERIDGE. That is the point which occurred to me when I asked the question.

Mr. TURLEY. Undoubtedly.

Mr. SPOONER. If there is a Democratic governor, even under your theory, there is a vacancy after the office has once been filled and the governor may appoint. He would naturally appoint a Democrat. He appoints him, however, only temporarily. The next legislature is to fill the vacancy—to choose the Senator—so that it is perfectly clear, is it not, that this was in the contemplation of the men who framed that instrument?

Mr. TURLEY. Undoubtedly it may happen under any construction of it, but what I say is that it is an argument to show that the power of the governor to appoint ought not to be enlarged. Certainly it can happen under our construction. It may more often happen under the construction maintained on the other side. That is the only difference there is in it.

Now, Mr. President, I wish to notice as briefly as I can the precedents established by the Senate on this question. When we come to examine them two things will become plain and manifest. One is that there is not a single reported case from which those who advocate the right of Mr. Quay to a seat in this body can find any comfort, and the other is that for seventy-five years, as I stated, there has been a remarkable consistency and unanimity in the decisions.

I am going to notice only those cases about which there was discussion, and which were referred to committees, and as to which reports were made, except as to the first case which occurred, and that was the case from Virginia referred to by the Senator from Virginia [Mr. DANIEL] in his argument the other day.

Mr. CULLOM. Will the Senator from Tennessee allow me?

Mr. TURLEY. Yes, sir.

Mr. CULLOM. I simply rose for the purpose of calling attention to the hour of 2 o'clock. I do not desire, however, to interrupt the Senator from Tennessee, but I want it understood that the unfinished business will come up after he concludes his remarks.

Mr. TURLEY. Yes.

The PRESIDING OFFICER (Mr. CARTER in the chair). If there is no objection, that will be the order.

Mr. PENROSE. And I ask that at the conclusion of the remarks of the Senator from Tennessee this matter be made, by unanimous consent, the order of business to-morrow, without interfering with the report of the committee of conference upon the financial bill.

Mr. CULLOM. If my bill is out of the way.

Mr. PENROSE. Well, afterwards.

The PRESIDING OFFICER. If there be no objection, that will be the order.

Mr. CULLOM. With the understanding that the Hawaiian bill shall not be interfered with.

Mr. PENROSE. I understand that.

Mr. SPOONER. I think that consent ought not to be given in the absence of the Senator from Ohio [Mr. FORAKER], who many times has expressed his purpose to ask the Senate to take up the Puerto Rican bill. This matter will, of course, go on and be discussed, and we will get to an early conclusion upon it undoubtedly; but I hope no unanimous consent will be given until the Senator from Ohio comes in.

Mr. BURROWS. Mr. President——

The PRESIDING OFFICER. The understanding of the Chair is that——

Mr. PENROSE. I understand that the Chair made the announcement.

Mr. BURROWS. I wish to make a suggestion. It is that notice has also been given by the chairman of the Committee on Finance that to-morrow——

Mr. PENROSE. I made that statement, I will state to the Senator from Michigan.

Mr. BURROWS. If the Senator from Pennsylvania will permit me to conclude, I will be obliged to him. The chairman of the Committee on Finance gave notice that on to-morrow he would call up a privileged report for the purpose of making a statement. Now, I do not want any order entered by consent by which that privileged question shall be supplanted by this resolution, and I therefore object.

Mr. PENROSE. I distinctly made the announcement in regard to the financial bill.

The PRESIDING OFFICER. The Senator from Tennessee will proceed.

Mr. TURLEY. The first case, as I said, was one from Virginia, and that was a case where a Senator was selected by the legislature and declined to serve, just as in the recent case from Nebraska, a Senator was selected by the legislature and died before he could qualify. In both those cases there never has been any controversy, so they fall within both the letter and the spirit of the Constitution. They are vacancies which occurred by casualty, by resignation, by death.

Now, the first case that is reported about which there was any discussion is the case of Kensey Johns. I refer to it very briefly, and especially for one point. The facts are that George Read, a Senator from Delaware, resigned his seat in December, 1793, during the recess of the legislature of said State. The legislature met in January and adjourned in February, 1794, without making any selection. On the 19th of March Kensey Johns was appointed by the governor of said State to fill the vacancy. It was determined that Mr. Johns was not entitled to his seat, a session of the legislature having intervened between the resignation of Mr. Read and the appointment of Mr. Johns.

In other words, the legislature had been in session after the vacancy had occurred, had failed to fill the place, and therefore the appointee was not seated. Now, the importance of that case, in one aspect of it, is this: There were five members of the Federal Convention who were members of the Senate when this case was acted on. Four of them voted against the right of claimant to said seat and one voted in his favor.

This was in 1794, only a very short time after the Constitution was adopted, and it should be persuasive of how the framers of the Constitution understood and construed the clause of the Constitution now under consideration.

The next case is that of Uriah Tracy, of Connecticut, which was disposed of on March 4, 1801. The facts in that case were as follows: Mr. Tracy's first term expired March 3, 1801. On March 4, at a special session of the Senate, he produced credentials of appointment by the governor of Connecticut to fill the vacancy. It appeared from the credentials, which were dated February 20, 1801, that the legislature was not then in session and that he was appointed to serve from March 3, 1801, until the next meeting of the legislature.

Exceptions were taken to his credentials, but he was admitted to his seat by a vote of 13 to 10. It will be seen that in this case the vacancy occurred during a recess of the legislature, and that

the legislature had had no opportunity to fill it after it occurred. It had had an opportunity to fill it before it occurred, but not after it occurred, and therein it differs from the Quay case. But, of course, it was a change in the rule, so far as the Johns case was concerned.

The next case was that of Samuel Smith, which was the same in facts as the Tracy case, except that in the Tracy case the appointment was made before the vacancy occurred, whereas in the Smith case it was made after the vacancy occurred. The cases of Mr. Tracy and Mr. Smith, taken together, decided that where a legislature, whose duty it was to elect a successor to a Senator whose term of office was about to expire, adjourned before the expiration of said term without electing the successor, the executive might then appoint, and the appointee would not simply hold his seat until the next meeting of the legislature, but during the next session of the legislature or until that session of the legislature filled the vacancy.

In the Smith case, which followed the Tracy case, the only question really discussed was whether the term of the appointee ended at the meeting of the legislature or whether he should continue to serve through the legislature until the legislature acted or until it adjourned. So the two cases did establish the doctrine that the failure of the legislature to fill a term which expired by regular limitation did not prevent the governor from making an appointment.

Now, then, in 1825 came the Lanman case. The Lanman case reversed the Tracy case and the Smith case and went back to the doctrine established in the Johns case. It has been said that no one can tell exactly on what ground the Lanman case was decided. The facts, as I have stated, in the Lanman case were identical with the facts in the Tracy case and identical with the facts in the Smith case, with the exception that in the Smith cases the appointment was not made until the vacancy had occurred. In the Lanman case it was made before the vacancy occurred, just as it was in the Tracy case.

It has been argued that the Lanman case went off on the fact that the appointment was made before the vacancy occurred, but I think this is manifestly erroneous when we examine the cases. I think so for several reasons. In the first place, there is no reference anywhere in the debates or discussions to the fact that the decision was placed on the proposition that the appointment was prematurely made. If such a question had been considered, nothing would have been more natural than that the distinction between the Tracy case and the Smith case would have been observed, because under that idea the Tracy case would have been wrongly decided and the Smith case would have been rightly decided.

But when we come to the next case, which was the Sevier case, and which was decided twelve years after the Lanman case, we find that the Senate, or at least Mr. Grundy, who made the report in the Sevier case, understood the Lanman case to have been decided exactly on the grounds for which we contend, and that was, that the legislature having had an opportunity to fill the vacancy, the governor could not appoint.

Now, not only that, but it will be noticed by those who choose to go through these cases that there were at least two Senators who passed upon the Sevier case who were in the Senate at the time the Lanman case was decided—Mr. Benton, of Missouri, and another Senator whose name I just now forget. Mr. Benton has given his views and recollections of the ground on which the Lanman case was decided. I read from Taft's Election Cases, on page 39, to show how he understood, when the Sevier case was decided in 1837, the ground upon which the Lanman case had been decided twelve years before. He says:

> Mr. Lanman has served a regular term as Senator from Connecticut. His term of service expired on the 3d of March of this year, and the general assembly of the State having failed to make an election of Senator in his place, he received a temporary appointment from the governor. On presenting himself to take the oath of office on the 4th day of March, being the first day of the special Senatorial session convoked by the retiring President (Mr. Monroe) according to the usage for the inauguration of his successor, his appointment was objected to as not having been made in a case in which a governor of a State could fill a vacancy by making a temporary appointment.
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> Mr. Tazewell was the principal speaker against the validity of the appointment, arguing against it both on the words of the Constitution and the reason for the provision. The words of the Constitution are: "If vacancies happen (in the Senate) by resignation or otherwise during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature." "Happen" was held by Mr. Tazewell to be the governing word in this provision, and it always implied a contingency and an unexpected one. It could not apply to a foreseen event, bound to occur at a fixed period.
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> Here the vacancy was foreseen; there was no contingency in it. It was regular and certain. It was the right of the legislature to fill it, and if they failed, no matter from what cause, there was no right in the governor to supply their omission. The Senators voting in favor of the motion were, etc.
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> Showing from the highest authority that in the Lanman case the identical point at issue here to-day was raised and decided and remained an unbroken precedent from 1825 to 1879.

And it has remained unbroken down to the present time.

The Sevier case has already been commented upon. That was a case where Senator Sevier drew the short term. He was elected by the legislature in 1836 and drew the short term, so as to make his term of office expire on the 3d of March, 1837; but before the news reached Arkansas the legislature had adjourned. There was a case where, as is shown by the report of Mr. Grundy, the vacancy had occurred from causes which had in them elements of uncertainty and where the legislature had never had an opportunity to fill it after it occurred.

The next case was the case of Mr. Winthrop, from Massachusetts. Mr. Winthrop was appointed July 27, 1850, to fill a vacancy in the Senate happening by the resignation of Daniel Webster. February 1, 1851, Robert Rantoul was elected by the legislature to fill the unexpired term. February 4, Mr. Rantoul not having appeared to take the seat, Mr. Winthrop offered a resolution, which was agreed to, "That the Committee on the Judiciary inquire and report to the Senate, as early as practicable, at what period the term of service of a Senator appointed by the executive of a State during the recess of the legislature thereof rightfully expires."

The committee reported that it did not expire until the legislature acted or adjourned, just as was held in the Smith case. There was never any vote in the case, because the regularly elected Senator appeared and took his seat before the Senate voted.

The next case was that of Mr. Archibald Dixon, of Kentucky, in 1852, which is an instructive case on many of the points involved here. It is the last one about which I shall have to read the facts.

> On December 17, 1851, Henry Clay was a Senator from Kentucky, chosen by the legislature for a term of six years, which expired on March 3, 1855. Being so a Senator, he resigned by a communication to the legislature, declaring that it was to take effect on the first Monday in September, 1852. The legislature then being in session, received the resignation, and chose Mr. Dixon to fill the vacancy thus to occur from the first Monday in September, 1852, to March 3, 1855. The legislature then adjourned.
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> On June 29, 1852, during a recess of the legislature, Mr. Clay died, and the governor of Kentucky made a temporary appointment of Mr. Meriwether as a Senator from Kentucky to hold the seat until the first Monday in September, 1852, the date on which Mr. Clay's resignation was to take effect. Mr. Meriwether immediately took the vacant seat and held it until Congress adjourned on the last day of August, 1852. On the reassembling of Congress, December 6, 1852, Mr. Meriwether did not appear, and Mr. Dixon appeared and presented his credentials.
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> Objection was made to Mr. Dixon's taking the oath of office on the ground that the seat still belonged to Mr. Meriwether, the point being that Mr. Meriwether had been appointed to fill a vacancy happening by the death of a Senator and he had a right to the seat until the next meeting of the legislature, and that it was not in the power of the governor to limit the term of office until the first Monday in September, 1852, the day on which Mr. Clay had declared his resignation was to become operative. The Senate held that Mr. Meriwether's right to the seat expired on the first Monday in September, 1852, and that thereafter Mr. Dixon was entitled to it.
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> This case establishes several principles. The first and most important is that if, while the legislature is in session, a Senator tenders his resignation to take effect at a date which will be subsequent to the adjournment of the legislature, the legislature can fill the vacancy which is to thus begin after its adjournment. This carries out the paramount idea and intention of the convention, already mentioned, to have the Senate kept filled with Senators chosen by the legislatures.
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> The second principle established is that a Senator's resignation can take effect in future; and the third is that if the Senator, after having so resigned, dies before the date fixed for the consummation of the resignation, the legislature not then being in session, the governor can appoint. This case, in all its aspects, is adverse to the claims of Mr. Quay.

The next case is that of Samuel S. Phelps, of Vermont, in 1854. I need not repeat the facts. Mr. Phelps was refused his seat because the legislature had an opportunity to fill the vacancy and had failed to fill it. The resolution in the case shows clearly the grounds upon which it was refused.

The next case was that of Jared W. Williams, of New Hampshire, who was refused a seat on exactly the same grounds in the same year, 1854, because the legislature had had an opportunity to fill the place and had failed to fill it.

The next cases are those of Bell and Blair, called the New Hampshire cases, with which go the Florida cases. Those cases were somewhat peculiar because they arose under facts growing out of the passage of the act of 1866 by Congress, which fixes the legislature which is to elect Senators for their regular terms; in other words, that act provides that—

> The legislature of each State which is chosen next preceding the expiration of the time for which any Senator was elected to represent said State in Congress shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a Senator in Congress, etc.

In 1878 the constitution of New Hampshire was changed so that its biennial legislatures were chosen in November, but were not allowed to meet in session until the following June.

So that the legislature which, under the act of 1866, alone had the right and authority to fill those vacancies could not meet under the constitution of the State until some two months and a half after the vacancies had occurred. Under these circumstances, after much debate and long discussion, the Senate held that the governor had the appointing power, because they were cases where the legislature never had had the opportunity or the legal authority and power to fill the vacancies. They are perfectly consistent with the other cases, when we come to consider the reason upon which they were decided.

The next case was the case of Horace Chilton, of Texas, and

that only involved the question again raised as to whether an appointment made in advance of the occurrence of a vacancy was valid. It was held that it was valid.

Now come the cases of Mantle, of Allen, of Beckwith, and of Corbett, decided, respectively, the first three cases in 1893, and the last in 1898. In each of those cases the legislature had had an opportunity to fill the vacancy and had, after numerous ballots, except in the Corbett case, failed to fill it, had adjourned without filling the vacancy, and then the governor had made an appointment. In one of the cases, the Allen case, the vacancy had taken place while the legislature was in session, nine days before they adjourned. In all those cases the Senators were refused their seats.

Mr. STEWART. Will the Senator allow me a moment?

Mr. TURLEY. Yes.

Mr. STEWART. I will say to the Senator that two of those cases did not turn on the question of the Constitution, but they turned on the silver question, Senators voting against those appointees because they were silver men.

Mr. GALLINGER. Mr. President, the Senator must excuse me, as a member of this body, in not permitting him to say why I voted against those appointees. It was not on account of the silver question, but it was on much higher ground than that.

Mr. STEWART. I only stated that such was the case as a general rule. I will admit there were exceptions.

Mr. GALLINGER. There may have been somebody who voted on such ground.

Mr. ALLEN. Mr. President, I wish to say——

The PRESIDENT pro tempore. Has the Senator from Tennessee yielded the floor?

Mr. TURLEY. No, sir; but I yielded to the Senator from Nevada [Mr. STEWART], and I now yield to the Senator from Nebraska [Mr. ALLEN].

Mr. ALLEN. Mr. President, I do not want to be put in a false light by the statement that the Mantle case was decided on the silver question. I was myself very strongly in favor of silver and in sympathy with the opinions of Messrs. Mantle, Allen, and Beckwith at the time, but my conviction was that they were not entitled under the Constitution to seats in this body, and I voted against their right on that ground.

Mr. STEWART. Many of the silver men voted against them, and I believe some gold men voted against them, and it was stated audibly here that they would not vote for them on that account.

Mr. TURLEY. I ask the Senator from Nevada if the silver question figured in the Corbett case or not?

Mr. STEWART. It did not. There were other questions involved in that case.

Mr. TURLEY. There were other considerations, then, that made the case much more favorable to Mr. Corbett than the facts in this case are for Mr. Quay.

Mr. SPOONER. I do not think the silver question figured in that case, but the gold question.

Mr. STEWART. No; I think it was the question of the demoralization of the Oregon legislature. That had more to do with the decision in that case than anything else. Although it was not stated in the debate, it was stated privately that Mr. Corbett's relations to the failure of that legislature to organize had something to do with the feeling toward him here.

Mr. TURLEY. Well, Mr. President, those explanations mean that it is idle to talk about the Senate settling these questions on constitutional or legal grounds, and that it is idle to make legal and constitutional arguments if the Senate is going to be influenced by political questions or by outside questions, if it is not a question of what the Constitution means, but a question as to the gentleman who presents himself and the particular views he may entertain upon a given question.

Mr. STEWART. That is the very reason we have made precedents for a hundred years which are so variable. Those considerations have got into nearly every case, more or less, until many Senators feel at liberty to disregard the constitutional questions, inasmuch as the Senate will never be governed by precedent—it never has been, and never will be—and there are always other considerations. The New Hampshire cases were decided under a different rule, as well as several others.

Mr. TURLEY. I can see very well how the New Hampshire cases were decided exactly as they were. There the legislature, growing out of the operation of the act of Congress of 1866, under the State constitution, had never had an opportunity to fill the vacancies.

Mr. STEWART. The construction given, as I understand, in the Lanman case in 1825 was that it was not a vacancy happening, but that it had become a vacancy otherwise than from the expiration of the term, in order to authorize the governor to fill it; and the New Hampshire cases were directly in opposition to that.

Mr. PENROSE. Will the Senator permit me a moment?

Mr. TURLEY. Yes, sir.

Mr. PENROSE. I call the Senator's attention to the fact that the Lanman case was decided, as the Senator from Nevada [Mr. STEWART] has stated, upon a doctrine which has long since been abandoned by even the strict constructionists who oppose the seating of the present appointee.

Mr. TURLEY. I can not find anywhere any case where it has been abandoned. In the case of Mr. Lanman the facts show that his term expired by regular limitation on March 3, 1825. The governor appointed him to succeed himself on February 8, 1825. His certificate of appointment showed that the legislature was not in session and would not be in session at the time the vacancy occurred, and that the next legislature thereafter would not meet until May; but a legislature had been in session whose duty it was to fill the vacancy, which it had failed to fill. Mr. Benton and Mr. Grundy both show—Mr. Benton having been in the Senate and passed on the Lanman case—that Mr. Lanman was refused his seat because it was the expiration of a regular term, and because the legislature which ought to have filled the vacancy had met and failed to fill it.

I would rather take the authority of Mr. Benton, who was a member of the Senate at that time, and who wrote on it very shortly thereafter, and the Senate document filed here by Mr. Grundy, who was one of the most eminent lawyers of this country—I would rather take their authority as to how this case was decided and on what grounds it was decided than any theories which may be brought forward now about it.

But the fact itself remains, without any dispute, that from that time down to this no man has ever been seated in this Senate, either by consent or after debate or under any circumstances, where the legislature, either before the vacancy occurred or after the vacancy occurred, had failed to fill the vacancy. If there is a case that can be found since 1825, seventy-five years ago, under which any Senator has ever been seated in this body where a legislature has had the opportunity to fill the vacancy and has failed to fill it, then, as I have said, I am willing to admit that I am wrong about all these cases.

It is true that from 1801 to 1825 many Senators were seated here where the legislature, which ought to have filled the vacancy expiring by regular efflux of time, had failed to do it; but even between 1801 and 1825 I can find no case where a Senator has been admitted under circumstances like these; that is, where the legislature after the vacancy occurred had had an opportunity to fill it. There is not a case from the foundation of the Government down to this time, the legislature having had the opportunity to fill a vacancy which was in existence when it met and failed to fill it, where the appointment has been made by the governor and the appointee has been allowed to take his seat here.

Mr. GALLINGER. Mr. President, if the Senator will permit me——

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from New Hampshire?

Mr. TURLEY. Certainly.

Mr. GALLINGER. I want to make a simple statement concerning the New Hampshire cases. The Senator from Tennessee has substantially stated them accurately. Prior to 1876, in New Hampshire, we had annual elections, but the elections were in the month of March and our legislative sessions were in the month of June, so that there was no difficulty in the matter of electing United States Senators.

In 1876 we amended our constitution, adopting biennial elections, to be held in the month of November, and did not change the time for the legislative session. In that constitutional convention I took occasion myself, being a member of it, to call the attention of the convention to the fact that unless we changed the time of our annual sessions there would be a hiatus in certain years from March 4 until the meeting of the legislature in June, and there would necessarily be vacancies in the Senate; but the convention did not think that important, and went on and changed the time of holding the elections, and not that of holding the sessions of the legislature.

The result was in a little while a Senatorial term expired on the 4th day of March; the legislative session would not be held until June, and the governor appointed a Senator. The legislature had not and could not have the privilege of electing a Senator. While those cases have been, I think, cited on their side by certain Senators who have argued in favor of seating Senators on credentials such as Mr. Quay presents, it has always seemed to me that the force of those cases was in the direction which the Senator from Tennessee is so ably arguing to-day, that the legislature did not have an opportunity to elect and could not elect, and hence the governor had the right to appoint.

Now, just one word in reference to the observation made by the Senator from Nevada [Mr. STEWART]. It may be that the Senator from Nevada voted on the silver issue in the Mantle case or on the gold issue in the Corbett case. I voted consistently in all those cases; I voted against seating Mr. Mantle, not on the silver question, or against seating my friend Mr. Allen, of

Washington—a man to whom I was attached as much as I believe I have ever been attached to a man in my public life—on other than the financial question, and against Mr. Corbett, certainly on other than the financial question, because he and I agreed on the matter of finances. I trust that no Senator has cast his vote in the past, and I trust that no Senator in voting on the question that is under debate to-day will cast his vote on any other ground than a ground much higher than that of the views a man may hold on silver or on gold or on any such question.

Mr. TURLEY. Mr. President, to sum up and in conclusion—because I have been much longer than I intended——

Mr. SPOONER. Will the Senator allow me?

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Wisconsin?

Mr. TURLEY. Certainly.

Mr. SPOONER. Did I correctly understand the Senator as saying that there had been no instance where a Senator had been seated who had been appointed by the governor, the legislature having met and having failed to elect?

Mr. TURLEY. Oh, no. I say from 1801, the time of the Tracy case, down to 1825, there were a large number of instances and cases where vacancies beginning at the commencement of a regular term, the legislature which ought to have filled them having failed to act, have been allowed to be filled by the governor.

Mr. SPOONER. Those were not cases, notably the case of Samuel Smith, of Maryland——

Mr. TURLEY. The case of Samuel Smith, of Maryland—and I have that case right here—follows the Tracy case. There was no contest over it. The only contest was how long the right to the seat lasted. It was a case where the legislature had met and failed to elect.

Mr. SPOONER. It was a case where the legislature had met and failed to fill an anticipated vacancy?

Mr. TURLEY. Yes.

Mr. SPOONER. It is a case where there was no pretense that the legislature had not had an opportunity to elect?

Mr. TURLEY. That is right.

Mr. SPOONER. And the Senator says in the Sevier case it was to fill a vacancy?

Mr. TURLEY. That is right.

Mr. SPOONER. But that did not pass entirely sub silentio, because the legislature having met and failed to fill the vacancy——

Mr. TURLEY. They declined to do it for some reason, I have forgotten what.

Mr. SPOONER. That is the worst possible case that could be conceived of. The legislature were not prevented by anything fortuitous; they were not prevented even by a contest factional in its character, as happens sometimes in these days, from filling the vacancy. So far as the record shows, they simply declined to fill it.

Mr. TURLEY. I think there was some misconstruction of law there. They considered they did not have the authority.

Mr. SPOONER. And when Mr. Smith's term expired the legislature having met and having had an opportunity to fill it, and declined to fill it, the governor appointed him. Mr. Smith was a very sensitive man, and wrote a letter to the Senate. He was not willing that the case should go sub silentio; he was not willing to present himself to be sworn in without presenting that question and that status to the Senate; and here is a statement of the case made by Senator Butler, who was a very able lawyer, showing what the question was before the Senate. He says:

His office expired by constitutional limitation on March 3, 1809. It seems that the legislature of his State had been in session before that date and that the legislature had forborne for some cause or other, I don't know what, to fill the term, and did not in fact fill the term as one to commence from the 4th of March, 1809.

Thereupon Mr. Smith wrote this letter to the United States Senate:

WASHINGTON, *May 22, 1809.*

SIR: The legislature of Maryland having at their last session declined to appoint a Senator to represent that State in the Senate of the United States from and after the 3d day of March of the present year, and the executive of the State having conferred on me the honor of an appointment, which, in conformity to the Constitution, was limited in its language to the next meeting of the legislature of Maryland, I have to state to you, for the information of the Senate, that this meeting will take place on the 5th day of June, as by the governor's proclamation will appear; and I have therefore to request that you will be pleased to lay this case before the honorable the Senate for their determination as to the question whether an appointment under the executive of Maryland to represent that State in the Senate of the United States will or will not cease on the first day of the meeting of the legislature of Maryland.

SAMUEL SMITH.

Mr. TURLEY. Then he asked——

Mr. SPOONER. I know the other question was involved also as to when the temporary appointment would expire; but upon that statement of fact made to the Senate, on the contention of my distinguished friend, he was not entitled to hold his seat for a moment; and yet that Senate, filled with good lawyers, men living a good deal nearer the time of the adoption of the Constitution—1809 this was—than we live, did not regard that at all as affecting the governor's right to appoint or as warrant for challenging Senator Smith's right to a seat.

Mr. TURLEY. Undoubtedly. As I stated, the Samuel Smith case is undoubtedly a strong and direct authority for the proposition that where a legislature whose duty it is to fill a term at its regular commencement fails to do so the governor can appoint. The Tracy case is of the same authority, and there are half a dozen other cases between that time and 1825 to the same effect.

Mr. SPOONER. If the Senator will permit me——

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Wisconsin?

Mr. TURLEY. Yes, sir.

Mr. SPOONER. I did not understand the Senator as saying that after the legislature had met and had an opportunity to fill an anticipated vacancy and forebore to act, that the governor, when the vacancy occurred, might fill it. He has said that in the Sevier case, where the legislature had no opportunity to act because they did not know of the expiration, and in other cases, which might be supposed, where they had no opportunity to act, the governor might appoint. Here is a case where they could have acted and simply declined to act.

Mr. TURLEY. Mr. President, the Senator misunderstood me, or else I misunderstand him. I certainly do contend now, and I say that for seventy-five years—and I will show a little more in detail that the authorities sustain me—if a legislature has had an opportunity to fill a vacancy, just as it had in the Smith case, the governor has no power to appoint; and I say, under the decisions for the last seventy-five years, Smith was not entitled to a seat in the Senate; that Tracy was not entitled to a seat in the Senate, and that half a dozen other Senators, who were admitted down to 1825, were not entitled to seats in the Senate.

What I mean to say, and what I intend to impress upon the Senate, is this: That the Senate when this question came up originally adopted the view we contend for; I mean in a case where the legislature failed to fill a vacancy at the beginning of the regular term. The holding in the Johns case, which was decided only a year or two after the adoption of the Constitution, when there were five members of the Constitutional Convention who were members of the Senate, was exactly the opposite to the holding in the Smith case. In the Johns case just such an appointment as was sustained in the Tracy case and in the Smith case was held invalid, but the Senate changed the rule in the Tracy case, and in 1801 held that where a legislature whose duty it was to fill a regular term at its commencement failed to do so, the governor might appoint, and that principle prevailed down to 1825, when the Lanman case comes.

The Lanman case was a case identical with the Smith case, with the Tracy case, and with the Johns case, practically. In the Lanman case the Senate went back again to the original doctrine affirmed in 1794 in the Johns case, and has never departed from it since, but has held to it every day since. That is what I say. I do not say that Senators have not been admitted here where the legislature has failed to fill a regular term and the governor then appointed, but I say that was the original doctrine. It was shifted from 1801 to 1825, but for seventy-five years, since 1825, it has remained as we contend for, and as it was established in 1794.

I will take this case: Suppose a Senator is elected and comes and qualifies on the 4th of March, 1900—such a case as we have here—and he dies in April; the governor does not make any appointment; the legislature meets and fails to fill that vacancy. I say there never has been a case since the Government began where the governor was allowed to appoint under such circumstances as those.

I say, further, that there never has been a case since the foundation of the Government where the vacancy occurred while the legislature was in session where the governor has been allowed to appoint—not a single case. And there never has been a case since the foundation of the Government, as I repeated just now, where the legislature has had an opportunity, after the vacancy occurred, to fill it and failed to fill it that the governor thereafter has been allowed to appoint.

Now, in the case of Mr. Quay, the case here, the vacancy occurred during the session of the legislature. The legislature after the vacancy occurred had ample opportunity to fill it and failed to fill it, and the governor has attempted to appoint. I say it is impossible to find, searching these cases from beginning to end, any precedent which will sustain it. On the contrary, the precedents are all the other way, and I say this, to sum it up: Take these cases for seventy-five years, and while they may vary in detail and vary in some special facts, they establish this general, sensible, uniform, consistent construction of the Constitution, that wherever the legislature, either before or after the happening of the vacancy, has had an opportunity to fill it and has failed to fill it, the governor can not appoint.

That has been the doctrine for seventy-five years without variation, and it is consistent with the paramount idea which appears in this clause of the Constitution, that the framers thereof intended that the legislature should choose the Senators and that the governor should never appoint except in special and particular cases where the legislature had had no opportunity to choose the Senator. That is a consistent rule, which can be found from these cases for the past seventy-five years.

We are the judges here on this question, Mr. President, just as much as judges who sit in another part of the building. This is the only body that can construe this clause of the Constitution. There is no other tribunal under the sun nor on the face of the earth that can construe this clause in the Constitution than the Senate of the United States. Are we in 1898, when Mr. Corbett was knocking at the door of the Senate, to say that that clause of the Constitution means one thing, and in 1900, when Mr. Quay comes knocking at the door, to say it means just exactly the opposite?

Let me call attention to one thing. No man can say, and I submit it to every Senator on the floor, that a vote for Mr. Quay and a vote against Mr. Corbett are consistent votes. A man might have voted for Mr. Corbett and vote against Mr. Quay, because there was a question of the organization of the legislature in Mr. Corbett's case about which there was grave doubt.

Mr. PENROSE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Pennsylvania?

Mr. TURLEY. I yield.

Mr. PENROSE. There were several Senators who voted for Mr. Mantle and against Mr. Corbett. I should like to know from the Senator from Tennessee how they reconciled their consistency upon that matter.

Mr. TELLER. Mr. President——

Mr. PENROSE. I suppose some technical difference will be presented.

Mr. TELLER. I am one of those who voted for Mr. Mantle. There was an extended discussion here on this question. I made a speech, and while I did and could very readily distinguish the cases from New Hampshire from that case, I announced my intention to vote for Mr. Mantle. I said I regarded it as a very close legal question. There had been some very strong arguments, particularly by the Senator from Oregon, Mr. Mitchell, against the power of the governor under the circumstances to appoint.

I stated then that I thought we sat here as a court; that it was a judicial determination, and that in all decency whatever the Senate should then determine I thought it ought to adhere to. I then stated my intention, if the Senate voted that the governor had not the power, to govern myself in the next case and all following cases by that determination of the Senate.

When Mr. Corbett's case came here, which was a stronger case than this, I am very certain, I felt that under the ruling the Senate had made, which had not been made upon party lines, because we had not divided either as Democrats or Republicans, men voting in both directions, I may say, some Democrats voting for the power and some against it, some Republicans voting for the power and some against it, I felt that the Senate had made an adjudication, and as a lawer I thought I was bound to stand by that adjudication unless somebody convinced me that the public interest required me to vote for its reversal, as sometimes a court does. When Mr. Corbett's case was before the Senate I made simply the kind of an explanation I am making now. I said I regarded the case as settled; that I regarded it as an indecent thing for the Senate of the United States to vote one man in and another man out.

Mr. President, upon that line I intend to govern myself in this case. I intend to vote exactly as the Senate voted on those two cases. I can find ample justification myself for it upon the doctrine that it must be finally determined, and upon the further idea that the American people can not look with any respect upon a body which one day votes, on conditions practically similar or more in favor of the applicant, that he is not entitled to his seat and on the next case votes that the man is entitled to his seat.

Mr. TURLEY. Mr. President, I have but a few more words to say. The Senator from Colorado has expressed a great deal of what I had intended to say in conclusion. I can only call attention to the fact that the Mantle case occurred after the New Hampshire cases, which may not have been thoroughly understood at the time, and since then the Mantle and that class of cases have been followed by the Corbett case, and thus reenforced by additional authority.

This is a question which has been debated in the Senate for years and on many different occasions, and about which trained lawyers and learned Senators have disagreed. When is it going to be settled? We have, as I have shown, precedents of seventy-five years' standing which say that Mr. Quay is not entitled to his seat, and if a case could be picked out in which the governor did not have the power to appoint under all the precedents and under all these decisions, this is the case.

Now, are we going to reverse this rule and be at sea again, so that when the next appointee comes here under like circumstances we will make the fight all over again? It seems to me the dignified and wise course to pursue—the one which the Senate ought to pursue if it expects to retain the confidence of the country and not to have the country believe that it is guided in its decisions either simply by political considerations or personal favoritism—is to stand by the long line of decisions which have already been made and which will fully justify its course.

I ask the pardon of the Senate for trespassing upon its time so long.

Mr. PENROSE. I desire to give notice that I shall call up this case again to-morrow morning, and every morning thereafter, of course, with the understanding that I shall not conflict in any way with the bill (H. R. 1) to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, and for other purposes.

TERRITORY OF HAWAII.

Mr. CULLOM. I ask the Chair to lay before the Senate the unfinished business.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 222) to provide a government for the Territory of Hawaii.

The PRESIDENT pro tempore. The amendment before the Senate is the one offered by the Senator from North Carolina [Mr. BUTLER], touching postal savings banks. Is the Senate ready for the question?

Mr. PETTIGREW. It seems to me the Senator from North Carolina ought to be present before it is disposed of. I think probably he will be here very soon. I should not like to have a vote taken upon it in his absence.

Mr. CULLOM. I have no disposition to take snap judgment on the Senator from North Carolina.

The PRESIDENT pro tempore. The Senator from South Dakota asks unanimous consent that the amendment may be laid aside for the present.

Mr. PETTIGREW. I make that request.

The PRESIDENT pro tempore. Is there objection?

Mr. CULLOM. I have no objection. I believe the Senator from Alabama [Mr. MORGAN] offered an amendment which he desires to have considered. It may be connected with the one that was laid aside.

Mr. BUTLER entered the Chamber.

Mr. CULLOM. Mr. President, the Senator from North Carolina has just come in.

Mr. BUTLER. The Hawaiian bill is now before the Senate?

Mr. CULLOM. Yes, and we are waiting for the Senator from North Carolina.

The PRESIDENT pro tempore. The amendment pending is that offered by the Senator from North Carolina.

Mr. BUTLER. I beg leave to offer in lieu of the amendment offered yesterday the one I send to the desk.

The PRESIDENT pro tempore. The Senator from North Carolina withdraws the amendment offered yesterday and substitutes for it an amendment which will be read for information.

Mr. BUTLER. Before the amendment is read, I will state that it is the law of Hawaii modified to suit, to fit into the pending bill. As it is read those who are familiar with the law of Hawaii will see that I have changed the words "minister of finance" to "treasurer" and where there was any duty devolved upon the president of the Hawaiian republic it is devolved upon the governor, etc. It is the present law modified, which I offer as an amendment to the bill.

The PRESIDENT pro tempore. Where does the Senator propose that the amendment shall come in?

Mr. BUTLER. At the end of section 84.

The SECRETARY. It is proposed to insert at the end of section 84 the following as new sections:

SEC. —. That the laws of Hawaii relative to postal savings banks be modified and continued in force, as follows:

SEC. —. That there shall be established as a part of the Hawaiian postal service a system of postal savings banks, to be known as the Hawaiian postal savings bank system, similar to the system now in operation, of which the postmaster of Honolulu shall be ex-officio manager.

SEC. —. That it shall be lawful for the postmaster of Honolulu to authorize and direct each and every money-order office in the Territory of Hawaii to receive deposits and make returns to the central post-office at Honolulu, and to repay the same to depositors, together with the interest accrued thereon, under such rules and regulations as may be prescribed under the authority of this act: *Provided always*, That such deposits shall not be of less amount than 10 cents or a multiple thereof: *And provided*, That no account shall be opened until at least $1 shall be deposited.

SEC. —. That every deposit received by any officer so authorized by the postmaster of Honolulu shall be entered by him at the time in the depositor's book, and the entry shall be attested by the signature of the said officer.

This entry on the depositor's book, with the attestations of the said officer, shall be conclusive evidence of the claim of the depositor to the repayment of such deposit, with interest thereon, on demand made by him.

SEC. —. That the officers engaged in the receipt or payment of savings deposits shall not disclose the name of any depositor nor the amount deposited or withdrawn, except to the postmaster of Honolulu, or to such officers as may be appointed by him to carry this act into operation.

SEC. —. That the books of the Hawaiian postal savings banks shall be opened, and the postmasters of the various designated money-order offices shall receive all deposits offered on or after the passage of this act, and credit the same in the pass book of each depositor, and make reports of the same to the postmaster of Honolulu, as may be required under the rules and regulations to be adopted by him.

SEC. —. That married women and minors may in their own right make deposits and receive payment, giving valid receipts therefor: *Provided, however*, That minors under the age of 15 years can only give a valid receipt there for upon the countersigning of the same by their natural or legal guardian.

SEC. —. That in case any depositor shall die leaving a sum of money on deposit in the postal savings banks not exceeding $100, and letters of administration or notice of existence of a will be not produced to the postmaster of Honolulu within a period of sixty days after the death of the depositor, or in case of disputes of anyone claiming to be entitled to any money deposited in the postal savings banks under $100, as assignee, executor, administrator, or next of kin to the depositor, the matter may be referred in writing to a justice of the supreme court, whose award or order in writing shall be binding and conclusive on all parties to all intents and purposes, without any appeal.

SEC. —. In case any depositor shall die leaving any sum of money on deposit in the postal savings bank exceeding $100 the same shall only be paid to the executor or administrator on the production of letters of administration.

SEC. —. That if a depositor become insane, having on deposit not exceeding $100, the postmaster of Honolulu may, in his discretion, authorize payment from time to time out of the funds of such depositor to any person having charge of him.

SEC. —. That on demand, by notice upon the postmaster of Honolulu, in such form as may be prescribed in the regulations under this act, by a depositor, or party legally authorized to claim on account of a depositor, for repayment of any deposit or part thereof, such depositor shall be absolutely entitled to payment of any sum not exceeding $100 which may be due him within thirty days after giving such notice, and the officer making such repayments shall enter the same upon the book of the depositor and attest the entry by his signature: *Provided, however*, That payments may be made to depositors, in the discretion of the postmaster of Honolulu, on demand, or at any time prior to the periods mentioned in this section.

SEC. —. That the rate of interest payable on deposits made under this act shall be 2 per cent per annum on deposits amounting to $500 and under in any one account; but no interest shall be paid on any deposit exceeding $500 in any one account. Interest shall not be calculated on any amount less than $5 or some multiple thereof, and shall not commence until the first day of the calendar month next following the day of deposit, and shall cease on the first day of the calendar month in which such deposit is withdrawn. All deposits not exceeding $1,000 in any one account that shall be on deposit three months prior to July 1 of each year shall not be assessed for taxes and shall be free from all government taxation.

SEC. —. That interest on all deposits shall be calculated on the 31st day of December of every year, and shall be added to and become a part of the principal money; and the postmaster of Honolulu shall on that day of each year furnish the governor of said Territory and the Treasurer and the Postmaster-General of the United States with a sworn statement of the amount thereof, with interest, calculated and actually passed to the credit of the depositor on the books of the postal-savings bank department.

SEC. —. That moneys received by the postmaster of Honolulu as deposits in the Hawaiian postal savings bank in excess of $2,500 shall be paid into the treasury; and the treasurer shall open in the books of the treasury an account to be called the "Hawaiian postal savings," to which he shall credit all deposits made on this account; and he shall debit such sums as may be withdrawn or warrants issued by the postmaster of Honolulu for payment of sums due to depositors. All moneys received to this account, as well as the reserve in the hands of the postmaster of Honolulu as ex officio manager of the Hawaiian postal savings bank, shall be deemed and treated as a part of the public debt, for which the Treasury is responsible to the depositors; and the treasury account shall, on the 1st day of January of each year, be credited as of that day with the interest actually allowed and paid to depositors under this act for the previous year ending December 31.

SEC. —. That there shall be at all times retained in the treasury, as a special reserve to meet the demands of the depositors in said postal savings bank, not less than 10 per cent of the deposits in such bank on all deposits up to an aggregate of $500,000.

SEC. —. That if at any time the moneys paid into the treasury on account of the Hawaiian postal savings bank, and the interest accrued thereon, shall be insufficient to meet the lawful claims of the depositors, it shall be the duty of the Treasurer to pay the amount of such deficiency out of any moneys not otherwise appropriated, and report said amount to the governor and to the next ensuing legislature.

SEC. —. That an annual account of all deposits received and paid out under authority of this act, and the expenses incurred during the year ending December 31, together with a statement of the total amount due at the close of the year to all depositors, shall be made to the postmaster of Honolulu and to the Postmaster-General of the United States, and also to the governor of the Territory of Hawaii, who shall lay the same before the legislature of Hawaii at its next ensuing session.

SEC. —. That the treasurer, with the approval of the governor, is hereby authorized to issue coupon bonds of the Territory of Hawaii up to the amount of $1,000,000, to be styled the postal savings bank loan, to be issued to depositors in the Hawaiian postal savings bank who may apply for the same, to be payable in periods not less than five nor more than twenty years, at the option of the government, and to bear interest at a rate not exceeding 2 per cent per annum, to be paid semiannually. Any such depositor with an aggregate credit on his pass book of not less than $200, which shall be on deposit at least three months, who shall apply to the postmaster of Honolulu for such bonds shall be entitled to an issue of an amount thereof in sums of $100 or multiples thereof, which amount shall be immediately withdrawn from the said depositor's account with the postal savings bank.

SEC. —. That the postmaster of Honolulu, with the consent of the governor, may from time to time, as he shall see occasion, make and alter all needful regulations for carrying this act into execution, and, after publishing, such regulations so made shall be binding on the party in the subject-matter hereof to the same extent as if such regulations formed a part of this act; and the postmaster of Honolulu shall transmit to the legislature of said Territory, on the first day of each session, a copy of all such regulations made and enforced, and the same shall continue in force unless disapproved of or changed by the legislative authorities of the Territory.

SEC. —. That the passage of this act shall in no way change the status of the deposits now in the postal savings bank, either principal or interest; and nothing herein contained shall be construed to mean any interference with such deposits, principal or interest.

Mr. BUTLER. Mr. President, there were a number of objections made yesterday afternoon to the amendment I then offered, which proposed to keep in force the present laws of Hawaii, on the ground that it would not fit. The Senator from Wisconsin [Mr. SPOONER] wanted to know what officer would perform the duties of the minister of finance, upon whom was placed the duty of managing this system. The treasurer of the Territory of Hawaii is to perform practically the duties that the minister of finance performed under the old government, and so the amendment has been changed to put the duties of the minister of finance upon the treasurer of the Territory.

Mr. SPOONER. Will the Senator from North Carolina allow me to ask him a question?

Mr. BUTLER. Certainly.

Mr. SPOONER. The amendment is quite elaborate and somewhat involved, and I do not, perhaps, understand it. Who is to pay the interest on these deposits?

Mr. BUTLER. The Territorial government.

Mr. SPOONER. At what rate?

Mr. BUTLER. Two per cent. I have simply changed it from 4½ per cent to 2 per cent and modified the law only so much as is necessary to make it fit into this bill.

Mr. TELLER. I am like the Senator from Wisconsin. I could not very well follow the reading of the amendment. What will the Territory or whatever this government may be do with this money? It is to pay interest on it. What use is it to make of it? Is there any provision for that?

Mr. BUTLER. There is a provision that whenever the amount credited to a depositor becomes so much, it shall be turned into the treasury.

Mr. SPOONER. What treasury?

Mr. BUTLER. The Territorial treasury. It is to be turned over to the treasurer appointed under this bill.

Mr. TELLER. What use will he make of it?

Mr. BUTLER. Just such use as Great Britain, France, Germany, and every other country makes of it when money under similar provisions is turned into the treasury; when the amount to the credit of the depositor becomes so much and he does not desire to withdraw it.

Mr. ALLISON. Spend it?

Mr. BUTLER. Spend it or use it in any way they see fit.

Mr. TELLER. The Senator will pardon me. It seems to me there comes in a great difficulty. The Government of the United States will of course have to guarantee, if we enact this into law, for it would be indecent if we did not, that the Territorial government would pay these depositors. I am myself very much in favor of a national postal savings bank and I have been for some years, and I shall be delighted to join the Senator from North Carolina in the effort that he says he is going to make to get a national postal savings bank. But I see the great difficulty in trying to apply this salutary and beneficial principle of government to this Territory. When the Government of the United States takes money from a depositor and it goes into the general Treasury, there is no question of our need for the money. We can take it and pay our debts, or we can take it and pay the expenses that are going to come on us after a little, which otherwise would compel us to borrow by the sale of bonds.

We have abundant ways of getting rid of it, while the Territory of Hawaii, it seems to me, ought not to have any expenditures of this kind. Their current expenses ought to be raised by current taxation. We pay their debt, so that there is no debt to be paid. It seems to me it will be very difficult for us to apply to Hawaii. I shall have to vote against the Senator's proposition, but I want it distinctly understood that I do not vote against it because I am opposed to postal savings banks.

Mr. BUTLER. If the Senator will permit me, we do not have to pay the postal savings bank debt under the amendment, because the Territory of Hawaii—the Senator from Alabama himself admitted that the officers are in favor of it—will be glad to assume the debt and keep the system instead of us having the debt to pay. We will not pay it, but they will assume the debt and be glad to do it.

Mr. TELLER. What I meant to say was our assuming it if they failed to pay. If there were any trouble over there, we should be in honor bound to pay it.

Mr. BUTLER. Is not that true of every other obligation they may incur?

Mr. TELLER. Under the general provisions of law, which the Senator from North Carolina will endeavor to secure in this direction, and I hope he may secure them, if the Hawaiian Islands become a part of the United States to the extent that they are liable to be under this law, they will be entitled to the full benefit of the national postal savings banks.

Mr. BUTLER. Of course I understand that when we establish a national postal savings bank system—and I am delighted to hear the Senator from Colorado say that he favors it—this will be repealed the moment we adopt it. It would extend to them as it

would to Colorado or North Carolina. There is no question about that. My only purpose is to try to save in the meantime this system which is already in successful operation and so popular, and not rob them of it, even for the year or two that may elapse (I hope not longer) until we can establish such a system in this country.

Mr. CULLOM. Will the Senator from North Carolina allow me to interrupt him?

Mr. BUTLER. Certainly.

Mr. CULLOM. I have not been able to see how we could very consistently undertake to establish a savings-bank system in Hawaii and not extend it over the whole country; and I want to say to the Senator, who is anxious for this principle to be established, that I agree that some safe postal savings bank system ought to be adopted by the United States for the whole country. I should be glad to have an opportunity to vote for a bill applying not only to Hawaii, but to all the States and Territories of the Union, but I feel like asking the Senator to desist from pressing this amendment as applicable to these little islands and bring in a well-considered bill here and get it before the Senate, so that we may have the opportunity to vote for it as applicable to the whole country as a general law.

I ask the Senator whether he does not think that the wiser course? I appreciate that the Senator has been anxious about this, I know, for several years, from what he has done here, and I appreciate his earnestness about it; but I should like very much, and I think really it would be for the best interests of the cause, that he should adopt the suggestion that I indicate and bring in a bill here and put it upon its passage as soon as he can, providing for a savings-bank system for the whole United States. I shall support it with great pleasure.

Mr. BUTLER. Mr. President, of course I have no interest in this measure further than any other Senator who, having examined it, feels that it is a question of merit; and I have no interest in attempting to get it in this bill except the interest every Senator must feel to give those people the best government possible and not to take from them any of the advantages of government that they had as a republic.

I am greatly interested in the general scheme of adopting it for all the country more than for any part of the country, of course; and while I regret to see this bill pass and not carry this provision which would maintain their system, yet, Mr. President, from the statements which have just been made by the distinguished Senator who has charge of this bill and by the Senator from Colorado, I realize that strong friends of the measure are in a position where they feel that they can not vote for this amendment, though favoring the system for the whole country. Therefore it does really seem, as the Senator has suggested, that the interest of the cause to have postal savings banks established at an early date will not be advanced by pressing the amendment, inasmuch as some of its friends are not in a position to support this amendment. Therefore, with that suggestion, and realizing that it would not advance the general proposition and would not secure the votes of Senators who favor establishing a general system, I feel constrained under those conditions reluctantly to withdraw the amendment.

The PRESIDENT pro tempore. The bill is before the Senate as in Committee of the Whole.

Mr. MORGAN. I offer the following amendment, to be added as two additional sections after section 84.

The PRESIDENT pro tempore. The Secretary will read the amendment.

The SECRETARY. Add the following as two additional sections:

SEC. —. That the laws of Hawaii relating to the establishment and conduct of any postal savings bank or institution are hereby abolished. And the Secretary of the Treasury, in the execution of the agreement of the United States as expressed in an act entitled "A joint resolution to provide for annexing the Hawaiian Islands to the United States," approved July 7, 1898, shall pay the amounts on deposit in Hawaiian postal savings banks to the persons entitled thereto, according to their respective rights, and he shall make all needful orders, rules, and regulations for paying such persons and for notifying such persons to present their demands for payment. So much money as is necessary to pay said demands is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be available on and after the 1st day of July, 1900, when such payments shall begin, and none of said demands shall bear interest after said date, and no deposit shall be made in said bank after said date. Said demands of such persons shall be certified to by the chief executive of Hawaii as being genuine and due to the persons presenting the same, and his certificate shall be sealed with the official seal of the Territory and countersigned by its secretary, and shall be approved by the Secretary of the Interior, who shall draw his warrant for the amount due upon the Treasurer of the United States; and when the same are so paid, no further liabilities shall exist in respect of the same against the Government of the United States or of Hawaii.

SEC. —. That any money of the Hawaiian Postal Savings Bank that shall remain unpaid to the persons entitled thereto on the 1st day of July, 1900, and any assets of said bank, shall be turned over by the government of Hawaii to the Treasurer of the United States, and the Secretary of the Treasury shall cause an account to be stated as of said date, between such government of Hawaii and the United States in respect to said Hawaiian Postal Savings Bank.

Mr. CULLOM. Mr. President, I hope that amendment will be adopted.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Alabama.

The amendment was agreed to.

Mr. PETTIGREW. I wish to offer an amendment.

Mr. MORGAN. Will the Senator from South Dakota indulge me just a moment?

Mr. PETTIGREW. I yield to the Senator from Alabama.

Mr. MORGAN. I believe the chairman of the Committee on Finance is not in the Chamber. There is another section that was reported by the commission and also by the Committee on Foreign Relations that ought to be added to this bill, unless the Finance Committee of the Senate will take the subject up and proceed to have legislation upon it. It relates to silver coinage and silver certificates issued by the Hawaiian government. For the present moment, I merely want to call the attention of the gentlemen of the Finance Committee to the necessity of having it acted upon.

When the bill that we have now under consideration passes, Hawaii will be without any legal-tender currency and perhaps without any other valid currency, because there are a million dollars of silver coined by the government of Hawaii. They were coined in San Francisco, and upon that million of dollars, or a large part of it, silver certificates were issued and are in circulation amongst the people of Hawaii. Those certificates would be at a premium but for the efforts of the government to keep them down, for the reason that it furnishes an opportunity of sending money through the mail from island to island, which is a very important matter with those people there.

Paper money is not at an actual premium, but it is very greatly in demand. It is kept in the hands of the merchants almost entirely. The money circulating in Hawaii is American gold, American silver coins, which there circulate at par as they do here and are legal tender for sums of $10, Hawaiian silver dollars, and other silver coins. I believe that is the bulk of the money that is circulating in Hawaii. All of it circulates on terms of equality or parity.

Mr. ALLISON. I ask the Senator if they have fractional silver coins in Hawaii?

Mr. MORGAN. Yes; and they are stamped with the imprimatur of that government.

Mr. ALLISON. Fractional silver, as well as full legal-tender silver, or silver dollars? They have a silver dollar as well?

Mr. MORGAN. Yes; a Hawaiian silver dollar.

Mr. SPOONER. Where is that coined?

Mr. MORGAN. It is coined in the mints of the United States, and exactly corresponding in weight and fineness to the silver dollar of the United States.

Mr. ALLISON. And also silver fractional pieces corresponding to ours?

Mr. MORGAN. Yes; they have silver fractional pieces in circulation.

Mr. ALLISON. And their paper currency is based on silver, I understand.

Mr. MORGAN. Silver certificates. They have no bank paper at all.

Mr. ALLISON. And there are no gold certificates?

Mr. MORGAN. There are no gold certificates and there is no gold coinage in Hawaii. They use the American gold coins.

Mr. ALLISON. Will the Senator permit me to ask him about how much of this silver there is there?

Mr. MORGAN. There was a million dollars coined.

Mr. ALLISON. The Senator from Rhode Island [Mr. ALDRICH] who is chairman of the Committee on Finance is not present, but I should think it very desirable that that question should be dealt with at this session of Congress, after the statement made by the Senator from Alabama.

Mr. MORGAN. It was always contemplated by the commission that Congress would proceed to deal with all these questions—the postal savings bank and the currency—at the same session.

Mr. ALLISON. I take it that our present financial system will spread over Hawaii.

Mr. MORGAN. There is no question of the million dollars.

Mr. ALLISON. I understand that should be dealt with at the present session. While I am not authorized to say anything about it, I should think that the Committee on Finance would take that question up.

Mr. MORGAN. I merely wanted to call attention to it. I think perhaps that the Committee on Foreign Relations is not suited to handling that question, particularly in view of the fact that we are about to pass a bill that changes the relations of the Government toward its own coins very materially. I merely wanted to call the attention of the committee to it.

Mr. CULLOM. Has the Senator got the report of the minister of finance before him?

Mr. MORGAN. I have the report and I have a copy of the bill which the commission reported.

Mr. CULLOM. I was just going to state, in answer to the inquiry of the Senator from Iowa, that there are $500,000 in dollar

pieces, $350,000 in halves, $125,000 in quarters, and $25,000 in dimes, all silver.

Mr. ALLISON. All those are kept at par with the currency?

Mr. MORGAN. On the gold standard.

Mr. ALLISON. Of the gold standard?

Mr. MORGAN. Yes.

Mr. ALLISON. It is manifest that that question will be dealt with without delay.

Mr. MORGAN. That is what I want.

Mr. ALLISON. If the proper amendment should be proposed it might be dealt with on this bill, but I think it had better be dealt with in a separate measure.

Mr. CULLOM. I think so.

The PRESIDENT pro tempore. The Senator from South Dakota presents an amendment, which will be read.

The SECRETARY. Insert as a new section the following:

SEC. 10½. That all contracts made since August 12, 1898, by which persons are held for service for a definite term, are hereby declared null and void and terminated, and no law shall be passed to enforce said contracts in any way; and it shall be the duty of the United States marshal to at once notify such persons so held of the termination of their contracts.

Mr. PETTIGREW. Mr. President, since the annexation of those islands by the United States there have been imported from China and Japan 30,000 contract laborers. The terms of the contracts may be for three or for ten years. Those made in Japan can last for ten years. Those made in Hawaii can only be for a term of five years. The old contracts were for terms of three years. I have no means of ascertaining the terms of these contracts; but immediately upon the annexation of the islands the sugar planters, who have controlled all that country and who produced the revolution which caused its annexation to the United States, began at once the importation of large numbers of contract laborers.

Under the law of Hawaii they were required to import 10 per cent of Europeans or white people along with their Asiatic importations. They therefore sent agents to Europe, and they did import 300 people from Austria, who were held as slaves, whipped and imprisoned by their taskmasters if they refused to carry out these slave contracts. However, after this experiment, they finally abandoned the importation of Europeans and have confined their attention exclusively to the importation of slave labor from Asia. As I said, since the flag of the United States was raised over those islands 30,000 of these slave laborers have been imported.

Mr. HALE. And are there now?

Mr. PETTIGREW. And are there now. When a case was brought in the courts of Hawaii in which the parties were convicted to imprisonment until they should go back to the service to which they had been assigned, this supreme court that has been boasted of so much decided that the Constitution of the United States did not go with the flag and that therefore these convictions and sentences to imprisonment were good and should hold; that these contracts for services were not penal, but civil contracts, and that under them a man could be imprisoned for life if he did not willingly return to the service which he had abandoned.

Mr. PLATT of Connecticut. That it was a civil remedy.

Mr. PETTIGREW. Yes, sir; that it was a civil remedy. I propose now to ask to have the Secretary read the following clippings, one from the Hawaiian Star and the other from the Pacific Advertiser, showing the ships and the number of contract laborers that have been imported, and then I will show what kind of service this is that they have been imposing in that country.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

MOVEMENT OF POPULATION.

The total arrivals and departures of persons of all nationalities at the port of Honolulu for the eleven months ending June 30, 1899, as shown by the custom-house returns, is as follows:

	Males.	Females.	Children.
ARRIVALS.			
Chinese	2,348	261	158
Japanese	10,276	2,626	316
Portuguese	34	16	23
All others	2,744	1,604	476
DEPARTURES.			
Chinese	976	57	75
Japanese	1,433	299	207
Portuguese	14	9	31
All others	1,783	909	323

The total arrivals are 20,834; the total departures, 6,174; net increase, 14,710. By nationalities the difference between arrivals and departures are: Chinese, 1,659, gain; Japanese, 11,280, gain; Portuguese, 21, gain; all others, 1,750, gain.

Mr. PETTIGREW. I will state that the paper just read covers the eleven months previous to June, 1899, and the paper which will now be read covers the period from June, 1899, to December, 1899.

The Secretary read as follows:

VESSELS FROM ORIENT, FUMIGATED AND UNFUMIGATED, SINCE MONTH OF JUNE, 1899.

The collector-general of customs, Mr. Stackable, has submitted a statement to the board of health showing the number of vessels, number of tons of cargo, and the number of immigrants that have arrived at this port from the Orient from June 17 to December 31, 1899. The emigrants on all vessels were sent to the quarantine station. The cargoes of 16 vessels were fumigated, as follows:

FUMIGATED.

Ships.	Cargo.	Emigrants.
	Tons.	*Number.*
Nippon Maru, July 14	750	227
Peking, July 22	310	628
Gaelic, July 23	398	250
Hongkong Maru, July 23	381	300
China, August 8	428	416
Doric, August 14	400	368
Nippon Maru, August 25	575	29
Rio de Janeiro, September 2	350	242
Coptic, September 11	296	216
City of Peking, October 1	341	494
Hongkong Maru, October 13	916	447
China, October 24	348	447
Nanyo Maru, December 18	300	705
Gaelic, December 22	650	675
Algoa, December 23	2,340	
Hongkong Maru, December 31	588	637

NOT FUMIGATED.

Rio de Janeiro, June 17	427	32
Coptic, June 26	396	431
America Maru, July 10	427	483
Thyra, July 23	1,000	384
Belgian King, August 15	33	376
Toyo Maru, August 18	190	705
Carmarthenshire, September 2	1,100	605
Lennox, September 15	300	701
Bankoku Maru, September 23	300	699
Gaelic, October 7	250	252
Toyo Maru, October 13	575	699
Dalny Vostock, October 22	140	711
Carlisle City, October 24	200	701
Doric, October 30	300	710
Nippon Maru, November 9	891	688
Coptic, November 25	517	573
Toyo Maru, November 25	650	695
Yorishimi Maru, November 25	368	731
Thyra, November 28	200	710
America Maru, December 4	580	662
Carmarthenshire, December 5	750	251
Total (37 vessels)	18,923	17,886

Mr. PETTIGREW. According to these statements, up to the 31st of December last 30,000 Asiatics have been imported to these islands as contract or slave laborers, and they are still there. I understand that very many more have been imported during the months of January and February, and that they are importing them at about the rate of 3,000 a month. When these emigrants reach Honolulu they are distributed from that point throughout the plantations of the islands; they are assigned by the companies who import them to the different planters with whom they have made contracts. Under these contracts, if the laborer refuses to toil he is arrested, and if he refuses to go back to service he is sentenced to imprisonment and confined at hard labor until he will consent to return to the service. He is fined for the cost of his arrest, and that is docked from his pay. There is a system of docking if a laborer is too slow to suit his taskmaster. It is the custom upon plantations to whip the laborers, to knock them down, pound them with clubs, and to abuse them in almost any manner that suits the whim or pleasure of the overseer.

Mr. GALLINGER. Will the Senator from South Dakota permit a question?

Mr. PETTIGREW. I will.

Mr. GALLINGER. I am very much interested in this phase of the Hawaiian matter, and unless I am converted to the contrary I shall vote for the Senator's amendment. I want to ask the Senator if these contract laborers who seem to be coming to Hawaii in such large numbers displace other laborers in the islands. In other words, if they were not brought there, is the supply of laborers sufficient to meet the requirements of the islands? I know nothing about it and would like to obtain information.

Mr. PETTIGREW. I presume, Mr. President, that in a measure they displace day laborers, and that an additional number is also needed to help take the place of those who returned to Asia, their contracts having expired. They are also needed to open up

new plantations. For instance, when the annexation of Hawaii was talked of, we were told it was the best coffee country in the world, and that great coffee plantations would be opened upon the annexation of that country to the United States. But there is no duty on coffee from any country to the United States, while we have levied a duty of almost 2 cents a pound upon sugar.

The result is that since annexation the sugar business, which is exceedingly profitable, has taken the place of the coffee business; and we no longer hear about the raising of coffee in Hawaii, but they are plowing up the coffee plantations and putting them into sugar. In fact, the profits of raising sugar are enormous under the bonus we give in the way of a remission of duties to the sugar planters of Hawaii, amounting this year to nearly $12,000,000, which we would collect upon a like amount of sugar from any other country. This enormous bonus goes to a few planters who have absorbed all the land of that country and who pay the most meager wages to the slave labor which is employed to raise the sugar.

Mr. GALLINGER. Will the Senator permit an interruption?

Mr. PETTIGREW. I will.

Mr. GALLINGER. I was interested when the Puerto Rican bill was under consideration in the committee of which I chance to be a member to learn the fact that in Puerto Rico they only produce from 1 to 2 tons of sugar per acre, while in Hawaii they produce from 6 to 11 tons per acre. That is very productive sugar land, perhaps the most productive in the world. I want to ask the Senator, who I think has been in Hawaii and has investigated these matters, if these poor Asiatics are not taken there as contract laborers, would they voluntarily go and labor there under better conditions than surround them as contract laborers—their lot seems very hard, according to the statement of the Senator, as contract laborers—would they go in sufficient numbers to meet the requirements of the planters in Hawaii for ordinary laborers?

Mr. PETTIGREW. Undoubtedly they would go there if the wages were high enough to induce them to go, although I believe none have gone heretofore, practically, except those who have gone under contract.

Mr. SPOONER. I desire to ask the Senator a question.

The PRESIDING OFFICER (Mr. NELSON in the chair). Does the Senator from South Dakota yield?

Mr. PETTIGREW. Certainly.

Mr. SPOONER. I tried to obtain recognition before I asked the Senator to yield. I desire to ask the Senator whether the labor contracts referred to reserve the right to "dock" the laborers, as he used that word?

Mr. PETTIGREW. Oh, yes, Mr. President; and I have the report here of the secretary of the bureau of immigration, Mr. Taylor, who examined two of these plantations, and in his report showed the methods pursued. In one case the contract called for twelve dollars and a half a month, the laborers to board themselves; but he says in his official report that they only receive from six to seven dollars a month, because the superintendent would dock them if they were slow, if the men did not move quite fast enough for him.

Mr. SPOONER. If the Senator will permit me, I put the question to him for the reason that, perhaps, in his absence the bill has been amended, partly on motion of the Senator from Minnesota [Mr. NELSON] who occupies the chair for the moment, so as to provide that no suit or proceeding shall be maintained to enforce specifically any contract heretofore or hereafter entered into for personal labor or service; nor shall any remedy exist or be enforced for a breach of any such contract, except a civil suit, brought solely to recover damages for such breach. While that, of course, guards against almost all of the hardships and evils which we want to reach, it would not guard necessarily against the right reserved in the contract, if it is in the contract, to arbitrarily dock laborers because they are not fast enough; and it was with a view to ascertaining whether the amendment which has already been adopted was sufficiently explicit and broad to extirpate these troubles that I put my question to the Senator; and I should be glad to have him answer in that view.

Mr. PETTIGREW. I was aware of the amendment we have already adopted, but it is not satisfactory to me for the reason that it provides a civil remedy. The legislature over there is quite liable to be controlled by the vast interests we have built up there. We have remitted duties to the amount of $80,000,000 to the sugar planters there; we have taken that money out of the pockets of the people of the United States and paid it over to them, because their importation of sugar did not reduce the price in the United States one mill. By this bonus we have built up that vast interest, and that vast sum of money is taken out of the people of the United States and paid to those sugar planters, and it can be used for any purpose they choose. They can control the legislature of Hawaii, and that legislature can enact laws by which, if the penalty is simply one of civil damages, the planters can get judgment against those people and then proceed to provide that they shall work out the judgment.

Mr. SPOONER. I should be sorry to have my friend think I am antagonizing his proposition——

Mr. PETTIGREW. I am simply trying to answer the Senator's question.

Mr. SPOONER. Because I admit that, if the contracts are as stated by the Senator from South Dakota—I asked that question the other day in his absence—the amendment which has been adopted would not cover the entire trouble.

Mr. PETTIGREW. Here is a further difficulty. These plantations are on remote islands, and they are generally visited by steamboats only when they go to take off the sugar. The boat goes there simply in the interest of the owner of the plantation; and these poor laborers have no chance to hear from the world or to have the world hear from them; and they will never hear of this law, if we enact it, unless it is somebody's duty to go and notify them.

Mr. SPOONER. I agree to that.

Mr. PETTIGREW. Therefore, they would be held, as they are being now held, by force and punished and abused, and this disgrace continue under our flag. It is for the purpose of remedying that that I have offered my amendment.

I will read an extract from the report of the secretary of the immigration bureau:

"The men receive $12.50 a month, but out of this $1.50 is remitted to the board of immigration toward paying the laborer's return passage when he desires to return to China. That leaves him $11, but there are very few that receive over $6 or $7, and some of them even less than that, on account of the persistent docking—for what they are at loss to understand. It would be of no use to say anything to the manager; he is always deaf to any of their complaints. Their next complaint was with regard to the number of hours they have to work. The contracts call for ten hours in the field. In this matter I find that the men are turned out earlier than they ought to be, and sometimes are a little late in being sent home. I do not know what particular time is kept on the plantation, but I am very much under the impression, from what I gathered, that the mill clock is one of a kind that moves quickly or slowly, as required. The men told me that since the fight the clock had changed.

On this plantation the men rebelled and some people were killed. That led to an investigation. I think this is a fair sample of the whole system. I have another report from another plantation, which is as full as that.

Mr. GALLINGER. From what has the Senator been reading?

Mr. PETTIGREW. I have been reading from the official report signed by Mr. Taylor, who is secretary of the bureau of immigration.

Mr. GALLINGER. Of Hawaii?

Mr. PETTIGREW. Of Hawaii. This report was made April 27, 1897. I received it from Joseph O. Carter, who is one of the most capable citizens of that country, and a man of very high character. I think that this statement will be corroborated by all classes of people in Hawaii.

The report shows that the overseer would take one of these Japs by the hair, lift him up, and throw him upon the ground; that he would go along with a club and strike and knock them down; that he would punch them in the side, and variously abuse and maltreat those people in that country.

I ask, however, without further reading, unless some Senator desires to have it read, to have this report published in the RECORD. If any Senator desires to have it read I shall ask to have the Secretary read it.

The report referred to is as follows:

DEPARTMENT OF INTERIOR, BUREAU OF IMMIGRATION.
Honolulu, H. I., April 27, 1897.

SIR: In accordance with your instructions, I left Honolulu on the steamer *Mikahala* Wednesday, April 21, and proceeded to Lihue, Kauai, for the purpose of investigating the causes that led up to the recent riot on Lihue plantation, and which resulted in the death of a Chinese contract laborer and the arrest of fifteen others on the charge of rioting. Ng Chan, a Chinese interpreter, accompanied me.

Arriving at Lihue on the 22d, at 4 p. m., I at once made myself known to Mr. Carl Wolters, the manager, and stated to him the object of my visit, and then had a long conversation with him. At the time of my arrival all was quiet on the plantation.

Early next morning I was out in the fields among a large gang of Japanese and Chinese laborers. I picked out the following men: Lau Pow, Leong Chin, Chung Hop, Shun Bun, Chin Yow, Fook Lung, Dung Mee, and Wong Duck; took them one by one and examined them through the interpreter in regard to the recent trouble, as well as to how they had been treated on the plantation since their arrival. The testimony was very much the same in each case.

Their chief complaint was directed against the head luna, William Zoller, who, they say, was at all times very hard in his treatment of them. When they would line up for work in a morning, waiting to receive their tools, if they did not move quite fast enough to suit him, he would knock them about or else kick them. Sometimes he would poke them in the back with the handle of a hoe. When in the field they were at work doing their best, he would yell at them to work quicker, in fact, he was at them pretty much all the time they were out in the fields. He rarely spoke to them through an interpreter, and as a consequence they could not understand what he said, as they are not acquainted with the English language.

On the morning of the row, they testified that after lining up, and while waiting for their tools, the luna, instead of giving out the tools, shouted out something, which they afterwards understood was an order to go and pick up rocks. At the time they did not understand the order, and this, they claim, is what started the whole row and led to the fight, as they were pretty well

warmed up and very much angered toward the luna. If he had told them, through the interpreter, what he wanted, instead of abusing one or two of their number, it would have been different. It was no use making any complaint to the manager, for he took no notice of them. They understood that they were to work on the plantation for three years under contract, and were willing to do so to the best of their ability, if properly treated. They did not appear to have any serious grievance against the other lunas.

Since the rioting they claim that they have been treated a little better, yet there is room for much improvement. They claim that to be arrested for not working quick enough is a hardship, and at the same time they lose their money. The men receive $12.50 a month; but out of this, $1.50 is remitted to the board of immigration toward paying the laborer's return passage when he desires to return to China. That leaves him $11; but there are very few that receive over $6 or $7, and some of them even less than that, on account of the persistent docking, for what they are at loss to understand. It would be of no use to say anything to the manager; he is always deaf to any of their complaints. Their next complaint was with regard to the number of hours they have to work. The contracts call for ten hours in the field.

In this matter I find that the men are turned out earlier than they ought to be, and sometimes are a little late in being sent home. I do not know what particular time is kept on the plantation, but I am very much under the impression from what I gathered that the mill clock is one of a kind that moves quickly or slowly as required. The men told me that since the fight the clock had changed. Another piece of information they gave me was that the sheriff, through his own interpreter, told them that they could leave the plantation any time by paying $50 and go where they liked. This is only partly true. The sheriff has in his possession a letter from Manager Wolters stating that, as the men were a vicious and bad lot, he would like to release them. But Mr. Wolters forgets that he has not the authority to do so; it can only be obtained from the board of immigration, and then on certain conditions.

In regard to the docking of their wages, the men could not explain for what reason this was done, and certainly I got very little satisfaction from those in charge when I went into the matter. Sometimes a man feels sick when he gets up and, like other people, wants to see a doctor. He visits the doctor, who has probably quite a number to attend to. Say he gets through with the doctor about 10 o'clock, gets medicine, and feels better. If he goes in the field at noon to work the afternoon, the bookkeeper told me they do not pay the man for the afternoon. Some explanation was afterwards made to me by the manager, but it was not entirely satisfactory. The same may be said when I asked the question, "Do you dock the men's wages for working slowly?" The manager pays the men their wages, and I have asked him, in future to be very careful in his system of docking, and do it fairly. If the men have a grievance as to their wages, let it be stated through the interpreter. The idea of pushing a laborer on one side for asking the reason his wages have been docked, without any explanation, is not right.

Another complaint was that of a sick laborer who was recently returned to China; had seventeen days' pay coming to him which had not been paid. As the bookkeeper was laid up sick at his home, he could not explain without looking at his books. I have requested the matter to be looked into when he is well, and reported to me.

I next interviewed the luna, William Zoller. This man has been on the Lihue plantation for several years. He complains that the Chinese laborers are a tough and a bad lot, and hard to get along with. On the morning of the riot he says that the Chinese started the riot by coming out armed with sticks under their clothes. He did not say what caused them to come out armed. On pressing him, he admitted that he had laid hands on laborers at different times.

The manager also confirmed this latter statement. I was also informed that Zoller has been seen to go behind Japanese laborers in the fields, lift them up by their heads, and drop them. Lunas Wolters, Schmidt, and a German were questioned, but had very little to say. They said they had had very little trouble with the men and did not think Zoller had. I called on Dr. Watt, but as he had only been three weeks on the plantation, he could not say very much. He was unable to say anything from personal experience. He was very careful in his examination of the laborers and would not send them out in the fields to work without he was fully satisfied as to their condition.

Kong Wa Chang, a Chinese storekeeper, stated that the Chinese laborers on the plantation were treated very badly and were always complaining to him.

Meeting Mr. A. S. Wilcox on the last day of my visit, and asking what I was doing in Lihue, he said to me without being asked that he was very glad some one had come down to investigate; it was very necessary to inquire into the brutal treatment that had been going on on that plantation.

Mr. George H. Fairchild, manager of the Makee Sugar Company, has a number of Chinese laborers who came at the same time and from the same place as those on Lihue. He says he has had no trouble with them. He does not allow his lunas to touch the men and is very strict in this matter.

A lady well known in Lihue volunteered the statement that she was ready at any time to testify to the ill treatment the laborers received at the hands of the lunas.

In my several conversations with the manager, Mr. Carl Wolters, he denied the truth of many of the statements made to me by the Chinese. He said that while away a short time ago there was trouble on the plantation, and the head luna was really the cause of it. About fifteen months ago the same luna had quite a row with the Japanese laborers. I said, "Why don't you get rid of that head luna, seeing that he is the cause of so much trouble?" and Mr. Wolters did not see how to answer me. He does not like to have trouble with his men, and his orders are that the lunas must not abuse the men.

I desire to state that after examining the laborers in the field I told them who I was; how I had been sent by the government to inquire into the trouble, and that Mr. Goo Kim Fui, their representative, knew I had come. I then, in brief, told them of the law under which they had come into the country; that at all times they were under the protection of the laws of Hawaii. They must at all times obey the laws. If they had any serious grievance, they must at once report it to Mr. Goo Kim. They should never take the law in their own hands. No good would come from that. I told them it was certainly not the wish of the Hawaiian government to hear of them being ill-treated. If at any time their wages were not correct, they should go to the manager with their interpreter. They thanked me for coming and listening to their troubles, and hoped they would be treated better in the future.

I visited the laborers while in their quarters and also while they were away. They did not make complaints, but really there is much room for improvement. I told the manager they were living in too crowded a condition. In one room, 15 by 20 feet, fourteen men were sleeping; in another, 16 by 20, twenty men were living.

If I may be allowed to review the above evidence and statement, I do not think there is any difficulty in coming to the conclusion that the trouble, which ended in serious rioting and the loss of life, was brought on by the harsh and, what I consider, cruel treatment the laborers have received at the hands of the head luna, William Zoller. There is not a man on the plantation that likes him or has any good word for him. I am of the opinion that this man and the manager do not get along together and that the latter is afraid of Zoller. If the manager's instructions to the lunas have been to keep their hands off the laborers, they have not been followed out, and the manager is open to the severest criticism.

There is no way in which I can speak good of the Lihue plantation. I have listened to no outside or street talk; I accepted no hospitality from anyone in Lihue; had my eyes and ears open all the time I was there, and am fully convinced, after careful consideration, that in order to prevent a repetition of the past William Zoller, the head luna, should at once be discharged from the plantation and that Manager Wolters should be reprimanded and held to strict account for the better treatment of the laborers in the future. The docking of the laborers' wages should be done fairly, and their grievances should be given a hearing. There are soon some Chinese to arrive for Lihue, and I think that something should be done before they are sent to the plantation.

Respectfully submitted.

WRAY TAYLOR,
Secretary Bureau of Immigration.

Capt. J. A. KING,
President Board of Immigration.

Mr. PETTIGREW. I have another report dated June 19, 1897, of another plantation, and I think it is a fair sample of the whole miserable system. This thing has been going on for the last two years, or for the last year and a half under our flag, and we have this evil there to-day.

We were told when Hawaii was annexed that there would be a field for American laborers, but at the very moment of the annexation of the islands the Odd Fellows, the Masons, and every other organization there sent out warning to all the lodges in the United States, telling Americans not to go there, that there was no field for them.

Here is a circular issued on the 25th of August, 1898. We annexed Hawaii August 12, 1898, and on the 25th the Odd Fellows issued this circular:

A WARNING FROM HONOLULU!

HONOLULU, HAWAIIAN ISLANDS, *August 25, 1898.*

To all Odd Fellows, greeting:

The annexation of these islands by the United States has caused many brethren to project attempts to better their condition or to find employment in what they consider a new country.

Such we consider it our duty to warn and to speak to in plain terms.

The social and business communities of these islands were old and well established before the rush to California.

This is in no sense a new country.

The only opportunity here is for the man of large capital.

There is no employment here for mechanics of any kind or for unskilled labor. Many men of ability, of good habits, and first-class recommendations are now here practically stranded. There were idle men in Honolulu before the American flag replaced the Hawaiian flag.

All lines of small business are fully filled, and in most cases overcrowded.

Do not come here unless you have the assurance in advance of steady employment, or have the capital to engage in land-development enterprises requiring large means.

We spread this positive advice because we wish to save brethren disappointment and distress. We state the facts, as in more than honor bound, and trust sincerely that this circular will accomplish its mission.

This circular is issued by Excelsior Lodge, No. 1, I. O. O. F., Honolulu, Hawaiian Islands.

The Masons issued a similar circular, as did the Knights of Pythias. The fact is that no Americans have gone there and found employment. Since that circular was issued, in which it is stated that there is no room for unskilled labor, they have imported to those islands 30,000—yes, 37,000—contract laborers from Asia and 7,000 have returned; so the net result of the importation is an increase of 30,000 contract laborers according to the statement I have already read.

In regard to the Gallicians, who came there from Austria, one was arrested at Hilo. He was brought before a magistrate, and he bared his arms and side and showed evidences of severe bruises, the result of the maltreatment and pounding of his overseer. The magistrate sentenced him to go back to that labor under that overseer and to that slavery, and he refused to go. He was then confined in the Hilo jail with common criminals. He took the case to the supreme court of Hawaii. In that case the court said:

The decisions rendered in the cases of Peacock & Co. *vs.* Republic of Hawaii (ante, page 27), Republic of Hawaii *vs.* Edwards (ante, page —), and Hawaiian Star Newspaper *vs.* Saylor (ante, page —) apply to these cases and practically determine the point that the provisions of the Constitution of the United States above cited are not in force here during the present transition period.

The defendants further claim that the prosecution should have been in the name of the republic of Hawaii under section 3, article 92, constitution of the republic of Hawaii, which provides that "all criminal and penal proceedings arising or now depending within the limits of the Hawaiian Islands shall be prosecuted to final judgment and execution in the name of the republic of Hawaii. * * * The style of all processes shall be, 'The republic of Hawaii,' and all prosecutions shall be carried on in the name and by authority of the republic of Hawaii."

We are of the opinion that this section does not apply to cases of this nature, and does not change the decision in the case of Coolidge *vs.* Puaaiki (3 Haw., 814), where it was held that suits of this character are civil actions and should be so entitled; "and in no respect do they fall within the duties of the public prosecutor."

The defendants are laborers brought from Austria under contract to serve the Honomu Sugar Company, whose sugar plantation is situated in the district of Hilo, island of Hawaii. Quitting their employment in September, 1898, and before the expiration of the period of three years, which they had contracted to serve, they were arrested upon warrants issued by the district magistrate of South Hilo and tried and convicted upon the charge of deserting their contracts of service. Zeluch was sentenced to imprisonment at

hard labor "until he should consent to return to his master and consent to serve according to law;" and Sayewis was sentenced to pay a fine of $5 and costs, and to be imprisoned at hard labor until said fine and costs be paid.

The supreme court decided that this sentence should be enforced; that the imprisonment of those people was not a penal, but a civil action. Under this sentence those men could be kept in jail for life, because they could be imprisoned until they would return to their service. This man, who was beaten and bruised, refused to go back and was therefore sentenced until he would go back.

Mr. ALLEN. I should like to ask the Senator with what offenses these men were charged?

Mr. PETTIGREW. I read a statement of the offenses.

Mr. ALLEN. I did not hear it. I thought the Senator was reading the syllabus of the opinion of the court. What was the specific crime with which the men were charged?

Mr. PETTIGREW. A violation of the contract to labor for three years upon one of those sugar plantations.

Mr. ALLEN. Declining to labor?

Mr. PETTIGREW. Simply declining to labor, and one of them showed that he had been punched and bruised and pounded by his taskmaster, and he preferred to go to jail rather than to return to such service. I should add that these were white men.

Mr. ALLEN. I should like to ask the Senator if he has a copy of the Hawaiian statutes which are in force on the subject of contract labor?

Mr. PETTIGREW. Yes; I have the Hawaiian statutes here.

Mr. ALLEN. I shall be glad to have the Senator insert those statutes in his remarks.

Mr. PETTIGREW. I will insert the sections which apply to this case. They are as follows:

SEC. 1417. Any person who has attained the age of 20 years may bind himself or herself, by written contract, to serve another in any art, trade, profession, or employment for any term not exceeding five years.

SEC. 1418. All engagements of service contracted in a foreign country to be executed in this shall be binding here: *Provided, however*, That all such engagements made for a longer period than ten years shall be reduced to that limit, to count from the day of the arrival of the person bound in this republic.

SEC. 1419. If any person lawfully bound to service shall willfully absent himself from such service without the leave of his master, any district or police justice of the republic, upon complaint made under oath by the master, or by anyone on his behalf, may issue a warrant to apprehend such person and bring him before said justice; and if the complaint shall be maintained, the justice shall order such offender to be restored to his master, and he shall be compelled to serve the remainder of the time for which he originally contracted.

SEC. 1420. If any such person shall refuse to serve according to the provisions of the last section, or the terms of his contract, his master may apply to any district or police justice where he may reside, who shall be authorized, by warrant or otherwise, to send for the person so refusing and, if such refusal be persisted in, to commit such person to prison, there to remain, at hard labor, until he will consent to serve according to law. And in case such person so bound as aforesaid shall have returned to the service of such master in obedience to such order of such justice, and shall again willfully absent himself from such service without the leave of his master, such district or police justice may fine such offender not exceeding $5 for the first offense, and for every subsequent offense thereafter not exceeding $10, and in default of payment thereof such offender shall be imprisoned at hard labor until such fine is paid; and at the expiration of such imprisonment such justice shall order such offender to be returned to his master to serve for the remainder of such original term of service.

Mr. CULLOM. Will the Senator allow me to interrupt him a moment?

Mr. PETTIGREW. I will.

Mr. CULLOM. I simply want to say that the purpose of this bill is to repeal all such laws as those, and then to make the bill so very thorough in that regard as to render it impossible that such conduct shall be carried on toward those people.

Mr. ALLEN. With the permission of the Senator from South Dakota, I will say I have looked at section 10 of this bill, which I apprehend is the section to which the Senator from Illinois refers, and I do not think the amendment offered is broad enough to cover the idea of the Senator from Illinois.

Mr. CULLOM. We have been trying to get it broad enough for two or three days.

Mr. CARTER. I suggest that it is impossible, unless the Senator from Nebraska will speak louder, to hear what he says.

Mr. ALLEN. I was saying that I do not think the amendment which I find in section 10 is broad enough to cover this question. It strikes me that it might all be covered in a very few words by referring to the sections of the Hawaiian statutes which the Senator from South Dakota [Mr. PETTIGREW] has read, and enacting that those sections shall be repealed which provide that contracts for labor which are enforcible by penal statutes or by enforced servitude shall be annulled, and that hereafter there shall be no involuntary service.

Mr. PETTIGREW. I have offered such an amendment.

Mr. CULLOM. I was about to say that the amendment of the Senator from South Dakota, to which he was speaking in part, I supposed covered exactly what the Senator from Nebraska suggests; and, so far as I am concerned, I am in favor of adopting it.

Mr. ALLEN. It does partially.

Mr. CULLOM. I suppose the amendment the Senator refers to goes far enough to absolutely prohibit any such thing in the future; and if it does not, I am for an amendment that will do it.

Mr. ALLEN. If I may be indulged for a moment by the Senator from South Dakota, I wish to say that I have not had an opportunity for the last few days to be present in the Senate. I find that there is an objectionable feature in the very first section of the bill, a sentence that might be construed to include exactly what the Senator from South Dakota is now endeavoring to get rid of, and, with his indulgence, I want to read it. It is as follows:

SEC. 1. That the phrase "the laws of Hawaii," as used in this act without qualifying words, shall mean the constitution and laws of the republic of Hawaii, including regulations having the effect of law and the decisions of the supreme court in force on the 12th day of August, 1898.

Mr. PETTIGREW. I wish to say to the Senator that those sections are, as I understand, specifically repealed by this bill. If the Senator will allow me to go on I will give my reasons for offering the amendment which I offer, since I am discussing this question.

Mr. ALLEN. Very well.

Mr. PETTIGREW. I think this bill specifically repeals those sections of the Hawaiian laws which I have been reading. Is not that correct, I ask the Senator from Illinois?

Mr. CULLOM. Yes; there is no doubt about it.

Mr. PETTIGREW. That is my opinion; but when I found that the supreme court of Hawaii had decided that these labor contracts were civil contracts and that this imprisonment was a civil process, I felt that it was necessary that something more specific and definite should be done than simply to repeal those sections. The committee agreed to an amendment which did do something more specific and definite, but it also said that remedy might be had in a civil action against a breach of one of these slave contracts. That I was not satisfied with, and therefore I brought in my amendment. I am not content that those men should bring in under our flag, knowing that it is in violation of our laws, 30,000 slave laborers, and then that there should be no remedy under heaven to prevent it, and that the Congress of the United States shall stand committed to the proposition that the planters may sue those people by civil process. Therefore I brought in the amendment. I have felt it my duty to expose these things, because the Committee on Foreign Relations chose to bring this bill here with section 10 in it, which was clearly intended to continue such contracts for slave labor until they expired.

Further than that, Mr. President, a year ago, when we tried to repeal the slave-labor clauses in the Hawaiian law, one of the commissioners we sent to Hawaii, and one of the framers of this bill, stood on this floor and objected to and prevented the repeal of those slave-labor clauses of that law. Since he did that 30,000 slave laborers have been taken into Hawaii under our flag. Therefore I determined to put the record of these infamous facts in the CONGRESSIONAL RECORD and let the people of the United States pass upon this question.

I now read a clipping from the Hawaiian Independent, which was sent me by Mr. Joseph O. Carter, whose character is above reproach; who is one of the few exceedingly able men of high character who descended from missionary stock in those islands. Most of them are a tough lot. I remember when the proposition first came here during Harrison's Administration for the annexation of Hawaii those missionary sugar planters signed a deliberate lie and sent it to the Senate of the United States to influence our action—Thurston and several of those people signed a deliberate falsehood; they knew it was false; they admitted afterwards that it was false, and wanted to know what difference it made. They undertook to rush through the treaty annexing those islands in the last days of Harrison's Administration by sending out a deliberate falsehood, signed by the sons of missionaries whose fathers went to Hawaii to convert the inhabitants to Christianity and whose sons have stolen all the lands of those people and their government beside.

Now, let us see what they have been doing since our flag went up. They have been importing slave labor; and, what is more, the pillars of the Congregational Church in Hawaii, the sons of those missionaries, own stock in the Ewa plantation, and they have been boasting that they were importing Asiatics who were heathens so that they could come under the blessings of the influences of Christianity. Last year they imported a Buddhist priest and set up a Buddhist temple, because they said it made the laborers more quiet, attending church every Sunday, while the planters went on with this performance.

The article in the Hawaiian Independent to which I have referred is as follows:

We daily see a large number of Galicians in the chain gang working at the quarries and on the roads. They are white men; they are the class that our philanthropist of the official organ wants to make the sinew and bone of these islands as "small (d—— small) farmers," and yet they prefer to remain under the tender care of Mr. Dole's jailer to returning to slavery on a plantation.

There have been a number of comments in regard to the Galician laborers

lodged in Oahu jail since the Independent took up the cudgels for the poor men and criticised the outrageous laws which permit men to be treated as criminals for refusing to work under contracts which virtually place them on par with slavery. We certainly blame the infamous laws which force the Galicians to take the choice of going to jail or returning to the slave drivers on the sugar estates, but we fail to see how Mr. Dole could interfere in the matter. If he to-morrow asked the council of state to pardon the men who refuse to work under a contract, and if a pardon were granted, the "civil" part of the contracts would be enforced and every man rearrested, to go to work in the cane fields. Mr. Dole can no more break our laws than Mr. Judd can.

Here is another sample of the humane conduct of those missionary sugar planters:

Dr. Alvarez, of this city, has also had the necessity for a public hospital brought very forcibly to him by reason of some Spanish plantation laborers being thrust upon him for medical attention. He is keeping them until they are strong enough to work. One young Spaniard, who was brought to the Hawaiian Islands on the *Victoria* from Madeira and Spanish ports, has been with him for nearly two weeks. He is an educated man, having matriculated at the University of Salamanca, taking the bachelor degree of that institution. Previous to coming to Honolulu he worked on a Maui plantation. He was weak in his legs, entirely unused to agricultural work, and before long was a [illegible] subject for the plantation hospital. Instead of putting him there, his contract was called for and later returned to him with cancellation of contract marked thereon "By mutual consent."

In other words, they turned him loose. They found he was not capable physically, so they abandoned him.

He had a little money and came to Honolulu as a deck passenger, and is now on Dr. Alvarez's hands, having been directed to him as a countryman of his. He was a very sick man upon arrival and is yet in a low state. The sewer contractors could not afford to give him work, as he was not strong enough. Through persistent medical treatment Dr. Alvarez has been able to afford the man great relief, but he says he should have been in the hospital from the beginning.

Here is another case:

An old man, a Spaniard, nearly 60 years of age, is also under medical treatment and being cared for at the Doctor's house. He, too, was a plantation laborer in Kau, Hawaii, and was a good worker. One day he was in a small pit in a cane field when three Japs, in a mischievous mood, hurled a large stone upon him, breaking his shoulder and rendering him unconscious. He was found some three hours afterwards. He, however, was given no medical attention and was taken into a Portuguese family, which cared for him for four weeks.

The plantation gave him no attention, and he came to Honolulu via Hilo, absolutely penniless, and still in a bad way with his broken shoulder. He had no friends and was preparing to sleep on the slopes of Punchbowl, when some Portuguese warned him that for that he would be arrested. He asked the Portuguese to take him to a hospital. This man also was denied admittance unless he paid in advance. He told them he did not want that kind of a hospital, but wanted a charity hospital.

Here, then, was one of their slaves. The very moment they are unable to work they are cast aside. They let them die. What becomes of the Asiatics, if this is the treatment accorded Europeans in that country? And yet we have heard unlimited praise of this gang of sugar planters, and we have been urged to adopt and perpetuate forever the system of government by which these sugar planters will be in absolute control, their courts established for life, and their legislature one that no citizen of the United States could vote for if he went to those islands. Of course this has been amended. The bill is in fair shape. With the adoption of my amendment, so that the laborers on the remote plantations will get notice of the termination of their contracts, and so that those contracts which have been made since our flag went up will be at once annulled, we will give some measure of relief to this infamous condition which has existed there for the last year and a half.

I ask to have the report of the immigration bureau published in the RECORD and also the decision of the supreme court of Hawaii upon this subject. I ask for the adoption of my amendment.

The papers referred to are as follows:

DEPARTMENT OF INTERIOR, BUREAU OF IMMIGRATION,
Honolulu, H. I., June 19, 1897.

SIR: I have the honor to present the following report of a visit made by me to the Olowalu Sugar Company's plantation, Island of Maui, on the 9th day of June, for the purpose of investigating certain complaints made by the Chinese contract laborers on that plantation in a letter to Mr. Goo Kim, Chinese commercial agent, which letter I took with me. Ng Chan, Chinese interpreter, accompanied me to Olowalu.

When I arrived there the manager, Mr. Aug. Hanneberg, was several miles away in the fields, and I had been there fully two hours before he returned. However, in the meantime I went on with my investigation among the laborers. Their letter to Mr. Goo Kim complained of persistent docking of their wages and harsh treatment.

With regard to the former complaint, I had before I went to Olowalu and still have in my possession one of the plantation time books, showing the Chinese laborers' time for each month from March, 1896, to April, 1897. The book speaks for itself, and proves on every page that the men's complaint is not without foundation. The manager admitted he docked the men for working slow; it was the law, and he would do it. He is too severe, and if this docking habit of his is not checked, there will always be trouble with laborers at Olowalu.

As to the second complaint, harsh treatment, I examined sixteen of the laborers on the plantation, ten of whom signed the letter to Mr. Goo Kim. I asked two of them—before the manager—if he had ever kicked them, and they replied, through the interpreter, that not only had he kicked them, but others, too. Mr. Hanneberg denied their statements, but admitted to me he had pulled the men out of their quarters for various reasons and pushed them around.

Ah Mun, a free laborer, who has been at Olowalu some time, said that the free laborers were treated better than those under contract.

The manager has a bad habit of going into the laborers' quarters and pulling them out.

Lam Hing Wing, cook for a gang, said he never got full pay, though he worked all the time. Two Hawaiians told me they had worked on the plantation, but had left, as the manager was a very hard man to work for.

The laborers' quarters are the filthiest I have ever been in; in fact, the whole plantation is in need of a cleaning up. The inside of the rooms are black with cobwebs, and it looks as if whitewash was unknown on the place. Mr. Hanneberg said he intended to whitewash the houses at once. I sincerely hope he has done so.

The treatment of sick laborers on the plantation is such that it practically amounts to cruelty. Near the beach, a good distance from the men's quarters, is a room about 12 by 12 used as a hospital. The laborers call it the jail. I found in it at the time of my visit five Chinese and four Japanese laborers, all sick. The room was in a filthy condition. These sick men have to leave their quarters early in the morning when the whistle blows and go to the hospital, remaining there all day until the evening whistle blows, when they are allowed to return to their quarters. Is this humane treatment? I hardly think so. I questioned Mr. Hanneberg on this matter, and he said that if the men were allowed to stay in their quarters their friends visited them, and there were other reasons given by him.

This is not the first time that complaints have been made against Olowalu. The place is isolated, and I think there is a good deal going on on the plantation that is not heard of. Some time ago I talked to Mr. W. G. Irwin and Manager Hanneberg about the complaints made by the laborers. The manager should be made to understand that he must keep his hands off the laborers; must be less severe in his system of docking; must keep the laborers' quarters in better condition, and, above all, must put an end to the confinement in hospital. If he is not willing to do so, then no more contract laborers should be allowed to go to Olowalu.

I have the honor to be, your obedient servant,

WRAY TAYLOR,
Secretary Bureau of Immigration.

Capt. JAS. A. KING,
President Board of Immigration.

In the supreme court of the Hawaiian Islands. Special January term, 1899. Honomu Sugar Company *vs.* A. Sayewiz. Honomu Sugar Company *vs.* Nikoleg Gzeluch. Appeals from district magistrate of South Hilo, island of Hawaii. Submitted January 19, 1899. Decided June 8, 1899. Judd, C. J., Whiting, J., and Circuit Judge Perry, in place of Frear, J., absent.

Actions under the masters and servants act are civil actions, and should be so entitled. (Coolidge *vs.* Puaaiki, 3 Haw., 814.)

Certain provisions of the Constitution of the United States are not in force in Hawaii during the present transition period, to wit: Amendments V, VI, VII, VIII, and XIII, and Article III, section 2. (See Peacock & Co. *vs.* Republic of Hawaii, ante, page 27, and Republic of Hawaii *vs.* Edwards, ante, page —.)

Opinion of the court by Whiting, J.

The defendants are laborers brought from Austria under contract to serve the Honomu Sugar Company, whose sugar plantation is situated in the district of Hilo, island of Hawaii. Quitting their employment in September, 1898, and before the expiration of the period of three years, which they had contracted to serve, they were arrested upon warrants issued by the district magistrate of South Hilo, and tried and convicted upon the charge of deserting their contracts of service. Zeluch was sentenced to imprisonment at hard labor "until he should consent to return to his master and consent to serve according to law," and Sayewiz was sentenced to pay a fine of $5 and costs and to be imprisoned at hard labor until said fine and costs be paid.

The masters and servants act, section 1384, Penal Laws, is as follows:

"If any person lawfully bound to service shall willfully absent himself from such service, without the leave of his master, any district magistrate of the republic, upon complaint made under oath by the master, or by any one on his behalf, may issue a warrant to apprehend such person and bring him before the said magistrate; and if the complaint shall be maintained the magistrate shall order such offender to be restored to his master, and he shall be compelled to serve the remainder of the time for which he originally contracted."

Section 1385 of the same act is as follows:

"If any such person shall refuse to serve according to the provisions of the last section or the terms of his contract his master may apply to any district magistrate where he may reside, who shall be authorized by warrant or otherwise to send for the person so refusing, and if such refusal be persisted in, to commit such person to prison, there to remain at hard labor until he will consent to serve according to law. And in case such person so bound as aforesaid shall have returned to the service of such master in obedience to such order of such magistrate, and shall again willfully absent himself from such service without the leave of his master, such district magistrate may fine such offender for the first offense not exceeding $5, and for the second offense not exceeding $10; and in default of payment thereof such offender shall be imprisoned at hard labor until such fine is paid; and for every subsequent offense thereafter the offender shall be imprisoned at hard labor not exceeding three months, and at the expiration of any such imprisonment such magistrate shall order such offender to be restored to his master to serve for the remainder of such original term of service."

The defendants appealed on points of law; in the Sayewiz case, as certified to us, "that the proceedings, arrest, trial, and judgment are contrary to the Constitution of the United States, and that sections 1384 and 1385 (Penal Laws of Hawaii), under which these proceedings are had, are contrary to the Constitution of the United States;" and in the Zeluch case, "whether or not the proceedings had in this case are in conflict with the Constitution of the United States and therefore void, and whether sections 1384 and 1385 of the Penal Laws of 1897 are contrary to the Constitution of the United States and therefore void."

These are the only points certified up by the district magistrate. The defendants claim that the proceedings and the law under which they were charged and convicted are contrary to the provisions of the Constitution of the United States in that—

1. The masters and servants law directly contravenes the thirteenth amendment to the Constitution of the United States, which provides that "neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States or any place subject to its jurisdiction."

2. The offense comes within the provisions of Article V, amendments to the Constitution of the United States, requiring a presentment or indictment by a grand jury.

3. The law under which defendants are imprisoned denies to them the right of trial by jury (in the first instance) and to that extent the protection of the Federal Constitution. (Article III, section 2, and the fifth, sixth, and seventh amendments.)

4. The masters and servants act makes imprisonment for life a possible punishment for violating its provisions, in contravention of Article VIII of the Federal Constitution.

The decisions rendered in the cases of Peacock & Co. *vs.* Republic of Hawaii (ante, page 27), Republic of Hawaii *vs.* Edwards (ante, page —), and Hawaiian Star Newspaper *vs.* Saylor (ante, page —) apply to these cases and practically determine the point that the provisions of the Constitution of the United States above cited are not in force here during the present transition period.

The defendants further claim that the prosecution should have been in the name of the republic of Hawaii, under section 3, article 92, constitution of the republic of Hawaii, which provides that "all criminal and penal proceedings arising or now depending within the limits of the Hawaiian Islands shall be prosecuted to final judgment and execution in the name of the republic of Hawaii. * * * The style of all processes shall be 'The Republic of Hawaii,' and all prosecutions shall be carried on in the name and by authority of the republic of Hawaii."

We are of the opinion that this section does not apply to cases of this nature, and does not change the decision in the case of Coolidge *vs.* Puaaiki (3 Haw., 814), where it was held that suits of this character are civil actions and should be so entitled; "and in no respect do they fall within the duties of the public prosecutor." Affirmed in the Honomu Sugar Company *vs.* Sayewiz and Zeluch cases, decided September term, 1898.

The appeals are dismissed and judgments affirmed.

Kinney, Ballou & McClanahan for plaintiff.

Hitchcock & Smith, Monsarrat & Weberfor defendants.

The PRESIDING OFFICER (Mr. CARTER in the chair). The question is on agreeing to the amendment proposed by the Senator from South Dakota [Mr. PETTIGREW].

The amendment was agreed to.

Mr. CULLOM. I have an amendment which I send to the desk to take the place of section 100. It gives the names of a certain number of vessels there which are under Hawaiian register instead of having the section in general terms as it is in the bill. The friends of the amendment are very anxious that it shall be adopted, and I understand that the Committee on Commerce cr several members of it have made the same request. I ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In lieu of section 100 it is proposed to insert the following:

That all vessels carrying Hawaiian registers, permanent or temporary, on August 12, 1898, together with the following-named vessels claiming Hawaiian register: *Star of France*, *Star of Italy*, *Euterpe*, *Star of Russia*, *Falls of Clyde*, *The Wilcott*, and *Star of Bengal*, shall be entitled to be registered as American vessels, with the benefits and privileges appertaining thereto.

Mr. CULLOM. Those are all the vessels, I understand, and it is desired that they shall be named so that there shall be no question about it. I ask for the adoption of the amendment.

Mr. BACON. I hope the Senator from Illinois will explain in what particular, if any, this varies the general law.

Mr. CULLOM. It does not vary from the general bill, except——

Mr. BACON. I am not speaking about the bill. I am speaking about the general law, the present law.

Mr. CULLOM. The general law, of course, requires that the vessels shall be built in the United States or a certain proportion of the value shall have been put on in the United States. But these vessels are now in Hawaiian waters or on the Pacific coast, and are flying the Hawaiian flag, or were before annexation, and are now under Hawaiian register, and a great many Americans are interested in them. It simply recognizes the registration that they are under there now, under the Hawaiian government.

Mr. BACON. That is the point I desire to have elucidated.

Mr. CULLOM. They are engaged in the coastwise trade.

Mr. PLATT of Connecticut. Is not this the fact about it, that the section provides that all vessels having Hawaiian registers on the 12th day of August, 1898, shall be admitted, but those vessels having attempted to register since the 12th day of August, 1898, have been refused, although they are in exactly the same condition as to ownership, and all that, that the other vessels are which were admitted before that time?

Mr. CULLOM. I understand each of these five vessels is under Hawaiian register now. I get that information from the Senator from Minnesota [Mr. NELSON] who is on the Committee on Commerce, and I think the list was submitted to the chairman of the Committee on Commerce and consented to by him.

Mr. BACON. If the Senator will pardon me for a moment, I desire to know why these vessels do not come under the general designation which is employed in the bill and why they have to be specifically named?

If the Senator will allow me for one moment, under the statement of the Senator from Connecticut it would seem that there had been a denial to the vessels of registration; and if so, we ought to know the reason. There may be good reasons why they should not be allowed this privilege, and the fact that the Hawaiian government has denied them, if that be a correct statement, would indicate that there is some reason.

Mr. CULLOM. I should be glad to hear from the Senator from South Dakota, who is familiar with the facts.

Mr. PETTIGREW. I have just sent for a list of vessels that have received Hawaiian register since the annexation of the islands and a list of vessels that have applied for register and been refused. Of course those that had Hawaiian registers when we annexed the islands come in under our flag; and I can see no reason why they should not. They are owned by citizens of the United States. Since the 12th day of August, 1898, registers have been granted to the following vessels: *Malalo*, September 20, 1898, 23.61 tons; *Kilohana*, October 19, 1898, 247.07 tons; *Star of Italy*, November 11, 1898, 1,534.01 tons; *City of Columbia*, June 27, 1899, 1,177.89 tons; *Niihau*, June 30, 1899, 200.92 tons. Those probably include the vessels the names of which have been given here. This letter is dated July 27, 1899.

Applications for registers now pending are—

And then follow the names of nine or ten vessels. That was in July a year ago.

Mr. CULLOM. That is a larger list. The list I received was from the Senator from Minnesota who has just come in.

Mr. PETTIGREW. There were about four vessels a year ago when we undertook to pass the bill.

Mr. CULLOM. This makes five.

Mr. NELSON. If the Senator will allow me, I can explain it.

Mr. CULLOM. The amendment of the Senator from Minnesota has just been read.

Mr. NELSON. Mr. President, there were seven vessels in all that were admitted between the time we passed the resolution of annexation and January 1, 1899, a year ago. They were admitted to Hawaiian registers. They were vessels that were owned by Americans, and they have ever since been engaged in the trade between the Hawaiian Islands and the Pacific coast. Afterwards the question was raised whether the Hawaiian government had a right to give them licenses after annexation, and the question was finally submitted here by the President to the Attorney-General. It was not until September 12, 1899, that the opinion was given by the Attorney-General declaring that the Hawaiian authorities had no right to grant any licenses; that that right belonged to the Government of the United States.

Mr. CULLOM. I stated a moment ago that the Senator had examined this question and that I thought several members of the Committee on Commerce had done likewise, and that the vessels on this list ought to be recognized as coming under the American flag.

Mr. NELSON. Certainly.

Mr. PETTIGREW. Here are ten more. What are you going to do with them?

Mr. CULLOM. I do not know.

Mr. PETTIGREW. It is a great privilege to get under the American flag. It is worth a great deal of money to those people. I think you had better leave this until the shipping bill is considered, which we are going to have up soon, extending the navigation laws, and thus dispose of the matter. It does not relate to this really.

Mr. BACON. I should like to inquire of the Senator from Minnesota if there is any information as to whether these are or are not American-built vessels or Hawaiian-built vessels?

Mr. NELSON. They are vessels purchased by Americans and admitted to Hawaiian registers between the time of annexation and the 1st day of January, 1899.

Mr. BACON. I understand that to include vessels intended to be specified in section 100. The particular point of inquiry is as to these vessels now named and which are not so included.

Mr. NELSON. I will explain that to the Senator.

Mr. BACON. I desire to get the information specifically as to whether or not the Senator knew where these vessels were built, whether they were built in America or in Hawaii.

Mr. NELSON. I am unable to state where they were built.

Mr. PETTIGREW. They were built neither in America nor in Hawaii. They are foreign-built vessels.

Mr. FRYE. They are foreign-built vessels, built for the American trade, and they have been engaged in the American trade. They are peculiarly sugar ships.

Mr. NELSON. These vessels were purchased by American citizens for use in the trade between the Pacific coast and the Hawaiian Islands and for the purpose especially of the sugar trade. This question was before the Committee on Commerce at the last session of Congress, and we agreed on an amendment to cover all vessels that had been licensed prior to January, 1899, but the report of the Commissioner of Navigation and all the information we could gather made it plain that it could include but seven vessels, the vessels named on the list in the amendment proposed by the Senator from Illinois.

Now, to leave those vessels out and deprive them of American registers at this time would throw that many vessels out of the traffic and trade there. There is a great scarcity of vessels on the Pacific coast. There was such a scarcity, I remember, during the Spanish war that in several instances we had to pass special laws to give American registers to foreign-built vessels in order to get vessels to carry troops and supplies to the seat of war in the Philippine Islands. There has ever since been a great scarcity. The object of the amendment is simply to allow these vessels to

continue in the trade. If they fail to get American registers they are wiped out of that trade, there are so many vessels displaced, and that makes the scarcity of vessels still greater.

Mr. SPOONER. Will the Senator from Minnesota allow me to ask him a question?

Mr. NELSON. Certainly.

Mr. SPOONER. Are these vessels which would have received American registers in any event, or under any circumstances, but for the Hawaiian annexation resolution?

Mr. NELSON. How?

Mr. SPOONER. Are these vessels which could have been admitted or which would have been admitted by Congress to American registers had it not been for the Hawaiian annexation resolution?

Mr. NELSON. They could not have been admitted under our laws, but they were entitled to admission under the Hawaiian laws.

Mr. SPOONER. Then they come in under cover of the Hawaiian annexation or the action of the government there?

Mr. NELSON. They come in just as vessels come in that were admitted to Hawaiian registry before annexation. Under their laws foreign-built vessels could be admitted to Hawaiian register.

Mr. BACON. These are vessels which have not been admitted?

Mr. NELSON. They have been admitted to Hawaiian registry, but not to ours.

Mr. BACON. All of them?

Mr. NELSON. They are vessels which have been admitted to Hawaiian registry. If Hawaii were a republic to-day, an independent government as it was before, they would be Hawaiian vessels and entitled to consideration as such.

Mr. CHILTON. Does the Attorney-General hold that the registration is valid.

Mr. NELSON. The Attorney-General, in his recent opinion, held otherwise, but the supreme court of Hawaii, in a case that came up involving this question, decided that they had a right to license them, and that that system continued until Congress passed legislation.

Mr. CULLOM. If the Senator will allow me, this provision of the bill reads as follows:

That all vessels carrying Hawaiian registers, on the 12th day of August, 1898, shall be entitled to be registered as American vessels, with the benefits and privileges appertaining thereto.

Mr. BACON. Why do we not stand on that?

Mr. CULLOM. I supposed when the Senator called my attention to the amendment that there was a little pride of feeling on the part of the owners that this list should be named, as it covered, as was stated to me, all vessels that were to be benefited, and that they desired the names of the vessels specifically stated in the bill. Supposing that was all there was to it, I consented to let it take the place of the section as I have read it.

Mr. PETTIGREW. That is not the situation, I think. These vessels are vessels that would be shut out by the bill as it stands, because they received Hawaiian registers after annexation, and our Attorney-General decided that they could not grant such registers. Therefore they will be shut out from American registers unless they are named or some later date fixed in the bill.

Now, there are ten more that have applied over there. Perhaps they have issued registers to the other ten. How do we know? Why have they not an equitable case? If we bring in these seven, four of which were admitted to Hawaiian register previous to January, 1899, and the rest of which have been admitted since, why have they not an equitable case, and can they not come here and almost compel us to give registers to the whole flock? How many more will be registered when they find out what we have been doing?

Mr. CULLOM. I am inclined to stand on the original section in view of the developments here.

Mr. PETTIGREW. I hope the Senator will.

Mr. CULLOM. I withdraw the amendment, if I may be allowed to do so.

Mr. TELLER. I should like to ask somebody who knows what will become of these vessels? Where did they come from? Where were they registered? What flag were they flying before they were registered?

Mr. FRYE. They will be obliged to go into business somewhere else. I found that they were registering ships in the Hawaiian Islands in order to get them under the American flag when Hawaii should be admitted. I wrote to the president and called his attention to it and to a decision of the court in the Hawaiian Islands, which held that they had the right to register these vessels. I think notice was given to the authorities in the Hawaiian Islands that they could not admit any more of those vessels to Hawaiian register. Therefore Hawaii stopped admitting them to Hawaiian register.

Now, between the date fixed in the bill, 1898, and the time that that proclamation was issued or that conclusion was arrived at there were four or five or six vessels that had been admitted to Hawaiian registers under the authority of the court of the Hawaiian Islands, and our committee concluded, that being the case and they being vessels engaged in the sugar trade and peculiarly fitted for it and new vessels, that it was just as well to extend this provision to them. Indeed, there was no really good reason given why it should not be extended to them. I think the vessels that the Senator from South Dakota is talking about are vessels that never have been admitted to Hawaiian register.

Mr. PETTIGREW. I will state that I gave the names of seven or eight vessels that had been admitted, and there are nine or ten others that have applied for admission. I will say further that previous to the passage of the resolution annexing Hawaii the law of Hawaii required that a vessel should be owned by a citizen of Hawaii in order to get a Hawaiian register, and the Southern Pacific Railroad took, for instance, the *China*, one of the largest ships in their whole line, down there and made a bill of sale to an impecunious Hawaiian; and under that bill of sale to a man who could not buy one of the bolts in the ship, and everybody knew it, the vessel was admitted to Hawaiian register. The supreme court, which has been so much boasted of here, great lawyers that they are, decided, in the face of these facts, knowing that this fellow could not buy a fraction of the ship, that it was valid and that the vessel could be admitted as a vessel which was owned by this Hawaiian. It was Huntington's ship. They not only admitted this, but three or four more vessels, because they felt that annexation was a sure thing and when they came in they would get American registers, which would be worth thousands of dollars to foreign-built vessels.

Since annexation these sugar planters have admitted six or seven more vessels to Hawaiian registry, and now they want the Congress of the United States to ratify that. The supreme court over there has already. Our Attorney-General has said that it is not valid; and there are nine or ten more that have applied. Who knows but what they have got Hawaiian registers by this time, and next winter they will be in here for American registers. Of course it is a valuable concession. It is a valuable franchise. I can not, for my part, see any justice in admitting any of them.

Mr. FRYE. There is rather an interesting incident connected with the admission of the *China*, which, as the Senator from South Dakota says, was one of the largest ships in the service and one of the best. The Government was in great distress——

Mr. PETTIGREW. I understand that. We gave it a register.

Mr. FRYE. The Government was in great distress for vessels. The supply seemed to have come to an end, and the Secretary of War sent for me one day and wished to know, I having had something to do with ships, whether there was any possibility of their finding any more ships anywhere. I asked him what he had done with the Pacific Mail; if he had taken any of their ships. I told him that there was the *China*, which I understood had been admitted to Hawaiian register, which could carry more troops than any other vessel that they had found anywhere.

The Secretary of War said they had been trying to find Huntington; that nobody else in the Pacific Mail Company seemed to have any authority to give consent. They had been trying to find him in order to get this ship. I ascertained that he was on a train somewhere between New York and California, and they finally reached him by a telegram on the train. He telegraphed back yes; that the Government could have anything he had that was required for service in the war, and that the Government could adjust the prices to suit themselves.

Mr. PETTIGREW. I should like to ask just one question. Did he not make as a condition the admission of the *China* to an American register?

Mr. FRYE. No. She had been admitted to Hawaiian register.

Mr. PETTIGREW. I know; but we had to admit her. We passed an act of Congress admitting her to American registry, and he made that a condition.

Mr. FRYE. No; he did not make it as a condition.

Mr. PETTIGREW. Why did we do it, then?

Mr. FRYE. Because the Secretary of War wanted her admitted to American registry so that she could fly the American flag wherever she went.

Mr. PETTIGREW. We admitted her to American registry. We passed an act of Congress to do it.

Mr. FRYE. We reported in favor of admitting her.

Mr. PETTIGREW. I am glad he had patriotism enough not to impose that as a condition, and I am very much pleased with the philanthropic generosity of the committee, which granted such a privilege without it being asked for.

Mr. TELLER. I have been one of those who for many years have insisted that the ships flying our flag should be built in this country, but gradually I have seen from time to time Congress admit to registry, under some pretense or another, ships not built in this country. I have seen the carrying trade passing out of the

hands of the United States almost entirely. I believe we carry less than 11 per cent of our imports and exports.

Mr. PERKINS. About 9 per cent.

Mr. TELLER. About 9 per cent, the Senator from California says. I suppose we will get down to nothing.

Mr. President, I do not think we would suffer very much if we admitted to registry these vessels. We want to be a little bit respectable and have our flag go somewhere. We hear a good deal about trade following the flag, and all that kind of stuff. We do not have our flag on the ocean any more except as we may carry it on our battle ships, and they are not so numerous, perhaps, as they ought to be. We have reached a point where we are told that in order to maintain what little carrying trade we have, or possibly with the hope of acquiring a little more, we are to grant subsidies to the ships. I wish to say now that I am going to vote for free ships, but I am going to vote for some modification of the shipping laws, if I ever get a chance, that will encourage either the Americans to build ships or will encourage the foreigners to bring their ships here and sail them under our flag. Rather than to vote for subsidies, if I have to do that, or for free ships, I am going to vote for free ships. I do not believe it is necessary to do either.

Mr. CULLOM. Mr. President——

Mr. TELLER. Let me get through.

Mr. CULLOM. I was going to ask the Senator a question.

Mr. TELLER. I do not see why we should not take in these ships, even if it is a pretended Hawaiian registry. They were registered there under a pretense at least on the part of the Hawaiian authorities that they had a right to register them. I do not believe we will suffer very much if we take them in. As we need them in our trade particularly, I think the committee would be justified in extending the time, so as to take in those that were registered apparently under Hawaiian law.

Mr. FRYE. Mr. President, just one word. I hope the Senator from Colorado, before he votes for free ships, will read the report which the Committee on Commerce has to-day presented to the Senate on the question of reviving the American merchant marine. It has been carefully prepared and has a good deal of information in it. But as to admitting foreign-built ships, the War Department was obliged to purchase or charter some vessel, and four or five, perhaps six, ships that were purchased were admitted to American registry at the request of the Government itself, that they might fly the flag over them.

As to admitting other ships to American registry, it has been done under a law on the statute books which provides that if a ship is wrecked within 3 marine leagues of our coast, is recovered, and in our yards two-thirds of her value is expended in fitting her for the sea, the Secretary of the Treasury may admit her to an American register. Now, once in a while there comes a case before Congress where a ship has been wrecked outside of the 3 marine leagues, and it being a mere technicality, the committee—they are obliged to come to Congress, of course, then—has generally taken the view that if they complied with the law in every other respect, the fact that she was wrecked a little outside of the 3 marine leagues would not prevent her from receiving an American register. Those are about all that have been admitted.

Mr. CULLOM. May I ask the chairman of the Committee on Commerce a question? In view of the development that there are other ships which possibly may be registered and possibly not, had not the amendment that I offered myself and withdrew better be left to the Committee on Commerce, to report just exactly what ships ought to be admitted to American registry, and leave the whole question out of this bill?

Mr. FRYE. The Committee on Commerce were entirely satisfied from evidence produced that the ships which were named in the amendment had been properly registered—that is, under the authority of the Hawaiian court they had been admitted to a Hawaiian registry—and that we would extend to them an American registry. There are no other ships known to the Committee on Commerce entitled to any such equities.

Mr. TELLER. Mr. President, if I may be allowed, I will say to the chairman of the Committee on Commerce that I am not liable to vote for free ships without some consideration of the provisions of the proposed law to retrieve our former position as to the carrying trade. I think, though, that there have been some ships admitted to registry outside of what the Senator speaks of. I do not object to those. I think it is very proper that the class of ships he has mentioned should be admitted. I recollect a few years ago we admitted two great ships on condition that the company should build two more. So we have been making a struggle to get a marine to carry our products abroad and to bring back things we want to buy. We have failed absolutely. Now, if the committee has a scheme that will do that and that is fair, I shall be very glad to support it. But up to the present time, Mr. President, I have not seen anything that I believe would, in the first place, give us a marine, and if I did, I believe it would be at an expense that would not be justifiable. I speak now of the subsidies. I will take great pleasure in looking over this report and joining the Senator in any reasonable scheme for securing to the American people a marine of their own.

Mr. PERKINS. I was absent in committee room when the amendment was proposed by the committee. Do I understand that it is now withdrawn?

Mr. CULLOM. I proposed it myself, understanding that it was the wish of the Committee on Commerce or several members of it. It was suggested to me by the junior Senator from Minnesota [Mr. NELSON]. I supposed there would be no question about it; but as the Senator from South Dakota seemed to have a list of a large number of vessels that did not appear to be included in the amendment, and it became a question rather for investigation of the Committee on Commerce, I determined to withdraw it if I was at liberty to do it, and I did so.

Mr. PETTIGREW. Mr. President, I do not know that I object to the enlargement of the merchant marine, but I do object to its enlargement by subsidy. I do not know that I would object to free ships. I see no reason why we should be very solicitous about carrying our freight on the water when we do not own the railroads that carry it on land. The reason why we are not on the seas is because we find a more profitable investment at home, and the reason why we do not own our railroads, which carry our freight by land, which is most of our commerce, is because we can borrow money in Europe and produce at home cheaply the articles with which to repay our loans.

Until we can carry our freight which goes by land, which is the chief part of our commerce, why should we be so crazy to carry it on water that we wish to tax the people of the United States to pay a subsidy to somebody, perhaps foreign owners under the guise of American ownership, and foreign money, too, to carry our flag? The reason why we do not have more ships on the Pacific Ocean is because a ship becomes American soil when it becomes an American ship, and the business of the Pacific Ocean is done by ships that have Chinese crews, and a member of the Chinese crew gets 15 Mexican dollars a month and boards himself. Now, all the British ships, all those splendid ships that cross the Pacific, are manned by Chinamen from Canton, who receive $15 for each month's labor and board themselves, or seven and a half dollars a month in our money.

Mr. TELLER. They receive Mexican dollars.

Mr. PETTIGREW. Yes, Mexican dollars. Now, Americans will not work for that sum. Our seamen have an organization, and you can not expect them to do it. You will pay a subsidy that will more than make up the difference in wages to man ships under the American flag; and as long as money is so much cheaper in Europe than it is here, so that our railroads are owned in Europe, you can not get American money to build ships. It will be European money that will build those ships; the title will apparently be held by Americans to get the subsidy, and we will go on just as we have done before.

Mr. TELLER. I presume the Senator might have added that probably they would still be run by Chinamen, too. What I want to do, and what my interest is, is to get some ships that fly our flag and employ Americans, if possible. I have never seen a scheme yet that has been presented here that really seemed to be in that direction with any promise of success—that is, any promise of securing American sailors on these ships. I would just as lief, until we can do that, that an English ship that is run by Chinamen would do the work as to have an American ship run by Chinamen. I would like to see American sailors once more such as we used to have. They would come in very handily in some cases, in times of war, in times of difficulty. That is my interest. It is not simply so much to cover the freight with our flag as it is to get the benefit that we would get by having American labor employed on the ships.

Mr. CULLOM. As the Senate has provided that the judges of the supreme court of the Territory and also the circuit judges of the Territory shall be appointed by the President, it takes them out of the category of being paid by the people of the Territory, and I offer an amendment fixing the salaries to be paid by the United States Government.

The PRESIDING OFFICER. The amendment will be read to the Senate.

Mr. CULLOM. It comes in at the end of page 45.

The SECRETARY. Amend section 94 by adding the following:

And the chief justice and associate justices of the supreme court shall each receive an annual salary of $5,000; and the judges of the circuit courts, of whom the two judges for the first circuit shall each receive an annual salary of $4,000, and the judges for the second, third, fourth, and fifth circuits, respectively, an annual salary of $3,000 each.

Mr. CULLOM. The salaries of the circuit judges are fixed at the exact salaries that they were receiving in the islands.

Mr. SPOONER. How many are they?

Mr. CULLOM. There are six judges.

Mr. ALLEN. I should like to ask the Senator from Illinois if these are Territorial judges?

Mr. CULLOM. Yes; they are Territorial judges.

Mr. ALLEN. And it is proposed to pay them out of the Treasury of the United States?

Mr. CULLOM. Out of the Treasury of the United States.

Mr. ALLEN. Why should they be paid in that way?

Mr. CULLOM. The original bill, according to the system adopted by the commission and the committee, made them appointive by the governor and paid by the Territory. The Senate, however, on yesterday changed the bill and provided for their appointment by the President of the United States. It would seem that they ought to be paid by the United States, as we pay in that way all of the judges of the present Territories in our own country, I understand.

Mr. ALLEN. The Senator holds to the idea, then, that because it has been done it should be done.

Mr. CULLOM. That is a question for the Senate. It would seem that when the President appoints them, and takes them out of the hands of the Territory entirely, perhaps the Government of the United States ought to pay them.

Mr. ALLEN. With the Senator's permission, I do not think it makes much difference one way or the other, whether we have been paying Territorial judges out of the Treasury of the United States or not, so far as the right or wrong is concerned.

Mr. CULLOM. Will the Senator allow me to say a word in addition to what I have said.

Mr. ALLEN. Yes, sir.

Mr. CULLOM. This bill turns all the money received from customs, internal revenue, post-offices, and all that into the United States Treasury, so that we are taking away a very large share of the income that they received as they have been existing heretofore.

Mr. ALLEN. I suppose the customs duties are to pass into the hands of the Government the same as the customs duties of the United States proper; but as I understand this bill, in the short time I have had to look into it, it preserves the distinction between a Territorial court established under the United States statutes and a Federal court proper—that is, there is a Federal court to be established there in addition to these Territorial judges.

Mr. CULLOM. There is to be one United States judge to administer United States statutes.

Mr. ALLEN. The district judge who will exercise the powers of a circuit judge?

Mr. CULLOM. Yes.

Mr. ALLEN. Probably with powers a little more enlarged than our circuit judges have. Now, I can see no reason why the Government of the United States should pay all these judges and bear the expenses of the judicial department of that Territory. There may be some reason, Mr. President, that I do not understand, but I see no reason except as was suggested by the Senator from Montana a moment ago, that it has been that way heretofore.

Mr. ALLISON. All Territorial judges have always been paid by the Government.

Mr. ALLEN. And I suppose as it has existed heretofore, therefore it should always exist, whether it is right or wrong.

Mr. CLARK of Wyoming. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Wyoming?

Mr. ALLEN. Certainly.

Mr. CLARK of Wyoming. If I may suggest to the Senator one thought, it is that these judicial officers are officers of the United States Government, appointed by the President and confirmed by the Senate, and that appears to me to be a very good reason why they should be paid by the Government of the United States.

Mr. ALLEN. They are officers of the United States Government only in a qualified sense. They are Territorial officers appointed by the President of the United States, and they sustain no different relations to the people of that country than the elective judiciary of the State of Wyoming to the people of that State, except in the method of their appointment, the method of holding their office.

Now, Mr. President, it may be idle for me to argue to the contrary and to contend to the contrary. It may be that this bill will go through without any objection and that this amendment will become a part of the bill. But if that judiciary is calculated, as it is in its nature, to deal with the local affairs of those islands, it is a local judiciary to all intents and purposes, and should be supported by local taxation. There is not the slightest reason why the expense of that judiciary should be borne by the Government of the United States any more than to say that a justice of the peace or any other local officer should be paid by the General Government.

I know there is a good deal of force in precedents, and, Mr. President, whenever a man has no reason to give for the opinion he seeks to enforce he always resorts to precedents.

Mr. CULLOM. If the Senator will allow me, I do not want to interrupt him any further than to give him in perfect good faith whatever information I can with reference to the matter.

Mr. ALLEN. I have no doubt about that.

Mr. CULLOM. Three supreme judges, so called, one of them a chief justice, existed there under their system of government. They have been paid over there $6,000 a year each. I do not know but that the chief justice gets a thousand dollars more than the circuit judges. Two of them receive $4,000, and the others $3,000 apiece.

Mr. ALLEN. Are the circuit judges ex officio judges of the supreme court?

Mr. CULLOM. No, sir; they are not. It is a different system. We found that system of government there, and we tried to let it alone so far as we could. We provided that when their terms should expire the governor should appoint and that the Territory should pay them. But there seemed to be a disposition to require the President to appoint them, and such an amendment has been adopted. The original bill embodied the idea of a commission, that all the expenses of the Territorial government there should be paid by the Territory itself, including the legislature. I may say in our Territories here, Arizona, New Mexico, and so on, the United States pays the courts and pays the expenses of the legislature as well.

We still require that the Territory shall pay all the expenses of the administration of the government, except these judges appointed by the President of the United States, and, of course, the district judge of the United States, the United States marshal, district attorney, the governor, and secretary of the Territory. All of the rest of the establishment there is to be paid by the Territory. Now, the Senate thought, I think, that in view of the fact that we are taking away from them all their customs and internal-revenue receipts and putting them into the United States Treasury, the people of the Territory will have about as much as they can do to pay the balance.

Mr. SPOONER. Will the Senator from Illinois allow me to interject a word there?

Mr. CULLOM. Yes; two of them.

Mr. SPOONER. We are not only taking away from them certain revenues, but we are imposing our own revenue taxes upon them.

Mr. ALLEN. I do not think there is any misunderstanding about that.

Mr. BACON. Will the Senator from Illinois please state how these salaries compare with the salaries of other Territorial judges?

Mr. CULLOM. They are a little higher than we pay.

Mr. CLARK of Wyoming. Some of them.

Mr. TELLER. Some of them are higher than we pay, and some are the same that our Territorial judges receive.

Mr. CULLOM. I do not know exactly what we pay.

Mr. ALLISON. In Indian Territory we pay $5,000 a year. To the others we pay $3,000.

Mr. SPOONER. The statute makes the pay of the others $3,000.

Mr. CULLOM. But I want to say that the expense of living in those islands is much higher than it is anywhere in the United States; so that, in my judgment, the salaries fixed are as small as they ought to be. I beg pardon for interrupting the Senator.

Mr. ALLEN. Mr. President, when the Senator from Illinois kindly interrupted me I was just in the act of saying that whenever a man wants to fortify a thing which he can not fortify in logic or reason he always resorts to precedents. I have no doubt the man who taught the doctrine that the world was flat and rested upon a serpent invoked that precedent in subsequent discussion.

Now, a precedent has value just as it is based upon reason and principle, and no further. It may be that in interpreting property rights it is sometimes better to stand by a precedent which was wrong in the first instance than to make a change, by reason of the consequences that would follow a change. But that reasoning does not apply to a case of this kind. Here are a distinct people, 2,000 miles from our shores, who have maintained a distinct government in the Sandwish Islands for a great many years. They have had their judiciary; they have had their legislative department; they have had their executive departments. They were brought into this country by an act of Congress annexing them in 1898—leprosy, bubonic fever, and everything that afflicts the country. They are a part and parcel now of the United States, according to modern construction.

Now, we propose to give them not only a Territorial judicial department, but a Federal judicial department distinct from that Territory, which, I submit, is without a precedent. Heretofore the Territorial judges have been ex officio judges of the Federal, and have determined questions arising in their Territories. Now, we propose to give this archipelago some four or five ordinary circuit judges, such as we find in our statutes, and then a district supreme court to which appeals are to be taken, and I presume with a writ of error from that court of appeals to the circuit court

of appeals somewhere or to the Supreme Court. I have not read the bill in that respect. In addition to that, we propose to set up a distinct Federal judiciary, the same there as we have in our States, and all the salaries of these judges are to be paid out of the revenues of the United States Government.

Now, because heretofore in some of the Territories we have paid the salaries of the Territorial judges, in most instances where to do otherwise would be to create a greater burden upon the people than they were able to bear, it is invoked as a precedent here that we should follow and the soundness of which no man ought to question.

But, Mr. President, I did not rise to discuss this question. I rose more particularly to suggest to the Senator having this bill in charge, now that it is well along in the evening, to let the measure go over until to-morrow, that we may have an opportunity to examine its provisions during the night. I want to read it very carefully before voting on it.

Mr. CULLOM. I want to go on until 6 o'clock at any rate.

Mr. ALLEN. I think the bill has been amended so frequently that it ought to be reprinted as amended.

Mr. CULLOM. It is as nearly perfected as we can make it, and I should be very glad to pass it or have the Senate vote upon it.

Mr. ALLEN. I have just returned to the Senate after an absence of ten days, and I have not had an opportunity to read the bill through. I have run through some of its provisions, and upon their face they seem to be objectionable. When I come to read the bill through consecutively and in order those objections may disappear.

Mr. CULLOM. Well, I should like to go on and see whether there are any other amendments to be made to-night. It is now only 5 o'clock. We ought to sit until 6.

Mr. ALLEN. Of course the Senator would not want to conclude the consideration of all amendments to-night, because it might be proper to-morrow to introduce some.

Mr. CULLOM. Of course I am not seeking to do that, but I should like to see whether there are any other amendments to be offered that we can discuss this evening.

Mr. ALLEN. For instance, here is the first section to which I called attention some time ago. That seems to be at least ambiguous and rather misleading.

Mr. CULLOM. What section?

Mr. ALLEN. Section 1, defining the laws of Hawaii in this language:

> Including regulations having the effect of law and the decisions of the supreme court in force on the 12th day of August, 1898.

Now, according to this section, regulations, whether they are public or private customs and usages, are to be recognized as part of the law of those islands, and the decisions of the supreme court are by this section to have the force of statutes. I submit to the Senator from Illinois that when Congress once gives to the decision of a court the force of a statute it takes another statute to repeal it, and it will not be within the power of the supreme court of that Territory or within the power of the Federal judiciary to annul or set aside the decision. Now, I look upon that as somewhat important.

Mr. MORGAN. Will the Senator from Nebraska allow me to give an explanation?

Mr. ALLEN. I will.

Mr. MORGAN. The Senator is a jurist and just fresh from the bench. It was necessary in order to get full swing of all the laws of Hawaii, whether they were statutes, supreme-court decisions, or regulations, that some definition should be given to them, and therefore the first section provides:

> That the phrase "the laws of Hawaii," as used in this act without qualifying words, shall mean the constitution and laws of the republic of Hawaii, including regulations having the effect of law and the decisions of the supreme court in force on the 12th day of August, 1898, immediately prior to the transfer of the sovereignty of the Hawaiian Islands to the United States of America.

If the Senator will look at section 6, which is headed "The laws of Hawaii"—that means all the judicial decisions, regulations, and customs—he will find it reads:

> That the laws of Hawaii not inconsistent with the Constitution or laws of the United States or the provisions of this act shall continue in force, subject to repeal or amendment by the legislature of Hawaii or the Congress of the United States.

Then section 7 provides:

> That the constitution of the republic of Hawaii and the laws of Hawaii, set forth in the following acts, chapters, and sections of the civil laws, penal laws, and session laws, and relating to the following subjects, are hereby repealed.

The object was to repeal the decisions of the supreme court, all the regulations, and all the statutes which were in conflict with the Constitution and laws of the United States or in conflict with the provisions of this act.

Mr. ALLEN. If the Senator from Alabama will permit me, what is to be said of the latter part of section 1, which reads:

> The constitution and statute laws of the republic of Hawaii then in force, set forth in a compilation made by Sidney M. Ballou under the authority of the legislature, and published in two volumes entitled "Civil Laws" and "Penal Laws," respectively, and in the Session Laws of the Legislature for the session of 1898, are referred to in this act as "civil laws," "penal laws," and "session laws."

These, I understand, by subsequent provisions of the act, are carried into force.

Mr. MORGAN. No; either carried into force or repealed.

Mr. ALLEN. Do not those penal statutes, in the codification by Mr. Ballou, embrace many things that are in direct violation of the Constitution and statutes of the United States?

Mr. SPOONER. If so, they are repealed.

Mr. ALLEN. This bill repeals them, then? I did not know that.

Mr. MORGAN. The Senator will find, by consulting the report which accompanies the bill, that each one of those acts has been gone over.

Mr. ALLEN. That is one reason why I want to-night to study this bill.

Mr. CULLOM. I have no objection to allowing the Senator that privilege.

Mr. ALLEN. The first section, I think, with proper deference to the Senator from Alabama, is ambiguous in its words, "including regulations having the effect of law." What are those regulations?

Mr. MORGAN. They are part of the laws of Hawaii.

Mr. ALLEN. But laws are laws.

Mr. MORGAN. But conflicting laws are repealed.

Mr. ALLEN. A law is statutory, or it is judicial. It is made by the bench, or it is common law. But what is a regulation? Did the Senator ever hear of the legislative department of a government passing a regulation?

Mr. MORGAN. We have our Treasury regulations. The Treasury Department is full of them, and so are the other Executive Departments.

Mr. ALLEN. But those are executive.

Mr. MORGAN. And men can be indicted for violating them.

Mr. ALLEN. But those originate in the executive department and not in the legislative department. Therein consists the ambiguity and the danger of this provision. I take it that the executive department, through many of its different subdivisions in the Hawaiian government, has promulgated many regulations, some of which may be in direct violation of their constitution and their statutes, many of which may perhaps never have received a judicial interpretation at the hands of their own courts, and yet all those regulations, without exception, are carried into force by this bill and given the effect of statutes.

Mr. SPOONER. I agree with the Senator that the bill can not be acted upon to-night, but I want to submit to him that the Hawaiian government was a government when the act of annexation was passed; the people out there had their own statutes and their own regulations; they had their own customs; and customs sometimes have, of course, the effect of law and are enforced by the courts. It is absolutely impossible for us, is it not, to supplant by specific regulations in this bill the local laws, the local customs, and the local regulations as to health and otherwise which are in force out there?

What I rose to ask the Senator was this, mainly, whether that is not sufficiently guarded by the committee bill by the provision which continues them in force only where they are not inconsistent with the Constitution and laws of the United States?

Mr. ALLEN. That may be possible. I would not say, because I have not read the bill sufficiently to know all its provisions.

Mr. SPOONER. But I do know.

Mr. MORGAN. Perhaps the Senator from Nebraska would permit me to say a word in explanation.

Mr. ALLEN. Yes, sir.

Mr. MORGAN. The Senator will find on examination of the report of the committee, which is part of the bill, that there is included in brackets the repeal of a large number of statutes and the constitution of Hawaii. Fearing that might not cover everything, that there might be something still left that was in conflict with the Constitution and the laws of the United States and the provisions of this act, this provision was put into the bill by the committee for the purpose of defining all the balance, the residuum, that is not specifically repealed in this act, and providing that all of that residuum, I will call it, which might have escaped the scrutiny of the committee in remodeling this statute:

> SEC. 6. That the laws of Hawaii not inconsistent with the Constitution or laws of the United States or the provisions of this act shall continue in force, subject to repeal or amendment by the legislature of Hawaii or the Congress of the United States.

"The laws of Hawaii" become technical terms, which include the decisions of the supreme court and regulations.

> SEC. 7. That the constitution of the republic of Hawaii and the laws of Hawaii, set forth in the following acts, chapters, and sections of the civil laws, penal laws, and session laws, and relating to the following subjects, are hereby repealed.

By these provisions we thought we had covered the ground absolutely.

Mr. ALLEN. Possibly I may make myself more perfectly understood by the Senator from Alabama if I call attention to this fact: An executive interpretation of a statute may be correct or it may be incorrect. I think I am safe in saying it is as frequently incorrect as it is correct. That executive interpretation becomes a regulation or is itself a regulation, and finds its existence in the promulgation of an order or a system or a custom of doing business in the executive department. It may have as its basis a statute. The statute may be repealed according to this bill, and yet the custom or the regulation itself be maintained by the bill. Where the statute would disappear by positive repeal, the regulation and all the evil consequences flowing from it and from its enforcement would be maintained by the bill. So nothing is to be gained from the argument of the Senator from Alabama, so far as I can see.

I again say that I should like time to investigate this bill. I regret to say I have necessarily been absent at my home for ten days and only returned last evening. I want to vote upon the bill, and I want to vote my convictions on it. I can not do that until I read it and study it at least a few hours. I should like to appeal to the Senator from Illinois to let the bill pass over until to-morrow. It may be my desire in the morning, after I have read the bill over carefully, to suggest some amendments to avoid the difficulties which now present themselves to my mind, and I should like that privilege.

Mr. CULLOM. I can not, of course, resist the appeal of the Senator from Nebraska.

Mr. COCKRELL. I hope the Senator will obtain an order for a reprint of the bill as it has been amended, so that we may see how it now stands.

Mr. CULLOM. I was going to make that suggestion, in view of the bill going over again, and of the various amendments made since it was last printed, that the bill be now again printed with the amendments which have been adopted.

The PRESIDENT pro tempore. There is an amendment now pending at the Secretary's desk.

Mr. CULLOM. That may go over.

Mr. CARTER. I suggest to the Senator that probably other amendments are prepared to be presented to-morrow, and if so, that such amendments likewise be printed.

Mr. CULLOM. I have been hoping that all the amendments which were likely to be offered to the bill might be those which have been presented; but if any Senator has an amendment which he desires to offer to the pending bill, I hope he will offer it this evening before we adjourn, so that it may be printed and the attention of Senators called to it.

Mr. ALLEN. I will say to the Senator, with his permission, that if I offer any amendment it will be more likely to be in the nature of some eliminations from the bill than additions to it.

Mr. TELLER. I should like to say to the Senator having the bill in charge that when it is taken up to-morrow I shall feel it my duty to try to eliminate from this bill the court called the circuit court of the United States, and to confer upon the courts in the Territory of Hawaii the jurisdiction of the circuit and district courts of the United States, as has been done in the Territories and is now in existence in Oklahoma, Arizona, and New Mexico.

Mr. COCKRELL. That is, make the judicial system of Hawaii correspond to the judicial system in our Territories?

Mr. TELLER. That is what I want to do. If the judges in Hawaii are to be appointed by the President of the United States, I see no reason why that should not be done; and I want to do it, because it is very evident that we are providing a judiciary very much beyond the needs and wants of those people. We had a smaller judiciary in Colorado when we had 400,000 people, and then we had a great deal more business than they will ever have in Hawaii.

Mr. ALLEN. We give Hawaii eight judges under this bill.

Mr. TELLER. And when Colorado was a Territory we had but three.

Mr. CULLOM. If the Senator has his amendments prepared, I hope he will offer them now.

Mr. TELLER. I can not offer them to-night. I simply give notice. I want the Senator to understand it is my intention to offer them to-morrow.

The PRESIDENT pro tempore. The Senator from Illinois asks that the bill may be reprinted as amended.

Mr. CLARK of Wyoming. I understand the Senator from Illinois requests that all amendments which are to be presented may be presented this evening, so that they may be printed. I have one amendment that I wish to offer, but which I do not wish to discuss until to-morrow.

The PRESIDENT pro tempore. The proposed amendment will be printed and lie on the table. Is there objection to the request of the Senator from Illinois [Mr. CULLOM]? The Chair hears none; and it is so ordered.

Mr. CULLOM. I hope the bill will be printed with the amendments and be on the table by 12 o'clock to-morrow, so that we can then proceed with it without delay.

It is suggested to me by the Senator from South Dakota [Mr. PETTIGREW] that I ask unanimous consent that we vote finally on the bill and amendments some time to-morrow. I hope there will be an understanding that we can dispose of the bill to-morrow.

Mr. CARTER (to Mr. CULLOM). Ask unanimous consent.

Mr. CULLOM. I ask unanimous consent that that may be done.

The PRESIDENT pro tempore. The Senator from Illinois asks unanimous consent that the pending amendments and the bill may be voted on finally to-morrow? Is there objection?

Mr. COCKRELL. What is that?

The PRESIDENT pro tempore. That the amendments to the pending bill and the bill itself shall be voted on to-morrow.

Mr. NELSON. I wish the Senator would include any other amendments that may be offered to-morrow.

The PRESIDENT pro tempore. That will include all amendments up to the final vote, under the ruling of the Chair. Is there objection?

Mr. ALLEN. I hope the bill and amendments will be printed in ample time so that they can be examined.

Mr. CULLOM. I have made that request.

Mr. ALLEN. With that understanding, I have no objection to the vote being taken to-morrow.

Mr. CARTER. Before adjournment.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALLISON. I suggest that some hour be fixed when the vote shall be taken.

Mr. CULLOM. I should be glad to have that done; but I apprehend there will be objection to it.

Mr. CARTER. Let the vote be taken before adjournment to-morrow.

Mr. FORAKER. Four o'clock is a pretty late hour. I do not see why we could not agree to vote by that time. That, I think, would satisfy everybody.

Mr. ALLISON. We would then know at what hour we would be likely to adjourn.

Mr. ALLEN. I do not see how that can be done.

Mr. ALLISON. I withdraw the motion.

Mr. CULLOM. Has the order to print the bill with the amendments been made?

The PRESIDENT pro tempore. That order has been made.

EXECUTIVE SESSION.

Mr. ALLISON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 28, 1900, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 27, 1900.

CONSUL.

Henry B. Miller, of Oregon, to be consul of the United States at Chungking, China, vice George F. Smithers, recalled.

SECOND LIEUTENANT IN MARINE CORPS.

Daniel W. Blake, a citizen of Mississippi, to be a second lieutenant in the United States Marine Corps, from the 26th day of February, 1900, to fill a vacancy existing in that corps.

TO BE SECOND LIEUTENANT OF CAVALRY.

Daniel Van Voorhis, of Ohio, to be second lieutenant of cavalry, to rank from February 1, 1900.

WITHDRAWAL.

Executive nomination withdrawn February 27, 1900.

Daniel Van Voorhis, of Ohio, to be second lieutenant of infantry, to rank from February 1, 1900 (submitted to the Senate February 26, 1900).

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 27, 1900.

UNITED STATES ATTORNEY.

Francis H. Parker, of Connecticut, to be attorney of the United States for the district of Connecticut.

APPOINTMENTS IN THE MARINE CORPS.

To be second lieutenants in the United States Marine Corps, from the 17th day of February, 1900.

Yandell Foote, of California.
C. T. Wescott, jr., of Maryland.

Sidney W. Brewster, of Michigan.
Paul E. Chamberlin, of Virginia.
Douglas C. McDougal, of California.
Albert N. Brunzell, of Idaho.
Presley M. Rixey, of Virginia.
T. Edward Backstrom, of Mississippi.

Assistant paymaster in the Navy.

Ray Spear, a citizen of Washington, to be an assistant paymaster in the Navy, from the 19th day of February, 1900.

Colonel in the Marine Corps.

Lieut. Col. William S. Muse, to be a colonel in the United States Marine Corps, from the 31st day of January, 1900.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February 27, 1900.*

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

TRADE OF PUERTO RICO.

Mr. PAYNE. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 8245.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. HULL in the chair, for the further consideration of the bill H. R. 8245.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 8245.

Mr. CARMACK. Mr. Chairman, the head of the President's Philippine Commission, Mr. Schurman, in a lecture delivered some weeks ago, frankly admitted that the new policy upon which we are about to enter involves a serious shock to all our national traditions and habits of thought, and even to the venerable Constitution itself. This bill, Mr. Chairman, is the first shock which the authors of this new policy have prepared for the Constitution.

It is difficult to escape the conclusion that it was prepared trusting to the complaisance of the Supreme Court and its readiness to overturn, as it did in the income-tax decision, the law and the precedents of a hundred years. The gentleman from Pennsylvania [Mr. DALZELL] frankly admits that if the Constitution is to cover all our new possessions, as it has covered all of the territory we have acquired in the past, then the new policy is a stupendous mistake.

The President of the United States, speaking with reference to the Philippine Islands, declared that—

> Our priceless principles undergo no change beneath a tropical sun.

The theory of the gentleman from Pennsylvania and of his associates is that we must either abandon our "priceless principles" or abandon our new possessions, and that is the issue which is now presented to this House. We can not fail to regard this bill, Mr. Chairman, in the light of the frank forewarning given us by the late head of the Philippine Commission, that this new policy premeditates a deliberate assault on the Constitution and a revolution in the character and principles of our Government.

The chairman of the Ways and Means Committee, the distinguished gentleman from New York [Mr. PAYNE], wants this bill as a precedent because he is alarmed at the prospect of free trade with the pauper labor of the Philippine Islands.

Why, Mr. Chairman, we have been dazzled by the accounts of the great addition to be made to our trade and commerce by reason of our new possessions; and yet here at the very threshold gentlemen on the other side start back affrighted and appalled lest the very trade to which they have looked with such covetous eyes shall bring destruction to American labor and American industry.

We have been told that our possessions would open splendid opportunities for American capital and American enterprise; but let me ask, Mr. Chairman, how shall we encourage American capital or American enterprise to seek employment in Puerto Rico or the Philippine Islands if we deny them access to the markets of the United States?

This, then, is your dilemma. If you adopt a policy which will encourage American capital to develop the resources of Puerto Rico and the Philippines, you bring them into dangerous competition with American industry. If you adopt a policy that will shut off this competition, then you make it impossible for American capital to find profitable employment there. What, then, is left, Mr. Chairman, except to treat these colonies as Spain treated them, to turn them over as the spoil and prey of carpet-bag adventurers who will be sent there to feed like buzzards upon the dead prosperity of a conquered province?

Mr. Chairman, I do not intend to go into any elaborate discussion of the constitutional questions involved in this bill. I wish to address myself briefly to some of the ad captandum arguments and appeals made by the gentlemen on the other side of the Chamber to seduce the consciences of members from what the President calls their "plain duty" and from what the Constitution makes their sworn duty.

We have had a tremendous rattling of the dry bones of slavery and secession, and the bloody shirt has been waived with something of the old time vigor in order to get members upon the other side in the proper condition of mental imbecility for trampling upon the Constitution and violating the oath they have taken to support and defend it. The distinguished gentleman from Ohio [Mr. GROSVENOR] cracked the party whip over the heads of his associates and invoked the old spirit of sectional passion to aid him in his assault upon the Constitution.

His speech was as rank an appeal to prejudice and to ignorance as was ever made upon the floor of this House, and I am sorry that the gentleman from Ohio [Mr. GROSVENOR] is not here, for I had intended to say that in making it he displayed an ignorance of the record and history of his own party almost as dense as the ignorance to which he appealed. [Laughter and applause on the Democratic side.]

The gentleman's speech as it appears in the RECORD is headed "The real issue. The battle of 1860 again on."

By a very incomplete and very unfair quotation from the platform of 1860 the gentleman from Ohio seeks to make it appear that the Republican party in that campaign planted itself squarely upon the doctrine that the Constitution did not extend to the Territories, and that this was the issue in that campaign, just as it is the issue in this debate.

Now, Mr. Chairman, with the platforms of the Republican party before me, I say that there was no such issue in that campaign.

I say that the Republican platform in 1860 was directly to the contrary of the position taken by the majority of the Ways and Means Committee, and was exactly in accord with those who oppose the passage of this bill. I say the same thing is true of the platform of 1856, and I wish to call the attention of gentlemen first to this platform of 1856, the first platform ever adopted by the Republican party. This platform declares that while the Constitution—

> contains ample provision for the protection of life, liberty, and property of every citizen, that the dearest constitutional rights of the people of Kansas have been fraudulently and violently taken from them.

And among the constitutional rights which belong to them and which were alleged to have been taken away were the right of trial by jury, the right to bear arms, the right to be exempt from unreasonable searches and seizures, and that no man shall be deprived of life, liberty, or property without due process of law. These were among the "constitutional" rights which belonged to the people in the Territory of Kansas, according to the statement of the Republican platform of 1856. It may be said, Mr. Chairman, that this was true because an act of Congress had extended the Constitution over them; but the very wording of the platform shows that the men who made it believed that they derived their rights direct from the Constitution and without any aid from Congress whatever.

But whatever may be said of the platform of 1856, I say that the platform of 1860, the very platform quoted by the gentleman from Ohio [Mr. GROSVENOR], declares in unmistakable terms that the Constitution of the United States does extend to the Territories of the United States, and that it extends there of its own force, without any legislation from Congress whatever. The gentleman from Ohio read that part of the platform which denounces the new dogma that the Constitution of its own force carries slavery into the Territories, and he construes that as a denial that the Constitution itself was there.

Now, Mr. Chairman, this declaration means what it says and no more. It does not deny that the Constitution extends to the Territories. It simply denies that it carries slavery there. The gentleman argues that if the Constitution had extended to the Territories it would have carried slavery there, because of the provision that no man shall be deprived of life, liberty, or property without due process of law; and slaves, says the gentleman from Ohio, were property under the Constitution.

Now, Mr. Chairman, this very platform from which the gentleman read denies and denounces the doctrine that slaves were property under the Constitution, and in taking that position, in saying that slaves were property in the sense of the Constitution, the gentleman from Ohio expressly repudiates the Republican platform of 1860, and he plants himself squarely upon the Dred Scott decision, which he and others have denounced with such ignorant ferocity upon this floor. [Laughter on the Democratic side.]

Mr. Chairman, if the battle of 1860 is on again, upon which side are the gentleman from Ohio and his associates of that committee enlisted to-day?

Mr. MADDOX. They are the slaveholders and we are the liberators.

Mr. CARMACK. The gentleman makes special reference to that provision in the Constitution that "no person shall be deprived of life, liberty, or property without due process of law," and says that the Democrats affirmed and the Republicans denied that that provision of the Constitution operated in the Territories. Mr. Chairman, I say that the chief plank in the Republican platform of 1860, the very next plank to that read by the gentleman from Ohio, declares in haec verba that this very provision of the Constitution does extend to the Territories of the United States, and that it extends there not only without any Congressional legislation but in spite of any Congressional legislation to the contrary.

Now, I wish to read that provision of the platform of 1860:

8. That the normal condition of all the territory of the United States is that of freedom; that as our republican fathers, when they had abolished slavery in all our national territory, ordained that "no person shall be deprived of life, liberty, or property without due process of law," it becomes our duty, by legislation, whenever such legislation is necessary, to maintain this provision of the Constitution against all attempts to violate it; and we deny the authority of Congress, of a Territorial legislature, or of any individuals to give legal existence to slavery in any Territory of the United States.

What is the doctrine of that platform, Mr. Chairman? It is that after slavery had been abolished in all our National Territories, it had then been ordained in the Constitution that no man thereafter should be deprived of life, liberty, or property without due process of law, and that this provision of the Constitution covered every inch of our national territory.

The doctrine of the Republican party was that whenever any man set foot upon the national territory, that moment the right of personal freedom attached to him, because the Constitution was there, already there, there of its own force, there without being sent, there with the guaranty that he should not be deprived of his liberty without due process of law.

Let me read again, Mr. Chairman, the latter part of that plank in the platform of 1860:

We deny the authority of Congress, of a Territorial legislature, or of any individuals to give legal existence to slavery in any Territory of the United States.

Did the Republican party in that campaign plant itself upon the doctrine that Congress was supreme in the Territories and that it had a right to either forbid or legalize slavery? No, sir; it declared in express terms that the Constitution was supreme in the Territories, and because it was supreme Congress had no right to legalize slavery or even to permit its existence. The Republican party said that if Congress or a Territorial legislature acting under the authority of Congress shall seek by law to establish slavery in the Territories, that law is unconstitutional and void; that the Constitution is there saying that no man shall be deprived of his liberty without due process of law.

That was the doctrine of the Republican party in 1860. That was the platform on which the Republican party won its first victory, and I make bold to say that when it repudiates that platform it will have won its last. [Applause on the Democratic side.] We believe, as Abraham Lincoln believed, that the Constitution extends to every place within the territory and under the sovereignty of the United States. We believe, as Lincoln believed, that it is there to forbid this Congress to establish either slavery or political despotism under the American flag.

We believe that wherever the power of Congress goes there go the limitations upon its power. We believe that wherever the flag goes there goes the Constitution, without which there would be no flag. [Applause on the Democratic side.] This is the doctrine of the Democratic party to-day; it was the doctrine of the Republican party in its earlier and better days. And we say to gentlemen on the other side that if they will persist in denouncing and covering with odium the platform of Abraham Lincoln, we, as the friends of constitutional liberty, are ready to uphold and defend it. [Applause on the Democratic side.]

The CHAIRMAN. The gentleman from Alabama [Mr. CLAYTON] is recognized for five minutes.

Mr. CLAYTON of Alabama. Mr. Chairman, a few days ago we were all very much entertained by a speech made by the distinguished gentleman from New York [Mr. PAYNE] who opened this debate in behalf of the pending measure. I hold in my hand, Mr. Chairman, a letter written in behalf of his now abandoned free-trade bill for Puerto Rico by that same gentleman [Mr. PAYNE] against the argument and position that he took in his speech in the opening of this debate, and I therefore ask that this letter, together with an extract from his speech made in this debate—this letter and this extract being taken from the St. Louis Globe-Democrat of Saturday morning, January 27, 1900—be printed in the RECORD.

Mr. WHEELER of Kentucky. Let the Clerk read the letter.

Mr. CLAYTON of Alabama. I have not the time in five minutes. I should like to read it, if the House will give me the time.

Mr. WHEELER of Kentucky. Have it read.

Mr. CLAYTON of Alabama. I ask unanimous consent, then, that my time be extended to read these two clippings.

The CHAIRMAN. Without objection, the time of the gentleman will be so extended.

There was no objection.

The Clerk read as follows:

Mr. W. H. CURTIS,
Palmyra, N. Y.:

DEAR SIR: Your letter of January 19 received, in which you assert that free trade with Puerto Rico means free trade with Cuba and the Philippine Islands and a deathblow to protection. If you are correct in all of your assumptions, of course no Republican would favor any such measure. Suppose we get down to the facts: Puerto Rico was ceded to us by the Spanish treaty, and we accepted it without a dissenting voice in all the United States, so far as I know. In accepting it we cut off their market with Spain and with Cuba, in both of which countries there is now a high protective duty, which is absolutely prohibitive so far as Puerto Rico is concerned. Puerto Rico produces 50,000 tons of sugar annually. No one believes it ever can reach 100,000 tons under the most favorable circumstances.

We imported last year 1,340,000 tons of sugar. You see the importation from Puerto Rico would be as a drop in a bucket. We have had a treaty for a number of years with the Hawaiian Islands, where sugar can be produced more cheaply than in Puerto Rico, by which all sugar has been admitted free of duty. It is proposed to continue this by the enactment of law, and no one objects to it. We import from the Hawaiian Islands 240,000 tons of sugar annually. In the face of this free sugar from Hawaii, the production of beet sugar in California has doubled and quadrupled from year to year.

I am told that the production of the present year will more than double the large production of 1899. Free sugar from Hawaii does not seem to affect the beet-sugar interests. You say that free trade with Puerto Rico means free trade with Cuba and the Philippine Islands. In this you are all at fault; Cuba is not ours, but will have an independent government. The most she can ever hope for is a slight reduction of duty through a reciprocity treaty. You have been voting for reciprocity for the last fifteen years, as you say you have voted the Republican ticket. Under the treaty the Philippine Islands are to have free trade with Spain for ten years. We could not extend these tariff laws to the Philippine Islands even if we would.

To sum up, then: Puerto Rico is ours without a dissenting voice anywhere. Her people are impoverished by reason of the hurricane which destroyed the greater portion of two annual crops. She has no markets, being deprived of them by annexation to the United States. Commercially and industrially, without some aid from Congress, she is without hope for the future. A free admission of her products to the United States (which is now accorded to every other State and Territory and to Alaska, not organized into a Territory) would give her relief.

It will not hurt us, but, on the contrary, will give us a market for $10,000,000 annually, largely of the products of our farms, which will increase as American prosperity comes to Puerto Rico. I am heartily in favor of extending this relief to Puerto Rico, while I do not in any way commit myself to extend the same privileges to either the Philippine Islands or to Cuba. I have worked as hard as anyone to establish the beet-sugar industry and am as thoroughly in favor of it as ever. I am sorry to learn that anybody thinks of voting for a Democrat, who claims to be a good protectionist.

Yours, very truly,
SERENO E. PAYNE.

WASHINGTON, D. C., *January 24.*

[Special dispatch to the Globe-Democrat.]

PUERTO RICO AND FREE TRADE—PAYNE THINKS THE ADMINISTRATION BILL WILL PASS—IMPOVERISHED BY THE ELEMENTS, WITHOUT MARKETS BECAUSE OF ANNEXATION, THE ISLAND'S PRODUCTS SHOULD BE ADMITTED FREE TO THE UNITED STATES.

WASHINGTON, D. C.,
January 26, 1900.

Chairman PAYNE, of the Ways and Means Committee, has made a statement vindicating the policy of free trade for Puerto Rico. Mr. PAYNE introduced the Administration bill to carry out this policy, and has no doubt it will go through both House and Senate at an early date. He says:

"Puerto Rico was ceded to us by the Spanish treaty, and we accepted it without a dissenting voice in all the United States, so far as I know. In accepting it we cut off their market with Spain and with Cuba, in both of which countries there is now a high protective duty, which is absolutely prohibitive so far as Puerto Rico is concerned. Puerto Rico produces 50,000 tons of sugar annually. No one believes it can ever reach 100,000 tons under the most favorable circumstances. We imported last year 1,340,000 tons of sugar. The importation from Puerto Rico would be as a drop in a bucket. We have had a treaty for a number of years with the Hawaiian Islands, where sugar can be produced more cheaply than in Puerto Rico, by which all sugar has been admitted free of duty.

It is proposed to continue this by the enactment of law, and no one objects to it. We import from the Hawaiian Islands 240 tons of sugar annually. In the face of this free sugar from Hawaii, the production of beet sugar in California has doubled and quadrupled from year to year. I am told that the production of the present year will more than double the large production of 1899. Free sugar from Hawaii does not seem to affect the beet-sugar interests. It is urged that free trade with Puerto Rico means free trade with Cuba and the Philippine Islands. In this the opposition is all at fault; Cuba is not ours. Under the treaty the Philippine Islands are to have free trade with Spain for ten years. We could not extend these tariff laws to the Philippine Islands, even if we would.

To sum up, then, Puerto Rico is ours without a dissenting voice anywhere. Her people are impoverished by reason of the hurricane, which destroyed the greater portion of two annual crops. She has no markets, being deprived of them by annexation to the United States. Commercially and industrially, without some aid from Congress, she is without hope for the future. A free admission of her products to the United States (which is now accorded to every other State and Territory and to Alaska, not organized into a Territory) would give her relief. It will not hurt us, but, on the contrary, will give us a market for $10,000,000 annually, largely of the products of our farms, which will increase as American prosperity comes to Puerto Rico. I am heartily in favor of extending this relief to Puerto Rico, while I don't in any way commit myself to extend the same privileges to either the Philippine Islands or to Cuba.

[At various points during the reading of the foregoing letter there was laughter and applause.]

Mr. CLAYTON of Alabama. Mr. Chairman, I ask leave to print in a column parallel with this letter an extract from the speech of the gentleman from New York, made in the opening of this debate. I hope there will be no objection.

Mr. PAYNE. I hope that leave will be granted. I should be glad if the gentleman from Alabama would publish the whole of my speech.

Mr. CLAYTON of Alabama. I would like the gentleman from New York, during the course of this debate, to give us some better reasons for his change of views than he has yet done.

Mr. RICHARDSON. I hope the gentleman from New York will get leave to bring in another bill.

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and Mr. ADAMS having taken the chair as Speaker pro tempore, a message in writing from the President of the United States, by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed bill of the following title:

On February 26, 1900:

H. R. 5493. An act for the relief of claimants having suits against the United States pending in the circuit and district courts of the United States affected by the act of June 27, 1898, amending the act of March 3, 1887.

TRADE OF PUERTO RICO.

The committee resumed its sitting.

The CHAIRMAN. The gentleman from Texas [Mr. KLEBERG] is recognized for ten minutes.

Mr. KLEBERG. Mr. Chairman, the convention which nominated me adopted the Texas State Democratic platform, which provided that Puerto Rico should become a part of the United States. Since the ratification of the treaty of peace between Spain and the United States and our peaceful occupation of this island by the consent of both our people and the people of Puerto Rico it has become a part of the United States.

If it is not fully now a part of the United States, it certainly must become so if Congress legislates with reference to it. This being the status of Puerto Rico, it would be clearly unconstitutional to pass this bill, as the Congress has no power under the Constitution to lay and collect duties, imposts, and excises which are not uniform throughout the United States.

If the Congress can thus act without the Constitution and impose this tax against the people of Puerto Rico, it can likewise suspend every other constitutional right which the people of that island enjoy under the Constitution, such as citizenship, trial by jury, and all other rights affecting their person and property. Such exercise of power would be imperialism in its most radical form, and therefore would practically overthrow and destroy the Constitution and vest arbitrarily all power concerning all the Territories and their people in Congress, regardless of all constitutional limitations. Taking this view of the bill, I am utterly opposed to it and shall so record my vote.

Inasmuch as it is claimed in certain quarters and by certain people that American naturalized citizens, and especially those of German birth, indorse the Administration's policy of imperialism, I may be pardoned to deny this statement.

Let it be remembered that the love of liberty and local self-government is not only implanted and inborn in every German heart, but is interwoven in his history and embedded deep in his character and his race: that his ancestors not only repelled Roman aggression under Arminius and destroyed the legions of Varus in the Teuteburgerwald, but that they carried the germs of civil liberty from Saxony to Albion; that they not only stood sponsors at the birth of trial by jury and representative government, but have ever defended them on the battlefield and in legislative councils at home and abroad.

Not only are they lovers of personal liberty, but of civil liberty as well; and wherever the German has gone he has carried with him his love for freedom, for free speech, and for religious tolerance, and his devotion to local self-government. While he is a good and loyal soldier in the Fatherland, as well as in his adopted country, he is not an admirer of militarism or imperialism, but devoted rather to the arts of peace and orderly constitutional government. More especially is this so with the great majority who emigrated to the United States.

Their motive in leaving the old country was largely due to the desire to enjoy greater freedom in this great Republic and to cast their fortunes with those who are here engaged in the upbuilding and maintaining of free institutions for themselves and their posterity. How natural, then, that they should oppose the present policy of militarism and imperialism in this country.

Identified as they are with our principles of constitutional government, they are especially zealous in perpetuating them, both on account of their historical antecedents, as well as from political choice, and the idea of subjugating foreign peoples at the risk of overthrowing constitutional liberty is utterly repulsive to them. Nearly every German newspaper in the United States is anti-imperialistic and directly opposed to the permanent retention of the Philippines or governing their people as a colonial dependency and the establishment of a large standing army.

I believe I can safely say that the thousands of American citizens of German birth in Texas and those throughout the United States are thoroughly opposed to this new doctrine of the Administration, and that the foremost leader among them, the Hon. Carl Schurz, is outspoken in his opposition against this strange and un-American policy. Many who supported Mr. McKinley in the last Presidential election will not do so again, but, if I read the sign of the times aright, will cast their votes for Democracy and constitutional government in the coming Presidential election.

The present bill, if it becomes a law, is the entering wedge to imperialism, because it destroys and overthrows constitutional government and leads to absolutism, whatever may be its results. It is the beginning of the end to republican institutions, whatever you may call the government it will establish. You may retain the name of the republic, but you will have an empire in fact, and therefore I want to protest against its passage on behalf of Democracy, of constitutional liberty, and in the name of the many thousands of German-speaking Americans who love their country and who are unwilling to indorse imperialism, a colonial policy, Anglo-American alliance, or the alliance of the United States with any foreign country on earth. [Loud applause on the Democratic side.]

The CHAIRMAN. The gentleman from Tennessee [Mr. PIERCE] is recognized for fifteen minutes.

Mr. PIERCE of Tennessee. Mr. Chairman, it has been, in all the past, the boast of the Republican party that it has ever faced the public questions which have been presented without embarrassment, and that whatever changes there may have been upon questions submitted to the country, those changes have been upon the Democratic side of the House. Never in the history of this House has a great party presented a more pitiable spectacle than that presented by the Republican party here to-day before the House and the country. We find that within the last three months the President of the United States, the chairman of the Ways and Means Committee, and the Speaker of this House have all declared themselves absolutely in writing, in such a form as can not be dodged or evaded, in favor of absolute free trade with Puerto Rico.

Now, gentlemen, what is it that has brought about this change? Every prominent member on that side of the House, almost without exception, has stated plainly that he has changed. And why? They have given no reason to the country. They say that "conditions have changed." What conditions? The distinguished Speaker of this House admits in the public press this morning that he, too, in January last, was a strong advocate of free trade with Puerto Rico. What changed him? What changed the chairman of the Ways and Means Committee? What changed the President of the United States? I want to read what the Speaker of this House says on this subject, as reported in the press this morning. The Speaker stated in the Republican caucus last night:

> I have talked with the President for two hours, and I know that he considers that the defeat or failure of the bill would be a disastrous thing for the Republican party.

This change of position, then, is put not upon the principles of justice and right, but upon grounds of political expediency. Here is a question affecting a people who have come voluntarily to the United States and put themselves under the protection of the flag, which gentlemen on the other side talk so much about, and yet, without any apparent or assigned reason, you have all changed, and, if we are to believe the statement of the most distinguished Republican in this House, the President of the United States has changed.

Mr. Chairman, I did hope that there was at least one question upon which the President of the United States had not put himself on both sides. [Laughter.] Where upon any public question heretofore raised—finance, the lending of money by the Government to the banks, and other vital questions which have come up—has not the President of the United States changed and adopted views which he had previously condemned? I did hope that at last there would be some consistency in the head of the Republican party; but it seems this hope is not to be realized.

Gentlemen, what was the reason of your change? Was it love for the Puerto Ricans? Was it humanitarian principle? Was it the milk of human kindness that moved you to change your position? Let us see. In the press dispatches which circulated through the country yesterday morning I find a public interview with Mr. Schurman, a distinguished Republican and chairman of the Philippine Commission. What does he say has made you fellows on that side change? And I use the term "fellows" respectfully. Here is what Mr. Schurman says. I ask gentlemen to listen to it, for it states what will be the verdict of the American people; he tells what they believe to be the truth. Listen to the verdict of the country as foreshadowed by a man who is a Republican in every fiber of his being:

> Should the present Congress adopt the tariff for Puerto Rico against the recommendations of the commissioners and of the President and against every good sense of justice and generosity, the orators of the Democracy can say with truth during the next campaign that the trusts went down to Washington and grappled the Republican party by the throat and made it choke to their advantage.

There you have the reason! The trusts—the Standard Oil, the sugar trust, the tobacco trust, and all the other trusts; for we

know these evil broods always dovetail in and work together for the interests of each other. Here comes a distinguished Republican who says that the trusts have brought about this change in the policies and principles of the Republican party, so that the policy which up to a few days ago you were clamoring for in the name of humanity and justice and right you are now ready to abandon.

Is Mr. Schurman talking "by the card" or not? He would not give away any political secrets. He would not do anything detrimental to the Republican party if he knew it. When he made the declarations I have read, he had not heard how things were operating here in Washington on the principle of "presto change!" This interview was sent out from Detroit; and he had not caught the cue. The meeting with the President last night had not then been held, for, as the New York Journal says, at 12 o'clock last night the President gave it out that the defeat of this bill would be to the interests of the Democratic party. Thus we have great principles ignored and party exigency made the supreme test.

What a pitiable condition then, the Republican party is in. Having surrendered absolutely to the trusts all that it contended for as just and right, it now turns its face against what every leading Republican a short time ago said was right. Why have they changed?

The country will answer in my humble opinion in November next, and if it were not that in my heart I feel such a sympathy for the Puerto Ricans and that they should have equal rights under the flag and under the Constitution of our country I would be glad to see you pass this bill and put these onerous burdens upon the people—the liberty-loving and loyal people of Puerto Rico.

Why, a distinguished gentleman on that side, Mr. TAWNEY, of Minnesota, said the day before yesterday, in assailing the gentleman from Maine [Mr. LITTLEFIELD], "Why, the gentleman is going back upon one of the cardinal principles of the Republican party upon the tariff. Have you not taught, do not I teach, and does not the Republican party teach, that the importer pays the tax, that the foreigner pays the tax?" is the way he puts it in his speech; and yet for the benefit of the Puerto Ricans, if you are right in this principle, you are going to put 15 per cent on all that the Puerto Ricans export into this country and make the foreigner pay the tax to raise and lower prices there in order that you may carry out the principles of the Republican party and benefit it by making the foreigner pay the tax. [Applause on the Democratic side.] That is the way you do it, clean and clear cut.

Now, then, I suppose gentlemen would say that it is a sort of "antony-over" business. We will make the Puerto Ricans pay 15 per cent and the foreigner pay the tax, and then export from the United States to Puerto Rico, and the foreigner, the American, would pay the tax on their side, and then we have got it "a-coming and a-going." [Laughter and applause.] That is the logic of the position to which you have gone. That is the attitude in which you have put yourselves, and it remains to see what the country will say of your action. What condition are you in? I desire to say, for one, speaking as a Democrat, that I do not wish to see the Philippine Islanders admitted, either as States or as Territories of the United States. [Loud applause on the Democratic side.]

I believe they are, under the Constitution, entitled to the protection of the United States, and I would give to them liberty—liberty with the protection of the American Government. I say, gentlemen, that they are entitled to just as much protection and liberty at the hands of the American Government as Mr. McKinley recognized and allowed when he approved a treaty or a contract with the Sultan of the Sulus. [Laughter.] What was that? I will not have time to read it, but will append it to my remarks. It provides that the sovereign of the Sulus, the Sultan of Jolo, or whatever kind of "lo" you may call him——

A MEMBER. High and low.

Mr. PIERCE of Tennessee (continuing). Shall have absolute free trade with all the Philippine Islands. Why, Mr. McKinley has put himself on record in black and white for free trade with His Majesty the Sultan, and Mr. Nelson says in that alleged interview that he had with Mr. McKinley, and I quote his language, as follows:

> Why, as ruler of the Philippine Islands and of Puerto Rico I feel the weight of the great responsibility.
>
> As ruler! Well, ruler means, in the sense he applies it, a kingly power. Well, let us see. Ruler McKinley and the royal Dato Haber Dacker, or whatever else he may be—Ruler McKinley and the Sultan of the Sulus [laughter] dangling their feet under the same table [renewed laughter], and the 300 wives of the Sultan peeping over the bamboo curtains at the illustrious pair [great laughter]—that is a fine spectacle that Mr. McKinley has given to the people of the United States as to what he has done. What else? Ruler McKinley said he would do what? Protect the Sultan on his throne, and if any foreigner dares to interfere the naval force and the armies of the United States are to be sent to protect his majesty at the command of Ruler McKinley. [Laughter.]
>
> What else? If any insurrection occurs in the Sulus to a brother ruler, why I, Ruler McKinley, promise that I will send the armies and navies of the United States to put down any rebellion against my brother ruler. [Great laughter and loud applause on the Democratic side.]
>
> [Here the hammer fell.]

APPENDIX.

TEXT OF TREATY WITH JOLO SULTAN—SLAVERY IS RECOGNIZED BY THE AGREEMENT WITH THE MORO RULER—SENATE WILL CONSIDER IT—RELIGIOUS PRACTICES OF THE INHABITANTS PERMITTED TO CONTINUE AND FREEDOM FROM PERSECUTION PROMISED.

WASHINGTON, *December 12, 1899.*

The following is the text of the agreement between General Bates and the Sultan of Jolo, better known as the Jolo treaty, which has been sent to the Senate by the President:

"ARTICLE 1. The sovereignty of the United States over the whole archipelago of Jolo and its dependencies is declared and acknowledged.

"ART. 2. The United States flag will be used in the archipelago of Jolo and its dependencies on land and sea.

"ART. 3. The rights and dignities of His Highness the Sultan and his datos shall be fully respected; the Moros shall not be interfered with on account of their religion; all their religious customs shall be respected and no one shall be prosecuted on account of his religion.

"ART. 4. While the United States may occupy and control such points in the archipelago of Jolo as public interests seem to demand, encroachment will not be made upon the lands immediately about the residence of His Highness the Sultan, unless military necessity requires such occupation in case of war with a foreign power, and where the property of individuals is taken due compensation will be made in each case.

LAND PURCHASES.

"Any person can purchase land in the archipelago of Jolo and hold the same by obtaining the consent of the Sultan and coming to a satisfactory agreement with the owner of the land, and such purchase shall immediately be registered in the proper office of the United States Government.

"ART. 5. All trade in domestic products of the archipelago of Jolo, when carried on by the Sultan and his people with any part of the Philippine Islands and when conducted under the American flag, shall be free, unlimited, and undutiable.

"ART. 6. The Sultan of Jolo shall be allowed to communicate direct with the Governor-General of the Philippine Islands in making complaint against the commanding officer of Jolo, or against any naval commander.

"ART. 7. The introduction of firearms and war material is forbidden, except under specific authority of the Governor-General of the Philippine Islands.

"ART. 8. Piracy must be suppressed, and the Sultan and his datos agree to heartily cooperate with the United States authorities to that end, and to make every possible effort to arrest and bring to justice all persons engaged in piracy.

"ART. 9. Where crimes and offenses are committed by Moros against Moros, the Government of the Sultan will bring to trial and punishment the criminals and offenders who will be delivered to the Government of the Sultan by the United States authorities if in their possession. In all other cases persons charged with crimes or offenses will be delivered to the United States authorities for trial and punishment.

SLAVERY RECOGNIZED.

"ART. 10. Any slave in the archipelago of Jolo shall have the right to purchase freedom by paying to the master the usual market value.

"ART. 11. In case of any trouble with subjects of the Sultan, the American authorities in the island will be instructed to make careful investigation before resorting to harsh measures, as in most cases serious trouble can thus be avoided.

"ART. 12. At present Americans or foreigners wishing to go into the country should state their wishes to the Moro authorities and ask for an escort, but it is hoped that this will become unnecessary as we know each other better.

"ART. 13. The United States will give full protection to the Sultan and his subjects in case any foreign nation should attempt to impose upon them.

"ART. 14. The United States will not sell the island of Jolo or any other island of the Jolo Archipelago to any foreign nation without the consent of the Sultan of Jolo.

"ART. 15. The United States Government will pay the following monthly salaries:

	Mexican dollars.
To the Sultan	250
To Dato Rajah Muda	75
To Dato Attik	60
To Dato Calbi	75
To Dato Joakanain	75
To Puto	60
To Dato Amir Hussin	60
To Hadji Butu	50
To Habib Mura	40
To Serif Saguin	15

"Signed in triplicate in English and Sulu, at Jolo, this 20th day of August, A. D. 1899 (Arabuil Ahil, 1317).

"J. C. BATES,
"*Brigadier-General, U. S. A.*

(Signature.) "SULTAN OF JOLO.
(Signature.) "DATO RAJAH MUDA.
(Signature.) "DATO ATTIK.
(Signatures.) "DATO CALBI and DATO JOAKANAIN."

[Mr. DE ARMOND addressed the committee. See Appendix.]

Mr. CANNON. Mr. Chairman, I do not know but that I had better, instead of occupying the time now allotted to me, speak under the five-minute rule to-morrow, to say what little I desire to say in connection with the pending bill. I will therefore cherfully yield a part or all of my time to any gentleman on this side of the House who may wish to occupy it.

I am not going, Mr. Chairman, to attempt to discuss the constitutional questions involved in this bill. I apprehend that I am

not competent to do so even if I had the desire. But listening, as I have listened, to this long debate as it has been thrown from one side to the other during the past week or ten days, and hearing the distinguished lawyers of the House discussing the constitutional question involved, I am inclined to thank God for it. [Laughter and applause on the Republican side.]

I do not desire to consume unnecessarily the time of the House. I have great respect for the legal profession, and a quarter of a century ago and over I tried to make an honest living, on a country circuit, practicing law, and while there was much main strength and awkwardness in what I accomplished, I did occasionally win a verdict. [Applause and laughter.] Nor does any man within the sound of my voice have a greater respect for the principles enunciated in the Constitution of the United States than I have.

But, Mr. Chairman, in a life of some three-score years, living in a period when, if you measured time by events, instead of sixty I have lived a thousand years, I have grown to distrust, when I come to discuss public questions and all matters touching the public questions in which we are interested—I have come to distrust the men or the man who comes and talks of this, that, and the other feature of a proposition, declaring the entire suggestion to be unconstitutional, without regard to its merit.

Now, just think of it for a minute. I am old enough to recollect when a whole party in this country said, following its President, that there is no power under the Constitution to coerce a sovereign State of the Union. And half of that party, with arms in their hands, organized a separate government, trying to shoot the old Government and the Constitution to death. And the remaining part of it, as it was organized throughout the land, in principle and upon a system, in both the House and Senate, proclaimed the same doctrine. You doubtless recollect, many of you, the conditions then existing.

A little later on, when that great contest was waging for the perpetuation not only of the Government, but, as it seemed to the Northland, and I dare say seems to some of you, speaking kindly for the Southern people, to determine the question whether our civilization was to be preserved, it became necessary, in connection with that contest, to devise ways and means to pay the soldiery, to buy provisions, to provide for transportation—and all of this to be done in the face of impending danger and an empty Treasury. When the legal-tender acts were passed, substantially a Democratic minority in the House and the Senate voted and declared in favor of the view they maintained as to the unconstitutionality of the proposition. This suggestion is borne out by the records, if gentlemen will take the pains to examine them.

Did a Vallandigham of Ohio seek to defy the great war President, and in leading his party in the Northland give aid and comfort to his brethren down South, his arrest was declared to be "unconstitutional," and when they sent him through the lines, that, also, was unconstitutional. [Applause on the Republican side.]

Ah, Mr. Chairman, this is precisely the same position—only it is a breeze, gentle and heavenly, flowing from the Constitution now—not appearing with the force of an absolute cyclone that swept through the Northland at that time. [Applause on the Republican side.] It is a gentle breeze as compared with the feeling that prevailed during that era, and also in the period of reconstruction which followed the war.

Now, you are not going to blame me because I come here surfeited with great constitutional lawyers. You are not going to blame me because I come here with my simple language in its stead. I have listened with great patience to the application of the "precedents" which have been cited by these gentlemen during the course of this discussion, and now I am going to tell you what I think as to the precedents they have cited, and say a few words in reference to the history of the legislation now proposed.

Mr. Chairman, the Constitution of the United States, I think, was made for the country, for the people of the country; and the people of the country were not made for the Constitution. [Applause on the Republican side.] In all the trying epochs of our national history—when plain sailing was interrupted and new problems presented themselves for solution—whether under the administration of Jefferson in making the Louisiana purchase and providing a government for that territory, or under the administration of Madison in defending the nation from foreign aggression without the means to do it, or under Monroe in enunciating the great doctrine that bears his name, or under Jackson in putting down nullification, or under Polk in prosecuting the Mexican war, or under Lincoln in saving the Union, or under our present President, Mr. McKinley—there never has been a day or an hour, thank God, when those charged with the power of the United States, legislative, executive, and judicial, using that power with fidelity to our civilization and for the promotion of the common good—there never has been an hour, I say, when they were not constrained by their solemn oath and bounden duty to go ahead and accomplish what was necessary at the time, even though sometimes saying while they were accomplishing it, as Mr. Jefferson did, that it was unconstitutional, as then narrowly construed, and throwing themselves back, as Jefferson did, boldly and confidently, on the great saving common sense of the American people, and trusting to that great saving common sense to sustain and justify their acts. And, thank God, it always did! [Applause.]

And you, gentlemen, who have addressed the House on the other side and have contended against the constitutional powers of the Government under certain conditions, I would be glad to know if there is any one of you who will undertake to assert that Thomas Jefferson had no constitutional power to make the Louisiana purchase?—although, being a strict constructionist, he did not believe he had such power under the Constitution. Any of you gentlemen may answer that question on the other side who desires to place himself on record on that question.

Now, we did have the war with Spain. At the end of that war we acquired territory on the payment of $20,000,000 in settlement for the Philippines and the complete cession of Puerto Rico and the various other islands. Did we ratify the treaty? Yes. Did we appropriate the money? Yes.

When I heard the gentleman from Missouri a few minutes ago announce as his policy, and that of his party, the doctrine that the United States were to forsake the Philippine Islands, to release them and move out and let somebody else take them or let them govern themselves, in their helpless condition, I said to myself: Why did not that gentleman of great ability rise in his place and vote against the $20,000,000 appropriated to pay Spain for the Philippines? Why was not that sarcastic voice of his and his sarcastic presence, that always commands attention from both sides of this House and a respectful hearing—why was not his voice lifted up in denunciation of that appropriation, and why was not his vote recorded against it?

Mr. WHEELER of Kentucky. The gentleman did vote against it.

Mr. CANNON. Did he vote against the appropriation of the $20,000,000? Then he is one of the thirty "consistents." But in the name of all that is good, what are the balance of you?

Mr. WHEELER of Kentucky. I think it was partially right.

Mr. CANNON. The gentleman is one of the Old Guard of thirty.

Mr. CLARK of Missouri. Thirty-four.

Mr. CANNON. I will bring you another test. If I held the views that the gentleman from Missouri does, and that your side of the House hold, I would quit now. [Laughter on the Republican side.]

I had the honor to report a bill a few weeks ago which passed this House, substantially carrying $57,000,000 for the support of the Army and Navy for the balance of this fiscal year, made necessary by our effort to put down insurrection and preserve law and order in the Philippines. Did you vote against that?

Mr. FITZGERALD of Massachusetts. Certainly we did not.

Mr. CANNON. "Certainly we did not," says my friend. After all, if your policy is right, should you not have had the courage of your convictions and voted against it? And if you want to say, "We voted for it because the boys were there," then let me ask you a plain question, in common good humor. Do you not think it is equally as bad to encourage the condition over there that prolongs the stay of the boys in the Philippines as it would have been to have voted against that appropriation?

Now, the treaty ratified, the territory becomes ours; and the question is what to do with it. You gentlemen say that you can not deal with it as property of the United States. Well, we believe we can, because we have dealt with, because we are dealing with, because we always have dealt with all Territories. Oh, when Thomas Jefferson signed the act touching Louisiana Territory, of which the Spooner bill is an exact copy, that when the insurrection was put down and there was complete possession, it vested him with judicial, legislative, and executive power complete, until Congress should otherwise provide, and he exercised that power. Thus we dealt with the Louisiana Territory.

Mr. NORTON of Ohio. Will the gentleman permit me a question?

Mr. CANNON. I can not.

Mr. NORTON of Ohio. It is to give you an opportunity to do something that I would like to know.

Mr. CANNON. If it is upon this question pending, then I yield to a question.

Mr. NORTON of Ohio. You have heard the position taken by the gentleman from Missouri——

Mr. CANNON. I want the question.

Mr. NORTON of Ohio. Well, what is the policy of the President or dominant party as to the Philippines? I want to know what you are going to do with them.

Mr. CANNON. I will give you the policy touching Puerto Rico and touching the Philippines as this discussion progresses. The policy with reference to Puerto Rico is to do that which will give immediate relief at the least cost to Puerto Rico and at the least cost to the Government, and to the best interest and advantage of both, and pass this bill. The proposition as to the Philippines is to do as we are doing.

Mr. NORTON of Ohio. Shoot them down, as you are now doing.

Mr. CANNON (continuing). To put down the insurrection, to keep the Army and Navy there, as they are now, as long as necessary, and as you voted to keep them there, to preserve law and order, recognizing that they belong to the United States and that we are responsible to our people and to the world for law and order there, and to hold the Philippines for their pacification and enable them as rapidly as possible to care for themselves, and then to clothe them with self-government from year to year as they become competent for it. That is my policy. [Loud applause.]

Mr. FITZGERALD of Massachusetts. I am glad that the gentleman admits that the Democratic minority has given their assistance to the dominant party in preserving law and order and voting for our soldiers in the Philippine Islands.

Mr. CANNON. Now, my friend gets up and does not ask my consent. I have a great respect for him. He has all the impetuosity of his race and mine, because we are both Irish, but he has one advantage over me—he has the Boston culture, which teaches him to jump up in season and out of season. [Great laughter.]

Gentlemen, this is a very different country from what it was a hundred years ago—less than 5,000,000 people then, 80,000,000 now; no manufactories then, the greatest manufacturing population on earth now; no wealth then, the wealthiest of any nation on earth now; the population now equal to that of Great Britain proper and Germany, almost. Eighty millions in our present territory, the result of that which has made people of our blood through the centuries move on and on and on, for weal or for woe, and generally for weal, taking with it its laws and its language, its civilization.

We are of that people. And in the coming century, as we increase in population from 80,000,000 to 200,000,000 or 250,000,000 in our existing territory, we and our children will be competent to move on and on, to their benefit and to the benefit of all the country to which they go. The Constitution of the United States, which is a symptom of the civilization that has evoluted for two thousand years—not that it created the civilization—the civilization created it, and it dwells in the hearts of the people—is elastic enough to meet any and all conditions, as it has heretofore, and as it will in the coming century, and will enable, not hinder, our people to work out justice and right and material prosperity wherever they go. [Applause on the Republican side.]

The strange doctrine is announced, that because, as they say, the Constitution jumps over land and sea for 12,000 miles and by its own vigor spreads over every inch of the Philippine Islands and gives citizenship in its broadest sense to every one of those seventy-nine or eighty tribes, some of them Malays, some of them Filipinos, some Negritos, of every stage of civilization, but none equal to our civilization—they say because the Constitution jumps over there and confers American citizenship upon all those, and gives every man, woman, and child the right to come to the United States or send their products to the United States by the vigor of the Constitution—therefore, they say, we are against keeping the Philippines. Well, now, I am for keeping the Philippines, because I say that they are subject, under the treaty, under the Constitution, under our civilization, to the legislation of the country which owns that territory; I am for keeping them, and, through the coming decades, for working out good results for them and good results for us. [Applause.] And I will risk the verdict of the American people in the Northland and in the Southland, if you will fairly discuss that question and take the other side of it.

We are about to construct the Nicaraguan Canal or the Isthmian Canal, or provide for it; and we are so anxious for it that we can not wait until we get the territory. Some people say we have got to own it from the center of the earth up to the sky, and a zone of it 30, 40, or 50 miles wide. Some say we will negotiate for Nicaragua and Costa Rica entire, so that we may properly police the canal. Here comes the honorable gentleman from Missouri [Mr. DE ARMOND] with his hands up, warning back, "Nay, nay, there is a jungle there, they are not much civilized down there, they have revolutions every fifteen minutes, and the government changes sometimes every thirty minutes, no protection to property, but little protection to life, they are in a chronic state of revolution, they have not stability; nay, nay, we can not take Nicaragua or Costa Rica." If we can get their consent, we can not negotiate for a 40 or 50 mile strip because, forsooth, the moment we get it the Constitution jumps over there and every one of the revolutionists becomes a full-fledged American citizen, although he can not speak the language or read or write, and his descendants will not be able to read or write for two or three generations, and therefore you must not take it. Oh, gentlemen, the fathers in making the Constitution did not make a trap! We can acquire a zone on which to build the canal owned by the United States, and can give to the people just such grade of citizenship as is best for them and best for us.

Now, I want to talk about Puerto Rico. What is the condition of Puerto Rico? Twelve per cent of the people only can read or write—not read and write, but read or write. For three hundred years under Spanish domination they have been under conditions of ignorance. But, as one of the men who is seeking to oppose this legislation that is pending, calling himself a delegate from Puerto Rico, in the Committee on Insular Affairs, in answer to the question, "Are they competent to vote down there if you give them local government?" said, "No; they did not read or write, but the intelligent people tell them what to do." He said, "You can depend on us to tell them right, and on their following." That is the kind of local government that you want in a holy minute. I want it as rapidly as possible; it may come next year, possibly a partial civil government this year, but just as soon as practicable. What is there at present? A military government under the President; and until Congress changes it, it will there remain. A people whose markets are destroyed by their divorce from Spain; a people whose crops have been destroyed by the most destructive hurricane of many, many years; a well-conditioned people, who want to do the best they can, but who have not much to do with, being the victims of misfortune.

Now, what is the best thing to do? You and I have to determine that. Do you want to appropriate money from the United States Treasury—$2,000,000 for the coming year—to support those people? "Oh, it is splendid," you gentlemen on the other side seem to say, "to tear down a structure." You are good at that. Thank God, you never succeeded at any great rate, though you have always been trying, ever since I was born, to tear down something; but I never saw you successfully build up anything, not even a pigpen, not even a henroost. [Laughter.]

But you say, "Oh, no; do not enact this bill." What then? Two million dollars from the Treasury of the United States to be appropriated for these Puerto Ricans. You are seeking to be the majority to-morrow. You say that you are going to stand together and vote against this bill. You say that you are going to have enough reenforcements from this side of the House to give you a majority. I do not believe it; but you say so. What are you going to do? If you spread free trade over those people and make no provision for immediate money, are you going to vote it out of the Treasury? We on this side have to construct; we have got to look out; we have got to do something. This bill must pass or we must vote $2,000,000 out of the Treasury for the coming year to care for Puerto Rico. We do not like to do that.

But there is another alternative, one which has been proposed and very greatly urged by the delegates, self-styled in the main, from Puerto Rico, with their American assistants—a course suggested by some very good men, for our consideration, and greatly urged by some of these people—namely, that we enact a law of Congress bonding the island for $10,000,000, with or without the United States guaranty, and pass the money thus raised over to these Puerto Rican delegates, to be loaned out to the people.

But that is as wild a project as was the Government warehousing scheme down in the Southern States when the Populist party was on the rampage—a party which, by the way, stole your machinery, my Democratic friends. Those are two of the alternatives.

What is the third? This bill. What will this bill do? If enacted, it raises $2,200,000 the first year. It begins to raise this money the very day it is enacted, and will raise more money the first month than it will the last of the twelve months that it is in operation. Twenty-five per cent of the Dingley rates—upon what? Practically upon tobacco and sugar. Coffee already comes in free. But the coffee plantations were destroyed. The old crop in the hands of the raisers was practically destroyed. There is not much coffee to come in. It could come now as well as hereafter, but it is not there. There are 3,000,000 pounds of tobacco there—in the hands of whom?

Now, I want the attention of the gentleman from Missouri [Mr. DE ARMOND], who dines on trusts, lunches on trusts, takes supper on trusts, sleeps on trusts, and talks about trusts. Who has this tobacco—3,000,000 pounds—in Puerto Rico? I will tell you. The merchant has it; and I am informed that the tobacco trust of the United States has it, owns it, and sends some of these Puerto Rican-American people, if not American people, over here to work for "a fair show for Puerto Rico." Three million pounds at 35 cents a pound. If they could import it to-day they would have that duty to pay. It would come just as the tobacco comes from Cuba, just as it comes from the Philippines, just as it comes from everywhere else.

If that tobacco should come to the United States, paying 35 cents a pound, that would be $1,050,000 upon tobacco in the hands of the American tobacco trust, waiting, over there in Puerto Rico for free trade with Puerto Rico, to come in. Who gets that million of dollars? Will it decrease the price? No; there is so little of it in comparison with the tobacco that is used in the United States that its competition would not lower the price of tobacco to any appreciable extent. Will that sum of $1,050,000 go into the pockets of the poor Puerto Ricans that you are agonizing about, my Missouri friend? No; they have parted with that tobacco; it is now in the hands of the merchants, and that $1,050,000 will go into the pockets of the American tobacco trust, all in the

name of God and humanity and the poor Puerto Ricans—blessed by the crocodile tears of the gentleman from Missouri! Is this a fable? No; it is an open secret in New York, in Washington, in various parts of the United States, in Puerto Rico—everywhere.

Now, let us take the next item—sugar. What is the tax upon sugar? We use in the United States 2,000,000 tons of sugar every year. Now, keep that in mind—2,000,000 tons. Where does it come from? Fourteen hundred thousand tons come from foreign countries, and pay on the average a duty of $1.60 per hundred. Three hundred thousand tons come from Hawaii. How much from Puerto Rico? At the highest estimate 60,000 tons—one-fifth of the amount that comes from Hawaii. Have you any sugar over there in Puerto Rico now waiting to be exported to the United States? Yes. Who owns it? Does the poor Puerto Rican, who can not read and can not write, own it? No. It is an open secret that whatever sugar is there to-day is held by the great American sugar trust; and when it comes into the United States, if it comes before legislation is enacted, it pays $1.60 a hundred.

My friends on the other side of the House say we ought to have free trade and open ports, and at once. The sugar then coming in and the tobacco coming in will bring down the price of sugar in the United States. Is that a fact? No. Why, Mr. Chairman, for thirty years, under reciprocity, we have had free trade with the Hawaiian Islands, as far as sugar is concerned, and although 300,000 tons come in from those islands, it is so little, in comparison to the consumption by this country, that it does not bring down the price of the other 1,400,000 tons that we import in the United States. That brings up the price, and the $1.60 a hundred is added to the price of all the sugar coming into our borders free, because all the sugar on hand in Puerto Rico, if admitted in that manner under the operation of the pending bill, would not affect prices materially.

But this "infernal, damnable, red-eyed, baldheaded, brimstone-eating trust" that the gentleman from Missouri talks about, seems in his judgment to have gotten hold all over the country and is agonizing to pass a bill for free trade, not for the relief of the people, not for the relief of the Puerto Ricans, not for the man who has a few pounds of tobacco to sell, or a few pounds of sugar, but for the establishment of what he calls a great constitutional question!

Why, Mr. Chairman, these two great trusts have control now of both of these products in the island, and the moment they land here the price jumps up by the amount of the Dingley tariff bill, and they put the money in their pockets. Who can dispute that proposition?

Is this a feeble thing? Is it worthy or unworthy of consideration? I repeat again, that the opinion of all men of ordinary intelligence who have examined the matter is, that no better proposition could be suggested than that now before the House, although gentlemen on the other side agonize about the question of trusts, and tell us about their constitutional scruples, or, in other words, manage to get into their hearts one principle while in their voices and votes they enunciate another. They have the voice of Jacob, but the hand of Esau. [Laughter and applause on the Republican side.]

Mr. FITZGERALD of New York. Will the gentleman yield for a question?

Mr. CANNON. Yes.

Mr. FITZGERALD of New York. I would like to know, if these trusts should be compelled to pay this duty, why the gentleman from Illinois proposes to reduce the tariff 75 per cent for their benefit? [Applause on the Democratic side.]

Mr. CANNON. We propose to enable these people to have some protection under the laws of the United States and not to gormandize and founder themselves. We are chargeable with legislation, and we are legislating for the present, for the next year, for the next two years, unless Congress steps in and changes the law. Will you stop that legislation and say, "No, it shall not be passed"? What new developments have you to present in support of your contention? We are dealing with a question which merits the most careful consideration; but you, on the other hand, are "red-headed," and nothing that we do, or fail to do, suits you. [Laughter and applause on the Republican side.]

Now, the Republicans, in a majority in this House, with a majority in the Senate, and with the President of the United States, chargeable with all that is done, responsible before the people, coming and giving their best thought and judgment to this legislation, must meet the responsibilities that are thrust upon them. [Applause.]

If any man on earth were given full and absolute control and the power of legislation and the establishment of laws for our new possessions during the next two years, either in Puerto Rico or in the Philippines, he could not—only God himself could—write such legislation as would meet the approval of all men. Therefore, in this condition, with the poverty of these people, with a military government having control of their affairs, with the full denial of representation to them to-day, and to remain for all governmental purposes subject to the military government until legislation is enacted for that territory, the Republican party comes before this House and says: "We believe, as an administrative measure, as a tentative measure, and the best thing that we can do for the people, that we should put one-quarter of the Dingley rate on those articles imported into the United States, and this will take from the people of this island a burden of three-quarters of the tax that is now upon them."

I regret exceedingly, Mr. Chairman, that we can not do better than that. But we see that we can do that, and do it safely; and we encourage these people to go to work to raise their sugar, their coffee, and their tobacco, with the assurance that they can find a market here at one-fourth the rate provided in the Dingley bill—that is to say, three-fourths less than we proffer to Cuba or the Philippine Islands, and that much less than these other possessions can get access into our market for—and we say to them that this is merely a tentative measure in its nature, to last for two years unless sooner changed by Congress; and further, that it will produce $2,200,000 of revenue per annum, which, we turn around and say to these people, shall be used for the benefit of themselves, to be used in their own island, recognizing the fact that they are to be united with us in one great Government for the benefit of all of the people, both of the United States and of the islands. [Applause.]

We turn about and say to them that this will give them a market for their products; it will preserve their manhood, their independence, and encourage enterprise and thrift among them. We say: "We do not know anything about your capacity to exercise State and national powers at the present time, or your ability to pay an income tax or a land tax. It will take time to determine these various questions. But in your present condition—in your present distressed condition—we will reduce the duties now charged on your goods that come to the United States three-fourths, and will take the other fourth when it is collected and use it for the benefit of the people of Puerto Rico."

Do these delegates that are here from Puerto Rico get any of it? Yes, they get one one-millionth of it. Do their American friends that are bowing them around get any of it? Thank God, no; not a cent [laughter]; but it goes to Puerto Rico, goes for local government, goes for roads, goes for schoolhouses; and when this bill passes, for the next two years, $2,200,000 a year will come by this kind of taxation, and every cent will go back to the Puerto Ricans. That is the Republican proposition.

Mr. RIDGELY. Will the gentleman permit a question?

Mr. CANNON. Oh, my friend, if it is right on that point; and yet my time is nearly up. How much time have I?

The CHAIRMAN. The gentleman has fifteen minutes.

Mr. CANNON. Well, just a short question—just a little one. [Laughter.]

Mr. RIDGELY. It will be just exactly on the point.

Mr. CANNON. All right.

Mr. RIDGELY. Could not the same plea be made to raise revenue for any State or Territory within the boundaries of the nation?

Mr. CANNON. Oh, there is not the same necessity. The Republican party deals with facts and conditions. If it is an elephant that comes in the road, it meets the elephant; if it is a mouse that comes in the road, it meets the mouse. If my friend would meet either mouse or elephant, he would say, "My God, I can not do anything because it is not a glacier." [Laughter and applause on the Republican side.]

Now, I want to be fair. In my judgment, my Democratic friends are not really at heart opposed to this bill. I will tell you what they are hoodooing about. [Laughter.] They see that if this humane and proper measure is passed and goes into effect, it will tell all the country and all the world that the American Congress, with its American civilization, with its laws and Constitution, has the power to be practical; and they say, "We will take nothing, when we go out with the bogie man and with Bryan and SULZER or Bryan and somebody else—we will take nothing when we go out and undertake to scare the people, when we talk of the 80 tribes of barbarians, of the Sulu Sultan with his wives, of the Negritos and the Malay races—that they will never in five hundred years come up to be competent for the same kind of government which we have, and that it will cost money, and that it is wicked, and from the standpoint of policy we can not keep them, and therefore we are going to throw them away, although we pledged to keep them, although we paid $20,000,000 in the bargain; let us throw them away, because it is not safe; the Constitution jumps over there on a thousand legs, and you can not deal with them." [Prolonged laughter and applause.]

The cry has gone forth, "For God's sake, let us defeat this bill," because its enactment would show that we can deal with all questions under our form of civilization, our laws and Constitution—all that humanity and civilization demand. [Applause on the Republican side.] There is the conflict, there is the fight you are trying to put up. There is the foundation you are trying to lay. And while individually I do not believe you would do it, at the

expense of the starvation of the Puerto Ricans, collectively I believe that you would sacrifice a great many things and a great many people to your theories, and for any faint prophecy of success that might come to you on the evening winds from the voice of your great somersault leader. [Laughter.]

"Oh," but says somebody, "CANNON, don't you know that the people in the country don't understand this? Don't you know that the President recommended free trade, and they said 'Amen'?" Yes; and I said "Amen," and you said "Amen;" "and now that you come and propose, instead of free trade, to go three-quarters of the way." You have the Dingley law now, and the bill says we will give three-quarters; take off 75 per cent and keep the other 25 per cent for revenue. "Don't you know that the country has got the idea that you are in conflict with the President?" Well, if it has that idea it will get the other idea. But I will tell you who is being misled. The Democrats everywhere are saying, "My God, why don't you follow your great and good President?"

The John B. Hendersons, the Atkinsons, the Boutwells, the Schurzes—all that set of Democrats on the one hand, and Mugwumps and Populists on the other, are sending their briefs here, saying, "My God, don't fracture the Constitution! Stand by the President!" Well, I am going to stand by the President. I voted for him before. I am going to vote for him again if I live, and he is going to be our leader, and our great leader, in the coming campaign, as he was in the last campaign; and, in my judgment, he is going to be elected, and I am going to be battling for him while every man on that side of the House is "cussing" and damning him politically in his heart, if he is not on the stump. [Applause and laughter on the Republican side.]

Mr. RIDGELY. Will the gentleman permit another question?

Mr. CANNON. Oh, my friend, I have not much more time. I just want to finish and then sit down. I am very sorry to say that I can not yield.

But somebody says I can not explain to my people! And, besides, somebody sent a telegram to a distinguished member of the House, the gentleman from Maine, "All the Chicago papers are with you, and against the bill!" Chicago papers! I have a great respect for the press—a greater respect for those of Chicago than I have for a St. Louis paper or a New York paper. [Laughter.] There are a great many Chicago papers. No man recognizes with clearer eye or with greater force than I do the great jurisdiction of a free press in the United States. No man has ever heard me abuse it. Yet newspapers sometimes come to a hasty conclusion; sometimes they have correct information, and sometimes not; sometimes they have not viewed the whole situation over. When I was a younger man, I sometimes voted at the dictation of the daily press, supposing that it knew better than I did; but when it turned out that I had voted wrong, through months and years I had to bear the blame, while the press passed on to new conquests. [Great laughter and applause.] I glory in the press, but, then, it sometimes is mistaken in fact or theory.

What do you suppose my people sent me to Congress for? In the shop, in the factory, on the farm, on the railway, forwarding their business, working out and doing their part in the race of life, for a quarter of a century they have given their warrant of attorney to me to come down here and observe and exercise my judgment; and as I am here on the ground, and have studied the questions and know the conditions of the Puerto Ricans, and know the height, depth, and length and breadth of this proposed bill, and having a judgment that is as clear as the noonday sun as to this temporary measure, my people would tramp upon me, would spit upon me and repudiate me if I did not stand erect with my face toward the east and vote according to my judgment and trust their intelligence and their confidence in me, on full discussion, to say, "Well done, good and faithful servant." [Loud applause.]

In conclusion, Mr. Speaker and gentlemen, I believe in our civilization, in our blood, and in what comes to us by heredity; in our literature, in our language, in our science, in our progress, in our capacity to govern ourselves and to help better the condition of those that are necessarily brought in contact with us. I believe in the progress of the Anglo-American-German-French-Irish-Scotch combination. [Laughter and applause.] I believe now, as we have one common purpose, that we are competent to take care of our Constitution and of the civilization of which it is the product. It is not the Constitution which preserves our civilization, but it is our civilization which preserves the Constitution.

To illustrate, in Mexico they have a constitution, an exact copy of ours. I spent some months there a few years ago, studying Mexico and the grand man who is president, the man who gives the only possible government to Mexico; yet, while it is a republic in form, with state governments in form and state constitutions like unto ours, there is no country on earth, Russia not excepted, that has so autocratic, so despotic a government as that of Mexico today, though it has the same constitution that we have. "Oh, but," says somebody, "if your Constitution does not restrain a wicked Congress, it will oppress these poor people." Oh, no; the hearthstone, the fireside, the schoolhouse, the love of justice, and the love of liberty, demonstrated by the wisdom of eighty millions of people, do restrain, and will work out their salvation and our salvation—the hairsplitting Constitution doctors to the contrary notwithstanding. [Loud and long-continued applause on the Republican side.]

Mr. RICHARDSON. Mr. Chairman, there are only three hours remaining, I believe, before the hour of adjournment. I understand the gentleman from Iowa [Mr. DOLLIVER] is to conclude the debate on the other side and the gentleman from Texas [Mr. BAILEY] on this side. I ask unanimous consent that the remaining time before adjournment be divided equally between those gentlemen.

Mr. PAYNE. There is no objection to that.

The CHAIRMAN. The gentleman from Tennessee asks that the remaining time be yielded to the gentleman from Texas [Mr. BAILEY] and the gentleman from Iowa [Mr. DOLLIVER], to be equally divided, which will be one hour and thirty-five minutes each. Is there objection? [After a pause.] The Chair hears none.

Mr. BAILEY of Texas. Mr. Chairman, before proceeding to discuss the bill which is before the House, I desire to make a very brief reply to a part of the learned constitutional argument of my friend from Illinois [Mr. CANNON]. [Laughter.] The only passage in that hour's speech which calls for any serious reply from this side of the Chamber is his accusation against us, based upon the vote to appropriate the $20,000,000, which the Government had bound itself to pay to Spain. The gentleman from Illinois declared that he had the honor to report that bill; but, sir, he did not have the candor to state to this House and to the country the purpose of it. He sought to make it appear that those of us who voted for it thereby indorsed the purchase of the Philippine Islands; and yet he knows as well as any member of this body that the wisdom of that purchase was not before the House. I have here the bill which he introduced and which he reported. It is entitled "An act making an appropriation" to do what? To buy the Philippine Islands? Not at all. But "to carry out the obligations of the treaty between the United States and Spain."

The body of the act itself reads:

For the purpose of carrying out the obligations of the treaty between the United States and Spain, concluded at Paris on the 10th day of November, 1898, to become immediately available upon the exchange of the ratifications of said treaty, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $20,000,000.

The purpose of that act, as declared in its title and also in the body of it, was not to buy those lands inhabited by alien and inferior races, but it was to carry out the obligations solemnly entered into by the Government of the United States. It was not for us to consider whether that treaty was wisely or unwisely made. It was unwise as a matter of dollars and cents, because it bound us to pay $20,000,000 for an option on a fight, and I regret to say we got the fight. [Laughter on the Democratic side.] It was also unwise in other and more important respects, but the wisdom or the folly of it was not before us for determination. That treaty had been negotiated by the President; it had been ratified by the Senate, and it waited only an exchange of the ratifications to become the supreme law of the land. We voted to carry out its obligations, the same as we would have voted to pay any other debt incurred by the proper authorities of the United States.

So much, Mr. Chairman, for that question, and now for the bill before the House. It presents two questions—one is a question of law and the other is a question of morals. Before any gentleman can give it his support he must first consider whether Congress has the power to pass it; and if he should determine that question in the affirmative, he must then consider whether the exercise of such a power is consistent with the principles of justice and good faith toward the helpless and unhappy people of whose country we took forcible possession. It would be impossible within the time at my command to discuss both questions, and since I can not discuss them both I have determined to confine myself to the first and more important one. I place it first because we can never reach the question as to the morality of a law until we have first passed the question of our power to enact it. It must be the more important, too, because if we enact an unjust law we can remedy the injustice by repealing the law; but, sir, it is not so easy to repair a breach once made in the Constitution.

In examining the power of Congress over this question, certainly the advocates of this bill could ask nothing more at our hands than that we shall accept the conclusions of their committee as properly presenting the issues. Without admitting the entire fairness of their manner of presenting them, I have determined, for the purposes of this argument, to accept the issues as they tender them, and I believe that I can demonstrate almost with the exactness of a science that the committee are not justified in their conclusions.

FIRST CONCLUSION.

The majority of the committee say:

Upon the whole we conclude, first, that upon reason and authority the term "United States," as used in the Constitution, has reference only to the States constituting the Federal Union and does not include territory.

Mr. Chairman, it is refreshing to find a Republican committee talking once more about the "Federal Union." We have been so long accustomed to hear them talk about the "Nation" and express a contempt for the "Federal Union" that it is some compensation for this debate to hear them employing the earlier language of the Republic.

Is it true, either upon reason or upon authority, that the term "United States" includes only the sovereign States and excludes the Territories? In the first place, Mr. Chairman, that term is used, as the committee itself has well said, with several different meanings. It is sometimes used to denote the States of the Union; it is sometimes used in a geographical sense to describe the area of the Republic, and at other times it is used to signify the Government organized by the Constitution.

Unless there are plain words or a plain intent in the Constitution to restrict the meaning of the term, it ought not to be restricted, because to separate the States from the Territories under the designation "United States" is an effort to apply, as is proposed by this bill, different principles of jurisprudence to the two; and that, sir, is contrary to the genius of our institutions. A republic is, in its very nature, incapable of maintaining permanent dependencies; and this truth, until these last twenty-four months, has been accepted by all schools of political thought in this country. I defy you to find a respectable authority, until within the last two years, which has ever ventured to affirm that a colonial policy is in harmony with our system of government.

I desire, Mr. Chairman, to call the attention of the committee, in confirmation of this statement, to an eminent authority read by my distinguished friend from Illinois [Mr. HOPKINS], but read only so far as suited the particular contention which he then had in his mind, and it was not concluded. Had he read the entire paragraph, it would have set the seal of the great chancellor's condemnation upon this new and startling proposition to colonize distant and unknown lands. Chancellor Kent, in his Commentaries, declares:

Such a state of absolute sovereignty on the one hand and of absolute dependence on the other is not congenial with the free and independent spirit of our institutions; and the establishment of distant territorial governments ruled according to our will and pleasure would have a very natural tendency, as all pro-consular governments have, to abuse and oppression.

[Applause.]

Mr. Webster, in a passage that has been well quoted by my distinguished friend from Massachusetts [Mr. MCCALL], declares that—

An arbitrary government may have territorial governments in distant possessions, because an arbitrary government may rule its distant territories by different laws and different systems. Russia may govern the Ukraine and the Caucasus and Kamchatka by different codes or ukases. We can do no such thing. They must be of us, part of us, or else estranged. I think I see, then, in progress what is to disfigure and deform the Constitution. * * * I think I see a course adopted that is likely to turn the Constitution under which we live into a deformed monster, into a curse rather than a blessing, into a great frame of unequal government, not founded on popular representation but founded in the grossest inequalities; and I think if it go on—for there is a great danger that it will go on—that this Government will be broken up.

Surely, Mr. Chairman, the Republican party will pause before committing itself to a policy which the greatest statesman of its own school has declared would "turn the Constitution into a curse and break up the Government."

If it were possible to find an authority which addresses itself with greater force to gentlemen on the other side of the aisle than the solemn warning of Webster reenforced by the commentary of Kent, it would be the language of one who was reared under the system which we are now urged to adopt. I have in my hand that remarkable contribution to modern literature which the author modestly calls a Sketch of Cæsar. It was written by Mr. Froude; and surely his testimony against a colonial government will weigh with the Anglomaniacs who doubtless remember what an earnest defender he has been of English oppression against the Irish race. In the preface of this remarkable book Mr. Froude uses these words, which I will ask the Clerk to read from his desk.

The Clerk read as follows:

To the student of political history, and to the English student above all others, the conversion of the Roman republic into a military empire commands a peculiar interest. Notwithstanding many differences, the English and the Romans essentially resemble one another. The early Romans possessed the faculty of self-government beyond any people of whom we have historical knowledge with the one exception of ourselves. In virtue of their temporal freedom, they became the most powerful nation in the known world; and their liberties perished only when Rome became the mistress of conquered races, to whom she was unable or unwilling to extend her privileges. If England was similarly supreme, if all rival powers were eclipsed by her or laid under her feet, the imperial tendencies, which are as strongly marked in us as our love of liberty, might lead us over the same course to the same end. If there be one lesson which history clearly teaches it is this, that free nations can not govern subject provinces. If they are unable or unwilling to admit their dependencies to share their own constitution, the constitution itself will fall in pieces from mere incompetence for its duties.

Mr. BAILEY of Texas. If it be true, Mr. Chairman, as declared by all of these great authorities, that an attempt to govern subject provinces is at war with the spirit of a free republic, where will the majority of this committee find its justification for asserting that "upon reason and authority the term 'United States' does not include our Territories?"

But, sir, there is still a more conclusive answer than any which has been read—an answer that is not political or historical or literary, but one from the lips of the greatest chief justice who ever served this or any other republic in the history of the world. Although I agree with but little of his political philosophy, the services, the character, and the ability of John Marshall entitle his memory to be revered and his words to be respected. The authority which I shall read is not only a judicial opinion sanctioned by Marshall's great name, but it was the unanimous judgment of the Supreme Court. With that highest tribunal known to our laws explicitly and unequivocally declaring that the term "United States" does include the Territories, I think this committee will find it difficult to explain why they have reported a different conclusion to this House. What opinion of our courts have they cited to sustain their report? What learned judge supports their contention? Not one; and against their single and unsupported assertion I offer these words of Chief Justice Marshall. He says:

Does this term—

Meaning the United States—

designate the whole or any particular portion of the American empire? Certainly this question can admit of but one answer.

He had not lived long enough to see this remarkable report of this remarkable committee [applause on the Democratic side], or perhaps he would not have ventured to say that the question admits of but one answer.

It is the name given to our great Republic, which is composed of States and Territories. The District of Columbia or the territory west of the Missouri is not less within the United States than Maryland or Pennsylvania.

I defy any gentleman on either side of the aisle to take an hour, a day, or a week and write out a more explicit contradiction of the statement contained in that committee's report than is found in these words of Chief Justice Marshall. [Applause on the Democratic side.] Let us compare them.

The committee say:

That upon reason and authority the term "United States," as used in the Constitution, has reference only to the States that constitute the Federal Union and does not include the Territories.

Marshall says that the "United States" is the name given to our great Republic, which is composed of States and Territories, and includes our Territories as much as the State of Maryland or the State of Pennsylvania. [Applause on the Democratic side.]

Gentlemen, whose judgment will you follow—that of the greatest lawyer that ever adorned our bench—or the political report of the Hon. Mr. PAYNE of New York? [Laughter and applause on the Democratic side.]

That is not the only case in which this same doctrine is asserted. In Cross *vs.* Harrison the court says:

By the ratification of the treaty California became a part of the United States.

California could not become a part of the United States, if these gentlemen are right, until it became a State of the Federal Union, and therefore if California became a part of the United States by the ratification of the treaty, as stated by the Supreme Court, this report must be wrong, because the ratification of the treaty only made it a Territory, which is not, according to the report, a part of the United States.

Who is right—the unanimous Supreme Court or this divided committee? Who is most apt to have understood the Constitution—those judges removed from the passions and perplexities of the political questions that now confront us, or these politicians who three weeks ago introduced a bill for free trade and now report a substitute which is exactly the opposite? [Applause on the Democratic side.]

But, Mr. Chairman, there is further authority for asserting that the term "United States" does include the Territories. The case of Canter *vs.* The American Insurance Company has sometimes been cited as establishing a different doctrine. The argument of Mr. Webster, an attorney in that case, has been produced as an evidence of what he believed and it is sometimes paraded as if it were an extract from the opinion of the court. Although the Supreme Court decided that case for Mr. Webster's client, it decided against his contention that the then Territory of Florida was not a part of the United States. Chief Justice Marshall, who also delivered the opinion in that case, declares:

In the meantime Florida continues to be a Territory of the United States, governed by virtue of that clause in the Constitution which enables Congress "to make all needful rules and regulations respecting the territory or other property belonging to the United States."

Perhaps the power of governing a Territory belonging to the United States which has not by becoming a State acquired the means of self-government may result necessarily from the facts that it is not within the jurisdiction of any particular State and is within the power and jurisdiction of

the United States. The right to govern may be the inevitable consequence of the right to acquire territory. Whichever may be the source whence the power is derived, the possession of it is unquestionable. (The American Insurance Company et al. vs. Canter, 1 Peters, U. S. Supreme Court Reports, page 542.)

SECOND CONCLUSION.

I shall submit the first conclusion of the Committee on Ways and Means without further argument, because it is itself a mere abstraction and is of no practical importance except as a predicate for what follows it. The meat of their report is the second conclusion of the committee, which is—

that the power of Congress with respect to legislation for the Territories is plenary.

In order to arrive at what the committee means by "plenary," we have only to read the speeches of the gentlemen who have joined in that report. By "plenary" they mean that it is outside of and above the Constitution. The gentleman from Pennsylvania [Mr. DALZELL], who is, I will do him the justice to say, one of the greatest lawyers on that side, as well as one of the ablest men in this House, in response to the direct question of Mr. TERRY, of Arkansas, declared that under its plenary power over the Territories Congress can establish free trade between the United States and Arizona and at the same time maintain a protective tariff between New Mexico and the United States. In other words, he meets the question broadly and fairly, and affirms the power of Congress to govern these Territories, not only outside of the Constitution, but to govern them contrary to its express prohibitions. Is that position defensible either as a matter of reason or as a matter of authority?

Perhaps, before we undertake to determine the extent of the power of Congress over the Territories of the United States it might be well enough for us to occupy a few moments in ascertaining the source from which Congress derives whatever power it may possess. That it derives its power from the Constitution all men have admitted until this remarkable report was submitted to the House. The differences heretofore have been as to what part of the Constitution vested Congress with its power over the Territories. Some have asserted that the power comes from that provision which authorizes us "to dispose of and to make all needful rules and regulations respecting the territory and other property of the United States," whereas others, and with better reason, as it seems to me, have insisted that the power is derived from that clause of the Constitution which authorizes Congress to admit new States into the Union. The latter is my own view; and I will detain the House to consider it for a moment.

These two clauses are a part of the same article. Indeed, they are a part of the same section, and one immediately follows the other. Section 3 of Article IV provides:

New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned as well as of the Congress.

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

It will be remembered that when the Constitution was framed there were boundary-line disputes, and contentions between certain of the States over the rightful ownership of vast tracts of land. It will also be remembered that a large body of land had been ceded by Virginia and other States under the old Confederation to the Government which immediately preceded the present Government of the United States.

These lands were considered in two respects. They were considered with reference to their future population and admission into the Union as States, and also as mere matters of property. The first provision of the Constitution dealt with them in the shape of future States, and authorized Congress to admit them into the Union. The second provision dealt with them as mere matters of property and authorized Congress to make whatever disposition of them it might choose. The power is "to dispose of and to make all needful rules and regulations respecting" what? Not respecting future States of this Union, but "respecting *the territory or other property* belonging to the United States." The article "the" and the singular "territory" plainly imply that the framers of the Constitution in that provision treated the question purely as one of property; and if these words left any doubt, that doubt must be resolved when we read the preceding words, "to dispose of," and the succeeding words, "or other property belonging to the United States."

The authority conferred by this paragraph of the Constitution is a mere trader's license to sell, to encumber, to lease, to survey, or to do anything with respect to the land itself that an individual owner of it might have done. Who can suppose that the great men who framed our Constitution intended to confer the power of life and death, the power of freedom and slavery, upon Congress in connection with this authority to dispose of the property belonging to the United States? I might have less hesitation in asserting this to be my view of the Constitution if it were not the same view that was asserted with such powerful force of reasoning in the celebrated case of Sandford against Scott. Judge Taney, in the course of his elaborate and exhaustive opinion, asserts most positively that this section of the Constitution is a mere trader's license, and does not confer upon us our power to govern Territories.

As Congress has the power to admit new States into the Union, it follows naturally and safely that it shall have the power to govern our Territories in a manner suitable to prepare them for their admission; and that is precisely what Judge Marshall meant when, in the case of the Insurance Company against Canter, he asserted that over these Territories Congress exercised the power of both the General and the State governments. As the Territory is merely the initiative stage of statehood, not yet ready by reason of population or other conditions to become a State, it must be governed, not with the view proclaimed by the gentleman from Ohio [Mr. GROSVENOR], "of making all the money that can be made out of it," but with a view to its ultimately becoming a State of the Union. Adopt that construction of the Constitution and all difficulties disappear. It is not only the one announced in the Dred Scott case, but it is consistent with the statement of Chief Justice Marshall in the Canter case. [Applause on the Democratic side.]

Not only did Judge Taney declare that we govern the Territories of the United States under our power to admit them as States into the Union, but, sir, he also declared that we had no right to acquire and govern colonies; and in this opinion he was following the argument with which Mr. Jefferson was finally persuaded to treat the purchase of the Louisiana territory as an exercise of proper constitutional authority. Almost every gentleman who has spoken upon the other side of this question, either during this debate or since the general policy of territorial acquisition has been under discussion, has been at pains to tell us how Jefferson bought the Louisiana territory, although he believed that in doing so he had acted without the warrant of the Constitution. That is true; but it is not the whole truth, as the people are entitled to know it.

It is true that when Mr. Jefferson negotiated the treaty by which we obtained that vast tract of land he did not believe that he had the power to make that transaction a valid and binding one upon this country; and he likened his conduct to that of an agent who had exceeded his authority for the benefit of his principal, relying upon his principal to ratify it, and he recognized the invalidity of what he had done unless it was ratified and confirmed by the principal as whose agent he had acted. With his own hand Mr. Jefferson drew two constitutional amendments to ratify and confirm the purchase of the Louisiana territory; but his doubt of the constitutionality of his act was not shared by his Attorney-General and many of the greatest lawyers of that day. They contended that under its power to admit new States into the Union Congress could acquire the territory out of which to make new States; and finally Mr. Jefferson yielded to that view of the question.

The treaty under which Louisiana had come to us provided expressly that its people should become our citizens, and that their country should be divided up into States and admitted as equal members of our Federal Union; therefore stating the Louisiana precedent as strongly as it can be stated, it does not contradict, but rather confirms, the statement of Judge Taney when he declared:

There is certainly no power given by the Constitution to the Federal Government to establish or maintain colonies bordering on the United States, or at a distance, to be ruled and governed at its own pleasure; nor to enlarge its territorial limits in any way except by the admission of new States. That power is plainly given; and if a new State is admitted it needs no further legislation by Congress, because the Constitution itself defines the relative rights and powers and duties of the State, and the citizens of the State, and the Federal Government. But no power is given to acquire a territory to be held and governed permanently in that character.

It is acquired to become a State, and not to be held as a colony and governed by Congress with absolute authority; and as the propriety of admitting a new State is committed to the sound discretion of Congress the power to acquire territory for that purpose, to be held by the United States until it is in a suitable condition to become a State upon an equal footing with the other States, must rest upon the same discretion.

Mr. Chairman, it must be remembered that Judge Taney's declaration in the Dred Scott case, that the Federal Government possesses no power to hold colonies, was not only concurred in by all of those who agreed to the judgment of the court; but it was expressly indorsed by one of the dissenting judges, Mr. McLean, and tacitly agreed to by the other dissenting justice, Mr. Curtis, who did attempt to controvert it in his elaborate dissenting opinion. That decision, although frequently discounted by reason of the unfortunate question with which it dealt, in so far as it touches the power of Congress to govern colonies, has never been overruled or even qualified by the Supreme Court. Then, sir, if it is true that this Government has no power to acquire territory to be held as a colony, how, in the name of common sense, can Congress have the power to govern any territory as a colony?

A DECISIVE TEST.

But there is a more decisive argument than the authority of the Dred Scott case. If the power of Congress over the Territories of the United States is plenary, as these gentlemen assert, and if it is not bound by the Constitution, then, sir, it can establish an official religion such as its conscience might approve, and it can prohibit the free exercise of any other religion in a Territory. Can the gentlemen affirming that proposition produce a line from any law book to support it? Without detaining the committee with an argument of my own upon it, I am willing to submit it to the test of judicial authority, and I will agree to surrender this whole question unless I can produce an opinion of the Supreme Court which expressly negatives that proposition.

Mr. LINNEY. Will the gentleman yield to me for a question?

Mr. BAILEY of Texas. Certainly.

Mr. LINNEY. According to the authority which you have read and the trend of your argument, may not Congress govern a Territory and dispose of it?

Mr. BAILEY of Texas. Can dispose of it as mere property; but a Territory must be considered in two aspects—first, as land of which there is a legal owner, and, second, as a country inhabited by free men. [Applause on the Democratic side.]

Mr. LINNEY. Congress can not dispose of any part of a State. And if so, why not? Is it not because the Constitution applies to the States and does not apply to a Territory?

Mr. BAILEY of Texas. Your question presents the very question at issue, which is whether the Constitution applies to Territories as well as to States. If I can not prove to you that the constitutional prohibitions do apply to the Territories as well as to the States, I will surrender the argument. Will you agree to surrender it if I can prove that? [Laughter and applause on the Democratic side.]

Mr. LINNEY. If you can prove to me that the Constitution applies to the Territories to the same extent that it does to the States, then, of course, I will surrender.

Mr. BAILEY of Texas. The gentleman must understand that I agree that Congress can govern a Territory under its power to admit new States into the Union, and in pursuance of that power it can govern them to any extent appropriate to that end, subject only to the express limitations of the Constitution. But, if I can prove to him that Congress in legislating for the Territories is subject to and restrained by the express prohibitions of the Constitution, will he agree to surrender?

Mr. LINNEY. To the same extent in the Territories as to the States, I would.

Mr. BAILEY of Texas. It is not necessary to add that qualification, because my assertion is that the express limitations on the power of Congress bind it in dealing with the Territories, exactly as they do in dealing with the States.

Mr. LINNEY. If Congress can sell a Territory and can not sell an inch of a State, it must be that the Constitution has greater power in the State than in the Territory. That is the position I take.

Mr. BAILEY of Texas. Congress can sell the public lands in a State, precisely as it can in a Territory. If Congress is not restrained by the express prohibitions of the Constitution, then I repeat that it can establish a religion in any Territory under our dominion. Has that question ever been passed upon by the court? It has; and in Reynolds *vs.* The United States (98 U. S., 162) the court declares, as a matter too plain for argument—

> The Congress can not pass a law for the government of the Territories which shall prohibit the free exercise of religion, because the first amendment to the Constitution expressly forbids such legislation.

And thus a unanimous Supreme Court says most distinctly that the Constitution does limit the power of Congress in legislating for the Territories, while this divided Committee on Ways and Means declares to the contrary. Which opinion will you accept—the unanimous court or the divided committee?

If the power of Congress over the Territories is as broad as gentlemen on the other side assert, it can abolish the right of trial by jury in a Territory. If not, why not? The only limitation that can restrain the power of Congress in that respect is the Constitution of the United States. Has that question ever arisen? Expressly so; and it is not creditable to the candor of the majority of the Ways and Means Committee that they quote the first decision in which the question was mooted, but not decided, without referring to a subsequent decision in the same volume of reports, where it was decided.

In the case of the American Publishing Company *vs.* Fisher the court refused to decide whether Congress could abolish the right of trial by jury in the Territory of Utah, because the question could be and was decided on another ground. In the course of that opinion, which was delivered by Mr. Justice Brewer, he said:

> *If the seventh amendment does not operate in and of itself to invalidate this Territorial statute, then Congress has full control over the Territories, irrespective of any express constitutional limitations.*

In the report of the committee these words are italicized, and with an amazing degree of effrontery they submit them as the judgment of the court upon that question, while in the very same volume of reports in which that case is reported there is another case expressly deciding this question and referring to this very case. But these impartial gentlemen, with their exhaustive research and their commendable candor, have not laid that other decision before this body. This case of the American Publishing Company *vs.* Fisher is reported in 166 U. S. Reports, 464; and the words quoted by the majority of the committee do appear in the opinion of Mr. Justice Brewer. But in the same volume, on page 707, the case of Springville *vs.* Thomas is reported, and it expressly decides that the seventh amendment does operate to invalidate the Territorial statute, thus removing the "if" clause from the sentence quoted by the committee and completely changing its meaning.

The distinct issue between the majority of the committee and myself is whether the Constitution restrains Congress in legislating for the Territories. I agree that if the amendment guaranteeing the right of trial by jury does not, then none of the prohibitions or limitations apply, and the power of Congress is plenary. I only ask our opponents to agree that if the amendment securing the right of trial by jury prevents Congress from abolishing that right in the Territories, then all of the prohibitions and limitations of the Constitution do apply to legislation for the Territories, and the power of Congress is not plenary in the sense which they have used it. Within the same year this question presented itself in a distinct and unavoidable form. In the case of Springville *vs.* Thomas (166 U. S., 707) the court say:

> In our opinion the seventh amendment secures unanimity in finding a verdict as an essential feature of trial by jury in common-law cases, and the act of Congress could not impart the power to change the constitutional rule and could not be treated as attempting to do so.

Now, will not my friend from North Carolina [Mr. LINNEY] agree that in the decision from which I have just read the Supreme Court did expressly hold that the seventh amendment to the Constitution does restrain the power of Congress in legislating for the Territories? I await the gentleman's answer.

Mr. LINNEY. I think there are other cases to the effect that Congress has a right to pass a law restricting jury trials to a sum different from that named as the minimum in the Constitution—$20; and that opinion is, in my judgment, in conflict with the ideas of the gentleman.

Mr. BAILEY of Texas. It is unnecessary now to go into that question. I ask if the case I have read does not expressly decide that the seventh amendment to the Constitution prevents Congress from abolishing the right of trial by jury in the Territories?

Mr. LINNEY. It does prevent it, it seems; but, mark you, that territory was not in the condition of this territory. In the one case there was legislation on the part of Congress touching that territory, and in the other there was not.

Mr. BAILEY of Texas. You can not escape me in that way. The question before us is as to the power of Congress in legislating for the Territories, and that power does not in anywise depend upon whether there has been any previous legislation.

Why, Mr. Chairman, if their view of the Constitution be correct, not only can Congress abolish trial by jury and establish a state religion, but they can create a title of nobility in the island of Puerto Rico. Will the gentleman from North Carolina [Mr. LINNEY], or will the gentleman from New York [Mr. PAYNE], or the gentleman from Pennsylvania [Mr. DALZELL] dare to stand up in the presence of this House and country and assert the power of Congress to create the title of the Prince of Puerto Rico? Will the gentleman assert that?

Mr. LINNEY. No.

Mr. BAILEY of Texas. Then, why not? Simply because the Constitution expressly forbids the creation of titles of nobility.

Mr. LINNEY. And the Constitution expressly, on the other hand, confers upon Congress the right to control and dispose of territory. That is the difference.

Mr. BAILEY of Texas. Subject to the express provisions and limitations of the Constitution.

Mr. LINNEY. And if the gentleman will allow me, on that other matter the Supreme Court has just decided that a jury of eight is a lawful jury.

Mr. BAILEY of Texas. That is in a State.

Mr. LINNEY. That a jury of eight in the Territory of Utah under a law passed by Congress was valid.

Mr. BAILEY of Texas. I have not examined the case which the gentleman says has just been decided.

Mr. LINNEY. I have just seen the decision.

Mr. BAILEY of Texas. But I venture to say that the court has decided that if the constitution of Utah provides for a jury of eight it has the right to do so for trials in that State, because the State constitution controls that matter.

Mr. MADDOX. That is the decision.

Mr. BAILEY of Texas. And the Federal Constitution controls this matter. [Applause on the Democratic side.]

Mr. MORRIS. Will the gentleman yield for a question?

Mr. BAILEY of Texas. Certainly.

Mr. MORRIS. Is the gentleman from Texas aware of the fact that at the time of the pronouncement of the decision in the case of Springville *vs.* Thomas this provision was in the Revised Statutes of the United States:

SEC. 1891. The Constitution and all laws of the United States which are not locally inapplicable shall have the same force and effect within all the organized Territories, and in every Territory hereafter organized, as elsewhere within the United States.

Is the gentleman aware that that was in the statute?

Mr. BAILEY of Texas. I am, and it was considered in the case of The Publishing Company *vs.* Fischer; but the case of Springville *vs.* Thomas was expressly decided on the constitutional question involved in this bill. The supreme court of the Territory of Utah had held that under the act of Congress the Territorial legislature could authorize a verdict by less than a unanimous jury; and consequently the Supreme Court of the United States, upon an appeal from that decision, found it necessary to meet the question of the constitutional power of Congress to authorize the enactment of such a law. They did meet it, and they expressly decided that the seventh amendment to the Constitution, securing the right of trial by jury, limited the power of Congress in the Territories as well as in the several States.

Mr. MORRIS. Will the gentleman permit a further question?

Mr. BAILEY of Texas. I will.

Mr. MORRIS. Were they not obliged to decide that that was the case, in view of that statute?

Mr. BAILEY of Texas. Oh, no. They decided in the Fischer case that either the acts of Congress or the seventh amendment to the Constitution, or both together, prohibited the Territorial legislature from providing that a verdict could be rendered by less than all of the jury; but in the case of Springville *vs.* Thomas the act of Congress had been eliminated by a decision of the supreme court of Utah to the effect that Congress had authorized the Territorial statute which permitted a verdict to be rendered by less than the entire jury. The Supreme Court of the United States was compelled to meet the direct question as to the power of Congress in that respect, and they decided that the seventh amendment to the Constitution forbids Congress to abolish the trial by jury, either through a law of its own or through one passed by a Territorial legislature under the authority of Congress. [Applause on the Democratic side.]

Mr. MORRIS. Did not the court in the case of Springville *vs.* Thomas refer with approval to the case of the American Publishing Company *vs.* Fischer?

Mr. BAILEY of Texas. They did; but did not intimate that the act of Congress which was considered in the Fischer case was under consideration in that case.

Mr. MORRIS. Did they not cite the case of the Publishing Company *vs.* Fischer as sustaining the case of Springville *vs.* Thomas?

Mr. BAILEY of Texas. They cited it as consistent with it.

Mr. MORRIS. I will ask the gentleman to read the opinion.

Mr. BAILEY of Texas. The gentleman must assume that I have read what I am trying to discuss. [Applause on the Democratic side.] I could cite other decisions to the same effect if my time would permit; and I will take the time to remind the gentleman from Minnesota that in Thompson *vs.* Utah Mr. Justice Harlan says:

That the provisions of the Constitution relating to the right of trial by jury apply to the Territories is no longer an open question.

Now, Mr. Chairman, let us go one step further. I have the admission of my friend from North Carolina [Mr. LINNEY] that Congress could not create the Prince of Puerto Rico.

Mr. LINNEY. Yes.

Mr. BAILEY of Texas. But, sir, if they had plenary power, they could do it, and the only reason why they can not do it is because they have been restrained by a constitutional prohibition against it.

Mr. LINNEY. The constitutional provision prohibits them from making a title or office of that kind anywhere.

Mr. BAILEY of Texas. It says:

No title of nobility shall be granted by the United States.

Mr. LINNEY. Nowhere in the world.

Mr. BAILEY of Texas. You add that.

Mr. LINNEY. Yes.

Mr. BAILEY of Texas. Then, why not add the same to all of the other general prohibitions and limitations? Why not admit that when the Constitution says that Congress shall not do certain other things, it means that we shall not do them anywhere in the world? [Applause on the Democratic side.]

THIRD CONCLUSION.

The third conclusion of the committee is—

that under that power Congress may prescribe different rates of duty for Puerto Rico from those prescribed for the United States.

Let us see. From what source does Congress derive its power to lay and collect taxes, duties, and imposts? Every gentleman on that side will admit that it derives it from the Constitution. It is the first power expressly granted to Congress by the Constitution. In section 8 it is provided that—

The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States, but—

Now mark the limitation—

all duties, imposts and excises shall be uniform throughout the United States.

It would be impossible to express a limitation more plainly than is done in that provision; and the only way by which these gentlemen can escape that injunction of uniformity is to return to the subterfuge that the United States does not include the Territories. No distinction is attempted by the committee on account of the peculiar situation of Puerto Rico, and none could be sustained if attempted. The gentleman from Pennsylvania [Mr. DALZELL] concedes that the same rule which applies to Puerto Rico applies also to Arizona and New Mexico.

I would be glad to debate this question first as a matter of principle, but a glance at the clock admonishes me that I have not the time, and I must therefore content myself with invoking again the decisions of our courts. This very question has been presented to the Supreme Court on two different occasions: First, in the case of Loughborough *vs.* Blake, and again in the case of Cross *vs.* Harrison. One was decided when John Marshall was Chief Justice, the other after Roger B. Taney had succeeded him; and in both cases the court was unanimous in its opinion. If this very proposition to lay a different rate of duty upon goods which are carried into Puerto Rico from that which is laid upon goods which are brought into the port of New York had been before the court, the following language of Chief Justice Marshall could not have been more in point. He says:

The eighth section of the first article gives to Congress the "power to lay and collect taxes, duties, imposts, and excises" for the purposes thereinafter mentioned. This grant is general, without limitation as to place. It consequently extends to all places over which the Government extends. If this could be doubted, the doubt is removed by the subsequent words which modify the grant. These words are: "But all duties, imposts, and excises shall be uniform throughout the United States." It will not be contended that the modification of the power extends to places to which the power itself does not extend. The power, then, to lay and collect duties, imposts, and excises may be exercised and must be exercised throughout the United States. Does this term designate the whole or any particular portion of the American empire? Certainly this question can admit of but one answer. It is the name given to our great Republic, which is composed of States and Territories. The District of Columbia or the territory west of the Missouri is not less within the United States than Maryland or Pennsylvania, and it is not less necessary on the principles of our Constitution that uniformity in the imposition of imposts, duties, and excises should be observed in the one than in the other.

Further on in this same case, and while addressing himself to the argument upon another phase of it, he again lays down the same doctrine in these words:

Yet it is admitted that the Constitution not only allows but enjoins the Government to extend the ordinary revenue system to this District. If it be said that the principle of uniformity, established in the Constitution, secures the District from oppression in the imposition of indirect taxes, it is not less true that the principle of apportionment, also established in the Constitution, secures the District from any oppressive exercise of the power to lay and collect direct taxes.

And thus, for a second time in this same opinion, the great Chief Justice declares that the rule of uniformity must be observed by Congress in laying duties, imposts, and excises in the District of Columbia and in the Territories, as well as in the sovereign States. No gentleman on that side who has any regard for his reputation as a lawyer will venture to deny that these statements taken from the opinion of Judge Marshall are applicable to the question now before us; nor will one of them rise in his place and contend that the opinion in the case of Loughborough *vs.* Blake has been overruled, modified, or even doubted.

What excuse, then, will the committee render to this House and to the country for asking us to fly in the face of a decision of our highest court rendered by its greatest Chief Justice, and which has stood unchallenged for eighty years? Do they expect the intelligent people of this Republic to excuse their palpable disregard of the Constitution and the law on the ground of partisan emergency? I am aware, sir, that the people will forgive much to the spirit of a sturdy partisanship; but I do not believe that they will tolerate this reckless and unnecessary violation of the plain letter of the Constitution and the well-established and unquestioned decision of the court.

In the case of Cross against Harrison the question again arose as to the uniformity of duties, imposts, and excises. In that case suit had been brought to recover money which had been paid to a temporary collector of customs at the port of San Francisco. The Supreme Court, in a unanimous opinion, says this:

The tariff act of 1846 prescribes what that duty shall be. Can any reason be given for the exemption of foreign goods from duty because they have not been entered and collected at a port of delivery? The last become a part of the consumption of the country, as well as the others. They may be carried from the point of landing into collection districts within which duties have been paid upon the same kinds of goods; thus entering, by the retail sale of them, into competition with such goods, and with our own manufactures, and the products of our own farmers and planters. The right claimed to land foreign goods within the United States at any place out of a collection

district, if allowed, would be a violation of that provision in the Constitution which enjoins that all duties, imposts, and excises shall be uniform throughout the United States.

[Applause.]

Those duties were collected in the Territory of California, and the court held that although Congress had not up to that time erected it into a revenue-collection district, yet the goods of foreigners could not be landed there without paying the same duties as would be paid at other ports of the United States, because to permit that would violate the constitutional requirement of uniformity in duties; thus asserting that duties must be uniform in the Territory of California, as well as in the several States of the Union. [Applause.]

The power to lay and collect duties, all men agree, is as wide as the jurisdiction of the Republic. Then how can you deny that the limitation on that power follows it wherever it is exercised? [Renewed applause.] You will collect these duties in Puerto Rico under a particular clause of the Constitution; yet, sir, while asserting its authority you deny its limitation, and in denying its limitation you ignore the authority of Marshall and of Taney.

The District of Columbia or the territory west of the Missouri is not less within the United States than Maryland or Pennsylvania, and it is not less necessary on the principles of our Constitution that uniformity in the imposition of imposts, duties, and excises should be observed than in one than in the other.

So said John Marshall. What say you, gentlemen of the Republican party?

To land foreign goods within the United States at any place out of a collection district, if allowed, would be a violation of that provision of the Constitution which enjoins that all duties, imports, and excises shall be uniform throughout the United States.

So said the Supreme Court in Cross *vs.* Harrison; and can party exigency establish a different doctrine?

THE CONSTITUTION TO BE SET ASIDE.

I understand and appreciate the situation of the gentlemen who are supporting this bill. They realize the utter impossibility of governing colonial possessions according to the Constitution of the United States and they have resolved upon the dangerous course of boldly setting the Constitution aside. [Loud applause on the Democratic side.] If I could derive a personal satisfaction from any circumstance which I deemed a misfortune to my country, I would rejoice in their decision, because it abundantly confirms what I said in the very beginning of this controversy. Eighteen months ago, when the fever of war and conquest was in the blood of our people, when men talked only of battles and victories, when the music of the fife and drum had aroused our martial spirit, I did not yield to this general excitement; but in the midst of it all I stood unmoved, and warned my countrymen that the Constitution of this free Republic could not be applied to the government of colonies. [Loud applause on the Democratic side.] When emotional statesmen cried out to know who would take down the flag, I dared to say that I would take it down from any land where the Constitution of my country could not follow it. [Applause on the Democratic side.]

Gentlemen of the Republican party, are you ready to present to the world the anomaly of a government restrained by a Constitution in one-quarter of the globe and yet possessed of despotic power in all other regions of the earth? How long will our Constitution shield us and our children if we withhold its protection from the meanest under our jurisdiction? It was ordained to limit the powers of this Government at all places and over all men; the greatest are not exempt from its limitations, nor can its protection be denied to the humblest. [Applause on the Democratic side.]

Under this new and strange philosophy which we are now invited to embrace, the people of our new possessions will neither perform its obligations nor enjoy its blessings. To them those sacred guaranties which we hold more precious than our lives are meaningless. Their houses may be searched; the altars of their religion may be leveled to the ground; soldiers may be quartered on them in times of peace, and when they have peaceably assembled to petition for a redress of their grievances they can be dispersed at the point of the sword. They can be arrested without a warrant; they can be tried without a jury, or condemned without a trial. The greed of one American pro-consul may strip them of their property, and the lust of another may despoil their homes. And yet, sir, against these unspeakable atrocities they can not invoke those great provisions which our fathers deemed the heritage of all freemen. [Applause on the Democratic side.]

Gentlemen, are you ready to divide our people into citizens and subjects—half monarchy and half republic? Let me borrow the immortal words of Lincoln, and, applying them to this new condition, let me remind you that this Republic can not endure one half slave and the other half free. [Applause on the Democratic side.] Either we must all be citizens or else in time we all shall become subjects. I did not want these alien and inferior races, and I fervently pray that we may yet be delivered from the impossible task of assimilating and governing them. [Applause on the Democratic side.] But, sir, if you will take them, you must make them a part of us; we must share their destiny with them, and they must share their destiny with us, for there is no place under our form of government for that wretched creature without a citizenship. Every man who stands beneath the ample folds of that flag which adorns yonder Speaker's stand shall have the right to face the world, and with that prouder than Roman boast upon his lips, proclaim: "I am an American citizen." [Great applause on the Democratic side.]

Mr. DOLLIVER. Mr. Chairman, I had intended to argue at least some of the questions of law to which my friend from Texas has adverted during the course of his speech, but the length and general character of the debate seem to make that unimportant. I stayed in the House while the speeches on this subject were being made and I discovered what my friend lost while he was on the outside preparing his—that every case which he has cited and every argument which he has submitted have been brought forward again and again by gentlemen on his own side of the House and repeatedly replied to by our friends on this side. [Laughter and applause on the Republican side.]

So that I am not disposed, even if the House were able to bear such a thing, at the end of a ten days' debate, to attempt a case-grinding recital of what has happened from time to time in the Supreme Court of the United States.

This bill, which is a temporary measure—and I will advise the House will be so declared in an amendment to be offered by the committee—aims simply to provide a revenue for the island of Puerto Rico. Yet it has been magnified by this debate in a strange way to include the whole problem of our government of the possessions that have come to us under the treaty of Paris as a result of the war with Spain.

The President of the United States in his annual message recommended that Congress should abolish all customs tariffs between Puerto Rico and the United States, and should admit their products to our markets without duty. The argument upon which the President's recommendation was based was drawn mainly, I may say entirely, from a consideration of the position in which the people of Puerto Rico have been placed by our disturbance of their connection with Spain and by the unfortunate experience of flood and storm through which nearly the whole of the island has recently passed. It was evidently the purpose of the President, and the only purpose which he had, to do something to give that people a chance to rebuild its fallen fortunes and to begin anew its commercial and industrial life. Now, notwithstanding the abuse that has been heaped upon this bill on this floor and in the public press, I undertake to say that it does in substance exactly what the President had in mind to do. [Applause on the Republican side.]

At the same time it keeps account of the fact that whatever form of government is finally established in the island of Puerto Rico will, from the beginning, stand in exigent need of money to pay its expenses and to provide for the education and material development of the community.

Under this bill as it will be finally shaped they will be enabled to collect a revenue equal to 15 per cent of the established tariff rates of this country on goods entered from the United States, and required to pay a corresponding rate on goods sent from Puerto Rico here, the entire fund—all collected here and all collected there—being expressly devoted to public uses in connection with their local government. In that view of the case the injustice will appear which has been done to the Ways and Means Committee by gentlemen on our own side of the House, by our friends on the other side, and by an organized coercion of public opinion elsewhere in the United States.

We have been accused of a conspiracy to rob and to levy tribute upon a helpless and unfortunate people. We have been charged with "treating Puerto Rico as an orange to be squeezed," and the intimation has been thrown out to the public that this Government proposes to appropriate the juice [laughter], when in point of fact we are simply fixing a nominal rate of duties for the sole purpose of guaranteeing a working revenue for the necessary uses of the Puerto Rican government for the time being, until it has prepared and put in operation a fiscal system of its own.

It will be seen, therefore, that the committee has done in substance exactly what the President recommended should be done. We have given to these people the least burdensome method of taxation that can be devised; and our departure from the letter of the President's recommendation in form, but not in substance, is hardly entitled to the attention which it has received from our worthy Democratic brethren in this Chamber. Their solicitude lest the counsel of the President be set at naught needs only, in addition to its somewhat showy appearance of benevolence, a faint note of sincerity to entitle it to the sympathy of every real friend of the Administration.

The anxiety and zeal with which gentlemen on the other side, and some on this side, have rallied around a single sentence in the President's message, if it could be distributed over the whole of that historic Executive communication would have a tendency to broaden the outlook of an uneasy lot of politicians who are now engaged in obstructing the highway of national progress by the inventions of a cheap partisan ingenuity. [Applause.]

There may have been a time when kind words from the other side of this Chamber might have been grateful to the troubled heart of the Chief Magistrate as he has borne the burden of national responsibilities which he did not create. But I doubt very much whether this belated and whimpering pretense of eulogy and indorsement will be accepted as a suitable recompense for two long years of clamor and calumny with which Democratic ideals of propriety have surrounded the President of the United States. [Applause.]

If our departure from the letter though not from the spirit of the President's recommendation is to be set up against us—if the words of that recommendation, taken out of connection with the meaning and intention of it, are to be put forward here as the inflexible standard to which all our notions of legislative duty are to be conformed, I beg my friends on the other side of the House to put away their mask of inordinate respect for the President's opinion and leave that plea to the more appropriate attorneyship of my friend from Maine [Mr. LITTLEFIELD] and my friend from Massachusetts [Mr. MCCALL], who have lost their footing in the catch-as-catch-can wrestle with the Constitution which has so conspicuously characterized the present session of Congress. [Applause.]

What is the purpose of this bill? I have seen in the newspapers, and I have heard it mumbled in this Chamber, that the measure is in the interest of the sugar trust. I do not believe that any man whose mind is at all adapted to the consideration of such a question would stand up in a presence like this and make such a statement as that. We know, if we know anything, that the sugar trust, so called, has no interest in any proposition pending here except in securing free trade in the material out of which it manufactures refined sugar.

Only last fall Mr. Henry O. Havemeyer, the president of the American Sugar Refining Company, went before the Industrial Commission and denounced the whole protective tariff, because the law of 1897 was more careful to protect the beet-sugar industry of the United States than to keep up the profits of that company.

We have bills pending in this House, offered for the purpose of striking down that monopoly, by relieving it of the burden of paying taxes on the raw material which it imports; when even the slightest comprehension of the subject would suggest to any active mind that free trade in raw sugar would be an open gift to the magnates of the American Sugar Refining Company of a purse equal to one-third of the total customs revenues of the United States.

And yet we hear it said that the sugar trust and the tobacco trust are behind this bill. The fact is, if we may believe the correspondent of the Associated Press, that two crops of sugar and tobacco are now on hand in Puerto Rico awaiting shipment. There are 5,000,000 pounds of tobacco and the sugar crop of two years, not in the hands of the people of Puerto Rico, but piled up by speculators in the warehouses of San Juan and other seaport cities of the island, now chargeable, if shipped to the United States, with full duties under the Dingley law, held there in bulk waiting for the profit that will accrue from free trade.

A gang of speculators, mostly Americans, have been hounding members of Congress for weeks. This syndicate of sugar and tobacco brokers are even now jostling one another in the corridors of this Capitol, pleading, with sordid hypocrisy, for the people of Puerto Rico. This bill does not suit them because it diverts from their pockets a portion of the profits which they had hoped to reap, puts it into the treasury of the island of Puerto Rico, and devotes it to the pressing necessities of that stricken and unfortunate people. [Applause.]

Now, there is another thing I wish to speak of. It has been said that certain interests of the United States, such as the tobacco, beet-sugar, and fruit industries, have come here and demanded this legislation. It is true that a memorial from farmers' associations in Florida, in California, and elsewhere in the United States has expressed the fear that free trade with tropical America will damage many of the flourishing agricultural industries of our country.

For that reason they have petitioned, as they have a right to do, for the maintenance of the Dingley tariff rates with Puerto Rico and with the Philippine Islands. In the opinion of the committee, their fears, at least so far as Puerto Rico is concerned, are groundless. And this bill has not been drawn with any view to comply with these petitions, so far as Puerto Rico is concerned. There is not a line, there is not a syllable, in it which has been put there for the protection of any American industry; and, in fact, the bill comes nearer free trade with Puerto Rico than even the Democratic party has ever dared to attempt. [Laughter on the Republican side.]

Ever since I can recollect anything about politics the Democratic party has been talking for free trade; yet when Mr. Morrison came to draw a tariff bill he was satisfied with a horizontal reduction of 20 per cent; and when Mr. Mills, in response to a Democratic platform calling for free trade, drew a tariff bill he reduced the existing schedules less than an average of 6 per cent.

The same thing happened on this floor in 1894, when, after a struggle which is interesting to recollect, as it was interesting to participate in, we got down to a free-trade basis, with an average reduction of less than 10 per cent in all the schedules of the tariff law of 1890. In this bill we propose a horizontal cut in existing rates of 75 per cent; and in order to avoid the prejudices that have grown up around this measure we offer on this floor to reduce it so that it shall equal a horizontal reduction of 85 per cent. And yet our Democratic brethren are complaining because we are imposing an outrage and a robbery upon an unfortunate population in Puerto Rico.

My friend from Illinois [Mr. CANNON] has shown, and no man can answer him, that if you are going to raise money for those people by any kind of taxation, if you are not going to give the island a strictly pauper relation to the United States, this tax is just and wise and fair; and I can prove by my friend from Massachusetts [Mr. MCCALL], who has the Constitution in a shape which has disabled him for usefulness in the present emergency of the party to which he belongs [laughter on the Republican side], that as a fiscal proposition this bill is not open to anybody's criticism, as his report now on file states.

What else is in this bill? There is one thing in it that nobody seems to see who is fighting it on this side, but which the able political managers who have organized the fight against it on the Democratic side see with perfect clearness. It contains an intimation to the world that the United States in its effort to care for the future of far-off peoples, an effort that has already cost incalculable sacrifice and anxiety, is under no constraint either of law or of duty to put in jeopardy the interests of our own people. [Applause on the Republican side.]

We have heard on this floor in this debate speeches made, addressed to the meanest prejudices of class and race and even color, predicting the speedy destruction of particular industries and the disintegration of the whole social fabric on account of the Republican policy of acquiring possession of the late colonies of Spain. And yet, when a bill is brought forward here, now pending in both Houses of Congress, which foreshadows in a practical way the right of the United States to deal with these possessions with an eye to our own interests as well as theirs, we are beset by the scribes and pharisees of the Constitution [laughter] because in the supreme court of their imagination no power is found to prevent the consolidation of these alien and backward races with the political and commercial system of the United States.

So far as I am concerned, I am not stampeded by these tales of woe, by these predictions of disaster, one following the other, coming up straightway out of the Caribbean Sea or the Pacific Ocean, though I concede that after national experiences so recent it is possible to underrate the effect of an appeal to the popular fear of free trade, on a scale however small, even when presented by the managers of Democratic politics in the United States. [Laughter on the Republican side.]

But if that were the only issue at stake, it is not settled in my mind that anybody ought to be frightened, certainly not out of his wits, even by a proposal so extreme as the free admission into our markets of all the products of our new possessions, either now or in time to come. At any rate, it is not contended that any American industry is likely to suffer on account of the free admission into this country of the surplus productions of the people of Puerto Rico.

And so the proposed reduction of 85 per cent in all the schedules of the tariff law of 1897 has introduced no element of alarm whatever into the American market place. The nominal rate retained in this bill is for the sole purpose of providing, in part at least, for the expenses of the local administration in Puerto Rico, though that is not the only advantage of it, if it operates to put a stop to the unscrupulous agitation that has filled the country with the fear that in taking possession of vast tropical territories the Government is found helpless to deal with them except on terms of such political intimacy and commercial equality as the Constitution prescribes for the people of the United States. [Applause.]

If the Constitution of the United States establishes free trade between Manila and San Francisco, as it undoubtedly does between Maryland and Virginia, then the circumstance that we have got into a new competition, possibly injurious to some of our industries, is only the least trouble that is before us. A consideration

vaster by far than that arises at once, for we are in that case disarmed in advance in the momentous demand which this nation has made for equal rights in the commerce of Asia.

I violate no secret of this Government when I say that to-day there is pending in the State Department the most elaborate commercial negotiation ever attempted in the history of our diplomacy, based upon a pledge made by our commissioners at Paris, that whatever we do, in the Pacific Ocean we will maintain an open door for the commerce of the world. And I ask Republicans, I ask those Democrats from Georgia, from South Carolina, from the great cotton belt of the South, whose people are interested in the prospects that are wrapped up in the commerce of the east, with what countenance can we stand before the cabinets of Europe, protesting against the occupation of the ports of China to the prejudice of American trade, when we ourselves, from our headquarters on the border, being tied down by an obsolete construction of our own Constitution, have deliberately drawn a commercial dead line about the Philippine Islands for the permanent exclusion of everybody else.

The open door of Asia, through which the enlightened community of American business, North and South, looks forward to opportunities not even yet explored, to opportunities that shall broaden with the centuries—that is the larger question that is on trial here. We are in the Philippine Islands under circumstances known and read of all men. Our going there was not an act of statesmanship; it was not an act of partisan policy. It was an act of war, a step in the strategy of a military campaign, a fruit of victory presented to the American people by our great Admiral in Asia when his day's work in the harbor at Manila was done. [Applause on the Republican side.]

While the hostilities lasted the occupation of the Philippine Islands was a war problem altogether. It did not descend into the region of politics—possibly I ought to say it did not ascend into the region of politics, because I use the word in the larger and higher meaning of a term which, in its origin and early history at least, is entirely respectable [laughter]—it did not descend into the region of politics until our commissioners at Paris had assembled in pursuance of the protocol agreed upon with M. Cambon, the French ambassador, acting in the place of Spain. Then, for the first time, the question was open for the counsel of the wise and for the advice of the leaders of public thought in the United States.

I am not going to stand here a minute to defend the treaty of Paris. We have heard here that in making that treaty our Government drifted from its moorings and became a pirate upon the high seas. Men have stood here denouncing the whole affair as a scheme of land-grabbing rapacity. Even the neutrality which from every motive of national interest we are under obligation to maintain in the unfortunate war now in progress in South Africa, has been put under criticism more malignant than intelligent, and the nation itself has been held up to scorn and derision, because, having itself become a robber nation, it can no longer turn aside from its own business to interfere in the affairs of other nations and, in the language of Danton in the French Assembly, go forth to "expiate the wrongs of the world."

It is some satisfaction for me to know that no element of national ambition, that no sinister suggestion of territorial aggrandizement, that not even the greed of commerce, is found in the official literature of the treaty of peace. Its sole motive was to help and give an unselfish guidance to the helpless populations brought thus under our authority. And I say to both sides of this House that when the archives of that negotiation are published to the world, as they will be, every American will see that the President of the United States ended our war with Spain in the same lofty spirit which led the people to begin it, and will be able to reverently invoke upon every line in the history of the transaction the considerate judgment of mankind and the gracious favor of Almighty God. [Applause on the Republican side.]

I hold that the treaty of Paris merely set down in writing the achievement of our arms, though I do not deny that there is room for a difference of opinion about that. But I maintain that if any American statesman cherished the design of hindering and disabling the United States in the management of the heavy weight laid upon us by that treaty, it was his duty, before it became a part of the supreme law of the land, to exhaust his influence to defeat its ratification. That course was taken by some, notably by the former Speaker of this House, and by a venerable and patriotic Senator from New England, the sincerity of whose heart no man who knows him has ever questioned.

Whether the somewhat caustic observations of the former Speaker or the earnest arguments of the eminent New England Senator were founded in wisdom or not, it is now at least a year too late to profitably inquire. They had, at all events, one quality which enabled both of them to preserve the respect of mankind, and that was their definite conviction that the United States ought not to assume the sovereignty of the Philippine Islands, with the cares unavoidably involved, and its duties, both defined and implied, to the Kingdom of Spain, to the native inhabitants, and to the world at large.

The war, by the total prostration of the enemy, was at an end; and no man ought to have advised the ratification of the treaty without a manly resolution in his heart to stand by his country in taking up the immeasurable load laid upon the United States by that solemn act of its Government. It is inconceivable that men who count themselves fit for the highest dignities of our national life should have deliberately reckoned the party advantages of the situation, and advised the ratification of the treaty, not for the purpose of making it the law of the land, but for the miserable opportunity of harassing the Government in the interest of a political party.

Yet such was the reckless mental reservation of the political leader, who left his uniform in Florida, while he hastened to this capital to rally his followers to the support of the treaty of peace. Even in the excitement of the approaching campaign the moral characteristics of such a leadership will not altogether escape the attention of the American people; and when in other times, free from the prejudices of the hour, the depths of this degradation are truly measured, a judgment will be recorded in everlasting condemnation of so gross a betrayal of the national welfare for the sake of a temporary partisan advantage. [Loud applause.]

Even now these advantages are not as profitable as they appeared a year ago, for the wisdom of the national policy has been emphasized by the indubitable folly of every project that has been offered in its place. At Paris we had the choice of giving the islands back to Spain, leaving them to fight it out with that unfortunate Kingdom, or providing for their independence, leaving them to fight it out among themselves, or assuming sovereignty in our own name and undertaking to administer their affairs on our own account.

Nobody blames us for putting an end to the sovereignty of Spain, and even Mr. Bryan has been careful not to demand the withdrawal of our Army, leaving the islands to their fate; yet he appears to reject the only two propositions in connection with the subject that, according to my friend from Missouri [Mr. DE ARMOND], have any sense in them, namely: That we shall stay there as in duty bound by the treaty, and administer their affairs; or that we shall leave them, notwithstanding the treaty, and let them work out their own salvation.

The proposition which Mr. Bryan makes concedes that without us the islands would become a prey to those nations which are accustomed to protect the interests of their people in the out-of-the-way places of the world. He therefore asks us to first recognize the government of an insurgent tribe, representing only a small minority of the population of the islands, to commit the sovereignty which we acquired from Spain and which we hold in trust for several millions of people, embracing over sixty tribes, to the dictatorship of the military chieftains of a single one, and then stand off at our own expense with our Army and Navy, responsible for all that follows, but without a vestige of authority to direct the course of affairs. I undertake to say that in the whole history of the world no such blatant stupidity has ever masqueraded for wisdom, even in the leadership of a forlorn political hope. [Great applause on the Republican side.]

It may be set down for sure that, whatever else happens, this clumsy and unmanageable thing will not happen. If we go, we will take our baggage with us [laughter], leaving the police duties of civilization, after our ignominious default of our treaty obligations, to be performed by the nations interested. If we stay, we will stay in our own right, exercising the functions of our own Government, deriving our authority from the treaty which defines our responsibility. [Applause.]

My own conviction, strengthened by months of solicitous inquiry and confirmed in the unanimous report of the official board whose report has just been laid before Congress, is that we can not leave the Philippine Islands without surrendering the national character, without disowning the sacrifices we have made, without turning our backs on the mission of the Republic among the nations of the world. Our Navy is there, still glorious in the renown of its great sailors; our Army is there, patient and uncomplaining amid the hardships of a strange land; our flag is there, with no stain upon it except the blood of the brave men who have died in its defense. [Applause on the Republican side.]

The open attack on the front of the national position made by the Democratic party and its allies is already a failure, pitiable and complete. Even while it lasted it was more contemptible than formidable. It went into partnership with the fevers of the camp and tried to pick up a few votes at every soldier's funeral; it sought to reap a profit from the quarrels of officers in both arms of the service and from the grievances of enlisted men; and even in the hour of victory it degraded the national reputation by filling the world with scandals and hearsays without decency or truth. [Applause on the Republican side.]

It furnished enough votes in favor of the treaty of Paris to ratify it, and talk enough against it to encourage adventurers to make

an insurrection against the sovereignty which it established. It formed a combination with Aguinaldo, more tangible by far than the secret Anglo-Saxon alliance which will be found recorded in the dream book of that inimitable fortune teller from Missouri, who so often delights us with his tales of falling empires. [Laughter on the Republican side.] By its terms Aguinaldo was to do all he could for the Democratic party, and the Democratic party was to do all it could for him—a sort of mutual aid society, in which each depended on the success of the other, while both were moving swiftly in the direction of the bottomless pit. [Laughter and applause on the Republican side.]

The time has come, in my judgment, for somebody to do some plain speaking in this House, and having waited nearly three months for somebody else to come forward to attend to it, I propose now to attend to it myself. [Applause.] The other day, passing through the city of Philadelphia, I took up the evening papers, and at the head of the column, in type an inch long, was "McKinley a murderer," and reading down the column, I found that a gentleman whose name I can not recall, had denounced the President of the United States as a murderer, amid the applause of the United Anti-Imperialist Convention meeting there to celebrate Washington's birthday, that great assembly, organized by dead men, and its exercises conducted on the floor by madmen. [Laughter and applause on the Republican side.]

I made up my mind that if I could get an opportunity here I would read the orders of the President of the United States, that the world may know what manner of men these are whose wicked and reckless malice against their country does not even spare the Chief Magistrate of the United States. I hold in my hand the President's telegram to General Otis and to Admiral Dewey, of January 8, 1899, and I desire to read it in this House.

To OTIS and DEWEY, *Manila:*

We transmit to you the following message from the President:

ALGER, LONG.

"Am most desirous that conflict be avoided. Your statement that a conflict 'at Iloilo or other southern port means war in all the islands' increases that desire. Such conflict most unfortunate, considering the present, and might have results unfavorable affecting the future. Glad you did not permit Miller to bring on a conflict.

"Time given insurgents can not hurt us and must weaken and discourage them. They will come to see our benevolent purpose and recognize that before we can give their people good government our sovereignty must be complete and unquestioned. Tact and kindness most essential just now. Am sure you both, having full knowledge of situation, can be trusted to accomplish purposes of this Government with the least discord and friction. We accepted the Philippines from high duty in the interest of their inhabitants and for humanity and civilization. Our sacrifices were with this high motive.

"We want to improve the condition of the inhabitants, securing them peace, liberty, and the pursuit of their highest good. Glad you are conferring with them in their unofficial capacity. Will send commissioners if you think desirable to cooperate with you both in your delicate task. They can not leave here for two weeks or report Manila for two months. Will send them as above on hearing from you. If possible to hasten repatriation of Spanish soldiers before treaty ratified, it will be done. You are masters of the situation there and must not relax your power or vigilance. Hope good counsel will prevail among the inhabitants and that you will find means to save bloodshed and restore tranquillity to that unhappy island.

"How is the health of Miller's command?

"WILLIAM MCKINLEY."

I desire to read also the following letter from General Otis to the insurgent commander, in which he calls his attention to the fact that he was under strict orders of the President to avoid conflict in every possible way:

HEADQUARTERS DEPARTMENT OF THE PACIFIC
AND EIGHTH ARMY CORPS,
Manila, Philippine Islands, January 9, 1899.

Gen. EMILIO AGUINALDO,
Commanding Revolutionary Force, Malolos,
Philippine Islands.

GENERAL: I have the honor to acknowledge the receipt of your communication of to-day, and am much pleased at the action you have taken. I greatly regret that you have not a clear understanding of my position and motives, and trust that my explanation, assisted by the conference I have invited, will make them clear to you.

In my official capacity I am merely the agent of the United States Government to conduct its affairs under the limits which its Constitution, laws, precedents, and specific instructions prescribe. I have not the authority to recognize any national or civil power not already formally recognized by my Government, unless specially authorized so to do by the instructions of the Executive of the United States. For this reason I was unable to receive officially the representatives of the revolutionary government, and endeavored to make that inability clear to the distinguished gentlemen with whom I had the pleasure to converse a few evenings since. You will bear witness that my course throughout my entire official connection with affairs here has been consistent, and it has pained me that I have not been able to receive and answer communications of the cabinet officers of the government at Malolos, fearing that I might be erroneously charged with lack of courtesy.

Permit me now briefly, General, to speak of the serious misunderstanding which exists between the Filipino people and the representatives of the United States Government, and which I hope that our commissioners, by thorough discussion, may be able to dispel. I sincerely believe that all desire peace and harmony, and yet, by the machinations of evil-disposed persons, we have been influenced to think that we occupy the position of adversaries. The Filipinos appear to be of the opinion that we meditate attack, while I am under the strict orders of the President of the United States to avoid conflict in every way possible.

My troops, witnessing the earnestness, the comparatively disturbed and unfriendly attitude, of the revolutionary troops and many of the citizens of Manila, conclude that active hostilities have been determined upon, although it must be clearly within the comprehension of unprejudiced and reflecting minds that the welfare and happiness of the Philippine people depend upon the friendly protection of the United States. The hand of Spain was forced, and she has acknowledged before the world that all her claimed rights in this country have departed by due process of law.

This treaty acknowledgment, with the conditions which accompany it, awaits ratification of the Senate of the United States, and the action of its Congress must also be secured before the Executive of that Government can proclaim a definite policy. That policy must conform to the will of the people of the United States expressed through its representatives in Congress. For that action the Filipino people should wait, at least, before severing the existing friendly relations. I am governed by a desire to further the interests of the Filipino people, and shall continue to labor with that end in view. There shall be no conflict of forces if I am able to avoid it, and still I shall endeavor to maintain a position to meet all emergencies that may arise.

Permit me to subscribe myself, General, with the highest respect,

Your most obedient servant,

E. S. OTIS,
Major-General, U. S. Vols., Commanding.

A year ago on this floor I was jeered by my Democratic colleagues because I refused to advise a policy of force against the Philippine people. I did not then know that for months our boys had borne in silent humiliation the taunts and jeers and insults of this mob of swift-footed warriors. I did not know that the President of the United States had commanded both our Army and Navy under no circumstances to make an attack, but to treat these people with kindness and consideration and make known to them the good will and friendly purposes of our Government. I did not then know the objects with which that armed horde was encamped on the suburbs of Manila; nor did I understand the motive and form of that unique system of government by which a self-appointed leader of the Tagal tribe, in virtue of a constitution which he wrote himself in a Chinese boarding house in Hongkong, had become the head of an imaginary Philippine republic.

But whatever my desire to avoid the necessity of waging war on Aguinaldo's army may have been, I never have been even tempted to regret that our little garrison lying in the mud in the outskirts of Manila refused to run from them. [Applause.] And from that day I assert, with the unanimous report of the Philippine Commission in my hand, that nothing has been done there that has not been necessary to secure for our Government the respect and obedience which belong to it. [Applause.]

No American army ever volunteered for a service more arduous; none ever had a better right to look to their countrymen at home for encouragement and sympathy; none ever earned a higher title to the love of a generous people. In camp and garrison, on the march and in the field, in the tangle of swamps and over the passes of untraveled mountains they have borne the flag of the American Republic—that flag which never yet stood and never can stand for anything except the liberty of men. [Loud applause.]

That little army of volunteers stayed in the service nearly a year after the term of their enlistment had expired. When the returning regiments came back they were welcomed with all the signs of public honor in every city and village from San Francisco to their homes, and the President of the United States did not think it below the dignity of his office to leave this capital and

go out to meet the men who had served the nation, take each one of them by the hand, and speak to him in words of appreciation and gratitude. [Applause.]

With gracious sympathy he consoled the sorrow of those whose loved ones had fallen in battle or died in the hospitals of disease, and in the presence of the living he comforted broken hearts with this sentiment, native to the feelings of kindly and patriotic men everywhere, "They died on the altar of their country." [Applause.] A few days later the Omaha World-Herald, Mr. Bryan's personal organ in Nebraska, printing the Associated Press cable containing General Otis's official list of the dead and wounded (I have a copy of the paper before me), set over it, in jest and mimicry of the President's gentle words, this infamous headline: "Still dying on 'the altar,'" and then follows the pathetic roll of our poor boys fallen in a land of strangers in the discharge of a soldier's duty.

I have been accused of calling men traitors, though I never did. I give every man the same right to his views that I claim for myself. I have been accused of calling men copperheads, though I never did. I recognize every man's right to his own opinions. But if I had done so in a case like this, I would apologize to the old rebels of the South and the old copperheads of the North, for I declare here that political degradation never before fell so low as to turn into jest and ridicule the death reports of the army either North or South. [Loud applause.]

A few days ago in this city, in a stately ceremonial, his comrades carried to Arlington the bravest of the brave. It was he who, at the time when the printing presses of America were busy with deeds of valor furnished in manuscript by gentlemen who performed them, standing before the multitude at Macon, could only say, "I am not an orator; I am a soldier. I am not a hero; I am a Regular." [Applause.]

What right have people living under the shelter of our laws to embitter the service of a man like that as he rides under unfriendly skies, careless even of his life, at the head of an American command? Is it not a shame that this old soldier, who for forty years had obeyed the orders of this Government, receiving hardly enough to support his family and educate his children, with no ambition except to do his duty, should in his last great campaign hear messages from home so filled with banter and criticism and reproach that his heart sank within him, and in his agony of spirit, seeing the shadow upon him, he wrote the words I am about to read?

> I wish to God that this whole Philippine situation could be known by every one in America as I know it. If the real history, inspiration, and conditions of this insurrection, and the influences, local and external, that now encourage the enemy, as well as the actual possibilities of these islands and peoples and their relations to this great East could be understood at home, we would hear no more talk of unjust "shooting of government" into the Filipinos or of hauling down our flag in the Philippines.
>
> If the so-called anti-imperialists would honestly ascertain the truth on the ground, and not in distant America, they, whom I believe to be honest men misinformed, would be convinced of the error of their statements and conclusions and of the unfortunate effect of their publications here. If I am shot by a Filipino bullet, it might as well come from one of my own men, because I know from observation confirmed by captured prisoners that the continuance of the fighting is chiefly due to reports that are sent out from America.

Standing by the grave of Henry W. Lawton, I appeal to the patriotic millions of my countrymen without regard to politics to put an end to the pestilent fire in the rear which for nearly two years has followed our Army in the Philippines, filling the hearts of our own soldiers with despair and the hearts of their enemy with comfort and good cheer. [Loud applause.]

But the failure of the front attack has not discouraged the enemies of the national Administration. They have other resources, and it is not remarkable that they have at length undertaken a movement by the flank, bringing into action a dilapidated battery of condemned cannon and opening on the Republican works with a smoothbore interpretation of the law, in the expectation of making the position of the Government uncomfortable, if not untenable. [Laughter on the Republican side.]

There are some timid souls who think that the leaders of the Democratic party are going to be able to scare the American people out of the Philippine Islands by pounding their commercial prospects to death with a copy of the Constitution of the United States, annotated in the handwriting of John C. Calhoun. [Laughter and applause on the Republican side.] Such persons may be pardoned for expressing their surprise that this question has been permitted to rise.

In the face of a united and disciplined enemy, how could we help it coming up? You say you are surprised. Well, I am not. I never saw but one day in my life when I thought we would get any help from the Democratic party in managing this business, and that was the day when my friend from Texas [Mr. BAILEY] got up and pledged everybody to stand by the Government in the Cuban intervention. My faith in that distinguished young statesman lasted just three days; for when we brought in a bill to pay the expenses of it, he went all to pieces because we declined to feed the Army and float the Navy on the seigniorage in the Treasury. [Laughter.] He did not resent our failure to coin the bullion. He did not seem to want that coined. He wanted to coin the seigniorage—that is, the atmosphere that surrounds the bullion. [Laughter on the Republican side.]

I can not, therefore, share in this surprise; knowing the Democratic party as I do, I have never since that allowed myself to indulge the hope that the nation would get through the vast undertakings growing out of the Cuban intervention without sooner or later finding the entire organization out of breath and red in the face, with the Dred Scott decision in one hand and holding on for dear life to your Uncle Samuel's coat tails with the other. [Laughter on the Republican side.]

I have no surprise to express, no complaint, and, as events have developed, not even a regret. The fact is that, like nearly everybody else, I prefer the Democratic party in its habitual attitude of belaboring the policy of its adversary, rather than to see it clothed with authority, helplessly struggling with a policy of its own. [Laughter.] It shows off our system of government to a better advantage to have the Democratic party on the outside, howling to get in, than to have them on the inside, with everybody else desperately awaiting the expiration of their term of office. [Laughter.]

It is impossible, even with the best management, to keep them from occasionally getting in, but such a thing does not commonly happen when important pages are being added to the national history—such pages as from decade to decade have glorified the last forty years in the life of the Republic. [Applause.] It is not an accident that everyone of them has been written by the Republican party—every page, every line, every word. Our Democratic friends have only managed to work in a few punctuation points on us—a comma here, a semicolon there, an exclamation here, an interrogation there, with a full stop in 1892, at least so far as our worldly interests were concerned. [Continued laughter.]

My friend from Missouri [Mr. CLARK], and I am glad to see his saintly and benevolent face before me [laughter], in glancing back the other day over the roll of Democratic Presidents never allowed his eyes to rest until he got to James Buchanan. He never even looked at the man for whose election he did what he could three different times—twice successfully, once when it did not count, and once when it did; the man who, from the defeat of James G. Blaine to the carnival of soup and rags that followed the election of 1892, bestrode the narrow world of Democratic politics like a Colossus, while the petty men who now ignore his existence walked underneath his huge legs and peeped about to find themselves a comfortable berth. [Laughter.]

What has become of this obscure hero of Democratic victories, that my friend from Missouri should stand here for two hours giving his attention to all sorts and conditions of men, from Crassus and Augustus Cæsar to Philip of Macedon and Dr. Johnson's indispensable widow, without even mentioning the most conspicuous name in the poll list of his anti-imperialist associates? You say that he betrayed the sacred cause. Be not deceived. He never did a thing to silver which he had not publicly promised to do before you either nominated him or elected him. What, then, was the matter with him? I will tell you. The time had come for a change of base, and Mr. Cleveland was left holding the bag while his boon companions in the glorious work of tariff reform one by one departed for fresh fields and pastures new. [Laughter.]

To-day the Democratic party, in a similar strait, is under the necessity either to retire from business or to reassort its principles and find one not yet shopworn in the bankrupt stock of American politics, warranted to last at least through one campaign. [Laughter on the Republican side.] And Mr. Bryan would have been left holding the bag too, if he had not, with an instinct decidedly professional, comprehended, in a dim sort of way, in the leisure of camp life in Tampa, that an important step in the history of the United States was about to be taken and that his party would need somebody experienced in the strategy of Democratic warfare to manage the tail end of the procession. [Laughter.]

I do not dispute his qualifications for the place. The man who dug his way out of the débris of the Wilson tariff law, and inside of three years pasted the label on a new remedy and actually got more than 6,000,000 of his countrymen to take it down, needs no instruction from Boston to qualify him to superintend the little jobs that the Democratic party is now engaged in setting up on the United States of America. [Laughter on the Republican side.]

Gentlemen, with all respect to such of our boys on this side as have gone into the labyrinth of the Constitution and are not expected back [laughter], I say here publicly that our Republican forces in this House hold themselves ready to meet any maneuver of the Democratic party—front, flank, or rear. [Applause on the Republican side.] We do not deny that a question of law is involved here. In fact, we think that we have been studying this question of law a good many months before some of the folks on this side who refuse to take our opinion about it heard that such a question was up. I am quite sure that may be said of the

responsible officers connected with the Administration of the Government of the United States.

I ask the membership of the organization which we love and have served for so many years, is it not fair to give the old Republican party a chance for its life by allowing this question to pass from this place, where it can be debated but not determined, to that tribunal where it can be both argued and decided? [Loud applause on both sides of the House.]

I say to my Republican colleagues that if the Constitution of the United States bears the interpretation that has been given to it by the gentleman from Texas [Mr. BAILEY], if that is what it means, then we might as well recognize that our Democratic friends have driven us into a position where our national policy, if not made untenable, is at least increased in difficulty a thousand fold; and I beg the men who have loved the Republican party not to contribute to its discomfiture now. [Derisive applause on the Democratic side.]

I had a good deal rather have the derisive applause of the Democratic party on this floor under these conditions than to be in the position of the gentleman on my own side [Mr. LITTLEFIELD] who last week, on a few days' notice, gave his favorite exhibition of Japanese juggiery, keeping a hundred decisions of the Supreme Court in the air at once for the entertainment and comfort of the Democratic party in this House. [Laughter and applause on the Republican side.]

It will be seen that this question contains more than a commercial problem; it contains also problems of citizenship and civil government. If it is allowed that this territory, ceded to us under the treaty stipulation, leaving the political status of its native inhabitants to be determined by Congress, became at once a part of the United States, and its population citizens of the United States, in the full sense of the word, by the spontaneous transition of the Constitution, then this bill is subject to the objection that it contravenes the supreme law of the land.

If our tariff laws, our labor laws, our bankruptcy laws, our internal-revenue laws, and immigration laws, and all kindred national policies are swallowed up in the amalgamation of newly acquired territory, brought about instantly by virtue of the Constitution, a respectability is added to the protest against the extension of national boundaries which is wanting in most of the arguments which have been brought forward on that subject. It is hard to overestimate the importance of such a question, because if the position taken by the Democratic party here is sound, the trouble of administering the trust which the United States has assumed is multiplied so many times as to almost baffle the strength and fortitude of the American people.

A diligent investigation, begun more than a year ago, has convinced me that the power expressly conferred on Congress "to dispose of and make all needful rules and regulations respecting the territory and other property belonging to the United States" creates an ample prerogative, restricted in no way except as Mr. Justice Bradley said in the Mormon Church case, speaking for the Supreme Court, by those fundamental limitations in favor of personal rights which exist more by inference from the general spirit of the Constitution than by an express and direct application of its provisions.

In quoting this opinion of Mr. Justice Bradley the other day my friend from Nevada [Mr. NEWLANDS] in the course of his able argument described it as a loose opinion, although such expressions run through several decisions of the Supreme Court, and are used in substance by Mr. Webster in his speech in the Senate in 1849, when he discussed at great length the power of Congress in dealing with the territory of the United States.

The proposition of law which Mr. Webster made near the end of his career simply matured the judgment which he brought to the argument of the case of the American Insurance Company *vs.* Canter, an argument in which Chief Justice Marshall and Mr. Justice Story acquiesced in the opinion which has been so often cited in this debate, making that case, so far as I am concerned, a sufficient authority for all that we claim here now; for in it the greatest lawyer of America won to the support of his contention the greatest judges in the history of our Supreme Court.

I do not intend to enter at length into a consideration of the law cases which have filled this debate with so vast an appearance of legal learning. The gentleman from Texas has brought forward no new light on these questions, and I think has cited no cases which have not been presented by his own colleagues in earlier stages of the debate, and answered more fully than I can hope to answer them by the chairman of the committee [Mr. PAYNE], by the gentleman from Pennsylvania [Mr. DALZELL], the gentleman from Illinois [Mr. HOPKINS], and by others who have addressed themselves to the legal aspects of this question.

Nor can I forebear to refer to the profound historical researches that have been laid before the House by my colleague from Minnesota [Mr. TAWNEY] and my colleague from Kansas [Mr. LONG], and I desire especially to record the obligation which all students of this subject are under to the distinguished gentleman from Minnesota, Judge MORRIS [applause], who more than two weeks ago gave the House the benefit of a conscientious study of these questions in their legal aspect in an argument which can hardly be described as less than monumental in the breadth of its learning and the diligence of its investigation.

If the position of the committee has not been justified by what has already been said, it would be a vain presumption on my part to try to repair the shortcomings of the great lawyers who for months have searched and countersearched these decisions of the Supreme Court to find the truth of this matter. As I have already said, the confidence of my own mind rests mainly upon the opinion recorded on the subject by that great son of New England who, while he belonged to a generation later than that which framed the Constitution, knew more about that instrument, about the history of it, the philosophy of it, the purpose of it, than any other man who ever lived.

The other day I walked into the chamber of the Supreme Court and sat down to meditate. I felt the force of what I heard my friend from Pennsylvania, Judge BUTLER, say not long since. He said that he had been in Congress a good while without either having an opportunity to speak in public or to think in solitude. [Laughter.] So I went over there while the speaking was going on here to sit down in the deserted chamber and think a little in solitude.

On their pedestals about the chamber I saw the images of the great judges who have presided in that tribunal, and as I looked upon the haggard face of Chief Justice Taney, whose bust Charles Sumner for ten years denied the right to stand there in marble, where he had so long presided, I could not refrain from harboring a regret that any Republican should find it necessary to commit the fortunes of his party to the mercy of that court's decision in the case of Sandford *vs.* Scott.

As I sat there looking upon the figures in the niches, it did not require a very active fancy to fill the place with the shadows of the mighty men who in another generation contended there in the arena of debate. There was Webster, profoundest of all in his knowledge of the law, blindest of all in anticipating the movement of our population toward the Pacific, who filled the old Senate Chamber of the United States with an intellectual splendor which lights up those narrow walls unto this day. On the opposite side sat John C. Calhoun, pure in character, the acutest intellect which slavery had nurtured. And behind both of them was sitting Thomas H. Benton, the historian of the national development, and the strongest single intellectual force yet contributed to the national councils from the territory which Thomas Jefferson bought from the First Consul of France. [Applause.]

If these three men can not tell us what the law of the national growth is, it is in vain for us to ransack the reports and pile precedent on precedent to find the truth. I undertake to settle the question without leaving the presence of these three men. What does Mr. Calhoun say? He says that the Constitution of the United States covers all the Territories and that the peculiar form of property in slaves recognized by the Constitution is under the protection of that instrument wherever it goes. Not so, says Daniel Webster.

> Congress has full power over the subject. It may establish any such government and any such laws in the Territories as in its discretion it may see fit. It is subject, of course, to the rules of justice and propriety, but it is under no constitutional restraint. (Works of Webster, Little & Brown, volume 5, 311; 1851.)

And as the two great leaders grow warm in the controversy, Thomas H. Benton comes up, having been contemporaneous with the great events which first raised these questions, and, with his notebook in hand, says:

> History can not class higher than as a vagary of a diseased imagination this imputed self-acting and self-extending of the Constitution. The Constitution does nothing of itself, not even in the States for which it was made. Every part of it requires a law to put it into operation. No part of it can reach a Territory unless imparted to it by an act of Congress. (Thirty Years in the United States Senate, volume 2, page 713.)

My friend from Texas [Mr. BAILEY] says that the men who made this Constitution never had the view of it that we have. Well, now, if that is so, it is important. The men who made the Constitution probably knew pretty nearly what it meant. And so, anticipating that there would be so many people seeking ideas on this question that I could not get a book in the Library [laughter], I sent home for the letters of Gouverneur Morris. Now, Gouverneur Morris was quite a man in his time. He knew so much about this business that our fathers, after they got the Constitution made, asked him to write it over so that it would sound well and be intelligible to the ear of posterity. He did that. In his life and letters it appears that Gouverneur Morris claimed to be, and nobody denied it, the author of that section of the Constitution to which my distinguished friend from North Carolina [Mr. LINNEY] alluded a moment ago, which provides for the disposition and government of the Territories of the United States; and if he wrote that section he probably knew what it meant. At least, if he did not and a question arose on the subject, I would not

desire to be called in to settle the controversy. He said, writing to Henry W. Livingston on the 4th day of December, 1803:

I always thought that when we should acquire Canada and Louisiana it would be proper to govern them as provinces and allow them no voice in our councils. In wording the third section of the fourth article I went as far as circumstances would admit to establish the exclusion.

Now, my friend from Texas [Mr. BAILEY] says——

Mr. BAILEY of Texas. Will the gentleman finish that quotation?

Mr. DOLLIVER. Yes.

Mr. BAILEY of Texas. He says that he did not dare to candidly avow what he had in view. [Applause on the Democratic side.]

Mr. DOLLIVER. But my friend left the impression on the House that the fathers of the Constitution intended to deal only with the Territories that they then had.

Mr. BAILEY of Texas. I said fathers; the gentleman has mentioned one father.

Mr. DOLLIVER. He is a father qualified by his connection with this particular section to interpret the meaning of it.

Mr. BAILEY of Texas. He admits in that very same letter that he dare not reveal to the country what he desired.

Mr. DOLLIVER. I intend to print the whole letter. My friend said that the fathers intended to limit the power of Congress to the Territories which the United States then possessed. Now, I find a letter to Henry W. Livingston from Gouverneur Morris in November, 1803, in which he says——

Mr. BAILEY of Texas. Will the gentleman not finish the sentence which he read in part?

Mr. DOLLIVER. I do not wish the thread of my remarks to be——

Mr. BAILEY of Texas. I know it would spoil what you have said. [Laughter on the Democratic side.]

Mr. DOLLIVER. By no means. The whole letter is as follows:

MORRISANIA, *December 4, 1803.*

DEAR SIR: A circumstance which turned up in conversation yesterday has led me again to read over your letter of the 3d of November, and my answer of the 28th. I perceive now that I mistook the drift of your inquiry, which is substantially whether the Congress can admit, as a new State, territory which did not belong to the United States when the Constitution was made. In my opinion they can not.

I always thought that when we should acquire Canada and Louisiana it would be proper to govern them as provinces and allow them no voice in our councils. In wording the third section of the fourth article I went as far as circumstances would permit to establish the exclusion. Candor obliges me to add my belief that had it been more pointedly expressed a strong opposition would have been made.

I am, etc.,

GOUVERNEUR MORRIS.

Not only so, but on the 28th of November, 1803, writing to Livingston, Gouverneur Morris says, referring to this identical section:

I am very certain that I had it not in contemplation to insert a decree *de coercendo imperio*.

Does my friend catch the meaning of that? [Laughter.]

Mr. BAILEY of Texas. I understand law and Latin both. The gentleman from Iowa seems to understand neither. [Laughter on the Democratic side.]

Mr. DOLLIVER. If my acquaintance with either were of the same grade as the gentleman's, I would be glad to lay aside any claim to the knowledge of both. [Laughter on the Republican side.] Gouverneur Morris says he had in contemplation no provision for the limitation of territory, and adds distinctly that he looked forward to a time when all North America would be annexed, and added:

Happy, indeed, if the lust of dominion stops there.—*Life and Writings of Gouverneur Morris* (Sparks), Volume III, 185.

To my mind, the best way to get at what the fathers meant by those sections of the Constitution which relate to the power of Congress over territory is to find out what they themselves did when they came to deal with the region northwest of the Ohio River, with Louisiana, and with East and West Florida. In all these questions they had to deal with the rights not only of native races, but of a mixed population, speaking a variety of languages, and for the most part without qualifications to participate in a government based upon such a Constitution as ours. It is fortunate that our pathway is, at least in a measure, lighted up by the experience of our ancestors. They did not hesitate to do whatever was necessary to be done to lay the foundations of social order and stable government without the slightest constraint arising from morbid interpretations of their legal duty.

It will require no extraordinary wisdom on our part to give to the Philippine Islands a freer government than Thomas Jefferson gave to Louisiana, or James Monroe, by means of the dictatorship of bluff old Andrew Jackson, gave to the Floridas. And if we manage to keep as close to the Constitution of the United States as the men kept who saw it made and helped to put it in operation, we may expect to live through the storm of pedantic criticism which now fills the air in both Houses of Congress.

My friend from Texas [Mr. BAILEY], with the Dred Scott decision before him, finds no power in Congress to acquire territory, except for the purpose of making new States out of it. But again and again Chief Justice Marshall declared that the power to make war and the power to make treaties, each of them, includes the power to acquire and govern territory.

These powers are of the essence of political sovereignty. Can absurdity go any further than to claim that in entering into a war the Government is required to stop in the field and inquire into the fitness of territory to be used as raw material for States? It is at liberty to exercise the rights that belong to a war-making power. Besides all this, it is evident to anyone who carefully peruses the debates incident to the Louisiana treaty that there was more doubt about the right of the Government to make States out of that territory than there was about the right of Mr. Jefferson to acquire it, even after he himself had sought in vain for constitutional authority to do so.

Fortunately for mankind, he was not a constitutional lawyer; but he had an intuitive foresight which enabled him to feel and know the inner springs of the national development. I can not imagine him taking the position that the organic law, made for themselves by the people of the United States, was intended to be applicable to the population of every Territory which the United States might subsequently acquire. On the other hand, he is known to have had convictions strictly opposite as to the authority of written constitutions.

In a letter to Madison, preserved in volume 3, page 102, of Jefferson's Works, he says:

That every constitution and every law naturally expires at the end of thirty-four years. If it be enforced longer, it is an act of force and not of right.

That is an extreme statement, not to be tolerated for a moment, but there lies behind it one of the profoundest principles of jurisprudence, and that is that all constitutions and all laws are to be construed and, if need be, broadened by interpretation to fill the measure of the needs and aspirations of the national life.

So that, in truth, the best commentary on the Constitution is found in the history of the Republic in its struggle toward the fulfillment of his high calling in the midst of the ages. In such a light how small the argument seems which proposes to settle the national problems of this generation by a side remark of Chief Justice Marshall in the case of Loughborough *vs.* Blake, a suit for the recovery of one Gelding in the District of Columbia, decided offhand without argument, nearly a century ago.

And what I have said of Loughborough *vs.* Blake, which has become in the hands of these Democratic oracles of the law so great a case, is true also of a large majority of the decisions which have been resurrected for our instruction in this debate. Not one of them was made in view of the stupendous facts that now surround the national situation and there is not one of them that will not be set aside by the Supreme Court of the United States if it appears to stand in the path of the national progress.

For, after all, much as I revere the opinions of Daniel Webster, opinions fit to guide the Supreme Court of the United States, as they usually did when Marshall presided, I prefer to found the great contention which we make here on the history of the United States, recorded in the acts of Congress in relation to Territories from time to time, and on the unanswerable documents that preserve the dealings of our fathers with the vast possessions on this continent, which they acquired by treaty with foreign nations.

And so I leave the judges and the lawyers contending before them, and again summon Thomas H. Benton, with his notebook in his hand, to testify what the fathers thought and what the fathers did on the question which has been so ably argued by my friend from Texas. I will read from Thirty Years in the United States Senate, and I will tell you what I am going to read about. In 1822 the Territory of Florida was organized, and while the bill was before Congress Mr. Montgomery, of Kentucky, proposed an amendment to the effect that all the principles of the Constitution and all prohibitions as to legislation "should be declared applicable to such Territory as paramount acts."

The resolution was as follows:

And be it further enacted, That all the principles of the United States Constitution for the security of civil and religious freedom, and for the security of property, and the sacredness of rights to things in action; and all the prohibitions to legislation, as well with respect to Congress as the legislatures of the States, be, and the same are hereby declared to be, applicable to the said Territory as paramount acts. (Annals of Congress, Seventeenth Congress, first session, volume 2, page 1374.)

This was voted down by an overwhelming majority, and Mr. Benton records his impressions of the case in these words:

This prompt rejection of Mr. Montgomery's proposition shows what the Congress of 1822 thought of the right of Territories to the enjoyment of any part of the Constitution of the United States. * * * The only question between Mr. Montgomery's proposition and the clause already in the bill was as to the tenure by which these rights should be held—whether under the Constitution of the United States or under a law of Congress and the treaty of cession. And the decision was that they should be held under the law and treaty.

Thus a direct issue was made between constitutional rights on the one hand and the discretion of Congress on the other in the government of this Territory, and was decided promptly and without debate (for there was no speech after that of Mr. Rhea on either side) against the Constitution. It

was tantamount to the express declaration: "You shall have those principles which are in the Constitution, but not as a constitutional right; not even as a grant under the Constitution, but as a justice flowing from our discretion, and as an obligation imposed by the treaty which transferred you to our sovereignty."

You will see how completely that corresponds with the opinion of Daniel Webster, how completely it corresponds with the words of Mr. Justice Bradley in the Mormon Church case, and how fully it justifies us in the belief that we may go forward in our work of governing the island possessions which have come under our flag, with no prohibitions upon us except those which belong to our institutions and which are inseparable from the spirit and principles of the Government under which we live. But some men say this is despotism! This is imperialism! This is the end of free government.

I have no fellowship with such an opinion. It impeaches the national character and puts upon the American people an inexcusable libel. My friend from Missouri [Mr. CLARK] has said on this floor that the United States is not fit to go any where or to undertake any duty, and invoking the names of the martyrs of liberty in every age whose sacrifices have made the American Republic what it is, he pleads with us to use our heritage like a mess of pottage, for ourselves and our posterity. He stood here for a long time explaining the weak points about the United States.

He attacked Pennsylvania, he attacked Illinois, and many of the Southern States; but he saved the vials of his polite wrath for the State in which he was born, the old Commonwealth of Kentucky. He pointed out the miseries of their present condition, the strife of parties and factions, and used that State to demonstrate that the American people are unfit for any high mission in the world in the century that is about to open. I was sorry to hear him take such a view of the country in which he lives.

I believe that, without intending it, he had misjudged even the State of Kentucky. I think that I have as decided convictions about the rottenness in Denmark of Kentucky politics as my friend from Missouri can possibly have; but in all my reflection about the condition of society there I have never thought to measure its moral value by its crimes and its failures and its misfortunes. I prefer to reckon up the countless homes all over that State where humble men and women, sound at heart, are daily doing their duty in the world.

When I think of Kentucky I do not have in mind the ruffian and the outlaw or the election machinery that brings to the front the thieves of one party and assassins of the other. I think of the homestead where Henry Clay lived and of the log hut in which Abraham Lincoln was born. [Loud applause.] And so, when I think of our great country, I do not measure its moral possibilities at the level of its vices and its crimes; these do not make up the character of our country.

I think of 79,000,000 people living in peace and contentment, doing the sober work of life, exemplifying the homely domestic virtues, and bringing up a race of God-fearing men and women who are to make the world better for their living in it. It is these that make up the moral estate of the nation and that fit the American Republic for the nobler work that has been given it to do. [Applause.] If I had an opinion of the United States like that which my friend from Missouri has so often expressed on this floor, I should be strongly tempted to move to that State myself. [Laughter.]

Another gentleman rises here and says that the Republican party is trampling on the Declaration of Independence. A statement like that, made by anybody who in deed and in truth believes in the Declaration of Independence, is entitled to receive consideration. If any Republican has ever said a word here or elsewhere in light or trifling regard for that document, I am sorry for it, for after more than a century that great charter remains the most priceless possession in the political riches of the world.

We may count ourselves happy if, in dealing with the varied stages of civilization which have come under our jurisdiction, we are able to follow in the footsteps of the men who signed the Declaration and gave to mankind the manuscript of equal rights.

Every year since I have been a member of this House I have gone at least once to the library of the State Department to look upon the original draft of the Declaration in the handwriting of Thomas Jefferson, with its erasures and interlineations. By its side, also in Mr. Jefferson's handwriting, is the rude drawing of the monument which he desired to be erected to his memory, together with the inscription he wished to have carved upon it. He asked to be remembered, first of all, as the author of the Declaration of Independence, a title surely to an immortality which belongs to only a few of the great names of history.

I yield to no man in my reverence for that handwriting, and the only favor I have to ask of those gentlemen who are now using that document to waylay the progress of civil liberty in the earth is to concede to the author of the Declaration of Independence at least the same right to interpret it and apply its meaning in practical affairs which they arrogate to themselves; for no sooner had Mr. Jefferson established the Territorial government of Louisiana than this exact question arose.

The consent of the inhabitants was neither sought nor obtained; and even before the President had entered upon the task of administering their local government, memorials began to pour in upon both Houses of Congress protesting against the despotism which had been established. There were Frenchmen and Spaniards, frontiersmen, and Indian tribes, and in the shadow of every settlement and garrison there crouched a figure which in years to come was to play a bloody part in the tragedy of the national affliction—the abject and pitiable figure of the negro slave.

The petitioners quoted the Declaration of Independence in the face of the man who wrote it, and, strange to say, one of their grievances was that the act of Congress had cut them off from the blessings of the slave trade. Their complaints, while without effect on the policy of the Government, did not fail to excite the sympathy of men who concealed their malice against the Administration in their noisy declamations on the subject of human liberty.

Aaron Burr was one of these, whose love of freedom and hatred of despotism were so elaborate that they brought him into the district court of the United States to be tried for treason against his country. In the midst of the storm Mr. Jefferson, upon whose grave is written the epitaph "Author of the Declaration of Independence," uttered these words of rebuke, applicable to-day as they were in 1803 to the masters of craft and cunning who seek to turn its principles to the service of chaos and anarchy:

Although it is acknowledged—

Said he, speaking of the doctrines of the Declaration of Independence as applied to Louisiana—

that our new fellow-citizens are yet as incapable of self-government as children, yet some can not bring themselves to suspend its principles for a single moment.

The Democratic national convention has been called to meet on the Fourth of July in order to emphasize their love for the rights of races which, in the words of Mr. Jefferson, "are yet as incapable of self-government as children." If they will have the manhood to put into their platform a single sentence denouncing the political movement which in five Democratic States has nullified the great amendments to our Constitution, taken away from millions of people the right to be consulted in the government of the community where they were born, and established a white man's oligarchy with hardly a principle of popular institutions left in it, it would have a tendency at least to save that masquerade of false pretenses at Kansas City from the laughter of the world. [Applause on the Republican side.]

Another gentleman stands up here and says: "Judge a tree by its fruits; your policy has already destroyed the freedom of the press." I deny it. What prompts a statement like that? I will tell you. The fact that we have not allowed military intelligence to be telegraphed to this country from the seat of war, in order that it may be recabled to the insurgents on the island of Luzon for their information, leads my friend to get up here and say that we have entered into a conspiracy to strangle the freedom of the press.

A free press is a part of the Republican faith, because the party has learned by experience that in the noise of controversy men are most likely to find the truth. Free speech and a free press—the Republican party has nothing to fear from these. When it came into existence it found Democratic mobs stoning William Lloyd Garrison in the streets of Boston and driving John Greenleaf Whittier out of New England villages; and history will not forget that the great leaders of the Republican party came to manhood after the little printing press at Alton had been thrown into the Mississippi River and the blood of Elijah P. Lovejoy, shed in its defense, had become the inspiration of song and story in the legends of patriotism and liberty. [Loud applause.]

Another gentleman says, "You have already got on your hands in the Philippine Archipelago polygamy and slavery." If that is so, we are not responsible for it. We found both in the Mohammedan islands there. But I will say to the gentleman that the Republican party has a record for effectual dealing with both of these relics of barbarism. Its first successful platform denounced them, and even those of us who are younger have lived to see one of them, as Garfield once said, "shot to death on the field of battle," and the other sneaking and hiding in the secret places of our Western mountains.

And if this nation, when called on to deal with pagan and savage institutions in our distant Territories, has the same fortune that the Republican party has had in dealing with them in the United States, I think it ought at least to satisfy the Democratic party in the present state of its culture. For I observed while the gentleman from Texas was speaking how rapidly his party is moving toward the light. It was a happy thought to ornament the peroration of his great speech this afternoon with words once despised and rejected, now transfigured before the eyes of men—

those words, forever true that "a nation can not endure half slave, half free;" words the depth of whose meaning are not even yet comprehended either by the North or South. As I listened to my friend's eloquent periods it did my heart good to find that in the closing year of the century the Democratic party of America has at last caught up with the middle of it. [Prolonged laughter and applause.]

My friend complains because we have slavery and polygamy in the Philippine Islands. What opportunity have we ever had to get rid of them? Under your theory of the Constitution a polygamist in Mindano is entitled, before he can be disturbed, to an indictment by a grand jury, a trial by a jury of his peers, to be followed by an appeal to the higher courts, and a final recourse to the writ of habeas corpus. The only other way to stop it is to lynch him; and if I can get at the complaint which is made here it is that General Bates did not pursue that course. We have managed to take care of our polygamists in the United States with due process of law.

We have been even able to keep them out of Congress so far [laughter], against the votes of a good many good people. In fact, our polygamist, according to his own statement, went out of this House "walking on the clouds" which had been produced by a week's debate and "holding onto the pillars of the temple of liberty" which the gentleman from Maine [Mr. LITTLEFIELD] and the gentleman from Missouri [Mr. DE ARMOND] had been good enough to erect for his accommodation, leaving those gentlemen still among us, hugging the Constitution of the United States to their bosoms. [Continued laughter and applause.]

And yet men stand here pretending that we have put a protectorate over polygamy and slavery. And we have the shade of the Emancipator summoned because an American officer, rather than precipitate bloodshed and war, has made a temporary arrangement for the peace of the Sulu Archipelago until some form of civil government can be established there.

And it is with a roaring deluge of nonsense like this that desperate political adventurers expect to feed the clamor by which they have set out to capture the Government of the United States.

My countrymen, in the midst of our high responsibilities, let us not allow the national resolution to falter for a moment. If the Republican party can not stand together we are surely overwhelmed. But the Republican party can stand together [applause on the Republican side]; and multitudes of other political views, seeing the burden which we bear, will not hesitate to leave their parties and come to the support of a broad national policy. Above all there is a wisdom in the affairs of men that is higher than any poor wisdom of ours.

The experience of the last two years has given the American people a national ideal from which it is not possible to fall away—an ideal shaped in the ministry of the Son of Man, in obedience to which every human life becomes a sacrament of help and mercy, and every true national life stands willing to pour itself out in the service of mankind.

The great nations of the world are the nations that bear the heavy burdens of the world—these are the great nations upon whose shoulders are laid the heavy responsibilities and the appointed duties of these passing centuries. Every man knows with what motive the American people broke the peace of the world, and the time is coming when every man shall know with what motive we have taken up these burdens which are not our own. I do not believe that the American Republic will be allowed to fall in the midst of its duties, honestly and manfully trying to perform them.

In the masterpiece of prose fiction you remember that on the day of Waterloo the Supreme Equity which is in the heavens enters a decree that in the nineteenth century there is no longer room for Napoleon the Great; that the time has come to make an end of his affairs. That is the gleam of a lofty imagination, but there is in the heart of the American people the steady light of a faith more sublime even than that, a faith in the greatness of our country, a faith in the future of humanity, a faith in the divine guidance which has watched over the national life from its infancy unto this hour.

It is not hard to see the dangers that beset us; it is not hard to point out the cares that are upon us; it is not hard to fill the future with the creations of doubt and uncertainty and fear; but none of these things can move us if in the midst of all dangers and all burdens and all doubts and fears we recognize the hand of God, stretched forth from the stars, touching the American Republic upon the shoulder and giving it a high commission to stand in the arena of the world's great affairs, living no longer to itself alone, but in willing submission to the divine appointment, ready at last to become the faithful servant even of the lowliest and most helpless of His children. [Applause.]

We have heard it said that the days of the Republic are numbered. Such a speech belongs to the blackness of the darkness of a past generation. The old Union army made it possible for us and our children to live in an atmosphere no longer overshadowed by that awful dread. Whatever may be in store for us, whatever political party may rise or fall, this Government shall live to scatter the riches of human liberty to races yet uncivilized and to nations yet unborn. [Applause.]

I believe in the United States of America; I back the old Republic of our fathers against the world; nor since Abraham Lincoln fell in the midst of duties far more arduous than ours has there been upon the helm of our affairs a steadier, wiser, kindlier, braver hand than the hand of William McKinley, President of the United States. [Prolonged applause on the floor and in the galleries.]

And then, on motion of Mr. PAYNE, the committee rose; and the Speaker having resumed the chair, Mr. HULL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 8245) to regulate the trade of Puerto Rico, and for other purposes, and had come to no resolution thereon.

CONTESTED-ELECTION CASE—ALDRICH VS. ROBBINS.

Mr. MANN. I ask unanimous consent for a reprint of the committee report and of the views of the minority in the contested-election case of Aldrich *vs.* Robbins.

The SPEAKER. The gentleman from Illinois asks unanimous consent for a reprint of the committee report and the views of the minority in the contested-election case of Aldrich *vs.* Robbins——

Mr. MANN. And that a correction be made in the minority report.

The SPEAKER. And also that a correction may be made in the views of the minority. Is there objection?

There was no objection.

WAR VESSELS ON THE GREAT LAKES.

The SPEAKER laid before the House the following message from the President of the United States:

To the House of Representatives:

In response to the resolution of the House of Representatives of January 15, 1900, requesting information in regard to the status of the agreement between the United States and Great Britain said to prohibit the building, arming, or maintaining more than a single war vessel on the Great Lakes and all data bearing upon the subject in the possession of the Department of State, I transmit herewith a report of the Secretary of State and accompanying papers, giving all the information existing in that Department in regard to the arrangement as to the naval force to be respectively maintained on the American lakes, concluded at Washington, April 28-29, 1817.

WILLIAM MCKINLEY.

EXECUTIVE MANSION, *February 27, 1900.*

The message, with the accompanying documents, was ordered to be printed, and referred to the Committee on Foreign Affairs.

MARY A. RANDALL.

The SPEAKER laid before the House the following request from the Senate of the United States:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 2368) granting a pension to Mary A. Randall.

The SPEAKER. Without objection, this request will be complied with.

There was no objection.

DIRECTORS FOR COLUMBIA HOSPITAL.

The SPEAKER announced the appointment of the following directors for the Columbia Hospital:

JOHN K. STEWART and L. F. LIVINGSTON.

SPEAKER PRO TEMPORE AT EVENING SESSION.

The SPEAKER announced the appointment of Mr. O'GRADY to act as Speaker pro tempore at the evening session.

And then (at 5 o'clock p. m.) the House, in pursuance of the order heretofore adopted, took a recess until 8 o'clock p. m.

The recess having expired, the House was called to order at 8 o'clock p. m. by Mr. O'GRADY as Speaker pro tempore.

Mr. LONG. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 8245.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. HULL in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 8245.

Mr. JETT. Mr. Chairman, I ask unanimous consent that all gentlemen who address the committee this evening be permitted to extend their remarks in the RECORD.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that all gentlemen who address the committee this evening be permitted to extend their remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. TALBERT. Mr. Chairman, I feel very much like a judge did once in charging a jury after long arguments had been indulged in on both sides of the case. He said, "Gentlemen of the

jury, if you believe what the attorney for the defense has said, you will bring in a verdict for the defendant; or if you believe what the attorney for the plaintiff has said, you will bring in a verdict for the plaintiff; but if, like me, you do not believe what either of them have said, I do not know what the hell you will do." [Laughter.] Now, I do not pretend to cast any reflection upon gentlemen upon either side of this question, but it seems to me that all of them have told some very big fish stories, as the old darky said when he joined the church and was being questioned by the parson.

However, Mr. Chairman, I shall vote against the bill under consideration. Were I not to do so, I believe I would be recreant to the duty I owe my constituency that I have the honor to represent on the floor of this House. I am absolutely opposed to the provisions of this bill. In the first place, in order to support a bill of this kind a man must make up his mind to go into camp outside of the Constitution of the United States; and I desire to say that, so far as I am concerned, in every position that I take here and in every vote that I cast I want to be clearly within the pale of the Constitution of this great nation of ours, because it is the great bulwark of American liberty. I have sat here day after day and listened attentively to the arguments pro and con.

Gentlemen on that side advocating the passage of the measure and gentlemen upon that side opposing the passage of the measure, and if there was nothing else to convince me of the viciousness of the tendency of this legislation, it is to be found in the changes that have come over the dreams of the gentlemen on that side of the House; they are awfully afraid of the measure themselves. In the first place, they began by framing a bill with absolute free trade. I do not know what caused them to change their mind, but they did change it, and then they came in with another bill, taxing the imports to and exports from the island of Puerto Rico, and then they changed again and proposed a half dozen propositions as amendments.

I must say that never before since I have been a member of this House have I seen such a complete rout as that given to the Republican party since the discussion of this bill commenced. They seem to have lost confidence in themselves, and are groping about in the dark. After coming in here with a bill they have withdrawn the provisions of that bill, as I have already said, and have come in with another kind of a bill, and have proposed amendments to that; and I dare say before the vote is taken to-morrow they will change again, so much that they will not know their own child; and it will be so hackneyed that they will be ashamed of it; and I believe they will turn their backs upon it and leave the law as it is, which, in my opinion, would be much better than any halfway measure.

I have always since I have had the honor to be a legislator adopted the rule that whenever legislation was doubtful I voted against it. I am not in favor of legislation unless I believe it is absolutely necessary. I do not see any necessity for the passage of a measure of this kind; and hence, it being a measure of doubtful propriety, I, as a Democrat, standing on the Constitution and Declaration of Independence and the Monroe doctrine, as I have been taught by the fathers, that we have heard so much about, desire here and now to enter my solemn protest against the passage of this measure, and shall record my vote and raise my voice against the passage of the bill. [Loud applause.]

Whole hog or none shall be my motto. You can not make a man half or three-quarters citizen and let the other half just be dog, Indian, or nigger. He must either be a citizen or not a citizen.

In conclusion, Mr. Chairman, I shall vote against this measure because I am opposed to anything that smacks of imperialism, and I believe the passage of this measure will only be the entering wedge toward that policy. I shall vote against this measure because I believe the Republican party intends by just such process as this to further their scheme for expansion, to which I am absolutely opposed.

Aside from all of the constitutional questions which have been advanced against it, I am opposed to it upon general principles of right, equality, and justice, all of which are openly violated by its provisions. [Applause.]

Mr. BELLAMY. Mr. Chairman, the present bill providing a rate and system of taxation for Puerto Rico different from that imposed upon the people of the rest of the United States, presents a question so far-reaching in its consequences as to make this occasion a real crisis in our history; and upon a correct solution of the problem will depend whether we shall continue our Government upon the plan and scope designed by the fathers or whether we shall embark upon the colonial system—a new and untried experiment, totally in conflict with the spirit of our Constitution, and which may seriously imperil the safety of the Republic.

This Government can no more exist permanently half republic and half empire than it could exist half slave and half free. That the fathers sought to establish on this continent a government different from the monarchies of Europe is a trite but a true saying, and the basis of the Constitution which they adopted and on which it rests are the fundamental principles of eternal justice, which were inherent in the hearts and minds of those sturdy settlers who had fled here to escape the oppressions and exactions of the governments of the Old World. Even though there were not a clause or word in the Constitution requiring uniformity in the levy of duties, to assess upon the inhabitants of one portion or one section of our American territory a tax different in amount and burden from that levied upon another is so discriminative and unfair and repugnant to natural justice that it conflicts with the fundamental principles of society and government, which of themselves prescribe a limit to legislative power.

That there are principles of right and justice underlying the Constitution and on which it stands that are higher than the Constitution itself, but in harmony with it, is well established. Justice Field in the Legal-Tender Cases uses the following forcible language in reference thereto:

> For acts of flagrant injustice there is no authority in any legislative body, even though not restrained by any constitutional prohibition. For as there are unchangeable principles of right and morality, without which society would be impossible and men would be but wild beasts preying upon each other, so there are fundamental principles of eternal justice upon the existence of which all constitutional government is founded and without which government would be an intolerable and hateful tyranny.

And in Fletcher *vs.* Peck Chief Justice Marshall says that—

> Justice is a fundamental principle of society and government.

Conceding, therefore, that the right to tax is the right to destroy, then, upon principle, if Congress can discriminate between different sections of the Republic, it can in the course of time impose the whole burden of the administration of the National Government on Puerto Rico and other similarly acquired territory, or, as for that, even upon the old Territories of the Union not yet States, and thereby incorporate into our system a new policy, which surely will involve us in ceaseless strife and rebellion, which must eventually end in the dissolution of the Republic.

We care not, therefore, in the discussion of the question of this discriminating tariff against the people of Puerto Rico, whether or not the Constitution, in giving the power to tax, in express terms prescribed that it should be uniform. We contend that uniformity is a principle of constitutional law, whether declared or not, which inheres in the power to tax.

So learned an authority as Judge Cooley tells us that—

> Whatever may be the basis of taxation, the requirement that it shall be uniform is universal.

And that—

> It is the very essence of taxation that it must be levied with equality and uniformity. (Cooley on Taxation, 607, 608, 615.)

In discussing the constitutional power of Congress to legislate in the manner proposed, it becomes necessary to consider from what source does Congress derive its power.

In the republican form of Government under which we live, Congress, the legislative body of the nation, as created by the Constitution, exists by virtue of it and derives all of its powers from that chart, and from a construction of whatever is reasonably necessary to carry into effect the powers granted. Unless Congress has the power conferred upon it by that instrument, we have no right whatever to legislate; but, fortunately for the American people, the fathers were endowed with great foresight and wisdom. They builded not for themselves alone, but for posterity, and constructed the organic law of this Union that by its terms it might adapt itself to changed conditions as they arose and to the growth of the great nation which they had formed.

It becomes our duty to ascertain, then, what powers are conferred on Congress to legislate on this subject. Congress shall have power "to dispose of and make all needful rules and regulations respecting the territory or other property of the United States."

Many of the advocates of this measure contend that Congress is confined in its power in this respect to such territories only as were owned by the Government at the time of the adoption of the Constitution, or such other territory as was then in contemplation. Others contend that the restrictions embodied in the Constitution limiting Congress to just and uniform legislation apply only to the thirteen original States composing the Union and such other Territories only as have been admitted as States.

Certainly these gentlemen have not imbibed the true spirit of the Constitution; they are not imbued with the American idea. The purpose of the founders was to found a constitutional nation strong enough at all times to provide for the common defense and general welfare. They had already acquired territory not embraced as States, and North Carolina and Georgia were even then about to cede to the Union other large territories, which they thereafter yielded. So they contemplated expansion of their domain from the outset, and their Constitution was written with that end in view; and if the Constitution is construed in the light of its history, inevitably you must conclude that its provisions extend to all Territories, whenever acquired, as well as to the States.

The Constitution in its preamble declares that—

We the people of the United States, in order to form a more perfect Union, establish justice, * * * and secure the blessings of liberty, * * * do ordain and establish this Constitution for the United States of America.

It provides further in Article I, section 8, that—

All duties, imposts and excises shall be uniform throughout the United States.

Uniformity is but an element or constituent of justice. Construing this language of the Constitution, Chief Justice Marshall, the greatest of all the interpreters, who seems to have breathed the soul of that instrument, said in Loughborough *vs.* Blake, which has been so frequently quoted, that—

This grant is general without limitation as to place. It consequently extends to all places over which the Government extends. * * * The power, then, to lay and collect duties, imposts, and excises may be exercised and must be exercised throughout the United States. Does this term designate the whole or any particular portion of the American empire? Certainly the question can admit of but one answer. It is the name given to our great Republic, which is composed of States and Territories.

In the Dred Scott case, which has been so frequently affirmed, Judge Taney uses the following language:

The words "territory belonging to the United States" were not used in the Constitution to describe an abstraction, but to identify and apply to those actual subjects-matter then existing and belonging to the United States, and other similar subjects which might afterwards be acquired; and this being so, all the essential qualities and incidents attending such actual subjects are embraced within the words "territory belonging to the United States."

So also in the California case, Cross *vs.* Harrison (16 Howard, 164), when the Territory of California was acquired, and before Congress had acted, supplying the machinery for carrying the constitutional provisions into execution, the military governor imposed duties on foreign goods brought into California different from what they were before the cession, but the same tariff the Government of the United States imposed throughout its domains. The Supreme Court decided that immediately upon the cession of the Territory to the United States the Constitution and laws of the United States, so far as they could be enforced, extended to the territory ceded, and Justice Wayne held that—

The right claimed to land foreign goods within the United States at any place out of a collection district, if allowed, would be in violation of that provision in the Constitution which enjoins that all duties, imposts, and excises shall be uniform throughout the United States. * * * As to the denial of the authority of the President to prevent the landing of foreign goods in the United States out of a collection district, it is only necessary to say that if he did not do so it would be a neglect of his constitutional obligation to take care that the laws be faithfully executed.

Judge Cooley, the very learned and ablest of the writers on constitutional law, in discussing this question, uses this language:

Does this term designate the whole or any particular portion of the American empire? Certainly this question can admit of but one answer. It is the name given to our great Republic, which is composed of States and Territories. The District of Columbia or the territory west of the Missouri is not less within the United States than Maryland or Pennsylvania.

And Mr. Black, in his work on constitutional law, uses the language that "subject to the limitation expressly or by implication imposed by the Constitution, Congress has full and complete authority over the Territory."

In the case of Bank *vs.* County of Yankton (101 U. S. Repts.) Chief Justice Chase, after announcing that Territories are but political subdivisions of the outlying dominion of the United States, in speaking of the organic law of the Territories, says:

It is obligatory on and binds the Territorial authorities, but Congress is supreme, and for the purposes of this department of its governmental authority has all the powers of the people of the United States, except such as have been expressly or by implication reserved in the prohibitions of the Constitution.

So also Justice Matthews, in Murphy *vs.* Ramsey (114 U. S., 15, 44), delivering the opinion of the court, said:

The personal and civil rights of the inhabitants of the Territories are secured to them as to other citizens by the principles of constitutional liberty, which restrain all the agencies of government, State and national.

And, as said by the court in this case:

In the exercise of the sovereign domain they (the people of the United States) are represented by the Government of the United States, to whom all the powers of government over that subject have been delegated, subject only to such restrictions as are expressed in the Constitution or are necessarily implied in its terms.

From time to time this American doctrine of Territorial expansion has been affirmed, until it was thought by those versed in the law that it was "res adjudicata;" but from the earnest and able contentions of those supporting the bill this seems not to be regarded as true, and yet Justice Shiras, in the late case of Morris *vs.* United States (174 U. S., 287), said, referring to cession of territory:

Upon the acquisition of a territory by the United States, either by cession from one of the States or by a treaty with a foreign country or by discovery and settlement, the same title and dominion passed to the United States for the benefit of the whole people and in trust for the several States to be ultimately created out of the territory. (152 U. S., 57.)

So, either independent of or under the Constitution, any tax that discriminates against any portion of the inhabitants of the American Republic in favor of any other portion is obnoxious to the spirit of fairness in the American character, unjust, tyrannical, and oppressive, and not uniform, and from its very nature inoperative in a republican government.

It is no answer to say that the bill provides that the income derived from the tax will be used in the improvement of the Territory and is to be held as a separate fund for that purpose. This provision in itself is likewise unconstitutional. It offends also against the principle of uniformity in the operation of tax laws. Would any man contend that Congress has the power to declare that all the import duties collected in New York shall be devoted to the administration of the national government in New York, or in California devoted to the administration of national affairs in California, and so on throughout the States and Territories of the Union? One of the powers inhibited to the Congress is that no preference shall be given by any regulation of commerce or revenue to the ports of one State over another.

To say that all the revenue collected at or in the ports of a State or Territory shall be used exclusively for the State or Territory wherein the ports are situate would be a violation of this provision. It would be a regulation of commerce and revenue both, which, if it works to the advantage of the Puerto Rican ports, would be a preference over the other ports of the United States, and if it worked to the disadvantage of the ports of Puerto Rico, it would be a preference to the other ports of the United States over the Puerto Rican ports. But in further consideration of the subject it becomes necessary to inquire what are the rights and privileges of the American citizen residing in the States and Territories other than Puerto Rico in reference to that Territory?

That Puerto Rico is a part of the territory of the United States is past the pale of discussion. It has already been annexed by treaty, and the treaty in no respect conflicts with the Constitution.

It is a part of our dominion. It is the property of the people of the United States. There is no war in existence there, and no opposition to the enforcement of the laws of this Government. There is absolute peace and submission to our Government, and Congress is now about to act and make all needful rules and regulations for their conduct.

What, then, are the privileges and immunities of an American citizen? They include whatever the Constitution expressly or impliedly confers.

The citizens of the United States residing on the American continent, who are admittedly entitled to the benefit and the protection of the Constitution, certainly possess the right to have unrestricted social and commercial intercourse with the inhabitants of the territory of Puerto Rico, unless it becomes necessary to enforce a strictly police regulation; have the right to carry their property there.

Is it competent for Congress to say that an American citizen can not visit the inhabitants of that territory or export his property to the island, when we live in a country of freedom, where liberty is law and tyranny and arbitrary power are hostile to the very genius and spirit of our people? To prevent the citizen from disposing of his property without undue restraint is the infringement of a natural right. Privileges and immunities of citizenship of the State include the enjoyment of life and liberty, with the right to acquire, possess, and dispose of property of every kind and to pursue and obtain happiness and safety; the right to pass freely into, through, and out of all the other States and Territories, or to reside in any other State for the purpose of trade, professional pursuits, or otherwise.

It was in recognition of this principle that the men who wrote the Constitution declared, in Article I, section 9, "that no tax or duty shall be laid on any article exported from any State." Its purpose was to permit and encourage the citizens to trade with any portion of the world, and that what they carried with them or sent out should be free from the shackles of duties.

Discussing the fundamental privileges and immunities belonging to citizens of the United States, Mr. Justice Miller, delivering the opinion of the court in the Slaughterhouse Cases, cited as the "leading case on the subject that of Corfield *vs.* Coryall (4 Wash. C. C., 371), and said:

"But lest it should be said that no such privileges and immunities are to be found if those we have been considering are excluded, we venture to suggest some which owe their existence to the Federal Government, its national character, its Constitution, or its laws. One of these is well described in the case of Crandall *vs.* Nevada (6 Wall., 36). It is said to be the right of the citizen of this great country, protected by implied guaranties of its Constitution, to come to the seat of government to assert any claim he may have upon that Government, to transact any business he may have with it, to seek its protection, to share its offices, to engage in administering its functions. He has the right of free access to its ports through which all operations of foreign commerce are conducted, to the subtreasuries, to the land offices, and courts of justice in the several States; and, quoting from Chief Justice Taney in another case, it is said 'that for all the great purposes for which the Federal Government was founded, we are one people, with one common country; we are all citizens of the United States.'"

And emphasizing this doctrine, Justice Bradley, in his dissenting opinion in these same cases, said:

But, even if the Constitution were silent, the fundamental privileges and immunities of citizens, as such, would be no less real and no less inviolable than they now are. It were not necessary to say in words that the citizens of the United States should have and exercise all the privileges of citizens; the privilege of buying, selling, and enjoying property; the privilege of engaging in any lawful employment for a livelihood; the privilege of resorting to the law for redress of injuries and the like. Their very citizenship conferred these privileges, if they did not possess them before. And these privileges they would enjoy whether they were citizens of any State or not.

Inhabitants of Federal Territories and new citizens, made such by annexation of territory or naturalization, though without any status as citizens of a State, could, nevertheless, as citizens of the United States, lay claim to every one of the privileges and immunities which have been enumerated; and among these none is more essential and fundamental than the right to follow such profession or employment as each may choose, subject only to uniform regulations equally applicable to all.

It may be said that this bill does not impose an export duty on the goods of the citizen because it is not paid at the port of exportation, but is collected at the port of destination. Does it make in principle any difference where the Government collects the duty, since it is collected in the domain of the Government? The tax laid is on the goods exported—that is, imported by Puerto Rico—from the other part of the United States. It is not on the person but on the goods, and in its very nature is in effect an export duty. It therefore plainly and expressly contravenes this section of the Constitution, and is inoperative and void.

But what are the rights and duties of the inhabitants of Puerto Rico in reference to the other States and Territories of the United States?

For over three hundred years that country had been a province of Spain, owing and rendering allegiance to that Government. The people owned their lands and other property, and paid their taxes to the Government of Spain. At the time of the cession they constituted nearly a million of people, and the population is over 300 inhabitants to the square mile. They are unlike the uncivilized Indians of our Territories, for they possess intelligence and acknowledged allegiance to the Government of Spain. In every respect, when ceded, they were citizens of Spain, and had equal representation in the Spanish Cortes with the other provinces of that kingdom, and their treatment by their mother country was even better than they now receive from us.

The treaty of cession simply transferred the allegiance of the people to the United States and substituted this nation in the place of Spain, and the sovereignty of the United States over them was proclaimed to the world by the President. At the time of the cession they were lightly taxed, and had in their treasury over a million and a half of dollars and owed not a dollar of public debt. They had their courts of justice for the protection of life and property and their civil rights, and the treaty of peace expressly stipulated for the maintenance of the integrity of their courts and their judicial proceedings by declaring that the judgments of their courts in civil "or criminal matters, with respect to which there is no recourse or right of review, shall be deemed final," and that pending civil and criminal suits may be prosecuted to conclusion.

The duties of these people now are to bear true allegiance to this Government, which they have willingly and cheerfully accepted as their Government; to assist in the support of the Government by paying their just quota of taxes; in time of war to furnish their quota of soldiers for the common defense. And their correlative right is inherent in them, as civilized human beings, to demand of the United States, their Government—a constitutional republic, unlike the monarchy of Spain, from which they were severed—that it shall extend to them the rights of inhabitants of a republic, such rights as inhere in that form of government from its very nature. They were taken into our Government not as chattels but as free men, and so long as the flag of the Union floats over them it is a pledge that the rights of free men guaranteed by the Constitution will be extended to them in all their vigor.

When the Constitution conferred on Congress the power "to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States," it could only have meant to confer upon Congress the power to make such needful rules and regulations as are consistent with the limitations set upon their exercise by the Constitution and as are consistent with the spirit of the republican form of government which was created by it.

The conclusion of this discussion makes it certain that the Constitution in all its essential principles does extend, by the great weight of authority and by reason, ex proprio vigore, to every portion of the American territory. It is not self-executing, however, because the machinery for its operation and the enforcement of its provisions must be supplied by Congress; but every inhabitant of the same bearing allegiance thereto is entitled to the equal protection of its laws and the rights guaranteed by it.

Any other construction would make this Government an empire as absolute as Russia, yea, like the Government of England, whereas our forefathers sought by all the wit and ingenuity they possessed, while preserving the rights they inherited from the Magna Charta, to establish a government republican in form and principle, in contrast with that of England and freed from those unjust, tyrannical, and oppressive features which they had been taught by experience to dread. We have the right to expand, but our policy of expansion is opposed to that of the English Government. We expand our territory and extend the benefit of our Constitution to all civilized inhabitants included within its bounds. England expands and subjugates and holds the inhabitants as her subjects governed by a satrapy.

Almost at the threshold of a new century, which is to mark the beginning of an epoch unprecedented in the spread of a civilization more splendid than the world has ever seen; when the upbuilding and uplifting of the human race occupies the mind and the heart of man more than ever before; when Christianity is spreading to the uttermost parts of the earth, and all nations are accepting the precepts of the lowly Nazarene, shall the foremost nation of this world, risen to its magnificent development by acknowledging the fatherhood of God and the brotherhood of man, now forget its nursery teachings, and seek to enslave and oppress a people who welcomed its flag and gladly accepted its dominion? I trust not. The condition of Ireland and its struggles, the fate of Poland and its unhappy situation to-day, appeal to the American patriot with persuasive force.

Beware! Beware of unjust treatment to a liberty-loving people! [Loud applause on the Democratic side.]

Mr. DENNY. Mr. Chairman, the decision of Congress on the bill now under consideration involves much to our whole country and its future policy as well as much to Puerto Rico, our new erritory.

If this bill should become a law, we will thereby announce to the world that Congress has at last assumed the power to deal with territorial possessions as it may deem desirable, outside of and beyond all constitutional restrictions. Its enactment into law would be a declaration that Congress, created by and under the Constitution, may perform acts with respect to the American domain which are prohibited in the very organic law governing its own existence.

Can it be possible that this Congress will undertake to impose one rate of customs duty on one section and another rate on another section of our common country when section 8 of Article I reads thus?—

The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States.

Is this language to be distorted and misconstrued in order to assist a few tobacco manufacturers and beet-sugar producers in the United States to prosper at the expense of the now impoverished producers of these articles in Puerto Rico, who, having been stripped of their Spanish markets, are illegally barred from a free market in their own adopted country?

Is this legislation to be based on the bald assertion that it is not prohibited by the section of the Constitution which the friends of the bill now argue applies only to the States as such, and not to the Territories out of which the States have been or may hereafter be formed?

When this section 8 of Article I declared that Congress has power to provide for the common defense and general welfare of the United States, can this language be so tortured as to exclude the power to provide for the common defense and general welfare of the Territories and the District of Columbia which it has always done? It is in pursuance of this authority that the property and lives of our citizens have been protected by the United States in the Territories in all the past; and if the language used in this section 8 of the Constitution embraces the American Government as such and every inch of its possessions, then the additional provisions in the same section, that duties shall be uniform throughout the United States, clearly prohibit Congress from enacting discriminating laws for separate parts of our country.

I believe the Constitution is broad enough to extend, by its own force, its protecting power over our entire country and to every citizen in the States or Territories, and that its application to the government of our Territories is not and never was intended to be dependent upon acts of Congress declaring that it should do so. This proposed legislation in itself is an act assuming jurisdiction over this island.

I can not too strongly resist the attempt to pass this bill now under consideration. It is framed on the theory that the power of Congress to legislate for the territory is above, beyond, and outside the Constitution and that the Congress, if it so chooses, can hold territory and the population therein forever in a state of vassalage, so far as any constitutional limitations over its authority are concerned.

This novel doctrine, that the will of Congress is supreme and unlimited in the Territories, is repugnant to the whole history of our free institutions and the time-honored decisions of our courts,

It must be that every department of our Government is, in the exercise of the powers committed to them, subject to the organic law that created them, and which law, to be effective, must be supreme.

It is impossible for me to conceive that this legislative body could have received a grant of power under the Constitution to do that which the Constitution itself directed should not be done, or that the full force and protecting care of that great charter of our liberties should not apply with absolute equality to every section of our broad land and to every citizen within the limits of our domain.

In the conclusion to which the majority of the Ways and Means Committee have reached I do not concur, and I shall cast my vote against the bill for the reasons:

First. Because it is not within the Constitution to make an unequal tax on imports from or to Puerto Rico; and

Second. Even if it were constitutional to do so, it is unjust, inexpedient, and not the natural fruit of our high-sounding declarations of supreme interest in these distressed people, who have so cheerfully transferred their allegiance from a despotic government only to find themselves in the hands of another dictatorial power.

Now that we have acquired a title by conquest and purchase to this island, and have induced the people to believe that they will receive the benefits that may arise from American citizenship, shall we inaugurate the policy of estrangement by taxing them, when no such tax on our previously acquired territories was ever attempted? Shall we go further, and set up a paternal government and give these taxes to the President, to be distributed to those who are to build schoolhouses and teach these subjects the beautiful principles of government as enacted by this bill, which bill in substance says that so long as these Puerto Ricans reside in American territory they shall have no constitutional rights guaranteed to them, and may be taxed without representation at the unbridled will of Congress?

Our forefathers had less cause for complaint when they founded this just Government than these peaceful islanders would have under this bill now seriously pressed by the Republicans in this House. And this injustice is to be done, notwithstanding the President in his recent message to this Congress said that "It is our plain duty to abolish all customs tariffs between the United States and Puerto Rico and give her products free access to our markets." He may have considered it a plain duty from a constitutional view as well as a benevolent act.

The passage of this bill would violate a fundamental principle of our Government—of equality in taxation. It is not a question of amount or of time during which its operation may be limited. It is a question of right and power under the Constitution.

This legislation proposes that all merchandise coming into the United States from Puerto Rico or going from the United States into Puerto Rico shall be entered at the several ports of entry upon payment of 25 per cent of the duties which are now required by law to be levied, collected, and paid upon like articles of merchandise imported from foreign countries.

It must be conceded that, since the treaty with Spain and the payment of $20,000,000 to Spain and the assumption of jurisdiction by the United States, Puerto Rico is not a foreign country, but is part of the territory of the United States, and therefore entitled to the rights and privileges attached to a Territory within the jurisdiction and protecting power of this Government.

Whatever action may be taken with respect to the Philippines hereafter, Puerto Rico is a territory contiguous, friendly, and a desirable acquisition. It has come to stay and will doubtless in time become an independent State in this Union, and ought to be treated as our Territories heretofore have been treated, and with the same freedom as to trade and commerce. It was never attempted to tax lumber or minerals, animals or furs, or other products brought from our own western Territories into the States, or goods sent from the States into our Territories, and no good reason exists now to establish so suddenly a different rule for Puerto Rico; and the claims of the advocates of this bill that it can be done in pursuance of a plenary power vested in Congress is not well founded in reason or authority.

The war which recently we waged in behalf of Cuba was not for conquest, but to enable the Cubans to establish for themselves a stable government, and the acquisition of Puerto Rico and other islands were some of the unexpected results incidental to the accomplishment of that purpose. Our flag proudly floats over the island of Puerto Rico. We have induced them to believe that they shall have the benefits of American citizenship and the enjoyment of our free institutions. We have cut off all their trade with Spain, and before we have established for them a stable government, which this Congress must provide and ought to provide at once, we are, at the very threshold of our efforts to deal with these people, actuated by selfish considerations, and we propose an unjust and unconstitutional tax to be saddled upon these trusting poor people, already impoverished by Spanish rule, war, and storms, and now to inflict a further burden by custom duties.

We thus say to them, You are our subjects and not fellow-citizens with equal rights. We say to them in this bill that Congress is not limited by the Constitution in dealing with them; we say to them that while we have not taxed our Territorial trade on our own continent, yet as you are not embraced in the prohibitions of the Constitution nor entitled to its protection as a Territory, we shall, in the exercise of our plenary power, without restraint, give you a 25 per cent dose of foreign tariff medicine, which the President may afterwards use in teaching you the intricate lessons of the Constitution and the pecuniary distinction we now make between the United States and its Territories, as taught in these modern times by the Republican party schoolmasters. No; your interest in these poor people is a sham. You have other and larger game in view.

I do not, in the brief space allotted to me, propose to cite the authorities which have been quoted in the discussion of this subject, but to me these authorities are conclusive, and prove that the intention of the framers of the Constitution (section 8 of Article I) in granting Congress power to provide for the common defense and general welfare of the United States clearly included the geographical and governmental boundaries of the whole country, States and Territories alike, which were to be governed; and when, in the same section, it declares that all duties should be uniform, it likewise embraced the same entire geographical extent of our country under the jurisdiction of the United States and the whole of our national domain.

The decisions of our highest courts sustain this construction. Chief Justice Marshall, in Loughborough *vs.* Blake (5 Wheaton, 317), delivered the opinion of the court and said:

> The eighth section of the first article gives to Congress the "power to lay and collect taxes, duties, imposts, and excises" for the purposes hereinafter mentioned. This grant is general, without limitation as to place. It consequently extends to all places over which the Government extends. If this could be doubted, the doubt is removed by the subsequent words, which modify the grant. These words are: "But all duties, imposts, and excises shall be uniform throughout the United States." It will not be contended that the modification of the power extends to places to which the power itself does not extend.
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> The power, then, to lay and collect duties, imposts, and excises may be exercised and must be exercised throughout the United States. Does this term designate the whole or any particular portion of the American empire? Certainly this question can admit of but one answer. It is the name given to our great Republic, which is composed of States and Territories.
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> The District of Columbia or the Territory west of the Missouri is not less within the United States than Maryland or Pennsylvania, and it is not less necessary, on the principles of our Constitution, that uniformity in the imposition of imposts, duties, and excises shall be observed in the one than the other. Since, then, the power to lay and collect taxes, which includes direct taxes, is obviously coextensive with the power to lay and collect duties, imposts, and excises, and since the latter extends throughout the United States, it follows that the power to impose direct taxes also extends throughout the United States.

This authority, from Mr. Justice Marshall, one of the greatest jurists of this nation, construing this section as to the boundary of the United States, in which a uniform rule must prevail, stands unchallenged as a just and long-recognized construction of this section. It has never been questioned or overruled by any subsequent decision. The States, when adopting the Constitution, had recently been colonies of Great Britain themselves, and they had objected to the imposition of taxation without representation. They formed the Constitution for the very purpose of guarding against this abuse of power by those in authority, or the assumption by any branch of the Government of unlimited powers. They established a union of States and made provision for an increase in the number out of the Territories.

It is not possible to conceive that our fathers, in providing for the protection of the people in the State, did not intend to give the same protection to the citizens living in the adjoining territory under its jurisdiction out of which the States had been and were to be created. It is not possible to believe that they meant to grant absolute power to Congress to do the very acts against which they complained to the mother country. It is not possible that they meant to clothe Congress with absolute power over the Territories which the English Government had exercised over them.

Surely the Constitution extends as well over Congress as over the President, not only within the States, but throughout the length and breadth of our whole country. If State laws inconsistent with its provisions may be declared unconstitutional, so may Congressional enactments in the Territory.

The spirit of our Government, its formation and practice, all point directly to the true interpretation that this section was not designed to receive a strained or forced construction in order to liberate Congress from the constitutional restraints thrown around every department of the Government in the interest of the rights and liberties of the people residing in the Territories or going into the Territories from the States. It was the people's rights against arbitrary power that were intended to be guarded and hedged with restraints, and that protection extended into every Territory as well as into every State.

We must not be dragged by any party requirements beyond the

protection of the Constitution by endeavoring to draw a fine distinction when there has never been a difference. The United States of North America was never intended to limit its benefits to the States and make no provision for the protection of its Territories against Congressional usurpation.

While, therefore, Congress does lawfully exercise rights and powers over the Territories not applicable to States, yet such powers must be exercised within the limitations of the grant. No act of Congress could deprive a citizen of the right of trial by jury or deprive a citizen of the constitutional guaranties of life, liberty, and property.

As to the relation of the Territories to the Federal Government, in the case of Scott *vs.* Sandford (19 Howard, 432), Chief Justice Taney said, in the opinion for the court:

> There is certainly no power given by the Constitution to the Federal Government to establish or maintain colonies bordering on the United States or at a distance to be ruled and governed at its own pleasure, nor to enlarge its territorial limits in any way except by the admission of new States. That power is plainly given, and if a new State is admitted, it needs no further legislation by Congress, because the Constitution itself defines the relative rights and powers and duties of the State and citizens of the State and Federal Government. But no power is given to acquire a new territory to be held and governed permanently in that character.
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> And, indeed, the power exercised by Congress to acquire territory and establish a government there according to its own unlimited discretion was viewed with great jealousy by the leading statesmen of the day. * * *
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> We do not mean to question the power of Congress in this respect. The power to expand the territory of the United States by the admission of new States is plainly given, and in the construction of this power by all the departments of the Government it has been held to authorize the acquisition of new territory not fit for admission at the time, but to be admitted as soon as its population would entitle it to admission. It is acquired to become a State, and not to be held as a colony and governed by Congress with absolute authority; and as the propriety of admitting a new State is committed to the sound discretion of Congress, the power to acquire territory for that purpose, to be held by the United States until it is in suitable condition to become a State upon an equal footing with the other States, must rest upon the same discretion.

Justice McLean said:

> In organizing the government of a Territory, Congress is limited to means appropriate to the attainment of the constitutional object. No powers can be exercised which are prohibited by the Constitution or which are contrary to its spirit, so that, whether the object may be the protection of the persons and property of purchasers of the public lands or of communities who have been annexed to the Union by conquest or purchase, they are initiatory to the establishment of State governments, and no more power can be claimed or exercised than is necessary to the attainment of the end. This is the limitation of all the Federal powers.

The true theory of our Government is securely founded on the principle that the Constitution is supreme, and while the Congress possesses full power, it must be exercised at all times under the limitations prescribed in that same instrument.

While Congress has power to make needful rules and regulations respecting Territorial government, there are limits to that power not to do certain other things.

In National Bank *vs.* County of Yankton (101 U. S.) Justice Waite, after stating that Territories are but political subdivisions of the outlying domain of the United States, said, with reference to the organic law of a Territory:

> It is obligatory on and binds the Territorial authorities, but Congress is supreme, and for the purposes of this department of its governmental authority has all the powers of the people of the United States, except such as have been expressly or by implication reserved in the prohibitions of the Constitution.

In Reynolds *vs.* United States (98 U. S., 162) the court says:

> Congress can not pass a law for the government of the Territories which shall prohibit the free exercise of religion. The first amendment to the Constitution expressly forbids such legislation.

If the contention were true that Congress has supreme power over the Territories outside of the Constitution, and that it does not ex proprio vigore reach the Territories until an act of Congress shall declare it to extend over the same, why not avoid the danger in this bill and extend the Constitution over this island by such legislation?

I submit, Mr. Chairman, that our laws must be made to operate evenly and uniformly over every citizen, whether in Puerto Rico or Pennsylvania, whether in Maine or Manila. [Applause.] Our Territories are but geographical divisions of the United States, and the laws made for their government by Congress or by themselves must be consistent with the Constitution. Unequal laws passed for sections of our country to the prejudice of other sections are not to be sanctioned. Whenever it is conceded that Congress may in the exercise of plenary power, unrestrained or prohibited by the Constitution, create and maintain paternal government and enact unequal laws in which the governed have no voice, then we will be found straying from the well-beaten paths of constitutional liberty into the wilderness of proximate or remote troubles.

If, in order to hold and govern distant territorial possessions, we are forced to violate the plain intent and spirit of the Constitution; if we are compelled to contrive new devices and theories to extenuate the exercise of powers beyond the Constitution, we had better loose our hold rather than make enactments discriminating or unequal.

If Arizona may bring its productions into the States, as part of the Union, without taxation, may not Puerto Rico bring her sugar and tobacco on the same terms and have the same rights heretofore accorded to other territorial divisions?

In the history of our country it has never been claimed that Congress could tax the products of our Territories, or that it possessed power to impose one rate on one Territory and another rate on another Territory. Where could Congress derive authority to impose a stamp on deeds for lands to be recorded in one Territory at a given rate per $1,000 of consideration and at another and different rate in another Territory, or pass revenue laws unequally operating in different Territories?

This section 8 is the only section that authorizes the Congress to lay and collect taxes, duties, imposts, and excises, to provide for the common defense and general welfare of the United States, and in this same section is the qualification, "but all duties shall be uniform throughout the United States."

These duties have heretofore been uniform throughout the States and Territories of the United States. Puerto Rico is now as much of the territory of the United States as Arizona or New Mexico or any of the Territories existing at the time of the adoption of the Constitution. No declaratory act that could be passed could change that relation. We hold Puerto Rico under an organic law that never forged a chain to rob them of equality, and it is as much the territory of the United States as Oklahoma is to-day. If this is true, Congress can not impose on Puerto Rico any duties from which Oklahoma would be exempt.

Let the history of our country be passed in review from the time the colonies embarked in their effort to establish a government for themselves, for the people of the United States, in which they reserved to the people and the States all the powers not delegated to the General Government, and it must be apparent, both from the language used and the construction given to the same by the courts, as to the true meaning of that language. The people never vested and never intended to vest in Congress a power to rob our Territories of equal protection or to legislate outside of the restraints in the Constitution.

They knew that legislative bodies, perhaps more than the executive and judicial departments, needed restraint when they adopted it, and carefully inserted the now contested prohibitions. They were careful to see that the Constitution provided two Houses—a Senate and House of Representatives. Then the President was clothed with power to approve or disapprove, and then the courts had power to declare such laws unconstitutional that happened to pass these successive stages successfully.

While Congress can legislate for the Territories, it must be legislation in conformity with, in pursuance of, and within the limits of the Constitution. The claim that the friends of this bill make, that Congress can do as they please and legislate for the Territories or any one of them without restraint, even to the extent of withholding the rights guaranteed to every citizen, as if the Territories were not within the United States, is a serious usurpation of power.

In Article II, section 1, the Constitution says:

> The executive power shall be vested in a President of the United States of America.

When the President is required to sign all bills passed by the Congress before they become laws, applicable to States or Territories, why was he not designated "President of the United States of North America and of the Territories," if the power in this clause were not given over the Territories? Would anyone be daring enough to say that he is not President of the whole country, States and Territories alike, and has always exercised that power under the name of "President of the United States of North America?"

If the words "United States" in this section do not include the entire country, States and Territories alike, then he is President of the States only.

Let this question receive our best consideration. Acts involving the interpretation of our written Constitution, on the decision of which grave interests of our country's perpetual life and our free institutions may depend, demand consideration from a patriotic standpoint. Party policy or partisanship should not prevail.

The people will not suffer, ultimately, our institutions of free Government to perish, even though their agent, the Congress, fail to measure up to the standard of patriotic devotion to that sacred instrument. It is not a question of our good intentions; it is not a question of our paternal interest. I will presume, for the purpose of this argument, that we mean to exercise no oppression over this island; but it is a larger question, involving legal authority, to so legislate, and if this legislation conflicts fairly with the provisions of the organic law, made by the people and for the people, and under which we have expanded and may expand in a legitimate way, then let us recede from the effort made to pass this bill.

Rather than do violence to that charter of our liberties, that has been tested by time, in the government of our States and Territories, I would prefer to have no territory beyond the sea. Whatever expansion takes place, whatever policy is pursued, it

must be an expansion and a policy within the spirit of the Constitution and no other kind.

Believing as I do that this bill ought not to pass, because it is repugnant to the Constitution and involves the exercise of powers prohibited by the Constitution, yet there are other reasons why this bill should not become a law, and some of those reasons are as follows:

It is unjust to the Puerto Ricans and injurious to ourselves and an expression of bad faith on our part. The owners and occupants of this little island are now our friends, and if they are to be governed without standing armies we must apply to them the rule of equality and make rules and regulations applicable alike to them as to other American territory. They will soon know, if this bill becomes law, that they are the only Territory of the United States from which customs duties would be demanded. They will know that Hawaii and every other Territory is treated differently, and they could and would fairly charge this nation with contributing to their present distress and poverty in place of assisting in relieving their embarrassment.

We have cared for our great Northwestern Territories until they had the requisite qualifications for statehood, without discriminating burdens. Why inaugurate a new and foreign policy with these people, who have peacefully welcomed the American Army and who have given evidence of their allegiance? They were promised the blessings of our free Government. Puerto Rico is now American territory, and it has a right, when its population and condition justify it, to be admitted into the Union on an equal footing with other States, and all our legislation as to this island should have reference to that object. [Applause.]

The Secretary of War in his report says:

> The highest considerations of justice and good faith demand that we should not disappoint the confident expectation of sharing in our prosperity with which the people of Puerto Rico so gladly transferred their allegiance to the United States, and that we should treat the interests of this people as our own; and I wish most strongly to urge that the customs duties between Puerto Rico and the United States be removed.

What good reason is assigned by the majority of the committee for changing the original bill from its former recommendations of free trade and now recommending the imposition of customs duties, when the President has said it was our plain duty to abolish all customs tariffs and give to Puerto Rican products free access to our markets? The President, in his recent message to this Congress, further said that Puerto Rico—

> Had been denied the principal markets she had long enjoyed, and our tariffs have been continued against her products as when she was under Spanish sovereignty; that the markets of Spain are closed to her products except upon terms to which the commerce of all nations is subjected. The island of Cuba, which used to buy her cattle and tobacco without customs duties, now imposes the same duties upon these products as from any other country entering her ports. She has therefore lost her free intercourse with Spain and Cuba without any compensating benefits in this market. The markets of the United States should be open to her products.

What reason exists for this change of policy toward these people, whose products have been swept away by unusual storms and who have, by change of allegiance, lost the markets of Spain for their sugar and tobacco? The following extract from the report of the majority of the committee partly explains the reasons why this tariff bill, as a substitute for the bill removing customs duties, is urged.

The clause in the majority report of the Ways and Means Committee reads thus:

> The representative of the beet-sugar industry who appeared before your committee stated that the admission of sugar free of duty from Puerto Rico, even should the product be doubled, would work no injury to the beet-sugar interests. His fears were that this original bill might be regarded as a precedent for free sugar from the Philippine Islands and eventually from Cuba. It is a sufficient answer to this that the substitute report establishes no precedent. On the contrary, we expressly assert by this substitute the right to discriminate between Puerto Rico or the Philippine Islands and the United States.

It is alleged in this report of the majority of the committee that Congress is free to impose taxes at their own will—one rate on Puerto Rico, another on Oklahoma, another in New Mexico—and its provisions respecting uniformity do not apply to our new possessions. If this be true, then the protected interests of monopolies and trusts may demand in their greed that excessive taxes be laid, amounting to exclusion from our home markets and the termination to that extent of their civil rights. Congress could then establish different rules of naturalization and establish a despotic government, or make for them a government as cruel as that from which we have just liberated them.

Our duty requires us to deal justly and in the best faith with Puerto Rico, regardless of this effort to establish a precedent for future use when we come to deal with the Philippines. Puerto Rico can not be presumed to assent to such legislation that infringes the principle of equity. Our time-honored declaration, that all just government is founded on the consent of the governed, would, to them, be a snare and delusion. Let the people amend the Constitution if they desire Congress to govern foreign territory by the fluctuating will of this body, but let not Congress assume to appropriate powers not specifically granted or necessarily implied in that instrument for any purposes, laudable or otherwise.

While I hope never to see the representatives of Asiatic peoples in the Congress, or their millions of subjects allowed to compete with American labor, yet we must meet the questions as they arise under constitutional powers conferred and deal with them in accordance with and subject to and not outside of the limits prescribed in the Constitution under which alone we derive the power to deal with any territory at all.

We went as far as we were justified in going when we said to Europe that America was for Americans; but if we are now to govern the islands bordering on America or on Asia by force as a colony, subject to such unequal taxation as we deem desirable, and govern them as subjects purchased from their former masters, what further rights have we to command that European monarchies shall not found imperialistic governments on American soil?

If the Constitution secures to every man under the flag the rights of freemen—the right to travel and live in any part of our common country, wherever our flag floats as the emblem of freedom and liberty—where is the power granted to restrain that right if we claim them as American territory and subject to our laws? May constitutional liberty be maintained in this entire nation, including every Territory embraced within its extended borders, in full force and vigor forever. [Loud applause.]

Mr. BURKE of Texas. Mr. Chairman, I realize the fact that nothing new can be said in further discussing this bill—its legal and moral phase has been presented from every conceivable standpoint—and yet I can not permit this discussion to close without giving expression to my views respecting this extraordinary measure. I use the word extraordinary advisedly, Mr. Chairman, for never before in the history of this Government has such a proposition been submitted to the American Congress. [Applause.]

Under the treaty of peace between our Government and the Kingdom of Spain, signed at Paris in December, 1898, the island of Puerto Rico was ceded to the United States by the Crown of Spain. This island had been a Spanish possession for more than 200 years; its people had groaned under the yoke of Spanish oppression and exaction; they had seen their substance and hard earnings squandered and dissipated in an effort to uphold and sustain the venality of an effete monarchy. Realizing their helpless condition, no doubt the blood coursed through their veins with increased rapidity when they heard that war had been declared between the United States, the mighty young giant of North America, and Spain, for in this declaration they could see, possibly through the fortunes or misfortunes of that war, that the yoke of the Spanish oppressor might be lightened, possibly removed forever.

Who can tell; who can know, Mr. Chairman, the heart feelings of the people of this island when it was known that our victorious Army had landed on their soil? They knew that Spanish authority was gone, perhaps forever, and with one acclaim and with practical unanimity they hailed and greeted our troops as their deliverers. From the humble cottage by the roadside to the pretentious dwellings in the towns and cities our soldiers were received with unstinted enthusiasm. The island fell like a ripe apple into our lap, and its people no doubt thought that the day of their deliverance from unjust taxation and official exactions had come. The general in command of the United States Army, who then commanded in Puerto Rico, General Miles, issued the following proclamation to the people of that island:

> HEADQUARTERS OF THE ARMY,
> *Ponce, Puerto Rico, July 28, 1898.*
>
> *To the inhabitants of Puerto Rico:*
>
> In the prosecution of the war against the Kingdom of Spain by the people of the United States in the cause of liberty, justice, and humanity, its military forces have come to occupy the island of Puerto Rico.
>
> They come bearing the banner of freedom, inspired by a noble purpose to seek the enemies of our country and yours and to destroy or capture all who are in armed resistance. They bring you the fostering arm of a nation of free people, whose greatest power is in its justice and humanity to all those living within its fold. Hence the first effect of this occupation will be the immediate release from your former political relations and, it is hoped, a cheerful acceptance of the government of the United States. The chief object of the American military forces will be to overthrow the armed authority of Spain and to give to the people of your beautiful island the largest measure of liberty consistent with this military occupation.
>
> We have not come to make war upon the people of a country that for centuries have been oppressed, but, on the contrary, to bring you protection, not only to yourselves, but to your property, to promote your prosperity, and bestow upon you the immunities and blessings of the liberal institutions of our Government. It is not our purpose to interfere with any existing laws and customs that are wholesome and beneficial to your people so long as they conform to the rules of military administration of order and justice. This is not a war of devastation, but one to give to all within the control of its military and naval forces the advantages and blessings of enlightened civilization.
>
> NELSON A. MILES,
> *Major-General, Commanding United States Army.*

This, Mr. Chairman, was the situation in July, 1898. As before said, with the ratification of the treaty of peace signed at Paris this island became a part of the territory of the United States, and as such, under the Constitution, is entitled to the same treatment

that is accorded to any other Territory. It does seem that when a people voluntarily become "one of us," so to speak, and when the treaty-making power of this Government declares, as in the case of Puerto Rico, that such country belongs to the United States, its status should be easily fixed and determined. Puerto Rico is as much a part of this country to-day as is Alaska or Hawaii. Who can doubt it?

Mr. Chairman, when we met last December the President, in his annual message, declared that it was our plain duty to give the Puerto Ricans a free market for their products in this country. He further said this island—

had been denied the principal markets she had long enjoyed, and our tariffs have been continued against her products as when she was under Spanish sovereignty; that the markets of Spain are closed to her products except upon terms to which the commerce of all nations is subjected. The island of Cuba, which used to buy her cattle and tobacco without customs duties, now imposes the same duties upon these products as from any other country entering her ports. She has therefore lost her free intercourse with Spain and Cuba, without any compensating benefits in this market. The markets of the United States should be opened up to her products.

The Secretary of War, in his annual report, says:

The highest considerations of justice and good faith demand that we should not disappoint the confident expectation of sharing in our prosperity with which the people of Puerto Rico so gladly transferred their allegiance to the United States, and that we should treat the interest of this people as our own; and I wish most strongly to urge that the customs duties between Puerto Rico and the United States be removed.

All seemed to think that this declaration of the President was right, and a bill on these lines was presented by the chairman of the Ways and Means Committee; but, Mr. Chairman, that was done before the sugar and tobacco trusts had time to act. They now have acted, and what do we find? This bill drawn in conformity with the views the President then expressed is side-tracked, and the one now under discussion is substituted, which proposes to levy an export duty of 25 per cent on certain commodities going from this country to Puerto Rico, to be collected there, and 25 per cent as import duty on certain commodities coming into this country from Puerto Rico, to be collected here, and the principal commodities from Puerto Rico on which it is proposed to levy this duty are sugar and tobacco.

Yes, sir; to carry out the wishes, if not demands, of the sugar and tobacco trusts, the Republican majority in this House propose to collect a duty on commodities coming into this country from one of our own Territories, and the Committee on Ways and Means seek to justify their course under the peculiar and specious reasoning that the term "United States," as used in the Constitution with reference to the collection of impost duties, means the States alone and does not include Territories.

Mr. Chairman, it has been amusing, if not instructive, during this debate, to hear gentlemen favoring this bill give abstruse definitions of the words "import" and "export." Any schoolboy, it occurs to me, should know that goods are "exported" when they are carried out of this country to a foreign country, and are "imported" when they are brought into this country from a foreign country. This bill uses the words "import" and "export." I would like to have gentlemen who favor this bill tell me what foreign country we export goods to or import goods from when we are trading with Puerto Rico, one of our own Territories.

I have no desire, sir, to consume the time of the House—even had I the time—in discussing the decisions of our Supreme Court bearing on the issue presented by this bill. These have been read and discussed so thoroughly by other gentlemen that a further reference to them at this time seems unnecessary. I will, however, Mr. Chairman, refer to one of these decisions which covers this case absolutely, and shows conclusively that this bill directly contravenes that constitutional provision which declares that—

The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States.

Loughborough *vs.* Blake (3 Wheaton, 317), the case to which I refer, announces the law governing the principle which underlies this bill. In that case the authority of the United States to impose a direct tax on the people of the District of Columbia was challenged, and Chief Justice Marshall, speaking for the court in that case, said:

The eighth section of the first article gives to Congress the power to lay and collect taxes, duties, imposts, and excises for the purposes thereinafter mentioned. This grant extends to all places over which the Government extends. If this be doubted, the doubt is removed by the subsequent words which modify the grant. These words are, "But all duties, imposts and excises shall be uniform throughout the United States." It will not be contended that the modification of the power extends to places to which the power itself does not extend. The power, then, to lay and collect duties, imposts, and excises may be exercised and must be exercised throughout the United States.

Does this term designate the whole or any particular portion of the American empire? Certainly this question can admit of but one answer. It is the name given to our great Republic, which is composed of States and Territories. The District of Columbia, or the territory west of the Missouri, is not less within the United States than Maryland and Pennsylvania, and it is not less necessary, on the principles of the Constitution, that uniformity in the imposition of imposts, duties, and excises should be observed in one than the other. Since, then, the power to lay and collect taxes, which includes direct taxes, is obviously coextensive with the power to lay and collect duties, imposts, and excises, and since the latter extends throughout the United States, it follows that the power to impose direct taxes also extends throughout the United States.

Gentlemen may consult the decisions of the Supreme Court since that time and they will be unable to find any opinion calling in question the doctrine therein asserted, but, to the contrary, whenever referred to in subsequent decisions of the court, it is approved and confirmed. To-day goods of every character are carried from the States to Alaska and Hawaii and brought from these places to the States duty free. Why? Because, while they are territories, they are a part of the domain of the United States.

Suppose, Mr. Chairman, a hostile army should invade Puerto Rico. Would not such invasion be as much an act of war against the Government of the United States as it would be if it occurred in Alaska or the Hawaiian Islands? If this be true, then I would like to have gentlemen draw the line and show the House and the country the real difference between Puerto Rico and any other outlying territory of the United States. This island is either ours or it is not. If ours, the provisions of our Constitution and decisions of our Supreme Court should protect and control it, and it should be accorded the same treatment that is given to other Territories. If not ours, then we can enact no legislation affecting it, for I believe it has been correctly said:

If the legislation now proposed for Puerto Rico should be applied for twenty-five years to the richest State in the American Union, its wealth will have departed and its inhabitants will have become paupers.

Mr. Chairman, we find ourselves to-day in a peculiar position—the entire Democratic membership of this House adopting and indorsing the recommendation of a Republican President on the issue of giving free trade to Puerto Rico, while the Republican majority, with a few exceptions, is trying to defeat this recommendation. If the President was right last December when he sent in his message, he is right now, for conditions have not changed in Puerto Rico, except for the worse.

The Republican majority, believing he was right then, actually prepared and introduced a bill to meet the President's views, and their complete change of front only gives additional proof and emphasis to the charge that the Republican party is under the complete dominion and control of the corporations and trusts of this country, for no man can doubt for a moment but that the bill now under discussion was framed to meet the demands of the sugar and tobacco trusts. It matters not to these trusts what the condition of the people of Puerto Rico may be. They care nothing for the Constitution or decisions of the Supreme Court. They ignore what the President, Secretary of War, or General Miles may have said. They see their supposed opportunity and demand their pound of protection flesh. Be it said with shame that the Republican majority in Congress have gracefully yielded to their insolent demands.

Mr. Chairman, gentlemen suggest that the policy sought to be established by this bill is to be adopted and hereafter pursued in our dealings with the people of the Philippine Islands. In other words, it is to be a precedent for the future. The situation, surroundings, and conditions of Puerto Rico are almost totally dissimilar to those of the Philippines. Puerto Rico is a part of the Western Hemisphere and lies practically at our door. The people of that island welcomed our Army with joyous greetings, and are to-day observing and obeying the laws of the land in a way that will not suffer by comparison with the people of many of the States of this Union. Its acquisition did not clash or conflict in the least with that cherished American idea known as the "Monroe doctrine," but is in reality an assertion and just recognition of that doctrine.

Not so with the Philippines; they are a part of the Eastern Hemisphere, are more than 7,000 miles from our nearest shore, inhabited by a race of people entirely dissimilar to ours, and who have been resisting, not welcoming, our authority, as the Puerto Ricans did. I believe the permanent acquisition of these islands will call in question and challenge the true application of the Monroe doctrine among the nations of Europe, for we can not consistently oppose the acquisition of territory by the monarchical governments of Europe on the Western Hemisphere while we seek to acquire territory and establish a government on the Eastern Hemisphere, and that, too, against the protest and armed resistance of the people of the territory sought to be acquired. Such a course will do more to cast reproach on that American idea than anything that has occurred since it was first promulgated, eighty years ago.

It seems, Mr. Chairman, that discussion on no subject can be had in this House without some expression is given to the Philippine question. All admit it to be a vexed question. In almost every speech delivered on this bill the policy now being pursued in the Philippine Islands has either been defended or assailed. On February 27, 1899, twelve days after hostilities began between our troops and the Filipinos, I delivered a speech in this House on this subject, and I have seen no cause since to change the views I then expressed respecting our duty to those people.

I then declared that under the terms of the treaty of Paris our

duty was first to restore peace and quiet in those islands, and having done this then extend and give to these people an opportunity to organize and establish a government of their own—exactly as the Cubans are doing—and while so engaged let the world know that they shall not be disturbed. When such a government is established, let it pay back to this country the $20,000,000 paid to Spain, then withdraw our forces from these islands and leave them the possessors of their own government, while we should retain at Manila and Manila Bay ample territory for a great commercial city and naval station—a rallying point for our expanding commerce in that part of the world.

Mr. Chairman, since 1803 expansion of territory has been a cherished policy of the Democratic party. Under this policy Democratic administrations have added about one-half to the present area of the United States; but these additions have all come from the Western Hemisphere, and I have always opposed the policy of annexing permanently to this country the Philippine Archipelago. In fact, the Democratic party of my State has expressly declared in favor of retaining Puerto Rico (and that declaration was made before the Treaty of Paris was signed), but at the same time it declared its opposition to the annexation of the Philippine Islands.

If we are to judge the future, Mr. Chairman, by the past, the retention of these islands means a large standing army, and all Democrats oppose this. Already the Secretary of the Treasury places his estimate of the cost of our Army for the next fiscal year at the enormous sum of $128,170,583.64 and the Navy at $58,425,334.83, aggregating the vast sum of $186,595,918.37 for these two expenditures. If this archipelago is retained by this country, while, of course, the expenses for the Army and Navy will not be so great after quiet is restored, yet I believe they will be heavy enough to show that the colonial policy now about to be adopted by this Government for the first time in the far east will prove an expensive luxury to the taxpayers of this country.

Mr. Chairman, with Puerto Rico ours, as it is; with a government friendly to us soon to be established on the island of Cuba; under the peculiar friendly conditions existing between this country and that island, may we not indulge the hope that the cherished dream of Thomas Jefferson may be realized in the future, when Cuba, by the voice and wish of her people expressed at the ballot box, shall declare her willingness to become an integral part of this great Republic? The Constitution is broad enough to cover and protect these two islands, as it covered and protected my own State—Texas—over fifty years, and to guarantee to their citizens, as it did to us, the full enjoyment of life, liberty, and pursuit of happiness. [Loud applause.]

[Mr. QUARLES addressed the committee. See Appendix.]

Mr. DOUGHERTY. Mr. Chairman, if this bill passes, it will be the first legislation by Congress in relation to the newly acquired insular possessions which came to us in consequence of the late Spanish war, and it will be the first legislative step in the nation's march toward imperialism.

In the discussion of this measure remarks have been incidentally dropped by the leaders of the majority indicating the future policy of the Administration toward the Philippines, from which we are given to understand that motives other than those that are laid down in the immortal Declaration of Independence will control its actions. No longer the humane and democratic principle "that all governments derive their just powers from the consent of the governed" is considered in our dealing with other peoples. Crazed with the lust of conquest, driven by remorseless greed for gain and power, the greatest Republic the world has ever seen, the beacon light of liberty for the whole world, is about to enter upon a policy of imperialism and militarism that "will give us no rest, as the slavery question gave us no rest, until finally settled aright. And take heed! The longer the right settlement is delayed the greater will be its cost." But I shall not at this time anticipate the Administration's Philippine policy. "Sufficient unto the day is the evil thereof."

The purpose of the pending bill is to impose a tariff upon the goods imported into this country from Puerto Rico and sent from this country to Puerto Rico.

I will not weary you with copious extracts from court decisions nor lengthy quotations from deceased statesmen, but will endeavor to briefly centralize my thoughts on a few of the fundamental principles that I think underlie this question.

The island of Puerto Rico has been acquired by and has become as much a part of the territory of the United States as Oklahoma, Arizona, New Mexico, and Alaska, and all the cunning of astute lawyers, with their garbled citations and false logic, can not alter the fact. From the time of the acquisition of Puerto Rico, and pending the organization and establishment of a civil government there, the island has been governed by military power.

The proposition that Congress can go to this island leaving the Constitution behind and govern the people as it sees fit is a most dangerous and unwarranted doctrine.

It may not be a matter of surprise to some of us that the first action taken or proposed by the majority here is an effort to levy and exact taxes. Much taxation is the habit of that party and is always essential to support the policy of imperialism, and the disposition of that party is to tax without regard to that constitutional provision which says that—

All duties, imposts and excises shall be uniform throughout the United States.

Since Puerto Rico is territory of the United States, and the Constitution requires that taxation by Congress must operate uniformly throughout the United States, the question then becomes pertinent, Are the Territories a part of the United States? If so, it seems to me, from the plain meaning of the words used, that the injunction requiring uniformity of taxation must apply to the Territories equally with the States. This precise question was determined by the Supreme Court of the United States in the case of Loughborough against Blake (5 Wheaton), in which the court, through Chief Justice Marshall, says:

The eighth section of the first article gives to Congress the power to "lay and collect taxes, duties, imposts and excises," for the purposes thereinafter mentioned. This grant is general, without limitation as to place. It consequently extends to all places over which the Government extends. If this could be doubted, the doubt is removed by the subsequent words which modify the grant. These words are, "but all duties, imposts and excises shall be uniform throughout the United States." It will not be contended that the modification of the power extends to places to which the power itself does not extend. The power, then, "to lay and collect duties, imposts and excises" may be exercised and must be exercised throughout the United States. Does this term designate the whole or any particular portion of the American empire?

Certainly this question can admit of but one answer. It is the name given to our great Republic, which is composed of States and Territories. The District of Columbia, or the territory west of the Missouri, is not less within the United States than Maryland or Pennsylvania, and it is not less necessary, on the principles of our Constitution, that uniformity in the imposition of imposts, duties, and excises should be observed in the one than in the other. Since, then, the power to lay and collect taxes, which includes direct taxes, is obviously coextensive with the power to lay and collect duties, imposts, and excises, and since the latter extends throughout the United States, it follows that the power to impose direct taxes also extends throughout the United States.

And yet it has been contended by the gentlemen on the other side of this Chamber that outside of the domain of the forty-five sovereign States, and within the territorial limits and jurisdiction of the United States, the Congress has plenary, unlimited, and unrestrained power, absolutely unhampered by the Constitution which created it and from which all its powers are derived. In other words, anything that Congress does in the way of legislation for the Territories, outside of the States, is constitutional, just as any act passed by the Parliament of Great Britain is constitutional.

This view of our Congress may be quite English, you know, which in some quarters is considered a great recommendation; but, Mr. Chairman, I wish to register my objection to it.

One distinguished gentleman took occasion to inveigh against paper constitutions. Ours is a paper Constitution, and I think it the most glorious instrument of its kind on earth, and it is all the better that it is recorded on paper. I do not like constitutions that are not written. I prefer a constitution that is in black and white, and even then it is too often held to be uncertain and obscure in its terms.

In the Farewell Address of George Washington, which the Senate of the United States patriotically had read in its Chamber on the anniversary of his birth, occurs the following wise statement:

Toward the preservation of your Government and the permanency of your present happy state, it is requisite not only that you steadily discountenance irregular oppositions to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretexts.

The levying of a tariff tax on the imports from a territorial part of the United States, even its advocates must admit, will be an innovation on the practice under that Constitution. Again, the Father of his Country says, in the same paragraph:

One method of assault may be to effect in the forms of the Constitution alterations which will impair the energy of the system, and thus to undermine what can not be directly overthrown.

The levying of this tax will be a step toward imperialism, and the enthronement of imperialism will see the complete overthrow of the Republic, and, consequently, the Constitution which set up a Republic and not an empire. Again, he says:

In all the changes to which you may be invited remember that time and habit are at least as necessary to fix the true character of governments as of other human institutions; that experience is the surest standard by which to test the real tendency of the existing constitution of a country; that facility in changes upon the credit of mere hypothesis and opinion exposes to perpetual change, from the endless variety of hypothesis and opinion.

Surely no one will deny that time and habit have fixed the character of this Government as opposed to the levying of the proposed tariff, and the "standard of experience" has proven that habit wise, prudent, and just.

I do not believe that the makers of the Constitution intended to or did confer on the Congress the power to become greater within certain places of the domain of the United States than the Constitution itself, thus making the creature greater than the creator, but that they intended that the great, fundamental principles of that instrument should obtain and be in force wherever the starry emblem of its might and power should designate its dominion.

It is but a little more than eighteen months past since the Puerto Ricans welcomed our representatives to their island homes and hailed them as deliverers from the Spanish yoke of tyranny and oppression, literally strewing flowers in the pathway of our conquering soldiery. And it was then that the commander of our Army said to them:

We have come to bestow upon you the blessings and immunity of our Government.

Subsequently the President of the United States, the Secretary of War, and the Governor-General of the island were agreed, and expressed the opinion that all customs dues between the island and this country should be abolished. These expressions received and were entitled to great weight, because of the fact that they were in a position to know and realize what was just and right as between the people of the island and our Government, and that policy was in consonance with the policy of good faith and justice, which we should use in dealing with all peoples. In harmony with these opinions, as well as in keeping with our bounden duty under the Constitution, the Ways and Means Committee reported to Congress a bill providing for free trade with Puerto Rico.

In view of these facts, I ask why was the first bill withdrawn and this unrighteous, un-American, and unconstitutional measure substituted?

The effect of this bill would be to put the Puerto Ricans in the attitude of aliens to this Republic. It proposes to put upon Puerto Rican rice, coffee, sugar, and tobacco a tax that is not only unconstitutional and unjust but which is a burden upon those people greater than they can bear. A tax which is not uniform with the taxes in other parts of the United States.

Upon the acquisition of Puerto Rico we closed all other markets against them, and now this bill would shut the doors of the markets of the United States in the very face of that unfortunate people and doom them to ultimate commercial ruin. Sir, the same treatment applied to any one of the great States of this Union would work the same disaster.

Is our plighted faith to be violated in utter disregard of the plainest dictates of fair dealing?

Is this the elevating, civilizing, and Christianizing influence that is to follow the flag? Is this relief from Spanish tyranny and oppression the "Immunity of our liberal institutions?"

The carrying into effect the provisions of the pending bill would not only be an act of violence to certain cherished principles of free government, which are guaranteed by our Constitution, but it would also be a crime against justice and humanity. The strange and extraordinary doctrine advanced during the debates by the advocates of this measure that Congress has powers of absolute dominion, which are confessedly outside of the Constitution, to govern our newly acquired insular possessions with their 15,000,000 inhabitants and deal with them as aliens and vassals, deprived of political and commercial freedom, is indeed a monstrous doctrine, involving at once the honor and integrity of the whole people of our common country. Let us not forget that it was questions of this kind that led to our own revolution against Great Britain.

The gentlemen who advocate the passage of this measure lose no opportunity to exploit the glorious achievements of our brave and conquering men-at-arms on land and sea, and then proceed to appropriate all the honor and glory of their achievements to the Republican party. Wrapping themselves in the folds of the flag to hide their foul designs, they prate of patriotism even while they brush aside the Constitution to further legislate in the interest of trusts—trusts which are the chief source of the supply of Republican campaign funds and the most potent power behind the throne which dominates its councils and shapes its policies.

Among the chief products of the island of Puerto Rico, and the mainstay of its inhabitants, are sugar and tobacco. Conspicuous among the unsatiable trusts in this land to-day stand the sugar and tobacco trusts. In payment for services rendered and to be rendered by the trusts the Republican party must protect them against free trade with Puerto Rico. Hence this tariff bill. And, sir, it is an open secret that this bill is but the initial step in a matured plan to make of all our insular possessions sources of profit to favored capitalists and "feeders" of trusts.

I enjoy in no mean degree a sort of satisfaction in being able to register my vote against the pending bill.

Before this nation is committed too far by the gentlemen across the aisle to imperialism, it may be well to consider the sentiment so well expressed in the following lines:

THE REPUBLIC.

[Mene, Mene, Tekel, Upharsin.]

I.

Years upon years we have labored, lustily, lovingly, long;
Our arms were girt, and our thighs were girt, and our arms and thighs were strong.
We builded a beautiful Tower high o'er the world's dreadful plain;
Its base was as deep as the roots of our faith, and those were as deep as the main.
But whether the Tower be Babel made red by the set of our sun,
By fire from Hell, or light from Heaven—what word, O Washington?

II.

We shall knock at thy tomb in the darkness; a thunder of tongues shall call
Thee forth to answer, or to ask—even thou who art first in all.
The earthquakes lie curled under foot and the red clouds in vengeance see
Marshaled above us and over the bell whose tongue spake "Liberty!"—
Nothing but "Liberty, Liberty!"—ere sold into Mammon's hands
To groan the knell of Freedom to peoples of alien lands.

III.

Lost in a labyrinth madness—in a wilderness lost in vain,
Our sons, led wrong by lies of the Priests of Mammon, seek light again.
And is our land great by its mileage, or great by the hearts of its sons?
And is our land strong by its people's voice, or only by voice of its guns?
Well we know when pale Freedom lies bleeding and bound to an isle in the West;
Well we know when an Eagle sweeps out of the West upon her heart to feast.

IV.

Years upon years have we labored, lustily, lovingly, long;
But Ruin and Chaos our work must eclipse when Right is eclipsed by Wrong.
Where is the prophecy cried by the seer?—where is the patriot's prayer?—
The iron-firm hand to stay the stones?—the voice through the night: "Beware!"
Nothing is written, nothing is wrought, to warn of, to ward off the fall,
Save the hand of the Father held forth from the tomb—and those terrible words on the wall!

Mr. RIXEY. Mr. Chairman, it may be conceded that the people of this country have, in a large measure, become reconciled to the acquisition of Puerto Rico and the Hawaiian Islands. In each case the traditional policy of the Republic to avoid foreign complications is not violated, as the islands all lie in the Western Hemisphere, which we have always claimed within the sphere of our special influence. If we could disassociate the incorporation of these islands as a part of our territory from the permanent acquisition, ownership, and incorporation of the Philippine Islands, there would, I think, be little serious protest.

But the country will be surprised to learn that while Puerto Rico is a part of the territory of the United States, it is not entitled to any of the safeguards of the Constitution, and that there is no constitutional guaranty for the lives, liberty, and property of the 1,000,000 inhabitants of that island, or any of the other Territories; and that the same do not come within the designation "The United States." This position is boldly taken by the advocates of the pending bill as the only escape from the positive provision of the Constitution found in section 8, Article I, as follows:

The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States.

Congress, however, is itself the creature of the Constitution, being provided for in the first section of the first article of that instrument. Puerto Rico was acquired as the result of the constitutional power of Congress to declare war, and now, if retained, it can only be governed by the creature, Congress, in accordance with the mandate of its creator, the Constitution.

Congress can have no power or authority not conferred by the Constitution which brought it into being and gave it vitality. Legislation beyond this is usurpation.

If it is contended that the Constitution is not broad enough, the remedy is to amend it, not violate it.

In the bill under consideration, section 2 provides that all merchandise imported into Puerto Rico from ports other than United States ports shall pay the rate of tariff duties collected on merchandise from foreign countries imported into the United States.

There is no objection to this provision, as in this respect it deals with the island as a part of the United States.

Section 3, however, imposes a tariff on all merchandise coming into the United States from Puerto Rico and into that island from the United States at a rate equal to 25 per cent of the duties collected on merchandise imported into the United States from foreign countries.

Remembering that the Constitution, while providing that the Congress "shall have power to make all needful rules and regulations respecting the territory and other property of the United States," with equal emphasis provides that Congress shall only have power to levy "duties, imposts, and excises which shall be uniform throughout the United States," it is clearly seen that this provision is based upon the anomalous idea that while Puerto Rico has been regularly annexed and is a part of the territory of the United States, neither Puerto Rico nor the Territories of New Mexico nor Arizona are protected by the provisions of the Constitution guaranteeing uniform taxation "throughout the United States;" that the Constitution does not apply to any portion of our territory not included in the several States, and that we have a right not only to have and hold territory as colonies, but that they are not entitled to any of the guaranties or safeguards of the Constitution. If we have that right, then we have the right not only to tax them without the hope of ever having representation, but to hold them as subjugated colonies, and to place upon them burdens as great as those imposed upon the Israelites of old in their Egyptian bondage.

If this principle is sound, it means that we can govern territory as the Romans governed their colonies, by taxation without representation, and by the imposition of burdens which made serfs of the people and kept them in subjection by the iron hand of military rule.

I utterly abhor any such construction of the Constitution, for I glory in the greatness of our Republic and in its sufficiency to meet the ends and aims of what should be the greatest among the great powers of the world. It has the power to acquire territory as the result of conquest in war regularly declared by Congress and by treaty, but when acquired it becomes ipso facto a part of the United States, to be governed by Congress under and not outside of the constitutional limitations. If the contention of the majority of the committee is right, then there is no limitation except the will of Congress. If a constitutional limitation is right as to a part of our people and a part of our territory, why should it be denied as to any other portion?

It is not denied that territory annexed by conquest can be permitted to remain for a limited time under military rule, of which the President is the Commander in Chief, as was the case with the territory acquired in the Mexican war; but so soon as Congress takes possession and undertakes to legislate, military rule becomes subordained to civil authority, to be exercised in pursuance of and subject to the limitations of the Constitution. [Applause on Democratic side.]

A constitutional government is the only free government. By denying that the Constitution covers Puerto Rico, the assertion is put forth that we can deal with its people as subjects without any rights that the Government is bound to respect. Daniel Webster, in his great speech in the Senate on the 23d of March, 1848, on the "objects of the Mexican war," said:

Mr. President, for a good many years I have struggled to oppose everything that I thought tended to strengthen the arm of executive power. I think it is growing more and more formidable every day. And I think that in yielding to it in this, as in other instances, will give it strength which it may be hereafter very difficult to resist. I think that it is nothing else than fear of executive power that commits us to the support of this war for the acquisition of territory—fear—fear—and nothing else.

In the little part which I have acted in public life it has been my purpose to maintain the people of the United States, what the Constitution designed to make them, one people—one in interest, one in character, and one in political feeling. If we depart from that, we break it all up.

* * * * * * *

Arbitrary governments may have territories and distant possessions, because arbitrary governments may rule them by different laws and different systems. Russia may rule in the Ukraine and the provinces of the Caucasus and Kamchatka by different codes, ordinances, or ukases. We can do no such thing. They must be of us, part of us, or else strangers.

I think I see that in progress which will disfigure and deform the Constitution. While these Territories remain Territories they will be a trouble and an annoyance; they will draw after them vast expenses; they will probably require as many troops as we have maintained during the last twenty years to defend them against the Indian tribes. We must maintain an army at that immense distance. When they shall become States they will be still more likely to give us trouble.

I think I see a course adopted which is likely to turn the Constitution of the land into a deformed monster, into a curse rather than a blessing; in fact, a frame of an unequal government, not founded on popular representation, not founded on equality, but on the grossest inequality; and I think that this process will go on, or that there is danger that it will go on, until this Union shall fall to pieces. I resist it to-day and always. Whoever falters or whoever flies, I continue the contest!

I know, sir, that all the portents are discouraging. Would to God I could auspicate good influences! Would to God that those who think with me, and myself, could hope for stronger support! Would that we could stand where we desire to stand! I see the signs are sinister. But with few, or alone, my position is fixed. If there were time I would gladly awaken the country. I believe the country might be awakened, although it may be too late. For myself, supported or unsupported, by the blessings of God I shall do my duty. I see well enough all the adverse indications. But I am sustained by a deep and conscientious sense of duty; and while supported by that feeling, and while such great interests are at stake, I defy auguries and ask no omen but my country's cause!

Is there not ground now to reecho the fear then expressed? When once we cut loose from the Constitution we will drift upon the breakers as fast as the tide of empire, driven on by greed and lust for power, can carry us. The Constitution should be preserved inviolate, and no country should be annexed or incorporated as a part of our territory unless we are willing that our Constitution should go with our dominion. We want no subjects, no colonies, on any other terms.

The doctrine contended for here, that Congress is not restricted by the Constitution in regard to the territory not States, would clothe Congress and the President with as great autocratic power as that possessed by the Czar of Russia or was ever possessed by the emperors of old. In the Dred Scott case (19 Howard, 432), speaking in this part of the opinion for all of the justices of the court, the Chief Justice said:

There is certainly no power given by the Constitution to the Federal Government to establish or maintain colonies bordering on the United States or at a distance, to be ruled and governed at its own pleasure, nor to enlarge its territorial limits in any way except by the admission of new States.

In Loughborough *vs.* Blake (5 Wheaton, 317) Chief Justice Marshall said:

The eighth section of the first article gives to Congress the "power to lay and collect taxes, duties, imposts, and excises," for the purposes thereinafter mentioned. This grant is general, without limitation as to place. It consequently extends to all places over which the Government extends. If this could be doubted, the doubt is removed by the subsequent words, which modify the grant.

These words are, "But all duties, imposts, and excises shall be uniform throughout the United States." It will not be contended that the modification of the power extends to places to which the power itself does not extend. The power, then, to lay and collect duties, imposts, and excises may be exercised and must be exercised throughout the United States. Does this term designate the whole or any particular portion of the American empire? Certainly this question can admit of but one answer. It is the name given to our great Republic, which is composed of States and Territories. The District of Columbia or the territory west of the Missouri is not less within the United States than Maryland or Pennsylvania; and it is not less necessary, on the principles of our Constitution, that uniformity in the imposition of imposts, duties, and excises should be observed in the one than in the other. Since, then, the power to lay and collect taxes, which includes direct taxes, is obviously coextensive with the power to lay and collect duties, imposts, and excises, and since the latter extends throughout the United States, it follows that the power to impose direct taxes also extends throughout the United States.

The extent of the grant being ascertained, how far is it abridged by any part of the Constitution? The twentieth section of the first article declares that representation and direct taxes shall be apportioned among the several States which may be included within the Union according to their respective numbers. The object of this regulation is, we think, to furnish a standard by which taxes are to be apportioned, not to exempt from their operation any part of the country.

Again, page 321, same case, he says:

That the general grant to lay and collect taxes is made in terms which comprehend the District and Territories, as well as the States, is, we think, incontrovertible. The subsequent clauses are intended to regulate the exercise of this power, not to withdraw it from any part of the community.

This is the commonly accepted view of nine-tenths of the people of this country. Now, they will be surprised at this new dogma unfolded to justify the legislation proposed.

If the Supreme Court of the United States should uphold the legislation proposed in this bill, we may well seriously doubt the permanency of our institutions, because without restraints this Government will go the way of all the nations of antiquity and of all mortality.

The constitutional question involved in this bill is more serious to my mind than the acquisition of any particular piece of territory. As long as we acquire territory under the Constitution to be held and governed under it I do not despair, for if we find a country undesirable for permanent annexation, as I believe the Philippine Islands are, we can dispose of them; but when once we cast aside the guaranties of the Constitution, with the sanction of the Supreme Court, I fear that the rent can never be repaired nor the chasm bridged, but the natural forces of destruction will absolutely relegate the venerated Constitution to that oblivion which knows no awakening, except at the instance of a brave people struggling for liberty as were our forefathers.

But the Republican party seeks to justify its advocacy of this measure because it says uniform duties for Puerto Rico would be "in violation of the policy of protection." I answer, No more so than the free trade guaranteed by the Constitution between the States; but if it did, had you not better violate your "policy of protection" (sometimes denominated legalized robbery) than to violate the Constitution?

Are we so base and contemptible as to be persuaded to violate the Constitution because to obey it would not be in accord with the Republican policy of protection? [Applause on the Democratic side.]

Such argument indicates that you hold your "policy of protection" more sacred than the Constitution, and that you exalt expediency above principle.

The second reason given is that it would be "inimical to the interests of the United States with which Puerto Rican products would come in competition."

Is this a justification for a violation of the Constitution? Are the people to understand that the highest code of morals recognized by Congress is expediency and party success?

The fact that Puerto Rican products might do injury to those of this country might be a good reason against the retention of such territory, but none for a violation of the Constitution.

If such is the case, we should part with such territory. In any aspect, expediency should not be sufficient ground to annul the safeguards of the Constitution.

Is the reason assigned, that Puerto Rican products would injuriously affect American agriculture, the true one? Who believes it? It can be but a pretext. The little island of itself could not injuriously affect agriculture in the States. Is it not rather the Philippine problem, which looms up with its dark and forbidding aspect, and is likely to prove too great a burden for the Republican elephant?

The distinguished gentleman from Pennsylvania [Mr. DALZELL], in his able argument in favor of the bill on the first day of this debate, sought to stop the rout which had seized upon his party and to rally his colleagues by declaring that unless we could govern the islands outside of the Constitution, we had better be without them; that we could not, in his opinion, govern them so as to promote our welfare and theirs at the same time.

Why not take Democratic advice? Dispose of the Philippine Islands by giving them their freedom upon terms just to them and to ourselves?

But the Republican party has an alternative. Let it propose an amendment to the Constitution, authorizing Congress to hold all territory as subjugated colonies, entitled to none of the restrictions, limitations, or guaranties of the Constitution as to taxation or the lives, liberty, or property of the inhabitants. This is the manly way to meet the issue. It is an issue which the Democratic party would welcome.

Apart from the constitutional question, which is the most serious one involved, let us briefly consider whether the proposition to tax the Puerto Ricans 25 per cent on their exports to this country and 25 per cent on our imports to that country is fair and just treatment. The ports of Spain and Cuba, with which she had been accustomed to deal, have by tariff legislation been practically closed against her since her annexation to this country. Is it not our duty, therefore, to deal with that island in a liberal spirit? President McKinley thought so, and in his message to Congress used these words:

It is our plain duty to abolish all customs tariffs between the United States and Puerto Rico and give her products free access to our markets.

He further said this island—

Had been denied the principal markets she had long enjoyed, and our tariffs have been continued against her products as when she was under Spanish sovereignty. That the markets of Spain are closed to her products except upon terms to which the commerce of all nations is subjected. The island of Cuba, which used to buy her cattle and tobacco without customs duties, now imposes the same duties upon these products as from any other country entering her ports. She has therefore lost her free intercourse with Spain and Cuba without any compensating benefits in this market. The markets of the United States should be opened up to her products.

The Secretary of War, in his annual report, says:

The highest considerations of justice and good faith demand that we should not disappoint the confident expectation of sharing in our prosperity with which the people of Puerto Rico so gladly transferred their allegiance to the United States, and that we should treat the interest of this people as our own; and I wish most strongly to urge that the customs duties between Puerto Rico and the United States be removed.

But these considerations are also to give place to the time-serving policy of interest. Neither the Constitution nor the "highest considerations of justice and good faith" stand in the way of people whose self-interest is their God. They would wreck the Republic for the "almighty dollar." This provision is also objectionable because of the precedent it sets in taxing our people upon the products received from Puerto Rico, and directing that the revenue so derived shall not be covered into the general fund of the Treasury, but held to be expended for the benefit of Puerto Rico and for the improvement of that island.

This principle is contrary to the spirit of the Constitution and is, I believe, without precedent in the history of legislation by Congress. It is the assertion of the principle that Congress can tax one portion of our country for the benefit of another portion; that we can levy a tax upon the people of the States for the civilization and refinement of the people of the Philippine Islands or any other half-savage or semibarbarous people whom we may annex and to whom we may desire to extend our sweet-sounding policy of "benevolent assimilation."

The last provision of this bill is also objectionable because of the unrestricted power it confers upon the Executive. The fourth section provides:

That the customs duties collected in Puerto Rico in pursuance of this act, less the cost of collecting the same, and the gross amount of all collections of customs in the United States upon articles of merchandise coming from Puerto Rico shall not be covered into the general fund of the Treasury, but shall be held as a separate fund, and shall be placed at the disposal of the President to be used for the government and benefit of Puerto Rico until otherwise provided by law.

This provides that the customs duties collected in Puerto Rico and collected in the United States on articles of merchandise coming from Puerto Rico shall be at the disposal of the President, to be used for the government and the benefit of Puerto Rico. Unlimited discretion is here granted. The Committee on Ways and Means of the House estimate the annual revenue at $2,302,549.11, while the Senate Committee on Pacific Islands and Puerto Rico estimate the revenue thus to be placed at the unlimited disposal of the Executive at $3,000,000. A vast sum, indeed, and a great responsibility!

This action, however, follows as the natural result of the third section of the bill. First, the Constitution is to be so construed that Puerto Rico is to be governed or controlled as a "Crown" dependency; then $3,000,000 to be collected annually from its people and placed at the disposal of the President for the following generally expressed purposes:

For the expenses of the insular government, including the salaries of all officials, the expenses of maintaining the courts, jails, almshouses, etc., about $1,000,000.

For schoolhouses and educational purposes, $1,000,000.

For the construction of roads, building bridges, etc., and other necessary public improvements, $1,000,000.

What an opportunity to reward the shouters of expansion and imperialism!

This bill emphasizes one distinct difference between simple expansion and imperialism. Expansion is the addition of territory to be governed and controlled, subject to the limitations and safeguards provided in the Constitution. Whether we should expand or not is largely one of interest. Imperialism is the addition of territory to be governed and controlled as colonies, outside of the Constitution, and limited only by the will of the governing power.

This bill is particularly dangerous as an entering wedge to pave the way for imperialism, because it is sugar coated with appeals to the greed of the American people. If we can abrogate the Constitution as to Puerto Rico, what will be our limits as to the Philippine Islands, and what will be the confines of our colonial system or empire? Who is so credulous as to believe that we will stop with the Philippine Islands? Once govern outside of the Constitution, and history will repeat itself.

Of republican Athens the historian says:

In her, as in other republics of old and of modern times, the same energy that had inspired the most heroic efforts in defense of the national independence soon learned to employ itself in daring and unscrupulous schemes of self-aggrandizement at the expense of neighboring nations.

And again he says:

All republics that acquire supremacy over other nations rule them selfishly and oppressively. There is no exception to this in either ancient or modern times. Carthage, Rome, Venice, Genoa, Florence, Pisa, Holland, and republican France all tyrannized over every province and subject state where they gained authority.

Again, of Athens, he says:

While her great statesman Pericles lived, his commanding genius kept his countrymen under control and forbade them to risk the fortunes of Athens in distant enterprises while they had unsubdued and powerful enemies at their own doors. He taught Athens this maxim, but he also taught her to know and to use her own strength, and when Pericles had departed the bold spirit which he had fostered overleaped the salutary lines which he had prescribed.

Athens, with hardly a rival in her day, is, like Rome, merely a spot on the world's surface. Like Rome, the historian attributes the downfall of Athens because she, too, failed to observe the limits which nature seemed to have set for her boundaries.

Notwithstanding the passage of this bill, there is a hope still left—the appeal to the people, whose verdict I will await in the confident hope of a triumphant vindication of constitutional government. [Loud applause on the Democratic side.]

Mr. STOKES. Mr. Chairman, this bill is both vicious and unnecessary. The only provision in it that is not vicious is unnecessary. In so far as it seeks to apply to Puerto Rico the tariff laws of the United States it is a natural but an unnecessary thing. That follows as a corollary of the treaty of cession by which the island was acquired. In my view the moment the treaty with Spain was ratified the entire body of laws of the United States, so far as applicable, became operative in that island. This view has been promulgated time and again by the highest court of the realm.

This precise point, however, was passed upon in the case of California, in a case arising immediately after its acquisition, as one of the incidents of the war with Mexico. Here is what the court said:

But after the ratification of the treaty California became a part of the United States, or a ceded, conquered territory.

* * * * * * *

By the ratification of the treaty California became a part of the United States. And as there is nothing differently stipulated in the treaty with respect to commerce, it became instantly bound and privileged by the laws which Congress has passed to raise revenue from duties on imports and tonnage.

* * * * * * *

The sixty-third section, also, of that act, directing when tonnage duties were to be paid, became as operative in California after its cession to the United States as it was in any collection district.

* * * * * * *

Can any reason be given for the exemption of foreign goods from duty because they have not been entered and collected at a port of delivery? The last became a part of the consumption of the country, as well as the others. They may be carried from the point of landing into collection districts within which duties have been paid upon the same kind of goods, thus entering, by the retail sale of them, into competition with such goods and with our own manufactures and the products of our farmers and planters. The right claimed to land foreign goods within the United States at any place out of a collection district, if allowed, would be a violation of that provision in the Constitution which enjoins that all duties, imposts, and excises shall be uniform throughout the United States.

These last words are directly in point.

The opinion proceeds:

We will here briefly note those objections which preceded that which has been discussed. The first of them, rather an assertion than an argument—that there was neither treaty nor law permitting the collection of duties—has been answered, it having been shown that the ratification of the treaty made California a part of the United States, and that, as soon as it became so, the Territory became subject to the acts which were in force to regulate foreign commerce with the United States, after those had ceased which had been instituted for its regulation as a belligerent right.

ITS VICIOUS PHASE.

But the bill does not stop at attempting the unnecessary. It goes further, and proposes a new principle of taxation, a principle hitherto unknown in our economy—a principle against which our fathers fought through seven long weary years, and against which they hedged the Constitution in the most positive and unmistakable terms. It proposes to lay a tax upon certain commodities going into Puerto Rico from the United States and upon the same commodities coming into the United States from Puerto Rico.

STRANGE AS WELL AS VICIOUS.

This is a new and strange doctrine, Mr. Chairman, that jars painfully upon the ears of those whose memory of our past is not blurred by avarice and covetous greed.

For the first time in the history of Congress it is considering a proposition to tax domestic commerce, to tax commodities coming into some ports of the United States from other ports of the United States. Not only so, it is at the same time considering a proposition to tax commodities exported from certain States and destined for certain ports of the United States, a sort of double-barreled novelty gun which seems to be loaded at both ends.

CONSTITUTION FORBIDS.

Of course, Mr. Chairman, in both these respects this bill is in the very teeth of the Constitution. Hear what it says. Section 8 of the first article of the Constitution is as follows:

The Congress shall have power to lay and collect taxes, duties, imposts and excises to pay the debts, and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States.

And, again, in section 9, as if framed to meet the precise proposition, we find the following:

No tax or duty shall be laid on articles exported from any State.

Of course, it will be understood that the power to tax, the greatest of all the grants to Congress under the Constitution, is derived from Article I, section 8, as above; and in section 9 of the same article are grouped the restrictions and limitations of that power; the metes and bounds of that grant are there distinctly marked out.

ASSURANCE MADE DOUBLY SURE.

Yet, as if to make assurance doubly sure, the limitation of uniformity is added, in immediate juxtaposition to the grant itself, in the following unmistakable language:

But all duties, imposts, and excises shall be uniform throughout the United States.

It is impossible to conceive of a more direct prohibition of what is proposed in this bill. Is it strange that the dominant party should pause?

HAVE THEIR EARS TO THE GROUND.

Not that they fear or venerate the Constitution itself. When ever has the spirit of greed, once aroused in the human bosom and inflamed by imperial dreams and purposes, hesitated through reverence of moral or constitutional restraints?

No, it was the mutterings of the masses, voiced through an intelligent press, indicating that the spirit of constitutional liberty is not dead in the breasts of the common people that made them pause.

EXPANSION BY CONTRACTION.

And so, foiled in their purpose of imperial expansion by the terms of the Constitution, they now seek to contract the meaning of the term "United States," so as to limit its application, as used in the Constitution, to the 45 organized States that compose the Union. They have invented a new theory that the Constitution does not apply to the Territories; that Congress has plenary—that is to say, absolute—power over the Territories. They hold that in legislating or governing the Territories Congress is not restrained by any of the constitutional limitations. Let us see about this. If it were true, as held by the Ways and Means Committee, that the term "United States," as used in the Constitution, does not include the Territories—that the term applies only to the States—there would then be some color of ground for holding that the constitutional objection is not well taken on this point.

THE CLASS IN DEFINITIONS.

But what are the facts? What authority shall be deemed competent to decide upon the proper definition and limitation of the term United States? Undoubtedly there is an authority whose special jurisdiction of the subject is undisputed and whose dictum is final upon all points of controversy relative to the Constitution.

THE COURT'S TURN.

And what does the Supreme Court of the United States say? Has it ever spoken upon this precise question? Undoubtedly it has, frequently and unequivocally. In an unbroken line of decisions, covering a century of our history, that court has held the opposite view to that contended for by the Ways and Means Committee.

What, then, does the term "United States" include? Does it include the Territories? In other words, does the Constitution of the United States extend to the Territories? In at least one decision of the Supreme Court this precise question is asked and answered in the most explicit terms, and it is answered to the confusion of the proponents of this measure. There are many in which the same view is held by implication.

In the leading case, Loughborough *vs.* Blake, Chief Justice John Marshall, one of the beacon lights of the bench for all future jurisprudence, rendered the decision of the court, and here is what he said:

The eighth section of the first article gives Congress the power to lay and collect taxes, duties, imposts, and excises for the purposes thereinafter mentioned. This grant is general, without limitation as to place. It consequently extends to all places over which the Government extends. If this could be doubted, the doubt is removed by the subsequent words, which modify the grant. These words are, "but all duties, imposts and excises shall be uniform throughout the United States."

It will not be contended that the modification of the power extends to places to which the power itself does not extend. The power, then, to lay and collect duties, imposts, and excises may be exercised, and must be exercised, throughout the United States. Does the term designate the whole or any particular portion of the American empire? Certainly this question can admit of but one answer. It is the name given to our great Republic, which is composed of States and Territories. The District of Columbia or the territory west of the Missouri is not less within the United States than Maryland or Pennsylvania, and it is not less necessary on the principles of our Constitution that uniformity in the imposition of imposts, duties, and excises should be observed in the one than in the other.

Could language be more explicit or the issue more directly in point? Note the answer to the direct question here involved:

Does the term designate the whole or any particular portion of the American empire?

Now note the answer:

Certainly this question can admit of but one answer. It is the name given to our great Republic, which is composed of States and Territories.

The case of Cross, etc., *vs.* Harrison (16 Howard, 164) is decisive in determining that in our new possessions the imposts, duties, and excises collected there must be uniform with those in the States and bases it upon the constitutional requirement of uniformity. The facts in that case are as follows: The treaty of peace was made between the United States and Mexico on the 3d of February, 1848. By that treaty California was ceded to the United States. As soon as this was done the Government authorities at Washington directed their subordinates in California to at once collect the customs duties there on goods from foreign countries, as provided by the laws of the United States.

Congress did not pass the act extending the customs laws of the United States to California and designating therein a port of entry until the 3d of March, 1849. Between the 3d of February, 1848, and the 3d of March, 1849, Cross brought to the port at San Francisco goods upon which Harrison, the Government subordinate, demanded payment of duties under the laws of the United States. Cross paid under protest and afterwards brought suit to recover the amount paid. His contention was that the customs laws of the United States did not extend to California until the act of Congress extending them was passed; hence the amount was illegally collected, having been paid before the act was passed.

The courts held that the custom laws extended to California as soon as it was ceded, and therefore the amount was properly collected.

In delivering the opinion in this case Justice Wayne says:

To permit these goods to be landed in the port at San Francisco would be a violation of that provision of the Constitution which enjoins that all duties, imposts, and excises shall be uniform throughout the United States. Indeed, it must be clear that no such right exists, and that there was nothing in the condition of California to exempt importers of foreign goods into it from the payment of the same duties which were chargeable in the other parts of the United States. * * * That the ratification of the treaty made California a part of the United States, and that as soon as it became so the territory became subject to the acts which were in force to regulate foreign commerce with the United States after those had ceased which had been instituted for its regulation as a belligerent right.

In the Dred Scott case, which has been so frequently affirmed, Judge Taney uses the following language:

The words "territory belonging to the United States" were not used in the Constitution to describe an abstraction, but to identify and apply to those actual subjects-matter then existing and belonging to the United States, and other similar subjects which might afterwards be acquired; and this being so, all the essential qualities and incidents attending such actual subjects are embraced within the words "territory belonging to the United States."

If other decisions upon collateral issues be desired, the reports teem with them. I submit only a few, going to the point that the Constitution does operate in the Territories.

In Reynolds *vs.* United States (98 U. S., 162) the court said:

Congress can not pass a law for the government of the Territories which shall prohibit the free exercise of religion. The first amendment to the Constitution expressly forbids such legislation.

In Springfield *vs.* Thomas (166 U. S., 707), a case from the Territory of Utah, the court said:

In our opinion the seventh amendment secured unanimity in finding a verdict as an essential feature of trial by jury in common-law cases. The act of Congress could not impart the power to change the constitutional rule and could not be treated as attempting to do so.

In Thompson *vs.* Utah (170 U. S., 346) Justice Harlan says:

That the provisions of the Constitution of the United States relating to the right of trial by jury in suits at common law apply to the Territories of the United States is no longer an open question.

In Murphy *vs.* Ramsey (114 U. S., 15) the court says:

The people of the United States as sovereign owners of the National Territories have supreme power over them and their inhabitants. In the exercise of this sovereign dominion they are represented by the Government of the United States, to whom all the powers of government over that subject have been delegated, subject only to such restrictions as are expressed in the Constitution or are necessarily implied in its terms.

If there were further doubt that the Constitution of the United States extends to all territory subject to the authority of the United States, it would be removed by the case of Callan *vs.* Wilson. (127 U. S., 550.) Congress had passed an act permitting justices in the District of Columbia to inflict punishment in certain cases without providing for jury trial, as guaranteed in the Federal Constitution. It was insisted by Callan that the act was void, being repugnant to the Federal Constitution. It was insisted by the Attorney-General that Congress had unlimited power over the District, and that the provisions of the Federal Constitution could not restrain it, since section 8, Article I, of the Constitution, in enumerating the powers of Congress provided—

To exercise exclusive legislation over such District (not exceeding 10 miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of the Government of the United States.

Yet the court held that Congress did not have power to legislate for the District, unrestrained by the Federal Constitution, but that the Constitution extended over the District, and that the act of Congress in permitting the infliction of punishment without jury trial was contrary to the sixth amendment, hence void.

In another decision directly in point is found, in Shively *vs.* Bowlby (152 U. S., 1), the following:

The Territories acquired by Congress, whether by deed of cession from the original States or by treaty with a foreign country, are held with the object, as soon as their population and condition justify it, of being admitted into the Union as States, upon an equal footing with the original States in all respects.

STATESMEN TAKE A TURN.

If we enter, Mr. Chairman, upon the broader but no less respectable field of political dicta upon this precise point, the weight of opinion is equally conclusive. I quote only two. The words of Calhoun, half a century ago, are as pertinent to the present situation as they were to the one in hand when uttered. Here is what he said:

That it would be contrary to the genius and character of our Government and subversive of our free popular institutions to hold Mexico as a subject province is a proposition too clear for argument before a body so enlightened as the Senate. You know the American Constitution too well—you have looked into history, and are too well acquainted with the fatal effects which large provincial possessions have ever had on the institutions of free states—to need any proof to satisfy you how hostile it would be to the institutions of this country to hold Mexico as a subject province. There is not an example on record of any free state holding a province of the same extent and population without disastrous consequences. The nations conquered and held as a province have, in time, retaliated by destroying the liberty of their conquerors through the corrupting effect of extended patronage and irresponsible power. Such certainly would be our case. The conquest of Mexico would add so vastly to the patronage of this Government that it would absorb the whole powers of the State; the Union would become an imperial power, and the States reduced to mere subordinate corporations. But the evil would not end there; the process would go on, and the power transferred from the States to the Union would be transferred from the legislative department to the Executive. All the immense patronage which holding it as a province would create—the maintenance of a large army to hold it in subjection and the appointment of a multitude of civil officers necessary to govern it—would be vested in him. The great influence which it would give the President would be the means of controlling the legislative department and subjecting it to his dictation, especially when combined with the principle of proscription, which has now become the established practice of the Government. The struggle to obtain the Presidential chair would become proportionably great—so great as to destroy the freedom of elections. The end would be anarchy or despotism, as certain as I am now addressing the Senate.

Equally clear and in point are the words of Webster in the period of his ripest statesmanship:

In the part which I have acted in public life it has been my purpose to maintain the people of the United States what the Constitution designed to make them—*one people, one in interest, one in character,* and *one in political feeling.* If we depart from that we break it all up. Arbitrary governments may have territories and distant possessions, because arbitrary governments may rule them by different laws and different systems. Russia may rule in the Ukrane and the provinces in the Caucasus and Kamchatka by different codes, ordinances, or ukases. We can do no such thing. They must be *of us, part of us, or else strangers.*

ALL THE SAME WAY.

And so, Mr. Chairman, through an unbroken line of decisions and opinions by individuals and combinations of individuals who have been generally supposed to be entitled to have opinions and entitled to decide things, and whose decisions and opinions, when rendered, have hitherto been supposed to be entitled to respect—all these the Republican party, enticed and dazzled by the glittering visions of empire which Satan has showed them, on the one hand, and on the other driven by the powerful allies of past political battles, the trusts, is facing to-day in this bill.

THE MEANING OF IT.

According to the new dogma, the Constitution does not extend to the Territories, and hence Congress may legislate or exercise authority over the Territories unrestricted by any of the limitations of the Constitution.

It seems incredible that such a contention should be seriously made by gentlemen in this presence. What does this mean? It says in effect that the Congress, which is the creature of the Constitution, extends where the Constitution itself has no jurisdiction. Applied to this particular bill it means that Congress can tax the people of our Territories without regard to the specific limitation placed on that power.

POWER AND LIMITATION COEXTENSIVE.

Where does Congress get the power to tax? From the Constitution, undoubtedly. When it lays a tax on Puerto Rico, it does so in the exercise of the power granted it by the Constitution. No one will deny this; and yet, according to the contention of the majority, the positive grant contained in the Constitution to lay taxes goes to the Territories, but the limitations upon that power contained in the same article and section do not go. Can a more irrational proposition be conceived.

HAVE NO RIGHTS.

According to the contention of the proponents of this measure, the people of the Territories have no rights that Congress need respect. The Bill of Rights does not extend to them, and Congress can govern without a single restraint or limitation. Was ever a more absolute despotism conceived by the brain of man?

LUMINOUS HISTORY.

The fathers left absolutely no doubt as to what their purposes and intentions were on this point. But if they had, the history of the time preceding and leading up to the war of independence is luminous. If the framers of the bill under consideration had searched the musty records of the Parliament and cabinet of George III for forms of legislation and for arguments to sustain it, they could scarcely have tracked more closely the measures and methods of that despotic monarch in his dealings with our ancestors.

"BOSTON TEA PARTY."

It was the very essence and marrow of that struggle that England imposed an import duty upon her colonial dependencies. That is the very essence and marrow of the grievances that aroused the undying hatred of unhappy Ireland. Shall we enter upon a policy that our Government was framed to be a perpetual protest against? Shall we enter upon the policy of constructing in our hemisphere, upon our very shores, another Ireland, to be a plague spot in our history, to rend us with perpetual protest and hatred and bitterness? I can not believe, Mr. Chairman, that the calm judgment of the American people will ratify such purpose and such plan, even if enacted into law by the Republican party under whip and spur of the sugar and tobacco trusts.

ANOTHER BARRIER.

But there is another clause of the Constitution, Mr. Chairman, which this bill contravenes. Even if the other obstacles could be disposed of, there would still be serious trouble growing out of section 9 of the same article of the Constitution. The clause to which I refer reads:

No tax or duty shall be laid on articles exported from any State.

How will you get goods from the United States into Puerto Rico without exporting them from a State? There are no distinctively United States ports. So that all goods going to Puerto Rico from any port of the United States must perforce go from some State, and this bill provides for a tax upon goods so going into Puerto Rico; and hence the collection of a tax upon goods so going would be in violation of the plain inhibition of the Constitution, and the court would be bound to so hold in the first case brought to its attention.

PER CENTS VS. PRINCIPLE.

Mr. Chairman, I have not thought it worth while to argue the amount of the tax or the duration of its imposition in the presence of the overshadowing question of principle. It seems to me elementary that if such tax as that proposed contravenes the Constitution, a reduction of the per cent imposed, or of the time through which it is to operate, can not in anywise alter the situation so far as the principle is concerned. What have per cents and periods of time to do with the principle involved? It is perfectly clear that if Congress can impose a tax upon domestic commerce under our Constitution for two years it can impose that tax for all time.

If Congress can, in the face of constitutional inhibition, impose a tax of 25 per cent or 15 per cent upon domestic commerce, it can impose any per cent. If either or both of these things can be done as between Puerto Rico and the United States for the benefit of the sugar and the tobacco trusts, it can be done at the behests of other trusts against your State and mine.

A SUBTERFUGE.

But it is offered as a salve to the consciences of those who have opposed the principle of the measure that the tax will be paid by the tobacco and the sugar trusts. This, too, is disingenuous to the last degree, and does not go to the point.

But taking it as true—if it be true—then why deal so tenderly with these trusts? Why give them the benefit of 75 per cent or 85 per cent of the duty paid upon the same goods coming from other points? If it be true that this duty will be paid by the trusts and if the need of Puerto Rico be so great, why not collect

the full rates of the Dingley bill? Why this tender consideration of these enemies of the people?

OUR DUTY.

Mr. Chairman, I deeply sympathize with Puerto Rico. Her fate is, indeed, a hard one, and I would be glad to extend the helping hand to her prostrate interests. It is the duty of this Government to do so, but it should be done in an orderly way, in a lawful way.

NOT THE ONLY WAY.

We are not shut in to this way of extending the help so sorely needed. There are other ways of giving relief—ways that have been pointed out, ways that the inhabitants themselves have suggested. Why, then, does the Republican party insist upon this method of relief in the very teeth of the Constitution, when other lawful constitutional methods of relief are available? The answer is plain.

THE REAL QUESTION.

It is because this question has a broader significance than its relation to Puerto Rico. Puerto Rico and its trade is a mere incident, a trivial incident, by comparison. The real motive lies further back in the ulterior purposes of that party with reference to Cuba and the Philippines. This is the preliminary step to the exploitation of those unfortunate islands, while keeping on terms of friendship and mutual helpfulness with its progeny of trusts at home.

But it is not my purpose here to discuss this measure in its remote bearings upon the Philippine problem. More than a year ago I gave my views on that question. Much of what I then said in the nature of a forecast has been written as part of the history of our country, and written to our shame.

In concluding, I desire to print some documents that reflect light on some phases of the question that I have not discussed in detail.

I append hereto a statement from the commissioners sent to this city by the people of Puerto Rico to present their needs to Congress, together with a statement from the Merchants' Association of New York, bearing upon the commercial conditions of the island. [Loud applause.]

APPENDIX.

The members of the several delegations from Puerto Rico, sent here to explain to the members of Congress the conditions existing in their island and to ask for it the establishment at once of free commercial relations with the United States, to the end that the people of Puerto Rico may be relieved from the bankruptcy which stares them in the face and the fearful contemplation of thousands of deaths among their poor by reason of the starvation which is following the stagnation in business, worse than ever before in the history of the island, and due chiefly to the contraction of business which has followed the control of the island by the United States, and having read the compromise measure adopted at the conference of the Republican members of Congress held last night, desire to make the following statement to Congress and the public:

One of the reasons given by the Republican leaders in Congress, who stand behind the tariff measure, is that they see no other way in which money can be raised for the support of the island except by direct taxation, which they allege the people of Puerto Rico would not agree to, or by special appropriation by Congress. Let us say on this point that the island of Puerto Rico raised an annual budget of $4,400,000. Of this amount the following sums, in round numbers, were, for the army, $1,200,000; for the minister of colonies, $400,000; for pensions, $300,000; for the clergy, $400,000; for the navy, $400,000; making a total of $2,700,000. Thus there were raised for these purposes annually an amount larger than the total amount now required for the expenses of the island, as estimated by Governor-General Davis, and larger by far than will be raised by the proposed tariff. We refer with pride and call the attention of the people of the United States to the fact that we freed our own slaves, paying therefor, in principal and interest, about $12,000,000, without asking aid from Spain or elsewhere. We repudiate the idea that we can not raise the amount necessary to carry on the affairs of the island.

The idea and theory of a tariff is repugnant to us. Our people, since the American occupancy, have been led to believe by Americans themselves, by the utterances of such eminent officers as General Miles, General Henry, and General Davis, by the Secretary of War in his annual report, by the honored President of the United States in his annual message to Congress, by the terms of the bill originally introduced in the House of Representatives by the chairman of the Committee on Ways and Means, and by the almost universal expression of opinion in the public press, that they were entitled to and would receive, without any material delay, absolutely free commercial relations with this country, to which they now must look, but instead of which a tariff unnecessary for revenue is offered.

The United States Government, through the State Department, has recently negotiated a treaty with the island of Trinidad, in the West Indies, which is a British province and a direct competitor of Puerto Rico, by the terms of which treaty Trinidad is to receive from the United States, free of duty, all articles of machinery and implements and articles of husbandry and nearly all food supplies, the free list for Trinidad in this treaty being larger by far than the list of articles now admitted free in Puerto Rico by Executive order, every one of which it is proposed to tax under the tariff bill now pending in Congress. Is this fair? We think not.

The time for a vote on this bill is rapidly approaching, and we therefore do not intend to make any elaborate argument, being content to stand before our people at home and the people of the United States on the general broad proposition that the island is entitled to receive absolutely free commercial relations at once, and that with them it can be easily made not only self-supporting, but will speedily become an exceedingly valuable possession of the United States, with a population loyal to the flag.

Every Puerto Rican and every American who knows the situation of the island believes that the mere announcement of the grant of free commercial relations, as a matter of justice, and therefore irrevocable, will bring instant relief and permanent prosperity to the industries of our island.

Respectfully submitted.

GEO. I. FINLAY,
MANUEL FERNANDEZ JUNCOS,
JOHN D. N. LUCE,
J. JULIO HENNA,
ARTURO BRAVO,
J. R. LATIMER,
L. SANCHES MORALES,
LUCAS AMADEO,
AZEL AMES,
T. LARRINAGA,
R. VALDES,
Commissioners of Puerto Rico.

WASHINGTON, D. C., *February 27, 1900.*

The Merchants' Association of New York, a commercial body in that city, composed of 1,400 firms and corporations, having no interest in Puerto Rico but the general one of expanding trade and commerce, has investigated thoroughly the commercial conditions in that island through its accredited representative, Mr. William R. Corwine, and the officers of that association believe fully that the speedy establishment of free commercial relations is absolutely necessary to place the island in a proper position.

THE MERCHANTS' ASSOCIATION OF NEW YORK,
By WM. R. CORWINE.

Mr. STEPHENS of Texas. Mr. Chairman, I feel that I would be derelict in my duty to my country and to my constituents if I should fail to denounce and vote against the pending bill. I oppose it because it violates the plain letter of the Constitution in two important particulars—first, Article I, section 9, paragraph 5, says:

No tax or duty shall be laid on articles exported from any State. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to, or from, one State, be obliged to enter, clear, or pay duties in another.

This bill also directly violates section 8, Article I, of the Constitution, which is as follows:

The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States.

The only answer the advocates of this bill have to make to avoid these clauses of the Constitution is the puerile statement that Puerto Rico is not a part of the United States; hence the Constitution does not apply to that island. I ask them why we are legislating for this island if it is no part of the United States. Can Congress legislate for territory outside of the United States? If Puerto Rico does not belong to the United States, then to whom does it belong? If it belongs to our Government and Congress has a right to legislate for it, then we obtain that right by virtue of our written Constitution, and we are bound by it, and we can no more pass an unconstitutional act affecting Puerto Rico than we can one affecting Oklahoma. The Revised Statutes of the United States, Title XXIV, section 1977, makes imports from our new islands, including Puerto Rico, free of duty. That statute reads as follows:

All persons within the jurisdiction (civil) of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property, as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other.

This, then, appears to me to be the legal and constitutional status of those islands and people thereof the moment they become "Territories of the United States."

The large number of Supreme Court decisions relative to Florida, New Mexico, Texas, California, and in fact every inch of territory annexed to the original thirteen States have established precedents in constitutional law that can not be ignored or overcome; and in proof that I have some reasonable foundation for the opinion I beg to call your attention to a very few of the many citations of Supreme Court decisions and legal opinions given in support thereof.

In Thompson *vs.* Utah (170 U. S., 348) the Supreme Court held that—

The sovereign power of the United States over Territories is subject to such restrictions as are imposed and expressed in the Constitution or are necessarily implied by its terms.

So also in the California case, Cross *vs.* Harrison (16 Howard, 164), when the Territory of California was acquired, and before Congress had acted, supplying the machinery for carrying the constitutional provisions into execution, the military governor imposed duties on foreign goods brought into California different from what they were before the cession, but the same tariff the Government of the United States imposed throughout its domains. The Supreme Court decided that immediately upon the cession of the territory to the United States the Constitution and laws of the United States, so far as they could be enforced, extended to the territory ceded, and Justice Wayne held that—

The right claimed to land foreign goods within the United States at any place out of a collection district, if allowed, would be in violation of that provision in the Constitution which enjoins that all duties, imposts, and excises shall be uniform throughout the United States. * * * As to the denial of the authority of the President to prevent the landing of foreign goods in the

United States out of a collection district, it is only necessary to say that if he did not do so it would be a neglect of his constitutional obligation to take care that the laws be faithfully executed.

But it seems that the Constitution, the statutory laws, and the decisions of our Supreme Court are incapable of preventing the Republican party from legislating in favor of the tobacco, rum, and sugar trusts. The majority report on this bill, made wholly by the Republican members of the committee, was submitted by Chairman PAYNE. It says the 25 per cent duty is necessary to prevent United States manufacturers of spirits and cigars from being at a disadvantage.

The report declares that the revenue laws to be applied to Puerto Rico are absolutely within the power of Congress to determine.

After reviewing former additions of territory and citing many cases in support of its contention, the report concludes:

First. That upon reason and authority the term "United States," as used in the Constitution, has reference only to the States that constitute the Federal Union and does not include Territories.

Second. That the power of Congress with respect to legislation for the Territories is plenary.

Third. That under that power Congress may prescribe different rates of duty for Puerto Rico from those prescribed for the United States.

Mr. Chairman, if it is true that Congress can pass a law taxing Puerto Rico more than other parts of the United States regardless of the Constitution, then it follows that it also has the power to pass ex post facto laws, bills of attainder, and to do all other acts prohibited by the Constitution, and the people of Puerto Rico are merely subjects without legal rights, and can only enjoy their lives and property by the will of Congress.

The gentleman from Ohio [Mr. GROSVENOR], speaking on this bill last Thursday in this House, said:

We have Puerto Rico and the Philippines on our hands, and we are going to make all the money out of the transaction we can.

Therefore he advocates this bill so as to rob the poor, helpless Puerto Ricans for the benefit of three of his beloved trusts—the sugar, the rum, and the tobacco trusts. These trusts will repay the Republican party by furnishing them part of their spoils to corrupt voters and carry the elections this fall.

The Democratic party carried our boundary line from the Mississippi to the Pacific Ocean, but it did not violate the Constitution by passing laws to loot the people of the added territory for the profit of rich spoilsmen.

The minority report on this bill is signed by all the Democratic members of the Ways and Means Committee and Representative NEWLANDS, the Silver member of that committee. It says in part:

The undersigned members of the committee are unable to agree with the conclusions of the committee in respect to the bill reported to regulate the trade of Puerto Rico, and for other purposes. The bill is framed upon the idea and the assumption that Congress enters upon the government of Puerto Rico unrestrained by the provisions of the Constitution.

Our Union is one of States with a common interest and a common destiny. The blessings of free government rest alike upon all of our people, whether in the thirteen original States or in the youngest member of the Union or in the newest acquired territory.

This is the true doctrine. Puerto Rico was acquired by us from Spain less than two years ago. Spain permitted her to have 12 representatives and 4 senators in the Spanish Cortes. Those members had the right to speak and vote. We do not allow the Delegates from Oklahoma, New Mexico, or Arizona to vote in Congress. Puerto Rico elected an insular legislature of her own. She only paid a 10 per cent duty on trade with Spain, and this was to have been abolished over one year ago.

What is the present condition of these Puerto Ricans, who hailed us as their friends and deliverers during the late Spanish war? I will let President McKinley answer my question. He said in his message to this Congress that—

It must be borne in mind that since the session Puerto Rico has been denied the principal markets she has long enjoyed, and our tariffs have been continued against her products as when she was under Spanish sovereignty. The markets of Spain are closed to her products except upon terms to which the commerce of all nations is subjected. The island of Cuba, which used to buy her cattle and tobacco without customs duties, now imposes the same duties upon these products as from any other country entering her ports. She has therefore lost her free intercourse with Spain and Cuba without any compensating benefits in this market. Her coffee was little known and not in use by our people, and therefore there was no demand here for this, one of her chief products. The markets of the United States should be opened up to her products. Our plain duty is to abolish all customs tariffs between the United States and Puerto Rico and give her products free access to our markets.

The Secretary of War, in his recent report to Congress, said:

The question of the economic treatment of the island underlies all the others. If the people are prosperous, and have an abundance of the necessities of life, they will, with justice, be easily governed, and will, with patience, be easily educated. If they are left in hunger and hopeless poverty, they will be discontented, intractable, and mutinous.

The principal difficulty now on the island of Puerto Rico is that the transfer of the island from Spain to the United States has not resulted in an increase of prosperity, but in the reverse. The industry of the island is almost entirely agricultural. The people live on the products of their own soil and upon the articles for which they exchange their surplus products abroad. Their products are in the main coffee, sugar, and tobacco. The prosperity of the island depends upon their success in selling these products. I most strongly urge that the custom duties between the United States and Puerto Rico be removed.

The chairman of the Ways and Means Committee introduced a bill a few weeks ago to carry out the policy of free trade with Puerto Rico recommended by the President and Secretary of War. But the power behind the throne—the trusts—has spoken, and the wise and just words of the President have been disregarded if not recalled by him. The free-trade bill has been strangled in the committee room and this miserable abortion has been brought before this House by its wet nurses, the leaders of the Republican party. I will let Mr. BROMWELL, a Republican who addressed this House a few days ago on this subject, state why the President, the Secretary of War, and the chairman of the Committee on Ways and Means have so recently changed their minds. He says:

The only conclusion that I can reach is the opposition that has been made by certain interests in this country, who fear that the freedom of trade will injure the prices of the productions in which they are interested by bringing competition from the island.

These certain interests can be none other than the sugar, rum, and tobacco trusts. Here we have proof positive that the trusts own and control the Republican party. The great question plainly now before us is this: Shall we have a piratical trust-ridden empire, or restore the constitutional republic of our fathers? Will we cling to our Republic or found an empire?

I earnestly hope that this bill will open the eyes of the American people to the fact that the Republicans are imperialists. Already I hear the mutterings of the coming storm of public execration that will, I hope, sweep this imperialistic party from power this fall. I will read a letter just received by me from Carpenters and Joiners' Union No. 526, of Galveston, Tex., also the newspaper clipping referred to, as follows:

UNITED BROTHERHOOD OF CARPENTERS AND JOINERS
OF AMERICA, LOCAL UNION NO. 526,
Galveston, Tex., February 21, 1900.

DEAR SIR: Inclosed find clipping demanding justice taken from a New York paper. Local Union 526, Carpenters and Joiners of America, thinks same should have a thorough investigation.

Fraternally, yours,
W. P. MITCHELL,
Recording Secretary.

Mr. J. H. STEPHENS, M. C.

DEMANDING JUSTICE—THE PITIFUL APPEAL OF PUERTO RICAN LABORERS.

Two Puerto Rican labor leaders, who arrived here from the island a few days ago, have issued an appeal to this Government on behalf of the workingmen of Puerto Rico.

The two delegates, who have established headquarters in this city, declare that the working class of the island have been reduced by reason of the war, the hurricane, and the action of this Government since the storm to a condition of extreme destitution.

They declare that unless action is taken soon riots will occur throughout the island, as the poor are desperate from their sufferings.

To get justice, say these delegates, is almost impossible for the poor, and the laws practically result in the disfranchisement of the laborers. Of the 1,000,000 inhabitants, 60,000 are absolutely paupers, through no fault of their own.

The workingmen demand a radical change in the government of the island. They ask that the following ordinances of Governor-General Davis be annulled:

1. That laborers on the public works shall get no more than 25 cents per day for eight hours' work.
2. That only property owners and taxpayers shall vote, and those who can read and write.
3. That the payment of $1 shall be made before a vote is cast.

The workingmen also ask that the ordinance forbidding appeals from the decisions of tribunals be abrogated. They also want a general market for imports and better schools.

The Republican party brought on the civil war and conquered the South to free the negroes belonging to their Southern brethren. This same party now ignores the Constitution, the Bill of Rights, and even the Ten Commandments, in order to enslave yellow, brown, and black men in the newly acquired islands. In the language of the gentleman from Ohio [Mr. GROSVENOR], we have the islands on our hands and we are going to make all the money out of them we can. Greed is the inspiring object and the purpose of this bill and of all this vicious, new, dangerous, un-American, and imperialistic Republican legislation.

The Republicans have always pretended to be the friends of the negroes of the South; but it has only been so for the purpose of controlling their votes. If they are so friendly to negroes in the States, why do they treat them as outlaws and as unworthy of citizenship in the islands? If they are the friends of the negro race, why do they not appoint negro postmasters in the Northern States as well as in the Southern States? Why do they not quarter negro troops in the North as well as in the South? There is a negro regiment stationed along the Rio Grande River in my State, and the conduct of these negro soldiers has been so outrageous that the county and State authorities have requested the War Department to remove them from the State and to replace them by white troops.

This has been refused and the threat made by this Republican Administration that if they removed the negro troops they would abandon the forts along that border and leave it unprotected. One of the causes of the American Revolution was that King George quartered his troops among the people over their protest.

Yet this Republican Administration keeps a negro regiment in my State over the protest of its executive and civil officers.

A few days ago two negro soldiers, stationed at Fort Bliss, near El Paso, came into that town, got drunk and disorderly, and were arrested by the city police and put in the jail. The next morning about daylight a squad of their comrades attacked the jail and killed one of the guards. I will read an account of the murder from a Republican paper published in El Paso. It is as follows:

EL PASO, *February 17, 1900.*

The dawn of day was ushered in this morning with a most shocking tragedy.

A brave and fearless officer, a popular young man, and a gallant soldier of the Rough Riders, lies dead amid the mourning of his bereaved parents, his comrades, and many friends.

A negro soldier is dead, shot by Officer Dick Blacker, who amid a storm of bullets stood the ruffians at bay and defeated their attempt to storm the jail, though his comrade lay weltering in his blood.

DOING THE TOWN.

Last night a party of negro soldiers were in town visiting the resorts of the tenderloin, and one, a corporal named Dyson, was arrested at the corner of Second and Utah streets by Officers Christley and Scott for creating a disturbance.

He was very drunk and abusive, and declared he would run the entire police force out of town.

During the day yesterday Officer Winkler had arrested Thomas Gatewood, another soldier, for a similar offense, and he was fined $10 by Recorder Patterson and was serving out his fine.

About 5 o'clock this morning a band of about twelve or fourteen negro soldiers entered town from the direction of Fort Bliss. They went straight to the police station.

At the station the night force was still on duty. Officer Newton Stewart was in the anteroom, while Dick Blacker was sleeping on an iron bed in the part partitioned off. Just how it all happened probably will never be known, because the truth can not be expected from the murderers, and poor Stewart, the only other man who knew, is dead.

When seen by a Herald reporter Mayor Magoffin said: "No, I have not called a special meeting and have no intention of doing so. There is no need for anything of that kind. The thing to do is to keep cool, find out the guilty parties and punish them. This can only be done by the officers. Captain Laughborough has promised to render the chief every assistance in his power; and he will, too. He is a West Pointer and a strict disciplinarian, and will not let any guilty man escape if he can help it."

The county attorney, Mr. Edwards, said:

"I have been opposed to the policy of being lenient with soldiers who get into trouble in town. Many of them have been arrested here and turned over to their captain whenever he asked for them out there. That gives them the idea that the civil authorities have no power over them. I gave orders some time ago to the constables to hold for trial every soldier arrested. If he can get clear, all right; if not, he must take the consequences. I remember when the Texas Volunteers were here one of them made his boast to me that we could not do anything to them in town. I told him just try it and see if we could."

CITY ATTORNEY'S VIEWS.

City Attorney Kemp said:

"The primary cause of all this trouble is the inherent meanness of the negro. He is not fit to be a soldier, and should never be allowed to have a gun in his hands."

FEDERAL OFFICIAL'S OPINION.

Hon. Moses Dillon, collector of customs, said:

"We must get those negroes out of here. They are simply breeders of trouble. The negro is the same wherever you find him. Put him into a uniform and he thinks he can run things to suit himself."

Mr. Chairman, Mr. Moses Dillon is a Republican and one of President McKinley's appointees, and he speaks the truth about negro soldiers. They have committed many outrages in Texas as well as in many other Southern States.

The same paper I have quoted, speaking of this El Paso trouble, prints the following statement:

To a Herald reporter this morning Mayor Magoffin said: "I have wired Congressman STEPHENS that I think it will be for the best interests of the service to have these soldiers removed. I am convinced that it should be done. There is undoubtedly a great deal of feeling against these negroes and the first time one of them makes a little break a killing may follow, and we certainly don't want any of that."

Captain Laughborough this afternoon said that he had nothing new to disclose. The officials who went to the fort yesterday said that they only went there to confer as to the best method of catching the guilty parties.

In my judgment, the time has come when the Representatives in this House from the districts where these outrages have been committed should vigorously object to the use of negro soldiers in the South, and I here and now enter my most earnest protest against this outrage on the rights of the people of my district, and demand that these negro soldiers be sent elsewhere and white troops be sent to Fort Bliss.

The Republican party has become the mouthpiece and the servant of plutocracy. The Republicanism of Lincoln is as far from the Republicanism of Marcus Hanna McKinley as Lazarus was from Dives when he looked out over the impassable gulf. The devil did not hold Dives with any firmer grasp than Marcus and the trusts now have on McKinley. Two months ago he said in his message to Congress that our plain duty was to give Puerto Rico free trade. Plutocracy said nay, and its tool, McKinley, joins in the chorus and threatens his party associates who still have a spark of manhood in their breasts with political destruction unless they obey the dictates of his masters, the trusts.

The Republican party, at the frightful cost of a million of human lives, the destruction of a billion dollars' worth of property, and the creation of a debt of more than $2,000,000,000, freed 4,000,000 negro slaves. To-day it is criminally pouring out the blood and treasure of this nation to make vassals of the Filipinos. Under Lincoln it abolished slavery. Under Marcus Hanna McKinley it recognizes slavery in a solemn treaty with the Sultan of Sulu, by permitting him to keep his slaves in slavery. The Republican party have in every possible manner aided in the destruction of polygamy in Utah; yet this same party, through its President, recognizes polygamy in the Sulu Islands, and permits His Majesty the Sultan to retain his 300 wives, and, besides, we pay him a princely salary to maintain his harem.

We are told by the Republicans that this treaty is only temporary. It is not so stated in the treaty, and the treaty recognizes both slavery and polygamy. I charge that the Republican party is also guilty of hypocrisy in claiming to be the enemy of trusts.

The gentleman from Ohio [Mr. GROSVENOR] made this claim a few days ago on this floor, and said that the Republican party passed the Sherman anti-trust law in 1890, but he forgot to tell you that the present Republican Attorney-General will not even try to execute that law, but has stated that the United States Government could not control trusts, and that State laws only could accomplish that result.

Mr. GROSVENOR forgot to tell you that, when the Democrats in the Fifty-fifth Congress tried to put all articles on the free list that formed the basis of a trust, he and his party associates voted down this Democratic anti-trust proposition. He forgot to tell you that he and his party in the Fifty-fifth and also in this Congress have prevented the passage of an income-tax law by which we could tax these gigantic trusts. He forgot to tell you that he and his party look to the trusts this fall for their election funds, and they will not look in vain. Even the ass knows where to find his master's crib.

Why does the Republican party give Hawaii free trade and by this bill levy a tax against Puerto Rico? I will answer, it is because Claus Spreckels, a Republican California sugar king, owns the sugar farms and controls the production of sugar in Hawaii, and by giving him free sugar he makes millions of dollars, out of which he pays a large Republican campaign fund.

The Puerto Rican sugar farms belong to a multitude of small native farmers, the very class of people whom the Republicans rob, both at home and abroad.

Mr. Chairman, this Republic, in the language of Lincoln, can not exist half free and half slave, half republic and half empire. The Republican party should be driven from power. Puerto Rico and Hawaii should be allowed to govern themselves just as Arizona and other Territories do. Their citizens should have all the rights guaranteed to American citizens under our Constitution. Cuba should be turned over to the Cubans, and the Philippines allowed to construct their own government and rule themselves in the same way that Congress has already bound itself to permit Cuba to do. We can thus, and thus only, maintain our constitutional form of government and avoid the shipwreck of our Republic on the dangerous reefs of imperialism.

Mr. JETT. Mr. Chairman, that is all who are to address the committee to-night.

Mr. LONG. Mr. Chairman, I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. O'GRADY having resumed the chair as Speaker pro tempore, Mr. HULL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 8245, and had come to no resolution thereon.

Mr. LONG. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 8 o'clock and 58 minutes p. m.) the House adjourned until 11 o'clock a. m. to-morrow.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the chairman of the Industrial Commission, transmitting the report of the secretary on the work of the commission to January 1, 1900—to the Committee on Labor, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Light-House Board submitting an estimate of appropriation for a light-house tender—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of appropriation for the Government Hospital for the Insane—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of appropriation for Geological Survey—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Navy

submitting an estimate of appropriation for yards and docks—to the Committee on Naval Affairs, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Director of the Mint submitting an estimate of appropriation for the mint at Philadelphia—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. SHERMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 5499) to promote the efficiency of the Revenue-Cutter Service, reported the same without amendment, accompanied by a report (No. 466); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 6251) authorizing construction of bridge, reported the same with amendment, accompanied by a report (No. 467); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1592) granting a pension to Jane E. Augur, reported the same without amendment, accompanied by a report (No. 437); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 625) granting a pension to Wesley Reed, reported the same with amendment, accompanied by a report (No. 438); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 5169) granting an increase of pension to Charles Weed, reported the same with amendment, accompanied by a report (No. 439); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4805) for the relief of Isaac Price, reported the same with amendment, accompanied by a report (No. 440); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 741) increasing the pension of Zedock C. Andrews, reported the same with amendment, accompanied by a report (No. 441); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5970) for the relief of Phebe S. Riley, reported the same with amendment, accompanied by a report (No. 442); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 3962) granting an increase of pension to Alanson C. Eberhart, of York, York County, Nebr., reported the same with amendment, accompanied by a report (No. 443); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7599) granting an increase of pension to John F. Crawford, reported the same with amendment, accompanied by a report (No. 444); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2728) to pension Thomas T. Garrison, reported the same with amendment, accompanied by a report (No. 445); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6784) granting a pension to Henry H. Neff, of Winchester, Randolph County, Ind., reported the same with amendment, accompanied by a report (No. 446); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3758) for back pay and increase of pension for Joshua Ricketts, reported the same with amendment, accompanied by a report (No. 447); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6372) granting a pension to Abbie Webster, reported the same with amendment, accompanied by a report (No. 448); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 5134) granting an increase of pension to J. F. Allison, reported the same with amendment, accompanied by a report (No. 449); which said bill and report were referred to the Private Calendar.

Mr. DRIGGS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7177) granting a pension to John N. Breed, reported the same with amendment, accompanied by a report (No. 450); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 39) granting an increase of pension to Caroline V. English, reported the same without amendment, accompanied by a report (No. 451); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 2999) granting an increase of pension to George M. Brown, reported the same with amendment, accompanied by a report (No. 452); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6785) to increase the pension of Maria Egan, widow of Michael Egan, late captain Company G, Eighty-eighth New York Volunteers, reported the same with amendment, accompanied by a report (No. 453); which said bill and report were referred to the Private Calendar.

Mr. HEDGE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8605) granting a pension to Joseph Champlin Stone, reported the same without amendment, accompanied by a report (No. 454); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2346) granting an increase of pension to Alfred Bigelow, reported the same without amendment, accompanied by a report (No. 455); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 4696) granting an increase of pension to Ruthven W. Houghton, reported the same with amendment, accompanied by a report (No. 456); which said bill and report were referred to the Private Calendar.

Mr. GASTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4247) granting a pension to Francis S. Wolfe, reported the same with amendment, accompanied by a report (No. 457); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 3312) for the relief of Ellen V. Myer, widow of George V. Myer, late of Company K, Fifteenth Pennsylvania Volunteers, reported the same with amendment, accompanied by a report (No. 458); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3307) for the relief of Matilda Hennessy, reported the same with amendment, accompanied by a report (No. 459); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 657) granting a pension to Francis A. Kitchen, late surgeon, United States Army, reported the same with amendment, accompanied by a report (No. 460); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6995) to pension Catharine Harris, reported the same with amendment, accompanied by a report (No. 461); which said bill and report were referred to the Private Calendar.

Mr. MINOR, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8599) granting a pension to Ellen J. Williams, reported the same with amendment, accompanied by a report (No. 462); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7596) granting an increase of pension to Mrs. Eliza Wight, reported the same with amendment, accompanied by a report (No. 463); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6624) granting an increase of pension to John C. Bradley, reported the same with amendment, accompanied by a report (No. 464); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the House (H. R. 1409) for the relief of Robert

A. Ragan, reported the same without amendment, accompanied by a report (No. 465); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Naval Affairs was discharged from the consideration of the resolution of the legislature of Massachusetts relative to a system of docks at Boston; and the same was referred to the Committee on Rivers and Harbors.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CLAYTON of New York: A bill (H. R. 8957) to provide for increasing the military establishment of the United States in time of war; to provide for the organization, the equipment, and service of the National Guard, and for other purposes—to the Committee on Military Affairs.

By Mr. BELL: A bill (H. R. 8958) for the relief of certain United States volunteer soldiers in the war with Spain—to the Committee on War Claims.

By Mr. RIXEY (by request): A bill (H. R. 8959) to authorize the more rapid drainage of the flood plane of the Mississippi River and its tributaries into the Gulf of Mexico, upon the plan of "No cure, no pay"—to the Committee on Rivers and Harbors.

By Mr. SHELDEN: A bill (H. R. 8960) authorizing the construction and operation of a water-power canal at Sault Ste. Marie, Mich.—to the Committee on Rivers and Harbors.

By Mr. BURKE of Texas: A bill (H. R. 8961) making appropriations for the improvement of the Trinity River, in the State of Texas, from its mouth to the city of Dallas, in said State—to the Committee on Rivers and Harbors.

By Mr. RANSDELL: A bill (H. R. 8962) to authorize the New Orleans and Northwestern Railway Company, its successors and assigns, to build and maintain a bridge across Bayou Bartholomew, in the State of Louisiana—to the Committee on Interstate and Foreign Commerce.

By Mr. BREAZEALE: A bill (H. R. 8963) to fix the terms of the district and circuit courts of the western judicial district in the State of Louisiana—to the Committee on the Judiciary.

By Mr. BELLAMY: A bill (H. R. 8964) to reduce the rate of postage on first-class mail matter to 1 cent for each half ounce or fraction thereof—to the Committee on the Post-Office and Post-Roads.

By Mr. JONES of Washington: A bill (H. R. 8965) granting American registry to the vessel known as the *Amur* and to be known as *Colonel Lewis*—to the Committee on the Merchant Marine and Fisheries.

By Mr. WILSON of Idaho: A bill (H. R. 8966) for the relief of the certain Indians in the Indian Territory who desire to sell their lands and improvements and emigrate elsewhere—to the Committee on Indian Affairs.

By Mr. WACHTER: A joint resolution (H. J. Res. 189) appropriating unexpended balance of appropriation for additional land for custom-house at Baltimore, Md., for immediate use—to the Committee on Public Buildings and Grounds.

By Mr. GRAHAM: A joint resolution and memorial of the general assembly of the State of Maryland to the Congress of the United States, for the passage of a bill to reimburse and indemnify the mayor and aldermen of Frederick—to the Committee on War Claims.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 8967) granting an increase of pension to Samuel Hindman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8968) to correct the military record of Adam Spiker—to the Committee on Military Affairs.

By Mr. BRADLEY: A bill (H. R. 8969) to remove the charge of desertion from the military record of John Kaeb—to the Committee on Military Affairs.

By Mr. BROUSSARD: A bill (H. R. 8970) for the relief of the successions of Appoline Fournier, deceased, late of Iberia Parish, La.—to the Committee on War Claims.

By Mr. BROSIUS: A bill (H. R. 8971) to remove the charge of desertion against Jacob Snyder and to grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. CUSACK: A bill (H. R. 8972) to increase the pension of Henry H. Lewis—to the Committee on Invalid Pensions.

By Mr. DALZELL: A bill (H. R. 8973) granting an increase of pension to David I. Coon—to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 8974) to authorize the President to appoint and retire Richard Henry Savage, with the rank and grade of major—to the Committee on Military Affairs.

By Mr. LORIMER: A bill (H. R. 8975) for the relief of C. C. Roberts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8976) for the relief of Peter Clark—to the Committee on Military Affairs.

By Mr. MIERS of Indiana: A bill (H. R. 8977) granting an increase of pension to Isabella Whitson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8978) granting a pension to Robert T. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8979) granting an increase of pension to John W. Brown—to the Committee on Invalid Pensions.

By Mr. McDOWELL: A bill (H. R. 8980) to remove the charge of desertion against the military record of Jacob Ley—to the Committee on Military Affairs.

By Mr. MEYER of Louisiana (by request): A bill (H. R. 8981) for the relief of the estates of Celina M. Wright and Charles G. Wright, deceased, late of New Orleans, La.—to the Committee on War Claims.

By Mr. PEARRE: A bill (H. R. 8982) to increase the pension of Robert O. Bingham, late a private in Company H, First Regiment Potomac Home Brigade, Maryland Infantry—to the Committee on Invalid Pensions.

By Mr. RIXEY: A bill (H. R. 8983) for the relief of John H. Crump, of Fauquier County, Va.—to the Committee on War Claims.

By Mr. RUSSELL: A bill (H. R. 8984) to remove the charge of desertion against Miles Shea—to the Committee on Military Affairs.

By Mr. RAY of New York: A bill (H. R. 8985) granting an increase of pension to Ross W. Titus—to the Committee on Invalid Pensions.

By Mr. STEWART of New York: A bill (H. R. 8986) for the relief of Frank G. Mix—to the Committee on War Claims.

Also, a bill (H. R. 8987) granting a pension to Clarinda O. Windsor—to the Committee on Invalid Pensions.

By Mr. CUMMINGS: A bill (H. R. 8988) authorizing the Dewey Hotel Company to construct and maintain an electric conduit on Stanton alley—to the Committee on the District of Columbia.

By Mr. GAYLE: A bill (H. R. 8989) granting a pension to Henry S. Berthards, of Bourbon County, Ky.—to the Committee on Pensions.

Also, a bill (H. R. 8990) to carry out the findings of the Court of Claims in the case of James H. Dennis—to the Committee on Claims.

Also, a bill (H. R. 8991) granting a pension to George W. Holman—to the Committee on Invalid Pensions.

By Mr. NAPHEN: A bill (H. R. 8992) to place on the pension roll the name of Margaret J. Kibble—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARNEY: Petition of Francis Cartwright and other post-office employees of Milwaukee, Wis., favoring the passage of House bill No. 4351—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Federated Trades Council of Milwaukee, Wis., relating to special qualifications that should be required of men engaged as seamen and firemen on the Great Lakes—to the Committee on the Merchant Marine and Fisheries.

By Mr. BOWERSOCK: Petition of Anderson County, Kans., stock raisers, for the continuation of Government distribution of blackleg vaccine—to the Committee on Agriculture.

Also, petition of the Union Labor League of Pittsburg, Pa., for the passage of House bill No. 5450, for the protection of free labor against prison labor—to the Committee on Labor.

Also, petition of W. Merts and 11 citizens of Eudora, Kans., against the sale of colored oleomargarine—to the Committee on Agriculture.

Also, resolution of the common council of Kansas City, Kans., favoring a bill providing for the reclassification of the Railway Mail Service—to the Committee on the Post-Office and Post-Roads.

Also, protest of Washington Post, Grand Army of the Republic, of Lawrence, Kans., against the codification of pension laws, the semiannual examination of pensioners, and the present interpretation of the pension laws—to the Committee on Invalid Pensions.

By Mr. BROSIUS: Resolutions of Fulton Grange, Lancaster County, Pa., favoring the passage of the Grout oleomargarine bill—to the Committee on Agriculture.

By Mr. BROUSSARD: Paper to accompany House bill for the relief of the heirs of Appoline Fournier, deceased, late of Iberia Parish, La.—to the Committee on War Claims.

By Mr. BULL: Papers to accompany House bill No. 8594, granting a pension to Mrs. Matilda Rapp—to the Committee on Invalid Pensions.

By Mr. BUTLER (by request): Resolutions of Darby Borough Presbyterian Church, Colwyn, Pa., asking for the extension to our new possessions of all acts of Congress now in force in our Territories, and adding thereto better laws relating to the sale of liquor, Sunday observance, etc.—to the Committee on Insular Affairs.

By Mr. CONNELL: Petitions of E. G. Biesecker, R. A. Bird, and others, of Moscow; N. Goodrich, A. W. Kenyon, Orin Denny, William Fisher, J. G. Weldy, W. M. Burdick, and others, of Carbondale and Jubilee, Pa., to amend the oleomargarine law—to the Committee on Agriculture.

By Mr. DALZELL: Papers to accompany House bill granting increase of pension to David I. Coon—to the Committee on Invalid Pensions.

By Mr. DOLLIVER: Petition of J. H. Zanke and 70 other citizens of Algona, Iowa, in relation to the free distribution of blackleg vaccine by the Department of Agriculture—to the Committee on Agriculture.

Also, petitions of Dr. M. Fitzgerald and 7 citizens of Boone; J. B. H. Funstra, M. D., and Mohr & Maher, of Arcadia; Schroeder Bros. and 10 citizens of Manning, and C. H. Beam, of Rolfe, State of Iowa, relating to the stamp act on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. ESCH: Petition of the Minnesota National Park and Forest Reserve Association, urging the passage of a certain bill for the establishment of a national park at the head waters of the Mississippi, in the State of Minnesota—to the Committee on the Public Lands.

By Mr. GAMBLE: Resolutions of the Cigar Makers' Union, No. 153, of Sioux Falls, S. Dak., protesting against the admission into the United States free of duty the products of the Philippine Islands and Puerto Rico—to the Committee on Ways and Means.

By Mr. GROUT: Petition of Selim Newell and 2 other employees of the St. Johnsbury (Vt.) post-office, favoring the passage of House bill No. 4357, for the classification of clerks in first and second class post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. HALL: Petition of Adjutant Noon Post, Grand Army of the Republic, of Coalport, Pa., in favor of a per diem pension law—to the Committee on Invalid Pensions.

By Mr. JONES of Washington: Resolutions of the Spokane Chamber of Commerce, favoring the division of the State of Washington into eastern and western judicial districts—to the Committee on the Judiciary.

Also, resolutions of the Alaska Miners' Association, relating to mining claims, military reservations, judicial districts, and the government of Alaska—to the Committee on the Public Lands.

By Mr. LENTZ: Petition of Charles A. Aaron and others, of Columbus, Ohio, and Andrew H. Clark and others, of Lancaster, Ohio, post-office clerks, in favor of the passage of House bill No. 4351—to the Committee on the Post-Office and Post-Roads.

By Mr. McDOWELL: Papers to accompany House bill to remove the charge of desertion against Jacob Ley—to the Committee on Military Affairs.

By Mr. MANN: Resolution of Local Union No. 141, of Chicago (Ill.) Brotherhood of Carpenters and Joiners, with reference to arid and public lands—to the Committee on the Public Lands.

Also, petitions of E. G. Colburn and O. U. Sisson, druggists of Chicago, Ill., for the repeal of the stamp tax on medicines, etc.—to the Committee on Ways and Means.

Also, paper to accompany House bill granting a pension to Lucy D. Young, of Chicago, Ill.—to the Committee on Pensions.

By Mr. MIERS of Indiana: Paper to accompany bill granting a pension to Robert T. Davis—to the Committee on Invalid Pensions.

Also, paper to accompany House bill for the relief of Isabella Whitson—to the Committee on Invalid Pensions.

Also, paper to accompany House bill for the relief of John W. Burton—to the Committee on Invalid Pensions.

Also, paper to accompany House bill granting increase of pension to John W. Browne—to the Committee on Invalid Pensions.

By Mr. NAPHEN: Petition of W. L. Terhune, of Boston, Mass., in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. PEARRE: Petition of Robert O. Bingham, for an increase of pension—to the Committee on Invalid Pensions.

By Mr. POLK: Petition of Mrs. S. J. Masteller and other citizens of Columbia County, Pa., regarding the government of the Hawaiian Islands—to the Committee on the Territories.

Also, petition of the Northeastern Pennsylvania Press Association, regarding the removal of duty on white paper and wood pulp—to the Committee on Ways and Means.

By Mr. RAY of New York: Petitions of E. M. Griggs, F. W. Craine, and other citizens of Guilford and Brookfield, N. Y., favoring the bill relating to dairy products—to the Committee on Agriculture.

Also, petition of Otis S. Beach and other retail druggists of Tioga County, N. Y., for the repeal of the stamp tax on medicines, etc.—to the Committee on Ways and Means.

By Mr. SPRAGUE: Papers to accompany House bill No. 2373, for the relief of Horace P. Williams—to the Committee on War Claims.

Also, papers to accompany House bill No. 5465, to amend an act to provide for the establishment of a retired list of the enlisted men of the United States Army, approved February 14, 1885—to the Committee on Military Affairs.

By Mr. STEVENS of Minnesota: Petitions of Woman's Park Club and Cosmopolitan Club, of Merriam Park, Mrs. D. B. Lewis, and citizens of St. Paul, Minn., in favor of the national park for northern Minnesota—to the Committee on the Public Lands.

Also, petition of H. P. Hanson, secretary of the Cambridge Creamery Company, in favor of the bill to tax oleomargarine—to the Committee on Agriculture.

Also, protest of Cigar Makers' Union No. 98, of St. Paul, Minn., against the passage of bill admitting products of Puerto Rico free of duty—to the Committee on Ways and Means.

Also, petition of the Minnesota Academy of Medicine, against the passage of the anti-vivisection bill—to the Committee on the District of Columbia.

Also, petition of E. E. Hughson, president of the St. Paul Underwriters' Association, in favor of the bill to substitute a tax on the gross premiums of insurance companies in lieu of the stamp tax—to the Committee on Ways and Means.

By Mr. SULLOWAY: Petition of Governor Frank W. Rollins and 30 other citizens of New Hampshire, favoring the passage of House bill No. 6879, relating to the employment of graduate women nurses in the hospital service of the United States Army—to the Committee on Military Affairs.

By Mr. SULZER: Remonstrance of the New York Retail Grocers' Union, against a parcel-post system—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Scandinavian Democratic Club of Brooklyn, N. Y., expressing sympathy with the Boers—to the Committee on Foreign Affairs.

By Mr. WILSON of New York: Resolutions of the municipal assembly of the city of New York, for the construction of gunboats and cruisers in the several navy-yards of the Government—to the Committee on Naval Affairs.

By Mr. WRIGHT: Resolutions of Cigar Makers' Union No. 355, protesting against the reduction of present duties on Puerto Rican products—to the Committee on Insular Affairs.

By Mr. YOUNG of Pennsylvania: Petition of the United National Association of Post-Office Clerks, Branch No. 33, in favor of the passage of House bill No. 4351—to the Committee on the Post-Office and Post-Roads.

SENATE.

WEDNESDAY, *February 28, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. SCOTT, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved, without objection.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, returned to the Senate, in compliance with its request, the bill (S. 2368) granting a pension to May A. Randall.

PETITIONS AND MEMORIALS.

Mr. McMILLAN presented a petition of the Woman's Christian Temperance Union of Detroit, Mich., praying for the enactment of legislation to prohibit the sale of intoxicating liquors and opium in Hawaii, and also to prohibit gambling therein; which was referred to the Committee on Pacific Islands and Puerto Rico.

He also presented a petition of sundry citizens of Port Huron, Mich., praying for the enactment of legislation to limit absolute divorce in the District of Columbia and the Territories; which was referred to the Committee on the Judiciary.

Mr. SCOTT presented a resolution adopted at a meeting of the Ohio County Farmers' Institute, held at Elm Grove, W. Va., favoring the enactment of legislation to control the sale and manufacture of oleomargarine and other imitation dairy products; which was referred to the Committee on Agriculture and Forestry.

Mr. TURNER presented a petition of sundry citizens of Mayview, Wash., praying for the adoption of certain amendments to the interstate commerce law; which was referred to the Committee on Interstate Commerce.

Mr. McCOMAS presented the petition of Martha E. Horn, of Baltimore, Md., praying that she be granted a pension; which was referred to the Committee on Pensions.

Mr. CULLOM presented the memorial of R. M. Pritchett and six other citizens of Dana, Ill., remonstrating against the passage of the so-called parcels post bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of Local Union No. 174, Cigar Makers' International Union, of Joliet, Ill., and a memorial of Local Union No. 38, Cigar Makers' International Union, of Springfield, Ill., remonstrating against the importation of cigars from Puerto Rico free of duty; which were referred to the Committee on the Pacific Islands and Puerto Rico.

He also presented a petition of Local Union No. 410, United Mine Workers, of Danville, Ill., and a petition of Local Union No. 410, Cigar Makers' International Union, of Centralia, Ill., praying for the enactment of legislation to limit the hours of daily service of laborers on public works of the United States, and also to protect free labor from prison competition; which were referred to the Committee on Education and Labor.

He also presented petitions of the Newton Wagon Company, of Batavia; the Alston Manufacturing Company, of Chicago; the Batavia Wind Mill Company, of Batavia; the Challenge Wind Mill and Feed Mill Company, of Batavia; the Parlin & Orendorff Company, of Canton; the Kingman Plow Company, of Peoria, and the Sandwich Manufacturing Company, of Sandwich, all in the State of Illinois, praying that an appropriation be made for the construction of a new fireproof Patent Office building; which were referred to the Committee on Public Buildings and Grounds.

Mr. ALLEN presented a petition of sundry citizens of Rushville, Nebr., praying for a continuance of the free distribution by the Bureau of Animal Industry of blackleg vaccine; which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of Local Union No. 143, Cigar Makers' International Union, of Lincoln, Nebr., remonstrating against the importation of cigars from Puerto Rico free of duty; which was referred to the Committee on Pacific Islands and Puerto Rico.

He also presented a petition of the Central Labor Union of Omaha, Nebr., praying that all the public lands be held for the benefit of the whole people, and that no grants of title be made to any but actual settlers; which was referred to the Committee on Public Lands.

Mr. GALLINGER presented a petition of sundry citizens of Bristol, Vt., praying for the enactment of legislation for the further prevention of cruelty to animals in the District of Columbia; which was referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (S. 213) for the relief of Bvt. Capt. James D. Vernay, asked to be discharged from its further consideration, and that it be referred to the Committee on Military Affairs; which was agreed to.

Mr. KEAN, from the Committee on Claims, to whom was referred the bill (S. 225) for the relief of the Atlantic Works, reported it without amendment, and submitted a report thereon.

Mr. HOAR, from the Committee on the Judiciary, to whom was referred the bill (S. 2808) for the increase of the salaries of the justices of the courts of the District of Columbia, asked to be discharged from its further consideration, and that it be referred to the Committee on the District of Columbia; which was agreed to.

Mr. HOAR. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. 3025) to amend sections 5424, 5425, 5426, 5428, and 5429 of the Revised Statutes of the United States under Title LXX, chapter 5, crimes against the operation of the Government, to ask to be discharged from its further consideration, and that the same be referred to the Committee on Privileges and Elections.

I should like to be permitted to state that this is a bill changing certain sections of the Revised Statutes in regard to certain crimes, and nearly all of the crimes are crimes in relation to using false naturalization papers in elections, and so forth. While there are one or two provisions of the bill that do not come under the ordinary jurisdiction of the Committee on Privileges and Elections, those provisions do not seem to us likely to commend themselves to the Senate, and the substance of the bill comes within the province of that committee.

The PRESIDENT pro tempore. Without objection, the Committee on the Judiciary will be discharged, and the bill will be referred to the Committee on Privileges and Elections.

Mr. STEWART, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2769) for the relief of Warren Hall;

A bill (S. 2944) for the relief of Oliver M. Blair, administrator of Thomas P. Blair, deceased; and

A bill (S. 1623) for the relief of Charles Gallagher, of New York, and to refer his claims to the Court of Claims.

Mr. DAVIS, from the Committee on Foreign Relations, to whom was referred the amendment submitted by Mr. FAIRBANKS on the 24th instant, proposing to increase the allowance for salary of the consul at Bahia, Brazil, from $2,000 to $2,500, intended to be proposed by him to the diplomatic and consular appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by Mr. SPOONER on the 27th instant, proposing to increase the salary of the consul-general at Frankfort from $3,000 to $4,000, intended to be proposed by him to the diplomatic and consular appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. MORGAN, from the Committee on Foreign Relations, to whom was referred the bill (S. 558) to make disposition of the increment and accretions upon the sums reserved by the Department of State from the fund received by the United States upon the account of the payment of the awards of the late Spanish and American claims commission and to pay and distribute the same, reported it with an amendment, and submitted a report thereon.

Mr. McCUMBER, from the Committee on Claims, to whom was referred the bill (S. 895) for the relief of William W. Handlin, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. GEAR, from the Committee on Pacific Railroads, to whom was referred the bill (S. 1291) authorizing the settlement and adjustment with the Sioux City and Pacific Railway Company of its indebtedness to the United States; reported it without amendment, and submitted a report thereon.

VALOROUS G. AUSTIN.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (S. 2587) for the relief of the heirs of Valorous G. Austin, deceased, submitted a report thereon, accompanied by the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 2587) entitled "A bill for the relief of the heirs of Valorous G. Austin, deceased," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

MARY E. HUESTIS.

Mr. DEPEW, from the Committee on Claims, to whom was referred the bill (S. 274) for the relief of Mary E. Huestis, executrix of the estate of David Huestis, deceased, late of Cold Spring, Putnam County, in the State of New York, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 274) entitled "A bill for the relief of Mary E. Huestis, executrix of the estate of David Huestis, deceased, late of Cold Spring, Putnam County, in the State of New York," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

CALIFORNIA STATE CLAIMS.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (S. 1798) referring to the Court of Claims certain claims arising in California in the years 1846 to 1848, reported the following resolution; which was read:

Resolved, That the bill (S. 1798) entitled "A bill referring to the Court of Claims certain claims arising in California in the years 1846 and 1848," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

Mr. BATE. What does that contemplate?

Mr. STEWART. Nothing but a finding of the facts.

Mr. BATE. Has that same proposition been before the Committee on Military Affairs?

Mr. STEWART. I think not. The bill was introduced by the Senator from California [Mr. PERKINS]. These are some old claims. I do not know what the merit of them is, but it would be well enough to find the facts in the case, and so we report the resolution and ask for its adoption.

The resolution was agreed to.

Mr. ALLISON. Mr. President, I rose to say that I shall object to the consideration of bills reported this morning, or to unanimous consent asked, on account of the fact that there are several pressing matters which must be considered to-day, and it is necessary to economize time.

JAMERSON W. RICE.

Mr. TALIAFERRO, from the Committee on Claims, to whom was referred the bill (S. 1088) for the relief of the estate of Jamerson W. Rice, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 1088) entitled "A bill for the relief of the estate of Jamerson W. Rice," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

ESTATE OF WILLIAM K. SEBASTIAN.

Mr. TALIAFERRO. I am directed by the Committee on Claims, to whom was referred the bill (S. 1087) for the relief of the estate of William K. Sebastian, deceased, late of Phillips County, Ark., to report a resolution, and I ask for its immediate consideration.

Mr. ALLISON. I will object to its present consideration if it leads to any debate.

Mr. HOAR. It merely refers a claim to the Court of Claims.

Mr. STEWART. It is only one of the usual references.

Mr. ALDRICH. But that may be very important.

The PRESIDENT pro tempore. The resolution will be read.

The resolution was read, and agreed to, as follows:

Resolved, That the bill (S. 1087) entitled "A bill for the relief of the estate of William K. Sebastian, deceased, late of Phillips County, Ark.," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

GERTRUDE NOLASCO.

Mr. TELLER, from the Committee on Claims, to whom was referred the bill (S. 894) for the relief of Gertrude Nolasco, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 894) entitled "A bill for the relief of Gertrude Nolasco," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

BILLS INTRODUCED.

Mr. McCOMAS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3365) for the relief of the estate of Kelita Suit, deceased;

A bill (S. 3366) to carry into effect a finding of the Court of Claims in favor of Henry R. Walton, administrator of John Walton, deceased; and

A bill (S. 3367) for the relief of George Brewer.

Mr. McCOMAS introduced a bill (S. 3368) for the relief of Franklin Buchanan Sullivan; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 3369) for the relief of Mary C. Henderson; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 3370) granting a pension to Martha E. Horn; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PENROSE introduced a bill (S. 3371) to adjust the rank and pay of certain officers of the Navy; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Naval Affairs.

He also introduced a bill (S. 3372) correcting the naval record of Alfred Loudon, alias Alfred Rowland; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Naval Affairs.

He also introduced a bill (S. 3373) granting an increase of pension to Samuel C. Krickbaum; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3374) for the relief of Joseph Orton Kerbey; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. GEAR introduced a bill (S. 3375) granting relief to Susan Bedell; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3376) granting an increase of pension to James M. Fry;

A bill (S. 3377) granting an increase of pension to Alfred R. Babb;

A bill (S. 3378) granting a pension to J. M. Bonham (with an accompanying paper);

A bill (S. 3379) granting an increase of pension to Peter C. Monfort; and

A bill (S. 3380) granting an increase of pension to Hamilton K. Williams.

Mr. GEAR introduced a bill (S. 3381) for the relief of Mrs. S. M. Rogers; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 3382) granting an increase of the appropriation for the enlargement of the public building at Burlington, Iowa; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. DEPEW introduced a bill (S. 3383) in addition to the acts creating the office and defining the duties of the supervisor of the harbor of New York, and to regulate towing within the limits of said harbor and adjacent waters; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 3384) for the relief of Recknagel & Co.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 3385) to authorize the Secretary of War to acquire, by purchase or condemnation, Constitution Island, in the State of New York; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3386) granting a pension to Catherine L. Taylor; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3387) to assist in the erection of a monument and statue to the memory of the late Capt. Samuel Chester Reid; which was read twice by its title, and referred to the Committee on the Library.

Mr. FAIRBANKS introduced a bill (S. 3388) to provide for the purchase of a site and the erection of a building thereon at Muncie, in the State of Indiana; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 3389) to provide for the purchase of a site and the erection of a building thereon at Anderson, in the State of Indiana; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. TURNER introduced a bill (S. 3390) granting an American registry to the vessel known as the *Amur;* which was read twice by its title, and referred to the Committee on Commerce.

Mr. HEITFELD introduced a bill (S. 3391) granting a pension to John Black; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FRYE introduced a bill (S. 3392) granting an increase of pension to George W. Sabin; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MORGAN introduced a bill (S. 3393) granting an increase of pension to Agatha O'Brien; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 3394) for the relief of Mrs. W. F. Hardin; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 3395) for the relief of James H. Blair, heir at law of Mary Blair, deceased; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. McCUMBER submitted an amendment proposing to place to the credit on the books of the Treasury the annuities provided for by the treaty of July 23, 1851, between the United States and the Sisseton and Wahpeton bands of Sioux Indians, which were not actually paid to said Indians prior to the act of Congress approved February 12, 1889, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. McBRIDE submitted an amendment proposing to increase the salary of the librarian for the law library at the General Land Office from $1,200 to $1,450 per annum, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CARTER submitted an amendment proposing to appropriate $1,000 for a survey of the outlet to Flathead Lake, in the State of Montana, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

MAY A. RANDALL.

The PRESIDENT pro tempore. The Chair lays before the Senate the following bill, returned from the House of Representatives in compliance with the request of the Senate.

The SECRETARY. A bill (S. 2368) granting a pension to May A. Randall.

Mr. GALLINGER. I move to reconsider the votes by which the bill was ordered to a third reading and passed.

The motion to reconsider was agreed to.

Mr. GALLINGER. I move that the bill be recommitted to the Committee on Pensions.

The motion was agreed to.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 27th instant approved and signed the act (S. 3003) to amend an act entitled "An act to authorize the Grand Rapids Water Power and Boom Company, of Grand Rapids, Minn., to construct a dam and bridge across the Mississippi River," approved February 27, 1899.

ADULTERATION OF FOOD PRODUCTS.

Mr. MASON. I desire to make a report from the Committee on Manufactures. The committee have had under consideration the resolution directing the Committee on Manufactures to investigate and ascertain what, if any, manufactured food products are adulterated, and which, if any, of said products are frauds upon purchasers or deleterious to the public health.

I wish simply to say as I file the report that I am exceedingly anxious to have a time for a hearing upon the bill, and I beg my colleagues on the floor, if they have not time to read all of the evidence which we submit, about seven or eight hundred pages, to read the report simply. I desire particularly to call the attention of the Senate to the result of the last act which the Senate passed in regard to the adulteration of flour.

The PRESIDENT pro tempore. Does the Senator from Illinois report a bill?

Mr. MASON. No. A bill has been introduced and is still under consideration, and amendments are pending. I simply file this report to be printed as a regular report, as is done in all other cases. I do not intend to take the time of the Senate now, but I do want to beg indulgence for one moment to ask the Senators to read that part of the evidence which shows the increase of the sale of American flour and of such American manufactured food products generally as have been put under the control and direction and management of the Government itself. In other words, it has helped the sale of our goods as well as protected the consumer, and it has also protected the honest manufacturer. That is all I care to say at the present time.

The PRESIDENT pro tempore. The report will be received and printed.

PUBLIC SCHOOL STUDIES IN THE DISTRICT OF COLUMBIA.

Mr. STEWART submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the necessary expenses of the inquiry into the instruction given in the public schools of the District of Columbia, as provided for by the resolution of the Senate of February 7, 1900, be paid from the contingent fund of the Senate, on vouchers to be approved by the chairman of the Committee to Audit and Control the Contingent Expenses of the Senate.

THE FINANCIAL BILL.

The PRESIDENT pro tempore. If there be no concurrent or other resolutions the Calendar under Rule VIII is in order.

Mr. ALDRICH. In accordance with previous notice, I ask that the Senate may now proceed to the consideration of the conference report on the bill (H. R. 1) to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, and for other purposes.

The PRESIDENT pro tempore. The Senator from Rhode Island moves that the Senate proceed to the consideration of the conference report on the financial bill. The Chair hears no objection.

Mr. HOAR. I should like to ask the Senator, for information, not to obstruct or interfere with his purpose at all, whether he anticipates a debate on this report after he has himself concluded?

Mr. ALDRICH. The understanding of the Senate was that I was to submit a statement of the effect of the conference report, an explanation of it rather, and that then the matter was to go over until to-morrow. That is the understanding.

Mr. HOAR. How long does the Senator expect to occupy the floor?

Mr. ALDRICH. I do not think that my statement will last more than fifteen minutes, but I am not sure.

The PRESIDENT pro tempore. The conference report has been read in full to the Senate. The Senator from Rhode Island will proceed.

Mr. ALDRICH. Mr. President, as the substitute reported from the Finance Committee for House bill No. 1 was fully discussed in the Senate by the Senator from Iowa [Mr. ALLISON] and other members of the committee, I shall confine my statement this morning to an explanation of such of the provisions of the conference report as amend or modify the terms of the Senate bill.

The first amendment is in the first section—in that portion defining the standard. It is a purely verbal change, and does not affect in any way the purpose of the original provision.

The second amendment is made by adding to the sentence which provides for maintaining a parity of all forms of money issued or coined by the United States the following words:

And it shall be the duty of the Secretary of the Treasury to maintain such parity.

The original provision contains a solemn and direct pledge on the part of the United States that parity shall be maintained, and in my opinion it imposes upon the Secretary of the Treasury, without further legislation, the strongest possible obligation to maintain such parity at all times and by all lawful means at his command. But the House conferees were desirous that this direction to the Secretary should be put into the law in terms, and the Senate conferees agreed to its insertion.

The third amendment from the Senate bill is in section 2. This amendment provides that in the reserve fund——

Mr. BURROWS. Which amendment does the Senator speak of?

Mr. ALDRICH. I am speaking of the third amendment, consecutively. It is to be found on the top of the twenty-second page of the print which I have.

Mr. TELLER. Will the Senator state what he is reading from? I can not find it here.

Mr. ALDRICH. I am reading from the conference report.

Mr. WOLCOTT. It is the print at the end of the three bills.

Mr. ALDRICH. I have already alluded, if the Senator will pardon me, to the first amendment, which is in section 1, to change the phraseology in regard to the definition, and to the second amendment, which makes it the duty of the Secretary of the Treasury to maintain the parity, which is found at the close of the first section.

I was about to state that the next amendment is found on the twenty-second page of the conference report of the print which I have, near the top of the page, the eighth line, where we have inserted "and bullion" after the words "gold coin." The original provisions of the Senate bill required that the Secretary of the Treasury should maintain a reserve fund of $150,000,000 in gold coin. It was found impracticable to secure a sufficient amount of gold coin for the fund. The coinage capacities of the mints of the United States at the present time do not permit the coinage of gold bullion received with sufficient rapidity to answer current demands for gold coin. As soon as the new mint at Philadelphia is completed that difficulty will be obviated, and then there will be no difficulty in maintaining the total amount in gold coin. The conference committee therefore inserted the words "and bullion" after the words "gold coin," so as to provide that this reserve fund may be held in gold coin and bullion.

The next amendment is found near the bottom of page 23 of the print which I have, and reads as follows:

And the Secretary of the Treasury may, in his discretion, use said notes in exchange for gold, or to purchase or redeem any bonds of the United States, or for any other lawful purpose the public interests may require, except that they shall not be used to meet deficiencies in the current revenues.

Mr. ALLEN. On what page is that?

Mr. ALDRICH. Near the bottom of the twenty-third page in the print of the House and Senate bills and the conference report.

Mr. ALLISON. On page 23 of the joint print?

Mr. ALDRICH. On page 23 of the print which contains the three bills.

The Senate will recollect that the original Senate bill provided for a reserve fund of $150,000,000, which was to be replenished by the use of the notes redeemed by three methods: Either by an exchange with the gold coin in the general fund of the Treasury, or by accepting deposits of gold coin at various points throughout the United States in exchange for the notes; and third, by the use of notes, in accordance with the provision of section 3700 of the Revised Statutes, to secure gold; and in case all these methods failed, the Secretary of the Treasury should then sell bonds of the United States to procure the gold, the gold thus procured to be paid into the general fund of the Treasury, and then to be

exchanged for an equal amount of notes which were held in the reserve fund, these notes to take the place of the gold coin in the general fund of the Treasury.

It was insisted that there was a possibility under those provisions that the so-called "endless chain" might be revived and the reserve fund depleted by successive redemptions. The Senator from Iowa [Mr. ALLISON] and myself insisted that there would be no sale of bonds under this provision of the bill; that the clause providing for exchange for gold would, in our judgment, always be ample, and that we never would reach that point in the history of the reserve fund where the sale of bonds for the purpose of replenishment would be necessary.

We realized, however, that if bonds should be sold, and there should be at the same time a deficiency in the revenue, the notes covered into the Treasury and paid out for current expenses might be used to carry on an "endless chain" of redemption. After a discussion the language which I have read was inserted in the amendment reported in order to take away any possible doubt as to what should be done by the Secretary of the Treasury in case the emergency I have referred to should arise.

This provision in express terms prevents the Secretary of the Treasury from using these notes to meet deficiencies in the current revenues, but allows him to use them, first, for exchange for gold; second, for the purchase or redemption of any of the outstanding bonds of the United States; and third, for any other lawful purpose that the public interests may require. He may use them, if necessary in his discretion, to maintain the parity, as this would be certainly a lawful purpose within the meaning of this act. He may use them for any other purpose not prohibited. He may pay any of the obligations of the United States outside of interest-bearing obligations. In other words, this allows the Secretary of the Treasury to do precisely what he could do under the Senate bill or under existing law, except that it puts a prohibition upon his using them for the purpose of meeting current deficiencies in the revenue.

The next amendment is in the form of a new section, section 3, which reads as follows:

> That nothing contained in this act shall be construed to affect the legal-tender quality as now provided by law of the silver dollar, or of any other money coined or issued by the United States.

It will be remembered that in the discussion upon the Senate bill both the Senator from Iowa and myself contended vigorously that there was not a line or a word or a syllable in this bill as then constituted which in any manner affected the legal-tender quality of any of the various forms of money in existence. But it was contended equally as vigorously by Senators upon the other side that our declaration for a gold standard did take away from the silver dollar its legal-tender quality. It was to answer objections of this nature that the conferees thought it desirable to insert this express provision in the bill itself.

The next amendment is also a new section, section 4, which provides for the establishment in the Treasury Department, in the office of the Treasurer, of a division of issue and a division of redemption. I will say that those divisions are already in existence. This section does not create new offices. It does provide, however, for a different arrangement of the accounts of the Treasury Department with relation to the funds held for the various purposes mentioned in the section. It further provides that—

> Each of the funds represented by these accounts shall be used for the redemption of the notes and certificates for which they are respectively pledged, and shall be used for no other purpose, the same being held as trust funds.

The section incorporates into form existing law. Each of the funds mentioned is now held, not so definitely, however, for the redemption of the notes and certificates which are outstanding against them. A desirable improvement will be effected in the method of keeping the accounts of the Treasury.

The next amendment is in section 6, on page 26 of the joint print, near the top of the page. It is the second proviso, in regard to the issue of gold certificates. It reads as follows:

> That whenever and so long as the aggregate amount of United States notes and silver certificates in the general fund of the Treasury shall exceed $60,000,000, the Secretary of the Treasury may, in his discretion, suspend the issue of the certificates herein provided.

The purpose of this amendment is to provide that when gold is brought to the Treasury to exchange for paper, and the Treasury has an excess of paper in the form of United States notes and silver certificates, that the party desiring to make the exchange shall be required to take the form of currency the Treasury has in excess, and the Secretary shall not, under the circumstances, be obliged to issue new currency in the form of gold certificates. It is simply another method for strengthening the gold reserve in the Treasury, and I think it will be most effective in that direction.

Mr. TELLER. It is in the discretion of the Secretary?

Mr. ALDRICH. Yes; it is in the discretion of the Secretary.

The next amendment—section 7 of the conference report—is a recast of section 5 of the Senate bill, which relates to the denominations of currency. The changes from the Senate provision are as follows:

It allows the Secretary, in his discretion, to issue silver certificates in denominations of $20, $50, and $100, to an extent, however, not exceeding in the aggregate 10 per cent of the whole amount outstanding. There are now outstanding a considerable amount of silver certificates of these denominations, and both the Secretary and the Treasurer of the United States thought that the public convenience and the convenience of banks and others that were handling silver certificates would be served by permitting a limited amount of silver certificates to be retained in notes of the larger denominations.

The last part of the section provides that small silver certificates shall be first issued and those of a larger denomination withdrawn, and that thereafter the United States notes and Treasury notes of small denominations shall be retired and notes of a larger size shall be substituted in their place. It was feared that the operations of the Senate bill as originally drawn might result in a contraction of the currency.

The general purpose and plan of the Senate bill, to substitute silver certificates in small denominations for large ones, is carried out, with the exception I have named.

The eighth section authorizes the Secretary of the Treasury to coin into subsidiary silver coin——

Mr. COCKRELL. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Rhode Island yield to the Senator from Missouri?

Mr. COCKRELL. Would it disturb the Senator?

Mr. ALDRICH. Not in the slightest.

Mr. COCKRELL. What would be the effect of this retirement in section 7 of certificates of the denomination of $10 or less?

Mr. ALDRICH. They are not retired until the others are issued. If the Senator will read the section through carefully, he will see that the change is made in the first instance for silver certificates, but the small notes, the ones, twos, and fives, the United States notes, are not retired until after the first exchange is made.

Mr. COCKRELL. That is, after new certificates are issued?

Mr. ALDRICH. After new silver certificates are issued of those denominations.

Mr. COCKRELL. Does not that then retire the Treasury notes, the greenbacks?

Mr. ALDRICH. Oh, no, it does not retire them. After these ones, twos, and fives of silver certificates are once in circulation it is then the duty of the Secretary of the Treasury to retire the outstanding ones, twos, and fives of the United States notes and issue larger notes in their place.

Mr. COCKRELL. You are sure that larger notes are authorized? That is the question.

Mr. ALDRICH. Oh, yes.

Mr. ALLISON. The same volume of money?

Mr. ALDRICH. The same volume of money exactly is out in all cases. I call the attention of the Senator from Missouri to the very last clause in section 7:

> And notes of denominations of $10 and upward shall be reissued in substitution therefor, with like qualities and restrictions as those retired and canceled.

There can be no retirement of United States notes under the provisions of this act except by this process of substitution, where ones, twos, and fives are retired or withdrawn from circulation and notes of higher denominations to precisely the same amount are issued in their place.

The next amendment is in section 8, as I have already stated, which authorizes the coinage of $20,000,000 of additional subsidiary silver coin from silver bullion in the Treasury. At present the amount of subsidiary silver coin outstanding is $80,000,000. This raises the limit of possible coinage to $100,000,000.

Mr. TELLER. I should like to ask the Senator a question.

The PRESIDENT pro tempore. Does the Senator from Rhode Island yield to the Senator from Colorado?

Mr. ALDRICH. Certainly.

Mr. TELLER. I should like to ask the Senator whether the committee considered whether $100,000,000 was sufficient? I call his attention to the fact that that is a smaller amount of subsidiary money per capita than any other nation in the world. May I say a word?

Mr. ALDRICH. Certainly.

Mr. TELLER. The English people, being about 38,000,000, have $111,000,000 of subsidiary money coined at a ratio of 14.28. So their money is less valuable than ours. The French have a much larger amount than ours. I do not recall the amount. The Germans, who had a smaller amount, have recently taken action in their Parliament to increase to a considerable extent, even very much beyond the English, their subsidiary money. It seems to me that we might have gone and that we should have gone to two hundred and some odd million dollars if we had kept within the amount of subsidiary money that England circulates per capita.

Mr. ALDRICH. I am inclined to agree to some extent with the

suggestions of the Senator from Colorado, but the committee did not think it wise at this time to raise this limit above $100,000,000. I have not the slightest doubt myself, especially if we should use coinage of the United States, as I presume we shall in our new possessions, but that the amount of subsidiary silver coin in use will have to be very largely increased.

Mr. TELLER. Especially halves.

Mr. ALDRICH. Undoubtedly. It will be within the power of Congress at any time to provide for the purchase of bullion for such additional coinage, and I feel sure it will be necessary to do it. This was not intended to be a permanent settlement of the question.

Mr. TELLER. I wish to ask the Senator one other question. Even when we have coined this additional sum of money we will still have a large amount of bullion on hand?

Mr. ALDRICH. Yes.

Mr. TELLER. And that is not to be used to redeem the Treasury notes, as they are to be redeemed in gold coin?

Mr. ALLISON. This provides only for 10,000,000 ounces.

Mr. TELLER. And we will have how many million ounces left after that?

Mr. ALDRICH. About eighty million, I think—somewhere between seventy million and eighty million.

Mr. TELLER. Somewhere between $75,000,000 and $80,000,000?

Mr. ALDRICH. Yes. Mr. President——

Mr. COCKRELL. If the Senator will allow me, as I understand, the bill as we passed it and as it went into conference placed no limit to the amount of subsidiary silver coin, and this limits the amount to $100,000,000.

Mr. ALDRICH. The bill as it passed the Senate contained no reference to subsidiary coinage. The Senate Finance Committee recommended the striking out from the House bill of all reference to such coin. As it passed the House the bill did not fix a limit, but we believed that it was wiser at this time to fix a limit, leaving the question as to what should be done hereafter in regard to a much larger coinage of subsidiary coin to be determined by Congress whenever that question should arise.

The next amendment is the ninth section, which is new, it being a modification of a similar section which was contained in the House bill. It simply provides for the recoinage of all worn and uncurrent subsidiary silver coin now in the Treasury, and provides also for a recoinage, from time to time hereafter, of such worn and uncurrent silver coinage at the expense of the United States. Under existing conditions it has become necessary, from time to time, to make appropriations for the purpose of this recoinage. This section authorizes the Secretary, without special legislation, from time to time, to recoin any uncurrent coin in the Treasury.

The next amendment is in section 10, which simply changes the provision inserted in the Senate by striking out, in the third line from the end of the section, the word "four," and inserting the word "three." The House bill provided for banks with $25,000 capital in places containing 2,000 inhabitants or less. The Senate bill provided for the organization of similar banks in places containing 4,000 inhabitants or less. The conference report is a compromise between these two sums, fixing the population at 3,000 in places where small national banks may be established.

The next amendment is on the thirtieth page, in the very last provision of section 11, which provides for an appropriation—

> out of any money in the Treasury not otherwise appropriated, to effect the exchanges of bonds provided for in this act, a sum not exceeding one-fifteenth of 1 per cent of the face value of said bonds, to pay the expense of preparing and issuing the same and other expenses incident thereto.

The Secretary of the Treasury and the Treasurer of the United States informed the conferees that this appropriation was necessary at the time to carry out promptly the provisions of this act. It is restricted in its use to the exchanges of bonds authorized by the act and covers only the cost of printing and other expenses incident to the cost of exchange, which would be very slight, of course.

The next change is in section 12, at the bottom of page 31, in the print which I have, which allows national banks to retain one-third of their circulation in denominations of $5. The bill as it passed the Senate limited the circulating notes of the national banks to denominations of $10. The officials of the Treasury Department were confident that this was unwise and we allow the Comptroller of the Currency to issue to the national banks not exceeding one-third of their circulating notes in denominations of $5.

Mr. ALLEN. Will the Senator permit me at that point?

The PRESIDENT pro tempore. Does the Senator from Rhode Island yield?

Mr. ALDRICH. Certainly.

Mr. ALLEN. As I understand, a previous section restricts the issues of the paper money, that is, the Government money as distinguished from the national-bank currency, to the denomination of $10?

Mr. ALDRICH. I do not know exactly what the Senator means by "Government money."

Mr. ALLEN. I mean greenbacks.

Mr. ALDRICH. I supposed you would hold with me that Government money would include silver certificates?

Mr. ALLEN. Yes, sir; and the Treasury notes of different forms.

Mr. ALDRICH. The silver certificates are to be issued in denominations of one, two, five, ten, twenty, fifty, and one hundred dollars.

Mr. ALLEN. I understand these notes are to be taken up and exchanged into notes of larger denominations.

Mr. ALDRICH. The United States notes and Treasury notes only.

Mr. ALLEN. Well, the greenbacks. For the purpose I desire they will answer just as well as anything else. I will ask the Senator why make this discrimination between the greenback and the national-bank currency?

Mr. ALDRICH. I am not sure that it is a discrimination.

Mr. ALLEN. The Senator, if I understand him, thinks that the greenback is to be restricted to the lowest denomination, $10, and now he concedes to the banks the right to issue one-third of this currency in denominations of $5. Is not that a discrimination?

Mr. ALDRICH. I should think not, but I will state to the Senator very frankly what was the moving consideration with me in making this change. We provide for the first time in this bill for the organization of banks with a capital of $25,000. Such banks will be organized, and I am sure, from indications, that the privilege will be very largely availed of in the small towns throughout the West and in other parts of the country. If we do not allow those banks to issue notes of denominations of less than $10 for local circulation, we shall very seriously restrict their usefulness, in my judgment. I feel confident that they should have the right to a limited extent to issue notes of $5.

Mr. ALLEN. I should like to ask the Senator a question, if he will permit me and if it will not disturb him.

Mr. ALDRICH. It does not disturb me in the slightest.

Mr. ALLEN. I would not interrupt the Senator if I could avoid it. The object of the bill, so far as the paper currency is concerned, is to extend the national banks and to extend their circulation, and correspondingly to crowd out of existence the State banks and private banking institutions. In aid of that purpose and in aid of the purpose of perpetuating the national bank and making it a permanent institution, the Senator proposes to restrict the issuance of greenbacks or national currency to denominations of $10 and upward to encourage the use of national-bank currency to usurp its place, and finally to drive it out of existence. He proposes to make one-third of the national-bank currency in five-dollar notes.

Mr. ALDRICH. Mr. President, I am not now discussing the wisdom or unwisdom of any particular policy in regard to these matters.

Mr. ALLEN. I was simply asking for information.

Mr. ALDRICH. I will try to answer the Senator.

Mr. ALLEN. If that is not the purpose, what is the purpose or the object of permitting these five-dollar national-bank notes to be put into circulation?

Mr. ALDRICH. I will try again to explain to the Senator's apprehension just what was in my mind in regard to this matter. He is aware, I suppose, as I am, that there has been a great demand in his own country and in the West generally for the right to organize small national banks.

Mr. ALLEN. If the Senator will permit me, I desire to say that I know there is not a great demand in my country for the organization of national banks.

Mr. ALDRICH. Then I will exclude the Senator's country from my remarks. But there has been from all parts of the West, so far as I know, a great demand for the organization of such banks. If they are to be organized, it is important that they should be organized in such a way as to make it possible for them to live and to serve the convenience of the people in their neighborhood.

I am not sure, but I think the Senator from Nebraska was away when the amendment of the Senator from South Carolina [Mr. MCLAURIN] was voted upon the other day, the effect of which was to repeal the tax on the circulation of State banks and enable them to issue notes without limit. I do not know whether the Senator is in favor of that proposition.

Mr. ALLEN. With the Senator's permission, I will say I announced myself over five years ago as being opposed to that policy.

Mr. ALDRICH. I am very sorry that the Senator from Nebraska disagrees with the Senators upon the other side, because my recollection is that every Democratic Senator present and voting voted for that proposition.

Mr. ALLEN. If the Senator will allow me, it does not make any difference to me what Democratic Senators did. I am not a Democrat.

Mr. ALDRICH. I did not know that the Senator had dissolved partnership with that party.

Mr. ALLEN. If the Senator will permit me, wherever I find the Democratic party doing the right thing I encourage them.

Mr. ALDRICH. Is that frequently?

Mr. ALLEN. Frequently. I can not say as much concerning the Republican party, although I try to encourage the Republican party in doing right, but I am decidedly in favor—and to be consistent I must be in favor—of the United States Government taking specific control of all its financial matters, financial institutions, and financial policies. Therefore, while I do not think there is any logical force in the decision of the Supreme Court of the United States in holding the 10 per cent tax constitutional, I think it good policy, and I have been uniformly in favor of retaining it; but I can possibly foresee, if the Senator will indulge me a moment——

Mr. ALDRICH. Certainly.

Mr. ALLEN. I can foresee, if this blind policy, this inexcusable policy, in my judgment, this illogical and disjointed policy, of turning over the financial institutions of the United States to a few individuals or a few corporations, if persisted in, and persisted in to the point of open revolt on the part of the people, as I think it will come in the course of time, it will be my duty, if in public life, to join extremists like my friend from South Carolina, who is not here I regret to say, to join with them in repealing that 10 per cent tax and permitting State institutions to issue bank notes. I think it would be less harmful in the stretch of years to come to this nation than the bill of which the Senator from Rhode Island is the advocate.

Mr. WOLCOTT. If the Senator from Rhode Island will allow me, as I understood his explanation of this new provision respecting the issue of small bills of national banks, it was this: As the bill passed the Senate and as it was reported from the Senate Finance Committee, the duty of furnishing small bills to the country was imposed upon the $400,000,000, or thereabouts, in silver certificates, that amount of money being practically the amount of the total issued now in different forms of money in denominations under $10. When the committee of conference came to consider the question, it appeared that the small national banks organized in remote communities would find it physically impossible to get currency if it were issued in Washington, because the circulation of the small national banks stays in the vicinage and is not scattered; and these small communities want money in small denominations; and if it were all issued from here, they could not get it. Therefore it was deemed desirable that the national banks with small capital should have the authority, under the Comptroller of the Currency, to issue a certain part of their circulation in small bills. Is not that so?

Mr. ALDRICH. That is so.

Mr. WOLCOTT. So that it does not affect the question of the currency at all.

Mr. ALLEN. The argument of the Senator from Colorado [Mr. WOLCOTT] applies with full force to all Government money. When I speak of "Government money," I speak of money issued directly in the form of legal-tender notes or currency by this Government, whether legal-tender currency, silver certificates, or in whatever form issued.

The Senator from Colorado says that these bills are needed in the remote communities, where these little national banks are to be established. What is to be said of the little remote community where the little national bank is not established? Does it not need small currency as well?

Mr. ALDRICH. It gets it.

Mr. ALLEN. How does it get it—from the national banks?

Mr. ALDRICH. It gets it from two sources, instead of one, as formerly.

Mr. ALLEN. No; it gets it from the national banks.

Mr. ALDRICH. Not necessarily. It gets it from our silver certificates or from the national banks. The bill as it now stands gives them two sources, where originally they had but one source.

Mr. ALLEN. I beg the Senator's pardon. The Senator said less than half an hour ago that all these forms of money were to be absorbed in the Treasury Department and larger notes issued in lieu of them.

Mr. ALDRICH. Which one is the Senator referring to?

Mr. ALLEN. National currency.

Mr. ALDRICH. I said exactly the opposite.

Mr. ALLEN. Greenbacks, then. What I was about to say—with the consent always of the Senator from Rhode Island—is this: The same objection that applies to the five-dollar greenback applies to the five-dollar national-bank currency.

Mr. ALDRICH. What is that?

Mr. ALLEN. The same objection that applies to the circulation of the five-dollar greenback applies with equal force to the circulation of the five-dollar national-bank currency or the five-dollar bill of any kind.

I do not want to charge the Senator with being unfair in this matter; I do not think he intends to be; but the Senator has failed to tell the Senate thus far why he selects greenbacks for slaughter and preserves the silver note and gives the national-bank currency the channel formerly occupied by the greenbacks. I have no doubt the Senator has a reason for it, for he is as full of reasons as Vallombrosa is of leaves.

But what I wanted to suggest and what I wanted to bring out—if the Senator will permit; and then I shall not interrupt him any further than is necessary—is this: That the whole scheme of this bill, so far as it relates to the currency proper, as distinguished from our coinage system, is an attempt to perpetuate, to enlarge, to increase the ramifications of the national banks at the expense of the people, and require them to accept the currency of the national banks whether they will or not, because they must have currency.

Now, I want to put to the Senator this question, and I should like to have a straight answer to it: Is it not a dangerous thing, is it not absolutely and positively dangerous, to turn over to private organizations the whole of the manipulation of the currency policy of a great nation like this and make all the people subordinate to their dictation and their movements?

Mr. ALDRICH. Mr. President, although it is quite apart from my purpose in the discussion of this conference report, I have been very much interested in the statement of the Senator from Nebraska. I have recently heard him and a number of other Senators on that side of the aisle discourse eloquently in regard to the issue of money, claiming that all money issued in the United States should be issued by the Government directly, and that we should under no circumstances surrender to the banks this great power over the currency of the country.

It is a subject of regret that the Senator from Nebraska was not present when the amendment of the Senator from South Carolina [Mr. MCLAURIN] was voted upon, by which the solid Democratic party in this body proposed to turn over to the State banks of the country the right to issue circulating notes.

Mr. ALLEN. I hope the Senator will not hold me responsible for the Democratic party.

Mr. ALDRICH. I am not holding the Senator responsible; but I will ask him, coming fresh from his party conferences in Nebraska, and from a conference with the man you propose to nominate for President, what is Mr. Bryan's view upon this question?

Mr. ALLEN. Mr. President, let me say to the Senator from Rhode Island that I have not been holding conferences with any man that I expect to be nominated for the office of President of the United States; but if the Senator from Rhode Island is referring to Mr. Bryan, I will say to him that Mr. Bryan has not been in the State of Nebraska for two or three weeks or probably four weeks.

Mr. ALDRICH. I presume his views have not changed on the money question within that time. I know it is said that his views have changed from time to time, but I presume they have not changed within the last two or three weeks.

Mr. ALLEN. I have not seen him within that time, and this is altogether gratuitous on the part of the Senator from Rhode Island here. I am not here to speak for Mr. Bryan. I am not his spokesman.

Mr. ALDRICH. For whom does the Senator speak, then?

Mr. ALLEN. I speak for the people who sent me here and for myself, and in that respect, if the Senator will permit me, I am perfectly willing to meet him in open debate upon any of these questions.

Mr. ALDRICH. I shall be glad to meet the Senator.

Mr. ALLEN. If Mr. Bryan were here and if he had the privilege of this forum, the Senator from Rhode Island would not be throwing out the insinuations that he is throwing out at this time.

Mr. ALDRICH. I am not throwing out any insinuations. I am stating facts.

Mr. ALLEN. And I hope the Senator from Rhode Island will not regard it as a proper thing to do to stand here in the Senate and sneer at a gentleman who is his equal at all times and under all circumstances and who has not the privilege of debate here.

Mr. ALDRICH. I would say to the Senator from Nebraska that I have great admiration for his friend Mr. Bryan, although I very rarely agree with him on any subject, and I certainly have not sneered at him or in regard to his position upon any subject. I have, however, great regret that at this early day there should appear this division between the two branches of the great party that is to favor Mr. Bryan in the next campaign.

Mr. ALLEN. You mean the two great parties?

Mr. ALDRICH. No; the two branches of a great party.

Mr. ALLEN. Mr. President——

Mr. ALDRICH. I think I shall have to ask the Senator from Nebraska to permit me to proceed.

The PRESIDENT pro tempore. Does the Senator from Rhode Island yield?

Mr. ALLEN. Will the Senator permit me to enter a protest?

Mr. ALDRICH. Certainly.

Mr. ALLEN. I most solemnly protest that I have no agreement

with the leader of the Democratic party. I am not a Democrat, Mr. President.

Mr. RAWLINS. Mr. President——

Mr. ALLEN. Wait a moment. There are three great parties in this country. The Senator spoke about two great parties. There are three great parties. There is the Democratic party, which is a great party; then there is the Republican party, which was a great party, and I hope it will be again; and there is the Populist party, a greater party than either of them. [Laughter.]

Mr. RAWLINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Rhode Island yield to the Senator from Utah?

Mr. ALDRICH. For a question; yes.

Mr. RAWLINS. I understood the Senator to say that the Democrats in the Senate voted solidly for the right of the State banks to issue money. Did I correctly understand the Senator?

Mr. ALDRICH. Every Democratic Senator who voted on the question voted for that proposition.

Mr. RAWLINS. I want to say if the expression of the Senator is intended to embrace all the Democrats in that category, he is mistaken.

Mr. ALDRICH. There were probably one or two who dodged, but every Democratic Senator who voted voted sq uarely for the proposition.

Mr. RAWLINS. I did not catch the remark the Senator last made.

Mr. ALDRICH. I said there might have been one or two Senators who dodged, but that every Democratic Senator who voted voted for that proposition.

Mr. ALLEN. Some were absent, and they did not dodge.

Mr. ALDRICH. The Senator can put his own construction upon it.

The last remark of the Senator from Nebraska emphasized the fact that we have a Democratic party, judging by its vote in this Chamber, solidly in favor of removing the tax from the State banks and opening the door to the issue of wild-cat currency without limit, and another branch of the party—or shall I say another party?

Mr. ALLEN. That is right.

Mr. ALDRICH. Another party that is in alliance with the Democratic party, supporting the same candidate, and, so far as I have been able to discover heretofore, supporting the same policy, opposed to the issue of money by any bank under any circumstances—I am quite willing to allow Senators on the other side of the Chamber to reconcile these differences if they can, and would suggest that until this is done they should suspend their criticisms upon the Republican policy in reference to bank circulation.

Mr. FAIRBANKS. Will the Senator yield to me for a moment? I desire to call the attention of our friends on the opposite side of the Chamber to the fact that the vote to which the Senator from Rhode Island [Mr. ALDRICH] has alluded, in favor of repealing the 10 per cent tax upon State-bank issues, is entirely consistent with the policy and principles of the Democratic party. You will recollect that in 1892 that party distinctly declared in its national convention in favor of the repeal of the 10 per cent tax on State-bank issues, and that that declaration became one of the great issues of the Presidential campaign of that year.

Mr. ALLEN. If the Senator will permit me, I desire to say that since that time the Democratic majority in the House of Representatives defeated a bill of that kind; it has been denounced here by some Democrats, and it has never been regarded with sufficient favor here to be brought to a vote.

Mr. ALDRICH. It was brought to a vote in the Senate the other day.

Mr. ALLEN. It may have been. I do not know about that.

Mr. FAIRBANKS. The question arises whether the House Democrats are more consistent than the Senate Democrats.

Mr. ALLEN. Mr. President, I want to hold up both hands and say I am not responsible for the Democratic party. [Laughter.] Do not constantly throw at me what the Democratic party has done. They are able to care for themselves, I suppose, and the little party to which I am attached is amply able to care for itself.

I recognize the fact, Mr. President—with the permission of the Senator from Rhode Island, of course—that there are a great many thousands and hundreds of thousands of most excellent Democrats. When I say that I am not a member of the Democratic party, I do not mean to cast any reflections upon the Democratic party. I might cast a greater reflection upon that party if I joined it. [Laughter.] I mean simply to say, Mr. President—whether the Senator from Rhode Island [Mr. ALDRICH] or the Senator from Indiana [Mr. FAIRBANKS] innocently stumbled or not, I do not know—the distinction between the Democratic party and the Populist party is as marked and plain as the distinction between the sun and the moon.

Mr. SPOONER. What is the difference between them?

Mr. ALLEN. In the first place, the Democratic party, as I understand, believe in the constant redeemability of all forms of paper money. I do not believe in that; and my party does not believe in it in the popular sense.

Mr. WOLCOTT. May I ask the Senator a question?

Mr. ALLEN. Wait a moment. Let me explain my statement, because sometimes people are apt to get caught on a half-expressed sentence and held responsible.

I do not believe it is necessary to redeem a limited volume of full legal-tender money in anything. I believe every time it is paid for a debt and every time it is exchanged for property it is redeemed in the full sense; and in that sense I believe in redeemability, and in no other. The Democratic party does not believe in that. I believe in Government ownership—not control simply, but Government ownership—of railroads, telegraphs, telephones, and all natural and exclusive monopolies. The Democratic party does not. There are several other things that I believe in and in which my party believe, in which the Democratic party do not believe.

Mr. WOLCOTT. May I ask the Senator for which branch of the Populist party he is speaking; whether he is speaking for the out-and-outers, the middle-of-the-roaders, or what?

Mr. ALLEN. I do not want to engage with the Senator from Colorado in any little bandying of words for the benefit of the galleries here.

Mr. WOLCOTT. I am sincere, and anxious to know.

Mr. ALLEN. I have no doubt of it; not the slightest. The Senator is always sincere.

Mr. President, there is no middle-of-the-roader or—what was the other expression?

Mr. WOLCOTT. "Out-and-outers," I think they are called in Nebraska.

Mr. ALLEN. There is nothing of that kind. There used to be what they called in the Republican party the "silk stocking" and the "burr tails." I do not know whether that distinction has been observed in recent years or not; but we have no distinction of that kind in our party. We have had, Mr. President—to answer the Senator from Colorado [Mr. WOLCOTT] candidly—a few Republican boodlers who had been sent by the Republican party, or were attempted to be sent, into our camp to destroy our organization; but, like St. Patrick with the snakes, we swept them all into the ocean the other day, and shall have no more trouble with them hereafter. [Laughter.]

Mr. ALDRICH. Mr. President, the next amendment is the proviso at the top of page 32, part of section 12.

Mr. TELLER. Before the Senator reads that, I want to ask him to explain to us why the greenback is limited to $10 and upward, and what kind of a position the man will be in who holds a five-dollar bank note, which is redeemable only in a greenback of the denomination of $5 or less? All the bank notes being redeemable in greenbacks, I would like to know how he is to get exchange. It seems to me if we have a five-dollar national bank note, we ought to have also a five-dollar national greenback with which to redeem it. But what I desire to know particularly is why the issue is to be limited to notes of the denomination of $10 and above?

Mr. ALDRICH. It was the purpose of the Senate committee to give to silver certificates, so far as possible, the place in our currency which is occupied by all kinds of notes of small denominations; and the bill reported by the committee and adopted by the Senate did limit rigidly the notes of national banks, United States notes, and Treasury notes; in other words, all forms of paper money to denominations of $10. The purpose was, as I have stated, to give this place to silver certificates and silver dollars. I have no doubt the Senator from Colorado sympathizes with that purpose; I presume he does. The only change made by the plan proposed is to allow national banks a limited issue of notes of $5. At the present time I think it would allow the issue of about $77,000,000 in five-dollar notes by national banks. I hope I have answered the Senator from Colorado.

Mr. TELLER. As the Senator has referred to me as having sympathized with the movement, I have no objection to the provision that confines the greenbacks as confined in this amendment. I think it is an improvement on the Senate bill as it passed. I think there ought to be some silver certificates of larger denominations. I am in full sympathy with any system that would give a larger amount of paper money, especially as we are not to have too much money of any kind, and we want all the small money we can get. I should like to know, since the conferees saw fit to change it as to the national-bank notes and give them a five-dollar note, why they could not at the same time have given the people a five-dollar greenback, a few, at least. There will be a great many people in this country who will never see a greenback when they are $10 or above. I think it is a very good thing for the people to get familiar with their national money, and it is still better for them to handle it if they can.

Mr. ALDRICH. I suppose the Senator from Colorado is aware—I know he is, of course—that the holder of a five-dollar note of one

of these small banks can take that note to the bank and get lawful money for it?

Mr. TELLER. What will he get?

Mr. ALDRICH. He will get silver dollars for it.

Mr. TELLER. The only thing he could get would be silver dollars?

Mr. ALDRICH. Yes, sir. He can get gold if he wants it, or he can get silver certificates if he wants them, because the bank will undoubtedly have these on hand.

Mr. TELLER. He can get gold if the bank is willing to pay him in gold. They are under no obligation to pay gold for silver.

Mr. ALDRICH. They have to pay lawful money, and if there is no other form——

Mr. TELLER. All they have to do is to redeem in greenbacks.

Mr. ALDRICH. If there are no greenbacks of the denomination of $5, they certainly have to redeem in gold or silver, those being the only forms of lawful money available.

The provision to which I just alluded reads as follows:

That under regulations to be prescribed by the Secretary of the Treasury any national banking association may substitute the 2 per cent bonds issued under the provisions of this act for any of the bonds deposited with the Treasurer to secure circulation or to secure deposits of public money.

The purpose of this is that the transfer of bonds may be made without a retirement of any part of the circulation of the national banks. My own impression is that it can be done under existing law, but in order to make it absolutely clear we have inserted this provision.

The next amendment reads:

And so much of an act entitled "An act to enable national banking associations to extend their corporate existence, and for other purposes," approved July 12, 1882, as prohibits any national bank which makes any deposit of lawful money in order to withdraw its circulating notes from receiving any increase of its circulation for the period of six months from the time it made such deposit of lawful money for the purpose aforesaid, is hereby repealed, and all other acts or parts of acts inconsistent with the provisions of this section are hereby repealed.

That is to allow greater elasticity in the volume of national-bank circulation, and it takes away one of the needless restrictions imposed by the act of 1882.

The next and last amendment is a modification of the provisions of section 14. The modified section reads as follows:

SEC. 14. That the provisions of this act are not intended to preclude the accomplishment of international bimetallism whenever conditions shall make it expedient and practicable to secure the same by concurrent action of the leading commercial nations of the world——

Mr. BACON. I hope the Senator will read that so we can hear it. I beg pardon, but I could not hear him. I want to see whether the slender bridge has been made strong enough to enable the Republican bimetallists to cross over the chasm which separates them from the gold standard.

Mr. ALDRICH. I will try to read it in such a way as to secure the vote of the Senator from Georgia, if he is really in favor of bimetallism; of this, however, I have very grave doubts.

Mr. BACON. I am sincere in my convictions in respect of bimetallism, and I am not so easily deceived as some of the gentlemen who follow the lead of the Senator from Rhode Island.

Mr. ALDRICH. Not so easily deceived?

Mr. BACON. No, sir.

Mr. ALDRICH. I have not noticed any phase of this question on which the Senator was not easily deceived, from my standpoint.

Mr. BACON. According to the view of the Senator from Rhode Island.

Mr. ALDRICH. That is what I said—from my standpoint.

Mr. BACON. The Senator's standpoint is so erroneous that nothing can be judged from it.

Mr. ALDRICH. The Senator is now speaking from the standpoint of the Senator from Georgia.

Mr. BACON. We will have to let it go at that.

Mr. ALDRICH. The section reads as follows:

SEC. 14. That the provisions of this act are not intended to preclude the accomplishment of international bimetallism whenever conditions shall make it expedient and practicable to secure the same by concurrent action of the leading commercial nations of the world and at a ratio which shall insure permanence of relative value between gold and silver.

This amendment must be read in the light of the act approved March 3, 1897, which I think I had better read.

Mr. TELLER. What year?

Mr. ALDRICH. March 3, 1897. That act reads as follows:

That whenever after March 4, 1897, the President of the United States shall determine that the United States should be represented at any international conference called by the United States or any other country with a view to securing by international agreement a fixity of relative value between gold and silver as money by means of a common ratio between these metals, with free mintage at such ratio, he is hereby authorized to appoint five or more commissioners to such international conference.

This act is in full force and effect; this is conceded, as I understand, on all sides and by every Senator. The position here taken by the United States and that held by the Republican party is that no bimetallism is possible except by the concurrent action of the leading commercial nations of the world and at a ratio that will secure a fixity of value to silver and gold. The section which I have read is, in the light of the act of 1897, a declaration on the part of the United States that whenever it is expedient and practicable, or, in other words, is possible, to secure international bimetallism in this way the United States is still willing to join in the attempt to secure it.

Mr. BACON. I understand then——

Mr. ALDRICH. Will the Senator let me go on for a few minutes?

Mr. BACON. Certainly.

Mr. ALDRICH. However, I yield to the Senator.

Mr. BACON. I simply wanted to ask, for my information, whether I should understand from that statement that the Senator from Rhode Island personally thought it would be desirable, if it could be accomplished, that we should have bimetallism?

Mr. ALDRICH. I have said that many times in the hearing of the Senate, I think—accomplished, of course, under the conditions I have named.

Mr. BACON. Very well.

Mr. ALDRICH. I have said that if it could be obtained under the conditions which are named in the act of 1897 and in the fourteenth section of this bill, I do think it desirable.

Mr. BACON. Will the Senator please state if he thinks it is desirable, from the fact that he thinks the gold standard is not desirable, if we could have bimetallism?

Mr. ALDRICH. That is begging the question entirely.

Mr. BACON. No, I think not.

Mr. ALDRICH. I think it is desirable, eminently desirable, that the United States should say to the nations of the world, "We are upon a gold standard, and we intend to remain solidly upon a gold standard until you are ready to join with us in such an agreement as will beyond question fix the relative value of these two metals." That is the position of the Republican party and, so far as I know, of every member of it.

Mr. BACON. As I understand the Senator, then, he does not think the gold standard is the best standard for this country?

Mr. ALDRICH. I have not said anything of the kind, and I do say emphatically that it is the best standard for this country until some other arrangement can be made in the direction I have indicated.

Mr. BACON. But I do not want the qualification. I want to know——

Mr. ALDRICH. The Senator has to take the qualification if he wants my judgment instead of his.

Mr. BACON. I want to put the question, and if I can get a direct answer from the Senator I shall be glad. I want to know whether the Senator considers that the gold standard is the best standard that can be had, regardless of qualifications and conditions, or whether he thinks there is a standard better than the gold standard.

Mr. ALDRICH. I repeat, that in the absence of international bimetallism, which is not now attainable, that is, under existing conditions, the gold standard is undoubtedly the best standard for this country. Now let me ask the Senator a question. Is he in favor of the silver standard?

Mr. BACON. I am not.

Mr. ALDRICH. What is the Senator in favor of?

Mr. BACON. I have stated repeatedly in the Senate that I am in favor of the free coinage of silver, because I believe that with the free coinage of silver there could be maintained the parity between gold and silver. The Senator can not find any utterance of mine in the Senate which is in conflict with that proposition.

Mr. ALDRICH. That is a question of judgment.

Mr. BACON. Of course.

Mr. ALDRICH. And it is a question of judgment about which no one agrees with the Senator from Georgia outside of his political associates.

Mr. BACON. I do not understand the Senator.

Mr. ALDRICH. I say that his judgment in that matter is concurred in by no one outside of his own political associates. I include, of course, the Senator from Colorado [Mr. TELLER] as one of his associates.

Mr. BACON. What I desire to state, in order that I may elicit an expression from the Senator from Rhode Island, is that, in my opinion, the best standard, without any qualification, is the bimetallic standard. Now, I desire to know whether the Senator will with equal frankness and definiteness state that he regards the gold standard as the best standard?

Mr. ALDRICH. I have already stated to the Senator three times my position. I am in favor, and the people of this country are in favor, of maintaining definitely and distinctly the gold standard. If at any time in the future it should be possible under the conditions named, and by the concurrent action of all the commercial nations, to secure international bimetallism at a ratio which will insure permanence of relative value to silver and gold, I am for it.

Mr. BACON. Then I understand the Senator to say that he regards the gold standard as so defective that if he can secure the bimetallic standard he prefers it to the gold standard?

Mr. ALDRICH. I have not said anything which the Senator with all his ingenuity can possibly construe to mean that.

Mr. BACON. I will ask the Senator the question in another shape, with his permission.

Mr. ALDRICH. Very well.

Mr. BACON. If the Senator can have conditions as he wishes them, does he prefer the single gold standard or the bimetallic standard?

Mr. ALDRICH. That is a purely academic question which has no relation whatever to existing conditions or what we are doing here.

Mr. BACON. Mr. President, I will not press the Senator any further.

Mr. ALDRICH. I will say frankly to the Senator that under conditions as they exist now I see no immediate prospect of securing international bimetallism.

Mr. BACON. Does the Senator desire it?

Mr. ALDRICH. I do. I have said so——

Mr. BACON. If the Senator desires it——

Mr. ALDRICH. Permit me to conclude the sentence. Under the conditions I have stated.

Mr. BACON. Under conditions which would be satisfactory to him, he prefers the bimetallic standard to the gold standard. Does the Senator say that?

Mr. ALDRICH. I will answer the question in my own way. I will answer it in my own language and not in that of the Senator from Georgia. I say that under existing conditions, and until international bimetallism can be secured under the conditions and in the manner I have stated, I am in favor of maintaining the gold standard. Our party says the same thing, and it said the same thing in 1896.

The Senator from Georgia says he is in favor of the free coinage of silver. I say, and the experience of the world shows, although I do not care to enter upon that discussion now, that the free coinage of silver means the silver standard, and can mean nothing else. It means national disgrace, it means repudiation, and can mean nothing else; and I believe, without imputing any motive to the Senator from Georgia, when he is in favor of the free coinage of silver under existing conditions, that he is in favor of a proposition which will bring disgrace upon the people of the United States. That is my judgment.

Mr. BACON. I have got a very full expression from the Senator from Rhode Island——

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Rhode Island yield further to the Senator from Georgia?

Mr. ALDRICH. No; I think I will have to go on with my explanation.

Mr. BACON. Pardon me for one sentence.

Mr. ALDRICH. Certainly.

Mr. BACON. I have got from the Senator from Rhode Island a very full expression of what he thinks is my position, but it has been impossible for me to elicit from him a frank answer as to what his position is.

Mr. ALDRICH. I will submit to the Senate that if that is true it is owing to the want of comprehension on the part of the Senator from Georgia.

Mr. BACON. Oh, yes, of course; I am very frank to confess that.

Mr. CHILTON. Will the Senator allow me to ask him a practical question?

Mr. ALDRICH. Certainly.

Mr. CHILTON. What does the Senator understand to be the difference between the phraseology used in the conference report and that in the Senate bill on the subject of international bimetallism?

Mr. ALDRICH. Two Senators ask me questions at the same time. I will try to answer both. The Senator from Colorado [Mr. TELLER] asks me from his seat what is the difference and which is the stronger. If he means which is the stronger for international bimetallism, I will say I think the conference report; that in my judgment the report of the conferees is nearer a declaration in favor of international bimetallism than the provision which was inserted in the Senate bill, and I will try to give my reasons for it.

The first section of the act of 1897 provides:

That whenever * * * the President of the United States, etc.

That is a continuing power until it is repealed by legislation.

When is the President likely to determine that delegates should be appointed under the provisions of that act? Whenever it is expedient or practicable in order to secure the result desired. No President could exercise that power or would presume to exercise it if it was both inexpedient and impracticable to secure the accomplishment of the purpose of the act.

My understanding of the provision is that whenever the commercial nations of the world shall suggest to the President of the United States "We are ready to join you in diplomatic negotiations looking to the establishment of international bimetallism, in accordance with these terms and conditions," and he feels that it is practicable and expedient to secure that result, he is bound then, under the act of 1897, to accede to the request. The section which I have just read, section 14, of the conference report, says in effect that nothing contained in this act shall be construed to repeal the act of 1897.

I do not feel at this moment that it is either expedient or practicable for the United States to send an invitation to the other commercial nations of the world asking for a conference upon the question of international bimetallism with any hope of success. While this is undoubtedly true, who knows how soon it may be otherwise? Who can tell what may be the result in the next twenty-five years of the constantly increasing production of gold? Who can say that twenty years from now, or ten years even, the United States may not be anxious to secure an international agreement? Whenever there is a concurrence of judgment between the President of the United States and the representatives of other commercial nations that an attempt is expedient and practicable, then by the terms of this section it should be undertaken.

Mr. TELLER. The fourteenth section?

Mr. ALDRICH. The fourteenth section.

Mr. STEWART. Will the Senator allow me to ask him one question? In your opinion, would the Government of the United States be at liberty to pay the bonded debt in silver equally with gold after having passed this law, which says in terms that the public debt is payable in gold? Would it be at liberty to change it and pay in silver?

Mr. ALDRICH. If they were interchangeable, there would be no practicable difference, but a contract payable in gold would not be vitiated by any agreement on the part of the Government of the United States. A contract of the United States payable specifically in gold would have to be paid in gold, as would a railroad bond or an obligation of the Senator from Nevada, supposing he has any outstanding, payable in gold.

Mr. STEWART. Suppose the creditor had a preference to be paid in gold?

Mr. ALDRICH. He would be paid in gold.

Mr. STEWART. The United States Government would have to pay in gold?

Mr. ALDRICH. It would have to under the contract. There is no doubt about that. I think the Senator from Nevada will agree with me on that subject.

Mr. STEWART. That does not make any difference. I want your opinion.

Mr. ALDRICH. I ask your opinion. You are a lawyer. I ask you what you think.

Mr. STEWART. I am clearly of the opinion that if it is intended to obtain an international agreement, the fact that our obligations are payable in gold will be used as an argument against an international agreement.

Mr. ALDRICH. If I contract to pay the Senator from Nevada in gold, and he insists upon the fulfillment of the contract, I would certainly be bound to carry it out, even after an international agreement.

Mr. STEWART. Will the Senator pledge his party not to use this bill as an argument against an international agreement?

Mr. ALDRICH. We make that declaration in every line and word of the fourteenth section.

Mr. STEWART. You have not got in there a pledge that you will not use it against an international agreement.

Mr. ALDRICH. This is a pledge which is vastly more important than the pledge of any party or of any man. It is the pledge of the Government of the United States solemnly entered into by law.

Mr. STEWART. Can you change contracts after you make them?

Mr. ALDRICH. No, sir; you can not change a contract after it is made. The United States, I venture to say, never has undertaken to do that and never will.

Mr. STEWART. If there is any movement for international agreement, you people will use this bill as an argument against it.

Mr. ALDRICH. I do not think the Senator is justified in making that remark.

Mr. STEWART. I think I can guess.

Mr. ALDRICH. That is a matter of opinion.

Mr. SPOONER. If this bill will have any moral effect as standing in the way of an international agreement, it will be because of what the Senator from Nevada has said and not what has been said by any of its supporters.

Mr. ALDRICH. There has been no word of discredit to an international agreement or in regard to international bimetallism uttered by a single Republican Senator upon this question. The

discredit, if it comes at all, comes entirely from the Senator from Nevada and his associates, those more or less connected with him politically. After the statement made by the Senator from Nebraska I am not sure what that connection may be.

Mr. STEWART. Mr. President——

The PRESIDING OFFICER. Does the Senator from Rhode Island yield further to the Senator from Nevada?

Mr. ALDRICH. I do.

Mr. STEWART. I do not want to argue this question. Gentlemen have made prophecies. I prophesy that if this bill is passed the cry will be made immediately, if an international agreement is thought of, that our obligations are payable in gold and that we would be changing our obligations. It will be said that we are not in a position to have an international agreement. It will be used that way whether it is intended now or not. I want to be a prophet. I prophesy that you will all use it that way. I mean those of your way of thinking. Of course you gentlemen who are here will not, but there will be a good many of your kind who will.

Mr. ALDRICH. I will ask the Senator from Nevada a question. Does he think if this bill passes silver and gold will remain at a parity of value?

Mr. STEWART. A parity of value?

Mr. ALDRICH. Yes; in purchasing power and debt-paying power.

Mr. STEWART. I do not think any money will be at parity unless it is money. If you print money——

Mr. ALDRICH. The Senator does not answer my question. He understands it.

Mr. STEWART. The parity of value depends upon law.

Mr. ALDRICH. I am talking about this bill. I am not talking about anything else. Suppose this bill becomes a law. Does the Senator think that next Monday or a week from next Monday or two weeks from next Monday a silver dollar will not have the same purchasing power as a gold dollar?

Mr. STEWART. No; it will not have, because your bill expressly provides that a large portion of the debt shall be paid in gold alone.

Mr. ALDRICH. If the Senator from Nevada twenty years ago made a contract with anybody for any purpose payable in gold, did he discredit silver? Did he take away the legal-tender quality of silver?

Mr. STEWART. Does the Senator contend that you may pay the bonded debt in silver after this bill passes? If you can, then the legal-tender power of silver is not taken away. If you can not pay the bonded debt with it, the legal-tender power to that extent is taken away.

Mr. ALDRICH. This bill provides that the new bonded debt of the United States only shall be paid in gold coin.

Mr. STEWART. Yes, sir.

Mr. ALDRICH. And the interest is payable in gold coin.

Mr. STEWART. Can you pay in silver under that?

Mr. ALDRICH. You can not pay in silver under that provision. That amounts to $16,000,000 a year under this bill for that specific purpose. There are thousands of millions of dollars in bonds and obligations of various kinds payable in gold coin, and this bill does not affect them. It does not in the slightest degree affect the general debt-paying power of the silver dollar.

Mr. STEWART. Suppose you named all contracts?

Mr. ALDRICH. We do not name all contracts.

Mr. STEWART. You do not name them all?

Mr. ALDRICH. No, sir.

Mr. STEWART. You name a part of them. Would naming all of them destroy the legal-tender power of silver?

Mr. ALDRICH. Undoubtedly.

Mr. STEWART. Then naming a part of them will to that extent destroy it.

Mr. ALDRICH. Certainly; to that extent.

Mr. STEWART. So that the Senator is not accurate when he says that silver will be upon the same footing, because some of its legal-tender power is taken away.

Mr. ALDRICH. The payments named are infinitesimal in comparison with the great transactions of the country.

Mr. STEWART. I do not think the national debt is infinitesimal.

Mr. ALDRICH. In New England there are contracts outstanding made a hundred years ago, or perhaps less, which by their terms are payable in silver. Did that affect the legal-tender quality or destroy the legal-tender power of the gold dollar?

Mr. STEWART. To that extent.

Mr. ALDRICH. What does "that extent" amount to?

Mr. STEWART. If you take the national debt, it amounts to a good deal.

Mr. ALDRICH. It amounts to $16,000,000 a year.

Mr. SPOONER. Then the Senator from Nevada means that in order to maintain the legal-tender quality of silver the liberty of contract must be taken away.

Mr. STEWART. The liberty of discrimination on the part of the United States must be taken away. Let me tell you. The greenback, as the measure was reported from the House Committee on Ways and Means, had full legal-tender power, and it paid all debts, public and private, except the national debt, interest, and customs dues. It was amended in the Senate so as to take away debt-paying power, so far as the interest on the public debt and customs dues were concerned. The greenback immediately fell very rapidly in the market. It was disgraced paper, because the Government would not receive it. The Government had discriminated against it by law. There never was a full legal-tender money of any kind, whether paper, or silver, or gold, issued by the Government where the Government did not dishonor it that was ever dishonored in the public estimation or that was ever below par as compared with any other money. There never was money issued by the Government which the Government recognized as full legal tender which was not at par with every other money. There have been a good many kinds of money issued. When the Government of the United States recognizes the full debt-paying power of money the people have recognized it, and the money never fell below par. Whenever you discriminate against it, then it has fallen.

Mr. WOLCOTT. How about Revolutionary money?

Mr. STEWART. Revolutionary money?

Mr. WOLCOTT. Yes.

Mr. STEWART. A great deal of that was promises to pay.

Mr. ALDRICH. No; it was legal-tender money under heavy penalties.

Mr. STEWART. Under heavy penalties.

Mr. ALDRICH. Still it went to pieces; it went out of sight.

Mr. ALLISON. It was worth a cent on the dollar.

Mr. CARTER. It paid 1 cent on the dollar.

Mr. STEWART. But there was a great deal of it not issued by our Government. It was counterfeited in Great Britain and sent over here by the bushel. It was not under the control of the Government. They counterfeited it, and it came over here by the cartload almost, and they did not know which was American money, besides the quantity was too great. That is the trouble. They could not protect it. It was largely counterfeited by the British. I take it from the formation of the Government down to the present time, and there has been no paper issued by the Government that was full legal tender that has not been at par with all other money.

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Indiana?

Mr. STEWART. Certainly.

Mr. BEVERIDGE. I wish to ask a question of the Senator from Nevada. The Senator from Nevada said that the reason why the Revolutionary money fell below par was because it was counterfeited by British and sent over here. I have read the books upon that subject pretty diligently, and I never heard that statement before. It is important if true. I therefore would like to ask the Senator where I can find something that may substantiate the statement?

Mr. STEWART. I have read it and remember it distinctly.

Mr. BEVERIDGE. Where?

Mr. STEWART. I can not name where, but it is found in the current history. I say that the great difficulty was in that respect. I will find it for the Senator.

Mr. BEVERIDGE. The Senator said that the reason why the paper fell was because it was counterfeited in great quantities by Great Britain, and that that was the reason why it fell below par, and not from any other cause.

Mr. STEWART. Oh, I admit that you might issue such a quantity that it would be depreciated, because the quantity affects the value. You might issue a less quantity of any kind of money and appreciate its value.

Mr. ALDRICH. Mr. President, I will occupy the floor but a very few minutes longer.

Mr. CULLOM. I only want to say that yesterday there was a unanimous-consent agreement to finally dispose of the Hawaiian bill, so called, to-day. I do not know whether all Senators know that that was the unanimous agreement. I merely desire to call attention to it, so that we may take up that bill as soon as possible.

Mr. STEWART. I want to say what I have to say.

Mr. WOLCOTT. Mr. President, I rise to a question of order. In view of the statement made by the Senator from Illinois, I think it is my duty to say that the Committee on Foreign Relations must ask to-day, for excellent reasons, for an executive session and that it will have to come during the day. I make this statement without, of course, any desire to do other than further the wishes and the bill of the Senator from Illinois. I hope that he is taking that fact into consideration.

Mr. CULLOM. Usually a unanimous-consent agreement to dispose of a bill means that the bill must be disposed of during the day, and I hope that the unanimous-consent agreement will be

adhered to. Of course I will be glad to accommodate the Senator from Colorado or anybody else.

Mr. ALDRICH. I will yield the floor as soon as I get through answering the questions which have been asked me.

Mr. STEWART. I wish to repeat what I said, without qualification, that the Government of the United States has never issued full legal-tender money that was not at all times at par. The Revolutionary money was first discredited here, as I read our history, by the large amount that was counterfeited. In the second place, it was because of the vast amount that was issued. You can issue an amount so that you will disparage it. In that way I admit that that can be done. A large amount was counterfeited, and the large amount issued in the Confederation destroyed its character as money. That was done. But all money in circulation during Revolutionary times was at par with any money issued.

Mr. BEVERIDGE. Will the Senator at some time give me his authority for the statement he has made?

Mr. STEWART. The credit of the Government was destroyed. No money can live longer than the Government. The law against murder does not survive the Government any more than the law making legal-tender money. The law lives until the Government repeals it or the Government dies. It does not have a life longer than that of the Government. The credit money died with the Confederation. It can not exist without law, and nothing else can exist without law. Law makes money, and nothing else. When the law-making power is gone, money is gone. Credit is one thing and money is another.

Mr. ALDRICH. Now, Mr. President, the Senator from Nevada, as a student, must know, I am sure, that the history of the world is full of instances where full legal-tender money issued without limitation and without regulation has depreciated and become valueless.

Mr. STEWART. In what case?

Mr. ALDRICH. Hundreds of cases.

Mr. STEWART. Name them.

Mr. ALDRICH. All over the world; in every country.

Mr. BEVERIDGE. In France.

Mr. ALDRICH. Yes; in France.

Mr. BEVERIDGE. In Argentina.

Mr. STEWART. When?

Mr. ALDRICH. I can not stop now to discuss instances.

The PRESIDING OFFICER. The Chair will call——

Mr. STEWART. No, sir; you can not name one.

The PRESIDING OFFICER. The Chair calls the attention of the Senator from Nevada to the rule, that the Senator occupying the floor can not be interrupted without his consent obtained through the Chair.

Mr. TELLER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Rhode Island yield to the Senator from Colorado?

Mr. ALDRICH. Certainly.

Mr. TELLER. I wish to ask the Senator—what I suppose is to be presumed from the fact that the conferees amended section 14—whether there was a difference of opinion in the conference as to what the section should be, and if the House——

Mr. ALDRICH. It would be fair to infer from the fact that it was amended——

Mr. TELLER. I wish to ask if the House conferees were not decidedly in favor of striking out the whole of it?

Mr. HOAR. Of what section?

Mr. TELLER. Section 14, about international bimetallism.

Mr. ALDRICH. I do not feel justified in stating what the House conferees desired. What they have agreed to is here for our consideration, and I hardly think it proper that I should state what they advocated in the conference.

Mr. TELLER. I would not have asked the Senator the question, but he has been stating something about the disagreement they had in conference. I think it likely he has stated properly the rule as to what should be the relations between the conferees in a case of this kind.

Mr. ALDRICH. I would be glad to answer any other question.

Mr. TELLER. When I come to discuss this matter, I shall take the liberty of discussing it upon the theory, of course, that there was a disagreement between the conferees and that certainly the Senate conferees could not have found fault with their own amendment.

Mr. CHILTON. Will the Senator from Rhode Island permit a question? I happened to be detained. As I understand the refunding section of the conference report, it is the same as the refunding section adopted by the Senate.

Mr. ALDRICH. Precisely.

Mr. CHILTON. Now, are there any bonds of the United States which are left out of this privilege of refunding?

Mr. ALDRICH. The fours of 1925.

Mr. CHILTON. Why are they left out? What is the theory upon which those bonds are left out of the refunding law?

Mr. ALDRICH. The theory upon which they were originally left out was that they had a long time to run, and that the amount required to pay for the reduction of interest would amount to a very large sum—a much larger sum than the committee thought desirable to take from the Treasury for that purpose at the present time.

Mr. MCLAURIN and Mr. BUTLER addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. BUTLER. Will the Senator from South Carolina allow me?

Mr. CULLOM. Will the Senator from South Carolina permit me to say a word?

Mr. BUTLER. I wish to ask the chairman of the Finance Committee, if he will pardon me, a question before he concludes.

Mr. CULLOM. I supposed the Senator——

Mr. BUTLER. Will the Senator from South Carolina yield to me? I understood the Senator from Rhode Island to admit a few moments ago, and I want to know if that is correct, that the passage of this bill would make the securing of international bimetallism more difficult?

Mr. ALDRICH. No, sir; I said directly the opposite; at least I intended to do so.

Mr. BUTLER. Are not our contracts now payable in gold and silver?

Mr. ALDRICH. What contracts does the Senator refer to?

Mr. BUTLER. Our Government contracts. Our bonds are payable, the public debt is payable, in gold and silver?

Mr. ALDRICH. Certainly, the bonds issued under the act of 1870 are payable in coin.

Mr. BUTLER. Well, that is gold and silver. Then the Senator says that we change that contract now in this bill.

Mr. ALDRICH. I did not; if the Senator will pardon me.

Mr. BUTLER. He said that this bill changed that contract?

Mr. ALDRICH. Not at all.

Mr. BUTLER. Does not this bill make the contracts payable in gold?

Mr. ALDRICH. Not at all.

Mr. CULLOM. I hope the Senator from North Carolina will not continue the discussion.

Mr. BUTLER. The Senator said that was the effect of the bill.

Mr. ALDRICH. The Senator is again mistaken.

Mr. BUTLER. It is the effect, is it not?

Mr. ALDRICH. No, sir.

Mr. BUTLER. Well, the Senator admitted that these contracts would be payable in gold, and he said after this bill was adopted, if we had an international agreement, these contracts would still have to be payable in gold, and could not be paid in coin.

Mr. ALDRICH. The Senator is now referring to another matter. There are certain bonds provided for in this bill that are payable in gold coin, but that has no reference to existing contracts. There is no change in existing contracts at all.

Mr. BUTLER. The Senator admitted that after this report was adopted those bonds could not be paid in coin even if we had a bimetallic agreement.

Mr. ALDRICH. The Senator misunderstood me, I could not have said so as there is nothing in the bill of that kind, and it can not have that effect.

Mr. BUTLER. Then on to-morrow I will read the Senator's remarks in the RECORD and make the observation I intended to make.

Mr. MCLAURIN rose.

Mr. CULLOM. I desire to state again that the unanimous-consent agreement yesterday was that the Hawaiian bill should be disposed of to-day. The Senator from South Carolina has given notice, as I understand, that he would address the Senate to-day. I dislike very much to even ask that he be interrupted, and if the Senate will stay here until the Hawaiian bill is finished, I should like to allow the Senator to go on, as he gave notice of his speech and has stated that it is very important to him that he shall have an opportunity of speaking to-day.

Mr. MCLAURIN. I expect to leave the city to-morrow.

Mr. CULLOM. I think the probabilities are that we shall get through with the bill by working a little late, even though the Senator now makes his speech, and I do not care to ask to interfere with him.

Mr. MCLAURIN. I am very much obliged to the Senator from Illinois.

Mr. HOAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Massachusetts?

Mr. MCLAURIN. Certainly.

SENATOR FROM PENNSYLVANIA.

Mr. HOAR. Mr. President, at the request of the Senator from Pennsylvania [Mr. PENROSE] and other Senators, I should like to take the floor on the Pennsylvania election case and then ask that

it may stand over until to-morrow immediately after the morning business.

Mr. ALDRICH. I have already given notice that I shall call up the financial bill to-morrow after the morning business.

Mr. HOAR. It is understood that it shall not displace or interfere with the conference report. That can be so understood.

The PRESIDING OFFICER. Is there objection to the request made by the Senator from Massachusetts?

Mr. BACON. Mr. President——

Mr. BURROWS. I want to call the attention of the Senator from Massachusetts to the fact that the Senator from Georgia [Mr. CLAY] has given notice that after the routine business to-morrow morning he would address the Senate. I did not know but that that had escaped the attention of the Senator from Massachusetts.

Mr. HOAR. Yes, but I will yield for any such notice. I want to take the floor, and I will recognize the parliamentary condition, whatever it is.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts? The Chair hears none. The Senator from South Carolina is recognized.

THE PHILIPPINE ISLANDS.

Mr. McLAURIN. Mr. President, there is in the history of nations, as in that of individuals, one supreme crisis in which is determined their destiny. I believe that such a crisis now confronts us, and that upon the manner in which we meet its responsibilities and opportunities depends our future national glory and the influence and perpetuity of our republican institutions. After an existence of one hundred years we have demonstrated not only the excellencies of a representative constitutional government, but also its capacity to withstand its inherent antagonistic forces.

We have acquired and developed a vast domain on this continent. We have attained achievements in art, science, and industrial life which have made this country the marvel of the age. We have opened up a continent as an asylum to the liberty-loving and oppressed of all lands. Our people have been a God-loving and a God-fearing people. Our civilization has been par excellence a Christian civilization. Our flag is the emblem not only of human freedom, but of religious liberty. Its influence is felt everywhere. In the natural evolution of the nation, the time and the necessity for a wider sphere of action are upon us. It has become the fashion in some circles with some men to sneer at the idea of a Providence guiding the destinies of nations and individuals. He who wisely reads can not fail to see God in history. I believe that the struggle of the thirteen colonies and the achievement of their independence was as much the work of an overruling God as was the escape of the Israelites from Egypt. Who can doubt now that the result of the civil war and the abolition of slavery was a divine interposition?

As a result of our war with Spain we have been cut loose from this hemisphere, and our flag, with all that it represents, now floats over another continent. This, indeed, presents a crisis, a supreme crisis, in our history as a nation.

In the discussion of the Philippine question there has been manifested a disposition to ignore the conditions by which we are confronted and to project the debate upon a line of political sentimentalism. This mode of discussion is not only unpatriotic, but is an evasion of the true issue. This is not a political question. It is not and should not be made an issue between the great national parties. It is a question higher and broader than mere party policy, and should not be determined by partisan judgment merely to secure party advantage or success. It is a question of national duty and of what will best conserve our interest as a people.

A representative should look at the question in this light, unblinded by party prejudice and uninfluenced by considerations of self-interest.

There is, however, a studied effort being made to make this question a party issue. Some of the recognized leaders of the Democratic party proclaim anti-expansion as one of its policies, thus seeking to make it a purely political issue. In my humble judgment this is a mistake. It is a view entirely opposed to the history of our country and the principles and practice of Democracy for three-quarters of a century. The first great expansion of this country was the Louisiana purchase of 1,122,000 square miles, by Thomas Jefferson. The acquisition of Florida, in 1819, was made by another Democrat, Mr. Monroe. The annexation of Texas, in 1845, and of California, New Mexico, Arizona, and Nevada, in 1848, was effected by another Democrat, James K. Polk.

Andrew Jackson said, in reference to the acquisition of Texas:

> On this subject I have thought with the ancient Roman, that it was right never to cede any land or boundary of the Republic, but always to add to it by honorable treaty, thus extending the area of freedom.

Stephen A. Douglas, speaking of the acquisition of Cuba, said:

> I am in favor of expansion as fast as consistent with our interests and the increase and development of our population and resources. If that principle prevails we have a future before us more glorious than any other people that ever existed. Our Republic will endure for thousands of years. Progress will be the law of its destiny. The more degrees of longitude and latitude embraced beneath our Constitution the better. I believe the interests of commerce and civilization, and of every interest which civilized nations hold dear, would be benefited by expansion.

It will thus be seen that it was under Democratic Administrations that the area of the United States, which was 827,000 square miles in 1798, has been increased to 3,800,000 square miles, and that the leaders of Democracy in the last century have been the authors and promoters of all the imperialism that there is in the practice of the Government to-day. Another pertinent fact in connection with this acquisition of territory is that in the annexation to the United States by treaty of Louisiana, Florida, California, New Mexico, and Arizona the consent of their inhabitants was not obtained nor even sought. In the purchase of the Hawaiian Islands no such consent was given. Puerto Rico has been ceded to the United States by Spain without the consent of its inhabitants.

In the discussion of the Philippine question we hear indignant protests that we acquired the archipelago and are holding it and intend to govern the people without their consent. No protests have come from the inhabitants except a part of one tribe headed by Aguinaldo. And yet with the knowledge that our title to Luzon is better than the title we had to Louisiana, and rests upon a more just foundation than our title to Texas, Senators talk about the "criminal aggression of the United States" and a violation of the Declaration of Independence in attempting to suppress insurrection and assert her sovereignty.

What is the actual situation there to-day? In the Philippines, acquired in the same way and as rightfully subject to the sovereignty of the United States as Puerto Rico and Cuba, some portion of the people have refused to recognize this sovereignty. It is not the Philippine nation who have set up the standard of rebellion and defy the authority of the United States. We are opposed by a part of the tribe of the Tagalos, who inhabit less than one-half of the island of Luzon. There are hundreds of other islands, whose peoples speak more than sixty different languages, who are ready to accept American sovereignty. I have no doubt that men of property and intelligence are anxious for us to protect them and their industries. Yet, in the face of these facts, it is stated and reiterated upon this floor that the peoples of the archipelago are in rebellion, contending for liberty and independence. It is also contended that the United States is the aggressor and responsible for this war.

I deny that proposition. It is inconsistent with our record as a nation. Who can believe that the United States, with her traditions, her history, and her achievements, would seek in shame and dishonor to oppress any people and sacrifice the lives of her citizens in such an unholy cause. Those who thus attempt to besmirch her fair name proclaim to the world that we are living and practicing a lie in our republican institutions. I do not propose to attempt an analysis of all the conflicting facts compiled in reports, correspondence, and military orders. I am content to say that I do not believe that Admiral Dewey, with his cool head and love of fair dealing, would have countenanced any effort on the part of our military commanders, or even of the President, to embroil us in a conflict with the Tagalos. On the contrary, I believe that he and the other officers exhausted all means of negotiations to avert a conflict.

I do not believe the war was provoked or premeditated by the representatives of the United States, but was the consummation of a plan of the wily Aguinaldo to bully the United States into an arrangement to satisfy his personal ambition. The firing of a gun on the picket line and the killing of a Tagalo was a fortuitous incident. It was no justification for a rebellion, but was seized upon as a pretext to give a semblance of right in fomenting an insurrection. Without the firing of the gun, some other incident would have been the subterfuge. But it is contended that the United States made promises of self-government. As to that I have no doubt that these islands will be given the best government they have ever had and the largest measure of self-government of which they are capable.

I do not believe that it was ever the intention of the President or anyone with authority to speak for the United States to commit us to any definite action in dealing with these people with reference to their future government. No one was invested with such authority, for under the treaty with Spain and under our Constitution Congress alone has the power to fix the civil and political status of the inhabitants of acquired territory. Before the treaty of peace was ratified, and before Congress had the opportunity to declare its purpose, there was open rebellion against the authority of the United States. It is true that the authority of the President was supreme until there was legislation, but in the exercise of his power all he could rightfully do was to be guided by the treaty with Spain, and to hold the islands and assert the sovereignty of the United States over them.

At the time Dewey sailed into Manila Bay very little was known in the United States about the archipelago or its people. It is

now generally understood that since the destruction of Spanish rule there is no such thing as national life or government in the islands. There are sixty different tribes, with rude ideas of governmental affairs, and the withdrawal of our forces means anarchy and confusion, with the sure interposition of some other foreign power. In my judgment it is not only the right, but the duty of the United States, after destroying the only government they had, to establish some other which will insure peace, order, and protection to life and property.

This, I believe, is the purpose of the President, and so long as I do so believe he will receive my hearty support in this Chamber. We assured the Cubans that they would be allowed to set up a government for themselves, but this assurance did not pledge us to do so at once, irrespective of existing conditions in the islands and the ability of the people to form and maintain a government. So it is with the Filipinos. We are not pledged to give them self-government at once, but only when they are able to maintain a new order of things in place of the old. We went to those islands and released their people from the oppression of Spanish rule, and before we had an opportunity to declare our purpose they turned the guns which we had furnished them upon us and began to shoot down American citizens. If this did not release us from all obligations, it at least gives justification for such delay as we think proper. I deem it useless to discuss at length the question of our right to sovereignty in the Philippines.

I desire in this connection to call attention to the report of the commission. At a conference with the representatives of Aguinaldo the statement was made that they were not fighting for sovereignty.

Speaking of the matter of independence, the commission pointed out that by the ninth article of the treaty of Paris it was provided that the civil rights and political status of the native inhabitants were to be determined by Congress. They were told that, after a careful consideration and study, it was the opinion of the commission that the Philippine people were not capable of independent self-government, and that independence, for which some of them said they were fighting, was, in the opinion of the commission, an ideal at present impossible, not only because of their unfitness for it, but because of their inability to preserve it among the nations even if it were granted. Arguelles said they were beginning to realise this fact; that, moreover, no nation had been willing to recognise them as independent or as belligerent; and thereupon he stated that he was authorized to say, on behalf of Aguinaldo, that they were not fighting for the sovereignty of the islands, but for the honor of the army. Being asked, "You accept, then, the sovereignty of the United States?" he replied, "Yes; we do." Being asked if he was duly authorized to make that statement also, he replied that he was.

Senators have asserted in this Chamber that we have only a color of claim, but no title to them. It is conceded under the decisions of the Supreme Court that the United States has the right to acquire territory by conquest as an incident to the war-making power. I know that it is contended by some that it does not follow because foreign territory can be acquired by conquest in war that it may also be acquired under the treaty-making power by purchase. This contention, however, seems to have been set at rest by the acquisition of Louisiana, Florida, California, New Mexico, Utah, Arizona, and Alaska. This right has never been questioned until the acquisition of the Philippines.

What did the treaty with Spain cede to the United States? I affirm that it ceded all of her rights of sovereignty over the Philippines. This is the compact. And by sovereignty I mean the power to regulate the civil and political status of the inhabitants. The ninth article is as follows:

The civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by Congress.

But it is contended that Spain, at the time the treaty was made, did not exercise sovereignty over the island, and therefore could not cede it to us; that to make the cession valid she must have been able to put us in possession of the territory. This contention, in my opinion, is not sustained by the facts. Spain had the possession and sovereignty of the Philippines for three hundred years. Spasmodic insurrections had occurred from time to time, but they had been suppressed. The same class of brigands now headed by Aguinaldo had disputed her authority. Just prior to our war with Spain there had been one of these local insurrectionary movements, but Aguinaldo and other leaders had been paid a large sum of money to leave the islands, and the rebellion thus ended. At the time that the treaty was made, Spain, by all the rules of international law, possessed sovereignty over the islands.

Sovereignty was ceded to the United States by Spain, and we have the right to exercise that sovereignty in such a manner as to make it effective. It is the right and duty of this Government to suppress the insurrection in Luzon. The President, in the exercise of the constitutional power given him, has been engaged for months in suppressing this rebellion. That the war was waged for any other purpose can not be successfully shown. It is shameful to charge that the President of this Republic inaugurated and continued the war for any other purpose; that he has prostituted his constitutional power and flagrantly disregarded his oath of office. The American people have the facts before them, and Senators, for political purposes, need not undertake to dignify a local insurrectionary movement into a national struggle for independence by comparison to the struggles in Scotland, Poland, and Holland. It is even compared with our struggle against England.

The difference between Aguinaldo and Washington is the difference between a local insurrectionary movement in a people accustomed to tribal government and inspired by barbaric instincts and a homogeneous, united people, trained to self-government and inspired by a determination to be free or die. Such an argument is intended to confuse and deceive, by arousing opposition to the expansion of American thought, civilization, and commerce. We can not afford to retire from the Philippine Islands while our authority is disputed, and I believe with the insurrection quelled that our country and the people of the Philippines will find the connection mutually advantageous. I have no doubt that in the course of a few years the strongest objection to the withdrawal of our flag would come from the islanders themselves.

The United States during the past century has been content to move in an orbit of limited action and possibilities. The great experiment of constitutional representative government has been on trial before the world. Caution and conservatism have marked our course as a nation. There has been no intermeddling in the affairs of other nations. Our aim has been the acquisition and development of America. There has been no necessity before in this development to acquire foreign territory. The enlargement of our foreign trade and commerce has been subsidiary to the industrial development of a continent which afforded an arena sufficient for all of our efforts. The time has now come when the development of our resources and population render it important that we should have world-wide avenues of trade. I believe the American people draw the distinction between expansion and imperialism. I believe that they are no longer content to move in a limited sphere on this continent, and that when they have the chance to express themselves at the ballot box it will be to take us into that wider circle in which move the civilizing powers of the world.

I believe the advent of the United States in the Orient is the hand of Providence directing and guiding us to our destiny. The suppression of the insurrection there and the uplifting, civilizing, and Christianizing the semibarbarous peoples of the islands is the work to which we are called. We can not afford to retreat, and present the spectacle to the world of a nation failing to rise to the heights of its national obligations. But the grave question is, What are we to do with them?

We must either hold them or withdraw and leave them to the 60 different tribes who inhabit them. They are ours and we could sell them; but I have heard no one advocate a policy which would be contrary to decency and which would brand us with the stigma of avarice and cowardice. We can not at this time turn them over to the native inhabitants. It is a patent fact that they are incapable of much besides a tribal government. They belong to an inferior race, and I for one do not accept the dogma of the equality of races, nor do I believe that all men are born free and equal. Life in the South is a daily contradiction of both. The Malay race is inferior to the white races. They have made some advance in civilization and are capable of much more, but the Filipinos are not a nation, but an aggregation of different races. Some are civilized, many half-civilized, and many barbarous.

None have a practical knowledge of the ballot, or of township and precinct government, by which the will of the people is ascertained. They have been accustomed to a military despotism, and to leave them to themselves, without the knowledge of even the elementary principles of self-government, is to invite anarchy.

Ever since the establishment of our Government we have had problems presented for solution such as no other nation has had. We can not be judged or limited by what other nations have undertaken. We have tided over crises and solved problems which would have foundered any other government. I think a close study of conditions in the South since the civil war will perhaps furnish the key to many problems of government in the Philippine Islands. I am satisfied of one thing. Before the government of these island dependencies is finally settled it will more than justify the course of the South on the negro question, and settle forever the race problem of this country.

Thirty years of evolution and experience have resulted in the adoption of constitutions in most of the Southern States, which, while denying no citizen life, liberty, and the pursuit of happiness, throw such safeguards around the ballot box as to insure in governmental affairs the permanent and undisputed control of property and intelligence. The experiment in the South is an object lesson from which much may be learned in establishing governments in these islands. We can assist them to establish a government, and teach them how to maintain it by proper restrictions upon the right of suffrage.

In our war with Spain, we have destroyed their government, such as it was, and the national duty rests upon us to establish another government which will insure peace to the islands and prevent tyranny, bloodshed, and oppression. To fail in this duty

and abandon the islands to the inexperience and internal disorders of the native population would be a national shame and disgrace.

One of the stereotyped objections to holding the Philippines is that it means the adoption of a colonial policy, involving large armies, etc. This does not necessarily follow. Territorial and commercial expansion in our past history have not meant imperialism, nor need they do so in the future. That matter is in our own hands; it is for us to determine, and I believe that with a little less politics and more patience and patriotism a beneficent and effective mode of government can be devised.

Section 3, Article IV, of the Constitution confers upon Congress the power to legislate for Territories in the following words:

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

The ninth article of the treaty with Spain leaves it to Congress to fix the civil rights and political status of the native inhabitants of the Philippines. There is a controversy as to the extent to which this power can be exercised by Congress. Some insist that it is supreme, while others contend that restrictions are placed upon it by the Constitution and Declaration of Independence. Strict constructionists affirm that the Constitution does not provide for the acquisition of territory for any other purpose than the erection of it into States.

When this question was suddenly sprung upon Congress, guided by a hasty judgment, without much investigation or study, I thought this to be the correct view. After more thorough study and hearing the arguments on both sides, I am now inclined to the opinion expressed by the junior Senator from Vermont, that the Constitution does not proprio vigore extend its principles and guaranties to territory acquired by the United States, and that the only limitations upon the power of Congress are those imposed by treaties for its cession and the duty of exercising a wise discretion. It seems that territory only becomes an integral part of the Union when it becomes a State. In New Orleans *vs.* Winter (1 Wheaton, 91) the Supreme Court said:

No Territory is a State in the sense of the Constitution.

It is rather a remarkable fact that the government of Territories is nowhere provided for in the Constitution except in the third section of the fourth article. Gouverneur Morris, who framed this clause in the section, said afterwards:

I always thought when we should acquire Canada and Louisiana it would be proper to govern them as provinces and allow them no voice in our councils. In writing the third section of the fourth article of the Constitution I went as far as circumstances would permit to establish this exclusion.

It is clear, therefore, that Congress in legislating for Territories is not subject to any expressed limitations in the Constitution, and according to Gouverneur Morris's opinion the implied restrictions are to the contrary.

Mr. Calhoun was the author of the dogma that the Constitution, ipso facto and instantaneously, was transported in its attributes into all acquired territory, and his purpose was the extension of slavery into such territory. The decision of the Supreme Court of the United States in the Dred Scott case was based upon this theory. Mr. Jefferson was opposed to this theory, for he said, in reference to the Louisiana purchase:

This territory was purchased by the United States in their confederate capacity, and may be disposed of by them at pleasure. It is in the nature of a colony whose commerce may be regulated without any reference to the Constitution.

Mr. Webster, in the case of the American Insurance Company *vs.* Canter (1 Peters, 511), insisted in his argument upon the view that the sovereignty of the United States may be extended over territory for other purposes than for the erection of States. In discussing the condition of the Territory of Florida, he said:

What is Florida? It is no part of the United States. How can it be? Do the laws of the United States reach Florida? Not unless by particular provisions. The Territory and all in it are to be governed by the acquiring power, except there are reservations by the treaty. Florida is to be governed by Congress as she thinks proper. What has Congress done? Congress might have done anything. She might have refused trial by jury and refused a legislature.

Chief Justice Marshall, in his opinion in this case, seems to have yielded assent to this view, for he held that Territories held by the United States were outside of the political organisms and not possessed of the guaranties of the Constitution. In the case of National Bank *vs.* County of Yankton (101 U. S., 129) Chief Justice Waite, in delivering the opinion of the court, said:

It is now too late to doubt the power of Congress to govern the Territories. Congress is supreme, and for all the purposes of this Department has all the power of the people of the United States, except such as has been expressly reserved in the prohibitions of the Constitution.

In the case of Murphy *vs.* Ramsey (114 U. S., 44) Mr. Justice Stanley Matthews stated the same view when he said:

It rests with Congress to say whether in a given case any of the people resident in a Territory shall participate in the election of its officers or the making of its laws. It may take from them any right of suffrage it may have previously conferred, and at any time modify or abridge it as it may deem expedient. Their political rights are franchises which they hold as privileges in the legislative discretion of the United States.

In Shively's case (152 U. S.) the Supreme Court reiterated the same views, and held the doctrine that the sovereignty of the United States may be extended over territory for other purposes than for the creation of States.

Judge Story says in his Commentaries:

The power of Congress over the public territory is clearly exclusive and universal, and there legislation is subject to no control, but is absolute and unlimited, unless so far as it is affected by stipulations in treaties.

Chancellor Kent, in his Commentaries, says:

It would seem, from the various Congressional regulations of the Territories belonging to the United States, that Congress have supreme power in the government of them, depending upon the exercise of a wise discretion.

On this question of the extent of the power of Congress over acquired territory I frankly admit that there is a variance in the decisions of the Supreme Court of the United States. Hence decisions can be found sustaining the supreme power and also holding that there are limitations upon it imposed by the principles of our form of government, if not impliedly by the Constitution. It is a matter yet to be finally determined by the Supreme Court, and the bill for the imposition of customs duties on imports from Puerto Rico will finally settle the question.

In the exercise of this supreme power Congress is governing the District of Columbia. No political privileges are allowed its inhabitants. The Territories of New Mexico and Arizona have been governed by Congress for nearly a half century. While this view of the power of Congress as a matter of law may be true, I am in favor, as a matter of principle, of the recognition of the right of self-government to the inhabitants of all of these islands when in the process of time they are fitted for it.

The argument that the retention of these islands will cost much money is a sordid view of the question. I believe that as a business investment it will prove a blessing in the extension of our trade and commerce, and that they will prove more than self-sustaining. It is not a question, however, to be considered upon the basis of profit and loss. It is a question of right and national duty.

Suppose our forefathers when they pledged their lives and fortunes in the Revolutionary war had stopped to count the cost of the impending struggle; we would never have achieved our independence. Suppose we had halted to count the cost of the war with Mexico; then the vast domain bordering the Pacific would never have been ours. Suppose we had stopped to count the cost of the war with Spain; then our nation never would have become one of the great powers of the world and illustrated in its history its love of humanity, liberty, and right. Nations, like individuals, must strive, expand, and aspire to greatness if they expect to gain power and glory.

For us to halt now to count the cost of utilizing the advantages coming to us from the late war is not only a groveling position, but it imperils all these advantages. True patriotism is never mercenary. It is liberal, just, patient, and determined. In national achievements the price of success is money, lives, and heroic effort.

I assert my belief, notwithstanding the positive affirmation of many Senators to the contrary, that there is a commercial necessity for holding the Philippines. The United States is not only an Atlantic, but has become a Pacific power, with 5,000 miles of coast line on that ocean. Our producing capacity enables us to manufacture in most lines sufficient to supply the wants of double our population.

We have an inexhaustible supply of iron ore and coal; we have almost a monopoly of the manufacture of machinery of all kinds; we now rank third among the commercial nations, and, in fact, we command all the great forces that control the world. For the year ending June 1, 1899, our exports exceeded our imports $600,000,000. The United States ranks first as an exporter of articles of domestic production. For this reason it is no longer claimed to be a race between the United States and individual nations, but between Europe combined on the one side and the United States on the other.

No one factor has conduced more to this ascendency than territorial expansion, which has been the policy of this country since the landing of the Pilgrims at Plymouth Rock. And what was the plea but commercial necessity? In all the ages the struggle of civilized nations has been to find outlets for surplus products. Any congestion of domestic productions retards trade and inspires effort to relieve this condition. Nations, like individuals, must strive for success and supremacy. To halt in the race is to perish; to push on energetically is to reap rich rewards. It is the vigor and energy of our nation which has made it what it is to-day. All of our industrial and governmental development is the result of contention, of strife, of expansion, and ceaseless activity. There is no marking time in the life of nations. They either move forward toward perfection or backward toward decadence. At this time we are being pushed forward by the onward march of civilization. This crisis will determine whether we are to make progress or go to the rear. If we are not the agent of civilization in the East, some other nation will be.

Our nation has grown by obeying the instinct of development. We are to-day "Greater America," but that greatness will be lost if we forget the political philosophy which has made us great—expansion of American thought, territory, mechanical skill, civilization, and the philosophy of development. This is an auspicious moment for the creation and development of our export trade. The unexplored and undeveloped markets of Asia furnish the opportunity. All other fields have been occupied, and to attempt to wrest them from other nations is a doubtful contest.

In the Orient the commercial possibilities exceed the wildest dreams of the optimist. No wonder there is an irrepressible conflict between the great powers of the world, the outgrowth of commercial competition. Russia, Germany, England, France, and Italy have received rich territory under the guise of so-called "spheres of influence." The United States was thus confronted by Europe in the East when the battle of Manila occurred. The result of that battle has been the acquisition of the Philippine Islands, which give us a foothold from which, instead of suppliants begging for the "open door," we are upon a footing of equality with other nations. But it has been asserted that our trade in the East is a mere figment of the imagination and that conditions render it impossible to make it valuable.

The experience of the past decade contradicts this dogma. In 1893 our whole exports to China of cotton cloths were only 35,000,000 yards. In 1896 its volume increased to 72,000,000 yards. In 1897 it was 140,000,000 yards, and in 1899 it was 221,000,000 yards. In 1899 our Asiatic exports of flour were 1,725,388 barrels, against 1,240,563 in 1898, and while the total increase in our exports of flour to all countries between 1898 and 1899 was 20 per cent, the exports to Asiatic countries increased 39 per cent. There has been a gradually growing increase in all of our other exports. In the past our trade has been mainly along what might be called the lines of least resistance—that is, with nations speaking the English language.

As a consequence of this policy, the United States has only had 9.7 per cent of the commerce of the world, while England has had 18.3 per cent and Germany 10.8 per cent. The United States is the wealthiest and largest manufacturing nation. Since 1876 her exports have largely exceeded her imports. The value of the annual product of the manufacturing industries of Great Britain are 44 per cent, Germany 35 per cent, and France 30 per cent of that of the United States. With our factories running eight months in the year, we can supply our domestic market; hence there is a necessity for an outlet for our surplus products. They are suited to the climate and people of the East. We can supply the teeming millions of China with cheaper products than any other nation. Chinese ports in these days of steam and electricity are much nearer to us than California was to Washington in 1848. As a nation we must recognize changed conditions, and I believe that by properly utilizing our advantages in the Philippines our trade will continue to increase, until most of our surplus products find remunerative markets in the East.

I will hasten through, because I do not want to intrude on the courtesy of the Senator from Illinois; but I desire before closing to discuss the special interests of the South in this question of territorial expansion and trade. Our people are investigating and studying this subject for themselves, and they are not to be blindly led by political anti-expansionists. I have here a letter, which I will not stop to read on account of its length, addressed to me last fall by the cotton-mill men of South Carolina, calling my attention, in the most forcible terms, to the importance of our trade with China and urging upon the representatives in Congress to spare no efforts for the protection and development of that trade. I ask to have read a letter from the manufacturers of South Carolina and my reply thereto:

Some days ago the cotton manufacturers of South Carolina united in a letter to the Senators and Representatives of that State in Congress, calling their attention to South Carolina's large and growing cotton manufacturing business, and to the importance of her trade interests in the far east. They frankly stated that, in their opinion, the cotton business of South Carolina depended upon the China trade, and that any change in the existing treaty relations would be disastrous. "As we understand the situation," the letter states, "the question of the expansion policy of the Government is in no way involved. The maintenance of our rights in China does not include an attempt to bring other countries under the influence of our flag. The open and declared purpose of those who are solicitous about these rights is that in all questions of trade and commerce this country shall be put on a parity with its rivals in the far east. This is not a question of territory; not a question of empire; but simply a question of trade and the right that our people now enjoy to conduct a profitable commerce with the Chinese Empire in any portion of its territory. All that we demand is perfect equality with other nations."

STATEMENT OF THE MANUFACTURERS.

Following is the full text of the letter:

SPARTANBURG, S. C., *September 29, 1899.*

Hon. B. R. TILLMAN, Hon. JOHN L. MCLAURIN, Hon. WILLIAM ELLIOTT, Hon. STANYARNE WILSON, Hon. W. J. TALBERT, Hon. A. C. LATIMER, Hon. J. E. FINLEY, Hon. JAMES NORTON, Hon. WILLIAM STOKES.

DEAR SIRS: We ask your consideration of the following:

South Carolina is now the foremost State in the South in the cotton-manufacturing business, not only in spindles, looms, and in number of hands employed, but also in amount of cotton consumed. She is nearly, and before the expiration of twelve months will be, next to Massachusetts in number of spindles—the second State in the Union in the conversion of the raw material into finished products. The mills of the State, on a basis of 1,000,000 bales per year, consume about one-third of the entire crop of the State, and if present ratio in the increase of spindles continues it will not be many years before the requirements of the mills will reach the total cotton crop.

The business of cotton manufacturing is the paramount manufacturing interest of the State. Next to agriculture, it is the principal employment of our people. It returns wages directly to a very large percentage of our population, and indirectly it is the support of many thousands more. A large number of the mills in this State are making goods for the China or Eastern trade. If by any chance this demand should be cut off, the mills would be compelled to shut down, or to get into direct competition with the other mills which are making goods for home consumption. You can at once see what the importance of the China trade is to us; it is everything. The prosperity of the cotton-mill business of South Carolina depends, in our opinion, upon the China trade. We believe that the expansion of this trade is the hope of the cotton-mill industry in the South.

According to the best of our information, the question of the continuance of this trade is a question of policy on the part of our Government. Statistics show that 90 per cent of all the cotton goods exported from the United States to China find a distributing market at the three northern treaty ports of Ninchwang, Chefoo, and Tientsin. The first named is the treaty port of the great province of Manchuria, already recognized in the railroad and mining enterprises as an exclusive sphere of Russian enterprise. The second is the treaty port of the province of Shantung, in which Germany claims exclusive privileges similar to those conceded to Russia in Manchuria. The third is the treaty port of the metropolitan province of Chili, and is the maritime gate of Peking. All three are situated within a comparatively narrow area, but through them is done most of the foreign trade of north China. It only requires one step forward in the extension of the authority of Russia and Germany to destroy the terms of equality on which the commercial nations of the world participate in the advantages of Ninchwang and Chefoo, and the movement of Peking, which is generally assumed to be part of the policy of Russia, would necessarily threaten the commercial interests which center at Tientsin.

Up to this time, we are informed that pressure brought by the Governments of Great Britain and the United States has led Russia to declare its purpose to admit the merchandise of other nations into Manchuria on terms of equality with its own, but it is impossible to say how soon that policy may be changed. It is alleged that in the importation of railroad and other material Russia entirely disregards the imperial Chinese customs of Ninchwang, regarding the port as if it were already in a Russian possession; and it may be that Russia, for the protection of her own trade, may see fit to carry this discrimination to the point of imposing her own customs duties on American cotton goods. In such an event our trade with Manchuria would be seriously handicapped, and might, conceivably, cease to exist, as did our trade, under like circumstances, with Madagascar.

OF FAR-REACHING EFFECT.

The effect of this would be a far-reaching one to the cotton-mill industry in the South. Up to this time the Federal Government has shown a disposition to insist on the maintenance of its treaty rights with the Chinese Empire whenever there seemed any danger of their positive infringement. But, as we have indicated, the process of substituting for the authority of the Chinese Government the jurisdiction of a foreign power is a gradual and insidious one, and its completion would mark the disappearance of all preexisting treaties. We are, therefore, led to believe that equality of commercial opportunity in China can be maintained only by a decided stand in the interest of their trade on the part of the nations who have most to lose by the creation of spheres of exclusive commercial influence, and that any effective assertion of treaty rights must involve the stability of conditions now existing. When you consider the vital interest of your constituency in this question, we feel certain that you will deal with it in the way best fitted to bring about a satisfactory solution.

In our opinion this can be most easily reached by supporting any line of policy of the Federal Government based upon the strict observance of our treaty rights in China; or which, in other words, insists that no part of that empire should be subject to the influence of any government without giving to the United States equal commercial rights and privileges with the most favored nation. As we understand the situation, the question of the expansion policy of the Government is in no way involved. The maintenance of our rights in China does not include an attempt to bring other countries under the influence of our flag. The open and declared purpose of those who are solicitous about these rights is that in all questions of trade and commerce this country shall be put on a parity with its rivals in the far east. This is not a question of territory; not a question of empire; but simply a question of trade and of the right that our people now enjoy to conduct a profitable commerce with the Chinese Empire in any other portion of its territory. All that we demand is perfect equality with other nations.

We write this letter with the urgent request that you will use your influence to insist upon a policy on the part of the Federal Government which will secure the results above outlined and which are so full of consequence to our people. We believe that the policy of the Federal Government should be such that, while it demands nothing in concessions, it requires everything in the equality of trade, and such protection to our commerce as will not make it depend upon the whim or selfishness of any other foreign power. We recognize the right in other people to protect their own interest, but we do not recognize the right in the dismemberment of a friendly power to shut us out entirely, where, under agreement already made with such power, we are fully protected and have equal rights with other people. Whether we should trade or not with a friendly power should not depend upon the verdict of our rivals in trade, but the merit and result of that rivalry should depend upon prices and not upon policy.

Given the open door, we have no fears as to result or as to the future prosperity of our Commonwealth.

Yours, respectfully,

JOHN B. CLEVELAND,
President Whitney Manufacturing Company.
JOHN C. CAREY,
President and Treasurer Lockhart Mills.
A. H. TWICHELL,
Treasurer Clifton and Glendale Mills.
T. C. DUNCAN,
President and Treasurer Union Cotton Mills.
R. Z. CATES,
President and Treasurer Arkwright Mills.
J. F. CLEVELAND,
President Tucapau Mills.
W. I. HARRIS,
President Fairmont Mills.
D. L. JENNING,
Secretary and Manager Beaumont Manufacturing Company.
J. B. LILES,
President and Treasurer Fingerville Manufacturing Company.

BENNETTSVILLE, S. C., *October 12, 1899.*

To Messrs. J. B. CLEVELAND, J. H. MONTGOMERY, and others,
Spartanburg, S. C.:

Your letter has been received. I fully concur in everything you say about the importance of the retention of the trade of the South with China. The "open-door" policy is what we need and want. This has heretofore been secured by "treaty rights," which have been respected by other nations only to the extent to which it conduced to their trade interests. While ostensibly recognizing these treaty rights, other nations in violation of them have acquired territory and excluded therefrom our legitimate commerce. Russia has gradually absorbed Manchuria, and is building a railroad across Siberia to command the trade of China. Germany has been active and waiting in expectancy to obtain the Philippines. Japan has given Russia all the fruits of her victory in 1882. France has been the willing tool of Russia, and England has been passive in her fear to assail her.

This was the status in the East when the battle of Manila occurred. This victory thwarted all the schemes of Russia for the dismemberment of China, and rendered its absorption and partition impossible. If you want the "open door," the United States now holds the key. The archipelago of the Philippines lies along the coast of Asia for 800 miles and commands it. Manila is the point in the East which is the center of ocean traffic. It is the only point where foreign nations could have obtained commercial stations without a struggle. In the vicissitudes and good fortune of war with Spain, and without any intention of doing so, the United States have acquired the possession of the Philippines, which gives to her paramount political and commercial advantages.

My judgment is that the control of them, or at least of some portions, is the only safeguard for our trade interests in the East. The abandonment of them means the dismemberment of China, its partition among the European powers, and the inevitable loss of our China trade.

I note you say in your letter "that the question of our rights in China does not include an attempt to bring other nations under the influence of our flag; that this is not a question of territory, not a question of empire, but simply a question of trade," etc.

BOTH COMMERCIAL AND POLITICAL.

It seems to me that the question of trade is not alone involved. The commercial and political aspects of the great problem of the hour in this country are inseparable, and it is useless for us to close our eyes to this fact. Would it not be folly for us to sacrifice our commercial interests for purely political considerations? The maintenance of our trade in the East does not necessarily mean the forcible annexation of the Philippines, or the denial of the right of local self-government, but when the war is ended, by treaty or otherwise, for Congress to settle all questions in a just and constitutional way.

I do not favor the adoption by this country of a colonial policy, because of the vexed and threatening problems growing out of it, but I do think that, if possible, the United States should maintain sufficient interests in the islands to command equal trade rights with other nations in China. This will prevent for a long time the dismemberment of this vast Empire. England and Japan favor the integrity of the Empire, but they alone can not guarantee it against the other European powers. With the weight of the influence of the United States thrown against dismemberment it would be rendered impossible.

At present Hongkong, under British influence, is the great distributing point of the Orient. Manila, under American influence, will occupy a better strategic and geographic position, and should become a commercial center of that portion of the world. Commercial supremacy is the goal of every civilized nation; it is only attained through commercial progress and commercial expansion. In this great battle among the nations, without design of our own, while they were haggling among themselves, Dewey sails into Manila Bay and we find foothold within two days' journey of this land of consumers, where half of the population of the world is congregated within an area no larger than the United States.

There is much political rot in the constant parading of the term "imperialism." It is a misnomer, intended to confuse and deceive. It involves the idea of the incorporation into our body politic as American citizens of millions of the semibarbarous inhabitants of a tropical country. I do not believe such a thing is intended, possible, or desirable; nor is such a result necessary to secure such commercial expansion as we want. I think the dictates of common sense will govern the American people, and the ghost "imperialism," sprung for political effect, will not prevent them from gathering the full fruits of the victory so easily won, and treading the path so plainly blazed out by an overruling Providence.

HOPE OF SOUTHERN INDUSTRY.

It will be observed, therefore, that the Philippine question involves both political and commercial consequences. Upon its settlement, in my judgment, depends the future welfare of our people in maintaining equality of opportunity in the Eastern markets. A mere superficial view will not reveal its transcendent importance. To the Southern people it is fraught with momentous consequences. Cotton manufacturing in the South has grown in a few years with phenomenal rapidity. Millions of dollars are now invested in mills. The product of these have found remunerative markets in China and other countries in the East, our cotton goods being peculiarly adapted for clothing the teeming millions of that warm climate.

Their trade is the hope of this great manufacturing industry of the South. If it is cut off by other nations, not only the manufacturer, but the producer of raw cotton, will suffer. The present advance in spot cotton which our planters are enjoying is largely due to the mills of the South. They have forced the local market above New York. With active competition in local markets, Liverpool and New York exchanges no longer arbitrarily fix the price of raw cotton. Can the Southern people afford to sacrifice their commercial and industrial interests for mere political sentiment?

At the time of the acquisition of the Philippines, like most of our people, I knew nothing about the new questions suddenly projected by this unexpected event upon the attention and consideration of the American people. I have honestly and earnestly sought information, and studied them, so that I might be able to take such a position as would be right and conduce to the best interests of the country. I am willing to concede honesty of purpose and sincerity of conviction to others on these questions. It is difficult for a Representative to view this question as he should while the war is in progress and both parties attempting to make political capital out of it, one making frantic appeals to "stand by the flag" and the other criticising on humanitarian grounds everything that is said and done. When these questions are considered by Congress it is my purpose to act and vote for what I conceive to be for the best interests of South Carolina. A discharge of duty to the best of my ability will come up to the full measure of my obligations.

As you request, I will use my utmost endeavors to preserve and enforce all of our "treaty rights" in China, but with the lights now before me I feel that these are feeble safeguards. The United States, with the control of the Philippines by treaty or otherwise, will be in a position not only to insist upon, but to assert, equality of trade rights in the East. Without this, all she can do is to respectfully but firmly protest against their violation by other nations, but, as in the past, is not in a position to assert and maintain them.

Yours, very truly, JOHN L. McLAURIN.

By the attempt to make this a party question and misleading information, much opposition has been developed to expansion; but sooner or later the question must be considered on its merits. It was said by a Senator a few days ago that the press of the country was attempting to forestall public sentiment in favor of expansion. I think that the contrary is true in the South. I know that it is so far as South Carolina is concerned. The frightful ghost "imperialism" has been held up to frighten and deceive. Our people are very conservative, and their peculiar condition since the war has caused them to almost blindly follow political leaders. During the past ten years, to my mind, the most hopeful sign has been the effort and desire on the part of all political parties to enlighten the people. Nowhere has this been more manifest than in the South. I believe the time has come when our people are prepared to consider these grave questions from the standpoint of reason and interest, and when they are not to be beguiled by appeals to passion and prejudice.

The past twenty years in the South has been a period of wonderful industrial development. After the war, bound down by the mailed hand of the Federal Government, our people lived in the memories of the past and saw no encouragement in the prospects of the future. Negro suffrage and negro domination blighted hope, paralyzed her industries, and left her the legitimate prey of the despoiler.

The spirit of true manhood, however, could not be crushed, and finally with a mighty effort she shook off the incubus and started upon a new era of industrial life. She has well-nigh solved the race problem, and the less said about it the better, for it is now tacitly admitted by those who forced it upon the South that universal suffrage is the crime and blunder of the century. This is a white man's country and Government, and the removal of all possibility of negro domination has given peace to the South and an impetus to industrial development. Capital has flowed in and there is confidence in all Southern enterprises. Bitter memories are being forgotten in the rush of the material development of our resources. Our people again feel that they are a part of this great country and that they are left free and untrammeled to work out their own destiny in their own way.

Few even of our own people appreciate the phenomenal progress of the South during the past twenty years. In 1880 the South had only 180 cotton mills, with 667,854 spindles and 14,300 looms. At present she has nearly 600 mills, with 5,000,000 spindles and 105,000 looms, an increase of 210 per cent in the number of mills and 650 per cent in the number of spindles. The Manufacturer's Record, which is doing a grand work for the development of the South, says that we have $1,000,000,000 invested in manufacturing, with an annual output valued at $1,500,000,000, and paying $350,000,000 in wages. In 1894 the cotton mills in the South used 720,000 bales, while to-day they require a million and a half, and I predict that the cotton crop of North and South Carolina inside of three years will be consumed by the mills of those States.

The South is producing now 2,500,000 tons of pig iron each year as against 100,000 tons in 1870. It produces 40,000,000 tons of coal against 6,037,163 in 1880. Last year our lumber output was 10,000,000,000 feet, and we raised 750,000,000 bushels of grain. Last year one-fourth of all the coal mined was in the South. The South has an area of 47,000 square miles of workable coal, of which only 1,000 square miles are now developed.

The total production of coal last year in the United States, if I recall it correctly, was about 167,000,000 tons, and it is estimated in this same article in the Record to which I refer that with the development of the coal fields of the South she will produce alone 200,000,000 tons of bituminous coal.

The possibilities of the South in coal, iron, timber, cotton, and cotton manufacturing are almost unlimited. In cotton manufacturing the consumption by our mills for the next thirteen years at the same rate of increase that has obtained for the past ten would require a 10,000,000-bale crop for the mills of the South alone.

The cotton-growing region of this country measures about 550,000 square miles. This area contains enough land, with proper drainage and cultivation, at the present rate of production, to make 100,000,000 bales of cotton. It is shown by the Department of Agriculture that there are now enough horses and mules on the farms of the South to make 50,000,000 bales. There are 1,500,000,000 people in the world, of whom possibly 7,000,000 are interested in the growing, handling, and manufacturing of cotton, and possibly a million more in its sale. Thus we have remaining 99 per cent of the human family who are possible customers for our raw and manufactured cotton.

The South contains 60 per cent of the timber area of the United States. It produces 47 per cent of all the swine of the United States. There are now grown in the South 65 varieties of garden vegetables, fruits, and melons for early shipment and 72 varieties of field

crops, all showing the wonderful versatility of her soil and climate. In the question of water power our section stands without a rival. There are hundreds of thousands of horsepower easily available now going to waste. But the only hope for the future of the South, with all these magnificent possibilities, is in retaining and controlling her present markets and in securing other markets and enlarged trade.

There is no possible way of doing this but by commercial expansion, and the opportunity is now offered us in the East. Congregated into an area not much larger than the United States, one-half of all the people living upon the globe are to be found. It is for this trade that the commercial nations of the world are striving. Our western shores are washed by the same sea that ebbs and flows along the eastern boundary of Asia. We are but twenty days from this market, and with the Nicaraguan Canal will be much nearer. Our Southern manufacturers have already reached these markets and discovered their advantage. The Southern Cotton Spinners' Association in resolutions last year said that the development of trade in our cotton goods "has been largely in China and other oriental countries."

In 1895 our whole export of cotton goods to China amounted to 35,000,000 yards, while last year it was 221,000,000 yards. This large increase was from the Southern mills. Our Southern manufactured goods are adapted to the climate and needs of the people of the East. The most popular manufactured cotton goods in China to-day come from South Carolina mills. Japan is now importing our raw cotton, and the importation is rapidly increasing. The cotton planter needs these markets for his raw cotton, besides being benefited from the increased consumption by home mills.

In my judgment, no section has a greater interest than the South in the development of our Asiatic markets. The East wants her raw and manufactured cotton and presents a limitless field for our surplus products. Only about one-thirtieth of northern China has been reached by our cotton goods, and with past experience it is not unreasonable to say that when the entire field is covered it will require more than double our present capacity to supply the demand. This market presents the unusual condition of demanding both raw and manufactured cotton from the same section, thus benefiting all classes in the South.

It is no stretch of fancy to say that in a few years the trade of the South with China will exceed $25,000,000 if the markets are not closed against us. But the question is, How are these markets to be kept open to the South and others created to furnish an outlet? Some assert that this can be done under treaty rights, which will secure the "open-door policy" in the East. This has been our only safeguard in the past, but an examination of conditions show that it is for the future uncertain and ineffective. In the great conflict of the nations now for commercial supremacy we need not rely solely upon treaty rights to secure the "open door." With a foothold in the Philippines we are in a situation to demand and enforce equality of opportunity with other nations. A good deal has been said in this discussion about the violation of the Constitution and principles of the Declaration of Independence in dealing with this question.

I am a Democrat, loyal to the party and its principles; but I am not an automaton, nor a slave to be moved by the party lash. I am trying to represent what I believe is best for my people and my section, and am content to let the future speak for itself. The Constitution, as the handiwork of the fathers, has my love and reverence; but, Mr. President, there is something higher than the letter of the law. Whenever in our past history the Constitution has come into conflict with the national sense of right and duty, it has given way.

Like the Sabbath, the Constitution was made for man, not man for the Constitution. The creature can not be greater than the creator, and when as a nation we rise higher in moral purpose and greatness than the Constitution it has been changed, and changed more often by construction than amendment. The progress and the growth of our nation can have, and should have, no constitutional restrictions which prevent its fullest development.

Under a destiny unforeseen and uncontrolled by us, the power and institutions of the United States have been planted in the East. I believe that if we do our duty, it means not only the elevation and uplifting of the peoples of that far-off land, but that it will add to the power and glory of our free institutions and the commercial supremacy of the nation.

TERRITORY OF HAWAII.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 222) to provide a government for the Territory of Hawaii.

The PRESIDENT pro tempore. The pending amendment will be stated.

The SECRETARY. On page 46 it is proposed to insert the following at the end of section 94:

And the chief justice and associate justices of the supreme court shall each receive an annual salary of $5,000; and the judges of the circuit courts, of whom the two judges for the first circuit shall each receive an annual salary of $4,000, and the judges for the second, third, fourth, and fifth circuits, respectively, an annual salary of $3,000 each.

The amendment was agreed to.

Mr. CULLOM. I desire to offer an amendment to section 52, and I ask that it may be read.

The SECRETARY. It is proposed to amend section 52 by adding at the end thereof the following:

Provided, however, That pending the time when this act shall take effect and until a session of the legislature of the Territory of Hawaii shall be held, the President may in his discretion authorize and direct the use of such money in the treasury of the republic of Hawaii as well as of the Territory of Hawaii as he shall think requisite and proper for the carrying on of the government of the Hawaiian Islands, the preservation of the public health, the completion of the sewerage system of the city of Honolulu, and such other expenditures as in the President's judgment shall seem to be appropriate.

Mr. COCKRELL. I do not understand the amendment.

Mr. CULLOM. The amendment seems to be necessary for this purpose. The Hawaiian Islands have now no legislature. The people are in great trouble over there on account of the bubonic plague which broke out, and in consequence of which a large portion of the city of Honolulu was destroyed, and there are several new cases there now, according to the advices by last steamer, which has just arrived. The people there, except as they make contributions themselves, are substantially helpless, and the purpose of this amendment is to allow, under the direction of the President, the Hawaiian authorities to use money in the Hawaiian treasury for the purpose of taking care of the islands and protecting them from this plague as nearly as possible. There is no way of getting any money now until this bill is passed, and for from fifty to sixty days afterwards. The bill provides that the governor, when appointed, may call a special session of the legislature after thirty days; but it will be thirty days before he gets the bill, perhaps, after it is passed, and that is so far ahead that those here representing the islands beg of Congress to do something that will enable them to get money to use for their protection in this interim of time, not from the United States Treasury, but from the treasury of the Hawaiian Islands. That is the purpose of it.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Illinois.

The amendment was agreed to.

Mr. COCKRELL. On page 22, line 8, of the last print, section 55——

Mr. CULLOM. Has the Senator the print of yesterday or of to-day?

Mr. COCKRELL. The last print. I do not know whether you call it yesterday's print or to-day's.

Mr. CULLOM. The last one.

Mr. ALLISON. The present print.

Mr. COCKRELL. After the word "applicable," I move to insert——

Mr. CULLOM. What line is that?

Mr. COCKRELL. Line 8, page 22. I move to insert after the word "applicable" the words:

And the legislature, at its first regular session after the census enumeration shall be ascertained, and from time to time thereafter, shall reapportion the membership in the senate and house of representatives among the senatorial and representative districts on the basis of the population in each of said districts who are citizens of the Territory.

Mr. CULLOM. And of the United States.

Mr. COCKRELL. Yes; citizens of the Territory and of the United States.

Mr. CULLOM. I have no objection to that.

Mr. MORGAN. There is no such thing as citizenship in Hawaii. The word "Territory" should be stricken out.

Mr. COCKRELL. I will make it "citizens of the United States."

The PRESIDENT pro tempore. The amendment proposed by the Senator from Missouri will be stated.

The SECRETARY. After the word "applicable," in line 8, page 22, section 55, it is proposed to insert:

And the legislature, at its first regular session after the census enumeration shall be ascertained, and from time to time thereafter, shall reapportion the membership in the senate and house of representatives among the senatorial and representative districts on the basis of the population in each of said districts who are citizens of the United States.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Missouri.

The amendment was agreed to.

The PRESIDENT pro tempore. Should not a period follow the amendment, and should not the word "but" be stricken out?

Mr. CULLOM. I think that ought to be done.

Mr. COCKRELL. I think you had better leave the word "but" in there—"but the legislature shall not grant." It comes in, I

think, and makes perfect sense of it. It is only a comma. It does not make a full sentence after the amendment.

But the legislature shall not grant to any corporation, etc.

The PRESIDENT pro tempore. Are there further amendments as in Committee of the Whole?

Mr. CULLOM. I think section 104, which is the section that provides that the act shall take effect sixty days after the date of the approval thereof, ought to be transferred and made the last section of the bill. That can be done by the clerks after we get through. I merely thought I would call attention to it.

Mr. PETTIGREW. I should like to ask the Senator why he considers it necessary to defer the taking effect of the act for sixty days, if there is such great haste in its passage. If they can not have a legislature or protect themselves, and this law is not to take effect for sixty days, it seems to me there is no very great haste.

Mr. CULLOM. The trouble is, there is a good distance between us and the islands.

Mr. PETTIGREW. It is only twelve days from Washington.

Mr. CULLOM. I want to make the time as short as we can consistently, so as to have the law go into execution as soon as possible.

Mr. PETTIGREW. Thirty days is certainly an abundance of time, because it is only twelve days from here to Hawaii.

Mr. CULLOM. Does the Senator from South Dakota think that is enough time?

Mr. PETTIGREW. Undoubtedly it is an abundance of time.

Mr. PLATT of Connecticut. That is a pretty short time.

Mr. PETTIGREW. I should like to terminate these slave labor laws as soon as possible.

Mr. CULLOM. I have no objection to making it thirty days.

Mr. PETTIGREW. Certainly that is an abundance of time.

Mr. CULLOM. I will consent to that change so far as I am concerned now. If I find by inquiry that it will be impossible to retain that clause, we will change it. But I will consent to make it thirty days instead of sixty.

Mr. PETTIGREW. There are copies of this bill in Hawaii, and the moment the bill becomes a law the telegraph will take the news to San Francisco, and it is seven days from San Francisco to Hawaii. So that in fact ten days would be abundant time.

Mr. CULLOM. I will consent to the change suggested by the Senator from South Dakota.

The PRESIDENT pro tempore. Does the Chair understand the Senator from South Dakota to make a motion to strike out "sixty" and insert "thirty?"

Mr. PETTIGREW. I understood the Senator from Illinois to accept the amendment, striking out "sixty" and inserting "thirty."

Mr. CULLOM. I consent to that.

Mr. PETTIGREW. It ought to be twenty days.

Mr. CULLOM. I am afraid that would not operate.

The PRESIDENT pro tempore. The amendment to strike out "sixty" and insert "thirty" before "days" will be agreed to if there is no objection.

Mr. ALLEN. Mr. President, I have no desire to speak on the amendment, but there is another matter which I desire to call to the attention of the Senator from Illinois.

The PRESIDENT pro tempore. The amendment is agreed to.

Mr. ALLEN. I wish to call the attention of the Senator from Illinois to section 4, defining citizenship. I notice that section 4 provides:

That all persons who were citizens of the republic of Hawaii on August 12, 1898, are hereby declared to be citizens of the United States.

Who were citizens of those islands on the 12th of August, 1898?

Mr. CULLOM. I do not know whether I understand the question.

Mr. MORGAN. All persons who were born in the islands or naturalized up to that time.

Mr. ALLEN. That is rather indefinite. How many persons were there and how many persons were deprived of citizenship?

Mr. MORGAN. We were not sent there to take a census, and we could not have done it. We had no opportunity to do that, and we could not find out in any other way.

Mr. ALLEN. Relatively speaking, how many citizens were there?

Mr. MORGAN. I do not want to make a guess about a matter that I do not know anything about.

Mr. ALLEN. The Senator from Alabama was sent there to find out something about these matters.

Mr. MORGAN. We discharged our whole duty.

Mr. ALLEN. I have no doubt of that; but it has never fallen to my lot to even inquire successfully into this matter. My field of operation, so far as our foreign relations are concerned, has been somewhat circumscribed, and I presume it will be hereafter. Therefore I must appeal to learned and distinguished Senators who, presumptively at least, know all these things for the information I desire. I have the impression in my mind some way that there is a very limited citizenship in that country, and that the citizenship rests upon a property qualification. I should like to ask the Senator from Illinois if that is not true?

Mr. CULLOM. I think not, Mr. President. The voting is limited.

Mr. ALLEN. Probably I should distinguish between citizenship in its comprehensive term and the elective franchise.

Mr. CULLOM. There was a property qualification under the republic for those who voted for senators larger than that which was found in this bill. I think I can anticipate what the Senator from Nebraska desires to know especially. There were a portion of the people there who declined to take the oath to the republic and become citizens of the republic, who were residents of the island, and my recollection is (the Senator from Alabama perhaps will correct me if I am wrong) that there were possibly 800 or 900 who declined to take the oath to the republic and refused to vote on that ground; and they have not yet voted, as I understand it. I ask the Senator from Alabama whether that is a correct statement or not. I do not recollect very distinctly the number.

Mr. MORGAN. The statement has been fully made on the record in this debate. It has been fully made according to what the Senator is now suggesting.

Mr. CULLOM. I suppose that is what the Senator from Nebraska was trying to ascertain.

Mr. ALLEN. Yes. Were all male persons 21 years of age, who were domiciled in those islands, who were compos mentis and not disqualified by crime, eligible to vote on the 12th of August, 1898?

Mr. CULLOM. Not all persons.

Mr. ALLEN. I do not mean all persons; I mean all males.

Mr. CULLOM. They were eligible to vote for representatives, provided they could speak, read, and write the English or the Hawaiian language, but they were not all eligible to vote for senators unless they had at that time more than $1,500 worth of property or had an income perhaps of $1,000. The voting capacity was limited by that kind of a property qualification.

Mr. ALLEN. Are those restrictions removed by this bill?

Mr. CULLOM. This bill allows all persons to vote who are citizens of the United States and of the islands who can speak, read, and write the English language or the Hawaiian language. So that substantially all the population of the islands who are male citizens 21 years of age are to be voters.

Mr. ALLEN. What I wanted to know and what I wanted to insist upon if this bill does not cover that feature, and I want to insist upon it in good faith, is that suffrage in those islands shall be unrestricted, or restricted no more, I should say, than it is restricted in the United States, in the State of Illinois, or the State of Nebraska.

Mr. CULLOM. There is no restriction that does not prevail in the Senator's State and mine except the intelligence provision that the voter shall be able to speak, read, and write the English or Hawaiian language.

Mr. ALLISON. That ought to be satisfactory.

Mr. ALLEN. I find on page 13 of the bill, section 25, prescribing punishment of persons not members of the legislature, it provides for certain things, some of which I will read:

That each house may punish by fine, or by imprisonment not exceeding thirty days, any person not a member of either house who shall be guilty of disrespect of such house by any disorderly or contemptuous behavior in its presence; or

Who shall, on account of the exercise of any legislative function, threaten harm to the body or estate of any of the members of such house; or

Who shall assault, arrest, or detain any witness or other person ordered to attend such house, on his way going to or returning therefrom; or

Who shall rescue any person arrested by order of such house.

I thought that those provisions, necessary and well enough in themselves, ought to be supplemented by a provision that would give power to a committee duly appointed by either house to conduct an investigation, the authority to punish witnesses for a failure to attend when properly subpœnaed, or for contumacious conduct, such as declining to answer proper questions when before the committee. If this bill is to stand as the constitution or in lieu of the constitution for the government now being erected in the Hawaiian Islands, it ought to be specific, and the legislative branch of that government ought to have full power to ascertain the truth that may affect its own standing or the standing of its members, or that may affect the condition of legislation. Without some provision of that kind both the legislative bodies would be powerless to act. Yet I do not know that it is my duty to offer an amendment. I do not think it is. I call attention to it, however, as a defect in the bill.

Mr. SPOONER. Is the Senator from Nebraska through?

The PRESIDENT pro tempore. Does the Senator from Nebraska yield the floor?

Mr. ALLEN. Yes; I yield.

Mr. SPOONER. Mr. President, some days ago in the debate upon this bill I stated it as my recollection that the Senator from

Alabama [Mr. MORGAN], in the last session of Congress, when the Senator from Indiana [Mr. FAIRBANKS] was pressing the passage of the bill extending the contract-labor laws or the immigration laws of the United States to Hawaii, objected upon the ground that it would be ruinous to the people of Hawaii to extend those laws to that people. The Senator from Alabama rose and stated that he had not taken that attitude. I spoke from recollection, for I remembered distinctly one part of what the Senator had uttered in that debate.

Upon examining the RECORD I find that there were two bills pending, a bill to give a government to Hawaii and a bill also to extend to Hawaii the contract-labor laws and the immigration laws of the United States. On reading the RECORD of what was said upon the subject, I find that the objection made by the Senator from Alabama to the proposition of the Senator from Indiana was not directed to the merits of the extension or the proposition to extend the contract-labor laws and the immigration laws of the United States to Hawaii, but was addressed to the proposition that to extend the one—in other words, to pass the one bill without passing also the other—would produce great confusion in Hawaii and lead to great embarrassment in the administration of the law, and therefore would be ruinous.

I avail myself of the first opportunity possible to me to place upon the record here my statement that I did injustice to the Senator from Alabama. I hope that will be satisfactory to him, as I would not be willing to do an injustice to any of my brother Senators on any subject.

Mr. CULLOM. I only want to say one word in this connection. I thought at the time the Senator was making the statement that the remarks of the Senator from Alabama were as they are found in the RECORD, and did not apply to the case, as was supposed at that time by the Senator from Wisconsin.

Mr. MORGAN. Mr. President, the bill to which the Senator from Wisconsin [Mr. SPOONER] refers—the bill to repeal all the laws in regard to the importation of labor and to prohibit the further importation of labor—was brought into the Congress just about the time of our adjournment, perhaps two days before the final adjournment. There was no possibility of getting up the general bill which is under consideration now, and which disposes of the whole subject of the government of Hawaii; and I objected to putting in a special clause, which was reported by the Committee on Immigration, I believe, in regard to the labor system of Hawaii, on the ground that it would disconcert the whole system of the law there, and we had not an opportunity to know exactly what the effect of it would be. Such a measure as that, if provided at all, ought to be provided in the general bill; and it was provided in the general bill that all the laws of Hawaii on this subject should be repealed and that the laws of the United States should take effect, which, of course, would introduce there the laws of the United States.

I have always maintained that the act of annexation repealed the laws of Hawaii on the subject of the importation of labor, because that act of annexation in dealing with this question of immigration, as it did in regard to the Oriental peoples, established a public policy under which those laws of Hawaii would necessarily, in my opinion, go down. I did not suppose that we were improving the law really by the provision to repeal the laws of Hawaii that we put into the bill. The real substance of those acts, the provision we have in this bill now for the repeal of those laws, had already been enacted in the act of annexation.

There is an established, fixed policy of the United States against the importation into any part of the United States of contract labor. Whether it is prohibited in a particular spot or not makes no difference; it is a general law; it is a general public policy; and I hold that no man can now import a coolie or any man that is under a contract obligation into the United States, although there might not be a special statute applicable to the particular place. It could not be done, for instance, as was stated, I think, perfectly to-day, in Puerto Rico. Coolie labor could not be lawfully imported into Puerto Rico to-day, although we have no statute on the subject at all, for such importations are contrary to the public policy of the United States as declared in a general system of laws upon that subject.

So I was not only gratified but I was anxious that the labor laws of the United States should be extended over Hawaii. I had been there and I had seen the effect of it, and while it was not at all, apparently, injurious to any Japanese who had come into that country or anyone else, while I could not see that there was any disadvantage to those people in consequence of the labor laws, yet it was a system that our people were opposed to and that our country was opposed to, and I have always advocated the laws for its suppression.

Having been there and having observed the situation of the country, I became aware also of the fact which I have stated on the floor here, without it being contradicted at all, that the great sugar estates in Hawaii, upon which this labor is almost exclusively employed, belong to corporations who were either created in California or are owned there. Our own people in the United States are the men who are forcing these importations of Japanese. It is not the native Hawaiians or the people who are in control of the government there. They were resisting it so far as they could, and made various modifications in the arrangements and contracts that were made under the existing Hawaiian law. They took them to be laws that were existing. I did not.

So I had no purpose at all in trying to encourage and maintain the importation of Japanese labor into Hawaii under contract. The absurdity of the imputation to me of any such position is this: Japanese have a perfect right to come to the United States or Hawaii or any part of the United States to-day; as much so as a German or a Frenchman. There is no prohibition against their coming here. The only prohibition that operates upon Japan in that connection is that which operates upon every other nation of the world equally. We can import a Japanese laborer without making a contract with him for his service after he gets here. Therefore, I had not any motive at all in undertaking to fill up that country with Japanese laborers. On the contrary, all my impressions were against it.

Mr. SPOONER. All I care for is whether the Senator from Alabama is satisfied with the statement I made.

Mr. MORGAN. I am entirely satisfied.

Mr. FAIRBANKS. Mr. President, I made a similar observation with respect to the attitude of the Senator from Alabama [Mr. MORGAN] that was made by the Senator from Wisconsin [Mr. SPOONER]. My statement was based upon the utterance of the Senator during the debate at the last session. He objected to the consideration of the bill which was in my charge extending the immigration and anti-contract labor laws of the United States to Hawaii. He said in reply to the request to take up the bill:

> I will state that whenever the bill is taken up, I shall undertake to amend it in such way as to try to save those people from ruin in consequence of this legislation, and I will take all the time that it is necessary to do it.

I recalled the other day simply that observation, but since reading the entire debate, I do not think it can be said that he was unfriendly to the ultimate extension of our immigration and anti-contract labor laws to Hawaii. He preferred, possibly, the extension of those laws through his own bill rather than through the one I had in charge.

In this connection, Mr. President, I would like to ask the Senator in charge of this bill whether as amended it provides for the absolute elimination of the contract-labor laws of Hawaii? There should be no ground for doubt upon that proposition. I think we are all agreed that in this legislation we should absolutely destroy, root and branch, the contract-labor system which has maintained in Hawaii; and if the bill does not as it stands at present accomplish that purpose, it should be amended so that it will do so. Sir, the contract-labor system which has existed in the Hawaiian Islands is repugnant to our American institutions and must be eradicated. I dare say that the Senator in charge of the bill has not failed to provide suitable provisions to accomplish this purpose, but I shall be obliged if he will kindly inform us upon the subject.

Mr. CULLOM. In the first place, all the Territorial statutes on this subject are repealed. In the second place, the Senator will find on the eighth and ninth pages of the last print of the bill section 10 and section 10½, the latter being an additional section put in yesterday on the motion of the Senator from South Dakota [Mr. PETTIGREW]. Taking them all together, it seems to me that it is utterly impossible for contract labor to exist in those islands hereafter when this bill takes effect.

Mr. TELLER. Mr. President, I desire to offer the amendment of which I gave notice last night. On page 44, I move to strike out all of section 88 down to and including the word "court," in the fifth line, and to insert in place of it what I send to the desk.

The SECRETARY. Strike out section 88 down to and including the word "court," in line 5, on page 44, and insert in lieu thereof the following:

> That there shall be established in said Territory a district court, to consist of one judge, who shall reside therein and be called the district judge. The President of the United States, by and with the advice and consent of the Senate, shall appoint a district judge, a district attorney, and a marshal of the United States for the said district; and said judge, attorney, and marshal shall hold office for four years, unless sooner removed by the President. Said court shall have, in addition to the ordinary jurisdiction of district courts of the United States, jurisdiction of all cases cognizable in a circuit court and shall proceed therein in the same manner as a circuit court. Writs of error and appeals from said district court shall be had and allowed to the circuit court of appeals in the Ninth judicial circuit in the same manner as writs of error and appeals are allowed from circuit courts to circuit courts of appeals as provided by law.

Mr. TELLER. I wish to say that yesterday I was under the impression that we were providing for more judges than were necessary, but on consultation with some of the members of the committee and the commission who were over there I find it is quite different from what it would be in the contiguous territory. The judges are scattered, necessarily, because of the different islands, and there seems to be in the minds of the commission at least a necessity for this particular judge, who is to be clothed only

with the powers with which we have usually clothed a Territorial judge—that is, to do the business of the United States. I am told that there is going to be a large business there in the way of admiralty affairs and various things. The effect of my amendment is that this is a Territorial judge and not an attempt to create a constitutional court.

Mr. CHILTON. Will there be no constitutional judge there at all?

Mr. TELLER. There will be no constitutional judge. This judge will be clothed with all authority of a constitutional judge, but his time is limited to four years.

Mr. CHILTON. And you confer admiralty jurisdiction on a Territorial judge?

Mr. TELLER. That has been done repeatedly. All the authorities are that way. Every jurisdiction that could be conferred on a district judge can be conferred on a legislative judge. That has been repeatedly held by the Supreme Court. Take, for instance, Colorado. Full jurisdiction was conferred upon the Territorial judges there, absolutely, except as to admiralty, there being no business of that character in Colorado; but they had every other jurisdiction. There was some question as to whether we could legally create a constitutional court out there—there was no question in my mind about it—but we could create a court, and we did create a court with the powers of a constitutional court.

Mr. HOAR. Do I understand that in substance and principle—I shall not go into details—this judge is like the judge of the supreme court of a Territory?

Mr. TELLER. Practically.

Mr. BACON. In listening to the amendment I was unable to catch its full import. I should like the Senator to state what is the line of demarcation between the jurisdiction of the court provided for in another portion of the bill and this particular court.

Mr. TELLER. The other judges, the five or six circuit judges scattered around, will not have charge of infractions of the laws of the United States. What would be called national questions will come to this court.

Mr. BACON. What court will have charge of local questions?

Mr. TELLER. Local questions are left to the other courts. In the Territories every judge exercises that power, but the commission seemed to think it was not wise to confer that power on these judges. There must be, however, some judge there to exercise it, and therefore he is provided for in this way. I believe it will be satisfactory to the people out there and accomplish everything the commission desire.

Mr. ALLEN. Mr. President, I regret to say that I do not think the amendment proposed by the Senator from Colorado [Mr. TELLER] will remove the objection to this part of the bill. This seems to be exceptional in our legislation. Heretofore we have been contented with permitting Territorial judges to exercise ex officio the jurisdiction of a Federal judge or a Federal court proper.

The Senator from Colorado says that he is now satisfied that the number of judges is not too great in consequence of the islands being somewhat scattered; but I fail to observe any provision in the bill which requires those judges to come from any particular island or to reside on any particular island during their term of service. They can all be appointed from the city of Honolulu, and reside there.

Mr. CULLOM. Will the Senator allow me?

The PRESIDING OFFICER (Mr. PERKINS in the chair). Does the Senator from Nebraska yield?

Mr. ALLEN. I do.

Mr. CULLOM. The local statute of the Territory creates circuits for the circuit judges, and each of them holds his court in his particular jurisdiction, as is provided, and those laws are preserved.

Mr. PLATT of Connecticut. If the Senator will permit me, this provision is in the laws of Hawaii:

> Every judge of the circuit court shall reside in the circuit for which he is appointed.

Mr. ALLEN. Yes.

Mr. HOAR. This provision is not so drawn as to cover that.

Mr. CULLOM. The supreme court sits in the capital of the island, and, of course, appeals are taken to the court there, and disposed of by the supreme court.

Mr. ALLEN. Suppose a litigant wants to begin his case in the Federal court before the judge provided for in the amendment of the Senator from Colorado, it would not make any difference in what island he lived, he would have to go to Honolulu for the trial of that case.

Mr. CULLOM. I think the bill provides for the holding of court at two different places, Honolulu and Hilo, which are the two principal cities. That is the statute.

Mr. SPOONER. You can not hold a Federal court in every county of a State.

Mr. ALLEN. You could hold terms of a Federal court in every county of every State in this Union if you wanted to, and I am not prepared to say that it would not be the wisest thing—and I say it after some deliberation and some investigation—to invest, in the first instance, all Federal power in the State judiciary, to be exercised by them, with the right of appeal and the right of a writ of error to the court of last resort, to the Supreme Court of the United States, or an intermediate court of appeal.

Mr. SPOONER. Will the Senator allow me?

Mr. ALLEN. Certainly.

Mr. SPOONER. Does the Senator contend that it is in the power of Congress to vest admiralty jurisdiction under the Constitution in a State court?

Mr. ALLEN. There may be some question about that under the Constitution; but I am not speaking now of constitutions or technical questions. I am speaking of a question of policy. I do believe it would be the wisest thing the people of the United States could do, and that it would be conducive to purity in the administration of justice—a thing we much need nowadays—if all judicial power of the United States Government were invested in the first instance in the nisi prius of general jurisdiction of the different States and Territories of the United States.

That position, Mr. President, is not without precedent. Heretofore we have made the Territorial courts, which stand to the Territories very much as the State courts stand to the States, courts of general jurisdiction, and invested them with Federal jurisdiction as well; and they have exercised it as wisely, I presume, as courts generally exercise their jurisdiction.

Now, we have eight judges in those islands, seven of them exercising one kind of jurisdiction and one of them exercising a separate jurisdiction. It can not be presumed that the gentlemen who will be appointed to the circuit bench by competent authority in those islands will not possess the qualifications necessary to the discharge of Federal duties. Ordinarily, one man possesses about as much qualification as another in that respect. You propose to have four circuit judges of general jurisdiction, criminal and civil; then you propose to have a distinct court of appeals or a supreme court; then, distinct from that, a court of review; you propose to have a Federal court or Federal courts, and that, too, in seven or eight islands that have not got, all told, 200,000 people to-day.

I do not believe that I am extravagant, whatever others may think, when I say that three good judges of competent health and mental qualifications, who will attend to their duties, can discharge every necessary judicial function in those islands every year without impairing their health by labor. They can sit as a court in banc, in review of appeals from each other, with a writ of error to the Supreme Court of the United States for final hearing. When you come to put seven or eight judges upon the people of those islands you are putting at least five more men there than are necessary. It is like taking the money we pay to those men and burning it up, for it is no more valuable to the taxpayers of the United States or to the taxpayers of those islands than it would be if it was put in a stove and burned up. But I suppose there must be a political Botany Bay somewhere, where the political nondescripts, the halt and the blind, and those who fall outside of the breastworks can find positions at the expense of the Government.

Mr. President, I started a moment ago, when I was cut off, to speak of some defects in this bill, in my view; and I will now briefly state them. One of the defects of this bill is that it opens every port in those islands to unrestricted immigration. You do not carry the exclusion act over those islands; and the Hottentot can within a few months become domiciled in the Sandwich Islands, and within a short time thereafter can become a citizen of the United States.

Mr. ALDRICH. And he can in Nebraska.

Mr. ALLEN. No, Mr. President; Hottentots can not in Nebraska.

Mr. ALDRICH. Why not?

Mr. ALLEN. They might be imported there, but the people of Nebraska would drive them out.

Mr. SPOONER. If the Senator will allow me, what law is there which would prevent a Hottentot going into Nebraska?

Mr. ALLEN. Mr. President, I do not care to say anything in reply to an argument such as that, but I am perfectly willing that Senators shall interrupt me with proper questions. I do not care anything about it one way or the other.

But I am speaking of a great question, a question which is vital to this country, vital to the people you represent, Mr. President [Mr. PERKINS in the chair], and to the people I represent, that the citizenship of this country shall not be contaminated and debased by the unrestricted importation of this class of people. I am not indulging in the light and trivial question of whether some Hottentot, literally speaking, may be in Wisconsin, Rhode Island, or Nebraska.

Now, what restrictions have you put upon immigration? Nothing at all. All the rag-tag and bobtail elements of the world can go there.

Mr. MORGAN. I will say to the Senator that we have extended the laws of the United States over Hawaii.

Mr. ALLEN. You have not extended the exclusion act over the Territory of Hawaii.

Mr. MORGAN. We have extended all the laws of the United States over Hawaii.

Mr. ALLEN. And you have not extended the exclusion act to any other territory in our new possessions.

Mr. MORGAN. I beg the Senator's pardon. He is wrong about it. This bill extends all the laws of the United States over the Hawaiian Territory.

Mr. ALLEN. If that is true, Mr. President, why are not those laws enforced?

Mr. SPOONER. We have not yet extended them. The bill has not yet been passed.

Mr. ALLEN. You ought to have extended them. You have had possession of those islands now for pretty nearly two years.

Mr. MORGAN. They have been under the laws of the United States.

Mr. ALLEN. They have not been under the laws of the United States. What laws of the United States have they been under?

Mr. MORGAN. By the act of annexation we continued in force the laws of Hawaii until Congress shall change them.

Mr. ALLEN. That is a singular reason—most singular.

Mr. MORGAN. It is no reason at all; it is a mere statement of a fact on the statute book.

Mr. ALLEN. A moment ago I understood the Senator to say that when we annexed those islands there were extended over them by their own force the laws of the United States.

Mr. MORGAN. I did not say that; but by this bill, when it is passed, those laws will be extended.

Mr. ALLEN. When we pass this bill the exclusion act, so the Senator says, is to be extended over those islands.

Mr. MORGAN. Of course it is.

Mr. ALLEN. I fail to find any provision in the proposed law to that effect. The Senator from Alabama may asseverate it if he sees fit, but there is a difference between the provisions of this bill and the ipse dixit of the Senator from Alabama, or of any other Senator, that it is in the bill by inference or expressly.

Mr. CULLOM. Section 6 provides:

That the laws of Hawaii not inconsistent with the Constitution or laws of the United States or the provisions of this act shall continue in force.

Mr. ALLEN. Those are the laws of Hawaii.

Mr. CULLOM. The section proceeds:

Subject to repeal or amendment by the legislature of Hawaii or the Congress of the United States.

Then section 5 provides:

That, except as herein otherwise provided, the Constitution and all the laws of the United States not locally inapplicable shall have the same force and effect within the said Territory as elsewhere in the United States: *Provided*, That sections 1891 and 1892 of the Revised Statutes of the United States shall not apply to the Territory of Hawaii.

Mr. HOAR. From what is the Senator reading?

Mr. CULLOM. Section 5, page 3.

Mr. ALLEN. There is another one of the mysteries of this bill—"not locally inapplicable."

Mr. MORGAN. That is in every Territorial act which has passed the Congress of the United States.

Mr. ALLEN. Suppose it is in every Territorial act in the United States, what does it mean?

Mr. CULLOM. What it says.

Mr. ALLEN. Who is to determine whether it is "locally applicable" or not? Why, Mr. President, there is an unlimited field to guess in. One man will declare a thing locally applicable which another man will declare inapplicable. I believe that hidden beneath that language is the purpose of making the exclusion act inapplicable to the islands of Hawaii.

Mr. CULLOM. Mr. President, the commission looked through the United States Revised Statutes and copied them, and also copied from the other Territorial acts.

Mr. ALLEN. There is altogether too much of that kind of work done.

Mr. HOAR. Will the Senator from Nebraska allow me to put him a question, or to make a suggestion, in line with and in support of what he is saying?

Mr. ALLEN. Yes, sir; I will.

Mr. HOAR. I should like to have an explanation of what is meant by the language in section 5:

Except as herein otherwise provided—

That was an amendment put in by the Senate—

the Constitution and all the laws of the United States not locally inapplicable shall have the same force and effect within the said Territory as elsewhere in the United States.

That only extends to the laws of the United States except as "herein otherwise provided." Then does not section 6 otherwise provide in regard to this very matter? That section says:

That the laws of Hawaii not inconsistent with the Constitution or laws of the United States or the provisions of this act shall continue in force, subject to repeal or amendment by the legislature of Hawaii or the Congress of the United States.

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. HOAR. Certainly.

Mr. SPOONER. Would not, under that language, any act of Hawaii which permitted contract labor and absolutely unlimited immigration be in conflict with our laws?

Mr. HOAR. That would present the question which I was just about to state when the Senator put his interrogatory to me. Does that mean inconsistent with the laws of the United States in their effect in the United States? We have got a law of the United States now which does not extend to Hawaii. That is clear. The Hawaiian laws now existing are not inconsistent with the laws of the United States, because the United States has no laws extending to Hawaii, but they relate to different Territories.

Let us see. Would not section 6 maintain and preserve the Hawaiian law? All of this can be made clear by a phrase, if it is necessary, because the meaning of the committee is undoubted. You have got, in other words, two systems of laws. The United States laws extending to the United States, and the Hawaiian laws extending to Hawaii. They are not inconsistent with each other, because they relate to different territorial spots on the earth's surface. Is it, then, sufficient to abolish one of those by saying that the laws of the United States are now to have force and effect within that Territory "except as herein otherwise provided?" Then you have, in substance, herein otherwise provided that a particular Hawaiian law shall continue. I am dealing with a very narrow question of phraseology; but it seems to me there is not any doubt about it.

Mr. ALLEN. Mr. President——

Mr. HOAR. I beg the Senator's pardon, but my interruption was in support of what he was saying.

Mr. ALLEN. I am dealing with the general proposition that the ports of those islands are open to unrestricted and unlimited immigration.

Mr. SPOONER. Under this bill?

Mr. ALLEN. That they will be under this bill.

Mr. CULLOM. The Senator is entirely mistaken.

Mr. ALLEN. I may be mistaken, and, if so, it will not be the first time in my life I have been. I hope I may be mistaken, but I do not want to see the character of citizenship of this country or any other territory that has become permanently a part of the United States debased. I think I am liberal in my views on immigration laws. I am in favor of the most liberal laws for the reception of people of kindred tongues and races who come to our country and become a portion of our people—an assimilable class of people. I believe this country was designed for that class of people, and from them, Mr. President, in the past we have received great aid. The German, the Irishman, the Bohemian, the Englishman, the Scotchman, the Frenchman, the Swede, the Scandinavian, and all those kindred classes of people have added much to the wealth, the intelligence, and the glory of our country.

But, Mr. President, we have gone out to the Sandwich Islands and have annexed to ourselves, inseparably I suppose, a class of people upon whom seems to rest the curse of God, and now we propose to use the Sandwich Islands as a stepping-stone or as a door giving entrance, and unrestricted entrance, to all classes of people of all nationalities to this country. Senators may bicker and talk and chop logic on the question of the construction of this bill, but the fact remains—it remains patent to all people—that the Sandwich Islands are to be used as a doorway through which all classes of people, who may be alien to our institutions and hostile to a republican form of government, are to be admitted to debase our population and to demoralize our citizenship.

I shall vote against this bill from top to bottom. I shall not criticise it unnecessarily, I think. I do not intend to do so, at least; but it is a slipshod affair. To speak of it in respectful terms, it is crude, ungrammatical, not properly constructed in any respect, disjointed, not properly arranged; but nevertheless it is probably in keeping with the majority of bills that come before the Senate for final passage in those respects.

But the thing I object to most of all, Mr. President, is the wild, unrestrained dream for power, to acquire somebody, to get hold of people who do not belong to us, whether they contaminate us or not. Have we reached that period in the history of our country that all of its glories and its sacred institutions must go down in dust that we may extend our commerce, as I heard the Senator from South Carolina [Mr. MCLAURIN] argue this afternoon? The Constitution is a mere rope of sand. So say some of these gentlemen, and the decisions of the Supreme Court construing the Constitution throughout the history of our nation have no force, according to their opinion. The whole course of our nation, which has been to build up a strong domestic government and keep us free from alliances that will bring about nothing but contamination and injury to the country, is to be abandoned, and we are to get some poor people, and the more helpless they are the more

willing we are to take charge of them, and we are to govern them, assimilate them, their government, their commerce, their laws, their institutions, and all.

Mr. President, I do not deem it my duty to stand here and offer amendments to this bill. I believe it is the duty of the Senator to withdraw the bill, or of the committee which has passed upon this bill to present it in the form it should be. I shall not offer an amendment to it. If it were so drawn, Mr. President, that you could drive an ox team through it, I would not offer an amendment to cure its defects; it is that broad in some respects.

But, Mr. President, it is offered to accomplish a purpose—that is, to take those people, all the driftwood, the wash of the future, into the citizenship of the United States. There is not a people upon the known globe morally and physically so inferior, so turbulent, and so unfitted for American citizenship that you do not propose to admit through the gates of Hawaii. You do not care about its effect upon the American home; that signifies nothing. It may debase the scholarship of this country; it may, as it will, debase the citizenship of the laboring man for these people to come here in daily contact with him as a laborer and reduce the scale of living of his wife and children; but you care nothing for that; that signifies nothing. If you can extend your commerce, reap the rewards of the labors of those people, and reduce the condition of the laboring man in the United States, you will have served your purpose.

And all this is to be done, Mr. President, in the name of patriotism and of the Divinity. It reminds me of a story that was told at one time about a section of this country—I shall not locate it—where a great scandal occurred in consequence of the misappropriation of public money, a scandal that shook the very foundations of the nation at the time. It was said that the chief in those scandals, the man who disbursed the Government funds, was a regular attendant at prayer meeting, and when his associates were gathered around him at a Thursday evening prayer meeting, he always opened the services by saying, "In the name of God, let us rob somebody." [Laughter.] So it is every time that we seek to despoil a weak people of their property or of their institutions, we are doing it in the name of the lowly Nazarene.

Mr. SPOONER. Mr. President, we all take the same oath when we become members of this body. Each Senator determines for himself what the obligation of that oath is and what duty rests upon him flowing from it. I confess I can not understand the principle upon which the Senator from Nebraska acts about this bill or any other bill that is presented for the consideration of the Senate when he says if he saw defects in it, if he saw objectionable provisions in it, he would not offer any amendment. The Senator, I believe, voted against the annexation of Hawaii.

Mr. ALLEN. I did.

Mr. SPOONER. So did I, Mr. President, or I was paired against it; but Hawaii was annexed; the Congress of the United States made it a part of the United States, and we are now engaged in framing for it a government as a part of the United States. I can not reconcile it with my duty as a Senator to neglect it or to be indifferent to the provisions of the bill.

Mr. ALLEN. Will the Senator permit me?

The PRESIDING OFFICER. Will the Senator from Wisconsin yield to the Senator from Nebraska?

Mr. SPOONER. Certainly.

Mr. ALLEN. I utterly repudiate the power of Congress to annex the Hawaiian Islands by a joint resolution such as passed the Senate. It is ipso facto null and void.

Mr. SPOONER. I had my questions about that. I have my conviction about it now.

Mr. ALLEN. My constitutional conviction is clear.

Mr. SPOONER. But that is a political question, not subject to review by the courts.

Mr. ALLEN. I beg the Senator's pardon.

Mr. SPOONER. I grant it.

Mr. ALLEN. The Senator ought to. It could be made the subject of review by the courts. It could be very easily made the subject of review by quo warranto or some other process.

Mr. SPOONER. Quo warranto? How?

Mr. ALLEN. I am not going into the details of it. Suppose a citizen of the Hawaiian Islands should be arrested. Could not that be raised by a question of habeas corpus?

Mr. SPOONER. Of course not.

Mr. ALLEN. Of course not? Of course it could. But I want to say to the Senator—he seems to be delegated to take charge of me on almost all occasions——

Mr. SPOONER. I beg the Senator's pardon. That is not true. I decline that responsibility.

Mr. ALLEN. It will take lots of the Senator's time if he discharges his duty fully. But what I want to say, and then I will quit, is that I have no respect whatever for the judgment of the Senate in passing a joint resolution to annex the Hawaiian Islands, and I discharge my full constitutional duty, in the light of my responsibility to God and to my country, when I vote against every measure of this kind.

Mr. HOAR. I rise merely to ask the Senator from Colorado [Mr. TELLER] a question. I do not wish to take the floor.

Mr. TELLER. I will wait until the Senator from Massachusetts gets through.

Mr. HOAR. I thought the Senator was through.

Mr. SPOONER. I yield to the Senator from Massachusetts.

Mr. HOAR. I beg pardon. I thought the Senator had concluded. I merely wish to ask a question.

Mr. SPOONER. The Hawaiian Islands were annexed to the United States by a joint resolution passed by Congress. I reassert, although my distinguished legal friend the Senator from Nebraska is absent, that that was a political question and it will never be reviewed by the Supreme Court or any other judicial tribunal. That is too well settled to admit of any doubt except perhaps in Nebraska.

I think the Senator from Nebraska is mistaken, and I think the suggestion made by the Senator from Massachusetts is not without question. Section 5 says:

That except as herein otherwise provided, the Constitution and all the laws of the United States—

That has been amended so as to read "not locally inapplicable"—

shall have the same force and effect within the said Territory as elsewhere in the United States.

That is the language which has been employed always in legislation for the erection of Territories and the government of Territories. But that is not all.

Mr. HOAR. I want to ask my honorable friend a question. The laws of the United States, unless they are locally inapplicable, like laws establishing light-houses or other laws having a local significance alone, are extended to Hawaii. Now, what meaning can section 6 have, that being the case, if the Senator be right? Will he state, for instance, a law of Hawaii on any general subject of legislation which would be inconsistent with the laws of the United States?

Mr. SPOONER. I suppose there are a great many.

Mr. HOAR. Suggest one as an example.

Mr. SPOONER. I am not familiar with the laws of Hawaii.

Mr. HOAR. Suppose you were applying this to Wisconsin.

Mr. SPOONER. We are not proposing here to provide in every possible detail laws for Hawaii.

Mr. HOAR. But there are laws of the United States Territories as to marriage, divorce, crimes, misdemeanors, and all those things. Now, all the laws of the United States are to go over the Territory.

Mr. SPOONER. Hawaii was a republic.

Mr. HOAR. Now, they have saved some by section 6. What have they saved?

Mr. SPOONER. I will tell the Senator what I think they have saved. Hawaii was a republic. It was an independent government. They had a system of laws of their own enactment. When Hawaii became a part of the United States by the passage of the annexation resolution those laws remained in force, except so far as they were modified for the time being by direction of the President of the United States. Otherwise it would have been anarchy.

Mr. MORGAN. Will the Senator from Wisconsin allow me?

Mr. SPOONER. Yes.

Mr. MORGAN. I desire to make a correction of his proposition. All the laws of Hawaii, by the act of annexation, except so far as they conflict with the Constitution of the United States, were continued in force by an act of Congress just as they are to-day and have been all the time since the annexation, and they will remain in force until an act of Congress shall change it, if it is a hundred years.

Mr. CULLOM. Unless the legislature repeals them.

Mr. MORGAN. Unless they are repealed by their own legislature. That included the whole system of government in Hawaii, including the republic by name and by organization and everything relating to it, excepting the laws connecting that republic with foreign nations. So the laws in Hawaii in force to-day are expresely kept there in force by an act of Congress, and the President has no power in regard to them except to designate the people who are to execute them.

Mr. SPOONER. And to direct the manner in which they are to be executed?

Mr. MORGAN. And to direct the manner in which they are to be executed.

Mr. SPOONER. Certain laws are repealed expressly by this bill, and that is what is meant by this exception:

That, except as herein otherwise provided, the Constitution and laws of the United States not locally inapplicable shall have the same force and effect within the said Territory as elsewhere in the United States.

Now, section 6 reads:

That the laws of Hawaii not inconsistent with the Constitution or laws of the United States or the provisions of this act shall continue in force, subject to repeal or amendment by the legislature of Hawaii or the Congress of the United States.

Now, there is by this bill left of the body of the laws which have been enacted under the republic of Hawaii, as I understand it, those not expressly repealed, and such of those laws as shall not be inconsistent with the Constitution and laws of the United States. The Senator from Massachusetts, construing this language——

Mr. HOAR. I am inclined to think, on further examination, that the Senator from Wisconsin is right.

Mr. SPOONER. The Senator from Massachusetts construed properly the language "not locally inapplicable" to include a few subjects of legislation; but the general laws of the United States as to alien labor, contract labor, and immigration just as certainly extend when this bill passes—not now—over the Territory of Hawaii as they extend to any other Territory under the jurisdiction of the United States.

I am not to rail about the act of Congress annexing this Territory, although I was not in favor of it. It was done. It has been made a part of the United States, and I wish to aid as far as I may as a member of the Senate in providing for that people a good government and adequate laws; and whatever my friend the Senator from Nebraska may say about it in the heat of debate, I venture to say that he has the same purpose and the same desire.

Mr. President, I rose merely to speak for a moment upon the amendment offered by the Senator from Colorado. I wish the Senator from Alabama were present. I do not think it changes at all in legal effect, although I agree it ought to be made plain, and it is made plain by his amendment, section 88 as it stands in the bill. That section is as follows:

That a judicial district of the United States is established for the Territory of Hawaii, to be called the district of Hawaii, which shall be included in the Ninth judicial circuit of the United States. The President of the United States, by and with the advice and consent of the Senate, shall appoint a district judge, a district attorney, and a marshal of the United States for the said district.

No tenure of office is fixed by this section or by the bill for the district judge or the district attorney or the marshal. There is, however, a general provision of statute which declares that the term of office of a Territorial judge and of a marshal and of a district attorney shall be four years; and unless this is a constitutional court, and unless under the provisions of the Constitution this judge as a judge of a constitutional court is to hold for life, which I deny, the legal effect of this provision, no matter what you call the court, no matter what you call the judge, would be to create a Territorial judge of a Territorial court, whose term of office would either be indefinite or would be under the general law limited to four years.

I have been unable to escape the conviction that it is not within the constitutional power of Congress to create a constitutional court—and by that I mean a court the tenure of whose judge is fixed by the Constitution—in the Territories of the United States. To avoid misunderstanding, and to avoid trouble hereafter, we ought, in legislating upon this subject, to consider it with some care with reference to the Constitution upon the subject. The Constitution is very plain. I wish to call attention to it for a moment:

The judicial power of the United States—

And by that, I understand, is meant the Union of States—

shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

I admit the right of Congress to erect Territorial courts. I admit the right of Congress to confer upon such courts the jurisdiction which Congress chooses. I admit the right of Congress to make the term of office of the Territorial judge four years or ten years or during good behavior, so far as the question of power is concerned. Generally the tenure has been limited to four years, but not always. As to Indiana, I think, as to Michigan, as to Wisconsin, as to Minnesota, as I recollect it, the tenure was made during good behavior; but notwithstanding all that they were Territorial courts. Those courts are not inferior courts within the language of section 1 of Article III, the tenure of the judges of which is beyond the reach of Congress and is fixed entirely by the Constitution.

Those courts are established, as I understand, not under that section of the Constitution at all, but under the section which gives the Congress the power to make rules and regulations respecting the territory and other property of the United States. It has been decided so time and time again by the Supreme Court of the United States. To my mind the test whether this is a constitutional court or not lies in the question whether or not we have any right to fix the tenure of the judge at all.

This bill was drawn upon the theory that this is a constitutional court under section 1 of Article III of the Constitution, and that, being silent upon the tenure of office under that provision of the Constitution, it creates a life judge.

Mr. ALLEN. Will the Senator permit me?

Mr. SPOONER. Certainly.

Mr. ALLEN. I did not suppose there was any doubt about a Territorial court being purely the creature of a statute.

Mr. SPOONER. I do not think there is, and in a sense——

Mr. ALLEN. And the section of the Constitution to which the Senator from Wisconsin refers provides for constitutional courts that are to preside in different districts in the States.

Mr. SPOONER. I agree with the Senator, but I suggest he does not cover the whole ground. The district courts and the circuit courts of the United States are, in a sense, legislative courts. The constitutional provision is that "the judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish."

Mr. ALLEN. The Senator will permit me. These Territorial courts are extra constitutional courts.

Mr. SPOONER. The Senator is quite right. As I was saying a moment ago, the test to my mind is this: As to Territorial courts, we may make the tenure of the judges of the Territorial courts what we choose. We may make it one year; we may make it four years; we may make it ten years, or we make it, if we adopt a bad and, I think, a vicious policy, during good behavior; but with the tenure of the office of the judge of the inferior courts mentioned in article 3 we have nothing whatever to do. Once we create the court and the Constitution fixes the tenure. It is not possible for Congress to make it any less than during good behavior.

That is not all there is to it. The judge of the constitutional court can not be removed by the President of the United States. He can only be removed by the Senate of the United States upon an impeachment. We have the power to provide that the judge of the Territorial court—and that power has been often exercised, and it has been sustained by the Supreme Court of the United States in the McAllister case and other cases—may be removed by the President of the United States. It is beyond our power to make any such provision for the removal of a judge of a constitutional court.

So I say, if my friend, the Senator from Alabama, will give me for one moment his attention, that in my opinion this section, as it is drawn, providing no limit to the tenure, saying nothing, in fact, as to the tenure of the judge, will be governed by the general provisions of the Revised Statutes as to Territorial judges, and will make the tenure of the judge four years. In all the legislation from the beginning this fact has been recognized, that there is a distinction under the Constitution between the Federal court in a State and the Territorial courts. We may clothe the Territorial court with the powers of a Federal judge; in other words, as we have the law side of the court and the equity side of the court, we may so frame our legislation that the court shall have the Territorial or local side on the one hand, and on the other hand the Federal side; but in my view we can not make the court a constitutional court with the tenure of the judge fixed by the Constitution.

Mr. BACON and Mr. NELSON addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Georgia?

Mr. SPOONER. I yield to both Senators.

Mr. NELSON. I thought the Senator from Wisconsin was through.

Mr. SPOONER. No.

The PRESIDENT pro tempore. The Chair recognizes the Senator from Georgia.

Mr. BACON. I quite agree with the Senator from Wisconsin as to the purpose which he favors in support of the amendment offered by the Senator from Colorado. I quite agree with almost all he has said, and I do not wish to be understood as now disagreeing with him on the particular point which I suggest to him. I do so for the purpose of getting his views.

Section 1 of Article III is in these words:

The judicial power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish.

The Senator in reading that draws the conclusion that that refers, in the use of the "United States," to the Union of States, and from that he deduces the conclusion that it would be unconstitutional, aside from the question of policy, to establish one of these constitutional courts in a Territory. Did I understand the Senator correctly?

Mr. SPOONER. I say it has always been the theory upon which our legislation has proceeded that the constitutional court was the Federal court in the States and not in the Territories.

Mr. BACON. I quite agree with that. I understood the Senator to go further and to say that in his opinion it would be beyond the power of Congress to establish in a Territory one of these constitutional courts?

Mr. SPOONER. I think that is true.

Mr. BACON. I want to ask the consideration by the Senator of this question. The language is:

The judicial power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish.

The Senator says that that refers to the Union of States by the use of the words "United States." The question I desire to ask the Senator is this: I presume there will be no question about the fact that the jurisdiction of the Supreme Court in its appellate capacity would cover the Territories, although it would be beyond the territorial area of the Union of States.

Mr. SPOONER. It covers the territory if we provide by the act for writs of error from the territory.

Mr. BACON. The Senator does not catch the point of my inquiry. I presume it will be conceded that the jurisdiction of the Supreme Court would go beyond the territory represented by the Union of States. Now, the question I desire to ask the Senator, not for the purpose of taking issue with him, but for the purpose of asking his consideration of the point, is this: If the language used would extend the jurisdiction of the Supreme Court beyond the territorial limits of the Union of States, would not the same language, in case it was seen proper by Congress under this clause to establish one of these inferior courts in the territory, also authorize the extension of the jurisdiction?

It is simply, if the Senator will pardon me, a suggestion in connection with what I understood to be his proposition, that the Congress would have no power to establish a constitutional court recognized in section 1 of Article III in a Territory, if it saw fit to establish a judicial circuit there. I repeat, I do not do this for the purpose of taking issue with the general conclusion to which the Senator comes. I think the amendment of the Senator from Colorado is eminently correct, and I shall certainly support it. That amendment will very largely remove one of the principal objections I have to the bill.

Mr. FORAKER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Ohio.

Mr. SPOONER. Certainly.

Mr. FORAKER. I thought the Senator from Wisconsin was through.

Mr. President, I have already said in the consideration of this bill as much as I care to say upon the question now raised by the proposed amendment. I rise, therefore, not for the purpose of again debating or arguing the proposition so raised, but only to express my dissent from what I understand to be the proposition of the Senator from Wisconsin, that the Congress of the United States can not establish a constitutional court in the Territories of the United States.

Congress can not, I agree with him, establish a constitutional court within the territory of the United States outside the Union if Congress proceed under the clause of the Constitution empowering Congress to legislate for the Territories; but I do not know of any reason why Congress may not proceed under the judicial article of the Constitution, if it should see fit to do so, in establishing a court in the Territories. I understand that the very first territory we acquired was so legislated for by Congress when Congress undertook to establish a court for it. By the act creating a Territorial government for Louisiana——

Mr. SPOONER. I yielded for a question to the Senator from Georgia. Did the Senator from Ohio suppose I had yielded the floor?

Mr. FORAKER. I thought the Senator had concluded——

Mr. SPOONER. I have not.

Mr. FORAKER. Or I should not have proceeded. If you will allow me, I can say all I want to in a moment, and then you can proceed, or I will give way to you now, as you prefer.

Mr. SPOONER. No; go ahead.

Mr. FORAKER. I should not have presumed to interrupt you, but I thought you were through.

By the act establishing a Territorial government for Louisiana, passed in 1804, Congress did create, as I understand it, a constitutional court. Clearly the Congress so understood its own action at that time, for after providing for Territorial courts and conferring upon them their jurisdiction and fixing the tenure of the judges, then Congress proceeded to make the Territory of Louisiana a district, and to provide a court for the district, and to provide a judge for the court, and Congress did not undertake to say what should be the tenure. Evidently Congress was proceeding upon the theory that the tenure would be a life tenure; and if you will consult the record, you will find, I am informed, that pursuant to that legislation a judge was appointed who held for quite a long term of years—until after the State was incorporated into the Union. It was not for four years, nor ten years, nor for any number of years, but evidently intended to be a tenure for good behavior, as the Constitution provides.

Mr. President, what shows conclusively to my mind that Congress thought they were establishing a constitutional court, and were intending to establish a constitutional court, is the fact that the jurisdiction they conferred upon the court is the same jurisdiction that was conferred by the judiciary act of 1789 on the court of the Kentucky district.

Mr. HOAR. May I ask the Senator from Ohio one question?

Mr. FORAKER. Certainly.

Mr. HOAR. Does the Senator think that Congress could establish in the same Territory, if it saw fit, a constitutional court and a court not constitutional?

Mr. FORAKER. I am using the term "constitutional" in contradistinction to the term "Territorial" or "legislative." All courts must be constitutional in the sense that they are authorized by the Constitution.

Mr. HOAR. I understand.

Mr. FORAKER. I say this, if the Senator will allow me: It is competent for Congress, and Congress has usually so proceeded, to establish a Territorial or legislative court, proceeding under that clause of the Constitution authorizing Congress to legislate for the Territories; and the Supreme Court, in probably every instance where it has passed upon that question, has said that it appears that Congress was undertaking to establish a Territorial in contradistinction to a constitutional court, because Congress has fixed the tenure for a number of years, or Congress has conferred a local jurisdiction that does not properly belong to a constitutional court of the United States.

Mr. HOAR. The Senator does not quite apprehend my question. I wish to understand him. The Senator says that Congress may establish in a Territory Territorial courts. Of course nobody doubts that. In the next place the Senator says, as I understand him, that Congress may establish a constitutional court, by which I suppose he means because everything Congress does gets its own power from the Constitution.

Mr. FORAKER. Certainly.

Mr. HOAR. I suppose he means a court which is one of the courts described in the Constitution, and he must therefore have a life tenure, a tenure during good behavior. Now, does the Senator claim that both kinds of courts—because that will be the test of another question I should like to ask him by and by—can be established by Congress in the same Territory? That is what we are doing now if we are going to have a constitutional court.

Mr. FORAKER. I do not so understand it. What we are doing now is to establish certain Territorial courts for Hawaii.

Mr. HOAR. But I understand, if the Senator will pardon me, that the debate is upon the proposition suggested by the Senator from Colorado. Having provided the ordinary courts, with their four years' tenure, and divided the Territory of Hawaii among them, now the Senator from Colorado moves another court, which he proposes to call the district court, which does not have its tenure provided for by the enactment which creates it, and which is claimed by him, or at any rate by some Senator in the debate, I do not say by him, to be a constitutional court. I understand the Senator from Ohio is defending the right to do that thing in the Hawaiian bill, to do it in a bill which already has in it provisions for Territorial courts with a four-years tenure; and I wish to know whether in the Senator's judgment, he having given me his opinion in favor of the validity of the constitutionality of this amendment, he thinks that a constitutional court and a Territorial court may be established with authority over the same Territory.

Mr. FORAKER. Well, Mr. President, I do not think I fully comprehend what it is the Senator wants me to make answer to. If he will only allow me to conclude what I was undertaking to say, I know he can understand what is in my mind.

Mr. HOAR. If my honorable friend will allow me to make myself clear, then, by one further question——

Mr. FORAKER. I would rather the Senator would wait until I get through.

Mr. HOAR. I do not want to talk; I want to learn; and I am applying to one of the highest authorities I know of, who was expressing his opinion on the very question.

Mr. FORAKER. I am trying to give my opinion to the Senator, and I will take great pleasure in giving it for whatever it may be worth; but the Senator, by interrupting me before I had concluded, has stated with respect to my opinion some things that are not exactly accurate.

Mr. HOAR. I only asked a question with the Senator's leave.

Mr. FORAKER. Certainly; I appreciate that; and I wanted to conclude a sentence; and that would perhaps convey to you all the information that you desire to obtain from me.

What I was undertaking to say had reference to a provision that is found in the bill, as I have already said before in this debate, and that is one reason why I have been less particular to go over it carefully now. Whether you call it a constitutional court or a Territorial court, it is within the power of Congress to create exactly what we have undertaken to create here, if we want to do it. It is a question of policy and not of power; and I say that be-

cause, as admitted by the Senator from Wisconsin, we have a right to give to the judge for whom we provide a life tenure, if we see fit, although it is a Territorial court.

Mr. SPOONER. I have not denied that.

Mr. FORAKER. I say the Senator from Wisconsin has admitted it.

Mr. SPOONER. But will the Senator from Ohio permit me?

Mr. FORAKER. Certainly.

Mr. SPOONER. Can we give him a four years' tenure?

Mr. FORAKER. We can give him a four years' tenure or a four months' tenure.

Mr. SPOONER. Can we give to the judge of a constitutional court anything less than a life tenure?

Mr. FORAKER. Certainly not; and I have said that as repeatedly as I have had occasion to say it in the course of this debate. But what I want to say is that there are two provisions in the Constitution under either one of which Congress may proceed in legislating for a court in a Territory. It can proceed under that authorizing it to legislate for Territories, and then, of course, it will create a Territorial court. But I do not know of anything in the Constitution that prevents Congress from proceeding under the judicial article to create a court that would have a life tenure and have the constitutional jurisdiction.

Now, ordinarily, they have given to the Territorial courts a jurisdiction that was not the constitutional jurisdiction, and the Supreme Court of the United States has pointed to that fact as a reason why the legislation was intended to create a Territorial court, or that Congress has given less than a life tenure as another reason why it should be regarded as a Territorial court. Now, I say, and that is all I want to say about it, we have a right to create a court for that Territory, and in creating that court we can proceed under the power to legislate for the Territories given in the Constitution or under the judicial article of the Constitution.

Now, when they legislated for the Territory of Louisiana, undoubtedly they proceeded under the judicial article of the Constitution, for what they did when they created a court for Louisiana was to say that Louisiana should be a district and should have a district court, and the judge of the district court should have the constitutional jurisdiction; and they said the jurisdiction of that judge should be precisely the jurisdiction conferred by the act of 1789 on the court for the Kentucky district. Nobody will pretend that the Kentucky district was not a constitutional court.

When they came to fix the tenure, having given to that court the constitutional jurisdiction, they gave to it the constitutional tenure. That is to say, they did not fix any tenure at all. That meant necessarily that it was for good behavior, and in the case of Seré *vs.* Pitot, Chief Justice Marshall, having occasion to review a decision of that court, referred to it as a court of the United States. He did not say it was a constitutional court, but he spoke of it as a United States court for the district of Louisiana in contradistinction to a Territorial or a legislative court in that Territory. It seems to me, in short, that the true test by which to determine whether a court is a legislative or a constitutional court is not locality, but jurisdiction and tenure.

Now, all I want to say further is that if it be conceded, as the Senator from Wisconsin does concede, that Congress has full power, proceeding under that clause of the Constitution authorizing us to legislate for the Territories, to create a court with constitutional jurisdiction and the judge with a life tenure, then he is conceding all that the framers of this bill claim for this provision, and I do not care whether you call it a constitutional court or a Territorial court; the enactment will be valid, for the question constantly recurs, Is this section valid which we are proposing to enact? Is it within the power of Congress to enact it? If so, as I think it is, then follows the question of policy, and that is all.

Mr. SPOONER. Mr. President——

Mr. HOAR. Will the Senator from Wisconsin allow me?

Mr. SPOONER. If I may presume after this great lapse of time to bring myself humbly to the attention of the Senate again in this debate upon this question, I yield to the Senator from Massachusetts.

Mr. FORAKER. I hope the Senator from Wisconsin will excuse me——

Mr. SPOONER. I do.

Mr. FORAKER. If I interrupted him improperly.

Mr. SPOONER. I do.

Mr. FORAKER. I was particular before commencing to inquire whether he had concluded.

Mr. SPOONER. I did not hear that.

Mr. FORAKER. I thought he answered me that he had.

Mr. HOAR. I have been so engrossed in other matters that I have not given the investigation I ought to give to this special question, which is imminent upon us in a thousand ways. The Senator from Ohio has given attention to it. He is the author, or at any rate the sponsor, of a bill which is intended to affirm the legislative authority of the United States over an important possession lately acquired.

Now, the question which I put to him was an exceedingly practical question in regard to the very matter on which we are going to vote when we vote next on this bill, to wit, whether in a bill which already contains a provision for five ordinary Territorial judges, which I concede and which he affirms, and you may add with jurisdiction over the entire Territory is within the power of Congress, a constitutional court with the constitutional life tenure, having its authority under the clause in the Constitution which provides for the creation of judicial officers other than the Supreme Court of the United States, I asked my honorable friend whether in his judgment he thought we could have the two kinds of court in the same possession.

Mr. FORAKER. Undoubtedly.

Mr. HOAR. Very well; that is what——

Mr. FORAKER. I thought I was misunderstanding the Senator a moment ago, because I had been just saying that.

Mr. HOAR. That is all I asked him, and I put it as preliminary to another question.

Mr. FORAKER. Now let me add what upon our own experience is true, as well as upon reason, or what I at least conceive to be the reason of the case.

Mr. HOAR. Very well. I agree with the Senator that we can establish each kind of a court separately. Now, then, if we can establish both kinds of court for the same Territory, what kind of law, fundamental law, is in force after you have done it? When you have established your constitutional court, is that to administer the Constitution as the valid supreme law of the place where it sits, or no; or can you establish a constitutional court over which court the Constitution of the United States has no authority?

Mr. FORAKER. Mr. President, I do not understand that there is any difficulty about that.

Mr. HOAR. I have difficulty about it.

Mr. FORAKER. The constitutional court is fixed by the Constitution itself. Congress could confer upon it additional jurisdiction undoubtedly, but when we speak of a constitutional court we mean a court, as I understand it, that has the jurisdiction that is conferred by the Constitution.

Mr. HOAR. And the tenure.

Mr. FORAKER. Now, if you will consider, I do not think you will find any difficulty such as the Senator seems to have in his mind. No matter where the court may sit, the judge is an officer appointed by the President of the United States, serving the United States, and under an oath of office that requires him to support the Constitution.

Mr. HOAR. That is it exactly.

Mr. FORAKER. And whenever he is called upon to administer law he must administer it, of course, in accordance with the statutes and the Constitution of the United States.

Mr. HOAR. Exactly. Then when you have got a constitutional court enactment by Congress, if I now understand the Senator, you have got the Constitution of the United States there to be administered and applied.

Mr. FORAKER. You have it——

Mr. HOAR. Let me state now.

Mr. FORAKER. Certainly.

Mr. HOAR. I am not putting a question, but making a statement.

Mr. FORAKER. It is so easy to answer that I am impatient.

Mr. HOAR. Perhaps it will not——

Mr. FORAKER. I beg your pardon.

Mr. HOAR. Perhaps the Senator's impatience is what makes him think it is easy to answer. It may be barely possible. I only suggest it. Now, my proposition is that if we concede, first, that the United States has the authority to establish a constitutional court; second, that it has lawfully done it; and third, that having lawfully exercised that authority the Constitution of the United States in all its provisions has extended to the territory within the jurisdiction of the United States, you can not escape the corollary that the Constitution is in force there, and that duties must be uniform, that exports from that place can not be taxed, that the persons in that Territory are citizens, that they have the right to go wherever in the United States they choose, and that everything the Senator from Ohio has by the right of his citizenship every dweller, every person on that soil, born there or lawfully there under the act acquiring it, has by the right of his citizenship. Now, I should like to know from my honorable friend how he escapes that result?

Mr. FORAKER. With very great pleasure.

Mr. SPOONER. Now will the Senator yield to me? [Laughter.]

Mr. FORAKER. I think in view of the very concise and direct question that was put to me by the Senator from Massachusetts. I ought to say a word in answer; but I will yield to the Senator from Wisconsin with very great pleasure, for I know we have unduly trespassed upon him.

Mr. SPOONER. If the Senator from Ohio will not yield to me, I will yield to the Senator from Ohio.

Mr. FORAKER. I can say it in a moment, and I will be careful to take but a moment about it, in view of the way we are robbing the Senator of his time. It seems to me that a complete answer to all that is involved in the question of the Senator from Massachusetts, if I rightly understand the question, is found in simply recalling the office of a court. What the court is called upon to do is to decide legal propositions that arise and are brought before it.

Mr. HOAR. To support the Constitution.

Mr. FORAKER. For instance, the judge who was appointed and who qualifies by taking an oath of office to support the Constitution of the United States is to decide all cases in law and equity arising under this Constitution, the laws of the United States, and treaties made or which shall be made under their authority. His jurisdiction shall extend to all cases affecting ambassadors, other public ministers, and consuls, etc. The Senator is familiar with it all.

Mr. NELSON. Will the Senator from Ohio allow me to interrupt him a minute?

Mr. FORAKER. Yes, certainly.

Mr. NELSON. I wish to call his attention to the fact that the question of the Senator from Massachusetts was intended to raise an entirely different question. The question was intended simply to raise the fact as to whether the Constitution of the United States goes into the Territory of Hawaii, and the inquiry was not involved in the matter we are discussing now.

Mr. HOAR. Or to all Territories everywhere.

Mr. FORAKER. Whatever may have been in the Senator's mind, my answer to it is, to be brief about it, that the court sits to settle controversies arising under the Constitution and the laws; and if two citizens of the United States have a question arising between them in Ohio or elsewhere they can litigate it in any court that has jurisdiction of the subject-matter and of the parties, no matter where that court may be situated. But the court having jurisdiction to pass judgment in such a case would not have anything to do with the political or governmental operation of the Constitution, either one way or the other.

It would be perfectly competent for this court to try yonder in Hawaii, if it had jurisdiction of the parties and the subject-matter, any sort of controversy arising here or arising elsewhere under the Constitution and laws of the United States, and render its decision in accordance therewith, without regard to whether the Constitution was in force there as an organic law or not, the sole question in that respect being whether the case was one arising, not necessarily there, but anywhere under the Constitution or the laws or the treaties, etc., of the United States.

Mr. HOAR. May I ask the Senator one more question?

Mr. FORAKER. Certainly.

Mr. HOAR. Is there, in his judgment, any part of the Constitution which the court, so appointed and so sworn, would not be bound to support?

Mr. FORAKER. No.

Mr. SPOONER. Will not the Senator take that up in the discussion of the Puerto Rican case?

Mr. FORAKER. Yes; I am sorry I can not follow this out to the end with the Senator from Massachusetts now, but I recognize the right of the Senator from Wisconsin to the floor, and I yield.

Mr. SPOONER. If I may be permitted to use a slang phrase, I have been "lost in the shuffle." I have no regret for the interruptions of the Senator from Ohio, except that from my standpoint he has interjected into my observations a great deal of judicial error.

The Senator from Ohio says, as I understood him, that if we are creating under section 1 of Article III a constitutional court for the Territory we can create a constitutional judge there. Well, if we were creating under section 1 of Article III a constitutional court for the Territory, of course we would create a constitutional judge there.

I understood the Senator to admit that if we were proceeding under the general sovereignty of the United States over these Territories, under that article which gives to Congress the power to make rules and regulations respecting the Territory and other property of the United States, we could not create a constitutional court in the Territory, the tenure of the judge of which court would be fixed by the Constitution rather than by the act of Congress. That observation of the Senator from Ohio is what the logicians would call a petitio principii. It begs the entire question in dispute between that Senator and myself. He assumes that we may, under section 1 of Article III, create a constitutional court in the Territory the tenure of whose judge is fixed by the Constitution at life and whose tenure is beyond the legislative jurisdiction.

That is precisely the proposition which I deny. That is precisely the proposition which is in dispute between us. The Supreme Court of the United States oftentimes has declared that in creating courts in Territories we did not proceed under section 1 of Article III, but we did proceed under the other clause of the Constitution, which gives us the power to legislate or to make rules and regulations respecting the territory and other property of the United States. Chief Justice Marshall says in the case of The Insurance Company *vs.* Canter that they are legislative courts.

Mr. FORAKER. Mr. President, will the Senator allow me?

Mr. SPOONER. If the Senator will permit me, I leave the city to-morrow, and I am anxious to get through.

Mr. FORAKER. I am called out of the Chamber now. Will the Senator allow me just one word?

Mr. SPOONER. Of course, and I have allowed the Senator.

Mr. FORAKER. Certainly you have, and you have been so generous and so kind that we keep on interrupting you when we ought not to do so. What I want to say is that it was true, as said in the Canter case and in all the cases to which the Senator refers, that the courts under consideration were Territorial or legislative courts, but they point out why they were so, because they, by tenure or jurisdiction, were shown to be such. The court, in other words, in all those cases was considering what Congress had done—not what Congress might do.

Mr. SPOONER. The Senator from Ohio——

Mr. FORAKER. I have to go now.

Mr. SPOONER. The Senator from Ohio has fallen into the strange position that the only reason why the Supreme Court of the United States has decided that the Territorial courts were Territorial courts in contradistinction from constitutional courts was that the term of the judge was limited. That is a great mistake. The test is not whether we may make the tenure of the judge of a Territorial court for life, but the test is whether we can do anything else. That is the question.

As I said a few moments ago, Congress may, proceeding under the Territorial clause of the Constitution, if I may so call it, create these courts and give them such jurisdiction as Congress sees fit. We may fix the term of the court and of the judge at four years or ten years or during good behavior; and we may provide that those judges may be removed by the President.

But Congress has no more to say about the tenure of office of a constitutional judge than the Emperor of China has. Once create the district court under this article of the Constitution, you need say nothing about the tenure of office of the judge. If you make it four years, it is unavailable. If it is one of the inferior courts mentioned by that constitutional provision in which is vested the judicial power of the United States, the Constitution fixes the tenure of the judge. You have no more power to provide that the President may remove the judge of a constitutional court (by that I mean one of the inferior courts mentioned in that section and article of the Constitution) than you have the power to take my life without a trial or giving me my day in court.

Nothing is plainer than that. No man can dispute that. To say that under the other clause of the Constitution we have the power to confer whatever jurisdiction we please upon the Territorial court, to make the term of the judge what we please, is not at all inconsistent with my contention that we can not make a constitutional court in the Territory, because with the jurisdiction of the Territorial court and with the tenure of office of the Territorial judge we have the power to do precisely what we please.

It is said here by Chief Justice Marshall, speaking of those Territorial courts:

> They are legislative courts, created in virtue of the general right of sovereignty which exists in the Government, or in virtue of that clause which enables Congress to make all needful rules and regulations respecting the territory belonging to the United States.

I appeal from the Senator from Ohio to Chief Justice Marshall upon that proposition. Nor is that all. It is said here in the McAllister case—and there are a number of such decisions:

> The acts of Congress respecting proceedings in the United States courts are concerned with and confined to those courts, considered as parts of the Federal system—

The Federal system—

> and as invested with the judicial power of the United States expressly conferred by the Constitution, and *to be exercised in correlation with the presence and jurisdiction of the several State courts and governments.*

That has been the theory of all our legislation from the beginning.

> They were not intended as exertions of that plenary municipal authority which Congress has over the District of Columbia and the Territories of the United States.

The power to create the constitutional court comes not from that clause of the Constitution, but it comes from section 1 of Article III, which fixes the tenure of the judge.

> As before said, these acts have specific application to the courts of the United States, which are courts of a peculiar character and jurisdiction.

Again, the court says in this case:

> Courts of this kind, whether created by an act of Congress or a Territorial statute, are not, in strictness, courts of the United States; or, in other words, *the jurisdiction with which they are invested is not a part of the judicial power defined by the third article of the Constitution*, but is conferred by Congress in the execution of the general powers which the legislative department possesses to make all the needful rules and regulations respecting the public territory and other public property.

Mr. HOAR. You can change that by act of Congress.

Mr. SPOONER. Of course, you can change that by act of Congress. Having fixed the tenure of the Territorial judge during good behavior, you may change it.

The trouble with the Senator from Ohio is that while very positive in his assertions he is blind while reading one clause of the Constitution to the judicial clause of the Constitution. I have admitted, and I admit now, that we have the power, in creating the Territorial court, to confer upon it such jurisdiction as we choose—admiralty jurisdiction and all; we have the power to make the tenure what we please. We have no such power as to the constitutional judge. We have the power to make the Territorial judge removable by the President. We have no such power as to the judge of a constitutional court.

We may confer upon the Territorial court admiralty jurisdiction. That is a subject to which the judicial power extends in section 2 of Article III of the Constitution of the United States; but Chief Justice Marshall says in this case that that provision of the Constitution did not deal with the Territories; did not deal with the power of Congress to confer maritime jurisdiction or admiralty jurisdiction upon Territorial judges, but that it dealt with this proposition only: That no court within a State should have the right to exercise admiralty jurisdiction of the United States except the Federal court, the constitutional court.

It has been said, and I myself so thought when I first considered it, that this decision of the Supreme Court in Insurance Company *vs.* Canter, holding that Congress could extend to a Territorial court admiralty jurisdiction, militates against the proposition which I have been forced, as a matter of investigation and reason, to maintain here, but it does not. Chief Justice Marshall says in this case:

> A case in admiralty does not, in fact, arise under the Constitution or laws of the United States. These cases are as old as navigation itself; and the law, admiralty and maritime, as it has existed for ages, is applied by our courts to the cases as they arise. It is not, then, to the eighth section of the Territorial law that we are to look for the grant of admiralty and maritime jurisdiction to the Territorial courts. Consequently, if that jurisdiction is exclusive, it is not made so by the reference to the district court of Kentucky.

To which the Senator referred a few moments ago. Now, the court said:

> Although admiralty jurisdiction can *be exercised in the States in those courts only which are established in pursuance of the third article of the Constitution*, the same limitation does not extend to the Territories.

There is a specific declaration that the admiralty jurisdiction mentioned in the second section of Article III of the Constitution as one of the points of Federal jurisdiction was not intended to apply or to refer to the courts in the Territories, but is intended only to refer to the Federal courts or the constitutional courts erected by Congress within the boundaries of the States.

The Supreme Court, in the McAllister case, say that this power was "intended *to be exercised in correlation with the presence and jurisdiction of the several State courts and governments.*"

We can give the admiralty jurisdiction to the Territorial court, because it is an ancient jurisdiction, and because Congress, as the court many times has said, has plenary power, under that clause of the Constitution which gives it the power to make rules and regulations respecting the Territories, to confer that jurisdiction upon a Territorial court. I care not what you call it. You may call it a district court; you may call it a court of the United States; you may by statute place a Federal side on the Territorial court and call that a court of the United States, as contradistinguished from a Territorial court. The Supreme Court of the United States within the last year has recognized that distinction, based upon the statutes of the United States. But my proposition is that where you create a district court, as is attempted to be done by this bill, the section remaining silent as to the tenure of office, that tenure will not be for life, as the Constitution makes the tenure of the constitutional judge, but will fall under the general provision of the Revised Statutes fixing the tenure of four years for all Territorial judges.

Mr. CHILTON. Mr. President——

Mr. SPOONER. In one moment.

Take the Orleans case, referred to by the Senator from Ohio. The court there was called a district court in the Territory; you may call this a district court, if you choose. The judge there was called a district judge; you may call this judge a district judge. But, after all, it is not the shadow, it is the substance, we are after; and calling a court a district court and making the term of the judge during good behavior does not make it a constitutional court or a court created under section 1 of Article III of the Constitution. When Louisiana was admitted into the Union, that court and that judge were superseded. What better evidence could there be that that was a statutory or Territorial court as contradistinguished from a constitutional tribunal? The constitutional judge is not superseded by any act of Congress and could not be superseded by any act of Congress.

Mr. CHILTON. You may abolish the office.

Mr. SPOONER. You may, as I was about to say, abolish the office, but you can not abolish the tenure nor limit the term. The distinction between the two courts, perhaps more theoretical in one sense than practical, is, to my mind, as clear as any proposition in law.

I am prepared to concede that there is very great force in the argument made by the Senator from Alabama [Mr. MORGAN] that the court which is to deal with admiralty questions over in the islands of Hawaii should be a more permanent court, so far as the tenure of the judge is concerned, than the ordinary Territorial court, because of its isolation, because they are islands of the sea, and because, in the very nature of things, the admiralty jurisdiction in all its phases will be more often invoked than perhaps in some of the settled States of this Union.

If that be true, Mr. President, we have the right to fix the term of this judge for longer than four years, if that is thought wise; and it may be wise for this reason, that possibly you could not, if the term were only four years, induce a judge of adequate experience and ability to abandon his practice and move away from our own people to take judicial office over there.

But that does not reach at all the question I am discussing. The very fact that we may make it a ten-year tenure, that we may make it fifteen years, or whatever we choose, shows beyond any possible question that that judge does not fall within the class of constitutional judges, with whose term or tenure we have nothing whatever to do here and over whose term we have no power or jurisdiction whatever.

Mr. STEWART. Will the Senator permit me to make a suggestion?

Mr. SPOONER. If the Senator will pardon me, I shall do so in one moment.

Really, the whole point of my proposition was this, to call to the attention of the Senator from Alabama this suggestion: If it be important in the interests of that people—and we all want to serve the interests of that people, however we may have felt about their annexation—if it be important to give to the judges of that court a longer tenure than four years, it should be provided in the section, and the section should not be left as it is—silent upon the question of tenure, on the theory that we are creating a constitutional court there.

Mr. MORGAN. The Senator appealed to me, and I suppose he will submit to an interruption.

Mr. SPOONER. Always.

Mr. MORGAN. It is not merely important for the interests of those people that we should have a Federal court there——

Mr. NELSON. Mr. President, I can not agree with the views expressed by the Senator from Wisconsin [Mr. SPOONER]. I think——

Mr. SPOONER. I yielded to the Senator from Alabama [Mr. MORGAN]. When he has concluded I shall then yield to the Senator from Minnesota [Mr. NELSON].

Mr. NELSON. I wish to reply to the Senator from——

Mr. STEWART. I hope the Senator will allow me to make a remark before he does so.

The PRESIDENT pro tempore. The Chair has recognized the Senator from Minnesota [Mr. NELSON].

Mr. NELSON. Mr. President, I wish to reply briefly to the Senator from Wisconsin.

Mr. STEWART. Will the Senator yield to me for one minute before he replies to him, and then he will have something more to reply to?

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from Nevada?

Mr. NELSON. Yes.

Mr. STEWART. Mr. President, from the foundation of the Government the practice has been to remove judges of the Territorial courts by the President on the ground that they were not provided for by the Constitution. That has never been questioned once in any judicial decision that I know of. Judge McLean contended that they were constitutional courts, and that the President, therefore, did not possess that power. You will find one of his dissenting opinions to that effect. But the court held that it was not in the power of Congress to create judges of the Territories whom the President could not remove; that they were not constitutional judges within the purview of the Constitution; that they were simply legislative judges, created by the legislatures of the Territories, and subject to removal by the President.

Mr. HOAR. Did not the statute the court was expounding contain the power of removal?

Mr. STEWART. No; the statute is entirely silent on that point, and precisely that very question arose, and it was ably discussed and deliberately decided by the Supreme Court that Congress could not provide a judge for a Territory whom the President could not remove; that it could not fix a term, against the wishes of the President to remove the judge. That has been the practice, and it is sanctioned by the Supreme Court. Congress can fix the term of the judge at ten years or twenty years, but that will not make it so if the President sees fit to remove him.

Mr. NELSON. Mr. President, the argument of the Senator from Nevada [Mr. STEWART], as well as the argument of the Senator from Wisconsin [Mr. SPOONER], is founded, I think, upon failing to make the proper distinction. There is in every Territory, as there is in every State, a double jurisdiction. There is a local jurisdiction in our organized Territories arising under local laws of their own legislatures and the common-law system which has been applied to such Territories. That is Territorial jurisdiction. Now, when a court is created to take jurisdiction over that subject-matter, which is akin to the jurisdiction that the State courts have in the States, it is a Territorial court, and exercises Territorial jurisdiction, and is created under that clause of the Constitution which gives Congress the power to regulate and to control the Territories.

The decisions which the Senator from Wisconsin has quoted say that the Territorial courts are legislative courts. True; and why are they legislative courts? Because those courts are given that peculiar jurisdiction which is local to the Territories and is not the jurisdiction given in the third article of the Constitution to the Federal courts. In all those instances where we have created Territorial courts we have equipped them and given them, first of all, jurisdiction of their local jurisprudence. Then, in addition to that, we have given them, to a limited extent, jurisdiction of Federal jurisprudence. If we have a right to extend to those Territorial courts a part of the Federal jurisprudence of the country, we have a right to extend it and give it to other courts. There can be no trouble. The court established in this bill is, in one sense, a constitutional court. Article III, section 1, of the Constitution reads as follows:

> The judicial power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish.

Technically, there is only one court established by the Constitution in terms, and that is the Supreme Court of the United States; but Congress is given power to establish inferior courts under this article; and what are those inferior courts? The second section of this article mentions them:

> SEC. 2. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority;—to all cases affecting ambassadors, other public ministers and consuls;—to all cases of admiralty and maritime jurisdiction;—to controversies to which the United States shall be a party;—to controversies between two or more States;—between a State and citizens of another State;—between citizens of different States;—between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign states, citizens or subjects.

That measures and determines what is a Federal court or not—a court that has given to it that jurisdiction; and that is precisely the jurisdiction referred to in the judiciary act. A court that has no other jurisdiction than that is a constitutional court. Section 88 of this bill gives the court provided for here no other jurisdiction. That is exactly the jurisdiction that is given to the United States district and circuit courts in the States, and that is precisely the jurisdiction here given by the Constitution. So this court is purely a constitutional court, and the only part of the argument of the Senator from Wisconsin that I can agree with is that the judge of such a court would hold his office for life, as provided in Article III of the Constitution.

The other question which the Senator from Massachusetts [Mr. HOAR] injected into this debate——

Mr. SPOONER. The Senator is wrong in the statement he made a moment ago.

Mr. NELSON. Allow me to say to the Senator—and then I will answer him—none of the decisions he has quoted is germane to this question, for the reason that in every one of those cases the courts were purely legislative courts and not constitutional courts, because they had the local territorial jurisdiction confined to them. The court provided for in this bill has none of that jurisdiction, and hence it is not a legislative court in the sense laid down in those decisions. Now I will hear the Senator.

Mr. SPOONER. I hope the Senator did not understand me as saying that the Territorial courts, no matter what the jurisdiction given them, are constitutional courts.

Mr. NELSON. Is this a legislative court provided in this section of the bill? Let me ask the Senator, does this section in the bill give this court any other jurisdiction than is given by section 2 of Article III of the Constitution?

Mr. SPOONER. Of course not.

Mr. NELSON. If it has no other jurisdiction, why is it not, then, as much a court of the United States as a similar court in a State?

Mr. SPOONER. If the Senator wants me to answer that question, I will do so. I admit that it is within the power of Congress to confer all this jurisdiction upon Territorial courts. I do not dispute that at all.

Mr. NELSON. This can not be a legislative court.

Mr. SPOONER. It is a legislative court.

Mr. NELSON. It is a legislative court in the sense that the district courts and the circuits courts in the Territories are. They have all been created by act of Congress.

Mr. SPOONER. But the district courts and the circuit courts of the United States are in some sense legislative courts.

Mr. NELSON. Certainly.

Mr. SPOONER. But the term or tenure of the judges of those courts is for life.

Mr. NELSON. Is it not here? Would not this tenure be for life? I say, then, we agree that this tenure is for life.

Mr. SPOONER. We have the right to make the tenure of the Territorial judge what we choose.

Mr. NELSON. Not where you give him nothing but Territorial jurisdiction. Let me read the Constitution and see:

> The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior.

When this court is created, if at all, it will owe its existence its jurisdiction, and its life to Article III of the Constitution.

Mr. SPOONER. Not at all.

Mr. NELSON. Yes, sir; because it has none of that local jurisdiction that is given in the case of the others.

Let me read here the law in reference to the Territory of Minnesota bearing upon this, and then the Senator will be able to see the difference. By the organic act of the Territory of Minnesota, the local Territorial courts were established—the district courts and the supreme court—and then, in connection with it, there is this clause added:

> And each of the said district courts shall have and exercise the same jurisdiction, in all cases arising under the Constitution and laws of the United States, as is vested in the circuit and district courts of the United States.

That is, conferring Federal jurisdiction on local Territorial courts. Here in this bill you have a separate and distinct Territorial court, and this court here has nothing of territorial jurisdiction. No case arising under the local law, under local statutes, or under local jurisprudence could be tried in this court, but only cases that would come under the judiciary act, or under Article III of the Constitution would be within the pale of the jurisdiction of this, court.

Mr. ALLISON. Did those judges hold for life?

Mr. NELSON. I think, under this clause of the Constitution, they would.

Mr. ALLISON. But did they? They were Territorial judges.

Mr. NELSON. They were Territorial judges because they had a double jurisdiction, but this court has not such jurisdiction. In all these other cases that you have referred to and which are cited in the courts they had a double jurisdiction. They had a Territorial jurisdiction and a Federal jurisdiction. They were not pure Federal courts. But the court established by this section is a pure Federal court, with no jurisdiction of the local jurisprudence in the Territory of Hawaii. Hence, if we have the power to create it at all, it must be under this third article of the Constitution; and if it is a court under that clause and under that power, the judge will have life tenure.

Mr. TELLER. Will the Senator allow me? I want to modify my amendment by making it clear. It reads:

> Said court shall have, in addition to the ordinary jurisdiction of district courts of the United States, jurisdiction of all cases cognizable in a circuit court.

I desire to add after that "of the United States," so that there will be no question about it.

The PRESIDENT pro tempore. The Senator from Colorado has a right to modify his amendment.

Mr. TELLER. I have a right to modify it, and I modify it as I have indicated.

Mr. BACON. Without detaining the Senate, if the Senator will pardon me, I wish to call the attention of the Senator from Ohio [Mr. FORAKER] to the fact that the act creating the Louisiana court, upon which he has commented, required that the salary of the judge should be paid out of the revenues of the Territory, which plainly indicates that it was not the purpose of Congress to make it a constitutional court. Otherwise the salary would certainly have been paid out of the Treasury of the United States.

Mr. FORAKER. I do not see in that any conclusive argument.

Mr. BACON. I simply suggest that as a fact.

Mr. FORAKER. I do not see any reason why in a Territory we

can not, if we see fit, provide that the judge shall be paid out of the revenues of the Territory or out of its treasury.

Mr. HOAR. Should not the amendment of the Senator from Colorado as modified be read?

Mr. CULLOM. It has been read.

Mr. HOAR. I ask that the amendment of the Senator from Colorado as modified be read.

The PRESIDENT pro tempore. The amendment as modified will be read.

The SECRETARY. On page 43 it is proposed to strike out all of section 88 down to and including the word "court," on line 5 of page 44, and insert in lieu thereof the following:

That there shall be established in said Territory a district court, to consist of one judge, who shall reside therein and be called the district judge. The President of the United States, by and with the advice and consent of the Senate, shall appoint a district judge, a district attorney, and a marshal of the United States for the said district; and said judge, attorney, and marshal shall hold office for four years, unless sooner removed by the President. Said court shall have, in addition to the ordinary jurisdiction of district courts of the United States, jurisdiction of all cases cognizable in a circuit court of the United States, and shall proceed therein in the same manner as a circuit court. Writs of error and appeals from said district court shall be had and allowed to the circuit court of appeals in the Ninth judicial circuit, in the same manner as writs of error and appeals are allowed from circuit courts to circuit courts of appeals as provided by law.

Mr. HOAR. I should like to ask the Senator if he does not intend to insert a provision also as to the method of impaneling juries, etc.?

Mr. TELLER. Yes; I will do that later.

Mr. MORGAN. Mr. President, we have enough questions now before the Senate, I believe, to engage our attention for a while, at least. The judicial power of the United States under our Federal Constitution and our State constitutions is divided into two branches, one of which is a Federal power or Federal jurisdiction, exercised exclusively under the authority and power of the Federal Government, the Government located at Washington, the other a State jurisdiction, which is local, which has nothing to do with the enforcement of Federal law, and not expected to be engaged in the exercise of that part of the judicial power. It is perfectly distinct.

The Congress of the United States, being in supreme sovereign authority over the Territories, has the right to establish in these Territories courts that combine the local powers that belong to State courts with the Federal power. That is in virtue of the fact of the supremacy of the jurisdiction of Congress over the subject. It has the power of the States to establish local courts or courts of local jurisdiction, applicable to local affairs, and also the power of Congress to establish Federal courts with Federal jurisdiction over Federal affairs.

The eighty-eighth section of this bill was intended to establish in the district of Hawaii a pure Federal district court. Of course, a pure Federal district court is a court of life tenure, fixed by the Constitution. Hitherto, in the organization of Territories, Congress has exercised the dual power of conferring upon the supreme court of the Territory or the district court of the Territory jurisdiction over local affairs, and also a certain jurisdiction in respect of Federal affairs. That is perfectly legitimate. Congress has the right to do it. Equally, I contend, Congress has the right to separate the jurisdictions there and establish one jurisdiction for local affairs and a separate jurisdiction for Federal affairs. It has the same right to do that in Hawaii that it has in any State of the American Union. It has as much power to do it.

The argument on the other side of that question, as I understand it, is that the court established by an act of Congress for a Territory can not be a Federal court under the Constitution. It is what is called a legislative court, says the Senator from Wisconsin; and there the confusion gets into the minds of the Senators, as I understand it, who have discussed this question, by using the word "constitutional" instead of "Federal" to describe the jurisdiction of the court that represents the United States in all of its actions and proceedings, civil and criminal. A district court of the United States is a constitutional court, and a supreme court of a Territory or a district court of a Territory is a constitutional court.

Mr. SPOONER. Sub modo.

Mr. MORGAN. Not sub modo at all. They are both complete and full courts, one Federal and the other local.

Mr. SPOONER. The Senator will allow me to interrupt him?

Mr. MORGAN. Certainly.

Mr. SPOONER. I admit that.

Mr. MORGAN. Then you admit your case out of court.

Mr. SPOONER. I do not. I admit that Congress has the constitutional power to create a territorial court. My claim is that those courts the judges of which, without any provision of law, have life tenure are courts provided for by section 1 of Article III of the Constitution.

Mr. MORGAN. This court, in section 88, as it was provided and reported by the committee, is a Federal district court, with a judge whose tenure is for life, which has all the jurisdiction and powers conferred by all the laws of the United States upon district courts, and also by this bill the powers that are conferred upon circuit courts. That is legitimate. That is not disputed. So the only question between us at all is whether the Congress of the United States has the power to establish a Federal district court in a Territory. That is the question, and that is the only question in this whole business.

Congress has often exercised this power, in one case directly and in another case indirectly. They are very conspicuous cases. The District of Columbia is not a State, neither is it a Territory, and yet, on referring to the statutes giving jurisdiction to the District of Columbia, we find that the supreme court of the District of Columbia has the same identical jurisdiction that the circuit courts of the United States have; that is to say, the supreme court of the District of Columbia can exercise every power which can be exercised by circuit courts of the United States. There is the establishment of a court that is Federal, full Federal in its jurisdiction—not in a State, but in a district, the District of Columbia. So there is no restriction in the Constitution against the establishment of a circuit court of the United States or a supreme court of the District of Columbia with full circuit-court powers outside of a State and inside the District of Columbia. That is by direct legislation.

We have also more lately established a court of appeals in the District of Columbia which has a jurisdiction precisely coordinate in all respects with the jurisdiction of the circuit courts of appeals of the United States. We have established also district courts of the United States in the District of Columbia, and we have conferred upon them all the powers that belong to district courts of the United States. So we have in this District district courts with all the powers of district courts of the United States; circuit courts with all the powers of circuit courts of the United States, and a court of appeals with the powers of circuit courts of appeals of the United States. All of those judges have life tenure. They are appointed by the President and confirmed by the Senate. They can not be removed except by impeachment. Now, there the personnel of the court is exactly like the personnel of the district, circuit, and circuit courts of appeals of the United States, and the jurisdiction is the same, but the location is not in a State or in a Territory, but it is in the District of Columbia.

Is there, therefore, a constitutional objection against the location of a district, circuit, or appellate court of the United States at any other place than within a State? Is there some prohibition of that sort? The Constitution is absolutely silent upon the question as to where the court shall be located, and the point, in determining whether it is a Federal court or a Territorial court, is ascertained by two facts. One is the jurisdiction you confer—the leading one—and the other the tenure of office and the fact that it is created by act of Congress, although all those courts are created by acts of Congress. I admit that.

Now, there is another case—an indirect case. I have cited one that is positive and direct. I refer now to the district court of the United States in Oregon, which has full jurisdiction of all the laws of the United States in Alaska, which is a Territory, and in the Pribilof Islands, which are islands out in the bosom of the sea. Now, let us see what has been done by Congress on that subject:

Until otherwise provided by law, all violations of this chapter and of the several laws hereby extended to the Territory of Alaska and the waters thereof, committed within the limits of the same, shall be prosecuted in any district court of the United States in California or Oregon or in the district courts of Washington.

Offenses against the United States committed in Bering Sea and Alaska, that mere chrysalis formation up there yet of a Territorial government, may be prosecuted in the district court of the United States of California or Oregon or, as it was when the law was passed, in the Territory of Washington. Here, then, is comprehended the Federal jurisdiction of a very important character indeed; a jurisdiction under which the arrest of British ships has been made and the vessels brought into port and condemned as prizes; captured for violations of the laws of the United States, condemned and sold to parties, right through court, as if they had been captured and condemned in a prize court in time of war. The jurisdiction of the United States, its power to punish offenses against its laws, and against all of the laws that were then or might afterwards be extended into Alaska was conferred upon either of three tribunals, one of which was a Territorial district court and the other two district courts located in States.

Having done all this with respect of this most important and difficult jurisdiction and power to enforce our laws in Bering Sea and the Pribilof Islands and in Alaska, how can it be argued against these provisions of proposed law that they are unconstitutional? The Supreme Court of the United States, at the suit of Great Britain—not by that name, but in fact—tested the question on a writ of prohibition of the jurisdiction of these courts to come to final decrees in causes where ships had been captured for violations of the fur-seal act. Are we to hold here that there was no power on the part of Congress to extend the jurisdiction of the United States into the waters and over Territories which had no organized government at all or one that was the mere simulacrum of an organized Territory in Alaska?

Could we not, under the precedent in the Alaska case, extend the jurisdiction, for instance, of the southern judicial district of the United States for California so as to include the Hawaiian Islands and make all Federal questions that arise in those islands triable in the court for the southern district of California? We can expand the jurisdiction exactly as it was done in the case of Alaska. If we can do that, then the question arises—and it must be a very important one in the mind of a statesman—as to whether the court can be located in Hawaii or in Alaska, or whether it must be located in the bosom of a State.

There is no ground whatever in logic or law for the assumption that the Congress of the United States has any limitation whatever put upon its power to locate a district court of the United States at any place within the boundaries of the sovereign jurisdiction of this nation. We can locate a district court of the United States in Hawaii. We can do it in Puerto Rico. I am not quite absolutely certain that we could not do it in Cuba today, but surely with regard to the others we can. So we can in the Philippines, at Manila.

It has been supposed, at least the argument has assumed here, that this is a provision in this bill for the benefit of the Hawaiian people. It is quite the reverse. It is an act to hold the Hawaiian people and all those who go to Hawaii and visit Hawaii from the high seas under the constraint of the judicial power of the United States Government, administered through one of her regular courts and one of her regular judges, with a life tenure, if you please. And I maintain that for every reason and for every consideration that is one of the most important sections in this bill.

The Government of the United States, in establishing this Federal system, indicated in the beginning, and that has been the development of every step of our legislative procedure from the date of the Constitution to the present time, a purpose to have an independent Federal tribunal wherever the laws of the United States were in force, for the purpose of executing and administering those laws under the Federal jurisdiction and by Federal judges. Why was this? One of the great arguments for it was that a government like the United States ought to have a judicial establishment. It must not depend upon the courts in the Territories to furnish them with judges and courts. It would be a very incomplete government unless it had a separate Federal judicial establishment. The reasons for that also were very various and very numerous and have been so elaborated in judicial action and decision that thousands of reasons have sprung up to justify the wisdom of our fathers when they established a Federal court for the purpose of exercising Federal jurisdiction.

A Federal court in a State, and so in a Territory, is not, Mr. President, a part of the local jurisdiction. It has no concern with the local laws, local litigation, or causes that may arise there; except so far as it may have a revisory power over those tribunals given to it by an act of Congress, such as the right of transfer of causes, or the like of that. But here we have a great volume of statutes, criminal laws of the United States. While I concede that a Territorial court may be empowered by Congress to administer all the criminal laws of the United States, is it wise to have in a Territory a judicial tribunal which has charge of all the local jurisdiction and at the same time charge of all the Federal jurisdiction? Is that safe?

Is it not better, wiser, and safer to separate these jurisdictions in Territories precisely as they are separated in the States? I maintain, Mr. President, that it is necessary for the complete occupation of one of these islands which have been annexed, particularly the insular portion of the country, that we should have established in them separate judicial tribunals, and one of the leading purposes of having a tribunal there is to correct and to control the population of those islands by the direct authority of the laws of the United States administered by United States officers.

I do not know how I would feel if I were to appear before the district court or the supreme court as it is organized in this act now of Hawaii, with a cause in which the United States was a party, whether it was civil or whether it was criminal, or a cause that involved the laws of the United States. I will take the immigration laws, the labor-contract law, the quarantine laws, and various others that I might cite. I do not know how I would feel when I should have tried a cause upon the local docket before that bench if I should then ask him if he would not turn over and try a cause on the United States docket.

I should feel, in many cases, that I had a court that was trying to serve two masters. There would be difficulty about that. I can imagine very easily—in fact we all can by looking back over our own recollections a little bit—cases in which the local courts have been quite antagonistic to the Federal court. There have been cases which have arisen in the Supreme Court of the United States where the State supreme court have refused to record decrees of the Supreme Court of the United States. There has always been, and there will always be, more or less of conflict between this jurisdiction, and the better plan is to keep them separate, to start that way, not mix them up, not having one set of judges to decide on Federal questions and the same judges to decide on local questions.

Now, in regard to the counterfeiting of coins, in regard to illicit distilling, in regard to the illegal importation of contract labor against the laws of the United States, or in the enforcement of our immigration laws, by which improper persons are shipped off and sent back to the country from which they came, at the charge and expense of the line of ships or the ship that brought them, can we not see at once that in cases of that kind the local court might be very much disposed to lean in favor of the local law enacted by the local legislature and supported by the taxation of the people who are interested in having this law violated or administered in some slack and imperfect way? Can not we understand that?

This commission, Mr. President, in looking forward to what we knew was coming and to what was surrounding us, undertook to carry to the islands of Hawaii as much and as full and as perfect a recognition of the influence and power of the Constitution of the United States as we knew how to do. So we subjected the islands of Hawaii to the customs system of the United States and to the internal-revenue system and to the postal system of the United States. We omitted nothing that we could think of. When we came to the judicial system, here was what was apparently an innovation—that is to say, a new thought created by a new necessity. We found the precedents that I referred to here and many precedents in the statutes of the United States that we thought fully justified us in putting there a distinct district court of the United States—a distinct Federal tribunal; and in doing that we would have the legislative, the executive, and the judicial establishment or power of the United States all represented on the islands.

Is there an objection to having the full sway of the powers of the Government of the United States in any part of this Territory? I can conceive of none, and beyond all question I can not conceive of any prohibition; I have never seen anything that squinted at a prohibition of the exercise of these powers. Therefore the commission felt free and encouraged and greatly satisfied that there was an opportunity there to exercise over those islands what the people wanted—the full power and jurisdiction of the United States. Why do we dole it out to them? Why do we give it to them piecemeal? Why do we apply to our Territorial laws here for the purpose of ascertaining what ought to be the laws enacted for Hawaii?

Are our Territorial laws consistent with each other? Have we got a Territorial system? In the Revised Statutes we attempted to put up a Territorial system, but could not do it. We had to make the general principles of the system apply to only four or five Territories, and make exceptions in almost every case in favor of some particular Territory of a very important power, a very important jurisdiction. Every one of these Territories had a special law applicable to itself, and it was impossible to put all these special laws in one general system. So the codifiers of these laws gathered together those that resembled each other most and put them in a classification, making the exceptions stand for the purpose of illustrating the differences between the respective governments. The first section, section 1851, provides:

The legislative power of every Territory shall extend to all rightful subjects of legislation not inconsistent with the Constitution and laws of the United States—

That is, every Territory; they are all there—

but no law shall be passed interfering with the primary disposal of the soil, etc.

* * * * * * *

SEC. 1852. The sessions of the legislative assemblies of the several Territories of the United States shall be limited to forty days' duration.

Justices of the peace are ordained by this act for all the Territories. Qualifications of voters:

SEC. 1850. Every male citizen above the age of 21, including persons who have legally declared their intention to become citizens in any Territory hereafter organized, and who are actual residents of such Territory at the time of the organization thereof, shall be entitled to vote at the first election in such Territory, and to hold any office therein; subject, nevertheless, to the limitations specified in the next section.

Section 1864 provides that—

The supreme court of every Territory shall consist of a chief justice and two associate justices, any two of whom shall constitute a quorum, and they shall hold their offices for four years, and until their successors are appointed and qualified. They shall hold a term annually at the seat of government of the Territory for which they are respectively appointed.

SEC. 1865. Every Territory shall be divided into three judicial districts.

That would not do for Hawaii. We can not include the Hawaiian Islands in three districts and have a resident judge within each district without putting the citizens to an enormous expense and inconvenience.

SEC. 1868. The supreme court and the district courts, respectively, of every Territory, shall possess chancery as well as common-law jurisdiction.

Then it goes on with bills of exception. The next chapter takes up the distinct Territories and gives us the laws applicable to each one—and they are as various as the Territories are themselves—the jurisdiction of the courts, and the method of electing and appointing officers, and all that.

Now, out of that jumble it was impossible for us to extract a systematic plan of government for this Territory of Hawaii. We thought that it was as proper to differentiate the government in Hawaii according to the necessities of the country as it was in

either of these other Territories, where they are so greatly differentiated. There are no two of them alike, and never have been. They each had their separate local government, conformable, as far as was possible, to the wishes and the necessities of the people; that is all.

Therefore, shall we not take into consideration the fact that Hawaii is more than 2,000 miles from the coast of the United States; that it is a maritime state; that much the larger part of all the property that is ever brought into litigation in Hawaii, excluding the lands, comes from the sea; that the breadth of the maritime jurisdiction—not the admiralty merely, but the maritime jurisdiction—is almost inconceivable; and that it requires a judge to possess qualifications for that position that are not expected of a judge who resides, for instance, at Montgomery, Ala., or at Nashville, Tenn., or Raleigh, N. C., or anywhere in any of the interior? The judge in our interior States has nothing to do with admiralty and maritime jurisdiction, and he does not qualify himself for it.

Now, it is a lifetime study for the best men in the United States to master admiralty and maritime law. It is the most intricate, difficult branch of jurisprudence that we have to deal with, and that which concerns, which is a very important matter, foreign people as much as it does American people. The controversies are very seldom between American citizens; they are between the citizens of the United States and foreign people. A judge appointed for four years, who has got to go to Hawaii, must find out first of all something about the laws of that country. He must entertain jurisdiction of all criminal offenses committed in Hawaii against the internal revenue, the postal system, the currency system, the tariff system, and all of that. Then he must acquaint himself broadly, as broadly as the mind can be cultivated, up to the proper pitch with all the great jurisdiction covering maritime affairs. That man is to hold his office for four years, and to be tumbled out by the next political Administration that comes along.

Now, that is a travesty upon the real administration of justice. Ought we not to do better for those islands and for ourselves and our commerce, for the protection of the health of the coast and all that, than to send a judge there to be appointed for four years, who is trembling upon his seat all the time while he is presiding in his court for fear he may do something that is contrary to the political wishes of the administration that sent him there?

What becomes of that most essential of all the elements of judicial power, the independence of the judiciary? If there is one point in the Federal system better than all the balance, it is the fact that the Federal judiciary are independent of the President. It is a department in our Government. The executive, the legislative, and the judicial departments comprise our Government. That department ought to be as independent as the executive, or even more so; it ought to be as independent even as the great political department called the Congress of the United States, the legislative department.

I am for maintaining, Mr. President, the independence of the Federal judiciary in Hawaii. If that judge is appointed for four years or ten years, and can be removed at the beck and call of the politician who may be President of the United States, that man loses the great essential element of his office, its independence. That is my anxiety about this section of the bill.

I hoped, and I hope yet, that in the report made by this commission and in the bill predicated upon it there will be found a need for the exercise of the powers of the Government of the United States over the new possessions acquired from Spain. It may involve tariff questions or it may not. Yet I regard that as a mere question of policy. But, Mr. President, in the exercise of the functions that are devolved upon us in the control of these new acquisitions it ought to be understood that it is the Government of the United States, panoplied with all its powers, that sets its foot upon one of these islands. It ought not to go there grudgingly; it ought not to go there piecemeal and dole out its powers or its jurisdiction into the hands of local people.

Now, here comes another idea which is opposed to the views that I have been presenting. We all desire that the people in Hawaii and the people of Puerto Rico and the people of the Philippines shall enjoy all of the necessary powers of self-government that are requisite to establish in those islands a government republican in form. That is the mandate of the Constitution. We are all anxious that the powers of local self-government shall be conferred upon those people as far as it is safe to do it, and that they shall be cultivated into a higher condition than they are now, both as to extending the system of government and as to the practicing of the powers that we intrust into their hands.

It would have been right to give to the governor of Hawaii on the plan that we predicated and reported to the Senate the power to appoint these circuit judges and the supreme court. But the Senate has taken that power out of the hands of the governor, and instead of permitting it to be a power of local self-government it is a power to be exercised by the President of the United States, which, in that respect, may be called a foreign power; not essentially foreign, but in that regard it is foreign, a power exercised very far from the place where the judge is to sit and hold his office. However, the Senate has stricken out that provision and has given to the President of the United States the power to appoint the three judges of the supreme court and the circuit judges there. We have not as yet provided, I believe, and I doubt if we do provide, for their payment out of the Treasury of the United States.

Mr. CULLOM. That is provided for.

Mr. MORGAN. It was put in?

Mr. CULLOM. That amendment was adopted.

Mr. STEWART. Will the Senator from Alabama yield to me a moment?

Mr. MORGAN. For a question?

Mr. STEWART. No; to make a suggestion. I ask unanimous consent that this bill be voted upon at half past 12 o'clock to-morrow. It is evident that we will not have a quorum here to-night to vote upon it. After we reach an agreement to vote to-morrow, we can talk as long to-night as we please.

Mr. MORGAN. Mr. President, before I respond to that request of the Senator from Nevada I wish to say a word about this bill. Hawaii to-day is in the enjoyment of a very excellent government, and will be until we change the law there. The laws of Hawaii were affirmed by Congress at the time of annexation, and there is no power to set those laws aside except the act of Congress. The President of the United States was required to administer those laws in such manner as he shall see proper, and through such agencies as he might select. That is as far as he can go. He can not set aside a law of Hawaii, nor can he disregard it; he must execute it. He can prescribe the manner of its execution and the officer by whom it is to be administered under our act.

Now, that government has had the right all the time to have its legislature convene and to proceed with its legislative work, so it did not violate the Constitution and laws of the United States. It has proceeded in its judicial tribunals to exercise the full breadth of their power, and, as I observed yesterday, men have been hung in Hawaii under the Hawaiian laws and under processes that run in the name of the republic of Hawaii.

That republic, although it is embosomed in the United States, is to-day in full vigor and power, and has but one master, and that is the President of the United States, who is required to execute its laws and not to break them or to set them aside. He has no power of that kind at all. Hawaii is collecting her own revenues from customs. She is collecting her internal revenue from her tax laws. That is the situation in which she is left.

There has been an advice on the part of the Attorney-General of the United States that it would be unwise on the part of the Hawaiians to go on and legislate and provide appropriations, for instance, for the purpose of putting down the bubonic plague. Those people there have had to put their hands in their pockets to an amount of hundreds of thousands of dollars to supply the community with the money necessary to suppress this terrible ravage, which did not originate in Hawaii, but which was imported there from China, and is now in Molokai, in Maui, and also in the island of Hawaii, and spreading through those islands, as it is to Aden, and to Lisbon and various other places in Portugal, and will be in San Francisco and in San Diego, no doubt, in a month's time.

That power of legislative appropriation ought to be exercised by the government of Hawaii, the Attorney-General's suggestion or request to the contrary notwithstanding, for they have got a perfect right to pass valid laws in that legislature. They have a right to the exercise of all their judicial functions and of all their taxgathering powers. There is not a power that is wanting to the government of Hawaii except the power to hold intercourse with foreign countries and, in subordination to the will of the President, as to the manner in which laws shall be executed and the agents by whom it shall be done.

If I had to give advice to the people of Hawaii, I would advise them to stand by what they have got for a hundred years rather than to put up with this bill as it stands to-day; and rather than see this bill pass I would rejoice to see it defeated, for the Senate of the United States has not been willing at all to take any part, or very little, of what the Hawaiian Commission and the Committee on Foreign Relations have recommended, after the most studious and careful and impartial consideration of this situation: and they have attempted to create for Hawaii a government that is applicable to Arizona or to New Mexico, or something similar, entirely inapplicable to Hawaii—a poor, miserable, crippled affair; not only so, but a government that we hand out to them in this dilapidated condition, in the most virulent outpouring of abuse and scandal and slander on the floor of the Senate. If I were a Hawaiian, Mr. President, or if I had my way about this bill, I would rather vote it down than vote for it and let Hawaii stand where she is. She can always vindicate herself.

Hawaii has not cost us a dollar since she has been in the American Union, and she will never cost us a dollar. She can stay there under her laws and make money. Her people are already prosperous; and their prosperity has been disturbed only by one thing, and that is, by a visitation from on high—that is all. I would

prefer to see this bill defeated, so far as I am concerned, rather than see it crippled up and the whole scheme and system of it broken in two.

Hawaii is not suffering for our assistance, and if she is, it is her own fault. She has got the power, and the President of the United States does not dare to say that the Hawaiian legislature shall not assemble when an act of Congress authorizes them to do so. So she is not here in the attitude of a beggar. We have been supplicating Hawaii since the days of Franklin Pierce to come into the American Union. We sent our agent down there when Marcy was Secretary of State to negotiate a treaty with Kamehameha III for annexation, but the King died after the treaty had been agreed upon, on the day that his signature was to have been affixed to it, and that stopped it. From that day to this there has been always a party in the United States in favor of the annexation of Hawaii. When I came to the Senate of the United States instantly I joined that party, and I belong to it yet.

I do not know how much money I would take—in fact, I know I would not take any amount that could be named—to release the jurisdiction of the United States upon Hawaii. I do not believe there is a decent man in the United States to-day who wants to remand Hawaii to the condition of a republic and withdraw the jurisdiction and power of the United States.

Mr. CULLOM. Will the Senator from Alabama yield to me for a moment?

Mr. MORGAN. Yes.

Mr. CULLOM. The arrangement made yesterday afternoon was that this bill and all the amendments to it should be disposed of to-day. I do not know how long the Senator from Alabama desires to speak, but there are some Senators present who are waiting to vote, who have engagements for to-night. While I very much dislike that the bill should go over to-day, I should like to inquire whether, if we should by unanimous consent adjourn to-day, we could get a vote to-morrow at 3 o'clock on the bill and amendments by unanimous consent?

Mr. PLATT of Connecticut. Say 4 o'clock.

Mr. CULLOM. Well, any way to get this bill disposed of.

The PRESIDING OFFICER (Mr. PERKINS in the chair). Does the Senator from Alabama yield?

Mr. MORGAN. I yield for a suggestion.

Mr. CULLOM. Then I ask unanimous consent that this bill go over for the evening and that the bill and all amendments to it be voted on at 4 o'clock to-morrow afternoon, all debate to cease.

The PRESIDING OFFICER. Unanimous consent is asked by the Senator from Illinois [Mr. CULLOM] that the bill under discussion go over until to-morrow, and that to-morrow at 4 o'clock the Senate will proceed to vote upon the amendments and the bill, and that all debate shall then cease. Is there any objection to the request? The Chair hears none.

Mr. MORGAN. I have the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. PETTIGREW. Will the Senator yield to me to present an amendment?

Mr. MORGAN. I yield for that purpose.

Mr. PETTIGREW. I wish to present an amendment to the pending bill, which I ask to have printed and lie upon the table.

The PRESIDING OFFICER. That order will be made in the absence of objection.

Mr. MORGAN. Under the arrangement the bill is to go over until to-morrow, I understand?

The PRESIDING OFFICER. Until to-morrow, to be voted upon at 4 o'clock.

Mr. MORGAN. I suppose that would, of course, take the bill out of the jurisdiction of the Senate at the present time. I merely want to retain the floor upon it.

The PRESIDING OFFICER. The Senator from Alabama will be entitled to the floor.

Mr. ALLISON. I do not wish to interfere with the arrangement which I understand has been made, but I wish to state that this bill will not be the regular order until 2 o'clock; and if the matter is to be debated at any length to-morrow it seems to me there ought to be some understanding as to the disposition of the morning hour.

Mr. CULLOM. I will state to the Senator from Iowa that the Senator from Massachusetts [Mr. HOAR] gave notice that he desired to speak in the morning hour to-morrow on the Quay case.

Mr. ALLISON. Very well.

The PRESIDING OFFICER. The Chair is advised that the junior Senator from Georgia [Mr. CLAY] has given notice that he will speak to-morrow.

Mr. ALLISON. Then I make no further suggestion.

Mr. PETTUS. I move that the Senate do now adjourn.

The motion was agreed to; and (at 6 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Thursday, March 1, 1900, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February 28, 1900.*

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

TRADE OF PUERTO RICO.

Mr. PAYNE. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 8245.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. HULL in the chair, for the further consideration of the bill H. R. 8245.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 8245, and under the agreement we are now under the five-minute rule for the consideration of the bill, and the Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the provisions of this act shall apply to the island of Puerto Rico and to the adjacent islands and waters of the islands lying east of the seventy-fourth meridian of longitude west of Greenwich, which was ceded to the United States by the Government of Spain by treaty concluded April 11, 1899; and the name Puerto Rico, as used in this act, shall be held to include not only the island of that name, but all the adjacent islands, as aforesaid.

SEC. 2. That on and after the passage of this act the same tariffs, customs, and duties shall be levied, collected, and paid upon all articles imported into Puerto Rico from ports other than those of the United States which are required by law to be collected upon articles imported into the United States from foreign countries.

SEC. 3. That on and after the passage of this act all merchandise coming into the United States from Puerto Rico and coming into Puerto Rico from the United States shall be entered at the several ports of entry upon payment of 25 per cent of the duties which are required to be levied, collected, and paid upon like articles of merchandise imported from foreign countries, and in addition thereto upon articles of merchandise of Puerto Rican manufacture coming into the United States customs duties equal in rate and amount to the internal-revenue tax which may be imposed in the United States upon the same articles of merchandise of domestic manufacture; and upon articles of United States manufacture coming into Puerto Rico customs duties equal in rate and amount to the internal-revenue tax which may be imposed in Puerto Rico upon the same articles of Puerto Rican manufacture.

SEC. 4. That the customs duties collected in Puerto Rico in pursuance of this act, less the cost of collecting the same, and the gross amount of all collections of customs in the United States upon articles of merchandise coming from Puerto Rico shall not be covered into the general fund of the Treasury, but shall be held as a separate fund, and shall be placed at the disposal of the President to be used for the government and benefit of Puerto Rico until otherwise provided by law.

Mr. PAYNE. Mr. Chairman, I offer the following amendment as a substitute to section 3.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk began reading the amendment.

Mr. RICHARDSON. Mr. Chairman, I rise to a point of order. There is so much confusion we can not hear the Clerk. I shall be glad, Mr. Chairman, if that amendment can be reported so that we shall be able to hear it.

The CHAIRMAN. The point of order is well taken. Gentlemen will cease conversation. The Chair does not want to name gentlemen, but will be compelled to do so if conversation does not cease and gentlemen take their seats. The gentlemen in front of the Chair on the Republican side will cease conversation. The Clerk will again report the amendment.

The Clerk read as follows:

SEC. 3. That on and after the passage of this act all merchandise coming into the United States from Puerto Rico and coming into Puerto Rico from the United States shall be entered at the several ports of entry upon payment of 15 per cent of the duties which are required to be levied, collected, and paid upon like articles of merchandise imported from foreign countries; and in addition thereto upon articles of merchandise of Puerto Rican manufacture coming into the United States and withdrawn for consumption or sale upon payment of a tax equal to the internal-revenue tax imposed in the United States upon the like articles of merchandise of domestic manufacture; such tax to be paid by internal-revenue stamp or stamps to be purchased and provided by the Commissioner of Internal Revenue and to be procured from the collector of internal revenue at or most convenient to the port of entry of said merchandise in the United States, and to be affixed under such regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe; and on all articles of merchandise of United States manufacture coming into Puerto Rico in addition to the duty above provided upon payment of a tax equal in rate and amount to the internal-revenue tax imposed in Puerto Rico upon the like articles of Puerto Rican manufacture.

Mr. PAYNE. Mr. Chairman, in the original section there was some doubt as to the meaning of it, and the question arose whether we had not provided for the payment of a double internal-revenue tax. At the suggestion of members of the committee and my own, I went to the Commissioner of Internal Revenue and asked him to draw a section making it plain that only one tax was exacted. Under the substitute that was offered for this section the duty will be 15 per cent on manufactured articles, such as cigars and spirits coming into the United States, and also the internal-revenue tax, or an amount equal to the internal revenue, on like articles manufactured in the United States. Under the

general internal-revenue laws taxes are imposed upon goods withdrawn for consumption and this imposes a like tax upon goods withdrawn for consumption from the custom-house coming from Puerto Rico. The other amendment reduces the amount of the customs duties to be collected from 25 per cent to 15 per cent.

I would say to the House, Mr. Chairman, that I have been constrained to offer this amendment after consultation with gentlemen upon this side of the House. I still adhere to the original proposition, that 25 per cent would be better. It would produce more revenue; it would relieve the present strain and the present emergency. However, since the tax was put at 25 per cent I have learned that there are more goods on hand ready to be brought into the United States than I was able to ascertain at the time the rate was fixed at 25 per cent. It is stated that there are over 3,000,000 pounds of tobacco and a vast quantity of sugar ready to be brought in. In any event it will bring in a large sum of money for the present emergencies.

Mr. JAMES R. WILLIAMS. Will the gentleman allow me an interruption?

Mr. PAYNE. I have but a few minutes.

Mr. JAMES R. WILLIAMS. I would like to have you state what the estimated revenue under the bill as amended will be.

Mr. PAYNE. If the estimate was correct of $1,750,000 for revenue in the first instance, taking three-fifths of that amount, it will amount to $1,050,000. However, it is fair to state in that connection that the original estimate was a revenue from goods imported from other countries than the United States into Puerto Rico, which would pay the full duties under present tariff law, at $500,000. If that estimate is correct, and I believe it is, within a reasonable margin, this would not affect that revenue, and there would be no reduction in that, but the reduction would be from the $1,250,000 in the revenue which we hoped to obtain under the 25 per cent arrangement on all goods going into Puerto Rico and coming into the United States. Three-fifths of twelve hundred and fifty thousand dollars would be $750,000, and that added to the $500,000 would amount to $1,250,000, and a reduction of $500,000 under the bill as contemplated. But with the extra tobacco to come in and with the extra sugar to come in, all in the hands of merchants, probably the deficiency in the revenues under this reduction of 10 per cent would not be more than a quarter of a million dollars.

That is as nearly as I am able to state to the committee.

Now, I notice that gentlemen on the other side all through this debate have been talking about the inconsistency of the chairman of this committee. After hearing the remarks I made to the House last week and after having, some of them, read them in print, they have said that I made no explanation of the change. Still, every man who read those remarks and every man who heard them knows that I went into a full explanation of the reason of the change.

Why, the gentleman from Alabama [Mr. CLAYTON] yesterday sought to introduce into the RECORD a letter which I wrote when the first bill was under contemplation, and when it was my purpose to have it put before the House; and he also asked unanimous consent to print a portion of my speech in the RECORD. The RECORD appears this morning, and he does not print a word of my speech. I agreed to the request. I thought if he would print the whole of my speech, it might be a better speech than the gentleman would ever send out to his constituents in any other form. [Laughter.] I agreed to it, but the gentleman does not print a word of my speech. On the contrary, he prints a purported interview with me a day or two later, or about the same time, printed in a St. Louis paper, of the same purport practically as the letter. Now, I never had any interview, so called. I never gave out any statement which any man took down. I never made any statement in writing myself. I did converse freely with the people who came to me.

Mr. RICHARDSON. You do not deny the letter?

Mr. PAYNE. I do not deny the letter. Not only that, I am proud of the letter. I think it is a very good letter for a man to write under the circumstances, having to write fifty or sixty letters a day, and dictating to his stenographer. Under those circumstances, I think it is a very good letter.

Mr. RICHARDSON. We thought so, too.

Mr. PAYNE. I stand by the letter. Under the information I had then it was correct; and I stand by this bill. Under the new information which I have the bill is correct, and represents my sentiments upon the subject.

[Here the hammer fell.]

Mr. BERRY. Mr. Chairman, in the distribution of time on this bill I have not had an opportunity to address myself at all to the very important questions before the House; but it does seem to me that the explanation made by the chairman of the committee [Mr. PAYNE], after there has been so much legal lore expended in the consideration of this question, leaves us all still in the dark, because, when I read the decision first cited, of Chief Justice Marshall, it satisfied me that Puerto Rico was a part of the United States. The chairman of the committee [Mr. PAYNE] comes in now with a proposition for the purpose of unifying the Republican side of the House, and to whip them all into line, at which he is an adept, and brought in a proposition this morning that he thinks will change the condition of things on that side of the House. In other words, he is going to commit petit larceny instead of grand larceny. He is only going to carry out a robbery of 15 per cent, when his original proposition was to carry out a robbery of 25 per cent against the Constitution of the United States.

I have listened to the profound legal arguments, and I have been impressed with the fact that it is strange how lawyers can split hairs as to what is embraced in the United States. It strikes me that if, when this country was originally named, it had been called Columbia, as it was anticipated that it would be, about 400 pages of argument that appear in the RECORD during this discussion would have been eliminated, because "Columbia" would have covered everything that belonged to this great country. But the very fact that it has been called the United States seems to have put the legal minds in this body in somewhat of a doubtful condition as to what the words "the United States" embrace in territory. If Puerto Rico belongs to anybody in this world, it belongs to the United States, and this body has no more right to require a different tax between this country and Puerto Rico than it has between any State of this country and any Territory of this country.

We have gathered a beautiful little island out there. I am proud of it. It lies on about the same parallel with Jamaica, one of the most beautiful improved pieces of ground upon the face of the earth, and we can make the same out of Puerto Rico under the influences of American industry. Now, what I would do rather than violate the Constitution, which is contemplated by this act, would be this: I would say, let us loan to these people the necessary means to repair the injuries that have been done there by the storm and by the change of government. Let us loan them three or five million dollars, whatever is necessary, rather than violate the Constitution of the country and the principles that are laid down for the guidance of this Government in the past by the Supreme Court. That would be my suggestion for the obviation of all the difficulties that exist here in the legal minds in this body.

Now, when we get into a discussion like this I am sorry to see my old friend from Illinois [Mr. CANNON] go back to the war and harrow up the ashes of thirty-five years ago. He reminded me of this picture down here in the hall called "Westward Ho," representing a man standing on a rocky point and waving the American flag. The gentleman from Illinois stood yesterday and waved the bloody shirt and tried to drag up the prejudices of the civil war for the purpose of unifying his party. I thought that time had gone by in the history of this country. I was one of those poor unfortunate Confederates who fought against the country, but I have taught my children to fight for the country, and I had them in the last war, and I do not like the idea, after thirty-five years, of reviving the spirit of those times. When the country sounded the tocsin of war against Spain for the relief of Cuba the people of the South, the men who followed the Confederate flag, were ready to risk their lives just as well as the people of the North, and did noble service, and it was hardly necessary for my old and distinguished friend, who had such a good chance to fight during the civil war and never raised his hand, thirty-five years afterwards to be engaged in waving the bloody shirt.

Now, our distinguished friend from Pennsylvania [Mr. DALZELL], who is considered one of the ablest lawyers in this body—and he is an able lawyer; he represents great railroad corporations, and he is a magnificent specimen of well-educated legal ability—he had the audacity——

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. HOPKINS. I ask that the gentleman have five minutes more.

Mr. BERRY. I have been appealing to my friend from Tennessee [Mr. RICHARDSON] to give me time on this bill. I believe I am the first Kentuckian who has spoken——

Mr. HOPKINS. You shall have five minutes more if you will talk in the same strain.

Mr. BERRY. If you think it is doing you any good, you are welcome to listen to it.

The CHAIRMAN. The gentleman from Illinois [Mr. HOPKINS] asks unanimous consent that the time of the gentleman from Kentucky [Mr. BERRY] be extended five minutes. Is there objection?

There was no objection.

Mr. BERRY. I do not think I have heard a Kentuckian speak upon this proposition since it was up here. I do not want to complain; but while almost every man from the State of Tennessee has been heard on this question, I have not heard a Kentuckian raise his voice, and I have not been able to get a moment of time before.

Now, as I was about to say, the gentleman from Pennsylvania [Mr. DALZELL], the best lawyer in this body, who, it is said, wrote

the report on this bill, has announced that he is willing to stand outside of the Constitution, for he says, in the inception of his argument, that he proposes to legislate outside of the Constitution; that he does not propose to have any regard for it or for the history of the country or the feeling of the people who reverence that instrument. If that be so, where in the world are we trending to, if we are to go outside of the Constitution and go to legislating to suit ourselves?

Gentlemen, every act passed here must be bound by that instrument, and if there is any one principle in that instrument more certain than another, it is that we should treat everybody who is under our flag upon a perfect equality, as is laid down in the Constitution. We have no right to make any discrimination against Puerto Rico. If it does not belong to the United States, it must still belong to Spain or to Puerto Rico. It belongs to the United States of America, and any legislation that affects that island ought to affect every Territory and State in this country; and we have no constitutional right to say that the people of Puerto Rico shall be required to pay a tax to bring their articles into this market.

Oh, but the trouble is, they say, about the Philippines. Well, now, gentlemen, all of this argument on Puerto Rico has been based on the Philippines, because you people are afraid if you make a rule as to Puerto Rico that is right and fair that it may in some way determine your action about the Philippines in the future. The Philippines belong to us as much as Puerto Rico. There is not any doubt about that; but I am not in a hurry to determine what we shall do with the Philippines. We have got them, and I propose that we hold them until we determine what is best for the United States to do with them, considering her own welfare.

If an individual owns a piece of property that is unsalable in the market to-day and which he does not know exactly what to do with, he is not going to part with it for a mere song. He will wait for an opportunity to realize the true value of the property. So the United States ought to do with the Philippines. Let us wait a better condition of things out there. If we think it an unwise thing to hold the Philippines, let them go under the best conditions we can command; but we are not obliged to hurry upon anybody's account. Thank God, the 80,000,000 American people behind that flag can do just about what they please upon the surface of this earth; they have done it and they will continue to do it, and in our own good time we will do whatever we think best with regard to the Philippines.

If that Malayan, Oriental civilization threatens to be an injury to the institutions of this country, then, I say, let those islands go for the interests of our people, because I love this Anglo-Saxon race on this continent better than any other on God's earth. But we will determine that question in our own good time, and we will not be hurried by anybody. Those are the views I wished to express on this bill. But let me say, gentlemen, that if you go before the people of the United States next fall with a violated Constitution you will find that you have a load to carry in the contest of 1900 that will worry you a great deal more than you will rejoice over the fact this morning, if by chance you are able to pass this bill, about which you have, I believe, a serious question in your minds, and only party fealty can bring you success.

Mr. GROW. Mr. Chairman, whether Puerto Rico is or is not territory belonging to the United States has nothing to do with the question before the House at this time. What shall be the provisions of the Territorial government to be established for the people in Puerto Rico or any other of the possessions which we received from Spain by treaty at the close of the war has nothing to do with the present question. A number of the newspapers of the country and a large part of the public generally, misunderstand entirely the question which Congress is now called upon to act, not being aware that in a Committee of the Whole House on the state of the Union all questions are in order for discussion that any member desires to discuss.

This ten days' debate has been devoted in large part to discussing the question whether the whole Constitution or any part of it extends to territory as soon as it is acquired, without action by Congress. What we shall do with the Philippines has nothing whatever to do with this question. What is the question really before us? Puerto Rico to-day has a military government, and the laws in force in that island when the treaty with Spain was concluded are in force there now, unless they have been changed by this military government. It is proposed in the bill now before us to change the tariff now existing there, whether it has been changed by the military government or not. Those people will remain under a military government until this Congress takes action on the subject, and all their imports into the United States would pay the duties of the Dingley tariff. Let that fact be borne in mind.

We are not legislating for the establishment of a Territorial government for that people. The military authorities can deal with the government there until Congress provides a civil government. While the military government can make any change it may decide upon with reference to imports into that country, it can not make any change in the duties to be paid at our custom-houses upon imports from that country.

The bill before us simply provides, as the surest and best method of relief to those people in their present distress, produced by the terrible tornado that swept those islands and destroyed their property and their industries, that all their imports shall pay only 15 per cent of the duties now payable under the Dingley bill; and that exports from this country to that island shall pay duties at the same reduced rate; and the money thus collected, there and here, is to be kept in a separate fund and paid over by the President to the people of Puerto Rico to relieve their distresses and aid them in reviving their prostrate industries. Yet gentlemen here denounce this act as "robbery." Robbery of whom or what? Nothing but the Treasury of the United States is affected by the bill. No dollar is taken from the people of Puerto Rico. Every cent of the money paid on imports either way is paid over to those people; so that they have open free trade in reality with this country on all imports or exports passing between the two countries. That is the "robbery."

Now, there are only two methods open to us for relieving the distresses of those people. I take it for granted there is not a majority in this House so recreant to the cause of common humanity that it would impose upon those people a debt of $10,000,000, borrowed on bonds bearing 6 or 7 per cent. This would be worse treatment than they received from Spain. There is only one of two methods open to us to relieve these people. First, to vote money out of the Treasury to relieve them. If the method proposed in this bill can not succeed, I am ready to vote money out of the Treasury for that purpose; but I would not vote to impose one dollar of indebtedness upon the people of that island in their present distressed and miserable condition.

Now, I would adopt on this question the rule which I have followed ever since I entered public life. When called upon to act upon any public question with reference to which a question of doubtful constitutionality arises, I adopt the construction which in my judgment will contribute most to the greatness and glory of my country. [Applause.]

Mr. DE ARMOND. Mr. Chairman, I wish to call attention again, as was done in general debate, to the peculiar phraseology of section 3 of the bill. I shall invite the attention of the House to a fact which, it seems to me, is obvious and can not be explained. This peculiar phraseology was adopted not by chance, not because it is that which would occur to any man naturally, but for the sole and evident purpose of endeavoring to evade the provision of the Constitution which denies to Congress the power to levy export duties. Note the language:

> That on and after the passage of this act all merchandise coming into the United States from Puerto Rico and coming into Puerto Rico from the United States shall be entered at the several ports of entry, etc.

Now, who, without a special object in wording that phrase, would violate all the ordinary rules of construction, would depart from all the usage of those who express thought with a degree of clearness and according to the rhetoricians—who would do that unless he had some special object in view? "Coming into Puerto Rico." What do you gentlemen standing at the American end mean by "coming into Puerto Rico from the United States?" Imagine a man talking about "coming" into another man's house from his own! The natural phraseology, the ordinary expression, that which would certainly be employed except to evade the Constitution, would not be "coming into Puerto Rico from the United States," but "exported from the United States to Puerto Rico."

Then, again, note:

> Entered at the several ports of entry.

What ports? Of course they mean the several ports of the United States and the several ports of Puerto Rico. Again, the ports of Puerto Rico and the United States are part and parcel of the same thing, and they must be; and yet this peculiar phraseology is employed to evade the provision of the Constitution which prohibits the exacting of export duties. If for no other reason—if this act were constitutional in every respect—it is clear from the extraordinary phraseology employed, clear from the fact that this extraordinary phraseology is employed, that an effort is made here to evade the provision of the Constitution to which I have referred. If the Constitution were regarded, reason could not be found for this violation of the rules of grammar, this disregard of what is taught by the rhetoricians.

But, gentlemen, you can not get rid of the Constitution simply by marring the English of your bill. I presume I should say the Queen's English, because some gentlemen certainly have as much regard for the reigning Queen as they have for the mighty Republic. They are departing from the general use of fitting words in the English language, not because they do not know better, but because, knowing better, they hope to shield themselves in the violation of the Constitution by violating the lesser things at the

same time that they are violating the greater—violating the king's English in order to cover a violation of the Constitution.

Attention was called to this in general debate, and if nothing else were unconstitutional in the bill—and it is unconstitutional from start to finish—this alone would be enough to brand it as unconstitutional, because it is levying export duties, unless by a mere trick of words and a misuse of words—unless by saying "coming" when you mean "going," when going is the word in proper usage—you get rid of that provision of the Constitution against export duties. [Loud applause on the Democratic side.]

Mr. GRAFF. Mr. Chairman, we are about to conclude in this House one of the most important debates since the war. The discussion on the Democratic side, so far as the principal speeches are concerned, has not been upon the bill itself. The incidental criticism of the bill and the pretense that it is oppressive to the people of Puerto Rico by that side of the House are merely incidental and have no permanent place in the future importance of this debate or its permanent influence. I am aware there is some popular criticism of this bill and a very large and extensive newspaper criticism of the bill, but I believe that the criticism from both sources has been largely the outgrowth of a misunderstanding of the provisions of the bill itself, and in the criticism by newspapers of the bill in general terms there has been very little, if any, explanation of the actual provisions of the bill itself.

So far as I am concerned, I am in favor of the bill itself as a practical measure for present needs of the people of that island, and am also a believer in our right to legislate for the territory recently acquired by us unhampered by the Constitution. In this latter contention I understand that we have the support of the President as to our right and its limitations. Nor do I believe that the bill itself is a very serious or marked departure from the recommendations of the President made in his message on the meeting of Congress in which he recommended free trade to that island between us and the people of Puerto Rico. I pretend no right to speak for the President. No man is more loyal to him, has a higher personal regard for him; nor is there anyone who has any more respect for his judgment or a greater desire to be in line with his policy.

I will first discuss the features of the bill and its adaptability to present needs. The bill is limited in its operation to two years, and may be repealed before that time. It is regarded as only a temporary expedient. Nor does it show either a lack of wisdom or courage for us to be cautious and to some extent experimental in our methods in dealing with these new and delicate problems involving the dealing with the government of a new and strange people, entirely ignorant of the principles of free government and absolutely without experience in the practical operation of a republic. The bill levies in duties 15 per cent of the Dingley rates upon all goods shipped to the United States from that island and all goods shipped to the island from the United States, and devotes every cent of all that revenue to the island of Puerto Rico for building schoolhouses, of which they have none, and roads, of which they have almost none, thus inaugurating a means for education of the people and the facilities for transportation and communication between themselves.

Under present conditions the people of the island are paying full Dingley rates on all goods not free under the Dingley Act, shipped to the United States from the island. The President, under the military power, has provided a modification so far as goods shipped from the United States to the island, especially on breadstuffs and other articles of general necessity to that people; but the position of the Administration, as I understand it, is that the President has no power under the military authority to make any change from the present full Dingley rates now existing on all goods shipped from the island to the United States, and that it is necessary for Congress to act to effect any change in that direction. The main market of the island prior to its annexation had been with Spain, fostered by a tariff system calculated to encourage the island to trade with Spain, and practically prohibited from shipping goods to other countries.

Immediately upon the annexation of our insular possessions Spain raised her duties so as to practically shut out the products of Puerto Rico from that nation, so that commerce is paralyzed in the products of Puerto Rico under existing condition, and to encourage the shipping of the products of Puerto Rico to this country the present bill was introduced, lowering the tariff to 15 per cent of present rates and giving to Puerto Rico a fair degree of freedom of trade. In a word, it was believed that it would be as near free as we could make it and at the same time provide the most unobjectionable methods for raising a revenue for the relief of that island which was so much needed. It must not be forgotten that it lifts 85 per cent of the tariff rates off of the products of the island and gives it a market far better than they ever enjoyed in all their history and far freer and more advantageous than they ever enjoyed before.

The necessity for at least $1,500,000 per year for several years for public improvements in the island, that they may commence the upbuilding of their people in intelligence, in morals, in material wealth and prosperity, is conceded. There can be no controversy except about the method. After the message of the President recommending free trade at the beginning of this session additional information came to the Committee on Ways and Means of this House, who reported this bill, as to the condition of the people in the island. The island is densely populated with a people numbering about 1,100,000. It is shaped somewhat in loaf fashion. Its principal products are sugar, raised upon the coast lands, tobacco on the table-lands, and coffee on the mountain lands. The mountain ranges are in the center of the island, generally speaking.

One-third of its population are absolutely without property. An average of only $5 worth of property is owned per family. Only 15 per cent of the people of the island can read or write the Spanish language, and only an inconsiderable fraction of them speak the English, much less write it. Eighty per cent of children up to 8 or 10 years of age go nude, and probably 90 per cent of all the people wear no covering for their feet. They have lived in an oppressed condition for several centuries under Spanish oppression. They are kindly, not inclined to be belligerent or hostile to the United States, and, so far as they know, are undoubtedly willing to conform to the requirements of our Government. They are willing pupils in the school of self-government, but the transformation from their present condition into the high stature of our ideal of American citizenship can not be accomplished in a day or in several years.

There is no disposition in this House to feel other than kindly to those people coming as they did under our flag without resistance, but it must not be forgotten that self-government is not only a condition, but is a duty and responsibility which the one enjoying its privileges must meet and perform. The most important crop of the island, recently destroyed, is coffee. That, however, is free and is not affected by the present legislation. The next most important crop is sugar, of which the present crop will furnish for export 45,000 tons. The consumption of sugar in the United States last year was about 2,000,000 tons, of which 600,000 tons was furnished by the free sugar of Hawaii, the cane sugar of Louisiana, and beet sugar of the Northern States. The representative of the beet-sugar industry who appeared before the Committee on Ways and Means admitted that the admission of sugar free of duty from Puerto Rico, even should the product be doubled, would work no injury to the beet-sugar interests.

His fears were that we would pass a free-trade measure with the island of Puerto Rico, and that might be regarded as a precedent for free sugar from the Philippine Islands and eventually from Cuba. It will be noted, therefore, that in the passing of this bill now pending we would assert the right to discriminate between Puerto Rico or the Philippine Islands and the United States. Thus we would establish a precedent which if followed would enable us to protect the cigar makers and the growers of tobacco as well as our beet-sugar factories in the United States from the products and cheap labor of the Philippines, where the condition is much more important and the menace much greater. If we do not pass this bill, we must pass a bill appropriating money directly out of the Treasury of the United States from its general fund for the temporary relief of this people, even if it does bring upon us the opposition of the gentlemen on the other side that we are about to enter upon a so-called colonial system which will carry a permanent necessity for the expenditure of our own public funds.

The third proposition, to bond the island, which has been seriously advocated by some of the representatives in Puerto Rico, I reject as unworthy of consideration. The island is free from debt. Let it remain so. It will thus be seen that this bill is absolutely defensible as a method to the end and is defensible from a humanitarian standpoint. Ordinarily our territory in the past has been improved and its governmental expense, so far as its internal political system is concerned, is obtained by internal taxation upon the people of the territory. It is expected that Puerto Rico will be no exception to this rule and that it will be self-supporting, for the island is fertile and produces bountifully and readily. The present crop of sugar and tobacco now stored on the island does not belong to the people, but has been bought up by the sugar and tobacco syndicates, waiting for free trade to ship it to the United States. Therefore the people will not pay this tariff, but the owners of the crop, the speculators, will be called upon by this bill to contribute a portion of their profits to the people of Puerto Rico.

But no scheme of internal taxation levied direct upon the property of the people generally or a resort to our general internal-revenue tax would be feasible to the island. The present bill imposes internal-revenue tax upon tobacco and spirituous liquors shipped from the island on its reaching the mainland, as it should, but no one pretends that an extension of our internal-revenue system there would furnish the revenue desired or would be applicable at the present time. But the permanent feature of this debate, I reiterate, is the contention upon the Democratic side, joined by perhaps a half dozen members upon this side of the

House, that the Constitution extended over these insular possessions at the moment of the ratification of the treaty of Paris and our acquirement of this territory, making, at that moment, the inhabitants of the islands of the Philippine group, as well as Puerto Rico, American citizens, endowed with all the rights and privileges of American citizens.

On the other hand, we have opposite contention by the Republicans, joined by a few of our friends on the opposite side, that the Constitution does not so extend and that the people of those islands are to be legislated for under the wisdom of Congress. This has been the burden of the debate and the main topic of discussion. It must be remembered, if this be true, that the Democratic Senators who joined in voting, first, for the ratification of the treaty, and without which it could not have been ratified in the Senate, and, secondly, the voting of our Democratic friends in the House for the appropriation of the $20,000,000 provided for in the treaty as part consideration to be paid Spain for the Philippine group, shared equally with us the responsibility for the accession of this insular territory. Mr. Bryan, it was claimed by his friends in the Nebraska campaign, resigned his position as colonel in order to hasten to Washington to urge the ratification of the treaty of Paris and the consummation of the transfer of the territory.

It is a condition which confronts us, not of the annexation of the territory, but of the methods of dealing with and the government of that territory.

Thomas Jefferson, the great strict constructionist of the Constitution in theory and the most liberal constructionist of that instrument in practice, has set us very valuable precedents in this matter. His public utterances are no longer the only source of our information as to his opinions concerning this matter at this time, for his private correspondence concerning the acquisition of Louisiana territory are now just as public and just as much a part of his history and of the history of that time. He at first entertained doubt as to the constitutionality of the annexation of the Louisiana territory and advised an amendment to the Constitution to legalize that act, but subsequently wrote private letters, now public, to the members of both Houses, who were his friends, not to agitate the question of constitutionality, but to proceed under the Constitution as it then existed. And in 1803 there was passed first an act providing that all "military, civil, and judicial powers exercised by the officers of the existing government of the same shall be vested in such person and persons and shall be exercised in such manner as the President of the United States shall direct." Afterwards a second act was passed vesting in more detailed form the same power, and that, too, notwithstanding the following provision of the treaty for the cession of Louisiana:

> The inhabitants of the ceded territory shall be incorporated in the Union of the United States and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States.

Similar provisions to that in the treaty concerning Louisiana also appear in the treaty with Spain for the Florida purchase, the treaty with Mexico for Upper California and New Mexico, the treaty with Mexico for the Gadsden purchase, and the treaty with Russia for the acquirement of Alaska. All refer to the conferring of constitutional rights as citizens upon the inhabitants of the ceded territory.

In the interpretation of the decision of the Supreme Court of the United States upon questions arising in these territories it must be remembered that those decisions were made in view of the stipulations of those treaties, for treaties as well as the Constitution are the "supreme law of the land."

Article IX of the treaty of Paris, annexing Puerto Rico and the Philippines, was made with a full knowledge of the departure from the provisions of prior treaties when it contained the following words:

> The civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by the Congress.

I for one believe, after listening to this able debate and hearing the important decisions of the Supreme Court discussed pertinent to this subject, that the Supreme Court will not depart from the past doctrines laid down in deciding that Congress is vested with unlimited power by Article IV, section 3, of the Constitution, providing that—

> The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

If there were no such provisions of the Constitution, I believe that under our sovereign power as a nation we have the right to acquire territory, and after it is acquired determine the time when and the manner in which we shall confer the constitutional rights enjoyed by citizens upon the inhabitants of the territory.

I am not prepared to admit that the Constitution prevents us from gradually leading a people whom the fortunes of war may have thrown under our flag from ignorance up to that capability which would warrant their being crowned with the rights and privileges of American citizens without the danger of their becoming citizens by force of the Constitution itself at the moment they came under the sovereignty of our nation. I am not prepared to accept the doctrine which would prevent us in time of war, moved by any exigency, from seizing any island or territory of a nation with whom we were at war without showering down upon the heads of the denizens of that island the sacred rights and responsibilities of American citizenship. I have too high ideals of liberty under law, of the requirements and capabilities of a self-governed people, to accept such a doctrine as that unless compelled to by the adjudication of our highest court. It would be unkind to suggest that, having possession of the islands, any party would pursue a policy or insist upon principles which would hamper us, so that in the performance of our duty to these peoples we should be compelled to work serious injury to ourselves, and especially the men who earn their bread in the sweat of their face.

In contending for the doctrine of the power of Congress, free from constitutional limitations, to legislate for the islands in both oceans I have no fear of any Congress taking such power to oppress either people. Moved by their own patriotic sentiments—yes, compelled by an always patriotic people—legislation would always be framed with a view to the largest liberty consistent with their situation and with an anxiety to confer citizenship whenever the civilization of the island had reached that degree of advancement which would enable those people to stand on the same level with us and participate in the responsibilities as well as the privileges of our free Government. [Applause on the Republican side.]

[Mr. FITZGERALD of Massachusetts addressed the committee. See Appendix.]

Mr. BROMWELL. Mr. Chairman, during my absence from the House last week, and supposedly in reply to some remark which I had made on the previous day, one of my colleagues from Ohio put into his speech a reference to my position upon the questions involved at the opening of the Spanish war, and in that referred to me as one of those who held "secret conclaves" to defeat the policy of the President of the United States.

I make no comment upon the fact that this and other remarks were made in my absence when I had not an opportunity of immediate reply. It was at least discourteous from any member of this House, and particularly so from a colleague of mine from the State of Ohio. The gentleman has become so used to strong language and abuse in his treatment of gentlemen on the other side of the House that he attempts to adopt the same methods of argument with those who differ with him on this side.

That kind of argument, Mr. Chairman, has no possible influence upon me. Ten words spoken in the quiet recesses of the Executive chamber would have more weight with me than all the abuse the gentleman could heap upon my head, whether it be deserved or undeserved.

The gentleman speaks of a "secret conclave" held at that time. I shall mention no names, but gentlemen who occupy seats on this side of the Chamber know that many on this side, as many as 90 members and over, met in the library in this building for the purpose of discussing this question, believing it for the interest of the American people that action should be taken and taken promptly. Many of these are amongst the most prominent gentlemen who occupy seats on this side of the House—members of the Committee on Ways and Means and of other important committees. Why did the gentleman not include them in his reflections, which he has sought to cast upon me?

He also relegates me to the tender mercies of the cigar makers of my district. Let me tell that gentleman that the only protest from the cigar makers in my district has been a memorial asking me to vote against the passage of this bill. And why? Because they want the full Dingley tariff measure to apply to cigars imported into the United States from Puerto Rico. If the gentleman wants the political support of the cigar makers of my district and of other districts throughout the other States of the Union, why did not he, as a member of the Committee on Ways and Means, take care of them by providing that as to manufactured cigars coming from Puerto Rico into the United States the full tariff should apply, for the purpose of giving them the protection which they think they require? Why not give them the full benefit of the Dingley tariff if you want to secure their support? I can tell the gentleman that they are just as much against 25 or 15 per cent tariff as they are against free trade. It would be of little advantage to them.

I might, Mr. Chairman, if I wanted to be as ungenerous as my colleague, remind him also of the fact that he has many old veterans in his district. I might remind him of the fact that he is the author of a bill for a service pension, introduced in the House, and which has been pending for three months before the Invalid Pension Committee of the House, and during that time the gentleman has not appeared before the committee to give a hearing on that bill, as I am informed. [Applause and laughter

on the Democratic side.] I might remind him also of the fact that this will not commend him to the old soldiers. I might relegate him to the tender mercies of the veterans of his district, as he did me to the tender mercies of the cigar makers in my district; but I will not do anything so unkind as that.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. BROMWELL. Can I not have a few minutes longer?

Mr. SHATTUC. Mr. Chairman, I ask unanimous consent that the gentleman be permitted to occupy the floor for five minutes longer.

There was no objection.

Mr. BROMWELL. Now, Mr. Chairman, as to the gentleman who is so anxious that I should have the five additional minutes of time, I have another comment to make. Any gentleman who will read in the RECORD the remarks of my colleague from Ohio [Mr. GROSVENOR] will see that the gentleman was anxious to interject himself into that speech as in this. I leave it to his conscience as to the purpose and object he had in view. I had no comment to make upon such treatment by a colleague from my own State. I will leave that matter to himself.

Now, as to the merits of this question, I am to-day as firmly convinced as I ever was that the proper treatment of the Puerto Ricans would be to give them free trade. But, Mr. Chairman, I recognize this condition of affairs: A certain number of Republicans on this floor believe that we have no constitutional right to make a difference between the Puerto Ricans and other citizens of the United States. I do not join in that belief. If the question could be so separated that a distinct vote could be had upon the one question, as to whether or not it is good policy, justice, and fair play to the Puerto Ricans that this distinction should be made, I should insist upon the position which I have taken. But with the question so complicated, with the constitutional question so involved that it is impossible to separate the two, I frankly say I have serious misgivings as to my duty in this matter.

I think I commit no breach of confidence when I say that I have discussed this matter fully and frankly with the President of the United States and at his request. I think I commit no breach of confidence when I say that I believe that the passage of this bill is earnestly desired by those who three months ago advocated the free-trade measure. [Applause on the Republican side.] I believe that the great majority of the people, the Republicans and Democrats of this country who have been sincerely opposed to this bill and are opposed to it to-day, so much so, I have no doubt, that if a popular vote were taken in this country the bill would be badly defeated—I believe that the motive which actuates them to-day is the feeling that the Committee on Ways and Means of this House have in some way antagonized the President of the United States; and I believe that when the people of the United States know that this Republican side is acting in accordance with the wishes of the President of the United States there will be a change of sentiment.

Now, it is a matter of no importance to the country and of very little importance to me whether I ever come back to this House again, but it is of importance not alone to me and to my party but to the country that the Republican party should remain in power. [Applause on the Republican side.] And, therefore, although, as I said a while ago at the opening of my remarks, I believe that justice and fair play demand the treatment of the Puerto Ricans that we give to other inhabitants of our territory, I am willing to concede my own sense of justice to the extent of supporting and standing by my party in this emergency. [Applause on the Republican side.]

Mr. McRAE. Mr. Chairman, this is a remarkable bill. It has been thoroughly discussed, and the debate upon it reflects great credit upon the research and ability of those who have taken part in it. I can not discuss it as I would like to do in ten minutes, but there are a few historical facts which I desire to call to the attention of the committee.

Since the United States taught England how to govern her colonies she has never attempted to levy taxes upon her colonies without their consent. When the island of Mauritius, in the Indian Ocean, was, as is stated by General Davis in his testimony before the Senate committee, swept over by a cyclone similar to that which swept over Puerto Rico last year, she guaranteed the interest upon ten millions of bonds, but neither in that island nor any other island has the English Government ever sought to levy a tax upon her colonies. She has often permitted her colonies to levy taxes and issue bonds.

Now, Mr. Chairman, contrast that action on the part of that imperial government, which believes in colonies, with the action proposed by the Republican party here for a republic that came into being by a fight against colonial government. To lay the heavy hand of the taxing power upon the island of Puerto Rico in her present condition without representation, without her consent, and against her protest, is an outrage both against the people of Puerto Rico and of the United States, for this bill taxes both.

Gentlemen on the other side have not correctly stated the position of the Democratic party. They persistently insist that we are opposed to expansion; and perhaps as that word is understood by them it is correct. But I want it distinctly understood, for myself, and I believe for a very large majority of the Democrats of the country, that we do not oppose a natural and legitimate expansion of trade and commerce, and we stand ready at any time to assist in removing all the barriers to it, and, too, are ready to take up and pass a bill to authorize the construction of the Nicaragua Canal, to be owned by the United States, without regard to the Clayton-Bulwer treaty, which, I believe, has been violated by England, or the present pending treaty, known as the Hay-Pauncefote treaty, which, in my opinion, ought not to be ratified by this Government.

We do not, of course, favor the enlargement of our trade and commerce by force of arms; but wherever our trade can be increased under proper laws not inconsistent with the Constitution, and the principles of home rule and self-government not endangered, we are for it. But we are opposed to the extension of the colonial system of government anywhere our flag floats. We are for the Republic and against the empire now as we have been in the past.

I have believed, and still believe, it is the duty of Congress to declare its purpose in relation to our new possessions. We have a quitclaim but contested title to the Philippines, and an unqualified title to Puerto Rico. But whatever right we have to either, it is due to the people of those islands that we should say to them and to the world what kind of a government we are to give them. By this bill the majority indicate their purpose to govern them as colonies. For myself I believe that we ought to fix the status of Puerto Rico at once, and also to declare that as soon as practicable after the suppression of the present insurrection in the Philippines we will give the people a free, stable, and independent government. I would not have the American soldiers withdrawn while under fire and leave the Filipinos armed, but I think the war would end if we should say to them that we intend to secure free government and promise them that we will protect them as against all outsiders. I believe it is the desire of the people of the old United States to ultimately give them that kind of a government and to protect them until they get it. When it is finally established it should be the government of those people and not ours.

I think I am not unfair to them when I say that the majority are opposed to this policy and do not mean that it shall be done, because in the Fifty-fifth Congress they voted down the Bacon resolution, which sought to declare such a policy. The voting down of that resolution and the passage of this bill will make the issue between us clear cut.

It seems to me that the pending bill can not be justified under the Constitution or by any principle of justice. The idea that these are Territories of the United States, or belonging to the Union, if you prefer it, and yet the Constitution does not apply to them, seems to me to be unreasonable and indefensible from any standpoint. Democrats differed as to whether it was best for the United States to annex Hawaii, Puerto Rico, and the Philippines, but they all agree that being American territory the residents thereof are entitled to all the protection of the Constitution, the blessings of personal liberty, and the same freedom of trade as now exists between the States and Arizona, Indian Territory, New Mexico, Oklahoma, and the District of Columbia. They do not believe that under our system of government there can be subjects in one part and citizens in another. I will not undertake to discuss the constitutional question except in a very limited way, because that ground has already been very ably and carefully covered by gentlemen on both sides.

If these territories are not now a part of the United States, they certainly will be whenever Congress undertakes to legislate for them, and the passage of this or any other bill affecting them will immediately make them a part of our Government, and then all the provisions of the Constitution will apply to them. We can not legislate for them without extending our boundaries. Temporarily the military may govern them. The eighth section of Article I protects them against imposts to this part of our territory. The power given in this article is unlimited if the tax is uniform. Section 9 of the same article provides that no tax or duty shall be levied on articles exported from any State. And it seems to me that this bill is obnoxious to both the eighth and the ninth sections, because if this territory is a part of the United States, and this tax is an impost, it can not stand. And if it is an export tax from one part of the country to another, it is likewise unconstitutional. Gentlemen who insist upon this tax must admit that Puerto Rico is foreign territory or that our Constitution does not apply to Territories. They have adopted the latter narrow claim.

A careful reading of the Constitution and the debates upon it by the delegates who framed it and of the State conventions which

afterwards adopted it will, I think, make it perfectly clear that no tax was to be laid on articles exported "from any State." I desire to emphasize the fact that it does not say "from the United States or any part thereof to a foreign country." When the clause was first proposed the prohibition was against any tax on imports "from the United States." This was changed so that no tax or duty could be laid on exports "from any State." There was a purpose in making this change, and I believe it was to prevent the laying and collecting of such taxes as is proposed by this bill on imports from one part of the United States to another part. So if this territory is a part of the United States, then the tax is upon exports from that part of the United States to another part, and unconstitutional.

Mr. Ellsworth, in discussing this clause of the Constitution, said:

> There are solid reasons against Congress taxing exports: First, it will discourage industry, as taxes on imports discourage luxury. Secondly, the produce of different States is such as to prevent uniformity in such taxes. There are, indeed, but few articles that could be taxed at all, as tobacco, rice, and indigo, and a tax on these alone would be partial and unjust. Thirdly, the taxing of exports would engender incurable jealousies.

The same reason would apply to the Territories as to the States, and the injustice greater where they have no representation. In the case of Brown *vs.* Maryland, given in 12 Wheaton, 419, the court said: "An impost, or duty on imports, is a custom or tax levied on articles brought into a country." So, if Puerto Rico is a part of this country, no such tax not uniform can be levied by Congress on articles from it.

Mr. Justice Story, in discussing this clause of the Constitution in his able Commentaries, declares that it was the obvious object of the Convention to prevent any possibility of applying the power to lay taxes or regulate commerce injuriously to the interests of any one State so as to favor or aid another. It must be remembered that this bill taxes goods going from the States to Puerto Rico as well as goods coming into the United States from Puerto Rico. So it seems to me that the spirit if not the letter of the Constitution and all the principles of taxation are disregarded by this bill.

But, Mr. Chairman, if the bill is constitutional, it is bad in morals. The Puerto Rican people surrendered without resistance on the promise made on the part of the United States by the General of the United States Army that they should have the protection of our laws and the Constitution, and they expect the same treatment as the people of other parts of our Union. This was after they had been maltreated and misgoverned by the Spanish Government, and they desired a change. They promptly and unconditionally accepted the terms offered them, and it seems to me that it would be a breach of faith on the part of our Government to now hold them as parts of the Union for purposes of carpet-bag government and out of the Union for purposes of taxation. We promised these people liberty, and yet your first act affecting them is to be a bill to tax them without representation.

Some may say that inasmuch as the Puerto Ricans have heretofore suffered such great wrongs, they should not now complain of a small tax of 15 per cent upon their exports. The reason for it is natural, and is but an illustration of the truth of the statement by Sir Walter Raleigh, made years ago, "That with more patience men endure the losses that befall them by mere casualty than they do the damages which they sustain by injustice." So perhaps these people will give but little thought to the losses which came to them as the result of this war, or of the misgovernment on the part of Spain; but if this bill should pass they will remember the injustice it will impose upon them.

The promise made on the part of the representatives of our Government to Puerto Rico, and its acceptance by the people of that island to whom it was tendered, was in the nature of a contract. It was made at least with the consent of the President, as the Commander in Chief of the Army and Navy of the United States. It had all the elements of a national agreement; the consideration was received by the United States and the Puerto Rican people have so far kept faith with the Government. It yet remains to be seen whether this Government will perform its part of the agreement by permitting them to share our protection and trade with our people upon terms of equality.

No republican government can afford to commit so great a wrong without invoking the curse of Christendom upon it. In olden times the people who repudiated their agreements received the censure of the civilized world, and I trust that spirit is not extinct. For many centuries "Punic faith" has been referred to as expressive of all that is false and faithless in nations. But there can not be found in Carthaginian history or elsewhere a more utter disregard of plighted national faith than this repudiation of the promise made by General Miles to the Puerto Rican people. [Applause on the Democratic side.]

Mr. PAYNE. Mr. Chairman, we would like to get a vote on this amendment, and I ask unanimous consent that all debate on this section and the amendment be closed in fifteen minutes.

Mr. RICHARDSON. Make it twenty minutes, and I think there will be no objection. I want five minutes.

Mr. PAYNE. I will agree to that.

The CHAIRMAN. The gentleman from New York asks unanimous consent that debate on the section and amendment be closed in twenty minutes. Is their objection? [After a pause.] The Chair hears none.

Mr. GROSVENOR. Mr. Chairman, I venture to say that as long as the Government of the United States shall last and its records can be preserved in print this debate now nearing its close will be reckoned by intelligent men as one of the very greatest, if not the greatest, debate that the American Congress has ever had and presented to the country. The proposition originally involved in this bill was a proposition of free trade to the island of Puerto Rico. It was introduced and supported upon the recommendation of the President and upon the understanding that there was involved in that question nothing beyond the mere act of giving to the island of Puerto Rico whatever benefit there might be in free trade with the American people. Very shortly, however, it was discovered that incidental to that decision would be another, carried by fair implication, that in all the coming years would have an effect far and away beyond all that was involved in the question of Puerto Rican relief.

There has been a suspicious support of this free-trade measure on the Democratic side of this House. My own attention was not attracted to the deep importance of what is now the substance of this bill until I witnessed the wonderful zeal on the Democratic side to defeat the measure. Not the force bill, which was in Congress after I came here; not the Wilson law, that hung in the balance here at one time; not the McKinley nor the Dingley nor the Mills bill ever brought to the support of the Democratic side anything like the zeal and industry that has been manifested here. And then, of course, the attention of the country was attracted to the general proposition of kindness and good will to the people of Puerto Rico.

And I want to state that one of the most distinguished owners of one of the great leading Republican papers in this country in my presence last Saturday night made the statement that we were putting our hands into the pockets of Puerto Rico and taking money from that poor, helpless people and putting it into the Treasury of the United States, when in point of fact we had better be doing something to aid them in giving them schools in that island. That was one of the owners of a great Republican newspaper; and when I told him that every dollar of the money raised at either end of the line went into the Treasury and for the benefit of the Puerto Ricans, he was utterly amazed.

I received a letter this morning from a distinguished minister of the gospel, who had thundered in his pulpit against "the outrage of the Republicans in their position on this floor of this House." He was not a Republican, and did not live in this city. He was a Mugwump, belonging to a class of people always wrong on every question, from theology down to the tariff. [Laughter.] He told me, "You are a hard-hearted people. If you would only raise that little amount of revenue and give it to the Puerto Ricans"——

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOPKINS. I ask unanimous consent that the gentleman from Ohio be allowed five minutes more.

The CHAIRMAN. Does the gentleman desire more time?

Mr. GROSVENOR. I ask for five minutes more.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that his time be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GROSVENOR. He said, "If you would only raise that little amount of money and give it to the Puerto Ricans, you would have shown yourselves worthy of the Republican party." Well, I have written him a letter, asking him to study that and give up the doctrines of Calvinism and one thing and another for just one Sunday, and learn the doctrine involved in one of the Commandments, "not to slander your neighbor." [Great laughter.] Well, Mr. Chairman, how many people——

Mr. BROSIUS. "Thou shalt not bear false witness against thy neighbor."

Mr. GROSVENOR. "Thou shalt not bear false witness against thy neighbor." [Great laughter.] The gentleman from Illinois thought I was on the eighth commandment. I was not, but altogether a different one. How many of the people of this country understand this measure; how many of the gentlemen who are thundering through the press that we are in the hands of the trusts understand that two commodities that are owned to-day in large measure by trusts of this country are waiting shipment to the United States free of tariff duty? How many of them understand that, and how many of them understand, as we understand, who it has been that has been here so zealously speaking for the people of Puerto Rico? Now, it is proposed that we shall take $3,000,000 out of the public Treasury and defeat this bill.

Mr. Chairman, I am willing to follow the Republican party whenever its majority dictates, but I shall regret it if the time should come when, refusing to take this money from the pockets of the speculators in the already produced crops of Puerto Rico, I am compelled to support a colonial system by making drafts upon the Treasury of the United States.

Mr. OTEY. Mr. Chairman, first, I want to enter my protest against the title to this bill and to substitute for it, "A bill to obstruct the trade of Puerto Rico and prevent setting a precedent for action which sooner or later must confront the Republican majority in dealing with 10,000,000 Asiatics, 9,000,000 of whom dress only in their complexions, and to show due deference to the behests of trusts generally, and to the sugar and tobacco trusts particularly, by taxing a prostrate people without representation."

The Republican majority in this House finds itself very much in the position of a swift greyhound owned by a friend of mine. This greyhound ran by sight and not by instinct and smell, and one day in pursuit of its prey it struck its nose against a perpendicular section of a barbed-wire fence and was split open from the nose to the end of the tail. My friend having studied anatomy and remembering that when a member of the body was severed, if at once replaced would heal, and by a process called osmosis the endosmose and the exosmose, by a kind of molecular attraction, would cause cohesion, and the severed member would grow. So he slapped the two halves of his dear dog together, and it grew and lived. But in his haste he placed the tail part of one half to the head part of the other. But the noble canine prospered and became a most valuable addition to his kennel. A friend asked how his dog was getting on. "Why," said he, "it is my best dog now, my stand by." "How is that?" said his friend. "Well," said he, "you see it can run both ways and bark at both ends." See? [Loud laughter and applause.]

Now, Mr. Chairman, this Republican party has not long since passed through a case of protracted labor with a great but serene PAYNE [laughter]; and when the baby showed no signs of Dingley paternity it was charged that PAYNE (he of New York) was its papa [great laughter], and so he had to disown it and send it to an orphanage and submit to a substitute of a deformed grandchild of the Dingley persuasion. [Laughter.]

He, however, admitted that while this child now before us was his adopted child, its parentage was unknown [laughter]; and that he was not responsible for a fiber of its frame nor for a bone of its body, but said he had taken it under his wing to raise it as best he could on a bottle of Dingley soothing syrup. [Laughter and applause.]

As the poet says:

How bitterly he must have wept,
How little he must have felt—

On being obliged to adopt an illegitimate waif, to let his own darling offspring die. [Applause and laughter.]

It may be, Mr. Chairman, that it will be for his good and serve to get him out of a hole in the future during his leadership of the Republican majority on this floor. It reminds me of a white man in my district who once (it happens very seldom) voted the Republican ticket. That night he went 'possum hunting. A rainstorm suddenly came up. He sought shelter in a hollow log. Very soon the log began to swell. As it grew larger on the outside it got smaller on the inside, and so he got more tightly wedged in, and soon he began to scratch, to no purpose, and believing that he would soon be squeezed to death he began praying and thinking of all the many mean things he had done in life from boyhood up to date, and finally he remembered that he had voted the Republican ticket that morning, and suddenly he felt so small that he slipped out of the log as if he had been incased in oil. [Long and continued applause and laughter.] Mark the application. [Laughter and applause.]

Now, I want to discuss this thing on its constitutional grounds. [Laughter.] I listened with respectful attention to the distinguished gentleman from Pennsylvania—I believe he is from Pennsylvania. I mean Mr. DALZELL. [Laughter on the Democratic side.] We more prominent members of Congress do not know these obscure members, and I am not sure where he comes from. [Renewed laughter.] I listened with patience, and if I had not happened to see a copy of the Constitution in print once [laughter], and if I had not happened to hear that there was an old man, obscure and unknown, down in Virginia, by the name of Madison, I believe, who wrote it, and also heard that there was an old unknown man by the name of Marshall who expounded it, why, I would have thought from the argument of the gentleman that there was not such a thing in existence as the Constitution.

I would probably have been convinced finally that if it existed at all it was only antiquated rubbish, not worthy of the notice of the statesman from Pennsylvania [Mr. DALZELL]; that Jefferson, Madison, Monroe, Webster, were merely pygmies by the side of the giant statesmen of the present day and generation.

Especially is this so when the Keystone statesman and solon is perched on a pedestal so elevated that he scorns an interruption from a benighted Democrat and sucker, although the interrogatory was couched in terms of Chesterfieldian politeness.

He reminds me of a tramp who, traveling along a road, was nearly famished for water. Seeing a well, he rushed up to it, and a lady, wishing to refresh him, asked if he wanted some water. He replied, "I am going to take water and I de-cline to be in-ter-rupt-ed." [Laughter.] He began to pump for water and no water came. He was forced to ask the lady if there was any water in the well. "Oh, yes; plenty of water," said the lady. The tramp continued to pump, and finally, getting no water, asked the lady, "Why, if there is plenty of water in the well, will no water come?" She politely said, "Because the sucker is at the wrong end of the pump." [Long and loud laughter and applause.]

I leave you to make the application as to where the sucker is now. [Loud applause.]

Now we come to the versatile statesman from Kansas, Mr. REEDER. He draws his inspiration and his wisdom from the river Solomon, on which his hog ranch is situated. REEDER is his name. He is a good REEDER. He can read his jokes. They are as clear as a northwest Kansas blizzard, translucent as a block of granite, bright as midnight in a billy goat's stomach, as pointed as a steam hammer. [Loud applause.]

His story on CHAMP CLARK was side splitting—to himself. But it showed on what intellectual food he regales his mental palate. But let me tell him that CHAMP CLARK is here and he will administer a Kansas pill to the King of Hog Ranch on Solomon River. Do you know what a Kansas pill is? CHAMP CLARK knows, and so he will make the Kansas statesman swallow a Kansas grasshopper backward, and I will guarantee it will kick all of the intellectual stuffing out of him in two seconds. [Long and uproarious applause.]

Then came the deep-mouthed CANNON, of Illinois, to settle the whole matter. With his ponderous reports and masterful gestures he pounded and battered his enemy on the left, his friends on the right, and his desk in front, and kicked the chair behind him, and ended thus. [Great laughter and applause.]

And so, Mr. Chairman, my friend, always polite and smiling, ends his peroration thus:

I am not laboring under the perpetual enjoyment of the rascally immunity of utter political incompetency, and my outward manifestation of my inward feeling of an alloverishness will not permit me to be heterogeneously bamboozled by the unsophisticated audacity of any Democrat.

[Great applause and laughter.]

Now, Mr. Chairman, I am not responsible for applause on the Republican side of the House, nor am I to be held accountable for it on this side, and I insist that all of that time so expended shall not come out of my allotted time. [Applause.]

So much time has been wasted on reading constitutions, decisions, and the like that I think it is time to have a little common sense on this bill.

Now, Mr. Chairman, having, as I believe, disposed of the giants of the Republican forest, as well as some of the new timber, passing over the general undergrowth unnoticed, I would invite the attention of the House to some of that rare commodity called common sense.

According to the treaty of peace concluded April 11, 1899, Puerto Rico became United States territory. And that treaty was then and is now the supreme law of the land. After that, if it was not United States territory, what was it? I pause for a reply. None! If, then, it is United States territory, what does this mean? Webster says territory means "a portion of the country not included within the limits of any State and not yet admitted as a State in the Union."

Also a tract of land, a region, a country, a district.

Now, I see no necessity of bringing ponderous volumes here and quoting from our great men of the eighteenth and nineteenth centuries, and all manner of decisions, to demonstrate the common-sense proposition that Puerto Rico is, first, territory, and, second, if so, it is United States territory, and, third, if this be true, we can not treat it in any manner different from other United States territory.

Sir, I shall not quote the Constitution. The Lord knows that quasi great constitutional lawyers have suddenly arisen in this body and quoted from every known source, whether applicable or not, till the atmosphere is charged with the dust of musty old volumes. It may be that some observer on a distant planet, with a great telescope focused on this Chamber, would imagine that the resurrection had occurred, and that Jefferson, Madison, Monroe, Marshall, Story, Chancellor Kent, Brewer, Cooley, Webster, were all here, but, Mr. Chairman, no one about here would have thought so. [Applause.]

Sir, I have seen gentlemen on the other side of this Chamber rise from their seats, with ponderous volumes in their hands, and, with the air of wisdom, call attention to what Chancellor Kent or some other great commentator held on this question that had about as much to do with this question as the educated hog had to do with the Siamese twins. [Laughter.] Adjusting their spectacles and looking over them with judicial wisdom, or perhaps fondling with eyeglasses just removed, would say, "How does that strike you?" followed by great applause on the Republican side. Such self-satisfaction has never, to my knowledge, been evinced as by these undergrowths in the Republican thickets. But they go on the adage, "He is well paid that is well satisfied."

Of all of the infamous measures passed by this Republican majority, and they are many, Mr. Chairman, none have reached the superlative degree of this one. Infamous, did I say? Yes, and advisedly, for it is disreputable, disgraceful, and dishonorable; it is ignominious, discreditable, and unprincipled: it is vile, heartless, and cruel to treat a prostrate people as this bill proposes, only because plutocracy demands it.

The President of the United States sent us a written message, saying it was our plain duty to establish free trade with Puerto Rico—just the opposite of what this bill provides. Why, may I ask? The only answer is, because Puerto Rico is United States territory and the supreme law of the land forbids any other commercial relations with people of its territory.

There can be under our fundamental law (our written Constitution) nothing but free trade between States and Territories; nothing but free trade between Virginia and Massachusetts; nothing but free trade between New York and Keywest. Indeed, Keywest is somewhat similar to Puerto Rico. It was acquired from Spain in 1819. Puerto Rico, just eighty years afterwards, was also acquired from Spain. Why did we not lay a tariff duty on goods going into or going from Keywest.

But, Mr. Chairman, not only did the President lay down what our "plain duty" was in inviting Congress to at once establish free trade with Puerto Rico, but the chairman of the Ways and Means Committee, the chosen leader of the Republican majority on this floor, promptly introduced a bill to enable the President to fulfill his "plain duty" and thus provide "free trade" with Puerto Rico.

But a sudden change came over the President and his Republican majority in this House that no one seems able to account for. Certainly a change which no one, from his sergeant-major to major-general commanding the Republican cohorts, has dared to explain.

Perhaps the specter of the heavy hand of an unfriendly trust loomed up with one hand closing the door of a great safe and the finger of the other hand pointing to an approaching storm, on the clouds of which could be seen the words, Campaign of 1900.

Or perhaps they looked to the Orient and there was photographed on the retina of their bloodshot eyes, 10,000,000 Asiatics acquired by "criminal aggression" (as said the President, because it was "forcible annexation"), which blinded them to law, principle, justice, and duty.

Perhaps they forgot, in declaring war, that we proclaimed to the world that we did not intend to acquire by conquest. It was a war begun for liberation and humanity. Is it to close with oppression and brutality? It left us a great liberator; is it to make us a great tyrant? We who hold ourselves up to the world as a liberty-loving people; we who point to the great statue of Liberty Enlightening the World, as we enter the greatest port of the New World, as the emblem of our traditions and our aspirations—are we to play the part of the oppressor, of the desolator? Ought we not rather to rule by the allegiance of love, before it will be too late and these good people say to us:

> Never can true reconcilement grow
> Where wounds of deadly hate have pierced so deep.

Here is a bill which starts off freighted with a fraud. A bill "to regulate the trade of Puerto Rico, and for other purposes." The "for other purposes" is the only part of the title that has any bearing on the purposes of the bill. To regulate means to put in order. This bill is to sow disorder. But then, to regulate the trade of Puerto Rico, not trade with Puerto Rico. In other words, you may regulate the action of a slave, but between people not slaves both of the regulated must, in a republic, have some say so in the matter; and if it is a matter of taxation, they must have representation. On all questions, especially of taxation, the Territories are represented in the House of Representatives, where measures looking to taxation must originate.

Trade will regulate itself. It has nothing, in fact, to do with this bill, and the bill has nothing to do with trade. What do we mean by trade? Originally it meant a track, a path, a trail. This bill seeks not to open it, but to obstruct it. It means a course, a custom, a practice. This bill places obstacles in its way.

Business, dealing, bartering, exchanging, buying, selling—this bill, instead of putting them in order, paralyzes these functions. Restrictions are placed on action, and no title to this bill is so befitting as that designated in the beginning of my remarks.

Besides there is a condition confronting our Republican friends, who see the dark cloud of a racial problem arising in the East, and the suffrage question which they inexorably and cruelly inflicted on the South must be met there, and the "galled jade" winces.

Now, as to the provisions of the bill itself, there can be not only no warrant in the Constitution, in law, or precedent, but there can be no common business sense in it. Let us suppose that Congress should provide in this bill that all cattle going from Texas to the port of New York should pay 25 per cent of the Dingley tax on cattle coming into this country from foreign countries; that all wares going from Boston to New Orleans should pay 25 per cent of the Dingley tax on such wares coming into this country from foreign countries. Would it not be clear that you were virtually charging an export duty? Would it not be clear that the bill was violating the constitutional provision for free trade between the States and Territories?

Why, then, demand of these poor prostrate people what we dare not, can not, demand of our own people?

The Puerto Rican must pay the heavy duty of the Dingley tariff now on all goods he imports from abroad. Even Spain did not exact this hardship of him. Now he must not only bear the burden of the Dingley tax on his foreign importation, but he must pay 25 per cent of the heavy Dingley tax on all goods which come from his own country—the United States.

And yet he sees that the "coastwise shipping laws" of the United States have been already extended to Puerto Rico—and this seems to have been overlooked in this discussion—which we can not extend to a foreign country, and thus the poor, unfortunate Puerto Ricans must (are obliged to) ship only in American bottoms and hence are at the mercy of our shipmasters. Is not this horrible to contemplate? Think, oh, think of the days of the infamous, infernal, hellish carpetbag rule in our own beloved South. You Republicans, think of it. Do you want another such blot on the fair name of this great Republic? Puerto Rico is an integral part of the United States and free commerce should extend to her as to any other of our territory.

Not only does this bill tax her by tariff, but she must pay internal-revenue tax. Her leaf tobacco goes to the United States on a tax of 25 per cent, or one-fourth of the tax levied on tobacco from other countries. But if she manufactures cigars and tobacco she has to pay additionally the internal-revenue tax per thousand and per pound which such articles bear in this country. Here they got a slap at the farmers, which please note, and made it practicable for Puerto Ricans to ship tobacco here to compete with our farmers, but made it impracticable for Puerto Rican manufacturers of cigars and tobacco to compete with the tobacco trust and impracticable for the sugar men of Puerto Rico to compete with the sugar trust, and, in fact, any striving manufactory of Puerto Rico to compete with any trust here. Free trade is a weapon that can be used with deadly effect on trusts; but, as I have said before, which I repeat every opportunity I have, the Republican party has plutocrats for masters and trusts for protégés, and profits from both. Free trade would result in leaf tobacco being consumed in Puerto Rico; indeed, they would import it from the States. Under this bill they must send it to the States to compete with our farmers, as their tobacco and cigar manufactories will die.

Why ruin Puerto Rico, by cession part and parcel of the United States territory, entitled to every protection that we can give it?

Take away this iniquitous tariff, and it will give Puerto Rico cheap food. Are they not now starving and do they not need our help? Has it occurred to you of the Republican majority what you are doing? Do you know what this bill will make these poor and stricken people pay on what we ship them? Six and one-fourth per cent tax on our flour (ad valorem), one-half cent per pound on our codfish, one-half cent per pound on our pork, 1¼ cents per pound on our bacon, 5 cents per bushel on our corn meal, one-half cent per pound on our fresh beef, one-half cent per pound on our mutton, 6¼ cents per 50 pounds on our beans, 6¼ per cent ad valorem on our corned beef, 9 per cent ad valorem on our crackers, 10 per cent ad valorem on our canned goods; butter, cheese, oil, heavy ad valorem duty. Then we tax them 25 per cent of the Dingley tariff on bags for sugar, shooks, rough lumber, agricultural implements, machinery, trees, shrubs, seeds, and school furniture. Certainly these should be free.

It would seem that, viewing our interests pecuniarily, we would help Puerto Rico to its feet, in order that its great productiveness and former prosperity might be regained; that with the heavy weight of Spanish oppression removed she might expand her lungs, draw in the good fresh air, and march to the music of American enterprise and push.

It would seem that machinery, implements, construction material of all kinds, hardware, carriages, harness, leather, cotton goods, drugs, chemicals could all find a market in Puerto Rico, ever increasing and even profitable. But the arm of two trusts are mighty. These have made the President turn a back somersault and the chairman of the Committee on Ways and Means dance the skirt dance to the admiring Republican spectators.

The Supreme Court, I doubt not, will render this bill nugatory even should it become law.

Why should this oppressive measure be meted out to these unfortunate people? "Oh, but we propose to spend it on them." Better far appropriate the necessary amount out of the national Treasury for the support of the government than to hang this stone around their necks. Better far guarantee $10,000,000 of debt for them, and let their rich resources come into the markets of the world relieved of the heavy weight of this bill.

The noblest races are the greatest lovers of liberty. Our race

was the first to recognize the right of the individual to himself and to acknowledge his home as his castle. It is increasing with more certainty and greater rapidity than any other race. It is not subject to the causes which check the growth of other races, such as famine, pestilence, and disease. Its inventive genius has lessened the devastation and destructiveness of war by the introduction of more devastating and destructive engines of war, for the greater power in this direction the less destruction ensues.

Its great commerce, reenforced by steam and electricity, has made famine in its community an impossibility, and the great strides in medical science have minimized pestilence. At the end of the reign of Charles II there were only 200,000 in America, and in two hundred years we have increased in these United States three hundred and fiftyfold. In 1700 there were in the world 6,000,000 Anglo-Saxons; 1800, 20,000,000; 1880, 100,000,000; to-day, not far from 150,000,000. As I said on this floor in December last—in substance which I repeat—we are the largest part of this great race, and in another century, only the normal increase, the English-speaking people will number 715,000,000, while by the same measure the whole of Europe will number only 534,000,000. The ratio of increase in the United States in decades from 1840 to 1890 was 33 per cent each decade.

Two-thirds of our great race occupy land which invites unlimited development. The United States with its vast continuous and unsevered empire is to be the great home of this white race, the principal seat of its power, the center of its life and influence. Its wealth is beyond all other nations. Mulhall places it at eighty-two billions, with the United Kingdom next with fifty-nine billions—the two being one hundred and ninety-one billions against all the other nations of continental Europe and their dependencies amounting to one hundred and ninety-seven billions.

The Anglo-Saxon is about one-fifteenth of the world's population, and owns one-third of its land and controls one-fourth of its people. It is true England has attained greatness by meddling with other people's business and highway robbery and the most relentless tyranny. We have outstripped her by attending to our own business and encouraging manhood and equal rights. When we look back at the grandeur of Spain, with her undisputed sway for two hundred years over Flanders, Mexico, Peru, Venezuela, Chile, Cuba, and islands by the thousand, we ought to pause before we inaugurate a system of cruelty and taxation like unto hers. She is still living in the seventeenth century; but how? Let us profit by her example.

The greed of conquest has seized you, my Republican friends. Pause; reflect what you are doing. You can afford to be generous to Puerto Rico. Will you be so; or will you lay your mailed hand on her, sorely afflicted as she is, struggling as she is?

Would that I could show you that pity is a virtue in the law with which you might temper your harsh decrees, so that with a tyrant's tread you would not use power and might cruelly. There is no beast so fierce but has some touch of pity.

Pity speaks to Grief
More sweetly than bands of instruments.

But your hearts are hardened; I fear—

You feed on ashes; a deceived heart hath turned you aside and you can not deliver your soul nor say there is not a lie in your right hand.
You are given up to the delusions of your own heart, and are justly left in blindness, that you shall not discern your own self-deceiving.

[Loud applause.]

The CHAIRMAN. The question is on the amendment of the gentleman from New York.

The amendment was adopted.

Mr. PAYNE. I desire to offer the following amendment to section 4:

In line 22, page 2, strike out the word "customs" and after "duties" insert "taxes;" and in line 22 strike out "customs" and in lieu thereof insert "duties and taxes;" so that the clause will read: "That the duties and taxes collected in Puerto Rico in pursuance of this act, less the cost of collecting the same, and the gross amount of all collections of duties and taxes in the United States," etc.

The Clerk read the amendment of Mr. PAYNE.

Mr. PAYNE. Mr. Chairman, this amendment is necessary because of the amendment to section 3. The original bill provided that the customs duties collected on articles exported from the United States to Puerto Rico, as well as the customs duties collected on articles coming from Puerto Rico to the United States, should be placed at the disposal of the President of the United States, to be used for the government and benefit of Puerto Rico. Section 3 has now been amended by providing that articles coming here from Puerto Rico shall pay 25 per cent of the rates provided by the present tariff law and in addition thereto, when taken out of bond for consumption, shall pay the same internal-revenue tax as is now paid on like articles manufactured in the United States. We simply want to provide in this amendment that all those duties and all those internal-revenue taxes collected on goods coming from Puerto Rico to the United States, as well as duties or taxes collected in Puerto Rico, shall not go into the general fund of the Treasury, but be held as a separate fund at the disposal of the President, to be paid out for the government and benefit of Puerto Rico. That is the whole effect of the amendment. I do not suppose there is a man in the House who will oppose it. It simply carries out the provisions of the original section 4

Mr. CLAYTON of Alabama obtained the floor.

Mr. PAYNE. Can we not now reach an agreement that debate on this amendment shall close at 1 o'clock?

Mr. RICHARDSON. I should like to ask the gentleman [Mr. PAYNE] how many amendments his committee will offer?

Mr. PAYNE. Two more.

Mr. RICHARDSON. I have no objection to closing the debate on this amendment at 1 o'clock.

The CHAIRMAN. In the absence of objection, the proposition of the gentleman from New York, that debate on the pending amendment close at 1 o'clock, will be agreed to.

There was no objection.

Mr. CLAYTON of Alabama. Mr. Chairman, on yesterday I obtained consent of the House to print in the RECORD a letter and a statement extracted from a newspaper, and also to print in the RECORD in a parallel column therewith some extracts from a speech of the gentleman from New York made in the opening of this debate. Through inadvertence, injustice has been done to myself and to the gentleman from New York by omitting to parallel that letter and statement with the extract from the speech of the gentleman from New York. I now ask that those extracts, together with the letter and statement already printed, be printed in the RECORD—the letter and statement in one column, and the extract from the speech of the gentleman from New York in the other column.

Mr. PAYNE. I am perfectly willing. I hope the gentleman will print my whole speech.

The CHAIRMAN. In the absence of objection, the leave requested by the gentleman from Alabama will be granted.

The documents referred to by Mr. CLAYTON of Alabama are as follows:

Mr. W. H. CURTIS,
Palmyra, N. Y.

DEAR SIR: Your letter of January 19 received, in which you assert that free trade with Puerto Rico means free trade with Cuba and the Philippine Islands and a deathblow to protection. If you are correct in all of your assumptions, of course no Republican would favor any such measure. Suppose we get down to the facts: Puerto Rico was ceded to us by the Spanish treaty, and we accepted it without a dissenting voice in all the United States, so far as I know. In accepting it we cut off their market with Spain and with Cuba, in both of which countries there is now a high protective duty, which is absolutely prohibitive so far as Puerto Rico is concerned. Puerto Rico produces 50,000 tons of sugar annually. No one believes it ever can reach 100,000 tons under the most favorable circumstances.

We imported last year 1,340,000 tons of sugar. You see the importation from Puerto Rico would be as a drop in a bucket. We have had a treaty for a number of years with the Hawaiian Islands, where sugar can be produced more cheaply than in Puerto Rico, by which all sugar has been admitted free of duty. It is proposed to continue this by the enactment of law, and no one objects to it. We import from the Hawaiian Islands 240,000 tons of sugar annually. In the face of this free sugar from Hawaii, the production of beet sugar in California has doubled and quadrupled from year to year.

I am told that the production of the present year will more than double the large production of 1899. Free sugar from Hawaii does not seem to affect the beet-sugar interests. You say that free trade with Puerto Rico means free trade with Cuba and the Philippine Islands. In this you are all at fault; Cuba is not ours, but will have an independent government. The most she can ever hope for is a slight reduction of duty through a reciprocity treaty. You have been voting for reciprocity for the last fifteen years, as you say you have voted the Republican ticket. Under the treaty the Philippine Islands are to have free trade with Spain for ten years. We could not extend these tariff laws to the Philippine Islands even if we would.

To sum up, then: Puerto Rico is

On February 19 Mr. PAYNE said:

Now, Mr. Chairman, all political parties have approved this treaty and accepted the cession of the Philippine Islands to the United States and the island of Puerto Rico to the United States. As patriots, instead of trying to make some political capital for the Presidential campaign, we should sit down with deliberate, dispassionate judgment and consider the questions that confront us with reference to these islands.

The island of Puerto Rico, with which the bill deals, is one of the richest islands of the West Indies, a small island about 80 miles in length and 40 miles in width, in the form of a parallelogram, running east and west, with a mountain range running along the center, some 3,000 feet high at the summit, and cultivated from the summit clear down to the seashore, with level lands along the line of the sea at the foot of the hills averaging in width from nothing to five miles, on which sugar is raised, the higher lands adjoining fitted for the cultivation of tobacco and pasturage, and the higher lands of the mountains on which coffee is cultivated. It is said to be the most densely populated of any land in the whole world.

The citizens of Puerto Rico accepted the conditions. They could not very well do anything else. We had the consent of the governed, but the governed were too weak to yield up anything except consent to the powers of Spain and the powers of the United States. As the gentleman from New York said the other day, they received the troops with open arms; but whether, if Spain had come along the next day, they would not have received them still more gladly he was not able to say.

* * * * *

Now, Mr. Chairman, we have acquired the control of the territory of Puerto Rico; what are we going to do with it? What is our first duty toward that island?

* * * * *

When the war was over Spain put a prohibitive duty on coffee, as she did upon tobacco, and a corresponding duty upon sugar. Cuba, which we hold in trust, demanded of the United States that we put a duty upon Puerto Rican coffee and Puerto Rican tobacco. A large portion of the tobacco crop was brought to Cuba in

ours without a dissenting voice anywhere. Her people are impoverished by reason of the hurricane which destroyed the greater portion of two annual crops. She has no markets, being deprived of them by annexation to the United States. Commercially and industrially, without some aid from Congress, she is without hope for the future. A free admission of her products to the United States (which is now accorded to every other State and Territory and to Alaska, not organized into a Territory) would give her relief.

It will not hurt us, but, on the contrary, will give us a market for $10,000,000 annually, largely of the products of our farms, which will increase as American prosperity comes to Puerto Rico. I am heartily in favor of extending this relief to Puerto Rico, while I do not in any way commit myself to extend the same privileges to either the Philippine Islands or to Cuba. I have worked as hard as anyone to establish the beet-sugar industry and am as thoroughly in favor of it as ever. I am sorry to learn that anybody thinks of voting for a Democrat, who claims to be a good protectionist.

Yours, very truly,
SERENO E. PAYNE.

WASHINGTON, D. C., *January 24.*

[Special dispatch to the Globe-Democrat.]

PUERTO RICO AND FREE TRADE—PAYNE THINKS THE ADMINISTRATION BILL WILL PASS—IMPOVERISHED BY THE ELEMENTS, WITHOUT MARKETS BECAUSE OF ANNEXATION, THE ISLAND'S PRODUCTS SHOULD BE ADMITTED FREE TO THE UNITED STATES.

WASHINGTON, D. C.,
January 26, 1900.

Chairman PAYNE, of the Ways and Means Committee, has made a statement vindicating the policy of free trade for Puerto Rico. Mr. PAYNE introduced the Administration bill to carry out this policy, and has no doubt it will go through both House and Senate at an early date. He says:

"Puerto Rico was ceded to us by the Spanish treaty, and we accepted it without a dissenting voice in all the United States, so far as I know. In accepting it we cut off their market with Spain and with Cuba, in both of which countries there is now a high protective duty, which is absolutely prohibitive so far as Puerto Rico is concerned. Puerto Rico produces 50,000 tons of sugar annually. No one believes it can ever reach 100,000 tons under the most favorable circumstances. We imported last year 1,340,000 tons of sugar. The importation from Puerto Rico would be as a drop in a bucket. We have had a treaty for a number of years with the Hawaiian Islands, where sugar can be produced more cheaply than in Puerto Rico, by which all sugar has been admitted free of duty.

"It is proposed to continue this by the enactment of law, and no one objects to it. We import from the Hawaiian Islands 240 tons of sugar annually. In the face of this free sugar from Hawaii, the production of beet sugar in California has doubled and quadrupled from year to year. I am told that the production of the present year will more than double the large production of 1899. Free sugar from Hawaii does not seem to affect the beet-sugar interests. It is urged that free trade with Puerto Rico means free trade with Cuba and the Philippine Islands. In this the opposition is all at fault; Cuba is not ours. Under the treaty the Philippine Islands are to have free trade with Spain for ten years. We could not extend these tariff laws to the Philippine Islands, even if we would.

"To sum up, then, Puerto Rico is ours without a dissenting voice anywhere. Her people are impoverished by reason of the hurricane, which destroyed the greater portion of two annual crops. She has no markets, being deprived of them by annexation to the United States. Commercially and industrially, without some aid from Congress, she is without hope for the future. A free admission of her products to the United States (which is now accorded to every other State and Territory and to Alaska, not the years gone by free of duty; and there it was made up into cigars, sometimes mixed with Habana tobacco and sometimes not, but most of it came to the United States in the shape of the best Habana tobacco. The better qualities of this were exported. There were some minor grades that went to Europe, principally to Germany, selling at 5 or 10 cents a pound.

The export of tobacco was 4,000,000 pounds annually. One year it went up to 6,000,000 pounds, but the normal average exports were 4,000,000 pounds. They raise a million or two pounds more, which are consumed in the island. These were made into cigars and cigarettes by the natives and sold there.

Of sugar about three-fifths came to the United States and two-fifths went to Spain. That is about the proportion that has been exported to the two countries for the last ten years. Some of the time perhaps we got two-thirds of it. So that a part of the sugar market was in Spain and the rest in the United States. Spain cut off the market for sugar, cut off the market for coffee, cut off the market for tobacco, which was 85 per cent of their exports, and left the people without a market for these commodities, save that they had in the United States.

In addition to that, Cuba demanded of the Government not only a duty on coffee which was prohibitory, but a duty of $5 a pound on tobacco, which was also prohibitory, and under which not a pound could be exported to Cuba.

Well, these Puerto Ricans began to feel as though they had been made the victims of misplaced confidence. When they saw the flag go up and knew that "prosperity followed the flag," as a matter of course they expected to get a little of that prosperity themselves. Instead of that, the first result was to cut off these markets. More than that, on the 8th of August last there occurred there a storm, or hurricane, which swept that island from end to end; such a storm as had not been known there since 1867. It occurred at a time when they were getting ready to harvest the crop of coffee, which bade fair to be a great crop.

* * * *

Mr. PAYNE. I can not yield any further; my time is being frittered away.

Now, Mr. Chairman, the beet-sugar industry has been something of a pet of mine since I have been in Congress. I have been as anxious as any man in the United States to see it succeed. I had something to do with framing the schedule of the Dingley bill and the McKinley bill and framing the bounty in the McKinley bill, and I have watched with interest in the past ten years the progress of this industry in the United States, commencing with the most feeble beginning and gradually growing year by year, until this year the crop will be more than 100,000 tons against the forty or fifty thousand tons a year ago.

It is increasing every year, and already they have made contracts to build 51 beet-sugar factories in the United States during the coming season. It will double, probably, this year. Farmers are getting interested in it, and the people of the United States are getting interested all over every section of the country, and, as I said in the debate on the conference report on the Dingley bill, Mr. Chairman, I look to this as the one means of meeting what gentlemen call an octopus, the sugar trust, because I believe there is nothing which will so tend to destroy the sugar trust as beet-sugar factories in every Congressional district in the United States; and if they get incidental protection against the future out of this bill, I am glad of it.

I want to go a step further than that and declare to the country and to the world that when we legislate for this island, when we propose a tariff, we have the duty and the power and the privilege, under the Constitution, of imposing a tariff on all articles going to the territory belonging to the United States from the United States, or coming to the United States from the territory belonging to the United States. I want to make a precedent that all men can read with reference to the Philippine Islands, and if Cuba shall come, I want to give notice to Cuba that we propose to protect this industry when it comes to the question of admitting the 1,000,000 tons that will come from Cuba. So I was glad to bring in this substitute, this new bill, that we might assert this principle, that we might give them incidental protection against a threatening future, and at the same time that we might furnish revenue and take care of the needs of that island.

organized into a Territory) would give her relief. It will not hurt us, but, on the contrary, will give us a market for $10,000,000 annually, largely of the products of our farms, which will increase as American prosperity comes to Puerto Rico. I am heartily in favor of extending this relief to Puerto Rico, while I don't in any way commit myself to extend the same privileges to either the Philippine Islands or to Cuba."

Mr. MAHON obtained the floor.

Mr. TERRY addressed the Chair.

Mr. RICHARDSON. I hope the Chair will recognize the gentleman from Arkansas [Mr. TERRY] for two minutes, to finish out the time of the gentleman from Alabama.

The CHAIRMAN. The gentleman from Arkansas will be recognized, at the request of the gentleman from Tennessee, immediately after the gentleman from Pennsylvania has concluded.

Mr. MAHON. Mr. Chairman, before beginning my remarks I ask unanimous consent that I be allowed ten minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MAHON. Mr. Chairman, I have read somewhere in a great Democratic newspaper that it is the purpose of at least some Democrats to place in the next national Democratic platform the Declaration of Independence, to show to the people—black men, white men, red men, yellow men—where they stand in regard to human liberty and human rights. I want to ask them to parallel that Declaration, if they put it in, with a letter I am about to read, which is short and to the point, written by the great Thomas Jefferson; and in his letters he was himself—gave more free expression of his opinion than in his public utterances—a letter dated September 7, 1803, addressed to Wilson C. Nicholas, and will be found in Jefferson's works, volume 4. This letter may have been already referred to in the general debate on this bill; if so, I have not heard it. In this letter Jefferson is speaking on the question of the Louisiana purchase; and he gives this good advice to his Democratic friends:

> Whatever Congress shall think it necessary to do should be done with as little debate as possible, and particularly so far as respects the constitutional difficulty. I am aware of the force of the observations you make on the power given by the Constitution to Congress to admit new States into the Union, without restraining the subject to the territory then constituting the United States. But when I consider that the limits of the United States are precisely fixed by the treaty of 1783, that the Constitution expressly declares itself to be made for the United States, I can not help believing the intention was not to permit Congress to admit into the Union new States which should be formed out of the territory for which, and under whose authority alone, they were then acting. I do not believe it was meant that they might receive England, Ireland, Holland, etc., into it, which would be the case on your construction. When an instrument admits two constructions, the one safe, the other dangerous, the one precise, the other indefinite, I prefer that which is safe and precise.

Now, I am going to take the advice of Thomas Jefferson in regard to my vote on this bill; and I ask gentlemen on the other side to put this letter alongside of the Declaration of Independence and the Constitution when you send them to the people in those foreign countries.

And then, Mr. Chairman, when they speak of liberty, I want them to put in as a peroration to their Democratic platform a few words from a distinguished Democratic Senator who addressed the Senate on last Monday, speaking as one of the representatives of the great Democratic party of this nation, speaking about the colored voters of the South, and I call attention of gentlemen on the other side of the House to it who speak so sympathetically in favor of the black men in the Philippine Islands. Here is the language of one of your leaders. He says:

> We of the South have never made any pretense of considering the negroes our equals, or as being fit for suffrage. We fought to keep them slaves, and protested against their enfranchisement. You of the North—

Referring to the Republican party—

> contended that they were equal to white men and should have all of the rights of citizens, and you framed the three amendments to carry it into effect.

And then, going on, he uses this language:

> We stuffed ballot boxes. We shot them. We are not ashamed of it.

I commend that language to gentlemen on the other side.

Now, when you go to these people with protestations of liberty, justice, and equality before God and the law, tell them what you have done with the black men of the South; give them this portion of the history of the Democratic party in relation to making the black man of the country free and equal before the law. And yet you come up here and undertake to appeal to our sympathies in behalf of the people of the Philippines. You come here with lamentations and prayers in our presence for the blacks in the Philippine Islands. And yet you vote the other way when influenced by the political situation. You would never for one moment agree to the passage of the law through Congress to give these unfortunate people in these islands the full possession, the

full limit, and all of the rights under the law of this country that are enjoyed by the people of the United States.

Now, Mr. Chairman, if I were to-day in control of the Republican party, or if the Republican party were to pass a resolution advising my friend from Tennessee, the leader of the Democratic party, to join some sect in this country, before he would accept that advice he would read the Constitution and then come to the conclusion that it was unconstitutional. [Laughter.]

I propose to vote for this bill simply because it affords temporary relief to the people of Puerto Rico; and I want to make the further declaration that the Republican party in the near future will take care of these people. They will provide for them a government adapted to their best interests, regardless of the passage of the pending bill.

I should not have cared, sir, if the Democratic party brought in that bill, and I am free to confess it, giving to these people the same relief we propose, and I should have voted for it, and I propose to vote for it now, believing it right as conditions now confront us. It gives, I repeat, temporary relief where temporary relief is badly needed. It relieves primarily their distress in the near future. When we come to take up the government of these islands in regard to the constitutional question, I will probably have something more to say. [Applause.]

Mr. TERRY. Mr. Chairman, greed, avarice, and monopoly are in the saddle, and the plain principles of right and justice are being unscrupulously trodden under foot. If there ever was an example of that state and condition of things, we are having it now in the policies that are being forced by the present Administration upon the representatives of the great American people.

Mr. Chairman, it has been to me the disappointment and misfortune of my life that, on account of severe illness, I have not been able during this week to be present and take part in the discussion of the legal questions involved in the pending measure; but I am satisfied from my knowledge of the legal attainments of some gentlemen who have spoken upon my side of the question that it has been most ably handled.

I have gotten out of a sick bed and been hauled in a carriage to this day's session in order to enter my protest and record my vote against what I regard the most unjust and un-American piece of legislation that was ever attempted to be foisted upon the statute books of this country. If the people of Puerto Rico are subject to our jurisdiction and are subjected to Congressional legislation at all, then ipso facto they become entitled to all the rights of American citizenship and the protection of the principles of American liberty and of the great Constitution of these United States.

May God forbid that we ever stain our glorious flag of freedom by denying equal rights to any person within the jurisdiction or under the protection of our Constitution and the banner of the great Republic. [Applause on the Democratic side.]

Mr. RICHARDSON. Mr. Chairman, I do not take the floor for the purpose of making a speech or occupying the attention of the committee upon the pending amendment. I hold in my hand a paper signed by the commissioners of the island of Puerto Rico who were sent to Washington City for the purpose of representing to Congress the condition of the island and the capacity of the people of that territory to pay taxes for the support of their local government. I am opposed to denying them the right of petition, if we are to deny them all other rights, Mr. Chairman, and in my time I ask to have read this petition or this statement made by these gentlemen. Some of them have been before committees of Congress; some of them I have met personally. I want to give my personal testimony to their intelligence and to their capacity. I believe they are honorable and truthful gentlemen and that they state the facts. At the bottom of this statement will be found a statement by the Merchants' Association of New York City. I ask the Clerk to read this statement and the statement of the Merchants' Association.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

The members of the several delegations from Puerto Rico, sent here to explain to the members of Congress the conditions existing in their island and to ask for it the establishment at once of free commercial relations with the United States, to the end that the people of Puerto Rico may be relieved from the bankruptcy which stares them in the face and the fearful contemplation of thousands of deaths among their poor by reason of the starvation which is following the stagnation in business, worse than ever before in the history of the island, and due chiefly to the contraction of business which has followed the control of the island by the United States, and having read the compromise measure adopted at the conference of the Republican members of Congress held last night, desire to make the following statement to Congress and the public:

One of the reasons given by the Republican leaders in Congress, who stand behind the tariff measure, is that they see no other way in which money can be raised for the support of the island except by direct taxation, which they allege the people of Puerto Rico would not agree to, or by special appropriation by Congress. Let us say on this point that the island of Puerto Rico raised an annual budget of $4,400,000. Of this amount the following sums, in round numbers, were, for the army, $1,200,000; for the minister of colonies, $400,000; for pensions, $300,000; for the clergy, $400,000; for the navy, $400,000; making a total of $2,700,000. Thus there were raised for these purposes annually an amount larger than the total amount now required for the expenses of the island, as estimated by Governor-General Davis, and larger by far than will be raised by the proposed tariff. We refer with pride and call the attention of the people of the United States to the fact that we freed our own slaves, paying therefor, in principal and interest, about $12,000,000, without asking aid from Spain or elsewhere. We repudiate the idea that we can not raise the amount necessary to carry on the affairs of the island.

The idea and theory of a tariff is repugnant to us. Our people, since the American occupancy, have been lead to believe by Americans themselves, by the utterances of such eminent officers as General Miles, General Henry, and General Davis, by the Secretary of War in his annual report, by the honored President of the United States in his annual message to Congress, by the terms of the bill originally introduced in the House of Representatives by the chairman of the Committee on Ways and Means, and by the almost universal expression of opinion in the public press, that they were entitled to and would receive, without any material delay, absolutely free commercial relations with this country, to which they now must look, but instead of which a tariff unnecessary for revenue is offered.

The United States Government, through the State Department, has recently negotiated a treaty with the island of Trinidad, in the West Indies, which is a British province and a direct competitor of Puerto Rico, by the terms of which treaty Trinidad is to receive from the United States, free of duty, all articles of machinery and implements and articles of husbandry and nearly all food supplies, the free list for Trinidad in this treaty being larger by far than the list of articles now admitted free in Puerto Rico by Executive order, every one of which it is proposed to tax under the tariff bill now pending in Congress. Is this fair? We think not.

The time for a vote on this bill is rapidly approaching, and we therefore do not intend to make any elaborate argument, being content to stand before our people at home and the people of the United States on the general broad proposition that the island is entitled to receive absolutely free commercial relations at once, and that with them it can be easily made not only self-supporting, but will speedily become an exceedingly valuable possession of the United States, with a population loyal to the flag.

Every Puerto Rican and every American who knows the situation of the island believes that the mere announcement of the grant of free commercial relations, as a matter of justice, and therefore irrevocable, will bring instant relief and permanent prosperity to the industries of our island.

Respectfully submitted.

GEO. I. FINLAY,
MANUEL FERNANDEZ JUNCOS,
JOHN D. N. LUCE,
J. JULIO HENNA,
ARTURO BRAVO,
J. R. LATIMER,
L. SANCHES MORALES,
LUCAS AMADEO,
AZEL AMES,
T. LARRINAGA,
R. VALDES,
Commissioners of Puerto Rico.

WASHINGTON, D. C., *February 27, 1900.*

The Merchants' Association of New York, a commercial body in that city, composed of 1,400 firms and corporations, having no interest in Puerto Rico but the general one of expanding trade and commerce, has investigated thoroughly the commercial conditions in that island through its accredited representative, Mr. William R. Corwine, and the officers of that association believe fully that the speedy establishment of free commercial relations is absolutely necessary to place the island in a proper position.

THE MERCHANTS' ASSOCIATION OF NEW YORK,
By WM. R. CORWINE.

During the reading of the foregoing, the time of Mr. RICHARDSON having expired,

Mr. RICHARDSON said: Mr. Chairman, the debate on this amendment is to close at 1 o'clock. I ask that the time be extended, to allow the Clerk to finish the reading of this.

Mr. HOPKINS. Why not let the time for closing the debate on this amendment be 1 o'clock and 5 minutes?

Mr. RICHARDSON. Why not let it be extended to 1.10?

Mr. PAYNE. I ask that the time for debate on this amendment be extended to five minutes after 1.

Mr. RICHARDSON. Make it ten minutes after 1. We may want to use five minutes in reply.

Mr. PAYNE. I have the right to reply. If the gentleman wants to speak afterwards, let him do so on the next amendment.

Mr. RICHARDSON. I do not care, if we get it on the next amendment.

The CHAIRMAN. Does the gentleman from New York modify his request?

Mr. PAYNE. I ask that the debate on the amendment close at 1.05.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk resumed the reading. Having begun the reading of the signatures,

Mr. RICHARDSON said: Mr. Chairman, let the Clerk omit the reading of the names.

Mr. PAYNE. Oh, no; read the names.

Mr. RICHARDSON. Very well.

The Clerk resumed and completed the reading of the above.

Mr. PAYNE. I desired to have the names read in order that the House might know who these gentlemen are. They are largely a delegation coming up here from Puerto Rico, the most of whom are directly and pecuniarily interested in exporting sugar and tobacco free to the United States. The gentleman first named is a gentleman whom I met the other day downstairs, and he wanted me to come in and make a great name for myself and go for free trade for Puerto Rico. I said to him, "The reason you want free trade rather than a 75 per cent reduction is that instead of getting the $300,000 that you will get under a 75 per cent reduction, instead of getting that much more for your sugar, you want to get

$100,000 in addition, and you are whining about these lobbies and shedding tears for the poor people of Puerto Rico and are not willing to give up this $100,000 for their benefit and for their relief from taxation."

Who are the Merchants' Association of the City of New York? Why, they are the gentlemen who are interested in free trade with all the world. It is no new thing for them to come before Congress. It is no new thing for them to come to the Ways and Means Committee for a reduction of duties. They are always asking for that.

What is the fact, Mr. Chairman? They say they have raised $5,000,000. They raised 5,000,000 pesos rather, or $3,000,000, by taxation in 1896 or 1897. They paid those taxes to Spain in the way of export taxes, consumption taxes, transportation taxes, and every conceivable form of taxes that could be put on every industry in the island, in order to raise money for Spain. But they raised that sum when they were prosperous, when they were not recovering from a devastating storm that had swept the island from one end to the other. They raised it when they were exporting over $10,000,000 worth of coffee, instead of less than $1,000,000 worth, as they must do now. They raised it, Mr. Chairman, when the storm had not interfered with their tobacco or their sugar plantations.

This bill is to meet a present emergency, to raise revenue to provide for an emergency, to raise revenue for this year, nay, for this month, to raise it in order to do what? To help out the poor taxpayers, help out the poor people, to give the people of that island a chance for education and to rise in the world; to build public improvements, including highways; but we want the money now. The committee have said they did not see any other means to raise it. What did these gentlemen reply? That before there was a storm, before their property was destroyed, before their crop was swept away, they were able to raise 5,000,000 pesos a year. When they recover from this storm, and after five years have elapsed and the coffee plantations get into shape to produce a crop, I have no doubt that they can raise 5,000,000 pesos a year. In the meantime we take out of the men who get the benefit of this bill a little by the way of toll and pay it for the benefit of all the island, and especially those who are suffering from the effects of the storm. [Loud applause on the Republican side.]

Mr. RICHARDSON. I am a little——

The CHAIRMAN. Debate is exhausted.

Mr. RICHARDSON. I understood we were to get ten minutes.

The CHAIRMAN. The gentleman from New York asked for five minutes only.

Mr. RICHARDSON. I asked for ten minutes, and understood it was granted.

The CHAIRMAN. The Chair did not so understand.

Mr. RICHARDSON. I want five minutes in which to reply to the gentleman; but I can take it on the next amendment.

Mr. PAYNE. Well, then, let us take a vote at once, and then the gentleman can take the floor.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken; and the amendment was agreed to.

Mr. PAYNE. Mr. Chairman, I present an amendment from the committee. It was suggested to us by the gentleman from Vermont [Mr. POWERS]. It is his amendment, adopted by the committee; and after it is read I desire to yield to him. Of course, if the gentleman from Tennessee wants to speak first, I will make no objection to that.

Mr. RICHARDSON. Let us hear the amendment.

The Clerk read as follows:

Amend the bill by adding new section as follows:

"SEC. 5. This act shall be taken and held to be provisional in its purposes and intended to meet a present pressing need for revenue for the island of Puerto Rico and shall not continue in force after the 1st of March, 1902."

Mr. POWERS. Mr. Chairman, I drew and submitted this amendment to the Committee on Ways and Means, in hopes that it might lead to a compromise between the discordant elements on this side of the Hall. It will be noticed that amendment puts into the bill a new section, declaring the precise purpose for which this legislation is enacted, namely, that it is provisionally intended to meet the pressing necessities that exist at the present time for revenue in the island of Puerto Rico.

Mr. BURKE of Texas. Mr. Chairman, many of us would like to hear the gentleman from Vermont.

The CHAIRMAN. The committee will be in order. Gentlemen will please be seated and cease conversation.

Mr. POWERS. It is well known, Mr. Chairman, that I have expressed hostility to this bill as it was originally drawn on two grounds. First, upon the doubt as to its constitutional validity; and, second, the doubt as to its expediency. I am informed that a case has already been started and is now on its way ultimately to a decision of the Supreme Court of the United States that will settle the troublesome question of constitutional law that has been debated on this floor for the past ten days. Therefore we are speedily approaching a decision of that doubtful question. The other objection which I had to the bill in its original form was that it sought to treat the people of Puerto Rico, whom we now count as under the protection of the American flag, in a different way from what we treated the people living in the Territories of Arizona and Oklahoma; and that, for that reason, in levying a tariff duty upon Puerto Rican products was discriminating against Puerto Rico over the other Territories.

Now, then, the purpose of this amendment is to have the bill carry on its face a declaration that it is an emergency measure; that it is to meet the present necessity for money in Puerto Rico, when other means are unavailable at this present time; and further than that, it fixes a limit, beyond which this bill can not properly go. It provides that it shall expire by its own limitation on the 1st day of March, 1902. I am told, sir, that the committee will accept this amendment; I am told that the President of the United States will accept this amendment; and if he is content to take the modified bill, as it will be if the amendment is adopted, I am frank to say, sir, that I accept it myself. [Loud applause on the Republican side.]

Mr. JAMES R. WILLIAMS. Mr. Chairman, I hold in my hand a statement made before the Committee on Insular Affairs, of which the chairman of the Committee on Ways and Means is a member. The statement was made by General Davis, the military governor of that Territory; and I challenge the gentleman now to contradict the statement that I shall make. He says here in the report which I hold in my hand, in answer to a question put by the gentleman himself, that they raised in one year by taxes 8,000,000 pesos, equal to nearly $5,000,000. That is the statement of a gentleman appointed by your own President; and I will tell you more, he says, and it is in his report here before me: "That that island needs at least $5,000,000 a year."

You propose to raise a million and a quarter. He says it will take at least a million to administer the government of Puerto Rico, its insular government, not including the expenses of municipal administration. Nothing for roads or other public improvements. Where do you get money to build the schoolhouses except in your perorations? You know you are trying to deceive the people of this country and Puerto Rico when you make any such claim as that.

General Davis says they need this money now, $10,000,000. You say you want to give it to them now. Do you expect all the revenue under this bill to be paid in within the next thirty days? Do you not know it will take twelve months to collect it? He says they need it now, and he says—and I want the members of this House to listen—that these people can get $10,000,000 without any guaranty on the part of the United States and get it at 5 per cent, instead of 7 per cent as the gentleman from New York [Mr. PAYNE] states.

Now, Mr. Chairman, these people are able to take care of themselves. Dr. Ames, one of the best witnesses who appeared before the committee, said that what they need first and most is a well-established government, and next to that free trade for the island. You give these people a good government, and they can raise by taxation from their own property in less than six months more revenue to do business on than you can under this bill. Why? The gentleman from New York seems to doubt that. You give them the power to organize their government, to make their assessments, levy their taxes, and as soon as the levy is made appropriate, under the authority of Congress, a sum for them to draw on to do their business on until the money is collected, as is done in many of the States of this Union to-day.

But you propose simply to provide for the collection by revenue on the necessaries of life, on a part of the property, only enough money to run the insular government, and not enough to run the municipal government or provide for schools, as you would have the people believe.

Now, Mr. Chairman, I want to refer to another matter in this bill, and that is this educational feature. I want to call the attention of gentlemen on the other side to the fact that the majority of the Ways and Means Committee have either misrepresented the facts or have failed to state as true that which is true, and I cast no reflection upon the gentleman from Iowa——

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. JAMES R. WILLIAMS. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. JAMES R. WILLIAMS. Now, Mr. Chairman, I say I desire to cast no reflection upon the candor of the gentleman from Iowa [Mr. DOLLIVER], who delivered such a very able constitutional argument on yesterday, and which has been so completely answered by my friend from Virginia, Mr. OTEY, to-day. [Laughter and applause on the Democratic side.]

The gentleman from Iowa [Mr. DOLLIVER], as well as the gentleman from Ohio [Mr. GROSVENOR], says that the sugar trust does not want this bill. You let me read to you from a gentleman

who knows a great deal more as to what the sugar trust wants than does the gentleman from Iowa. Here is an important witness on this question. Let us see what he says. My friend Mr. PAYNE will remember the name when it is announced to him, for he was interested in the matter and he was present. On the 19th day of January the gentleman from New York [Mr. PAYNE] had introduced his bill for free sugar. On the 22d day of January, three days later, the following gentlemen came before the committee of which the gentleman from New York [Mr. PAYNE] and Mr. TAWNEY are members. He was asked the question:

What is your name?
Mr. Oxnard.
What is your business?
I represent the American Beet Sugar Association, of which I am president and which comprises 30 of the sugar factories from the Pacific to the Atlantic in 12 different States.

I will not read all, but just listen to what he says further:

What we claim is this—

And he knows more about this than even the gentleman from Iowa [Mr. DOLLIVER] knows about the Constitution—

What we claim is this: While we are perfectly willing to let them come in, we think they will very largely increase their production of sugar and perhaps be a reproduction of what Hawaii did, and we claim they are taking and will take in time a large portion of our markets from us, and we would like to have some tariff put against them.

Mr. PAYNE asks:

You have had free sugar from Hawaii all the time?—A. Yes; but that has more than doubled in the last ten years, and that has hurt us. I do not claim that the admission of the present sugar, what they are making now, will hurt us so much; but what I claim is large investments will go into Puerto Rico in the sugar business as soon as it is found that these immense profits can be made.

I do not know whether the conversion of the gentleman from New York [Mr. PAYNE] dates from that time or not, but here is a man who knows something about this sugar business and he says that with free sugar large investments will go down there and greatly increase their business, and this would increase the opportunities for labor, enable those people to pay their own taxes, and provide their own schools. General Davis says in his report—and if the gentleman doubts it I will read it—that these people are almost naked, without food; and when Mr. COOPER asked him the question if they could be educated, if furnished facilities, he says, "Not until you give them clothes and provisions. You can not expect children to attend school in their nakedness. Give them first new trade conditions. Enable them to earn food and clothing." And that is what we claim free trade for that island would do.

Mr. STEELE. I want to ask the gentleman if Mr. Oxnard did not also say, in that same connection, that all the sugar that could be produced in Puerto Rico would make no difference; that what he was afraid of was sugar from Puerto Rico and the Philippines?

Mr. JAMES R. WILLIAMS. He did not.

Mr. STEELE. He certainly did.

Mr. JAMES R. WILLIAMS. I have it all here before me. He said they did not fear it now, but that if you give them free sugar it would so increase their business as to take away a part of our markets, and, as I claim, large investments in the sugar business in Puerto Rico would increase the opportunities of these people for obtaining a livelihood and clothing and feeding themselves, and enable them to pay their own taxes.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JAMES R. WILLIAMS. I want one minute more.

The CHAIRMAN. The gentleman asks for one minute more. Is there objection? [After a pause.] The Chair hears none.

Mr. JAMES R. WILLIAMS. Now, Mr. Chairman, some gentlemen who have made long constitutional arguments against this bill console themselves with the amendment which has been agreed to on the other side making it temporary. If Puerto Rico ever needed free trade with the United States it is now. You extend this bill over them for two years and you give the sugar trust and tobacco trust the opportunity to get their lands now under mortgage. But if you pass a free-trade bill in one week their lands will begin to advance; they will be able to remortgage them and come out the owners of their own soil. [Applause.]

Mr. SIBLEY. Mr. Chairman, if this bill proposed to provide for a permanent policy in dealing with Puerto Rico, I should oppose it, and last week so informed the chairman of the Ways and Means Committee. I think each witness who has appeared before the Committee on Insular Affairs has stated that the condition of those people is deplorable, that they are starving in that island at the present moment. While we are debating they are starving.

I have heard no proposition to afford them relief in any other manner than here proposed; and for myself my duty seems to me to be perfectly clear—to support the measure presented by the Ways and Means Committee. We recognize the fact that this discussion on the part of the opposition is not against Puerto Rico. Puerto Rico is a mere incident to the broader proposition. [Applause.] If it is determined that every foot of territory under the control of the United States is to enjoy equal advantages with the United States——

Mr. JAMES R. WILLIAMS. Will the gentleman allow an interruption?

Mr. SIBLEY. I have not the time.

Mr. JAMES R. WILLIAMS. We will have your time extended.

Mr. SIBLEY. Very well.

Mr. JAMES R. WILLIAMS. Then, according to the gentleman's statement, the emergency for the passage of this bill does not exist in Puerto Rico, but in the politics of the Republican party. [Applause on the Democratic side.]

Mr. SIBLEY. No; you locate the politics on the wrong side of the Chamber, my friend. [Applause on the Republican side.]

Mr. JAMES R. WILLIAMS. It is pretty hard to locate you. [Laughter and applause on the Democratic side.]

Mr. SIBLEY. You need not have a particle of trouble about that; for I stated the other evening on the floor of this House that whenever it is necessary for one to act in a patriotic manner, whenever it became necessary in order to keep step with the march of human progress, whenever it became necessary for one attempting to serve the welfare of his country and its people to have a seat upon the Republican side of the Chamber, you could constructively place my seat there at that very moment [pointing to the Republican side]. [Loud applause on the Republican side.] This is a mere incident to the broader proposition that the United States can not——

Mr. TERRY. The gentleman from Pennsylvania ought to understand politics, as he has belonged to all political parties.

Mr. SIBLEY. I do not hear what the gentleman says, and I do not know that I have time to listen to it.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. SIBLEY] has the floor.

Mr. SIBLEY. If you can establish the principle that all territory recently acquired by the United States and coming under our control and jurisdiction—if you can establish the principle that each citizen of these possessions is entitled at the present time to the enjoyment of the same rights and privileges enjoyed by American citizens, and that they are to be governed by the same rules and participate under the same conditions in governmental affairs as are accorded to American citizenship within the limits of our Federal Union, before accepting any such interpretation, firmly believing in expansion as I do, I should renounce and denounce the whole theory of expansion.

The debate upon Puerto Rico is the mere incident in the broader proposition. The issue being determined is whether or not the United States possess the right and have the will to so legislate that the products of the Orient shall not be admitted as a disturbing factor to American production, and that the yellow man of the Orient shall not come here, clothed with the full power of citizenship, to compete upon terms of equality with American labor in our own markets.

If your proposition is understood, you mean to place us in the position where if we hold these territories, we must forthwith surrender the right to first see that they are properly qualified and educated for the duties of citizenship. You would introduce at once the people of the Orient to rights in our homes and firesides; and before accepting such proposition we would rather see your counter proposition successful—would heed your advice and surrender these islands to Aguinaldo and his self-constituted government. [Applause.]

This measure for the relief of Puerto Rico commands my support, not because of my ability to interpret the Constitution, where wise men on both sides of this Chamber honestly divide, but because it seems to me I can interpret the principles of the Christian faith, and because in the tendencies of the measure it is humanitarian. We are not exploiting the people of Puerto Rico.

Every dollar of revenue raised under this tariff goes back, not to the rich people, not to the sugar or tobacco trust, not to great combinations of commercial bodies or capitalists, but is set aside as a sacred fund, held in trust by the President of the United States, to set in motion the everyday affairs of that island and relieve the present starvation that every witness appearing before the Insular Committee states exists at the present time in Puerto Rico. [Applause.]

King Humbert was invited to a feast at Pordenone, and accepted the invitation, and just as he was leaving for the banquet a telegram was handed him in which it was stated that cholera was raging at Naples and people were dying by the scores and hundreds, and he said: "They feast at Pordenone, but they die at Naples. I go to Naples."

I do not wish to individualize or particularize, but, witnessing some of the leadership here, and receiving the attacks that are made upon me, some thoughts come to my mind concerning latter-day Democracy, and it has seemed that it might become a duty to dedicate to one or two gentlemen upon this side of the Chamber who have been somewhat harsh in their criticism those thoughts, for I know no one who would be more worthy exponents of this latter-day creed. [Laughter and cries of "Go on!" "Go on!"]

I may not on this occasion conclude to use any or all of the matter; certainly some shall be held in reserve as being applicable, especially to one or two gentlemen upon this floor. Therefore, the few verses in characterization of attitude will be more general in their character, and other verses held for a more particular and select occasion.

[Here the hammer fell.]

Several MEMBERS. Go ahead.

Mr. SIBLEY. I ask for five minutes more.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that his time be extended for five minutes. Is there objection? The Chair hears none.

Mr. SIBLEY. I will therefore dedicate the following thoughts to two or three gentlemen upon this side of the Chamber:

Living in serfdom to years that have flown,
Clinging to dogmas the world has outgrown;
Choosing to march in the dust of the rear,
Failing in vision to duty that's clear.

Sluggards in plowing for harvests of grain,
Thrashing old straw with laborious pain;

[Laughter.]

Lacking in force to inaugurate good,
Hindering and carping at others who would.

[Laughter.]

Chained to a corpse, you darken your room,
Hanging your windows with curtains of gloom;
Dreading the morrow and shunning the light,
Creeping 'mid shadows and groping in night.

Playing in statecraft an ignoble part,
Obstructing commerce in life's busy mart;
Forbidding new methods place in your brain,
Acting as brake, never moving life's train.

[Applause on the Republican side.]

Fighting phantoms for foemen, boasting your bravery,
Prove yourselves honest, charging others with knavery;
Abandoning principles, having no plan,
Lauding as statesmanship catch-as-catch-can.

[Laughter and applause on the Republican side.]

Mr. TERRY. Can the gentleman from Pennsylvania, in his remaining time, answer this——

The CHAIRMAN. The gentleman from Arkansas is out of order. The gentleman from Virginia [Mr. SWANSON] is recognized.

Mr. TERRY. The time of the gentleman from Pennsylvania has not expired.

Mr. WILLIAM E. WILLIAMS. The gentleman from Pennsylvania has expired. [Laughter.]

Mr. SWANSON. Mr. Chairman, I am satisfied that the gentleman from Pennsylvania [Mr. SIBLEY] in recent years has been reading poetry, instead of politics or financial science, and hence I am not surprised at his political effusion; but I do not propose to reply to his criticism of gentlemen on this side. He comes here to-day and says he shall sustain this as a righteous measure. In the very language in which he said that he says he does it not on account of the conditions in Puerto Rico, because he knows there is suffering there, but on account of the higher question in the Phillippine Islands. What does that show? It shows that the gentleman, by his own confession, is willing to put the hand of injustice on 1,000,000 people in Puerto Rico in carrying out his colonial policy in order to establish a precedent to meet a political exigency.

Mr. WILLIAMS of Mississippi. And to secure a Republican nomination in Pennsylvania.

Mr. SWANSON. Mr. Chairman, the chairman of the Ways and Means Committee [Mr. PAYNE] has changed his position every time he has gotten up here. He started out with free trade. Then he came in with a proposition for 25 per cent of the Dingley bill when new light came to him. Last night new light came to him again, a vision, a dream, and under that new light or dream he reduces it to 15 per cent. If he were to go on until next week and have another vision, I doubt not he would go back to his original proposition of free trade.

Mr. Chairman, he started out with the proposition that we should impose 25 per cent of the Dingley Act. Why? Because he desired to raise sufficient revenue by that bill to pay the expenses in Puerto Rico. He said we would raise about $2,000,000 in revenue, and he said that amount was needed. He said the proposition of gentlemen on this side would result in a tax on the Treasury of the United States to that amount, and an appropriation to that amount would have to be made out of our Treasury, and he was opposed to it. To-day, by his own confession, in his amended bill, he admits there will be a deficit of $750,000, to be followed by an appropriation from the United States Treasury to run the government in Puerto Rico.

Now, let us go further. The whole proposition has been presented on the question of revenue. What do we find? We find that the people in Puerto Rico are willing to raise more revenue than is necessary to pay all the expenses there. By the estimate submitted, including appropriations for schools, colleges, and roads, and internal improvements, the total is about $2,000,000. How do the people of Puerto Rico say they are willing to have that sum raised? By extending the customs laws and the internal-revenue taxes there. They manufacture one million and a half gallons of rum there every year. The tax upon that, under our laws, by extending our internal-revenue taxes there, would amount to a million and a half dollars a year at least. They consume in Puerto Rico a million pounds of tobacco every year, made into cigars and cigarettes. Put the internal-revenue taxes on that, and that would amount to a million dollars a year. That would make two million and a half dollars of revenue raised simply by extending our internal-revenue laws there—$500,000 more than is necessary. Then the customs dues and also the additional internal-revenue tax on other articles would run the revenue up to $3,000,000 a year, by the extension of our customs laws and internal-revenue laws to that island.

Mr. JONES of Virginia. Four million dollars.

Mr. SWANSON. Four million dollars, if we include the internal-revenue tax on tobacco to be imported here. It would only take $2,000,000 to run the local affairs of the island, and from one to two million dollars a year would go into the Treasury of the United States to help pay the general expenses of the Federal Government. Now, these people are willing to do that. Petitions were sent here yesterday by General Davis asking for free trade and the extension of our customs laws and internal-revenue taxes. These people are willing to pay those taxes. Not a man, not a petition, has come here contrary to that. So, then, the excuse of taxation and revenue disappears.

Now, why is not that method pursued? Why should gentlemen antagonize these people, who are willing to pay more revenue than you say is necessary, if they are allowed to pay in their own way. They wish to have the tax collected on their rum and tobacco, and you impose it on their food and clothing. Why do you desire to force them to pay it in your way? There is no excuse except the pride of the Ways and Means Committee. It has got to be a question of pride with the majority of that committee. They must force through some kind of bill imposing customs duties. They have fought to force the President to abandon his position, and they come in here and tell you he has capitulated to them.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SWANSON. I ask unanimous consent that I have an extension of five minutes.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. SWANSON. Now, if the President favors this bill, if the President has changed his mind, if the President has received more information, there is one way provided by the Constitution for him to inform Congress of that fact. That is to send a message to Congress, which, under his constitutional duty, he ought to do if he has changed. But is the constitutional method of communicating with Congress by the President also to be abrogated with the destruction of the Constitution?

Mr. GAINES. Will my friend yield?

Mr. SWANSON. I have but five minutes and I can not.

Now, Mr. Chairman, until the President takes this constitutional method of notifying us of the change, I shall believe that he still considers it the plain duty of this country to give free trade to Puerto Rico.

Behold the iniquity of this bill on sugar. Everybody knows that the sugar made in the Hawaiian Islands, amounting to 300,000 tons, shall come in free. Why that? Because Claus Spreckles, a Republican potential in the councils of the Republican party, owns the entire sugar industry of Hawaii. [Applause on the Democratic side.] In Hawaii sugar is raised by a system of contract labor amounting to slavery; and yet we give to his 300,000 tons of sugar a free American market, and while on this 60,000 tons of Puerto Rico sugar we impose a duty under this bill. [Renewed applause.] Tell me, if you can explain it, how the people of Puerto Rico are to be satisfied? How can you expect them to feel that there is justice given to the Puerto Ricans by the American people with this outrageous discrimination?

Mr. Chairman, the reason why the opposition are contending that this provision of the Constitution is not complied with, requiring uniformity of taxes and uniformity of burden, is because the other side want Congress to have the power to exercise through all time such discriminations and such injustice as it shall be disposed to. The Federal Constitution comes and says there shall be equality of burdens and equality of benefits; there shall be uniformity and equality of taxes and uniformity and equality of privileges. When you depart from that, there is an assumption that the benefits, taxes, and burdens all are imposed according to the caprices of Congress and the exigencies of a political party. Why, I listened to the magnificent speech of the gentlemen from Iowa [Mr. DOLLIVER], at first glittering with eloquence and animated with the love of country, and yet he closed with a selfish appeal to the Republican party to pass this bill for political exigency.

Mr. Chairman, if he thinks the Republican party can make political capital and deceive the people by the passage of this bill he is woefully mistaken. Its injustice is admitted by limiting it to two years. Its injustice is admitted by further reducing the amount to 15 per cent. You make a reflection upon your own constituency when you say this injustice must be done to make political capital for the Republican party. No party yet ever builded successfully on injustice.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TOMPKINS. Mr. Chairman, I have from the beginning been opposed to this bill in the form in which it was originally introduced, conscientiously opposed to it; not because Congress has not the constitutional power and right to enact the proposed legislation, but because of its impropriety under the existing conditions and circumstances. I have said, however, from the beginning, and stated to the chairman of the Committee on Ways and Means a week ago, that if the Committee on Ways and Means would amend the bill so as to make it temporary only, so as to provide a limitation beyond which this tariff enactment should not be operative, that I would vote for it.

The bill as it has now been amended, with the amendment proposed, which has not yet been voted upon, will not only limit the operation of the bill to two years, but materially reduces the amount of the tariff, and it will go out to the country and to the world as a temporary measure only, as an emergency measure, simply to operate until this Government can enact and put into operation a system of suitable local taxation. When that system of local taxation shall be put into operation upon the islands, this tax will cease and free-trade relations between Puerto Rico and this country will be established. The bill in that form will justify my support, and in that form I shall vote for it. [Applause on the Republican side.]

Mr. FITZGERALD of New York. Mr. Chairman, yesterday my friend from Illinois [Mr. CANNON] stated that one of the reasons why this tariff should be imposed was because all the sugar and tobacco in Puerto Rico at this time was in the hands of the American Sugar trust and the American Tobacco trust. Looking for information, I asked the gentleman, if that were true, why reduce the tariff of the Dingley bill 75 per cent; and the only answer to the question that I could get, which was hardly satisfactory, was that I had become "red-headed."

The gentleman from Ohio [Mr. GROSVENOR] makes the same statement to-day as to the ownership of this tobacco and sugar. Now, if that be true, I should like some gentleman to explain how this reduction of the tariff is to benefit the poor Puerto Ricans. The report of the Committee on Ways and Means says that by thus imposing a duty of 25 per cent of the Dingley tariff a million dollars will be saved.

The gentleman from Illinois [Mr. CANNON] said:

> Why, Mr. Chairman, these two great trusts have control now of both of these products in the island, and the moment they land here the price jumps up by the amount of the Dingley tariff bill, and they put the money in their pockets. Who can dispute that proposition?

Well, if that be true I would like to know how the Committee on Ways and Means arrives at this conclusion:

> The price of sugar being fixed in the United States, it follows that this one-million-dollar reduction in tariff duty, or the greater part of it, would, at this very critical time, come to the rescue of the sugar producers of Puerto Rico. That it would infuse new life and vigor and hope into the people of this island needs no argument.

Now, Mr. Chairman, if we believe, as the Republican party does, that wherever trusts exist and are encouraged and assisted to the fullest possible extent by legislation the people are benefited, we could then hold up our hands and say, "Lord, help us, and give us more of such legislation."

Why, it has been repeatedly stated by members of the Republican party that there is sufficient legislation at present on the statute books to control trusts. The Republican party has evidently got new light on this question. In order to control trusts in their peculiar way, it is necessary that they should continue to reduce this tariff, so that the trusts may grow at the expense of the people. The Committee on Ways and Means say further in their report:

> As the price of tobacco in the United States would not be affected by the passage of this substitute, the Puerto Rican planter would have the benefit of a great portion of this reduction of duty.

Why, how can they, if, as the gentleman from Illinois [Mr. CANNON] and the gentleman from Ohio [Mr. GROSVENOR], who evidently speak by the card, say, these two great trusts of this country control all the product there at present? Many explanations have been given for the additional 10 per cent reduction proposed to-day. It appears to me that some of the representatives of these two great trusts listened to the speech of the gentleman from Illinois [Mr. CANNON] yesterday, and in their great solicitude for their own welfare they hastened to the secret conclaves of the Republican party and demanded that this be reduced to the lowest possible point, so they would be paid in "coin" for the benefits they had given to the party in the last campaign and for anticipated benefit in the coming campaign. [Applause on the Democratic side.]

The issues presented here, Mr. Chairman, can not be avoided by any such claptrap. If this bill were intended to benefit the people of Puerto Rico, the same laws that are applicable to all other parts of the United States would be applied there, and no restrictions would be placed upon the people of that island in their efforts to trade with their fellow-countrymen here.

The people can not be misled by statements that the trusts are to be punished by this measure; for if that were true, what justification is possible by the majority on this floor for their apparent favoritism to trusts—only thinly veiled in such an explanation—other than that in the near future the same trusts will repay the Republican party even a hundredfold?

Mr. RIDGELY. Mr. Chairman, I wish to give notice that I will, at the proper time, if I can get the floor, offer as a substitute for the pending bill the following. As it has been said by some on the opposite side of the House that no one who is opposing this bill has proposed any measure to take its place and afford relief to the people of Puerto Rico, I offer here a measure which I believe will afford adequate relief and a much better method of aiding these people and meeting their immediate wants than the bill which is before us, or any of the amendments to the same that have been offered. My substitute will be this:

> That the Secretary of the Treasury shall prepare and issue $10,000,000 of full legal-tender Treasury notes and loan the same to the Territory of Puerto Rico for twenty-five years without interest, on condition that 4 per cent of the principal of said loan shall be returned each year after the date of said loan until all shall have been returned to the Treasury; and that said notes shall be redeemable only in payment of duties and revenues levied by the United States.

Now, gentlemen, if you mean business; if you propose to use the credit power of these people in aid of their own necessities; if you are as willing that the credit of this nation shall be used without interest as you are that the credit of this nation shall be used by issuing bonds upon which you are compelled to pay interest, then I appeal to you to give to the people of Puerto Rico the benefit of using the $10,000,000 of the credit of this mighty nation on such terms as will cost the other people of the United States nothing. It will give the people of Puerto Rico twenty-five years in which to return to the Treasury of the United States this loan by the payment of 4 per cent of principal each year until the full amount of the loan shall have been returned. And you can relieve the Treasury of the necessity of redemption by making the notes redeemable only in the payment of duties and taxes levied by the Government.

Here is a strict business proposition, and I insist, gentlemen, if you are in earnest and want to do the proper thing, and in a way that will be the least burdensome to everybody, pass this substitute instead of your bill and you will render immediate relief to Puerto Rico, and do it in a business-like way. Mr. Chairman, I ask permission to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Kansas asks permission to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

[Mr. HEPBURN addressed the committee. See Appendix.]

Mr. PAYNE. Mr. Chairman, before any other gentleman is recognized, I would like to ask unanimous consent for the adoption of the request that I wish to submit to the committee. I would like to have a vote on the pending amendment first, and then offer another on which gentlemen can proceed to address the committee.

I ask that all debate on the pending amendment be now closed.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection, and it was so ordered.

The question being taken, the amendment proposed by Mr. PAYNE was agreed to.

Mr. PAYNE. Now I offer the following amendment, to come in after the title of the bill and before the enacting clause:

The Clerk read as follows:

> Whereas the people of Puerto Rico have been deprived of markets for a large portion of their products and have lost property and crops by severe and unusual storms, whereby they are impoverished and are unable to pay internal-revenue and direct taxes; and
>
> Whereas temporary revenue is necessary for their schools, their roads, and their internal improvements and the administration of their government: Now, therefore, etc.

Mr. ROBINSON of Nebraska. Mr. Chairman, the gentleman from Iowa [Mr. HEPBURN] who has just addressed the House has again reiterated the charge which was made in the speech of the gentleman from Ohio [Mr. GROSVENOR] and repeated in the eloquent argument of the gentleman from Iowa [Mr. DOLLIVER], that in some way somebody outside the Republican party is responsible for the condition in which that party finds itself to-day, by reason of its having the Philippines on its hands.

Now that the time has come to formulate a policy by which these islands are to be governed; now that the question is forcing

itself upon the American people, whether you will extend to the people of these islands the same form of government which we ourselves enjoy, or whether you will compel them to accept a vassal form of government, you do not hear so much from the Republican leaders on the other side of the Chamber about it being the destiny of the American people to absorb these distant islands.

Why, less than a year and a half ago these same leaders asserted that it was the hand of Providence, the act of God, which had thrown these islands into the lap of the great Republic of the West, and then the boast was proudly made that the flag of this Republic was to mean the same kind of liberty in every place it was planted. It was then said that the flag would not mean one thing in the Philippine Islands and another thing in the United States. But since then a change has come over the spirit of their dreams, and now at the very outset they propose to deny to the Puerto Ricans the rights of citizenship; and following in the wake of the monarchies and kingdoms of the Old World, they propose to treat the inhabitants of Puerto Rico as subjects and not as citizens.

One year ago the treaty with Spain was pending in the United States Senate for ratification. The glamor of war was still over the American people and the Republicans were eager to grasp these new possessions, eager to launch this nation upon a policy of conquest and of holding an unwilling people by force of arms, but they were just as eager to deceive the American people as to their real purpose. They emphatically denied that their policy was one of imperialism.

This has not been a favorable year for the propagation of an imperialistic sentiment in the hearts of the American people. Much has happened to revive the love of human liberty which is characteristic of this race. England's policy of greed in South Africa has caused her to marshal all her military strength to strike down the smallest republic on earth, and despite the silence of the Administration upon this question, despite the efforts of the Republican party and the Republican press to lead the world to believe that our sympathies are with Great Britain in this struggle, the scene which is now being enacted there has stirred the great heart of the great American people to its depths.

The spectacle of liberty in bloody raiment struggling in South Africa, hemmed in on every side, outnumbered five to one, sounding the last call upon her trumpet loud and clear, bidding the last of her heroic sons to gather round her altar and give their lives in what seems to be an almost hopeless struggle for the right of self-government, can not help but strike the cord of sympathy and love of liberty in the breast of every true American.

This is not such a spectacle as would lead our people to believe that the pathway of imperialism is one of either glory or honor; and now that the Republican party upon this floor has been compelled to show to the country for the first time the kind of government which they propose for these new possessions, now that they clearly adopt the policy which means the striking down of the Declaration of Independence, the overturning and trampling under foot of the Constitution, they hear the first rumblings of the storm of protest, and with the ghost of Liberty rising in the island of Luzon, pointing the finger of accusation and reproach at the promoters of this policy, they show their craven spirit, and, cowering before the specter, they cry out, in the language of Macbeth—

> Thou canst not say, I did it: never shake thy gory locks at me.

[Applause.]

And now, for the first time, they abandon the claim that it was destiny which brought this about, and upon the floor of this House their leaders dwell on the fact that a certain colonel of a Nebraska regiment, while this treaty was pending before the Senate, resigned his commission and came to Washington and influenced at least one Democratic Senator to vote for the ratification of the treaty of peace, and that therefore he is responsible for all the evils which now beset the pathway of the Republican party.

Mr. Bryan, when war was declared with Spain for the purpose of freeing Cuba, enlisted, as did thousands of other Americans, to fight in the cause of human liberty; but during the six months of his service he did not have a chance to take part in a single battle or strike one blow for the great cause of freedom; and so, when the war with Spain was over, when peace was practically declared, and when the assertion was made by a Republican President, and backed by leaders of less magnitude in the Republican party, that where the flag was once planted it would never be taken down, he knew what that meant; he knew that any further danger to the liberties of the people who had been for centuries oppressed by Spain would not come from Spain, but would come from the enemies of a republican form of government in our own midst here at home. He recognized the first screech of the vultures of greed and was not deceived by canting hypocrisy; and still true to his love of liberty, he withdrew from the Army and came home to continue the fight; and it may truthfully be said that he has been actively engaged in one continuous battle for liberty ever since.

What was there in the course of Mr. Bryan regarding the ratification of the treaty of peace with Spain to justify the charge made by the Republican leaders upon this floor that it was done through any unpatriotic motive? Was it not a treaty which was approved by the Administration and by the Republican party? He did advise the ratification of the treaty of peace. That treaty provided for the payment of $20,000,000 to extinguish the sovereignty of Spain in Puerto Rico and the Philippine Islands. We paid more than five times as much in money and gave the blood of our soldiers, a thousand times more precious than treasure, to guarantee freedom to the Cubans.

If we were willing to do this much for Cuba in the cause of liberty, $20,000,000 was not much to pay for the liberty of a land inhabited by more than 8,000,000 people, who for more than a century had been struggling against the oppression of Spain. His course upon this question was as open as the day; he urged that this Government, in ratifying the treaty, should declare the policy it intended to pursue toward the Philippines and Puerto Rico. He wanted this nation to declare to the people of the Philippine Islands that we did not desire to enslave or oppress them, and that they were to have independence the same as Cuba. He wanted us to see that they were protected from outside interference while they established a government of their own.

Had you followed the policy advocated by Mr. Bryan, there would have been no slaughtering of the inhabitants of the Philippine Islands. You would not now be spending $46,000,000 a year to hold in subjection an unwilling people; no ocean hearse would now be plowing the waves of the Pacific, draped in mourning, bringing home to our shores our dead, our wounded, our fever-stricken and insane soldiers. You would not now be seeking to fasten the yoke of bondage on the inhabitants of Puerto Rico; the agents of the sugar trust and tobacco trust would not be dictating to your Ways and Means Committee what kind of laws you should adopt for governing the unfortunate people of that island. You would be safe in the pathway mapped out by the fathers, which leads to liberty and the equality of man, and not be floundering in the broad road of imperialism, which leads all nations to destruction. [Applause.]

Mr. Bryan's position was publicly made known by him when the treaty of peace was pending before the Senate in an article which appeared in the New York Journal, entitled "Ratify the treaty—Declare the nation's policy." In the limited time I have upon this floor I shall not attempt to read the article, but will attach it as a part of my remarks.

The gentleman from New York [Mr. PAYNE], chairman of the committee having this bill in charge, stated in his remarks:

> I want to furnish schoolhouses for every part of this island; I want the American flag to float over every one of them, and to teach patriotism as well as the English language.

If this law should pass, I would like to know what kind of schoolbooks you would recommend for use in that island for the purpose of teaching patriotism to the inhabitants. It would become necessary to revise and use the blue pencil of the censor before sending schoolbooks printed in the English language to instruct those children. It would be necessary to tear from within the covers the great Declaration of Independence, for that sets forth the great principles of the equality of man before the law, and declares that "governments derive their just powers from the consent of the governed," and that there should be no taxation without representation.

And this would not be all. You should tear out the sacred pages which contain the history of the Revolution, and let not appear therein the impassioned words of Patrick Henry:

> Give me liberty or give me death.

Neither should the declarations and speeches of the immortal Lincoln find their way into the schoolbooks of these people, and, in short, every declaration ever uttered in behalf of human liberty by American patriots, living or dead, would be sadly out of place in the lessons taught these people, and would be as "sounding brass, or a tinkling cymbal," falling upon the ears of a people who themselves were denied the inestimable blessings of liberty. [Applause.]

The gentleman further stated that he wants—

> The American flag to float over every schoolhouse on that island.

You may place the flag there and it may wave over a people overawed by power and subjugated through fear; it may wave in peace and you may call it liberty if you will, but you can not claim that it means to these people the same kind of liberty for which your forefathers fought at Lexington, at Bunker Hill, at Valley Forge, and Yorktown.

The gentleman would have the children in these schoolhouses taught patriotism. Patriotism is defined to be loyalty to one's country, and a patriot is one who loves his country.

What kind of patriotism, then, would he have taught to these children under the American flag in the schoolhouses of the island

of Puerto Rico? If this bill should become a law, they will have no country, neither would they be citizens of this Republic. They would owe allegiance to no country and no flag. To what government, then, would the gentleman from New York teach these children to be patriotic and loyal? The flag floating over the schoolhouses would mean nothing to them.

We have been taught that the flag has a meaning in every stripe and every star; that the stripes of red indicate the blood of the martyrs, shed in the cause of freedom; that the stripes of white indicate the purity of their motives, and the bars indicate the bars of imperial oppression which our forefathers broke. The stars set in the blue field are supposed to light the pathway of liberty throughout the world. Rather we should have a new flag to wave in Puerto Rico. In the language of the immortal Prentiss—

> We should strike from the blue field of our banner the stars that stand for liberty and leave the stripes behind, a fitting emblem of their degradation and their shame.

The gentleman also stated in his remarks that the people of these islands manufactured annually one million and a half gallons of rum; that it is sold all over the island, and that it retails from 25 to 40 cents a gallon. He says it would not be wise to put an internal-revenue tax upon the rum, which would mean about $1.20 a gallon, and would therefore increase the price about four times, and they would not be able to get rum. He says they are a poor people, and when the Government attempts to arbitrarily cut off the supply of rum from a community which has been used to it, there is going to be trouble, and there would have been trouble with these Puerto Ricans if we had passed it as it was first introduced by the gentleman himself, extending our revenue laws over the island, and in that way cut off their supply of rum.

I gather from the gentleman's statement that this country has the power to withhold from these people any semblance of civil liberty; that they will submit to that kind of treatment without objection; but should an effort be made to deprive them of their daily supply of rum we might expect a revolution in these islands at almost any time. If this statement be true, it would indicate that the inhabitants of Puerto Rico have either a very low idea of liberty or they have consumed a very poor quality of rum.

Upon reflection, however, I am inclined to the view that this proposition of the chairman of the committee, allowing free rum to the inhabitants of Puerto Rico, in view of all the facts, is something of a humane proposition after all, for if it be true that the inhabitants of this island are compelled to submit to laws enacted by a Republican Congress, where the character of the laws are to be dictated by the sugar trust and the tobacco trust, without any constitutional limits to restrain them, it would be an act of mercy, if not of charity, to keep them drunk as great a portion of the time as possible. [Laughter.] In the language of Solomon, it is recommended by the chairman of the Ways and Means Committee to—

> Let him drink and forget his poverty, and remember his misery no more.

The argument is advanced here that the inhabitants of Puerto Rico are an inferior race, and are therefore to be treated with as much allowance as they are capable of enjoying, and everything is to be done for them as fast as their conditions will allow. This argument is as old as tyranny itself. No king ever mounted a throne, no monarch ever grasped a scepter on any other claim than that it was done solely for the benefit of the people he oppressed. I hate the whole theory and detest the whole argument.

It is against every principle of justice and right; it is the stone which oppression, usurpation, tyranny, and wrong has struggled to place at the tomb of liberty for more than five thousand years. Against this claim the lovers of freedom and equality have struggled through all the ages. When this yoke has once been fastened upon a people or a race, it has never been voluntarily released by the nation who exercised the power. There is but one weapon with which chains of this kind have been severed, and that is the cruel sword of war. This doctrine has made bloody the raiment of liberty and made it necessary for freedom at all times to wear the shining armor of war.

It has been urged by the other side that this bill is intended in a measure to protect the growers of the sugar beet in this country from competition with the sugar produced in the island of Puerto Rico. I represent in some degree a people who at this time feel an interest in the development of the sugar-beet industry. In my district there are in operation to-day two mammoth factories devoted to the industry of extracting sugar from the beet, but I deny that the people of my district demand the overturning of the Constitution, the turning of our backs upon the Declaration of Independence, and the enslavement of any race or people for the protection of any industry in which they are engaged.

So far as Nebraska is concerned, a State which I in part represent, I desire to say that the people who have farmed her broad prairies have never asked protection, nor do they need it. Through all the years their cattle, grain, and swine have been reared and sold in active open competition with the world. We are not rich, neither are we in want, and we are not poor enough, thank God, to barter the heritage of liberty for the sake of gain. Neither do we fear the active competition of any race of people who are so sunk in ignorance, according to the statement of the chairman of this committee, that only 12½ per cent can read and write, and are unfit for self-government.

If the people of Puerto Rico are to be a part of the United States we ask that the helping hand be extended to them; that any industry which their climate and soil may favor be allowed to develop, and that they in all things shall share in the blessings of liberty and free government guaranteed by the Constitution, in order that they may in time rise to the dignity and knowledge which would befit them to become citizens of this Government.

It has ever been the yearning desire of a people who themselves have struggled against oppression and achieved liberty to preserve that liberty to their posterity; but written constitutions alone can not do it. These may be overturned and trampled upon. The decisions of a supreme court, and the words of a written constitution, no matter how pure and wise they may be, can not restrain a people whose hearts are fatally bent on injustice and wrong. All our forefathers could do to perpetuate liberty they did. They announced it in the Declaration of Independence and they placed the safeguard in the Constitution, which requires us as a people, if we adhere to it, to treat the inhabitants of all lands which we may acquire as brothers of the same common family of humanity.

That Constitution now stands in the way of the policy which would enslave the inhabitants of Puerto Rico—the one clause in the Constitution which declares:

> The Congress shall have power to lay and collect taxes, duties, imposts and excises to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States.

The framers of this Constitution knew that in modern times there is only one way for a people to grow rich and derive gain from the oppression of another people; only one way in which civilized nations can rob another race with profit; and that is by the power of taxation. They knew it was a dangerous power to intrust a strong and powerful nation with the control of a weaker one; they knew to what lengths the avarice and greed of man will go. They understood how men will clamor for a tax upon all forms of industry which compete with theirs, and they knew when this power is exercised it would mean retrogression and decay of the nations to whom the benefit of trade was denied and the building up of wealth in the hands of promoters of protected industries.

And so, with full knowledge of what they were doing, they placed that clause in the Constitution, and now it rises like a rock in the pathway of that spirit of selfishness and greed which would turn this nation from the pathway of liberty and lead it in the wake of the empires and monarchies of the world.

The framers of the Constitution could not guard against the danger that when this nation became strong and powerful it would not do as other nations in the past have done and practice oppression and wrong upon weak and helpless people; but they did all they could. They placed the doctrines of liberty in the safest place; they placed it above the power of Congress itself to destroy—above the power of the courts to undermine. Liberty under our form of government can not be surreptitiously dethroned. We must ourselves remove it, and the act must be done openly and in the light of day; and until the people who comprise this great nation themselves demand its fall it is safe.

This much our forefathers did; human ingenuity could do no more. When the people themselves know that the principles of liberty are being departed from, when they no longer cherish the trust and acquiesce in the change, then that last resting place in which our fathers placed it has been reached; then it is time for it to fall. This people will be unworthy longer to uphold its principles, and it must again take its flight and find its refuge in other lands and among other people, where its sacred presence is still welcome and its principles are still cherished and revered. [Applause.]

[Mr. Bryan's article on imperialism.]

"RATIFY THE TREATY—DECLARE THE NATION'S POLICY."

I gladly avail myself of the columns of the Journal to suggest a few reasons why the opponents of a colonial policy should make their fight in support of a resolution declaring the nation's purpose rather than against the ratification of the treaty.

The conflict between the doctrine of self-government and the doctrine of alien government supported by external force has been thrust upon the American people as a result of the war. It is so important a conflict that it can not be avoided, and, since it deals with a question now before Congress, it must be considered immediately. It is useless to ask what effect this new issue will have upon other issues. Issues must be met as they arise; they can not be moved about at will as pawns upon a chessboard.

The opponents of imperialism have an opportunity to choose the ground upon which the battle is to be fought. Why not oppose the ratification of the treaty?

First, because a victory won against the treaty would prove only temporary if the people really favor a colonial policy.

That a victory won against the treaty would depend for its value entirely upon the sentiment of the people is evident. A minority can obstruct action for a time, but a minority, so long as it remains a minority, can only delay action and enforce reflection; it can not commit the nation to a policy.

When there seemed to be some probability of the rejection of the treaty the friends of the Administration began to suggest the propriety of withholding the treaty until the new Senate could be convened in extra session. As soon as the new Senate will have a considerable Republican majority it would be quite certain to ratify the treaty. Thus an effort to prevent the ratification of the treaty would be likely to fail in the very beginning. But let us suppose it possible to defeat ratification in both the present and next Senate—what would be the result?

Would the imperialists abandon the hope of annexing the Philippines so long as they could claim the support of the President and a majority of both Houses? Could a minority of the Senate prevent the annexation of Hawaii? As we are now in possession of the Philippine Islands, the advocates of a colonial policy might secure an appropriation sufficient to pay the twenty millions agreed upon and leave the rest of the treaty for consideration. In other words, if the opponents of imperialism have a majority in both Houses they can declare the nation's policy; if the imperialists have a majority in both Houses, they can not be permanently thwarted by a minority in the Senate.

A resolution declaring the nation's policy recognizes that the destiny of the United States is in the hands of all the people and seeks to ascertain at once the sentiment of the people as reflected by their representatives.

If that decision is in harmony with the policy which has prevailed in the past the question will be settled and the people will return to the consideration of domestic problems. If, however, the advocates of imperialism either postpone consideration or control the action of Congress an appeal will be taken to the voters at the next election. So great a change in our national policy can not be made unless the authority therefor come directly and unequivocally from that source of all power in a republic—the people.

In answer to those who fear the question of imperialism, if discussed, will draw attention away from other questions, it is sufficient to say that the people can not be prevented from considering a question which reaches down to the foundation principles of the Republic. Instead of avoiding the issue it is the part of wisdom to deal with it at once and dispose of it permanently.

Second. The rejection of the treaty would be unwise because the opponents of the treaty would be compelled to assume responsibility for the continuance of war conditions and for the risks which always attend negotiations with a hostile nation.

The rejection of the treaty would give the Administration an excuse for military expenditures which could not be justified after the conclusion of peace, and the opponents of the treaty would be charged with making such appropriations necessary. It must be remembered that in case the treaty is rejected, negotiations must be renewed with an enemy whose ill will is not concealed. Who is able to guarantee the nation against new dangers and new complications? In order to form an estimate of the risks which would thus be incurred, one has only to recall the unexpected things which have happened since war was declared. Is it wise to so make the attack as to assume all the risks when the same end can be gained by a plan which throws the risks upon our opponents? If the imperialists vote down a resolution declaring the nation's policy or postpone its consideration, they become responsible for any loss of life or expenditure of money which may follow as a result of such action.

I suggest below a few reasons in support of a resolution declaring it to be the nation's purpose to establish a stable government in Cuba and the Philippines and then to give the inhabitants independence under an American protectorate which will guard them against molestation from without.

First, such a course is consistent with national honor.

Our nation owes it to the nations with which we have dealings, as well as to the inhabitants of Puerto Rico, Cuba, and the Philippines, to announce immediately what it intends to do respecting the territory surrendered by Spain.

The President has said that the only purpose the nation has in taking possession of Cuba is to assist the inhabitants to establish a stable and independent government. It can do no harm for Congress to reaffirm this purpose, and it may do much good. The Cubans, having fought for independence for many years against great odds, are naturally jealous of the liberty which they have won, and no doubt should be left as to the sincerity and good faith of our Government in its dealings with them. Such a declaration would not only be harmless, but it is almost made necessary by the flippant, if not contemptuous, tone in which some United States officials speak of the intelligence and patriotism of the Cubans and of their right to independence.

The duty of declaring our national policy in regard to the Philippines is even more imperative. The Filipinos were fighting for independence when the United States declared war against Spain. In the formal protest filed with the peace commissioners in Paris the representatives of Aguinaldo asserted that they received friendly assurances from United States officials, and acted upon those assurances in cooperating against the Spaniards. Whether or not such assurances were given, frankness and honesty should characterize our dealings with them.

If we announce to the world that we hold the Philippine Islands, not for pecuniary profit, but in trust for the inhabitants; if we declare that our only purpose is to assist the Filipinos to establish a stable and independent government, friendly relations will be maintained and there will be little need of troops. If, on the other hand, the Filipinos are not to have independence, but merely a change of masters, we should break the news to them at once and send over a large army to instruct them in the principles of a Government which, in one hemisphere derives its just powers from the consent of the governed, and in the other derives its authority from superior force.

While our nation is not prepared to draft a complete code of laws suited to the peculiar methods of the Filipinos, we ought to be able to decide at once whether we intend to deal with them according to the principles of our own Government or according to the customs prevailing among European monarchies. Even a Republican Congress ought to be able to choose without hesitation between a policy which establishes a republic in the Orient and a policy which sows the seeds of militarism in the United States.

The trade relations possible under a protectorate would be of more value to the United States than any which could come as a result of forcible annexation.

The people of Puerto Rico have not manifested any desire for political independence and would, in all probability, favor annexation; yet it is only right that they should have an opportunity to choose. The resolution authorizing intervention recognized the right of the Cubans to independence. To be consistent we must also respect the wishes of the inhabitants of Puerto Rico. The resolution could without impropriety offer annexation to Puerto Rico.

In a recent interview I suggested that the United States should retain a harbor and coaling station in the Philippines and in Puerto Rico in return for services rendered, and added that Cuba should be asked to make a similar concession on the same ground.

Second. A resolution declaring the nation's purpose presents a plain and clear-cut issue between the theory of self-government and the colonial policy. It presents a positive affirmative method of dealing with the question. In opposing the treaty we would be on the defensive; in outlining a policy we shall be aggressive. The strongest arguments which could be used in support of the treaty will lose their force entirely when Spain is eliminated and the American people are able to dispose of the question according to their own ideas and interests.

Third. It secures, by easier means, every end that can be secured by a rejection of the treaty.

If an officer of the law arrests a person in possession of stolen goods, he can either compel the return of the goods to the owner or he can first rescue them and then return them himself. We find Spain in the possession of a title to a part of the Philippines. She has not yet conquered all the native tribes, but the title which she has was acquired by force and has been held by force. We can either compel her to surrender her title to the Filipinos, as we compelled her to surrender Cuba to the Cubans, or we can accept possession and then of our own accord turn over the islands to the inhabitants.

The peace commissioners might have demanded independence for the Filipinos as they did for the Cubans. If they did not properly interpret the wishes of the people of the United States, the blame must fall upon them and not upon the people. Certainly 70,000,000 citizens are under no obligation to abate thier devotion to the ideals which they have cherished for a century in order to indorse the work of a Peace Commission or to approve of the instructions of an Executive.

If it is urged that the ratification of the treaty imposes upon us an obligation to pay $20,000,000 to Spain, I answer, first, that this amount can probably be secured from the Filipinos in return for independence; and second, that if it can not be secured from them, it is better to lose the amount entirely than to expend a larger sum in securing a modification of the treaty.

It is better to regard the amount paid as a contribution to liberty than to consider it the market price of land, improvements, or people.

To terminate the war upon the same high plane upon which it was inaugurated is worthy of a great Republic; to descend from a sublime beginning to the purchase of sovereignty (for our own profit) from a nation whose title we disputed in Cuba would lay us open to the charge of Punic faith.

Mr. CARMACK. Mr. Chairman, I should like to have the attention of the gentleman from Iowa [Mr. HEPBURN] while I read the remarks uttered by him in debate in January, 1899, to which I referred a few moments ago. The gentleman from Iowa, in replying to some assaults made upon the President and to the charge that it was his purpose to set up a despotic government in the Philippine Islands and to retain them permanently under the sovereignty of the United States, made this reply:

Nothing that the President has done, nothing that he has said, justifies this assault. Nor has anything been done or said that justifies any gentleman in believing that the majority propose, when the proper time comes in their treatment of that people, to do other than that which we propose to extend to those who live nearer to our shores.

We have said that—

"The United States disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over Cuba except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the island to the people."

Who doubts that that is the purpose of the Administration? Who believes that there exists in the minds of any considerable number of people in the United States a thought other than that of giving them pacification, giving them opportunity to establish order and law under such a form of government, and with proper safeguards to liberty, as they choose? And that will be the time, I will say to my friend from Tennessee, when we should "sail away."

Why should we not pursue precisely the same course toward the people of the Philippine Islands? There is much more of interest to us in seeking the immediate and forceful annexation of Cuba than there is in seeking it in those distant seas.

[Applause on the Democratic side.]

We need probably coaling stations for the purpose of aiding our expanding commerce. Is there any gentleman that asks for more?

[Applause on the Democratic side.]

We shall, I doubt not, true to all the traditions marked out for ourselves, pursue in their case the same course that we marked out for the people of Cuba.

[Applause on the Democratic side.]

We will pacify their disorders; we will expel anarchy; we will give the people an opportunity to express their wishes—to form a purpose and then to form a government—and when they are self-sustaining and self-supporting, when they are able to maintain the government they have erected, then will be the time for us to "sail away" from Manila, and not till then.

[Applause on the Democratic side.]

These remarks of the gentleman were received with "loud applause" on the Republican side. We are willing that these words shall define the policy of the Democratic party.

Mr. HEPBURN. Now, if the gentleman will permit me, if I had the memory and the time, I would repeat every sentence that he has read, and I do not know where he will find any declared policy of the Republican party other than that.

Mr. CARMACK. Oh, Mr. Chairman, we do not have any declared policy from the Republican party with respect to anything on this question. [Applause on the Democratic side.] They are pursuing their policy without daring to declare it.

Mr. WILLIAMS of Mississippi. They are drifting.

Mr. CARMACK. Your leaders, the representatives of your party everywhere, in the other Chamber and in this Chamber, are manifesting their purpose to hold forcible control over the Philippine Islands and to annex them permanently to the United States, but you have never dared, as a party organization, to publicly declare what your purpose is.

Mr. WILLIAMS of Mississippi. The gentleman from Illinois [Mr. CANNON] said so.

Mr. CARMACK. Why, two of the great leaders of the party on this floor, the gentleman from Illinois [Mr. CANNON] and the gentleman from Ohio [Mr. GROSVENOR], have both declared that it was the purpose of their party to hold permanent control over the Philippine Islands, and if there is no such purpose, if you do not intend that thing, I would like to have some man on the other side of the Chamber get up here and now and say that such is not the purpose of the Republican party.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CARMACK. I should like to have five minutes more.

The CHAIRMAN. The gentleman from Tennessee [Mr. CARMACK] asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. CARMACK. Now, Mr. Chairman, I say, furthermore, that another distinguished leader on that side of the Chamber, the gentleman who now presides over this House [Mr. HENDERSON], declared that he was opposed to the permanent annexation of the Philippine Islands; and a distinguished Senator from the President's own State of Ohio boldly declared on the floor of the Senate that it was not in the mind of the Administration or anybody to permanently annex the Philippine Islands.

I say, Mr. Chairman, that it was because we had these assurances from such high authority that a number of Democrats did agree to the ratification of the treaty with Spain, believing that gentlemen so high in the party councils as the gentleman from Iowa were speaking for the Republican party; that the Republican party would keep faith with the people; that this would only be temporary annexation, and that we should deal with the people of the Philippine Islands as we had promised to deal with the people of Cuba. [Applause on the Democratic side.]

Mr. WILLIAMS of Mississippi. Only a few Democratic Senators were deceived.

Mr. CUMMINGS. Mr. Chairman, when the vital interests of our country are at stake and the liberty of the people is endangered, I believe it to be the duty of every man upon this floor to rise above party trammels and vote in accordance with his honest convictions. Believing this, after I had voted for $50,000,000 to be spent by the President of the United States to prepare us for war with Spain, and after voting for the declaration of war, I stood here, rising above party, and voted for the revenue bill which provided money to carry on that war. In that same patriotic spirit I declare here to-day, with a full sense of my responsibility, that I shall vote for this bill. [Great applause and loud and long-continued cheering on the Republican side.] I shall vote for this bill, Mr. Chairman, provided it is amended as officially recommended by the President of the United States. [Loud and long-continued cheering on the Democratic side and general laughter.] Provided, Mr. Chairman, that it is amended as the President of the United States recommended, so as to provide absolute free trade with the island of Puerto Rico. [Loud cheers on the Democratic side.]

Now, Mr. Chairman, Puerto Rico is either in the United States or out of it. If the island is out of the United States, we have no business legislating for her here in any way whatever, and if she is in the United States, she is in the same condition as Arizona, New Mexico, Oklahoma, and the other Territories, and she ought to have some DENNIS FLYNN or PEDRO PEREA here representing her. [Laughter and loud applause.]

Now, Mr. Chairman, this measure ought to be amended so as to be entitled "An act to make a temporary purgatory for the island of Puerto Rico." You intended at first to put her permanently in purgatory, but the Committee on Ways and Means, with the religious prescience which always ought to characterize them, have limited the time in which she shall remain in purgatory to 1902. This limit has satisfied my friend from Vermont, Judge POWERS, whose legal if not Christian ability has been abundantly displayed on this floor, but it does not satisfy me. I would suggest to the gentleman from New York in charge of this bill [Mr. PAYNE] now, before pressing it to its passage, to amend it in accordance to the suggestion of the President in December last, and secure my vote. I am still standing patriotically by the President. [Great laughter and applause.]

Mr. LACEY. Mr. Chairman, I want to call the attention of the gentleman from New York [Mr. CUMMINGS] to the fact that there is a law in force in the District of Columbia against obtaining goods under false pretenses. [Laughter.]

Mr. CUMMINGS. How did you get Puerto Rico? [Laughter and applause.]

Mr. LACEY. Now, Mr. Chairman, I want to call my friend's attention to another thing. He voted for this proposition—the Newlands resolution, under which we annexed Hawaii—on July 7, 1898:

Until legislation shall be enacted extending the customs laws and regulations to the Hawaiian Islands the existing customs relations of the Hawaiian Islands and the United States and other Territories shall remain unchanged.

Now, there is a provision which has been in force nearly two years—a temporary arrangement—providing a different method of taxation by customs in Hawaii than that which prevails in the United States. In looking at the RECORD—and I call attention to part 7, volume 31, of the CONGRESSIONAL RECORD, second session of the Fifty-fifth Congress—I find the distinguished name of the eminent constitutional lawyer who has just taken his seat voting "yea" upon the proposition I have just read. I find further that Mr. RIDGELY of Kansas voted for that proposition; Mr. DRIGGS of New York, Mr. COCHRAN of Missouri, Mr. ROBBINS of Alabama, Mr. LIVINGSTON of Georgia, Mr. Jerry SIMPSON, another constitutional lawyer from Kansas [laughter]; Mr. MCCALL of Massachusetts, Mr. MEEKISON of Ohio, Mr. Benner, of Pennsylvania; Mr. NEWLANDS, who makes the minority report and who says that such a law is unconstitutional; Mr. LEWIS of Georgia, Mr. TAYLOR of Alabama, and last and greatest of all Mr. SULZER of New York. [Laughter.]

The CHAIRMAN. The gentleman from Georgia is recognized.

Mr. CUMMINGS. Hawaii was here knocking at the doors of the Union——

The CHAIRMAN. The gentleman from Georgia is recognized.

Mr. LACEY. The gentleman wished me to yield to him for a question.

The CHAIRMAN. The Chair thought the gentleman had yielded the floor.

Mr. CUMMINGS. Hawaii was knocking at the door of the Union for admission?

Mr. LACEY. Certainly. So is Puerto Rico.

Mr. CUMMINGS. You snatched Puerto Rico baldheaded from the talons of Spain. There is a difference, my friend, and a big difference.

Mr. LACEY. Not at all. Puerto Rico is knocking for admission, and so was Hawaii. We said to Hawaii you will have to wait on free trade with the United States until we have a permanent government there, and we are saying the same thing to Puerto Rico. We are treating Puerto Rico just as we treated Hawaii.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CUMMINGS. There was no treaty with Hawaii. There is one with Spain in reference to Puerto Rico.

Mr. MADDOX. Mr. Chairman, the gentleman from New York [Mr. CUMMINGS] asked the gentleman from Iowa [Mr. LACEY] how we came into possession of Puerto Rico. That is exactly what I want to talk about. We seem to have left that out of sight in all this discussion. Our Republican friends have not been so inconsistent as some of us on this side might think, although they started out in an inconsistent way.

This question of taxing the people of Puerto Rico is entirely consistent with the original programme of the Administration. The question, though, of taxing the American people is altogether wrong. Now, the gentleman from Ohio [Mr. GROSVENOR] the other day made these remarks, and I want to call his attention and the attention of the House to them. He said:

We will say to the people of this country, We have acquired the title to the Philippines and Puerto Rico. We did not go after them; but they came to us, and we could not help ourselves.

Now, is that the truth? When I heard him make that statement I could not understand it, but I do understand it to-day, since he admitted the fact that he does not know anything about the Ten Commandments. [Laughter on the Democratic side.] Let me call your attention to how we came into possession of Puerto Rico, and I want every man in this House to go back far enough to find that out. When the French ambassador offered his good services to bring about peace between the United States and Spain, and asked for some expression on the part of the United States, what was the second proposition submitted by Secretary Day?

Second. The President, desirous of exhibiting signal generosity, will not now put forward any demand for pecuniary indemnity. Nevertheless he can not be insensible to the losses and expenses of the United States incident to the war or to the claims of our citizens for injuries to their persons and property during the late insurrection in Cuba. He must, therefore, require the cession to the United States and the immediate evacuation by Spain of the island of Puerto Rico and other islands now under the sovereignty of Spain in the West Indies, and also the cession of an island in the Ladrones, to be selected by the United States.

And Mr. Cambon in his reply says:

The United States require, as an indemnity for or an equivalent to the sacrifices they have borne during this short war, the cession of Puerto Rico and of the other islands now under the sovereignty of Spain in the West Indies, and also the cession of an island in the Ladrones, to be selected by the Federal Government.

This demand strips us of the very last memory of a glorious past and expels us at once from the prosperous island of Puerto Rico and from the Western Hemisphere, which became peopled and civilized through the proud deeds of our ancestors. It might, perhaps, have been possible to compensate by some other cession for the injuries sustained by the United States. However, the inflexibility of the demand obliges us to cede, and we shall cede, the island of Puerto Rico and the other islands belonging to the Crown of Spain in the West Indies, together with one of the islands of the archipelago of the Ladrones, to be selected by the American Government.

And yet the gentleman from Ohio [Mr. GROSVENOR] comes before this body and tells the people of the country that these islands came to us and we could not help ourselves. Now, let me call your attention to the consistency of the Republican party. They took this island not out of mere pity or philanthropy. What does the record here say? They took it as an indemnity to insure us, to remunerate us; in other words, to pay us for the expenses of this war and for the losses of our citizens. That is what they took it for. Now, what is this proposition? To tax the Puerto Ricans

according to the understanding and the purposes for which these islands were taken would be entirely legitimate.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTLETT. Mr. Chairman, I ask unanimous consent that the gentleman have five minutes more.

Mr. PAYNE. I am perfectly willing that the gentleman should have it, but I ask unanimous consent that debate on this amendment be closed in ten minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that debate on this amendment be closed in ten minutes. Is there objection? [After a pause.] The Chair hears none; and the gentleman from Georgia asks unanimous consent that his colleague's time be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MADDOX. Now, Mr. Chairman, I want to say that here is the proposition of the Secretary of State, which shows the way in which we obtained the island of Puerto Rico. We obtained it as an indemnity. We took it to pay us for the expenses of the war and to pay the damages that have accrued to our citizens by reason of the war.

Look at this inconsistent proposition. Here you propose to tax the people of the United States to support an island that you took to indemnify us against loss. Now, what sort of a business proposition is that? The gentleman from Ohio [Mr. GROSVENOR] said we had these islands, were going to keep them, and intended to make all the money out of them we could by enlarging our trade. Where is the money to be made when you propose to tax the people of your own country to support the island? Now, gentlemen, have they ever asked for any such thing?

I deny what the gentleman from New York [Mr. PAYNE] said, that these gentlemen who appeared before the Committee on Insular Affairs were bankers and merchants interested in free trade. I call attention to the fact that the farmers of that country were also interested, and were represented by one of the most intelligent men that addressed that committee. [Applause on the Democratic side.] What did they demand? That the American Government should live up to its promises as made to them by General Miles when they assisted him in conquering and driving the Spaniards out of Puerto Rico. They never admitted anything else.

I want to call attention to another proposition. Here is a temporary measure, they say, only to be enforced for a little while. Let me call your attention to a fact that has not been mentioned up to this hour, so far as I have heard. The farmers in that country are heavily mortgaged; they can not pay their debts, and the only thing that stands between them and bankruptcy is the Executive order of the President preventing the courts from foreclosing the mortgages, and that only extends for six months. Now, we propose to tax these people during that time and at the end of six months they will be sold out of house and home.

Now, that is Republican philanthropy. They know what it is, they know the facts, they know just what I have stated was evidence before our committee, that these people, their lands and homes, are mortgaged down to the guard. And but for the Executive order of the President of the United States on the 19th day of January these mortgages would have been foreclosed and these people sold out of house and home. In addition to that I want to say that these mortgages are held in the main by Spaniards who do not intend to become citizens of the United States; they have no such idea; they are waiting, according to the evidence before our committee, to be permitted to foreclose the mortgages which they hold on the lands of those people, and then to pick up the money that they receive therefrom and go back to Spain.

That is the evidence; those are the facts. They have the mortgages; and the only thing that stands between them and their money is the Executive order of the President which will expire in six months; and when that time is out what are the people who own those encumbered lands to do? You propose to make this bill only temporary. If that means that you propose to help the people of Puerto Rico in that way, a mere temporary measure will not do; the aid and assistance you intend by this bill will not be sufficient.

Mr. GROSVENOR. Mr. Chairman, I regret that the gentleman from Georgia [Mr. MADDOX] does not know the difference between slandering your neighbor and bearing false witness. I stated this morning that one of the commandments provided that you should not slander your neighbor. The gentleman says I do not understand the Ten Commandments.

Mr. MADDOX. You demonstrated that this morning.

Mr. GROSVENOR. I quoted the exact language; but the gentleman is in such a condition of mind toward this side of the House that he does not know the difference between bearing false witness and slandering one's neighbor.

Mr. MADDOX. If you know anything about them, some one told you.

Mr. GROSVENOR. Not at all.

Mr. MADDOX. But the gentleman from Ohio says "we" are going to make money out of these islands. The question naturally arises, Who does he mean by "we?" He certainly does not mean the Republic when he says "we." It must be understood that the taxes to support the Federal Government are levied nearly entirely on what the people consume. Now, when we stop to consider the fact that three-fourths of the wealth of the country is invested in the trusts, railroads, banks, and other great corporations and that none of these chew tobacco, smoke cigars, eat sugar, or drink rum, it will be observed that it makes no difference how much tax you place on the people of this country to carry on their schemes in Puerto Rico and where they can make money, as all this business costs them nothing.

It is costing a great deal of money to hold these islands; vastly more than can ever be made out of them. The Government will never, in my opinion, be repaid, under the most favorable circumstances, in a century the amount that has been expended upon them. They will continue to be a burden to 95 per cent of the taxpayers of this country, who will never reap any benefit from them. But the trusts can exploit these islands and dispose of their wares, finding profitable investments for their ever-increasing profits. They pay but little, if any, of the tax that is required to protect them while they carry on their business. On the other hand, 95 per cent of the American people must pay the expenses of holding these people in subjugation, whilst our nontaxpaying wealthy may get what little the poor native may possess. These are the people to whom General GROSVENOR refers, I imagine, when he says "we."

[Mr. MCCLEARY addressed the committee. See Appendix.]

The CHAIRMAN. Debate on the pending amendment is now exhausted. The question is on agreeing to the amendment of the gentleman from New York.

The question being taken, there were—ayes 163, noes 151.

Mr. MCRAE. In view of the brief time remaining for discussion I will not insist on tellers.

So the amendment was agreed to.

Mr. PAYNE. I offer the following amendment:

Amend the title of the bill so as to read: "An act temporarily to provide revenues for the relief of the island of Puerto Rico, and for other purposes."

[Mr. UNDERWOOD addressed the committee. See Appendix.]

Mr. PAYNE. Now, Mr. Chairman, I ask a vote on the amendment; and then after that I am willing that the time of the gentleman from Alabama, if he desires additional time, may be extended.

The amendment proposed by Mr. PAYNE to the title of the bill was again read and agreed to.

The CHAIRMAN. The gentleman from Vermont is recognized.

Mr. GROUT. Mr. Chairman, I was so completely absorbed in committee work all last week that I did not follow this debate, and did not even read the bill until Saturday evening. I felt that I could trust the Committee on Ways and Means, made up, as it is, of the most experienced and able men of the House, to lead me on this question.

But when I learned that the Republican ranks were disintegrating, that from our own side of the House was heard the echo of the howl—the stock howl from the other side—that "it is unconstitutional" and violative of our pledges to the people of Puerto Rico and unfair and oppressive to them, I began to fear lest this great committee might have presented to us an unworthy measure; but when I came to read the bill my fears all vanished.

Now, what does this bill propose? But, first of all, let us take just a glance at the situation in Puerto Rico. It has but lately come into our hands through the fortunes of war, and until we establish for it a permanent government it is our duty to provide temporarily for the preservation of order, the administration of justice, the education of the children, and for the care and support of such as can not support themselves; and of this last class there is a large number, which has been much increased by the destruction of a large share of the products of the earth by the terrible tornado which swept the island last summer and has left many poor people in a starving condition.

Now, judging from the graphic description by young Alexander Hamilton of a hurricane in the West Indies, which, you will remember, first brought him as a lad into prominence, it can, I think, be fairly said that it is one of the most terrific things on earth, unless from the list of horrors we except a constitutional argument in the House of Representatives. [Laughter.]

Anyway, the tornado left large numbers destitute who must be fed, and it has been estimated by General Davis, now administering affairs in the island, that for this purpose, including expenses of government, schools, etc., it would take $2,000,000 for the year.

The practical question at once arises, How shall the money be provided? Suppose a bill had been brought in to appropriate this

$2,000,000 from the Treasury to meet this expense, what would our friends on the other side of the House have said? Would they have approved it? Nay, nay.

They would have said, and rightfully, too, that the people of Puerto Rico ought to pay the expenses of an economical and just government of the island, and there would have been no answer to their claim. But such a bill was not brought in, and instead thereof we have the bill before us as a temporary measure to provide the revenue for this necessary expenditure.

Now, let us for just a moment look at the provisions of this bill, keeping in mind that aside from the constitutional objection the only criticism of it is that it is unfair and oppressive to the Puerto Rican people.

First, the bill provides that all importations coming into Puerto Rico from foreign countries shall pay as duty the rates prescribed by the Dingley law; and of this I do not understand anyone who believes in the doctrine of protection to complain. Of course our Democratic friends find fault with this, but they conceive it to be their mission to find fault with everything that this side of the House may do. Besides, they are free traders anyway.

Second, it provides that on all articles going into Puerto Rico from the United States 25 per cent of the Dingley rates shall be paid. But if, as we protectionists contend, the shipper of goods into a country where they encounter a tariff pays the duty, then the Puerto Ricans do not pay this duty. Our own people pay this duty; and while they might perhaps raise some objection to the provision, how can it be said to be oppressive to the Puerto Ricans?

In the third place, the bill provides that all goods coming from Puerto Rico into the United States shall pay a duty of 25 per cent of the Dingley rates. Now, this duty the Puerto Ricans pay; and if it went into the Treasury of the United States and the people of Puerto Rico were taxed in some other way for the support of their government, it might well be said it was an unjust exaction from that people.

But the bill provides that every dollar so collected shall be turned over to the President and expended for the benefit of the people of Puerto Rico—in charity to the poor, for schools and courts, and the like. And who doubts that under the Army officers still in control there the money will not be honestly and wisely expended? And who also can fairly say that this is unjust taxation of the people of that island? Of course, if this tax were to be paid by the poor people there, it would fall heavily upon them; but it is not.

Remember, this is a tariff duty on imports coming from Puerto Rico into the United States, which are principally sugar and tobacco. The sugar and tobacco planters of Puerto Rico will pay this duty—men who are amply able to pay it. For instance, there are, in round numbers, 60,000 tons of sugar produced in the island which comes into the United States.

It fell out in the hearings before the Committee on Ways and Means that one man, an Englishman, produced 3,000 tons of this sugar, and that there were several other large planters producing nearly as much.

Now, this man would pay a little over $25,000 duty on his 3,000 tons of sugar, and the whole 60,000 tons would pay about $500,000 of this $2,000,000 necessary to govern the island and properly care for her people, and who can object to this Englishman and these other rich sugar planters paying this sum toward defraying the expenses of the government which protects them in their business? Internal-revenue taxes would not reach them, and this is the only practical way of doing so.

Of course you can see that all these gentlemen want free trade, that they may save this $500,000. And you can easily understand that with this $500,000 at stake these Puerto Rican sugar men could readily organize the noisy campaign against this bill to which the House and the country is being treated.

But the sugar men are not alone. The tobacco men, who will pay a considerable amount of this tax, are with them, and together they make quite a crowd and quite a noise. One thing, however, should be kept in mind, viz, that these men are abundantly able to pay this tax, and that it is really a small contribution for the protection of their property.

But the Constitution expounders of the House say that a great principle is at stake. Some claim that the Constitution extends over Puerto Rico, and that we must treat the people there in every way just as the people of the States are treated. Others claim that the Constitution does not extend over the Territories and that we can treat them as we will, answerable only to the public opinion of the world and to our own consciencies, and this is probably the view that will be ultimately adopted, but it is not important in the consideration of this bill.

Now, as showing the real character of these constitutional debates, it need only be said that in the one now raging decisions of the Supreme Court have been invoked in support of each of these claims. Chief Justice Marshall, speaking for the court, limited the Constitution to the States, and later Chief Justice Taney, speaking equally for the court, spread the Constitution over all the Territories and sent with it the institution of slavery.

And it was this decision that in the evolution of great events brought into existence the Republican party, a party at last with an intelligent conscience and guided by great moral purposes. It sprang into being as a protest against the Dred Scott decision, and has led the march of liberty, progress, and prosperity ever since. [Applause.]

The Democratic party at once drew the Constitution on the young Republican giant at every point. It was unconstitutional to elect Abraham Lincoln President; unconstitutional to put down the rebellion; unconstitutional to free the slaves; unconstitutional to pass a protective-tariff law; and now it is unconstitutional to make the rich planters of Puerto Rico contribute by means of that law for the support of the Government under which they live.

But meanwhile the Republican party has gone steadily forward in its high mission, and has settled all these constitutional questions as they have arisen, not always in the courts, but always with the approving conscience and common sense of the American people.

And in due time, when we take up the great question of settling permanently the relations between our new possessions and the United States, it will be done in a way to command the approval not only of our own people but of all mankind.

Meantime, the "Constitution expounder" will continue to be heard. Like the brook, he will probably "go on forever."

But that he may see himself "as others see him," let me give, as fairly descriptive of him, Burns's extempore verse in the court of sessions on the lord advocate. I always think of it when I see the "Constitution expounder" "in a fine frenzy rolling."

He clench'd his pamphlets in his fist,
He quoted and he hinted,
Till in a declamation-mist,
His argument he tint* it:
He gaped for 't, he graped for 't,
He fand 'twas awa, man;
But what his common sense come short,
He eked it out w' law, man.

*Lost it.

[Laughter and applause.]

[During the delivery of the foregoing, the time of Mr. GROUT having expired, by unanimous consent it was extended for two minutes.]

Mr. GROUT resumed and completed the delivery of the foregoing.

The CHAIRMAN. The gentleman from Indiana [Mr. ZENOR] is recognized. [Cries of "Regular order!"] The time of the gentleman from Vermont has expired. The gentleman from Indiana is entitled to the floor.

Mr. ZENOR. Mr. Chairman, the pending bill is, in my judgment, not only vicious in principle and unconstitutional in its provisions, but should be opposed by every member of this House who is desirous of preventing the establishment of a dangerous precedent in the future legislation of this country. It proposes to deal with the people of the island of Puerto Rico and our relations with that island. Mr. Chairman, this is the first measure of its kind yet presented to this body. While seemingly not a measure of much moment, yet it involves questions of the gravest import to the people of this country. The first section of this bill declares that its provisions shall apply only to the island of Puerto Rico and to the adjacent islands and waters as described in the treaty of peace concluded between the United States and the Government of Spain April 11, 1899. The second section provides that all merchandise imported into Puerto Rico from ports other than the United States shall pay the rate of tariff duties collected on merchandise from foreign countries imported into the United States.

In other words, this section seeks to place Puerto Rico substantially in the same position with reference to tariff laws and duties that the United States now occupy under our tariff laws toward all other countries, and is a virtual extension of our laws upon this subject to the island of Puerto Rico upon all articles embraced within this section of the bill. The third section imposes a tariff tax on all articles of merchandise coming into the United States from Puerto Rico, or going into that island from the United States, at a rate equal to 15 per cent of the duties collected on merchandise imported into the United States from foreign countries; and further provides that the duties collected in the United States ports upon manufactured goods from Puerto Rico shall be equal in rate and amount to the internal-revenue tax imposed by the United States upon the same articles manufactured in the United States, and in addition thereto 15 per cent of the duties now collected by law upon like articles of merchandise imported from foreign countries; and that duties collected in the island upon manufactured goods from the United States shall be equal to the internal-revenue tax imposed in Puerto Rico upon articles manufactured therein, and in addition thereto 15 per cent of the duties now collected by law upon like articles of merchandise imported from foreign countries.

The fourth section simply provides that all the duties and customs collected at the ports in Puerto Rico, less the expense of collection, and the gross amount collected at ports in the United States under the provisions of the bill shall be turned over to the President to be disposed of for the benefit and used in the payment of the expenses of the island. These are, Mr. Chairman, the provisions of the pending measure, and it may be frankly confessed that upon their face they are very simple and easily understood. And while apparently intended for a wise and patriotic purpose, and apparently innocent and harmless in themselves, yet, as suggested in the report of the views of the minority, the bill raises two vital and important questions:

First. The right or power under our written Constitution to enact the measure.

Second. Whether, if we have the power, Congress should exercise it in the manner provided in the bill.

In my judgment, Mr. Chairman, these questions can receive but one answer. Having arrived at the conclusion that I can not yield my support to this measure, I wish briefly to state some of the reasons that impel me to this course. In doing this, Mr. Chairman, I may be pardoned for calling attention to the recommendation of the President in his message to Congress last December upon this most important subject. After discussing the results of our recent war with Spain and showing the condition of the people of Puerto Rico and our new relations to that island, the President uses this language:

> That our plain duty is to abolish all customs and tariffs between the United States and Puerto Rico and give her products free access to our markets.

Mr. Chairman, this view of the President is corroborated and enforced by the Secretary of War. In his last report, speaking upon the subject of our duty toward the people of this island, he makes use of this significant language:

> The question of the economic treatment of the island underlies all the others. If the people are prosperous, and have an abundance of the necessities of life, they will, with justice, be easily governed, and will, with patience, be easily educated. If they are left in hunger and hopeless poverty, they will be discontented, intractable, and mutinous.
>
> The principal difficulty now on the island of Puerto Rico is that the transfer of the island from Spain to the United States has not resulted in an increase of prosperity, but in the reverse. The industry of the island is almost entirely agricultural. The people live on the products of their own soil and upon the articles for which they exchange their surplus products abroad. Their products are in the main coffee, sugar, and tobacco. The prosperity of the island depends upon their success in selling these products. I most strongly urge that the custom duties between the United States and Puerto Rico be removed.

Not only this, Mr. Chairman, but the present military governor of this island, General Davis, a man of conceded ability and conservative judgment, whose temporary residence and official position in that country and means of observation entitle him to speak with more accuracy and greater authority than perhaps anyone else, in his report suggests that in legislating for this island free trade should be given the people of Puerto Rico as between them and the United States.

But still more earnestly is the plea made for the abolition of all customs and tariffs between the United States and Puerto Rico by the representatives of Puerto Rico herself, now here at this capital, asking for no aid or help except free markets for their products.

These are the official views, shared and expressed by the highest officers of the Government less than three months ago, concurred in by the people of Puerto Rico, concerning our plain duty toward this territory. This bill is not only in the face of the policy of the Administration as thus outlined by the President and Secretary of War, but, in my judgment, in violation of the fundamental law of the land. What has induced the majority of the Ways and Means Committee in framing and presenting this measure to thus attempt a change in that policy is an undisclosed secret, withheld perhaps on grounds of public policy? If the President or his Secretary of War have for any justifiable reason changed their views, no advocate of this bill has cared to mention the fact upon this floor. The President, in suggesting in his message that all customs and tariffs between the United States and Puerto Rico should be abolished, did not do so without giving his reasons. He assigned as his reasons therefor:

> That the island had been denied the principal markets she had long enjoyed, and our tariffs have been continued against her products as when she was under Spanish sovereignty. That the markets of Spain are closed to her products except upon terms to which the commerce of all nations is subjected. The island of Cuba, which used to buy her cattle and tobacco without customs duties, now imposes the same duties upon these products as from any other country entering her ports. She has therefore lost her free intercourse with Spain and Cuba without any compensating benefits in this market. The markets of the United States should be opened up to her products.

These views of the President, whatever his reasons or motives for publicly expressing them, and I assume them to have been inspired by high and patriotic considerations, are in strict accord with my understanding of the rights of the people of Puerto Rico and our constitutional obligations. When we acquired the territory of Puerto Rico and adjacent islands and all the territory that came to us as a result of the Spanish war, Cuba excepted, they became a part of our domain and subject to our jurisdiction and control. For it may be conceded, I think, as well settled that the United States may acquire territory, either under the treaty-making power or war power conferred upon Congress by the Constitution or by virtue of its general powers of sovereignty as a nation, and that the power to govern the acquired territory results from the right to acquire and also from that provision of the Constitution, section 3, Article IV, which declares:

> The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

The question of primary importance, in fact, the one overshadowing in its importance all others in this discussion, is, in my judgment, the question of the legal status of this territory and its relation to the United States with respect to our power to impose tariff duties as provided in this bill under the treaty, Constitution, and laws of our country. It is maintained by those upon the other side of this Chamber, representing the present Administration, that this and other territory, including the Philippine Archipelago, acquired as a result of our late war, became territory belonging to the United States, but not a part of the United States; that, being territory belonging to the United States and not a part of the United States it is not subject to the provisions, limitations, and prohibitions of the Constitution, and may be governed and controlled in the discretion and under the plenary power of Congress; that the Constitution imposes no restraint upon the power and discretion of Congress to so govern. This extraordinary and startling doctrine is announced and reiterated upon this floor by the advocates of this bill with an assurance and self-confidence that almost defies criticism. On the other hand, it is contended on this side of the Chamber and the Democratic position is, as I understand it, that the territory thus acquired, as has been the case with all territory heretofore added to the Republic, became a part of the United States and subject to the operation of the restraining influence of the Constitution, and that Congress, in undertaking to legislate for such territory and the people thereof, must do so under the provisions of the Constitution and not outside of it.

The doctrine announced by the majority report filed in support of this bill will not fail, in my opinion, to sound a note of alarm to every lover of constitutional government. Here is what they say in concluding that report:

> Upon the whole, we conclude—
>
> First. That upon reason and authority the term "United States," as used in the Constitution, has reference only to the States that constitute the Federal Union, and does not include Territories.
>
> Second. That the power of Congress with respect to legislation for the Territories is plenary.
>
> Third. That under that power Congress may prescribe different rates of duty for Puerto Rico from those prescribed for the United States.

It may be well to recall in this connection the resolution introduced in the Senate by the junior Senator from Indiana but a short time since, which was heralded over the country through the public prints as the semi-official expression of the views of the President and the Administration upon the subject of the Philippine policy. This resolution is short, and I quote it in full. It is as follows:

> That the Philippine Islands are territory belonging to the United States; that it is the intention of the United States to retain them as such and to establish and maintain such governmental control throughout the archipelago as the situation may demand.

Here is the declaration that the Philippine Islands are territory belonging to the United States; that it is the intention of the United States to hold them in perpetuity and govern them under the plenary power of Congress for all time. George the Third never gave utterance to a more despotic assertion of arbitrary power. It will not do to say that the American people are too patriotic and liberty-loving; that they are too thoroughly imbued with the spirit of our free institutions and too much devoted to the cause of human liberty ever to permit abuse of this absolute power.

It is not the patriotism and devotion to country of the advocates of this new departure, this dangerous policy, that I so much question. It is the opportunity that the establishment of such a doctrine would give to men who may not at some future time be so safely trusted. It is the first step in the march of imperialism, breaking down and overriding the safeguards of the Constitution. Let it be once understood that the representatives of the people have set the pace for the exercise of arbitrary and despotic power; that they have undertaken to determine the rights of man—natural rights, rights which belong to him without constitutions; rights which are guaranteed to the people of the Territories by the Constitution, without reference to law and in defiance of constitutional mandates—and you will have set in motion the agencies that will not only destroy the safeguards of the people, but inaugurate a reign of unlicensed power that will prove a perpetual menace to free government.

Those rights inherent in mankind have been denied and the subject of abuse by usurpers and tyrants in the past, and may be again. I can not bring myself to concur in the view expressed by some, that national sovereignty is lodged in Congress or any one of the great coordinate departments of the Government, nor, indeed, in all combined, but rather that the fountain of all supreme right, the foundation of all sovereignty, is in the political unit called the people. I do not concur in the view that there is any expressed grant of the sovereign power assumed, nor that it exists by any reasonable or necessary implication, and I do not believe that there is anywhere in any department of the Government an unlimited, sovereign, despotic power. Such a theory is opposed to the teachings of all our wisest and best statesmen and contradictory of the fundamental principles upon which the fabric of our Government is erected.

The people originally framed the Declaration of Independence and proclaimed certain well-defined principles in the very inception of our national life which are the foundation stones of all republican government. Among these is the declaration that all just governments derive their powers from the consent of the governed; that all men are created equal and endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed. Mr. Chairman, we can not afford to violate these great cardinal principles of government; and yet it is boldly asserted in derogation of these fundamental rights that the Philippine Islands are to be subjugated, held, and governed in perpetuity.

I protest, Mr. Chairman, that this policy is a violation of every principle of self-government; that there is no power lodged in Congress, no power in any branch of the Government or in all the branches combined, to make any other or adopt any other than a representative government in any territory which may be acquired or added to our Union. But, Mr. Chairman, there is another part of the Constitution more particularly applicable to the bill under consideration and more directly involved. That is the provision that "duties, imposts and excises shall be uniform throughout the United States."

Section 8 of Article I of the Constitution provides that—

> The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States.

The provisions of this bill violate this rule of uniformity prescribed by the Constitution, if the island of Puerto Rico is a part of the United States. I know it is sought to evade this plain provision of the Constitution by gentlemen on the other side. They contend that Puerto Rico is not a part of the "United States" in the sense of the Constitution; that it is merely territory belonging to the "United States," and not included within the meaning of the term "United States" as used in this section of the Constitution, and hence not subject to the operation thereof nor controlled by any restrictions set out in that instrument.

This contention is attempted to be sustained by an ingenious and somewhat plausible argument to the effect that the term "United States" is used in the Constitution in two senses. That wherever this term is used without "more" it has reference to the States composing the Union and does not include Territories. That in every case where the term "United States" appears it has reference only to the political corporation in which is represented the sovereignty of the States, except in three instances, and there the intention that the Constitution shall have an operation outside of the United States is clearly indicated. Now, this is an important question. If it shall be clearly demonstrated that the contention of the friends of this bill is correct and that Territories are not part of the Union, not a part of the Republic, then much strength will be given to the position they assume.

There are several provisions of the Constitution in which the term "United States" appears, first, Article IV, section 3, clause 1, provides that—

> New States may be admitted by Congress into this Union, etc.

Second, Article IV, section 3, clause 2:

> The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory and other property belonging to the United States.

Third, the thirteenth amendment provides:

> Slavery shall not exist within the United States or any place subject to their jurisdiction.

In Article II, section 1, paragraph 3, it is provided that the day on which electors shall be voted for "shall be the same throughout the United States."

In Article I, section 8, paragraph 4, it is provided that bankruptcy laws shall be uniform "throughout the United States."

So Article I, section 8, already quoted, provides that—

> The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States.

Now, if, as contended, the proper construction of this last cited section excludes Territories, if it is to be understood as meaning only the States composing the Union, then there is some force in the position assumed that this bill, proposing to levy a tariff upon articles imported into the United States from Puerto Rico and into Puerto Rico from the United States, is not a violation of the rule of uniformity prescribed in this section of the Constitution.

And if this be true, then there is no prohibition resting upon Congress to levy the same or any other rate of tariff upon articles imported from the Territories of Arizona, New Mexico, or Oklahoma into the United States, or that would prevent the same power from levying such tariff upon all articles imported into either of these Territories from the United States. Mr. Chairman, there would seem to exist no reason for a discrimination that would justify or warrant any difference in the treatment of these Territories. They are all Territories belonging to the United States. They are all a part of the United States.

I concur in the views expressed by the distinguished gentleman Mr. NEWLANDS, of Nevada, which are incorporated in and made a part of the minority report upon this bill, that the term "United States" may be used in two senses—one politically, having reference only to the Government; the other geographically, and relating to the area governed. In the political sense the term "United States" means simply the States composing the Union, for in the people of these States is reposed all governing power of a Federal nature. They alone select the President; they alone select the State legislatures, which in turn select the Senate; they alone select the House of Representatives; they alone select the law-making and law-executing branches of the Government, through which the Supreme Court and other inferior courts provided for by the Constitution are organized and established.

The "United States" which governs consists of the States composing the Union. The "United States" which is governed consists of the entire domain of the United States, Territories as well as States. This, Mr. Chairman, is the logical and, as it seems to me, the only practical view to take of this matter. It involves no inconsistency, but, on the other hand, seems to blend harmoniously with the purpose, intent, and design of the founders of our Government, and is in accord with its practice and traditional history from its organization. Much has been said in this discussion concerning the framework of our Government; about the powers possessed by Congress under the Constitution over territory acquired and becoming a part of the United States; whether or not Congress has absolute or limited power to govern and make rules and regulations concerning such territory. Upon this question divergent and opposite views have been expressed.

It is maintained, as before suggested, by those upon the opposite side of this Chamber that under the conditions surrounding Puerto Rico at this time Congress has unlimited plenary power to make such rules and regulations for its government as it may see fit and deem wise; that the provisions of the Constitution do not apply to the island or its people nor operate upon Congress in its exercise of the sovereign right to legislate for that possession. It is true they admit that in the exercise of this right Congress should and will be governed by the spirit of the Constitution and the Declaration of Independence, and that no fear need be felt that any injustice will be done the people of Puerto Rico or the inhabitants of the Philippines or any other of our new possessions by the party in power. But, Mr. Chairman, this is not the question. I object to any party assuming the right to go outside of the authority of the Constitution to legislate for the people of Puerto Rico or any other people.

I protest against the assertion that Congress has in this or in any other instance the absolute power to act without the limits of the Constitution. I affirm that the Constitution is the supreme law of the land and the only authority to warrant Congress in acting at all; that its powers are marked out and clearly defined by the provisions of that instrument; that the Government of the United States is a limited sovereignty, controlled by a written Constitution, which grants certain powers, limits others, and prohibits still others; that the granted powers, the limited powers, the prohibited powers, and the reserved powers to the States and the people, if all united and massed in one sovereignty, would constitute a veritable despotism; that just in proportion to the exercise of power by any one of the separate and independent branches of the Government beyond the limits placed thereon by the Constitution, just to that extent it becomes arbitrary and despotic. The Congress of the United States is the creature of the Constitution. All its powers are created by the Constitution, and if any limitations are imposed upon its powers in express or general terms, they must be applied to all legislation it originates; and such limitations will not be confined to that part only of its legislation which relates alone to the States composing the Union. The Congress of the United States was not intended by the framers of the organic law by which it was created to be a despotism in some parts of the Union, in relation to some parts of its territory, and a body of limited constitutional power in other parts.

So, also, Mr. Chairman, with reference to the powers prohibited

to Congress and denied to the States. It is impossible to believe that it was ever intended by the authors of the Constitution to authorize the exercise of powers by a Territory, acting under Congressional authority, which are denied to a State. If such a contention is conceded and it is once admitted that Congress can exercise plenary power, can go outside of the Constitution to legislate for the government of a Territory, then there is nothing to prevent its delegating to such Territory the same unlimited power of legislation when it shall have formed a government of its own.

Territories are erected into States when in the judgment of Congress the conditions are proper to admit them to statehood. This is done through the passage of an enabling act by Congress, prescribing the terms and conditions upon which they are to be admitted. This enabling act usually provides for the manner of organizing a form of State government. So, Mr. Chairman, the doctrine contended for by our friends upon the other side in its last and final analysis would lead to most absurd and fatal results. But, Mr. Chairman, we are not left to doubt or conjecture upon this subject.

Upon both the question of the meaning of the term "United States" and the nature and extent of the grant defined in section 8 of the Constitution, the Supreme Court of the United States has in more than one case fully discussed and settled these questions. I call attention to at least two of these cases. The first case is that of Loughborough *vs.* Blake, and the other the case of Cross *vs.* Harrison. The first case arose in the District of Columbia, and the second in California. I will not enter into detail of the facts of these cases. They have already been referred to and are familiar to all lawyers. Chief Justice Marshall, one of the most distinguished jurists that ever graced the bench of that eminent court, in deciding the case of Loughborough *vs.* Blake (5 Wheaton, 643), used the following language:

> The eighth section of the first article gives to Congress the "power to lay and collect taxes, duties, imposts, and excises," for the purposes thereinafter mentioned.
>
> This grant is general, without limitation as to place. It consequently extends to all places over which the Government extends. If this could be doubted, the doubt is removed by the subsequent words which modify the grant. These words are, "but all duties, imposts, and excises shall be uniform throughout the United States." It will not be contended that the modification of the power extends to places to which the power itself does not extend. The power, then, to lay and collect duties, imposts, and excises may be exercised and must be exercised throughout the United States. Does this term designate the whole or any particular portion of the American empire?
>
> Certainly this question can admit of but one answer. It is the name given to our great Republic, which is composed of States and Territories. The District of Columbia or the territory west of the Missouri is not less within the United States than Maryland or Pennsylvania; and it is not less necessary, on the principles of our Constitution, that uniformity in the imposition of imposts, duties, and excises should be observed in the one than in the other. Since, then, the power to lay and collect taxes, which includes direct taxes, is obviously coextensive with the power to lay and collect duties, imposts, and excises, and since the latter extends throughout the United States, it follows that the power to impose direct taxes also extends throughout the United States.

In Cross *vs.* Harrison (21 Howard, page 82) Justice Wayne, in deciding the case, said:

> By the ratification of the treaty California became a part of the United States. And as there is nothing differently stipulated in the treaty with respect to commerce, it became instantly bound and privileged by the laws which Congress had passed to raise a revenue from duties on imports and tonnage.
>
> It has been sufficiently shown that the plaintiffs had no right to land their foreign goods in California at the times when their ships arrived with them, except by a compliance with the regulations which the civil government were authorized to enforce, first under a war tariff, and afterwards under the existing tariff act of the United States. By the last, foreign goods, as they are enumerated, are made dutiable; they are not so because they are brought into a collection district, but because they are imported into the United States. The tariff act of 1846 prescribes what that duty shall be. Can any reason be given for the exemption of foreign goods from duty because they have not been entered and collected at a port of delivery? The last become a part of the consumption of the country as well as the others. They may be carried from the point of landing into collection districts within which duties have been paid upon the same kind of goods; thus entering, by the retail sale of them, into competition with such goods and with our own manufactures and the products of our own farmers and planters. The right to land foreign goods within the United States at any place out of a collection district, if allowed, would be a violation of that provision in the Constitution which enjoins that all duties, imposts, and excises shall be uniform throughout the United States. Indeed it must be very clear that no such right exists, and that there was nothing in the condition of California to exempt importers of foreign goods into it from the payment of the same duties which were chargeable in the other ports of the United States. As to the denial of the authority of the President to prevent the landing of foreign goods in the United States out of a collection district, it can only be necessary to say, if he did not do so, it would be a neglect of his constitutional obligation "to take care that the laws be faithfully executed."
>
> We will here briefly notice those objections which preceded that which has been discussed. The first of them, rather an assertion than an argument, that there was neither treaty nor law permitting the collection of duties, has been answered, it having been shown that the ratification of the treaty made California a part of the United States, and that as soon as it became so the territory became subject to the acts which were in force to regulate foreign commerce with the United States after those had ceased which had been instituted for its regulation as a belligerent right.

Mr. Chairman, I shall not repeat the task of undertaking to analyze at this time the facts and legal propositions considered and settled by the Supreme Court in these decisions. This has been so often and well done and with such conspicuous and masterly ability by other eminent gentlemen during the course of this discussion that any such attempt upon my part would be a work of supererogation. Suffice it to say, however, that while there are many other learned opinions of this court, and still more learned and able opinions of standard law writers of distinguished character and reputation, sustaining the Supreme Court in the two cases cited, in its conclusions upon the points involved, I deem it wholly unnecessary to encumber the RECORD with their citation in order to satisfactorily demonstrate the correctness of the position assumed upon this side of the Chamber as against the mere theories and unsupported dicta of gentlemen upon that side, anxious to inaugurate a new policy and establish a legislative precedent in support of an unwise, un-American, imperialistic, and unconstitutional doctrine.

Mark the language of the Chief Justice in rendering the opinion in the case of Loughborough *vs.* Blake, upon the very point in controversy in this discussion. These are his words:

> It will not be contended that the modification of the power extends to places to which the power itself does not extend. The power, then, to lay and collect duties, imposts, and excises may be exercised and must be exercised throughout the United States. Does this term designate the whole or any particular portion of the American empire? Certainly this question can admit of but one answer. It is the name given to our great Republic, which is composed of States and Territories. The District of Columbia or the Territories west of the Missouri are not less within the United States than Maryland or Pennsylvania; and it is not less necessary on the principles of our Constitution that uniformity in the imposition of imposts, duties, and excises should be observed in the one than in the other.

Here the court uses the term "United States," and propounds the query, "Does this term designate the 'whole' or 'any particular portion' of the American empire?" The court answers this query itself. The Chief Justice, in answer, uses this language: "Certainly this question." What question? Why, the question of the meaning of the term "United States" as used in this section. "This question," says the court, "can admit of but one answer." What is that answer? The court says:

> It is the name given to our great Republic, which is composed of States and Territories.

Now, Mr. Chairman, with this language of the Supreme Court confronting us, with this strong and emphatic declaration of the Supreme Court upon this question, is there, I ask, room for further controversy? If the law as judicially ascertained and declared by this highest court of the land is to be binding upon this body, then I most respectfully submit that all further debate is closed, and we have but one duty to perform—to vote against and defeat this bill.

If the theory of the majority of the Ways and Means Committee shall prevail, the life of the Republic is threatened, and liberty, personal security, and safety will be put to the test. Just so sure as this bill shall pass, and its principles shall become a vital force in American politics, just that sure may we expect to witness in the fast-coming future the close of the glorious history of the American Republic and the opening pages in the beginning of a succeeding empire.

The last lingering hope to animate the hearts and stimulate the struggles of a free and patriotic people to maintain unimpaired the legacy of free government is in that refuge of safety, the Supreme Court. Had I not an abiding faith in the wisdom, integrity, learning, and patriotism of that high and exalted judicial tribunal, in this great conservative branch of the Government, in which is reposed the ultimate power to review and reverse the action of this body, when, driven by the stress of political exigencies and forgetful of the great fundamental maxims of self-government, it has entered upon a career of imperialism, I would indeed despair of the future and for the safety of the temple of liberty erected by the fathers and consecrated by the blood of our heroes.

But, Mr. Chairman, I do not despair. I have an unshaken confidence, an undoubting faith, that in that great court, above the influence of the decrees of party caucus or the exigencies of party politics, whatever the criticisms of the past, the people have a dernier ressort, whose patriotism, judicial learning, and fairness they can safely trust to turn back the tide of this imperial march to empire and centralized government. The key to the policy signalized by this bill was emphasized on day before yesterday in the speech of the distinguished gentleman from Ohio [Mr. BROWN]. In the course of his speech he made no attempt to conceal the fact; indeed, he used language that clearly expressed his indifference to the fate of this bill, so far as Puerto Rico is concerned.

He said that Puerto Rico was but a small island, having a population of about a million of people, and not more than about 15 per cent of whom could read and write; that this island, with its small population, was not of so much importance as the great archipelago of the Philippines, with its eight or ten millions of inhabitants; that he was more interested in the passage of this bill on account of these people than the people of Puerto Rico.

This, Mr. Chairman, is a frank confession upon the part of the gentleman from Ohio, and I doubt not that it reflects the views of the majority of those favoring this bill, that the policy outlined in the pending measure is not intended so much for Puerto Rico as a precedent for the policy to be hereafter adopted toward the Philippines.

I do not, Mr. Chairman, attempt to give the exact language of the gentleman from Ohio; I give what I recall as the substance of what he said. The Republican party in this attempt to formulate some policy in harmony with their views upon the subject of the retention and future treatment of our new possessions, and at the same time accommodate that policy to the views of the great body of the people, have encountered irreconcilable interests and have become involved in the most absurd contradictions.

Since the introduction of this bill in this House hundreds and, I may say, thousands of remonstrances and earnest protests have been received by members of Congress from labor organizations, manufacturers of sugar, cigars, and various other industrial enterprises of this country. They unite in their protests against free importations from these new possessions of goods and articles raised and manufactured by the cheap and under-paid labor of these islands. They enter their solemn protest, not only against free trade between the United States and these islands, which bring the people of our own country in competition in trade with the people of these islands, but also against the immigration here of labor that is employed and paid at from 10 to 15 cents per day to compete with our labor.

To avoid this awkward dilemma the Republican party is compelled to assume an extraordinary position with reference to these islands. You contend that these islands occupy the anomalous condition of being both in and out of the Union at one and the same time; that they are in the United States for the purposes of being governed and controlled by the Congress of the United States, and out of the United States for the purposes of tariff taxation; that they are citizens of the United States for all purposes of Congressional action and taxation, but not citizens in the sense of being entitled to the protection of the Constitution; that they are a part of the United States in the sense that Congress is authorized to legislate and govern them at its own sweet will and pleasure, but not a part of the United States in the sense that the Constitution applies to them and protects them.

And this manifest incongruity is sought to be excused, this anomalous position justified, by the exigencies of the political situation of the Republican party. This may be well understood when it is known that if it be admitted that Puerto Rico and the Philippine Islands are a part of the United States and a part of this Union, and the moment that Congress takes the initiative and assumes to legislate affecting them in any way, that that moment the Constitution is extended over these possessions and they thereby become as much an integral part of our territory as any State of the Union, and their inhabitants as much citizens under its protection as the citizens of New Mexico, Arizona, or Oklahoma, then in that case the Congress could enact no law imposing tariff duties on articles brought into this country from those islands, nor restrain in any way the people of those islands from migrating at will to any part of the domain of this Republic, which the Supreme Court has held is composed of the States and Territories. Hence it is plain why the Republican party has assumed the unwarranted position its imperial policy has forced upon it of contending that these islands are not a part of the United States and that the Constitution does not apply to them.

Mr. Chairman, as much as I would regret to see the Philippine Islands annexed to the United States and the people of those islands made citizens of this country to compete, with their cheap labor, with our people; as much as I would deplore this fact and the free interchange of the products of that cheap labor with our people, yet these are but trifles compared with the great number of other more serious objections to such a final consummation; and yet, if the policy of the Republican party shall be maintained and enforced, there is no way of avoiding the evils against which our people are protesting.

Free trade with and free access to all parts of our country is the logical, legal, and constitutional sequence of the policy and doctrine of the Republican party; and however much the party may wish to avoid some of its consequences, and however anxious our people may be to be spared its prejudicial effects, they had just as well make up their minds to accept the situation if the glitter and greed of imperial—not natural and healthy, but imperial—colonial expansion shall be incorporated in and engrafted upon our system of government.

I do not wish to be misunderstood, Mr. Chairman. While I deem the permanent retention of the Philippine Islands as a part of our territory as impolitic and unwise, yet I believe that we should aid them in the establishment of a government of their own, when the islands become pacified, with such reservations of harbors, coaling stations, and territory as may be necessary to our commercial needs. With this end in view, I believe it is the solemn duty of this country, prompted by every consideration of patriotism and humanity, to declare its policy and purpose to be, when the conditions are such as to justify, to transfer to that people the sovereignty of this Government.

Our relations to Puerto Rico are entirely different. The people of Puerto Rico, from the time our armies took possession, have been friendly, loyal, and peaceable. They welcomed our generals and troops upon the island as their friends and emancipators, and gave such incontestable evidence of their willingness to yield obedience to our authority, that no one now doubts the absolute sincerity of that people in their preference for American Government. The population is very largely composed of a people well advanced in education and civilization.

Out of about 1,000,000 inhabitants there are about 800,000 belonging to the white race. The value of the property of the island is estimated at from $170,000,000 to $180,000,000. Besides these islands belong to the Western Hemisphere, and lie close to our shores. There is no violation of the policy of our Government nor inconsistency with those principles to which we have always steadily adhered in our past in holding Puerto Rico, and in annexing that island with the full consent of her people to the United States; not as a colony, but with the ultimate view of statehood when conditions shall warrant.

Mr. Chairman, in the language of my distinguished friend from Illinois [Mr. BOUTELL], this is not the time to play politics. In this I fully agree with my friend. A great and important question is being considered—a constitutional question affecting the vital interests of 80,000,000 American citizens and from eleven to twelve millions of people of Puerto Rico and the Philippines, who have for more than three hundred years been held as unwilling subjects of the Kingdom of Spain. The decision of this question may shape the future destiny of the Republic and seriously affect the welfare and happiness of these millions of liberty-loving, self-sacrificing people.

I do not believe, Mr. Chairman, that the bloody sacrifice of the struggling people of the Philippines has been voluntarily made, that they have ruthlessly deluged their native land with its best blood and brought upon the heads of their innocent and helpless families all the horrors of a devastating war merely to gratify the brutal instinct of their savage and untutored nature.

No, Mr. Chairman, I prefer to believe that these people, in their long, patient, and persistent struggle against Spanish tyranny and for their independence, were actuated in that unequal but heroic struggle by the same spirit and inspired by the same moving causes that have characterized all people in all ages who have fought and won their way to freedom; that when, through the intervention of divine Providence, as their leader expressed it, but really through the fortunes of war, as I prefer to put it, our Army was on the eve of concentrating its forces on the island of Luzon and besieging the citadel of the enemy's stronghold, this leader of the Filipinos, recalled from his exile at the instance of an American officer, summoned his sturdy warriors about him and proclaimed to his followers that through the friendly aid of the United States and its generous and magnanimous people they were about to achieve their independence, and exhorted his people to remain obedient and loyal to our Army and the authorities of our Government.

The people of that stricken island, since bathed with the blood of its own people, mingled with the blood of American heroes, at the very moment when they most expected assurance—ah, more than this, when they confidently hoped to realize the full fruition of their longing aspirations for liberty, independence, and self-government—turned their guns against us, and, instead of being our friends and allies, have become our bitterest foes. It is impossible to believe, Mr. Chairman, that this sudden and fateful change in the attitude of these people toward us was wrought without some strong and overmastering reason.

The mistake, if such it was, by whomsoever made, that provoked this rupture and brought on this clash of arms was a crime against humanity that all the precious blood and treasure involved in its fearful sequence will not efface. We are forced to believe that nothing short of a sore disappointment of the hopes and expectations of this people, whether justified or otherwise, could induce them to resort to armed resistance when such resistance must prove fruitless.

But a people capable of maintaining an army of more than 30,000 soldiers in the field, with a government adequate to administer the affairs of state, enforce order, protect life and property, sustain a high order of discipline in her army and undergo the sacrifices that have been made, for the sole purpose of establishing their independence, deserve to be considered worthy of that independence at the hands of this great and exemplary Republic. If it be true that, misguided in their judgment, rash and inconsiderate in their action, the Filipinos, without just and sufficient cause, initiated this unfortunate war, still it must be conceded that they have demonstrated a very high order of capacity for self-government and their no less worthiness of its enjoyment.

If capable and worthy, as I believe they are, why withhold from them the same measure of justice that we propose to the people of Cuba, the latter near our own shores and belonging to our own hemisphere, the former in the Orient, belonging to another hemisphere, and about 8,000 miles from our capital?

Mr. Chairman, no false sentiment should be appealed to. Our President is in the habit of saying many trite and beautiful things in his public addresses, but I am sure that the President did not mean all that he said when, in an enthusiastic and patriotic

mood, surrounded by an admiring and warm-hearted Southern audience, instinct with the spirit of war and the incitement of the hour, he gave utterance to that touching sentiment, "Who shall pull down the flag?" "Who shall pull down the flag" is a very stirring utterance, especially when spoken by the President of the United States under trying and exciting times; but, Mr. Chairman, there are many worse things that could happen the flag than pulling it down.

We all honor and revere the flag, not the Stars and Stripes, but what the Stars and Stripes stand for—liberty, freedom, and union. The flag is the emblem of all those cardinal principles proclaimed in the Declaration of Independence and secured and guaranteed in the Constitution. Wherever it floats, whether upon land or sea, in the Occident or in the Orient, it proclaims that beneath its sheltering folds and protecting ægis there shall be enjoyed by all the right to worship God according to the dictates of conscience; the right of the people to peaceably assemble and petition the Government for a redress of grievances, to keep and bear arms under regulations of law; to be guaranteed protection against quartering any soldier in the domicile of the owner in time of peace, without his consent, nor in war, but in accordance with law; to enjoy immunity of person, houses, papers, and effects from unreasonable seizure and search; the right of trial by jury for a capital or infamous crime upon presentation on indictment first had by a grand jury; that no person shall be twice put in jeopardy of limb or life for the same offense; that he shall have the right to enforce the attendance of witnesses in his behalf in a criminal cause, and to be confronted with his accusers; that he shall not be deprived of life, liberty, or the pursuit of happiness without due process of law; nor be deprived of his property for public use without just compensation; nor of a speedy and public trial by jury in the State or district wherein the crime shall have been committed; that the accused shall be entitled to be informed of the nature and cause of the accusation against him, and to be confronted by the witnesses against him; that he shall be entitled to counsel, and not subject to excessive bail, nor excessive fines, nor cruel and unusual punishments; nor shall slavery or involuntary servitude, except as a punishment for crime upon due conviction, exist in any State or Territory; nor shall any law be enacted impairing the obligation of contracts; nor any law be passed denying or abridging the right to vote on account of race, color, or previous condition of servitude; nor suspending the writ of habeas corpus in times of peace; nor for a bill of attainder; nor ex post facto law. All taxes, duties, imposts and excises levied by Congress shall be for the purpose of paying the debts and providing for the common defense and general welfare of the United States, and all such duties, imposts and excises shall be uniform throughout the United States. No capitation or other direct tax shall be laid unless in proportion to the census or enumeration taken as prescribed by the Constitution. No tax or duty shall be laid on articles exported from any State. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another. These are some of the essential and fundamental rights guaranteed to all citizens under the protection of the flag and all persons within the bounds of the Republic.

When the flag ceases to represent these principles; when it is raised over an alien people in alien lands, and becomes typical of aggression and conquest, then, however much we may honor and extol the heroism of American patriotism that raised it, it would tarnish the honor and glory of that flag not to haul it down when it shall have served the purpose of its erection. Whenever and wherever the flag is raised in the accomplishment of a great national achievement, though crimsoned with the blood of martyrs, if to permit it to remain would reflect upon the honor of our country and the memory of the patriotic dead, would it not be far more honorable and exalting to our patriotism to haul it down?

Mr. Chairman, I yield to no one in my reverence and devotion to the flag of my country, but I do not believe in the patriotism of that sentiment that forbids the hauling down the flag when raised in foreign lands and over an alien and fallen foe to signalize the glory of American arms and the supremacy of the American Republic in a war successfully waged in the interest of humanity and for the freedom of our fellow-man. If, when our task is done and our victory complete, duty commands, we should haul down the old flag and, with its battle-scarred folds and precious memories, return it once more to our country to be loved and cherished as a sacred memento of its untarnished honor. [Loud applause.]

The CHAIRMAN. The gentleman from Virginia [Mr. JONES] is recognized.

Mr. JONES of Virginia. Mr. Chairman, the pretext of those who favor the legislation embodied in this bill is that it will provide a revenue with which to carry on works of internal improvement in Puerto Rico and establish in that island a system of public education. I do not deny that the inhabitants of Puerto Rico stand in need of education, and I believe that they earnestly desire to be afforded an opportunity to secure it. I do not deny that it would be to their advantage to construct improved highways throughout the length and breadth of their island, but what I do deny is that they need either education or roads to the extent that they need food and clothes.

Mr. Chairman, we must minister to the material wants and necessities of these people before we undertake the improvement either of their minds or their roads. They are naked and we must clothe them; they are starving and we must feed them. It is worse than idle, nay, it is the very refinement of cruelty, to talk of educating the youth of Puerto Rico when the great bulk of its people—men, women, and children—are suffering the pangs of hunger, are absolutely starving and dying for the want of the very bread of life.

There are thousands upon thousands of Puerto Ricans who have not for many months tasted either meat or bread, save that which has been doled out to them by the officials of our Government, and for most of which they were indebted to the generosity and the bounty of the people of the United States. You must make these people self-sustaining before you can educate them. Starving people are not capable of appreciating the beauties of that education of which Republicans speak so eloquently upon this floor.

Mr. Chairman, we have been told by at least two of the leaders of the majority party in this House that the sugar and tobacco trusts alone would be benefited by free commerce with Puerto Rico. Only a moment ago the chairman of the Ways and Means Committee declared that free trade between the people of this island and the rest of the United States would only benefit the sugar and tobacco interests of Puerto Rico. How does that gentleman know this? Where did he get his information? Does he believe that his President would have said that it was our "plain duty" to give these people free trade had he understood that free trade would be alone beneficial to the sugar and tobacco trusts?

Perhaps he has other and better sources of information than those possessed by the President and the Secretary of War and the military governor of the island. If it be true that free trade would only benefit these two trusts, why is it that all classes and every interest in the island of Puerto Rico are petitioning Congress for free trade? Not a single Puerto Rican voice has been raised in favor of the policy which the Republicans of this House would force down the unwilling throats of the people of Puerto Rico. On the contrary, those people as a whole are entreating Congress, through their chosen representatives, to give to them absolute freedom of trade.

Mr. Chairman, I for one do not believe that any great syndicates are asking that all tariff barriers between Puerto Rico and the rest of the United States shall be removed. If so, it is the first time in the history of the Republican party that their voices have not been heeded.

On the contrary, I believe that those great monopolies which have grown up under the fostering care of a high protective tariff are solely responsible for the sudden change of front of the Republican party upon this great question. These monopolies have demanded that a tariff shall be laid upon the products of Puerto Rico, and the Republican party, although conscious of the grievous wrong it is doing a starving people, dares not deny the demand.

The chief imports of the island of Puerto Rico are rice, fish, meat, lard, flour, corn meal, lumber, machinery, and agricultural implements, and you would, by taxing these necessaries of life, add to the already well-nigh intolerable burdens of these poor people.

For years the controversy as to who paid the customs duties has gone on in this country. You Republicans have said the producers paid them; we on this side have claimed that the consumers paid them. Under this bill every bushel of corn meal that the American farmer sends to Puerto Rico pays a tariff tax of 5 cents. This tax is paid by somebody. If paid by the American farmer, it is an unjust tax; if paid by the starving Puerto Rican, it is a cruel and heartless tax. And what is true of corn meal is equally true of rice, of meat, and of flour.

The people of Puerto Rico are asking for bread; do not let us give them a stone. They are asking to be treated as the people of the Territories of Arizona, of New Mexico, and of Oklahoma are treated. Aye, they are asking to be given the same generous treatment that has been accorded to the people of the Hawaiian Islands. Hawaii to-day produces six times as much sugar as does Puerto Rico and is capable of producing ten times as much. Only one-fifth of the inhabitants of Hawaii are white, while seven-tenths of those of Puerto Rico are white. Hawaii is thousands of miles away, while Puerto Rico is only a few hundred.

The people of Puerto Rico entreat you to deal with them as justly and as fairly as you would deal with those of the Hawaiian Islands. Will you turn a deaf ear to their entreaties? They received your armies with open arms, and they demonstrated their loyalty in a thousand ways. They implore you to give them meat and bread with which to sustain their miserable lives, and you reply that instead you will build them splendid schoolhouses and construct for them magnificent highways. Listen, I beseech you, in your treatment of these starving, dying people, to the voice of reason and of humanity. [Loud applause on the Democratic side.]

[Here the hammer fell.]

Mr. PAYNE. Mr. Chairman, I move that the committee do now rise and report the bill and the amendments to the House with the recommendation that the amendments be adopted and that the bill do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HULL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 8245, and had instructed him to report the same back with various amendments, including an amendment to the title and a preamble to the bill, and with the recommendation that the bill as amended do pass.

Mr. PAYNE. Mr. Speaker, before moving the previous question, in accordance with the agreement which we had, and by order of the House, I will now yield to some member of the opposition to offer the substitute.

Mr. MCCALL. Mr. Speaker, I offer the following as a substitute for the pending bill.

The SPEAKER. The gentleman from Massachusetts offers a substitute for the pending bill, being the substitute agreed to as being permissible in the House. The Clerk will report.

The Clerk read as follows:

Amend the bill by striking out all after the enacting clause and inserting the following:

"That the laws of the United States relating to customs and internal revenue, including those relating to the punishment for crimes in connection with the enforcement of said laws, are hereby extended to and over the island of Puerto Rico and all adjacent islands and waters of the islands ceded to the United States by the Government of Spain by treaty concluded April 11, 1899, so far as such laws may be applicable.

"SEC. 2. That there shall be in the ceded island one customs collection district, as follows: The district of Puerto Rico, to comprise all the islands ceded, as aforesaid, in which San Juan shall be the port of entry, and Ponce, Mayagues, Arecibo, Aguadilla, Arroyo, and Humacao subports of entry; and there shall be in said collection district a collector of customs, who shall reside at San Juan, and shall receive an annual salary of $4,000.

"Customs officers shall be stationed at said subports, with authority to enter and clear vessels, receive duties, fees, and other moneys, and perform such other service as is provided by law, and they shall receive such compensation as the Secretary of the Treasury may deem just and reasonable.

"SEC. 3. That the President of the United States is hereby authorized to establish an internal-revenue collection district to embrace all the said islands, or in his discretion to annex said islands to some other internal-revenue collection district of the United States."

Mr. PAYNE. Mr. Speaker, I now move the previous question on the bill and amendments to its passage.

The SPEAKER. The gentleman from New York moves the previous question upon the bill and amendments to its passage.

Mr. RICHARDSON. And the substitute.

The SPEAKER. Including the substitute.

The previous question was ordered.

The SPEAKER. The first thing in order will be a vote on the amendments reported by the Committee of the Whole. Is a separate vote demanded? [After a pause.] The Chair hears no such demand, and the question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question now is on the substitute.

Mr. MCCALL. Mr. Speaker, on that I ask that the vote be taken by the yeas and nays.

Mr. RICHARDSON. We join in that.

The yeas and nays were ordered.

Mr. RICHARDSON. Now, Mr. Speaker, I ask that order may be restored, so that we may hear gentlemen who vote upon this question.

The SPEAKER. The business of the House will not be proceeded with until order is observed. All gentlemen will take their seats and cease conversation. The Chair admonishes the House that all business is suspended until it is in order.

The question was taken; and there were—yeas 160, nays 174, answered "present" 1, not voting 18; as follows:

YEAS—160.

Adamson,	Clayton, Ala.	Gaston,	Littlefield,
Allen, Ky.	Clayton, N. Y.	Gayle,	Livingston,
Allen, Miss.	Cochran, Mo.	Gilbert,	Lloyd,
Atwater,	Cooney,	Glynn,	Lorimer,
Bailey, Tex.	Cooper, Tex.	Gordon,	McAleer,
Ball,	Cowherd,	Green, Pa.	McCall,
Bankhead,	Crawford,	Griffith,	McClellan,
Barber,	Crowley,	Griggs,	McCulloch,
Bartlett,	Crumpacker,	Hall,	McDowell,
Bell,	Cummings,	Hay,	McLain,
Benton,	Cusack,	Heatwole,	McRae,
Berry,	Daly,	Henry, Miss.	Maddox,
Bradley,	Davenport, S. W.	Henry, Tex.	May,
Brantley,	Davis,	Howard,	Meekison,
Breazeale,	De Armond,	Jett,	Miers, Ind.
Brenner,	De Graffenreid,	Johnston,	Moon,
Brewer,	Denny,	Jones, Va.	Muller,
Broussard,	Dinsmore,	Kitchin,	Naphen,
Brundidge,	Dougherty,	Kleberg,	Neville,
Burke, Tex.	Driggs,	Klutts,	Newlands,
Burleson,	Elliott,	Lamb,	Noonan,
Burnett,	Epes,	Lanham,	Norton, Ohio
Caldwell,	Finley,	Latimer,	Norton, S. C.
Campbell,	Fitzgerald, Mass.	Lents,	Otey,
Carmack,	Fitzgerald, N. Y.	Lester,	Pierce, Tenn.
Catchings,	Fitzpatrick,	Levy,	Polk,
Chanler,	Foster,	Lewis,	Quarles,
Clark, Mo.	Gaines,	Little,	Randsdell,
Rhea, Ky.	Ruppert,	Stephens, Tex.	Underwood,
Rhea, Va.	Ryan, N. Y.	Stokes,	Vandiver,
Richardson,	Ryan, Pa.	Sulzer,	Wheeler, Ky.
Ridgely,	Salmon,	Sutherland,	Williams, J. R.
Riordan,	Scudder,	Swanson,	Williams, W. E.
Rixey,	Shackleford,	Talbert,	Williams, Miss.
Robb,	Shafroth,	Taylor, Ala.	Wilson, Idaho
Robbins,	Sheppard,	Terry,	Wilson, N. Y.
Robertson, La.	Sims,	Thayer,	Wilson, S. C.
Robinson, Ind.	Slayden,	Thomas, N. C.	Young, Va.
Robinson, Nebr.	Snodgrass,	Turner,	Zenor,
Rucker,	Stark,	Underhill,	Ziegler.

NAYS—174.

Acheson,	De Vries,	Ketcham,	Reeder,
Adams,	Dick,	Knox,	Roberts,
Alexander,	Dolliver,	Lacey,	Rodenberg,
Allen, Me.	Dovener,	Landis,	Russell,
Babcock,	Driscoll,	Lawrence,	Shattuc,
Baker,	Eddy,	Linney,	Sherman,
Barham,	Emerson,	Littauer,	Showalter,
Barney,	Esch,	Long,	Sibley,
Bartholdt,	Fletcher,	Loud,	Smith, Ill.
Bingham,	Fordney,	Loudenslager,	Smith, H. C.
Bishop,	Foss,	Lovering,	Smith, Samuel W.
Boreing,	Fowler,	Lybrand,	Smith, Wm. Alden
Boutell, Ill.	Freer,	McCleary,	Southard,
Bowersock,	Gamble,	McPherson,	Spalding,
Brick,	Gardner, Mich.	Mahon,	Sperry,
Bromwell,	Gardner, N. J.	Mann,	Sprague,
Brosius,	Gill,	Marsh,	Steele,
Brown,	Gillet, N. Y.	Mercer,	Stevens, Minn.
Brownlow,	Gillett, Mass.	Mesick,	Stewart, N. J.
Bull,	Graff,	Metcalf,	Stewart, N. Y.
Burke, S. Dak.	Graham,	Meyer, La.	Stewart, Wis.
Burkett,	Greene, Mass.	Miller,	Sulloway,
Burleigh,	Grosvenor,	Minor,	Tawney,
Burton,	Grout,	Mondell,	Tayler, Ohio
Butler,	Grow,	Moody, Mass.	Thomas, Iowa
Calderhead,	Hamilton,	Moody, Oreg.	Thropp,
Cannon,	Haugen,	Morgan,	Tompkins,
Capron,	Hawley,	Morris,	Tongue,
Clarke, N. H.	Hedge,	Mudd,	Van Voorhis,
Cochrane, N. Y.	Hemenway,	Needham,	Vreeland,
Connell,	Henry, Conn.	O'Grady,	Wachter,
Cooper, Wis.	Hepburn,	Olmsted,	Wadsworth,
Corliss,	Hill,	Otjen,	Wanger,
Cousins,	Hitt,	Overstreet,	Waters,
Cromer,	Hoffecker,	Packer, Pa.	Watson,
Crump,	Hopkins,	Parker, N. J.	Weaver,
Curtis,	Howell,	Payne,	Weeks,
Cushman,	Hull,	Pearce, Mo.	Weymouth,
Dahle,	Jack,	Pearre,	White,
Dalzell,	Jenkins,	Phillips,	Wright,
Davenport, S. A.	Jones, Wash.	Powers,	Young, Pa.
Davey,	Joy,	Prince,	The Speaker.
Davidson,	Kahn,	Pugh,	
Dayton,	Kerr,	Ray.	

ANSWERED "PRESENT"—1.

Bellamy.

NOT VOTING—18.

Bailey, Kans.	Fox,	Shelden,	Stallings,
Boutelle, Me.	Gibson,	Small,	Tate,
Cox,	Harmer,	Smith, Ky.	Warner.
Faris,	Lane,	Sparkman,	
Fleming,	Reeves,	Spight,	

The SPEAKER. The Clerk will call my name.

The Clerk called the Speaker's name, and he voted "no," as above recorded.

So the substitute was rejected.

The following pairs were announced:

Until further notice:

Mr. BAILEY of Kansas with Mr. BELLAMY.

Mr. REEVES with Mr. SPARKMAN.

Mr. GIBSON with Mr. TATE.

For this day:

Mr. SHELDEN with Mr. COX.

Mr. BOUTELLE of Maine with Mr. FOX.

Mr. HARMER with Mr. WARNER.

Mr. BELLAMY. Mr. Speaker, I wish to state that I am paired with Mr. BAILEY of Kansas. If I were to vote, I would vote "aye" on this substitute.

Mr. TALBERT. Mr. Speaker, I ask for a recapitulation.

Mr. WHEELER of Kentucky. Mr. Speaker, my colleague, Mr. SMITH of Kentucky, is detained at his home by very important business. At his request I desire to state that if present he would vote "aye" on this proposition.

Mr. LORIMER. Mr. Speaker, I have been requested by my colleague, Mr. WARNER, who is home very ill, to say that if he were here he would vote for this substitute and against the bill.

Mr. RICHARDSON. Mr. Speaker, my colleague, Mr. COX, is detained at his room by illness. If he were present, he would vote "aye."

Mr. BARTLETT. I desire, Mr. Speaker, to make the announcement that my colleague, Mr. FLEMING, is detained by illness and can not be here. If he were here, he would vote "aye."

Mr. ADAMS. Mr. Speaker, my colleague, Mr. HARMER, is detained at home by illness. If he were present he would vote "no."

The SPEAKER. The gentleman from South Carolina asks for a recapitulation.

The Chair thinks, in view of the importance of the question, the vote should be recapitulated.

Mr. BARTLETT. Mr. Speaker, before the vote is recapitulated, I desire to make a further announcement—that my colleague, Mr. TATE, was called away yesterday by the serious illness of his mother. If present, he would vote "aye."

Mr. KLUTTZ. Mr. Speaker, I wish to announce that my colleague, Mr. SMALL, is detained at home in North Carolina, unable to be here; but if here, he would vote "aye."

The Clerk proceeded to recapitulate the names of those voting.

Mr. SPIGHT. Mr. Speaker, I was not present when the roll was called, but I wish to be recorded as present, and state that I would vote "aye" if I were present.

The SPEAKER. The gentleman's statement will go into the RECORD.

The result of the vote was then announced, as above recorded.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

Mr. RICHARDSON. Mr. Speaker, I desire to submit a motion to recommit the bill.

The SPEAKER. At the proper time the gentleman will be recognized.

The bill was ordered to be engrossed and read a third time.

The SPEAKER. At this stage of the proceedings the Chair is of the opinion that the House should consider the change of preamble by way of amendment.

Mr. PAYNE. Mr. Speaker, I ask for the previous question on the preamble.

Mr. RICHARDSON. There is no objection to it.

The previous question was ordered.

The preamble was agreed to.

The bill was read the third time.

Mr. RICHARDSON. Mr. Speaker, I move to recommit the bill to the Committee on Ways and Means.

The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. RICHARDSON. I call for the yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 162, nays 172, answered "present" 1, not voting 17; as follows:

YEAS—162.

Adamson,	Davis,	Levy,	Robinson, Nebr.
Allen, Ky.	De Armond,	Lewis,	Rucker,
Allen, Miss.	De Graffenreid,	Little,	Ruppert,
Atwater,	Denny,	Littlefield,	Ryan, N. Y.
Bailey, Tex.	Dinsmore,	Livingston,	Ryan, Pa.
Ball,	Dougherty,	Lloyd,	Salmon,
Bankhead,	Driggs,	Lorimer,	Scudder,
Barber,	Elliott,	McAleer,	Shackleford,
Bartlett,	Epes,	McCall,	Shafroth,
Bell,	Finley,	McClellan,	Sheppard,
Benton,	Fitzgerald, Mass.	McCulloch,	Sims,
Berry,	Fitzgerald, N. Y.	McDowell,	Slayden,
Bradley,	Fitzpatrick,	McLain,	Snodgrass,
Brantley,	Fletcher,	McRae,	Spight,
Breazeale,	Foster,	Maddox,	Stark,
Brenner,	Gaines,	May,	Stephens, Tex.
Brewer,	Gaston,	Meekison,	Stokes,
Broussard,	Gayle,	Miers, Ind.	Sulzer,
Brundidge,	Gilbert,	Moon,	Sutherland,
Burke, Tex.	Glynn,	Muller,	Swanson,
Burleson,	Gordon,	Naphen,	Talbert,
Burnett,	Green, Pa.	Neville,	Taylor, Ala.
Caldwell,	Griffith,	Newlands,	Terry,
Campbell,	Griggs,	Noonan,	Thayer,
Carmack,	Hall,	Norton, Ohio	Thomas, N. C.
Catchings,	Hay,	Norton, S. C.	Turner,
Chanler,	Heatwole,	Otey,	Underhill,
Clark, Mo.	Henry, Miss.	Pierce, Tenn.	Underwood,
Clayton, Ala.	Henry, Tex.	Polk,	Vandiver,
Clayton, N. Y.	Howard,	Quarles,	Wheeler, Ky.
Cochran, Mo.	Jett,	Ransdell,	Williams, J. H.
Cooney,	Johnston,	Rhea, Ky.	Williams, W. E.
Cooper, Tex.	Jones, Va.	Rhea, Va.	Williams, Miss.
Cowherd,	Kitchin,	Richardson,	Wilson, Idaho
Crawford,	Kleberg,	Ridgely,	Wilson, N. Y.
Crowley,	Kluttz,	Riordan,	Wilson, S. C.
Crumpacker,	Lamb,	Rixey,	Young, Va.
Cummings,	Lanham,	Robb,	Zenor,
Cusack,	Latimer,	Robbins,	Ziegler.
Daly, N. J.	Lentz,	Robertson, La.	
Davenport, S. W.	Lester,	Robinson, Ind.	

NAYS—172.

Acheson,	Brown,	Cromer,	Esch,
Adams,	Brownlow,	Crump,	Fordney,
Alexander,	Bull,	Curtis,	Foss,
Allen, Me.	Burke, S. Dak.	Cushman,	Fowler,
Babcock,	Burkett,	Dahle, Wis.	Freer,
Baker,	Burleigh,	Dalzell,	Gamble,
Barham,	Burton,	Davenport, S. A.	Gardner, Mich.
Barney,	Butler,	Davey,	Gardner, N. J.
Bartholdt,	Calderhead,	Davidson,	Gill,
Bingham,	Cannon,	Dayton,	Gillet, N. Y.
Bishop,	Capron,	De Vries,	Gillett, Mass.
Boreing,	Clarke, N. H.	Dick,	Graff,
Boutell, Ill.	Cochrane, N. Y.	Dolliver,	Graham,
Bowersock,	Connell,	Dovener,	Greene, Mass.
Brick,	Cooper, Wis.	Driscoll,	Grosvenor,
Bromwell,	Corliss,	Eddy,	Grout,
Brosius,	Cousins,	Emerson,	Grow,
Hamilton,	Long,	Overstreet,	Sprague,
Haugen,	Loud,	Packer, Pa.	Steele,
Hawley,	Loudenslager,	Parker, N. J	Stevens, Minn.
Hedge,	Lovering,	Payne,	Stewart, N. J.
Hemenway,	Lybrand,	Pearce, Mo.	Stewart, N. Y.
Henry, Conn.	McCleary,	Pearre,	Stewart, Wis.
Hepburn,	McPherson,	Phillips,	Sulloway,
Hill,	Mahon,	Powers,	Tawney,
Hitt,	Mann,	Prince,	Tayler, Ohio
Hoffecker,	Marsh,	Pugh,	Thomas, Iowa
Hopkins,	Mercer,	Ray,	Thropp,
Howell,	Mesick,	Reeder,	Tompkins,
Hull,	Metcalf,	Roberts,	Tongue,
Jack,	Meyer, La.	Rodenberg,	Van Voorhis,
Jenkins,	Miller,	Russell,	Vreeland,
Jones, Wash.	Minor,	Shattuc,	Wachter,
Joy,	Mondell,	Sherman,	Wadsworth,
Kahn,	Moody, Mass.	Showalter,	Wanger,
Kerr,	Moody, Oreg.	Sibley,	Waters,
Ketcham,	Morgan,	Smith, Ill.	Watson,
Knox,	Morris,	Smith, H. C.	Weaver,
Lacey,	Mudd,	Smith, S. W.	Weeks,
Landis,	Needham,	Smith, Wm. Alden	Weymouth,
Lawrence,	O'Grady,	Southard,	White,
Linney,	Olmsted,	Spalding,	Wright,
Littauer,	Otjen,	Sperry,	Young, Pa.

ANSWERED "PRESENT"—1.

Bellamy.

NOT VOTING—17.

Bailey, Kans.	Fox,	Shelden,	Tate,
Boutelle, Me.	Gibson,	Small,	Warner.
Cox,	Harmer,	Smith, Ky.	
Faris,	Lane,	Sparkman,	
Fleming,	Reeves,	Stallings,	

So the motion to recommit was rejected.

The SPEAKER. The question is now on the passage of the bill.

Mr. PAYNE and Mr. RICHARDSON. Yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 172, nays 160, answering "present" 1, not voting 20; as follows:

YEAS—172.

Acheson,	Dayton,	Kerr,	Pugh,
Adams,	De Vries,	Ketcham,	Ray,
Alexander,	Dick,	Knox,	Reeder,
Allen, Me.	Dolliver,	Lacey,	Roberts,
Babcock,	Dovener,	Landis,	Rodenberg,
Baker,	Driscoll,	Lawrence,	Russell,
Barham,	Eddy,	Linney,	Shattuc,
Barney,	Emerson,	Littauer,	Sherman,
Bartholdt,	Esch,	Long,	Showalter,
Bingham,	Fordney,	Loud,	Sibley,
Bishop,	Foss,	Loudenslager,	Smith, Ill.
Boreing,	Fowler,	Lovering,	Smith, H. C.
Boutell, Ill.	Freer,	Lybrand,	Smith, Samuel W.
Bowersock,	Gamble,	McCleary,	Smith, Wm. Alden
Brick,	Gardner, Mich.	McPherson,	Southard,
Bromwell,	Gardner, N. J.	Mahon,	Spalding,
Brosius,	Gill,	Mann,	Sperry,
Brown,	Gillet, N. Y.	Marsh,	Sprague,
Brownlow,	Gillett, Mass.	Mercer,	Steele,
Bull,	Graff,	Mesick,	Stevens, Minn.
Burke, S. Dak.	Graham,	Metcalf,	Stewart, N. J.
Burkett,	Greene, Mass.	Meyer, La.	Stewart, N. Y.
Burleigh,	Grosvenor,	Miller,	Stewart, Wis.
Burton,	Grout,	Minor,	Sulloway,
Butler,	Grow,	Mondell,	Tawney,
Calderhead,	Hamilton,	Moody, Mass.	Tayler, Ohio
Cannon,	Haugen,	Moody, Oreg.	Thomas, Iowa
Capron,	Hawley,	Morgan,	Thropp,
Clarke, N. H.	Hedge,	Morris,	Tompkins,
Cochrane, N. Y.	Hemenway,	Mudd,	Tongue,
Connell,	Henry, Conn.	Needham,	Van Voorhis,
Cooper, Wis.	Hepburn,	O'Grady,	Vreeland,
Corliss,	Hill,	Olmsted,	Wachter,
Cousins,	Hitt,	Otjen,	Wanger,
Cromer,	Hoffecker,	Overstreet,	Waters,
Crump,	Hopkins,	Packer, Pa.	Watson,
Curtis,	Howell,	Parker, N. J.	Weaver,
Cushman,	Hull,	Payne,	Weeks,
Dahle,	Jack,	Pearce, Mo.	Weymouth,
Dalzell,	Jenkins,	Pearre,	White,
Davenport, S. A.	Jones, Wash.	Phillips,	Wright,
Davey,	Joy,	Powers,	Young, Pa.
Davidson,	Kahn,	Prince,	The Speaker.

NAYS—160.

Adamson,	Campbell,	Driggs,	Jett,
Allen, Ky.	Carmack,	Elliott,	Johnston,
Allen, Miss.	Catchings,	Finley,	Jones, Va.
Atwater,	Chanler,	Fitzgerald, Mass.	Kitchin,
Bailey, Tex.	Clark, Mo.	Fitzgerald, N. Y.	Kleberg,
Ball,	Clayton, Ala.	Fitzpatrick,	Kluttz,
Bankhead,	Clayton, N. Y.	Fletcher,	Lamb,
Barber,	Cochran, Mo.	Foster,	Lanham,
Bartlett,	Cooper, Tex.	Gaines,	Latimer,
Bell,	Cowherd,	Gaston,	Lentz,
Benton,	Crawford,	Gayle,	Lester,
Berry,	Crowley,	Gilbert,	Levy,
Bradley,	Crumpacker,	Glynn,	Lewis,
Brantley,	Cummings,	Gordon,	Little,
Breazeale,	Cusack,	Green, Pa.	Littlefield,
Brenner,	Daly,	Griffith,	Livingston,
Brewer,	Davenport, S. W.	Griggs,	Lloyd,
Broussard,	Davis,	Hall,	Lorimer,
Brundidge,	De Armond,	Hay,	McAleer,
Burke, Tex.	De Graffenreid,	Heatwole,	McCall,
Burleson,	Denny,	Henry, Miss.	McClellan,
Burnett,	Dinsmore,	Henry, Tex.	McCulloch,
Caldwell,	Dougherty,	Howard,	McDowell,

McLain,	Quarles,	Salmon,	Terry,
McRae,	Randsdell,	Scudder,	Thayer,
Maddox,	Rhea, Ky.	Shakleford,	Thomas, N. C.
May,	Rhea, Va.	Shafroth,	Turner,
Meekison,	Richardson,	Sheppard,	Underhill,
Miers, Ind.	Ridgely,	Sims,	Underwood,
Moon,	Riordan,	Slayden,	Vandiver,
Muller,	Rixey,	Snodgrass,	Wheeler,
Naphen,	Robb,	Spight,	Williams, J. R.
Neville,	Robbins,	Stark,	Williams, W. E.
Newlands,	Robertson, La.	Stephens, Tex.	Williams, Miss.
Noonan,	Robinson, Ind.	Stokes,	Wilson, Idaho
Norton, Ohio	Robinson, Nebr.	Sulzer,	Wilson, N. Y.
Norton, S. C.	Rucker,	Sutherland,	Wilson, S. C.
Otey,	Ruppert,	Swanson,	Young, Va.
Pierce, Tenn.	Ryan, N. Y.	Talbert,	Zenor,
Polk,	Ryan, Pa.	Taylor, Ala.	Ziegler.

ANSWERED "PRESENT"—1.

Bellamy.

NOT VOTING—20.

Bailey, Kans.	Faris,	Lane,	Sparkman,
Boutelle, Me.	Fleming,	Reeves,	Stallings,
Cooney,	Fox,	Sheldon,	Tate,
Cox,	Gibson,	Small,	Wadsworth,
Epes,	Harmer,	Smith, Ky.	Warner,

So the bill was passed.

During the roll call the following proceedings took place:

Mr. SCUDDER. Mr. Speaker, I would like to be recorded in the negative on this question.

The SPEAKER. The Chair will ask the gentleman if he was in his place and listening to his name, and failed to hear it when called?

Mr. SCUDDER. I was in my place, Mr. Speaker, was present during the roll call, listening for my name, and failed to hear it.

The SPEAKER. The Clerk will call the name of the gentleman from New York.

Mr. SCUDDER's name was called and recorded as above.

The following additional pair was announced:

Mr. WADSWORTH with Mr. EPES.

Mr. BELLAMY. Mr. Speaker, having respected my pair with the gentleman from Kansas, Mr. BAILEY, I desire to say that were it not for that pair I should vote in the negative upon this question.

The SPEAKER. The Chair will state that this is done only by unanimous consent.

The result of the vote was then announced as above recorded (the announcement being received with prolonged applause on the Republican side).

The SPEAKER. Without objection, the amendment to the title as recommended by the committee will be agreed to.

There was no objection.

On motion of Mr. PAYNE, a motion to reconsider the vote last taken was laid on the table.

LEAVE TO PRINT.

Mr. RICHARDSON. Mr. Speaker, a number of gentlemen who have made very short speeches on this side, and some gentlemen on the other, as well as a number who had no opportunity of speaking at all, desire permission to submit remarks to be incorporated in the RECORD. I ask unanimous consent that all gentlemen have leave, for ten days, to print remarks upon this subject in the RECORD.

Mr. PAYNE. Not only those who did speak, but those who did not?

Mr. RICHARDSON. Certainly.

Mr. PAYNE. I agree in that request.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee, that all gentlemen who desire to do so may submit remarks on the bill just passed, to be printed in the RECORD for a period of ten days from this date?

There was no objection.

NICARAGUA CANAL BILL.

Mr. HEPBURN. Mr. Speaker, I ask unanimous consent that the bill H. R. 2538, a bill to provide for the construction of a canal connecting the waters of the Atlantic and the Pacific oceans, may be made a special order for the 13th day of March, which will be Tuesday, immediately after the reading of the Journal.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

Mr. TERRY. Mr. Speaker, I would like to ask the gentleman one question: Is that a bill for the construction and ownership, under American control, of this canal?

Mr. HEPBURN. It is.

Mr. TERRY. Then I hope the request of the gentleman will be granted.

Mr. BAILEY of Texas. I simply rise to inquire if the gentleman from Iowa has any superstitious doubts or feelings about the 13th day of March? [Laughter.]

Mr. HEPBURN. None in the world.

Mr. BAILEY of Texas. Because, if he had, I would like to suggest either the 12th or the 14th.

Mr. HEPBURN. I have no superstition about the matter.

Mr. BURTON. Let me ask the gentleman if that contemplates the bringing up of this bill for consideration before the disposition of the treaty now pending in the Senate?

Mr. HEPBURN. I know nothing whatever of the treaty in the Senate, as to when it will be considered, and this has no connection with it.

Mr. BURTON. Then I object.

BRIDGE ACROSS THE MISSISSIPPI AT DUBUQUE, IOWA.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent to call up for present consideration the bill (S. 2477) authorizing the construction of a bridge across the Mississippi River at Dubuque, Iowa.

The SPEAKER. The bill will be read, subject to the right of objection.

Mr. SHERMAN. This bill, I will state, Mr. Speaker, is on the Speaker's table, and is identical with the House bill. It has been reported by the Committee on Interstate and Foreign Commerce.

The bill was read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, and was ordered to be read a third time; and, it was accordingly read the third time, and passed.

On motion of Mr. SHERMAN, a motion to reconsider the last vote was laid on the table.

Mr. SHERMAN. I ask that the corresponding House bill lie upon the table.

There was no objection.

And then, on motion of Mr. PAYNE (at 4 o'clock and 36 minutes p. m.), the House adjourned until 12 o'clock m. to-morrow, Thursday.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting a copy of a communication from the Light-House Board relating to a credit in the accounts of Capt. Thomas Perry, United States Navy, was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HAY, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 972) to provide for the appointment of dental surgeons for service in the United States Army, reported the same with amendment, accompanied by a report (No. 468); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CAPRON, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 2967) for the establishment, control, operation, and maintenance of the Northern Branch of the National Home for Disabled Volunteer Soldiers at Hot Springs, in the State of South Dakota, reported the same without amendment, accompanied by a report (No. 469); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. OTEY, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 3266) authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Brig. Gen. E. O. C. Ord from Oak Hill Cemetery, District of Columbia, to the United States National Cemetery at Arlington, Va., reported the same with amendment, accompanied by a report (No. 470); which said bill and report were referred to the House Calendar.

Mr. FLYNN, from the Committee on the Territories, to which was referred the bill of the House (H. R. 8463) ratifying an appropriation by the legislature of Oklahoma out of the Morrill fund for the use of the university at Langston for colored students, reported the same without amendment, accompanied by a report (No. 471); which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 8330) for the relief of Harry H. Sieg—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5082) removing the charge of desertion from the

record of David P. McKewan—Committee on Military Affairs discharged, and referred to the Committee on Naval Affairs.

A bill (H. R. 7564) granting a pension to Stephen Pilant—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7864) granting an increase of pension to Jennie E. Sawyers—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7180) to increase the pension of Amelia A. Taylor—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7418) granting an increase of pension to George Garrett—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. PEARRE: A bill (H. R. 8993) for the relief of customs inspectors—to the Committee on Claims.

By Mr. KLEBERG: A bill (H. R. 8994) authorizing and directing a survey for the removal of the bar between Matagorda Bay and Lavaca Bay, on the coast of Texas—to the Committee on Rivers and Harbors.

By Mr. BURLESON: A bill (H. R. 8995) to amend section 4832 of the Revised Statutes of the United States—to the Committee on Military Affairs.

By Mr. ROBINSON of Nebraska: A bill (H. R. 8996) to amend an act entitled "An act granting to the Eastern Nebraska and Gulf Railway Company right of way through the Omaha and Winnebago Indian reservations, in the State of Nebraska"—to the Committee on Indian Affairs.

By Mr. WATERS: A bill (H. R. 9045) to amend an act to authorize the entry and patenting of lands containing petroleum and other mineral oils under the placer mining laws of the United States, approved February 11, 1897—to the Committee on the Public Lands.

By Mr. LESTER: A bill (H. R. 9046) to authorize the Secretary of War to cause to be investigated and to provide for the payment of all just claims against the United States for private property taken and used in the military service within the limits of the United States during the war with Spain—to the Committee on War Claims.

By Mr. PEARRE: A bill (H. R. 9047) to incorporate the Washington Telephone Company and to permit it to install, maintain, and operate a telephone plant and exchanges in the District of Columbia—to the Committee on the District of Columbia.

By Mr. SAMUEL W. SMITH: A bill (H. R. 9051) to increase attorneys' fees, increase of pensions—to the Committee on Invalid Pensions.

By Mr. LANDIS: A bill (H. R. 9052) to establish a fish hatching and fish station in the State of Indiana—to the Committee on the Merchant Marine and Fisheries.

By Mr. BULL: A concurrent resolution (H. C. Res. 24) to print the Report of the Cruise of the United States Revenue Cutter *Bear* and the Overland Expedition for the Relief of the Whalers in the Arctic Ocean—to the Committee on Printing.

By Mr. YOUNG of Pennsylvania: A joint resolution and memorial of the general assembly of the State of Maryland to the Congress of the United States for the passage of a bill to reimburse and indemnify the mayor and aldermen of Frederick—to the Committee on War Claims.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 8997) granting a pension to Mary E. Vishion—to the Committee on Pensions.

By Mr. ACHESON: A bill (H. R. 8998) granting an increase of pension to Alexander F. Hartford—to the Committee on Invalid Pensions.

By Mr. CHANLER: A bill (H. R. 8999) granting an increase of pension to Thomas B. Thornett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9000) to correct the military record of Reinhard Schneider—to the Committee on Military Affairs.

Also, a bill (H. R. 9001) granting an increase of pension to Catherine C. Tracey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9002) to provide for the extension of letters patent for an "Improvement in insulating submarine cables"—to the Committee on Patents.

Also, a bill (H. R. 9003) to confer jurisdiction upon the Court of Claims to hear and determine claim for damages arising from the death of Carl Zabel—to the Committee on Claims.

By Mr. STANLEY W. DAVENPORT: A bill (H. R. 9004) for the relief of Emma Brong, widow of William Brong, of Wilkesbarre, Pa.—to the Committee on Military Affairs.

Also, a bill (H. R. 9005) granting an increase of pension to William W. Schooley, of Plymouth, Pa.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9006) granting a pension to Thomas M. Bonham, of Westmoor, Luzerne County, Pa.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9007) granting a pension to Martha R. Sutliff, of Bloomingdale, Luzerne County, Pa.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9008) granting a pension to Maria Bates, of Wilkesbarre, Pa.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9009) for the relief of John McGee, of Nanticoke, Pa.—to the Committee on Military Affairs.

Also, a bill (H. R. 9010) granting an increase of pension to Charles A. Westfield, of Wilkesbarre, Pa.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9011) for the relief of Morris Simonson, of West Pittston, Luzerne County, Pa.—to the Committee on Military Affairs.

Also, a bill (H. R. 9012) for the relief of Cyrus Shearer, of Drums, Luzerne County, Pa.—to the Committee on Military Affairs.

Also, a bill (H. R. 9013) for the relief Margaret Boyle, mother of Barney Boyle, of Freeland, Luzerne County, Pa.—to the Committee on Military Affairs.

Also, a bill (H. R. 9014) for the relief of John Laycon, of Ceases Mills, Luzerne County, Pa.—to the Committee on Military Affairs.

By Mr. EMERSON: A bill (H. R. 9015) for the relief of Henry M. Brainard—to the Committee on Military Affairs.

By Mr. FREER: A bill (H. R. 9016) to pension Jackson Lykins for services in the late war—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9017) to pension Maj. J. T. Wharton, late surgeon, Sixth West Virginia Infantry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9018) for the relief of John M. Cox—to the Committee on Military Affairs.

Also, a bill (H. R. 9019) to pension David Patterson, late lieutenant, Company E, Tenth West Virginia Infantry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9020) to pension William J. Smith, late Company B, Sixteenth United States Infantry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9021) for the relief of the estate of Ammon McLaughlin, deceased—to the Committee on War Claims.

Also, a bill (H. R. 9022) to pension J. A. Newbrough—to the Committee on Invalid Pensions.

By Mr. GILBERT: A bill (H. R. 9023) granting an increase of pension to Mrs. Mary Dobyns—to the Committee on Invalid Pensions.

By Mr. GASTON: A bill (H. R. 9024) granting a pension to Abraham Levison—to the Committee on Invalid Pensions.

By Mr. HENRY of Mississippi: A bill (H. R. 9025) for relief of Sarah A. E. Bailey, administratrix of Richard Griffith, deceased, late of Hinds County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 9026) for the relief of Martha A. Dochterman, of Claiborne County, Miss.—to the Committee on War Claims.

By Mr. HAMILTON: A bill (H. R. 9027) for the relief of Timothy Ellsworth—to the Committee on Military Affairs.

By Mr. JONES of Washington: A bill (H. R. 9028) for the removal of the charge of desertion from the military record of Henry Von Hess—to the Committee on Military Affairs.

Also, a bill (H. R. 9029) for the removal of the charge of desertion from the military record of Andrew Dyer—to the Committee on Military Affairs.

By Mr. MERCER: A bill (H. R. 9030) granting a pension to Samuel J. Oliver—to the Committee on Invalid Pensions.

By Mr. NEVILLE: A bill (H. R. 9031) to indemnify Benjamin Longpre for losses sustained through cancellation of timber-culture entry—to the Committee on Claims.

By Mr. PEARRE: A bill (H. R. 9032) for the relief of Isaac Newton, of Washington, D. C.—to the Committee on Claims.

By Mr. PHILLIPS: A bill (H. R. 9033) granting a pension to Reed F. Clark—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Nebraska: A bill (H. R. 9034) granting a pension to Sarah Harlow—to the Committee on Invalid Pensions.

By Mr. RICHARDSON: A bill (H. R. 9035) for the relief of the Cumberland Presbyterian Church, of Tullahoma, Tenn.—to the Committee on War Claims.

By Mr. RIDGELY: A bill (H. R. 9036) to remove the charge of desertion against E. A. Brown—to the Committee on Military Affairs.

Also, a bill (H. R. 9037) removing charge of desertion against Charles W. Botkin—to the Committee on Military Affairs.

Also, a bill (H. R. 9038) to correct war record of Elijah I. Smith—to the Committee on Military Affairs.

Also, a bill (H. R. 9039) to remove the charge of desertion against John Spruens—to the Committee on Military Affairs.

Also, a bill (H. R. 9040) to remove the charge of desertion against D. W. Light—to the Committee on Military Affairs.

Also, a bill (H. R. 9041) to remove charge of desertion against Adam R. Hartzell—to the Committee on Military Affairs.

By Mr. SUTHERLAND: A bill (H. R. 9042) granting an honorable discharge to Peter Green—to the Committee on Military Affairs.

By Mr. SHACKLEFORD: A bill (H. R. 9043) to increase the pension of David S. Snyder—to the Committee on Invalid Pensions.

By Mr. SHERMAN: A bill (H. R. 9044) granting an increase of pension to George W. Cone—to the Committee on Invalid Pensions.

By Mr. COCHRAN of Missouri: A bill (H. R. 9048) for the relief of the estate of Eliza Breckenridge, deceased—to the Committee on Claims.

Also, a bill (H. R. 9049) granting a pension to Henry C. Larew—to the Committee on Invalid Pensions.

By Mr. BROMWELL: A bill (H. R. 9050) for the relief of Augusta Ullman—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Resolutions of the board of directors of the Boston Merchants' Association, for competing cable facilities between the United States and Cuba, etc.—to the Committee on Insular Affairs.

Also, resolution of Local Union No. 321, of Connellsville, Pa., Brotherhood of Carpenters and Joiners, against the alienation of public lands by the United States to any but actual settlers, and also in favor of Government building of reservoirs—to the Committee on the Public Lands.

By Mr. ADAMSON: Petition of Ralph O. Howard and other druggists of Columbus, Ga., for the repeal of the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. BELLAMY: Petition of members of the Albemarle bar, practicing in the United States circuit and district court at Charlotte, N. C., for the passage of a bill for the appointment of a resident clerk of said courts at Charlotte, N. C.—to the Committee on the Judiciary.

By Mr. BULL: Resolutions of the New England Shoe and Leather Association, Boston, Mass., favoring the passage of House bill No. 887, in the interest of manufacturing and commercial industries—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Local Union No. 4, International Brotherhood of Bookbinders, Washington, D. C., urging the passage of House bill No. 6872, authorizing the printing of the label of the Allied Printing Trades on all publications of the Government—to the Committee on Printing.

Also, petition of the libraries of Providence, R. I., in favor of the bill to establish a library post—to the Committee on the Post-Office and Post-Roads.

By Mr. CAPRON: Resolutions of the New England Shoe and Leather Association, of Boston, Mass., favoring the passage of House bill No. 887, for the promotion of exhibits in the Philadelphia museums—to the Committee on Interstate and Foreign Commerce.

By Mr. DOLLIVER: Petition of Williams & Anderson and 3 other drug firms of Estherville, Iowa, relating to the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. EMERSON: Petition of W. S. Lawrence and others, of Moriah, and G. Green and others, of Brushton, N. Y., in favor of the passage of House bill No. 3717, relating to oleomargarine and other dairy products—to the Committee on Agriculture.

By Mr. FITZGERALD of New York: Resolution of the employees of the New York Navy-Yard, requesting the building of war vessels at the Government navy-yards—to the Committee on Naval Affairs.

Also, memorial of the Minnesota National Park and Forest Reserve Association and others, urging the establishment of a national park in northern Minnesota—to the Committee on the Public Lands.

By Mr. GAMBLE: Resolutions of the National Live Stock Association, favoring the granting to the Interstate Commerce Commission adequate powers to fix rates, correct preferences and discriminations, and giving legal effect to their decisions—to the Committee on Interstate and Foreign Commerce.

Also, papers to accompany House bill No. 1943, for the relief of Simon Price—to the Committee on Invalid Pensions.

By Mr. GRAHAM: Petition of the Central Accident Insurance Company, of Pittsburg, Pa., urging the passage of the Sperry bill, and suggesting that the stamp act for the marine-insurance companies be extended to other insurance lines—to the Committee on Ways and Means.

Also, petition of the United National Association of Post-Office Clerks, Branch No. 33, in favor of the passage of House bill No. 4351, for the reclassification of salaries of clerks in post-offices—to the Committee on the Post-Office and Post-Roads.

Also, memorial of the National Park and Forest Reserve Association, American Public Health Association, Minnesota State Federation of Women's Clubs, and others, in favor of the proposed national park in northern Minnesota—to the Committee on the Public Lands.

By Mr. GREEN of Pennsylvania: Resolution of the Fireman's Association of the State of Pennsylvania and of the Reading Fireman's Relief Association, of Reading, Pa., in opposition to the passage of Senate bill No. 1743, establishing a division for the regulation of insurance among the several States—to the Committee on Interstate and Foreign Commerce.

Also, evidence to accompany House bill No. 3787, in support of the claim of Morris F. Cawley—to the Committee on War Claims.

Also, paper to accompany House bill No. 8268, for the relief of Levi L. Reed—to the Committee on Military Affairs.

By Mr. HENRY of Mississippi: Evidence relating to the claim of Martha A. Dochterman, of Claiborne County, Miss.—to the Committee on War Claims.

By Mr. KITCHIN: Resolution of the Chamber of Commerce of Charlotte, N. C., in favor of a bill providing a resident clerk of the United States circuit and district courts held at Charlotte, N. C.—to the Committee on the Judiciary.

By Mr. MERCER: Petition of cattle raisers of Rock County, Nebr., asking that the Government continue the manufacture and distribution of blackleg vaccine—to the Committee on Agriculture.

By Mr. NAPHEN: Petition of M. W. Addison, in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. NEVILLE: Evidence to accompany House bill for the relief of Benjamin Longpree—to the Committee on the Public Lands.

Also, brief and argument of Thomas C. Patterson and T. W. Blackburn, in support of bill for the relief of Benjamin Longpree—to the Committee on Claims.

By Mr. RUCKER: Petition of John S. Page and other citizens of Galt, Mo., asking for the enactment of a law granting a pension to Missouri State Militia—to the Committee on Invalid Pensions.

By Mr. STEELE: Petition of Hopewell Grange, No. 686, Patrons of Husbandry, Wagoner, Ind., in favor of Senate bill No. 1439, relating to an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

Also, petition of Jos. T. McNary and others, of Logansport, Ind., asking that a pension be granted to Mary J. Stevenson—to the Committee on Invalid Pensions.

By Mr. SUTHERLAND: Petition of South Platte Congregational Church, Hall County, Nebr., for the prohibition of the sale of liquors in Army canteens, etc.—to the Committee on Alcoholic Liquor Traffic.

By Mr. YOUNG of Pennsylvania: Petition of the Minnesota National Park and Forest Reserve Association and others, urging the establishment of a national park in northern Minnesota—to the Committee on the Public Lands.

Also, petition of the South St. Paul Live Stock Exchange, in opposition to the passage of House bill No. 6, imposing a tax on the manufacture and sale of oleomargarine—to the Committee on Ways and Means.

SENATE.

THURSDAY, *March 1, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. PENROSE, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

REPORT OF INDUSTRIAL COMMISSION.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from Senator KYLE, chairman of the Industrial Commission, transmitting a preliminary report of the Industrial Commission, and also a compilation of the laws of the United States and of the States and Territories affecting large industrial combinations and the decisions under them, which has been prepared under the supervision of the commission. The communication, with the accompanying papers, will be referred to the Committee on Printing, if there be no objection.

TELEPHONE CHARGES IN THE DISTRICT OF COLUMBIA.

The PRESIDENT pro tempore laid before the Senate a communication from the Commissioners of the District of Columbia, transmitting, in response to a resolution of the 16th ultimo, a statement from their attorney containing full information regarding telephone rates, etc., in the District of Columbia; which, with the accompanying papers, was referred to the Committee on the District of Columbia, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented a memorial of Local Union No. 6, Cigar Makers' International Union, of Syracuse, N. Y., remonstrating against the importation of cigars from Puerto Rico free of duty; which was referred to the Committee on Pacific Islands and Puerto Rico.

He also presented a petition of Local Union No. 246, Cigar Makers' International Union, of Salamanca, N. Y., and a petition of the Central Trades and Labor Assembly, of Syracuse, N. Y., praying that the remaining public lands of the United States be held for the benefit of the whole people, etc.; which were referred to the Committee on Public Lands.

He also presented memorials of the Mount Pleasant News, of North Tarrytown; the Daily Journal of Finance, of New York City; the Roxbury Times, of Roxbury, and of Bennett's Weekly, of New York City, all in the State of New York, remonstrating against the passage of the so-called Loud bill relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of 104 members of the Society of the Daughters of the Revolution, of Buffalo, N. Y., praying for the employment of women nurses in the military hospitals of the Army; which was referred to the Committee on Military Affairs.

He also presented a petition of Local Grange No. 71, Patrons of Husbandry, of Lowville, N. Y., praying for the passage of the so-called pure-food bill; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the New York State Brewers and Maltsters' Association, praying for the enactment of legislation to amend sections 3339 and 3341 of the Revised Statutes of the United States, relative to the internal-revenue tax on fermented liquors; which was referred to the Committee on Finance.

He also presented a petition of the Republican committee of the Fourth assembly district of Brooklyn, N. Y., and a petition of the Kings County Republican general committee, of Brooklyn, N. Y., praying that the construction of the proposed twelve new gunboats and six cruisers be done at the navy-yards of the country, and that preference be given the New York Navy-Yard; which were referred to the Committee on Naval Affairs.

He also presented a petition of the Chamber of Commerce of Rochester, N. Y., praying for the adoption of certain amendments to the interstate-commerce law, and also for the reorganization of the consular service of the United States; which was referred to the Committee on Interstate Commerce.

He also presented a petition of Local Union No. 77, International Brotherhood of Bookbinders, of New York City, praying for the enactment of legislation authorizing the printing of the label of the Allied Printing Trades on all publications of the Government; which was referred to the Committee on Printing.

Mr. PERKINS presented a petition of the Chamber of Commerce of San Diego, Cal., praying that an appropriation be made to continue the work of the Philadelphia Commercial Museum; which was referred to the Committee on Commerce.

He also presented a petition of the Board of Trade of Oakland, Cal., praying for the enactment of legislation to revive the merchant marine of the country; which was referred to the Committee on Commerce.

He also presented petitions of the Chamber of Commerce of Sacramento; the California Club, of San Francisco; the California Camera Club, of San Francisco; the Society of California Pioneers, of San Francisco, and of Stockton Grange, Patrons of Husbandry, of Stockton, all in the State of California, praying that an appropriation be made for the purchase by the Government of the Calaveras big trees in California for the purposes of a national park; which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Board of Trade of Oakland, Cal., praying that an appropriation be made to continue the irrigation investigations made by the Department of Agriculture; which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. HARRIS presented a petition of sundry citizens of Newton, Kans., praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. PENROSE presented a petition of the Grocers and Merchants' Exchange, of Philadelphia, Pa., praying for the enactment of legislation to increase American shipping; which was ordered to lie on the table.

He also presented a petition of sundry druggists of Johnstown, Pa., praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

He also presented a petition of the congregation of the Presbyterian Church of Darbyborough, Pa., praying that until legislation shall be enacted for the new possessions of the United States all acts of Congress now in force be extended to them so far as they relate to bigamy, divorce, etc.; which was referred to the Committee on Pacific Islands and Puerto Rico.

He also presented petitions of the American Steel Hoop Company, of Pittsburg; the Frick Company, of Waynesboro; the American Road Machine Company, of Kennett Square; the Reading Stove Works, of Reading; the Pittston Stove Company, of Pittston; the Market Basket Publishing Company, of Philadelphia; the Giesen Manufacturing Company, of Waynesboro, and the Cambria Steel Company, of Philadelphia, all in the State of Pennsylvania; the petition of A. H. Bausman, of Lancaster, Pa., and a petition of the American Lever Company, of Providence, R. I., praying that an appropriation be made for the construction of a new fireproof Patent Office building; which were referred to the Committee on Public Buildings and Grounds.

Mr. CULLOM presented a memorial of the Medical Society of Chicago, Ill., remonstrating against the enactment of legislation for the further prevention of cruelty to animals in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented the petition of B. N. Haslett and 8 other citizens of Kankakee, Ill., and a petition of Local Union No. 294, Iron Molders' Union, of Rockford, Ill., praying for the enactment of legislation to increase the pay of letter carriers; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of William D. McKey and 3 other citizens of Chicago, Ill., praying for the enactment of legislation to amend the internal-revenue stamp act so that insurance companies, through their head office, shall annually pay the tax on premiums direct to the Government, etc.; which was referred to the Committee on Finance.

He also presented a petition of 7 druggists of Aurora, Ill., praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

He also presented petitions of Local Union No. 29, International Broom Makers, of Chicago; of Local Union No. 294, Iron Molders' Union, of Rockford; of Local Union No. 826, United Mine Workers, of Barclay, and of the Federation of Labor of Rockford, all in the State of Illinois, praying for the enactment of legislation to protect free labor from prison competition, and also to limit the hours of daily service of laborers, workmen, and mechanics, etc., upon the public works of the United States; which were referred to the Committee on Education and Labor.

He also presented a petition of the California State Grange, Patrons of Husbandry, of San Jose, Cal., praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. ALLEN presented petitions of the Central Labor Union of Omaha, Nebr., and of Local Union No. 276, Cigar Makers' International Union, of Plattsmouth, Nebr., praying that all the public lands be held for the benefit of the whole people, and that the Federal Government build storage reservoirs to save the flood waters that are now wasted, etc., which were referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also presented a petition of sundry citizens of Wymore, Nebr., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors, and also to prohibit gambling and the opium trade in Hawaii; which was referred to the Committee on Pacific Islands and Puerto Rico.

He also presented a memorial of Local Union No. 276, Cigar Makers' International Union, of Plattsmouth, Nebr., remonstrating against the importation of cigars from Puerto Rico free of duty; which was referred to the Committee on Pacific Islands and Puerto Rico.

Mr. FORAKER. I present a petition of the Chamber of Commerce of Cincinnati, Ohio, praying that the Government acquire additional ground at the military post known as Fort Thomas, Ky., adjacent to that city. I ask that the petition be printed in the RECORD, and referred to the Committee on Military Affairs.

There being no objection, the petition was referred to the Committee on Military Affairs, and ordered to be printed in the RECORD, as follows:

Cincinnati Chamber of Commerce. Preamble and resolutions adopted February 27, 1900.

Whereas the military post known as Fort Thomas, Ky., adjacent to Cincinnati, is an ideal location for such an Army home, being situated geographically in the center of population of the United States, in ready communication by rail and water transportation with all sections of the country, having an altitude of 500 feet above the Ohio River, thereby secure from malarial influences, with abundance and purity of water supply, and conditions generally which favor such occupancy; and

Whereas the permanency of this post in its present location is jeopardized by lack of needful extent of grounds for drill purposes, the present area not being sufficient for the movements of a single battalion; and

Whereas the Government has acquired options on several tracts of available lands, which options will expire with the present session of Congress: Therefore,

Resolved by the Cincinnati Chamber of Commerce, That it is important that prompt action by the Government should be had for acquisition of additional grounds for uses of Fort Thomas, to the end that this attractive and healthful situation may be made the better to serve the requirements and to insure the permanency of this military post.

Resolved, That the Senators and Representatives from the States of Ohio and Kentucky be, and are hereby, respectfully requested to favor and to use their influence on behalf of such action as is herein mentioned.

Mr. HOAR presented a petition of sundry members of the East Pomona Grange, Patrons of Husbandry, of Worcester, Mass., praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. DEPEW. I present petitions of 21 labor organizations and 50,000 workingmen of New York, praying that the work in the building of the new war ships be done in the navy-yards of the country, especially, as far as possible, in the New York Navy-Yard, where they have not enough work to employ the men who are regularly on the list. I move that the petitions be referred to the Committee on Naval Affairs.

The motion was agreed to.

Mr. FRYE presented a memorial of the Journal of Medicine and Science, of Portland, Me., and the memorial of C. W. Close, publisher of The Free Man, of Bangor, Me., remonstrating against the passage of the so-called Loud bill relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Cincinnati Section of the American Chemical Society, praying for the establishment of a national standard bureau in connection with the United States Office of Weights and Measures; which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. 1349) authorizing the Secretary of War to issue an honorable discharge to William S. Clinton, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. COCKRELL subsequently said: From the Committee on Military Affairs I report adversely the bill (S. 2387) authorizing the Secretary of War to issue an honorable discharge to William S. Clinton. I reported one bill adversely this morning, but it seems there were two bills of the same kind referred to the Committee on Military Affairs, and this report is made so as to clean off the docket. I move that the bill be postponed indefinitely.

The motion was agreed to.

Mr. PENROSE, from the Committee on Commerce, to whom was referred the bill (S. 3286) to diminish the number of appraisers at the ports of Philadelphia and Boston, reported it with an amendment.

Mr. PETTUS, from the Committee on Military Affairs, to whom was referred the bill (S. 2499) to authorize needed repairs of the graveled or macadamized road from the city of Newbern, N. C., to the national cemetery near said city, reported it with amendments, and submitted a report thereon.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the bill (S. 966) to place Louis J. Sacriste on the retired list of the Army, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. KENNEY, from the Committee on Pensions, to whom was referred the bill (S. 412) granting a pension to Francis Fox, reported adversely thereon, and the bill was postponed indefinitely.

Mr. HARRIS, from the Committee on Military Affairs, to whom was referred the bill (S. 149) to remove the charge of desertion from the record of Almond H. McNinch, reported it with an amendment, and submitted a report thereon.

Mr. MARTIN, from the Committee on Commerce, to whom was referred the bill (S. 3166) to amend an act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, approved March 3, 1899, reported it without amendment, and submitted a report thereon.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (S. 1772) for the payment of the claim of M. M. Defrees for the construction of a sewer adjacent to the lands of the United States known as the "Arsenal grounds," in the city of Indianapolis, Ind., reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2841) for the relief of the legal representatives of John Roach, deceased, reported it without amendment, and submitted a report thereon.

Mr. McMILLAN, from the Committee on Commerce, to whom was referred the bill (S. 2679) declaring certain trestles of the Washington County Railroad Company to be lawful structures, reported it with an amendment, and submitted a report thereon.

Mr. RAWLINS, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 6493) for the relief of John Anderson, a Pottawatomie Indian, and his adult children, reported it without amendment.

ASSISTANT CLERK TO COMMITTEE ON TERRITORIES.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. SHOUP on the 23d ultimo, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Territories be, and it hereby is, authorized to employ an assistant clerk, to be paid from the contingent fund of the Senate, at the rate of $1,440 per annum.

ASSISTANT CLERK TO COMMITTEE ON INDIAN AFFAIRS.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. PETTIGREW on the 5th ultimo, reported it without amendment, and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Indian Affairs be, and it is hereby, authorized to employ an assistant clerk, to be paid from the contingent fund of the Senate, at the rate of $1,440 per annum, until otherwise provided by law.

STENOGRAPHER FOR COMMITTEE ON INDIAN AFFAIRS.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. THURSTON on the 27th ultimo, reported it without amendment, and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Indian Affairs be, and is hereby, authorized to employ a stenographer to report hearings before said committee, the expense of the same to be paid from the contingent fund of the Senate.

PAYMENT OF STENOGRAPHER.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. DANIEL on the 27th ultimo, reported it without amendment, and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the stenographer employed to report the hearings held and to be held by the Select Committee on Woman Suffrage be paid from the contingent fund of the Senate.

ORGANIZATION AND JURISDICTION OF COURTS.

Mr. HOAR. I am directed by the Committee on the Judiciary to move that the report of the commission to revise the statutes regarding the organization and jurisdiction of the courts of the United States, which was a partial report, be returned to the Attorney-General, to be laid before the commission again for their further consideration. I ask that that order be now adopted.

Mr. COCKRELL. I did not quite hear what the order is.

Mr. HOAR. The order is that the report of the commission made through the Attorney-General under the statute in regard to the revision of the laws of the United States relative to the jurisdiction and the constitution of Federal courts be returned to the Attorney-General to be by him laid again before the commission for further consideration.

The commission has made only a partial report. The American Bar Association and the Bar Association of Cincinnati and other associations have desired a hearing upon some matters connected with that report. The bar associations of several other cities, I think, including St. Louis, at any rate including, I know, Philadelphia and one or two others, Chicago, are taking steps with a view to appointing committees to be heard.

It is absolutely out of the question that a subject which will occasion so much debate shall be dealt with by the Senate at the present session of Congress. The Senator, of course, is aware how likely there will be conflicting views upon it. We think it best, therefore, that the commission shall hear these communications from the bar associations and make their report complete before the Senate shall take it up for action. I merely ask for the return to the commission of the partial report.

Mr. COCKRELL. The report has not yet been printed.

Mr. HOAR. Yes. It has not been laid before the Senate in the form of a bill, but it has been communicated to the Senate by the Attorney-General and printed as a document.

Mr. COCKRELL. I have been trying to get a copy of it. I did not know that it had been printed.

Mr. HOAR. It has recently come from the Printer.

Mr. COCKRELL. Then this is simply to refer it back to the commission?

Mr. HOAR. To refer it back so that they may hear these parties.

Mr. COCKRELL. And it is to be resubmitted to the Senate?

Mr. HOAR. And then the full report will be submitted to the Senate.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Massachusetts? The Chair hears none, and it is so ordered.

MISSOURI RIVER BRIDGE.

Mr. McMILLAN. I am directed by the Committee on Commerce, to whom was referred the bill (S. 3360) to extend the time for the completion of a bridge across the Missouri River, to report it favorably without amendment, and I ask for its immediate consideration.

The PRESIDENT pro tempore. The bill will be read in full to the Senate for its information.

The bill was read, as follows:

Be it enacted, etc., That section 6 of the act approved March 3, 1899, authorizing the Dakota Southern Railroad Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River, at the city of Yankton, S. Dak., be, and is hereby, amended by extending the time for commencing the construction of said bridge to March 3, 1901, and by extending the time for completing said bridge to March 3, 1901.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PENSION APPROPRIATION BILL—PRIVATE PENSION BILLS.

Mr. GALLINGER. Mr. President, I ask unanimous consent that on Saturday next at 3 o'clock the Senate shall proceed to the consideration of the bill (H. R. 6627) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1901, and for other purposes, and that if any time remains after the consideration of that bill and before adjournment it be devoted to the consideration of unobjected private pension bills on the Calendar.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent that at 3 o'clock on Saturday next the pension appropriation bill be taken up for consideration, and that if any time is left after the completion of the consideration of that bill it shall be given to the consideration of unobjected private pension bills. Is there objection to the request? The Chair hears none, and it is so ordered.

BILLS INTRODUCED.

Mr. NELSON introduced a bill (S. 3396) for the relief of the Mille Lacs Chippewa Indians in the State of Minnesota; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. HANNA introduced a bill (S. 3397) to correct the military record of Peter D. Smith; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced a bill (S. 3398) to correct the military record of Henry Fishering; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3399) granting an increase of pension to Moses K. Hitchcock (with accompanying papers);

A bill (S. 3400) granting an increase of pension to Charles T. Shaw;

A bill (S. 3401) granting an increase of pension to John H. Hicks (with accompanying papers);

A bill (S. 3402) granting a pension to Thomas Graham (with accompanying papers);

A bill (S. 3403) granting a pension to Cyrus Schull (with accompanying papers); and

A bill (S. 3404) granting a pension to Alexander Hudnell (with an accompanying paper).

Mr. PENROSE introduced a bill (S. 3405) to correct the military record of Edward Means; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3406) to correct the military record of L. L. Bedell, alias Latero Degroat; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3407) granting an increase of pension to Thomas T. Ricketts; and

A bill (S. 3408) granting a pension to William Hershberger.

Mr. PENROSE introduced a bill (S. 3409) to correct the naval record of Frank Murphy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. McMILLAN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (S. 3410) to open and improve Cathedral avenue, and for other purposes;

A bill (S. 3411) to provide for the removal of overhead telegraph and telephone wires in the city of Washington, for the construction of conduits in the District of Columbia, and for other purposes; and

A bill (S. 3412) to amend an act entitled "An act to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes," approved July 8, 1898.

Mr. COCKRELL introduced a bill (S. 3413) granting an increase of pension to George W. McDowell; which was read twice by its title.

Mr. COCKRELL. To accompany the bill I present the petition of the claimant, George W. McDowell, Company H, Twenty-fifth Regiment Wisconsin Volunteer Infantry, together with the affidavits of Drs. S. W. Saunders and Thomas W. Flag, and of J. W. Taylor and F. L. Wheeler. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. THURSTON introduced a bill (S. 3414) authorizing the Dewey Hotel Company to construct and maintain an electric conduit on Stanton alley; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 3415) to regulate the collection and disbursement of moneys arising from leases made by the Seneca Nation of New York Indians, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 3416) extending relief to Indian citizens, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. CARTER introduced a bill (S. 3417) opening the abandoned Fort Buford Military Reservation to homestead settlement and entry; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 3418) granting an increase of pension to Eliza Adelaide Ball; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3419) making further provision for a civil government for Alaska, and for other purposes; which was read twice by its title, and referred to the Committee on Territories.

Mr. PLATT of New York introduced a bill (S. 3420) for the relief of William Plimley, late general superintendent of the money-order division of the post-office at New York; which was read twice by its title, and referred to the Committee on Claims.

Mr. MORGAN introduced a bill (S. 3421) to grant lands to the State of Alabama for the purposes of education of colored students at Montgomery, Ala.; which was read twice by its title, and referred to the Committee on Public Lands.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. DAVIS submitted an amendment authorizing the appointment of a third secretary of embassy to Mexico, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CARTER submitted an amendment proposing to appropriate $220,020.44 to enable the Secretary of the Interior, on approval of agreements by him to pay settlers for lands and improvements, to pay Indians residing east of Tongue River, Montana, for improvements, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. PLATT of Connecticut submitted an amendment proposing to increase the salary of the Librarian of Congress from $5,000 to $6,000, intended to be proposed by him to the legislative, etc., appropriation bill; which was referred to the Committee on the Library, and ordered to be printed.

CHOCTAW, OKLAHOMA AND GULF RAILROAD.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 2354) enlarging the powers of the Choctaw, Oklahoma and Gulf Railroad Company.

Mr. PLATT of Connecticut. I presume there is no need of reading the amendment. I move that the Senate disagree to the amendment of the House of Representatives and ask for a committee of conference.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. THURSTON, Mr. PLATT of Connecticut, and Mr. JONES of Arkansas were appointed.

REPORT OF INDUSTRIAL COMMISSION.

Mr. KYLE submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That there be printed 100,000 copies of the Industrial Commission's report, 70,000 for the use of the House, 25,000 for the use of the Senate, and 5,000 for the use of the Industrial Commission.

THE FINANCIAL BILL.

Mr. CLAY and Mr. ALDRICH addressed the Chair.

The PRESIDENT pro tempore. The Senator from Georgia.

Mr. ALDRICH. I ask the Senator from Georgia to give way until I try to have the conference report adopted.

The PRESIDENT pro tempore. Does the Senator from Georgia rise to morning business?

Mr. CLAY. I rose for the purpose of addressing the Senate in pursuance of the notice which I gave on a former occasion. I ask that Senate joint resolution No. 53 be read for information.

The PRESIDENT pro tempore. The Chair lays the joint resolution before the Senate.

Mr. HOAR. Mr. President, unanimous consent was given yesterday that the Quay election case should be proceeded with at this time, and I was prepared to take the floor, but I do not, of course, wish to stand in the way of the Senator from Georgia. I yield for that purpose.

Mr. ALDRICH. I gave notice yesterday that I should ask the Senate this morning to proceed to the consideration of the conference report on the financial bill. The Senator from Massachusetts stated then that he would not stand in the way of that business. I suggest it is important that this report should be disposed of. I do not know whether there is any Senator who wishes now to take the floor and debate it or not. I shall not press it at this time if we can have an understanding as to when it can be disposed of. If we can reach a conclusion that it shall be disposed of to-morrow, or this week——

Mr. TELLER. Say some time next week.

Mr. ALDRICH. No; I think that it certainly ought to be disposed of this week. Otherwise I shall have to ask the Senate——

Mr. ALLEN. How long has the report been in print?

Mr. ALDRICH. The report has been in print since last Friday or Thursday—about a week.

Mr. ALLEN. I did not see the report until yesterday.

Mr. ALDRICH. That was not the fault of the committee.

Mr. ALLEN. I understand that; but it was due to the pressure of business. We have the Hawaiian bill before us now, and it will be disposed of to-day. As soon as that is done, I should like to take up the report of the conference committee and examine it and see, so far as my own attitude is concerned, what steps, if any, I shall take in opposition to it. The Senator from Arkansas [Mr. JONES] is not here. It occurs to me that the conference report should go over until next week.

Mr. ALDRICH. I will say to the Senator from Nebraska that the Senator from Arkansas understood fully the arrangement which has been made in regard to the disposition of this report. He was quite content that it should be taken up to-day for consideration and disposition. He will be here himself during the day. It was postponed, I will suggest to the Senator from Nebraska, from Tuesday until Thursday to accommodate the Senator from Arkansas who is away. The report was printed on last Friday. It was in the possession, or it should have been in the possession, of every Senator. I certainly do not think that I am using any unusual degree of zeal in asking that the Senate shall dispose of it.

Mr. ALLEN. It is asking a good deal to have Senators take up bills as important as the Hawaiian bill and measures of that character, and at the same time——

Mr. HOAR. The Senator is not heard.

Mr. ALLEN. I am trying to make myself heard. That is my object in being on my feet. I say it is asking a good deal to ask Senators to turn suddenly from matters as important as the Hawaiian measure, and, without an hour to prepare or an hour to investigate, to take up and consider a measure that has taken the whole effort and the whole genius of the Republican party in both branches of Congress six months to prepare.

Mr. ALDRICH. I will say to the Senator from Nebraska that there is no such——

Mr. ALLEN. Now, why not let the conference report go over and be voted on, say, Tuesday or Wednesday of next week?

Mr. ALDRICH. I submit to the Senator from Nebraska that that is too long a time to postpone it.

Mr. ALLEN. What will be gained by disposing of it this week?

Mr. ALDRICH. The report in the form in which it now stands is substantially the bill which was before the Senate for several months and which was fully discussed by the Senator from Nebraska and by his colleagues on the other side of the Chamber. There are no new provisions in the bill.

Mr. ALLEN. The Senator stood here for an hour yesterday explaining the differences between the original House bill and the Senate amendment and the bill as reported by the conference committee.

Mr. ALDRICH. When I say there are no differences I mean that there are no differences in substance in the plan of the bill, in the purpose of the bill, or its effect.

Mr. ALLEN. Why not let each Senator determine that for himself?

Mr. ALDRICH. Certainly; I intend to do so.

The PRESIDENT pro tempore. There is too much confusion in the Chamber.

Mr. ALLEN. So far as I am concerned, to-morrow is set apart for a memorial service in memory of my predecessor. I desire to take part in that, and I must give some attention to it. I can not take up this measure to-day and discuss it, nor to-morrow, nor this week. I submit that if the report can be passed over until Tuesday next, it can be voted on finally before the adjournment on that day. I have no doubt unanimous consent will be given if such a request is made.

Mr. ALDRICH. I do not see how I can consent to its postponement for that length of time.

Mr. CHILTON. Why not agree to vote, say, on Tuesday at 4 o'clock? It seems to me that that course would be more expeditious.

Mr. ALDRICH. If there can be unanimous consent that we shall vote next Tuesday at 4 o'clock upon this report, I will consent to that. It is the understanding that we shall have a session on Saturday.

Mr. ALLEN. If we are to have a session on Saturday——

Mr. ALDRICH. Saturday has already been provided for on the suggestion of the Senator from New Hampshire.

Mr. TELLER. For a particular purpose.

Mr. ALDRICH. After 3 o'clock.

Mr. GALLINGER. The pension appropriation bill.

Mr. ALLISON. That will not take very long, I think.

Mr. ALDRICH. I ask unanimous consent, then——

Mr. BURROWS. There ought not to be a misunderstanding about it. Three o'clock Saturday has been fixed for the consideration of the pension appropriation bill.

Mr. GALLINGER. And the remainder of the day——

Mr. BURROWS. And the remainder of the day for private pension bills.

Mr. ALLEN. That order would not extend until Monday or Tuesday?

Mr. ALDRICH. No. I ask unanimous consent that the vote upon this conference report be taken at 4 o'clock on next Tuesday.

Mr. TELLER. That will give us simply Monday and Tuesday to debate the report.

Mr. ALDRICH. We will have to-morrow up to the time of the memorial service, and any time, I assume, that any Senator wants to take between now and Tuesday at 4 o'clock will be given.

Mr. ALLEN. Put that in the request, then.

Mr. ALDRICH. Certainly.

Mr. ALLEN. As a part of the unanimous consent.

The PRESIDENT pro tempore. Will the Senator from Rhode Island state his request?

Mr. ALDRICH. My request is that the Senate shall agree to vote on the conference report on House bill No. 1 on next Tuesday at 4 o'clock in the afternoon.

The PRESIDENT pro tempore. The Senator from Rhode Island asks——

Mr. ALLEN. Just a moment. With the right of any Senator in the meantime to address the Senate upon the subject of the conference report.

Mr. ALDRICH. Subject, of course, to the unanimous consents which have been given for the disposition of the Hawaiian bill and the pension appropriation bill.

Mr. ALLEN. Certainly.

Mr. CHILTON. I suggest that after 3 o'clock on Tuesday the debate proceed under the ten-minute rule.

Mr. ALDRICH. I think there will be no trouble about all Senators who desire to be heard having an opportunity.

Mr. CHILTON. All right.

The PRESIDENT pro tempore. The Senator will state exactly what his request is.

Mr. ALDRICH. It is that the vote upon the conference report be taken upon Tuesday next at 4 o'clock in the afternoon, and that in the meantime, subject to unanimous consents as to the disposition of certain bills, speeches upon the report shall be in order.

Mr. TELLER. Before that is submitted, I want to know if it will be in order to speak on this bill to-morrow morning in the morning hour.

Mr. ALDRICH. Certainly; I so understand it.

Mr. TELLER. So that we can have to-morrow until the memorial service and Saturday until 3 o'clock if anybody wants to speak on this report. Then we may get through by Tuesday at 4 o'clock without any trouble.

Mr. PENROSE. Mr. President, although the resolution of the Senator from Nebraska who is not here [Mr. THURSTON] reads that the Senate shall proceed to the memorial service immediately after the routine morning business to-morrow, I will state for the information of the Senate that I am informed by him that he will not press his motion until the Senate is able to transact such business as may be pressing upon us. He so informed me yesterday.

The PRESIDENT pro tempore. The Senator from Rhode Island asks unanimous consent that the vote on the conference report be taken at 4 o'clock Tuesday afternoon, and that in the meantime,

subject to the unanimous consents which have already been recorded, the subject shall be open to consideration.

Mr. ALDRICH. And discussion.

The PRESIDENT pro tempore. And discussion. Is there objection? The Chair hears none, and it is so ordered.

The Chair understands that by unanimous consent yesterday the Senator from Massachusetts [Mr. HOAR] was to address the Senate this morning on the election case.

Mr. HOAR. That was the unanimous agreement, but I am not disposed, of course, to interfere with the Senator from Georgia or with the conference report.

Mr. ALDRICH. So far as the conference report is concerned, I know of no Senator who desires to speak on it to-day.

Mr. HOAR. The Senator said the arrangement was that any Senator who chose to speak could do so.

Mr. ALDRICH. Certainly; but I know of no Senator who wishes to speak to-day.

Mr. TELLER. The Senator from Georgia [Mr. CLAY] has given notice that he will speak to-day.

Mr. CULLOM. I simply desire to say that the Hawaiian bill is to be disposed of at 4 o'clock to-day by a vote on the bill and amendments. The Senator from Georgia [Mr. CLAY] desires to speak, and I hope he will proceed as early as he can, so that we can take up the Hawaiian bill for discussion.

Mr. CLAY. I desire to inform the Senator from Illinois that I never spoke for four hours in my life.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. H. L. OVERSTREET, one of its clerks, announced that the House had passed the bill (S. 2477) for the construction of a bridge across the Mississippi River at Dubuque, Iowa.

The message also announced that the House had passed a bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Puerto Rico, and for other purposes; in which it requested the concurrence of the Senate.

GOVERNMENT OF PUERTO RICO.

Mr. FORAKER. I ask the Chair to lay before the Senate the bill from the House of Representatives to provide revenues for the relief of the island of Puerto Rico, so that it may be referred to the Committee on Pacific Islands and Puerto Rico, in order that it may be taken up at a meeting that is contemplated by that committee.

The PRESIDENT pro tempore laid before the Senate the bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Puerto Rico, and for other purposes; which was read twice by its title, and referred to the Committee on Pacific Islands and Puerto Rico.

POLICY RELATIVE TO THE PHILIPPINES.

The PRESIDENT pro tempore. The Chair lays before the Senate the joint resolution (S. R. 53) defining the policy of the United States relative to the Philippine Islands.

Mr. CLAY. I ask that the joint resolution be read..

The Secretary read the joint resolution introduced by Mr. BEVERIDGE January 4, 1900, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Philippine Islands are territory belonging to the United States; that it is the intention of the United States to retain them as such and to establish and maintain such governmental control throughout the archipelago as the situation may demand.

[Mr. CLAY addressed the Senate. See Appendix.]

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 28th ultimo approved and signed the act (S. 160) to authorize the construction of a bridge across the Red River of the North, at Drayton, N. Dak.

SENATOR FROM PENNSYLVANIA.

Mr. PENROSE. The Senate yesterday gave unanimous consent for the consideration of the Pennsylvania case this morning; but as it is obviously impracticable to call it up in the short time which will elapse between now and the hour fixed by unanimous consent for a vote on the Hawaiian bill, I will not call up the Pennsylvania case until to-morrow.

COMMERCIAL RELATIONS OF THE UNITED STATES.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying paper, referred to the Committee on Printing:

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of State, accompanying the Commercial Relations of the United States for the year 1899, being the annual and other reports of a comprehensive character from the consular officers, together with similar reports from some of the diplomatic officers, setting forth the industries and commerce of foreign countries, with particular reference to the introduction or increased sale of American products. It is gratifying to be able to state that these reports show a marked increase in the practical utility to our exporters and manufacturers of the services of our official representatives, both diplomatic and consular, in promoting trade, and present a mass of evidence as to the steady growth in popularity in foreign markets of our manufactured goods, as well as of our food supplies, our raw materials, and the products of our mines. In view of these facts I approve the recommendation of the Secretary of State, that Congress authorize the printing of the usual edition of 10,000 copies of the general summary entitled "Review of the World's Commerce," and of 5,000 copies of Commercial Relations (including this summary), to enable the Department of State to meet the demand for such information.

WILLIAM MCKINLEY.

EXECUTIVE MANSION,
Washington, March 1, 1900.

GOVERNMENT OF PUERTO RICO.

Mr. FORAKER. I report favorably from the Committee on Pacific Islands and Puerto Rico the bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Puerto Rico, and for other purposes, with an amendment as follows: First, to strike out all after the title and preceding the enacting clause, being the whereases; and second, to strike out all after the enacting clause and insert a substitute.

Mr. PLATT of Connecticut. What does the Senator insert—the Senate bill?

Mr. FORAKER. The Senate bill, with a reduction of the rate of duty to 15 per cent.

The PRESIDENT pro tempore. The Senator from Ohio reports favorably with an amendment, from the Committee on Pacific Islands and Puerto Rico, a bill the title of which will be stated.

The SECRETARY. A bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Puerto Rico, and for other purposes.

Mr. ALLEN. I rise, Mr. President, to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Nebraska will state his parliamentary inquiry.

Mr. ALLEN. I inquire if that bill has been referred to a committee of the Senate?

Mr. FORAKER. Yes, sir; it was referred to a committee.

Mr. ALLEN. Has the committee met and considered it?

Mr. FORAKER. The committee has had this subject under consideration for many weeks; for several months, in fact. The members of the committee have all been consulted in regard to this matter except one, whom we could not find, and they have authorized me to make the report.

Mr. ALLEN. But the bill has not been in the Senate over half an hour, I think.

Mr. FORAKER. The bill has been in the Senate perhaps two hours; I do not know just how long; but it came over early in the session this morning.

Mr. ALLEN. I wish to say that I want to enter my protest against the reporting of a bill without the committee being brought together to consider it.

Mr. FORAKER. The committee have been together in this way: We did not go to the committee room, there to consider it and debate about it, but we have debated about it here on the floor of the Senate and in the cloakroom.

Mr. ALLEN. But it is a violation of the rules of the Senate to consider a bill in that way. The committee should be called together to act upon it.

Mr. FORAKER. I was not aware that any rule of the Senate required that. I understand that that is, of course, the ordinary usage; but I do not know of any reason why a committee can not consider a bill, or can not direct the chairman to report a bill they have had under consideration, as we have had this whole subject for a month.

Mr. ALLEN. They could meet on a street corner to consider it if they wanted to, I suppose.

Mr. FORAKER. That would be almost as comfortable as it is in the room provided for our committee.

Mr. ALLEN. I think this bill ought to go regularly to a committee, and the committee ought to be called together to consider it. It is altogether too important a measure to be brought here in this way.

Mr. FORAKER. In answer to the remark of the Senator from Nebraska, I will say he is mistaken if he thinks this bill has not been carefully considered. There is not a line or a word in the amendment proposed which has not had the most careful consideration.

Mr. ALLEN. I simply content myself, Mr. President, with entering upon the record these facts: That this bill has not been in the Senate over an hour; that the committee have not been called together and have not considered it, and here is a favorable report by the Senator from Ohio.

The PRESIDENT pro tempore. The bill will go to the Calendar.

Mr. COCKRELL. One moment, Mr. President. I wish to state that I am a member of the committee which reported the bill. The House bill came over here, and, with others, I joined in authorizing the chairman of the committee to report it, striking out all after the enacting clause in the House bill, and substituting therefor the Senate bill, which was reported several weeks ago, and which the committee had considered for two or three weeks

or more. We simply struck out the entire House bill and agreed to report what we have already heretofore considered and reported. As a matter of course, the report is not unanimous, as the chairman understands. Some of us in the minority object to certain provisions in the bill; but we agreed that the original bill should be reported, and we have agreed again for it to be reported as a substitute for the House bill.

Mr. FORAKER. Yes.

The PRESIDENT pro tempore. The bill has gone to the Calendar.

TERRITORY OF HAWAII.

Mr. CULLOM. I ask the Senate to resume the consideration of the Hawaiian bill.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 222) to provide a government for the Territory of Hawaii.

Mr. CLARK of Wyoming. I understand an amendment is pending offered by the Senator from Colorado [Mr. TELLER].

The PRESIDING OFFICER (Mr. HANSBROUGH in the chair). The pending amendment is the one offered by the Senator from Colorado.

Mr. CULLOM. I think the Senator from Alabama [Mr. MORGAN] has the floor if he desires to occupy it.

The PRESIDING OFFICER. The amendment proposed by the Senator from Colorado will be stated.

The SECRETARY. It is proposed to strike out all of section 88 down to and including the word "court" in line 5, on page 44, and to insert in lieu thereof the following:

That there shall be established in said Territory a district court, to consist of one judge, who shall reside therein and be called the district judge. The President of the United States, by and with the advice and consent of the Senate, shall appoint a district judge, a district attorney, and a marshal of the United States for the said district; and said judge, attorney, and marshal shall hold office for four years, unless sooner removed by the President. Said court shall have, in addition to the ordinary jurisdiction of district courts of the United States, jurisdiction of all cases cognizable in a circuit court of the United States, and shall proceed therein in the same manner as a circuit court. Writs of error and appeals from said district court shall be had and allowed to the circuit court of appeals in the Ninth judicial circuit, in the same manner as writs of error and appeals are allowed from circuit courts to circuit courts of appeals as provided by law.

Mr. MORGAN. Has the amendment which has just been read been printed?

Mr. TELLER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Colorado?

Mr. MORGAN. Certainly.

Mr. TELLER. I think the extension of the laws over Hawaii will extend the jury law; but as some Senators have doubt about it, I desire to add at the close of my amendment:

And the laws of the United States relating to juries and jury trials shall be applicable to said district court.

That is the court we are discussing.

Mr. CULLOM. With the United States judge.

Mr. TELLER. The United States judge.

Mr. PLATT of Connecticut. It is called a district court.

Mr. TELLER. It is called a district court.

The PRESIDING OFFICER. The modification proposed by the Senator from Colorado will be stated.

The SECRETARY. It is proposed to modify the amendment by adding at the end thereof the following:

And the laws of the United States relating to juries and jury trials shall be applicable to said district court.

The PRESIDING OFFICER. The amendment will be modified as indicated by the Senator from Colorado.

Mr. MORGAN. I do not find a printed copy of the amendment of the Senator from Colorado. I should like to see it before I proceed with my remarks.

Mr. CULLOM. It has been printed, I think.

Mr. MORGAN. Mr. President, in the effort here to cut down the term of office—for that is the only question that is in the matter, I believe—possibly the salary of the judge who is to execute the laws of the United States in Hawaii, I think the Senator from Colorado has dug a pit on the constitutional question and has fallen into it. I understand that it is the purpose of the amendment of the Senator from Colorado to give this district court in the island of Hawaii all the powers of the circuit court and of the district court of the United States. That would include all civil and all criminal jurisdiction of every kind.

The bill does not provide, however, that the judge of this district court shall have the powers and privileges that belong to the judges of the district courts of the United States. They are not properly jurisdictional, conferred upon the court as a court, but they are conferred upon the judge who oftentimes exercises them at chambers, in vacation, and at various places.

The part which relates to the powers of the district judge is not embraced in this act; it is only the court. A judge construing this statute would be obliged to say, "I do not find any authority here to exercise any of the powers that are conferred by the statutes of the United States upon a judge sitting in chambers or a judge who grants interlocutory orders of any kind; I find none of those powers." Obviously they can not be conferred upon this judge when he occupies a position that has been denominated here as a judge over a legislative court. For instance, that judge could not sit in the district court of California. If by any chance at all any district court of California, Oregon, or elsewhere should not have a presiding officer and it was necessary under the rules of law, which are so plain about it, to have a judge assigned to the district to hold the court, this judge could not do it. He is not a judge of a district court of the United States so far as the amendment of the Senator is concerned. He is the legislative judge of a court created for the Territory and holding functions not under the Constitution of the United States strictly, but holding such functions as the Congress of the United States has bestowed upon him. So he could not go and occupy a seat on the bench of California like a district judge of the United States in Oregon could do.

More than that, it is a legislative court, as constituted by this act of Congress, in which a circuit judge or a district judge of the United States could not preside. If that judge in Hawaii was dead, or if his office was vacated in any way, a circuit judge or a district judge of the United States could not preside in that court. In other words, you can not make the functions and powers of the two courts identical unless you make this a Federal court, deriving its authority from the Constitution of the United States, as the district and circuit judges derive them.

I do not deny that this judge or this court may be empowered by this act of Congress to exercise the functions and jurisdiction that belong to the circuit and district courts of the United States. I do not deny that, but I do deny that when he does that it is in any sense a court with the plenary, full powers of a Federal court organized under the Constitution of the United States, and I have just pointed out some reasons which obviously show that that result can not take place.

Now, Mr. President, to my mind it is very doubtful whether the Congress of the United States can confer upon a judge of a district court in Hawaii created by an act of Congress, which is not a district court of the United States, all of the powers that belong under the Constitution to a district court or a circuit court of the United States. I am quite sure that that could not be done if the tenure of office is changed.

Whenever this judge is appointed under this act, of course he is removable at the will of the President. The other judges hold their offices during good behavior and are liable only to impeachment, and by impeachment to be removed from office. It is the only legal way of taking a judge from his office. So the want of legal identity is very plain between the court that is sought to be created by this amendment and the courts created by the statutes of the United States as inferior tribunals under the Constitution of the country.

I believe that whenever the question is made, it will be held that this court, created by this statute as a legislative court, has not and can not exercise all of the necessary powers of a district or circuit court of the United States unless there is conferred upon that court by a special statute a sweeping provision that it shall have the jurisdiction of a circuit court out and out.

I have pointed out that conferring jurisdiction upon the court does not confer the powers upon the judge which the statutes of the United States confer upon a judge of a district court or a circuit court. So we are creating there an abnormal tribunal for the purpose only of gratifying a particular idea, which is that the terms of office of the judges of the district courts and circuit courts of the United States are too long. They are for life.

Mr. BACON. The Senator has the statute before him. Will he kindly read the clause which relates to the jurisdiction conferred upon the circuit or district judge, so as to see whether the discretion is so broad? I only ask him in case he should have the statute before him.

Mr. MORGAN. I have it not before me.

Mr. BACON. I saw the book open and I thought the Senator had it. I saw that the Senator had the Statutes at Large before him and I thought he had that statute. I withdraw the request.

Mr. MORGAN. I was referring in the course of my remarks to the amendment proposed by the Senator from Colorado.

Mr. BACON. I understood that, but the Senator said that that amendment fell short from the fact that it did not confer certain powers upon the judge relating to certain acts in chambers. I simply desired, if he had the statute as to United States judges, that that be read in order that we might see how far it did fall short in that particular.

Mr. MORGAN. I think the Senator must be aware that there are quite a number of powers in the statutes of the United States that the judges of the circuit and district courts may exercise; that they have authority to make interlocutory orders and the like of that. In combining the power of a local court, as was done in the cases of the other Territories, and the power of a Federal court, we create a new tribunal that is scarcely akin to a circuit or district court of the United States, although it may have the same general jurisdiction, for the judges of these different

courts can not exercise the functions that are committed to the judges of the district courts and the circuit courts of the United States. I do not know that as an original principle of government I would be in favor of a judicial establishment, even a Federal establishment, that would hold office by a life tenure. There are some very strong objections to that. At the same time, the whole Federal judicial system of the United States proper is based upon that idea, and associated with that is the power of appointment and the power of removal, except in those cases where the Constitution restrains the power of removal and substitutes for it the power of impeachment.

There is not an election held under the laws of the United States anywhere of an officer of the United States proper. We can enable men in the Territorial government to elect their officers, but it does not follow from that that they are officers of the Government of the United States by any means. It would be a queer idea if we should undertake to impeach a man by a proceeding in the House of Representatives and a trial in the Senate whom the President of the United States has the power to remove. There is not, I repeat, any feature of the elective system under the Constitution of the United States in respect of supplying the Federal Government with Federal officers. The officers of this body or of the other House are not Federal officers. They are State officers accredited to the Federal Government under the provisions of the Constitution of the United States.

When the Government of the United States set up that system of appointments to office and fixed the tenure of the judges of the Supreme Court, the circuit courts, the courts of appeal, and all inferior jurisdictions that might be created under that provision of the Constitution during good behavior, there was a great reason for it, and that reason exists as strongly to-day as it has ever been. There is no movement in this country for the purpose of having the judges of the Supreme Court or of the district or circuit courts elected by the people or of having their life tenure abbreviated. There is no movement to change the Constitution in that particular, and I think a movement of that kind would find very little support amongst the people of the United States.

But the objection to the eighty-eighth section of this bill is based upon the ground that these men ought not to have a life tenure. Now, that ground is just as available and just as important against a man who holds a district judgeship in Alabama as it is in the Territory, for he belongs to the same jurisdiction and executes the same powers of the Federal Government. If Hawaii should ever be admitted as a State into the Union, we see that all Territorial legislative offices that are created, called district judges or whatever name you please to give to them, must fall. They will go by the board whenever the State is admitted into the Union, for the reason that the Constitution itself, operating of its own vigor, carries the Federal system in full force into the State when it is admitted into the Union, and the office that was created legislatively and for the purpose of serving a Territory necessarily falls on the admission of the State into the Union.

I think it has been a great misfortune that we have undertaken heretofore to resort to these expedients in filling up the judicial appointments in the different Territories of this country. As I observed on yesterday, it has a direct effect upon the independence of the judiciary. A judge who is elected by the people in a State or in a Territory feels his responsibility directly to those people, and it is a very doubtful question in the States that have adopted the system of electing their judiciary, and for short terms, whether it is a valuable system or not. Men are found of sufficient character, of sufficient honesty and integrity, to overcome the temptations of such a position. I will admit that.

In my State, which has chancellors and judges of the supreme court elected by the people, I think that the system has worked very well. But we have been very happy in finding a number of men upon the bench who are above the temptation to yield to popular influence or popular power. At the same time there was a judge of the supreme court of Alabama who was nominated and elected because he was a silver man. Of course, I was for him, Mr. President, but I was not for him because he was a silver man. I was for him because he was a very excellent man, a very great man. Nevertheless, the influence pervades political parties, and they will seize upon any opportunity whatever to convert judges on the bench into the agents of political parties and measure their title to office by their fidelity to a political party. The President of the United States never fails to do that. Whether the President is a Democrat or a Republican, the judges in the Territories are always appointed with reference to their politics. Of course, there is an effort made to get the best man who can be found in a certain party, but very few ever think of going to the opposing party to get a better man than you can find in your own party.

That was my objection, Mr. President, to a good deal of what we are doing here on this subject of appointing judges. I did not want the judge of the supreme court of the Territory to be put into the hands of the President of the United States, because I knew that that office and all the other offices that were to be filled by the President and subject to his removal would at once become political offices. No man would think of going down to the Executive Mansion here to apply for a position in Hawaii after this act is passed unless he was a well-established Republican. A Democrat has no chance. The bill as we have got it now legislates out of office in Hawaii every Democrat who has got an aspiration to any such place, and I believe that that is one of the leading purposes of this change. I believe that Senators on this floor are determined that a political complexion shall be given to the judicial establishments in Hawaii as well as other establishments. The object is to get the control of the patronage, to use it for purposes of power. Well, I oppose that.

I am willing enough to have it in all the Executive Departments, because we have got to submit to it. We can not make the world exactly right and exactly clean in one half hour. I am willing, or at least I consent to it, as to the Executive Departments; but when you come to the judicial establishment, Mr. President, I say it is a very dangerous practice to put the disposal of the lives and the property and the liberty of any set of people in this world into the hands of a man because he happens to be a Republican or happens to be a Democrat, when there is another man in an opposing party better qualified and whom the people have a more earnest wish that he should keep the office.

Mr. PLATT of Connecticut. Will the Senator from Alabama yield to me?

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Connecticut?

Mr. MORGAN. Certainly.

Mr. PLATT of Connecticut. I should like to suggest an amendment to the amendment, which I think is unnecessary, but which I think would meet the criticism which the Senator is making. It is in line 12 of the amendment, after the words "circuit court," to insert a comma instead of a period and the words:

And said judge shall have and exercise all the powers conferred by the laws of the United States upon the judges of district and circuit courts of the United States.

I do not think it is necessary, but it can do no harm.

Mr. TELLER. I will accept that modification.

Mr. MORGAN. Now, that brings the constitutional question squarely up. Please read it again.

Mr. PLATT of Connecticut. The Secretary has it.

The SECRETARY. After the words "circuit court," in line 12 of the amendment, add the following:

And said judge shall have and exercise all the powers conferred by the laws of the United States upon the judges of district and circuit courts of the United States.

Mr. MORGAN. That amendment, Mr. President, plainly violates the Constitution of the United States. The Senators have admitted that it is necessary to the completion of their amendment here, because unless that amendment is adopted, you are running the court on one wheel. You are exercising the judicial functions that a man as a judge may perform there on the bench and you take away from him those functions that he may perform in chambers. The amendment is all right except that it is unconstitutional, and it makes the whole provision unconstitutional for this reason——

Mr. PLATT of Connecticut. Mr. President——

Mr. MORGAN. If you will allow me a second—it makes it unconstitutional for this reason, that in our effort to confer upon this court and this judge all the powers of the district court and a district judge of the United States, a circuit court and a circuit judge of the United States, we are attempting to confer upon him the power to sit in a court in California. You can not do it, because no man can sit in a district court or a circuit court of the United States, the Federal court in California, unless he is qualified for that place and appointed under the Constitution of the United States, and there is no pretense that this is under the Constitution of the United States. I yield to the Senator from Connecticut.

Mr. PLATT of Connecticut. I do not think the amendment is necessary, but I thought it would meet the criticism which the Senator from Alabama was making, and therefore I was quite willing to offer it. I think it is true that the Territorial judges, as they are called, the judges of Territorial courts, when United States jurisdiction has been conferred upon those courts, have, without any special authority, exercised the powers and functions of judges of the district court. Senators who have lived in Territories know better than I, but I think that is true.

Mr. MORGAN. Well, Mr. President, if this amendment before it was amended, or even this amendment since it was amended, includes the powers of a judge of a district or circuit court of the United States within its purview it is evidently unconstitutional, for it undertakes to confer upon a legislative judge those powers which belong under the Constitution, and can only belong under the Constitution, to a judge appointed by the President of the United States in virtue of the Constitution as a Federal judge. Now, here is an appellate court in the District of Columbia——

Mr. CLARK of Wyoming. Will the Senator yield to me?

The PRESIDENT pro tempore. Will the Senator from Alabama yield to the Senator from Wyoming?

Mr. MORGAN. I should like very much indeed to be permitted to state my case before I am interrupted.

Mr. CLARK of Wyoming. I beg the Senator's pardon.

Mr. MORGAN. Here is a judge of the supreme court of the District of Columbia and judges of the appellate court of the District of Columbia. Who would be more surprised than the Senator from Colorado if one of these judges should go over to Baltimore and sit on the bench in an appellate court or a circuit court or a district court of the United States? Nobody; and yet his tenure is for life. He has got all the powers of a circuit judge and a circuit court; but he is not a Federal officer, or at least the contention is that he is not a Federal officer, that he does not belong to the Federal judiciary. He is an outsider; he is a legislative construction, and not a constitutional fabric. That is the difference between the two people.

Now, who would be more astonished than the Senator from Colorado if one of the judges of the supreme court—Judge Cole or anyone else on that bench—should be invited to go to Baltimore to sit on the Federal bench there in the Federal court in the State of Maryland? And yet Judge Cole has got all the powers of a district judge of the United States; every one, both those that are exercised while he is on the bench as the judge of a court and those that are exercised while he is off the bench as a district judge of the United States; and he has a life tenure, too. At the same time, Mr. President——

Mr. TELLER. Mr. President——

The PRESIDENT pro tempore. Will the Senater from Alabama yield to the Senator from Colorado?

Mr. MORGAN. Certainly.

Mr. TELLER. Does the Senator mean to say that I want this judge to sit in a California court?

Mr. MORGAN. No; I do not suppose you would want him to do it.

Mr. TELLER. That is the very purpose I have, that he shall not attempt it. I know he has not any right to do it. I know you can not give any right to one man in that Territory, under the conditions we propose, to go to California and sit. I do not want him to go there.

Mr. MORGAN. Then the language is too broad, for the language carries him there.

Mr. TELLER. No; in my judgment it does not carry him there.

Mr. MORGAN. Well, that is a difference of opinion between the Senator and myself that I hope can be reconciled without any personal difficulty at least.

Mr. TELLER. I do not want the Senator to assume that I am endeavoring to do such an absurd thing.

Mr. MORGAN. No; the Senator has an amendment here——

Mr. TELLER. I am willing to give this man just the jurisdiction that we have given to judges, a hundred of them, and they have exercised it for a hundred years. I will show when the Senator gets through that that is true.

Mr. MORGAN. If you will give me a chance to get through, then you can go ahead; there is no trouble about that. The absurdity of which the Senator speaks is not in his mind at all, but it is in his amendment. You have got it all in the amendment, every bit of it, for the amendment as it stands now attempts to confer upon this district judge in Hawaii all of the powers, rights, and privileges of a district judge of the United States. Well, it is one of the powers of the district judge of the United States that he can sit in a court of appeals, if you please. He can sit in the circuit court, if you please, when the occasion arises; or he can go and occupy the bench when there is a vacancy, or when there is a necessity for it under the laws of the United States. A district judge of the United States can do all that. But the Senator, while conferring upon a district judge of the Territory all the powers of a district judge of the United States, says: "I do not mean that he should do that thing; I am against his doing that thing." Then, if you are against it, you must qualify it by saying: "All the powers are conferred upon the judge of the district court, except that he shall not sit on a circuit bench or an appellate bench or another district bench in any State of this Union."

Mr. CLARK of Wyoming. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Wyoming?

Mr. MORGAN. Yes, sir.

Mr. CLARK of Wyoming. I hope the Senator will not consider me discourteous, because I am very much interested in this discussion; but I should like to ask him what he considers the powers of the Territorial judges as they have been heretofore appointed by the President of the United States in the various Territories in relation to this very question that he is discussing.

Mr. MORGAN. I do not think that any Territorial judge who now holds a commission has any right to go and hold a district court in any State.

Mr. CLARK of Wyoming. But is not the Senator aware of the fact that upon one side of the court those Territorial judges can deal with all the Federal questions that may arise within their jurisdiction? That is, when I say jurisdiction, I mean within their Territorial jurisdiction.

Mr. MORGAN. I am perfectly aware of that fact; and that provision in the Territorial laws is an extremely dangerous one. It is very irregular and quite unnecessary. Here is a Territorial legislature, if you please, enacting laws. I am going to make an illustration. They enact laws which permit contract labor, or what amounts to contract labor, to come in there from Japan under certain circumstances. The judge on the bench, as a judge of the Territory of Hawaii, for instance, says, "Well, this law appears to me to be constitutional; it is within the purview of the powers of the Hawaiian government; it is sustained by public opinion here; my friends are interested in the enactment of this law, and I will sustain it." He turns to the next docket, the criminal docket of his court, and he will find one of these men indicted as violating the laws of the United States for making a contract and bringing that man in. He determines, for we place the duty upon him of determining, whether he will sustain the Territorial law or whether he will sustain the other law.

Now, Mr. President, that is too great a temptation to put before any judge, and there is no necessity for it. To divide up a court into two separate jurisdictions, one of them Federal exclusively and the other local exclusively, is to divide the house against itself and to make the decisions of such a tribunal as that extremely unworthy of confidence. We have resorted to that system heretofore, and Senators who have practiced under that system at the bar and elsewhere, I have no doubt, found it convenient, but I think it would be a very sore place in a country that is as far from our coast as is Hawaii if we had down there a judge who had full Federal jurisdiction and exercised it on the same bench where he exercised full Territorial jurisdiction.

I do not know of any man in my acquaintance who I think is great enough to do that anyhow; I do not know of any man in my acquaintance who could sit on the supreme court bench of Alabama and do his duty on that bench, for instance, and at the same time hold a district court of the United States, if that were permissible, or a circuit court, and perform the duties of a circuit and district court of the United States. To take a man and give him a four-years' term, to appoint him under political influences, with a tenure of office dependent entirely upon the will of the President, so that he trembles upon his seat at every decision he makes; then to give to that man plenary jurisdiction in all local matters, all matters arising under the laws of the Territory; and then to turn around and give to him plenary jurisdiction in all local matters that arise under the laws of the United States, and make him as broad and as powerful in the exercise of jurisdiction as a judge of the circuit court and a judge of the Federal court, is a solecism, an absurdity; and no matter how well these gentlemen in the West, who have been practicing before those courts, found it to work there, we ought not to be invited to accept any such situation now.

This is the first time an opportunity has been distinctly presented and the necessity has become urgent for having a distinct and separate Federal power of judiciary and judicial administration in a Territory of the United States. Nobody pretends to deny that it will be necessary to have it. It will be necessary, if this court should be created under the eighty-eighth section of this bill, to have one of the very ablest judges we can secure to take a seat on the district or circuit bench to go down there and occupy that seat, and he will have his hands full. He would have the marine contracts, maritime jurisdiction, admiralty, and what not. The whole great breadth of that vast jurisdiction will go into his hands and he will need to be a very able and a very learned man if he performs his whole duty to the Government of the United States in that new situation.

To take that vast sweep of jurisdiction, all of it, and confer it upon a judge who holds a political office for four years, liable to removal by the power that put him in, or by the man who is elected next time because he does not suit his politics, and to burden that man with his little four-years' tenure with this vast jurisdiction, and then full jurisdiction, plenary jurisdiction in regard to all local matters, it is not within reasonable expectation that you will find a man who is able to discharge the duties of the office with this vast incumbrance of jurisdiction piled upon him.

It has been intimated here that this was the wish of the people of Hawaii. The intelligent men, the merchants, particularly the men connected with foreign commerce, the shipowners, and all of that class are interested in having a tribunal of that sort there. The great body of the people of Hawaii do not ask for it at all, but they need it, and they ought to have it.

The judicial power of the United States ought to be just as prominent and just as certainly present in all of its majesty in the islands of Hawaii as the Executive power or the Congressional power. We send two of our departments there, clothed with all

the powers that the Constitution confers upon them, the executive and the legislative. But when we come to the judicial department we give it no show; we do no not allow it to exercise its proper constitutional functions and legitimate influence upon that country.

The difficulty which has attended this subject for many, many years is fully illustrated in the difference which these statutes show, where Congress has conferred one jurisdiction upon the Territorial courts in a certain Territory, and turned around in the same or next the section, conferring a different jurisdiction upon a court of the same sort in a different Territory. There are a great number of instances—I do not care to stop to enumerate them—but the instances that are cited in the Revised Statutes are enough to show anybody who will look the subject over that it is impossible to get any real system out of it.

All of these appointments have been made heretofore for the purpose of suiting the legislation of Congress to the peculiarities of the situation in the particular Territory. So one has one law and another has another law upon this subject. That has been because Congress has departed from the rule that ought to have been established in the outset, of establishing district courts in the Territories. Because it has not done so heretofore, but has conferred a cheap jurisdiction and a short jurisdiction as to the term of office upon the local courts, we are in the trouble we now find ourselves. The Hawaiian Commission sought advice, information, and instruction from the laws of the United States and looked through all the different Territorial acts and examined the laws relating to those courts carefully, to see if there was any one we could adopt. I want to call attention to one particular case, found in section 1912 of the Revised Statutes, which reads:

> The supreme and district courts of each Territory, and the respective judges thereof, except for Idaho and Montana, may grant writs of habeas corpus in all cases in which the same are grantable by the judges of the United States in the District of Columbia.

There was general legislation conferring upon all of these courts of the different Territories—that is, of every Territory of the United States—the power to grant writs of habeas corpus on the same terms that the district courts of the United States for the District of Columbia might grant them, with an exception as to Idaho and Montana.

How are we to contend that there has been any regularity of legislation or any system adopted by the Congress of the United States in regard to the Territories, when we find in regard to this matter of granting writs of habeas corpus two of the Territories are not permitted to grant writs of habeas corpus in the same manner as they are granted by judges of the district courts of the United States?

Our legislation on this subject has been entirely fragmentary and irregular, and I believe that in this bill there is the first effort which has ever yet been made to give to the judicial department of a Territory and of the United States—both of them—their full and just authority.

I do not see any reason, Mr. President, and certainly there is no objection to be found in the Constitution of the United States, why we should not take this course; and if there is no reason, if there is no objection, I think I have sufficiently shown, and the report of the committee has sufficiently shown, that the necessity for this court in the islands is supreme, urgent, and we ought to adopt it. Of course I have the greatest possible respect for the opinion of the Senator from Colorado [Mr. TELLER] and all the other Senators who have opposed this view of the subject, and who have argued so laboriously here against its constitutionality; but I submit that I have not yet seen that any argument has been produced which shows that the Congress of the United States has not got the power to locate a district court of the United States in a Territory.

Mr. TELLER. Mr. President——

Mr. MORGAN. There is another point about this which I desire to state, and then I will yield in one second, if the Senator will allow me to go on.

Mr. TELLER. Certainly.

Mr. MORGAN. I want to call attention to this matter for a moment.

There is a provision of this act by which the jurisdiction of the district court of the United States in a Territory may be extended over a county in Texas. That is a strange provision. I will admit that it is given in this statute. Congress seemed to have concluded that it had jurisdiction and control of matters, both in the State and outside, in respect to the organization of the Territorial courts, and they have conferred upon them more power than has ever been conferred upon any other class of courts. That is my objection to the whole system. I want the power divided. I want the Government of the United States to have its judicial system in the Territories, as well as the local government, and not take the judicial powers from the Government of the United States and confer them, along with local jurisdiction, upon these courts.

I think I am right about it; but Congress has heretofore legislated in a most irregular manner, and sometimes in the most unaccountable manner, upon this subject of Territories. There is an excuse for it; and that is that every Territorial government that came in here had its representatives, and they had peculiarities which had to be overcome or provided for in some way. So, there are a great variety of judicial establishments, a great variety in organization and in jurisdiction and in powers conferred upon the judges in vacation. Some of these courts had the power to assign district judges to certain circuits, and all of that, in the different Territories. It was the building-up process, where we in Congress took things as we found them and attempted to do for them the best we could on the occasion, all the time having in view the proposition that we were establishing in these different Territories, according to the mandate of the Constitution, as I have frequently said in this debate, a republican form of government. That is the limit of our duties, that is the mandate that is upon us, and that is what I am trying to do.

Mr. TELLER. Mr. President, the provision in this bill for this court is unlike any other provision in any of the statutes of the United States. In all other cases we have conferred upon the legislative court, as it is called in the Territories, the power of a State court, and we have conferred also the power of a Federal court, and those courts have exercised those powers without any controversy whatever. The United States courts, as has been stated repeatedly, have exercised those powers of the State courts as to controversies between citizens, but not as to controversies that arise under the Constitution and laws of the United States. They do not have entirely the same power that the Federal court has in this respect, that there is no recognition of a citizen of one State having any rights in the courts of another State. There is no jurisdiction given because a plaintiff lives in one State and the defendant in another State; but these courts are given jurisdiction of all cases arising under the Federal Constitution. Therefore the jurisdiction is infinitely greater than of a circuit or a district court.

I do not believe that the amendment offered by the Senator from Connecticut [Mr. PLATT] commits the absurdity of saying that this judge may sit in a Federal court in California. He will not be invited there, and he can not get there otherwise. I am not going to waste any time on that.

I intend to place the amendment in such form that the Senator can have no objection whatever to it. I am going to modify the amendment of the Senator from Connecticut [Mr. PLATT], which I accepted, after the word "exercise," so that it will read as follows:

> And said judge shall have and exercise in the Territory of Hawaii all the powers conferred by the laws of the United States upon the judges of the district and circuit courts of the United States.

I shall ask to have that inserted.

I desire to say that I have lived and practiced law assiduously in a Territory and did nothing else for fifteen years. I know that these judges in the Territories exercise all the rights of judges under the Constitution and laws of the United States. The Senator from Wyoming [Mr. CLARK] who sits near me has had experience in the same way, and there are other Senators who know this to be so. There is not any trouble about it. I wanted to give to each of these circuit courts that jurisdiction, and then get rid of this court. In deference, however, to the Hawaiian Commissioners, I waived that point; and I said, "If you think you ought to have a court specially charged with the disposition of the cases which arise under the Constitution and laws of the United States, I will yield that;" and so I made this suggestion.

Mr. President, if there is any advantage in having a district court in Hawaii, the people there will get it under this provision. We are denying nothing whatever to those people; and the complaint the Senator makes that we are not treating them fairly is not well founded, it seems to me.

I do not want to have a political court over there any more than does the Senator from Alabama. I have seen the evils of that system. I was inclined to think that we would escape a political court if we followed the judgment of the commission in the first place, and let the governor appoint the judges of the circuit court; but that was voted down by the Senate.

I hope the Senator will accept my amendment and not feel that anybody here is attempting to do anything to interfere with the proper discharge of the business in Hawaii, or to offer anything that is intended to discredit the action of the commission because they may have recommended something else.

I believe, as the Senator from Wisconsin [Mr. SPOONER] said yesterday, that there is no power to establish this court as a national constitutional court. I am not going to discuss that at this late hour. I was prepared to do so yesterday, but there was no time. I shall content myself with saying what I have said, and let the proposition be voted upon. I know very well if this court is established as a Federal court—no, I do not know that, but I am very confident of it—the court will be no court at all; and there is great doubt whether it will be established. In that

event I do not know where the jurisdiction will be, unless we confer it upon the circuit court, which the commission do not want done. It seems to me we have got, then, to accept this court.

Mr. CULLOM. Will the Senator allow me to say a word?

Mr. TELLER. Yes.

Mr. CULLOM. There is a special reason why the commission did not desire it done, and that was because we found, on very careful inquiry, that the courts, as they now exist in Hawaii, have more work than they can perform. The supreme court of the Territory is behind and struggling to catch up with its business; and those interested there feel that unless we have this additional court they will be very much embarrassed by the situation.

Mr. TELLER. I want to say that that was my reason for not insisting on striking it out.

The PRESIDENT pro tempore. The amendment as finally modified by the Senator from Colorado will now be read.

The SECRETARY. On page 43, section 88, it is proposed to strike out all of the section down to and including the word "court," in line 5, on page 44, and to insert in lieu thereof the following:

That there shall be established in said Territory a district court to consist of one judge, who shall reside therein and be called the district judge. The President of the United States, by and with the advice and consent of the Senate, shall appoint a district judge, a district attorney, and a marshal of the United States for the said district, and said judge, attorney, and marshal shall hold office for four years unless sooner removed by the President. Said court shall have, in addition to the ordinary jurisdiction of district courts of the United States, jurisdiction of all cases cognizable in a circuit court of the United States, and shall proceed therein in the same manner as a circuit court, and said judge shall have and exercise in the Territory of Hawaii all the powers conferred by the laws of the United States upon the judges of district and circuit courts of the United States. Writs of error and appeals from said district court shall be had and allowed to the circuit court of appeals in the ninth judicial circuit in the same manner as writs of error and appeals are allowed from circuit courts to circuit courts of appeals as provided by law, and the laws of the United States relating to juries and jury trials shall be applicable to said district court.

Mr. CULLOM. Before the vote is taken, I want to make a suggestion which I hope will be agreed to. We have all expressed a desire to avoid making this a political court in any sense. I myself know, and so does every other man who has been in Hawaii, that it is very important that we should have the very best judges there we can secure, and the question of the character and ability of the judge will be determined somewhat by the tenure. I should therefore like very much that by consent the word "four" should be stricken out of the amendment where the term is fixed at four years, and make it "six years." I hope my friends will agree to that. I think it is important that the term should be for that length of time.

The PRESIDENT pro tempore. The Senator from Illinois asks unanimous consent——

Mr. CULLOM. I will make the motion, if a motion be in order.

The PRESIDENT pro tempore. The Senator from Illinois moves to amend the amendment offered by the Senator from Colorado [Mr. TELLER] by striking out and inserting what will be stated.

The SECRETARY. In line 7, in the printed amendment, before the word "years," it is proposed to strike out "four" and insert "six."

Mr. TELLER. I will not object to that.

Mr. CULLOM. I think, with that provision, we shall have a court the appointments to which would not be made for political reasons at any time by any President.

Mr. PETTIGREW. I am very much opposed to that amendment. If we have good judges, they can be reappointed; and if we have bad ones, six years is too long a term. The matter is completely in the control of the President of the United States.

Mr. CLARK of Wyoming. The Senator knows the judges can be removed.

Mr. PETTIGREW. No; they are never removed.

Mr. CLARK of Wyoming. But they can be.

Mr. PETTIGREW. I have lived in a Territory a good while.

Mr. CLARK of Wyoming. So have I.

Mr. PETTIGREW. We had men who never saw a law book in their lives who came out to serve as chief justices of the Territory of Dakota; and we could not get them removed. We had a coffin maker once from Maine sent out as a judge. [Laughter.]

Mr. BACON. I understand that the increased term is limited to the district judge and does not apply to the Territorial judges.

Mr. CULLOM. To the United States district judge.

Mr. BACON. I understand.

Mr. CULLOM. I hope the amendment will be adopted.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Illinois [Mr. CULLOM] to the amendment of the Senator from Colorado [Mr. TELLER].

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Colorado [Mr. TELLER] as it has been amended.

The amendment as amended was agreed to.

Mr. CLARK of Wyoming. Mr. President, we have had four hours' discussion on law and constitutional law. I now offer an amendment based on equity and good conscience, an amendment that ought to be adopted, an amendment that I sincerely hope will be adopted.

The PRESIDENT pro tempore. The Senator from Wyoming offers an amendment, which will be read.

The SECRETARY. It is proposed to amend section 101 by adding thereto the following:

And the sum of $250,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be paid Liliuokalani, late Queen of the Hawaiian Islands, for all right, claim, or interest she may have or claim to have in or to the said crown lands herein mentioned, the same to be paid by the Secretary of the Treasury upon the execution of proper deeds of relinquishment by said Liliuokalani: *And provided further*, That said sum of $250,000 shall, to that amount, be a charge upon the revenues of said lands, and shall be repaid to the United States from the revenues of said lands in five equal annual payments.

Mr. CLARK of Wyoming. Mr. President, I do not care to discuss this matter. It seems to me that section 101 is one of the most marvelous and stringent and outrageous pieces of legislation that was ever sought to be perpetrated by the American Congress. I can not believe that the men who formulated this bill contemplated what section 101 does. Unless there is a desire on the part of the Senate for information I will make no remarks whatever upon the proposed amendment. If it shall fail I have one upon the desk of the clerks which I will urge instead.

Mr. BACON. Let me ask the Senator from Wyoming a question. What is the value of the Crown lands?

Mr. CLARK of Wyoming. The value of these lands it is difficult to estimate. Some of them are worth a thousand dollars an acre. At the time of the overthrow of the monarchy, I will say to the Senator from Georgia, the annual rental therefrom was $50,000, or about that, and since that time, by the ending of leases that were then in effect and the renewal of leases upon land by the present republic, it amounts to somewhere between one hundred and one hundred and fifty thousand dollars per annum. Those lands were confiscated absolutely.

Mr. TELLER. By whom?

Mr. CLARK of Wyoming. By the republic of Hawaii, at the overthrow of the monarchy, and were thrown into the general land system of the government.

Mr. TELLER. May I ask the Senator a question? Was it recognized that they were private property before that?

Mr. CLARK of Wyoming. It was recognized that the revenues of the Crown lands all went to the Crown for the expenses of the reigning sovereign.

Mr. TELLER. And he disposed of it as he saw fit?

Mr. CLARK of Wyoming. He disposed of that revenue as he saw fit. It is an amendment which in good conscience and equity ought to pass.

Mr. BATE. What has become of the $50,000 of rentals per annum?

Mr. CLARK of Wyoming. It has gone into the coffers of the present government of Hawaii and is there now; and this amendment proposes that out of the revenues of those Crown lands the ex-Queen, who by virtue of her right as reigning sovereign before the revolution was entitled to all the revenues from the land, shall be paid $250,000 in lieu of all claims upon the Crown lands, whatever they may be, now or hereafter.

Mr. BATE. Does she consent to that?

Mr. CLARK of Wyoming. I can not say to the Senator whether she consents or not. If she does not, it will be inoperative.

Mr. BATE. This bill takes the land from her and puts it in the hands of the Hawaiian government?

Mr. CLARK of Wyoming. Section 101 absolutely cuts off by legislative action any claim she might have before the world or in any court.

Mr. BATE. There is no question that she had title to it before?

Mr. CLARK of Wyoming. There is no question on earth that she had title to it before.

Mr. CULLOM. She had no title.

Mr. CLARK of Wyoming. I beg the Senator's pardon; she did have title.

Mr. BATE. I ask that the amendment may again be read.

The PRESIDENT pro tempore. The amendment will again be stated.

The Secretary again read the amendment.

Mr. BATE. Then I understand from this amendment that the money comes out of the proceeds of that land. It is not to be paid out of the Treasury of the United States.

Mr. CLARK of Wyoming. The Treasury of the United States is to be reimbursed from the revenues of the lands which are now under lease.

Mr. BATE. The Senator from Wyoming is a member of the Foreign Relations Committee, I believe?

Mr. CLARK of Wyoming. Yes.

Mr. BATE. I am unfamiliar with this matter, because I am not connected with the committee in any way, and I can only learn these facts as they are presented now in considering the bill. Do I understand the Senator to say that the Crown lands undoubtedly belonged to the Queen?

Mr. CLARK of Wyoming. There is no question on earth about it; that is, under the monarchy.

Mr. BATE. Then the recent government seized those lands?

Mr. CLARK of Wyoming. They took them all.

Mr. BATE. They have also taken the rentals annually of those lands and appropriated them to themselves?

Mr. CLARK of Wyoming. Yes, sir.

Mr. BATE. And this woman has got none of the rentals and none of the lands?

Mr. CLARK of Wyoming. She has none of the lands and none of the rentals.

Mr. BATE. The United States Government proposes to take all those lands into its own possession and keep them as property belonging to the United States?

Mr. CLARK of Wyoming. Yes; that is the proposition exactly.

Mr. BATE. And offers to her $250,000 for them as a bonus, I suppose.

Mr. CLARK of Wyoming. Well——

Mr. BATE. As compensation, then. But she has not been consulted about that matter.

Mr. CLARK of Wyoming. Not that I know of, by the Government. If she is willing to take it, as the amendment proposes, that ends all claims she has upon the Government of the United States or upon the Territory of Hawaii in regard to this matter.

Mr. BATE. It seems to me, upon that kind of a showing, it is not very creditable to this Government that it should be done.

Mr. CLARK of Wyoming. It is not creditable to the Government the way it is now.

Mr. KYLE. Will the Senator from Wyoming allow me? Were these lands the personal property of the Queen?

Mr. CLARK of Wyoming. They were not the personal property of the Queen in the sense that she could alienate them. They were the personal property of the Queen or the reigning sovereign in the sense that the revenues of these lands went to the reigning sovereign.

Mr. KYLE. The annual income from these lands was set aside by the monarchy for the support of the Queen. Was not that all?

Mr. CLARK of Wyoming. Yes.

Mr. KYLE. The same as it is in Great Britain?

Mr. CLARK of Wyoming. Yes, sir; that is right.

Mr. KYLE. But they were not her personal property at all?

Mr. CLARK of Wyoming. Not in the sense that she could give any deed in fee simple.

Mr. KYLE. She had no other right to them than any other woman who might have been upon the throne as queen.

Mr. CLARK of Wyoming. The Senator is right.

Mr. KYLE. It was not her property at all, as I understand.

Mr. PETTIGREW. What is the income derived from these lands?

Mr. CLARK of Wyoming. I can not give the exact figures, but the income at present is between one hundred and one hundred and fifty thousand dollars per annum.

Mr. PETTIGREW. What was it at the time the Queen was deposed?

Mr. CLARK of Wyoming. Fifty thousand dollars.

Mr. PETTIGREW. She was deposed in 1893?

Mr. CLARK of Wyoming. Yes, sir.

Mr. PETTIGREW. She is still living?

Mr. CLARK of Wyoming. Yes, sir.

Mr. PETTIGREW. It seems to me we can not afford to pass this bill without providing for the Queen, inasmuch as we dethroned the Queen. Nobody else did it. The United States did it. We landed our troops there.

Mr. CLARK of Wyoming. The Senator is perfectly right.

Mr. PETTIGREW. We took her government away. No other forces did it than the forces of the United States. Then we made a treaty with the puppets we set up for title to that country. Therefore, it seems to me, it would be shameful to pass this bill without making some such provision.

Mr. JONES of Arkansas. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wyoming yield to the Senator from Arkansas?

Mr. CLARK of Wyoming. If I have the floor.

The PRESIDENT pro tempore. The Senator from Wyoming has the floor.

Mr. CLARK of Wyoming. I yield to the Senator from Arkansas.

Mr. JONES of Arkansas. One difficulty about this, it occurs to me, is that this provision in the bill seems to be a recognition in the Queen of the ownership of these lands. It is on that ground that we propose to make a one-sided trade, without her consent, and to give her $250,000. So if she does not take it, she can come back and say that we having recognized that she owns these lands, she is entitled to the million and a half or two millions and a half that they are worth. Now, if these lands belonged to the Queen, that is one thing. If they belonged to the crown, it is another thing.

Mr. CLARK of Wyoming. I should like to ask the Senator to state the difference, as he understands it, between belonging to the Queen and belonging to the crown.

Mr. KYLE. There is a great difference.

Mr. CLARK of Wyoming. There is no difference.

Mr. JONES of Arkansas. One belongs to the office; the other belongs to the person. The office was organized by the government that existed there, and this was the means of supporting the office which those people had organized and continued until they chose to abolish it, and the property which they had set apart to maintain that office was not needed to maintain an office that did not exist.

Mr. CLARK of Wyoming. May I ask the Senator a question? Is he aware of the fact that the reigning sovereign of the country by the law of the land was entitled to name his or her successor?

Mr. JONES of Arkansas. That made no difference. It did not give the person the ownership of property which belonged to the office. That cuts no figure whatever in it. The Queen of the Sandwich Islands is no more the owner of the Crown lands than the President of the United States is the owner of the Executive Mansion during his term.

Mr. MORGAN. Or of the public lands.

Mr. JONES of Arkansas. Or of the public lands of the United States. The public lands of the United States belong to the people, the body of the people, the whole people. Whatever they may be set aside for, they belong to the body of the people, the whole people. The sovereign of the United States would not be the owner if we had a sovereign. The President is not the owner when we have a President.

It seems to me the Senate ought to be cautious about taking a step of this kind. While I am opposed generally to the whole of this legislation, and believe it is a mistake from the beginning, and agree fully with the Senator from South Dakota [Mr. PETTIGREW] about the action of our Government in overthrowing that government, still I think we had better look a little carefully before we put our foot down in a case of this kind.

Mr. CLARK of Wyoming. Mr. President, I do not care at this late hour to take any time on this question; but I believe that a great wrong has been done.

Mr. JONES of Arkansas. I believe that.

Mr. CLARK of Wyoming. We all know that revolutions, if successful, are just; they are legal; and the successful power has the right to do what it pleases. It is not often that I agree with the Senator from South Dakota on political questions, but there is no man in this Chamber, if you get him out in a corner of the cloakroom, who will not acknowledge that the revolution in Hawaii was made possible only by the arms of the United States of America. Now, can we not afford to be at least equitable and just and honest in this matter? We took those islands? They had to go somewhere. I do not regret that we took them. I am very glad of it, because I think that of all the domain over which the American flag flies to-day the Sandwich Islands are the fairest and give promise of the most in the future.

But, Mr. President, there was a great wrong perpetrated. It may not be news to any Senators, but at the time of the revolution which displaced the monarchy and displaced the Queen there was not a thing that was not sequestered and confiscated—not only the Crown lands, to the revenue of which she was entitled, but everything in her household from the blue china on the sideboard to the tin dipper in the kitchen.

Mr. KYLE. I have no objection to setting apart something for the Queen. That is not my objection at all, but I take exactly the position occupied by the Senator from Arkansas [Mr. JONES], that she has no right whatever to the Crown lands.

Mr. CLARK of Wyoming. She has no right?

Mr. KYLE. No. I put it upon a different ground.

Mr. CLARK of Wyoming. I put it upon the ground of equity and good conscience, that a great Government like this taking possession of those islands can afford to be generous and just and equitable. I do not go into the law side of the court to urge this claim. I come into the equity side of the court. We took all these lands, and the minute this bill passes we get a hundred or a hundred and fifty thousand per annum from them.

Mr. PLATT of Connecticut. For the benefit of the people of the Hawaiian Islands, however.

Mr. CLARK of Wyoming. That is all right. It may be for the benefit of the people, but can the Senator from Connecticut say that in equity and good conscience something ought not to be done for the government that has been revolutionized?

Mr. PLATT of Connecticut. If the Senator wishes a reply, I will say that I think whether we shall donate something to the Queen is one question. The question whether we should recognize her title to the lands and admit that we have been to blame about that revolution is an entirely different thing. I am not disposed to do that.

Mr. CLARK of Wyoming. My amendment does not meet the remarks of the Senator from Connecticut. It simply provides that we shall pay her $250,000 upon her relinquishment of all claims that she may have or claim to have upon those lands. That is all.

I was not aware of the enormity of section 101 of the bill when it came out of the committee of which I have the honor to be a member; but it not only says that she shall not now have any right, but that she shall be forever debarred from all claim of right in any court or in any tribunal that may now exist or may hereafter be constituted, I have spoken longer than I cared to, and I should like to have a vote on the amendment, and upon that vote will depend whether or not I will call up another amendment I have submitted.

Mr. CULLOM. Mr. President, I have never been able, so far as I am concerned, to satisfy myself entirely whether or not the late Queen of the Hawaiian Islands had any interest after she was overthrown which would give her a right to recover anything from the United States, but I supposed that if she had she would not undertake to get it by a direct appropriation by Congress. I presumed she would pursue her remedy, if she had one, in the courts of the United States, and the courts, if she had any title and interest in the Crown lands, so called, would render such a verdict as would be just to her. I still think that that is the right course and that it is not a good thing to come in here with an amendment proposing to appropriate $250,000 for her without knowing whether she is entitled to half that much or twice that much. Everybody knows that if we adopt the amendment it will not be two years before she will come for another installment, more or less.

Mr. CLARK of Wyoming. If the Senator will read the amendment he will see that she could not. She is barred absolutely.

Mr. CULLOM. If she is barred absolutely, she perhaps would not take the money unless she thought it was all she was entitled to or more. She had no title to those lands at all, but she had a sort of arrangement by which she got rentals, from year to year, under the old system that existed for years back.

Mr. JONES of Arkansas. Will the Senator from Illinois permit me to interrupt him?

Mr. CULLOM. Certainly.

Mr. JONES of Arkansas. The provision of this amendment is that this amount is to be paid to the "late Queen * * * for all right, claim, or interest she may have or claim to have in or to the said Crown lands herein mentioned;" and the Senator himself admitted that she had no personal right in the land—that it belonged to the crown. His idea is to make this provision by way of compensation for the wrong of the Government of the United States in overthrowing her and depriving her of this power; but the trouble, it occurs to me, is that we are recognizing the right of ownership in her personally to these lands which never did exist.

Mr. CLARK of Wyoming. The Senator from Arkansas is splitting hairs there.

Mr. CULLOM. I hardly understand the temper of the Senate or of anybody apparently on these questions. After we have gone on and recognized what took place there and after we have finally accepted the cession of the islands, Senators in this body turn around and begin to abuse the Government of the United States for everything it has ever done with reference to those islands, when all of us in this Chamber pretty nearly voted for the annexation of the Hawaiian Islands.

Mr. JONES of Arkansas. I did not. I beg pardon. I was paired against the joint resolution.

Mr. BACON. I did not.

Mr. CULLOM. A great majority of the Senate did, as I remember.

Mr. BACON. I did not.

Mr. CULLOM. But whether they did or not, after it is finished, after we have accepted the islands, it seems to me there ought to be some time in our history when we will talk about something else and stop abusing the people or the Congress or the country for accepting the islands or the manner of their acceptance. There ought to be a statute of limitations, it seems to me, which would run to estop Senators and Representatives and other people from finding fault eternally with what the Government does after it has been done for years and years, especially when in the judgment of the people of the United States we did right.

So far as I am concerned, I do not want to abuse the Queen. She was overthrown. She substantially abdicated, as a matter of fact, voluntarily, by her own act. But I am not going to discuss that. The question is now what we ought to do, whether anything, for her now that she has become a private citizen. I happen to know that she is here in this city now, or has been until recently. I do not know whether she is actually here now. But she has been consulting lawyers in the District of Columbia to know what her rights are.

Now, we propose to appropriate $250,000 for her to live on. If the Senate wants to do it, it can do so; but in my judgment there ought to be a more intelligent way of determining whether she has any rights, and then what those rights amount to.

Mr. TELLER. What section is this?

Mr. CLARK of Wyoming. Section 101.

Mr. TELLER. I should like to ask the Senator a question. Why did the committee see fit to put in section 101 and cut off any right she might have? Why do they not let her go to the courts, if she has any chance?

Mr. CULLOM. That was my idea; that she should go to the courts.

Mr. TELLER. Strike out section 101.

Mr. CULLOM. The Senator from Alabama [Mr. MORGAN] and one or two others explained that section the other day, and I should be glad to have the Senator from Alabama explain it again for the satisfaction of the Senate. I confess that I have always felt that it was not right to insert it, because it deprives her of the opportunity to do what I think she has a right to do, if she has any interest in the land, and that is to find out what it is through the courts of the country.

Mr. PETTIGREW. Mr. President, in January, 1893, there was a friendly government existing in the Hawaiian Islands, possessing treaty relations with the United States and maintaining itself, preserving order, life, and property. About that time 13 men, some of whom were citizens of Hawaii, some of them citizens of the United States, and some subjects of Germany, met in an office in Honolulu and conspired together to overthrow the established friendly government. These revolutionists sent one of their number to the United States minister and told him what their plans and purposes were and made an arrangement with him by which the marines of the United States on the war ship *Boston* in the harbor of Honolulu were to land and protect the conspirators and help to overthrow this friendly government. The marines did land. These men addressed a letter to our minister, asking him to land the marines and troops to protect life and property, and they fixed the hour at 5 o'clock in the afternoon.

After they had made the request for the landing of troops and he had arranged for their landing, these 13 men sent one of their number to our minister asking him to defer the landing until the next day. If there was danger to life and property, why did they want to defer the landing until the next day? There was no danger to life and property. Life and property were being protected, and peace and quiet and safety existed. The troops were to be landed to enable the conspirators to overthrow a friendly government.

The minister had already ordered the landing of the troops, and while their emissary was at the office of our minister the troops were put ashore from the vessel, a hundred and eighty of them, and they marched not to any point in the city where they could protect life and property, not to the American consul's office or the resident minister's office, not to the heart of the business section of the city of Honolulu, but to Arion Hall, a little building 75 yards from the government building. Why did they march to that point? Simply because our minister had agreed that if these 13 conspirators would take possession of the government building and there read their proclamation declaring the government overthrown, he would recognize them.

The next day these 13 men marched to the government building in two squads, so as not to attract attention, marched on two different streets, and having come to the government building, where there was no armed force, no revolutionists, nobody but the janitor and the clerk inside, they proceeded to read their proclamation declaring the government of Queen Liliuokalani overthrown. The marines in the meantime had been drawn up in line with their Gatling gun within 75 yards of the scene.

The Senator from Illinois [Mr. CULLOM] said the Queen abdicated; that she surrendered her government. What are the facts? Immediately upon reading this proclamation, without any armed force to protect them except the marines of the United States, they went to the American minister and secured a recognition of the government instituted by the 13 men, and sustained by nothing unless it was the marines of the United States. The marines had assumed a threatening attitude. The committee also sent an emissary—Mr. Damon—to the Queen. Here is what she said. Here is her letter upon this subject:

I, Liliuokalani, by the grace of God and under the constitution of the Hawaiian kingdom, Queen, do hereby solemnly protest against any and all acts done against myself and the constitutional government of the Hawaiian kingdom by certain persons claiming to have established a provisional government of and for this kingdom.

That I yield to the superior force of the United States of America, whose minister plenipotentiary, His Excellency John L. Stevens, has caused United States troops to be landed at Honolulu and declared that he would support the said provisional government.

Now, to avoid any collision of armed forces and perhaps the loss of life, I do, under this protest and impelled by said force, yield my authority until such time as the Government of the United States shall, upon the facts being presented to it, undo the action of its representatives and reinstate me in the authority which I claim as the constitutional sovereign of the Hawaiian Islands.

Done at Honolulu this 17th day of January, A. D. 1893.

LILIUOKALANI, R.
SAMUEL PARKER,
Minister of Foreign Affairs.
WM. H. CORNWELL,
Minister of Finance.
JNO. F. COLBURN,
Minister of the Interior.
A. P. PETERSON,
Attorney-General.

Mr. President, we had landed 180 armed men with Gatling guns. Our minister had said that he would sustain this provisional government of thirteen men backed by no force at all; and the Queen, the Senator from Illinois says, surrendered her government.

Mr. LINDSAY. He says "voluntarily."

Mr. PETTIGREW. She says she surrendered it to the superior force of the United States until the United States could pass upon the question and settle the contention upon the basis of justice.

Now what induced her to do this? These men, shrewd and capable men, who owned the sugar plantations, had gone and persuaded her that the United States would do what was right; that the United States would, when they understood the facts, restore her government, inasmuch as we had overthrown it by force of superior numbers, and persuaded the Queen not to fight the United States and thus save bloodshed. Years before this an English admiral had sailed into the bay of Honolulu and with his armed forces had overturned the king and dethroned him and taken charge of the government. The then king surrendered under a protest similar to this one formulated by Queen Liliuokalani and submitted the question to the English Government; and to the honor and credit of the English Government, they restored the king and repudiated the acts of their admiral.

No wonder the Queen then believed that this great Republic, that had been in the habit of doing right, would be more certain to do what was right than the Kingdom of Great Britain. Therefore she submitted under this protest this question to us. These thirteen men, or a part of them, signed a statement declaring that Stevens did not recognize this provisional government until after the Queen had surrendered and turned over to them the arsenal, the government buildings, the guns, and arms. It turns out that their statement was absolutely false; that Mr. Stevens recognized this provisional government, although the Queen had at the time 275 armed men under her command; that she also had two or three Maxim or Gatling guns; but that she simply surrendered provisionally until the question could be submitted to us.

What did we do? We put up our flag over the buildings, and for sixty days the Stars and Stripes floated over the government headquarters of Hawaii. During that time these 13 men armed their followers, gathered together a considerable force, hired able-bodied men, no matter of what nationality, passing through that port on their way to Australia or elsewhere, and gathered together a force of 400 armed men. In the meantime, with our flag floating over the transaction, they searched every house in the islands, confiscated every gun that they could find, disarmed everybody, passed a law by which they made it a criminal offense to import a gun of any sort, and through these proceedings thoroughly consolidated their power. With 400 armed men, when our flag was taken down, they were able to maintain themselves against the inhabitants of that country.

They ran along for a year, or two or three years, and finally these usurpers declared that they would adopt a constitution. They never had adopted any. There never had been any government except the self-constituted government of these 13 men. By the way, they had added to their number until there were 19 of them. There were those, however, who had agreed to meet in the first instance, as the lurid Thurston, for example, the most eloquent fellow among them all, the man who wanted to aid other people to overturn the monarchy. He was not seen whenever there was any meeting through which he might be classed as a traitor. So they increased their number by voluntary acquisition until they had 19. The 19 men constituted the government, and they ran it along for over a year, for a year and a half, and then concluded they would adopt a constitution, and thus they organized the republic of Hawaii. This is the way they adopted the constitution. They said that the people of Hawaii might elect eighteen delegates to a constitutional convention to sit with the 19 self-constituted and self-elected and self-appointed men who had been running the government.

So the people, those whom they would allow to vote, elected 18 delegates, and the 18 delegates sat with the 19 men who had made themselves the government, and were not elected by anybody, being merely conspirators, and they formed a constitution; but after they had formed it they gave the aggregation a high-sounding title, the Republic of Hawaii, and declared for religious liberty and against slavery, and then proceeded to import slaves from Asia and Europe for their sugar plantations. This constitution was never submitted to a vote of the people and was not voted upon by the people of Hawaii; it was never voted upon by anybody, only the 19 men who constituted it and the 18 men who were allowed to be elected by some sort of popular suffrage, but it was simply promulgated, and that is the government which existed in those islands up to the time we took possession.

We refused to take possession for several years, and so matters ran on until the Spanish war broke out. Then we passed a joint resolution by which we annexed the Hawaiian Islands to the United States. We made a treaty, however, previous to that time with aforesaid 19 men, and that treaty provided that the islands should be annexed to the United States. We could not ratify the treaty because a two-thirds vote could not be obtained in this body to ratify it. After trying for weeks they finally succeeded in passing through both Houses a joint resolution of annexation. I do not know whether that was ever agreed to by the people of the islands or not. It makes no difference. It may have been agreed to by those 19 men; it never was agreed to by the people of Hawaii; and if a vote had ever been taken of the legal and lawful voters of that country any resolution to annex the islands to the United States would have been defeated 5 to 1.

Now, what was the purpose of all this? Not to advance the interests of the people of the United States. We had made a treaty in 1875 by which we agreed to admit sugar from those islands free of duty. We were charging 2 cents a pound upon all the sugar that came from every other country in the world, and 2 cents a pound was equivalent to $40 a ton bounty on sugar. It came in free from Hawaii and they could raise it with slave labor at $6 or $7 a month and board themselves, and it paid an enormous profit. So they came here and railroaded through this reciprocity treaty, as they called it, in 1875. The sugar interests flourished. New plantations were opened up. The remitted duties amounted to millions of dollars.

In 1890 we passed a law admitting sugar into the United States free of duty from everywhere, and, therefore, they had to sell their sugar in this country or wherever they could in the markets of the world without the advantage of the duty which we had theretofore imposed on sugar from every other country but their own. Their bonus was gone. But we had enacted a law by which we paid 2 cents a pound bounty on sugar, maple sugar, beet sugar, and sugar from Louisiana, and therefore the sugar planters, who found their industry waning and their profits slipping away, concluded that they wanted to be annexed to the United States so as to get the bounty. If they were a part of the United States they would be entitled to the 2 cents a pound bounty; and this is the reason why the movement was set on foot to annex those islands to this country. This is the reason why those 13 men interested in the sugar industry, a part of them citizens of Hawaii, a part of them citizens of England and Germany, and one or two of them citizens of the United States, entered into the enterprise to overturn a friendly government and annex the islands to this country.

Shortly following the effort at annexation we reenacted a duty upon sugar, so that the advantage returned to them. We have remitted in duties to those people already the sum of over $80,000,000. Each year we remit in duties now more than $10,000,000, and that money comes out of the pockets of the people of the United States. Ten million dollars a year for the privilege of having the name of governing this rotten borough in the Pacific! It comes out of the people of the United States, because, although they raise 300,000 tons of sugar, the amount which they raise is not sufficient to lower the price one particle in the United States, and therefore the duty which we remit, for we charge no duty upon their sugar, is added to the price of the sugar to the Hawaiian planter and comes out of the pockets of our people. In other words, if those islands were not a part of the United States, and if we collected duty upon the sugar which they ship to us, we would collect a duty of over $10,000,000 a year.

Mr. CULLOM. I inquire of my friend if he is in favor of putting a duty on sugar now that they are a part of the United States. Also, while I am on my feet, if the Senator will allow me, I will ask him whether he does not know that under the reciprocity treaty sugar was coming in free a very long while before we got the islands?

Mr. PETTIGREW. I stated that we made an agreement in 1875 by which sugar came in free from those islands, and that when in 1890 we made sugar free from everywhere they ceased to have an advantage, and therefore they wanted annexation in order to get the bounty of 2 cents a pound which we were paying upon the domestic sugar produced.

I will briefly answer the Senator's question before I finish. Now, with regard to these islands, what have we acquired? Mr. President, there are 3,085 people of American blood in the Hawaiian Islands. There are about 1,100 men who can vote. Of those 3,085 people, 1,900 are males and 1,100 are females, showing almost 2 to 1 of males over females among the population of American blood, showing the same thing that exists in every tropical country in the world where the European has gone. In other words, the European, the American, does not go to the Tropics to raise children, to have a family, and therefore the disproportion between the males and the females for every Anglo-Saxon settlement in the Tropics throughout the world is from 2 to 5 to 1. In Singapore there are probably 6,000 Europeans, English and Americans, and less than 1,000 of them are females. So it is in Hongkong; so it is in every tropical country throughout the world; so it is in Hawaii, and so it will always be in Hawaii.

What were we told? Why, that this was the paradise of the Pacific, that Americans would go there and raise families, and that we would soon build up an American State. Mr. President,

the moment we annexed those islands we were notified by every lodge of Odd Fellows and Masons and Knights of Pythias that it was no place for an American to stay unless he had enough money to take care of him as long as he wanted to remain there and to get away with when he tired of staying; that the labor market was overcrowded; that there was no place for American laborers or American toilers. But in the meantime they imported, after we annexed the islands, 37,000 contract laborers from Asia.

Now, what have we annexed? We have annexed 3,985 people of American blood, many of them citizens of Hawaii, whose fathers went to that country to carry the blessings of a Christian religion, and whose sons had become the prosperous sugar planters of that country. We have annexed 5,000 or 6,000 Germans, English, Scandinavians, etc. We do not know whether they will become citizens of the United States or not. We have annexed about 16,000 Portuguese, whose ancestors went to those islands as contract laborers from Madeira years ago, and we have annexed 32,000 Kanakas and 8,000 mixed bloods, half Kanaka and half missionary and half Chinese——

Mr. GALLINGER. That makes three halves.

Mr. PETTIGREW. Three halves; and we have annexed Asiatics by the thousand. We have annexed 37,000 contract laborers and 25,000 or 30,000 Asiatics who are not contract laborers, and now we try to flatter ourselves over the delusion that we are going to make a Territory in the center of the Pacific and ultimately admit it as a State into this Union. Is this the material out of which an American State is made, with less than 1,200 voters who are Americans, with a population of Asiatics whose males and females are in the proportion of 10 to 1, for under their system of importing labor the contract provides that 1 woman only shall be brought for each 10 men. So where they bring in 10,000 Asiatics they bring in 1,000 women. Does this brothel, then, in the Pacific possess the elements, and will it ever possess the elements out of which you can construct an American State? It is all nonsense; it can not be done. We must hold them as a subject colony. We must hold them as a part of an empire. We must undertake to maintain under our flag two forms of government.

For that reason, Mr. President, I would allow the Hawaiian people again, if they choose to do it, to set up a republic of their own and maintain it as best they can. They have no right to become a part of our system. I would impose duties against their products the same as we impose them against the rest of the world. You can not maintain there, neither can you maintain in the Tropics anywhere throughout the world, the form of Government under which we live. I believe that every people throughout the world are capable of a form of government best suited to them, and that they are capable of maintaining as good a form of government as they are entitled to; but I do not believe that every people wherever you may find them are capable of maintaining our form of Government.

Therefore I am opposed to this expansion. I am opposed to the acquisition of those islands. I am opposed to any effort to impose a government upon an unwilling people who do not understand and comprehend our institutions. I do not believe our flag should go to any land where our Constitution can not go. It should go where men are capable of comprehending that Constitution and are able to maintain free institutions, where men live who love and adore the principles of the Declaration of Independence.

Therefore I am opposed to this bill. I am opposed to any effort that we may make to furnish a government for a people who can not live under our institutions.

Mr. CLARK of Wyoming. I hope the Senator will vote for the amendment.

Mr. QUARLES. Mr. President, I understood when the Senator from South Dakota rose to discuss this question that he was in favor of this amendment, but his argument is very persuasive against it. If we have made such a wretched bargain in obtaining this so-called rotten borough, which for the various reasons mentioned by the distinguished Senator will prove like ashes in our hands, why should we pay a bonus now of $250,000 on the trade?

The argument of my learned friend proves too much. His argument would be in favor not of paying this solace to a deposed queen, but of putting the crown back on her head, placing the faded emblems of monarchy back in her hands; and he would have the Senate on this amendment consider that major question.

Our distinguished friend has an assortment of skeletons which he brings periodically before this body. I thought we had seen them all and had become familiar with the grewsome gyrations of each one. But here is a bogy man from the Sandwich Islands, brought up now to harass the imagination of this body when it is simply considering at the end of this bill a question not germane to the suggestions of the distinguished Senator, but simply whether we shall from a supposed equity pay as a consolation to this deposed Queen, who has no semblance of legal right, the sum of $250,000.

It is stated here, Mr. President, that this amendment is proposed without the knowledge or consent of the Queen. On the other hand, it is stated that she has employed her attorneys and proposes to go into the courts and enforce her claim as a legal obligation. How untimely, then, it would be for the Senate to pass such an amendment, which amounts to a tacit recognition of some legal right on her behalf. The attorneys who are waiting to begin that suit would be glad that such a recognition should be given to her claim by this body.

Now, Mr. President, there are knocking at the doors of Congress to-day hundreds of poor, old, maimed soldiers and sailors, asking us to increase their little bounty or pension, and I for one would much prefer to take the $250,000, which is a gratuity at best, and give it to those poor old cripples rather than to place the Queen of the Sandwich Islands on our pension rolls.

Mr. BACON. Mr. President, I quite agree with the proposition that there can be no possible legal claim by the Queen against the United States Government or against the Hawaiian government on account of these Crown lands. Whether in conscience right or wrong, the results of a revolution always affect legal rights. It is simply a question, as has been suggested by Senators who have already spoken upon the subject, whether under all the circumstances under which the Queen was deprived not only of her crown, but of all her property of every sort and description anything is due in equity and good conscience to this deposed Queen. The circumstances I will not repeat, because I have no desire to fall under the criticism of having any disposition to speak disparagingly of any part taken by the United States Government in that matter.

I think it would be a mistake to adopt the language which is in the amendment, which calls for a relinquishment by the Queen of her right and the execution of deeds to such relinquishment, because that would be a recognition on the part of the Government of the United States of a claim which she might afterwards rely upon with some degree of confidence. I therefore propose to offer to the amendment submitted by the Senator from Wyoming an amendment, striking out certain words and inserting others, which I will send to the desk.

The PRESIDENT pro tempore. The Senator from Georgia offers an amendment, which will be read.

The SECRETARY. After the words "Hawaiian Islands," in line 4 of the printed amendment, strike out all the section down to and including the word "Liliuokalani," in line 8, and insert the words:

> In full settlement of any claim for interest, legal or equitable, she may now have or may have had in said Crown lands or the usufruct of the same, and in full settlement of any and every claim she now has or may have had against the United States and against the Hawaiian government on any account whatsoever.

Mr. CLARK of Wyoming. That accomplishes the object I intended by my amendment, and, so far as I am concerned, I accept the modification.

Mr. BACON. I understand the Senator from Wyoming accepts the amendment. I simply desire to say in response to the suggestion of the Senator from Wisconsin [Mr. QUARLES] that this money practically does not come out of the coffers of the Treasury of the United States. It is to be paid practically out of the revenues of these lands. As stated by the Senator from Wyoming, these lands in 1893, at the time when the Queen was deposed, were producing a revenue of $50,000 a year, and they are now producing a revenue of over $100,000 a year. None of that fund can be devoted to the very laudable and excellent purposes which the Senator from Wisconsin has suggested. In other words, under the law as it stands, what may arise from these lands will necessarily be devoted exclusively to the Hawaiian Islands, and this is simply subtracting from the general purposes now contemplated by the law for the benefit of the Hawaiian Islands and devoting that much of it to the compensation of the Queen. So that really the United States Government will not pay one cent of it. The fund, unless it is devoted in part to this purpose, will all go to certain purposes in the Hawaiian Islands. If it is devoted to this purpose, no single dollar is subtracted from what will ultimately be the property or the money of the United States, but it is simply subtracted from what will go to certain funds and certain purposes in the Hawaiian Islands.

Mr. SCOTT. Will the Senator allow me?

The PRESIDENT pro tempore. Does the Senator from Georgia yield?

Mr. BACON. Certainly.

Mr. SCOTT. I rise for the purpose of asking the Senator a question for information. I inquire if, at the time of the insurrection, all property, personal as well as state property, was taken from the Queen?

Mr. MORGAN. It was not.

Mr. BACON. I will state to the Senator from West Virginia that I have very little personal familiarity with this matter, for I had no knowledge of it until it was brought to the attention of the Senate to-day by the Senator from Wyoming [Mr. CLARK].

But it was stated, possibly while the Senator from West Virginia was not in the Chamber, that at the time of the deposition of the Queen every particle of her personal property, even to her tableware and kitchen furniture, was taken from her; that she was absolutely turned out without anything whatever.

Mr. SCOTT. I am much obliged to the Senator.

Mr. MORGAN. That statement is not correct.

Mr. BACON. I am only saying that that is the statement of the Senator from Wyoming [Mr. CLARK]. I have no knowledge of the matter myself. I think the amendment puts the matter in an entirely different position before the Senate from what it would be otherwise. It does not recognize any legal claim, and nothing is said therein upon which any claim can be based in the future if we should fail to pass the amendment or if we should pass it.

Mr. PLATT of Connecticut. Mr. President, it seems to me most unfortunate that this amendment has been proposed to this bill. I can not think the object that the Senator from Wyoming had in view was to raise again in the Senate the question of whether this Government has dealt unfairly with the Queen. We had that discussion years ago, and it is entirely out of place, as it seems to me, to revive it now.

I do not think, from hearing all that has been said, that there is any occasion now for this Government to appropriate $250,000 for the Queen of the Sandwich Islands. I do not see upon what ground it is based, except upon the ground that we took away from her her lands.

Mr. President, the revolution in the Sandwich Islands is an accomplished fact, and was an accomplished fact years ago. The Queen had no interest in the lands, except that as Queen she derived a revenue from them for the support of the royal household. Under every principle of law and under every principle of right when a government changes, the interest of the former monarch, the interest of the former government, in any of the lands passes to the new government.

The right to these lands is in the people of Hawaii to-day, and not in the former Queen. If we pass this amendment, we propose to take from the people of Hawaii that which rightfully belongs to them—$250,000 of the revenues to be derived from their lands—and appropriate it to the uses of the Queen. That is all there is about it.

I think, Mr. President, that the United States ought to hesitate, and hesitate long, before it does such a thing. At least a proposition of this sort ought to come before the Senate as an independent proposition, be referred to a committee, reported upon, and discussed; so that if anything of this character is to be done it should be done with our eyes open.

This is not a donation. Even if it were put upon that ground, I see no reason why we should make it. There is a kind of sympathy in the breast of everyone and a kind of sentimentalism which, when there is any proposition to pay any money to anyone, at first blush inclines Senators to favor it. But I see no reason why the United States should donate $250,000 to the former Queen. I see still less reason, if there be any, why we should take $250,000 from the people of Hawaii and give it to the Queen. That is an arbitrary proceeding that can not be justified for a moment.

This amendment, as originally introduced and even as proposed to be amended by the Senator from Georgia [Mr. BACON], counts upon some interest of the Queen, some right of hers, some property of hers, which has been taken away from her either by the people of Hawaii or by the United States. If we pass this amendment it can in no sense be said to be a donation to her which we, out of the goodness of our hearts, take from the Treasury of the United States and transfer to her pocket. It is a recognition of a right, and the arbitrary enforcement of that right upon the people of Hawaii; and we should not enact any such legislation.

Mr. CLARK of Wyoming. Mr. President, I thank the Senator from Connecticut [Mr. PLATT] most sincerely for his rebuke.

Mr. PLATT of Connecticut. There was no rebuke about it.

Mr. CLARK of Wyoming. But so long as I shall remain in the Senate I shall reserve the right to offer any and every amendment which I think is proper to any and every bill which comes before the Senate. I do not want to transgress the privileges of the Senate; I do not want to transgress the rules of the Senate; but I do want to see justice done, and I think that is one of the things which the Senate of the United States sits for.

The Senator from Connecticut says there is no legal right in the matter which is involved in the amendment which has been proposed by myself and amended by the Senator from Georgia. I grant it, because in the politics of the world might means right, and the nation that is strong enough to throttle a smaller nation never has to answer in any court of justice for its action, and it may go "unwhipped of justice" for all its ill deeds. But that does not alter the fact that a great nation can afford to be generous and just and honest.

There is no legal claim. The minute that the republic of Hawaii in its might, aided—I repeat it again—by the Government of the United States, made a revolution and took over the Crown lands, that minute all legal right ceased. But the Senator from Connecticut, and every other Senator, knows that there is something besides legal rights in this world. There is a moral obligation that rests upon every government to treat its subjects and the subjects of other governments in a moral and in an equitable way.

Notwithstanding what has been said by the Senator from Connecticut, at the time of her overthrow the Queen of those islands had $50,000 annual profit—constitutional profit—from the Crown lands of those islands. The republic took them over, and, as has been said, it not only took the Crown lands over, but it made such a confiscation as has never been made by a revolution, not even the French Revolution. It took every article of personal apparel; it took every article in the kitchen; it took every article in the palace; it took every article everywhere; arrested the deposed monarch upon the streets and kept her in close confinement in a government building for months and months, without allowing her to visit her home. I am not specially interested in the individual. I am simply interested in seeing that this Government does justice. I am simply interested that we do at least equity.

Mr. KYLE. May I ask the Senator a question?

Mr. CLARK of Wyoming. Certainly.

Mr. KYLE. I ask the Senator if the Queen was the only one dispossessed of rights at the time of the overthrow of the monarchy?

Mr. CLARK of Wyoming. She was, so far as I know. I do not know of any others.

Mr. KYLE. Were there not a great many others?

Mr. CLARK of Wyoming. There may have been.

Mr. KYLE. Then it might be right to include them all in the bill.

Mr. CLARK of Wyoming. I do not think there were any others—there were no others.

Mr. PLATT of Connecticut. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wyoming yield?

Mr. CLARK of Wyoming. Certainly.

Mr. PLATT of Connecticut. Is it not the truth that all this property which is said to have been confiscated was afterwards turned over to the princess by the government of Hawaii?

Mr. CLARK of Wyoming. No; that is not true.

Mr. PLATT of Connecticut. I so understood.

Mr. CLARK of Wyoming. Part of it was, but the most of it was sold at auction or in some other way, and went into the coffers of the government.

So it seems, Mr. President, not only an act of justice—as the Senator from Connecticut very well says, legally there is no claim—but morally and equitably, and under all the laws that ought to govern a body of this kind, something ought to be done to correct what was done, at least with our connivance, if not with our concurrence.

The PRESIDENT pro tempore. The amendment as modified will be stated.

The SECRETARY. It is proposed to add to section 101 the following:

And the sum of $250,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be paid Liliuokalani, late Queen of the Hawaiian Islands in full settlement of any claim for any interest, legal or equitable, she may now have or may have had in said Crown lands or the usufruct of the same, and in full settlement of any and every claim she may now have or may have had against the United States and against the Hawaiian government on any account whatsoever: *And provided further*, That said sum of $250,000 shall, to that amount, be a charge upon the revenues of said lands, and shall be repaid to the United States from the revenues of said lands in five equal annual payments.

Mr. MORGAN. That proviso ought not to be in there.

Mr. CULLOM. No.

Mr. MORGAN. When those lands were taken over by the republic they were leased and they were converted into the public domain, and are now subject to homestead entry. Under the laws of Hawaii persons are now proceeding to take them up. It will leave the lien of the government upon them; and, of course, the government of Hawaii, instead of letting those lands go into private ownership, must keep them and lease them for a long time, indefinitely, according to this bill.

We have got to keep them and hold them in trust, in order that this woman shall get the advantage of the income from them, if the Government of the United States is to be reimbursed for paying this $250,000. If we do anything for her benefit at all, it ought to be a benevolence, and it ought to be an act of recognition that there is some duty or some privilege resting upon us to reinstate her, so far as her private fortunes are concerned, for anything she might have lost by virtue of the abdication of her crown; for the fact of the business is that she did abdicate her crown, Mr. President.

That proviso ought not to go into this bill; it ought to be stricken out. I hope it will be withdrawn. It is not necessary at all that the Government of the United States should be reimbursed this sum of money. It only takes the amount out of the

control of the Hawaiian government, so as to compel the lands to be leased from this time forward forever. The land can not be devoted to homestead settlement at all.

Mr. CLARK of Wyoming. I do not suppose the Senator understands that any of the land that is now under lease is subject to homestead entry.

Mr. MORGAN. I do. As fast as the leases expire the land is subject to homestead entry.

Mr. CLARK of Wyoming. But not so long as the land is under lease.

Mr. MORGAN. But many of the leases have expired or are expiring.

Mr. CLARK of Wyoming. If the Senator will remember and look at his data, he will find that very few leases will expire during the term of five years mentioned in the amendment.

Mr. MORGAN. My impression is that quite a number of the leases have expired, or are about expiring. What is the use of having the Government of the United States set apart those lands as a fund to reimburse this $250,000 and take them out of the land system in Hawaii, entirely out of the public domain? We have dedicated those lands by the act of annexation to the use of the people of Hawaii, not to the use of Liliuokalani, nor to the use of the United States.

Mr. BACON. Will the Senator permit me just a moment?

Mr. MORGAN. Yes.

Mr. BACON. The proviso expressly limits this to a charge upon the revenues from those lands especially, and those which have been disposed of by settlement or otherwise can not be affected. The proviso can not affect any lands except those which remain under lease and from which revenues are derived.

Mr. MORGAN. There is no use for it and no need for it. It is a sort of Indian gift—give it and take it back. If we are going to do the decent thing about it, if Senators insist that it is a decent act to do, then let us do it without reservation and without embarrassing the land system of Hawaii in order to get the measure through the Senate.

Mr. CULLOM. May I ask the Senator, by his leave, a question?

Mr. MORGAN. Certainly.

Mr. CULLOM. I ask whether the Senator does not think that this whole subject of what should be paid to the Queen, if anything, should be the result of a special investigation, and that we should then act with all the light possible before us?

Mr. MORGAN. It ought to be the subject of a separate bill. The committee have not had any opportunity of considering this question at all as a claim against Hawaii or the Government of the United States. It has not been presented either to the commission or to the committee.

Mr. CLARK of Wyoming. The bill as prepared and reported absolutely cuts off any possibility of action in that regard.

Mr. MORGAN. No; it does not do that.

Mr. CLARK of Wyoming. If section 101 does not do that, I should like to have the Senator from Alabama interpret it.

Mr. MORGAN. I will interpret it in a moment. The Government of the United States took over the title of those lands in Hawaii and devoted the proceeds of the lands entirely to the people of Hawaii, acting merely as a conduit or trustee for the purpose of holding title for the benefit of those people. In doing that, the commission and the committee were afraid that the Government of the United States might have thrust upon it a liability or incumbrance claimed by Liliuokalani, and therefore cut it off so far as this Government is concerned, without touching her right, whatever that might be. The only provision of the bill on the subject is that this Government does not assume, and will not assume, any claim of trust or obligation resting upon that public domain that we got from the Hawaiians; which was a just, proper, and necessary provision, and did not affect her at all.

I know what has been said about this thing very frequently. Men have been here for a year or two years; have been here almost all the time. They came here before annexation took place with powers of attorney, coupled with an interest, to have this claim vamped up and paid. Suits have been threatened, but lawyers have not yet been found who had the temerity to bring the suits against the republic of Hawaii. This claim ought at least to have gone before the Committee on Foreign Relations on the part of the Senator who now offers it, who is a member of that committee. That committee has never had an opportunity of passing upon this question, and the amendment ought to go by the board. I would vote against it, or I would move to lay it on the table, but for one reason. I am willing that the Government of the United States shall exercise whatever of generosity it chooses to do toward Liliuokalani for the purpose of healing up the scars and wounds which have been inflicted by the annexation of Hawaii upon Senators on this floor. That is the object.

Mr. CLARK of Wyoming. Mr. President——

The PRESIDENT pro tempore. The hour of 4 o'clock has arrived; and, under the unanimous-consent agreement made yesterday, the amendments and the bill are now to be voted upon without debate.

Mr. MORGAN. I call for the yeas and nays.

The PRESIDENT pro tempore. Does the Senator demand the yeas and nays on the proposed amendment?

Mr. MORGAN. I move to strike out the last clause of the amendment.

The PRESIDENT pro tempore. The Senator from Alabama [Mr. MORGAN] moves to strike out the proviso; and on that motion he calls for the yeas and nays.

Mr. CULLOM. The proviso to what?

The PRESIDENT pro tempore. The proviso to the amendment offered by the Senator from Wyoming [Mr. CLARK].

Mr. CLAY. Is it the proviso to the amendment offered by my colleague, the Senator from Georgia [Mr. BACON]?

The PRESIDENT pro tempore. It is the proviso which was offered by the Senator from Wyoming [Mr. CLARK] to his amendment.

Mr. CLAY. I understand.

Mr. GALLINGER. I move to lay the entire amendment on the table, Mr. President.

The PRESIDENT pro tempore. The question is on the motion of the Senator from New Hampshire [Mr. GALLINGER], to lay the amendment and the proposed amendment to it on the table.

The motion was agreed to.

Mr. PLATT of Connecticut. I offer as a new section the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to insert as a new section, to precede the last section of the bill, the following:

Nothing contained in this act shall be construed, taken, or held to imply a pledge or promise that the Territory of Hawaii will at any future time be admitted as a State, or attached to any State.

The PRESIDENT pro tempore. The question is on the amendment which has just been read.

Mr. CULBERSON. I call for the yeas and nays.

Mr. CHILTON. Mr. President, it seems to me that the amendment ought not to be adopted. I am not in favor of admitting Hawaii as a State——

The PRESIDENT pro tempore. Debate is not in order.

Mr. CHILTON. It is not in order?

The PRESIDENT pro tempore. It is not, under the agreement made yesterday.

Mr. CHILTON. Excuse me; I was not aware of that.

Mr. MORGAN. If the amendment is not debatable, I make the point of order that it was not pending at 4 o'clock.

Mr. CULLOM. It was pending.

Mr. MORGAN. No, sir; it was not then offered in the Senate.

The PRESIDENT pro tempore. Under the peculiar wording of the unanimous-consent agreement the Chair would hardly feel authorized to rule that the amendment could not be offered now.

Mr. MORGAN. If it is offered now, it ought to be debated.

The PRESIDENT pro tempore. As the agreement appears in the RECORD it does not say "and amendments then pending;" but it says "to-morrow at 4 o'clock the Senate will proceed to vote upon the amendments and the bill."

Mr. MORGAN. That, of course, means pending amendments.

Mr. CULLOM. And without debate.

The PRESIDENT pro tempore. It does not say "on amendments then pending," which is the usual way in arrangements of that kind.

Mr. MORGAN. Well, Mr. President——

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Connecticut [Mr. PLATT].

Mr. CHILTON, Mr. STEWART, and others called for the yeas and nays.

The yeas and nays were ordered.

Mr. PETTUS. Mr. President, I move to amend the amendment by inserting, after the word "will," the words "or will not;" so as to read:

Nothing contained in this act shall be construed, taken, or held to imply a pledge or promise that the Territory of Hawaii will or will not at any future time be admitted as a State, or attached to any State.

Mr. HOAR. That is not in order.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Alabama [Mr. PETTUS] to the amendment of the Senator from Connecticut [Mr. PLATT].

Mr. PLATT of Connecticut. Let the amendment be stated from the desk.

Mr. HOAR. Mr. President, I rise to a point of order. I came in when the Chair was announcing his ruling. Did the Chair announce that he should hold that no new amendment is in order?

The PRESIDENT pro tempore. The Chair did not.

Mr. HOAR. What was the Chair's ruling?

The PRESIDENT pro tempore. The agreement is in peculiar wording. It is not as usual in unanimous-consent agreements,

that "the vote shall be taken on the amendments then pending and on the bill," but it is "on the amendments and the bill."

Mr. HOAR. If a vote is to be taken at 4 o'clock on the amendments and the bill, how can any time after 4 o'clock be occupied by offering new amendments? I might offer an amendment that would take a half an hour to read. I submit respectfully to the Chair that "the vote shall then be taken on the amendments and the bill" implies that nothing can be done but voting after 4 o'clock; that no new motions can be made.

Mr. STEWART. I would suggest to the Chair that if the amendment of the Senator from Connecticut [Mr. PLATT] is in order, every other amendment would still be in order without limit.

Mr. FORAKER. It seems to me not exactly right that we should have new propositions advanced now that have had no time to consider and no time to discuss. I understood when I was giving consent yesterday that when the hour of 4 o'clock was reached to-day, we would have been advised of all the proposed amendments and would have been given an opportunity to discuss them.

Mr. CULLOM. It was certainly meant that no amendment should be offered after 4 o'clock.

The PRESIDENT pro tempore. The Chair has not ruled that amendments are in order, but the inference from his putting the question on the amendment offered by the Senator from Connecticut [Mr. PLATT] was that that was his understanding.

Mr. PLATT of Connecticut. Mr. President, of course debate is not in order. I wish simply to say, by unanimous consent, that I have had that amendment before me for the last two days, trying to get an opportunity to offer it. I supposed certainly that the privilege existed after 4 o'clock of offering amendments and having votes upon them. I knew that the amendment could not be debated. I want to debate it, but I know that I can not under the agreement. I thought, however, I could have the privilege of offering the amendment and then of having a vote upon it.

Mr. HOAR. I very much desire to debate that amendment, and to debate it at length. It attacks the doctrine upon which I myself took the very grave responsibility of voting for the Hawaiian treaty. I do not want to be led into what seems to be a repudiation of that principle by an amendment offered which can be dealt with by the Senate without debate, and after we had agreed that the vote should be taken at 4 o'clock. I must enter my protest against it.

Mr. CULLOM. I hope the Chair will rule.

The PRESIDENT pro tempore. No point of order has yet been made that the amendment is not in order.

Mr. MORGAN. I made the point of order, Mr. President, distinctly that that amendment was not in order because it had been offered after 4 o'clock.

Mr. CULLOM. That is correct. The Senator did.

The PRESIDENT pro tempore. The Chair is inclined to think the Senator is correct.

Mr. MORGAN. Of course I did.

Mr. ALDRICH. If the Chair will read the statement made by the Presiding Officer yesterday, I think it will dispose of this question. That statement reads as follows:

> And that to-morrow at 4 o'clock the Senate will proceed to vote upon the amendments and the bill, and that all debate shall then cease.

Of course we can not vote precisely at 4 o'clock upon all these amendments and the bill, but the general understanding of the Senate has been to commence voting at the time fixed, and that all debate should then cease.

Mr. CULLOM. No new amendments to be offered.

The PRESIDENT pro tempore. The point made here is that this amendment was offered after 4 o'clock.

Mr. ALDRICH. "All amendments" must be in the nature of things—the plural being used—any amendment of which notice had been given by any Senator; and that, I think, has been the universal custom of the Senate; otherwise it would be technically confined to one single amendment, and no Senator could offer any other.

Mr. HOAR. I desire to call the attention of the Chair, if I may have leave, to the fact that under the rules of the Senate—I am not now speaking of appropriation bills, but on all other bills—any other measure whatever can be offered as a substitute or an amendment to a pending bill. It is known very well that one of the most important pieces of legislation we ever passed was offered as an amendment to a pension bill in the last hours of the session. Suppose the bill which is now the subject of a conference report—the currency bill—was offered at this moment as an amendment to this measure. It would be clearly in order under our rule. At the same time the Senate would be compelled to vote on it without debate.

The PRESIDENT pro tempore. The Chair sustains the point of order.

Mr. PLATT of Connecticut. Then, if I may be permitted, because I do not wish hereafter to be accused of anything that would look like interfering with the business of the Senate, I do not propose to give any further assent to the taking of a vote upon any bill in which I am interested at any time.

Mr. HOAR. Without reserving the right at the time.

The PRESIDENT pro tempore. The bill is in the Senate and still open to amendment.

Mr. CLARK of Wyoming. I have an amendment upon the desk to strike out section 101, which I offered.

The PRESIDENT pro tempore. The Senator from Wyoming offers an amendment, which will be stated.

The SECRETARY. On page 50 it is proposed to strike out section 101, as follows——

Mr. PLATT of Connecticut. How is that amendment in order?

The PRESIDENT pro tempore. It was sent to the table and printed.

Mr. PLATT of Connecticut. But that does not make the amendment in order. It is offered after 4 o'clock.

Mr. CLARK of Wyoming. It is an amendment which has been pending. It is an amendment of which I gave notice and which I sent to the desk long before 4 o'clock.

Mr. PLATT of Connecticut. If we are to be technical, let us be technical about everything.

Mr. MORGAN. It never has been offered.

Mr. PLATT of Connecticut. It has not been offered, and if I——

Mr. CLARK of Wyoming. It surely was offered.

Mr. PLATT of Connecticut. It could not be offered, because an agreement was pending. That was the reason why I could not offer my amendment. I tried to get the attention of the Chair to offer it. If we are going to be technical against one amendment, let us be technical against all.

Mr. STEWART. I do not think that rule applies, because it has been the universal custom to regard all amendments of which notice has been given as pending within the meaning of the understanding. They are not pending technically, but I refer to amendments of which notice has been given and which are on the table. No amendment has ever before been offered after the time agreed upon, and there is no precedent for it.

Mr. PLATT of Connecticut. I make the point of order that this amendment was not offered before 4 o'clock.

The PRESIDENT pro tempore. The Chair overrules the point of order. The question is on agreeing to the amendment offered by the Senator from Wyoming [Mr. CLARK], which will be stated.

The SECRETARY. It is proposed to strike out section 101, in the following words:

> SEC. 101. That the portion of the public domain heretofore known as crown land is hereby declared to have been on the 12th day of August, 1898, and prior thereto, the property of the Hawaiian government, and to be free and clear from any trust of or concerning the same, and from all claim of any nature whatsoever upon the rents, issues, and profits thereof, and shall be subject to alienation and other uses as may be provided by the laws of the United States.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Wyoming.

The amendment was rejected.

Mr. PETTIGREW. I now call up the amendment which I offered yesterday, to strike out all of section 18 down to and including the words "United States," in line 16, and insert what I have sent to the desk. I call the attention of the Senator from Illinois to the amendment.

The PRESIDENT pro tempore. The Senator from South Dakota offers an amendment, which will be stated.

The SECRETARY. It is proposed to strike out all of section 18 on page 11 of the last print, down to and including the words "United States," in line 16, and insert the following:

> That no person shall be deprived of the right to vote because of his failure or refusal to qualify and take the oath required by the republic of Hawaii, but all such persons possessing the qualifications required by this act shall, upon taking an oath to support the Constitution of the United States, be entitled to vote at all elections hereafter held in the Territory of Hawaii.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from South Dakota.

The amendment was rejected.

Mr. PETTIGREW. I ask for the yeas and nays.

Mr. MORGAN. It is too late.

Mr. PETTIGREW. The amendment relates to the question of suffrage.

The PRESIDENT pro tempore. The Senator from South Dakota demands the yeas and nays on the amendment. Is there a second?

The yeas and nays were not ordered.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GOVERNMENT OF PUERTO RICO.

Mr. FORAKER. I move that the Senate proceed to the consideration of the bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Puerto Rico, and for other purposes.

Mr. PENROSE. I do not intend to oppose the motion of the Senator from Ohio, but I should like to have it distinctly understood on his part, as I believe it is, and on the part of the Senate that it shall not interfere with the question which the Senate has already voted to take up. I refer to the Pennsylvania Senatorial case.

Mr. FORAKER. I understand that if this bill is taken up and we proceed to its consideration it will be under the same rule that has obtained in the consideration of the Hawaiian bill, and that at any time, if a Senator is ready to speak on that subject, he can do so, and if it reaches a place where the Senator from Pennsylvania wants to take a vote, he can do so.

Mr. PENROSE. I desire to state that under those circumstances I shall not oppose the motion. I also desire to state that I expect at an early day to ask for a vote upon the Pennsylvania case.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Ohio, to proceed to the consideration of the bill suggested by him, known as the revenue bill for the island of Puerto Rico.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. DAVIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty minutes spent in executive session the doors were reopened, and (at 4 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Friday, March 2, 1900, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 1, 1900.

APPOINTMENT BY TRANSFER IN THE ARMY.

Second Lieut. Charles H. Whipple, jr., First Artillery, from the artillery arm to the infantry arm, February 26, 1900, with rank from February 1, 1900.

PROMOTIONS IN THE ARMY.

Medical Department.

Maj. Robert M. O'Reilly, surgeon, to be deputy surgeon-general with the rank of lieutenant-colonel, February 21, 1900, vice Koerper, retired from active service.

Capt. William J. Wakeman, assistant surgeon, to be surgeon with the rank of major, February 21, 1900, vice O'Reilly, promoted.

SURVEYOR OF CUSTOMS.

Thomas W. Wheeler, of New York, to be surveyor of customs for the port of Port Jefferson, in the State of New York, to succeed G. Frank Bayles, whose term of office has expired by limitation.

POSTMASTERS.

Homer A. Plimpton, to be postmaster at Perris, in the county of Riverside and State of California, in the place of Dora Austin, whose commission expires March 27, 1900.

F. A. Root, to be postmaster at Miami, in the county of Dade and State of Florida, in the place of J. S. Warner, resigned.

Francis Marion McDowell, to be postmaster at Winamac, in the county of Pulaski and State of Indiana, in the place of W. E. Jackson, whose commission expired March 6, 1898.

J. H. Smith, to be postmaster at Downs, in the county of Osborne and State of Kansas, in the place of S. W. Carney, whose commission expires March 10, 1900.

Edward A. Ellis, to be postmaster at Newton Center, in the county of Middlesex and State of Massachusetts, in the place of Edward A. Ellis, whose commission expires March 13, 1900. (Reappointed.)

Stephen Osgood, to be postmaster at Georgetown, in the county of Essex and State of Massachusetts, in the place of A. B. Comins, whose commission expires March 25, 1900.

William F. Wiley, to be postmaster at Peabody, in the county of Essex and State of Massachusetts, in the place of T. H. Jackman, whose commission expires March 27, 1900.

Eugene T. Slayton, to be postmaster at Lapeer, in the county of Lapeer and State of Michigan, in the place of Irving McArthur, whose commission expired February 24, 1900.

Frank L. Redfield, to be postmaster at Cloquet, in the county of Carlton and State of Minnesota, in the place of G. D. Muggah, whose commission expires March 3, 1900.

Charles A. Sawyer, to be postmaster at Jackson, in the county of Cape Girardeau and State of Missouri, in the place of J. E. Schmuke, whose commission expires March 25, 1900.

William C. Collins, to be postmaster at Homer, in the county of Cortland and State of New York, in the place of C. E. Wills, deceased.

Gilbert Francis, to be postmaster at Ellenville, in the county of Ulster and State of New York, in the place of L. R. Benedict, whose commission expires March 25, 1900.

Charles T. Jackson, to be postmaster at Goshen, in the county of Orange and State of New York, in the place of Theodore Smith, whose commission expires March 30, 1900.

Frederick T. Miles, to be postmaster at Salem, in the county of Columbiana and State of Ohio, in the place of F. P. Dunlap, whose commission expires March 13, 1900.

Byron G. Hahn, to be postmaster at Wilkesbarre, in the county of Luzerne and State of Pennsylvania, in the place of E. F. Bogert, removed.

James H. Morrison, to be postmaster at Marienville (late Marionville), in the county of Forest and State of Pennsylvania, in the place of H. H. McClellan, whose commission expired January 15, 1900.

George B. Jacobus, to be postmaster at Caldwell, in the county of Essex and State of New Jersey, in the place of Stephen Van Order, whose commission expired December 19, 1899.

WITHDRAWALS.

Executive nominations withdrawn March 1, 1900.

A. C. Cooke, to be postmaster at Truckee, in the State of California.

William N. Conn, to be postmaster at Winamac, in the State of Indiana.

Henry C. Mead, to be postmaster at Caldwell, in the State of New Jersey.

James Nash, to be postmaster at Rankin Station, in the State of Pennsylvania.

CONFIRMATIONS.

Executive nominations confirmed by the Senate, March 1, 1900.

CONSULS.

George B. Anderson, of the District of Columbia, now consul at Grenoble, France, to be consul of the United States at Prescott, Canada.

Grenville James, of New York, now consul at Prescott, Canada, to be consul of the United States at Grenoble, France.

POSTMASTER.

William M. McKim, to be postmaster at Oil City, in the county of Venango and State of Pennsylvania.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March 1, 1900.*

The House met at 12 o'clock m., and was called to order by the Speaker.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read.

LEAVE TO WITHDRAW PAPERS.

By unanimous consent, on motion of Mr. SULLOWAY, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of John N. Bruce, Fifty-fifth Congress, no adverse report having been made thereon.

C. F. MARR AND E. H. PIERCE.

Mr. LANDIS. I ask unanimous consent for the present consideration of the bill (S. 1740) to authorize C. E. Marr and E. H. Pierce to accept silver watches awarded to them by the government of the Dominion of Canada in recognition of their services in rescuing British sailors.

The bill was read, as follows:

Be it enacted, etc., That C. E. Marr and E. H. Pierce, keepers of the Cuckolds, Maine, fog-signal station, be, and are hereby, authorized to accept each a silver watch awarded to them, respectively, by the government of the Dominion of Canada in recognition of their services in rescuing the captain and crew of the schooner *Aurora*, of Harboursville, Nova Scotia, on January 4, 1896.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. RICHARDSON. I should like to have the gentleman from Indiana make some explanation of this matter and state whether the bill has been reported by any committee, and if so, what committee.

Mr. LANDIS. The bill explains itself. It simply authorizes the parties whose names are mentioned to accept silver watches voted to them by the government of the Dominion of Canada in recognition of their heroism displayed in rescuing certain people

who were wrecked on a stranded schooner. The bill is unanimously reported by the Committee on Foreign Affairs.

Mr. TALBERT. I could not hear the reading of the bill. I should like to ask the gentleman if it is a bill that carries any appropriation from the Treasury of the United States?

Mr. LANDIS. None whatever.

Mr. RICHARDSON. We should like to be informed as to the facts in reference to the loss of the schooner.

Mr. LANDIS. The schooner was wrecked.

Mr. RICHARDSON. When and where?

Mr. LANDIS. Off the coast of Nova Scotia.

Mr. RICHARDSON. Recently?

Mr. GAINES. Were the contents of the schooner saved? [Laughter.]

Mr. LANDIS. I think that the gentlemen whose names are mentioned in the bill were relieved from all responsibility of assisting to unload the schooner.

Mr. RICHARDSON. I understand that the watches which are to be presented to them are silver watches.

Mr. LANDIS. Silver watches.

Mr. RICHARDSON. Not gold watches?

Mr. LANDIS. Not gold watches.

Mr. PAYNE. Unfortunately, the bill can not be amended in that respect. [Laughter.]

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to a third reading.

The SPEAKER. The Chair will state to the gentleman from Indiana that the engrossed copy of the bill is not here, and the Chair dislikes to have a bill passed which is not properly before the House. The matter may be held in suspension until the engrossed copy is received.

Mr. RICHARDSON. I should like to ask the gentleman if he will not at that time give the House the benefit of a statement as to who these two persons are, so that we may know more about the matter. Are they citizens of the United States?

Mr. LANDIS. They are citizens of the United States.

Mr. RICHARDSON. The bill does not say so, and we do not know where they reside or anything about it. I presume it is all right, but we ought to know something about who the parties are.

Mr. LANDIS. I will see that the engrossed copy is brought before the House, and shall then give an explanation which I am certain will be satisfactory to the distinguished gentleman from Tennessee.

JACOB S. ENGLEMAN.

Mr. QUARLES. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8188) to amend the act approved March 3, 1899, for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, and for other purposes.

The SPEAKER. The gentleman from Virginia asks unanimous consent for the present consideration of the bill which the Clerk will report.

The bill was read, as follows:

Be it enacted, etc., That so much of the act for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, and for other purposes, approved March 3, 1899, as authorizes and directs the Secretary of the Treasury to pay to the legal representatives of Jacob S. Engleman, deceased, late of Augusta County, Va., $510 be repealed. In lieu thereof there shall be appropriated to Jacob S. Engleman, administrator of John Engleman, deceased, late of Augusta County, Va., $510.

Mr. PAYNE. Mr. Speaker, I would like to hear a statement. It was impossible to get an idea of what the bill was by the reading.

Mr. QUARLES. I wish to offer an amendment which makes it plainer.

The SPEAKER. Before proceeding further, the gentleman from New York asks the gentleman from Virginia to make a short statement. Unanimous consent has not yet been given.

Mr. PAYNE. We could not hear the bill read.

Mr. QUARLES. This is simply to correct an error in a law that was passed last session, which directed $510 to be paid to the personal representatives of Jacob S. Engleman, when it should have been $510 to Jacob S. Engleman, administrator of the estate of John S. Engleman, deceased. It simply makes that correction.

Mr. McRAE. It does not change the amount?

Mr. QUARLES. It does not change the amount.

Mr. PAYNE. Has the bill been reported from a committee?

Mr. QUARLES. The bill has been reported favorably.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Mr. QUARLES. I offer an amendment.

The Clerk read as follows:

Strike out all after the word "repealed," in line 1, page 2, and insert: "And in lieu thereof there is appropriated to Jacob S. Engleman, administrator of John Engleman, deceased, late of Augusta County, Va., the sum of $510, and the same is directed to be paid him by the Secretary of the Treasury."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ARID LANDS.

Mr. SHAFROTH. Mr. Speaker, I ask unanimous consent that there be read at the Clerk's desk a memorial of governors of States which include arid lands, relative to certain legislation now pending in this body.

The SPEAKER. The gentleman from Colorado asks unanimous consent to have read at the Clerk's desk a memorial of certain governors.

Mr. PAYNE. Mr. Speaker, I think this should take the usual order.

The SPEAKER. Objection is made.

ADDITIONAL EMPLOYEES IN HEATING AND VENTILATING DEPARTMENT.

Mr. BULL. Mr. Speaker, I submit the following privileged report from the Committee on Accounts.

The Clerk read as follows:

Resolved, That the Speaker of the House is hereby authorized to appoint the following additional employees in the heating and ventilating department of the House wing of the Capitol, who shall be paid out of the contingent fund of the House during the Fifty-sixth Congress, until otherwise provided for, as follows: One assistant engineer, at the rate of $1,200 per annum; 1 fireman, at the rate of $900 per annum, and 2 laborers, at the rate of $720 per annum each.

The SPEAKER. The Chair would ask the gentleman from Rhode Island if the present law does not require these firemen to be appointed by the Architect of the Capitol, with the approval of the Speaker?

Mr. BULL. No, sir; I think not.

The question was taken, and the resolution was agreed to.

On motion of Mr. BULL, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

CONTESTED-ELECTION CASE—ALDRICH AGAINST ROBBINS.

Mr. MANN. Mr. Speaker, I call up as a matter of privilege the contested-election case of Aldrich against Robbins, which is House resolution 145, and ask for the reading of the resolution.

Mr. BARTLETT. Mr. Speaker, I ask unanimous consent, and I know the gentleman from Illinois will not object, before the motion is submitted that I may be permitted to make a statement of a minute or two.

Mr. MANN. Certainly.

Mr. BARTLETT. Mr. Speaker, the views of the minority, which were prepared and filed along with the report of the majority of the committee, at the time that the case was argued and at the time it was decided, and during the time it was being considered by the minority who prepared the report, my colleague upon the committee, the gentleman from Mississippi [Mr. FOX], who is a member of the committee and has been so during the Fifty-fifth Congress and now, was present. He was called home. He is now at home on account of the very serious and most likely fatal illness of his wife.

I received some days ago a letter from him stating the condition of his wife—that was after the case had been reported—in which he said, "I hope the Robbins case can be postponed until my return." I will not read the balance of the letter because it has reference solely to the condition of his wife. On yesterday afternoon, returning to my hotel, I found this telegram: "Wife very low. Please have Robbins case postponed. A. F. FOX."

Mr. MOODY of Massachusetts. I would like to ask the gentleman from Georgia if the gentleman to whom he alludes wrote the minority report?

Mr. BARTLETT. He did not; but answering the question of my friend from Massachusetts, who is a fair man and who desires to be courteous and extend all courtesy to others no matter where they come from, that Mr. FOX is an able lawyer, is a member of this committee, and it is the only committee in the House of which he is a member, and if the case is to be argued thoroughly, and if the House desires information as to the facts and the law of the case, I suggest to the gentleman from Massachusetts and to gentlemen on that side that, Mr. FOX being an able lawyer and being an old member of this House, he ought to be present and be permitted to argue the case if he wishes to. It is a privilege and a courtesy that ought to be extended to him as a minority member of the committee by the other members of the committee and the House. He not only concurred in the minority report, but he has taken the evidence, and has with him an abstract of it and a brief and everything of that kind, expecting to return, if he could, and argue the case; and it is only by the interposition of Divine Providence in its affliction upon him and his family, the sickness of his wife, who is now hovering between life and death, and perhaps

whose life has now already departed, that his presence in the House is made impossible.

Mr. MANN. Mr. Speaker, it would be very far from me to refuse to extend any courtesy to the gentleman from Georgia or the gentleman from Mississippi. The gentleman from Mississippi is a member of the minority committee and is detained at home by the serious illness of his wife, and under ordinary circumstances a decent respect for his feelings might require us to postpone this case. It is, however, true, Mr. Speaker, that he took but little or no part in the consideration of this case in committee, and after the case had been considered by the committee, at the request of the gentleman from Mississippi [Mr. FOX], the majority of the committee gave to the minority two or three weeks' extra time in which to prepare the report, with the express understanding that no further postponement in this case should be granted on account of the absence of the gentleman from Mississippi, an understanding which was acquiesced in at the time by the gentleman from Mississippi. Notice has been given in the House that this case would be called up, and it is well known that certain gentlemen of the minority not on the committee have already prepared to argue this case on account of the absence of the gentleman from Mississippi, and therefore I can see no reason for the further postponement of the resolution.

Mr. BARTLETT. Mr. Speaker, if my friend will permit me to call his attention to the agreement not to postpone, I will suggest to him that he ought in all fairness to state that that agreement was made when it was thought that the case would be gotten up two days after the report was filed. That not having been done, it gives the matter a new aspect, and the gentleman knows that every time he has mentioned the matter to me I have distinctly stated to him that I would make no agreement about it.

Mr. MANN. Mr. Speaker, I do not complain in any way of the attitude of the gentleman from Georgia. He has been very courteous and is a courteous gentleman at all times, but it is still true that the understanding on our part was that this case should be proceeded with in the absence of the gentleman from Mississippi. I call up the resolution.

The SPEAKER. Let the resolution be reported.

The Clerk read as follows:

Resolved, That Gaston A. Robbins was not elected a member of the Fifty-sixth Congress from the Fourth Congressional district of Alabama, and is not entitled to a seat therein.

Resolved, That William F. Aldrich was elected a member of the Fifty-sixth Congress from the Fourth Congressional district of Alabama, and is entitled to a seat therein.

The SPEAKER. Does the gentleman from Georgia wish to have the minority resolution reported at the same time?

Mr. BARTLETT. Yes, Mr. Speaker; but I want to raise the question of consideration at the proper time. I do not desire to waive the question of consideration by having the minority resolution read. I desire to ask if reading the minority resolution will waive the question of consideration?

The SPEAKER. It will not. Does the gentleman wish to have the minority resolution pending?

Mr. BARTLETT. I do.

The SPEAKER. Let the minority resolution be read.

The Clerk read as follows:

Resolved, That William F. Aldrich was not elected a member of the House of Representatives from the Fourth Congressional district of Alabama to the Fifty-sixth Congress, and is not entitled to the seat.

Resolved, That Gaston A. Robbins was duly elected a member of the House of Representatives for the Fifty-sixth Congress from the Fourth Congressional district of Alabama, and is entitled to the seat therein.

The SPEAKER. The question is raised by the gentleman from Georgia, Will the House consider the case of Aldrich against Robbins?

Mr. MANN. Has the Chair already ruled on the question of the gentleman from Georgia [Mr. BARTLETT] as to whether he has the right to raise the question of consideration?

The SPEAKER. The Chair has already ruled upon that question. All debate before that was purely preliminary.

The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. MANN and several others. Division, Mr. Speaker.

The SPEAKER. A division is demanded.

Mr. MANN. Mr. Speaker, I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 137, nays 144, answered "present" 1, not voting 70; as follows:

YEAS—137.

Acheson,	Bromwell,	Clarke, N. H.	Davidson,
Adams,	Brosius,	Cochrane, N. Y.	Dayton,
Alexander,	Brown,	Cooper, Wis.	Dick,
Allen, Me.	Burke, S. Dak.	Corliss,	Dolliver,
Baker,	Burkett,	Cousins,	Dovener,
Barham,	Burleigh,	Cromer,	Eddy,
Bartholdt,	Burton,	Crump,	Emerson.
Bishop,	Butler,	Crumpacker,	Esch,
Boutell, Ill.	Calderhead,	Curtis,	Fletcher,
Bowersock,	Cannon,	Cushman,	Fordney,
Brick,	Capron,	Davenport, S. A.	Foss,
Fowler,	Howell,	Minor,	Spalding,
Freer,	Jack,	Moody, Mass.	Sprague,
Gamble,	Jenkins,	Moody, Oreg.	Steele,
Gardner, Mich.	Jones, Wash.	Morris,	Stevens, Minn.
Gardner, N. J.	Joy,	Needham,	Stewart, N. J.
Gill,	Kahn,	O'Grady,	Stewart, Wis.
Gillet, N. Y.	Kerr,	Olmsted,	Sulloway,
Gillett, Mass.	Ketcham,	Otjen,	Tawney,
Graff,	Knox,	Overstreet,	Tayler, Ohio
Graham,	Lacey,	Parker, N. J.	Thomas, Iowa.
Greene, Mass.	Landis,	Payne,	Thropp,
Grosvenor,	Linney,	Pearre,	Tongue,
Grout,	Littlefield,	Phillips,	Van Voorhis,
Grow,	Long,	Pugh,	Vreeland,
Hamilton,	Lovering,	Ray,	Wanger,
Haugen,	Lybrand,	Reeder,	Waters,
Hedge,	McCleary,	Roberts,	Watson,
Hemenway,	McPherson,	Russell,	Weaver,
Henry, Conn.	Mahon,	Shattuc,	Weeks,
Hepburn,	Marsh,	Showalter,	White,
Hill,	Mercer,	Smith, Ill.	Young, Pa.
Hitt,	Mesick,	Smith, Samuel W.	
Hoffecker,	Metcalf,	Smith, Wm. Alden	
Hopkins,	Miller,	Southard,	

NAYS—144.

Adamson,	Davey,	Little,	Ruppert,
Allen, Ky.	Davis,	Livingston,	Ryan, N. Y.
Allen, Miss.	De Armond,	Lloyd,	Ryan, Pa.
Atwater,	De Graffenreid,	McAleer,	Scudder,
Bailey, Tex.	De Vries,	McClellan,	Shackleford,
Ball,	Dinsmore,	McCulloch,	Shafroth,
Bankhead,	Dougherty,	McDowell,	Sheppard,
Barber,	Elliott,	McLain,	Sibley,
Bartlett,	Finley,	McRae,	Sims,
Bell,	Fitzgerald, Mass.	Maddox,	Slayden,
Bellamy,	Fitzgerald, N. Y.	Mann,	Smith, H. C.
Benton,	Foster,	May,	Snodgrass,
Berry,	Gaines,	Meekison,	Spight,
Bradley,	Gaston,	Meyer, La.	Stark,
Brantley,	Gilbert,	Miers, Ind.	Stephens, Tex.
Breazeale,	Glynn,	Mondell,	Stokes,
Brenner,	Gordon,	Moon,	Sulzer,
Brewer,	Green, Pa.	Muller,	Sutherland,
Brundidge,	Griffith,	Naphen,	Talbert,
Burke, Tex.	Griggs,	Neville,	Taylor, Ala.
Burleson,	Henry, Miss.	Noonan,	Terry,
Burnett,	Henry, Tex.	Norton, S. C.	Thayer,
Caldwell,	Howard,	Otey,	Thomas, N. C.
Carmack,	Jett,	Pierce, Tenn.	Turner,
Catchings,	Johnston,	Quarles,	Underwood,
Chanler,	Jones, Va.	Ransdell,	Vandiver,
Clark, Mo.	Kitchin,	Rhea, Ky.	Wheeler, Ky.
Clayton, Ala.	Kleberg,	Rhea, Va.	Williams, J. R.
Clayton, N. Y.	Kluttz,	Richardson.	Williams, W. E.
Cochran, Mo.	Lamb,	Ridgely,	Williams, Miss.
Cooper, Tex.	Lanham,	Riordan,	Wilson, Idaho
Cowherd,	Latimer,	Rixey,	Wilson, N. Y.
Crawford,	Lentz,	Robb,	Wilson, S. C.
Cummings,	Lester,	Robinson, Ind.	Young, Va.
Cusack,	Levy,	Robinson, Nebr.	Zenor,
Daly, N. J.	Lewis,	Rucker,	Ziegler.

ANSWERED "PRESENT"—1.

Hull.

NOT VOTING—70.

Babcock,	Driggs,	Loud,	Sherman,
Bailey, Kans.	Driscoll,	Loudenslager,	Small,
Barney,	Epes,	McCall,	Smith, Ky.
Bingham,	Faris,	Morgan,	Sparkman,
Boreing,	Fitzpatrick,	Mudd,	Sperry,
Boutelle, Me.	Fleming,	Newlands,	Stallings,
Broussard,	Fox,	Norton, Ohio	Stewart, N. Y.
Brownlow,	Gayle,	Packer, Pa.	Swanson,
Bull,	Gibson,	Pearce, Mo.	Tate,
Campbell,	Hall,	Polk,	Tompkins,
Connell,	Harmer,	Powers,	Underhill,
Cooney,	Hawley,	Prince,	Wachter,
Cox,	Hay,	Reeves,	Wadsworth,
Crowley,	Heatwole,	Robbins,	Warner,
Dahle, Wis.	Lane,	Robertson, La.	Weymouth,
Dalzell,	Lawrence,	Rodenberg,	Wright.
Davenport, S. W.	Littauer,	Salmon,	
Denny,	Lorimer,	Shelden,	

So the House refused to consider the election case.

The SPEAKER. The Clerk will announce the pairs.

Mr. HULL. I wish to inquire whether the gentleman from Virginia, Mr. HAY, voted on this question?

The SPEAKER. He is not recorded.

Mr. HULL. Then I desire to withdraw my vote, as I have a general pair with him and was not at liberty to vote in his absence.

The SPEAKER. Without objection, the vote will be withdrawn.

Mr. MANN. I ask to change my vote from "aye" to "no."

The SPEAKER. The change can be made. The Clerk will again call the gentleman's name.

Mr. MANN's name was again called; and he voted "no."

The following pairs were announced:

Until further notice:

Mr. PACKER of Pennsylvania with Mr. POLK.

Mr. WRIGHT with Mr. HALL.

Mr. HULL with Mr. HAY.

Mr. SHERMAN with Mr. DRIGGS.

Mr. DALZELL with Mr. SWANSON.

Mr. BAILEY of Kansas with Mr. SMITH of Kentucky.

Mr. LANE with Mr. SALMON.
Mr. MCCALL with Mr. EPES.
Mr. BOREING with Mr. FITZPATRICK.
Mr. GIBSON with Mr. TATE.
Mr. WEYMOUTH with Mr. BROUSSARD.
For one week:
Mr. HEATWOLE with Mr. CROWLEY.
After Friday next:
Mr. HEMENWAY with Mr. MIERS of Indiana.
Until Monday next:
Mr. TOMPKINS with Mr. UNDERHILL.
Until Wednesday next:
Mr. CONNELL with Mr. STANLEY W. DAVENPORT.
For this day:
Mr. BROWNLOW with Mr. NEWLANDS.
Mr. BOUTELLE of Maine with Mr. FOX.
Mr. RODENBERG with Mr. SMALL.
Mr. SHELDEN with Mr. COX.
Mr. LOUDENSLAGER with Mr. STALLINGS.
Mr. HAWLEY with Mr. ROBERTSON of Louisiana.
On this vote:
Mr. BINGHAM with Mr. GAYLE.
Mr. BABCOCK with Mr. NORTON of Ohio.
Mr. BULL with Mr. COONEY.
Mr. LAWRENCE with Mr. FLEMING.
Mr. WACHTER with Mr. DENNY.
Mr. MUDD with Mr. CAMPBELL.
Mr. DOLLIVER with Mr. CLARK of Missouri.

The result of the vote was announced as above stated.

Mr. MANN. I move to reconsider the vote by which consideration of the election case was refused.

Mr. BARTLETT. I raise the point of order that this vote can not be reconsidered.

The SPEAKER. The point is well taken. The Chair directs the Clerk to call the committees for the business of the morning hour.

CALL OF COMMITTEES.

The SPEAKER. The Clerk will proceed with the call of committees.

The Committee on Elections No. 1 was called.

Mr. MANN. Mr. Speaker, if it be in order, I call up for present consideration the contested-election case of Aldrich *vs.* Robbins, reported from the Committee on Elections No. 1.

Mr. RICHARDSON. Mr. Speaker, I make the point of order that that matter has just been settled by a direct vote of the House and that it is not in order again to be called up under the rule to-day.

The SPEAKER. The Chair would ask the gentleman from Illinois if this is by direction of his committee?

Mr. MANN. It is not, Mr. Speaker. I have not been instructed to call it up under the call of committees.

The SPEAKER. The point of order raised by the gentleman from Tennessee, the Chair thinks, is not well taken; but the gentleman in charge of the report of the Committee on Elections must be authorized by the committee to call it up under the call of committees, otherwise it would not be in order.

Mr. MANN. Then, Mr. Speaker, I ask that the committee be passed over on this call without prejudice.

Mr. RICHARDSON. To that we object.

The SPEAKER. Objection is made; and the Clerk will proceed with the call of the committees.

ORDER OF BUSINESS.

The Committee on Elections No. 3 was called.

Mr. WEEKS. Mr. Speaker, I desire to give notice that the case of Wise *vs.* Young, from the Second district of Virginia, will be called up for a hearing on Monday next.

The SPEAKER. The Chair will direct the attention of the gentleman from Michigan to the fact that by unanimous consent Monday next has been set apart for business from the Committee of the District of Columbia.

Mr. PAYNE. He can call it up immediately after the District business is disposed of.

Mr. WEEKS. Then, Mr. Speaker, I will say on Tuesday.

Mr. BURKE of Texas. Mr. Speaker, I would like to ask the gentleman from Michigan not to make that motion at this time. I feel now—I would state as one of the minority of the committee who prepared the report—I feel now, and state to my friend from Michigan and the House, that I shall be physically unable to present the case to the House on next Tuesday. If my friend will postpone it until I get better, I shall be perfectly willing to have it taken up at any time.

Mr. WEEKS. Mr. Speaker, I feel constrained to press the case for a hearing at the time mentioned. I would like to accommodate the gentleman from Texas by a further delay if I felt that I could do so properly; but I can not yield to his request consistently with the situation in which I find myself, and shall insist upon the notice that on Tuesday next the case will be called up for a hearing.

Mr. BURKE of Texas. I will state to the gentleman that I expected to make an address to the House in connection with the case, but fear I shall not be able to do so at the time he mentions. If I am able, I will be perfectly willing to make it as cheerfully on Tuesday week as on Tuesday two weeks.

Mr. WEEKS. I must insist upon the notice, Mr. Speaker.

The SPEAKER. The Clerk will proceed with the call of the committees.

NAVIGATION LAWS, HAWAIIAN ISLANDS.

Mr. JONES of Washington (when the Committee on Merchant Marine and Fisheries was called). Mr. Speaker, I am directed by the Committee on Merchant Marine and Fisheries to report the bill (H. R. 5065) to extend the laws relating to commerce, navigation, etc., over the Hawaiian Islands ceded to the United States. I call up that bill for immediate consideration.

The bill was read at length.

Mr. MCRAE. Mr. Speaker, I would ask if this bill is on the House Calendar?

Mr. RICHARDSON. I want to reserve the point of order, Mr. Speaker, that it is not properly on the House Calendar, if it is there.

The SPEAKER. The Chair understands that the bill called up by the gentleman is on the Union Calendar. That can not be taken up in the morning hour.

The Clerk will proceed with the call.

ORDER OF BUSINESS.

The Committee on the Post-Office and Post-Roads was called.

Mr. LOUD. Mr. Speaker, I desire at this time to make an arrangement, if such an arrangement can be made, to set apart time for the consideration of the bill (H. R. 6071) to amend the postal laws relating to second-class mail matter.

Mr. TERRY. Will the gentleman state the nature of the bill?

Mr. LOUD. It is stated in the title; to amend the postal laws relating to second-class mail matter.

The House probably understands that under this call we have a right to take up this bill now, and the committee, I believe unanimously, taking both sides politically, desired that a day might be set apart, some few days hence, in order that every member might have notice when it was coming up for consideration.

I would ask unanimous consent, therefore, that this bill be taken up immediately after the reading of the Journal on one week from next Tuesday. The day, I believe, is the 13th.

Mr. MCRAE. It is a bill relating to second-class mail matter.

Mr. LOUD. Yes.

Mr. BARTLETT. Is it not true that the Nicaraguan-Canal bill was set for consideration on the 13th?

Mr. LOUD. No; objection was made.

The SPEAKER. The Chair will state the request of the gentleman that the bill, the title of which he has stated, House bill 6071, may be set for consideration and called up immediately after the reading of the Journal on Tuesday, the 13th instant. Is there objection?

Mr. BELL. Mr. Speaker, I want to make a statement about this bill.

Mr. MAHON. I will reserve my right to object.

The SPEAKER. Does the gentleman object?

Mr. MAHON. I object, unless I can make a statement.

The SPEAKER. That is not an objection.

Mr. MAHON. Well, I object.

The SPEAKER. The gentleman from Colorado——

Mr. BELL. I want to make a statement.

Mr. LOUD. I hope there may be an opportunity to discuss this matter for a few minutes.

Mr. MAHON. I object, Mr. Speaker.

The SPEAKER. The gentleman will not be denied his opportunity to be heard.

Mr. MAHON. I want to be heard or object, one or the other.

Mr. BELL. I want to make a short statement; that is all.

The SPEAKER. The gentleman from Colorado. This is all by unanimous consent.

Mr. BELL. As I understand, growing out of the argument relative to this bill before, a commission was appointed to investigate certain things involved in the hearings. That commission, as I understand, has taken much evidence, and unquestionably the report of the hearings and the evidence would be beneficial on the final disposition of this bill. Now, it seems to me that as we have appointed a commission, growing out of the discussion on this identical bill, and inasmuch as that commission has had hearings for almost a year, having been in session off and on since the last session, this bill should not be brought up until that commission reports and we have an opportunity to see what they have found relative to this second-class mail matter.

Now, in the hearings before, the great point made by the Committee on Post-Offices and Post-Roads was the cost of transporting the second-class mail matter. Some of us took the position, in

which we were borne out by three different Postmasters-General, that some ten or twelve million dollars a year could be saved by the Government owning its own mail cars and requiring the transportation of its mails at the same price as other goods or the goods of private individuals are carried. This bill drifted off on that at two different hearings before the House. The gentleman from Michigan [Mr. SAMUEL W. SMITH] introduced a resolution which brought forth a commission to investigate the questions raised and discussed in this bill.

Now, I notice that the gentleman from Massachusetts [Mr. MOODY], who took an active part in this controversy, is present, and I have learned from him that valuable evidence is being taken, expert statements are being taken, and, as I understand from him, they expect to report before long. It seems to me that if we are going to try to pass this bill before the report of that commission, then we have had the commission to no purpose and the evidence becomes merely a matter of history, and does not in any way give us the light which it was intended to give. I hope this bill will not be pressed until that commission reports and its evidence is published.

The SPEAKER. Is there objection?

Mr. MAHON. I object.

The SPEAKER. Is there anything further from the Committee on the Post-Office and Post-Roads?

Mr. LOUD. I still have the right, Mr. Speaker, to call up this bill; but I hoped that the House would patiently listen for a few moments.

The SPEAKER. The gentleman has the right.

Mr. LOUD. I want the House to understand that it is in deference to those who may have objections to this bill, in order that they may be given an opportunity to prepare themselves for an argument against it, that the committee have asked that the bill be set down for consideration on a future day. The committee are asking no favor. It is not a question of some one getting even with the individual who makes this request, because the committee have the right to call up this bill, and, until it is disposed of, to block all other legislation under this call. Now, the minority of the committee were unanimous in favor of the mode of procedure that I have here advocated, and I can not understand why any person on the floor of the House can object to setting a day in the future for the consideration of this bill, when we have a right to consider it now, and I hope the gentleman from Pennsylvania [Mr. MAHON]—although he has not been listening to what I have been stating—will consider the situation that confronts the House, and let us get at this matter by unanimous consent and set some day in the future. I suggested the day which I did suggest because I thought it was far enough in advance to satisfy everybody.

Mr. MOODY of Massachusetts. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MOODY of Massachusetts. If the gentleman from California should call up the bill now under this rule would it then be in order for the House on motion to postpone its further consideration until a day certain?

The SPEAKER. The Chair is of the opinion that can not be done. The way to get back to the consideration of this bill is when the committees are again called, and this bill, if it is in committee, will be the continuing business in the Committee of the Whole under the morning hour call, just as the civil-service bill is now in Committee of the Whole for that purpose.

Mr. DALZELL. If the gentleman from Pennsylvania can make his statement, I have no doubt an arrangement can be made that will be satisfactory.

Mr. MAHON. I have no objection to that bill being considered next week, if the gentleman will except Friday, private claim day, from the days on which it shall be considered.

Mr. LOUD. I will say, Mr. Speaker, that I introduced a rule from the committee setting aside three days. That will be the extreme limit of time, I understand, the minority will ask, and I set it at Tuesday, so that it would conclude on Thursday. I referred the matter to my colleague [Mr. GRIGGS] to ascertain if that will not cover the time they would ask; and we will probably not use all of the two days.

Mr. HEPBURN. I hope the gentleman will consent to postpone this matter to a week later.

Mr. MOODY of Massachusetts. Will the gentleman from California allow me to make a suggestion in the line of that of the gentleman from Iowa?

The SPEAKER. Does the gentleman from California yield; and if so, to whom?

Mr. LOUD. I will yield to almost anybody.

Mr. MOODY of Massachusetts. I beg pardon of the gentleman from Iowa.

Mr. LOUD. I could not hear what either gentleman said.

Mr. CLARK of Missouri. Mr. Speaker, I would like to ask a question for information.

Mr. LOUD. I yield to the gentleman from Iowa, if he asked a question, as I presume he did.

Mr. CLARK of Missouri. I want to ask a question for information.

The SPEAKER. Does the gentleman yield?

Mr. LOUD. I stated that I would yield to the gentleman from Iowa, if he asked a question.

Mr. HEPBURN. I simply want to ask the gentleman from California if he will not consent to postpone the time for the consideration of this bill one week later. I have introduced a resolution authorizing the adoption of a rule by the Committee on Rules, and hope it will be reported, looking to the appropriation of that day for another matter.

Mr. BAILEY of Texas. May I ask the gentleman to state what that is?

Mr. HEPBURN. I asked for a day to consider the Nicaragua Canal bill.

Mr. BAILEY of Texas. The gentleman has introduced a rule, and that has been referred to the Committee on Rules?

Mr. HEPBURN. Yes, sir.

Mr. BAILEY of Texas. I hope it will be reported.

The SPEAKER. The gentleman from Iowa is recognized by the gentleman from California.

Mr. LOUD. I would like to ask the gentleman from Iowa what he thinks his prospects are to get a rule from that committee?

Mr. HEPBURN. I think from conversations I have had with gentlemen who have influence in that matter that a rule will be reported. [Laughter.]

Mr. LOUD. I would have no objection, Mr. Speaker, to making this a week later than that. That would be the 20th.

The SPEAKER. The gentleman from California now asks unanimous consent that House bill 6071 be set down for consideration after the approval of the Journal on March 20. Is there objection?

Mr. MAHON. I object.

The SPEAKER. Objection is made.

Mr. LOUD. Now, Mr. Speaker, I call up the bill H. R. 6071, unprepared as we are to discuss this question.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 6071) to amend the postal laws relating to second-class mail matter.

The Clerk proceeded to read the bill.

Mr. MOODY of Massachusetts. Mr. Speaker, I want to see if we can not clear up the misunderstanding which evidently exists.

The SPEAKER. As a preliminary step the House again is requested to come to order.

Mr. MOODY of Massachusetts. Mr. Speaker, my interest in this matter simply comes from the fact that I have done a good deal of work upon this and other questions upon post-office matters. I understand the gentleman from Pennsylvania objected, and properly and naturally enough, because he believed the proposition submitted by the gentleman from California might involve the loss of Friday for the consideration of claims that have been reported to the House. Now, I would ask the gentleman from California if he would not make his request in a form to begin on Tuesday, the 20th of March, the consideration of this bill, and that it should be so held that it should be finally disposed of on the following Thursday afternoon, so that Friday will be at the disposal of the gentleman from Pennsylvania.

Mr. LOUD. Mr. Speaker, I will state again——

Mr. MOODY of Massachusetts. So that it will not include any part of Friday.

Mr. LOUD. I thought I made the statement as clear and as distinct as it can be made; and that was that unanimous consent should be given that this measure come up on Tuesday and that no one would ask for its consideration extending beyond Thursday.

Mr. MAHON. Fix the time, and I am satisfied.

Mr. LOUD. I am perfectly willing, Mr. Speaker, to ask that a vote shall be taken not later than Thursday.

Mr. MAHON. That is all right.

The SPEAKER. The gentleman from California asks unanimous consent that the bill H. R. 6071 be set down for consideration on March 20, after the approval of the Journal, and to be disposed of not later than the Thursday following the taking up of the bill.

Mr. CLARK of Missouri. Mr. Speaker, I want to ask a question, and I do not know whether to ask it of the Chair or the gentleman from California [Mr. LOUD].

Mr. LOUD. The gentleman had better ask it through the Speaker.

Mr. CLARK of Missouri. Who is going to control the time against this bill if all the members of the committee are in favor of the bill?

Mr. LOUD. Oh, I think we can arrange that.

Mr. CLARK of Missouri. When it was up before I helped to kill it. I am not sure now whether I am in favor of it or against it as it has been modified, but I think the fighting that is going to be done against it ought to be put into the hands of a man who wants it beaten.

Mr. LOUD. I think that can be arranged.

The SPEAKER. The Chair will state to the gentleman from Missouri that if there is no one on the committee to resist the bill, the first member claiming recognition to oppose the bill will be recognized for that purpose. It does not necessarily follow that he will control the time, because after he has had his hour and the other side an hour, some other gentlemen in opposition would be recognized. Is there objection to the request of the gentleman from California? [After a pause.] The Chair hears none, and it is so ordered. The Chair will ask the gentleman from California [Mr. LOUD] if there is anything further from the Committee on Post-Office and Post-Roads?

Mr. LOUD. Nothing further.

SIOUX CITY AND PACIFIC RAILROAD COMPANY.

The Clerk proceeded with the call of committees, when the Committee on Pacific Railroads was called.

Mr. POWERS. Mr. Speaker, I ask leave to call up House bill 2864, to create a commission to make settlement and adjustment with the Sioux City and Pacific Railroad Company of its indebtedness to the Government of the United States.

The SPEAKER. The Chair understands that this bill is on the Union Calendar.

Mr. POWERS. The bill is on the Union Calendar, Mr. Speaker.

The SPEAKER. The Chair is of the opinion that it is erroneously referred to that Calendar. Does it impose a burden of any character, directly or indirectly? It seems to be simply a bill to appoint a commission.

Mr. POWERS. That is all. But to obviate any trouble, Mr. Speaker, I ask unanimous consent to take it up at this time.

Mr. RICHARDSON. I should like to have the bill reported, Mr. Speaker.

The Clerk read the bill as follows:

Be it enacted, etc., That the Secretary of the Treasury, the Secretary of the Interior, and the Attorney-General of the United States are hereby authorized and empowered to make settlement and adjustment with the Sioux City and Pacific Railroad Company of its indebtedness to the Government of the United States, and when such settlement is approved by the President it shall become operative, and the Attorney-General shall make the necessary acquittances to said railroad company.

With the following amendment recommended by the committee:

In the eighth line, after the word "States," insert the words: "*Provided*, That they deem the same for the best interests of the Government."

Mr. McRAE. Mr. Speaker, I want to ask what prevents the railroad company from paying the Government what it owes?

Mr. POWERS. The railroad company is in the condition of a great many people in this world—it is insolvent, or practically so. It has been operated for some years by the Northwestern Railroad under a contract with that road, and which road owns a considerable majority of the common stock of the Sioux City and Pacific Railroad. The committee, in view of the fact that the Sioux City and Pacific Railroad on its own account had not the means to make payment of this indebtedness, at present at least, thought it the better course to submit the matter to the Secretary of the Treasury, the Attorney-General, and the Secretary of the Interior to make a settlement with the company upon such terms as this commission might deem fair to the Government; and they are actuated to present the matter in this form by reason of the fact that a similar commission made a very favorable settlement for the Government with the Union Pacific road.

Mr. McRAE. Has this road a land grant?

Mr. POWERS. It has; but with the land grant the House is not at present concerned. The grant of land was a gift to the railroad company, and therefore it has gone beyond the reach of Congress.

Mr. McRAE. The company does not own the land now?

Mr. POWERS. The company owns some portion of it, and some portions of it have been sold. I am unable to state what proportion has been sold, but a large amount. I am informed by the gentleman from Iowa on my left that they own but little now.

Mr. McRAE. Have any legal proceedings been commenced against the company?

Mr. POWERS. I can not advise the gentleman, for on that point I am not informed. I will yield, however, to the gentleman from Iowa [Mr. THOMAS] who introduced the bill.

Mr. THOMAS of Iowa. At one time, Mr. Speaker, there was a suit against the company for the purpose of recovering the interest. That suit was brought and taken, I believe, to the Supreme Court of the United States on appeal, and it was held that the suit was prematurely brought by reason of the fact that there was no provision in the mortgage under which action could be maintained to recover the interest until the maturity of the principal of the mortgage. I will say further, adding to the remarks of the gentleman from Vermont [Mr. POWERS], that this is a line of road of about 101 miles in length, running from Sioux City, in a southeasterly course on the east side of the Missouri River, to a small town called California Junction; thence at an acute angle west across the Missouri River to Fremont, Nebr. It is a line that can not be operated as an independent line, but merely forms a link in other railroads that are now owned by the Chicago and Northwestern Company.

Mr. McRAE. In view of the unanimous report of the committee and the statements of the gentleman from Vermont [Mr. POWERS] and the gentleman from Iowa [Mr. THOMAS], I do not object to the present consideration of the bill.

Mr. RIDGELY. I object to the consideration of this bill at this time.

The SPEAKER. The Chair understands that objection is made.

Mr. POWERS. If there has been a wrong reference of the bill——

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. RIDGELY. I object.

The SPEAKER. The gentleman from Kansas objects.

Mr. POWERS. Mr. Speaker, I ask that the reference of the bill to the Union Calendar be changed.

The SPEAKER. The Chair is of opinion, after examining the authorities, that the bill ought to be on the House Calendar, and will make the change of reference. He must state, however, that the bill can not be again called up on the same day without unanimous consent, as it is due to the House that the bill, when called up, should be on the printed Calendar, so that members shall be duly notified, shall have timely warning, that a bill is liable to be brought up on this call.

Mr. DALZELL. Is not this bill properly on the Union Calendar?

The SPEAKER. The Chair thinks not.

Mr. DALZELL. It involves a charge on the Government.

The SPEAKER. It does not imply one way or the other that there is or is not to be a charge on the Government. Non constat the Government may receive double what is contemplated in the bill.

Mr. DALZELL. And may receive one-half. It authorizes the commission to make a settlement.

The SPEAKER. The position which the gentleman is contending for involves an old question—the question as to what should be the ruling where the expenditure or burden on the Government is contingent. The Chair finds there are two cases where the decision has been squarely in accord with what the Chair now holds.

Mr. PAYNE. The bill makes provision for a commission, and that necessarily involves expense.

The SPEAKER. The commission is to consist of officers of the Government who are receiving a regular salary; not a dollar is appropriated in the bill for them. The Chair must change the reference, but must deny the privilege of calling the bill up at this time.

AMERICAN REGISTER FOR STEAMER WINDWARD.

Mr. GROSVENOR. When the call of committees had reached the Committee on Merchant Marine and Fisheries, the gentleman from Washington called up a bill which it appeared was not on the House Calendar, and the Chair ruled that the bill was not in order, properly. At the same time the gentleman from Louisiana [Mr. RANSDELL] had in his charge a small bill which is on the House Calendar; but thinking that the ruling of the Chair excluded him, he failed to call up that bill. I now ask unanimous consent that we go back to the Committee on Merchant Marine and Fisheries.

The SPEAKER. The gentleman from Ohio asks unanimous consent to recur to the Committee on Merchant Marine and Fisheries.

There was no objection.

The SPEAKER. The gentleman from Ohio is recognized to call up a bill.

Mr. GROSVENOR. I ask the Chair to recognize the gentleman from Louisiana [Mr. RANSDELL].

The SPEAKER. The gentleman from Louisiana is recognized.

Mr. RANSDELL. I call up on behalf of the Committee on Merchant Marine and Fisheries the bill (H. R. 6767) to grant an American register to the steamer *Windward*.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to cause the foreign-built steamer *Windward*, owned by Civil Engineer Robert E. Peary, United States Navy, to be registered as a vessel of the United States, provided that she shall not engage in the coastwise trade of this Republic.

The SPEAKER. The question is on ordering the bill to be engrossed and read a third time.

Mr. CUMMINGS. I should like to hear the report or some explanation of the bill.

Mr. RANSDELL. Mr. Speaker, this is a bill to grant an American register to the steamer *Windward*. This steamer was donated to the arctic explorer, Mr. Robert E. Peary, by Alfred C. Harmsworth, of London, England. It was given to Mr. Peary for purely scientific purposes, and was used by him in making his exploration to the arctic region. After returning it was found to be in very bad condition, needing repairs that will cost about $40,000. It is now lying at Brigus, Newfoundland, where the Arctic Exploration Club propose to expend that much money, $40,000, in putting the vessel in first-class order, practically making it a new vessel.

The sole and only purpose of this bill is that these gentlemen who are expending their money to advance science may have the satisfaction of sailing to the arctic seas under "the Stars and Stripes." The vessel can never be used to come in conflict with our own ships; it is provided that it can never be used in the coastwise trade. The object of the bill, I repeat, is simply to give the patriotic owners of this vessel the gratification of sailing under "the Stars and Stripes." The bill has been unanimously reported by the Committee on Merchant Marine and Fisheries after careful discussion and investigation; and as it can not conflict in any way with our own ships, I believe it should pass.

Mr. CUMMINGS. Mr. Speaker, the gentleman's explanation is entirely satisfactory.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. RANSDELL, a motion to reconsider the vote by which the bill was passed was laid on the table.

The Clerk resumed and concluded the call of committees.

The SPEAKER. This completes the call.

REPRINT OF A BILL.

Mr. LOUD. Mr. Speaker, I am informed by the document room clerk that the bill (H. R. 6071) relating to second-class mail matter, and the report, are both exhausted; and I ask that a reprint of the same may be ordered.

The SPEAKER. This is the bill that was set down for the special order for March 20?

Mr. LOUD. Yes.

The SPEAKER. Is there objection to the request of the gentleman from California, to order a reprint of bill and report?

There was no objection.

ORDER OF BUSINESS.

Mr. MANN. Mr. Speaker, I wish again to call up as a privileged matter the resolutions reported by the Committee on Elections No. 1—House resolution 145—in the contested-election case of Aldrich *vs.* Robbins.

The SPEAKER. The resolutions have already been read, and unless demand for their reading be made, they may be considered as having been read.

There was no objection.

Mr. MANN. I will state that the gentleman from Georgia [Mr. BARTLETT], representing the minority, is, I am informed, temporarily away from the Hall at lunch. I trust that some gentleman on the other side, sharing his views, will protect his interest.

Mr. McRAE. If the gentleman will withhold the motion, we will send for him.

Mr. MANN. I just suggested that some gentleman should raise the point of consideration, which undoubtedly he would raise, if present.

The SPEAKER. What is the gentleman's suggestion?

Mr. MANN. I would suggest, in the absence of the gentleman from Georgia, that the question of consideration be considered as having been raised by him.

Mr. RICHARDSON. Of course, if the gentleman insists, we raise the question of consideration.

The SPEAKER. The question of consideration is raised on the resolutions which have been already reported. The question is: Will the House now proceed to consider the resolutions?

The question was taken, and the Speaker announced that the "noes" seemed to have it.

Mr. MANN demanded a division.

The House divided, and there were—ayes 74, noes 90.

Mr. MANN. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. RICHARDSON. Pending that, I move that the House do now adjourn.

Mr. MANN. Mr. Speaker, I make the point of order that that is a dilatory motion.

The SPEAKER. The Chair sustains the point of order.

Mr. RICHARDSON. Very well.

The SPEAKER. The yeas and nays are ordered on the question of consideration, and the Clerk will call the roll.

The question was taken; and there were—yeas 128, nays 132, answered "present" 5, not voting 87; as follows:

YEAS—128.

Acheson,	Davenport, S. A.	Jack,	Pearre,
Adams,	Dick,	Jenkins,	Phillips,
Allen, Me.	Dovener,	Jones, Wash.	Powers,
Babcock,	Eddy,	Joy,	Pugh,
Baker,	Emerson,	Kahn,	Ray,
Barham,	Esch,	Ketcham,	Reeder,
Bartholdt,	Fletcher,	Knox,	Roberts,
Bingham,	Fordney,	Lacey,	Russell,
Bishop,	Foss,	Landis,	Shattuc,
Boutell, Ill.	Fowler,	Linney,	Smith, Ill.
Bowersock,	Gamble,	Littlefield,	Smith, Samuel W.
Brick,	Gardner, Mich.	Long,	Southard,
Bromwell,	Gardner, N. J.	Lorimer,	Spalding,
Brosius,	Gill,	Lovering,	Sperry,
Brown,	Gillet, N. Y.	Lybrand,	Steele,
Burkett,	Gillett, Mass.	McPherson,	Stevens, Minn.
Burleigh,	Graff,	Mahon,	Stewart, N. J.
Burton,	Graham,	Mann,	Stewart, N. Y.
Butler,	Greene, Mass.	Marsh,	Stewart, Wis.
Calderhead,	Grosvenor,	Mesick,	Tawney,
Capron,	Grow,	Miller,	Tayler, Ohio
Clarke, N. H.	Hamilton,	Minor,	Thomas, Iowa
Cochrane, N. Y.	Haugen,	Mondell,	Thropp,
Cooper, Wis.	Hedge,	Moody, Mass.	Tongue,
Corliss,	Hemenway,	Moody, Oreg.	Van Voorhis,
Cousins,	Henry, Conn.	Morris,	Vreeland,
Cromer,	Hepburn,	Needham,	Waters,
Crump,	Hill,	O'Grady,	Watson,
Crumpacker,	Hitt,	Otjen,	Weaver,
Curtis,	Hoffecker,	Overstreet,	Weeks,
Cushman,	Hopkins,	Parker, N. J.	White,
Dahle, Wis.	Howell,	Payne,	Young, Pa.

NAYS—132.

Adamson,	Davey,	Levy,	Robinson, Nebr.
Allen, Ky.	Davis,	Lewis,	Rucker,
Allen, Miss.	De Armond,	Little,	Ruppert,
Atwater,	De Graffenreid,	Livingston,	Ryan, N. Y.
Bailey, Tex.	De Vries,	Lloyd,	Ryan, Pa.
Ball,	Dinsmore,	McAleer,	Scudder,
Bankhead,	Dougherty,	McClellan,	Shackleford,
Barber,	Elliott	McCulloch,	Shafroth,
Bartlett,	Finley,	McDowell,	Sheppard,
Bell,	Fitzgerald, Mass.	McLain,	Sibley,
Bellamy,	Fitzgerald, N. Y.	McRae,	Sims,
Berry,	Foster,	Maddox,	Slayden,
Bradley,	Gaines,	Meekison,	Snodgrass,
Brantley,	Gaston,	Meyer, La.	Spight,
Breazeale,	Gayle,	Miers, Ind.	Stark,
Brenner,	Gilbert,	Moon,	Stephens, Tex.
Brewer,	Glynn,	Muller,	Stokes,
Brundidge,	Gordon,	Naphen,	Sulzer,
Burke, Tex.	Griffith,	Neville,	Talbert,
Burleson,	Griggs,	Noonan,	Taylor, Ala.
Burnett,	Henry, Miss.	Norton, Ohio	Terry,
Caldwell,	Howard,	Norton, S. C.	Thayer,
Carmack,	Jett,	Otey,	Thomas, N. C.
Catchings,	Johnston,	Pierce, Tenn.	Turner,
Chanler,	Jones, Va.	Quarles,	Underwood,
Cochran, Mo.	Kitchin,	Ransdell,	Vandiver,
Cooney,	Kleberg,	Rhea, Ky.	Williams, J. R.
Cooper, Tex.	Kluttz,	Rhea, Va.	Williams, Miss.
Cowherd,	Lamb,	Richardson,	Wilson, Idaho
Crawford,	Lanham,	Ridgely,	Wilson, N. Y.
Cummings,	Latimer,	Riordan,	Young, Va.
Cusack,	Lentz,	Rixey,	Zenor,
Daly, N. J.	Lester,	Robb,	Ziegler.

ANSWERED "PRESENT"—5.

Clark, Mo.	Davenport, S. W.	Metcalf,	Olmsted.
Dalzell,			

NOT VOTING—87.

Alexander,	Driscoll,	Loudenslager,	Smith, Ky.
Bailey, Kans.	Epes,	McCall,	Smith, H. C.
Barney,	Faris,	McCleary,	Smith, Wm. Alden
Benton,	Fitzpatrick,	May,	Sparkman,
Boreing,	Fleming,	Mercer,	Sprague,
Boutelle, Me.	Fox,	Morgan,	Stallings,
Broussard,	Freer,	Mudd,	Sulloway,
Brownlow,	Gibson,	Newlands,	Sutherland,
Bull,	Green, Pa.	Packer, Pa.	Swanson,
Burke, S. Dak.	Grout,	Pearce, Mo.	Tate,
Campbell,	Hall,	Polk,	Tompkins,
Cannon,	Harmer,	Prince,	Underhill,
Clayton, Ala.	Hawley,	Reeves,	Wachter,
Clayton, N. Y.	Hay,	Robbins,	Wadsworth,
Connell,	Heatwole,	Robertson, La.	Wanger,
Cox,	Henry, Tex.	Robinson, Ind.	Warner,
Crowley,	Hull,	Rodenberg,	Weymouth,
Davidson,	Kerr,	Salmon,	Wheeler, Ky.
Dayton,	Lane,	Shelden,	Williams, W. E.
Denny,	Lawrence,	Sherman,	Wilson, S. C.
Dolliver,	Littauer,	Showalter,	Wright.
Driggs,	Loud,	Small,	

So the House refused to consider the case.

Mr. OLMSTED. I desire to inquire if the gentleman from Illinois, Mr. WILLIAM E. WILLIAMS, is recorded as voting?

The SPEAKER. He is not recorded as voting.

Mr. OLMSTED. Then, having a general pair with him, I desire to change my vote from "aye" to "present."

The SPEAKER. The change will be made accordingly.

The Clerk announced the following additional pairs:

During this session:

Mr. WM. ALDEN SMITH with Mr. WILSON of South Carolina.

Until March 14:
Mr. OLMSTED with Mr. WILLIAM E. WILLIAMS.
For this day:
Mr. PEARCE of Missouri with Mr. CLAYTON of Alabama.
Mr. HARMER with Mr. HENRY of Texas.
On this vote:
Mr. CANNON with Mr. MAY.
Mr. WANGER with Mr. GREEN of Pennsylvania.
Mr. MERCER with Mr. ROBINSON of Indiana.
Mr. METCALF with Mr. WHEELER of Kentucky.

Mr. CLARK of Missouri. Mr. Speaker, I should like to inquire if the gentleman from Iowa, Mr. DOLLIVER, voted?

The SPEAKER. He did not.

Mr. CLARK of Missouri. I will withdraw my vote, then, because he and I are paired.

The SPEAKER. The gentleman's vote will be withdrawn, in the absence of objection.

The result of the vote was announced as above recorded.

ORDER OF BUSINESS.

Mr. GROW. Mr. Speaker, I rise to a privileged motion.

Mr. UNDERWOOD. I move that the House do now adjourn.

The SPEAKER. The gentleman from Pennsylvania [Mr. GROW] states that he rises to a privileged motion.

Mr. GROW. And previous to making the motion I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GROW. Have sixty minutes expired since the commencement of the morning hour?

The SPEAKER. The morning hour did not consume sixty minutes.

Mr. GROW. I understand that the morning hour commenced by the call of committees at five minutes past 1.

The SPEAKER. The record was kept at the desk, and the time was short of an hour. There were several members wishing to take advantage of it, if sixty minutes had elapsed, but an hour was not consumed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. YOUNG of Pennsylvania, for three days, on account of important business.

And then, on motion of Mr. PAYNE (at 2 o'clock and 23 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the chairman of the Industrial Commission, transmitting preliminary reports of the commission and a compilation of laws relating to industrial combinations—to the Committee on Labor, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Acting Solicitor of the Treasury submitting an estimate of appropriation for reimbursing the postal revenues—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Superintendent of the Coast and Geodetic Survey, submitting an estimate of appropriation for compensation of owner of the steamer *J. R. Carroll*—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Catherine A. Talburtt, administratrix of estate of George W. Talburtt, against the United States—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. SHERMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 6634) to enlarge the powers of the Department of Agriculture, prohibit the transportation by interstate commerce of game killed in violation of local laws, and for other purposes, reported the same with amendment, accompanied by a report (No. 474); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LITTLE, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 8566) authorizing certain suits in the Court of Claims, and for other purposes, reported the same with amendment, accompanied by a report (No. 475); which said bill and report were referred to the House Calendar.

Mr. JENKINS, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 8069) to amend an act approved July 22, 1892, entitled "An act to provide for the opening of alleys in the District of Columbia," reported the same with amendment, accompanied by a report (No. 476); which said bill and report were referred to the House Calendar.

Mr. HULL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 8663) to provide a chaplain for each regiment in the United States service, and for other purposes, reported the same without amendment, accompanied by a report (No. 477); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. LANDIS, from the Committee on Foreign Affairs, to which was referred the bill of the Senate (S. 1740) to authorize C. E. Marr and E. H. Pierce to accept silver watches awarded to them by the government of the Dominion of Canada in recognition of their services in rescuing British sailors, reported the same without amendment, accompanied by a report (No. 473); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MIERS of Indiana (by request): A bill (H. R. 9053) to provide for the removal of overhead telegraph and telephone wires in the city of Washington, for the construction of conduits in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. CUMMINGS: A bill (H. R. 9054) making an appropriation for the reconstruction of building No. 7 in the navy-yard, New York, destroyed by fire February 11, 1900, and for other purposes—to the Committee on Naval Affairs.

By Mr. GRIFFITH: A bill (H. R. 9055) to remedy certain evils in Navy administration—to the Committee on Naval Affairs.

By Mr. LEVY: A bill (H. R. 9056) to protect the city of Washington against freshets, and for other purposes—to the Committee on the District of Columbia.

By Mr. NEVILLE: A bill (H. R. 9057) to allow fourth-class postmasters a salary of $100 per annum and $10 per month for rent, light, and fuel in addition to the fees and compensation which they are now allowed by law—to the Committee on the Post-Office and Post-Roads.

By Mr. ELLIOTT: A bill (H. R. 9058) to provide for the reimbursement to the governors of the several States for payment of certain pay and expenses of the Naval Militia—to the Committee on Naval Affairs.

By Mr. JOY: A joint resolution (H. J. Res. 190) authorizing Secretary of War to present a medal of honor to Capt. George M. Jackson—to the Committee on Military Affairs.

By Mr. ALEXANDER: A joint resolution (H. J. Res. 192) authorizing the President of the United States to invite the Government of Great Britain to join in the formation of an international commission to examine and report upon the diversion of the waters that are the boundaries of the two countries—to the Committee on Foreign Affairs.

By Mr. SULZER: A joint resolution (H. J. Res. 193) expressing sympathy with the Boers—to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 9059) to correct the military record of Erwin Hays—to the Committee on Military Affairs.

Also, a bill (H. R. 9060) granting a pension to Mary A. Hicks—to the Committee on Invalid Pensions.

By Mr. BANKHEAD: A bill (H. R. 9061) granting a pension to Mary F. Breedlove—to the Committee on Invalid Pensions.

By Mr. BRUNDIDGE: A bill (H. R. 9062) for the relief of the estate of James M. Barker, deceased, late of Crocketts Bluff, Arkansas County, Ark.—to the Committee on War Claims.

By Mr. COOPER of Wisconsin: A bill (H. R. 9063) for the relief of Frank Lincoln—to the Committee on Claims.

Also, a bill (H. R. 9064) to correct the military record of Horace B. Kenniston—to the Committee on Military Affairs.

By Mr. CATCHINGS: A bill (H. R. 9065) for the relief of the estate of Jane N. Gibson, deceased, late of Warren County, Miss.—to the Committee on War Claims.

By Mr. CALDWELL: A bill (H. R. 9066) granting an increase of pension to Joseph N. Loving—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9067) granting a pension to David W. Small—to the Committee on Invalid Pensions.

By Mr. COWHERD: A bill (H. R. 9068) for the relief of the heirs of Alexander Bradshaw—to the Committee on War Claims.

By Mr. GASTON: A bill (H. R. 9069) appropriating $300 to John Schlipf—to the Committee on War Claims.

By Mr. HOFFECKER: A bill (H. R. 9070) granting an increase of pension to Daniel H. Kent—to the Committee on Invalid Pensions.

By Mr. JACK: A bill (H. R. 9071) granting a pension to Mrs. Mary J. Gillam—to the Committee on Invalid Pensions.

By Mr. MIERS of Indiana: A bill (H. R. 9072) granting a pension to William F. Browning—to the Committee on Invalid Pensions.

By Mr. NORTON of Ohio: A bill (H. R. 9073) to increase the pension of William B. Smith, late private, Company F, Thirteenth Indiana Infantry—to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 9074) to remove the charge of desertion standing against the name of George A. Crelier, late of Company D, Seventh New York Heavy Artillery—to the Committee on Military Affairs.

By Mr. SIBLEY: A bill (H. R. 9075) to pension Charles Dalrymple—to the Committee on Invalid Pensions.

By Mr. SHATTUC: A bill (H. R. 9076) for the relief of William H. Harrison, late pilot under Rear-Admiral D. G. Farragut, commanding the West Gulf Blockading Squadron during the civil war—to the Committee on War Claims.

By Mr. TURNER: A bill (H. R. 9077) for the relief of W. J. Tapp & Co.—to the Committee on Claims.

Also, a bill (H. R. 9078) for the relief of Thierman & Frost—to the Committee on Claims.

By Mr. ZIEGLER: A bill (H. R. 9079) to remove the charge of desertion from the military record of William A. Knudson—to the Committee on Military Affairs.

By Mr. ROBERTS: A joint resolution (H. J. Res. 191) for the relief of Mrs. Baker and family—to the Committee on the Post-Office and Post-Roads.

By Mr. VAN VOORHIS: A resolution (H. Res. 165) relative to the payment to Don C. Walters a difference due in salary—to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Statement to accompany House bill to correct the military record of Erwin Hays—to the Committee on Military Affairs.

Also, resolutions of the Importers and Grocers' Exchange of Philadelphia, with reference to the bill for the encouragement of the American merchant marine—to the Committee on the Merchant Marine and Fisheries.

By Mr. ALEXANDER: Petition of Daughters of the Revolution of Buffalo, N. Y., favoring the passage of House bill No. 6879, relating to the employment of graduate women nurses in the hospital service of the United States Army—to the Committee on Military Affairs.

By Mr. BARTLETT: Resolutions of Central City Lodge, No. 8, of Macon, Ga., International Association of Machinists, for provision to grant certain employees of the Government the usual leave of absence with pay—to the Committee on Naval Affairs.

By Mr. BELL: Petitions of Col. H. E. Macarey and Capt. Fred J. White, of Denver, Colo., favoring the Stark bill to improve the armament of the militia—to the Committee on the Militia.

Also, petition of A. E. Baker, D. D. S., of Idaho Springs, Colo., in favor of the passage of House bill No. 7017, amending the law relating to certain patents—to the Committee on Patents.

Also, petition of the Woman's Christian Temperance Union of Canon City, Colo., for prohibition in Hawaiian Islands—to the Committee on the Territories.

Also, petition of Dr. E. J. Reinhardt, of Denver, Colo., relating to the stamp tax on medicines, etc.—to the Committee on Ways and Means.

Also, petitions of Patrick & Airgood, of Roswell; J. Comn, of Nathrop, and Bomgardner & O'Neill, of La Junta, Colo., favoring the passage of the Grout anti-oleomargarine bill—to the Committee on Agriculture.

Also, petitions of Felix Cain, of Springfield; J. H. Kincaid and J. B. Petrie, of La Veta; E. A. Peterson and others, of Wallet; Dana & Shaw, George Neally, and A. Walters, of Burlington; W. H. Dawson, of Lamar; W. H. Ross, of Craig; T. T. Widman, of Monte Vista, and J. N. Lamb, of Bethune, Colo., and Fred Harrison, of Farmington, N. Mex., asking that the Government continue the manufacture and distribution of blackleg vaccine—to the Committee on Agriculture.

By Mr. BURTON: Petition of militia organizations of Cleveland, Ohio, in favor of House bill No. 7986, making an increase in the appropriation for arming and equipping the militia of the States and Territories—to the Committee on Military Affairs.

By Mr. CALDWELL: Petition of A. M. Boyd & Co. and other citizens of Petersburg, Ill., favoring the passage of Senate bill No. 1439, to amend the act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. COCHRANE of New York: Petitions of C. M. Bray, of Kinderhook, N. Y., and Solomon Sharp and others, of Stuyvesant Falls, N. Y., for a law subjecting food and dairy products to the laws of the State or Territory into which they are imported—to the Committee on Interstate and Foreign Commerce.

By Mr. CONNELL: Petitions of C. Ruland, J. F. Sayer, J. W. Clouse, and others, of Moscow, Pa., favoring the passage of House bill No. 3717, amending the oleomargarine law—to the Committee on Agriculture.

By Mr. COOPER of Wisconsin: Petition of M. G. Jeffers and others, of Janesville, Wis., asking for relief for Horace B. Kenniston, that he may be received at the Soldiers' Home—to the Committee on Military Affairs.

By Mr. COWHERD: Paper to accompany House bill for the relief of Alexander Bradshaw—to the Committee on War Claims.

By Mr. FITZGERALD of Massachusetts: Petition of the Minnesota National Park and Forest Reserve Association and others, urging the establishment of a national park in northern Minnesota—to the Committee on the Public Lands.

Also, petition of the Walker Rentels Drug Company, for the repeal of the stamp tax on medicines, etc.—to the Committee on Ways and Means.

Also, petition of John F. Dwyer, W. L. Terhune, and the New England College of Languages, of Boston, Mass., in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. GREENE of Massachusetts: Petition of Post No. 46, Grand Army of the Republic, Department of Massachusetts, in support of the House bill No. 4742, to provide for the detail of active and retired officers of the Army and Navy to assist in military education in public schools—to the Committee on Military Affairs.

By Mr. MERCER: Resolution of the Omaha (Nebr.) Woman's Club, indorsing House bill No. 6879, for the employment of women nurses in military hospitals of the Army—to the Committee on Military Affairs.

Also, resolution of the Omaha (Nebr.) Central Labor Union, against the alienation of public lands by the United States to any but actual settlers, and also in favor of Government building of reservoirs—to the Committee on the Public Lands.

By Mr. METCALF: Resolution of San Francisco Lodge, No. 68, International Association of Machinists, for the construction of gunboats and cruisers in the several navy-yards of the Government—to the Committee on Naval Affairs.

By Mr. MIERS of Indiana: Papers to accompany House bill granting a pension to William F. Browning—to the Committee on Invalid Pensions.

By Mr. NAPHEN: Petitions of the American Whist Player Company and of A. W. Hunt, of Boston, Mass., in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. RANSDELL: Papers relating to the claim of Aaron Register, of the State of Louisiana—to the Committee on War Claims.

By Mr. ROBINSON of Indiana: Petition of J. A. Stutz and other physicians of the State of Indiana, favoring the passage of a bill for the purchase or location of a site for a monument to Dr. Daniel Hahnemann—to the Committee on the Library.

By Mr. SHAFROTH: Petition of Hon. Charles S. Thomas, of Colorado, and others, with reference to arid and public lands—to the Committee on the Public Lands.

By Mr. SHATTUC: Papers to accompany House bill for the relief of William H. Harrison, late pilot under Rear-Admiral D. G. Farragut in the civil war—to the Committee on War Claims.

By Mr. STEELE: Petition of Z. R. Saunders, for increase of pensions—to the Committee on Invalid Pensions.

By Mr. SUTHERLAND: Petition of South Platte Congregational Church, Hall County, Nebr., for the passage of a bill enacting a Sunday law; also a bill to limit absolute divorce—to the Committee on the District of Columbia.

By Mr. VAN VOORHIS: Petition of C. E. Miller and other citizens of Muskingum County, Ohio, for an appropriation for the improvement of the North Muskingum River—to the Committee on Rivers and Harbors.

By Mr. YOUNG of Pennsylvania: Paper relating to section 61 of the revenue act of 1894, as to the tax on the use of alcohol in the arts or in any medicinal or other like compound—to the Committee on Ways and Means.

By Mr. ZIEGLER: Affidavit to accompany House bill to remove the charge of desertion now standing against William A. Knudson—to the Committee on Military Affairs.

SENATE.

FRIDAY, *March 2, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

BRUNSWICK (GA.) HARBOR IMPROVEMENT.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, stating, in response to a resolution of the 20th ultimo, relative to the report made by H. L. Marinden, the officer of the Coast and Geodetic Survey detailed by him to make survey of the outer bar of Brunswick, Ga., filed in the War Department December 4, 1899, together with the report supplemental thereto, that the reports called for were transmitted to the Auditor for the War Department on December 22, 1899; which was referred to the Committee on Commerce.

PROTEST AGAINST RECIPROCITY TREATIES.

Mr. PERKINS. Mr. President, I present a protest from the entire delegation in Congress from California against the adoption or ratification by the Senate of the so-called Jamaica reciprocity treaty and the French treaty. I also present a memorial, with about 15,000 names, from 35 different horticultural, viticultural, agricultural, and citrous organizations or associations in California, protesting against the ratification of the so-called Jamaica treaty. I will ask that the names of the 35 associations be noted in the RECORD and that the accompanying memorial be referred to the Committee on Foreign Relations.

Mr. HOAR. I should like to inquire of the Chair whether the protest of a delegation in Congress can be received by the Senate as a petition. It is certainly a very unusual method of proceeding. Protests against legislation, even made by Senators alone, are only received on leave. We never have established in our legislative practice the habit of allowing protests to be entered upon the files or upon the Journals of either House of Congress without special leave, and special leave has been several times in our legislative history refused.

I do not want to make a mountain out of a molehill, but I suggest to the Senator whether the particular things he speaks of had not better be presented not as a petition, but be presented by him some time in his remarks on the subject, or in some other mode.

Mr. PERKINS. Mr. President, it seems to me that the right of petition and remonstrance should at all times be considered sacred and as a privileged question. In the ratification of a treaty by the Senate the members of the other House have no opportunity of being heard except by a petition or memorial to this body. I know it has been the precedent established heretofore that such petitions have been presented, and no protest or remonstrance to my knowledge has ever been made against their presentation.

Mr. HOAR. If the Senator will pardon me one moment, if it is a remonstrance against the pending treaty, I raise the point that it should be presented in executive session.

Mr. PERKINS. The point would be well taken had not the seal of secrecy been removed from the treaty. It has been printed for the use of the public and disseminated throughout the country by the press. This is a question of great moment and interest to the people of the State whom I have the honor in part to represent upon this floor, and I am sure that my friend from Massachusetts, upon reflection, will say that this is the proper avenue, the proper method and manner, by which the people may speak through their representatives to this body which represents them.

Mr. HOAR. Mr. President, the fact that the injunction of secrecy has been removed does not make a legislative session, where treaties are not pending, the proper place for presenting a petition on that subject. I respectfully submit that the petition should be presented in executive session, whether the seal of secrecy has been removed from the treaty or not. I also shall raise at the proper time, when it is presented, the question that a protest by the united delegation of a State can not be entered upon the files or Journal of the Senate as a petition.

The PRESIDENT pro tempore. The Chair holds that, notwithstanding the treaties have been printed as a public document, the proper place to present such petitions or memorials is in executive session.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented a petition of Local Lodge No. 406, International Association of Machinists, of New York City, praying for the enactment of legislation to increase the salary of machinists working in the Government Printing Office at Washington, D. C.; which was referred to the Committee on Printing.

He also presented a memorial of the Sporting Goods Gazette, of Syracuse, N. Y., and a memorial of the Scientific American, of New York City, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the joint committee on customs of the Merchants' Association of New York, praying for an increase in the salaries of the examiners in the public stores at the port of New York; which was referred to the Committee on Finance.

He also presented a memorial of Local Union No. 5, Cigar Makers' International Union, of Rochester, N. Y., remonstrating against the importation of cigars from Puerto Rico free of duty; which was ordered to lie on the table.

He also presented a petition of Local Union No. 5, Cigar Makers' International Union, of Rochester, N. Y., praying that all the public lands be held for the benefit of the whole people, etc.; which was referred to the Committee on Public Lands.

He also presented a petition of 101 citizens of Brushton, N. Y., and a petition of 57 citizens of Moira, N. Y., praying for the enactment of legislation to regulate the sale and manufacture of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of the California Club, of San Francisco, Cal., praying for the purchase of the Calaveras Grove of Sequoias, Cal., for the purposes of a national park; which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. NELSON presented the petition of Eva W. Johnson and sundry other citizens of Minneapolis, Minn., and the petition of Mrs. Robert Jamison and sundry other citizens of Minneapolis, Minn., praying for the establishment of a national park in that State; which were referred to the Committee on Public Lands.

Mr. SCOTT presented a memorial of the Retail Grocers' Protective Association, of Wheeling, W. Va., remonstrating against the passage of the so-called parcels post bill; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. GALLINGER presented the memorial of Willis McDuffee, of Rochester, N. Y., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post Roads.

Mr. TURNER presented a petition of the Chamber of Commerce of Seattle, Wash., praying that the survivors of the Indian wars from 1817 to 1856, inclusive, be granted pensions; which was referred to the Committee on Pensions.

Mr. LINDSAY presented a petition of sundry citizens of Louisville, Ky., praying for a reduction of the tax upon spirits; which was referred to the Committee on Finance.

He also presented a petition of sundry railway mail clerks of Frankford, Ky., praying for the enactment of legislation to provide for the classification of clerks in first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorials of John B. Hurst, of Harlan; C. W. Miller, of Lexington; Clarence E. Woods, of Richmond; E. S. Albright, of Mount Vernon, and G. T. Friel, of Catlettsburg, all in the State of Kentucky, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. FOSTER. I present a petition of the Chamber of Commerce of Seattle, Wash., relative to the appointment of a sufficient number of judges for the Territory of Alaska, and that the people of that Territory be allowed representation in Congress. I ask that the petition be printed in the RECORD, and referred to the Committee on Territories.

There being no objection, the petition was referred to the Committee on Territories, and ordered to be printed in the RECORD, as follows:

To the Senate and House of Representatives in Congress assembled:

It is hereby represented to your honorable body by the Seattle Chamber of Commerce that it has been an ordinary lifetime—thirty-three years—since the great district or Territory of Alaska was acquired by the United States from Russia. As a very small price was asked for the country, it was supposed by many people that it was not worth much. Though the idea was a mistake one, these people have never been able to get it out of their heads. They have believed that it was an uninhabitable waste of ice and rock, the débris of the earth, the worthless rubbish left over after completion of the great work of creation. It was not worth while to make a Territory of it, as had been done with Washington, Oregon, Idaho, Montana, Utah, and other parts, and give it a legislature, organic act, Delegate in Congress, application of the land laws, and other advantages, as had been given to the Territories before, as in Alaska there could be no people to govern—not enough to hold

the offices, perhaps—and it would be farcical to put it on an equality with them.

So a district was created and it was put in the hands of the military. These gentlemen ruled the country for a few years. By that time it was found that money could be made by the Government in farming out the slaughter of fur seals. Later it was discovered that there were very valuable other fisheries—the salmon, herring, halibut, cod, saying nothing of the whale. Gold also was discovered, and with it silver, lead, copper, brimstone, petroleum, and other minerals. It has been found that there is a vast acreage of valuable timber; that there are agricultural possibilities equal to those of similar latitudes in northern Europe; that the climate of much of it is quite temperate, as mild, in fact, as that of many of the States of the Union, and that people can live there contentedly, happily, and prosperously.

Little by little the Government has been expanded. Collectors of many kinds of taxes have been added to the official machinery and the local population. There are not only the ordinary taxes of the Union, as customs and internal revenue, but there are special taxes or licenses of all kinds, ranging from $10 per annum to $2,000, inflicted upon the professional men, druggists, manufacturers, merchants, banks, hotels, fisheries, waterworks, tramways, steamboats, light plants, etc., and which in the aggregate yield a large sum, and which as Federal taxes are utterly unknown elsewhere in the nation. It is hardly possible to turn around in Alaska without the imposition of a tax, and if the tax is not promptly paid the delinquents are criminally indicted therefor.

Notwithstanding the adverse conditions there imposed upon the people by the Government, together with its neglect of them and its refusal to treat them as well as other people have been treated on the frontiers, the inhabitants have gained in number steadily for twenty years past, until now they exceed the numbers possessed by several Territories when admitted to the Union as States, and they have a trade with other parts of the world that will be worth in 1900 not less than $30,000,000. When Washington was made a Territory in 1853, with 3,965 inhabitants, it was given a complete government, with Congressional representation, legislature, and three district judges. Alaska, with twenty times as many people in 1900, has no legislature, no Congressmen, and only one judge to cover its 600,000 miles of territory.

It is a great wrong to treat these people so. They should have laws of their own, at least four judges to administer them, and a Delegate of their own choosing at the national capital to speak for them in the Executive Departments and Congress. They have long seen the necessity for this, and have tried repeatedly to obtain this latter boon. Failing in it, they have been compelled to send on at their own expense citizens to speak for them and represent them, which citizens were always at a disadvantage and received with more or less disfavor. The Alaska lobby is an outgrowth of this condition, and a painful one at that, which would be done away with were the people officially represented as the people of other parts of the Union are.

This chamber, being thoroughly conversant with the situation in Alaska, urgently recommends and prays for legislation by Congress of the character indicated herein, and particularly such as will secure to the people a sufficient number of judges and places for holding court and a member of Congress to be chosen by themselves.

[SEAL.] THE SEATTLE CHAMBER OF COMMERCE,
By J. W. CLISE, *Vice-President*.
By THOS. W. PROSCH, *Secretary*.

Mr. FAIRBANKS presented memorials of Local Union No. 204, Cigar Makers' International Union, of New Albany; of Local Union No. 215, Cigar Makers' International Union, of Logansport; of Local Union No. 62, Cigar Makers' International Union, of Richmond, and of Local Union No. 308, Cigar Makers' International Union, of Muncie, all in the State of Indiana, remonstrating against the importation of cigars from Puerto Rico free of duty; which were ordered to lie on the table.

He also presented the memorial of T. M. Morgan, of Colfax, Ind., remonstrating against the passage of the so-called parcels-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Central Trades Council of Marion, Ind., praying that all the remaining public lands be held for the benefit of the whole people, and that no grants be made except to actual settlers; which was referred to the Committee on Public Lands.

He also presented a petition of Hopewell Grange, No. 686, Patrons of Husbandry, of Wagoner, Ind., praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

He also presented a petition of Local Union No. 927, United Mine Workers, of Ehrmandale, Ind., praying for the enactment of legislation to protect free labor from prison competition, and also to limit the hours of daily service of laborers and mechanics upon the public works of the United States; which was referred to the Committee on Education and Labor.

Mr. ALLEN presented a petition of sundry citizens of Adelia, Nebr., praying for a continuance of the free distribution by the Department of Agriculture of blackleg vaccine; which was referred to the Committee on Agriculture and Forestry.

Mr. BURROWS presented sundry papers to accompany the bill (S. 3215) granting an increase of pension to Andrew F. Dinsmore; which were referred to the Committee on Pensions.

SISSETON AND WAHPETON INDIANS.

Mr. PETTIGREW. I ask to have a paper printed and referred to the Committee on Indian Affairs. It relates to an amendment now pending before that committee relative to the claim of the Sisseton and Wahpeton Indians for annuities. I move that it be printed as a document and referred to the Committee on Indian Affairs.

The motion was agreed to.

REPORT OF A COMMITTEE.

Mr. PLATT of Connecticut, from the Committee on Finance, to whom was referred the bill (S. 2559) authorizing the Commissioner of Internal Revenue to redeem or make allowance for internal-revenue stamps, reported it with an amendment.

BILLS INTRODUCED.

Mr. PENROSE introduced a bill (S. 3422) to adjust and equalize the rank and pay of certain officers of the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. TURNER introduced a bill (S. 3423) to confirm a certain private land claim in the Territory of New Mexico; which was read twice by its title, and referred to the Committee on Private Land Claims.

Mr. GALLINGER introduced a bill (S. 3424) for the regulation of scientific experiments upon human beings in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. MCMILLAN introduced a bill (S. 3425) to incorporate the Columbia Telephone Company; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 3426) to regulate the sale of intoxicating liquors in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 3427) to authorize the Light-House Board to make contracts for certain lights on the Great Lakes; which was read twice by its title, and referred to the Committee on Commerce.

Mr. COCKRELL introduced a bill (S. 3428) for the relief of the legal representatives of Armstead Blackwell, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. HANSBROUGH introduced a bill (S. 3429) to provide for the disposal of the Fort Buford abandoned military reservation, in the States of North Dakota and Montana; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. HAWLEY introduced a bill (S. 3430) to increase the efficiency of the Subsistence Department of the United States Army; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. MASON introduced a bill (S. 3431) authorizing the Santa Fe Pacific Railroad Company to sell or lease its railroad, property, and franchises; which was read twice by its title, and referred to the Committee on the Judiciary.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. KENNEY submitted an amendment concerning the establishment of a veterinary corps in the United States Army, intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. BUTLER submitted an amendment proposing to appropriate $1,200 each for clerks to the consulates at Osaka and Hiogo, intended to be proposed by him to the diplomatic and consular appropriation bill; which was ordered to be printed.

REPORT OF GEOLOGICAL SURVEY IN MONTANA.

Mr. CLARK of Montana submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed at the Government Printing Office 1,500 copies, in addition to those heretofore authorized by law, of a paper in Part III of the Twentieth Annual Report of the Geological Survey, entitled "Geology of the Little Belt Mountains, Montana, with notes on the mineral deposits of the Neihart, Barker, Yogo, and other districts," by Walter Harvey Weed.

PUBLIC SCHOOLS IN THE DISTRICT OF COLUMBIA.

Mr. STEWART submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Commissioners of the District of Columbia be, and they are hereby, directed to report to the Senate at their earliest convenience the following:

The whole number of pupils enrolled and the average daily attendance of pupils in the public schools of the District of Columbia, and the total expenditures on account of the same for each of the fiscal years from the year ending June 30, 1865, to the year ending June 30, 1899, inclusive, and the percentage of increase or decrease in each of the items for each year of the period named.

Also, the total number of school readers of each grade in the Powell's Normal Series and also in the Franklin Series, and the cost of each, and the total amount expended for Powell's Normal Readers and the total amount expended for Franklin Readers since the introduction of free text-books into the public schools of the District of Columbia.

LIQUOR TRAFFIC IN MANILA.

Mr. PETTIGREW. I offer a resolution, and ask for its present consideration.

The resolution was read, as follows:

Resolved, That the President be, and he is hereby, requested, if not incompatible with the public interests, to send to the Senate a statement of the number of saloons that have been established in Manila, Philippine Islands, since the occupation of that city by the United States forces, who conducts these saloons, who are their patrons, and what kind of liquors are sold, and the quantity of such liquors. The President is also requested to inform the Senate of the number, if any, of saloons run on the American or English plan in Manila before we occupied that place.

The President is also requested to inform the Senate whether it is not within his power, as Commander in Chief of our military forces, to suppress all saloons in Manila and prohibit and prevent the sale of liquors to our soldiers.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution? The Chair hears none. The question is on agreeing to the resolution. [Putting the question.] The resolution is agreed to.

Mr. COCKRELL. Let the resolution be read again. I was engaged in conversation, unavoidably and necessarily, when it was read. I should like to hear it read again.

The PRESIDENT pro tempore. The resolution will be again read.

The Secretary again read the resolution.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

The resolution was considered by unanimous consent, and agreed to.

ADULTERATED FOODS.

Mr. MASON. I submit a resolution, and desire to ask for information as to whether it must be referred to the Committee on Printing.

The resolution was read, as follows:

Resolved, That 5,000 copies of the testimony taken before the Committee on Manufactures of the Senate relative to adulterated foods, together with the report of the committee submitted thereon, be printed for distribution under the rules of the Senate.

Mr. HAWLEY. Should it not be referred to the Committee on Printing?

Mr. ALLISON. The testimony should be ordered printed, and the order to print 5,000 extra copies or any number of extra copies, it seems to me, should be referred to the Committee on Printing. I think the testimony has not yet been ordered printed.

The PRESIDENT pro tempore. It has not been ordered to be printed. This order is for 5,000 copies of the testimony.

Mr. CULLOM. It ought to go to the Committee on Printing.

The PRESIDENT pro tempore. The resolution will be referred to the Committee on Printing.

TRAVEL PAY AND COMMUTATION OF SOLDIERS.

Mr. TURNER. I submit a resolution and ask for its immediate consideration.

The resolution was read, as follows:

Resolved, That the Secretary of War be directed to send to the Senate a statement of the amount of money expended up to this time in the payment of travel pay and commutation of subsistence to officers and soldiers returning from the Philippine Islands to the United States, which statement shall show the amount paid for actual travel and subsistence and the names of the recipients thereof, and the amount, if any, paid as bounty or reward for reenlistments in the Philippine Islands.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. ALLISON. It seems to me that a statement giving the names of each and the account in full would make a large document. Would it not satisfy the Senator to provide for the information by companies and regiments?

Mr. TURNER. It embraces only the names of those who have actually returned, and I am informed that they are very few in number.

The resolution was agreed to.

ANNA WHITNEY TARBELL.

Mr. GALLINGER. The bill (S. 2142) for the relief of Anna Whitney Tarbell was by inadvertence referred to the Committee on Claims. It is a pension bill, and as the beneficiary is pressing for its consideration, in the absence of the chairman of the Committee on Claims I ask that that committee be discharged from the further consideration of the bill, and that it be referred to the Committee on Pensions.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from New Hampshire? The Chair hears none, and it is so ordered.

VOLUNTEER ORGANIZATIONS IN THE PHILIPPINES.

Mr. COCKRELL. On the 15th of February the senior Senator from Vermont [Mr. PROCTOR], not now present, reported adversely from the Committee on Military Affairs the bill (S. 2199) for the relief of volunteer officers and soldiers who served in the Philippine Islands beyond the period of their enlistment, and recommended that it be indefinitely postponed. He was not aware of the fact that the senior Senator from Washington [Mr. TURNER], who introduced the bill, desires to be heard upon it, and the bill was indefinitely postponed. I ask unanimous consent that the action indefinitely postponing the bill may be reconsidered, and that the bill and the report be placed upon the Calendar.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Missouri? The Chair hears none, and it is so ordered.

MEMORIAL ADDRESSES ON THE LATE SENATOR-ELECT HAYWARD.

Mr. THURSTON. Mr. President, in view of the pressure of important public business, I withdraw the notice I had given for this day and give notice anew that on Saturday, March 10, as soon after the routine morning business as may be convenient, I will submit resolutions on the death of the late Monroe L. Hayward, Senator-elect from the State of Nebraska.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 1st instant approved and signed the act (S. 2925) to authorize Frank Hitch to construct and maintain a bridge across Fishing Creek within the boundary lines of Edgecombe County, N. C.

LEASING OF PUBLIC GRAZING LANDS.

Mr. CARTER. Mr. President, with the permission of the Senator who is about to address the Senate, I desire to present and ask to have printed in the RECORD a communication signed by the governors of Colorado, South Dakota, Wyoming, Nebraska, Montana, and Arizona. It recites that—

At a conference held by the undersigned in the city of Washington on the 22d day of February, A. D. 1900, to consider the merits of pending measures for the leasing and reclamation of the arid lands of the West by the Land Department of the General Government, it was unanimously

Resolved, That in view of the great importance of the subject, especially in the effect of such legislation upon the people of the arid-land States and Territories, a conference of the governors of said States and Territories be called at Salt Lake City, Utah, for the 18th day of April, A. D. 1900, to discuss, consider, and respectfully report to the Congress of the United States a plan or method for the satisfactory solution of the problem of the disposition or management of the arid public domain, in the general interest and for the general welfare of the people of said States and Territories.

Resolved, That a copy of these resolutions be delivered to the Senate and the House of Representatives of the United States in Congress assembled, which are respectfully requested to suspend action in the premises until the holding and adjournment of said conference.

The communication manifestly relates to a bill introduced by the Senator from Washington [Mr. FOSTER] entitled "A bill to provide for leasing the public grazing lands and to produce revenue for agricultural development." This bill has excited widespread attention throughout the entire Western country wheresoever public lands are located. Its purpose seems to be to lease the public lands in large tracts to large stock owners for a given rate of rental and for terms of years.

For the benefit of persons who have become so profoundly stirred by this proposition before the Senate, it is but fair to say that it is improbable that Congress will at this late date consent to begin the leasing of public lands in large areas to corporations and large stock owners, thus retarding legitimate settlement of the public domain and giving that domain for trifling rental to a few individuals who may desire to monopolize it. I do not think that any apprehension need be felt in any quarter with reference to the possibility of passing such a bill through the Senate or through either branch of Congress.

The public domain of the United States, Mr. President, has been held in trust by the Government for the people of the country, and the actual settlers have always been preferred. It has been the policy of the Government to establish homes, to build up communities, to establish States, and to bring out well-ordered society where waste places exist. To turn what remains of the public domain into cattle ranches under barbed-wire fences, with a monopoly of land and water in the hands of a few individuals in the respective States, is not seriously entertained as a proposition anywhere. I do not anticipate that any committee of this body contemplates reporting favorably upon such a measure.

This much I say to the end that well-meaning persons who desire to settle upon the public domain may have their apprehensions quieted with reference to any possibility of legislation on the part of Congress—on the lines of the bill referred to.

Mr. STEWART. May I inquire of the Senator if there is any such bill pending?

Mr. CARTER. Senate bill 1947, entitled "A bill to provide for leasing the public grazing lands and to produce revenue for agricultural development," has been referred to the Committee on Agriculture and Forestry. To the members of that committee I give notice that before that bill is acted upon in committee it is the desire of Senators from the public-land States to be heard. I do not believe that any hearing will be necessary. The stating of the proposition itself, which is an innovation upon the well-settled policy of this Government established and carried out for a century, is sufficient to cause the bill to find eternal sleep either in indefinite postponement or in the files of the committee.

Mr. STEWART. I hope the bill will be indefinitely postponed early, so as to settle all questions regarding it. I hope whoever has charge of it will report it back and have it indefinitely postponed, because I have already received two or three letters of apprehension in regard to it.

Mr. TELLER. I do not know in what shape this matter is before the Senate.

Mr. CARTER. I will state to the Senator from Colorado that I presented a communication.

Mr. TELLER. A petition?

Mr. CARTER. A communication signed by the governors of a number of States, which announced that a meeting would be held

in Salt Lake City in April for the purpose of considering this leasing proposition. The governors of five or six States signed the communication, and they requested that it be presented to the respective Houses of Congress. In obedience to that request, at the suggestion of one of the governors, I presented the communication, and have thought proper to supplement that act by the few remarks I have made.

Mr. TELLER. Mr. President, I want the indulgence of the Senate just a moment to say that I have had a great many communications from my constituents on this subject. To all of them I have replied that there was no possibility of such a bill being enacted; that it had not been the policy of the Government, and I did not believe the policy was to be changed. So far as I am concerned, I am quite willing to join the Senator from Montana, in the effort to prevent the passage of such a bill. I should regard it as a very serious change of the public policy of the Government concerning public lands.

The PRESIDENT pro tempore. The communication will be referred to the Committee on Agriculture and Forestry.

PUERTO RICAN REVENUES.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read:

To the Senate and House of Representatives:

Since the evacuation of Puerto Rico by the Spanish forces on the 18th day of October, 1898, the United States has collected on products coming from that island to the ports of the United States the duties fixed by the Dingley Act, and amounting to $2,095,455.88, and will continue to collect under said law until Congress shall otherwise direct. Although I had the power, and having in mind the best interests of the people of the island used it, to modify duties on goods and products entering into Puerto Rico, I did not have the power to remit or modify duties on Puerto Rican products coming into the ports of the United States.

In view of the pressing necessity for immediate revenues in Puerto Rico for conducting the government there and for the extension of public education, and in view also of the provisional legislation just inaugurated by the House of Representatives, and for the purpose of making the principle embodied in that legislation applicable to the immediate past as well as to the immediate future, I recommend that the above sum so collected and the sums hereafter collected under existing law shall, without waiting for the enactment of the general legislation now pending, be appropriated for the use and benefit of the island.

WILLIAM McKINLEY.

EXECUTIVE MANSION, *March 2, 1900.*

Mr. FORAKER. Without waiving any right as to the jurisdiction of any particular committee, in view of the fact that the bill to provide a civil government for Puerto Rico is now under consideration, I request that the message be referred to the Committee on Appropriations.

The PRESIDENT pro tempore. The message will be printed and referred to the Committee on Appropriations.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. H. L. OVERSTREET, one of its clerks, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 6767) to grant an American register to the steamer *Windward;*

A bill (H. R. 8188) to amend an act approved March 3, 1899, for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, and for other purposes; and

A bill (H. R. 9080) appropriating, for the benefit and government of Puerto Rico, revenues collected on importations therefrom since its evacuation by Spain, and revenues hereafter collected on such importations under existing law.

CONDEMNED CANNON.

Mr. COCKRELL. I ask that a letter addressed to me by the Secretary of War, inclosing two lists showing the obsolete and condemned cannon at the various arsenals and fortifications which are available for donation under the act of May 22, 1896, or for disposition by Congress, and the statements accompanying it, be printed as a document. It is a matter frequently called for.

The PRESIDENT pro tempore. Without objection, it will be so ordered.

HOUSE BILLS REFERRED.

The bill (H. R. 6767) to grant an American register to the steamer *Windward* was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. 8188) to amend the act approved March 3, 1899, for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, and for other purposes, was read twice by its title, and referred to the Committee on Claims.

The bill (H. R. 9080) appropriating, for the benefit and government of Puerto Rico, revenues collected on importations therefrom since its evacuation by Spain, and revenues hereafter collected on such importations under existing law, was read twice by its title.

The PRESIDENT pro tempore. The message of the President on the same matter having been referred to the Committee on Appropriations, the bill will be referred to that committee.

SENATOR FROM PENNSYLVANIA.

The PRESIDENT pro tempore. Is there further morning business?

Mr. RAWLINS. I ask unanimous consent for the present consideration of House bill 6493.

Mr. PENROSE. I rise to ask the Chair to submit to the Senate the resolution reported from the Committee on Privileges and Elections relative to the seating of Hon. M. S. Quay.

The PRESIDENT pro tempore. Without objection, the Chair lays before the Senate the following resolution.

The Secretary read the resolution reported from the Committee on Privileges and Elections, as follows:

Resolved, That the Hon. Matthew S. Quay is not entitled to take his seat in this body as a Senator from the State of Pennsylvania.

Mr. HOAR. Mr. President, I have stated my opinion in debate and in printed reports on this question a good many times during the last twenty years; I do not wish to go over those arguments now. I wish merely to state very briefly and compactly, if I can, one or two propositions which may not in the first instance seem directly applicable to the main argument; and yet it will be found by anybody who reads the debates or reports or who talks with Senators in private that these propositions or their opposite seem to be constantly in the heads of Senators who are reflecting upon this question.

In the beginning, I desire to ask the Senate to consider for a moment the condition of mind in the Convention that framed the Constitution and the people who accepted it in regard to this question, with a view of ascertaining what they desired to do and would have done, if they could, by a proper expression.

They were constructing a Government in a Convention in which eleven States only were taking part. They were providing for a Senate to consist of twenty-two men, in which they were to deposit half the legislative power of that Government, a share in the executive power, and a great judicial power affecting the interests and rights of the whole country. They expected that body, in the main, as everybody who is familiar with the history of that time well knows, to be a nonpartisan body. It was contrary to etiquette for many years after the Senate was organized to allude to party considerations in debate in this Chamber. The Senate was expected to be a sort of political supreme court, composed of men in whose judgment, by reason of their age, their character, their experience in public affairs, the whole country would have confidence; and, as I have said, they expected in the beginning that there would be but twenty-two of them. Rhode Island and North Carolina came in afterwards.

I allude to this consideration to show how completely the idea that the whole country was interested in having the Senate full and how little the idea that it was a concern of a particular State alone whether there was a vacancy was in the mind of that Convention and of the people.

They proceeded to make a rule, a mechanism by which this great assembly should be made up and should be kept full, and they did it by enacting that the State legislatures should appoint Senators; and they went on to say "vacancies may be filled by the executive." That is the phrase they used.

When they had said that, which beyond all question was an enactment that whenever under any circumstances there was no Senator appointed by a legislature here, the chair should be filled by the governor, they had previously doubted whether the governor should not have the entire power. He represented the whole people of the State.

He represented the dignity and the authority of the State in those days; he appointed every judicial officer and almost all of the high officers of the State—the sheriffs, district attorneys, judges. That is the arrangement they made, and that was passed by the Convention and reported in that form from the committee on detail. Then Mr. Ellsworth, than whom there was no greater constitutional lawyer and statesman on the face of the earth anywhere, made a brief remark reported by Mr. Madison. Mr. Randolph first said:

It is necessary in order to prevent inconvenient chasms in the Senate.

He was speaking of the provision that vacancies may be filled by the executive. Then Mr. Ellsworth says:

As there will be but two members from a State, vacancies may be of great moment.

Everything said on that subject, so far as reported, being to call the attention of the assembly to the importance of keeping the Senate without a vacancy. That being the condition of affairs, Mr. Madison, who was also the reporter of the debate as well as a participant in it, rose in his place and said, "But there is a question in England whether a man holding a legislative office may resign or decline, and for that reason I suggest a change in the phraseology." He then moved to strike out the words after "vacancies"

and insert the words "happening, by refusal to accept, resignation, or otherwise, may be filled by the governor."

Mr. President, I hold it very unlikely that any body of men would make that great change which made it possible that there might be long vacancies continued—and vacancies are now continuing in this body week after week, month after month, and year after year—when nobody said anything about it, when the mover of the amendment did not disclose any such important purpose, and only mentioned a much less important and more insignificant purpose.

The honorable Senator from Tennessee says that this language is not to be taken in any artificial or constrained or technical sense, but it is to be taken in a popular sense. To that I agree; but I would prefer to say that it should be taken in the sense in which the Convention used it, and in which the people who voted, or the assemblies who represented the people in accepting it, took it when they accepted it.

Let us see if we can not settle that. They used precisely the same words in regard to vacancies in two other cases, first, in regard to possible vacancies in the House of Representatives, and, second, in regard to possible vacancies in the executive offices where the President appoints, and precisely those same words, "if vacancies happen," have been from that day to this held to include not only vacancies coming by chance or in any particular way, but every possible vacancy arising under any circumstances at any time or under any conditions.

So, in order to limit this language as it is attempted to limit it here, you have got to say, first, that a Convention that meant to do exactly what is claimed here by those in favor of the seating of Mr. Quay, five minutes before, without any question, all of them having so voted and whose committee had so reported, adopted language having a totally different meaning without any suggestion of a change of mind in this very important particular; and, next, that having adopted this language to express in this particular clause a totally different meaning, they used the same language in two other clauses in the same Constitution to express the purpose they at first entertained.

Mr. President, I stated just now that I thought there was one consideration which, in the first instance, did not seem to be so very important, but which seemed to be in the minds of Senators who debated this question on the floor or who discussed this question in their private consultations, or who may do so; and that is, that if a State legislature meet and fail to make an election of a Senator, the State has neglected to perform a duty; that the State is in fault. You find that phrase all through the speeches on the other side of this question, that the governor can not appoint if the State legislature has neglected its duty. The honorable Senator from Tennessee, in his very interesting and able address the other day, said that if the State legislature neglected to elect, did not elect a Senator, its members had violated their oaths. Let us see if this proposition will bear the light. I maintain the contrary. I submit to the considerate judgment of Senators that not only it is no negligence, that it is no violation of an oath, but under many circumstances which are conceivable—and not only conceivable, but many conditions which frequently exist—the members of a State legislature would violate their oaths and depart from their duty if they made an election.

In the beginning it was expected that two houses, two separate political persons, two corporate bodies must separately choose the same man, and now there must be a majority of all the members of the joint body to choose a Senator voting for the same man. There are many cases familiar to all of us where these two bodies can not agree, or where there are three parties in the joint convention who can not agree, when the difference between them goes down not merely to the deepest interest of the Republic, but to the very root of the moral law itself. Take the case of one of our recent conditions, take the case in a Southern State of two legislatures, one believing, and its members believing with all their might and main, that the late election law proposed was tyrannic, was unrepublican, was a violation not only of the Constitution, but of every sound principle of legislation and of the principles of public liberty, and the other body believing with equal sincerity that the failure by national authority to secure the purity of elections in regard to representatives in the other house was a great public crime. Could they conscientiously agree on a Senator?

Suppose Aaron Burr were the candidate of one party and Thomas Jefferson of the other, or suppose Aaron Burr and Thomas Jefferson and some Federalist had been the three candidates, and a joint convention was to choose upon joint ballot. Is it neglect, is it breach of the oath, is it a violation of constitutional duty, when any one of those representing those three opinions finds it impossible for him to agree with the men representing either of the others?

Why, Mr. President, the framers of the Constitution meant to provide for just that case in other respects, did they not? Twice in our history has there been a failure of the electoral majority, of the persons chosen to the electoral colleges to agree, and will my honorable friend from Tennessee, or any other honorable friend, claim that the men who voted for Aaron Burr during those long ballotings, or the men who voted for Thomas Jefferson, or, in a later year, the men who voted for John Quincy Adams and for Andrew Jackson, or for Henry Clay, or for William H. Crawford were violating their oaths and that, to be consistent in our logic, the American people ought to be punished by not having a President for four years? Do the electors violate their oaths when they fail to choose a President? Does the House violate an oath when it fails to make a choice? The framers of the Constitution provided for the very case of a failure in bodies, which must act by majorities only, to get majorities for any particular candidate; and in the case of President they went further, and provided also in the case of a failure of the House of Representatives to elect. Two successive cases of failure to elect a President were provided for in the Constitution.

Can anybody believe who reflects on it impartially that the framers of the Constitution did not intend to make a similar provision that should cover every case and should cover the whole time in regard to the great office of Senator? Why, Mr. President, they knew as well as you know how important a single vote may be. A single vote within the last twelve or thirteen months would have changed the whole policy of our Government with reference to imperialism. A single vote saved Andrew Johnson from impeachment. A single vote passed the bill taking newspapers out of the mail, a vote which tended so much to bring on the political destruction of Martin Van Buren and the overthrow of a dynasty. Twice in my own Commonwealth a single vote has elected the chief magistrate. Now, is it to be supposed that they would have for a moment contemplated the idea that the great State of Pennsylvania, which now has a people of more than double the entire population who accepted this Constitution, should be shorn of half its strength and that the people of the United States should be without the presence here of a gentleman to utter the voice and represent the will of 3,500,000 people?

Mr. President, the question before us is just that question. Did the men who framed this Constitution intend, would they have thought for a moment, that these great political corporations for great spaces of time on great questions should be without their lawful representation and their lawful voice here?

It may be said that the executive, after all, if the legislature fails to agree, may appoint somebody whom the people as represented by a majority of the legislature would not approve. But that is our universal policy. If you can not get a majority, you do not leave the people interested unrepresented; you take a plurality, do you not? And in every instance now throughout the entire country, I believe, a plurality of voices elects the Representatives in the other House, and nowhere is a majority required.

Mr. President, when you couple with these considerations the fact that the language the framers of the Constitution used means in the same instrument in two other places that there shall be no vacancy and the office shall be kept full, that they did not utter, they did not make any suggestion of changing their mind in this particular, that they had unanimously adopted language which said "vacancies shall be filled"—when you couple with that the constitutional declaration of the importance of this matter, as shown in the enactment that no State shall be deprived of its equal voice in the Senate without its own consent, the justice of my contention will be manifest.

The American people may, by constitutional processes and in a lawful way, make any changes whatever in their Constitution but one. They may establish a limited monarchy; they may do away with every safeguard of life, liberty, and property; they may amalgamate this country with races or States; but one thing they can not do, unless forty-five States shall agree, and that is leave a State with but half a voice in the Senate.

These things, Mr. President, seem to me to be the large considerations that belong to this topic. They are such considerations as, it seems to me, would be in the minds of the statesmen of that Convention and of that generation. If you had come in in the light of these things and somebody had got up and said, "There will be a State by and by whose legislature meets but once in four years; there will be a great many States by and by whose legislatures meet but once in two years; now, if it happens that a week or ten days or a fortnight before one of those legislatures adjourns a Senator dies, or if it happens that one of those legislatures tries to elect a Senator and can not do it, because there are three opinions, each conscientiously held," do you mean, gentlemen, that for two years, or for four years, or for one year, or for half a year, that that State shall be unrepresented?

It may happen in regard to two Senators from the same State. Frequently in our history there has been such a condition of things that two Senators were to be voted for at once or were to be appointed at once. It happened once in my own State, and it happened in the case of Mississippi not long ago. Do you mean in such a case the governor can not appoint? "Why, no," the answer

would have been, "we no more mean that that thing should happen, and that the whole country should be without the voice of that Senator, than we mean that the executive offices should be vacant under like circumstances, or that seats in the House of Representatives should be vacant under like circumstances; and you will observe that we have said in regard to the Senate just what we have said in regard to them."

Mr. BURROWS. Mr. President——

The PRESIDING OFFICER (Mr. CULLOM in the chair). Does the Senator from Massachusetts yield to the Senator from Michigan?

Mr. HOAR. Certainly.

Mr. BURROWS. In the case which the Senator from Massachusetts supposes, where a Senator should die just before the legislature adjourned without filling the vacancy, would it follow therefrom that the office should remain vacant for two years, or would it not be within the power of the governor in that case to convene the legislature at once and fill the vacancy?

Mr. HOAR. Of course the seat would be vacant until the governor convened the legislature.

Mr. BURROWS. But he could convene the legislature, I understand.

Mr. HOAR. Yes.

Mr. BURROWS. Then, it would not follow that a vacancy would exist.

Mr. HOAR. It would follow unless the governor convened the legislature, which he is not obliged to do.

Mr. CARTER. And that the legislature agreed.

Mr. HOAR. And that they agreed. All that is true; but all these matters, Mr. President, I confidently submit, are refinements—I had almost said little refinements. But they have impressed themselves upon so many admirable intelligences, including that of my friend from Michigan [Mr. BURROWS], that it would be a great impropriety for me to make that remark, and I do not make it. But they are refinements.

Our honorable friends who are on the other side admit that our fathers have gone to the extreme of construction in order to keep the Senate full when the Constitution says the governor may appoint until the next session of the legislature. We say that was inspired with meaning by the great necessity of keeping the Senate full, and therefore, in fact, the governor shall appoint until the next legislature adjourns, though it sit for a year, unless in the meantime the legislature itself has agreed—ten times—taking your narrow, limited, and artificial construction of the word "happen"—ten times as great a pressure of construction and constraint upon the language as is required to adopt the meaning which we give to it.

Mr. President, I wish to call the attention of the Senate to one judicial construction which I think has not been lately cited in the debate, and that is in the State of Pennsylvania. The constitution of Pennsylvania provides that the governor may fill any vacancy "which may happen" in any judicial or elective office. It was held in Walsh *vs.* Commonwealth (89 Pa. St. Rep., 419), just as it has been held in our dealing with executive officers, that where the legislature created a new county the governor was authorized to appoint all the officers of that new county without their being elective offices ordinarily until an election could be held, on the ground that that was a vacancy happening within the meaning of the constitution of the State.

Mr. President, my friend the Senator from Tennessee [Mr. TURLEY] says—and it struck me that the argument he made was more against than in favor of his proposition—that if the framers of the Constitution meant what it is claimed they meant, how easy it would have been to have said "appoint a Senator till the legislature fill the office." The fact that they did not say so, where they could have said it so easily, seems to him a strong argument that they did not mean it. But what they did say has been construed to mean exactly that thing. They said appoint till the next session of the legislature, and the Senate says, as they also said so emphatically, that the Senate should be always full; that it means till the next adjournment of the legislature, which they did not say.

I should like to ask this question, which I have never heard answered: What difference in principle is there between the case of a vacancy that begins at one time and the case of a vacancy that begins at another; between the case of a vacancy happening according to your construction of the word "happen" and the case of a vacancy happening according to my construction of the word "happen?" Is there any reason that can be conceived of on earth or in heaven which would induce any intelligent body framing a constitution to say that if the legislature has not met the governor may appoint, and if it has met the governor shall not appoint, unless what I have just spoken of now can be accounted a crime, perjury, negligence on the part of the legislature who can not agree?

Now, one of these things which our ancestors feared was a failure on the part of the State to take interest enough in this General Government to keep the seats in the Senate and in the House full. You will find that fear constantly in the early discussions on the Constitution, even down to Mr. Webster's time. Mr. Webster, as late as 1825 or 1830, spoke of the danger that the States might not perform their constitutional duty of keeping the Senate full, and he said, in a passage cited both in the majority and minority reports on this question, that such a negligence would be fatal or destructive to any other country but ours. And then he adds, the Constitution, to secure us against this evil, lays hold of the individual conscience. But the individual conscience of the legislature is not sufficient for that purpose, and you are not safe any the more for the individual conscience of the legislature if they can not agree in regard to the character or the principles or the policy of the man upon whom they must unite. No oath can make a jury agree. No oath of office can create a majority among men conscientiously differing in opinion. But behind the legislature and behind the individual consciences of senators or representatives of the State, whose individual consciences may not let them agree, you have one place where the individual conscience is to be laid hold of, where it is sure to create individual action, and that is the conscience and the action of the executive.

Mr. TURLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Tennessee?

Mr. HOAR. In one moment. He has to agree with nobody; he has to reconcile no difference of opinion, and he has the power and the right and the sworn duty to fill this office if the legislature can not fill it; and in that way and in that way alone is the security of the whole Republic assured. Now I will listen to the Senator from Tennessee.

Mr. TURLEY. I ask the Senator from Massachusetts why, if it was considered so essential and so important that the Senate should always be full, and if the final way to fill it was to put this duty upon the conscience of the governor, did not the Constitution say that the governor "shall" fill these vacancies instead of that he "may?"

Mr. HOAR. That question was debated in the Constitutional Convention.

Mr. TURLEY. I remember that.

Mr. HOAR. And the answer to it was that the vacancy might occur within two days——

Mr. TURLEY. Let me put this case——

Mr. HOAR. I have not answered the other question.

Mr. TURLEY. Well.

Mr. HOAR. The vacancy may occur, as is said in the book which I have before me here——

Mr. TURLEY. I remember that.

Mr. HOAR. I supposed the Senator asked the question for the information of the Senate, and not only for his own.

Mr. TURLEY. Yes, sir; that is correct.

Mr. HOAR. So I wish to answer in the hearing of the Senate. Mr. Ellsworth said, when the legislative meeting happened to be near, the power will not be exerted; that is, it left to the governor just what the governor of Pennsylvania did in this case and which has been very much commented on, in regard to his duty of summoning the legislature together. Suppose that a vacancy takes place within a week of the meeting of a legislature or within a week of the final adjournment of Congress, and there might not be another session for eight months. All that the governor of Washington or Montana or California in such case would do would be to appoint a man to travel here, get his mileage of four or five thousand dollars and his salary, take the oath, and vote on the question of final adjournment. Now, such a case is quite conceivable, and accordingly, as Chief Justice Ellsworth says, they did not make that absolutely imperative in all cases.

Mr. TURLEY. But these cases would occur so often, and I suggest them to the Senator. Suppose a vacancy occurs within a week before the meeting of the legislature or within a few days before the meeting of the legislature. Yet that legislature may meet and may remain in session months, and under many constitutions it may remain in session indefinitely, and during the time the legislature is in session and is balloting for a Senator most important questions may come up in the Senate for disposition.

Mr. HOAR. That is true. That is a fair——

Mr. TURLEY. One other question.

Mr. HOAR. Let me answer that question. The Senator has no objection to my answering it?

Mr. TURLEY. None in the world.

Mr. HOAR. I think that is a very fair and pregnant question. It is a question which deserves an answer and serious consideration, and the answer to it, it seems to me, is this: Every human mechanism must have some imperfection in it, and you could not preserve the power of the governor at all without there being some space of time which could not be covered by the arrangement. But the Senator will remember that this Constitution was framed

when the sessions of legislatures and of Parliament were so brief that the whole session of the legislatures and of Parliament was in legal construction considered to be but a single day.

In England, down to a very recent period—indeed, I do not know but now—an act of Parliament takes effect on the first day of the session and not the last. So if a man may do an act on the 4th day of March, according to the strictness of old English law he could be punished under a statute which made it a crime for the first time on the 10th of March, because the legal presumption was that the session was but a single day. Of course the pardoning power or the courts would take care of it, but I am speaking of the strictness of the law. So our Constitution was undoubtedly framed by men who were accustomed to brief legislative sessions and to the presumption that the legislative session was to be considered but a day in point of time.

Mr. TURLEY. Now, may I interrupt the Senator once more, and I will not interrupt him again?

Mr. HOAR. Certainly. I am delighted to have the Senator interrupt me, because I think the Senators are trying to get all the light they can on this question; and if I am wrong, I shall be as glad to be set right as anybody else.

Mr. TURLEY. If we go back to the proposition that the legislatures met so frequently when the Constitution was framed——

Mr. HOAR. I did not say they met frequently. I say they held brief sessions.

Mr. TURLEY. Well, held brief sessions. They met frequently, too.

Mr. HOAR. I did not say that, at any rate.

Mr. TURLEY. If they held brief sessions at that time, I suggest this idea, which I presented before: If it was so important to keep the Senate full, even under the brief sessions then held and the meetings once a year, because I gather from the constitutional debate that the legislatures then did meet as often as once a year and some of them oftener, still here was a period of almost twelve months during which Congress might be in session, and it was not made the duty of the governor absolutely to make the appointment, but it was left in his discretion entirely; and we might with good reason infer from that that if the legislature itself, which was made the primary choosing power or the power to select the Senator, thought it was a case where one should not be selected, then the same sentiment might control the governor. In other words, the Constitution nowhere in it forces the governor or makes it the sworn duty of the governor to make the appointment. It is left entirely to his discretion.

Mr. HOAR. The beauty of the jury trial and of the grand jury is that there is no personal responsibility. A man is not afraid to do a thing that he thinks right because he has a dozen men to stand by. He acts as one of a body. But where you want personal responsibility, the beauty of our executive arrangement is that we have it, and we have one man. Could any governor face his constituents, sworn to support the Constitution of the United States, who did not exercise that prerogative of appointing a Senator and having his State represented unless there was such good reason as that I have described, that it would be practically without any use?

Now, I should like to come back on my honorable friend with a question, if I may. Is not this thing I have been saying true? Did they not regard it as important to keep the Senate full? Was not Mr. Webster right in that noble passage which we have both quoted? Did they not say that the whole power of the forty-four States, the whole power of the 80,000,000 people united, could not take away from the little State of Nevada, with its 150,000 people, its constitutional right and its constitutional duty to have two Senators here all the time, so far as the power of human contrivance can accomplish that result? Is not that the law? Therefore, were not they desirous to keep the Senate full, and did they not mean that if a body, which could not always do it, tried their best and failed, the man who always could do it and to whom they had thought of giving the entire power and who was responsible individually to his people, should do it and keep the Senate full as much as possible?

Remember, as I said just now, that they so regarded the importance of keeping these two bodies here, and we have ever since, that even where a majority of the electors failed to elect they say it is better to have the man who represents the minority than not to have any representative at all. So they elect now universally by a plurality, and we shall have to come to that rule, in my judgment, some time in regard to the election of Senators of the United States. That will relieve us from much of our difficulty.

Mr. BURROWS. Will the Senator from Massachusetts allow me to ask him a question?

Mr. HOAR. Certainly.

Mr. BURROWS. The Senator very truly inquires, Did they not intend to keep the Senate always full? May I ask the Senator if they did not intend that it should be done by constitutional methods?

Mr. HOAR. Certainly.

Mr. BURROWS. And in no other way?

Mr. HOAR. Certainly.

Mr. BURROWS. And so the controversy at last resolves itself into one of the power under the Constitution.

Mr. HOAR. Of course in one sense, but not quite. We are determining what they expected to accomplish by the constitutional method. We are are seeking their rule of interpretation. We are looking to see whether they intended to have this clause they made interpreted in a way that would keep the Senate full, that being the usual and ordinary construction of the language they used, or whether they intended to have it so interpreted that it would not keep the Senate full.

Mr. President, I submit again they regarded the governor as a fit depositary of this power. They had thought of giving it to him exclusively. They concluded not to do that, and they said, "We will give it to him when the legislature can not exercise it and until they do exercise it; but we want the Senators there."

Mr. President, I have talked a great deal longer than I intended to, but I wish to say one word about the precedents, and I frankly admit that there are precedents the other way. There are one or two early precedents and one or two late precedents in which it has been held in accordance with the contention of my honorable friend the Senator from Tennessee—the Kensey Johns and the Corbett case and two or three other cases which are all in our memory. That is true.

Mr. TURLEY. May I ask the Senator a question? Is there a contested case since the Lanman case in 1825 down to this time—I do not even remember an uncontested case—where a Senator has been seated upon the appointment of a governor in a case where the legislature has had the opportunity to fill the vacancy either before or after it occurred?

Mr. HOAR. That is just the question I am coming to. The Senator has stated it very clearly, and it saves the necessity of my stating it before I proceed to answer it.

It is true, as I was proceeding to say, that there are two or three cases of that kind, and it is further true that there is no case where the Senate upon debate has upheld the power of appointment on the part of the governor under precisely these circumstances; but it is also true that all the arguments against the power of the governor to act under these circumstances are equally arguments against a long and unbroken series of Senatorial precedents. If it be true that the word "happen," as my friend argued here for so long a time the other day, and my other friends argue, or as they say in their report, means to "occur fortuitously;" if it be true that the framers did not intend to provide for the case of the beginning of a term or for any case except a case of the kind enumerated, by accident, resignation, or death, or other like cases, as all the Senators on the other side argue, then the entire series of precedents, between twenty and thirty, is swept away.

No case is precisely similar to this. I do not know what the color of Mr. Quay's eyes are; whether they are blue or black. I am quite sure there is no green in them, if I recollect. But it is also true that there has never been a case in which the Senate has held that a blue-eyed governor might make an appointment under these circumstances or that a blue-eyed governor might appoint a black-eyed Senator. There is no more distinction in principle between the cases settled by the precedents in favor of the executive power and this case than between the case of a blue-eyed appointee and a black-eyed appointee. All the arguments, the reasons, the constitutional principles, the history, the decisions in like cases in regard to the use of the same language in other parts of the Constitution, the decisions of like cases where they have arisen in the States, apply just as much to this case, where the legislature has met and adjourned without electing, as they apply to the case where the beginning of the term has arrived without an election, or to any other case where the vacancy might have been foreseen.

If this word "happen" mean what it does elsewhere in the Constitution, if it mean occur, come to pass, if it mean just what they meant by the phrase they used before Madison's amendment—vacancies existing may be filled—if it mean just what it would mean if you say if the 4th of July happen on Sunday, then you have settled the question, and the two or three cases which I have mentioned were mistakes.

If, on the other hand, it does not mean that, but mean what my friends on the other side say in their arguments, then there are twenty or thirty decisions of the United States Senate that are all wrong, and you can not seat the New Hampshire Senator at the beginning of his term if there has been no legislature to elect under the statute; and you can not seat if the man die the day before the legislature meet and do not meet again for a year. The one simple thing that we have to settle is what the Constitution means. Did it mean if there be a vacancy of any kind, or did it mean if there be a vacancy occurring by chance? When you settle that one question, one result or the other follows.

Mr. President, there is one thing to be said, and it may as well be said out loud as said by every Senator to himself, in regard to

this matter of precedents in election cases, and that is they are of the least value of any precedents established by judicial or by quasi-judicial tribunals. In the first place, perhaps six Senators, perhaps ten, will utter their voices in debate. Who knows on what ground the other eighty-four or eighty Senators who vote are proceeding? There is no record, as in the case of a judicial tribunal, of the reasons and grounds of the judges; and, also, it is notorious both in our own history and the history of England, that political feeling and personal feeling largely enter into these cases. There was nothing more proverbial for the want of justice than the English election cases down to the time when they changed the law.

They were obliged to take from Parliament this great prerogative of judging of the qualifications and election of its own members and commit it to the courts about twenty-five years ago in England, and the history of our own election cases, I think, in the States and in this Capitol is a like history, as everybody knows. The Senate has not been free from it. Does anybody doubt, who sat here, that in the three cases of Mantle, Beckwith, and Allen those gentlemen would have been seated almost without a question on the authority of the cases of Blair and Bell had it not been that three silver men were desiring to take their seats when we were then coming to the great struggle for the repeal of the Sherman law?

Now, Mr. President, if I state anything that is not true here in this matter, there are twenty gentlemen seated in these seats who know it as well as I do. I believe that this question never will be settled by any vote or by any majority until it is settled in favor of the right of the people of the State, the right of the State, the right of the Senate, the right of the whole people of the country that in these great transactions which we are engaged, never greater, never so great and momentous as they are to-day, every State shall have its quota and every seat shall be filled.

Mr. TURLEY. I wish to ask the Senator from Massachusetts a question, because I have the greatest respect for him, and I understand his last remarks to mean that up to this time, at least in a great many of these cases, the Senate has been governed and controlled by political and personal questions.

Mr. HOAR. I say the votes in the Senate have been governed.

Mr. TURLEY. The votes in the Senate?

Mr. HOAR. Yes; I say so.

Mr. TURLEY. That means the Senate itself, because the votes control the Senate.

Mr. HOAR. Very well.

Mr. TURLEY. The Senator says that the Senate has been controlled, through the votes expressed by it, by political and personal considerations upon a question which depends entirely upon a construction of the Constitution. If that has been so in the past, what have we to hope for in the future? What can we look forward to in the future? What I mean to say, more especially, is that no matter how those votes may have been controlled, no matter how they may have been brought about, yet, as a matter of fact, for seventy-five years they have resulted in one fixed, established principle. I do not mean that all the arguments in each case can be reconciled. I do not mean that, because that——

Mr. HOAR. But will the Senator deny that his whole argument overthrows not only the claim of Corbett and Mantle and so on, who were not seated, but it overthrows equally the claim of Pasco and of Bell, Blair, and Marston? If there ever was in the history of the Senate a nonpartisan result it was in those New Hampshire cases, great men, Mr. Edmunds, then Senator from Vermont, arguing to receive the Senators, and Mr. Conkling, a man of great influence and strength, arguing on the other side; Mr. Thurman on one side, Mr. Bayard, I think, on the other; I am not quite sure about that. But it was absolutely nonpartisan. Nobody cared, for any personal or public or political reason, whether Mr. Blair or Mr. Bell or Mr. Marston took their seats a few weeks earlier or not.

Now, I do not agree with the Senator that this thing never has been done. The Senator will not himself deny that unless he is right in an argument which overthrows the old cases he can not support his present contention, and I agree that unless I am right in my argument this case and all the old cases are swept away.

I wish to add one further remark which I forgot before, rather in connection with what has been said, showing the character of these proceedings. I have been getting for the last five or six weeks in every mail, probably for a longer period than that, hosts of letters (I suppose they come to other members of the Senate) asking the Senate to decide this question of pure constitutional law in the light of the opinion of the writer in regard to the character of the gentleman whom the governor of Pennsylvania has appointed.

The spirit which is abroad among these worthy men in the State of Pennsylvania and elsewhere is the spirit of the Dreyfus trial; nothing else. The one contribution greater than any other of England and of the United States to jurisprudence and to civilization is in establishing the doctrine and practice of deciding upon the rights of individuals and of communities according to a law established by another authority than that of the tribunal which determines it and the fact proved according to the rules established for the judicial proceedings. That we do in this country; that our kinsmen do in England. It is done nowhere else in a large degree on the face of the earth. In France the whole of France said, "We believe this man to be guilty, and therefore, although upon the evidence alone his innocence be as clear as the noonday, we demand that you shall condemn him;" and they condemned him amid the execrations of all mankind.

Now, here, if this Constitution, written a hundred and thirteen years ago, means one thing, that meaning is to stand for every case and for all time. If it means another thing, that meaning is to stand for every case and for all time, and the question of individual desire, of individual character, of individual history, and conduct has no place. And I am glad to know that into the deliberations of this Chamber on this occasion that vile and fatal spirit has not been able to get an eminence.

Mr. TURLEY. Now, Mr. President, just briefly in response to the question the Senator from Massachusetts has put to me. It is true that my individual views and the individual views of several members of the majority of the committee, probably of all of them, are that as an original question the governor has no power to fill a vacancy at the beginning of the term. But in going over these precedents we did attempt to show, and I think we successfully demonstrated, that for seventy-five years the precedents have established the principle that the governor can not appoint wherever the legislature has had an opportunity to choose and select.

This principle reconciles the New Hampshire and the Florida cases with all the other cases since the Lanman case. I understand that those cases, especially in the arguments of ex-Senator Edmunds, were placed upon the ground that under the peculiar circumstances existing there, the fact that the legislature, which under the act of 1866 alone had the right to fill those vacancies, could not meet until after the vacancies occurred, justified the governor in making the appointment, the principle being that the legislature never having had an opportunity to fill the vacancy, then the governor could do it.

So we conclude the majority, by announcing the principle that these cases for seventy-five years have established this construction of the Constitution, that wherever the legislature has had the opportunity to elect, then the governor can not appoint. We do not conclude the report by laying down the proposition broadly that the governor can not fill a term at its commencement, but we do conclude the report by showing that the Senate, the only body which can fix the construction of this clause of the Constitution, has for seventy-five years fixed a construction upon it which lays down the principle that the governor can not appoint where the legislature has had the opportunity to fill the vacancy and has failed to fill it. Our argument reconciles these cases and makes a principle which applies to all the cases for a period of seventy-five years.

Mr. MCCOMAS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Maryland?

Mr. TURLEY. Yes, sir; I yield to the Senator.

Mr. MCCOMAS. Not to divert the Senator, I wish to remind him of the case in 1809 of Samuel Smith, holding his seat as a Senator and his term expiring on the 4th of March, and then being appointed to fill the vacancy until the legislature should fill it by election. In that case the Senator's report shows what is the record, that there was a controversy and a contention. But in that early day, when a Senator had ended his term and had been appointed pending an election, no one in the controversy even made a contest about the right of the appointment to the vacancy which existed because of the expiration of the prior term of the Senator.

Now, the second observation which I will ask the Senator's attention to is this: Is it not in his own argument evident to his own mind, and he is very clear, that the reason of the rule in the decisions in the Blair, Bell, and Marston cases was not that the provision in the New Hampshire constitution could change the interpretation of the Constitution of the Union States, but that the Senate in the three most unprejudiced decisions it has given labored to keep the Senate full, and gave the construction that the Senate must be kept full, for which the Senator from Massachusetts has made such a strong argument? I ask the Senator if that principle is not at the basis of the decision in the three New Hampshire cases?

Mr. TURLEY. Undoubtedly it is; and I will answer the Senator's proposition first. Undoubtedly the Smith case was a case of the expiration of a term by regular efflux of time, and where the legislature had failed to fill the term. I believe they refused to fill it from some construction they placed upon some statute in Maryland. Undoubtedly from 1801, in the Uriah Tracy case, down to 1825, in the Lanman case, that rule was adopted; and I suppose

it is true that in the Blair cases the Senate was moved by the principle and idea of keeping the Senate full, and they carried that idea as far as they could under the paramount intention contained in the Constitution that these vacancies should be filled by the legislature just as soon as the legislature had the opportunity.

Mr. HOAR. What does the Senator say to the Sevier case?

Mr. TURLEY. I will answer that. That case was put on the very same ground. I noticed that in my argument the other day. There was a case where the Arkansas Senator, Mr. Sevier, chose the short term. He was elected in the fall of 1836, I think, and when he came here and drew by lot he was assigned to a term which expired on the 4th of March, 1837. Owing to the difficulty of communication at that time the news did not reach the State which he represented until after the legislature had adjourned. It was exactly in principle the case of the New Hampshire cases.

Mr. HOAR. Now, may I ask the Senator a question?

Mr. TURLEY. Yes, sir.

Mr. HOAR. I ask him if he does not think that is a pretty narrow constitutional provision when he levels it down? The Senator now does not contend that the governor can not fill whenever the legislature was in session after the vacancy; he says the constitutional principle is that if the legislature has heard of the vacancy the governor can not fill, but if the legislature has not heard of it, he can.

Mr. TURLEY. Oh, no.

Mr. HOAR. Is not that what the Senator comes to?

Mr. TURLEY. No, no; I do not say anything of the kind, Mr. President.

The PRESIDENT pro tempore. The Senator from Tennessee will suspend one moment while the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Puerto Rico, and for other purposes.

The PRESIDENT pro tempore. Without any objection, the unfinished business will be temporarily laid aside.

Mr. HOAR. Mr. President, I shall object——

Mr. FORAKER. Let it be laid aside until the Senator who has the floor concludes.

Mr. HOAR. I do not wish to admit that under the rules of the Senate any unfinished business takes precedence of a pending election case upon credentials. I do not wish to raise that question by debate now and appeal, if the Chair should think one way and some Senator should think the other. I want to avoid the question because there is practically no difference of opinion. However, I desire to say that I should raise this parliamentary question but for the fact that it is not desired to proceed with the election case after the Senator from Tennessee has concluded.

Mr. TURLEY. I will simply respond to the inquiries put to me on the opposite side and yield the floor. I do not intend to make any further speech on this question. The Senator from Massachusetts says my position is that if the legislature has heard of the vacancy then the governor can not fill it; if it has not heard of it, the governor can fill it. Now, that is not the proposition at all. The proposition is, that if the legislature has had a legal constitutional opportunity to fill it, then the governor can not fill it.

Mr. HOAR. Was not the difficulty in the Arkansas case only that the legislature had not heard of it?

Mr. TURLEY. According to the report in Taft's Cases, the news got to Arkansas after the legislature had adjourned.

Mr. HOAR. But to-day, the telegraph being in operation, if the news had got to the legislature, will the Senator say that the governor could not appoint him in Arkansas under precisely the same facts in all other respects? So does it not after all come down, I submit to the Senator with great deference, not to the question whether the vacancy occurred when the legislature was in session, but whether they had heard of it?

Mr. TURLEY. I think not, because at the present day, if the legislature was in session and news reached the State of Arkansas, or any other State, in time, reached there in a legal way, in a constitutional way, if I may use that term, so that the legislature could fill the vacancy, then the principle would apply. But the case I put, when it is examined in Taft's Election Cases and in the record itself, is put on the principle that the legislature had adjourned and never had the opportunity to fill it; and that is the broad distinction.

Now, I want to put one other case, and then I am going to yield the floor to the other side. It is illustrated to me by what has occurred in the State of Kentucky recently. We have had a case, as far as we got the information by the newspapers, where the governor of a State has declared martial law and dispersed a legislature, summoned his troops, prevented the legislature from meeting to perform its duty. That did not happen to occur just exactly in time in this case, but it came very near doing it. The legislature of Kentucky, just previous to this happening, had chosen a Senator. But suppose this had occurred before the time for the choosing of a Senator, and a governor, for reasons which he deemed satisfactory, whether justifiable or not, summoned his troops and dispersed the legislature. The time for the meeting of the legislature passes, and then he appoints a Senator and sends him here. Would such an appointee be received and admitted on this floor?

Mr. McCOMAS. Mr. President, I simply ask the Senate to make some brief answer in a moment to the suggestion of the Senator from Tennessee in respect to the Sevier case and the hypothetical case that happily has not occurred in Kentucky. In the latter case you would have the old question of a disputed right in the executive as to what was the government that did it, and it is apart from any aid in this inquiry. But in the case of Mr. Sevier the State was admitted into the Union in 1836. In October of that year two Senators were elected, and by lot in the classification one ended his term on the 4th of March. In January the governor of the State, hearing of that unlooked-for matter, appointed the man who had been elected. The opinion which is cited by the Senator from Tennessee in his report puts it upon the ground that the case of the vacancy is fairly within the provision of the Constitution contained in the third section of the first article. I put it to the Senator that the controlling consideration in reaching that conclusion would be that that provision was intended to keep the Senate full; that, although Arkansas had no tidings in time to elect by the legislature, the governor had the right to appoint, and that the seating of Sevier was in the spirit and within the purpose of that provision of the Constitution.

I do not intend to take part to any degree in this argument, but when the Senator says that in this body there has been no case like the present where a legislature intervening a governor thereafter filled the vacancy, he will admit that there is no case among all those cited or in the record of elections in the Senate wherein this case has been decided according to his contention. It is new, entirely new, in this body. There is no precedent in this body where the vacancy has been filled after the session of a legislature. It is met now for the first time. I submit to the Senator that the case he has there cited, along with the cases, most unbiased, in New Hampshire, show that the Senate, when there was an exigency, where a vacancy occurred either by a defect in the State's organic law, as in the State of New Hampshire, or by a defect of transmission of intelligence, as in the State of Arkansas, the Senate kept the rudder true to the purpose and the plan of this section of the Constitution, to wit, to keep seats full. When the legislature elected, the seat would be full; and when it did not, where the vacancy existed, the appointment of the governor would make it full, as the express language of that section asserts.

Mr. TURLEY. Now, Mr. President, one word more and I am done. If the Senator will examine the report of Mr. Grundy in the Sevier case from Arkansas——

Mr. McCOMAS. I have it, Senator.

Mr. TURLEY. It is put on this ground. I do not think I can be mistaken about that. It seems that many Senators, at that time at least, adhered to the original doctrine, which I understand is the doctrine of the Johns case, that a governor can not appoint to fill a vacancy at the beginning of a term. Mr. Grundy cites the Lanman case as having established that principle, and he says the Sevier case, on account of the fact that the news did not reach Arkansas in time to enable the legislature to fill the vacancy, fell within the spirit of that clause of the Constitution which says, "vacancies happening by resignation or otherwise;" in other words, giving the interpretation to the Constitution which we contend was the interpretation originally placed upon it or intended to be placed upon it by the framers of the Constitution itself.

Mr. ELKINS. Mr. President, the facts in the case of Mr. Quay, about which, I believe, there is no dispute, are, substantially, that his term of office of United States Senator from the State of Pennsylvania expired March 3, 1899, during the session of the legislature, which convened on the first Tuesday in January, 1899, and lasted until the 20th of April following, on which day it adjourned without electing a Senator. There being a vacancy in the office of Senator from the State of Pennsylvania, and a recess of the legislature, the governor of the State, on the 21st of April, under Article I, section 3, of the Constitution, appointed Mr. Quay to fill the vacancy until the next meeting of the legislature.

The question presented to the Senate is one purely of law—a proper construction of the Constitution—and no other element or factor should enter into its determination. Mr. Quay's merits or demerits or his personality has nothing to do with the case or in reaching a conclusion.

Section 3, Article I, of the Constitution is as follows:

> The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof, for six years. * * * And if vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

It was clearly the intention of the makers of the Constitution

that each State should be constantly represented in the Senate by two Senators. The language of the Constitution authorizes this construction. It provides, in the first instance, that the State legislatures shall choose Senators; but if a vacancy happens by resignation or otherwise during the recess of the legislature the governor of the State may make a temporary appointment to fill such vacancy. This clearly indicates that the Constitution intended a State should always have full representation in the Senate, and to insure this at all times the governor is empowered to fill vacancies that happen during the recess of the legislature.

Senator Edmunds, discussing in the Senate the case of Charles H. Bell, appointed Senator by the governor of New Hampshire in 1879, used this language:

> The Constitution is looking to have each State represented in this body all the time, and by some methods the Constitution provides and looks to do it; and therefore when it uses the word "otherwise" it uses a comprehensive term, so that, in whatever way a State ceases to have opportunity to express its full voice in the council of States, it shall be filled up temporarily by the governor until the legislature, the chief and sovereign power in the State, next meeting, can have an opportunity to fill it.

It is true that the vacancy happened during the session of the legislature; but it is also true that the legislature failed during the entire session to elect a Senator and adjourned, and that a vacancy happened during the recess that followed the adjournment. It is with this vacancy that happened during the recess of the legislature that the governor filled by appointing Mr. Quay the Senate must deal. The moment the legislature adjourned without electing a Senator there was a vacancy, which happened during the recess of the legislature, and the discretion to fill it by appointment under the Constitution vested in the governor.

It was clearly the right and duty of the legislature during the session to fill this vacancy, but it came about that the legislature failed or refused to do so, and adjourned, whereupon the governor filled the vacancy during the recess of the legislature. The vacancy not only happened during the session, but continued throughout the entire session of the legislature and after its adjournment. Whether it was a new vacancy that happened during the recess or a continuance of the same vacancy is not important. The material question under the Constitution is, Was there a vacancy, and was there a recess of the legislature at the time of the appointment of Mr. Quay?

If so, the case comes under the provisions of the Constitution, because the words are "if vacancies happen by resignation or otherwise during the recess of the legislature." The word "otherwise" embraces every possible way a vacancy could happen except by resignation. Now, this vacancy happened "otherwise than by resignation;" it happened by reason of the legislature's inability or refusal to elect a Senator; and this being the case, the power of the governor to appoint attached at once, and he performed his duty under the Constitution by filling the vacancy.

I take it that this appointment would last only until the next meeting of the legislature. But suppose at the next meeting of the legislature it should still refuse to elect a Senator and adjourn without doing so. Then I hold, under the language of the Constitution, there would be a vacancy during the recess of the legislature which the governor could fill by appointment. The legislature, under the Constitution, has the right to elect a Senator, and the governor has an equal right to appoint a Senator if the legislature fails to elect, and this failure continues until after the adjournment, because in this event a vacancy happens or there is a vacancy during the recess, not by resignation, but "otherwise;" and this fact authorizes the governor to appoint.

The provision in the Constitution that in certain contingencies the governors of States may appoint Senators is a wise one, because it insures at all times a full representation of States in the Senate. If ten or twenty States in the Union should fail on account of war, invasion, or for any cause to elect Senators whose term had expired during the session of the legislature, and the right to appoint by the governor in such an event be denied, it might prove disastrous and dangerous, because there would be from twenty to forty seats vacant, leaving perhaps not a quorum of the Senate. The policy of the Government on the gravest and most important questions might be changed by the legislatures failing to elect Senators if the right to appoint by the governor is denied; the ratification of an important treaty might fail; an important revenue bill necessary to carry on the Government might fail.

It is claimed that the governor should have convened the legislature in session again immediately to elect a United States Senator. It is not important, in the decision of this question by the Senate, whether the governor did his duty or not, or exercised his discretion soundly and wisely, in not calling the legislature together, or whether he violated the constitution of his State. All the Senate can deal with is the fact that there was a recess of the legislature and a vacancy in the office of Senator, and the governor made the appointment to fill the vacancy. The question of the duty of the governor under the constitution of the State of Pennsylvania is one to be settled by the people of Pennsylvania and the legislature of Pennsylvania, not by the United States Senate.

If the doctrine is adhered to that in case the legislature fails to elect a Senator during its session, the governor can not appoint because the legislature had an opportunity to elect and failed, then a legislature can by refusing to elect a Senator defeat for six years, or a full Senatorial term, full representation of a State in the Senate. If this be the case, what becomes of the plain language of the Constitution, "that the Governor may make temporary appointments until the next meeting of the legislature?" This would clearly defeat the plain meaning and intent of the Constitution.

In dealing with the words "The President shall have power to fill up all vacancies which may happen during the recess of the Senate," which occur in another place in the Constitution, we have the decision and constant practice of the Senate to guide us in helping to construe the language in section 3, Article I of the Constitution, and determine the case now before the Senate.

Clause 3, section 2, Article II of the Constitution, provides:

> The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

According to the majority report of the committee it is admitted that various Attorneys-General have held under this provision that where an office became vacant during a session of the Senate, and the Senate adjourned before it had been filled, the power of the President to appoint still continued. Following the decisions of the Attorneys-General, this has been the unvarying practice of the Executive, concurred in by the Senate and all the departments of the Government.

We all know that if the Senate fails or refuses to confirm a nomination made by the President, that immediately upon the adjournment of the Senate the President can make the same nomination during the recess until the next meeting of the Senate, and that this appointment holds good, and the power and authority of the officer so appointed and holding a commission to discharge the duties of the office is not questioned by anyone.

If the President of the United States can appoint an officer under the Constitution, upon failure of the Senate to confirm, during the recess of the Senate, why should not the governor of a State appoint during the recess of the legislature a Senator to fill the vacancy that may occur by reason of the legislature failing to elect?

The majority report states that the precedents are all one way. I do not attach controlling importance to precedents in such a case as this in a political body. The fact is, however, that the precedents of the Senate are not uniform on the subject of the executive appointments made to fill vacancies at the beginning of a full term. The Senate has admitted fourteen appointments to fill vacancies in the Senate made by governors of States and rejected only six.

If State legislatures could be made to understand when they fail to elect a United States Senator and the governor performs his duty by filling the vacancy, as provided under the Constitution, that the Senate will admit the person so appointed to a seat in the Senate, this would go far toward compelling the State legislatures to elect Senators and prevent failures of election, and tend to put an end to legislative contests about the election of Senators that are now so common.

I do not agree with the Senator from Tennessee, who signed the majority report, when he says:

> Far better would it be for the safety of the Republic to establish the doctrine firmly and forever that if the legislature of a State willfully and deliberately fails to perform the duty of electing a Senator the State should go unrepresented.

The Senator calls on the Senate to establish the doctrine that if a legislature does not elect a Senator the State should go unrepresented. This language is in direct opposition to the letter and spirit of the Constitution.

The Senator is advising and urging the Senate to set up a rule to the effect that if a legislature willfully and deliberately fails to perform its duty that portion of the Constitution providing for the filling of a vacancy by the governor shall be set aside by Senators who have taken an oath to support the Constitution. This is strange talk coming from a Senator and eminent lawyer. Let me tell the Senator that no emergency can or should ever arise that would authorize the Senate to establish a doctrine firmly and forever against the provisions of the Constitution. But in the case now pending before the Senate no reason presents itself why the Senate should not go forward in the discharge of its duty and obey the plain language of the Constitution by seating Mr. Quay, who was appointed to fill a vacancy in the Senate that occurred during a recess of the legislature.

To my mind the language of the Constitution is plain and should occasion no doubt. If this same language was employed in the ordinary business transactions of life, as a rule of action outside of any political body, in my judgement there would never be the

least doubt about its meaning. It would receive the natural and plain construction its reading authorizes.

GOVERNMENT OF PUERTO RICO.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Puerto Rico, and for other purposes.

Mr. FORAKER. Mr. President, I ask for the reading of the bill with the amendment which has been proposed by the Senate Committee on Pacific Islands and Puerto Rico.

The PRESIDENT pro tempore. The Secretary will read the bill and the proposed amendment.

The Secretary proceeded to read the amendment reported by the Committee on Pacific Islands and Puerto Rico.

Mr. BACON. Mr. President, I should like very much if the House bill to which what the Secretary is reading is proposed as a substitute may be read, in order that we may compare the two.

Mr. FORAKER. I ask that the amendment proposed by the committee may be treated as the original text, so as to avoid second-degree amendments.

Mr. BACON. Yes.

The PRESIDENT pro tempore. Without objection, the request of the Senator from Ohio [Mr. FORAKER] will be considered as agreed to. Does the Senator from Georgia desire the House bill to be read?

Mr. BACON. I have no object, except that I desire to be able to consider the substitute proposed by the committee intelligently, and I can not do that without knowing what the original proposition is.

The PRESIDENT pro tempore. The Secretary will read the bill as it came from the House of Representatives and then the proposed substitute.

The Secretary read the bill, as follows:

Whereas the people of Puerto Rico have been deprived of markets for a large portion of their products, and have lost property and crops by severe and unusual storms, whereby they are impoverished and are unable to pay internal-revenue and direct taxes; and

Whereas temporary revenue is necessary for their schools, their roads, and their internal improvements, and the administration of their government: Now, therefore,

Be it enacted, etc., That the provisions of this act shall apply to the island of Puerto Rico and to the adjacent islands and waters of the islands lying east of the seventy-fourth meridian of longitude west of Greenwich, which was ceded to the United States by the Government of Spain by treaty concluded April 11, 1899; and the name Puerto Rico, as used in this act, shall be held to include not only the island of that name, but all the adjacent islands as aforesaid.

SEC. 2. That on and after the passage of this act the same tariffs, customs, and duties shall be levied, collected, and paid upon all articles imported into Puerto Rico from ports other than those of the United States which are required by law to be collected upon articles imported into the United States from foreign countries.

SEC. 3. That on and after the passage of this act all merchandise coming into the United States from Puerto Rico and coming into Puerto Rico from the United States shall be entered at the several ports of entry upon payment of 15 per cent of the duties which are required to be levied, collected, and paid upon like articles of merchandise imported from foreign countries; and in addition thereto upon articles of merchandise of Puerto Rican manufacture coming into the United States and withdrawn for consumption or sale upon payment of a tax equal to the internal-revenue tax imposed in the United States upon the like articles of merchandise of domestic manufacture; such tax to be paid by internal-revenue stamp or stamps to be purchased and provided by the Commissioner of Internal Revenue and to be procured from the collector of internal revenue at or most convenient to the port of entry of said merchandise in the United States, and to be affixed under such regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe; and on all articles of merchandise of United States manufacture coming into Puerto Rico in addition to the duty above provided upon payment of a tax equal in rate and amount to the internal-revenue tax imposed in Puerto Rico upon the like articles of Puerto Rican manufacture.

SEC. 4. That the duties and taxes collected in Puerto Rico in pursuance of this act, less the cost of collecting the same, and the gross amount of all collections of duties and taxes in the United States upon articles of merchandise coming from Puerto Rico, shall not be covered into the general fund of the Treasury, but shall be held as a separate fund, and shall be placed at the disposal of the President to be used for the government and benefit of Puerto Rico until otherwise provided by law.

SEC. 5. This act shall be taken and held to be provisional in its purposes and intended to meet a pressing present need for revenue for the island of Puerto Rico, and shall not continue in force after the 1st day of March, 1902.

The amendment reported by the Committee on Pacific Islands and Puerto Rico was to strike out the preamble and all after the enacting clause of the bill and insert:

GENERAL PROVISIONS.

That the provisions hereof shall apply to and include not only the island of Porto Rico, but also all the adjacent islands and the waters thereof east of the seventy-fourth meridian of longitude west of Greenwich that were ceded to the United States by the treaty of peace concluded between the United States and Spain on the 11th day of April, 1899, and the name Porto Rico as used herein shall be held to include the same.

SEC. 2. That the capital shall be at the city of San Juan and the seat of government shall be maintained there.

SEC. 3. That all inhabitants continuing to reside therein who were Spanish subjects on the 11th day of April, 1899, and then resided in Porto Rico, and their children born subsequent thereto, shall be deemed and held to be citizens of the United States, except such as shall have elected to preserve their allegiance to the Crown of Spain on or before the 11th day of April, 1900, in accordance with the provisions of the treaty of peace between the United States and Spain entered into on the 11th day of April, 1899; and they, together with such other citizens of the United States as may reside in Porto Rico, shall constitute a body politic under the name of The People of Porto Rico, with governmental powers as hereinafter conferred, and with power to sue and be sued in the courts of the United States in all cases in which such courts have jurisdiction where one of the parties is a State or Territory of the United States.

SEC. 4. That the laws and ordinances now in force in Porto Rico shall continue in full force and effect, except as altered, amended, or modified hereinafter, or as altered or modified by military orders and decrees in force when this act shall take effect, and so far as the same are not inconsistent or in conflict with the laws of the United States not locally inapplicable, or the provisions hereof, until altered, amended, or repealed by the legislative authority hereinafter provided for Porto Rico or by act of Congress of the United States: *Provided*, That so much of the law which was in force at the time of cession, April 11, 1899, forbidding the marriage of priests, ministers, or followers of any faith because of vows they may have taken, being paragraph 4, article 83, chapter 3, civil code, and which was continued by the order of the secretary of justice of Porto Rico, dated March 17, 1899, and promulgated by Maj. Gen. Guy V. Henry, United States Volunteers, is hereby repealed and annulled, and all persons lawfully married in Porto Rico shall have all the rights and remedies conferred by law upon parties to either civil or religious marriages: *And provided further*, That paragraph 1, article 105, section 4, divorce, civil code, and paragraph 2, section 19, of the order of the minister of justice of Porto Rico, dated March 17, 1899, and promulgated by Maj. Gen. Guy V. Henry, United States Volunteers, be, and the same hereby are, so amended as to read: "Adultery on the part of either the husband or the wife."

SEC. 5. That the laws of the United States relating to commerce, navigation, and merchant seamen are hereby extended to and over Porto Rico, and the Commissioner of Navigation may make such regulations as he may deem expedient for the nationalization of all vessels owned by the inhabitants of Porto Rico on the 11th day of April, 1899, and which continued to be so owned up to the date of such nationalization, and the coasting trade between Porto Rico and any other portion of the United States shall be regulated in accordance with the provisions of law applicable to such trade between any two great coasting districts.

SEC. 6. That quarantine stations shall be established at such places in Porto Rico as the Supervising Surgeon-General of the Marine-Hospital Service of the United States shall direct, and the quarantine regulations relating to the importation of diseases from other countries shall be under the control of the Government of the United States.

SEC. 7. That for the purpose of retiring the Porto Rican coins now in circulation in Porto Rico and substituting therefor the coins of the United States, the Secretary of the Treasury is hereby authorized to redeem, on presentation in Porto Rico, all the silver coins of Porto Rico known as the peso and all other silver and copper Porto Rican coins now in circulation in Porto Rico, not including any such coins that may be imported into Porto Rico after the 1st day of February, 1900, at the present established rate of 60 cents in the coins of the United States for 1 peso of Porto Rican coin, and for all minor or subsidiary coins the same rate of exchange shall be applied. The Porto Rican coins so purchased or redeemed shall be recoined at the expense of the United States, under the direction of the Secretary of the Treasury, into such coins of the United States now authorized by law as he may direct, and from and after three months after the date when this act shall take effect no coins shall be a legal tender, in payment of debts thereafter contracted, for any amount in Porto Rico, except those of the United States; and whatever sum may be required to carry out the provisions hereof, and to pay all expenses that may be incurred in connection therewith, is hereby appropriated, and the Secretary of the Treasury is hereby authorized to establish such regulations and employ such agencies as may be necessary to accomplish the purposes hereof: *Provided, however*, That all debts owing on the date when this act shall take effect shall be payable in the coins of Porto Rico now in circulation, or in the coins of the United States at the rate of exchange above named.

SEC. 8. That on and after the date when this act shall take effect there shall be levied, collected, and paid upon all articles imported, except from the United States into Porto Rico, which is hereby constituted a customs collection district, the rates of duty mentioned and prescribed in the schedules and paragraphs of an act entitled "An act to provide revenue for the Government, and to encourge the industries of the United States," approved July 24, 1897, and until March 1, 1902, but not thereafter, there shall be collected upon all articles imported into Porto Rico from the United States 15 per cent of said rates, in the same manner and to the same extent as if said schedules and paragraphs were expressly incorporated in this act, and all the other provisions and paragraphs of such act comprised in the sections thereof from 2 to 34, inclusive, not locally inapplicable, shall be and remain in force in said island of Porto Rico until otherwise provided by Congress; and the President, by and with the advice and consent of the Senate, shall appoint a collector of customs for said district, who shall maintain his office at San Juan, which is hereby made a part of entry, and be paid an annual salary of $4,000. There shall be such subports of entry as the Secretary of the Treasury may designate, and such customs officials shall be provided therefor as may be necessary to perform such duties as may be provided by law, and they shall be paid such compensation as the Secretary of the Treasury may prescribe.

SEC. 9. That on and after the passage of this act there shall be collected within Porto Rico, which is hereby made an internal-revenue collection district, all the internal-revenue taxes imposed under the provisions of the laws of the United States in so far as the same are not locally inapplicable, and all the provisions of the laws of the United States providing for internal-revenue taxation and the collection thereof not locally inapplicable shall be and remain in force within Porto Rico until otherwise provided by Congress. The President, by and with the advice and consent of the Senate, shall appoint an internal-revenue collector for said district, who shall maintain his office at San Juan, and who shall be paid an annual salary of $4,000, and the Secretary of the Treasury is hereby authorized to adopt all needful regulations and prescribe compensation for all necessary officers and agents to carry out the provisions hereof: *Provided, however*, That all collections made under sections 8 and 9 hereof shall be paid into the treasury of Porto Rico, to be expended as required by law for the government and benefit thereof, instead of being paid into the Treasury of the United States.

SEC. 10. That on and after the passage of this act until March 1, 1902, all articles coming to the United States from Porto Rico shall be admitted into the ports of the United States on payment of 15 per cent of the rates of duty mentioned and prescribed in the schedules and paragraphs of said act of July 24, 1897, all laws and parts of laws to the contrary notwithstanding, but after March 1, 1902, all such articles shall be admitted into the ports of the United States free of duty: *Provided*, That all duties collected on such articles shipped from Porto Rico into the United States under the provisions of this section shall be held in the Treasury of the United States as a separate fund, to be used under the direction of the President of the United States for the government and benefit of Porto Rico.

SEC. 11. That all expenses that may be incurred on account of the government of Porto Rico for salaries of officials and the conduct of their offices and departments, and all expenses and obligations contracted for the internal improvement or development of the island, not, however, including defenses,

barracks, harbors, light-houses, buoys, and other works undertaken by the United States, shall be paid by the treasurer of Porto Rico out of the revenues in his custody.

SEC. 12. That the statutory laws of the United States not locally inapplicable, except as hereinbefore or hereinafter otherwise provided, shall have the same force and effect in Porto Rico as in the United States.

SEC. 13. That the legislative authority hereinafter provided shall have power by due enactment to amend, alter, modify, or repeal any law or ordinance, civil or criminal, continued in force by this act, as it may from time to time see fit.

SEC. 14. That all judicial process shall run in the name of "United States of America, as: the President of the United States," and all criminal or penal prosecutions in the local courts shall be conducted in the name and by the authority of "The people of Porto Rico;" and all officials authorized by this act shall, before entering upon the duties of their respective offices, take an oath to support the Constitution of the United States and the laws of Porto Rico.

THE GOVERNOR.

SEC. 15. That the official title of the chief executive officer shall be "the governor of Porto Rico." He shall be appointed by the President, by and with the advice and consent of the Senate; he shall hold his office for a term of four years and until his successor is chosen and qualified, unless sooner removed by the President; he shall reside in Porto Rico during his official incumbency, and shall maintain his office at the seat of government; he may grant pardons and reprieves, and remit fines and forfeitures for offenses against the laws of Porto Rico, and respites for offenses against the laws of the United States, until the decision of the President can be ascertained; he shall commission all officers that he may be authorized to appoint, and shall participate in and may veto any legislation enacted, as hereinafter provided; he shall be the commander in chief of the militia, and shall at all times faithfully execute the laws, and he shall in that behalf have all the powers of governors of the Territories of the United States that are not locally inapplicable; and he shall annually, and at such other times as he may be required, make official report of the transactions of the government in Porto Rico, through the Secretary of State, to the President of the United States: *Provided*, That the President may, in his discretion, delegate and assign to him such executive duties and functions as may in pursuance with law be so delegated and assigned.

THE EXECUTIVE COUNCIL.

SEC. 16. That there shall be appointed by the President, by and with the advice and consent of the Senate, for the period of four years, unless sooner removed by the President, a secretary, an attorney-general, a treasurer, an auditor, a commissioner of the interior, and a commissioner of education, each of whom shall reside in Porto Rico during his official incumbency and have the powers and duties hereinafter provided for them, respectively, and who, together with the governor and five other persons of good repute, to be also appointed by the President, by and with the advice and consent of the Senate, shall constitute an executive council, at least five of whom shall be native inhabitants of Porto Rico, and, in addition to the legislative duties hereinafter imposed upon them as a body, shall exercise such powers and perform such duties as are hereinafter provided for them, respectively, and who shall have power to employ all necessary deputies and assistants for the proper discharge of their duties as such officials and as such executive council.

SEC. 17. That the secretary shall record and preserve minutes of the proceedings of the executive council and the laws enacted by the legislative assembly and all acts and proceedings of the governor, and shall promulgate all proclamations and orders of the governor and all laws enacted by the legislative assembly. He shall, within sixty days after the end of each session of the legislative assembly, transmit to the President, the President of the Senate, the Speaker of the House of Representatives, and the Secretary of State of the United States one copy each of the laws and journals of such session.

SEC. 18. That in case of the death, removal, resignation, or disability of the governor, or his temporary absence from Puerto Rico, the secretary shall exercise all the powers and perform all the duties of the governor during such vacancy, disability, or absence.

SEC. 19. That the attorney-general shall have all the powers and discharge all the duties provided by law for an attorney-general of a Territory of the United States in so far as the same are not locally inapplicable, and he shall perform such other duties as may be prescribed by law, and make such reports, through the governor, to the Attorney-General of the United States as he may require.

SEC. 20. That the treasurer shall give bond, approved as to form by the attorney-general of Puerto Rico, in such sum as the executive council may require, not less, however, than the sum of $100,000, with surety approved by the governor, and he shall collect and be the custodian of the public funds, and shall disburse the same as required by law, on warrants signed by the auditor and countersigned by the governor, and shall perform such other duties as may be prescribed by law, and make, through the governor, such reports to the Secretary of the Treasury of the United States as he may require.

SEC. 21. That the auditor shall keep full and accurate accounts, showing all receipts and disbursements, and perform such other duties as may be prescribed by law, and make, through the governor, such reports to the Secretary of the Treasury of the United States as he may require.

SEC. 22. That the commissioner of the interior shall superintend all works of a public nature, and shall have charge of all public buildings, grounds, and lands, except those belonging to the United States, and shall execute such requirements as may be imposed by law with respect thereto, and shall perform such other duties as may be prescribed by law, and make such reports through the governor to the Secretary of the Interior of the United States as he may require.

SEC. 23. That the commissioner of education shall superintend public instruction throughout Porto Rico, and all disbursements on account thereof must be approved by him; and he shall perform such other duties as may be prescribed by law, and make such reports through the governor as may be required by the Commissioner of Education of the United States.

SEC. 24. That the other five members of the executive council, to be appointed as hereinbefore provided, shall attend all meetings of the executive council and participate in all business of every character that may be transacted by it; and they shall receive as compensation for their services such annual salaries as may be provided by the legislative assembly.

HOUSE OF DELEGATES.

SEC. 25. That all local legislative powers hereby granted shall be vested in a legislative assembly which shall consist of two houses; one the executive council, as hereinbefore constituted, and the other a house of delegates, to consist of thirty-five members elected biennially by the qualified voters as hereinafter provided; and the two houses thus constituted shall be designated "The legislative assembly of Porto Rico."

SEC. 26. That for the purposes of such elections Porto Rico shall be divided by the executive council into seven districts, composed of contiguous territory and as nearly equal as may be in population, and each district shall be entitled to five members of the house of delegates.

ELECTION OF DELEGATES.

SEC. 27. That the first election for delegates shall be held on such date and under such regulations as to ballots and voting as the executive council may prescribe; and at such elections the voters of each legislative district shall choose five delegates to represent them in the house of delegates from the date of their election and qualification until two years from and after the 1st day of January next ensuing; of all which thirty days' notice shall be given by publication in the Official Gazette, or by printed notices distributed and posted throughout the district, or by both, as the executive council may prescribe. At such elections all citizens of Porto Rico shall be allowed to vote who possess the qualifications of voters under the laws and military orders in force on the 1st day of March, 1900, subject to such additional qualifications and such regulations and restriction as to registration as may be prescribed by the executive council. The house of delegates so chosen shall convene at the capital and organize by the election of a speaker, a clerk, a sergeant-at-arms, and such other officers and assistants as it may require, at such time as may be designated by the executive council; but it shall not continue in session longer than sixty days in any one year, unless called by the governor to meet in extraordinary session. The enacting clause of the laws shall be, "Be it enacted by the legislative assembly of Porto Rico;" and each member of the house of delegates shall be paid for his services at the rate of $5 per day for each day's attendance while the house is in session, and mileage at the rate of 10 cents per mile for each mile necessarily traveled each way to and from each session of the legislative assembly.

All future elections of delegates shall be governed by the provisions hereof, so far as they are applicable, until the legislative assembly shall otherwise provide.

SEC. 28. That the house of delegates shall be the sole judge of the elections, returns, and qualifications of its members, and shall have and exercise all the powers with respect to the conduct of its proceedings that usually appertain to parliamentary legislative bodies. No person shall be eligible to membership in the house of delegates who is not 25 years of age and able to read and write either the Spanish or the English language, or who is not possessed in his own right of taxable property, real or personal, situated in Puerto Rico.

SEC. 29. That all bills may originate in either house, but no bill shall become a law unless it be passed in each house by a majority vote of all the members belonging to such house and be approved by the governor within ten days thereafter. If, when a bill that has been passed is presented to the governor for signature, he approve the same, he shall sign it, or if not he shall return it, with his objections, to that house in which it originated, which house shall enter his objections at large on its journal, and proceed to reconsider the bill. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be considered, and if approved by two-thirds of that house it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered upon the journal of each house, respectively. If any bill shall not be returned by the governor within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the legislative assembly by adjournment prevent its return, in which case it shall not be a law: *Provided, however*, That all laws enacted by the legislative assembly shall be reported to the Congress of the United States, which hereby reserves the power and authority, if deemed advisable, to annul the same.

SEC. 30. That the legislative authority herein provided shall extend to all matters of a legislative character not locally inapplicable, including power to create, consolidate, and reorganize the municipalities, so far as may be necessary, and to provide and repeal laws and ordinances therefor; and also the power to alter, amend, modify, and repeal any and all laws and ordinances of every character now in force in Porto Rico, or any municipality or district thereof, not inconsistent with the provisions hereof: *Provided, however*, That all grants of franchises, rights, and privileges or concessions of a public or quasi public nature shall be made by the executive council, with the approval of the governor, subject also to the approval of the President of the United States, who shall report the same to Congress.

THE JUDICIARY.

SEC. 31. That the judicial power shall be vested in the courts and tribunals of Porto Rico as already established and now in operation, including municipal courts, under and by virtue of General Orders, No. 118, as promulgated by Brigadier-General Davis, United States Volunteers, August 16, 1899, and including also the police courts established by General Orders, No. 195, promulgated November 29, 1899, by Brigadier-General Davis, United States Volunteers, and the laws and ordinances of Porto Rico and the municipalities thereof in force, so far as the same are not in conflict herewith, all which courts and tribunals are hereby continued. The jurisdiction of said courts and the form of procedure in them, and the various officials and attachés thereof, respectively, shall be the same as defined and prescribed in and by said laws and ordinances, and said General Orders, Nos. 118 and 195, until otherwise provided by law: *Provided, however*, That the chief justice and associate justices of the supreme court and the marshal thereof shall be appointed by the President, by and with the advice and consent of the Senate, and the judges of the district courts shall be appointed by the governor, by and with the advice and consent of the executive council, and all other officials and attachés of all the other courts shall be chosen as may be directed by the legislative assembly, which shall have authority to legislate from time to time as it may see fit with respect to said courts, and any others they may deem it advisable to establish, their organization, the number of judges and officials and attachés for each, their jurisdiction, their procedure, and all other matters affecting them.

SEC. 32. That Porto Rico shall constitute a judicial district to be called "the district of Porto Rico," which shall be attached to, and be a part of, the second judicial circuit of the United States. The President, by and with the advice and consent of the Senate, shall appoint a district judge, a district attorney, and a marshal for said district, each for a term of four years, unless sooner removed by the President. The district court for said district shall have power to appoint all necessary officials and assistants, including a clerk, an interpreter, and such commissioners as may be necessary, who shall have like power and duties as are exercised and performed by commissioners of the circuit courts of the United States, and shall have, in addition to the ordinary jurisdiction of district courts of the United States, jurisdiction of all cases cognizant in the circuit courts of the United States, and shall proceed therein in the same manner as a circuit court. The laws of the United States relating to appeals, writs of error and certiorari, removal of causes, and other matters and proceedings as between the courts of the United States and the courts of the several States shall govern in such matters and proceedings as between the courts of the United States and the courts of Porto Rico. Regular terms of said court shall be held at San Juan, commencing on the second Monday in April and October of each year, and also at Ponce on the second Monday in January of each year, and special terms may be held at such other times and places in the district as said judge may deem expedient. All pleadings and proceedings in said court shall be conducted in the English language.

The United States district court hereby established shall be the successor to the United States provisional court established by General Orders, No. 88, promulgated by Brigadier-General Davis, United States Volunteers, and shall take possession of all records of that court, and take jurisdiction of all cases and proceedings pending therein, and said United States provisional court is hereby discontinued.

SEC. 33. That writs of error and appeals from the final decisions of the supreme court of Porto Rico shall be allowed and may be taken to the Supreme Court of the United States in the same manner and under the same regulations and in the same cases as from the supreme courts of the Territories of the United States; and such writs of error and appeal shall be allowed in all cases where the Constitution of the United States, or a treaty thereof, or an act of Congress is brought in question and the right claimed thereunder is denied; and the supreme and district courts of Porto Rico and the respective judges thereof may grant writs of habeas corpus in all cases in which the same are grantable by the judges of the United States in the District of Columbia. All such proceedings in the Supreme Court of the United States shall be conducted in the English language.

SEC. 34. That the salaries of all officials of Porto Rico not appointed by the President, including deputies, assistants, and other help, shall be such, and be so paid out of the revenues of Porto Rico, as the executive council shall from time to time determine: *Provided, however*, That the salary of no officer shall be either increased or diminished during his term of office. The salaries of all officers and all expenses of the offices of the various officials of Porto Rico, appointed as herein provided by the President, including deputies, assistants, and other help, shall also be paid out of the revenues of Porto Rico on the warrant of the auditor, countersigned by the governor.

The annual salaries of the officials appointed by the President, and so to be paid, shall be as as follows:

The governor, $8,000; in addition thereto he shall be entitled to the occupancy of the buildings heretofore used by the chief executive of Porto Rico, with the furniture and effects therein, free of rental.
The secretary, $4,000.
The attorney-general, $4,000.
The treasurer, $5,000.
The auditor, $4,000.
The commissioner of the interior, $4,000.
The commissioner of education, $3,000.
The chief justice of the supreme court, $5,000.
The associate justices of the supreme court (each), $4,500.
The marshal of the supreme court, $3,000.
The United States district judge, $5,000.
The United States district attorney, $4,000.
The United States district marshal, $3,500.

SEC. 35. That the provisions of the foregoing section shall not apply to the municipal officials. Their salaries and the compensation of their deputies, assistants, and other help, as well as all other expenses incurred by the municipalities, shall be paid out of the municipal revenues in such manner as the legislative assembly shall provide.

SEC. 36. That no export duties shall be levied or collected on exports from Porto Rico; but taxes and assessments on property, and license fees for franchises, privileges, and concessions may be imposed for the purposes of the insular and municipal governments, respectively, as may be provided and defined by act of the legislative assembly; and where necessary to anticipate taxes and revenues, bonds and other obligations may be issued by Porto Rico or any municipal government therein as may be provided by law to provide for expenditures authorized by law, and to protect the public credit, and to reimburse the United States for any moneys which have been or may be expended out of the emergency fund of the War Department for the relief of the industrial conditions of Porto Rico caused by the hurricane of August 8, 1899: *Provided, however*, That no public indebtedness of Porto Rico or of any municipality thereof shall be authorized or allowed in excess of 10 per cent of the aggregate tax valuation of its property.

SEC. 37. That the qualified voters of Porto Rico shall, on the first Tuesday after the first Monday of November, A. D. 1900, and every two years thereafter, choose one Delegate to the House of Representatives of the United States, who shall be entitled to a seat, but not to a vote, in that body, on the certificate of election of the governor of Porto Rico, who shall have the same rights provided by law for a Territorial Delegate, and the same compensation payable as now provided by law for a Territorial Delegate: *Provided*, That no person shall be eligible to such election who is not a bona fide inhabitant of Porto Rico, and who is not 30 years of age, and who does not read and write the English language, and who is not possessed of taxable property in his own right situated in Porto Rico.

SEC. 38. That a commission, to consist of three members, at least one of whom shall be a native citizen of Porto Rico, shall be appointed by the President, by and with the advice and consent of the Senate, to compile and revise the laws of Porto Rico; also the various codes of procedure and systems of municipal government now in force, and to frame and report such legislation as may be necessary to make a simple, harmonious, and economical government, establish justice and secure its prompt and efficient administration, inaugurate a general system of education and public instruction, provide buildings and funds therefor, equalize and simplify taxation and all the methods of raising revenue, and make all other provisions that may be necessary to secure and extend the benefits of a republican form of government to all the inhabitants of Porto Rico; and all the expenses of such commissioners, including all necessary clerks and other assistants that they may employ, and a salary to each member of the commission, at the rate of $5,000 per annum, shall be allowed and paid out of the treasury of Porto Rico as a part of the expenses of the government of Porto Rico. And said commission shall make full and final report of all its proceedings and recommendations to the Congress on or before one year after the passage of this act.

SEC. 39. That this act shall take effect and be in force from and after the 1st day of April, 1900.

Mr. TELLER. I wish to ask the Senator who has this bill in charge whether the laws of Puerto Rico will be submitted in such form that Senators may have an opportunity to see what we are repealing?

Mr. FORAKER. We have in our committee room a number of copies of the laws of Puerto Rico that were translated from the Spanish text by the War Department. I have not enough copies to supply each Senator with one, but I will take pleasure in giving any Senator the use of the copy I have for my own use, and such other copies as I can secure.

Mr. TELLER. I should like to say that this is a pretty important bill, and the Senator had better have enough copies of those laws printed to supply the Senate.

Mr. FORAKER. I hesitated to do that, because there are two large volumes. Let me show the Senator one volume I have here [exhibiting]. There is another volume of the same size as this. It would be a very expensive matter to have this printed. It is possible I could get enough copies from the War Department to supply each Senator with one.

Mr. TELLER. I think every Senator who is going to consider this bill—I judge from the present attendance very few intend to—should have a copy of these laws to use in connection with the consideration of the bill.

Mr. President, I do not design to debate this bill now except to say that it strikes me that it is a very remarkable bill. The proceeding would be very remarkable if, as it now stands, it should be enacted into law. It seems to me that the committee which drafted this bill and presented it have gone to work with a good deal of industry and care to be sure to make this island a part of the United States. They have put in all the clauses which it seems to me they could put in to leave no question but that it is a part, as Judge Marshall said, of the great empire of the United States. They make these people citizens of the United States. They make a United States court there, and they provide that writs shall run in the name of the United States. They make the ports of that island the ports of the United States and in every way they seem to have been inclined and determined to make it a part of the United States. Yet we have the very remarkable condition that when we export anything to that country we must pay duty on it and when they export anything to this country they must pay duty on it. It does not make any difference, so far as the principle is concerned, what becomes of the money. Neither does it make any difference that the act is limited to two years, because if we have a right to enact it for two years, we can reenact it.

I am not going to pass upon the question as to what the power is. I am one of those who believe that Congress has very large and extensive powers in dealing with these new possessions. I have so held from the beginning. I am not disposed to change my mind. I have a very decided opinion as to what ought to be the policy with reference to these new dominions. The Senator from Connecticut [Mr. PLATT] yesterday attempted to submit an amendment, which was ruled out on a point of order as to time, declaring that so far as the Hawaiian Islands are concerned they should not be made a State or attached to a State. I should not be willing to vote for a provision of that kind, and I do not say that because I think it would bind subsequent Congresses, either as applied to those islands or as applying to this particular subject, Puerto Rico. I am not alarmed by the talk of a province, nor am I in any way disturbed when people talk about a colony. I see no reason myself why the United States may not have a colony. I see no reason why we may not have a province. I see no reason why we may not have what people say a republic can not have, and that is a subject.

I will agree that a Republic like ours is bound to extend to its province or its colony, whatever it may be, the great principles that underlie free goverment and to maintain there a free government and to maintain liberty. I do not understand that it would be inconsistent with our declarations for us to maintain sovereignty over those islands and to give them absolute local self-government and to make it appear in every way that they are not to be treated as a part and parcel of the United States, as we treat the Territories of Arizona and New Mexico. I find no difficulty there, but I think we have reached a point where the United States must decide what its policy is to be. I think the party in power have now reached a point where they have to take a position. They have either to say that these new possessions are to be a part and parcel of the United States and all the people citizens of the United States (and if they are citizens, then they will be subjects, for we are all subjects as well as citizens, from the States) or that they are not. In dealing with this question here, which I think is a very good opportunity for us, I want the party in power to put themselves on record. I want to know where they stand.

For myself, I do not care. I know these people are ready for self-government. There is no question about that. Spain had practically declared she would give them self-government. They had been exercising some of the powers of freemen under even Spanish authority. They had the right to vote for representatives in the Cortes, and they have exercised that power. Spain had just given them, when we invaded the island, a new constitution or a new permit to proceed in a way so that they would become practically self-controlling and independent, not of Spain's national sovereignty, but of any control that had been exercised before. I would not myself be alarmed if instead of saying "Puerto Rico" you should say "the province of Puerto Rico," and then if our legislation should proceed upon the theory that those people are not citizens of the United States. I would not want to proceed upon the theory that they might never be citizens, but that they are not citizens of the United States and not entitled to all the rights that I claimed and the citizens of my State claimed before we became a State.

I am going to subnit an amendment to this bill. It is absolutely inconsistent with the bill, for the bill does not proceed upon

the theory that these people are to be self-governing. I am not going to vote for any bill that does not give to those people the control of their local affairs. If we can not do that, if they are not in that condition, I do not want them at all. I do not know about the Philippines. I am not going to talk about that subject, because it presents another question. These people here, I repeat, are qualified for self-government. We have had a province—we called it a Territory, but I do not think there is any difference whether you call it a province or a Territory—New Mexico, with a population not dissimilar to these people. We have held them for fifty years under a pledge that we made with the Government which ceded to us the sovereignty of that country that they should be admitted into the Union.

We have kept those people out on the theory that they are not fit to come in, and acting upon that we can keep these people out for the next fifty years if we want to, or the next hundred years, as the Senator from Nevada [Mr. STEWART] says to me, or we can let them in at any time. But we have extended to New Mexico practical self-government. It is true we have appointed the governor and the judges. We have allowed them to elect all their municipal officers. We have allowed them to elect their county officers and their city officers, and in the Territory in which I lived we elected some officers whom we would now call State officers or who might have been called Territorial officers, the auditor, etc.

Mr. President, I did not get up to discuss this question. I want to say to the Senator from Ohio that he has as many difficult questions in this measure as he could get in, and that he can not hope, unless he presses it very sharply, to get it settled in this body for some time. I believe we might have had a few lines that would have done all that was necessary. In fact, I am not certain that we needed to do anything at present. I know it is said that those people are suffering, but I understand the President of the United States has ample power to deal with this subject, although I think it is wise, as soon as we can, to take it out of the hands of the Executive.

Mr. President, I send to the desk what I intend to offer at the proper time. I do not maintain that it is consistent with this bill. It is absolutely inconsistent now. This bill does not recognize the right of self-government in Puerto Rico, which I believe the American people will insist that we shall yield to those people at least. Whatever may be the question about the Asiatic possessions, there is none but that we can extend to these people the right to take care of themselves. They can take care of themselves. I send to the desk and ask to have read what I intend to offer at the proper time as an additional section, and if it shall be adopted it will settle what the policy is to be.

The PRESIDENT pro tempore. Does the Senator from Colorado desire to have it read?

Mr. TELLER. In a moment. I should hardly be frank if I did not say that I do not suppose it will be adopted. But I insist that something on that line must be adopted or ought to be adopted; and if not, we ought to know from the party in power exactly what they propose to do. We have been waiting since the close of the war. We were told that as soon as the treaty was ratified there would be a policy laid down. I will admit that as to the Asiatic islands there could have been no policy on account of the war, but as to this island we can now have a policy determined. Shall we make it a part of the United States? If so, are we not bound to extend to them all the rights and privileges of the people of the United States? Are we going to have a section of country where there are citizens, where they take the oath to obey the Constitution every time they hold office, and yet treat them as foreigners? That is an inconsistency which the American people will never tolerate. We are brought squarely to the issue, What are we going to do with these people? What kind of government are we going to give them? I admit that the influence it may have upon future legislation touching the Asiatic islands may be very important, although I do not think we would be absolutely bound by what we do to do the same thing as to them, because the conditions may be different.

Mr. President, I ask that the amendment may be read, and then I will ask that it be printed.

Mr. PLATT of Connecticut. Before the Senator from Colorado takes his seat, if the reading can be postponed I should like to ask him a question.

Mr. TELLER. Certainly.

Mr. PLATT of Connecticut. I should like to ask a question which, either at this time or some other time, I should like the Senator or some other Senator to answer. What difference does it make what we call the government which we provide for Puerto Rico? Suppose we call it a Territorial government, or suppose we call it a provincial government or a colonial government. If the features of it are the same, what difference does it make?

Mr. TELLER. That is what I meant to be understood as saying. It does not make any difference. I would not be frightened if you called it a province. I would not be frightened if you called it a colony. I do not care what you call it. It does not make any difference. The question is as to what kind of laws they have; what are our relations with reference to the legislation? Are we to legislate solely and entirely for them, or are they to do some part of the legislating themselves? I believe it is consistent to give them free government and maintain our sovereignty, which I propose we shall maintain, over those islands. I do not propose to give it up.

Mr. FORAKER. Mr. President——

Mr. PLATT of Connecticut. I should like to hear the amendment read.

Mr. FORAKER. I will refrain until the amendment is read.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Colorado will be stated.

The SECRETARY. It is to proposed to insert as an additional section the following:

It is hereby declared that it is the intention by this act to establish a temporary government in Porto Rico for the purpose of enabling the people thereof to establish a permanent government, republican in form, in which there shall be accorded to the people the right of self-government; and to that end they are authorized to adopt a constitution consistent with the principles of a free government, and that shall recognize the sovereignty of the United States over Porto Rico and the inhabitants thereof as recognized by treaty between Spain and the United States. The legislative assembly provided for in this act shall, at its first or second session, provide for a constitutional convention to prepare and submit to the people for their approval or disapproval a constitution in accordance with the principles herein declared, and the constitutional convention shall provide the necessary rules and regulations to submit the constitution to the people, and if it shall be approved by them to submit the same to the President of the United States for his approval. The inhabitants of Porto Rico are hereby declared to be citizens thereof, and their rights as citizens shall not be denied or abridged except by conviction in a court of justice.

Whenever the people of Porto Rico shall submit to the President of the United States a constitution, republican in form and consistent with the provisions hereof, he shall approve of the same, and such constitution shall thereafter be the constitution of Porto Rico.

The adoption by the people and the approval by the President of the United States of such constitution shall secure to the people of Porto Rico the benefits of all those provisions of the Constitution of the United States for the protection and maintenance of civil and religious liberty and the protection of the person and property rights of the people.

The adoption of the constitution by the inhabitants of Porto Rico and the approval thereof by the President of the United States, as herein provided, shall not make the inhabitants citizens of the United States, nor shall it create any obligation on the United States to admit Porto Rico as a State; nor shall the establishment and maintenance of a government under such constitution interfere with the sovereignty of the United States over Porto Rico and the inhabitants thereof.

The PRESIDENT pro tempore. The amendment will be printed and lie on the table.

Mr. STEWART. I should like to ask the Senator in charge of the bill to explain the judiciary provision. I can not understand it. I have read it over. I can not see how it fits in with our form of government. It is something entirely new.

Mr. FORAKER. I do not know what the Senator's difficulty is. He does not indicate it, except only generally, by saying that he is unable to understand how the provision is consistent. To what particular clause does the Senator refer?

Mr. STEWART. You make it a judicial district and attach it to a circuit, and then you must necessarily provide for getting cases up, as you get them up from States, bringing up Federal questions by all the elaborate system in the Territories. You abandon the ordinary system of bringing cases directly up from the Territorial courts, and you have a very complicated system here, which I think is entirely inconsistent with the Territorial condition. I know that the United States courts are not applicable to the Territorial condition. Territorial courts rely entirely upon legislation; they are legislative courts. In mixing that with a constitutional court and dividing up the jurisdiction, you complicate the matter, it seems to me, in a way which is altogether unnecessary.

We have a system of Territorial courts which has been adopted from the beginning, and I see no necessity for introducing here this novelty, which will lead to great confusion. It will take years before you can get it settled by judicial decisions. In the meantime it will cost a vast amount, if it ever can be worked into a system. The Territory, or whatever it may be called, of Puerto Rico is not a State. The United States courts do not apply to it. It should be regulated by the Territorial courts, the same as any other Territory, and cases should be brought up in the same natural way. If there is any reason why an exception should be made and a new system adopted for this Territory, I should like to have it explained.

Mr. FORAKER. I think I understand now, after this explanation, what is the difficulty with the Senator from Nevada, but I do not understand, in view of his own statement, that there should be any difficulty about it. The committee in bringing in the bill in the shape it is with respect to the judiciary intended to make a departure from what has heretofore been the legislation with respect to the judiciary of the Territories.

Mr. STEWART. You intended to do it?

Mr. FORAKER. Yes, we intended to do it, for reasons which I shall state.

We were aware that in all our Territorial legislation with respect to the judiciary we have conferred only in a single instance a mixed jurisdiction upon the Territorial or legislative courts; that is to say, one side has been made the local and the other has been the Federal or United States side of the court. That has worked very well in all our Territories here on the continent, but now we have gotten out into the sea and we have come here to legislate for another race, who speak a different language and who have been accustomed to a different system of laws and jurisprudence, so that the conditions are widely different from any about which we have legislated heretofore.

Mr. STEWART. I will inquire if Washington and Oregon were not out in the sea as much as these islands, so far as having courts is concerned?

Mr. FORAKER. If the Senator would allow me to conclude, I would be better satisfied.

Mr. STEWART. Certainly; go on.

Mr. FORAKER. The Senator may point out some similarity between Washington and other Territories and this particular Territory, but I think it is unnecessary for me to argue to show that there is a wide, positive, radical difference between Puerto Rico, its people and institutions, and what we have found in any other Territory that we have ever heretofore legislated about. We found to some extent that the same was true as to Hawaii, and we did in regard to Hawaii just what we have done here with respect to the judiciary. We provided local Territorial or legislative courts, and we provided a United States court, a district court, with district and circuit court jurisdiction, the same jurisdiction that district and circuit courts of the United States have. We made it a United States court pure and simple and gave it no local jurisdiction whatever.

Mr. STEWART. Does not a United States court have local jurisdiction?

Mr. FORAKER. One of the controlling reasons for that was because of the fact that the island is out in the sea and such a court must have an important admiralty jurisdiction.

Mr. STEWART. I would inquire of the Senator whether the locality or the question determines the United States court jurisdiction? Which is it, locality or question?

Mr. FORAKER. Well, Mr. President, it is for Congress to determine in each case what it may see fit to do. Congress can in each case provide as it may like. It has been competent for Congress in every instance to do just what we are now doing. It is only upon the question of policy that Congress determines.

Mr. STEWART. Can Congress determine the jurisdiction of United States courts without limit? Can it give jurisdiction in a State to a United States court? Is not the line drawn between the two by the Constitution?

Mr. FORAKER. The United States circuit and district courts within the States are what are called constitutional courts, and what you can do with respect to those courts is entirely different from what you can do in respect to courts located in a Territory. We can give to a Territorial court any jurisdiction we deem advisable, and we can call the court what we like.

Mr. STEWART. I should like to know the importance of drawing in the Territories the line between Federal questions and State questions as they are understood in the administration of the courts of the United States and of the States. What is the importance of drawing that artificial distinction in the Territories; a distinction which will puzzle? It is occupying the wits of all the lawyers in the United States now to keep that line up. Will it be easier for people unacquainted with our institutions to determine those questions than it would be to go straight forward with the whole legislative jurisdiction without the necessity of drawing any of these distinctions? I think when the lawyers of Puerto Rico are compelled to study the jurisdiction of our courts here, the Federal courts and State courts, and to draw the line in administering their laws, they will find themselves bewildered. The matter will be so complicated, they will find so many uncertainties, that they will wish they were farther out in the sea than they are now.

Mr. FORAKER. Mr. President, I rose simply to make an explanation to the Senator from Nevada in answer to his question as to the character of this provision. I was not thinking at this time of entering into any argument as to the wisdom of it. I supposed that later on we would have a full discussion upon all those points.

Mr. STEWART. Of course; and we will discuss them now.

Mr. FORAKER. In answer to the Senator's question, I want to possess him of the fact that we intentionally created a United States court here. It is a Territorial court, of course, as that term is used in the books; but the jurisdiction is such that we properly call it a United States court.

Mr. STEWART. I am sorry the Senator is proposing that puzzle, to wit, the line of division between State and Federal courts to a Territory in the first instance. I am sorry he is introducing that contention in the first lesson in our institutions to the Puerto Ricans. It will be a pretty hard lesson for them if they ever learn it.

Mr. FORAKER. I want to assuage the grief of the Senator so far as I can, by informing him that in making this provision we are but continuing what is already in existence and in operation there. The testimony submitted to the committee is to the effect that the United States provisional court, as it is called—and we give to this court the jurisdiction of that court—is the most popular court in the whole island, and practically the only court in the whole island that has given any real satisfaction to the people of the island; to natives as well as foreigners. We are not making any innovation so far as Puerto Rico is concerned. But, if I may say another word, in answer to the Senator, we went over this whole matter with respect to Hawaii, and we concluded as a result of it that it was a wise thing for Congress to establish in Hawaii a United States court with district and circuit court jurisdiction. The reasons for such a court in Puerto Rico are the same, only stronger.

Now, I want to tell the Senator that Hawaii is not the only precedent for such a court. In Louisiana, as the Senator from Minnesota [Mr. DAVIS] has just reminded me, in the first instance where we legislated creating a Territorial government, we established not only Territorial courts as we are doing here, with Territorial legislation, if I may use that term properly, and also established a United States district court with the same jurisdiction provided for the district court of Kentucky in the judiciary act of 1789. So we had a United States court there with a United States jurisdiction pure and simple. I mention that only to show to the Senator that it is not without precedent, and I hope he will agree before we get through that it is not without sufficient reason that we should do this.

Mr. STEWART. I shall listen very attentively for the reason. I do not expect to get it, but I will listen for it.

Mr. FORAKER. Well, the reason may not be satisfactory to the Senator, but I have already indicated it when I have said to him that those who are now representing us in the government of Puerto Rico have found it necessary in the administration of justice there to establish a United States court and distinguish it from the local courts and give to it a United States jurisdiction pure and simple; and, as I have said, that is the most popular court, according to the testimony given to us, they have in the island. Certainly no harm can come to anybody from its establishment; and when we consider the location of the island, while that does not necessarily have anything to do with the jurisdiction or the name of the court, or whether it shall have a local or a mixed jurisdiction, as well as the United States jurisdiction, yet that is proper to be taken into consideration, and it has weighed very greatly with the committee in reaching the conclusion that is presented by the provision of the bill in that respect.

Mr. President, I did not intend to enter into any discussion of the merits of this measure at this time. I understood there were two or three Senators who desired to speak on various subjects, and I expected after the bill had been read to let it be laid aside temporarily in order that those Senators could be accommodated, and I will do that yet. But a word before I yield the floor, if I should be asked to yield, in answer to the Senator from Colorado [Mr. TELLER].

He started out by saying that this was a most remarkable bill. I think all Senators must have concluded before he got through with his remarks that there was nothing remarkable about it except only that its provisions are of such a character as to recognize that Puerto Rico belongs to the United States of America. The Senator speaks of the provision found in the bill making the inhabitants of that island citizens of the United States.

We considered very carefully what status in a political sense we would give to the people of those islands, and we reported that provision not thoughtlessly, but after we had heard every argument that could be presented in the committee, or that was presented, at any rate, to the contrary. We concluded, as the committee say in the report they filed in support of Senate bill 2264, that the inhabitants of that island must be either citizens or subjects or aliens. We did not want to treat our own as aliens, and we do not propose to have any subjects. Therefore we adopted the term "citizens." In adopting the term "citizens" we did not understand, however, that we were giving to those people any rights that the American people do not want them to have. "Citizens" is a word that indicates, according to Story's work on the Constitution of the United States, allegiance on the one hand and protection on the other. Of course, citizenship carries with it certain rights; but note what they are. I read from section 1934 of Story's work on the Constitution:

> These things are beyond question among the privileges and immunities of citizens of the States: To be protected in life and liberty by the law; to acquire, possess, and enjoy property; to contract and be contracted with under general laws; to be exempt from inequality in the burdens of government; to establish family relations under the regulations of law; to choose from those which are lawful the occupation of life; to institute and maintain actions of every kind in the courts; and to make defense against unlawful violence.

Mr. BACON. Will the Senator from Ohio pardon an inquiry?
Mr. FORAKER. Certainly.
Mr. BACON. I understood the Senator to define citizen to be one who owed allegiance and who was entitled to protection. Am I correct?
Mr. FORAKER. I was giving in my remarks what Story said in his definition, and I was just turning to read it, if the Senator will allow me.
Mr. BACON. I beg the Senator's pardon. I was simply going to ask if that definition would not also apply to a subject as well as a citizen. In other words, he owes allegiance and is entitled to protection.
Mr. FORAKER. Well, I suppose it would. That shows the unimportance of the term. In other words, Mr. President, this word is used in a political sense in this connection and in none other. Now, hear what Justice Story says about it. He says:

The word "citizen" is employed in the law in different senses and different circumstances. As generally employed, however, it may be said to be a person owing allegiance to the government, and entitled to protection from it. Such, doubtless, is the meaning of the word here used. It therefore includes females as well as males, minors as well as adults, those who do not as well as those who do possess the privilege of elective franchise. This clause consequently confers the right to vote or to participate in the government upon no one.

In other words, the word citizen implies nothing more, when used in its political sense, than that the person who is the citizen owes allegiance to the government under which he belongs as a citizen, and that government owes him protection in return. Now, I understand the people of Puerto Rico do owe us allegiance and that we owe them protection; therefore they should of right be declared citizens.
Mr. BACON. I ask the Senator to kindly state the page.
Mr. FORAKER. Yes; it is cited. I am reading from the report made by the Committee on Pacific Islands and Puerto Rico on Senate bill 2264. It is section 1932 of Story on Constitutional Law that I was reading from, and the other section I read from a moment ago was section 1934.
But, Mr. President, we are not without precedent as to this as well as the other matter that the Senator from Nevada called attention to, the judiciary. When we acquired Louisiana we did not extend the Constitution of the United States to Louisiana, but withheld it, and gave to that Territory, as the first Territorial government we ever created, a most autocratic government, almost, if not quite, a one-man government pure and simple. The treaty, however, provided that the inhabitants should be incorporated into the Union in due time, but they were treated as citizens from the beginning. The same was true as to New Mexico, and true as to all other Territories that we have acquired. We have treated the inhabitants as citizens from the time of acquisition, without regard to whether the Constitution had yet been extended to them or not.
I suppose some Senators will contend that the Constitution extended to newly acquired territory the moment that it was acquired, but others of us have a different view. We contend that there is no such thing as the extension of the Constitution. You can not extend an instrument, but you can legislate, and that is what we mean by extending it so as to provide that the Constitution shall have force and effect in newly acquired territory. In other words, by an act of Congress you make the Constitution one of the rules of action, the same as any statute would do.
Mr. ALLEN. Will the Senator from Ohio permit a question?
Mr. FORAKER. Certainly.
Mr. ALLEN. Can you extend the Constitution in its entirety or extend parts of it?
Mr. FORAKER. You can extend any provision of it by making it a part of a legislative act.
Mr. ALLEN. Without extending the other parts?
Mr. FORAKER. Certainly you can. Congress can provide in a bill that we pass that this, that, or the other provision of the Constitution shall have effect by putting it in the statute. That was done in the case of Missouri, and in other cases.
Mr. ALLEN. Does the Senator say that we can take an isolated provision in the Constitution and extend it over this territory and leave the balance of the Constitution where it is?
Mr. FORAKER. What I say is that the law in this newly acquired territory will be whatever the statute of Congress sees fit to make it; and the statute may say that this, that, or the other provision which you find in the Constitution shall be a provision of the statute.
Mr. ALLEN. Would the Bill of Rights extend to this newly acquired territory unless it was done by statute?
Mr. FORAKER. No; it is my opinion that it will not.
Mr. ALLEN. The Senator spoke of Louisiana a moment ago. Was not the rate of taxation the same in the Territory of Louisiana as in the United States before it came into the Union?
Mr. FORAKER. No, sir; it was not. They had a rate of impost duties for eight years in the Territory of Louisiana different from that which obtained elsewhere in the United States.
Mr. ALLEN. An excessive rate, a rate other than that imposed upon the people generally?
Mr. FORAKER. No; I do not remember whether it was larger or not. I know it was different.
Mr. ALLEN. Does not the Senator understand that such taxes have been held unconstitutional in at least half a dozen instances?
Mr. FORAKER. No, sir. I know it has not been held unconstitutional in any instance.
Mr. ALLEN. Was it not so held in the Dred Scott case and in the Loughborough case?
Mr. FORAKER. The Dred Scott case did not deal with the subject of taxation.
Mr. ALLEN. But was it not so held in both cases?
Mr. FORAKER. In the case of Loughborough *vs.* Blake there is certain language employed in the opinion of Chief Justice Marshall apparently open to that construction; but I do not think the court intended to hold any such thing, and if it did it was only obiter.
Mr. ALLEN. In the Dred Scott case the court held that the rate of taxation had to be uniform throughout the United States.
Mr. FORAKER. In the Dred Scott case nobody agreed or had occasion to agree to any such thing, so far as I can recall.
Mr. ALLEN. I do not know whether they agreed to it or not, but they say so.
Mr. TELLER. May I ask the Senator a question?
Mr. FORAKER. Certainly.
Mr. TELLER. I am somewhat at a loss to understand why the Senator thought it was necessary to read the definition of the word "citizen." I should suppose most of us knew what that meant. Does the Senator understand that I was denying the power to make those people citizens?
Mr. FORAKER. No; I did not. I thought the Senator was contending that because we made them citizens we necessarily made Puerto Rico an integral part of the territory of the United States.
Mr. TELLER. I mentioned that as one of several things.
Mr. FORAKER. Yes. And I was going on to mention the others.
Mr. TELLER. I did not mention all the others. What I meant to say was that it seemed to me if we made those people citizens and made that country a part of the United States, which the committee seem ex industria bound to do, we must treat them as citizens. I understand it to be one of the fundamental principles of a republic that every citizen must have like treatment under like circumstances. You can not extend to every citizen, of course, the same treatment, but you can not pick out individuals or pick out one section of our common country and say that they shall have one kind of rights and privileges and another another. You must extend them over all alike. That is what I was calling attention to. I admit we have the right to make those people citizens. In the case of Louisiana the inhabitants were made citizens by treaty.
Mr. FORAKER. Certainly.
Mr. TELLER. There was not any question but what they were made citizens. The inhabitants in New Mexico were made citizens by the treaty of Guadalupe-Hidalgo, but these were not. The treaty said the political status of these people should be determined by Congress. Undoubtedly Congress has the right to make them citizens; and if this bill passes they will become citizens, if it be not inconsistent with the provisions of the bill. I do not complain of their being made citizens. I complain that while being about to make them citizens, we propose to treat them as foreigners.
Mr. FORAKER. I am glad to hear the Senator say he does not object to our making them citizens by express provision in the bill, and I am glad also to have the Senator agree with the definition I have read. There are a great many definitions of the term "citizen." I would not have been surprised if some Senator was not acquainted with all the definitions, for there are a great number of definitions. I selected this one as being the clearest, the most concise, and I think the most nearly correct of any I happened to find in the books.
Mr. TELLER. I did not mean to say that I knew all the definitions of "citizenship." I know how difficult it is to define that term, and I know how much ingenuity the writers have exhibited in trying to define it, and all that; but I did not intend to raise any question about the citizenship of those people which is proposed to be created. I do not say I want them created citizens of the United States, for that will depend upon what we determine we are going to do with them. If we are not going to treat them as citizens, I do not want them made citizens. If we are going to treat them as citizens, that is another question.
Mr. FORAKER. If not sooner, the Senator will recall when he reads the report of his remarks in the RECORD that he pointed out the fact that we were making those people citizens as one of the reasons—at least, I so understood him—why we appeared to be striving to treat Puerto Rico as though it was a part of the United

States. We do want to treat it as a part of the United States and to make its inhabitants citizens. The bill is simply in line with that intention.

Mr. President, it does not follow, in view of the definition I have given of the word "citizen," which is accepted here, and must be, because it is based on authority, that we are restrained from legislating for the people of Puerto Rico as we may see fit to legislate with respect to them, for as yet they are within the power of the Congress to deal with as the Congress may see fit.

Mr. TELLER rose.

Mr. FORAKER. That is true, not only under the Constitution—if the Senator from Colorado will bear with me a moment—but it is true especially in this case, because of the provision of the treaty by which they were ceded to the United States, for in the treaty Congress is given what has never been given in any other treaty of cession, that is, authority to determine the civil and political status of the inhabitants of those islands. They came to us under that provision and with that stipulation between the United States and the Kingdom of Spain; and that invests Congress with plenary power to do in this matter as Congress may see fit. We may make them citizens, or we may deny to them citizenship, and we may so legislate as we may see fit with respect to taxes or with respect to anything else that determines the rights or duties of the inhabitants of that island for all that affects their civil and political status.

Now I yield to the Senator from Colorado.

Mr. TELLER. I did not intend to raise the question of our power there. As I have stated, I have very positive views on this question. I think we have plenary power. That is not the question that I was raising, but it was as to the propriety and the equity of the policy. That is the point I wanted to raise.

Mr. FORAKER. I will come to that presently.

Mr. TELLER. I do not want to discuss that to-day. I simply wanted to pave the way for my amendment. I think, in accordance with justice, if we are not to make those people citizens of the United States and entitled to the privileges of citizenship, under my amendment, if it be adopted, we could tax them.

Mr. FORAKER. Then, Mr. President, it all comes to this, if I understand the Senator, that his sole objection to this bill, and that which makes it remarkable, to use his own language, is that it deals inequitably with the inhabitants of Puerto Rico.

Mr. TELLER. Will the Senator allow me just to make a statement there?

Mr. FORAKER. Certainly.

Mr. TELLER. There are two methods by which we can deal with those people. I am now speaking of our new possessions. I do not speak of Hawaii, because Hawaii stands on very different ground. We annexed Hawaii by stipulation with the people of that country; and, of course, when they came in, they came in under that. But take Puerto Rico. We can either make that island a part of the United States or we can keep it out of the United States. We can so treat the people there that Puerto Rico shall become a part of the great empire, as Marshall called it, or we may keep them out. That is my theory. I want the Senator who has this bill in charge to get his bill in form so that it will be one thing or the other. I am ready to have one or the other, whichever I think will be best for the people of the United States. The power, I think, is ample to make Puerto Rico a part of the United States, to make it a State of the Union, if you want to do so, or to keep it out and to deny to the people there the right of citizenship, if you see fit.

Mr. FORAKER. Mr. President, I can say to the Senator at once that it was not the idea of the committee who framed this bill to keep Puerto Rico out of the United States. We understood that the effect of the treaty was to put the United States into possession of Puerto Rico. We do not understand it was intended or expected to make them a State, or to do that which entitled them to be called even a Territory. We understand that what has been done makes them a dependency or a possession of the United States, and that we have a right to legislate with respect to them as we may see fit, first, because of the power given to Congress by the Constitution in regard thereto, and, in the second place, by virtue of the stipulation contained in the treaty to which I have already made reference.

As to whether we are proposing to deal inequitably with those people, to what provision of this bill can the Senator refer in that connection except only the one which imposes a duty of 15 per cent of the regular tariff rates upon importations into Puerto Rico from the United States or into the United States from Puerto Rico? I do not know of anything else, unless it is that we have not given them complete local self-government, authorizing them to elect their governor, their judges, and all their other officials. In all this there is nothing inequitable, but, on the contrary, what this bill provides for Puerto Rico is more generous than has ever been provided for any Territory of the United States. For while it is true that we have provided a duty of 15 per cent of the present general tariff rates of duty upon products imported into this country from that island and from this country into that island, yet, Mr. President, it is also true that we have by the provisions of this bill given every dollar so collected to the people of Puerto Rico for the support of their own government.

Not only that, Mr. President, but, unlike any other Territorial legislation, we have extended the internal-revenue laws to Puerto Rico, requiring them to pay only the same internal-revenue taxes that are paid elsewhere in the United States, and we propose to give every dollar of that money so collected to the insular treasury of Puerto Rico. We take not one dollar from that people. In no other Territory since the beginning of the Government have we ever returned to the people of the Territory one dollar of the public revenues so collected.

Now, Mr. President, let me state why we impose this duty and return the money arising therefrom. There are two reasons.

In the first place, we impose this duty because it is needed for revenue. That island, so far as its industries are concerned, is prostrated; all its industrial conditions are paralyzed, and have been ever since we took possession in October, 1898, but particularly since the hurricane in August last. If we were to authorize them now, as the Senator proposes by his amendment, to organize a government of their own, they would have no adequate system of taxation whereby they could support even the officials and pay their salaries, saying nothing about maintaining courts, maintaining jails, taking care of almshouses, establishing a system of education, and saying nothing about highways and other improvements. They not only need civil government, but they must have revenue. They can not get it by direct taxation. If we were to apply now a system of direct taxation upon property, it would be a year at any rate before any returns could be realized from it.

Mr. RAWLINS. I should like to ask the Senator a question, with his permission, for the purposes of information.

Mr. FORAKER. Certainly.

Mr. RAWLINS. I inquire if authority is proposed to be given by this bill to a local legislature to levy taxes for the support of the local government?

Mr. FORAKER. Yes; it is.

Mr. RAWLINS. Then, do I understand the Senator to say that, after that authority is vested, it may be exercised by the local government, as it is proposed by this bill, permanently to impose taxes by an act of Congress upon those people for the support of their local government?

Mr. FORAKER. No. The provision as to internal-revenue taxation is permanent, but as to tariff duties the provision expires on the 1st day of March, 1902.

Mr. RAWLINS. Then I would ask the Senator—for he has looked into this matter carefully, I have no doubt—if this is not the first time in the history of the country in which Congress in legislating for the Territories has undertaken to impose a tax upon the property or the people of such a Territory for the support of their local government without their consent?

Mr. FORAKER. No, Mr. President; Congress has, either directly by its own legislation or indirectly through local agencies which it set up, provided for such taxation in every instance, without an exception, from the beginning of the Government.

Mr. RAWLINS. If I understand the rule of taxation correctly, it has always been this: That property and persons in the Territories have been subject uniformly to taxes, duties, and imposts in like manner with all other property and people of the United States, but in respect of the collection of revenue to be devoted to local purposes, that has always been left to the local legislature, it is true under authority conferred by Congress.

Mr. FORAKER. That is precisely what we are proposing to do here. There is no difference at all. We have followed in that regard, I will say to the Senator, the usual legislation as to the Territories.

Mr. RAWLINS. If that be true, I ask the Senator if this discriminating duty of 15 per cent on imports from Puerto Rico, to be devoted to the benefit entirely of the people of Puerto Rico, is not an apology for the violation of the Constitution, at least as interpreted in the decision of the Supreme Court of the United States to which the Senator has referred?

Mr. FORAKER. I claim that the Supreme Court of the United States has never given any such interpretation of the Constitution. Later on we will argue that. At least, no such decision has ever been announced, as I understand the decisions. I understand, when I say that, that there are Senators who differ from me. There are those who point to Loughborough *vs.* Blake, and who say that decision settles it once for all; but I think I can point to at least two decisions subsequently, by Chief Justice Marshall himself, which are inconsistent with any such construction of Loughborough *vs.* Blake.

The truth is that that case involved nothing more than a simple question of taxation applicable to the District of Columbia, and there was no necessity for the Chief Justice to say what is relied upon here as being an authority for what is contended for in that

particular. But, Mr. President, of that we will speak later. Senators will understand that I am not now taking this bill up for regular argument. I am only answering some of the objections which have been made, particularly those made by the Senator from Colorado [Mr. TELLER].

I want to answer the charge of the Senator that this bill has provisions that amount to inequity in the treatment of the Puerto Ricans. I have already called attention to the fact that the tax which we impose is one which is given back to them, so that they are simply being taxed for their and not for our benefit. We do not take a dollar of it; we give it all to them, and we have given them millions besides. We have been giving to them ever since we took possession of the island. We propose this tariff, in the first place, because of the necessity of having revenue, and for this further reason which I now want to speak about.

Mr. STEWART. When the Senator gets through I should like to say a word.

Mr. FORAKER. I am just going to take up another point, and I would rather the Senator would wait until I get through.

Mr. STEWART. There will not be time to-night, but I shall take some other time.

Mr. FORAKER. I shall be through presently.

Mr. STEWART. I have some objections to your bill, which I want to suggest to you for your consideration.

Mr. FORAKER. I want to say to Senators that this legislation not only meets the requirements of a very necessitous situation as to revenue, but raises a most important question, which never will be settled until the Supreme Court settles it. Party lines have been so drawn in respect to the power of Congress to legislate for these territorial acquisitions that there will never be an agreement except under judicial decision. Senators who believe that the Constitution extends ex proprio vigore to newly acquired territory and Senators who repudiate that doctrine are not likely to get into accord in a political discussion nor in any discussion that would arise upon proposed legislation. And so I say it will never be settled what are the powers of Congress to legislate with respect to Territories until the supreme tribunal of the land settles that question.

In my own mind—I do not know how it is with other Senators—the fact that this bill raises that question is more important than any revenue that it provides for. Why is it so important? Not on account of Puerto Rico, for, as we have said in our report, No. 249, there is nothing to be imported from Puerto Rico that will come prejudicially, or at least seriously prejudicially, into competition with our products in this country. It is a revenue duty singly and solely, and not in any sense protective.

Mr. President, beyond Puerto Rico come the Philippines. Soon we shall be called upon to legislate with respect to those islands. I do not know what the future has in store.

Mr. RAWLINS rose.

Mr. FORAKER. If the Senator will bear with me for just a moment, I wish to say that with respect to the Philippines it has been suggested, and it has been contended for by many, that we should have an "open-door" policy. If that policy should be finally adopted, and all the nations of the world be allowed to go with their ships and their merchandise into the ports of the Philippines on the same terms we go there with our ships and our merchandise, there will be an overthrow at once of our entire protective policy and system unless we have the power to protect ourselves against the results, against the injury that would come to us from those islands by reason of all the world being permitted to go into the Philippines, and from there to come here or anywhere in the United States without payment of duties. The claims of those in opposition to this proposition lead to this.

Mr. RAWLINS. Mr. President——

Mr. FORAKER. I trust the Senator will wait a moment.

I say this provision in this bill will give rise to the question of our power as to all these matters. It is true, as the Senator from Colorado has said, that there are many and serious questions raised by this measure. We are not unmindful of that. The bill was drawn not only to meet the necessities of that situation, but also, necessarily, as an incident, to meet the question as to the policy which must be pursued by this country. We are all alike in common interest, and the question must be settled now and should be in the case of Puerto Rico, which is the first legislation of the kind that Congress is called upon to enact.

Now I will yield to the Senator from Utah.

Mr. RAWLINS. Mr. President, if I understand the last remark of the Senator, it is that the main purpose of this discriminating duty of 15 per cent, proposed to be imposed upon articles imported from Puerto Rico, is to raise the question, to test the question——

Mr. FORAKER. If the Senator will allow me, I did not say that that was the main purpose. I said in my own mind—I do not know how it is with other Senators—it was quite as important as, if not more so than, the others.

Mr. RAWLINS. That was one of the purposes?

Mr. FORAKER. Not the purpose; it is an incident of the purpose.

Mr. RAWLINS. One of the purposes is to test the question of whether Congress has the power to levy discriminating duties on articles imported from or exported to any of the inhabitants of the United States outside of the borders of the States. It is, if possible, to present a case in which the court may decide that Congress has such plenary power as that it may legislate at will, and without being subject to any of the limitations of the Constitution in respect to all the inhabitants and citizens of the United States outside the borders of the States themselves, which would include the Philippines, Hawaii, Puerto Rico, Alaska, and the Territories within our borders. Is that correct?

Mr. FORAKER. No, sir; it is not correct. It is correct with certain limitations. What the Senator is repeating as what I said, although he doubtless thinks he is correct, is different in effect. What I said was that there was a necessity for revenue; that was the purpose of the bill; but another incidental result would be arrived at, and that was the making of this question, that, in view of what I alluded to, I thought was as important as the revenue, and more so; but we would not have legislated to simply raise the question of power, if there had not been a necessity for it.

I want to say further that I did not say that this question, when once determined, would have the same application to all territory outside of the Union of the States, for as to some territory outside of the Union of States the Constitution has been made the rule of action, while it has not been as to other territory. The Constitution has not been extended to Puerto Rico. It has been extended to Hawaii. It has not been extended to the Philippine Islands. I mean, of course, by legislative act. You may think it has been extended there ex proprio vigore; I do not know what the Senator's views are on that point. But it has not been extended by legislative act to Alaska; and there would be a different rule of action, as I understand it, in Territories to which it has not been extended from the rule of action in Territories to which it has been extended.

Mr. RAWLINS. If the Senator will permit me, in order that I may understand the position of the committee—as I understand he speaks for the committee—if I understood him correctly, he said the power of Congress to legislate for Puerto Rico, to pass this bill, is conferred by the Constitution. Is that right?

Mr. FORAKER. Yes, sir; and also by the treaty. There are two sources of power.

Mr. RAWLINS. But Congress has not yet acted and extended the Constitution to Puerto Rico. That is true, I suppose?

Mr. FORAKER. We understand that Congress has not, and we understand, also, that this bill has not.

Mr. RAWLINS. The point that I was seeking to arrive at on this question, or the question I proposed to propound to the Senator, was this: That if Congress is now legislating for Puerto Rico by virtue of the authority conferred in the Constitution, to that extent does not the Constitution now apply to Puerto Rico?

Mr. FORAKER. I do not so understand it. I understand this to be the case, Mr. President——

Mr. RAWLINS. If the Senator will permit me——

Mr. FORAKER. I thought the Senator had concluded.

Mr. RAWLINS. Not quite. If we are legislating in respect to Puerto Rico, or propose to legislate by virtue of the Constitution, then, it seems to me, it must be because to the extent that we extend the Constitution the Constitution confers power, is operative, and extends the arm of Congress to that island. If that be true, does it not necessarily follow that Congress legislates under all the limitations upon its power of legislation, including the right of veto of the President, in respect to these islands, which is derived also from the Constitution?

Mr. FORAKER. I do not understand that because we legislate under the Constitution, by virtue of that clause which authorizes Congress to make all needful rules and regulations for territory belonging to the United States, that we thereby, in taking action, extend the Constitution to all these Territories; but I do understand—and I may differ from some Senators who otherwise are in accord with me in that respect—that under the positive prohibitions of the Constitution upon legislation of a certain character, we, sitting here as Senators, are subject to those prohibitions. What I mean by that is this: The first provision in the Bill of Rights is:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

There is a plain and positive prohibition in the Constitution upon Congress to act with respect to certain kinds of legislation. Congress shall pass no such laws. I do not understand that the Constitution is in Puerto Rico. But I do understand that it is here in the Senate Chamber, and that we all here are acting under our oath to support the Constitution and to observe its provisions and requirements.

Mr. RAWLINS rose.

Mr. FORAKER. Therefore, if the Senator will allow me, when

the Constitution says no law shall be passed by Congress of a specific character, I understand that to be a general universal negation, without respect to the territory or people for whom the legislation is to be provided. I may be in error about that, but I state my own convictions.

Mr. RAWLINS. Do I correctly understand the Senator that the power of Congress to legislate for Puerto Rico is derived from that clause in the Constitution which gives Congress the power to make rules and regulations respecting the Territories?

Mr. FORAKER. In so far as the Constitution confers the power, yes. I understand, however, that Congress as a political body, representing the political power of the Government, would have the inherent power to pass laws on certain subjects without regard to any provision of the Constitution, not inconsistent with it, of course.

Mr. RAWLINS. In that provision no mention is made of the President or his right of veto. It simply says, "Congress shall have power." Does the Senator think we can legislate in respect to any of these outlying possessions without the concurrence of the President?

Mr. FORAKER. Certainly not. All bills must go to the President for his signature, his approval.

Mr. RAWLINS. That is by virtue of the Constitution, is it not?

Mr. FORAKER. Certainly, that is an express provision of the Constitution.

Mr. RAWLINS. Then, if that be true, we find, it seems to me, that Congress in every step it takes with respect to any of these possessions must find its authority in the Constitution, and must act in taking each step in accordance with the methods which that instrument prescribes, and with all the limitations which it has fixed. If that be so, I can not conceive that there is any serious difference between Senators in this body as to the character of the power the Congress exercises in respect of the Territories. It acts by virtue of the Constitution and within the limitations of the Constitution and by the methods which the Constitution prescribes. Then it seems to me necessarily to follow that our footing there is precisely what the Constitution gives us, and no more.

Mr. FORAKER. Well, Mr. President, that Congress has full power to legislate with respect to the Territories is asserted in so many decisions of the Supreme Court of the United States that it seems to me there is no longer any question about it.

Mr. RAWLINS. If the Senator will permit me, those decisions asserting this plenary power all speak with reference to the franchise, of voting and holding office, do they not?

Mr. FORAKER. No; I do not so understand them. Mr. President, we are all familiar with the fact that the legislation with respect to the Louisiana Territory was upheld by the courts, and that that legislation was followed and upheld in the Florida case, and it was followed again only a year and a half ago in the case of Hawaii. That legislation authorized the President of the United States to act for the time being, or until Congress could act, through certain persons who should exercise all civil and judicial authority in the Territory. There is no question about Congress having the power to do that, and doing it constitutionally, and doing it apparently without regard to any limitations of the Constitution. It was certainly so in the Louisiana case, for there Congress expressly continued in full force and effect laws that were inconsistent with the provisions of the Constitution.

Mr. RAWLINS. If the Senator will permit me, as I understand it, in each of those cases where the cession was made by treaty the treaty itself expressly guaranteed or expressly required the freedom of religion in conformity with the Constitution, did it not?

Mr. FORAKER. I believe so.

Mr. RAWLINS. Then, if I understand that legislation of Congress in regard to the extension or continuance of laws in force in those ceded districts, they were so modified as to conform both to the treaty and the Constitution.

Mr. FORAKER. They were not modified until long after the government had gone into operation. There may be some laws in Puerto Rico which would have to be modified to have them conform to the requirements of the Constitution.

I want to say again that I understood Senators wanted to speak this afternoon. If they do, I will yield. I do not want to take up this bill for full argument at this time. I had no idea of taking up so much time.

Mr. BACON. The Senator from Ohio is suggesting what position he will take, without going into any elaborate argument, which, of course, we appreciate, and as the Senator has stated his position with reference to the Bill of Rights, or, rather, one article of it, to the effect that he considers that any part of the territory subject to the jurisdiction of the United States would necessarily have the benefit of Article I, because that is a prohibition on the powers of Congress, which prohibition would operate as to the exercise of that power in any Territory—I understand that to be the Senator's position——

Mr. FORAKER. That is my individual opinion. I do not think all my colleagues agree with me about that.

Mr. BACON. I want to ask, as the Senator is kindly suggesting to us the line upon which he will make his subsequent argument, whether he considers Article V in the Bill of Rights as one applicable to the inhabitants of what is now spoken of as outlying territory?

Mr. FORAKER. Is that the article which provides for trial by jury?

Mr. BACON. Yes.

Mr. FORAKER. I do not think it does. It is in the nature of an affirmative proposition, and there is no reason why it would apply here.

Mr. BACON. It is a negative one.

Mr. FORAKER. I want to say to the Senator generally that when you come to look through the limitations and restraints you will find some of them that it is very difficult to draw the line between.

Mr. BACON. I simply desire to know now, that we may anticipate what would be the Senator's line of answer.

Mr. FORAKER. If no Senator wants to speak, I wish to make a brief explanation.

Mr. STEWART. I wish to speak.

Mr. FORAKER. On this bill?

Mr. STEWART. Yes; right now.

Mr. FORAKER. I wish to make a brief explanation as to the bill, and then I will not speak again except only as the exigencies of the consideration of the measure may call upon me to do so.

Mr. STEWART. Go ahead.

Mr. FORAKER. I will then make a brief explanation of the bill.

It will be observed, Mr. President, when you come to examine the House bill, that it did not undertake to provide a civil government. It was purely a revenue measure. The necessities which led to this legislation being proposed are found stated in the whereases which precede the measure, referring to the distressing conditions that are existing in Puerto Rico and the necessity for giving those people legislation with respect to their trade relations with the United States and with the rest of the world.

The bill as it came to us from the House simply provided, therefore, that the same tariff duty should be paid upon all importations into Puerto Rico from countries other than the United States that are paid on importations into our ports from other countries, and that as between Puerto Rico and the United States there should be a duty of 15 per cent of the full rate prescribed in our tariff laws, but that in the case of products manufactured in Puerto Rico being imported into the United States that would bear internal-revenue taxation if they were located elsewhere in the United States, that much tax should be added.

The bill further provides that the revenue so derived shall be paid into the insular treasury of Puerto Rico, except only those revenues collected in the United States under the bill, which shall be set apart in the Treasury, subject to the order of the President, to be expended for the benefit of the government of Puerto Rico. The bill further provides that this arrangement shall expire on the 1st day of March, 1902; in other words, that is a revenue measure pure and simple.

The measure that has been substituted by this amendment provides for a civil government for the island of Puerto Rico, and in addition to providing for a civil government in the ordinary sense of the word it provides for a good many other things that it seemed necessary to provide for to give those people satisfactory conditions. For instance, they have in circulation in the island the Puerto Rican coins, and our coins are now getting into circulation there. In consequence, the business of the money changers is a very profitable one to the money changers and a very burdensome one to the people of Puerto Rico. We have provided in this bill for the substitution of American coins for Puerto Rican coins. We have also provided in this bill for a continuance in force of such laws and ordinances now in force in the island, subject to the modifications of them that have been made by military orders now in force, until the local legislature provided for by the bill or the Congress legislates upon the subject.

The Senator from Colorado [Mr. TELLER] called upon me a while ago to know whether or not the laws of Puerto Rico, which are referred to in this connection in the bill, are anywhere in print. I want here to repeat what I said to him then, that a translation of the laws in force in Puerto Rico has been made by the War Department, and each member of our committee was furnished with a copy. I did not think to have it printed for the use of the Senate as a document, though perhaps that ought to be done.

It may be that the War Department has a sufficient number of copies printed to enable me to get one from the Department for each Senator, and I will endeavor to do so; and if I can not get a copy for each Senator, I will ask the Senate to print these laws as a document, so that each Senator may have the benefit of it. We

have provided, however, for the continuance of these laws in force because of the necessities of the situation, not because we are satisfied with each and every law that is there now, but because we thought it would be a wise thing to continue in force for the time being, until the matter could be more fully and satisfactorily investigated and reported upon, that with which the people are already familiar.

We provide in one of the last sections of the bill for the appointment by the President of a commission, to consist of three members, whose duty it shall be to make a thorough investigation and compilation and revision of the laws of Puerto Rico and within twelve months after this proposed law goes into effect to report to Congress a more permanent form of government than that which we have undertaken to provide in this bill. In other words, Mr. President, as you will infer from that statement, it was the purpose of the committee, after looking into this matter and seeing with how many difficulties it was attended, to provide simply a temporary civil government as a substitute for the military government that is now in force there.

In continuing in force the laws that are in force there we are but following the precedents of the world, I think I may say, almost without an exception. In fact, ever since Nebuchadnezzar conquered the Jews a conquered people have been allowed, as a rule, to continue in the enjoyment of their local laws and local usages, subject only to such limitations as might grow out of their being wholly inconsistent with the laws of the conquering power. Here we have the common-law system of jurisprudence. There everything is based on civil law. They have the civil-law codes of procedure, radically different from ours, and for us to undertake to substitute our institutions, and our courts, and our laws, and our codes of procedure with the stroke of a pen would be for us to undertake to do a most impracticable and unwise thing. It could not possibly operate successfully.

But as we proceed we become better acquainted with them. We learn the difference between their institutions and ours. We learn the good features of theirs also, as well as the bad. We learn how to legislate so as to accommodate their institutions to our ideas. Under the military occupation that has been continued there now for a year and a half much has been done in this regard. The most obnoxious laws have been repealed or have been modified until a system of laws and procedure has been arrived at that reasonably, I think I may say, conforms to our ideas as to efficiency and the requirements of the civilization that we represent and want to see supported in that island. That is one provision of the bill.

Now, as to the courts, the Senator from Nevada [Mr. STEWART] asked me a moment ago about them. We have continued the courts that they are already familiar with. You will understand that we are continuing these only until the commission provided for can make a thorough investigation and report to Congress upon which we can act intelligently. I do not know how it is with other Senators, but judging from my own experience I think I can safely say that it is an impossibility for Senators, occupied as we are compelled to be occupied here in Washington, to make that character of investigation of the whole system of laws of that country necessary to legislate intelligently, especially when we have no opportunity to visit and no opportunity to devote ourselves to the work as a commission can.

Therefore we thought with respect to the courts that the wisest thing we could do would be to continue what they already have, that with which they are familiar, until this commission could make a report after a thorough investigation, when they can fully advise us and we can act more intelligently. Certainly no harm can be done by continuing for a year, or two or three years, whatever length of time the temporary government we are now providing for may stand, what they have been living under for generations. Those are the only special features of the bill as to which it occurs to me that it is necessary for me to speak at this time.

We have undertaken, speaking of the other provisions of the bill now, not to give those people a complete local self-government, but a government republican in form, and to confer upon them the right to as much participation in that government as we thought, in view of the testimony submitted to us, it was safe to give to them. In this behalf we have provided for an executive and a judicial and a legislative department, the executive to be called the governor of the island and to be appointed by the President, by and with the advice and consent of the Senate. We have provided for a system of Territorial courts, to which attention has been already called, consisting of district courts and the supreme court of the island.

The judges of the supreme court are to be appointed by the President, and the judges of the district courts, 7 in number, are to be appointed by the governor of the island, by and with the advice and consent of the executive council. The legislative department is to consist of two houses, one appointed and the other elected. The upper house is called the executive council. It consists of the governor add 11 members, 6 of whom are bureau officers or heads of departments—the attorney-general, the auditor, the treasurer, the secretary, the commissioner of education, the commissioner of the interior, and 5 other persons to be appointed from native inhabitants of the islands.

Mr. COCKRELL. The governor and six bureau officers, making seven, and then five others.

Mr. FORAKER. Yes; twelve all together. The governor and six bureau officers and five natives of the island, who have no offices and no duties to perform except only to act as members of the executive council in a legislative capacity. The others conduct their departments in the way provided in the bill, and the powers conferred and duties imposed upon them are of the ordinary kind indicated by their respective titles. I think I need not go into that any more fully.

We had some difference of opinion as to the extent to which we could allow the people of Puerto Rico to participate in this Government. There were some who thought they ought to have no participation at all. I remember a Mr. Curtis, who went to the island by appointment of the President as one of the Insular Commission, and who came before our committee, testified that he thought, as a result of his seeing the people and investigating conditions down there, that we ought practically to govern the island by the President alone; that the officer in charge, whatever he might be called, should report to the President the kind of legislation we ought to have, and the President should simply promulgate it by proclamation.

That did not meet with the views of anybody on the committee. I mention it only as showing an extreme view. We all felt that there ought to be a government there republican in form, republican as to its distribution of powers, republican in accordance with the ideas that we have as to a republican form of government; but we all thought the governor of this possession ought to be appointed by the President, as the governors of the Territories are, at least for the time being.

We also thought that the bureau officers ought to be appointed by the President, and we thought so for this reason: The testimony produced before our committee shows that there are about a million people, in round numbers, inhabiting that island; that of the million inhabitants of the island not more than 10 per cent according to some witnesses, 15 per cent according to others, and by one witness, I believe, perhaps as many as 20 per cent could either read or write or had any property.

The truth is that the number who can either read or write or who own some property is probably about 15 per cent of the whole. We found from this same testimony that while they are a docile people, a generous-hearted people, a people full of kindliness of disposition toward the United States, a people who are gratified to have been brought under our sovereignty and jurisdiction, and a people who are anxious to conform to our ideas of political institutions, they are yet, nevertheless, a people who have not been prepared by any kind of experience for participating in government. They have very crude ideas, certainly not very accurate, so far as the testimony developed, outside of a limited few who are educated, with respect to a popular government or with respect to the duties of citizenship, or with respect to the institutions according to which we govern ourselves and according to which we hope in time to see them governed.

In view of all this, we came to the conclusion that not only the governor, but also the bureau officers, should be appointed. They will have the most important duties to perform. The auditor, the treasurer, the commissioner of education, the commissioner of the interior, the attorney-general, and the secretary, have all to join in the work of organizing and putting into successful operation a government with all of the great departments of which they are to be the heads. They ought to be men carefully selected. We were afraid to intrust their selection to a people who, so far as the testimony produced before us advised us, outside of the limited few who have an education and whom I except always, had no just comprehension of the duties to be performed and their responsible and important character.

We felt it was safer and better to intrust the President with the selection of these men. He can select men, certainly when he has the advice and consent of the Senate, who will be competent to successfully discharge the duties. We have given by appointment, however, a representation to the natives upon this executive council of five members. The President is not restrained in appointing these five members from making them bureau officers. He can appoint as attorney-general of the island of Puerto Rico one of the natives, if he wants to. Out of the twelve, whether they are made bureau officers or simply members of the board, he can appoint five from the natives and can take all from the island if he sees fit, and I am sure the President will be glad to give to the people of Puerto Rico as full representation in the administration of their government as they may be shown to be capable of having.

But, Mr. President, while we were moved by considerations of

that character to provide for the appointment of the executive council by the President—all its members—we considered that it would be a wise thing to create a lower house and make it elective, and so we have provided for a lower house to consist of 35 members, 5 members from each of the 7 districts into which the island is divided. They are to be elected by the qualified electors of the island and are to be a part of the legislative assembly, just the same as the lower house in our legislative assemblies is a part.

There was a good deal of opposition, as I have already indicated, to the conferring of this right in connection with the government which we are establishing, but we found, after looking up the history of that people, that they have been voting more or less for quite a number of years. It is true, as the Senator from Colorado said a moment ago, that Spain, just before the war, did grant an autonomistic form of government under which they were allowed much greater rights and privileges, or were to be allowed, than they had ever before enjoyed; but that government can not be said to have gone into effect—that is, not so far as the elections are concerned.

I believe there was one election held before the war broke out, but there was no extended experience with it. But we found they have had some experience in the matter of voting, and we thought we could safely intrust to them the exercise of the suffrage to the extent I have indicated. We felt that it would be a good means of educating them in the matter of government, that it would interest them in the government; give them a participation in it; give them the right to hold elections, to conduct them; we thought that would lead them to be interested in the matters that concerned their own affairs.

In addition to that we have provided that they shall have representation here in Congress by one Delegate. That is the representation ordinarily allowed, or allowed. I believe, in every instance, to each of our Territories. We have just allowed it in the case of Hawaii, where they have, all told, only about a hundred and twenty-five thousand people, perhaps, while there are a million in Puerto Rico, and the people of Puerto Rico have heretofore, under the Spanish Government, been allowed representation in the Spanish Cortes to the extent of 4 senators and 12 deputies. It seemed to us that to allow them representation by one Delegate was not at all unreasonable, and I have been rather surprised to hear that there should be any objection on the part of any Senator to that provision of the bill.

Mr. President, I have now gone over the bill so far as I think it is necessary to offer any explanatory remarks, and by reason of the debate that precipitated these remarks, in which the general questions were touched upon, I have said all I care to in opening. Therefore I now yield with the understanding that I shall, at the next opportunity for taking up the bill, ask the Senate to proceed with its consideration without further remarks from me, except as I may find occasion to answer those who may speak in opposition.

Mr. CULBERSON. I submit several amendments to the pending bill, which I ask to have printed.

The PRESIDENT pro tempore. The amendments will be printed and lie on the table.

Mr. STEWART. Mr. President, I wish to offer an amendment. On page 10, section 10, I move to strike out all of line 6 down to the word "all;" and in line 8, after the words "United States," I move to strike out all of lines 9, 10, 11, 12, 13, and 14 down to the word "free;" so that it shall read:

SEC. 10. That on and after the passage of this act all articles coming into the United States from Puerto Rico shall be admitted into the ports of the United States free of duty.

And further, in the same section, I propose to amend the section by striking out, in line 16, the words "under the provisions of this section" and inserting "before the passage of this act;" so that the proviso will read:

Provided, That all duties collected on such articles shipped from Puerto Rico into the United States before the passage of this act shall be held in the Treasury of the United States as a separate fund, to be used under the direction of the President of the United States for the government and benefit of Puerto Rico.

The amount of money to be derived from such a tariff is not the question. It is the vexation. If you are going to give them free trade in two years, why not give it now? There is nothing to be gained by that provision. You can create a good deal of good feeling if you will, and here you will create a good deal of bad feeling if you do this. Do you purpose to provoke them and make them your enemies? There is no principle involved in it. You are going to have free trade in two years. It is simply a petty spite, and I do not see any other point in it.

Mr. ALLISON. That is the only way that presents itself for raising revenues for that government.

Mr. STEWART. They have revenues of their own. You do not want to tax them differently from what we tax ourselves. Take the internal-revenue tax, for instance. The little pittance that you will get in the next two years is not enough to make up for the irritation there is in it. You will find that it will not pay to make that distinction, because very few people will believe that we have any right in a part of the United States to levy a duty upon imports from the United States to the United States.

Mr. ALLISON. I do not understand that our internal-revenue laws are to be applied to them under this bill.

Mr. STEWART. Yes, it is in this bill. It puts them in force there, and that is sufficient. You can provide in this bill for raising revenue from those people as we raise it in our Territories. Take the Territories. You provide in bills what tax shall be levied in the Territories to carry them on. You can go right on and tax them any way you please. You have got a clear power to impose taxes on this organization and tax them as any other Territory. We tax the Territories. We provide that they shall raise taxes for certain purposes, and then leave it to the legislative assembly, as far as we can. You can provide for any kind of a tax for the people, but there is no sense in raising the question of a tariff in this way and creating dissatisfaction.

Mr. ALLEN. May I ask the Senator from Nevada a question?

Mr. STEWART. Certainly.

Mr. ALLEN. Does not this bill provide a most excellent means of passing the responsibility for this discriminating tax to the Supreme Court of the United States rather than to the Republican party?

Mr. FORAKER. I can not hear what the Senator says. I would like to hear the question.

Mr. STEWART. I want to answer that question.

Mr. ALLEN. Very well.

Mr. STEWART. I do not think that anybody will crave the notoriety. We should be embarrassed if we make a discriminating tax.

Mr. ALLEN. I should like to hear the Senator.

Mr. STEWART. We should not make a discriminating tax. I should not think they would want the responsibility themselves or would want to put it on anybody else.

Mr. ALLEN. If the Senator will permit me, this is a nominal observance of the Republican platform on the tariff.

Mr. STEWART. No.

Mr. ALLEN. Now, if they can pass this act with this discriminating tariff, which is called a protective tariff, that question can eventually be made a judicial question and go before the Supreme Court of the United States, which will decide in the course of two or three years, after the election is over, and hold it to be unconstitutional, which will make free trade, will it not? Therefore, it relieves the Republican party in the present campaign of any responsibility for this discrimination.

Mr. STEWART. The Republican party has nothing in its platform that intimates even that it will levy a duty upon United States goods. They are foreign goods imported into the United States that are to be taxed. There is nothing in the platform to sanction this provision. It is against every platform that has been promulgated by any party in regard to the tariff. They all propose a duty on imported goods from foreign countries.

Mr. ALLEN. But the Senator will remember that the President recommended free trade with this island.

Mr. STEWART. The President was exactly in line with the platform, and what he said is entitled to the highest commendation. He recommended absolute free trade, and the Secretary of War stated the conditions and the reasons in most forcible language why it should be given.

Mr. ALLEN. This bill does not recognize free trade.

Mr. STEWART. The President did not recommend free trade in the sense of free trade with foreign countries, but he recognized that island as a part of the United States, as a part of our country, and recommended that their products should come free into our ports. He recommended that, and for that I commend him. I think it was wise, and I think it is very unwise to go against his recommendation in his annual message.

Mr. ALLEN. Does the Senator understand that this bill meets the approval of the President?

Mr. STEWART. I know nothing about it. I think not, because the President having recommended it so plainly and so justly, and having made a recommendation so frank and honest, I do not believe he would take it back. If his annual message had been adhered to, it would have been a great deal better for the country and for all concerned.

Now, as to the President's policy in regard to these Territories; he is trying, if he is not overriden, to extend to them the principles of free government. That is evident from his message. It is evident from all his public sayings that he is trying to extend to them the principles of free government. In the case of the first Territory that is ripe for action he recommends the extension of our revenue laws to them and giving them a chance to live, and I commend him for it. But if this question is precipitated upon the country, I do not care what the Supreme Court decides, the country will be opposed to the levying of duties upon the products of our own country. You can not explain it. I do not care what purpose you say you do it for or what excuses you

may make for it, it will never be understood by the country. It will prejudice those people. I am opposed to it more especially because I want to keep those islands. I think the acquisition of those islands is a great boon to the American people at this time. I believe we need them, and need them badly.

Mr. ALLEN. What for?

Mr. STEWART. They can produce the tropical products cheaper than they can be produced in any other part of the world. If we had them to supplement what we have got, we would then be independent of all the world. From two to three hundred million dollars are paid annually for the products which we could obtain from those islands.

I have heard it said here that it would throw people out of employment because it would make sugar so cheap; that they can produce sugar for less than half what it can be produced for in the United States. If that be true, that is one reason why we should have them. I am a protectionist, and have voted for the highest protective tariff and argued in favor of it; but I am not in favor of a protective tariff sufficiently high to enable the people of Alaska to produce pine applesand bananas on the Yukon in hothouses. I am not in favor of that. I would rather get some pineapple country and raise pineapples there. These islands will make us independent of all the world, and we can produce with them all we can consume. I think their acquisition is just what the United States needs.

Great Britain is so situated that she can supply herself from her own possessions, although from long distances. Here we have these islands, Cuba and Puerto Rico, at our door; and if they were ours we need not buy any tobacco from abroad, we need not buy any sugar from abroad, and we could produce and sell sugar as one of our exports.

If you ask what good that will do us, I say it will furnish a market. Everything made of iron—tools, railroads—everything that goes into the household or into manufacture of any description will be made here, and they will buy those things from this country if they have free trade with us. Everything will go there as naturally as water flows down hill. Then there are thousands of other things besides. There is agricultural machinery of every description that they will need.

Mr. TELLER. Do you propose to have a tariff on all those?

Mr. STEWART. We propose to follow the recommendation of the President, and treat them as a part of our country. If we can not treat them as a part of our country, as strongly as I am in favor of having them, before I would make a discrimination, before I would say that the flag shall go where the principles of the Constitution will not follow, I would let them go. I do not want any country where the principles of the Constitution will not follow.

I do not propose to argue the technical question as to whether the Constitution without legislation goes there or what power we have to legislate. I do not propose to do that, but I base my contention on broader grounds. I say that we can not as republicans in the high sense, we can not as advocates of republican principles, of the principles of liberty, discriminate against any section of our country.

If we can do it in the least we can do it in the greatest; and when it is said that we can have a different kind of government in different sections of the country our Constitution and our principles of liberty are gone. Our principles of liberty and free government are broad enough to extend to all the countries where the flag floats. If they are not, then bring back the flag. Send the flag nowhere where the principles of free institutions, which have made this country so great, can not go. I am opposed to having an acre of territory anywhere without the principles of freedom, limited, of course, by proper legislation, as we have done in the Territories, where we can have liberty regulated by law as we understand it, as is well understood, where Americans can establish free government and free institutions wherever they are.

They will organize at once in Puerto Rico. I saw them organize in California when the times seemed to be turbulent. They brought order out of chaos. Wherever our institutions go they take with them the principles of the Constitution; they take with them our birthright. To say that the institutions which are our birthright shall not go with the flag wherever it goes is against every sentiment of American freedom, and I am opposed to it. I think it is getting down too low to talk about whether or not we can do wrong under the Constitution—whether we can make discriminating laws. If we go to quibbling about the power under the Constitution to be un-American, about the power under the Constitution to have a part of the country governed by a despotism, we have not the power to do it under the principles of the Declaration of Independence or the spirit of liberty which pervades our institutions. We can not violate those principles and continue to prosper.

In dealing with those Territories I am in favor of letting them understand now that we go to them as friends in order to extend to them the principles of civil liberty and to benefit them. Let them know in the Philippines how we are treating Puerto Rico; let them know by the object lesson of Puerto Rico that we will not rob them; let them know the intentions of this Government by the example we now set.

You say you have got the power to levy a tariff upon goods coming from a part of our own territory. Let that principle be established, and confidence in this Government will be lost; the Philippines will have no confidence in us; Cuba will have no confidence in us; and will not want to come to us. Such an assertion is a claim that you have power under your Constitution to tax them differently from the way in which you tax yourselves; that you can make them subject colonies; that you can establish a despotism. I deny that you have such power. I deny that there is any power in the principles of our Government which are embodied in the Constitution to have a colony governed differently from all other portions of our country. They must all have the same rights. That is why I am opposed to the proposed tariff duty; and I shall make some further remarks upon it hereafter.

I did not intend to say so much now, but I am so earnestly opposed to what is proposed for fear that we shall lose the benefit of the grand achievements of the nineteenth century, which, if it is properly dealt with, would add immeasurably to the prosperity, the power, and the resources of this country, and make us independent of the world if we properly realize what is before us. The people of this generation have the right to new fields of enterprises just as those in the past generation had and they will have if the principles of the Constitution are carried out. You will find the Pacific Ocean teeming with our commerce and with the influence of our institutions spreading in the Orient, you will find the West India islands converted into beehives of industry; all that we need to consume in this country will be produced in our own country, and we shall have markets that will more than compensate for anything we may lose.

For every one day's labor lost by the sugar interest and tobacco interest ten times as much will be gained by the products and manufactures that we must send to those people. Then there will be another boon to the great mass of people who are consuming those products in this country. It is said that sugar can be raised for half the sum for which it can be produced here. If sugar can be produced for one-half what it can now be produced, have not the millions of people in the United States who consume sugar the right to have the benefit of it? I contend they have. I hope nothing will be done to lose our new possessions to us. I think these discriminating duties are dangerous and pernicious, and I hope they will not be persisted in.

It is said that Parliament has unlimited power, with one exception: It can not make a man a woman or a woman a man. This bill declares:

The United States district court——

Mr. NELSON. On what page?

Mr. STEWART. Page 22, line 13—

The United States district court hereby established shall be the successor, etc.

In other places it establishes the United States district court distinctly from a Territorial court. I undertake to say that a United States district court can not be established there with the attributes which that court possesses. First, it has special jurisdiction. The salary of the United States district judge can not be diminished during his term of office, and his office is for life unless the court is abolished. Those qualities can not be conferred upon a Territorial court.

Now, this matter was very thoroughly and elaborately discussed in the case of McAllister against the United States, and I will read a few sentences from different portions. The decision covers many pages and the case is discussed fully. In the Territory of Alaska they call their courts by all sorts of names—United States courts, and all that kind of thing. They mix it up pretty badly, but not quite so badly as it is mixed here. The judge supposed that he was a United States district judge, and when they removed him he wanted his salary. He entered proceedings to compel the payment of his salary. He thought he could hold it for life or during good behavior. The court, after stating what these various laws are and the legislation that has been had for Alaska, said:

In view of these and other provisions of that act, it is clear that the district court for Alaska was invested with the powers of a district court and a circuit court of the United States, as well as with general jurisdiction to enforce in Alaska the laws of Oregon, so far as they were applicable and were not inconsistent with the act and the Constitution and laws of the United States.

But is the court, thus established for Alaska, one of the "courts of the United States" within the meaning of section 1768 of the Revised Statutes? If it be, then the President had no authority, by that section, to suspend Judge McAllister, and his claim to salary, up to, at least, the confirmation by the Senate of the nomination of Dawson, is well founded.

Then the court goes on to review at great length all the cases

on this subject that had preceded it, and quotes from 1 Peters, where Judge Marshall decided that these courts were not United States courts; and quotes the language of Justice Nelson in the case of Benner *vs.* Porter (9 Howard, 235, 242, 243). The court says—

That the distinction between the Federal and State jurisdictions, under the Constitution of the United States, has no foundation in these Territorial governments; that "they are legislative governments and their courts legislative courts, Congress, in the exercise of its powers in the organization and government of the Territories, combining the powers of both the Federal and State authorities."

Again, after citing the judicial clause of the Constitution (Article III, section 1), the court said:

Congress must not only ordain and establish inferior courts within a State and prescribe their jurisdiction, but the judges appointed to administer them must possess the constitutional tenure of office before they can become invested with any portion of the judicial power of the Union. There is no exception to this rule in the Constitution. The Territorial courts therefore were not courts in which the judicial power conferred by the Constitution on the Federal Government could be deposited. They were incapable of receiving it, as the tenure of the incumbents was but for four years. (1 Pet., 546.)

The court goes right on quoting one after another in similar language, showing that they are not in any sense courts of the United States.

Now, this bill creates great confusion. Is it necessary to confuse the people of a newly acquired territory with these conundrums? One of the troublesome things in the administration of justice in the United States is to draw the line between Federal and State jurisdiction. The books are full of decisions on that point. We need not inflict upon a newly acquired territory this puzzle which the lawyers meet in almost every case. There are more cases lost, there is more trouble caused, more expense incurred, in following up that jurisdiction than any other; and why should we attempt to inflict the territory with it when there is no necessity for it? The States were jealous, and in framing the Constitution they gave the United States court only a certain jurisdiction. Congress, it is true, had power to confer certain other jurisdiction within the limits prescribed by the Constitution and to draw that line. More than half of the libraries of the United States are filled with the drawing of that line that does not exist in the Territories. Now, this bill goes on to provide in section 32:

That Puerto Rico shall constitute a judicial district to be called "the district of Puerto Rico," which shall be attached to and be a part of the second judicial circuit of the United States. The President, by and with the advice and consent of the Senate, shall appoint a district judge, a district attorney, and a marshal for said district, each for a term of four years unless sooner removed by the President.

The fact that it is for four years shows that he is not to be a district judge, because his tenure is fixed by the Constitution.

The district court for said district shall have power to appoint all necessary officials and assistants, including a clerk, an interpreter, and such commissioners as may be necessary, who shall have like power and duties as are exercised and performed by commissioners of the circuit courts of the United States, and shall have, in addition to the ordinary jurisdiction of district courts of the United States, jurisdiction of all cases cognizant in the circuit courts of the United States—

Giving them a district court and a circuit court of the United States which is an appellate court—

and shall proceed therein in the same manner as a circuit court.

If this does not puzzle them when they get down to it, I should like to know what would puzzle them.

The laws of the United States relating to appeals, writs of error and certiorari, removal of causes, and other matters and proceedings as between the courts of the United States and the courts of the several States shall govern in such matters and proceedings as between the courts of the United States and the courts of Puerto Rico.

An alien sued in a State court has the privilege of transferring the suit to the Federal court, and here you have that transfer from one Territorial court to another. If a Federal question is raised, you can transfer it to the United States court; and if the supreme court of the State decides a case involving a Federal question, you have a writ of error to the United States Supreme Court, and so on. Now, to complicate the proceeding, when it is all one court with this machinery, seems to me to be the wildest legislation that could be invented.

My objection to this bill generally is that there is too much originality in it. It shows too much contempt for proceedings that have been had in Territories for almost a hundred years. It does not follow, necessarily, that everything new is good. There are good things that are new. Some of the old things in this country do very well, and the proceedings under it are very well. The orderly government of Territories is very well and it is very simple, but this complicated transferring of courts from one Territorial court to another on a Federal question between residents and nonresidents gives a peculiar jurisdiction, compelling those people to study that out when we have not mastered it here.

The conflict between different jurisdictions does not exist in the Territorial courts because Congress has power to create courts possessing all the jurisdiction that an act of Parliament can confer upon an English court.

The reason why the practice of law is so much more simple in England than here is because they have one court with general jurisdiction. It is true they have law and equity separate, but they have just one source of jurisdiction. There is not a conflict between two forms of government. The conflict between the two forms of government here makes our judiciary very complicated. It is a necessary complication. We submit to it because it is necessary in our form of government, in order that the States may remain sovereign. But to apply it to a Territory just for fun, to give expense and trouble and confuse them seems to me is work we ought not to be engaged in. Then the bill goes on to state that—

Regular terms of said court shall be held in San Juan.

Then another thing is done here in the next clause, in the thirteenth line, as follows:

The United States district court hereby established shall be the successor to the United States provisional court established by General Orders, No. 88, promulgated by Brigadier-General Davis, United States Volunteers, and shall take possession of all records of that court, and take jurisdiction of all cases and proceedings pending therein, and said United States provisional court is hereby discontinued.

Now, I think it very doubtful if it is going to be a United States court with limited jurisdiction. I do not know whether it would be consistent with those orders. I suppose they have been running the military under a system, and here you are going to transfer it all to this court, to which you give special jurisdiction. You give it the same jurisdiction with circuit courts of the United States, and now you turn all these other parts over and you go right back on what you have been doing and create more confusion, because some of those orders were matters that pertained to State court matters. The great mass of matters to be dealt with would be State jurisdiction if in the United States; but you turn those over to the circuit or district court, the Federal court jurisdiction, and make that a necessity. The bill keeps right on making every time it starts a clause for a new confusion.

SEC. 33. That writs of error and appeals from the final decisions of the supreme court of Puerto Rico shall be allowed and may be taken to the Supreme Court of the United States in the same manner and under the same regulations and in the same cases as from the supreme courts of the Territories of the United States.

Now, there you come into another conflict. If you take it in the same manner and under the same circumstances that you take them from the Territorial courts to the United States Supreme Court, it means that everything can go up. If it involves sufficient value, it gives jurisdiction and can be taken up.

I do not know why we may not have a system that has gone on for a hundred years of allowing appeals and writs of error to the Supreme Court of the United States from the supreme court of the Territory, and why we should not proceed in the usual way. That would avoid any amount of controversy.

Now, my objection to this bill is that there are many other original things in it. If these new things were good things and would stand the test of reasoning I would not complain of them, but I do object to new things just because they are new when we can see that they are very bad. I prefer the beaten track in judicial proceedings in this country if we can find it.

There are many other things in this bill to which I shall at a future time call the attention of the Senator having it in charge. Inasmuch as he is full of the subject and will give us light on all subjects, I shall feel at liberty to call upon him when I get into further trouble over his pet bill.

The PRESIDENT pro tempore. Does the Senator from Nevada offer an amendment?

Mr. STEWART. I do.

The PRESIDENT pro tempore. The proposed amendment of the Senator from Nevada will be stated.

The SECRETARY. On page 10, section 10, after the word "act," at the end of line 5, it is proposed to strike out "until March 1, 1902;" after the word "admitted," at the end of line 7, it is proposed to strike out:

Into the ports of the United States on payment of 15 per cent of the rates of duty mentioned and prescribed in the schedules and paragraphs of said act of July 24, 1897, all laws and parts of laws to the contrary notwithstanding, but after March 1, 1902, all such articles shall be admitted into the ports of the United States.

And in line 16, after the words "United States," to strike out "under the provisions of this section" and insert "before the passage of this act."

Mr. TELLER. I move that the Senate do now adjourn.

The motion was agreed to; and (at 5 o'clock and 12 minutes p. m.) the Senate adjourned until to-morrow, Saturday, March 3, 1900, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, *March 2, 1900.*

The House met at 12 o'clock m., and was called to order by the Speaker.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read, corrected, and approved.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House of Representatives, by Mr. PRUDEN, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On February 28, 1900:

H. R. 7660. An act granting additional right of way to the Allegheny Valley Railway Company through the arsenal grounds at Pittsburg, Pa.

On March 1, 1900:

H. R. 4473. An act to authorize the Natchitoches Railway and Construction Company to build and maintain a railway and traffic bridge across Red River at Grand Ecore, in the parish of Natchitoches, State of Louisiana;

H. R. 4698. An act granting an increase of pension to John C. Fitnam; and

H. R. 5487. An act authorizing the construction by the Texarkana, Shreveport and Natchez Railway Company of a bridge across Twelve-mile Bayou, near Shreveport, La.

On March 2, 1900:

H. R. 4006. An act to authorize the Union Railroad Company to construct and maintain a bridge across the Monongahela River.

PUERTO RICO.

The SPEAKER laid before the House the following message from the President of the United States:

To the Senate and House of Representatives:

Since the evacuation of Puerto Rico by the Spanish forces on the 18th day of October, 1898, the United States has collected on products coming from that island to the ports of the United States the duties fixed by the Dingley Act and amounting to $2,095,455.88, and will continue to collect under said law until Congress shall otherwise direct. Although I had the power, and having in mind the best interests of the people of the island used it, to modify duties on goods and products entering into Puerto Rico, I did not have the power to remit or modify duties on Puerto Rican products coming into the ports of the United States. In view of the pressing necessity for immediate revenue in Puerto Rico for conducting the government there and for the extension of public education, and in view also of the provisional legislation just inaugurated by the House of Representatives, and for the purpose of making the principle embodied in that legislation applicable to the immediate past as well as to the immediate future, I recommend that the above sum so collected and the sums hereafter collected under existing law shall, without waiting for the enactment of the general legislation now pending, be appropriated for the use and benefit of the island.

WILLIAM MCKINLEY.

EXECUTIVE MANSION, *March 2, 1900.*

At the conclusion of the reading of the message there was prolonged applause on the Republican side.

Mr. RICHARDSON. Mr. Speaker, I hope this recommendation of the President will meet with favor at the hands of gentlemen on the other side, inasmuch as they did not respect the other recommendation of the President. [Applause on the Democratic side.]

Mr. CANNON. Now, I will see if it meets with favor at the hands of gentlemen on that side. [Applause on the Republican side.]

Mr. RICHARDSON. Yes; and we will see if it meets with favor at your hands.

Mr. CANNON. I ask unanimous consent for the immediate consideration of the following bill. [Applause on the Republican side.]

Mr. RICHARDSON. You had better do it immediately or you will change your minds before to-morrow. [Applause on the Democratic side.]

The SPEAKER. The gentleman from Illinois [Mr. CANNON] asks unanimous consent for the immediate consideration of a bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 9080) appropriating, for the benefit and government of Puerto Rico, revenues collected on importations therefrom since its evacuation by Spain and revenues hereafter collected on such importations under existing law.

Be it enacted, etc., That the sum of $2,095,455.88, being the amount of customs revenue received on importations by the United States from Puerto Rico since the evacuation of Puerto Rico by the Spanish forces on the 18th of October, 1898, to the 1st of January, 1900, together with any further customs revenue collected on importations from Puerto Rico since the 1st of January, 1900, or that shall hereafter be collected under existing law shall be placed at the disposal of the President, to be used for the government and benefit of Puerto Rico until otherwise provided by law; and the revenues herein referred to, already collected and to be collected under existing law, are hereby appropriated for the purposes herein specified out of any moneys in the Treasury not otherwise appropriated.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. RICHARDSON. Mr. Speaker, I desire to ask the gentleman if there is to be any debate on the matter?

Mr. CANNON. The matter is explicitly stated in the bill?

Mr. RICHARDSON. Yes.

Mr. CANNON. I would be very glad for storm-swept starving Puerto Rico that the bill should pass by unanimous consent without debate; still, if the gentleman wants a little debate, I trust that there will not be great debate.

Mr. RICHARDSON. We do not expect any long debate.

Mr. CANNON. I would be glad if we could pass it promptly. What suggestion has the gentleman to make?

Mr. RICHARDSON. We only want a few minutes' debate—twenty minutes on a side.

Mr. CANNON. Ten minutes on that side and ten minutes on this?

Mr. RICHARDSON. We want twenty minutes on this side.

Mr. CANNON. Very, well. Say twenty minutes on a side.

Mr. RICHARDSON. I do not think you can keep in one mind longer than forty minutes; and if it helps you out of a hole we are willing that it do so.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. Under the arrangement just made, there will be twenty minutes' debate on a side, twenty minutes to be controlled by the gentleman from Illinois [Mr. CANNON] and twenty minutes to be controlled by the gentleman from Tennessee [Mr. RICHARDSON].

Mr. CANNON. Mr. Speaker——

Mr. BALL. Will the gentleman from Illinois have the bill read again, not to come out of the time of either side?

Mr. CANNON. I would be very glad.

The SPEAKER. Without objection, the bill will be read again, not to come out of the time of either side.

The bill was again read.

Mr. GROSVENOR. Mr. Speaker, on the suggestion of a number of gentlemen, I ask unanimous consent that the message may be again read. I think quite many around me, and I know I am one, were not aware of the message of the President at the time.

Mr. CANNON. I have no objection, so far as I am concerned.

Mr. RICHARDSON. I did not hear what the gentleman said.

The SPEAKER. The gentleman from Ohio asks unanimous consent that the message of the President be again read. Is there objection? [After a pause.] The Chair hears none.

The message was again read.

[Applause on the Republican side.]

Mr. CANNON. Mr. Speaker, in that short message is a statement of all the facts necessary to be stated to justify the appropriation which is proposed to be made. The bill, which I have the honor to propose and which is now under consideration, appropriates all the revenues upon all the imports from Puerto Rico since the Spanish evacuation to the 1st of January, 1900—$2,000,000 and over. It further appropriates a sum not yet ascertained, collected on such imports from the 1st of January to the time the bill is enacted. It further devotes all the revenues hereafter, under existing laws, to be collected on imports from Puerto Rico until the law is changed. Whether it be much or little, it is two millions to the 1st of January; and if this law is enacted, when the American Tobacco Company trust, that owns 3,000,000 pounds of Puerto Rican tobacco in warehouses, at 35 cents a pound, amounting to over a million dollars under the law as it now stands, when that comes in under the existing law this bill will appropriate every dollar of it for the benefit of Puerto Rico. [Applause on the Republican side.]

When the 15,000 tons of sugar now held in warehouses in Puerto Rico belonging to the American Sugar trust, the duty on which when it comes to our markets will be $1.60 per hundred pounds, or $35 a ton, whatever may be the legislation at the hands of this Congress removing or decreasing the duties, it comes; when it comes, whether the duties are removed or not, it will jump up in price exactly by the amount of the duty that the other 1,400,000 pounds of sugar that we import from other countries pay, and every dollar of the money—$35 a ton—paid by the American Sugar trust under this bill will be taken and devoted for the benefit of Puerto Rico. That is the whole question. Storm swept and starving! You have been shedding crocodile tears on that side, and here is the measure for the relief. Come up and vote for it and make it unanimous. [Applause on the Republican side.]

Mr. MCRAE. Will the gentleman allow me to ask him a question?

Mr. CANNON. I have only twenty minutes. I will now reserve the remainder of my time and wait the pleasure of the gentleman from Tennessee.

Mr. FITZGERALD of New York. Will the gentleman from Illinois allow me to ask him a question?

Mr. CANNON. Ask the gentleman from Tennessee [Mr. RICHARDSON]. I am for the bill.

Mr. RICHARDSON. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. BAILEY].

Mr. BAILEY of Texas. Mr. Speaker, the condition in which we find ourselves well illustrates the wisdom of the rule which requires every bill to be introduced and referred, so that it can be fairly examined. I say now that if I had known that this bill placed absolutely at the disposal of the President not only the more than $2,000,000 which have been collected from imports coming from Puerto Rico, but went further and placed at his absolute disposal the indefinite sum that may hereafter be collected, I would have taken the responsibility of objecting. [Applause on the Democratic side.] Because, sir, I will never agree to turn over the Treasury of the United States to any one man, whether he be the President of the United States or the chairman of the Committee on Appropriations. [Applause on the Democratic side.] Undoubtedly it is true that if these people are to be subjected to a tax, you ought to make some kind of an atonement and return it to them. But the money collected from them, when returned to them, ought to be returned in pursuance of the will of Congress and not in pursuance of the unrestricted discretion of the President.

The power of appropriation is a legislative and not an executive function. The right to say how money once in the Treasury of the United States shall be expended is a power that Congress ought never to abdicate, and for my part I will never consent to its abdication. This money has been in the Treasury for many months, and Congress has been in session for three months, yet, sir, you have not introduced a bill providing for the return of it. The gentleman now rises and declares that Puerto Rico is storm swept and starving, as if that catastrophe happened yesterday. The storm swept over that unhappy island last summer, but the gentleman from Illinois seems suddenly to have become advised about its deplorable condition, and is not willing to give the House twenty-four hours to consider a bill that appropriates more than $2,000,000 for the present and an indefinite amount in the future.

Mr. Speaker, Puerto Rico is the one thing we demanded of Spain as an indemnity for the expenses of the war, and it is an interesting satire upon the wisdom of those powers that we are so early called upon to take care of the indemnity which we took to pay the expenses of the war. [Laughter on the Democratic side.] That which was going to pay us back for the millions of treasure we spent in the war with Spain, now storm swept and starving, demands that we give to it.

But, sir, it is not my purpose to go into that question. I simply took the floor for the purpose of saying that while I am more than willing, indeed, I am anxious, that the people of Puerto Rico shall have the benefit of the money unjustly, and, as I believe, unlawfully, collected from them, I will never consent to the passage of such an unprecedented measure as this. Nothing could better emphasize the dangerous tendency of your new policy than the fact that you are compelled to commit to the President of the United States the power to spend $2,000,000 to-day, and as much more as he may hereafter collect as he pleases, and without requiring him to account to Congress for the manner in which it has been spent. [Applause on the Democratic side.]

Mr. RICHARDSON. I now yield three minutes to the gentleman from Kentucky [Mr. BERRY].

Mr. BERRY. Mr. Speaker, no one sympathizes more with the distressed condition of Puerto Rico than do the people of my own State, and we desire, if the Republican majority wants to do so, to give a direct appropriation from the Treasury of the United States. There is a good deal of doubt whether this money is really due the United States. There has lately been brought in the circuit court of the United States an action for the purpose of recovering the duties collected by the United States on goods coming from the island of Puerto Rico. Although I do not profess to be one of the profound constitutional lawyers, I believe the action is founded upon sound legal grounds.

And standing upon that position, my idea as to the proper method of relief for the island of Puerto Rico was a direct appropriation from the Treasury to be placed in the hands of the government of Puerto Rico under the supervision, possibly, of the President of the United States. Now, suppose the courts should decide that on the signing of the treaty of peace with Spain at Paris, Puerto Rico became a part of the United States and subject to its laws, and that therefore persons who had paid duties on goods coming from Puerto Rico were entitled to recover the money paid in that way, then this $3,090,000 now covered into the Treasury has been wrongfully collected, and the Government will have to pay it back to the persons who were illegally compelled to pay it.

But I would like to suggest to gentlemen on the other side that they have not shown the greatest amount of sympathy toward Puerto Rico, because, under the regulations they have adopted with reference to the coastwise trade, these people will be compelled to carry their goods in American vessels instead of tramp steamers and steamers of other countries, and thus will be obliged to pay nearly double the rates which they have heretofore paid.

These gentlemen who undertake to manifest such remarkable sympathy for the Puerto Ricans assume to have found out just how many pounds of tobacco and sugar are down in that country in the warehouses. I do not know whether their estimates are correct or not. I have seen no evidence in support of them; but I have no doubt that a good many of the citizens of Puerto Rico still hold the sugar which they produced last year, as this is about the time when they would be reducing it; so that this measure would affect the whole sugar crop of the island for the benefit of the people generally. Gentlemen have talked here as though the island of Puerto Rico, with an area of only one-tenth of the State of Kentucky, is going to control the whole commerce of this country, with an area of three million and a half square miles. It is absolutely ridiculous to make such an assumption with regard to a little piece of land down there under the Tropics. Let us be broad and liberal in dealing with this question.

Mr. RICHARDSON. I yield three minutes to the gentleman from Arkansas [Mr. MCRAE].

Mr. MCRAE. Mr. Speaker, the presentation of this bill is a confession by the majority of this House that they have outraged the rights of the Puerto Ricans by collecting tariff taxes on their articles of commerce brought to our shores; that they have collected under the Dingley law $2,095,445 unlawfully and unjustly. This action has so outraged the sense of justice of the American people that they now come and say that they are willing to return this money so collected if the Congress of the United States will allow the Administration to continue to enforce the Dingley law against those helpless people. They ask us by the passage of this bill to admit the right of the Administration to apply the Dingley law indefinitely. Why, sir, when that is done there is not a trust in this country interested in excluding Puerto Rican products that would not be willing to see the bill which passed the other day for the collection of 15 per cent of the Dingley tariff duty on articles passing between these two countries defeated, because this bill will allow all of that duty.

Mr. Speaker, when the proper time comes, if permitted, I will move to amend this bill by striking out all of that portion of it except that which provides for returning to the people of Puerto Rico this money which has been so unjustly and unconstitutionally taken from them. We are in favor of that. If this bill be passed, we have no assurance that, even if Congress should give those people local self-government, the President would not continue to expend this money and the money hereafter collected. There is no limitation upon the President and no direction as to how he shall use it. It is wrong to take the money by enforced taxation and turn it over to anyone to be used as he may see fit.

It is an outrage upon these people. The President of the United States has extended the navigation laws of this country to Puerto Rico because that island is a part of the United States. Why, then, if that island is a part of the United States, are they not entitled to have free trade with the United States, as have the other Territories—Arizona, the Indian Territory, Oklahoma, New Mexico, and the District of Columbia, or any other parts of the Union? The majority can not defend the action they have taken by annexing this and other islands—taken against the protest of many of us on this side—and at the same time refuse to extend to the people thereof all of the rights they demand and expect for themselves. It is the duty of Congress to fix the status of that country and discontinue the collection of imposts under the operation of the Dingley law. [Applause on the Democratic side.]

Mr. RICHARDSON. Mr. Speaker, I yield three minutes to the gentleman from Colorado [Mr. BELL].

Mr. BELL. Mr. Speaker, it is almost as confusing to find this bill here this morning, after what has occurred, as it was for the gentleman from Iowa [Mr. DOLLIVER] to follow the gentleman from Maine [Mr. LITTLEFIELD] "tangled up in the labyrinths of the Constitution." The fact is, that this bill comes as an apology for former wrongs committed. I will guarantee that you may go back over the history of this country from its foundation, and such another chapter of inconsistencies, of changes of position, of shifting of scenes, can not be developed anywhere.

I would like, Mr. Chairman, for the gentleman from Illinois [Mr. CANNON] to explain to us how it is that he is so anxious that the trust of which he speaks shall not get additional benefit from the proposition that he now favors. The presidents of two of the greatest trusts in the country have been here advocating his policy. The heads, as I understand, of two of these trusts have been before the committee and insisted that that committee should frame and pass the bills to do just what is proposed here.

Now, it seems that the gentleman has found some other trust that is going to get some benefit from this, and that trusts are so thick that when you miss one you fall into the hands of another. I thought our friends claimed that there were no real trusts. I would like now for our friends on the other side to explain how it is that Hawaii, 2,080 miles from our doors, producing three or four times, yes, five times, the products of sugar, etc., of Puerto Rico, and owned by the great Spreckels and these other sugar magnates,

and three-fourths of the inhabitants and all of the laborers, Chinese, Japanese, and South Sea Islanders, can come into these markets of the United States free of all duties? Why is it that this little island of Puerto Rico, not bigger than my county, and three-fourths of the inhabitants and laborers Caucasians, must pay a revenue to get in to bring their products into the markets of their own country? [Applause.]

Now, I want to tell you what the effect of this legislation will be. The American syndicates, like those that have bought up Hawaii, and bought their entry through political influence into the American market free, and are such a controlling influence here, will soon have Puerto Rico in the same condition. You have the people in Puerto Rico impoverished and will hold them down, whether intentionally or not, by this policy and keep down the value of their lands until they are bought up by the American speculators, who will, when they own these rich sugar lands of the island, likewise influence their sugar in free of all duty. [Applause.]

[Here the hammer fell.]

Mr. RICHARDSON. Mr. Chairman, I would like to ask how much time is remaining on this side?

The SPEAKER. The gentleman has six and one-half minutes remaining.

Mr. RICHARDSON. I hope the gentleman from Illinois will use some of his time now.

Mr. CANNON. May I ask, Mr. Speaker, how much time remains on this side?

The SPEAKER. Fifteen minutes.

Mr. CANNON. I yield five minutes to the gentleman from Ohio [Mr. GROSVENOR].

Mr. BAILEY of Texas. Mr. Speaker, before the gentleman from Ohio begins, I would like to see if the gentleman from Illinois would not agree to an amendment that limits the appropriation to the amount now in the Treasury and specify the uses to which it shall be applied. That will afford, of course, instant relief of these people.

Mr. CANNON. Oh, well, I hope the gentleman from Texas will not take up my time.

Mr. BAILEY of Texas. I am not taking the time of the gentleman, but will suggest that additional time be allowed him.

The SPEAKER. Does the gentleman from Illinois yield?

Mr. CANNON. I can not yield, Mr. Speaker.

Mr. BAILEY of Texas. Mr. Speaker, I would ask that five minutes additional time be granted to the gentleman from Illinois for the purpose of enabling him to answer this suggestion. If this bill can be put in proper shape, I apprehend that there would be no difficulty whatever about its passage.

Mr. CANNON. I think when I come to conclude, in the five minutes which I hope to have, I can answer the gentleman as to the point he raises.

I yield to the gentleman from Ohio.

Mr. GROSVENOR. Mr. Speaker, it is a source of great gratification to me, and I am sure it will be to the whole country, that the agony and despair that on yesterday seemed to rest upon Puerto Rico is shifted at last, and now rests upon the east side of the House of Representatives. [Applause and laughter on the Republican side].

I could not understand, Mr. Speaker, during the whole of the debate upon the Puerto Rican question, that our friends on the other side were just exactly absolutely and entirely frank, ingenuous, and speaking from their hearts when they mentioned the sad and depressed condition of Puerto Rico and the sufferings of its people. I thought, and I saw fit to say so during the course of the discussion, that they were decidedly more agitated about a political question that was to arise in the coming campaign than about the storm-swept and "sunny-hearted"—I believe was the language of the gentleman from Massachusetts—people of Puerto Rico.

They were not willing that the people there should trust to the Administration party in this country to come to their aid and relief. It was the burden of their remarks that we were using the taxing powers of the United States Government to take money from the people of Puerto Rico and put it into the Treasury of the United States, to the great detriment and hurt of these people; and to-day a large number of the people understand the subject to be just that and nothing else. It has been almost impossible to get the people to understand that our bill of Wednesday proposes to give all the collections made and to be made after the passage of that bill to those Puerto Rican people. But yet such was the fact. This bill is a corollary of that. We now go back and take all the money collected since the conclusion of peace and give it all to the Puerto Rico people. Thus we cover the whole ground and in this way we relieve the people of that island and at the same time establish our view of the effect of the Constitution in all the affairs of the islands.

Now, we want to testify to the people of the country that we are the best guardians possible for the storm-stricken people of that island. I will say to the gentleman from Texas [Mr. BAILEY] that we take this money and use it precisely as we took the $50,000,000 and gave it to the President in an emergency when the Spanish war was beginning. We take it upon exactly the same principle that money was put into the hands of the War Department and some $3,000,000 or more given to the starving people of Cuba. We take it upon the same principle that we took the money that has been expended for Puerto Rico already—more than $700,000. We take it upon exactly the same legal principle that we took the money and gave it to the flood sufferers of the Mississippi Valley.

There is nothing new in the principle; and this message of the President, heartily indorsing the action of Congress—let me repeat that, this message of the President, thus cordially indorsing the action of the House of Representatives—comes to us with the benediction of the Administration, and lifts off from our shoulders the burden which has been sought to be put upon us by some gentlemen who have been so anxious that the President of the United States should repudiate the action of the House of Representatives. It shows how earnestly the Administration, both in the legislative department and in the administrative department of the Government, is trying to benefit and care for the people of that island.

Mr. FITZGERALD of Massachusetts. Why did you not adopt the President's recommendation, then?

The SPEAKER. Does the gentleman yield?

Mr. GROSVENOR. I heard that question seven hundred and fifty-five times in the recent debate. [Laughter.]

Mr. FITZGERALD of Massachusetts. It has not been answered yet.

Mr. MORRIS. If we had, we should have had to tax them directly.

Mr. GROSVENOR. We are coming to a point where I think the gentleman from Massachusetts has been so anxious we should stand, in absolute accord with the President of the United States. Now, my friends, let me give you a little advice. Let us have a yea-and-nay vote. Let all of us vote to sustain the President of the United States. You have been trying for the last ten days to show that we were not anxious to do it in some respects, and we are very anxious this morning to indorse our Administration. How do you feel on the subject? [Laughter and applause on the Republican side.] We will give you an opportunity to show whether you are or not.

Mr. BAILEY of Texas. If the gentleman from Ohio will offer an amendment which limits the measure to a specific purpose to which the President may apply it, we will support it.

Mr. GROSVENOR. I can not act in opposition to the President. [Great laughter and applause on the Republican side.]

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. CANNON. Mr. Speaker, I trust gentlemen on the other side will occupy some of their time.

Mr. RICHARDSON. You have more time than we have.

Mr. CANNON. I want to get on with the bill.

Mr. RICHARDSON. You have ten minutes. Use five minutes of your time. You have got twice as much as we have.

Mr. CANNON. I have nobody appealing to me for time.

The SPEAKER. The question is on the engrossment——

Mr. RICHARDSON. Oh, no, Mr. Speaker.

The SPEAKER. If nobody wants to address the House, the Chair will put the question on the engrossment of the bill.

Mr. RICHARDSON. I yield one minute to the gentleman from Georgia [Mr. MADDOX].

Mr. MADDOX. Mr. Speaker, I think the gentleman from Ohio, instead of trying to support the President, is trying to reinstate himself before the country. That is what occurs to me. This action here, it seems to me, is about the cheapest political work that I have ever known in my life. [Laughter on the Republican side.] You gentlemen have simply raised the dickens in the country by the passage of the bill the other day, and now you want to pour a little oil upon the troubled waters. That is the object and intention of the bill now. The President has really come to your rescue. If you were to be left alone, and to drift along upon the line on which you were started, certainly you were gone. The President has come to your rescue by this measure, and it is being supported by you to get yourselves out of a hole. [Applause on the Democratic side.]

Mr. RICHARDSON. I yield one minute to the gentleman from New York [Mr. SULZER]. [Derisive applause on the Republican side.]

Mr. SULZER. Mr. Speaker, the President is a good politician.

Mr. SHATTUC. You bet! [Applause on the Republican side.]

Mr. SULZER. He has heard from the country [laughter and applause on the Democratic side], and he is trying to clear himself and to square and clear you with the people of the nation. This bill is a sop to the Puerto Ricans and an attempt to get the Republican party out of a hole.

We protested, in the name of justice, in the name of common

sense, in the name of humanity, and in the name of the great heart of the Republic, against the outrageous, the un-American, the iniquitous, and the unconstitutional Puerto Rican Republican tariff job. You have heard the mighty protest against the robbery. You now go before the country with the humiliating confession that your Puerto Rican tariff bill is radically wrong in principle, and you come in here to-day with this bill to return part of the stolen goods like a conscience-stricken thief. [Applause on the Democratic side.]

The SPEAKER. The time of the gentleman has expired.

Mr. RICHARDSON. How much time have we left on this side?

The SPEAKER. Four and a half minutes.

Mr. RICHARDSON. Will the gentleman from Illinois use a part of his time?

Mr. CANNON. I want to close debate.

Mr. RICHARDSON. You have ten minutes.

Mr. CANNON. I have no application for time, and I want to close.

Mr. RICHARDSON. Then, Mr. Speaker, I ask unanimous consent that debate be continued for one hour. There are quite a number of gentlemen who wish to be heard.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that debate be extended one hour. Is there objection?

Mr. MORRIS. I object.

Mr. RICHARDSON. Who objects, Mr. Speaker?

The SPEAKER. The gentleman from Minnesota.

Mr. GAINES. The whole Republican side objects.

Mr. RICHARDSON. I ask the gentleman, then, to give me five minutes of his time, as he says he does not want more than five minutes.

Mr. CANNON. You have had nearly twenty minutes.

Mr. RICHARDSON. You say you do not want but five minutes.

Mr. CANNON. I rather think——

Mr. SULZER. We recognize what you are doing——

Mr. CANNON. Which gentleman is leading?

Mr. RICHARDSON. Well, I hope the gentleman will give us five minutes, if he does not want to use the whole of his time.

Mr. CANNON. Well, I want my time.

Mr. RICHARDSON. Then, I ask that the debate be extended for thirty minutes.

Mr. CANNON. We want to get on with the election case.

The SPEAKER. Objection is made.

Mr. SULZER. That was not an objection.

The SPEAKER. The gentleman from Tennessee has the floor.

Mr. RICHARDSON. In the few minutes remaining I wish to say, and I do say, that in all my experience as a member of this House, part of the time in the minority and part of the time in the majority, I have never seen and do not believe that any gentleman on this floor has ever seen so unfair an advantage taken or attempted to be taken by any party in power in the Congress of the United States. [Loud applause on the Democratic side.] Gentlemen come here with their bill prepared in secret. They come after a night's deliberation with the Chief Magistrate of the country, as evidenced by the message just read, keeping in confidence what they have from us and from the country, in order that they may spring this measure suddenly upon the House of Representatives, hoping thereby to obtain some temporary and cheap John advantage. [Applause on the Democratic side.]

It is unworthy of the great party which controls the country and which has dominated the politics of this House for some years. Here is the gentleman from Illinois bringing in a bill appropriating over $2,000,000 of money and turning it over to the President of his party to be expended in this unusual manner. It is done to get himself and his party out of the mean and miserable political grave which they dug for themselves by passing this Puerto Rican bill, and this is an effort to obtain a temporary partisan advantage. [Applause on the Democratic side.]

Mr. GROSVENOR rose.

Mr. RICHARDSON. The gentleman from Illinois hoped that somebody on this side would object to its consideration.

The SPEAKER. Does the gentleman from Tennessee yield to the gentleman from Ohio?

Mr. RICHARDSON. I can not yield. I have only five minutes.

The SPEAKER. The gentleman declines to yield.

Mr. RICHARDSON. The gentleman came here and hoped and prayed that somebody on this side would object to this cheap policy he is practicing and to the consideration of the bill. The gentleman knows that I am telling the truth. He hoped from the bottom of his soul that some one on this side would object to its present consideration. Why? Not that it would prevent the appropriation hereafter, not that he could not call it up at any time and have it considered, but he wanted to get an advantage and recoup something of the losses they had sustained in the last ten days in their legislation and treatment of this island of Puerto Rico. [Derisive laughter on the Republican side.]

It is too cheap; it is unworthy of you. The country is watching and can not be fooled. The country knows what you have done, and doubtless you have read the newspapers this morning throughout the United States. It took me two hours to read in my mail last night and this morning what the Republican papers of the United States say in their blistering of you as misrepresentatives of the American people in your effort to inaugurate your new policy. [Applause on the Democratic side.] You hope that this will relieve you, but you are very much mistaken. You can not fool the American people, and when the ides of November come, notwithstanding this fresh outrage in legislation, because of the injustice you have recently done the people of Puerto Rico and the gross infraction of the Constitution of the United States, which you hope to plaster up by this little bill, when the ides of November come there will come a whirlwind more terrific than the one which swept over the island of Puerto Rico, and you will be swept from place and power, let us hope, forever. [Loud and long applause on the Democratic side.]

Mr. CANNON. Mr. Speaker, I hold in my hand a little colloquy that is not yet an hour old. At the close of the reading of the message there was prolonged applause on the Republican side.

Mr. RICHARDSON. Mr. Speaker, I hope this recommendation of the President will meet with favor at the hands of gentlemen on the other side, inasmuch as they did not respect the other recommendation of the President. [Applause on the Democratic side.]

Mr. CANNON. Now, I will see if it meets with favor at the hands of gentlemen on that side. [Applause on the Republican side.]

Mr. RICHARDSON. Yes; and we will see if it meets with favor at your hands.

Mr. CANNON. I ask unanimous consent for the immediate consideration of the following bill. [Applause on the Republican side.]

Mr. RICHARDSON. You had better do it immediately or you will change your minds before to-morrow. [Applause on the Democratic side.]

Then follows the asking of unanimous consent, after I had given notice that I would ask. I was urged to do it soon for fear I would change my opinion, and on the suggestion of the gentleman from Tennessee [Mr. RICHARDSON] twenty minutes on a side, all he asked for, for debate was granted, and now we are having the debate.

Mr. RICHARDSON. You asked for ten minutes and I asked for twenty.

Mr. CANNON. The gentleman from Texas is alarmed and said, "If I had known" so and so, "I would have objected." The gentleman from New York [Mr. SULZER], who, I think, is the true leader of his party, spoke respectfully [laughter on the Republican side], and says it is "a cheap John trick;" and the gentleman from Tennessee [Mr. RICHARDSON] says "it is a most shameful political advantage"——

Mr. RICHARDSON. And so it is.

Mr. CANNON (continuing). "To relieve the Republican party." I will not bandy words with him. Vote with us and pass it and it will relieve the Puerto Ricans; and that is the material thing. [Applause on the Republican side.]

Now, then, the gentleman from Texas [Mr. BAILEY] says he wants this bill modified; he is afraid of the President's controlling and using this money. Why, we are under military government in Puerto Rico and have been ever since the Spaniards moved out, and will be until legislation is enacted by Congress making a civil establishment. There is no other way to disburse the money for the benefit of Puerto Rico except through the government they have, and this government is under the President, the same as in the Philippines, the same as we have had in all our possessions in all time, until Congress has legislated.

Mr. BAILEY of Texas. Will the gentleman permit me to interrupt him?

Mr. CANNON. I will for a single question.

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Texas?

Mr. CANNON. Certainly.

Mr. BAILEY of Texas. The gentleman does not fairly state it, because under this bill, and under the construction of the Constitution recently announced, the President can go down there and establish a state religion—do anything he chooses in that island. If you will amend the bill so that the money shall be used for the relief of these people, I will vote for it. I want a particular proposition, a particular object, so that the President will be restrained from going further.

Mr. CANNON. The gentleman has failed to read the bill, I apprehend. It says "to be used for the government and benefit of Puerto Rico until otherwise provided by law; and the revenues herein referred to, already collected and to be collected under existing law"—that is, in the future—"are hereby appropriated for the purposes herein specified," etc. Just the revenues that have been already collected, or may be collected as long as the existing law stands, are to go for the benefit of Puerto Rico, to be placed in the hands of the President and expended by him because he is the only governing power in Puerto Rico.

Mr. WILLIAMS of Mississippi. Why not direct the method of this expenditure?

Mr. CANNON. We do direct it here.

Mr. WILLIAMS of Mississippi. But allow me to say——

Mr. CANNON. I hope my friend will not interrupt me further. I have but a minute or two remaining.

The gentleman from Texas [Mr. BAILEY] is afraid that church buildings will be erected with this money or that it may be in some way misappropriated. The gentleman belongs to that school of statesmen who believe that nothing can be done unless there is an express law directing every footstep. Thank God, in all time past the United States has not had, has not now, and I believe in the future it will never have, a President that will not administer justice and equity under our traditions, as he is answerable to an honest and intelligent public sentiment. [Applause on the Republican side.] We have that kind of a President.

Now, Mr. Speaker, in conclusion——

Mr. VANDIVER. Will the gentleman allow me a question?

Mr. CANNON. I can not.

Mr. VANDIVER. Just a minute——

The SPEAKER. The gentleman from California [Mr. VANDIVER] is out of order.

Mr. CANNON. In conclusion, let me say that I am not making any anxious inquiry as to the political result of our legislation. You gentlemen over there are afraid of political results. Well you may be. You have prophesied and prophesied and bluffed and bluffed for over a generation; but you never had results except twice; and now you curse and damn results you had. [Laughter.] I do not desire to indulge in political discussion. This is a plain, humane, business proposition that the money which has come into our Treasury under your law and mine from these importations, together with the money that may hereafter come into the Treasury under the existing laws on this subject, shall, until Congress directs otherwise, go for the benefit of the government and the people of the island of Puerto Rico. And on this side we are going to vote for it. I hope that the vote may be taken by yeas and nays. I ask for the previous question.

Mr. WILLIAMS of Mississippi, Mr. DE ARMOND, and others addressed the Chair.

The SPEAKER. The previous question is demanded.

Mr. MCRAE. I ask the gentleman from Illinois to yield for an amendment.

Mr. CANNON. Regular order.

Mr. JAMES R. WILLIAMS. Mr. Speaker——

The SPEAKER. The previous question has been called for and the regular order demanded.

Mr. JAMES R. WILLIAMS. I rise to a parliamentary inquiry. Is it in order for gentlemen who have not heard the reading of this bill to ask unanimous consent that the bill may be read before the House?

The SPEAKER. The bill has been read twice already.

Mr. JAMES R. WILLIAMS. Well, I ask unanimous consent for the reading of the bill.

Several members objected.

The SPEAKER. The bill has been read twice, and the request for another reading has been objected to.

Mr. JAMES R. WILLIAMS. Have I not a right to ask unanimous consent——

The SPEAKER. It has been objected to.

Mr. JAMES R. WILLIAMS. I did not hear any objection. I understood my colleague [Mr. CANNON] to assent to the request.

Mr. CANNON. I do not object.

The SPEAKER. The Chair understood that objection was made upon the statement of the Chair that the bill had already been read twice. The Chair will again submit the request. Is there objection to the bill being again read? The Chair hears none.

The bill was again read.

Mr. RICHARDSON. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RICHARDSON. Did the gentleman from Illinois demand the previous question?

The SPEAKER. He has done so.

Mr. RICHARDSON. Then I ask whether, if the previous question be voted down, it will not be in order for us to offer amendments to this bill?

The SPEAKER. If the previous question should be voted down, the bill will be in the control of the House for amendment, or whatever other disposition the House may choose.

Mr. RICHARDSON. I hope the demand for the previous question will be voted down.

Mr. CANNON. I hope not. I trust we shall pass the bill as it stands.

The question having been taken on ordering the previous question,

The SPEAKER. The ayes appear to have it.

Mr. RICHARDSON. I call for a division.

The question being again taken, there were—ayes 143, noes 119.

Mr. RICHARDSON. I ask for tellers.

Mr. CANNON. I hope my friend will not insist on that.

Mr. RICHARDSON. I ask for tellers.

Mr. CANNON. Then we may as well have the yeas and nays.

The yeas and nays were ordered.

Mr. RICHARDSON. Is the question on the second reading of the bill or on ordering it to a third reading?

The SPEAKER. The Chair has stated that the question is on ordering the previous question.

The question was taken; and there were—yeas 152, nays 130, answered "present" 4, not voting 66; as follows:

YEAS—152.

Acheson,	Davidson,	Joy,	Pearre,
Adams,	Dayton,	Kahn,	Phillips,
Alexander,	Dick,	Kerr,	Powers,
Allen, Me.	Dovener,	Ketcham,	Prince,
Babcock,	Driscoll,	Knox,	Pugh,
Bailey, Kans.	Eddy,	Lacey,	Ray,
Baker,	Emerson,	Landis,	Reeder,
Barham,	Esch,	Lawrence,	Roberts,
Barney,	Fletcher,	Linney,	Rodenberg,
Bartholdt,	Fordney,	Littlefield,	Russell,
Bishop,	Foss,	Long,	Shattuc,
Boutell, Ill.	Freer,	Lorimer,	Showalter,
Bowersock,	Gamble,	Loud,	Sibley,
Brick,	Gardner, Mich.	Loudenslager,	Smith, Ill.
Bromwell,	Gardner, N. J.	Lovering,	Smith, H. C.
Brosius,	Gill,	Lybrand,	Smith, Samuel W.
Brown,	Gillet, N. Y.	McCleary,	Southard,
Burke, S. Dak.	Gillett, Mass.	McPherson,	Spalding,
Burkett,	Graff,	Mahon,	Sperry,
Burleigh,	Graham,	Mann,	Sprague,
Burton,	Greene, Mass.	Marsh,	Steele,
Butler,	Grosvenor,	Mercer,	Stevens, Minn.
Calderhead,	Grout,	Mesick,	Stewart, N. Y.
Cannon,	Grow,	Miller,	Stewart, Wis.
Capron,	Hamilton,	Minor,	Sulloway,
Clarke, N. H.	Haugen,	Mondell,	Tawney,
Cochrane, N. Y.	Hawley,	Moody, Mass.	Tayler, Ohio
Cooper, Wis.	Hedge,	Moody, Oreg.	Thomas, Iowa
Corliss,	Henry, Conn.	Morgan,	Thropp,
Cousins,	Hepburn,	Morris,	Tongue,
Cromer,	Hill,	Mudd,	Vreeland,
Crump,	Hitt,	Needham,	Wachter,
Crumpacker,	Hoffecker,	O'Grady,	Wanger,
Curtis,	Hopkins,	Otjen,	Waters,
Cushman,	Howell,	Overstreet,	Watson,
Dahle, Wis.	Jack,	Parker, N. J.	Weaver,
Dalzell,	Jenkins,	Payne,	Weeks,
Davenport, S. A.	Jones, Wash.	Pearce, Mo.	White.

NAYS—130.

Adamson,	Cusack,	Lester,	Robinson, Ind.
Allen, Ky.	Daly, N. J.	Levy,	Robinson, Nebr.
Atwater,	Davey,	Lewis,	Rucker,
Bailey, Tex.	Davis,	Little,	Ruppert,
Ball,	De Armond,	Livingston,	Ryan, N. Y.
Bankhead,	De Graffenreid,	Lloyd,	Ryan, Pa.
Barber,	De Vries,	McClellan,	Scudder,
Bell,	Dinsmore,	McCulloch,	Shackleford,
Bellamy,	Dougherty,	McDowell,	Shafroth,
Benton,	Elliott,	McLain,	Sheppard,
Berry,	Finley,	McRae,	Sims,
Bradley,	Fitzgerald, Mass.	Maddox,	Slayden,
Brantley,	Fitzgerald, N. Y.	Meekison,	Snodgrass,
Breazeale,	Gaines,	Meyer, La.	Stark,
Brenner,	Gaston,	Moon,	Stephens, Tex.
Brewer,	Gayle,	Muller,	Stokes,
Brundidge,	Gilbert,	Naphen,	Sulzer,
Burke, Tex.	Glynn,	Neville,	Sutherland,
Burleson,	Green, Pa.	Noonan,	Talbert,
Burnett,	Griffith,	Norton, Ohio	Terry,
Caldwell,	Griggs,	Norton, S. C.	Thayer,
Campbell,	Henry, Miss.	Otey,	Thomas, N. C.
Carmack,	Henry, Tex.	Pierce, Tenn.	Turner,
Catchings,	Howard,	Quarles,	Underwood,
Chanler,	Jett,	Ransdell,	Vandiver,
Clayton, Ala.	Johnston,	Rhea, Ky.	Williams, J. R.
Clayton, N. Y.	Jones, Va.	Rhea, Va.	Williams, Miss.
Cochran, Mo.	Kitchin,	Richardson,	Wilson, Idaho.
Cooney,	Kleberg,	Ridgely,	Wilson, N. Y.
Cooper, Tex.	Lamb,	Riordan,	Zenor,
Cowherd,	Lanham,	Rixey,	Ziegler.
Crawford,	Latimer,	Robb,	
Cummings,	Lentz,	Robbins,	

ANSWERED "PRESENT"—4.

Bartlett,	Hay,	Miers, Ind.	Wheeler, Ky

NOT VOTING—66.

Allen, Miss.	Fitzpatrick,	May,	Stewart, N. J.
Bingham,	Fleming,	Metcalf,	Swanson,
Boreing,	Foster,	Newlands,	Tate,
Boutelle, Me.	Fowler,	Olmsted,	Taylor, Ala.
Broussard,	Fox,	Packer, Pa.	Tompkins,
Brownlow,	Gibson,	Polk,	Underhill,
Bull,	Gordon,	Reeves,	Van Voorhis,
Clark, Mo.	Hall,	Robertson, La.	Wadsworth,
Connell,	Harmer,	Salmon,	Warner,
Cox,	Heatwole,	Shelden,	Weymouth,
Crowley,	Hemenway,	Sherman,	Williams, W. E.
Davenport, S. W.	Hull,	Small,	Wilson, S. C.
Denny,	Klutts,	Smith, Ky.	Wright,
Dollivor,	Lane,	Smith, Wm. Alden	Young, Pa.
Driggs,	Littauer,	Sparkman,	Young, Va.
Epes,	McAleer,	Spight,	
Faris,	McCall,	Stallings,	

So the previous question was ordered.

The following pairs were announced:
For this session:
Mr. REEVES with Mr. SPARKMAN.
Mr. WM. ALDEN SMITH with Mr. WILSON of South Carolina.
Mr. PACKER of Pennsylvania with Mr. POLK.
Mr. WRIGHT with Mr. HALL.
Mr. HULL with Mr. HAY.
Until further notice:
Mr. FARIS with Mr. ROBERTSON of Louisiana.
Mr. OLMSTED with Mr. WILLIAM E. WILLIAMS.
Mr. RODENBERG with Mr. SMALL.
Mr. SHERMAN with Mr. DRIGGS.
Mr. LITTAUER with Mr. STALLINGS.
Mr. FOWLER with Mr. BARTLETT.
Mr. VAN VOORHIS with Mr. GORDON.
Mr. STEWART of New Jersey with Mr. MCALEER.
Mr. GIBSON with Mr. TATE.
Mr. BAILEY of Kansas with Mr. SMITH of Kentucky.
Mr. LANE with Mr. SALMON.
Mr. MCCALL with Mr. EPES.
Mr. BOREING with Mr. FITZPATRICK.
Mr. WEYMOUTH with Mr. BROUSSARD.
Mr. HEATWOLE with Mr. CROWLEY.
Mr. HAWLEY with Mr. COOPER of Texas.
Mr. HEMENWAY with Mr. MIERS of Indiana.
Mr. TOMPKINS with Mr. UNDERHILL.
Mr. CONNELL with Mr. STANLEY W. DAVENPORT.
For this day:
Mr. YOUNG of Pennsylvania with Mr. SPIGHT.
Mr. BOUTELLE of Maine with Mr. FOX.
Mr. BULL with Mr. FLEMING.
Mr. DOLLIVER with Mr. CLARK of Missouri.
Mr. BINGHAM with Mr. KLUTTZ.
Mr. BROWNLOW with Mr. MAY.
Mr. SHELDEN with Mr. COX.
For this vote:
Mr. HARMER with Mr. FOSTER.

Mr. MCCALL. Mr. Speaker, I am paired with the gentleman from Virginia, Mr. EPES. If he were present, I should vote "aye" on this motion.

Mr. WHEELER of Kentucky. Mr. Speaker, I voted in the negative, but find that I am paired with the gentleman from California, Mr. METCALF. I therefore withdraw my vote.

I wish further to state that my colleague, Mr. SMITH, is detained at home by reason of important business; but if present, he would vote "no" on the pending motion.

Mr. MIERS of Indiana. I would ask if the gentleman from Indiana, Mr. HEMENWAY, has voted?

The SPEAKER. The Chair is informed that he has not.

Mr. MIERS of Indiana. I am paired with the gentleman from Indiana, and withdraw my vote in the negative.

Mr. HAY. Mr. Speaker, I am paired with the gentleman from Iowa, Mr. HULL, and withdraw my vote. If he were present, I should vote "no" on this motion.

Mr. THOMAS of North Carolina. Mr. Speaker, my colleague, Mr. KLUTTZ, is absent on account of serious illness in his family. If present, he would vote "no."

Mr. GORDON. Mr. Speaker, I would ask if the gentleman from Ohio, Mr. VAN VOORHIS, has voted?

The SPEAKER. The Chair is informed that the gentleman is not recorded.

Mr. GORDON. Then I withdraw my vote, as I am paired with him.

Mr. BABCOCK. I would ask if the gentleman from Ohio, Mr. NORTON, has voted?

The SPEAKER. The Chair is informed that he has.

Mr. LAWRENCE. Mr. Speaker, the Clerk read my name as being paired with the gentleman from Georgia, Mr. FLEMING. I have no general pair with him, and have voted in the affirmative on this question.

Mr. BARTLETT. Mr. Speaker, I heard a pair read between myself and the gentleman from New Jersey, Mr. FOWLER. We were paired during his absence last week, as well as the preceding week. He was here all day yesterday, and did not ask me to continue the pair with him, and it is not by any authority of mine that a pair has been inserted.

Mr. TAWNEY. If the gentleman from Georgia will permit me, it was Mr. FOWLER'S understanding that he is paired with the gentleman from Georgia.

Mr. BARTLETT. Did the gentleman from New Jersey so state to the gentleman from Minnesota?

Mr. TAWNEY. He did on yesterday.

Mr. BARTLETT. And is absent this morning with the understanding that the pair is to continue?

Mr. TAWNEY. That is my understanding from himself.

Mr. BARTLETT. If the gentleman from Minnesota will state that Mr. FOWLER is absent because of the understanding that he is paired with me, I withdraw my vote. Does the gentleman make that statement?

Mr. TAWNEY. He stated to me that he was paired with the gentleman from Georgia, Mr. BARTLETT.

Mr. BARTLETT. Then I withdraw my vote, which was a vote against the calling of the previous question.

Mr. RICHARDSON. Mr. Speaker, my colleague, Mr. COX, is absent on account of illness, and I ask indefinite leave of absence for him.

The SPEAKER. As soon as this vote is disposed of.

The result of the vote was announced as above recorded.

The SPEAKER. The previous question is ordered, and the question is on the engrossment and third reading of the bill.

Mr. BAILEY of Texas. Mr. Speaker, a parliamentary inquiry. I believe that either at this stage or at the next stage of the consideration of the bill a motion to recommit is in order.

The SPEAKER. That is in order at the next stage.

Mr. BAILEY of Texas. I think it is in order at either stage, but I will offer it then.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time.

Mr. BAILEY of Texas. Mr. Speaker, I now move to commit the bill. I will read my motion, because I doubt if the Clerk can read my handwriting. I move that the bill be committed to the Committee on Appropriations, with instructions to report it back with amendments limiting the appropriation to the amount now in the Treasury derived from collections upon articles imported from Puerto Rico, and specifying the purposes for which the President may use the money.

Mr. CANNON. I will reserve the point of order. The gentleman moves to recommit the bill to the Committee on Appropriations. This bill was not reported by the Committee on Appropriations.

Mr. BAILEY of Texas. If the gentleman will allow me, it does not say that the bill be "recommitted," but that it be "committed." As a matter of fact, however, under the rules the motion to commit and the motion to recommit are identical.

The SPEAKER. The language of the motion is "be committed." The Chair must overrule the point of order by the gentleman from Illinois [Mr. CANNON]. The question is on the motion to commit the bill to the Committee on Appropriations with the instructions read by the gentleman from Texas [Mr. BAILEY].

The question being taken, the Speaker announced that the noes appeared to have it.

Mr. BAILEY of Texas demanded a division.

The House proceeded to divide.

Pending the division,

Mr. CANNON said: Mr. Speaker, this is evidently for delay, and I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 131, nays 150, answered "present" 4, not voting 67; as follows:

YEAS—131.

Adamson,	Cusack,	Lewis,	Rucker,
Allen, Ky.	Daly, N. J.	Little,	Ruppert,
Allen, Miss.	Davey,	Livingston,	Ryan, N. Y.
Atwater,	De Armond,	Lloyd,	Ryan, Pa.
Bailey, Tex.	De Graffenreid,	McClellan,	Scudder,
Ball,	Denny,	McCulloch,	Shackleford,
Bankhead,	Dinsmore,	McDowell,	Shafroth,
Barber,	Dougherty,	McLain,	Sheppard,
Bartlett,	Elliott,	McRae,	Sims,
Bell,	Finley,	Maddox,	Slayden,
Bellamy,	Fitzgerald, N. Y.	Meekison,	Snodgrass,
Benton,	Gaines,	Meyer, La.	Spight,
Berry,	Gaston,	Moon,	Stark,
Bradley,	Gayle,	Muller,	Stephens, Tex.
Brantley,	Glynn,	Naphen,	Stokes,
Breazeale,	Green, Pa.	Neville,	Sulzer,
Brenner,	Griffith,	Noonan,	Sutherland,
Brewer,	Griggs,	Norton, Ohio	Swanson,
Brundidge,	Hay,	Norton, S. C.	Talbert,
Burke, Tex.	Henry, Miss.	Otey,	Taylor, Ala.
Burleson,	Henry, Tex.	Pierce, Tenn.	Terry,
Burnett,	Howard,	Quarles,	Thayer,
Caldwell,	Jett,	Ransdell,	Thomas, N. C.
Carmack,	Johnston,	Rhea, Ky.	Turner,
Catchings,	Jones, Va.	Rhea, Va.	Underwood,
Chanler,	Kitchin,	Richardson,	Vandiver,
Clayton, Ala.	Kleberg,	Ridgely,	Williams, J. R.
Clayton, N. Y.	Lamb,	Riordan,	Williams, Miss.
Cochran, Mo.	Lanham,	Rixey,	Wilson, Idaho
Cooney,	Latimer,	Robb,	Wilson, N. Y.
Cowherd,	Lentz,	Robbins,	Zenor,
Crawford,	Lester,	Robinson, Ind.	Ziegler.
Cummings,	Levy,	Robinson, Nebr.	

NAYS—150.

Acheson,	Bartholdt,	Burkett,	Cooper, Wis.
Adams,	Bishop,	Burleigh,	Corliss,
Alexander,	Boutell, Ill.	Burton,	Cousins,
Allen, Me.	Bowersock,	Butler,	Cromer,
Babcock,	Brick,	Calderhead,	Crump,
Bailey, Kans.	Bromwell,	Cannon,	Crumpacker,
Baker,	Brosius,	Capron,	Curtis,
Barham,	Brown,	Clarke, N. H.	Cushman,
Barney,	Burke, S. Dak.	Cochrane, N. Y.	Dahle, Wis.

Dalzell,	Henry, Conn.	Mann,	Showalter,
Davenport, S. A.	Hepburn,	Marsh,	Sibley,
Davidson,	Hill,	Mercer,	Smith, Ill.
Dayton,	Hitt,	Mesick,	Smith, H. C.
Dick,	Hoffecker,	Minor,	Smith, Samuel W.
Dovener,	Hopkins,	Mondell,	Southard,
Driscoll,	Howell,	Moody, Mass.	Spalding,
Eddy,	Hull,	Moody, Oreg.	Sperry,
Emerson,	Jack,	Morgan,	Sprague,
Esch,	Jenkins,	Morris,	Steele,
Fletcher,	Jones, Wash.	Mudd,	Stevens, Minn.
Fordney,	Joy,	Needham,	Stewart, N. Y.
Foss,	Kahn,	O'Grady,	Stewart, Wis.
Freer,	Kerr,	Otjen,	Sulloway,
Gamble,	Ketcham,	Overstreet,	Tawney,
Gardner, Mich.	Knox,	Parker, N. J.	Tayler, Ohio
Gardner, N. J.	Lacey,	Payne,	Thomas, Iowa
Gill,	Landis,	Pearce, Mo.	Thropp,
Gillet, N. Y.	Lawrence,	Pearre,	Tongue,
Gillett, Mass.	Linney,	Phillips,	Vreeland,
Graff,	Littlefield,	Powers,	Wachter,
Graham,	Long,	Prince,	Wanger,
Greene, Mass.	Lorimer,	Pugh,	Waters,
Grosvenor,	Loudenslager,	Ray,	Watson,
Grout,	Lovering,	Reeder,	Weaver,
Grow,	Lybrand,	Roberts,	Weeks,
Hamilton,	McCleary,	Rodenberg,	White.
Haugen,	McPherson,	Russell,	
Hedge,	Mahon,	Shattuc,	

ANSWERED "PRESENT"—4.

Cooper, Tex.	De Vries,	Gordon,	Miers, Ind.

NOT VOTING—67.

Bingham,	Fitzgerald, Mass.	McAleer,	Sparkman,
Boreing,	Fitzpatrick,	McCall,	Stallings,
Boutelle, Me.	Fleming,	May,	Stewart, N. J.
Broussard,	Foster,	Metcalf,	Tate,
Brownlow,	Fowler,	Miller,	Tompkins,
Bull,	Fox,	Newlands,	Underhill,
Campbell,	Gibson,	Olmsted,	Van Voorhis,
Clark, Mo.	Gilbert,	Packer, Pa.	Wadsworth,
Connell,	Hall,	Polk,	Warner,
Cox,	Harmer,	Reeves,	Weymouth,
Crowley,	Hawley,	Robertson, La.	Wheeler, Ky.
Davenport, S. W.	Heatwole,	Salmon,	Williams, W. E.
Davis,	Hemenway,	Shelden,	Wilson, S. C.
Dolliver,	Kluttz,	Sherman,	Wright,
Driggs,	Lane,	Small,	Young, Pa.
Epes,	Littauer,	Smith, Ky.	Young, Va.
Faris,	Loud,	Smith, Wm. Alden	

So the motion to commit to the Committee on Appropriations was lost.

The following additional pairs were announced:

Mr. METCALF with Mr. WHEELER of Kentucky, for this session.

On this vote:

Mr. LOUD with Mr. FITZGERALD of Massachusetts.

Mr. FOWLER with Mr. DE VRIES.

Mr. COOPER of Texas. Mr. Speaker, I desire to inquire if my colleague, Mr. HAWLEY, has voted?

The SPEAKER. The gentleman did not vote.

Mr. COOPER of Texas. Then I desire to withdraw my vote. I am paired with my colleague.

Mr. GORDON. Mr. Speaker, I am paired with my colleague, Mr. VAN VOORHIS. I withdraw my vote.

The result of the vote was then announced as above recorded.

The SPEAKER. The question now is on the passage of the bill.

The SPEAKER proceeded to put the question.

Mr. CANNON. Mr. Speaker, there seems to be a general desire by gentlemen sitting about me to have the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 162, nays 108, answered "present" 4, not voting 78; as follows:

YEAS—162.

Acheson,	Cousins,	Grosvenor,	McPherson,
Adams,	Cromer,	Grout,	Mahon,
Alexander,	Crump,	Grow,	Mann.
Allen, Me.	Crumpacker,	Hamilton,	Marsh,
Babcock,	Cummings,	Haugen,	Meekison,
Bailey, Kans.	Curtis,	Hedge,	Mercer,
Baker,	Cushman,	Henry, Conn.	Mesick,
Barham,	Dahle, Wis.	Hepburn,	Miller,
Barney,	Dalzell,	Hill,	Minor,
Bartholdt,	Davey,	Hitt,	Mondell,
Bell,	Davidson,	Hoffecker,	Moody, Mass.
Bishop,	Dayton,	Hopkins,	Moody, Oreg.
Boutell, Ill.	De Vries,	Howell,	Morgan,
Bowersock,	Dick,	Hull,	Morris,
Brick,	Dovener,	Jack,	Needham,
Bromwell,	Driscoll,	Jenkins,	O'Grady,
Brosius,	Eddy,	Jones, Wash.	Otjen,
Brown,	Emerson,	Joy,	Overstreet,
Burke, S. Dak.	Esch,	Kahn,	Parker, N. J.
Burkett,	Fitzgerald, Mass.	Knox,	Payne,
Burleigh,	Fletcher,	Lacey,	Pearce, Mo.
Burton,	Fordney,	Landis,	Pearre,
Butler,	Foss,	Lawrence,	Phillips,
Calderhead,	Freer,	Linney,	Powers,
Cannon,	Gamble,	Littlefield,	Prince,
Capron,	Gardner, Mich.	Livingston,	Pugh,
Chanler,	Gardner, N. J.	Long,	Ray,
Clarke, N. H.	Gill,	Lorimer,	Reeder,
Cochran, Mo.	Gillet, N. Y.	Loudenslager,	Ridgely,
Cochrane, N. Y.	Gillett, Mass.	Lovering,	Roberts,
Cooper, Wis.	Graff,	Lybrand,	Rodenberg,
Corliss,	Graham,	McCleary,	Russell,
Shafroth,	Sperry,	Tayler, Ohio	Waters,
Shattuc,	Sprague,	Thayer,	Watson,
Showalter,	Steele,	Thomas, Iowa	Weaver,
Sibley,	Stevens, Minn.	Thropp,	Weeks,
Smith, Ill.	Stewart, N. Y.	Tongue,	White,
Smith, H. C.	Stewart, Wis.	Underwood,	Wilson, Idaho
Smith, Samuel W.	Sulloway,	Vreeland,	Wilson, S. C.
Southard,	Sulzer,	Wachter,	
Spalding,	Tawney,	Wanger,	

NAYS—108.

Adamson,	Cusack,	Latimer,	Riordan,
Allen, Ky.	Daly, N. J.	Lentz,	Rixey,
Allen, Miss.	Davis,	Lester,	Robb,
Atwater,	De Armond,	Levy,	Robbins,
Bailey, Tex.	De Graffenreid,	Lewis,	Robinson, Ind.
Ball,	Denny,	Little,	Robinson, Nebr.
Bankhead,	Dinsmore,	Lloyd,	Rucker,
Barber,	Elliott,	McClellan,	Ruppert,
Bellamy,	Finley,	McCulloch,	Ryan, N. Y.
Berry,	Fitzgerald, N. Y.	McDowell,	Ryan, Pa.
Bradley,	Gaines,	McLain,	Scudder,
Brantley,	Gaston,	McRae,	Shackleford,
Breazeale,	Gayle,	Maddox,	Sheppard,
Brenner,	Glynn,	Meyer, La.	Sims,
Brewer,	Green, Pa.	Moon,	Slayden,
Brundidge,	Griffith,	Naphen,	Snodgrass,
Burke, Tex.	Griggs,	Neville,	Stark,
Burleson,	Hay,	Noonan,	Stephens, Tex.
Burnett,	Henry, Tex.	Norton, Ohio	Stokes,
Caldwell,	Howard,	Norton, S. C.	Sutherland,
Carmack,	Jett,	Otey,	Talbert,
Catchings,	Johnston,	Pierce, Tenn.	Taylor, Ala.
Clayton, Ala.	Jones, Va.	Quarles,	Terry,
Clayton, N. Y.	Kitchin,	Ransdell,	Thomas, N. C.
Cooney,	Kleberg,	Rhea, Ky.	Williams, J. R.
Cowherd,	Lamb,	Rhea, Va.	Wilson, N. Y.
Crawford,	Lanham,	Richardson,	Zenor.

ANSWERED "PRESENT"—4.

Bartlett,	Gordon,	Miers, Ind.	Williams, W. E.

NOT VOTING—78.

Benton,	Fitzpatrick,	McAleer,	Stallings,
Bingham,	Fleming,	McCall,	Stewart, N. J.
Boreing,	Foster,	May,	Swanson,
Boutelle, Me.	Fowler,	Metcalf,	Tate,
Broussard,	Fox,	Mudd,	Tompkins,
Brownlow,	Gibson,	Muller,	Turner,
Bull,	Gilbert,	Newlands,	Underhill,
Campbell,	Greene, Mass.	Olmsted,	Vandiver,
Clark, Mo.	Hall,	Packer, Pa.	Van Voorhis,
Connell,	Harmer,	Polk,	Wadsworth,
Cooper, Tex.	Hawley,	Reeves,	Warner,
Cox,	Heatwole,	Robertson, La.	Weymouth,
Crowley,	Hemenway,	Salmon,	Wheeler, Ky.
Davenport, S. A.	Henry, Miss.	Shelden,	Williams, Miss.
Davenport, S. W.	Kerr,	Sherman,	Wright,
Dolliver,	Ketcham,	Small,	Young, Pa.
Dougherty,	Kluttz,	Smith, Ky.	Young, Va.
Driggs,	Lane,	Smith, Wm. Alden	Ziegler.
Epes,	Littauer,	Sparkman,	
Faris,	Loud,	Spight,	

So the bill was passed.

The following additional pairs were announced:

Until further notice:

Mr. KETCHAM with Mr. MULLER.

On this vote:

Mr. MUDD with Mr. BENTON.

Mr. WM. ALDEN SMITH with Mr. MAY.

Mr. BROWNLOW with Mr. NEWLANDS.

Mr. COONEY. Mr. Speaker, I desire to state that on the first roll call I was absent from the House. During the call of the roll the second time I was present in the House and listening for the Clerk to call my name. I failed to hear it, and desire to vote.

The SPEAKER. Call the gentleman.

The name of Mr. COONEY was called, and he voted as above recorded.

Mr. WILLIAM E. WILLIAMS. Mr. Speaker, I should like to inquire if the gentleman from Pennsylvania, Mr. OLMSTED, voted?

The SPEAKER. He has not.

Mr. WILLIAM E. WILLIAMS. I am paired with the gentleman, and withdraw my vote.

Mr. McCALL. Mr. Speaker, I am paired with the gentleman from Virginia, Mr. EPES. If he were present, I would vote "yea."

Mr. COOPER of Texas. Mr. Speaker, I am paired with my colleague, Mr. HAWLEY. If he were present, I would vote "nay."

Mr. UNDERWOOD. Mr. Speaker, I voted "nay." I desire to change my vote from "nay" to "yea."

The SPEAKER. Call the gentleman from Alabama.

The name of Mr. UNDERWOOD was called and he voted "yea."

Mr. BARTLETT. Mr. Speaker, I desire to know if the gentleman from New Jersey, Mr. FOWLER, has voted?

The SPEAKER. He has not.

Mr. BARTLETT. Mr. Speaker, I voted "nay." Understanding that the gentleman from New Jersey is not present because of the impression that I was paired with him during his absence, I will not allow him to be absent under a misapprehension, and will withdraw my vote.

Mr. McALEER. Mr. Speaker, I am paired with the gentleman from New Jersey, Mr. STEWART. If he were present, I would vote "yea."

The result of the vote was then announced as above recorded.

Mr. CANNON. Mr. Speaker, I move to reconsider the vote by which the bill was passed, and also move to lay that motion on the table.

The SPEAKER. The gentleman from Illinois moves to reconsider the vote by which the bill was passed, and also moves that the latter motion be laid on the table. Without objection——

Mr. UNDERWOOD. I object; and on that motion I demand the yeas and nays.

The SPEAKER. The gentleman from Alabama demands the yeas and nays on the motion to lay the motion to reconsider on the table.

The yeas and nays were ordered.

The question was taken; and there were—yeas 152, nays 110, answered "present" 2, not voting 88; as follows:

YEAS—152.

Acheson,	Davey,	Jones, Wash.	Pugh,
Alexander,	Davidson,	Joy,	Ray,
Allen, Me.	De Vries,	Kahn,	Reeder,
Babcock,	Dick,	Kerr,	Roberts,
Bailey, Kans.	Dolliver,	Knox,	Rodenberg,
Baker,	Dovener,	Lacey,	Russell,
Barham,	Driscoll,	Landis,	Shafroth,
Barney,	Eddy,	Lawrence,	Shattuc,
Bartholdt,	Emerson,	Linney,	Showalter,
Bishop,	Esch,	Long,	Sibley,
Boutell, Ill.	Fitzgerald, Mass.	Lorimer,	Smith, Ill.
Bowersock,	Fletcher,	Loudenslager,	Smith, H. C.
Brick,	Fordney,	Lovering,	Smith, Samuel W.
Bromwell,	Foss,	Lybrand,	Southard,
Brosius,	Freer,	McPherson,	Spalding,
Brown,	Gamble,	Mahon,	Sperry,
Burke, S. Dak.	Gardner, Mich.	Mann,	Sprague,
Burkett,	Gardner, N. J.	Marsh,	Steele,
Burleigh,	Gill,	Mercer,	Stevens, Minn.
Burton,	Gillet, N. Y.	Miller,	Stewart, N. Y.
Butler,	Gillett, Mass.	Minor,	Stewart, Wis.
Calderhead,	Graff,	Mondell,	Sulloway,
Cannon,	Graham,	Moody, Mass.	Sulzer,
Capron,	Greene, Mass.	Moody, Oreg.	Tawney,
Clarke, N. H.	Grosvenor,	Morgan,	Tayler, Ohio
Cochrane, N. Y.	Grout,	Morris,	Thomas, Iowa
Cooper, Wis.	Grow,	Mudd,	Thropp,
Corliss,	Hamilton,	Needham,	Tongue,
Cousins,	Haugen,	O'Grady,	Vreeland,
Cromer,	Hedge,	Otjen,	Wachter,
Crump,	Henry, Conn.	Overstreet,	Wanger,
Crumpacker,	Hepburn,	Parker, N. J.	Waters,
Cummings,	Hill,	Payne,	Watson,
Curtis,	Hitt,	Pearce, Mo.	Weaver,
Cushman,	Hoffecker,	Pearre,	Weeks,
Dahle, Wis.	Howell,	Phillips,	White,
Dalzell,	Jack,	Powers,	Wilson, Idaho
Davenport, S. A.	Jenkins,	Prince,	Wilson, S. C.

NAYS—110.

Adamson,	Crawford,	Lester,	Robb,
Allen, Ky.	Cusack,	Levy,	Robinson, Ind.
Allen, Miss.	Davis,	Lewis,	Robinson, Nebr.
Atwater,	De Armond,	Little,	Rucker,
Bailey, Tex.	De Graffenreid,	Livingston,	Ruppert,
Ball,	Dinsmore,	Lloyd,	Ryan, N. Y.
Bankhead,	Dougherty,	McClellan,	Ryan, Pa.
Barber,	Elliott,	McCulloch,	Scudder,
Bell,	Finley,	McDowell,	Shackleford,
Bellamy,	Fitzgerald, N. Y.	McLain,	Sheppard,
Benton,	Gaston,	McRae,	Sims,
Bradley,	Gayle,	Maddox,	Slayden,
Brantley,	Glynn,	Meekison,	Snodgrass,
Breazeale,	Green, Pa.	Meyer, La.	Stark,
Brenner,	Griffith,	Moon,	Stephens, Tex.
Brewer,	Griggs,	Naphen,	Stokes,
Brundidge,	Henry, Miss.	Neville,	Sutherland,
Burke, Tex.	Henry, Tex.	Noonan,	Talbert,
Burleson,	Howard,	Norton, Ohio	Taylor, Ala.
Burnett,	Jett,	Norton, S. C.	Terry,
Caldwell,	Johnston,	Otey,	Thomas, N. C.
Carmack,	Jones, Va.	Pierce, Tenn.	Underwood,
Catchings,	Kitchin,	Quarles,	Vandiver,
Chanler,	Kleberg,	Ransdell,	Williams, J. R.
Clayton, Ala.	Lamb,	Rhea, Ky.	Williams, Miss.
Clayton, N. Y.	Lanham,	Richardson,	Zenor.
Cooney,	Latimer,	Ridgely,	
Cowherd,	Lentz,	Rixey,	

ANSWERED "PRESENT"—2

Gordon, Miers, Ind.

NOT VOTING—88.

Adams,	Faris,	Loud,	Smith, Wm. Alden
Bartlett,	Fitzpatrick,	McAleer,	Sparkman,
Berry,	Fleming,	McCall,	Spight,
Bingham,	Foster,	McCleary,	Stallings,
Boreing,	Fowler,	May,	Stewart, N. J.
Boutelle, Me.	Fox,	Mesick,	Swanson,
Broussard,	Gaines,	Metcalf,	Tate,
Brownlow,	Gibson,	Muller,	Thayer,
Bull,	Gilbert,	Newlands,	Tompkins,
Campbell,	Hall,	Olmsted,	Turner,
Clark, Mo.	Harmer,	Packer, Pa.	Underhill,
Cochran, Mo.	Hawley,	Polk,	Van Voorhis,
Connell,	Hay,	Reeves,	Wadsworth,
Cooper, Tex.	Heatwole,	Rhea, Va.	Warner,
Cox,	Hemenway,	Riordan,	Weymouth,
Crowley,	Hopkins,	Robbins.	Wheeler, Ky.
Daly, N. J.	Hull,	Robertson, La.	Williams, W. E.
Davenport, S. W.	Ketcham,	Salmon,	Wilson, N. Y.
Dayton,	Kluttz,	Shelden,	Wright,
Denny,	Lane,	Sherman,	Young, Pa.
Driggs,	Littauer,	Small,	Young, Va.
Epes,	Littlefield,	Smith, Ky.	Ziegler.

So the motion to reconsider and lay that motion on the table was agreed to.

The following additional pairs were announced:

Mr. ADAMS with Mr. RIORDAN, on this vote.

Mr. HULL with Mr. HAY, for the session.

Mr. MONDELL. Mr. Speaker, I was in the Hall and listening for my name, but I did not hear it called. I wish to be recorded in the affirmative.

The SPEAKER. Was the gentleman present and listening for his name?

Mr. MONDELL. I was.

The SPEAKER. The gentleman's name will be called.

The Clerk called Mr. MONDELL's name, and he answered "yea," as above recorded.

The result of the vote was then announced, as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BENNETT, its Secretary, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

S. 3360. An act to extend the time for the completion of a bridge across the Missouri River; and

S. 222. An act to provide a government for the Territory of Hawaii.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 2354) enlarging the powers of the Choctaw, Oklahoma and Gulf Railroad Company, had asked a conference with the House on the bill and amendment, and had appointed as the conferees on the part of the Senate, Mr. THURSTON, Mr. PLATT of Connecticut, and Mr. JONES of Arkansas.

ELECTION CASE OF ALDRICH AGAINST ROBBINS.

Mr. MANN. Mr. Speaker, I ask the House to take up the privileged report, House resolution 145, reported by the Committee on Elections No. 1, of Aldrich against Robbins.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That Gaston A. Robbins was not elected a member of the Fifty-sixth Congress from the Fourth Congressional district of Alabama, and is not entitled to a seat therein.

Resolved, That William F. Aldrich was elected a member of the Fifty-sixth Congress from the Fourth Congressional district of Alabama, and is entitled to a seat therein.

Mr. BARTLETT. Mr. Speaker, I desire to have the resolutions offered by the minority read, and I wish to ask the Chair if reading the resolutions will prejudice my raising the question of consideration?

The SPEAKER. Does the gentleman from Georgia raise the question of consideration?

Mr. BARTLETT. I desire to have the resolutions offered by the minority read, and to raise the question of consideration at the proper time.

The SPEAKER. Let the resolutions of the minority be read.

The Clerk read as follows:

Resolved, That William F. Aldrich was not elected a member of the House of Representatives from the Fourth Congressional district of Alabama to the Fifty-sixth Congress, and is not entitled to the seat.

Resolved, That Gaston A. Robbins was duly elected a member of the House of Representatives for the Fifty-sixth Congress from the Fourth Congressional district of Alabama, and is entitled to the seat therein.

Mr. BARTLETT. Now, Mr. Speaker, I raise the question of consideration.

The SPEAKER. The gentleman from Georgia raises the question of consideration. The question is, Will the House consider the election case of Aldrich against Robbins?

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. BARTLETT. Division, Mr. Speaker.

Mr. MANN. Mr. Speaker, I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 136, nays 129, answered "present" 4, not voting 83; as follows:

YEAS—136.

Acheson,	Cooper, Wis.	Gill,	Lacey,
Alexander,	Corliss,	Gillet, N. Y.	Landis,
Allen, Me.	Cousins,	Gillett, Mass.	Linney,
Babcock,	Crump,	Graff,	Littlefield,
Bailey, Kans.	Crumpacker,	Graham,	Long,
Baker,	Curtis,	Greene, Mass.	Lorimer,
Barham,	Cushman,	Grosvenor,	Loudenslager,
Barney,	Dahle, Wis.	Grout,	Lovering,
Bartholdt,	Dalzell,	Grow,	Lybrand,
Bishop,	Davenport, S. A.	Hamilton,	McCleary,
Bowersock,	Davidson,	Haugen,	McPherson,
Brick,	Dayton,	Hedge,	Mahon,
Bromwell,	Dick,	Henry, Conn.	Mann,
Brown,	Dovener,	Hepburn,	Marsh,
Burke, S. Dak.	Driscoll,	Hill,	Mercer,
Burkett,	Eddy,	Hitt,	Miller,
Burleigh,	Esch,	Hoffecker,	Minor,
Burton,	Fletcher,	Hopkins,	Mondell,
Butler,	Fordney,	Howell,	Moody, Mass.
Calderhead,	Foss,	Jack,	Moody, Oreg.
Cannon,	Freer,	Jenkins,	Morgan,
Capron,	Gamble,	Jones, Wash.	Morris,
Clarke, N. H.	Gardner, Mich.	Joy,	Mudd,
Cochrane, N. Y.	Gardner, N. J.	Knox,	Needham,

O'Grady,	Reeder,	Sperry,	Thropp,
Otjen,	Roberts,	Sprague,	Tongue,
Overstreet,	Russell,	Steele,	Vreeland,
Parker, N. J.	Shattuc,	Stevens, Minn.	Wachter,
Payne,	Showalter,	Stewart, N. Y.	Wanger,
Phillips,	Smith, Ill.	Stewart, Wis.	Waters,
Powers,	Smith, H. C.	Sulloway,	Watson,
Prince,	Smith, Samuel W.	Tawney,	Weaver,
Pugh,	Southard,	Tayler, Ohio	Weeks,
Ray,	Spalding,	Thomas, Iowa	White.

NAYS—129.

Adamson,	Cummings,	Latimer,	Rucker,
Allen, Ky.	Cusack,	Lentz,	Ryan, N. Y.
Allen, Miss.	Daly, N. J.	Lester,	Ryan, Pa.
Atwater,	Davey,	Levy,	Scudder,
Bailey, Tex.	Davis,	Lewis,	Shackleford,
Ball,	De Armond,	Little,	Shafroth,
Bankhead,	De Graffenreid,	Livingston,	Sheppard,
Barber,	Denny,	Lloyd,	Sibley,
Bartlett,	Dinsmore,	McClellan,	Sims,
Bell,	Dougherty,	McCulloch,	Slayden,
Bellamy,	Elliott,	McDowell,	Snodgrass,
Benton,	Finley,	McLain,	Stark,
Berry,	Fitzgerald, Mass.	McRae,	Stephens, Tex.
Bradley,	Fitzgerald, N. Y.	Maddox,	Stokes,
Brantley,	Foster,	Meekison,	Sulzer,
Breazeale,	Gaines,	Meyer, La.	Sutherland,
Brenner,	Gaston,	Moon,	Swanson,
Brewer,	Gayle,	Naphen,	Talbert,
Brundidge,	Gilbert,	Neville,	Taylor, Ala.
Burke, Tex.	Glynn,	Noonan,	Terry,
Burleson,	Green, Pa.	Norton, Ohio	Thayer,
Burnett,	Griffith,	Norton, S. C.	Thomas, N. C.
Caldwell,	Griggs,	Otey,	Underwood,
Campbell,	Henry, Miss.	Pierce, Tenn.	Vandiver,
Carmack,	Henry, Tex.	Quarles,	Williams, J. R.
Catchings,	Howard,	Ransdell,	Williams, Miss.
Chanler,	Jett,	Rhea, Ky.	Wilson, Idaho
Clayton, Ala.	Johnston,	Richardson,	Wilson, N. Y.
Clayton, N. Y.	Jones, Va.	Ridgely,	Young, Va.
Cochran, Mo.	Kitchin,	Rixey,	Zenor.
Cooney,	Kleberg,	Robb,	
Cowherd,	Lamb,	Robinson, Ind.	
Crawford,	Lanham,	Robinson, Nebr.	

ANSWERED "PRESENT"—4.

Boutell, Ill.	Brosius,	De Vries,	Williams, W. E.

NOT VOTING—83.

Adams,	Fowler,	May,	Small,
Bingham,	Fox,	Mesick,	Smith, Ky.
Boreing,	Gibson,	Metcalf,	Smith, Wm. Alden
Boutelle, Me.	Gordon,	Miers, Ind.	Sparkman,
Broussard,	Hall,	Mutler,	Spight,
Brownlow,	Harmer,	Newlands,	Stallings,
Bull,	Hawley,	Olmsted,	Stewart, N. J.
Clark, Mo.	Hay,	Packer, Pa.	Tate,
Connell,	Heatwole,	Pearce, Mo.	Tompkins,
Cooper, Tex.	Hemenway,	Pearre,	Turner,
Cox,	Hull,	Polk,	Underhill,
Cromer,	Kahn,	Reeves,	Van Voorhis,
Crowley,	Kerr,	Rhea, Va.	Wadsworth,
Davenport, S. W.	Ketcham,	Riordan,	Warner,
Dolliver,	Kluttz,	Robbins,	Weymouth,
Driggs,	Lane,	Robertson, La.	Wheeler, Ky.
Emerson,	Lawrence,	Rodenberg,	Wilson, S. C.
Epes,	Littauer,	Ruppert,	Wright.
Faris,	Loud.	Salmon,	Young, Pa.
Fitzpatrick,	McAleer,	Shelden,	Ziegler.
Fleming,	McCall,	Sherman,	

So the House decided to consider the election case.

The following additional pairs were announced:

Until Monday:

Mr. KAHN with Mr. RUPPERT.

For to-day:

Mr. BOUTELL of Illinois with Mr. RHEA of Virginia.

On this vote:

Mr. BROSIUS with Mr. ZIEGLER.

Mr. LAWRENCE with Mr. FLEMING.

Mr. EMERSON with Mr. TURNER.

Mr. BROSIUS. Mr. Speaker, I have inadvertently voted on this question, forgetting that I was paired with my colleague from Pennsylvania, Mr. ZIEGLER. I desire to withdraw my vote and answer "present."

The SPEAKER. Without objection, the gentleman's vote will be withdrawn and he will be marked "present."

There was no objection.

Mr. BARTLETT. I wish to state that I have voted on this question because the pair that has existed between the gentleman from New Jersey, Mr. FOWLER, and myself expressly exempted from its provisions this case.

The SPEAKER. Does the gentleman from Georgia desire his vote to remain?

Mr. BARTLETT. Yes, sir.

The SPEAKER. Notwithstanding his pair with the gentleman from New Jersey?

Mr. BARTLETT. I am not paired with the gentleman from New Jersey upon this case. I call upon the gentleman from Minnesota [Mr. TAWNEY] to state that that is the understanding of Mr. FOWLER.

Mr. TAWNEY. It is my understanding that Mr. FOWLER was not paired in this case with the gentleman from Georgia.

Mr. RHEA of Virginia. I wish to inquire whether the gentleman from Illinois [Mr. BOUTELL] has voted?

The SPEAKER. He has answered "present."

Mr. RHEA of Virginia. I had a pair with him; and I desire to withdraw my vote.

The result of the vote was announced as above stated.

CONSULAR REPORTS ON FOREIGN COMMERCE, ETC.

The SPEAKER laid before the House the following message from the President of the United States, which was read and referred to the Committee on Printing:

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of State, accompanying the Commercial Relations of the United States for the year 1899, being the annual and other reports of a comprehensive character from the consular officers, together with similar reports from some of the diplomatic officers, setting forth the industries and commerce of foreign countries, with particular reference to the introduction or increased sale of American products.

It is gratifying to be able to state that these reports show a marked increase in the practical utility to our exporters and manufacturers of the services of our official representatives, both diplomatic and consular, in promoting trade, and present a mass of evidence as to the steady growth in popularity in foreign markets of our manufactured goods, as well as of our food supplies, our raw materials, and the products of our mines. In view of these facts, I approve the recommendation of the Secretary of State that Congress authorize the printing of the usual edition of 10,000 copies of the general summary, entitled "Review of the World's Commerce," and of 5,000 copies of "Commercial Relations" (including this summary), to enable the Department of State to meet the demands for such information.

WILLIAM MCKINLEY.

EXECUTIVE MANSION,
Washington, March 1, 1900.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 3360. An act to extend the time for the completion of a bridge across the Missouri—to the Committee on Interstate and Foreign Commerce.

S. 222. An act to provide a government for the Territory of Hawaii—to the Committee on the Territories.

REFERENCE OF MESSAGE.

The SPEAKER. The Chair desires to state that the message of the President of the United States which was read this morning has been referred by the Chair to the Committee on Appropriations and ordered to be printed.

LEAVE OF ABSENCE.

Mr. WATSON, by unanimous consent, obtained leave of absence for ten days, on account of important business.

WITHDRAWAL OF PAPERS.

Mr. BABCOCK, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, papers in the case of Alex. B. Turk, Fifty-fifth Congress. No adverse report.

ELECTION CONTEST—ALDRICH VS. ROBBINS.

The SPEAKER. The gentleman from Illinois [Mr. MANN] is recognized to proceed with the election case.

Mr. BARTLETT. Will the gentleman permit me to ask that some agreement may be reached with reference to the time to be occupied in debate?

Mr. MANN. Certainly.

Mr. BARTLETT. We did have some kind of an understanding——

Mr. MANN. There was an agreement in the committee between the gentleman from Georgia [Mr. BARTLETT] and myself that we should proceed to vote on this question at 4 o'clock to-day; but I apprehend the gentleman from Georgia does not wish to have that agreement remain in force. My understanding is that next Monday is set apart by standing order for business from the District of Columbia Committee, and it is also suspension day. For that reason I would not myself wish to have this matter come up in the House on Monday. But if the gentleman will agree to proceed with the debate now and take a vote at some time early on Tuesday afternoon, I will ask unanimous consent for that arrangement.

Mr. BARTLETT. In addition to the agreement with respect to the time at which the vote should be taken, it was contemplated that we were to have four hours' debate on each side. I will state to the gentleman that if that agreement can be carried out, we will agree to take a vote on Tuesday at the end of eight hours' debate, or at any other time after eight hours' debate. If the gentleman will assent to that agreement, nothing will be done on our side to arrest the debate or to delay reaching a conclusion in the case.

Mr. MANN. It is very desirable, Mr. Speaker, that in a case of this character there should be some definite time fixed when the vote shall be taken——

Mr. BARTLETT. I fully agree with the gentleman.

Mr. MANN (continuing). And if the gentleman from Georgia will agree to a suggestion that the vote be taken at 2 o'clock or at half past 2 on Tuesday, and the time between now and then, excepting Monday, be equally divided between the two sides of the House, I think there will be no difficulty in arriving at a conclusion.

Mr. BARTLETT. That is to say, that the debate shall proceed this afternoon and to-morrow and again on Tuesday up to—what hour does the gentleman indicate?

Mr. MANN. Two o'clock. It is true that that would not give quite four hours for each side, but it will come very near it.

Mr. BARTLETT. Say 3 o'clock. I think there will be no objection.

Mr. MANN. I think 2 would give ample time. This case has been delayed, as the gentleman knows.

Mr. BARTLETT. Three o'clock would give the time that was originally contemplated for debate. That would give to each side of the House four hours, and the vote to be taken at 3 o'clock on Tuesday.

Mr. MANN. Of course the gentleman is aware of the fact that it is not the fault of the House that we have not had the last two days for the discussion of this election case, and it seems to me that he ought to be willing to waive a little of the time that has been taken by him and frittered away, as it were, in the House, and so give the House the benefit of that time for other business. I suggest, therefore, that the vote be taken at 2 o'clock on Tuesday.

Mr. BARTLETT. The gentleman is aware of the fact, certainly, that there has been only one roll call on this question to-day, the other demands for the yeas and nays having come from the other side of the House on various motions in connection with the bill pending this morning.

Mr. MANN. The gentleman from Georgia is well aware that while it is true there was but one direct roll call on this case, there have been four others this afternoon, which delayed the consideration of the case until this hour.

Mr. BARTLETT. The gentleman is entirely mistaken, I think. The roll call would have been demanded in any event; and, with the exception of one, they were demanded by gentlemen on the other side of the House on the passage of the bill, on the motion to commit, and on the previous question.

Mr. MANN. Well, the gentleman can go before the country on that proposition if he wants to—that is to say, that he wanted to defeat the passage of that bill and not delay the election case.

Mr. BARTLETT. I am willing to take the responsibility of going before the country on that proposition.

Mr. MANN. I ask unanimous consent, Mr. Speaker, that the hour at which a vote shall be taken may be fixed at 2 o'clock on Tuesday next.

Mr. BARTLETT. I beg the gentleman from Illinois to put it at 3 o'clock. It will be quite a personal accommodation to me.

Mr. MANN. I will split the difference with the gentleman and make it half past 2 o'clock. [Laughter.]

The SPEAKER. The Chair will submit the request of the gentleman from Illinois. The gentleman asks unanimous consent that general debate on this election case be continued to-day, to-morrow, and on Tuesday until half past 2 o'clock.

Mr. MANN. Excepting Monday.

The SPEAKER. Excepting Monday, when a vote will be taken on the resolution.

Mr. MANN. And at that time the previous question shall be considered as in force upon the original resolution and the substitute of the minority.

The SPEAKER. With that understanding, is there objection? There was no objection, and it was so ordered.

Mr. MANN. Mr. Speaker, there was not included in the request, as submitted by the Chair, a proposition that the time allotted for the debate should be equally divided between the two sides, one half to be controlled by myself and the other by the gentleman from Georgia [Mr. BARTLETT]. I make that request.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection, and it was so ordered.

Mr. MANN. Mr. Speaker, it is not to be wondered at that during the last day and a half or two days gentlemen on the other side of the House have been endeavoring to prevent the consideration of this election case. For a number of days during every day and for a number of weeks and months during every week and every month we have heard much on the floor and elsewhere from gentlemen on the other side of the House in reference to "self-government," in reference to the "Declaration of Independence," in reference to the "rights of man," in reference to "self-government" in our foreign possessions. It is very awkward for these gentlemen, after proceeding on this kind of a discussion concerning the rights of the people in Puerto Rico to self-government and concerning the rights of the Malays in the Philippine Islands to self-government, to bring the argument home that the theory of self-government should apply here and to fit their theory of self-government to the practice of self-government as we find it in this case.

It is very awkward for them to turn from this beautiful theorizing process concerning the rights of man, concerning the rights of people to govern themselves, concerning the rights of these men who do not belong to the Anglo-Saxon race, to govern themselves—it is very awkward for the other side of the House to proceed to the discussion of a question which shows their own practice with reference to self-government at home.

With long speeches and many words they dwell upon the right to self-government in the Philippines, but they deal in an entirely different way when it comes to the right of self-government in this country. They have been very willing to say that the people of the island of Negros, the Negritos, might govern themselves without our assistance, but they are not willing to let the negroes of this country have anything to do with self-government where they can prevent it.

And in this case I think it will be clearly shown, first, that the gentleman who now holds the seat in this House and the people who stood behind him in his district were not only not willing to give to the negroes any part in their own self-government, but that by fraud they proposed to exclude them not merely from self-government, but proposed fraudulently to use their names and pretended ballots in order to establish and perpetuate the "white government" which we hear so much about.

Upon the line of the right of both of the two races to self-government, I take the liberty of calling the attention of the House to a circular letter which was issued, printed, and distributed by the campaign committee having charge of the campaign of the contestee or sitting member in this House. But before doing that perhaps I ought to call the attention of the House to the consideration of the district itself.

This contest comes from the Fourth Congressional district of Alabama. In that district are six counties. In five of those counties the white population is in the majority. In one county the colored population is in a majority, and I call your attention to the figures in reference to the population, as taken from the census of 1890.

In the county of Cleburne the white voting population was 2,418, the colored voting population 157. In that county, where the white voting population in 1890 was 2,418 and the colored voting population only 157, where these gentlemen on the other side were so anxious to preserve white supremacy and issued the circular which I shall shortly read to you—in that county, where there were 2,418 white voters as against 157 colored voters, Mr. Aldrich, the contestant in this case, received 831 votes as against 687 for the contestee, Mr. Robbins.

In the county of Calhoun the white voting population was 5,766, the colored voting population 2,445, and in that county Mr. Robbins received a majority of a little over 200.

In the county of Talladega the white voting population was 3,357, the colored voting population 2,804, and Mr. Aldrich, the contestant, carried that county by over 500 majority.

In the county of Shelby the white voting population was 3,147, the colored 1,739, and Mr. Aldrich carried the county by nearly 300 majority.

In the county of Chilton, where the white voting population was 2,317 and the colored voting population 635, Mr. Aldrich carried the county by 546 as against 434 for the contestee.

In the two counties in this district where there is scarcely any colored population, where the population is almost entirely white, the county of Cleburne and the county of Chilton, there being few colored voters in either county, in those two counties it was Mr. Aldrich, the contestant, who received the majorities.

And yet we are constantly told in these election cases, and we undoubtedly will be told in this one, that these gentlemen are fighting for their homes as against negro rule, that these gentlemen are voting for white supremacy as against colored supremacy.

The fact is that of the five white counties in this Congressional district, the contestant, Mr. Aldrich, carried all but one, and that he only lost by 200 majority.

Where, then, did the contestee get his majority on the returns?

In the county of Dallas, a county which was added to this district by a gerrymander, a county which lies at the extreme southern end of the district and is barely connected with it by an isthmus, answering to the Isthmus of Panama; in this county of Dallas—where the white voting population was 2,146, and the colored voting population in 1890 was 8,531 or four times as many colored voters as white—it is in this county that the contestee, who stands, as it were, in his mind, for white supremacy, it is in Dallas County, where there are four colored voters to one white, that the contestee seeks to get his majority. But, so far from being in the attitude of standing for white supremacy, he has been endeavoring, and his organization and his party have been endeavoring, to overthrow white supremacy there and to inaugurate a system of fraudulent colored supremacy.

I call your attention to the skillful way in which they endeavored to excite race prejudice. I will endeavor to show to this House that in this county at least there was not a single ground for it, but that it was a deliberate scheme there prior to the time of the election, and it was the intention not merely to disfranchise the colored vote, but the intention was that when the colored vote was deposited in the ballot box it should be counted for the other man, and where the colored vote was not deposited in the ballot box at all they would still use the names of the colored voters in order to put in fraudulent votes to count for the contestee. Before doing this they issued a circular for the purpose of calling attention to the fact that they were endeavoring to uphold white supremacy, with the clear intention on their part to try to elect their man by fraudulent methods.

In this county they first issued a circular declaring that they were upholding white supremacy, while their intention was to use fraudulent votes to defeat white supremacy at the very time when, with hypocritical pretensions, they were claiming themselves to be the prophets of white supremacy. I call your attention to a circular issued by the campaign committee of the contestee shortly prior to the election. This circular was issued and distributed in the latter part of October, 1898. It is marked, "An address to the white people of Dallas County." It is dated at Selma, Ala., October 22, 1898:

To the white people of Dallas County:

The political conditions now existing in the Fourth Congressional district of Alabama, and particularly in Dallas County, demand your most serious and immediate attention. You are menaced by a danger which, if not averted, will prove more direful than pestilence in its consequences.

Let it be remembered, gentlemen, that the only office for which anybody was to be voted for at this election was the office of Congressman. No local officer was to be voted for. The only candidates before the people were Mr. Robbins and Mr. Aldrich, for the one office. This circular proceeds:

Little more than twenty years ago this county was redeemed from the clutches of ignorant and vicious negroes, led by carpetbaggers and, most despicable of all, a few white-skinned native renegades and traitors, who had taken complete charge of every branch of our local government and inaugurated a reign of misrule and robbery. The deliverance was accomplished, in face of what seemed to be insurmountable dangers and difficulties, under the intrepid leadership of a mere handful of your fellow-citizens—as noble a band of patriots as ever led a forlorn hope on the field of battle.

Accomplished, I might say, in accordance with the words of a distinguished Senator, who is reported to have said that they did it with shotguns when necessary and by stuffing the ballot box when shotguns would not answer. The circular proceeded:

For more than twenty years you have enjoyed the blessings of good government, but only as the reward of constant vigilance, for the enemy has always been alert and ready to strike at the first sign of weakness. But your sentinels can only stand guard and warn you of approaching danger; they can not fight the battles alone; they can not hold their ground unless the whole army falls in line and takes up arms when the signal gun is fired.

We, as the campaign committee of Dallas County, give you that warning now. We tell you that the cause of white supremacy is at this moment most seriously menaced and that the further continuance absolutely depends on the casting of the solid Democratic vote at the approaching Congressional election.

The question of what man shall fill the seat in Congress from this district, important as it is, is dwarfed into insignificance when we consider the appalling danger of an organized party of negroes, led by corrupt white men and the most vicious of their own race, again taking charge of our local affairs. This they will most surely do if you sleep. A long-continued sense of security tends to make men careless in the face of danger; but this is no sensational or false alarm. The enemies of law and order and good government are even now actively at work in your very midst, with a bold-face effrontery that has not been witnessed since the dark days of the early seventies; corrupt and venal white men are attempting by the use of money and every art known to devilish ingenuity to stir up and array the negroes for an assault on all that represents decency and good government in this community. Covert attempts have been made to debauch and corrupt some of your best fellow-citizens.

White people of Dallas County, will you submit to these things? If not, then such of you as are apathetic or indifferent, wake up! Look the situation in the face and act.

The white man who willfully or negligently fails to cast his vote, under the conditions that now surround us, will be guilty of a crime against society.

Will you let some petty misunderstanding, some trivial wrong, real or fancied, or some unkind feeling toward this or that neighbor, deter you from striking a blow against the common enemy? Will you stand still with folded hands and deliberately invite the horrible fate that has already overtaken the people of a portion of North Carolina as the direct result of their indifference and dissension? We do not believe you will; but we appeal to you in the name of law and order and good government, and, above all, in the sacred name of the noble womanhood of this country, to arouse yourselves and heed the terrible object lesson that North Carolina presents to you.

On the 8th day of November you must vote for a member of Congress from this district. Hon. Gaston A. Robbins is the nominee of the Democratic party, and as such he is the standard bearer and representative of the white people and all that stands for good government in this district, and especially in Dallas County, as he is the standard bearer of white supremacy and all that is decent and respectable.

William F. Aldrich, the Republican and negro candidate, represents all against which the great battle of 1874 was fought and won in Dallas County, and against which we have struggled ever since the domination of ignorant negroes and unscrupulous and corrupt white men.

We have no doubt as to how the people of this county will cast their vote, but you must vote if you value good government at home. We do not seek to unnecessarily alarm you, but we tell you that in our solemn judgment on this election depends the future welfare of this county. If every white man will do his duty and go to the polls and cast his ballot, all will be well.

We tell you the facts and give you the warning, as it is our duty to do so. The result is with you.

W. W. Burns, chairman; F. L. Pettus, C. W. Cooper, W. C. Phillips, J. B. Evans, E. C. Jones, W. S. Pickering, R. D. Walker, J. B. Ellis, S. F. Huston, M. J. Meyer, H. S. D. Mallory, Robert H. Tuck, J. H. Lumpkin, M. Woolsey, S. A. Reynolds, J. H. Nunnelee, M. S. Day, R. E. L. Niel, A. C. Coates, of the executive campaign committee.

Signed to this remarkable circular, signed to this false, absolutely false, and misleading circular, which was designed to claim that the great question of white supremacy was at issue, with the intention to use the colored vote so as to defraud white supremacy—signed, I say, to this remarkable circular was the name of W. W. Burns, the chairman of the Democratic campaign committee of the county of Dallas. In conjunction with his name were a score of other names, including Mr. J. H. Lumpkin, the sheriff of the county, who was one of the board whose duty it was to appoint the election officials, a position which called at least for ordinary fairness and nonpartisanship.

Signed to this circular was also the name of Mr. R. D. Walker, who had already been selected as one of the judges of election of the city of Selma. Signed to it, also, was the name of J. B. Ellis, who had already been selected as one of the judges and inspectors of elections for the Orrville precinct in the county; and signed to this circular was also the name of S. F. Huston, who was also selected as an election judge and inspector for Valley Creek. It is a significant fact that these gentlemen who were appointed election officials signed this circular stating that the universe practically depended upon the success of Mr. Robbins, and evidently they had no intention of giving to the contestant in this case a fair show at the polls. It was a deliberate intention from the start to give him no representation at some of the polls in the county, and then through fraud to deprive him of the vote in that county.

I wish to say to the House that I do not believe the majority of the Committee on Elections No. 1 presented this report to the House in any feeling of partisanship. That committee in the last Congress had pending before it seven election cases. The gentleman from Alabama [Mr. UNDERWOOD], the Democratic whip on the other side of the House, was one of the contestees; but this committee in the last Congress, composed practically of the same membership as at present, when the contest against Mr. UNDERWOOD came before that committee with a fair showing on the part of the contestant, the Committee on Elections No. 1, without any feeling of partisanship, examined the case as judges would examine the case and reported in favor of the sitting Democratic member. When the contested-election case from Alabama against the gentleman from Alabama [Mr. BREWER] came before the committee, that committee, without partisanship, examined the case fairly, honestly, and in the face of the most persistent arguments by the contestants reported in favor of the sitting Democratic member. The same thing was done in the case of the gentleman from Kentucky [Mr. RHEA] in the last Congress.

In the present Congress, at the very time the Aldrich-Robbins case was being considered by the committee, there was also before the committee the case of Evans against Turner, from Kentucky. If there had been any personal or political feeling on the part of the members of the committee it would have cropped out more quickly in the case of Evans against Turner than in any other case, probably, brought before the committee. Although the contestant in that case, Mr. Evans, had been appointed a member of the Federal judiciary, all the political strength and power on the Republican side from Kentucky was sent before the committee for the purpose of making elaborate arguments against the holding of the seat by the contestee, Mr. TURNER.

But the committee, in a spirit of nonpartisanship, in a spirit not biased by political proclivities, decided that case, notwithstanding the political excitement in Kentucky at the time, notwithstanding the infamous election law in that State, notwithstanding all the political influence that was brought to bear, the committee, in a spirit of judicial fairness, decided that case in favor of the sitting Democratic member. And it was in no partisan spirit that the present case was reported to the House, as it has been.

During my short period of service in this House I have seen a great many contests decided in favor of Democratic members by Republican members of the committee, but I have yet to see a case where a Democratic member of the Election Committee during my experience has ever favored a Republican contestant, unless the contest was between two Republicans.

Mr. SIBLEY. Does the gentleman mean that there have been no Democrats that have not opposed the reports of a committee when the committee was Democratic?

Mr. MANN. I said during my experience in the House.

Mr. SIBLEY. I want to interject this remark: I believe you are right when you state that when the committee is Democratic, universally the committee reports for a Democrat, and I believe it

is just as true when it is Republican, the majority reports unanimously to support the Republican. I believe that is this case.

Mr. MANN. Well, I have just narrated four hotly contested cases which came before this same committee, and in each case the contestant was a Republican and the contestee a Democrat, and the committee in each case voted to seat the sitting Democrat. The gentleman from Pennsylvania has been on the other side of the House so long that he has not weaned himself away from the narrowness of that side of the House. [Laughter on the Republican side.]

Now, Mr. Speaker, I call the attention of the House to one of the provisions of the election law of Alabama. It is provided in the election law of that State that the judges of election, who are there called inspectors, shall be appointed by a board called a county board, consisting of the sheriff, the county judge, and the clerk of the circuit court. These three gentlemen name all the inspectors of the election. The law says that they shall name three inspectors for each precinct, two of whom shall be members of opposing political parties, if practicable, and they shall also name one returning officer for each precinct; and it shall be the duty of the sheriff to notify such inspectors and returning officers of their appointment within ten days after such appointment.

With the law standing in this shape, the question came up in this county as to the appointment of election inspectors, and I wish to call the attention of the House to the situation of affairs in this county as disclosed by history before this House. This is the second contested-election case between the same two parties, Mr. Aldrich and Mr. Robbins. It is the third contested-election case in which Mr. Aldrich has appeared before the bar of this House seeking admission on a contest. In the first election case, which was in the Fifty-fourth Congress, Dallas County had given to Robbins 5,462 votes and to Aldrich 72 votes. The Committee on Elections in that Congress threw out nearly all the votes in Dallas County. The Democratic members of the committee, although not reporting in favor of Mr. Aldrich, admitted in their report that nearly all of the returns of election officials in the county were discredited and unworthy of belief. They stamped their seal of disapproval on the manifest fraud committed in Dallas County by the election officials at that time. In that contest the minority or Democratic members of the committee——

Mr. BARTLETT. Will the gentleman pardon an interruption right here? Is it not a fact that the members of the majority themselves were not able to agree upon any report; that there were three reports—one by two members of the committee, Judge Daniels and Mr. Cook; one by four members of the committee, whose names it is not necessary for me to give, and one by a minority of three; in other words, with nine members, were there not three different reports in that case?

Mr. MANN. And all agreed that the returns of the election officers of the county were unworthy of belief and ought to be discredited. And they were discredited.

The report of the minority at that time, signed by the genial gentleman from Georgia [Mr. BARTLETT], who is now the leading member on the minority side, makes this statement:

> We come now to consider the vote in Dallas County. We are convinced that in the precincts of Summerfield, Martins, Lexington, River, Union, Elm Bluff, Carlowville, Boykins, Mitchells, and Selma, or city beat, the official returns are unreliable, and therefore agree with the majority of the committee that the result in these beats must be arrived at from the evidence.

I do not call attention to this matter for the purpose of prejudicing the House against Mr. Robbins or in favor of Mr. Aldrich, but solely for the purpose of showing the condition of affairs at the time the inspectors of election were appointed in 1898.

In that original contest it was conclusively shown, as is evidenced by this report of the minority members, that the inspectors of election, where men had remained away from the polls and not voted at all, had had their names put upon the poll list and had either put fraudulent ballots in the box for the sake of helping the election of the contestee, Mr. Robbins, or else had merely counted the votes and certified as to the returns; and at some places, where not 25 votes had been cast, 400 were returned for the contestee.

The same thing was true of the election of 1896. In that case there arose a contest between Mr. Aldrich and Mr. Plowman, and in that election the official returns of Dallas County gave to Mr. Plowman 4,289 votes and to Mr. Aldrich 1,200. The Committee on Elections No. 1 reported and pointed out specifically the frauds committed by the inspectors of elections at that time and reduced Mr. Plowman's votes from 4,289 to 809.

So that when the time came around to appoint inspectors of the election in 1898, Mr. Aldrich was confronted with two preceding Congressional elections in which he had had no representation at the polls, in which he had been given not a single inspector or judge of elections in this county (although the law provided that both parties should be represented), and when in both cases the inspectors appointed had swindled him out of the election.

In 1898, therefore, he presented to the county board, whose duty it was to appoint the election officials, a request for the appointment of one person as inspector at each of the election precincts to represent his interests. This is his request:

To the probate judge, sheriff, and circuit clerk of Dallas County:

GENTLEMEN: We, the undersigned, acting in our official capacity, hereby request the appointment of the citizen named herein in each precinct of Dallas County as an inspector to represent the Republican and People's Party at the election to be held on the 8th of November, 1898, for a member of the Fifty-sixth Congress of the United States from the Fourth Congressional district.

Dated at Selma this 30th day of September, 1898.

Then follows for each precinct in the county, 31 in number, the name of a person whom the signers request to be appointed as an inspector. This request is signed by the chairman of the People's Party of Dallas County, the chairman of the Republican party of Dallas County, the chairman of the Aldrich campaign committee, and by Mr. Aldrich himself, the Republican candidate for Congress.

In all fairness and decency, would anybody who intended to have an honest election have refused to give to Mr. Aldrich one man out of four at the polls on election day? There were three inspectors of election and one returning officer who helped to count the ballots. Mr. Aldrich asked for one-fourth of the election officials. The law provided that both parties should be represented at the polls. He asked for the appointment of reputable men, men who could read and write, men who were active and good citizens.

If his request had been granted, he would have no standing before this House as a contestant. If he had instituted a contest when such request had been granted, no one in this House would have paid much attention to it. The request was granted as to some precincts. At twenty precincts the inspectors nominated by Mr. Aldrich were appointed; at eleven of the precincts his request was utterly disregarded. But he could not find out at what precincts the inspectors nominated by him had been appointed. The appointing officers gave no notice. The chairman of the committee representing Mr. Aldrich sent to the county judge a registered letter asking to be furnished with the names of the inspectors who had been appointed and offering to pay for a certified copy thereof. The only reply he received was a postal card such as is usually returned to the person sending a registered letter. Mr. Aldrich's request was absolutely disregarded. He did not know and could not ascertain whether he was to be represented in any of the precincts at all, or, if so, in what precincts.

And so, Mr. Speaker, remembering the experience of 1894 and of 1896, he notified his supporters in many of the precincts to remain away from the polls and not vote at all. And I wish now to call your attention to the condition as to these precincts, showing that where he had received recognition in the appointment of the inspectors he received but little recognition in his contest.

There are 31 precincts in Dallas County, numbered from 1 to 16, inclusive, and from 22 to 36, inclusive. In precinct No. 1, Plantersville, Mr. Aldrich received an inspector; he also instructed his supporters to vote, and the committee has sustained the returns in that precinct. In Summerfield precinct, No. 2, Mr. Aldrich's inspector was appointed; the voters were requested to vote, and we have sustained the returns there. In Woodlawn precinct, No. 3, his inspector was appointed; his supporters were requested not to vote, and we have sustained the returns in that precinct.

In Valley Creek precinct, No. 4, he was refused an inspector or any representation at the polls; his supporters were instructed to vote, but for fraud shown in the evidence we have rejected the returns in that precinct. In Harrell's precinct, No. 5, his inspector was appointed, and his supporters were requested not to vote, but we sustained the returns in that precinct. In Dublin precinct, No. 6, his inspector was appointed; his supporters were requested not to vote, and we sustain the returns also in that precinct. In Martin's precinct, No. 7, his inspector was appointed; his supporters were requested not to vote, but we sustain the vote in that precinct. In Orville precinct, No. 8, Mr. Aldrich was refused representation at the polls; his supporters were requested not to vote, and we rejected the returns. In Lexington precinct, No. 9, he was also refused representation; his supporters were requested not to vote; and we rejected the returns from that precinct.

In River precinct, No. 10, he was refused any representation at the polls, and his supporters were requested not to vote; but no election was held and we have found no votes at all in that precinct. In Pine Plat precinct, No. 11, he was refused representation at the polls; his supporters were requested to vote; but no election was held, and we counted nothing from that precinct. In Old Town precinct, No. 12, he was granted representation at the polls; his supporters were requested not to vote; but we sustained the returns. In Pleasant Hill precinct, No. 13, he was granted representation at the polls; his supporters were requested not to vote; but we sustained the returns.

In Richmond precinct, No. 14, he was given representation, but requested his supporters not to vote. We sustain the returns

from that precinct. In precinct No. 15 he was given representation, but no election was held. In Cahaba precinct, No. 16, he was refused representation; his supporters were requested not to vote, and for fraud established by the evidence before the committee we rejected that precinct. In Burnsville precinct, No. 22, he was given representation; his supporters were requested to vote; but for manifest frauds the returns from that precinct were rejected. In Union precinct, No. 23, he was refused representation, but his supporters were requested to vote, and for fraud we rejected the returns. In Pence's precinct, No. 24, he was given representation; his supporters were requested not to vote, and we reject the returns. The other precincts run about the same.

So, Mr. Speaker, it will be found that in all of these precincts clear down to precinct No. 36, out of the 11 precincts in which representation was refused, the committee has found sufficient fraud in 7 of them to warrant the rejection of the returns. In 2 others of these 11 no election was held at all. As to one of them the evidence offered, while on its face absolutely showing fraud, was offered in rebuttal, and the committee did not consider it for that reason, because perchance it might be rebutted itself.

Of the precincts in which representation was given, 20 in number, the committee followed the returns in each one but three, and in those three the fraud shown is conclusive. If the gentleman who is now the contestee before the House or his friends—and I do not charge this upon the gentleman himself, for I believe that the political conditions in Dallas County have grown so rotten and so fraudulent that he could not control the action of his supporters upon the county board—if they had desired to have him seated and remain seated in this House, they might well have given to the contestant, Mr. Aldrich, and his party one inspector at the election in each precinct, because the committee have followed the returns in nearly every case where he had representation, and have found fraud in nearly every case where he was refused representation.

I call your attention, for instance, to the condition of affairs in Valley Creek precinct, No. 4. In this precinct Mr. Aldrich had asked for the appointment of one Charles W. Smith as one of the inspectors.

Mr. Charles W. Smith had testified in a previous contested-election case, and he was persona non grata to the Democrats of Dallas County. He had had the manliness to testify upon a previous contest, and therefore they were afraid that he would have the backbone to stand up and demand an honest election, and he was turned down. They refused to appoint Mr. Smith, whose appointment was requested by Mr. Aldrich, and they named a colored Democrat by the name of Llewellyn Phillips, but they did not let Llewellyn Phillips, who it seems is a fairly honest and honorable colored man, take any part in the election at all. The returning officer at the precinct took with him an ignorant colored man who worked for him on his farm, brought him to the polling place in the morning for the purpose of appointing him inspector in place of Llewellyn Phillips, who, at the proper time, was late and not on hand.

They treated Mr. Judge Thomas—Judge by name—very fairly at the polls, as it seems, and he thought that everything was going smoothly along, but the only man who looked at the ballots when they were counted was Mr. T. C. Woods, the returning officer.

They had it arranged very nicely. The judges of the election who acted were Mr. Rountree, Mr. Huston, and Mr. Thomas, and the returning officer was Mr. Woods.

Mr. Huston is the same man who signed this remarkable circular which I have read to you, a circular which itself demonstrates that he was willing to commit fraud, if necessary, for the purpose of sustaining his candidate. The law absolutely requires that the inspectors shall appoint two clerks, before the election commences, of different political parties.

A Republican clerk was requested. Under the law each party is permitted to present a list of voters and ask to have one clerk appointed from that list on the morning of election. A Republican list was presented on the morning of election, but the Democratic board of judges refused to appoint a Republican clerk at all. They did appoint a Republican marker. When the returns came in they gave Aldrich 44 and Robbins 158.

Mr. Aldrich had counted on support from this precinct. He knew that the people of the precinct had stood by him previously, and he had expected a reasonable vote in the precinct, so he instituted an inquiry and put these men who had voted upon the witness stand.

Mr. Woods was the only man who had looked at the ballots. He had kept the other two judges busy tallying in place of the clerks, whose business it was to tally. Mr. Woods had read off the ballots. No Republican representative had any chance either at reading the ballots or tallying the ballots.

They made the returns 44 for Aldrich and 158 for Robbins. Why they should have given Aldrich so many as 44 is one of the things in this case which to me seems very mysterious. I have been unable to fathom it. It was just as easy to give Robbins the entire vote as it was to give him only 158.

One hundred and twenty-one of the persons who voted there appeared in person and swore that they voted at this election for Mr. Aldrich and not for Mr. Robbins.

When men refused to give their opponents representation at the polls, deliberately refused to give Mr. Aldrich an inspector, and then, when the polls were closed, returned for him only 44 votes, while 121 witnesses come up and swear that they voted for Mr. Aldrich, is that any evidence of fraud or not? The minority members of this committee can see no evidence of fraud in this. The evidence is absolute, and the same condition of affairs exists in other districts.

No wonder that Mr. Aldrich requested his supporters to remain away from the polls at many of the precincts and not to vote. In the precincts where his supporters went to the polls and cast their ballots they were counted for the other fellow.

Take, for instance, Orrville precinct, No. 8. In this precinct the inspectors appointed were Mr. J. L. Edwards and James B. Ellis, two white Democrats, and Mr. Josh C. Craig. I suppose Craig was appointed for the purpose of representing the opposite party, according to the law. He was a colored citizen who had served as a judge of election in prior elections. Mr. Ellis was one of the men who had signed this infamous circular, demonstrating his fairness (?) to act nonpartisanly in an election. Josh C. Craig, who was appointed as the Republican representative, was an admittedly colored Democrat. He had also distinguished himself by serving as one of the inspectors of elections in 1896 with this Mr. Ellis; and at that time the Committee on Elections thought the frauds sufficient to reduce the Plowman vote from 189 to 36.

Mr. Edwards and Mr. Ellis, the two white Democratic inspectors, had also served as judges of election in 1894, when the committee at that time reduced the vote of Mr. Robbins, for the gross frauds shown, from 368 to 4. These were pretty men to put up to conduct a fair election! Three men who had conducted two previously rotten and fraudulent elections in that county were appointed to conduct this election; and the inspector asked for by Mr. Aldrich was refused without any reasonable excuse. He directed his supporters to remain away from the polls. In my opinion he was justified in so doing; and I believe that no vote should be counted from that precinct at all, although it makes no difference in the result in this case, so far as the figures are concerned, and only reduces the majority.

I say that it presents the same situation as though they had prevented Mr. Aldrich's supporters from voting with shotguns presented to them. Where, pray, is it considered fair and honest to deliberately ask a man to have his friends go to the polls and vote for him, knowing that the votes will be counted for his opponent? In two previous elections where we find these two men had acted as inspectors the same result had taken place—that votes given for Aldrich were counted for his opponent. In one election the Committee on Elections had reduced the vote from 368 to 4, and in the other election from 189 to 36. What sense was there in expecting Mr. Aldrich to ask his friends to go to the polls and vote when this condition of affairs prevailed? And if it is not reasonable to expect his supporters to go to the polls and vote, then his opponent ought not to be permitted to have the benefit of the votes cast there for him, because they are cast under such fraud that they ought to be rejected as though put into the ballot box fraudulently and dishonestly.

The SPEAKER pro tempore (Mr. COCHRANE of New York). The time of the gentleman has expired.

Mr. MANN. I wish simply to correct the Chair. I am to control one-half of the time allowed to this side. That was the arrangement.

The SPEAKER pro tempore. The Chair will recognize the gentleman further.

Mr. MANN. In Lexington precinct, No. 9, the same condition of affairs prevailed. Mr. Aldrich asked for the appointment of J. Gilbert Johnson as one of the inspectors of election. It was so easy to grant this request. If the county board had intended that there should be a fair and honest election, the request would have been granted; but they refused to appoint J. Gilbert Johnson, giving absolutely no excuse for the refusal. I suppose he, too, had had nerve at some time to stand up against the dishonest and corrupt men in control of that county.

And who did they appoint in his place? They first appointed W. W. Berry and J. N. Moseley, both white Democrats, and then they appointed as the Republican (?) representative Simon Armstrong, admittedly a colored Democrat. Mr. Armstrong had also had the distinguished honor to serve at a previous election. In 1896 he served as one of the inspectors, and in that election the Committee on Elections reduced the vote of Mr. Plowman, the contestee in the case, from 214 to 21 for the gross fraud shown to have been perpetrated by Mr. Simon Armstrong. This Simon Armstrong, the Aldrich (?) representative, or the man whom they say they appointed for Aldrich, also served as an inspector of elections in 1894, and at that time the Committee on Elections, in the Fifty-fourth Congress, on account of the gross frauds committed

by him and the other inspectors, reduced the Robbins vote of the precinct from 250 to 5.

The Democratic members of the minority of the committee in 1894 themselves admitted that the returns of this man and those inspectors were fraudulent and should not be counted. Who would expect, when the county board refused to give Mr. Aldrich representation, by refusing to appoint the man requested by him, and named in his place a man who had been guilty at two elections of the grossest fraud—who would expect, I say, that Mr. Aldrich would again ask his followers to go to the polls to vote for him and be counted for Robbins? I claim that he was justified in telling his men and friends to stay away from the polls, and if he was so justified at this precinct, then the votes cast there for Robbins ought not to be counted, because there is no way to punish the fraud perpetrated except by refusing the benefit of it to him in whose interest it was committed. The same condition of affairs existed at two other precincts, absolutely demonstrating the rottenness and fraud intended from the beginning in these four precincts.

Some of my colleagues on the committee will call the attention of the House more at length to the frauds in some of the other polling places and precincts in this county. The opinion of the committee in this case was arrived at, I may say as to the Republican members, each one by himself. At least four members of the majority made up figures from the record in this contest without consultation with each other until after their figures had been prepared, and those figures were almost identical. The fraud was so patent in this case that we could see no escape from the proposition that the contestee ought to be unseated. We find that Mr. Aldrich has a majority in the district of something over 200, and we believe that the colored county of Dallas ought not to be permitted to set aside by fraud the votes in the white counties in the district.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The gentleman has consumed one hour and seven minutes.

Mr. BARTLETT. Mr. Speaker, I desire to inquire if the House, under the rule, takes a recess from 5 o'clock until 8?

The SPEAKER. That is operative to-night.

Mr. TAYLER of Ohio. Does the gentleman from Georgia desire to go on now?

Mr. BARTLETT. No; but I ask the gentleman from Ohio if he will permit me to yield a minute to the gentleman from Alabama [Mr. UNDERWOOD]?

Mr. TAYLER of Ohio. Certainly.

Mr. BARTLETT. Then I yield to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, I only wish a moment to make a statement, so that my vote on the bill for the relief of Puerto Rico may be understood. I wish to state that I voted against the bill, and changed my vote to "yea" for the purpose of moving to reconsider, but the Chair recognized the gentleman from Illinois [Mr. CANNON] to make the motion, and therefore I make this statement that my object in so voting may be understood.

The SPEAKER. The Chair has no doubt that every member understood the purpose of the gentleman from Alabama.

Mr. UNDERWOOD. Yes; but I desire that my constituents shall understand it. [Laughter.]

Mr. TAYLER of Ohio. Mr. Speaker, I move that the House take a recess until 8 o'clock this evening.

The SPEAKER. Pending that, the Chair submits the following personal requests:

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. PIERCE of Tennessee, for to-night, on account of sickness.

To Mr. DALY of New Jersey, for one week, on account of important business.

To Mr. GILLET of New York, for three days, on account of sickness in family.

To Mr. LANHAM, for the evening session.

The SPEAKER. The Chair will designate the gentleman from New York, Mr. O'GRADY, as Speaker pro tempore for the evening session.

The motion of Mr. TAYLER of Ohio was then agreed to; and accordingly (at 4 o'clock and 50 minutes) the House took a recess until 8 o'clock this evening.

EVENING SESSION.

The recess having expired at 8 o'clock, the House resumed its session, with Mr. O'GRADY, Speaker pro tempore, in the chair.

The SPEAKER pro tempore. The Clerk will read the rule under which the session is held.

The Clerk read as follows:

The House shall on each Friday at 5 o'clock p. m. take a recess until 8 o'clock, at which evening session private pension bills, bills for the removal of political disabilities, and bills removing charges of desertion only shall be considered; said evening session not to extend beyond 10 o'clock and 30 minutes.

Mr. SULLOWAY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the consideration of bills on the Private Calendar.

The question was taken; and on a division (demanded by Mr. TALBERT) there were 63 ayes and no nays.

Mr. TALBERT. Mr. Speaker, I make the point that no quorum is present.

Mr. SULLOWAY. The yeas and nays, Mr. Speaker.

Mr. TALBERT. I move that the House do now adjourn.

The motion was not agreed to.

The SPEAKER pro tempore. The gentleman from New Hampshire asks for the yeas and nays.

The yeas and nays were ordered.

Mr. TALBERT. A parliamentary inquiry, Mr. Speaker. Upon what motion are the yeas and nays ordered?

The SPEAKER pro tempore. Upon the motion to go into Committee of the Whole House for the consideration of bills on the Private Calendar.

The question was taken; and there were—yeas 16., nays 1, answered "present" 10, not voting 179; as follows:

YEAS—162.

Adamson,	Curtis,	Jenkins,	Pearre,
Alexander,	Cusack,	Jett,	Prince,
Allen, Me.	Cushman,	Johnston,	Pugh,
Bailey, Kans.	Dahle, Wis.	Jones, Wash.	Reeder,
Baker,	Dalzell,	Kerr,	Ridgely,
Barber,	Davenport, S. A.	Kitchin,	Robb,
Barham,	Davidson,	Kleberg,	Roberts,
Barney,	Davis,	Lamb,	Robinson, Ind.
Bell,	De Armond,	Landis,	Rodenberg,
Bishop,	De Graffenreid,	Lawrence,	Russell,
Boreing,	Dougherty,	Lentz,	Ryan, N. Y.
Boutell, Ill.	Dovener,	Linney,	Ryan, Pa.
Bowersock,	Driscoll,	Little,	Shackleford,
Bradley,	Eddy,	Littlefield,	Shattuc,
Brenner,	Esch,	Lloyd,	Sheppard,
Brick,	Finley,	Long,	Showalter,
Bromwell,	Fitzgerald, N. Y.	Loudenslager,	Smith, H. C.
Broslus,	Fletcher,	Lybrand,	Smith, Samuel W.
Brown,	Fordney,	McCleary,	Spalding,
Bull,	Foss,	McCulloch,	Sperry,
Burkett,	Freer,	McDowell,	Stark,
Burleigh,	Gaines,	McLain,	Steele,
Burnett,	Gamble,	McPherson,	Stephens, Tex.
Burton,	Gardner, Mich.	Maddox,	Stewart, N. Y.
Butler,	Gardner, N. J.	Mann,	Stewart, Wis.
Calderhead,	Gaston,	Marsh,	Sulloway,
Caldwell,	Gilbert,	Meekison,	Sutherland,
Capron,	Gill,	Meyer, La.	Talbert,
Clarke, N. H.	Glynn,	Miers, Ind.	Tawney,
Clayton, Ala.	Graff,	Minor,	Tayler, Ohio
Clayton, N. Y.	Graham,	Moody, Mass.	Thomas, Iowa
Cochran, Mo.	Green, Pa.	Moon,	Thomas, N. C.
Cochrane, N. Y.	Greene, Mass.	Morris,	Wanger,
Connell,	Hamilton,	Needham,	Waters,
Cooney,	Haugen,	Neville,	Weaver,
Cooper, Wis.	Hedge,	Norton, Ohio	White,
Cousins,	Hepburn,	O'Grady,	Williams, J. R.
Crawford,	Hill,	Otjen,	Wilson, Idaho
Cromer,	Hoffecker,	Overstreet,	Zenor.
Crump,	Hopkins,	Parker, N. J.	
Crumpacker,	Jack,	Payne,	

NAYS—1.

Jones, Va.

ANSWERED "PRESENT"—10.

Bellamy,	Burke, S. Dak.	Norton, S. C.	Turner.
Benton,	Griggs,	Sparkman,	
Brundidge,	Grout,	Stevens, Minn.	

NOT VOTING—179.

Acheson,	Daly, N. J.	Hemenway,	Metcalf,
Adams,	Davenport, S. W.	Henry, Conn.	Miller,
Allen, Ky.	Davey,	Henry, Miss.	Mondell,
Allen, Miss.	Dayton,	Henry, Tex.	Moody, Oreg.
Atwater,	De Vries,	Hitt,	Morgan,
Babcock,	Denny,	Howard,	Mudd,
Bailey, Tex.	Dick,	Howell,	Muller,
Ball,	Dinsmore,	Hull,	Naphen,
Bankhead,	Dolliver,	Joy,	Newlands,
Bartholdt,	Driggs,	Kahn,	Noonan,
Bartlett,	Elliott,	Ketcham,	Olmsted,
Berry,	Emerson,	Kluttz,	Otey,
Bingham,	Epes,	Knox,	Packer, Pa.
Boutelle, Me.	Faris,	Lacey,	Pearce, Mo.
Brantley,	Fitzgerald, Mass.	Lane,	Pierce, Tenn.
Breazeale,	Fitzpatrick,	Lanham,	Phillips,
Brewer,	Fleming,	Latimer,	Polk,
Broussard,	Foster,	Lester,	Powers,
Brownlow,	Fowler,	Levy,	Quarles,
Burke, Tex.	Fox,	Lewis,	Ransdell,
Burleson,	Gayle,	Littauer,	Ray,
Campbell,	Gibson,	Livingston,	Reeves,
Cannon,	Gillet, N. Y.	Lorimer,	Rhea, Ky.
Carmack,	Gillett, Mass.	Loud,	Rhea, Va.
Catchings,	Gordon,	Lovering,	Richardson,
Chanler,	Griffith,	McAleer,	Riordan,
Clark, Mo.	Grosvenor,	McCall,	Rixey,
Cooper, Tex.	Grow,	McClellan,	Robbins,
Corliss,	Hall,	McRae,	Robertson, La.
Cowherd,	Harmer,	Mahon,	Robinson, Nebr.
Cox,	Hawley,	May,	Rucker,
Crowley,	Hay,	Mercer,	Ruppert,
Cummings,	Heatwole,	Mesick,	Salmon,

Scudder,	Southard,	Thropp,	Weeks,
Shafroth,	Spight,	Tompkins,	Weymouth,
Shelden,	Sprague,	Tongue,	Wheeler, Ky.
Sherman,	Stallings,	Underhill,	Williams, W. E.
Sibley,	Stewart, N. J.	Underwood,	Williams, Miss.
Sims,	Stokes,	Vandiver,	Wilson, N. Y.
Slayden,	Sulzer,	Van Voorhis,	Wilson, S. C.
Small,	Swanson,	Vreeland,	Wright,
Smith, Ill.	Tate,	Wachter,	Young, Pa.
Smith, Ky.	Taylor, Ala.	Wadsworth,	Young, Va.
Smith, Wm. Alden	Terry,	Warner,	Ziegler.
Snodgrass,	Thayer,	Watson,	

During the roll call the following members appeared, were noted as present by the Speaker pro tempore, and upon their request their names were called and their votes recorded as above, under sections 1 and 3 of Rule XV:

Mr. BURNETT, Mr. ROBB, Mr. SPARKMAN, Mr. BRADLEY, Mr. HENRY C. SMITH, Mr. DOVENER, Mr. JACK, Mr. PRINCE, Mr. HAUGEN, Mr. WHITE, Mr. ADAMSON, Mr. PUGH, Mr. BOREING, Mr. TURNER, Mr. GROUT, Mr. NORTON of South Carolina, Mr. GRIGGS, Mr. CARMACK, Mr. STEWART of New York, Mr. HILL, Mr. THOMAS of North Carolina, Mr. COOPER of Wisconsin, Mr. HEPBURN, and Mr. DE GRAFFENREID.

Before the result of the vote was announced the following proceedings took place:

Mr. McCULLOCH. I desire to state that my colleague, Mr. TERRY, is confined to his room by sickness.

The SPEAKER pro tempore. In the absence of objection, the gentleman from Arkansas will be excused.

Mr. MADDOX. I wish to ask that my colleague, Mr. LESTER, be excused from attendance to-night. As is well known, the condition of his health is such that he is not able to attend night sessions.

The SPEAKER pro tempore. Is there objection to excusing the gentleman from Georgia? The Chair hears none.

Mr. GAINES. I desire to ask that my colleague, Mr. COX, be excused. He is at home sick and unable to be here.

The SPEAKER pro tempore. In the absence of objection, the gentleman from Tennessee [Mr. COX] will be excused.

The Chair submits a request for leave of absence, which will be read.

The Clerk read as follows:

Mr. BURKE of South Dakota requests leave of absence for Mr. SNODGRASS this evening on account of sickness.

Mr. GAINES. I know myself that my colleague, Mr. SNODGRASS, was hardly able to sit up this afternoon when he left the House.

The SPEAKER pro tempore. In the absence of objection, leave will be granted.

There was no objection.

Mr. TALBERT. In behalf of Judge LANHAM, of Texas, I wish to state that he obtained leave of absence this afternoon. I would like that fact to appear upon the RECORD.

The SPEAKER pro tempore. The Clerk will announce the pairs.

The following pairs were announced:

For this session:

Mr. JACK with Mr. FINLEY.

Until March 14:

Mr. WATSON with Mr. DALY of New Jersey.

Until March 11:

Mr. GILLET of New York with Mr. GAYLE.

Until March 7:

Mr. LOVERING with Mr. FITZGERALD of Massachusetts.

Until further notice:

Mr. ACHESON with Mr. SULZER.

For to-night:

Mr. HITT with Mr. DINSMORE.

Mr. HEPBURN with Mr. TERRY.

Mr. JOY with Mr. SNODGRASS.

Mr. MERCER with Mr. LIVINGSTON.

Mr. GROW with Mr. BURLESON.

Mr. MUDD with Mr. SIMS.

Mr. LACEY with Mr. McRAE.

Mr. GAINES. Mr. Speaker, I desire to state that my colleague, Mr. SIMS, is absent and paired. I wish to state that I know of my personal knowledge that the gentleman is sick and was sick when he left the House this afternoon.

Mr. MEYER of Louisiana. I desire to state that my colleague, Mr. ROBERTSON of Louisiana, is confined to his hotel by sickness. Therefore I request that he be excused.

The SPEAKER pro tempore. Without objection, the gentleman will be excused.

Mr. MIERS of Indiana. Mr. Speaker, while we are waiting for the completion of the roll call, I ask unanimous consent to address the House for two minutes.

The SPEAKER pro tempore. The gentleman from Indiana [Mr. MIERS] asks unanimous consent that he may be permitted to address the House for two minutes. Is there objection?

Mr. SHATTUC. I object, Mr. Speaker.

The SPEAKER pro tempore. Objection is made.

Mr. SULLOWAY. I hope that request of the gentleman from Indiana will be granted. The gentleman is a member of the Committee on Invalid Pensions.

Mr. SHATTUC. I did not know the gentleman was on that committee, and I withdraw my objection.

The SPEAKER pro tempore. The objection is withdrawn. Is there further objection?

There was no objection.

The SPEAKER pro tempore. The gentleman is recognized for two minutes.

Mr. MIERS of Indiana. Mr. Speaker, I had hoped that we would have a quorum to-night, or, in the absence of a quorum, I had hoped that the gentleman from South Carolina [Mr. TALBERT] would not raise the point of no quorum. I find, however, that these hopes are blasted, and we are here for the present without a quorum. I think we will have one in the next fifteen or twenty minutes, but that shortens the evening's work, which is the great objection, as the session is short at best.

We have now come, Mr. Speaker, to a point where it is "a condition and not a theory that confronts us." We have a Committee on Invalid Pensions, to which is referred about 40 per cent of all the bills that have been introduced during the session.

There have been about 9,000 bills introduced, and 3,600, in round numbers, have been referred to this committee. The committee have considered about 600 of these claims, and have reported favorably, I think, on two hundred and eighty-odd. I hold in my hand the bound report, showing the amount of work which the Invalid Pensions Committee has accomplished. It would make a printed volume of about 340 pages. This committee have selected from the 600 bills they have been able to investigate the most meritorious claims. Many of them are cases of soldiers who are now old, poor, and without sustenance. They are, as it were, on the road to the poorhouse.

Who are they? I need not stop to say that the old soldiers of the war of 1861–1865, who maintained the Union intact that this great Government might lend a helping hand to suffering humanity, owe no debt of gratitude to the country, but the country owes a great debt of gratitude to these old soldiers.

Here we are, more than 350 members, unable to get a quorum to do business. I submit, Mr. Speaker, in view of the condition of this Calendar, in view of the condition of these old soldiers who are seeking relief, that there ought to be some means found by which we can meet the emergency and do some work and clear up this Calendar.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MIERS of Indiana. I ask, Mr. Speaker, for two minutes more while we are waiting.

The SPEAKER pro tempore. The gentleman asks unanimous consent for two minutes more. Is there objection?

There was no objection.

Mr. GAINES. Will the gentleman yield for a question?

Mr. MIERS of Indiana. I will yield to the gentleman.

Mr. GAINES. You state that you have a volume of reports on these cases which make a book of over 300 pages?

Mr. MIERS of Indiana. Yes.

Mr. GAINES. You say they are all claims of soldiers who fought to help to save the Union. Are there none there who fought in the late Spanish war or in the Mexican war?

Mr. CLAYTON of Alabama. And the Indian wars?

Mr. GAINES. I do not ask with any acid on my tongue, but I ask in good faith, for information.

Mr. MIERS of Indiana. I think there are upon this Calendar four or five cases that come from the Pensions Committee, cases of Mexican soldiers. And Spanish war claims are referred to the Invalid Pensions Committee. And that committee has worked faithfully, and no committee has done more work than that one. That committee is not called on the regular call for considering these claims, and we must consider them now or they are never considered. Unless we can get a quorum or change the rules of this House, the old soldier is denied a hearing. Who is responsible for it? This question must be answered, and the public will make the answer, and it may be to the discredit of some who make great professions to the old soldiers. Actions speak louder than words.

Mr. SHATTUC. Were there any constitutional wars?

Mr. MIERS of Indiana. Well, I do not——

Mr. GAINES. If I was on the Republican side I would answer that question——

Mr. MIERS of Indiana. I only want to say to the gentleman that I have sat here for ten days and heard constitutional questions discussed that were of interest, but to-night the question is whether there is patriotism enough on that side of the House, of the majority, backed by this side of the House, to come to the

rescue of the old soldiers and quit haggling politics. [Applause.] We want less politics and more real work.

Mr. RIDGELY. Has the gentleman——

Mr. SHATTUC. If he can get the Democratic Representative behind him to withdraw his objection we would have no trouble.

Mr. GAINES. If you can get the Republican leaders to come here and make a quorum there would be no trouble.

Mr. MIERS of Indiana. I do not think it lies in the mouth of the gentleman who makes an objection to raise that question, and I would beg him not to do it; but he has his duty as Representative, and I believe the roll ought to be called, and those representing—as you do, as well as I—districts where the old soldiers expect us to be here to look after their interests, the men who can not give an excuse ought to be held responsible to their constituents or go out of politics altogether [applause] and let some one who will do something have their places. That time will come to some gentlemen. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SHATTUC. Would you not favor a Friday afternoon session?

Mr. MIERS of Indiana. I would favor anything that would give us an opportunity to consider these bills; I would not care if it was Friday afternoon or Friday night or any other day of the week.

Mr. GAINES. If the gentleman from Ohio will allow me, I would be very much obliged if he would answer a question.

Mr. MIERS of Indiana. I would like, Mr. Speaker, to read a letter in conclusion. I want the House to see how grateful some of these old soldiers are. I have a letter from an old soldier that I never saw and do not know. He says:

> I received your letter of the 24th. * * * You have no idea of how much joy it gave me. Words can not express the gratitude which we owe you. Please accept sincere thanks for the kindness which you bestowed on me and my family in interceding in behalf of my claim. My prayer is, may God reward you for your kindness toward the old soldier.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MIERS of Indiana. If there is anything that we all admire in an American citizen it is that he have courage enough to perform his duty, and these claims of old soldiers ought to be passed by the House, and not put the old soldier off on promises. Let us meet the issue, I say. The committee has only reported meritorious bills, and all we ask is that we have a quorum so as to consider them. Let us quit playing politics and rise to the plane of duty. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. THOMAS of North Carolina. Mr. Speaker, I fully intended to be present at the beginning of the session this evening, but was detained by important business, and time passed more rapidly than I expected. It is my intention, and has been my intention all along, to be present at these Friday night sessions the very first thing, so as to help make a quorum.

Mr. GAINES. I should like to ask my friend from Ohio [Mr. SHATTUC] a question as to whether he is serious about having the business intended to be transacted at the Friday night sessions changed to some other time—to the daytime, when we may get a quorum?

Mr. LENTZ. While we have to wait, the whole question of changing these Friday night sessions to day sessions could be discussed.

Mr. SHATTUC. Mr. Speaker, has the gentleman from Tennessee given me time?

Mr. GAINES. I would like for the gentleman to answer that question. [Cries of "Regular order!"] I would like to ask the gentleman if we could change this night nuisance to day legislation?

Mr. PAYNE. Can we have order?

Mr. GAINES. The Republicans are making the disorder. [Cries of "Order!" "Order!"] And their absence started the whole trouble.

Mr. COUSINS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. COUSINS. What is the reason we are not proceeding to consider pension cases?

The SPEAKER pro tempore. The roll call is still proceeding.

Mr. COUSINS. For what purpose?

The SPEAKER pro tempore. For the purpose of establishing the presence of a quorum.

Mr. COUSINS. How was it revealed that there was no quorum?

The SPEAKER pro tempore. It has not been revealed yet. [Laughter.]

Mr. LENTZ. Mr. Speaker, is it in order to offer a resolution to change the time for disposing of pension business from Friday night to Saturday afternoon?

The SPEAKER pro tempore. It is not in order at this time.

Mr. COUSINS. Mr. Speaker, has the question been raised whether or not there is a quorum?

The SPEAKER pro tempore. It has.

Mr. COUSINS. By whom?

The SPEAKER pro tempore. By the gentleman from South Carolina [Mr. TALBERT].

Mr. TALBERT. The gentleman from Iowa had better come here in season to help make a quorum.

Mr. COUSINS. I was here in the Hall half an hour before the session began, and I voted on the first roll call.

Mr. LENTZ. Mr. Speaker, is it in order for us to pass a resolution recommending that the Committee on Rules set aside Saturday afternoon for pension business?

The SPEAKER pro tempore. It is not, during a roll call.

Mr. SHATTUC. Mr. Speaker, I ask that Mr. GAINES be given ten minutes to address the House.

Mr. PAYNE. I object.

Mr. GAINES. I do not care to speak, but I can state in a shorter time than that what I think of this constant performance. I think that the gentlemen on the other side had better come here and give us a quorum. Get your leading Republicans out and make a quorum.

Mr. PAYNE. Mr. Speaker, the gentleman from Tennessee is out of order.

Mr. GAINES (after great confusion). You Republicans have acted unpatriotically and are now acting unjustly. You Republicans have already acted unpatriotically by not coming here and bringing a quorum. You always bring a quorum here when you want to violate the Constitution, as you did in the Puerto Rican tariff matter. You always manage to get a quorum here to turn a Democrat out of this body. You are remiss in your duty. You have been here for three months, with a Republican majority absolutely controlling this House, and numerous Friday night pension sessions have been held, and yet you never have furnished a quorum to pay the pensions of the old soldiers of the civil war, the Mexican war, the Spanish war, or the Indian war, and the only man who has made a speech here in their behalf to-night is a Democrat, the gentleman from Indiana [Mr. MIERS].

Mr. PAYNE. Mr. Speaker, I object to this. The gentleman from Tennessee is out of order.

Mr. GAINES. We have been coming here week after week and month after month without doing anything. You gentlemen had better bring a majority here, so that we can attend to business. You gentlemen can not deter me in making this, a just criticism. I have no personal interest here, not a bill on this Calendar relates to my own people. I am here to aid others in the passage of just laws.

Mr. MADDOX. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. MADDOX. I would like to know under what rule these gentlemen are voting after the roll has been called twice.

The SPEAKER pro tempore. Under section 3, Rule XV.

Mr. MADDOX. I should like to have it read.

The SPEAKER pro tempore. The Clerk will read the rule.

The Clerk read as follows:

> 3. On the demand of any member, or at the suggestion of the Speaker, the names of members sufficient to make a quorum in the Hall of the House who do not vote shall be noted by the Clerk and recorded in the Journal, and reported to the Speaker with the names of the members voting and be counted and announced in determining the presence of a quorum to do business.

The SPEAKER pro tempore. The Clerk will also read the final clause of section 1.

The Clerk read as follows:

> And thereafter the Speaker shall not entertain a request to record a vote or announce a pair unless the member's name has been noted under clause 3 of this rule.

Mr. MADDOX. I would like to know if we are calling a roll to establish a quorum or to go into Committee of the Whole. This vote, as I understand it, is whether we shall go into Committee of the Whole, and is not to establish a quorum.

The SPEAKER pro tempore. The announcement of the vote would establish whether or not there is a quorum.

Mr. MADDOX. It ought to be announced; that is what I want to get at, and I call for the announcement.

The SPEAKER pro tempore. Does the Chair understand the gentleman to call for the vote?

Mr. MADDOX. Yes; my idea is that these men who come in can be counted, but I do not think they have any right to vote on this question under the rule; certainly not on the question we are voting on.

Mr. COUSINS. Mr. Speaker, I ask unanimous consent that the House may consider itself in Committee of the Whole for the purpose of considering pension bills.

The SPEAKER pro tempore. The Chair is of opinion that the request is not in order at this time.

Mr. COCHRAN of Missouri. Mr. Speaker, I would like to ask if the roll call is now completed?

The SPEAKER pro tempore. It is not yet complete.

Mr. COCHRAN of Missouri. My reason is this: When the roll was called I was under the impression that the House was voting on a question to adjourn, and I voted "no." As it was to go into Committee of the Whole, I desire to change my vote to "aye."

The SPEAKER pro tempore. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. COCHRAN of Missouri, and he voted "aye," as above recorded.

Mr. CLARKE of New Hampshire. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER pro tempore. The gentleman from New Hampshire will state it.

Mr. CLARKE of New Hampshire. At the Friday evening session, February 2, I was unavoidably detained from attendance. I was paired with the gentleman from Alabama, Mr. UNDERWOOD. The gentleman from Missouri, Mr. CLARK, was present, and announced that he desired to have it understood that he was present and the gentleman from New Hampshire was the CLARKE that was absent. I have answered to my name to-night, and I desire to have it understood that the gentleman from Missouri, Mr. CLARK, is the one who is absent. [Laughter.]

The SPEAKER pro tempore. The Chair is of opinion that the gentleman from New Hampshire has not stated a question of personal privilege. [Laughter.]

Mr. JONES of Virginia. Mr. Speaker, I ask that the result of the last vote be announced.

The SPEAKER pro tempore. On this question the yeas are 160, the nays 1, present 10—total, 171.

Mr. NORTON of Ohio. Does that make a quorum, Mr. Speaker?

The SPEAKER pro tempore. It does not, it is seven short of a quorum.

Mr. NORTON of Ohio. I desire to ask whether that constitutes a quorum?

The SPEAKER pro tempore. It does not.

Mr. NORTON of Ohio. Then I offer for adoption the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Sergeant-at-Arms take into custody and bring to the bar of the House such of its members as are now absent without the leave of the House.

Mr. TALBERT. Pending that motion, I move that the House do now adjourn.

The SPEAKER pro tempore. The resolution of the gentleman from Ohio [Mr. NORTON] is not in order at this time.

Mr. TALBERT. I move that the House do now adjourn.

The question being taken, the motion to adjourn was not agreed to.

Mr. NORTON of Ohio. I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The Chair will hear the gentleman's parliamentary inquiry.

Mr. NORTON of Ohio. I would like to ask for what reason and under what rule my resolution is not in order.

The SPEAKER pro tempore. Because a call of the House has not been ordered.

Mr. NORTON of Ohio. I demand, then, a call of the House.

The SPEAKER pro tempore. Does the gentleman from Ohio move a call of the House?

Mr. NORTON of Ohio. I do.

The question having been taken on the motion of Mr. NORTON of Ohio,

The SPEAKER pro tempore. The ayes appear to have it.

Mr. NORTON of Ohio. Division. [Laughter.]

The SPEAKER pro tempore. Does the gentleman from Ohio demand a division?

Mr. NORTON of Ohio. Yes; I want to see how gentlemen vote.

The question was again taken; and there were—ayes 88, noes 8.

The SPEAKER pro tempore. A call of the House is ordered. The doors will be closed, and the Clerk will call the roll.

The Clerk proceeded to call the roll, when the following-named gentlemen failed to answer to their names:

Acheson,	Burke, Tex.	Dinsmore,	Grow,
Adams,	Burleson,	Dolliver,	Hall,
Allen, Ky.	Campbell,	Driggs,	Harmer,
Allen, Miss.	Cannon,	Elliott,	Hawley,
Atwater,	Carmack,	Emerson,	Hay,
Babcock,	Catchings,	Epes,	Heatwole,
Bailey, Tex.	Chanler,	Faris,	Hemenway
Ball,	Clark, Mo.	Fitzgerald, Mass.	Henry, Conn.
Bankhead,	Connell,	Fitzpatrick,	Henry, Miss.
Barney,	Cooper, Tex.	Fleming,	Henry, Tex.
Bartholdt,	Corliss,	Foss,	Hitt,
Bartlett,	Cox,	Foster,	Hopkins,
Berry,	Crowley,	Fowler,	Howard,
Bingham,	Cummings,	Fox,	Howell,
Boutelle, Me.	Dahle, Wis.	Gayle,	Hull,
Brantley,	Daly, N. J.	Gibson,	Joy,
Breazeale,	Davenport, S. W.	Gillet, N. Y.	Kahn,
Brewer,	Davey,	Gillett, Mass.	Ketcham,
Brick,	De Vries,	Gordon,	Kluttz,
Broussard,	Denny,	Griffith,	Knox,
Brownlow,	Dick,	Grosvenor,	Lacey,
Lane,	Newlands,	Scudder,	Thayer,
Lanham,	Noonan,	Shafroth,	Thropp,
Latimer,	Olmsted,	Sheldon,	Tompkins,
Lester,	Otey,	Sherman,	Turner,
Levy,	Packer, Pa.	Sibley,	Underhill,
Lewis,	Pearce, Mo.	Sims,	Underwood,
Littauer,	Pierce, Tenn.	Slayden,	Vandiver,
Livingston,	Polk,	Small,	Van Voorhis,
Loud,	Powers,	Smith, Ill.	Vreeland,
Lovering,	Quarles,	Smith, Ky.	Wachter,
McAleer,	Ransdell,	Smith, Wm. Alden	Wadsworth,
McCall,	Ray,	Snodgrass,	Warner,
McClellan,	Reeves,	Southard,	Watson,
McRae,	Rhea, Ky.	Spight,	Weeks,
Mahon,	Rhea, Va.	Sprague,	Weymouth,
May,	Richardson,	Stallings,	Wheeler, Ky.
Mercer,	Riordan,	Stewart, N. J.	Williams, W. E.
Mesick,	Rixey,	Stokes,	Williams, Miss.
Metcalf,	Robbins,	Sulzer,	Wilson, N. Y.
Mondell,	Robertson, La.	Swanson,	Wilson, S. C.
Moody, Oreg.	Robinson, Nebr.	Tate,	Wright,
Mudd,	Rucker,	Tawney,	Young, Pa.
Muller,	Ruppert,	Taylor, Ala.	Young, Va.
Naphen,	Salmon,	Terry,	Ziegler.

At the conclusion of the roll call the following announcements were made:

Mr. FITZGERALD of New York. I desire to announce that my colleague, Mr. SCUDDER, left the House to-day ill, and because of his illness he is absent to-night.

Mr. GILBERT. Mr. Speaker, I have a daughter at the hotel who is quite ill this evening, and I promised to return by half past 9 o'clock. I therefore ask unanimous consent to be excused from further attendance to-night.

The SPEAKER pro tempore. If there be no objection, the gentleman from Kentucky will be excused.

There was no objection.

Mr. LAMB. My colleague, Mr. OTEY, is quite sick, and I ask that he be excused.

The SPEAKER pro tempore. In the absence of objection, the gentleman from Virginia [Mr. OTEY] will be excused.

There was no objection.

Mr. SULLOWAY. Mr. Speaker, the call of the roll has twice disclosed the absence of a quorum. It is evident that no business can be done to-night. I move, therefore, that the House now adjourn.

The SPEAKER pro tempore. The Chair will entertain the motion of the gentleman from New Hampshire [Mr. SULLOWAY] as soon as the result of the roll call has been announced.

Mr. GAINES. Before we adjourn I want to ask my good friend from New Hampshire a question. [Cries of "Regular order!"] Will he please suggest some means by which we can get rid of night meetings and substitute for this pension business day meetings?

Mr. SULLOWAY. That could not be done under the existing rule.

Mr. GAINES. Can we not change the rule?

Mr. SULLOWAY. Not here to-night.

Mr. GAINES. Can not a new rule be presented which will cover this matter for the future?

Mr. SULLOWAY. That is a matter for gentlemen who have that subject in hand.

The SPEAKER pro tempore. The roll call discloses that 171 members are present—not a quorum. The gentleman from New Hampshire moves that the House do now adjourn.

The motion was agreed to; and accordingly (at 9 o'clock and 25 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting a letter from the Chief of Engineers recommending a credit in the accounts of Capt. C. H. McKinstry, Corps of Engineers—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting a copy of a communication from the Acting Chief of Engineers submitting an estimate of appropriation for a credit to the account of Capt. William E. Craighill—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Ouachita and Black rivers, Arkansas and Louisiana—to the Committee on Rivers and Harbors, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MULLER, from the Committee on Interstate and Foreign

Commerce, to which was referred the bill of the House (H. R. 8777) to confer upon the supervisor of the harbor of New York further power to act in reference to interference with navigation, and to confer jurisdiction upon the United States courts to punish offenders thereof, reported the same without amendment, accompanied by a report (No. 478); which said bill and report were referred to the House Calendar.

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 1062) to authorize the Montgomery, Hayneville and Camden Railroad Company to construct and maintain a bridge across the Alabama River between Clifton and Lower Peachtree, in Alabama, reported the same with amendment, accompanied by a report (No. 479); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 1061) to authorize the Montgomery, Hayneville and Camden Railway Company to construct and maintain a bridge across the Tombigbee River between the northern and southern boundary lines of Clarke County, Ala., reported the same without amendment, accompanied by a report (No. 480); which said bill and report were referred to the House Calendar.

Mr. DAVEY, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 8018) for the construction of a steam revenue cutter for service in the Gulf of Mexico and tributary waters, headquarters at New Orleans, La., reported the same without amendment, accompanied by a report (No. 481); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 8585) to amend chapter 313 of the United States Statutes at Large, entitled "An act to prevent forest fires on the public domain," reported the same with amendment, accompanied by a report (No. 482); which said bill and report were referred to the House Calendar.

Mr. FLYNN, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 5032) authorizing the Secretary of the Interior to negotiate with certain Indian tribes in Oklahoma for the cession of the "Neutral Strip," reported the same with amendment, accompanied by a report (No. 483); which said bill and report were referred to the House Calendar.

Mr. LOVERING, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 4909) authorizing the President of the United States to appoint a commission to study and make full report upon the commercial and industrial condition of China and Japan, and for other purposes, reported the same with amendment, accompanied by a report (No. 484); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CHANLER, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the Senate (S. 1746) to provide for the inspection of the boilers of the *Alvena* and *Ailsa*, reported the same without amendment, accompanied by a report (No. 485); which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CANNON: A bill (H. R. 9080) appropriating, for the benefit and government of Puerto Rico, revenues collected on importations therefrom since its evacuation by Spain and revenues hereafter collected on such importations under existing law—to the Committee on Appropriations.

By Mr. BURLESON: A bill (H. R. 9081) to promote the interests of the agriculturist by an appropriation made to ascertain the quickest and cheapest method of destroying Andropogot halepensis, and for other purposes—to the Committee on Agriculture.

By Mr. NORTON of South Carolina: A bill (H. R. 9082) to amend an act entitled "An act to regulate the sitting of the United States courts within the district of South Carolina," approved December 21, 1898—to the Committee on the Judiciary.

By Mr. WILLIAMS of Mississippi: A bill (H. R. 9083) to authorize the Commissioner of General Land Office to dispose of Choctaw orphan Indian lands in Mississippi, and to make appropriation for executing act of Congress approved June 28, 1898—to the Committee on Indian Affairs.

By Mr. ALLEN of Maine: A bill (H. R. 9084) declaring certain trestles of the Washington County Railroad Company to be lawful structures—to the Committee on Interstate and Foreign Commerce.

By Mr. GAINES: A bill (H. R. 9085) to extend the homestead laws so as to include soldiers and sailors of the Spanish war and those who served in the Philippine Islands—to the Committee on the Public Lands.

By Mr. JENKINS: A bill (H. R. 9120) to create a commission to promote the uniformity of laws, to prepare codes of procedure in the Federal courts, and for other purposes—to the Committee on the Judiciary.

By Mr. GRAFF: A bill (H. R. 9121) to authorize the erection of a statue of the late President Abraham Lincoln at Gettysburg, Pa.—to the Committee on the Library.

By Mr. BABCOCK: A bill (H. R. 9122) to regulate the sale of intoxicating liquors in the District of Columbia—to the Committee on the District of Columbia.

By Mr. VREELAND: A resolution (H. Res. 166) relative to the appointment of a special messenger to serve under direction of the Doorkeeper—to the Committee on Accounts.

By Mr. KETCHAM: A resolution (H. Res. 167) authorizing the Clerk of the House of Representatives to pay Annie Morehouse Cookingham a sum equal to six months' salary and funeral expenses as authorized by law—to the Committee on Accounts.

By Mr. ROBERTS: A resolution (H. Res. 168) concerning accumulated books, documents, bills, and reports in the House and Clerk's document rooms—to the Committee on Rules.

By Mr. LIVINGSTON: A concurrent resolution (H. C. Res. 25) for the printing of 100,000 copies of the Industrial Commission's report—to the Committee on Printing.

By Mr. DALZELL: A resolution of the legislature of Pennsylvania relating to convict-made goods—to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 9086) granting a pension to Margaret Bapst—to the Committee on Pensions.

By Mr. ACHESON: A bill (H. R. 9087) granting a pension to George W. Wright—to the Committee on Invalid Pensions.

By Mr. BARBER: A bill (H. R. 9088) to correct the military record of Eugene H. Levering—to the Committee on Military Affairs.

By Mr. BURKETT: A bill (H. R. 9089) granting an increase of pension to Alfred Opelt—to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 9090) to restore pension to Sarah A. Fayett, widow of James H. Fayett, Company K, Seventh Kentucky Cavalry Volunteers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9091) to grant pension to Sarah J. Simpson—to the Committee on Invalid Pensions.

By Mr. COUSINS: A bill (H. R. 9092) to remove the charge of desertion from the military record of James Baldwin—to the Committee on Military Affairs.

By Mr. DALZELL: A bill (H. R. 9093) granting an increase of pension to Joseph L. Thomas—to the Committee on Invalid Pensions.

By Mr. DAVEY: A bill (H. R. 9094) for the relief of the estate of William H. Watson, deceased, late of New Orleans Parish, La.—to the Committee on War Claims.

By Mr. FREER: A bill (H. R. 9095) to pension Nathaniel Ellison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9096) for the relief of Solomon Beck, late of Company I, Eighteenth Ohio Volunteer Infantry—to the Committee on Military Affairs.

By Mr. GARDNER of Michigan: A bill (H. R. 9097) for the relief of Edmund Stanfield—to the Committee on Claims.

By Mr. LAMB: A bill (H. R. 9098) for the relief of D. Gardner Tyler—to the Committee on Claims.

By Mr. NORTON of South Carolina: A bill (H. R. 9099) for the relief of T. B. Stackhouse, a deputy collector of internal revenue for the district of South Carolina during the fiscal year 1894 and 1895—to the Committee on Claims.

By Mr. PHILLIPS: A bill (H. R. 9100) granting an increase of pension to Warren W. H. Lawrence—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9101) granting a pension to Mrs. Julie E. Steele, widow of Capt. A. P. Steele—to the Committee on Invalid Pensions.

By Mr. PUGH: A bill (H. R. 9102) granting an increase of pension to James R. Chapman—to the Committee on Invalid Pensions.

By Mr. HENRY C. SMITH: A bill (H. R. 9103) granting an increase of pension to Henry F. Gage—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9104) to remove the charge of desertion from the record of Melanchton Borst—to the Committee on Military Affairs.

Also, a bill (H. R. 9105) to remove the charge of desertion from the record of Conrad Springer—to the Committee on Military Affairs.

Also, a bill (H. R. 9106) granting a pension to Nancy Marshall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9107) to remove the charge of desertion from

the record of Vanransalere V. Cook—to the Committee on Military Affairs.

Also, a bill (H. R. 9108) granting a pension to Maria H. Hixon—to the Committee on Pensions.

Also, a bill (H. R. 9109) to increase the pension of Orin H. York—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9110) to remove the charge of desertion from the record of Edwin Horton—to the Committee on Military Affairs.

Also, a bill (H. R. 9111) granting a pension to Lucy Parker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9112) granting a pension to Harriet Danley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9113) for the relief of Herman B. Robb—to the Committee on War Claims.

Also, a bill (H. R. 9114) granting a pension to Jane Hale—to the Committee on Invalid Pensions.

By Mr. SHOWALTER: A bill (H. R. 9115) to increase the pension of John Glenn, late corporal of Company C, One hundredth Pennsylvania Volunteers—to the Committee on Invalid Pensions.

By Mr. SHEPPARD: A bill (H. R. 9116) for the relief of George S. Thebo, assignee of Charles F. Thebo—to the Committee on War Claims.

By Mr. TAYLER of Ohio: A bill (H. R. 9117) to confirm a certain private land claim in the Territory of New Mexico—to the Committee on Private Land Claims.

By Mr. THOMAS of North Carolina: A bill (H. R. 9118) for the relief of W. E. Hill, of Duplin County, N. C.—to the Committee on War Claims.

By Mr. WILSON of Arizona: A bill (H. R. 9119) to refund to the counties of Yuma and Gila, Territory of Arizona, certain costs in arresting, prosecuting, and the trial of certain Indians on charge of violating the Territorial laws—to the Committee on Claims.

By Mr. BROWNLOW: A bill (H. R. 9123) granting a pension to Jackson Stokely—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9124) granting a pension to Morris McIntosh, father of John McIntosh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9125) for the relief of Henry Lefthew—to the Committee on Military Affairs.

By Mr. BERRY (by request): A bill (H. R. 9126) granting pension to soldier's widow—to the Committee on Invalid Pensions.

By Mr. FITZGERALD of New York: A bill (H. R. 9127) removing the charge of desertion from the naval record of Patrick Naddy—to the Committee on Naval Affairs.

By Mr. MUDD: A bill (H. R. 9128) for the relief of Joseph Culley—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of President George E. MacLean, of the State University of Iowa, relating to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. ACHESON: Statement to accompany House bill No. 8968, to amend the record of Adam Spiker—to the Committee on Military Affairs.

Also, papers to accompany House bill to place George W. Wright on the pension roll—to the Committee on Invalid Pensions.

Also, resolution of the California Club, urging the purchase of the Calaveras big trees of California by the Federal Government—to the Committee on Appropriations.

Also, resolution of the National Association of the League of American Wheelmen, for larger appropriations for the Office of Road Inquiry—to the Committee on Agriculture.

By Mr. ATWATER: Papers relating to the claim of Alvin Nowell and William Nowell, of Wake County, N. C.—to the Committee on War Claims.

By Mr. BRADLEY: Resolution of the municipal assembly of the city of New York, protesting against the curtailment of postal facilities—to the Committee on the Post-Office and Post-Roads.

By Mr. BROMWELL: Resolutions of the Chamber of Commerce of Cincinnati, Ohio, in regard to extension of Fort Thomas—to the Committee on Military Affairs.

By Mr. BULL: Papers to accompany House bill No. 217, granting a deed of quitclaim and release to Lorillard Spencer, his heirs and assigns, of all the right, title, and interest in and to a certain land in the city of Newport, R. I.—to the Committee on the Judiciary.

By Mr. BURKETT: Resolution of Local Union No. 4, Washington (D. C.) International Brotherhood of Bookbinders, in favor of the passage of House bill No. 6872, to print the label of the Allied Printing Trades on all publications of the Government—to the Committee on Printing.

By Mr. BURTON: Petition of Company D, Ninth Battalion, Ohio National Guard, favoring the passage of House bill No. 7936, increasing the appropriations for arming and equipping the military of the States and Territories—to the Committee on the Militia.

By Mr. DALZELL: Petition of A. W. Zeigler, duggist, of Pittsburg, Pa., relating to the stamp tax on medicines—to the Committee on Ways and Means.

Also, affidavit of J. J. Buchanan, M. D., and letter of Isaac Miller, to accompany House bill granting a pension to Joseph L. Thomas—to the Committee on Invalid Pensions.

By Mr. ESCH: Papers to accompany House bill No. 3778, granting an increase of pension to E. A. Sloane—to the Committee on Invalid Pensions.

By Mr. FLETCHER: Resolution of the Prospect Park Literary Society, of Minneapolis, Minn., urging the establishment of a national park in northern Minnesota—to the Committee on the Public Lands.

By Mr. FOSTER: Petitions of Gustav A. Grusner and others, R. C. Musselwhite and others, O. F. Fisher and others, C. W. Grassly and others, druggists, Chicago, Ill., for the repeal of the stamp tax on medicines, etc.—to the Committee on Ways and Means.

By Mr. GAINES: Petition of Post No. 1, Grand Army of the Republic, Department of Tennessee, in support of the House bill No. 4742, to provide for the detail of active and retired officers of the Army and Navy to assist in military education in public schools—to the Committee on Military Affairs.

By Mr. GRAHAM: Petition of the Commercial Gazette, The Post, Daily News, and other newspapers of Pittsburg, Pa., urging the passage of House bill No. 5765, known as the Russell bill, relating to the revenue tax on alcohol in manufactures, etc.—to the Committee on Ways and Means.

Also, resolutions of the California Club, San Francisco, Cal., urging the purchase of the Calaveras big trees of California by the Government and to set aside the grove as a national park—to the Committee on Appropriations.

Also, memorial of the Grocers and Importers' Exchange of Philadelphia, Pa., praying for legislation to build up the merchant marine of the United States—to the Committee on the Merchant Marine and Fisheries.

By Mr. LACEY: Petition of Local Union No. 790, United Mine Workers of America, of Pekay, Iowa, favoring the passage of House bill No. 6882, relating to hours of labor on public works, and House bill No. 5450, for the protection of free labor against prison labor—to the Committee on Labor.

By Mr. LEVY: Resolution of the New York Board of Trade and Transportation, relating to the reorganization and the improvement of the consular service—to the Committee on Foreign Affairs.

By Mr. McCLEARY: Letters of Ira Crawford, of Beaver Creek, John A. Sellner, of New Ulm, John Welter, of Morgan, and P. O. Anderson, of Tracy, Minn., in favor of the Grout bill taxing oleomargarine—to the Committee on Ways and Means.

Also, petition of the Minnesota National Park and Forest Reserve Association and others, urging the establishment of a national park in northern Minnesota—to the Committee on the Public Lands.

By Mr. McDOWELL: Paper to accompany House bill to correct the military record of Peter C. Lawyer—to the Committee on Military Affairs.

Also, papers to accompany House bill to grant a pension to Rebecca L. English, widow of Lieut. S. A. English—to the Committee on Invalid Pensions.

By Mr. NEVILLE: Evidence in support of House bill No. 7491, granting a pension to John Devine—to the Committee on Invalid Pensions.

By Mr. NORTON of South Carolina: Resolutions of California Club, in favor of a national park being made of the Calaveras Grove of Sequoias in the State of California—to the Committee on Appropriations.

By Mr. PRINCE: Petition of S. Dailey and others in the dairy business, Port Bryon, Ill., favoring the Grout bill, relating to dairy products—to the Committee on Agriculture.

By Mr. RICHARDSON: Petitions of T. S. Pierce, of Petersburg, and Levi Wilson & Co., of Smithville, Tenn., relating to the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. SHATTUC: Resolution adopted by the Chamber of Commerce of Cincinnati, Ohio, February 27, 1900, petitioning for the acquisition of additional grounds for use of Fort Thomas, Ky.—to the Committee on Military Affairs.

By Mr. WACHTER: Papers to accompany House bill granting a pension to Henry Miller, detachment general service recruiting, United States Army—to the Committee on Invalid Pensions.

By Mr. WANGER: Petition of John H. Bond and other carriers of the post-office at Pottstown, Pa., for the passage of a bill for the equalization of the salaries of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. WILSON of Arizona: Resolution of the National Live Stock Association, favoring the passage of Senate bill No. 1439, to amend the act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

SENATE.

SATURDAY, *March 3, 1900.*

The Chaplain, Rev. W. H. MILBURN, D. D., offered the following prayer:

O Eternal God, as one of our brethren in the House of Representatives has been suddenly and prematurely called from earth, we pray Thee to grant Thy pitying love, Thy comfort and cheer to the wife who stands in this awful desolation. Grant that these sudden and impressive reminders of our mortality may come home to us with the force that should attend them, moving us to do the work of our life in all humility and reverence and with submission to Thy will, that when our summons shall come we may lay down our work of the earth in all peace and loving-kindness toward our fellow-men and enter upon the home and rest of Thy people in heaven. Through Jesus Christ our Saviour. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. SCOTT, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

POSTAGE TO POSTAL UNION COUNTRIES.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior submitting an estimate of deficiency in the appropriation for "Postage to Postal Union countries, Department of the Interior," for the fiscal year 1900, $600; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

LAW LIBRARY OF GENERAL LAND OFFICE.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior submitting an estimate of appropriation for law books for the law library of the General Land Office for the fiscal year ending June 30, 1901, $1,488.50; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

MISCELLANEOUS EXPENSES, DEPARTMENT OF LABOR.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Commissioner of Labor submitting a supplemental and increased estimate of appropriation for "Miscellaneous expenses, Department of Labor," for the fiscal year ending June 30, 1901, $2,000; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

PENSION APPROPRIATION BILL—PRIVATE PENSION BILLS.

Mr. GALLINGER. Mr. President, a special order was made for to-day, or unanimous consent was given, that at 3 o'clock the pension appropriation bill should be taken up and that the remaining time should be devoted to the consideration of unobjected private pension bills on the Calendar.

I am informed that in consequence of the death of a member of the other House the Senate will be asked to adjourn at an early hour to-day, and I ask unanimous consent that the consideration of the pension appropriation bill shall be postponed until Monday at 3 o'clock and that the remainder of that day be given to the consideration of unobjected private pension bills on the Calendar.

Mr. HALE. I did not want to interfere with the Senator, but I have made arrangements with Senators having charge of matters before the Senate for time for the consular and diplomatic appropriation bill on Monday, which I shall try to get up after the routine morning business. Of course it has the right of way, but I have been holding it off. I do not know whether that will interfere with the Senator's suggestion or not, because I did not fully hear his suggestion.

Mr. GALLINGER. I suggest to the Senator that I think by priority the pension appropriation bill has the right of way, having been reported, I believe, at an earlier day than the diplomatic and consular appropriation bill. However, I am content to have the matter take such shape as is most agreeable to the Senate. I simply want to expedite business. The pension appropriation bill ought to be considered certainly at an early day, and there is a good deal of pressure for an hour, at least, to be given to the consideration of private pension bills.

Mr. HALE. I was not referring to the pension appropriation bill, because I think, as the Senator says, that bill has the right of way. I was only referring to the other part of the Senator's suggestion about taking up time on Monday. But of course he will go on with the pension appropriation bill.

Mr. GALLINGER. Then I will make this request: That instead of taking up the pension appropriation bill to-day at 3 o'clock it be assigned for Monday at 3 o'clock. The matter of private pension bills will be taken care of at some other time.

Mr. HALE. Then, if I can get the diplomatic and consular appropriation bill considered in the morning hour on Monday, that will be all right.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent that the pension appropriation bill may be taken up on Monday at 3 o'clock.

Mr. PETTIGREW. To that I object, for this reason: We have fixed an hour on Tuesday for voting upon the conference report on the financial bill, and I can not consent to any other unanimous consent between now and that time which will shut out any one who wishes to speak on that subject.

Mr. HALE. I think we shall have to allow the consideration of the appropriation bills to go over now.

The PRESIDENT pro tempore. Objection is made.

Mr. FORAKER. Before that is determined, let us have an understanding. As I understand it, there was unanimous consent that at 3 o'clock to-day the pension appropriation bill should be taken up for consideration. In view of that arrangement, a little different arrangement has been made as to some other matters pending before the Senate. I supposed the Senator from New Hampshire would take all the time after 3 o'clock with the pension appropriation bill and the consideration of private pension bills, which I understood also to be included in the arrangement for to-day.

Mr. GALLINGER. If the Senator will permit me, the Senator was not in when I made the statement that there would be an early adjournment of the Senate to-day in consequence of the death of a member of the other House.

Mr. President, I simply give notice now that at 3 o'clock to-day I shall ask the Senate to proceed to the consideration of the pension appropriation bill.

The PRESIDENT pro tempore. At 3 o'clock to-day.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 1931) to provide for the erection of a bridge across Rainy River, in the State of Minnesota, between Rainy Lake and the mouth of the Rainy River; and

A bill (S. 3360) to extend the time for the completion of a bridge across the Missouri River.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 2477) authorizing the construction of a bridge across the Mississippi River at Dubuque, Iowa; and it was thereupon signed by the President pro tempore.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented the memorial of Edward W. Townsend, of Salmon Falls, N. H., and the memorial of H. E. Waite, of Lebanon, N. H., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. CULLOM presented a memorial of Local Union No. 258, Cigar Makers' International Union, of Streator, Ill., remonstrating against the free admission of cigars and manufactured goods from our new possessions, and also against the cession of the public lands to the several States; which was referred to the Committee on Finance.

He also presented the petition of John Hagen and 9 other employees in the post-office at Chicago, Ill., praying that they be granted an increase of salary; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Trades and Labor Assembly of Galesburg, Ill., and a memorial of Local Union No. 207, Cigar Makers' International Union, of Carthage, Ill., remonstrating against the importation of cigars from Puerto Rico free of duty; which were ordered to lie on the table.

Mr. NELSON presented a petition of the Minnesota State officials, praying for the establishment of an Army veterinary corps; which was referred to the Committee on Military Affairs.

He also presented a petition of Company C, Fourth Infantry National Guard State Militia, of Minnesota, praying for the enactment of legislation to improve the armament of the militia; which was referred to the Committee on Appropriations.

He also presented a memorial of the Chamber of Commerce of Duluth, Minn., remonstrating against any reduction being made in the appropriation for the maintenance of the United States Hydrographic Office; which was referred to the Committee on Appropriations.

He also presented a petition of Company A, Fourth Regiment National Guard State Militia, of Minnesota, praying that an increase be made in the annual appropriation for the military organizations of the several States; which was referred to the Committee on Appropriations.

Mr. PENROSE presented a petition of the Board of Trade of Altoona, Pa., praying for the enactment of legislation to increase

the exhibits in the Philadelphia Commercial Museum; which was referred to the Committee on Commerce.

Mr. WETMORE presented a petition of West Kingston Grange, No. 10, Patrons of Husbandry, of Kingston, R. I., praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. HALE presented the petition of S. W. Gould and sundry other citizens of Maine, praying for the establishment of an Army veterinary corps; which was referred to the Committee on Military Affairs.

He also presented the memorial of Charles W. Close, publisher of The Free Man, of Bangor, Me., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. COCKRELL presented a petition of the Marshall Medicine Company, of Kansas City, Mo., praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

Mr. HOAR presented a petition of the graduate nurses, superintendents of nurses, and pupil nurses of sundry hospitals of the Commonwealth of Massachusetts, praying for the employment of women nurses in the military hospitals of the Army; which was referred to the Committee on Military Affairs.

Mr. FAIRBANKS presented a petition of Local Union No. 281, United Brotherhood of Carpenters and Joiners, of Indianapolis, Ind., praying for the enactment of legislation to protect free labor from prison competition, and also to limit the hours of daily service of workmen and mechanics on the public works of the United States; which was referred to the Committee on Education and Labor.

He also presented a memorial of Local Union No. 352, Cigar Makers' International Union, of Brookville, Ind., remonstrating against the importation of cigars from Puerto Rico free of duty; which was ordered to lie on the table.

He also presented a petition of sundry railway mail clerks of Richmond, Ind., praying for the enactment of legislation to provide for the classification of clerks in first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of Carl Beayfield, publisher of the Hoosier Democrat, of Charlestown, Ind., and the memorial of John M. Higgs, publisher of the Examiner, of Connersville, Ind., remonstrating against the passage of the so-called parcels post bill; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. DAVIS presented a petition of the mayor and 30 other citizens of St. Paul, Minn., praying for the establishment of an Army veterinary corps; which was referred to the Committee on Military Affairs.

Mr. FRYE presented a petition of sundry citizens of Maine, praying for the establishment of an Army veterinary corps; which was referred to the Committee on Military Affairs.

He also presented the petition of George W. Niles, of Van West, Ohio, praying that he be granted a medal or a vote of thanks by Congress for services rendered during the civil war; which was referred to the Committee on Military Affairs.

He also presented a petition of the New York Board of Trade and Transportation, praying for the enactment of legislation to increase American shipping; which was ordered to lie on the table.

KIOWA, COMANCHE, AND APACHE INDIANS.

Mr. HARRIS. I present additional papers to accompany an amendment providing for the ratification of an agreement with the Kiowa, Comanche, and Apache tribes of Indians in Oklahoma, formerly a part of the Indian Territory, intended to be proposed to the Indian appropriation bill. I move that the papers be printed as a document.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. HALE, from the Committee on Naval Affairs, to whom was referred the bill (S. 1358) to authorize the use of depositions before naval courts in certain cases, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1023) to authorize the Secretary of the Navy to loan naval equipment to certain military schools, reported it with an amendment, and submitted a report thereon.

Mr. WETMORE, from the Committee on the Library, to whom was referred the amendment submitted by Mr. PLATT of Connecticut on the 1st instant, proposing to increase the salary of the Librarian of Congress from $5,000 to $6,000, intended to be proposed by him to the legislative, executive, and judicial appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. PERKINS, from the Committee on Fisheries, to whom was referred the bill (S. 3250) to protect the fresh-water mussels in the rivers of the United States, reported it with amendments, and submitted a report thereon.

BILLS INTRODUCED.

Mr. PENROSE introduced a bill (S. 3432) for the relief of Samuel Showalter; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 3433) for the relief of Joseph Orton Kerbey; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 3434) granting a pension to Emma A. Poland; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. McCOMAS introduced a bill (S. 3435) for the relief of Poole & Hunt; which was read twice by its title, and referred to the Committee on Claims.

Mr. COCKRELL introduced a bill (S. 3436) granting a pension to Caroline Wienhimer; which was read twice by its title.

Mr. COCKRELL. I present in connection with that bill the petition of the mother of this idiotic and helpless child, and I move that the petition and the affidavits accompanying it be referred with the bill to the Committee on Pensions.

The motion was agreed to.

Mr. ELKINS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3437) for the relief of the estate of Jeremiah Kibler, deceased;

A bill (S. 3438) for the relief of Laura A. Willett; and

A bill (S. 3439) for the relief of the heirs of James A. Smith, deceased.

Mr. ELKINS introduced a bill (S. 3440) granting a pension to George W. Harrison; which was read twice by its title, and referred to the Committee on Pensions.

GOVERNMENT OF PUERTO RICO.

Mr. McCUMBER submitted an amendment intended to be proposed by him to the bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Puerto Rico, and for other purposes; which was ordered to lie on the table and be printed.

Mr. PETTUS submitted eight amendments intended to be proposed by him to the bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Puerto Rico, and for other purposes; which were ordered to lie on the table and be printed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. McMILLAN submitted an amendment relating to salaries of officers in the Office of the Third Assistant Postmaster-General, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. ELKINS submitted an amendment proposing to appropriate $15,000 for paving Fourteenth street to Lydecker avenue and Lydecker avenue to the east side of Thirteenth street, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

LIEUTENANT CORBIN.

Mr. PETTIGREW submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and is hereby, directed to send to the Senate the record of the court-martial of Lieutenant-Colonel Corbin, which convened at Chattanooga, Tenn., in 1864 or 1865, together with all the evidence submitted.

The Secretary of War is also directed to send to the Senate the report of Col. Thomas J. Morgan, dated January 16, 1865, in relation to the First Colored Brigade, and Lieutenant Corbin's connection with operations from November 29, 1864, to January 12, 1865.

The Secretary of War is also directed to inform the Senate what allusion Colonel Morgan made to said Lieutenant Corbin in that report.

JOHN ANDERSON.

Mr. RAWLINS. I ask unanimous consent to call up the bill (H. R. 6493) for the relief of John Anderson, a Pottawatomie Indian, and his adult children.

The PRESIDENT pro tempore. The bill will be read for information.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a fee simple patent to John Anderson and the following adult children of said John Anderson, to wit, Julia Anderson, John Anderson, jr., Thomas Anderson, Eliza Anderson, and Maggie Anderson, to all the land now held by them and purchased from the United States under the act of May 23, 1872, and located in Pottawatomie County, Okla.

Mr. PETTUS. I should like to know what the report of the committee on that bill is.

The PRESIDENT pro tempore. The Chair is informed that the report has not yet been received from the printer.

Mr. PETTUS. Then I will ask the gentleman in charge of the bill why this is to be done.

Mr. RAWLINS. There was a report filed with the bill.

The PRESIDENT pro tempore. It has not been printed yet, the Chair is informed.

Mr. RAWLINS. This bill passed the House and it is strongly recommended by the Commissioner of Indian Affairs. John Anderson is an Indian who has been in possession of this land. He bought it from the Government. He is entirely intelligent and trustworthy in every respect. The object of the bill is to give him the full title to his land as he is already entitled to it in equity and in justice, pursuant to the recommendation of the Department. That is the whole object of it.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

POTOMAC INSURANCE COMPANY.

Mr. KENNEY. I ask unanimous consent for the immediate consideration of the bill (H. R. 7737) to change the name of the Potomac Insurance Company, of Georgetown, and for other purposes.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PROTECTION OF FRESH-WATER MUSSELS.

Mr. GEAR. I ask leave to call up the bill (S. 3350) to protect the fresh-water mussels in the rivers of the United States.

Mr. PENROSE. I will yield to the Senator from Iowa; but I desire to state that I wish to call up the Pennsylvania resolution at an early time this morning.

Mr. GEAR. This bill will take only a moment, I think.

The PRESIDENT pro tempore. The Senator from Iowa asks unanimous consent for the present consideration of the bill indicated by him. The bill will be read to the Senate for its information.

The Secretary proceeded to read the bill.

Mr. HALE. Mr. President, I have heard enough of the bill read to show question enough in my mind whether it should pass at all or not, and therefore I must object to its consideration.

The PRESIDENT pro tempore. The Senator from Maine objects to the present consideration of the bill.

Mr. PETTIGREW. It seems to me that the bill ought to go to the Committee on the Judiciary. I do not believe we have power to pass that sort of legislation anyhow.

The PRESIDENT pro tempore. The bill was reported from the Committee on Fisheries.

Mr. PETTIGREW. And I think it ought to go to the Committee on the Judiciary. I do not believe we have any power to pass it.

Mr. HALE. It is a very grave question what the phrase "all fresh waters of the United States" means; whether it is to invade the domain of the State jurisdiction.

Mr. PETTIGREW. Undoubtedly it does.

Mr. HALE. It raises a very serious question. I agree with the Senator that the bill ought to go to some committee.

Mr. HOAR. I should like to observe, if I can have leave, that the Supreme Court of the United States, in a judgment ten or twelve years ago in the Manchester case, upheld the power of the several States to regulate the fisheries in their waters, not only between high and low water mark, but within bays and inlets. Now, whether this bill is in conflict with that decision requires some examination certainly. I do not think it ought to go through without an opportunity to examine it carefully.

Mr. HALE. It goes a great deal further than that decision.

Mr. HOAR. I say the decision upheld the right of the State, not of the United States. It is in conflict with that decision.

Mr. HALE. This bill not only invades bays and inlets of salt water connected with the ocean, but assumes jurisdiction over the fresh waters of the several States. I know we proceed in Maine on the basis of the decision which the Senator from Massachusetts has referred to, and regulate our own fisheries, not only in the fresh water, but in the bays and armlets of the sea. I do not want this bill to pass until it is thoroughly examined by some proper tribunal.

Mr. ALLISON. This bill has a local application to the navigable waters of the Mississippi, chiefly, and its tributaries, and does not extend to any waters where the State has jurisdiction over them. It is a very important bill to the people who dwell on the Mississippi River above St. Louis. These shells are gathered there and——

Mr. HOAR. What does the Senator mean by saying that it does not extend to any place where a State has jurisdiction?

Mr. ALLISON. It is not intended and it is not necessary to have it extend beyond the navigable waters of the United States.

Mr. HOAR. If I may be permitted one moment right there, as my friend from Maine is in the habit of saying, the jurisdiction of the State as excluding the national jurisdiction is not defined by the fact that the water is or is not navigable. The United States has for the purposes of international and interstate commerce its jurisdiction over a river which may run in a State for a hundred miles and be not more than 50 rods wide at any point, though it be navigable by a steamer which goes from one State to another. But the jurisdiction of the United States for admiralty purposes exists there and the jurisdiction for all local purposes belongs to the State notwithstanding the river is navigable.

Mr. TELLER. That is right.

Mr. ALLISON. I was not discussing the law. I was endeavoring to discuss the habitat of these little mollusks or shells. I am perfectly willing, as my colleague is, to allow the bill to go over, but I do not want it to go over with the idea that it is not a bill of great importance to a very large section of the country and a very large industry.

Mr. HALE. The trouble is——

Mr. ALLISON. If the Senator will allow me just a moment, I will state that the entire management under the bill will be in the hands of the Commissioner of Fish and Fisheries, and there is no part of the country, as far as I know, that will be injured. There is no purpose to extend to the bays and inlets of the States especially. It relates wholly to fresh water.

Mr. HALE. The bill is going over.

Mr. ALLISON. It is going over.

The PRESIDENT pro tempore. The bill is on the Calendar.

Mr. HALE. Will the Senator see to it that the bill is made local in its application? Then the objection that some of us have to it might perhaps disappear.

Mr. ALLISON. It will be local in a sense.

Mr. HALE. But the local needs are all under the law in the different States. All the local needs are in the hands of the States.

Mr. ALLISON. There are ten States at least involved in this. The Senator knows very well that we quite largely introduced the fish hatchery business in these rivers, and it is a part of the system for the protection of these shells.

Mr. HALE. It provides for forty States, and it ought not to do so.

Mr. ALLISON. Very well. The bill can be amended in its provisions. I understand that there are amendments reported by the Committee on Fisheries.

Mr. PETTIGREW. The bill extends to all fresh waters of the United States. Under it a boy could not go out into a pasture and pick a clam from a creek a foot wide.

Mr. GEAR. I move that the bill be referred to the Committee on the Judiciary.

I only want to say incidentally that 5,000 people in my State are engaged in manufacturing pearl buttons, and that they make pearl buttons for the whole of the United States. They manufacture 100,000 gross a month.

The PRESIDENT pro tempore. The Senator from Iowa moves that the bill be referred to the Committee on the Judiciary.

The motion was agreed to.

SENATOR FROM PENNSYLVANIA.

Mr. PENROSE. I ask the President of the Senate to submit to the Senate Order of Business 168, resolution No. 107:

Resolved, That the Hon. Matthew S. Quay is not entitled to take his seat in this body as a Senator from the State of Pennsylvania.

The PRESIDENT pro tempore. If there is no objection, the Chair lays before the Senate the following resolution.

The Secretary read the resolution reported from the Committee on Privileges and Elections, as follows:

Resolved, That the Hon. Matthew S. Quay is not entitled to take his seat in this body as a Senator from the State of Pennsylvania.

Mr. ROSS. Mr. President——

Mr. BURROWS. Will the Senator yield just a moment?

Mr. ROSS. Certainly.

Mr. BURROWS. Mr. President, it was stated yesterday with much force that it was exceedingly important that the Senate should always be full in its membership. The end will not be accomplished if members elected are not present. When this body sits as a high court, I submit that the membership ought to be full on such an occasion, and I therefore suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Cockrell,	Frye,	Kean,
Allison,	Culberson,	Gallinger,	Kenney,
Bacon,	Cullom,	Gear,	Lindsay,
Baker,	Deboe,	Hale,	McBride,
Bate,	Depew,	Harris,	McComas,
Burrows,	Fairbanks,	Hawley,	McCumber,
Butler,	Foraker,	Heitfeld,	McMillan,
Clay,	Foster,	Hoar,	Martin,

Nelson,	Quarles,	Simon,	Turley,
Penrose,	Rawlins,	Stewart,	Wetmore.
Perkins,	Ross,	Taliaferro,	
Pettus,	Scott,	Teller,	
Pritchard,	Shoup,	Thurston,	

Mr. GALLINGER (when Mr. CHANDLER's name was called). I desire to announce that my colleague [Mr. CHANDLER] is detained from the Senate by illness.

Mr. ROSS (when Mr. PROCTOR's name was called). My colleague [Mr. PROCTOR] is confined to his house by sickness.

Mr. KEAN. I desire to state that my colleague [Mr. SEWELL] is absent on public business.

The PRESIDENT pro tempore. Forty-nine Senators have responded to the roll call. There is a quorum present. The Senator from Vermont will proceed.

Mr. ROSS. Mr. President, very soon after the appointment of Mr. Quay I received two telegrams from different newspapers in Pennsylvania inquiring whether I would vote to seat him. I replied that the question presented involved an interpretation of the Constitution which I desired to study, and that I also desired to listen to arguments upon the question before determining how I should vote. Accordingly, during the summer I made a careful examination of the Constitution, have since listened attentively to the arguments before the committee and in the Senate, and have carefully read the reports of the committee. On reflection I have arrived at the conclusions which I now present.

After March 3, 1899, Matthew S. Quay ceased to be the senior United States Senator from the State of Pennsylvania. The legislature of that State was then in session. It had been and continued for some time thereafter, endeavoring to elect his successor. By its failure to elect on or before March 3, 1899, a vacancy then occurred in that State's representation in the United States Senate. The office existed, but there was no incumbent. The vacancy was then as complete and fully perfected as it ever could be. This vacancy arose while the legislature was in session, earnestly endeavoring to elect some one to fill the office. It adjourned without having done so. Immediately after its adjournment the governor of the State undertook to supply temporarily the vacancy by appointing Mr. Quay.

The question for determination is, Had the governor authority under the Constitution to make the appointment? No other question is involved nor can properly be considered. The question must be determined by the provisions of the Constitution. By that instrument the Senate is provided for, and the manner of electing and appointing Senators prescribed. Section 3 of Article I of the Constitution reads:

> The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof, for six years.

This is the general provision regarding the election of Senators. The Senators represent the States in the National Government. By this general provision the legislature of each State, as the representative body of its people, is empowered to elect the Senators. From this general provision it is the manifest intention of the sovereign people who framed and adopted the Constitution that the Senatorial representation of the State in the National Government shall be chosen by the legislature of each State whenever the legislature has an opportunity to make such election.

The people presume that its representative, the legislative body of the State, will discharge its duty in this respect whenever it shall be in session and in a condition to act. But the people conceived that a vacancy might arise when the legislature of the State might not be in session and could not act. The temporary supplying of such, and only such, a vacancy, by executive appointment, they provided for. Further in the section conferring this power upon the legislature of the State to choose the Senators of such State is this provision:

> And if vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill the vacancies.

Mr. HOAR. To "fill such vacancies."

Mr. ROSS. To "fill the vacancies."

Mr. PENROSE. The wording is, to "fill such vacancies."

Mr. ROSS. Perhaps, the Senator is right. I copied the language, I thought, from the Constitution. From this language I do not understand that there is any power in an executive to fill any vacancy, but he can make a temporary appointment in a vacancy during the time limited.

This is the entire provision conferring power upon the executive of the State to make temporary appointments in vacancies in the Senatorial representation of the State.

Mr. HOAR. If my honorable friend will allow me, I would not for a mere verbal criticism alone interrupt him, but I have the Constitution here, and the word is "such;" and it seems to me a very important argument depends upon that word.

Mr. PENROSE. Not only is the word "such" used, but a very large part of the argument, as the Senator from Massachusetts [Mr. HOAR] says, hinges upon that word. If the Senator from Vermont has overlooked the significance of the word "such" in this argument, he has omitted a very important part of the argument upon the question.

Mr. ROSS. I do not think that the word "such" will cut any figure in my argument, for I do not think that it changes the purport of this provision at all. It is simply giving the legislature the power to fill the vacancy that the governor or the executive had temporarily supplied.

Mr. PENROSE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Vermont yield to the Senator from Pennsylvania?

Mr. ROSS. Yes, sir.

Mr. PENROSE. I do not wish to interrupt the Senator from Vermont if it interferes with the continuity of his remarks; but as some discussion has been raised upon this word "such," and he maintains it has no significance whatever, I would ask him whether it is not open to the interpretation of restricting the legislature to the election of members of the Senate to such vacancies as the governor is permitted to appoint to?

Mr. ROSS. That may be; but I do not think that has anything to do with the appointing power of the governor.

Mr. PENROSE. I hope later on to show that it has a very important connection with the appointing power of the governor.

Mr. ROSS. It seems to me it is very clear that if the legislature shall thereafter only fill such vacancies as the executive may appoint to, it does not at all enlarge the power of the executive to appoint.

Mr. PENROSE. No; but it leads us to this ridiculous conclusion, that if the governor of Pennsylvania has no right to fill this vacancy and the legislature has no right to elect for any other vacancy except such vacancies as the governor may fill, it logically follows that the State of Pennsylvania must continue to be unrepresented in this Senate by any possibility of election by the next legislature of the State.

Mr. PETTUS. By the leave of the Senator from Vermont——

The PRESIDENT pro tempore. Does the Senator from Vermont yield to the Senator from Alabama?

Mr. ROSS. Yes, sir.

Mr. PETTUS. Mr. President, a great lawyer is talking to us, and I do hope he will be allowed to talk.

Mr. PENROSE. I must apologize to the Senator from Vermont if I have interrupted him, but, before doing so, I expressly asked him whether it would interfere with his remarks. I think the interference of the Senator from Alabama [Mr. PETTUS] is entirely uncalled for.

Mr. ROSS. I have no complaint to make of the Senator from Pennsylvania; but if he will possess his soul in patience for a little while, he will see that I cover to some extent the point he is raising.

It is a rule of nearly universal application in construing an independent provision of an instrument in writing, that unless the provision contain inconsistent or contradictory clauses, each clause is to be given its natural and ordinary meaning and force. This provision contains no inconsistent nor contradictory clauses, and each clause should be given its usual meaning.

Each clause and part is expressed in language clear and easily understood, which carefully guards and limits the particular power of appointment therein conferred upon the executive. It does not empower the executive to appoint in all vacancies. He can not appoint in a vacancy happening while the legislature is in session nor while it remains in session. It must be a vacancy happening "during the recess of the legislature." "Happen" means to occur or to come to pass, generally unexpectedly. The clause "during the recess of the legislature" fixes the time when the happening must occur. No power is conferred upon the executive to appoint in any other vacancy. Then the appointment is to be temporary in duration, existing only "until the next meeting of the legislature, which shall then fill such vacancies."

The language conferring the power of appointment carefully and clearly limits its use and defines the conditions upon which the power of appointment shall be used; so that it may never encroach upon the general power conferred upon the legislature to elect Senators. The occasion for the use of the power must arise by a vacancy happening during the recess of the legislature of the State. The appointment thus made can extend only "until the next meeting of the legislature." To make it doubly sure that the appointment shall then cease there is added "which shall then fill such vacancies." Taken together, these clauses not only limit the duration of the appointment to the next meeting of the legislature, but are careful to say that the executive appointment, if made, and power to appoint, have then exhausted themselves—that the power to fill vacancies thereafter rests with the legislature.

I can not well see how language could be used which could more plainly and clearly limit the executive's power of appointment. The appointment of Mr. Quay does not fall within this provision of the Constitution, which confers power upon the executive of the State to make such appointments.

The interpretation contended for by the minority report is that the word "happen" should be given the meaning of "happen to exist." On this interpretation the clause would be made to read, "and if vacancies happen to exist by resignation or otherwise during the recess of the legislature of any State, the executive may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies." "Happen to exist" means no more and no less than "exist." This makes the word "happen" read "exist," and entirely eliminates the force of the word "happen" from the clause. I know of no rule of construction which warrants such a change in such a sentence.

It is not supported by the claim made in the minority report that "happen" may be used so as to be progressive in its occurrence and cover a considerable space of time. It instances the 4th of July as happening on Sunday. In such a case, by the expression used, the happening is made progressive, and does not completely occur until the end of the progression. In the case instanced, the 4th of July commenced happening on the supposed Sunday at the beginning of that day, and continued happening, or coincided with it, to the last minute of the supposed Sunday. The time of happening by the terms of the supposed case covered twenty-four hours. This supposition can not be applicable to the proposition under consideration. In the matter under consideration the happening was instantaneous, and as fully accomplished as ever, on the first minute of March 4, 1899. At that moment there happened as complete and as full a vacancy in the Senatorial representation of Pennsylvania as ever existed therein. All afterwards was a continuance of this complete and full vacancy in that office. The illustration does not help the contention, because not analogous in principle.

The attorney for Mr. Quay before the committee admitted that the language of this sentence should be given its plain, natural meaning, such as a reasonable, intelligent person would place upon it. The Constitution was made by and for the guidance of such persons. Such meaning of "happen," as there connected in its broadest sense, is "occur or come into existince during the recess of the legislature." He contended, and the report of the minority contends, that it should be given the meaning of "happen to exist," because, as they assert, it was the intention of the framers of the Constitution that each State should always be fully represented in the Senate.

In my judgment, this begs the question at issue and is contrary to the fact. First, it is not contended that the executive is authorized to appoint in a vacancy while the legislature of the State is in session and has an opportunity to fill it. It is not claimed that the executive may appoint while the legislature is endeavoring to fill the vacancy, although its action is ineffective. For if the executive should appoint and the legislature then in session should afterwards elect some one other than the executive's appointee, a conflict would immediately be precipitated. This clearly was never intended. It was never intended that the power of the legislature to elect and the power of the executive to appoint, in the same vacancy, should exist or be exercised concurrently.

Then, secondly, the power given to the executive to appoint is not mandatory, but permissive. It is not that he shall, but that he may appoint. It was stated when this provision was under consideration in the Constitutional Convention, in which the State of Pennsylvania was represented, that this power was made permissive because the vacancy might occur during the recess of the legislature, but so shortly before it would convene that the executive might deem it unwise to exercise the power.

Hence, to my mind, it is clear that the framers of the Constitution did not by this provision intend to provide that each State should always be fully represented in the Senate, and it is unnecessary to change "happen," a word of well-known precise meaning, to "exist" in order to carry into effect the intention of the framers of the Constitution. Again, if they intended that "happen" should mean "exist," why did not they use "exist?" They were intelligent men, masters of the English language, and knew they were framing the Constitution to be adopted by the sovereign people for guidance, according to their understanding of it. The Senate should interpret this provision as they must have understood it.

When framing the Constitution, the committee of detail reported to the Convention a provision reading:

> The Senate of the United States shall be chosen by the legislatures of the several States. Each legislature shall choose two members. Vacancies may be supplied by the executive until the next meeting of the legislature. Each member shall have one vote.

It was assumed by the senior Senator from Massachusetts, in his remarks yesterday, that this language authorizes the executive to supply all vacancies, whenever happening, until the next meeting of the legislature. The language is not "all vacancies," but "vacancies," or some vacancies. But the election of Senators, which includes their election to fill rather than to supply in vacancies, is given to the legislature. If the vacancy occurs while the legislature is in session, no one has yet contended that the legislature would not have the right and power to fill it. Hence a vacancy to be supplied by appointment by the executive could exist only on condition that the legislature failed to discharge its duty, or failed to fill the vacancy.

Those, therefore, who maintain this contention must assume still further that the makers of the Constitution assumed the failure of the legislature to elect and undertook to provide for it by this indefinite language. I do not think that the phrase "vacancies may be supplied by the executive" imports that all vacancies may be so supplied. This is evident from what subsequently transpired in the Convention. Mr. Madison objected to this language in regard to vacancies being supplied, because it did not recognize the right to refuse to accept or to decline the office immediately after the election and, on his motion, it was changed to read:

> Vacancies happening by refusal to accept, resignation, or otherwise may be supplied by the legislature of the State in the representation of which such vacancies happen, or by the executive until the next meeting of the legislature.

From this it is manifest that the expression "vacancies may be supplied by the executive" did not mean all vacancies. As left after the amendment by Mr. Madison, vacancies could be supplied by the legislature and by the executive. The legislature could only supply them by filling them. Unless it is assumed that the legislature would fail to discharge its duty in acting upon such vacancies, there could be no room for the executive to act upon the same vacancy. The legislature is first mentioned as having the power to supply vacancies, and it is to be presumed, especially when the executive could by appointment only supply them until the next meeting of the legislature, to have the right to fill such vacancies as existed when the legislature was in session and capable of acting.

There is no intimation here, nor in any other portion of the proceedings, that the Convention assumed that the legislature might not discharge its duty to elect, and for that reason power should be given to the executive to appoint if the legislature failed to supply the vacancy. This provision was then given to the committee on style, who reported it in its present form, which was adopted.

If it had been the intention of the Convention to provide for appointing in a vacancy upon which the legislature had acted and failed, as is now contended, because there was urgent necessity that the Senate should be kept full, it would have made the power conferred upon the executive mandatory, and so have compelled the making of the appointment. But they made no such provision. It is therefore evident that the framers of the Constitution did not intend to give the executive power to supply all vacancies, but only special power to supply those happening during the recess of the legislature. This limitation was carefully made. Whatever the Convention might have intended should be given force no further than would reasonably be understood by the sovereign people who were to adopt it and whose rights were to be determined by it.

The most that was intended by those who framed and adopted the Constitution was that each State should be given the right, through the speedy action of its agents empowered to supply vacancies, to have its representation in the Senate full. It did not attempt to provide for the neglect of the legislature to discharge its duty to the State when the vacancy occurred while that body was in session nor for the failure of the executive to exercise the permissive power to appoint to supply temporarily a vacancy happening during the recess of the legislature. Having conferred the power upon the legislature to fill a vacancy occurring while that body was in session and upon the executive to appoint temporarily in a vacancy happening during the recess of the legislature, the Constitution has given the right and power to the agents and representatives of the State to keep its representation in the Senate full.

It did not undertake to provide for the neglect or refusal of those agents to discharge their duty to the State. If its representation is not full through the neglect of either of these agents to discharge its duty to the State, the failure is not chargeable to the Constitution, but to the people of the State for having selected such agents as will not discharge their duty to them.

The report of the minority covertly suggests that on this interpretation of the Constitution the legislature has no authority to fill vacancies, because it asserts it must elect for the full term of six years. Such can not be the proper interpretation of the entire provision of the Constitution in regard to electing and appointing Senators.

The first clause, in declaring that they shall be elected by the legislature, fixes the full term of a Senator at six years. This is immediately followed by a provision classifying the terms of the Senators first elected by the legislatures into terms of two, four, and six years. This is followed by the provision authorizing the executive to appoint in vacancies happening during the recess of the legislature, and closes with the declaration that when the legislature next meets it shall fill the remainder of the vacancy not covered by the appointment of the executive. The executive

is on no conditions given power to fill a vacancy. A vacancy commencing at the beginning of a full term, if the legislature is then in session, is left to be filled by the legislature.

Most certainly the legislature then in session could fill on that day a vacancy happening on March 4 for the full term of six years. So it can fill it any day thereafter while the legislature continues to be in session. The entire provision treats the filling of a vacancy which comes into existence from what cause soever at the beginning of a term, or at any time while the legislature is in session, as within the power of the legislature to fill. The attorney for Mr. Quay, before the committee, did not contend to the contrary. Assuming, as I think contrary to the fact, that the framers of the Constitution undertook to compel as far as possible full representation of each State in the Senate at all times, the minority report, put in plain terms, makes the Constitution in this case read:

> If a vacancy arises at the beginning of a full term, through the failure of the legislature then in session to have elected his successor, and such legislature shall not thereafter while in session elect a successor, then the executive may appoint temporarily until the next meeting of the legislature.

This would be a most radical change in the language of the Constitution. It would create two agencies to supply the same vacancy, and declare that if the first neglects its duty then the second may act. In my judgment, this is an unwarranted and dangerous attack upon the Constitution. When entered upon it would be difficult to stop.

Suppose in such a case the executive should decline to exercise the permissive power conferred upon him, the supporters of this contention might have to enlarge the scope of the word executive so as to include not only governor, but lieutenant-governor and other executive officers of the State, and hold that each in order has the right to appoint if the higher ones neglect to use the power. Such an interpretation of the word executive would be as much warranted as the change of the meaning of "happen" to "exist," now contended for. The truth is, the framers of the Constitution did not attempt to compel a full representation of each State in the Senate, but contented themselves with giving authority to specified agents of the State, which, if speedily and faithfully used, as they would be under a duty to use it, gives the State the right to be fully represented at all times in the Senate.

The framers of the Constitution assumed that the authorized agents would discharge their duty to the State, and therefore made no provision for filling vacancies which remained unfilled by the fault of the agents of the State. They deemed such fault chargeable to the people of the State, that the people of the State thereby consented to go without full representation, and wisely did not undertake to provide for filling it against such consent of the people of the State to have it remain unfilled. It is universal law that a principal can not complain of the action or nonaction of his agent. The act of the agent is the act of his principal.

The interpretation of the Constitution contended for—and it is the foundation on which the report of the minority rests—elevates party spirit or allegiance to the caucus nominee and makes it dominate patriotism or allegiance to the State and nation.

I can not believe that Washington and his associates in the Constitutional Convention had any such intention. Duty to the State and nation was the dominating spirit that ruled their action and led them to make conflicting views and interests of their separate States subservient to the supreme welfare of all the States centered in the National Government which they were patriotically and earnestly struggling to bring into existence. No nation then existed. The interest of his State controlled the action of every member. Not for a moment did they allow party spirit to dominate their action nor intend to frame a National Constitution which would countenance the domination of such a spirit in the election and appointment of Senators.

The proposition that Washington and his associates in the Constitutional Convention, after having made it the duty of the legislature of the State—the body selected and empowered to enact its laws, elect more or less of its officers, guard its interests, determine and direct its policy—to fill vacancies in its Senatorial representation occurring while in session, should assume that the legislature would for any cause neglect or fail to discharge that duty, and thereby create the necessity for giving power to another agency thereafter to supply the same vacancy, is anomalous and somewhat startling. The proposition challenges the closest scrutiny, if its statement does not furnish its absolute refutation.

The learned and eloquent senior Senator from Massachusetts said that in the early days of the Senate, and I think the same can be said of the time when the Constitution was framed and adopted, it was supposed that the Senators would be nonpartisan. On this supposition how could they assume, forecast, and so undertake to provide for a failure of the legislature to elect when in session and given an opportunity to elect? Such an assumption is a most violent presumption. There could arise no insurmountable barrier to the election of a nonpartisan Senator by any legislature.

It may be safely asserted that in the history of the nation no legislature has failed to fill a vacancy existing when the legislature was in session and in condition to act when the failure was not occasioned by a desire to elect a particular partisan. Nor do I think that Senators have any right to assume that the makers of the Constitution forecast and were influenced by the changes in the statute law and in the domination of partisan spirit which have culminated in these later days. The fact that they understood that Senators were to be nonpartisan forbids such assumption. In interpreting a written instrument, if doubt arises concerning the meaning of particular words, the circumstances existing when they were used may be considered. But this rule does not allow the consideration of circumstances occurring from time to time for more than one hundred years thereafter.

The members of the Convention had just passed through the Revolutionary war and the days of the Republic under the Articles of Confederation. These were all days when the State commanded the allegiance of everybody. No fact has been cited, and I do not know that any exists, which shows that the action of the State was ever blocked by the failure to secure a majority in its legislature. The members of the Convention were lawyers, or conversant with legal proceedings. They were aware that a majority was necessary to secure a verdict of a jury. But in hotly contested, intricate cases rarely was there a failure to secure a verdict.

Questions of law, however intricate and perplexing, where the majority ruled, were always decided. I know of nothing in the circumstances nor experiences of the members of the Convention which would lead them to provide for action by the executive by temporary appointment in a vacancy in anticipation of the failure of the legislature to discharge its duty to elect when an opportunity was given, and there is nothing in the language they used for the election and appointment of Senators to show such a purpose.

Those who would seat Mr. Quay support their contention that the word "happen" should be given the meaning of the word "exist" by the construction which the Attorneys-General at various times have placed upon the power of the President "to fill up all vacancies that may happen during the recess of the Senate." It is true that the Attorneys-General have given the word "happen" in this clause of the Constitution the meaning of "exist," as I think, unwarrantably. Attorney-General Wirt, who first passed upon this question, admits that it is against the plain and natural meaning of the word "happen." He says:

> The doubt arises from the circumstance of its having first occurred during the session of the Senate. But the expression used by the Constitution is "happen;" "all vacancies that may happen during the recess of the Senate." The most natural sense of this term is "to chance, to fall out, to take place by accident." But the expression seems not perfectly clear. It may mean "happen to take place;" that is, "to originate," under which sense the President would not have the power to fill the vacancy. It may mean also, without violence to the sense, "happen to exist," under which sense the President would have the right to fill it by his temporary commission. Which of these two senses is to be preferred? The first seems to me most accordant to the letter of the Constitution; the second most accordant with its sense and spirit.

It is manifest to me, if no necessity had existed, he would have given the natural meaning to the word "happen." But he gave it the meaning of exist on the ground of necessity, arising either from the neglect of the President seasonably to nominate or from the fault of the Senate to act upon nominations which the President had sent for their confirmation. If public exigencies required the office to be filled, I think it would have been safer to call the Senate together to finish the work which he had placed before it rather than to ask his Attorney-General to change in effect the language of the Constitution.

The very fact that so many Presidents have so many times called upon Attorneys-General to construe this clause of the Constitution shows that the construction placed upon the word "happen" by Mr. Wirt is unsatisfactory. It is not strange that subsequent Attorneys-General followed the construction given by Mr. Wirt, when it had been acted upon by the President with the knowledge, if not with the acquiescence, of the Senate. The power of the President to fill vacancies occurring during the recess of the Senate is very different from that of the executive of a State.

His power is general, and can infringe upon no other power of appointment, while that of the executive is particular, to be used only within prescribed limits. It did not involve the question of creating two agencies to supply the same vacancy. My judgment will not allow me to accept the construction of the Attorneys-General in regard to the President's power to fill vacancies which do not happen during the recess of the Senate, much less allow me, in the clause of the Constitution under consideration, to change the word "happen" to "exist."

The interpretation I have given, I understand, has been the uniform, or nearly uniform, interpretation placed by the Senate upon the constitutional power of the executive of a State to supply vacancies in its Senatorial delegation. In my judgment it is correct and should be adhered to. I do not understand that the question of policy is to be considered in construing these provisions of the Constitution. The language is precise and clear, and should receive its plain and undoubted import. If the language was of

doubtful import, the question of policy might be considered. Even if policy were to be considered, in my judgment, it only strengthens the interpretation I have placed upon these provisions.

During the past year the legislatures of four States, dominated by party spirit, have failed to elect successors, and the States are unrepresented except by one Senator. In each of these States I have observed that the newspapers charged that bribery and unlawful influences were used by one or more of the candidates for election. I know nothing and affirm nothing in regard to these charges. Conviction of bribery, by section 4, Article II, of the Constitution, disqualifies the convict from holding any civil office under the Government. Bribery of an elector is a disregard of and an attack upon the fundamental principles of our system of government.

Although not convicted, one fairly shown to have been guilty, directly or indirectly, of bribery or the use of unlawful means to secure his election should not be seated as a Senator, whether strictly a civil officer or not. But what has transpired during the heated contest of an election, and whether unlawful means were used, can better be determined by the people of the State in which the session of the legislature is held than here at the Capitol. If such charges are so well supported as to defeat an election, it is, in my judgment, much better policy not to have the State fully represented in this body than to have the vacancy supplied by the executive of the State, who is frequently the partisan of one of the candidates, and may be the partisan of, and would appoint, that one charged with having used unlawful means.

Very likely the executive might not believe the charges. He would not be in a state of mind either to examine into the truth of the charges or to determine whether they were well founded or not. Again, giving the executive the power to appoint whenever the legislature of the State fails to fill the vacancy holds out an inducement to the candidate who feels sure of the support of the executive, even when he knows that he can not be elected by the legislature, the real representative of the people of the State, to do all he can to block an election by the legislature, feeling certain, if no election is made by the legislature, he will secure the position for a time by appointment.

Other reasons might be urged against the enlargement of the power of the executive to supply vacancies by appointment which the legislature of the State has an opportunity to fill. If the legislature will discharge its duty to the State, there will be no need of such enlargement of the power of the executive. If this body adheres to its holdings that the executive has no such power, there will exist, as I think there should, a strong inducement both for the legislature to discharge its duty and for the governor to call them together in extra session to discharge it when they adjourn without having filled the vacancy. The theory of the Constitution is that the legislature more fully represents the people of the State than does the executive. No detriment has fallen upon the Republic under the holdings that have hitherto prevailed. I am quite sure there might if the Senate should hold that the executive has the power contended for.

From these views it is manifest that this entire provision of the Constitution means:

First. That the legislature shall elect the Senators for the full term, and fill all vacancies which happen or exist when it is in session and capable of acting.

Second. That it does not assume that the legislature will fail to discharge its duty nor attempt to make provision for such failure, nor does it appoint two agencies to fill the same vacancy.

Third. That the executive's power to make temporary appointments is clearly confined to supplying for a limited time those vacancies *which happen during the recess of the legislature and which the legislature has had no opportunity to fill.*

These closing sentences were written before I heard uttered on the floor of the Senate by two venerable Senators of long-continued service the to me startling statement, in disparagement of the precedents in the action of the Senate on this constitutional question, that they were secured by Senators being ruled by partisan views, and not by an honest expression of their convictions of the meaning of this provision of the Constitution. I say this is to me a startling statement, for I know the eminent Senators would not utter it if they did not believe it to be true.

It is startling to me, because I remember when I came here a little over a year ago with a commission from the governor of my State, appointing me temporarily to act in the vacancy caused by the death of that eminent Senator, Justin S. Morrill, the commission did not admit me to participate in the deliberations of the Senate. I could not be admitted to that great privilege until I had lifted up my right hand to my Maker and taken a solemn oath to support the Constitution of the United States, and had solemnly declared that I took the oath freely, without any mental reservation.

I remember, too, that in the fabric of our Government the oath is the only door to participation in its sovereignty from the humblest voter to the President, from the private soldier to the highest general, from the marine to the admiral, and that on this rock of the oath the structure reared by the fathers is supposed to stand firmly and securely; that by its honest, intelligent observance, the life, liberty, and property of everyone is secured, to the humblest and to the highest; that without such observance the life, liberty, and property of everyone is insecure; that the oath is the solid rock foundation upon which the fathers erected the fair temple of liberty which has enlightened the world, for more than a hundred years; that when this solid foundation is removed, the temple, fair to behold, stands upon shifting sand, liable to wreckage by every political cyclone.

I was, therefore, startled by these statements, and doubly confirmed that no unnatural interpretation should be given to this provision of the Constitution which would open wider the door of entry into this highest legislative body of the world of partisan spirit and partisan measures. I should have not added these remarks had it not been for these startling utterances.

Holding these views, I should disregard the oath I have taken to support the Constitution if I should vote to seat Mr. Quay.

Mr. PENROSE. If the Senator from Vermont will permit me, I should like to interrogate him briefly on one point.

The PRESIDENT pro tempore. Does the Senator from Vermont yield to the Senator from Pennsylvania?

Mr. ROSS. Certainly.

Mr. PENROSE. The Senator from Massachusetts [Mr. HOAR], as well as I, started to interrogate the Senator from Vermont, when the Senator from Alabama [Mr. PETTUS] suggested the propriety of his going through with his remarks uninterrupted, in which I cheerfully acquiesce.

The Senator from Vermont, in quoting the clause of the Constitution pertaining to the filling of vacancies, quoted it as follows:

> And if vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill the vacancies.

Mr. ROSS. I will say that I afterwards——

Mr. PENROSE. If the Senator from Vermont will permit me to continue for one moment I will complete my question. The Constitution as it actually reads is as follows:

> And if vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

Now, I should like to ask the Senator whether, in his opinion, there is any difference in this connection between the word "the" and the word "such?"

Mr. ROSS. There may be a difference. I wish to explain that in typewriting my speech the word "such" was changed to "the" without my noticing it. Afterwards twice where I quote the same expression I quote it properly. I think that "such" is more forcible, a good deal, for the view I have taken than the other word, because it speaks of the legislature filling the very vacancies which the executive had temporarily supplied. It speaks of them in that way. It does not speak of what happened before. I think that power is clearly implied from the general power to elect.

Mr. PENROSE. I should like to ask the Senator one more question, and I shall be through. As almost every word in clauses 1 and 2 of section 3 has been twisted in every possible way and subjected to every strain of interpretation, the difference between the word "the" and the word "such" could hardly be overlooked, and it immediately struck the Senator from Massachusetts and me. The importance of the word in the contention of those who advocate the validity of this executive appointment is this, that it apparently confines the legislature to the filling, when they convene, of such vacancies as the governor could appoint to. Therefore if the governor of Pennsylvania can not fill this present vacancy, how can the legislature of Pennsylvania fill such vacancy when it meets?

Mr. ROSS. There is no power given to the executive to fill a vacancy at all. He may appoint temporarily.

Mr. HOAR. To a vacancy.

Mr. PENROSE. Of course, I know it is a temporary appointment. I can not elaborate my question for the Senator. The very obscurity on this question upon the other side is confusing—temporary appointments by the executive and elections for terms or for the remainder of terms. But I would ask the Senator from Vermont how the next legislature of Pennsylvania can fill this vacancy when it is expressly restricted by the Constitution of the United States to filling such vacancies as those to which the executive is authorized to make temporary appointments?

Mr. ROSS. I think it is quite clear that the agency that is given the power to elect generally, and the only power to elect at all to fill a vacancy, can fill all vacancies whenever they occur.

Mr. PENROSE. I would ask the Senator from Vermont whether that power is not given to the legislature in these words:

> Which shall then fill such vacancies.

Mr. ROSS. That gives them the power to fill the vacancy that the executive has acted upon, and perhaps it was used for another

purpose, to cut off the right of the governor to fill at all, but to show that the other should spring up. My contention is that it was never intended, if the legislature had the opportunity to fill it at the beginning—was in session—that the executive should have the power to appoint, because they did not forecast or attempt to provide for a second agency to act in the same vacancy.

Mr. HOAR. It seems to me my honorable friend the Senator from Vermont does not still quite see the force of the contention of the Senator from Pennsylvania. The power which is given to the legislature to elect is, in terms, a power to elect for six years. There is no other power of election given. Then they go on to speak of vacancies, and they say that in the case of a vacancy which happens by death, resignation, or otherwise, the governor may appoint until the next session of the legislature, which shall then fill such vacancies. So the only general power given to the legislature is a power to elect for six years.

The only power given to the legislature with regard to vacancies is to fill such vacancies as those to which the governor might appoint. Now, therefore, if the governor can not appoint to this vacancy, the legislature can never fill it. It can not fill it under the power to elect for six years, because part of the term has gone, and it can not fill it under this power, according to the Senator from Vermont, because it is not such a vacancy as the governor ever could appoint to.

Therefore it seems to me there is very grave importance in this phraseology, and it seems to me my honorable friend can hardly quote from the language of the Constitution fairly and say, "But it was expected, of course, that the legislature would supply a vacancy; it should not be left vacant," when at the same time he is refining and putting a strict construction upon the language of the Constitution by resorting to a difference between the case of filling a vacancy and the case of appointing to a vacancy, as if on this great question of having the Senate full the framers of the Constitution concerned themselves about that sort of refinement.

Mr. PENROSE. Will the Senator from Vermont permit me?

Mr. ROSS. I can not answer two questions at the same time.

Mr. PENROSE. I beg pardon.

Mr. ROSS. I ought to have a little leeway. I think if the Senator from Massachusetts had been present and listened to my speech——

Mr. HOAR. I did listen to a great part of it. I was obliged to be absent during the delivery of a portion of the speech.

Mr. ROSS. If the Senator would see just what the language was as left by Mr. Madison's amendment and how it was gotten into the present form, it expresses the idea that they were left with the power to fill a vacancy if they were in session when it occurred, at the beginning of a term. It seems to me there can not be any doubt about it. They could certainly fill it on the very day it occurred—the very moment it occurred.

Mr. HOAR. By an election for six years?

Mr. ROSS. Yes. And the Senator's contention that they are given no power to elect except for six years is not sustained, because the very clause which follows this one fixing the term at six years divides the others into two years, four years, and six years, and the legislature has power to elect for the two years, the four years, and the six years. I see no trouble on that point. Where the legislature is the only power that can elect and can fill vacancies, they can fill all vacancies when they are in session and are capable of acting. That, to my mind, is very clear. I may not be able to make it clear to others.

Mr. HOAR. I should simply like to repeat, if the Senator is through, that he overlooks the fact which has been called to the attention of the Senate and to his attention again and again. They did not leave the question of the legislative power to fill vacancies to be inferred from the general power to elect.

Mr. ROSS. That is your contention. My contention is the other way. I have written out just what I have to say on that subject.

Mr. HOAR. Then we agree to that. They did not leave the definition of the vacancy which the legislature might fill to be inferred from the general power of election, or appointment, or choosing, but they prescribed what vacancies the legislature might fill. The legislature may elect for six years. Of course, the classes of two years, and four years, and six years at the beginning were provided for in a special provision. The legislature may elect for six years. Now, vacancies. The governor may appoint until the next meeting of the legislature, which shall then fill such vacancies as the governor might appoint to, and no other. That is the contention, in substance, I submit to the Senate.

Mr. ROSS. If the legislature is in session when a vacancy occurs and striving to fill it and does fill it, there is no force to the words that the executive by appointment may supply those vacancies that occur during the recess of the legislature, it seems to me, on your contention.

CORRECTION OF THE RECORD—GOVERNMENT OF PUERTO RICO.

Mr. TELLER. Mr. President, I desire to discuss very briefly the conference report on the financial bill, but before proceeding on that measure I desire to make a correction in the RECORD. Yesterday when speaking on the Puerto Rican bill I said:

> I am one of those who believe that Congress has very large and extensive powers in dealing with these new possessions. I have so held from the beginning.

I said:

> I am not disposed to change my mind.

The RECORD makes me say that I am disposed to change my mind. I do not think there is any particular discredit in a man's changing his mind, but I should feel on this occasion that it would be very remarkable if I should change my mind on it.

Mr. President, in 1860 I spent a good part of the summer discussing political questions, and this was one of those then discussed, and it was very thoroughly discussed. We as Republicans, supporters of Mr. Lincoln, claimed that the Constitution did not go into the Territories. That was Mr. Lincoln's position. That was everybody's position in those days except those who wanted to force slavery into the Territories. Now, from that time to this I have had very positive views on that subject, and in the last two years I have given a great deal of care and attention to it. I do not want to go down in history as having changed my mind, and therefore I make this correction.

THE FINANCIAL BILL.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses upon the bill (H. R. 1) to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, and for other purposes.

Mr. TELLER addressed the Senate. After having spoken for twenty minutes,

The PRESIDING OFFICER (Mr. BACON in the chair). The Senator from Colorado will suspend a moment. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business.

Mr. TELLER. The understanding was that the unfinished business——

The PRESIDING OFFICER. One moment. The Chair will simply have it announced.

The SECRETARY. A bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Puerto Rico, and for other purposes.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Under the unanimous agreement already made, as the Chair was informed by the President pro tempore, this bill will be temporarily laid aside in order that the Senator from Colorado may conclude his remarks.

Mr. TELLER resumed his speech, and at the expiration of one hour,

The PRESIDENT pro tempore. Under the unanimous-consent agreement the Chair lays before the Senate the pension appropriation bill.

Mr. TELLER. Mr. President, I wish to discuss very briefly this final act of the Senate in connection with the financial bill. I am not going into any academic discussion or any extended consideration of it. I desire, however, to look a little into each provision of the conference report, which, with some changes, is the bill we passed through the Senate. By section 1 it is made the duty of the Secretary of the Treasury to maintain the parity between all forms of money issued or coined by the United States, and it leaves it to the discretion of the Secretary to determine what is necessary to accomplish that purpose. It is to be maintained at a parity of value with this standard; that is, with the gold standard.

That puts into the hands of the Secretary a power which I think it is very dangerous to give to any one man. It is not simply a power to exchange a silver dollar for a gold dollar or a gold dollar for a silver dollar or paper for gold. It is to maintain the parity in any way in which in his judgment it shall be necessary to maintain it. If he thinks it is necessary to issue bonds, he can issue them. If it is necessary to buy gold, he can buy gold. The power is lodged with him, under this provision, to employ any method that he sees fit to maintain the parity.

I only need to say that such a power ought never to be given to the Executive. Before I conclude I will speak a little more at length in reference to unrestricted power in executive officers.

The second section, providing that the United States notes and Treasury notes shall be redeemed in gold, is practically the Senate provision, but this makes every dollar of paper money, every dollar of silver money, that is in circulation a drain upon the gold reserve, which is fixed at $150,000,000, as we know. There are also some other features of the bill that I want barely to touch on.

Heretofore $100,000,000 of gold reserve for the redemption of any and all Government money to be redeemed has been ample to meet all the demands made for redemption. But now this amount is raised to $150,000,000. I do not understand why this change is made. There has been no trouble with the reserve of one hundred million. At no time has it been below $52,000,000, as I recollect. Now, however, this reserve is never to be allowed to fall below

$150,000,000, because as soon as it is depleted it is to be replenished. The result will be that there will be at all times $150,000,000 of our circulation held in this reserve that will not do money duty in the sense that we understand circulation does money duty. If a million dollars is redeemed a million dollars must be put back into the reserve fund at once.

Now, Mr. President, it is not provided that there shall be a reinstatement, so far as necessary or required, of this reserve as rapidly as it is depleted, but there is an imperative order that whatever amount is taken must be replaced; if a million is taken out, a million must be replaced, and therefore there will be $149,000,000 of the sum absolutely there without any benefit to the country whatever. If less than a million is taken out, a less sum must be put in; as taken out day by day, so day by day it must be restored, keeping the total to the full amount of $150,000,000.

The bill provides that the notes redeemed must be exchanged for any gold coin in the Treasury. They must be exchanged if it takes every dollar of gold coin out of the Treasury. Of course this is practically all the Government needs gold coin for, and I do not know that that provision is especially objectionable.

Second, by accepting from the public gold for such redeemed notes. This provision, I think, may be absolutely disregarded and considered as a nullity. There is little probability that the holders of gold will desire an exchange for notes—certainly not unless the paper money of the country becomes scarce in the general circulation.

Third, by procuring gold coin by the use of the notes. Those two are practically the same. If one fails, the other will fail. Both will probably fail in practice. The people will not take their gold to the Treasury and exchange it for currency, as a general rule. They can do that by taking it to the banks; and the banks will not make the exchange, because there is no advantage to them in doing it that I can see.

The third clause is to enable the Secretary, under section 3700 of the Revised Statutes, to buy gold. He is to exchange the notes for gold. That is a little different from what the original section was and a little different from what the House section was, but it practically means the same thing.

THE BOND PROVISION.

Now, when the Secretary has failed to get gold under these methods, no matter how little effort he has made, then comes the question of the issue of bonds, which is after all the most vicious feature of this part of the bill. Having established the gold standard, it was thought necessary that the Treasury should have power to borrow money at all times without limitation in order to maintain it.

Mr. President, I have said before that I believe that the power to issue bonds must be exercised. I do not believe the gold standard is of sufficient value to justify the extension of the public debt; but I do not believe it can be maintained without it. As I said the other day, every nation that has attempted to maintain the gold standard has had to resort to extra measures and efforts to maintain it. Great Britain, as we know, ruined the best part of her population in the effort. She had 170,000 men who lived in their own homes, who owned their own land, who educated their sons at the English colleges, who fitted them for the discharge of the very highest duties of citizenship either at home or abroad. When she had got through with that effort, inside of twenty-five years, she had reduced her 170,000 independent landholders and yeomanry to 30,000. She paid a price for the gold standard infinitely greater than ought to have been paid; and but for the fact that a greatly increased output of gold came in 1848 and subsequently, a still greater sacrifice would have been necessary. If the production of gold after 1848 had been no greater than it was from 1800 to 1848, in my judgment the British Government would not have been the power it is to-day.

Under this bill I predict that we shall continue the national debt, increasing it gradually year by year, and that no man now living will see it paid. I do not suppose the people who favor this bill ever want to see the national debt paid. It was the policy of the Republican party for many years to pay it. We have paid a thousand eight hundred million dollars in less time than any government in the world had ever paid a fourth part of that sum. This payment was made under Republican administration, with a steady determination at that time to get rid of the entire debt. But there has been no effort made in the last twelve years by any political organization to discharge the public debt. There will be no more such effort, in my opinion, under a Republican Administration. If the Republican party is again successful in 1900, you will see the public debt increased and not decreased, and this bill is ex industria for that particular purpose. There is no limit to the possible extension of the debt, and it is intended there shall be no limit to it.

NOTES REDEEMED.

Mr. President, there is a provision in this bill that I should like to have explained. I should like to understand it. These notes which are redeemed and come into the Treasury, they say, may be used, first, in exchange for gold; second, for the purchase of bonds; third, for any other lawful purpose; but they shall not be used to meet a deficiency in the current revenue.

That is a very remarkable and curious statement. I tried the other day to get some explanation from the member of the committee who addressed us, but without any success. Now I want to know from some member of the committee present—I see only one here—what that means.

If there is a deficiency in the revenue and you have these notes that have been redeemed in exchange for gold in the general fund, which the law authorizes to use for certain purposes, why not use them to pay the current expenses? Will the Senator from Iowa tell me? Will any Senator who defends this gold standard proposition and this particular report of the Committee on Finance and this conference report tell me, with the notes lying in the Treasury, with $150,000,000 of gold in the reserve fund, why we are to go out and borrow money? In my judgment that is another unwise discretion given to the Secretary of the Treasury by which he may increase the public debt in time of peace with money in the Treasury, just as was done under the late Administration of Mr. Cleveland.

Mr. ALLISON. Does the Senator want an answer?

Mr. TELLER. Yes; if the Senator wants to give one.

Mr. ALLISON. The phraseology of the paragraph now under discussion by the Senator from Colorado is, I think, perfectly plain, nor do I think there can be any great harm resulting from it. One of the complaints—and I think the Senator from Colorado indulged somewhat in the suggestion—was that under our bill there would be a continuation of what is called the "endless chain."

Mr. TELLER. There will be, beyond question.

Mr. ALLISON. Now, it was the purpose of this provision that if a time should arrive when there was a deficiency in the Treasury——

Mr. TELLER. You do not say so. You say a deficiency in the revenue. There may be plenty of money in the Treasury.

Mr. ALLISON. Very well, current revenues—that is to say, if our expenditures are greater than our current revenues, then we propose that this fund shall not be used for the purpose of being paid to meet those current expenditures. That is a restriction, and it is the only restriction there is in the continued use of this currency which is to be taken out of the reserve.

Now, as long as we keep these greenbacks in circulation and also keep them at par or convertible into gold coin, so long must such machinery be used as to actually keep them in circulation. We provide that they may be used, after being exchanged, in the reserve. We provide that they may be used for every other purpose except meeting a deficiency. The Senator criticises that language, but that is the general understanding. The reason for that is that as the conference report reads and as the Senate bill impliedly provided before reaching the conference if there are deficiencies in the revenues, those deficiencies shall be met either by increasing the revenue through taxation or by diminishing expenditures, because there are always two elements when a deficiency is created. We may make extraordinary expenditures or we may impose too little taxation.

The object was to keep the fiscal side, if you please, the revenue and expenditure side, away from this currency side by this bill, because, after all, the United States, under the bill and under existing conditions, is practically a bank of issue, and it must have reserves for the purposes of redeeming its issues. We did not intend—it was not the purpose of either the Senate amendment or of this bill—to mingle the revenues and expenditures with the currency side of the Government, the bank issue. As the bill stands now, it stands, so far as the issues are concerned, substantially in the relation of the Bank of England, because we have $346,000,000 and $90,000,000, whatever is the sum of Government money out, with a reserve behind it. Then we have as much Government paper out in the form of gold certificates as we have gold behind it. So it was intended to separate these two elements in such a way as that they could not be mingled as they were during the period of President Cleveland's Administration.

Mr. TELLER. Now, I have heard the Senator, and he is talking about a thing that does not exist. These notes are not taken from the reserve. They do not belong in the reserve. They are the notes that are in the general fund.

Mr. ALLISON. Let me see whether I do not know what I am talking about.

Mr. TELLER. I did not say the Senator did not know what he was talking about. I said he was talking of what did not exist.

Mr. ALLISON. Now, what are these notes that are thus cribbed, if I may use that expression?

Mr. TELLER. Yes; that is a good term.

Mr. ALLISON. What are these notes that are confined? They are the notes that have been taken right out of the reserve.

Mr. TELLER. Certainly.

Mr. ALLISON. For which gold has gone in. They take the

place of gold that has just gone into the reserve. They are in the Treasury. They are capable of being used, and will be used, ought to be used, for every purpose except to meet current expenditures when there is a deficit in the revenue. Now, that is all there is of that. It is a perfectly harmless procedure, in my judgment, because I can not conceive of a situation when this power will ever be used.

Mr. TELLER. Mr. President, it is not an answer to an objection to a vicious principle that it will not be used.

Mr. ALLISON. No; I agree to that.

Mr. TELLER. The Senator agrees to that. So I will not spend any time on it. Now, let us see what the language of the bill is. After they have sold the bonds and got coin, these bonds are first to be sold for coin:

And the gold coin received from the sale of said bonds shall first be covered into the general fund of the Treasury and then exchanged, in the manner hereinbefore provided, for an equal amount of the notes redeemed and held for exchange.

Now, then, Mr. President, the notes have gone into the general fund, have they not? And they are there, are they not?

Mr. ALLISON. Yes, after they are exchanged.

Mr. TELLER. They must be earmarked then so that they can be kept separate. There is no provision of the kind; but there will be no trouble. The Secretary will earmark them, and he will have a separate box for them, and he will lock them up, and he will say there are no bonds to be purchased, and that he does not need them, perhaps, for the ordinary lawful purposes; and there they will be locked up.

Mr. ALLISON. Why do you say that they will be kept in a box? Certainly the fifty millions that he has just disposed of will be redeemable.

Mr. TELLER. For a year they will not be redeemable.

Mr. ALLISON. They will not be redeemable for a year, and the purchase may be made in that time.

PREMIUM ON BONDS.

Mr. TELLER. He may pay a premium for them, possibly.

Mr. ALLISON. Possibly they might go to a small premium, but not very likely.

Mr. TELLER. A small premium! The bonds that are provided for in this bill are being sold now at 6 per cent premium before they are issued. We are to issue them at par, and they are being sold on the markets of New York and the world to-day for 6 per cent more than the Government is going to exchange them for. I meant to speak about this fact later, but I will speak of it right now.

Mr. ALLISON. Of course that is speculative entirely.

Mr. TELLER. Speculative! Then it shows that we ought to have made some other arrangement about this exchange. We can sell these bonds for 6 per cent premium. Why should we exchange them? That is what I want to know. I am a little out of order in coming to speak of the bonds, but as we have struck that point we might just as well consider it now.

Mr. ALLISON. I do not know whether these bonds are being sold at 6 per cent premium. I can not conceive of any great reason why a 2 per cent bond would sell at 6 per cent premium unless in small parcels for some special purpose. They have not yet been issued, and they must be exchanged on a less basis than that.

Mr. TELLER. The public press tells us that men sold them in New York for 6 per cent. Some of them said they would not sell any under 7. Night before last a distinguished business man of New York, with large enterprises and a great deal of wealth and a great deal of energy and industry, with whom I have been acquainted for many years, called at my rooms and told me that the bonds were selling freely in New York at 6 per cent now, the men who will get the bonds and are going to exchange them making contracts to deliver them. It is only the man who owns the bonds and is going to exchange them for new bonds who can sell them for future delivery.

Mr. PETTIGREW. Mr. President, is it not a fact that all these bonds can be placed in the Treasury of the United States, their face paid out to the owner of the bonds in money, and thereby they would have the full face of the bonds in cash to do business with, and then draw 2 per cent interest out of the Treasury of the United States upon the bonds, the 2 per cent being a clear bonus?

Mr. TELLER. Yes; I will come to that after awhile. Mr. President, these are valuable bonds. I stated the other day that if I could have the power of issuing all the paper money needed in this country I would not take the best gold mines as a gift, nor do I know that I would want them all. It is a vast fortune to the men who can issue the money of this country, as I shall show before I get through.

But I want those interested to know a little more about this measure. Let me go back to the bill.

The Secretary of the Treasury may, in his discretion, use said notes in exchange for gold, or to purchase or redeem any bonds of the United States, or for any other lawful purpose the public interests may require.

Now, he is not obliged to do that. It is any "lawful purpose the public interests may require." The whole matter is discretionary with the Secretary from the very wording. It would be so if the bill did not say it is discretionary. The Secretary determines whether it is a lawful purpose, and he would have to determine when he could buy bonds.

Mr. President, in my judgment that is another provision, first, for locking up the notes, and second, if there is a deficiency in the revenue, for issuing bonds. When there is a deficiency, the people who have paper money will go to the Treasury for their gold and deplete the Treasury; and the very moment the Treasury is depleted of a million dollars or $10,000,000, the authority is given to the Secretary to issue bonds, and there is no restriction upon the amount of bonds that he may issue. Ex industria they have left this thing to him not to issue bonds equal to the amount of the deficiency in the reserve, but to issue whatever, in his judgment, may be necessary to maintain that reserve. Who is to question his discretion and his judgment?

Mr. ALLISON. Does the Senator think that there is any provision there authorizing him to issue bonds to meet deficiencies?

Mr. TELLER. Not in that; no, Mr. President——

Mr. ALLISON. Then, how can he issue bonds to meet deficiencies?

Mr. TELLER. But when there is a deficiency with these notes in the coffers of the Government, then it is not difficult for a few men to get together fifteen or twenty million dollars in these days to go to the Treasury and draw out the gold with their greenbacks, and practically every national note is to be payable in gold after this passes, because the greenback and the national note are exchangeable.

Mr. ALLISON. Certainly; the notes are redeemable.

Mr. TELLER. The notes are redeemable in greenbacks and the greenbacks are redeemable in gold, so that the notes are practically redeemable in gold. They are a demand upon the gold in the Treasury.

Now, Mr. President, they can create a condition of things that will set this statute in operation, and then bonds will be issued again, not to pay the deficiency, but to replenish the reserve. If it does not mean that, it does not mean anything. It is an awkward, vicious way of legislating, if it means only what the Senator says it means.

GOLD CERTIFICATES.

There is another provision here that I do not understand. The Senator from Rhode Island the other day made a little attempt to explain it, but he did not succeed. It is provided that "the issue of gold certificates shall cease when the redemption fund shall fall and remain below $100,000,000."

How long must it remain below to justify the suspension of such issue? That is discretionary, is it not, with him, or is it a mandate? What does the Senator understand about that? It is in section 5, I think.

Mr. FAIRBANKS. It is section 2, on page 22, of the conference report:

And the amount of such gold coin and bullion in said fund shall at any time fall below $100,000,000, then it shall be his duty to restore the same to the maximum sum of $150,000,000 by borrowing money on the credit of the United States.

Mr. TELLER. That is not the one I was intending to consider.

Mr. ALLISON. Gold certificates; that is section 6, page 25.

Mr. TELLER. Oh, yes; that is it. I have not the copy I have been using. I mislaid it. I had it marked so that I could turn to it readily.

And provided further, That whenever and so long as the aggregate amount of United States notes and silver certificates in the general fund of the Treasury shall exceed $60,000,000 the Secretary of the Treasury may, in his discretion, suspend the issue of the certificates herein provided for.

Now, Mr. President, I do not want to be hypercritical about this; I do not want to be unfair about it; but I want to know what danger is threatening the business of the country that will require us to change our financial system. We are receiving gold and issuing certificates. The certificates are circulating as money. There is not any question about that. I do not want to call on the Senator for anything that he is unwilling to answer, but I can myself conceive of no reason for it. I should like to know what it is.

Mr. ALLISON. The reason is given, and I may say it is the suggestion made by the Treasury Department, that when there are in the Treasury United States notes and silver certificates to the amount of $60,000,000, if anybody wanted currency for gold he could step in and either get the greenbacks or the silver certificates, which we suppose will be kept at a parity with gold without using the other power of issuing absolute gold certificates. Of course, this can only be exercised when there is this amount of either United States notes or silver certificates in the Treasury.

Mr. TELLER. That condition exists a good deal of the time.

Mr. ALLISON. Not very often.

Mr. TELLER. That is the aggregate. It is not sixty millions

of greenbacks and then some of silver certificates. It is not unusual for us to have sixty or seventy millions of greenbacks on hand. We have been having that amount frequently for years.

Mr. ALLISON. I will say to the Senator that if he will examine the statement—I merely venture an opinion upon the subject—he will find that for a year and a half we have not had in the Treasury sixty millions of greenbacks or silver certificates at any one time.

Mr. TELLER. We have not had that amount of silver certificates, I know.

Mr. ALLISON. We have had more than we have of greenbacks.

Mr. TELLER. A year and a half or two years ago we had a very large amount of greenbacks tied up. It was the policy of the Government at that time to tie them up, and certainly during the last Administration it was decidedly the policy to keep them in the Treasury.

Mr. ALLISON. It certainly can not be the policy under this bill to do so.

Mr. TELLER. I do not know that there is anything very serious about it; but I do not know what the provision means, and I can not understand what its purpose is. When the Senator says the statement came from the Treasury Department, I am still more suspicious about it.

Mr. ALLISON. I knew the Senator would be, and I am rather sorry I mentioned that, but it seemed to the committee to be a reasonable situation. When a man went to the Treasury with a million dollars in gold and said "I want you to keep this gold for me and to issue a certificate for it," I think it would be very natural for the Secretary of the Treasury to say, "I will give you a million dollars in greenbacks for it;" and certainly the man could not object to taking the greenbacks, when he could step around, if he wanted gold coin, and go to the reserve and get it. Therefore it seemed that the Secretary, in his discretion—because that is all there is of it: it is not an obligatory power—may suspend the issue of gold certificates in order to get out the greenbacks and to get out the silver certificates. It seemed to me, being interested in the circulation both of greenbacks and silver certificates, particularly silver certificates, that it was a very good provision to insert. It may be a mistake, but I do not think so. It will do no serious harm in any way, because the matter is left in the discretion of the Secretary of the Treasury.

Mr. TELLER. Mr. President, unlimited discretion given to an executive officer is a mistake, unless it be in extreme cases. I think the less discretion that is given to a public officer the better it is. His duties should be legally defined, and he should be kept within the prescribed limits. He ought not to legislate; but he is practically allowed to do so when matters are left to his discretion; that is, he may create conditions which ought to be created only by the legislative department of the Government. I think it is objectionable to allow him under any pretense to suspend the issue of gold certificates.

I want to say to the Senator that there has been no particular trouble about the circulation of silver certificates.

Mr. ALLISON. None at all.

Mr. TELLER. They circulate without any difficulty all over this country, and all over the world, for that matter.

Mr. ALLISON. I want to supplement what the Senator is saying by stating that I think there can be no difficulty about it.

Mr. TELLER. There never has been any difficulty, and therefore we assume there will not be any.

Mr. ALLISON. That is right.

Mr. TELLER. I want to say a few words about the bank business, and then I am going to enter my objection against some provisions of the bill and yield the floor, as there is a special order at 3 o'clock. I perhaps have said as much as I ought to have said on the question, and we would have been just as far along if I had not said anything. I recognized when I got up to make my first remarks on this bill that anything I said might as well have been said to the winds on the mountain tops as to address my remarks to the Senate, so far as the fate of the pending bill is concerned. I knew it was a foregone conclusion that this bill was to pass; I then gave the reasons why I knew this, and so I shall not repeat them now.

EFFECT ON BANKING.

Mr. President, we are now entering upon a new banking system. There was no propriety and no reason in the world why this reexchange of bonds should be provided for at this time and in this bill. These bonds will not be due for some seven or eight years. Nobody has wanted his money for them. There is not a man living who does not know that when the bonds are due it will be the greatest affliction that could possibly happen to their holders to have them paid in cash. So if it should occur that the bonds become due at a time when we are not prepared to pay them, there would be no trouble in exchanging them for other bonds. If we want to do so, we can pay existing bonds off with new bonds when they are due or sell new bonds and pay the old ones.

I repeat what I said before, that the holders of these bonds are already expecting to get new bonds for the old ones and their cash premium of $88,000,000, and then sell the new bonds, if they want to get cash for them, at a premium of 6 per cent. Prophecies go for almost nothing in these days, but I venture to say the bonds will be at a higher premium than 6 per cent all the time. Why should the bonds bring a premium of 6 per cent? They are bonds upon which the holder can go to the Treasury and get the full amount in cash, and he will get his hundred cents on the dollar. He draws his 2 per cent upon them. He pays but a small tax upon the bills and he pays no tax upon the bonds. The national banks under the former system paid one-half of 1 per cent half yearly upon their circulation, or 1 per cent per annum, one-fourth of 1 per cent half yearly, upon their deposits, a like amount on their capital stock, deducting amount invested in United States bonds.

If I understand this bill, each national bank will pay one-fourth of 1 per cent each half year upon the average amount of such of its notes in circulation as are based upon the deposit of the 2 per cent bonds. Does the bank pay anything upon its capital?

Mr. ALLISON. Undoubtedly.

Mr. TELLER. I do not know whether it does or not, and that is what I wanted to know. I am not saying it does not, for I do not know.

Mr. ALLISON. Mr. President, I will say to the Senator this is simply a substitution for the tax on circulation in the present law.

Mr. TELLER. It is not intended to interfere with the other?

Mr. ALLISON. Certainly not.

Mr. TELLER. I accept the Senator's statement. I did not know whether it was or not.

Mr. ALLISON. Certainly. It was only intended as a substitution for the tax on circulation.

Mr. TELLER. That is a large reduction over this tax anyhow. That is a great advantage to the bank.

BANK CONTROL.

Mr. President, there is another provision in the bill to which I desire to call attention. As the present statute is and has been for many years, it was found necessary in dealing with the banks that when a bank decreased its circulation and brought its notes to the Treasury and took out bonds or left them, as it might, it could not increase its circulation again for six months. That was for the purpose of preventing the banks of this country from putting their notes into the Treasury, contracting the currency, and then, perhaps in a month from that time, reissuing an equal amount, and thus keeping the currency in fluctuation. That law is repealed, and the banks hereafter will be allowed to simply turn in just so much money as they choose to do; and when they wish to create a fall in prices or when they wish to coerce the Senate and the House of Representatives, as they have done—I have a very distinct recollection of their coercing this body or trying to do so—when they want to do that, they will simply go to the Treasury with their notes, leave them there, and when the condition which they want to create has been created, they will withdraw their notes again, and thus we shall have contraction and expansion, and that, I suppose, is upon the theory that we are to have an elastic currency.

Mr. ALLISON. Will the Senator allow me?

Mr. TELLER. Certainly. I am trying to get information. That is what I am after, for I want it.

Mr. ALLISON. I will do the best I can to explain what is in the bill and what is not in it. If the Senator will examine that clause critically, he will find that that portion of the act of 1882 which prohibited banks from withdrawing their circulation is still in force, so that the whole aggregate of national banks can not in any one month withdraw more than $3,000,000.

Mr. TELLER. I am aware of that, but they can repeat the withdrawal for several months and then reissue the total contraction of months in one day.

Mr. ALLISON. Very well. Now, I do not see how the banks can create a very great panic or a contraction of the currency if by law they can only withdraw $3,000,000 in any one month. So the committee thought it was perfectly safe to leave that provision stand and that there would be no objection to it on the ground that there might be under it a contraction or expansion of the currency.

Mr. TELLER. I expected the Senator to make that answer. I examined that statute and compared it with this, and I knew that was the fact. That is one of the steps being taken now. The next step will be when the next bank bill comes here. The whole of the tax will be wiped out little by little and all restriction on contraction repealed. That is the way such things are done. You are legislating to-day with reference to these bonds in a way that, in my opinion, would have been utterly impossible for you to have legislated ten, twelve, or fifteen years ago.

Mr. ALLISON. I agree to that, but we could not have put out a 2 per cent bond five years ago.

Mr. TELLER. I do not care about that; I am not talking about that; but you are giving to the banks advantages that you could

not have given them ten years ago. They are not suffering when they take these bonds, but they are getting the best bonds in the world, without exception. They do not have to take the bonds at 2 per cent. If they do not want to take them, you can not make them do so. If they take them, it will be because they think it is better than to take the cash from us when the bonds are due; and it is better for the banks to take them. They realize that. The public realizes that you are giving to these people not only a bonus of $88,000,000, but you are giving them a bonus that is to continue. You are giving them the privilege on these bonds of practically performing the functions which belong to the Government, and the Government only, or which ought only to belong to the Government; that is to say, the making of the money of the country.

Mr. President, it would be infinitely safer for you to say that anybody might mint money, and you might confine it to gold, to silver, or to both; but this is a privilege that is greater than the minting of metallic money. In ancient times individuals did mint money, as did banks. I mean out of metal, gold and silver. You are here creating a mint for every bank, and that money is to take the place of the Government money. If the banks do what the Senators here who are advocating this bill say they will do, if they accept eight hundred or nine hundred millions of bonds and issue eight hundred or nine hundred millions of currency on them, one of two things will happen: You must retire your silver certificates, your silver dollars, and your greenbacks, or your superabundance of paper money will drive your gold out of the country, for you will have an excess of paper circulation.

Senators talk about being for sound money. There is nothing sound in this project of favoring the banks. There is not an idea in it that is founded upon a sound financial proposition. Under this bill they can, with their issue of bank notes, control the financial condition of the country. When they want low prices, they can, as they recently did, make their loans to secure low prices; and when their interests demand rising prices, their loans will be made to that end.

So, Mr. President, we not only turn over to these banks the circulation of money, but we turn over to them practically the control of the business of this great country of ours by this bill. The banks, who can make money dear—and they can make it cheap without returning it to the Treasury—can make it dear when they say they will not make loans. In New York, not recently, the banks said, "No loans will be made," and before the day closed they announced that they had $10,000,000 in a single bank which they were willing to put out, but which they had declined to put out in the morning. In the first hours of banking they said to the men who went to them for accommodations, "We can make you none." When the condition which they wanted to create had been created, then they said, "Now we will stop it," and they began to loan.

GOVERNMENT DEPOSITS.

I have not seen to-day's statement, but according to yesterday's statement the Government of the United States had in the coffers of these banks $168,000,000. That is a sum which a few years ago would have astonished the country. We had $56,000,000, or somewhere in that neighborhood, of disbursing officers' accounts. If any one will take the pains to go back and look at the reports he will find that that has been practically the amount in the banks for the last several months. We had at the last time I examined the statement, which was yesterday morning, $111,000,000 put into these banks, besides disbursing officers' accounts. What would be the condition of these banks if the Government had not put their money into them?

I do not like to complain of a thing which probably has been beneficial to the community at large, and I am not now intending to especially criticise the Secretary of the Treasury for putting this amount of money in the banks. I do not know what would have happened if he had not done so. When I talked with the New York gentleman about whom I spoke above, and in whom I have great confidence, I said to him, "What would have happened if the Government had not gone to the relief of the banks?" He said, "There would have been a general breakdown; there would have been very few banks which could have survived." That being so, I am not now complaining of the Secretary of the Treasury of doing what he could do under the law; but I am here to criticise a condition of affairs which permits the Secretary of the Treasury to do such things; I am here to criticise a condition which puts such power in the hands of any one man.

What would such a power have been worth to him if he had been dishonest? I do not mean to reflect, and I do not want anybody to think that I mean to reflect, upon Secretary Gage. I am not charging that he has made money out of these transactions. I have no reason to think that he has, and I would not say that he had unless I had positive proof. But in the hands of some man who may at some time occupy the position of Secretary of the Treasury he could make untold wealth by simply saying to these people, "I will not put the money in the banks unless you make arrangements with me," or with some third party who might be acting for him. I believe that very many of those bankers, if they had the Secretary in the position in which he had them, would have promptly made him contribute. Is that a decent condition of affairs? Is that a sound financial system of banking which allows the Government to go to the relief of the banks whenever they are in financial difficulties?

What is going to happen when the Government takes its money from the banks; and when is the Government going to take it from them? I am not asking that the Government shall take the money from the banks; but the Government is met with this proposition to-day that they dare not take it out. You dare not take out the $100,000,000 from those banks. What would be their condition if we should do so? Let me show you what would be their condition. I have here a statement furnished me by the Treasury Department. New York, Chicago, and St. Louis constitute the central reserve cities, and banks in those cities and in other reserve cities must keep on hand cash equal to one-fourth of their deposits; county banks 15 per cent of their deposits. The central reserve city banks had December 2, 1898, in excess of their reserves—that is, over and above what the law required them to keep—$4,311,699, or a little more than four millions and a quarter of money which belonged to them and which they had a right to loan.

The other reserve cities, in which are included Philadelphia, Boston, and various others which it is not material to mention, had only the sum of $13,450,354.16. Here, then, are these great reserve city banks which are required to hold these reserves, and the central reserve city banks and other reserve city banks all having less than $18,000,000 at their command. I do not wonder that they frantically appealed to the Secretary of the Treasury, nor do I wonder that the Secretary, having the power, acting from his standpoint—and I do not know but I should have done the same if I had been in his place, although I have not much patience with these banks—I do not wonder that he went to their relief. Suppose he had not done so. The country banks had $155,143,000 over and above the reserve. So here was $172,905,000—I will call it in round numbers $173,000,000—over and above the reserve; and they have probably got about that much now. But if they did not now have $168,000,000 of Government money, where would they be? Take the difference between $173,000,000 and $168,000,000 and you only have an excess of five millions. They did not have that amount of Government money at that time, but there is no reason to suppose that they have been able to increase their reserves materially except by the means of the Government loans.

Mr. ALLISON. If their bonds were not now deposited in the Treasury, perhaps the price of the bonds would not be so high.

Mr. TELLER. You say they could withdraw their bonds?

Mr. ALLISON. They would be obliged to do so if the Treasury drew in its reserve. Every dollar belonging to the Government now deposited in these national banks has behind it a Government bond.

Mr. TELLER. I understand that. I understand what the Senator means. He means the banks can sell the bonds and get cash; but the bonds do not always belong to the banks. It is a notorious fact that the banks have been borrowing bonds all through the country upon which to secure Government deposits. I suppose nobody denies that. The public press has so stated and bankers have so stated. Men with whom I have come in contact who are informed about these matters tell me that the banks have been borrowing everywhere and paying for the use of the bonds more than the interest on them would amount to, so as to get the people who own the bonds and who are not bankers to turn them in and allow the banks to hold the money of the Government on deposit.

Mr. ALLISON. But the Treasury——

Mr. TELLER. The Treasury is not in any danger. Oh, no. The Government is in no danger. The Government has not lost anything; it has not even lost the interest on the money because otherwise it would have lain in the Treasury. I am not complaining of that.

Mr. PERKINS. Mr. President, will the Senator permit me to ask him one question?

Mr. TELLER. Certainly, or half a dozen.

Mr. PERKINS. Does the Senator criticise the policy of the banks having this money to loan to their customers and patrons? Their depositors are protected by a reserve as high as 25 per cent, and experience has shown that this 25 per cent of the amount of the deposits in reserve is ample security for the depositors, although wise and prudent bankers may have a reserve as high as 35 or 40 per cent. But by having this money made good those who are engaged in manufacturing and other business enterprises may borrow from the banks, and the community is benefited by having the facilities for properly negotiating loans upon good security.

Mr. TELLER. The Senator knows how far I have been criticising. I have not been criticising the banks. If you give a bank power, it will exercise it; if you give individuals power, they will use it, if it be for their benefit to do so.

I do not wonder that the banks want this power. What I am

complaining of is a system that will allow them, in the first place, to call upon the Government; and then, I am complaining of the fact that the Government goes to their relief. I do not say that under the conditions existing the Government can not legally do so; but what right has the Government to sustain a bank any more than to sustain me? I can take my bonds, if I am fortunate enough to possess any, and go to the Treasury and say, "I want money;" but they will tell me to go to a broker and sell my bonds; that I can not get money there; that I am not a bank, and have not a charter.

The manufacturer does not get any benefit from this system except as he gets it through the bank; and he pays the bank for the use of money which really belongs to the people of the United States, upon which the bank pays no interest. Does the Senator think that a wise system of finance, which will put $160,000,000 or $170,000,000, or possibly more, into the banks upon which the Government gets no interest? Does he think the people will look with pleasure upon such a thing as that? When a few people having extravagant notions in this country talked about borrowing money of the Government of the United States, there went up a cry against it in this country. The idea that the Government would loan money to people on security, it was said, was a thing never before heard of and not to be thought of or tolerated.

Mr. PERKINS. Will the Senator permit me further?

Mr. TELLER. Certainly.

Mr. PERKINS. I simply want to say in reply to what he has said, that the bonds are the pledge of the people, they are the debt of the nation, which is kept at home here among our own people instead of being placed in European markets.

SURRENDERING TO CAUCUS.

Mr. TELLER. That has nothing to do with the matter one way or another, I beg the Senator to understand. What difference does it make? The bonds would be here whether the Government loaned money on them or not if you had a decent financial system, not such a system as your Secretary of the Treasury suggests, not a system under which banks can issue currency on their debits on their deposits. But that is what the banks favor; that is what the Secretary of the Treasury recommends; that is what the Republican party will be advocating and demanding at the next session, and that is what the Senator from California [Mr. PERKINS] and all the rest of the Republicans here will vote for if the caucus decide that that is the thing which should be done.

Mr. President, when a great financial officer of this Government proposes a system so far at variance with a sound financial system that the debt of a bank shall be its authority to issue paper money and he is kept in his position and is indorsed by a great political party, it will not be long before he will force us to such a policy just as the gold standard has been forced on us. Men who stood here for years declaring their adhesion to the bimetallic system surrendered their judgment and followed the caucus that demanded it, and so it will be with this banking business.

Mr. President, party lines have been strong enough to hold together bimetallists and gold-standard men and to carry them along in the silly, weak declaration here that this bill is not intended—let me read the exact language of the bill:

SEC. 14. That the provisions of this act are not intended to preclude the accomplishment of international bimetallism.

This was the declaration of the bill as it passed the Senate:

That the provisions of this act are not intended to place any obstacles in the way of the accomplishment of international bimetallism.

The representatives of the House said, if the public prints can be relied upon, that the whole thing was a piece of nonsense. I agree with them for once. They said it did not mean anything; and, if it did mean anything, it was inconsistent with the gold standard. I agree with them there. They said it was too strong, anyhow, but they would agree to make the declaration, if the Senate conferees would consent, that these words should be put in:

That the provisions of this act are not intended to preclude the accomplishment of international bimetallism.

If it was so intended, they could not preclude it.

Mr. President, I had the opportunity to offer this amendment in the place of the provision in the Senate bill:

The people of the United States are in favor of bimetallism and desirous of an international agreement with the great commercial nations of the world that will admit of the use of both gold and silver at such an established ratio as will maintain the parity between gold and silver coin, and the efforts of the Government are hereby pledged to endeavor to secure such international agreement as speedily as possible.

That is a live proposition; that is an affirmative proposition; that means something, while the other means nothing; and yet every Republican in this Chamber except one voted against it. Then Senators stand up and say they are bimetallists. There is not a man who voted for that bill as it passed the Senate or who will vote for the report who has the right to call himself a bimetallist. No man who understood the theory of bimetallism and believed in it would have voted for that bill, unless, believing in it as he did, he abandoned his principles because the caucus demanded that he should do so. No man can be a gold-standard advocate and supporter and be a bimetallist.

Mr. President, the worst feature of the bill is the establishment of the gold standard. But we expected that. I believed just as much when I walked out of the St. Louis convention that legislation of this kind would be adopted if McKinley was elected as I do now, but we had no reason to expect then this new scheme of banking, not now fully carried out, but foreshadowed.

POWER OF THE BANKS.

Mr. ALLEN. I should like to ask the Senator a question. What more power is there to give to the money power after the bill is passed?

Mr. TELLER. There is not much. They can release some of the restrictions upon the banks, which they will do. They can give them a little stronger grip upon the people. We know something about these banks. I referred a moment ago to the fact that when we passed a bill here that was obnoxious to the banks, in a week they surrendered $18,000,000 of their issue. That was before the restriction was put on that no more than three millions a month could be retired, and that is why it was put on. They threatened disaster to the country if the bill was signed by the President.

I recall that in 1876 when the country was endeavoring to return to specie payments that the banks of the country were threatening to hold up the Government if they did not issue to them bonds at 4½ per cent. When the Government said they would issue bonds to carry out the provisions of the act of 1875 concerning resumption, then these banks said it must be a 4½ per cent bond. The Government said it must be a 4 per cent. They said if you do not issue 4½ per cent bonds you can not sell them. I have got the proof right here, and I want to read it. I have a very distinct recollection of it myself. Up to that time I had a good deal more regard for the banks than I have now.

I am asked if I believed we could resume in 1879. I believe that we could have resumed in 1865 just as easily as in 1879. All we had to do, and that was my position then and has been ever since, was to clothe the greenback with full legal-tender power. That is where we made our mistake. Mr. Greeley was right when he said the way to resume was to resume, make your money good.

Mr. Sherman said before the House committee in 1878 that we were compelled to buy gold, and buying gold, he declared, put up the price of gold as everybody ought to have known it would. If we had said that the greenbacks shall perform every function that a gold dollar performs, the nearly four hundred millions of greenback money then would have been equivalent to gold and gold would have taken its place side by side as it did when we conferred fully money power upon the greenback.

Mr. President, the Senator from Nebraska [Mr. ALLEN] hands me a letter which has escaped my observation. It seems to be a circular letter of Mr. HANNA, the man who practically dictated this bill. He ought to be an authority here:

EXECUTIVE COMMITTEE OF THE
INDIANAPOLIS MONETARY CONVENTION,
Indianapolis, November 22, 1899.

——— ———, *Lincoln, Nebr.*

DEAR SIR: The present session of Congress is a critical point with our movement. The House will deal with the gold-standard bill almost immediately. The tremendous importance of the successful outcome of this effort on the part of the caucus committee of the Republicans of the House can hardly be told. The great opportunity will be offered.

The Republican party is pledged to legislation for the gold standard and the parity of all our moneys. The caucus bill covers it well.

If the business men now take up the subject with their Representatives in Congress and unceasingly demand the fulfillment of their party's pledge, the bill will pass the House.

He is a prophet.

If the House acts courageously, the Senate will be greatly influenced thereby. The sound-money members of the Senate Finance Committee will present a plan to the Republican Senators and it will be as comprehensive as the House bill.

If you press the subject unrelentingly from now on, the first great step in the right direction in sound-money legislation will be taken early in the session. Please give us your vigorous support.

Faithfully, yours, H. H. HANNA, *Chairman.*

The Senator from Nebraska tells me the letter had a general circulation through the country. Mr. Hanna did not honor me with one of those.

THE BANKS AND RESUMPTION.

I want to go back, because we are dealing with these banks, to show that my suspicion of these banks is well founded. They have never come to the support of the Government. When we were in the throes of revolution, when the Government was in need of money, they said to the Government, "We will loan you money for 12 per cent in the city of New York." They never offered it at any less, either. In February, 1878, we passed a silver bill. So far as I am concerned, I am not ashamed of my connection with it, which was simply voting for it. I do not know that anybody else is. The House Committee on Banking and Currency took a large amount of testimony as to whether resumption was possible, and there was a member of the committee by the

name of Chittenden, from the State of New York. He was an extreme gold man. He was in Congress for several years. Here are some of the suggestions he made to the Secretary, Mr. Sherman being then before the committee:

I have prepared four questions in the interest of those whom I represent, to which I should like to have your answer.

First. With silver dollars and silver certificates full legal tender for all debts, including the customs and the public debt, is not gold practically demonetized; and how will you renew your supplies or prevent its exclusive use as merchandise in foreign commerce?

Second. Is there no danger that the national banks in taking care of themselves will hoard greenbacks enough to exhaust your gold reserves when the day for resumption comes?

I am not certain whether Mr. Chittenden was a banker, but I am inclined to think he was. He was a man of large means, or was understood to be, and I think he was a banker.

Third. Is it not probable that, before you have coined 100,000,000 of the new silver dollars, with greater activity in foreign trade, they will be exported at their bullion value to settle trade balances, and with what effect upon the price of silver bullion?

Fourth. Does not your success in resuming coin payments with our so-called double standard depend absolutely upon an advance in the price of silver bullion in London to about 59 pence sterling per ounce?

Mr. Sherman answers that. In the answer he said that we might possibly run fifty millions and perhaps a hundred millions of silver without driving gold out. I am not going to read much. This is not Mr. Sherman's direct answer, but, after several others, he said:

If you allow me, I can now, in connection with your question in regard to my opinion as to the practicability of resumption and especially in regard to an interview published in the newspapers between Mr. Ewing and bankers in New York, give you my opinion. I have read that interview with a great deal of attention, because I know many of the gentlemen who took part in it.

The CHAIRMAN. It is proper for me, on the part of the committee, to say that it was not intended that that interview should be made public, but the report of it was surreptitiously obtained in some way.

Skipping some, then, Mr. Sherman says:

It is pretty hard to exclude newspaper reporters, but I think it was right enough to have that conference published. It presents the opinions of very intelligent gentlemen, whose business it is to be familiar with the subject, and their opinions are entitled to full weight. I can only give you my general reply to them.

My reply would be about this: These gentlemen assume three propositions:

First. That we can not sell enough 4 per cent bonds to prepare for resumption.

That is what I stated, that they insisted upon having 4½ per cent bonds.

Second. That the national banks can throw upon the Government the burden of resumption of bank notes as well as of United States notes.

That is what they threatened to do.

Third. That resumption requires the redemption and cancellation, without power of reissue, of United States notes below $300,000,000.

We had then $347,000,000.

To these I answer that I believe that, with such auxiliary legislation as is pending in both Houses, we can sell enough 4 per cent bonds to prepare for resumption; but, if I am mistaken in this, we can sell either 4½ or 5 per cent bonds, which they admit will command gold, silver, and bank notes, to maintain resumption. Some of these gentlemen have proposed to me that if I sell them 4½ per cent bonds at par in coin they will guarantee enough coin for resumption.

The idea that these bankers were stronger than the Government of the United States—that it was necessary to sell such a bond as they dictated!

And I have some better offers from other banks and bankers, so that on this point it is only a question of rate of interest on bonds. When it becomes clear that money can not be had for 4 per cent, it is time enough to pay 4½.

Then, leaving out some other things, he said:

Such a struggle as these gentlemen contemplate would end in their losing their power to issue circulating notes at all. Their talk about forming a line to break the Government is not discreet and is not dangerous. I am more concerned about what you will do—

That is, the House—

than about what they will do. The United States Government already holds a larger cash reserve for the redemption of its notes in proportion to demand liabilities than any bank represented by these gentlemen, and it has power to increase it.

Then he goes on. Mr. Chittenden intervened and said he did not understand that any threat had been made; that he did not think what they had said was equivalent to a threat, which Mr. Sherman thought was a threat. Secretary Sherman further said:

I have written propositions from these gentlemen, and from Mr. Coe himself, that if I will give them 4½ per cent bonds instead of 4 percents, they will guarantee resumption. The trouble is this, that when I am trying to sell bonds at 4 per cent they say I am acting both as a politician and as a financier. I suppose they mean that as a politician I am desirous to have the interest low, and that as a financier I am indifferent to the rate. I simply say that as soon as I can not sell 4 per cent bonds to the people, I know I can sell 4½ percents to the banks; and in that way, if in no other, we can get enough gold to insure and to maintain resumption. To that I pledge my opinion and my earnest conviction.

That was on the 1st day of April, 1878.

The PRESIDENT pro tempore (at 3 o'clock p. m.). Will the Senator from Colorado suspend for one moment?

Mr. TELLER. Certainly. I did not expect to talk to this time. There are several other extracts in connection with this matter that I intended to read. These bankers, Mr. Sherman said, were at this time, when they had three hundred and sixteen millions in circulation, actively retiring their circulation and declaring there was not enough currency in circulation, yet he said they insisted upon retiring the national greenbacks to the extent of $300,000,000—a maximum of $300,000,000. They were simply insisting upon destroying the greenback for the purpose of filling their place with national-bank notes. Mr. President, I will resume on Monday and will now let the Senator from New Hampshire go on with his special order.

PENSION APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6627) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1901, and for other purposes.

The Secretary read the bill.

Mr. BATE. Mr. President, this bill proposes to appropriate a large amount of money. I have just heard it read. It involves a hundred and forty-four million dollars. With all respect, I conceive, sir, that it would be out of taste, with not more than 15 Senators present, perhaps, late Saturday evening, after 3 o'clock, when we rarely meet on Saturdays, to pass this measure now. It is the last hour of the day, and we should not take up a bill of this kind, involving a hundred and forty-four million dollars, and pass it nem con. I do not want to say that there is no quorum present, but the Senate is too thin for anything of this kind. I think we ought to have more respect for the bill than to take it up under these circumstances. I am informed that there are 12 Senators here. I shall not submit to it myself, Mr. President.

Mr. CULLOM. I hope there will be no suggestion of the want of a quorum.

Mr. BATE. I am trying to avoid that.

Mr. CULLOM. For a reason of which the Senator is aware.

Mr. BATE. I am trying to avoid it, for I understand there are some matters that ought to be attended to this evening. But I do not think we ought to consider this measure at present.

Mr. GALLINGER. Unanimous consent was given, I think, two days ago to proceed to the consideration of the bill at this time. It seems to me that was the time to object that it would be 3 o'clock on Saturday. There is no excuse for Senators not being here. There are as many Senators here as there are ordinarily. This bill carries a large amount of money, but we are going to pass it precisely as it is, whether there are 10 Senators or 70 Senators here. The Senator from Tennessee knows that. It is the ordinary appropriation bill for pensions. We are not going to cut it down or to increase it. It is precisely what is needed under existing law, and it seems to me, while I am almost always disposed to accommodate the Senator from Tennessee, that he ought not to raise any objection to going along in an orderly way and passing the bill.

Mr. BATE. This is very extraordinary. It is Saturday evening and 3 o'clock. Senators perhaps did not know, I did not know myself until I looked on the Calendar, that the bill was to be called up this evening. It so happened that I was not present this morning. I was at the Departments. I do not know that I should then have made any objection, because I did not know but that, being a unanimous-consent agreement, the Senators would all remain here to look after a matter of this kind, or at least enough of them. But the condition of things is such that I think it would be out of taste for us in the evening to pass such a bill as this. It would cause comment all over the country. I believe we are going to pass it, but let us pass it in a decent way.

Mr. GALLINGER. I do not consent at all that the bill would be passed in an indecent way if it were passed now, but I have no disposition at all to press this matter to-day. It is an appropriation bill and ought to be passed in the near future. It has been on the Calendar nearly one month. It will be a great convenience to me personally to have it passed in the near future; but if the Senator insists upon his objection, I am not going to urge that it be taken up for consideration to-day, but will ask that it be passed over. It has been read in full, I presume.

The PRESIDENT pro tempore. Yes.

Mr. GALLINGER. And we may now proceed with unobjected private pension cases on the Calendar, according to the agreement made at the same time when it was agreed that we should take up the pension appropriation bill.

Mr. CULLOM. I ask the Senator from New Hampshire to allow us to have an executive session for a few moments. So far as I am concerned, it will not take five minutes.

Mr. HALE. Can not the Senator from Illinois wait until afterwards?

Mr. CULLOM. I have to go on a committee, which is waiting for me now.

Mr. GALLINGER. I yield.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened.

MARY A. RANDALL.

Mr. GALLINGER. The bill (S. 2368) granting a pension to Mary A. Randall, passed the Senate, went to the House of Representatives, and was recalled for amendment and recommitted to the Committee on Pensions. I now report the bill back with an amendment and ask that it be considered as being first on the Calendar.

The PRESIDENT pro tempore. The Senator from New Hampshire asks for the present consideration of the bill which he now reports from the Committee on Pensions. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twelve" and insert "twenty-five," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Randall, dependent mother of Frank B. Randall, late chief engineer of the United States revenue cutter *McCulloch*, and pay her a pension at the rate of $25 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM TAYLOR.

The bill (S. 2203) granting an increase of pension to William Taylor, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Taylor, late of Company G, Twelfth Regiment Kansas Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HANNAH R. JOHNSON.

The bill (S. 755) granting a pension to Hannah R. Johnson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hannah R. Johnson, widow of Maj. John Cockrell Johnson, late One hundred and tenth Pennsylvania Volunteers, and to pay her a pension of $25 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM C. STOCKTON.

The bill (S. 757) granting increase of pension to William C. Stockton was considered as in Committee of the Whole. It proposes to place upon the pension roll of the United States the name of William C. Stockton, late chaplain, Twenty-fourth Regiment New Jersey Volunteer Infantry, at $30 per month in lieu of the pension of $12 which he now receives.

Mr. GALLINGER. I move that the words "the pension of twelve," in lines 7 and 8, be stricken out, and the word "that" be substituted; so as to read, "in lieu of that which he now receives."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LEVI C. FAUGHT.

The bill (S. 477) granting a pension to Levi C. Faught, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Levi C. Faught, late a private in Company B, in the Greene County (Missouri) Home Guards.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CAROLINE B. BRADFORD.

The bill (S. 2880) granting an increase of pension to Caroline B. Bradford, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Caroline B. Bradford, widow of Robert F. Bradford, late captain, United States Navy, and to pay her a pension of $50 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ISAAC W. COMERY.

The bill (S. 752) granting an increase of pension to Isaac W. Comery was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaac W. Comery, late captain Company A, Twenty-first Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY E. FENN.

The bill (S. 1007) granting a pension to Mary E. Fenn was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Fenn, widow of Augustus H. Fenn, late captain Company K, Second Regiment Connecticut Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM PADGETT.

The bill (S. 2942) granting an increase of pension to William Padgett was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Padgett, late of Capt. David J. Miller's company, Georgia Militia, Seminole Indian war, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SUSAN BUCK.

The bill (S. 716) granting a pension to Susan Buck was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susan Buck, widow of Daniel W. Buck, late of Company E, Eighth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $20 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARGARET E. VAN HORN.

The bill (S. 207) granting a pension to Mrs. J. J. Van Horn was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret E. Van Horn, widow of James J. Van Horn, late colonel Eighth Regiment United States Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Margaret E. Van Horn."

CAROLINE C. TOWNSEND.

The bill (S. 2510) granting an increase of pension to Caroline C. Townsend was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "a private of Company H, Ninth Regiment Pennsylvania Reserve Volunteers, and captain in the" and insert "first lieutenant;" and in line 10, before the word "dollars," to strike out "twenty" and insert "seventeen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name Caroline C. Townsend, widow of Alfred Townsend, late first lieutenant, Eighteenth Regiment United States Infantry, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LEVI MOSER.

The bill (S. 1977) to increase the pension of Levi Moser was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Levi Moser, late of Company I, One hundred

and fifty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Levi Moser."

NANCY A. DOWELL.

The bill (S. 344) granting a pension to Nancy A. Dowell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nancy A. Dowell, widow of Benjamin F. Dowell, late pack master, Major Drew's command, Oregon Volunteers, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES CRITZER.

The bill (S. 103) granting an increase of pension to Charles Critzer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles Critzer, late of Company I, One hundred and twenty-ninth Regiment Illinois Volunteer Infantry, and to pay him a pension of $25 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES J. WHEELER.

The bill (S. 1752) for the relief of James J. Wheeler was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James J. Wheeler, late of Capt. Thomas H. Foster's company of citizen soldiers, Bannock Indian war, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to James J. Wheeler."

BURTON PACKARD.

The bill (S. 1754) granting a pension to Burton Packard was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Burton Packard, late of Company C, Sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Burton Packard."

FARNHAM J. EASTMAN.

The bill (S. 1758) to increase the pension of Farnham J. Eastman was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Farnham J. Eastman, late of Company E, Twenty-fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Farnham J. Eastman."

WILLIAM P. ARBLE.

The bill (S. 358) granting a pension to William P. Arble was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William P. Arble, late of Captain Parker's Company, Iowa Mounted Volunteers, Mexican war, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARGARET C. M'KAY.

The bill (S. 347) for the relief of Margaret C. McKay, widow of the late Dr. William C. McKay, of Oregon, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret C. McKay, widow of William C. McKay, late interpreter, Oregon Indian wars, 1866 and 1867, and pay her a pension at the rate of $20 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Margaret C. McKay."

ELEANOR M'DEVITT.

The bill (S. 342) granting a pension to Eleanor McDevitt was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eleanor McDevitt, widow of Frank McDevitt, late scout with the Twenty-fifth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELIZABETH W. MURPHEY.

The bill (S. 2200) granting an increase of pension to Elizabeth W. Murphey was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, before the word "dollars," to strike out "twenty-five" and insert "twenty;" and in line 9, before the word "she," to strike out "the pension" and insert "that;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth W. Murphey, widow of Thomas G. Murphey, late chaplain First Regiment Delaware Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LILLIAN CAPRON.

The bill (S. 1905) granting an increase of pension to Lillian Capron was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lillian Capron, widow of Allyn K. Capron, late captain Troop L, First Regiment United States Volunteer Cavalry, war with Spain, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AGNES CAPRON.

The bill (S. 1906) granting an increase of pension to Agnes Capron was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Agnes K. Capron, widow of Allyn Capron, late captain, First Regiment United States Artillery, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Agnes K. Capron."

ORPHA W. REYNOLDS.

The bill (S. 1191) granting an increase of pension to Orpha W. Reynolds was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Orpha W. Reynolds, widow of Robert M. Reynolds, late captain, First Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HANNAH G. STRONG.

The bill (S. 1127) to increase the pension of Hannah G. Strong was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hannah G. Strong, widow of William M. Strong, late of Company F, First Regiment Mississippi Volunteer Infantry, Mexican war, and pay her a pension at the rate of $18 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Hannah G. Strong."

SUSANNA MARION.

The bill (S. 299) granting a pension to Susanna Marion was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susanna Marion, widow of Michael Marion, late of Company C, Second Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ADELAIDE SESSIONS.

The bill (S. 139) granting a pension to Adelaide Sessions was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Adelaide Sessions, widow of Nathaniel Sessions, late of Company I, First Regiment United States Volunteer Sharpshooters, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN T. HAYES.

The bill (S. 1600) granting an increase of pension to John T. Hayes was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John T. Hayes, late of Company F, Tenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FRANCES C. DE RUSSY.

The bill (S. 135) granting a pension to Mrs. Frances C. De Russy was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frances C. De Russy, widow of Gustavus A. De Russy, late brigadier-general, United States Volunteers, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Frances C. De Russy."

HIRAM J. REAMER.

The bill (S. 1872) granting a pension to Hiram J. Reamer was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hiram J. Reamer, late of Company A, Second Regiment Indiana Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Hiram J. Reamer."

MARY E. LAW.

The bill (S. 2636) granting an increase of pension to Mary E. Law was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Law, widow of Richard Law, late captain, United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

Mr. GALLINGER. I move that the amendment be further amended by striking out "fifty" and inserting "forty" before "dollars."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NELLIE A. WEST.

The bill (S. 2545) granting a pension to Nellie A. West was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nellie A. West, widow of Louis H. West, late of Company B, First Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARGARET B. SHIPP.

The bill (S. 1066) granting a pension to Margaret E. Shipp was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret B. Shipp, widow of William E. Shipp, late first lieutenant, Tenth Regiment United States Cavalry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Margaret B. Shipp."

JULIA D. RICHARDSON.

The bill (S. 681) granting a pension to Julia D. Richardson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Julia D. Richardson, former widow of Chesley Pratt, late of Third Battery Minnesota Volunteer Light Artillery, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES WILLIAMSON.

The bill (S. 1271) granting a pension to Charles Williamson, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Williamson, late assistant surgeon, Twelfth Regiment Kansas State Volunteer Militia, and pay him a pension at the rate of $17 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SARAH W. ROWELL.

The bill (S. 2497) granting an increase of pension to Sarah W. Rowell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah W. Rowell, widow of Charles W. Rowell, late captain, Second Regiment United States Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SELEDER BURNHAM.

The bill (S. 3102) granting a pension to Seleda Burnham was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the name "Burnham," to strike out "Seleda" and insert "Seleder;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Seleder Burnham, widow of Hiram Burnham, late brigadier-general, United States Volunteers, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Seleder Burnham."

LOUISA E. BAYLOR.

The bill (S. 2652) to increase the pension of Louisa E. Baylor, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louisa E. Baylor, widow of Thomas G. Baylor, late colonel of ordnance, United States Army, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Louisa E. Baylor."

Mr. GALLINGER. Mr. President, I understand there is a message from the House of Representatives ready to be delivered. I therefore suggest that the further consideration of private pension bills be postponed.

DEATH OF REPRESENTATIVE EPES.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, communicated to the Senate the intelligence of the death of Hon. SYDNEY P. EPES, late a Representative from the State of Virginia, and transmitted the resolutions of the House thereon.

The message also announced the appointment by the Speaker of the House of Representatives of a committee on the part of the House to take charge of the funeral arrangements.

The PRESIDENT pro tempore. The Chair lays before the Senate resolutions from the House of Representatives, which will be read.

The Secretary read the resolutions, as follows:

IN THE HOUSE OF REPRESENTATIVES,
March 3, 1900.

Resolved, That the House has heard with deep regret and profound sorrow of the death of the Hon. SYDNEY P. EPES, late a Representative from the State of Virginia.

Resolved, That a committee of eighteen members of the House, with such members of the Senate as may be joined, be appointed to attend the funeral at Blackstone, Va., and that the necessary expenses attending the execution of this order be paid out of the contingent fund of the House.

Resolved, That the Sergeant-at-Arms of the House be authorized and directed to take such steps as may be necessary for properly carrying out the provisions of this resolution.

Resolved, That the Clerk communicate these resolutions to the Senate, and transmit a copy thereof to the family of the deceased.

The Speaker announced the appointment of Mr. HAY, Mr. WILLIAM A. JONES, Mr. SWANSON, Mr. OTEY, Mr. LAMB, Mr. RIXEY, Mr. WILLIAM A. YOUNG, Mr. WILLIAM F. RHEA, Mr. QUARLES, Mr. JOHN S. RHEA, Mr. MCCALL, Mr. J. W. BAILEY, Mr. DE ARMOND, Mr. JENKINS, Mr. JOHN S. WILLIAMS, Mr. JOY, Mr. H. D. CLAYTON, and Mr. R. L. HENRY as members of said committee on the part of the House.

Mr. MARTIN. Mr. President, I offer the resolutions which I send to the desk, and I ask unanimous consent for their immediate consideration.

The PRESIDENT pro tempore. The Senator from Virginia offers resolutions, which will be read.

The Secretary read the resolutions, as follows:

Resolved, That the Senate has heard with deep sensibility the announcement of the death of Hon. SYDNEY P. EPES, late a Representative from the State of Virginia.

Resolved, That a committee of five Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to take order for superintending the funeral of the deceased.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

The resolutions were unanimously agreed to.

The PRESIDENT pro tempore appointed as the committee on the part of the Senate, under the second resolution, Mr. DANIEL, Mr. MARTIN, Mr. HARRIS, Mr. SCOTT, and Mr. PERKINS.

Mr. MARTIN. Mr. President, as a further mark of respect to the memory of the deceased, I move that the Senate do now adjourn.

The motion was agreed to; and (at 3 o'clock and 45 minutes p. m.) the Senate adjourned until Monday, March 5, 1900, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate March 3, 1900.

PROMOTION IN THE ARMY—CAVALRY ARM.

Second Lieut. John P. Wade, Fifth Cavalry, to be first lieutenant, March 1, 1900, vice Harman, Sixth Cavalry, resigned.

PROMOTIONS IN THE NAVY.

Passed Asst. Surg. John F. Urie to be a surgeon in the Navy from the 25th day of October, 1899, vice Surg. John C. Boyd, promoted.

Asst. Surg. William M. Wheeler to be a passed assistant surgeon in the Navy from the 27th day of May, 1899, to fill a vacancy existing in that grade.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 3, 1900.

INDIAN AGENT.

Charles E. McChesney, of Sioux Falls, S. Dak., to be agent for the Indians of the Rosebud Agency in South Dakota, to take effect April 17, 1900.

APPOINTMENTS IN THE ARMY.

Infantry arm—To be second lieutenants, to rank from February 1, 1900.

Clifford U. Leonori, of New York.
Ralph B. Lister, of Colorado.
Spencer M. Bowman, of the District of Columbia.
Frank B. Davis, of North Carolina.
Benjamin H. Pope, of Texas.
Julian L. Dodge, of New York.

Cavalry arm—To be second lieutenant, to rank from February 1, 1900.

Daniel Van Voorhis, of Ohio.

APPOINTMENT IN THE VOLUNTEER ARMY.

Col. Wilder S. Metcalf, Twentieth Kansas Volunteer Infantry (since honorably mustered out of service), for gallant and meritorious service in action near Bocave, Luzon, Philippine Islands, March 29, 1899.

PROMOTIONS IN THE VOLUNTEER ARMY.

Thirty-fifth Infantry.

First Lieut. Harry N. Cootes, Thirty-fifth Infantry, United States Volunteers, to be captain, February 21, 1900.

Second Lieut. Gordon N. Kimball, Thirty-fifth Infantry, United States Volunteers, to be first lieutenant, February 21, 1900.

POSTMASTERS.

Eugene L'Hote, to be postmaster at Milford, in the county of Iroquois and State of Illinois.

John G. King, to be postmaster at New Castle, in the county of Newcastle and State of Delaware.

William H. Logan, to be postmaster at Clifton Heights, in the county of Delaware and State of Pennsylvania.

HOUSE OF REPRESENTATIVES.

SATURDAY, *March 3, 1900.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D., as follows:

O Thou Infinite One, of whom our lives are integral parts, we lift up our hearts to Thee in this moment of sorrow. A cloud of gloom has settled upon us. One of the members of this body, young, bright, promising, in the midst of usefulness, has been taken from us.

We realize that Thou art almighty; that Thou canst strengthen the weak, comfort the sorrowing, and heal the broken heart. We need now Thine uplifting power to sustain us.

We pray, therefore, for all who knew him and loved and appreciated him, especially his colleagues upon this floor; and our hearts go out in deepest sympathy to his wife and little ones. Comfort them, O God, as Thou only canst, by that hope of a bright and glorious reunion which shall come to them in the bright hereafter.

Hear us in the name of Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read, corrected, and approved.

CORRECTION.

Mr. KITCHIN. Mr. Speaker, I desire to make a statement in explanation and possibly in the nature of a correction. On Saturday, February 17, when the House had under consideration the legislative, executive, and judicial appropriation bill, upon a motion to strike out the appropriation for the Civil Service Commission I voted in the affirmative. I noticed on yesterday afternoon, for the first time, that I was also reported as having been paired with the gentleman from Pennsylvania, Mr. ACHESON. Had I known that I was paired I would, of course, have respected the pair and not have voted. I think the pair was made by inadvertence by my friends on this side, but I wish the statement to go into the RECORD as an explanation of the vote.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to an enrolled bill of the following title:

S. 2477. An act authorizing the construction of a bridge across the Mississippi River at Dubuque, Iowa.

CONTESTED-ELECTION CASE—ALDRICH VS. ROBBINS.

Mr. MANN. Mr. Speaker, I wish to make a request for unanimous consent in the contested-election case of Aldrich *vs.* Robbins—that is, that the order entered yesterday, fixing the time for debate and the vote, shall be set aside and a new order entered, that immediately after the reading of the Journal on Tuesday the consideration of that case shall be resumed by the House for debate, and that the debate shall proceed during Tuesday and also immediately after the reading of the Journal on Wednesday until half past 2 o'clock on that day, when there shall be considered as pending before the House the original resolution of the committee and the substitute of the minority, and that the previous question shall be considered as ordered thereon.

Mr. BARTLETT. I hope the request of the gentleman from Illinois will be granted. It is perfectly agreeable to us.

The SPEAKER. The gentleman from Illinois, in connection with the contested-election case of Aldrich *vs.* Robbins, asks unanimous consent that Tuesday be substituted for to-day, Wednesday next for Tuesday, and that in all other respects the order heretofore made shall prevail as to time. Is there objection?

There was no objection, and it was so ordered.

BRIDGE ACROSS THE PEARL RIVER AT ROCKPORT, MISS.

Mr. HENRY of Mississippi. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8068) to legalize and maintain the iron bridge across Pearl River at Rockport, Miss.

The SPEAKER. The bill will be read subject to the right of objection.

The bill was read, as follows:

Whereas the boards of supervisors of Copiah and Simpson counties, Miss., did, in 1898, jointly contract for an iron bridge to be built across Pearl River at Rockport, Miss., believing that said stream at this point was practically nonnavigable; that afterwards an injunction was sued out by the Government, restraining contractors, which, being heard before Judge H. C. Niles, of the district Federal court at Jackson, Miss., he decided that the part of Pearl River from Rockport to Jackson was a nonnavigable stream and dissolved the injunction; that an iron bridge was built in accordance with said contract and opened for travel in August, 1899, without a draw; that in January, 1900, an appeal was taken by the Government to the United States circuit court and is now pending; and

Whereas said boards of supervisors are desirous of complying with their obligation with the bridge company and giving the citizens of said counties the benefit of said bridge, which is of great public utility: Therefore,

Be it enacted, etc., That the bridge aforesaid be, and the same is hereby, legalized and maintained as constructed by said counties for the use of the general public.

The Committee on Interstate and Foreign Commerce recommend the adoption of the following amendment:

SEC. 2. That Congress reserves the right to alter, amend, or repeal this act at pleasure.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. PAYNE. Mr. Speaker, before consent is given, I would like to know whether this has been reported by any committee of the House?

Mr. HENRY of Mississippi. It has been reported unanimously by the committee.

Mr. PAYNE. And has the approval of the Secretary of War?

Mr. HENRY of Mississippi. It does not require it. It was not necessary to go before the Secretary of War, because this was declared a nonnavigable stream, and so declared on a question now pending on appeal before a court at New Orleans. But the bridge being already built before the appeal was taken, I ask simply that it be legalized and maintained. This part of the river has been held nonnavigable by the Federal district judge, and the bridge is most useful to the people there and they want it kept up for their convenience.

Mr. PAYNE. It seems to have been the contention of the Government that the river was navigable, and the court, on appeal, seems to have so decided. From what committee was the bill reported?

Mr. HENRY of Mississippi. The Committee on Interstate and Foreign Commerce.

The SPEAKER. Is there objection?

There was no objection.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. HENRY of Mississippi, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS RAINY RIVER, MINNESOTA.

Mr. FLETCHER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 1931) to provide for the erection of a bridge across Rainy River, in the State of Minnesota, between Rainy Lake and the mouth of Rainy River.

The SPEAKER. The gentleman from Minnesota asks unanimous consent for the present consideration of a Senate bill which the Clerk will report.

The bill was read at length. It provides that the Minnesota and Ontario Bridge Company, a corporation duly incorporated under the laws of the State of Minnesota, be, and is hereby, authorized and empowered to erect, construct, and maintain a bridge over Rainy River at or near a point on Rainy River that is known as Cathcarts Point, in the State of Minnesota, just below the confluence of the Baudette River with Rainy River.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MCRAE. I do not desire to object to the consideration of the bill, but I should like to ask the gentleman from Minnesota if it will permit or authorize a bridge for vehicles and foot passengers, or is it exclusively a railroad bridge?

Mr. FLETCHER. It is exclusively a railroad bridge.

Mr. MCRAE. Should it not be so amended as to allow vehicles and foot passengers to cross upon it, or is that necessary?

Mr. FLETCHER. I think it is not necessary. The bill was very carefully drawn by Senator DAVIS, passed the Senate, has passed all the committees, and has been favorably recommended by the War Department. I do not think it is necessary to include such a provision as the gentleman suggests.

Mr. MCRAE. I have no doubt it protects the Government, so far as that is concerned, but are the conditions there such as to make a foot and wagon bridge desirable for the accommodation of the inhabitants?

Mr. FLETCHER. I think not. There has never been any demand for it.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. FLETCHER, a motion to reconsider the last vote was laid on the table.

CERTAIN TIMBER LANDS IN THE STATE OF CALIFORNIA.

Mr. DE VRIES. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution 170, providing for the acquisition of certain lands in the State of California.

The SPEAKER. The gentleman from California asks unanimous consent for the present consideration of a joint resolution which will be reported by the Clerk.

The joint resolution was read, as follows:

Whereas what are known as the "Mammoth Tree Grove" and "South Park Grove of Big Trees," species of Sequoia gigantea, located in Calaveras County, Cal., are now held in private ownership; and

Whereas the owner thereof now contemplates the sale thereof for the purpose of felling said trees and their conversion into lumber, which said project is threatened of consummation at an early date; and

Whereas the trees Sequoia gigantea of these groves constitute the largest collection and probably the finest specimens of the same in the world; and

Whereas the destruction of these trees would be an irredeemable loss to science, and the loss of one of the marked wonders of the world: Therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and is hereby, authorized and directed, at the earliest practicable date, to open negotiations for, and if possible procure a bond upon, the lands occupied by said groves of trees, with sufficient adjacent lands for their preservation, management, and control, and submit the same to Congress for action thereon.

The Committee on the Public Lands recommended an amendment, inserting after "trees," in line 6, page 2, the words "in Calaveras and Tuolumne counties, California."

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. MOODY of Massachusetts. Mr. Speaker, I understand this bill is simply to cause a report to be made to Congress.

Mr. DE VRIES. That is all.

Mr. MOODY of Massachusetts. It does not establish any new park.

Mr. DE VRIES. Not at all.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There was no objection.

The SPEAKER. There is an amendment to the names, and without objection that amendment will be agreed to.

Mr. DE VRIES. It is a committee amendment.

The committee amendment was agreed to.

The joint resolution as amended was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

On motion of Mr. DE VRIES, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS THE MISSOURI RIVER.

Mr. GAMBLE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 3360) to extend the time for the completion of a bridge across the Missouri River.

The SPEAKER. The gentleman from South Dakota asks unanimous consent for the present consideration of a Senate bill which will be reported by the Clerk.

The bill was read, as follows:

Be it enacted, etc., That section 6 of the act approved March 3, 1899, authorizing the Dakota Southern Railroad Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River, at the city of Yankton, S. Dak., be, and is hereby, amended by extending the time for commencing the construction of said bridge to March 3, 1901, and by extending the time for completing said bridge to March 3, 1904.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. GAMBLE, a motion to reconsider the last vote was laid on the table.

The SPEAKER. Is there a similar House bill reported?

Mr. GAMBLE. This Senate bill is favorably reported.

The SPEAKER. There is no corresponding House bill, then, to be laid upon the table.

Mr. GAMBLE. There is not.

CONTESTED-ELECTION CASE—WISE AGAINST YOUNG.

Mr. WEEKS. Mr. Speaker, I see that another case preceding that of Wise against Young has now been set for Wednesday. I wish to ask if that changes the order for the consideration of the case of Wise against Young?

The SPEAKER. The Chair will state to the gentleman from Michigan that Tuesday and Wednesday have already been assigned for the consideration of another case.

Mr. WEEKS. I wish to give notice that I shall ask to have the case of Wise against Young considered immediately following the pending contested-election case.

The SPEAKER. The gentleman from Michigan gives notice that the case of Wise against Young will be called up after the disposal of the pending election case.

Mr. WEEKS. I wish to ask further, Mr. Speaker, that, inasmuch as the edition of the report of the majority and the views of the minority in that case have been exhausted, an order be made for a reprint of both of those documents for the use of members of the House.

The SPEAKER. The gentleman from Michigan asks unanimous consent of the House for a reprint of the report of the majority and views of the minority in the election case just referred to. Is there objection? [After a pause.] The Chair hears none.

RECOGNITION OF GALLANTRY OF OFFICERS AND MEN IN THE REVENUE-CUTTER SERVICE.

Mr. CORLISS. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution S. R. 51.

The Clerk read as follows:

Joint resolution (S. R. 51) recognizing the gallantry of Frank H. Newcomb, commanding the revenue cutter *Hudson;* of his officers and men; also retiring Capt. Daniel B. Hodgsdon, of the Revenue-Cutter Service, for efficient and meritorious services in command of the cutter *Hugh McCulloch* at Manila.

Mr. STEELE (during the reading of the bill). Mr. Speaker, I think there is too much of that bill for unanimous consent. There are a great many heroes of the war, and we want to give them all a fair showing. I object.

Mr. CORLISS. I trust the gentleman will listen to a communication of the President in this matter and of the officers of the Department recommending the consideration of this resolution. I am sure if the gentleman will listen to the communications, that he will not make the objection. It is unanimously reported by both committees.

Mr. RICHARDSON. I join in the objection of the gentleman from Indiana.

The SPEAKER. Objection is made by two gentlemen.

REPRINT OF PUERTO RICAN BILL.

Mr. PAYNE. Mr. Speaker, several gentlemen on each side of the Chamber have requested that there be a reprint of the bill to raise revenue for Puerto Rico as amended and passed by the House; and I am directed to ask unanimous consent, there being no rule under which it could be printed, that 10,000 copies be printed for the use of the House, to be distributed through the folding room.

The SPEAKER. The gentleman from New York asks unanimous consent for the printing of 10,000 copies of the Puerto Rican bill.

Mr. PAYNE. As it passed the House.

The SPEAKER. As it passed the House, to be placed to the credit of members in the folding room.

Mr. RICHARDSON. That is the bill reported from the Committee on Ways and Means and as it passed the House?

Mr. PAYNE. It is the bill H. R. 8245, with the amendments.

Mr. RICHARDSON. With the amendments?

Mr. PAYNE. With the amendments, and as it passed the House and went to the Senate.

The SPEAKER. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none, and it is so ordered.

DEATH OF HON. SYDNEY P. EPES.

Mr. HAY. Mr. Speaker, it is with great regret and deep sorrow that I announce to the House the death of my beloved colleague, the Hon. SYDNEY P. EPES, a member of this House from Virginia, who died this morning at ten minutes past 12 o'clock at Garfield Hospital. This is not the occasion for me to make any extended remarks upon his public service and his private character. I shall ask the House at some future time to set apart a day for that purpose. I now offer the following resolutions:

The SPEAKER. The gentleman from Virginia offers the following resolutions, which the Clerk will report.

The Clerk read as follows:

Resolved, That the House has heard with deep regret and profound sorrow of the death of the Hon. SYDNEY P. EPES, late a Representative from the State of Virginia.

Resolved, That a committee of 18 members of the House, with such members of the Senate as may be joined, be appointed to attend the funeral at Blackstone, Va., and that the necessary expenses attending the execution of this order be paid out of the contingent fund of the House.

Resolved, That the Sergeant-at-Arms of the House be authorized and directed to take such steps as may be necessary for properly carrying out the provisions of this resolution.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The SPEAKER. The question is on agreeing to the resolutions.

The resolutions were unanimously agreed to.

The SPEAKER. The Chair announces the following committee provided for in the resolution just adopted:

Mr. WILLIAM A. JONES, Mr. CLAUDE A. SWANSON, Mr. PETER J. OTEY, Mr. JOHN LAMB, Mr. JOHN F. RIXEY, Mr. WILLIAM A. YOUNG, Mr. WILLIAM F. RHEA, Mr. J. M. QUARLES, Mr. JOHN S. RHEA, Mr. S. W. MCCALL, Mr. J. W. BAILEY, Mr. D. A. DE ARMOND, Mr. JOHN J. JENKINS, Mr. JOHN S. WILLIAMS, Mr. CHARLES F. JOY, Mr. H. D. CLAYTON, and Mr. R. L. HENRY.

Mr. HAY. Mr. Speaker, I offer the following resolution.

The Clerk read as follows:

Resolved, That, as a further mark of respect to the memory of the deceased, the House do now adjourn.

The resolution was unanimously agreed to; and accordingly (at 12 o'clock and 40 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for excess pay of employees of the War Department—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of appropriation for paying certain bills for surveying and advertising—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. GAMBLE, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 4740) authorizing the cession of certain Sioux Indian land, reported the same with amendment, accompanied by a report (No. 486); which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. NEVILLE: A bill (H. R. 9129) to provide for the purchase of a site and the erection of a public building thereon in the city of Kearney, in the State of Nebraska—to the Committee on Public Buildings and Grounds.

By Mr. PEARRE: A bill (H. R. 9130) authorizing the President of the United States to appoint a railroad commission with authority to construct union tracks, depots, terminals, and bridges, to be used by the steam railroads now entering the District of Columbia, and which may hereafter enter the said District of Columbia, and for abolishing grade crossings and the removal from the public grounds of all existing railroad tracks, stations, and freight yards within the District of Columbia—to the Committee on the District of Columbia.

By Mr. BANKHEAD: A bill (H. R. 9131) for the erection of a public building at Florence, Ala.—to the Committee on Public Buildings and Grounds.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BREAZEALE: A bill (H. R. 9132) for the relief of Elizabeth A. Pendleton, administratrix of the estate of William Bailey, deceased—to the Committee on War Claims.

By Mr. CORLISS: A bill (H. R. 9133) to increase the pension of David J. Newman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9134) to remove the charge of desertion against Charles Babbitt, alias Babette—to the Committee on Military Affairs.

By Mr. CARMACK: A bill (H. R. 9135) for the relief of the estate of O. P. Newby, deceased—to the Committee on War Claims.

By Mr. MORRIS: A bill (H. R. 9136) to increase the pension of Jean Paul Carr and Ruth E. Carr, minor heirs of Paul O. Carr, deceased—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 9137) to restore Henry Clay Henshaw to the Revenue-Cutter Service—to the Committee on Naval Affairs.

By Mr. WILSON of South Carolina: A bill (H. R. 9138) for relief of estate of John G. Brice, late of Fairfield County, S. C.—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BELL: Petition of the members of the Church of Christ of Olathe, Colo., urging the enactment of a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

Also, petitions of Company E, Second Infantry, Leadville, Colo.; Capt. James W. Kennedy and Lieut. W. C. Meserve, Colorado National Guard, Grand Junction, Colo., favoring the passage of House bill No. 7936, increasing the appropriations for arming and equipping the military of the States and Territories—to the Committee on the Militia.

Also, petition of John Lawrence and other citizens of Saguache County, Colo., with reference to arid and public lands—to the Committee on the Public Lands.

Also, petitions of Gotthelf & Noland, Nathan Ward, Clark Bros., all of Saguache, Colo.; Harry Franklin, of Monte Vista; H. J. Hernagle, of Yampa, Colo., asking that the Government continue the manufacture and distribution of blackleg vaccine—to the Committee on Agriculture.

Also, petition of J. J. Ellis, of Undercliff, Colo., favoring the Grout bill relating to dairy products—to the Committee on Agriculture.

By Mr. BROMWELL: Petition of the Merchants and Manufacturers' Insurance Company and other insurance companies, of Cincinnati, Ohio, in regard to amendment proposed in House bill No. 6247—to the Committee on Ways and Means.

By Mr. ESCH: Petition of the National Association of Railway Postal Clerks, Wisconsin Branch, favoring the bill for the reclassification of the Railway Mail Service—to the Committee on the Post-Office and Post-Roads.

By Mr. MANN: Petition of Hon. Walter Olds and other citizens of the State of Illinois, indorsing the appointment of Col. Hugh T. Reed, of Chicago, for brigadier-general—to the Committee on Military Affairs.

Also, resolutions of the board of directors of the Chicago (Ill.) Board of Trade, in favor of Senate bill No. 1439, relating to an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

Also, petition of F. F. Keith, of Harvey, Ill., in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of C. E. Hyde and two other druggists, of Chicago, Ill., relating to the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. NAPHEN: Petition of Irving P. Gammon and others, druggists, of Boston Highlands, Mass., relating to the stamp tax on medicines—to the Committee on Ways and Means.

By Mr. NEVILLE: Petition of T. L. Grafins and others, to accompany House bill No. 6917, for an increase of pension to Elliott Loomis—to the Committee on Invalid Pensions.

By Mr. OTJEN: Petition of Ant. Novak, of Milwaukee, Wis., favoring the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. SPRAGUE: Petition of Charles B. Rogers & Co., druggists, of Jamaica Plain, Mass., for the repeal of the stamp tax on medicines, etc.—to the Committee on Ways and Means.

By Mr. STARK: Petitions of J. H. Downing and 37 other residents of Saunders County, and J. H. Harris and 20 others, of Seward County, Nebr., favoring the enactment of a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

By Mr. WILSON of South Carolina: Petition of W. Watt Brice, executor, to accompany House bill for the relief of the estate of John G. Brice, deceased—to the Committee on War Claims.

SENATE.

MONDAY, *March 5, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on motion of Mr. MCMILLAN, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

SENATOR FROM CALIFORNIA.

Mr. PERKINS. Mr. President, I desire to announce that the Hon. Thomas R. Bard, Senator-elect from the State of California, is present and ready to take the oath of office. His credentials have already been presented and are now in the archives of the Senate.

The PRESIDENT pro tempore. If the Senator-elect will present himself at the desk, the Chair will administer to him the oath of office.

Mr. Bard, escorted by Mr. PERKINS, advanced to the desk of the President pro tempore; and the oath prescribed by law having been administered to him, he took his seat in the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bill and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 8063) to legalize and maintain the iron bridge across Pearl River at Rockport, Miss.; and

A joint resolution (H. J. Res. 170) providing for the acquisition of certain lands in the State of California.

THE FIVE CIVILIZED TRIBES.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the chairman of the Commission to the Five Civilized Tribes, requesting a reprint of 2,500 copies of the annual report of the commission for the fiscal year ending June 30, 1899, and also a letter from the Commissioner of Indian Affairs, concurring in the request of the commission and stating that the Indian Office has frequent inquiries for copies of the reports of the commission and is unable to furnish them; which, with the accompanying paper, was referred to the Committee on Printing.

REPORT OF EXCISE BOARD.

The PRESIDENT pro tempore laid before the Senate a communication from the Commissioners of the District of Columbia, transmitting a report of the operations of the excise board of the District of Columbia for the license year ending October 31, 1899; which, with the accompanying papers, was referred to the Committee on the District of Columbia, and ordered to be printed.

TIMBER ON UNAPPROPRIATED PUBLIC LANDS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of the General Land Office inclosing copy of a bill to authorize and regulate the sale and use of timber on the unappropriated and unreserved public lands; which, with the accompanying papers, was referred to the Committee on Public Lands, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented a memorial of the Board of Trade and Transportation of New York, remonstrating against the acquisition of the canals in New York State by the General Government; which was referred to the Committee on Commerce.

He also presented a petition of 13 physicians of New York City, praying for the establishment of an Army veterinary corps; which was referred to the Committee on Military Affairs.

He also presented a memorial of Local Union No. 218, Cigar Makers' International Union, of Binghamton, N. Y., remonstrating against the importation of cigars from Puerto Rico free of duty, and also for the enactment of legislation to limit the hours of daily service of laborers and mechanics upon public works of the United States, and also to protect free labor from prison competition; which was ordered to lie on the table.

He also presented a petition of the West Side Republican Club, of New York City, praying that no discrimination be made against the products of Puerto Rico, and that the necessary revenues for the establishment and maintenance of proper local civil government be provided by Congress by the extension of the internal-revenue system in that island; which was ordered to lie on the table.

He also presented memorials of the Republican, of Westfield; the New York Lumber Trade Journal, of New York City; the Carbolic World Magazine, the Kneipp Water Cure Monthly, the Medical Examiner, the Brooklyn Free Press, the Richmond Argus, of West New Brighton; the Perry Herald-News, of Perry; the Sunday News, of Troy; the Sidepaths, of Rochester, and the Sun, of Schaghticoke, all in the State of New York, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. ALLEN presented a petition of the Waiters' Union, of Omaha, Nebr., praying that the Government build reservoirs and irrigation work necessary to irrigate the public lands, and also that all the remaining public lands be held for the benefit of the whole people; which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. GALLINGER presented the memorial of M. J. Dillon, of Manchester, N. H., and a memorial of the Agricultural Education, of New Hampshire, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. MCMILLAN presented a petition of 156 citizens of South Haven, Mich., praying that in the new code of laws to be adopted for the government of Hawaii the importation, manufacture, and sale of intoxicating liquors and the importation and sale of opium be prohibited; which was ordered to lie on the table.

He also presented a petition of the West Washington Citizens' Association, of the District of Columbia, praying that the Washington Telephone Company be allowed articles of incorporation, and that it be permitted to install, operate, and maintain a telephone plant and exchanges in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. COCKRELL presented a memorial of the Herald Printing Company, of Callao, Mo., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. FRYE presented the petition of Juan Santiago, of Coamo, Puerto Rico, praying that indemnity be granted him for damages alleged to have been caused by United States soldiers during the Spanish-American war; which was referred to the Committee on Pacific Islands and Puerto Rico.

LIST OF LOTS IN THE CITY OF WASHINGTON.

Mr. MCMILLAN. I present a list of lots in the city of Washington the title to which, as shown by the records of the War Department, is in the United States, but which are occupied by private parties and are assessed on the books of the District of Columbia as private property. I move that the list be printed as a document for the use of the Senate.

The motion was agreed to.

SALARIES OF JUDGES AND EXECUTIVE OFFICERS.

Mr. HOAR. I present a memorandum showing the salaries paid to United States judges, to State judges in New York and New Jersey, to judges of the English courts, and to various executive officers under the United States Government. I move that the memorandum be printed as a document.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. PLATT of New York, from the Committee on Naval Affairs, to whom was referred the bill (H. R. 969) to amend section 5 of an act to relieve certain appointed or enlisted men of the Navy and Marine Corps from the charge of desertion, approved August 14, 1888, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2655) to amend section 5 of an act to relieve certain appointed or enlisted men of the Navy and Marine Corps from the charge of desertion, approved August 14, 1888, reported adversely thereon; and the bill was postponed indefinitely.

Mr. LODGE. I am directed by the Committee on the Philippines, to whom was referred the bill (S. 2355) in relation to the suppression of insurrection in and to the government of the Philippine Islands, ceded by Spain to the United States by the treaty concluded at Paris on the 10th day of December, 1898, to report it without amendment. I desire to state that the minority of the committee reserve the right to file a minority report.

I wish to give notice that on Wednesday of this week, immediately after the routine morning business, I shall ask leave of the Senate to address the Senate upon the bill which I have just reported.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 2863) to restore the pension of Francis H. Staples, reported it with amendments, and submitted a report thereon.

Mr. HANSBROUGH, from the Committee on Public Lands, to whom was referred the bill (S. 3175) for the relief of Mrs. I. M. Howell, Mrs. Elizabeth Meagher, and Mrs. A. H. Stevens, assignees of William McGarrahan, asked to be discharged from its further consideration and that it be referred to the Committee on Claims; which was agreed to.

Mr. CARTER, from the Committee on Territories, to whom was referred the bill (S. 3419) making further provision for a civil government for Alaska, and for other purposes, reported it with amendments.

AMENDMENT TO LEGISLATIVE APPROPRIATION BILL.

Mr. HOAR submitted an amendment proposing to appropriate $10,000 to defray the costs of the auditor of the Court of Claims, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which, with the accompanying papers, was referred to the Committee on the Judiciary.

Mr. HOAR subsequently, from the Committee on the Judiciary, reported the above amendment favorably, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

BILLS INTRODUCED.

Mr. HALE introduced a bill (S. 3441) for the relief of Louis A. Yorke; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. PENROSE introduced a bill (S. 3442) to increase the number of cadets to be appointed at large by the President to the United

States Naval Academy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. ALLEN introduced a bill (S. 3443) granting the Niobrara, Sioux City and Black Hills Railroad Company a right of way across the Santee Indian Reservation, and for other purposes; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Indian Affairs.

Mr. GALLINGER (by request) introduced a bill (S. 3444) authorizing the President of the United States to appoint a railroad commission, with authority to construct union tracks, depots, terminals, and union bridges, to be used by the steam railroads now entering the District of Columbia, and which may hereafter enter the said District of Columbia, and for abolishing grade crossings and the removal from the public grounds of all existing railroad tracks, stations, and freight yards within the District of Columbia; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the District of Columbia.

Mr. PLATT of New York introduced a bill (S. 3445) granting an increase of pension to Catharine W. Clarke; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PETTIGREW introduced a bill (S. 3446) to refer the claims of James H. Owen and Charles H. Hille, of Minneapolis, Minn., to the Court of Claims; which was read twice by its title.

The PRESIDENT pro tempore. Unless otherwise suggested, the bill will be referred to the Committee on Claims.

Mr. PETTIGREW. As the bill relates to a subject as to which the Committee on Indian Affairs already have a bill pending, I ask that it be referred to the Committee on Indian Affairs.

The PRESIDENT pro tempore. Without objection, that reference will be made.

Mr. PETTIGREW introduced a bill (S. 3447) to provide for the purchase of a site and the erection of a public building thereon at Huron, in the State of South Dakota, which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. STEWART introduced a bill (S. 3448) to authorize the purchase and hanging of the picture of the "Death of President Lincoln," by Ritchie; which was read twice by its title, and referred to the Committee on the Library.

He also introduced a bill (S. 3449) to authorize the formation of guaranty companies in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. HOAR introduced a bill (S. 3450) to fix the salaries of certain judges of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. KYLE introduced a bill (S. 3451) to enable the Secretary of War to complete certain sets of the Official Records of the Union and Confederate Armies; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3452) providing for the purchase and release of certain Sioux Indian land; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. SULLIVAN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3453) for the relief of J. C. Williams, administrator of Haller Nutt, deceased;

A bill (S. 3454) for the relief of Sallie A. E. Bailey, administratrix of Richard Griffith, deceased;

A bill (S. 3455) for the relief of Frank P. Murphy (with accompanying paper); and

A bill (S. 3456) for the relief of the estate of Ann Lum, deceased.

Mr. SULLIVAN introduced a bill (S. 3457) granting an increase of pension to Laura Ann Smith; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PLATT of New York introduced a joint resolution (S. R. 96) for the relief of Annie Birdsall, administratrix of the estate of John Birdsall, deceased; which was read twice by its title, and referred to the Committee on the Judiciary.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. HALE submitted an amendment providing for assistant heads of bureaus in the Navy Department, intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. PLATT of Connecticut submitted an amendment proposing to increase the salary of the chief clerk of the Patent Office from $2,250 to $2,500 per annum, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. KYLE submitted an amendment proposing to appropriate $50,000 for the printing and binding of 50,000 copies of Parts I, II, and III of the Report of the Industrial Commission on the subject of industrial combinations, intended to be proposed by him to the legislative, etc., appropriation bill; which was referred to the Committee on Printing, and ordered to be printed.

Mr. BUTLER submitted an amendment proposing to increase the appropriation for interpreters to be employed at consulates in China, Korea, and Japan from $15,000 to $15,500, intended to be proposed by him to the diplomatic and consular appropriation bill; which was ordered to be printed.

AMENDMENTS TO PUERTO RICAN BILL.

Mr. DAVIS submitted an amendment intended to be proposed by him to the bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Puerto Rico, and for other purposes; which was ordered to be printed.

Mr. PETTUS submitted an amendment intended to be proposed by him to the bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Puerto Rico, and for other purposes; which was ordered to be printed.

Mr. FORAKER submitted three amendments intended to be proposed by him to the bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Puerto Rico; which were ordered to lie on the table and be printed.

HOUSE BILL REFERRED.

The bill (H. R. 8063) to legalize and maintain the iron bridge across Pearl River at Rockport, Miss., was read twice by its title, and referred to the Committee on Commerce.

INQUIRIES RELATIVE TO THE PHILIPPINE ISLANDS.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, as follows:

To the Senate:

In response to the following resolution of the Senate of January 17, 1900, requesting the President—

"If in his judgment not incompatible with the public interest, to communicate to the Senate all communications which have been received by him, or by any Department or officer, civil or military, from Aguinaldo or any other person undertaking to represent the people in arms against the United States in the Philippine Islands, or any alleged government or public authority of said people, and all replies to such communications;

"Also, the proclamation sent by him to be issued to the people of the Philippine Islands, as actually directed by him to be issued, and the same as actually proclaimed by General Otis, if in any respect it was altered or any part of it was omitted;

"Also, to inform the Senate whether any approval or disapproval was expressed by his authority, or that of the War Department, of such change, if any;

Also, all constitutions, forms of government, or proclamations issued by Aguinaldo, or any congress or legislative assembly or body claiming to be such, or convention of the people of the Philippine Islands, or any part thereof, or claiming to represent them or any part thereof, of which information may have come to him or to any Department of the Government;

Also, all instructions given by him to the commissioners of the Philippine Islands, or either of them;

Also, any information which may have come to him or any Department of the Government since January 1, 1898, in regard to any plans of the people in arms against the United States for the pillage of Manila, for risings in the city, or for the destruction of foreign property and the massacre of foreign residents;

"Also, any information that may have come to him, or any Department of the Government, of the treatment of the other inhabitants of the Philippines by those in arms against the authority of the United States, and of the attitude and feeling of such other inhabitants or tribes toward the so-called government of Aguinaldo and his armed followers;

"Also, any information that may have come to him, or any Department of the Government, of the treatment of prisoners, either Spanish or American, by the people in arms against the authority of the United States;

"Also, any information that may have come to him or any Department of the Government as to any aid or encouragement received by Aguinaldo and his followers from persons in the United States; as to what pamphlets, speeches, or other documents emanating from the United States and adverse to its authority and to its policy were circulated in whole or in part among the Filipinos in arms against the United States, among the other inhabitants of the islands, or among the soldiers of the United States, and any information as to the effect, if any, of such pamphlets, speeches, and other documents, or of similar utterances in the United States upon the course of the rebellion against the United States;

"Also, any further or other information which would tend to throw light upon the conduct and events of the insurrection against the authority of the United States in the Philippine Islands, and of the military movements for its suppression since January 1, 1898;

"And that the President be further requested to communicate, without delay, so much of such information as is now in his possession or in that of any Department at Washington, without waiting to obtain so much of said information as may require considerable delay or communication with the Philippine Islands, and to communicate the remainder of the information as soon thereafter as it can be obtained."

I transmit herewith the following papers:

First. Copies of all communications which have been received by me, or by any Department or officer, civil or military, from Aguinaldo, or any other person undertaking to represent the people in arms against the United States in the Philippine Islands, or any alleged government or public authority of said people, and copies of all replies to such communications, so far as such communications and replies have been reported to me or to any Executive Department. Said copies of documents are appended hereto marked "I."

Second. Copy of instructions relating to a proclamation sent to General Otis and of the proclamation issued by General Otis pursuant thereto. Said copies of documents are appended hereto, marked "II." No disapproval of the said proclamation was expressed by my authority or that of the War Department. It was, in fact, approved by me, although no formal communication to that effect was sent to General Otis.

Also, among the papers marked "II," a letter of instructions to Maj. Gen. Wesley Merritt, commanding the army in the Philippines, under date of May 26, 1898, and a proclamation issued by him to the people of the Philippines dated August 14, 1898.

Third. Copies of English translations of all constitutions, forms of government, or proclamations issued by Aguinaldo or any congress or legislative assembly or body claiming to be such, or convention of the people of the Philippine Islands, or any part thereof, or claiming to represent them, or any part thereof, of which information has come to me or to any Department of the Government. Said copies of documents are appended hereto marked "III."

Fourth. Copies of all written instructions given by me to the commissioners to the Philippine Islands, or either of them. Said copies of documents are appended hereto marked "IV."

Fifth. Such information as has come to me, or any Department of the Government, since January 1, 1898, in regard to any plans of the people in arms against the United States for the pillage of Manila, for risings in the city, or for the destruction of foreign property and the massacre of foreign residents. Said copies of documents are appended hereto marked "V."

Sixth. The information which has come to me, or any Department of the Government, of the treatment of the other inhabitants of the Philippines by those in arms against the authority of the United States, and of the attitude and feeling of such other inhabitants or tribes toward the so-called government of Aguinaldo and his armed followers, is contained in the preliminary statement of the Philippine Commission, dated November 2, 1899, in the report of the Philippine Commission dated January 31, 1900, and transmitted by me to Congress February 2, 1900, together with the preliminary statement, and the report of Maj. Gen. E. S. Otis, United States Volunteers, commanding the Department of the Pacific and Eighth Army Corps, dated August 31, 1899, and transmitted to Congress with the report of the Secretary of War, dated November 29, 1899, with the accompanying documents.

Seventh. The information which has come to me, or any Department of the Government, of the treatment of prisoners, either Spanish or American, by the people in arms against the authority of the United States, is contained in the same documents.

Eighth. The information that has come to me, or any Department of the Government, as to any aid or encouragement received by Aguinaldo and his followers from persons in the United States, as to what pamphlets, speeches, or other documents emanating from the United States, and adverse to its authority and to its policy, were circulated, in whole or in part, among the Filipinos in arms against the United States, among the other inhabitants of the islands, or among the soldiers of the United States, and any information as to the effect, if any, of such pamphlets, speeches, and other documents, or of similar utterances in the United States upon the course of the rebellion against the United States is contained in the same documents, and the copies of documents appended hereto marked "VI."

WILLIAM McKINLEY.

EXECUTIVE MANSION, *March 5, 1900.*

The PRESIDENT pro tempore. What disposition shall be made of the message?

Mr. LODGE. I understand this is a message of the President in response to a resolution relating to affairs in the Philippines. I move that the message, with the accompanying documents, be referred to the Committee on the Philippines and printed.

The motion was agreed to.

MERRICK, MERRICK & COPE.

The PRESIDENT pro tempore. If there be no further morning business, that order is closed.

Mr. COCKRELL. The Calendar, Mr. President.

The PRESIDENT pro tempore. The Calendar under Rule VIII is in order; and the first bill in order will be stated.

The bill (S. 2630) for the relief of the legal representatives of Merrick, Merrick & Cope was announced as first in order on the Calendar.

THE FINANCIAL BILL.

Mr. ALDRICH. Mr. President, I ask that the conference report on House bill No. 1 may be laid before the Senate. The Senator from Colorado [Mr. TELLER] desires to speak upon that subject.

The PRESIDENT pro tempore. The Chair lays before the Senate the conference report on House bill No. 1.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses upon the bill (H. R. 1) to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, and for other purposes.

Mr. TELLER. Mr. President, when on Saturday last I yielded to the special order, I had nearly concluded what I desired to say. I was then discussing the attitude of the banks of the country with reference to the resumption of specie payments in 1879. If I had not been cut off, I should have pursued that subject somewhat further, but I think it will be hardly profitable to do so to-day, inasmuch as there are others who, I understand, desire to speak upon that question. So I shall leave that subject, except that I should like to say, in addition to what I said on Saturday, that the banks afforded no relief, no assistance, to the Government in that effort. They had taken very decided grounds in favor of resumption. It appears from the testimony of Mr. George S. Coe, before the committee, which I mentioned on Saturday, that their interest in resumption was largely because they supposed greenbacks would be entirely eliminated as a currency. I will take time to read that. I simply make that statement, which will be supported by an examination of the testimony taken before the committee of which Mr. Bruckner was chairman.

Mr. Sherman understood that the banks had threatened to make resumption a failure unless he yielded to them and issued a 4½ per cent bond. Their attitude was one of hostility, except upon the basis of such a bond issue.

I want to say one thing here, which I think I ought to say in justice to history, and that is with reference to the then Secretary of the Treasury, Mr. Sherman. I have not agreed with Mr. Sherman upon many questions, and particularly upon the financial question; but I believe in dealing with the banks at that time Mr. Sherman dealt with them with a great deal of vigor, with a great deal of patriotism, and with a great deal of good sense. I believe if we had had a man of less strength and vigor, we should have had a very different condition with reference to resumption; but as it was, in spite of the banks, in spite of the repeated statements all through the country by some of the leading press that resumption could not be secured, before the time came for the interchange of greenbacks for gold, resumption had practically been secured.

I will not go into any further discussion of the question, and will conclude my remarks as briefly as possible, realizing, as I do, that what I may say will have no effect on this measure, and believing, as I do, that this legislation will be disastrous to the general welfare of the country, expressing my hope that the time will come when the good sense of the people will reverse the action that is about now to be culminated.

Before concluding I want to say one word which is somewhat personal, drawn out by a question from a Senator sitting near me, who seems to have supposed that I must have been an opponent of resumption. I stated in reply that it had been my belief that we were as able to resume in 1865 as in 1879, and that all that was necessary was to declare that the greenbacks were full legal-tender money. If that had been done, resumption would have been practical at once without anything further. But that was not the theory of those who were advocating resumption, particularly the banks. Their theory was that we could not resume until we had reduced the national greenbacks or notes to a small sum, many of them contending, as some of the influential banks in New York did, at least, before the committee, that there must be a total abolition of greenbacks before it would be safe to attempt to resume.

I have no doubt that we could have resumed perhaps somewhat more easily if we had destroyed the greenback, because then we should have had little or nothing to resume upon. We simply would have had the interest on the public debt to pay in gold. When the effort was made by the act of 1875 it called out a severe criticism. As a member of this body, before it became effective, I gave every vote that I gave in favor of maintaining the law as it had passed to bring about resumption, believing it was quite possible and quite easy, as the sequel proved.

The passage of this act is the culmination of an effort begun soon after the close of our civil war to make money dear by the destruction of one half of the metallic money of the world.

It was an age of great debts, both national, municipal, and corporate. Our own Government had an immense funded debt; our railroad companies also had during the war and immediately subsequent thereto issued a great amount of bonds secured on their roads, and the franchises of all these would be rendered much more valuable by the destruction of one-half of the world's money, because the purchasing power of both principle and interest of such indebtedness would be doubled thereby.

The national indebtedness in shape of bonds was in all cases backed by the wealth of the nation issuing them, and hard times and low prices could not impair or in any wise endanger their ultimate payment.

The railroad companies' bonds, greater in amount than the national debts, were secured on the roads and franchises of the companies to the exclusion of any benefit to the stockholder until the interest was paid. While not as safe for investments as national or municipal bonds, they were considered first-class investments, and were to be made more valuable by the securing of "dear money."

The effort to so destroy half of the world's money was not confined to this country, but was quite as active and quite as persistent in Europe as here; in fact, it originated in Europe and received its great support from that continent. At first the effort was very generally resisted by the public press of the country. But soon it became apparent that these great agencies of public opinion had been enlisted in the crusade against silver.

State legislatures, State conventions, and national conventions alike denounced the attempt, and Congress, with unanimity seldom seen in both great political parties, condemned the effort by an attempt to restore silver to the currency of this country.

But the politicians were soon found taking the side of holders of the world's securities, and under the false and delusive cry of "honest money" betrayed the cause they affected to serve by insisting on a remedy that they knew could not be secured—that is, an international agreement among the principal commercial nations of the world for the use of both silver and gold at an established ratio.

Professing to be ardent bimetallists, bewailing the danger of a gold standard, they effectively prevented the establishment of a bimetallic system in this country and resisted all efforts in that direction by declaring such efforts would be dangerous to, if not disastrous to, true bimetallism, and such pretenses were kept up until they felt they were strong enough to establish the gold standard, as is now being done.

It would seem that the deceit and hypocrisy that have characterized their opposition to free coinage might now be dropped and that they might appear in their true colors. But it appears that some support the gold standard and still hope to delude their victims by professing to be bimetallists.

Mr. President, the effort of the last twenty-odd years to put the world upon the gold standard has caused more suffering, more distress, more disaster than all the wars of the century now closing. Its baneful influence will continue to be felt unless the action here is reversed until the recollection of these great wars shall fade from human memory.

I do not contend that the country will be destroyed, but it will be hurt. I believe even under this system the country will grow rich and strong; great fortunes will still be created; palaces will be built for the rich; the rich will grow richer; but, alas, Mr. President, I believe under this system, when it shall have its whole effect, when we shall feel its legitimate operation, the poor will grow poorer. The wealth created will be in the hands of a few. The producer will not get his part.

Mr. President, in the culmination of this long contest there are some recollections that come to us with force. In that part of the country that I have had the honor for so many years in part to represent we were disastrously affected by the action of 1893 in the repeal of the Sherman Act. I stated on this floor then, knowing well what its effect would be upon us and upon the people I represent, that we would recover from its evil influences quicker than would any other portion of the United States. Mr. President, that prophecy, if prophecy it may be called, has come true. We are to-day producing more gold than any other region in the world, save it be South Africa. I speak now of the production in the State of Colorado, which this year reached $34,000,000, and will undoubtedly reach $40,000,000 next year, and perhaps $50,000,000, and ultimately, in my opinion, a sum greater than California ever produced in her palmiest days. The people in the State I in part represent can stand the gold standard better than any other portion of the American people. With more natural wealth, with greater natural resources than any other section of our country, we need not be cast down. If New England, with her numerous laborers and her great manufacturing and producing agencies, can stand the infliction of the gold standard and survive, we can live and grow rich under it, although we would be better off without it. It will injure but can not ruin us.

I said in 1893 that the passage of the repealing clause of the Sherman Act would compel a change in the character of the industries in the State of Colorado and other mining States. For a time those States were inflicted with a punishment that they certainly did not deserve, a punishment and a condition created that few communities would have recovered from; but I was acquainted with those people who have settled the Western States, and I knew something of their vigor, something of their force, something of their ambition. I knew that adverse circumstances would be met with that courage with which the best of American people have always met misfortunes. I anticipated that where we had mined silver we would mine gold, copper, and coal, and that where we had depended upon the East for our manufactures, we would begin to manufacture for ourselves. No permanent injury of the character inflicted by the act of 1893 could prevent the people of the great West, who had been mining silver and lead and gold to a limited extent, from realizing and taking advantage of the great natural wealth of the country in which they lived.

With an abundance of gold, with an abundance of copper, with an abundance of lead, with great natural resources, it was certain, Mr. President, that we could maintain our position. We owed at that time a great debt. Our people, as a rule, were indebted to the East. We had been borrowing money from the more fortunate and older communities, so as to build up and to develop the great West. I said, Mr. President, from this desk, "We will pay the debts that we owe; we will repudiate not a farthing." I am happy to say now that we have paid mainly the great debts that we owed to the East. Those that we have not paid are as sure and as safe to those to whom they are owed as though they owned a Government bond. They are sure of their ultimate payment.

Mr. President, it is not because the people of Colorado are to suffer evils that the rest of the country will not suffer that I protest against this legislation. It is because I believe, and I think time will so demonstrate, that this is the greatest calamity that has been inflicted upon the American people, greater by far than the great war that took so much of our wealth and so much of our precious blood. If the great output of gold continues for a few years the evil day will be deferred, but when that shall cease, as it will cease—because in the history of the world it always has ceased—after a time, and when the people shall have arranged their business upon the basis of gold alone and gold shall cease to be produced in the quantities that it has been produced heretofore, there will be discovered in the business of the world a sliding scale toward lower prices; and then the height of this disaster will be upon the people.

Mr. President, I leave this question. I leave it, believing that ultimately the good sense and the patriotism of the American people will reverse a system that on its face has been adopted to the end that the few may have the great advantage and that the many shall be at a disadvantage.

INVALID PENSION APPROPRIATION BILL.

Mr. GALLINGER. Unless some other Senator is to discuss the conference report to which the Senator from Colorado [Mr. TELLER] has already addressed himself, I ask that the pension appropriation bill may be laid before the Senate.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from New Hampshire that the Senate proceed to the consideration of the invalid pension appropriation bill? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6627) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1901, and for other purposes.

Mr. GALLINGER. I understand the bill has been read through and that the committee amendments are now in order.

The PRESIDENT pro tempore. The bill is in Committee of the Whole, and the question is on the first amendment reported from the Committee on Pensions, which will be stated.

The first amendment of the Committee on Pensions was, on page 2, line 22, after the word "applicant," to strike out:

Provided, That the report of such examining surgeons shall specifically state the rating which, in their judgment, the applicant is entitled to.

And insert:

Provided, That the report of such examining surgeons shall specifically and accurately set forth the physical condition of the applicant, each and every existing disability being fully and carefully described: *Provided further*, That the reports of the special examiners of the Bureau of Pensions shall be open to inspection and copy by the applicant or his attorney, under such rules and regulations as the Secretary of the Interior may prescribe.

So as to make the clause read:

For fees and expenses of examining surgeons for services rendered within the fiscal year 1901, $700,000. And each member of each examining board shall, as now authorized by law, receive the sum of $2 for the examination of each applicant whenever five or a less number shall be examined on any one day and $1 for the examination of each additional applicant on such day: *Provided*, That if twenty or more applicants appear on one day no fewer than twenty shall, if practicable, be examined on said day, and that if fewer examinations be then made, twenty or more having appeared, then there shall be paid for the first examinations made on the next examination day the fee of $1 only until twenty examinations shall have been made: *Provided further*, That no fee shall be paid to any member of an examining board unless personally present and assisting in the examination of applicant: *Provided*, That the report of such examining surgeons shall specifically and accurately set forth the physical condition of the applicant, each and every existing disability being fully and carefully described: *Provided further*, That the reports of the special examiners of the Bureau of Pensions shall be open to inspection and copy by the applicant or his attorney, under such rules and regulations as the Secretary of the Interior may prescribe.

Mr. COCKRELL. I should like to have the difference between that amendment and the existing law pointed out.

Mr. GALLINGER. The existing law, I will say to the Senator from Missouri, requires medical examiners to make ratings, and those ratings are sent to the Pension Bureau to be considered by the medical officers of the Bureau. They have no binding force. The medical examining boards rate all the disabilities they find, whether they are due to Army service or not. The result has been that, while most boards make careful ratings, the most absurd ratings have been made by some examining boards. The Senator from Missouri, if he will turn to the last report made by the medical referee of the Bureau of Pensions, will find several sample cases. I will read for the information of the Senate one of those cases, which is as follows:

For general debility	$30
For deafness	25
For disease of eyes	30
For disease of rectum	30
For disease of liver	30
For crepitation of shoulders and elbows	17
For alleged periodical vertigo	17
For rheumatism	17
For disease of heart	30
For tenderness over spleen	17
Total	243

This is a rating of $243 per month.

Mr. COCKRELL. That was done by a board?

Mr. GALLINGER. By a medical board, and that paper is on file in the Bureau.

Another board made a rating of $126 a month; and when attention was called to the matter, they replied that they meant $17 a month, but they actually rated the soldier at $126 a month. Another board made a rating of $123 a month, and still another board a rating of $71 per month. Of course these are extreme cases.

Mr. DAVIS. They are ratings per month?

Mr. GALLINGER. Per month. Now, these ratings are sent in to the Bureau of Pensions. The suggestion is oftentimes made by the members of medical boards to the soldier, "We have given you a very high rating." Sometimes they venture to suggest what

that rating has been. I saw one rating that was given of over $100 a month under the act of June 27, 1890, when the maximum pension under that law is only $12 a month.

As I said a moment ago, these ratings made by the medical boards do not refer exclusively to pensionable disabilities, but to all the disabilities they find in the individual case, and they come to the Bureau of Pensions, where all the testimony is on file. There are the affidavits, the medical records, the hospital records; and the medical officers of the Bureau must of necessity make the ratings after considering what disabilities are due to Army service.

Mr. President, the Commissioner of Pensions in his reports has called attention to this matter, stating that it has given the Bureau a great amount of trouble and has resulted in nothing but harm, so far as the administration of the pensions laws is concerned. My investigation of the matter has led me definitely and conclusively to that opinion, and I have thought, as the Commissioner of Pensions and the Secretary of the Interior are of that opinion, that it would be much better that we should put the provision in the bill which the committee have incorporated, striking out the matter of rating and substituting these words:

That the report of such examining surgeons shall specifically and accurately set forth the physical condition of the applicant, each and every existing disability being fully and carefully described.

In other words, that these medical gentlemen shall make a pen picture of the disabilities of the soldier, accurately and specifically describe each existing disability, and send that to the Pension Office where, with all the evidence on file before them—the medical evidence, evidence from the War Department, hospital records, etc.—they will be enabled to reach a proper conclusion as to the proper rating to be made.

Mr. COCKRELL. I should like to ask the Senator a question.

Mr. GALLINGER. Certainly.

Mr. COCKRELL. The statement that he has made I agree to thoroughly. I know that in many cases the ratings made by the local board have been made known to the applicant, and they were so much above the rating allowed by the Pension Office that there was great complaint and discontent. The question with me is, does the Pension Office, when it sends a case before a board of examining surgeons for pension, tell that board the disability for which they are to examine—that is, if, under the law of July 14, 1862, the alleged disabilities were contracted in the service in the line of duty or, under the law of June 27, 1890, all disabilities not due to vicious habits, and require them to report accordingly?

Mr. GALLINGER. I am of the opinion—and I think I am correct in it—that no such directions are given to the medical boards, but they are simply asked to examine the soldier and make report. Under the existing law, which is found in the appropriation acts from year to year, they are required to make these ratings. Some boards venture to suggest that in their opinion certain disabilities are of service origin.

Mr. COCKRELL. It seems to me that a great deal of trouble and confusion arises just on that point. They examine under the law of July 14, 1862, an applicant for all kinds of disabilities, incurred in the service or out of it, and they do not give their opinion as to the origin of the disability. I know there are many cases where it is very difficult to determine whether one disease was caused by another; and I do not believe that in those cases they give any expression of opinion on the investigation. Now, I think if they are competent surgeons they are more capable of giving an opinion as to the cause of one disease indirectly by another than simply a man in the Pension Office who probably has never had any very great amount of practice in ordinary life. They are thoroughly posted theoretically in everything of the kind, but they have not a large practical experience in cases.

Mr. GALLINGER. Mr. President, I come back to a practical fact in connection with this matter, and that is that the medical officers of the Pension Bureau pay comparatively little attention to these ratings by medical boards. When the ratings come to the Bureau of Pensions they simply turn to the records they have on file and the evidence they have as to the incurrence of disabilities in the service, to the question of hospital records, to the matter of reports from the War Department concerning the soldier, and they themselves make up the ratings there without special regard to the ratings that have been made by the local boards.

Mr. DAVIS. They consider the special report in connection with other testimony.

Mr. GALLINGER. Precisely; they consider that in connection with all other testimony. Much mischief has been done oftentimes in the community by these gentlemen who desire the good will of the soldiers, of course, in suggesting to them that they have given them a very high rating; and unless that high rating, which is absurd in many cases, is confirmed by the Bureau of Pensions, trouble ensues, criticism follows, condemnation of the Bureau is the result, and the soldier feels that he has been greatly wronged when no wrong whatever has been perpetrated in the case.

I am sure that this amendment will do no harm to the soldiers of the country. If I believed that for a moment, I certainly should not support it. I think it will take from the administration of the pension laws a matter that is giving very serious trouble and that results in good to neither the Government nor to the soldiers, and I trust it will be adopted.

Mr. PLATT of Connecticut. I should like to ask the Senator a question. Do I understand him to say that the medical officers of the Pension Bureau take no notice whatever of the ratings of the examining boards?

Mr. GALLINGER. I do not mean to say that they take no notice of it. Of course they take notice of it, but they do not feel bound by those suggestions from local medical boards. As an illustration, a soldier is rated $10 for rheumatism, we will say. The Bureau of Pensions is not going offhand to concede that that man is entitled to anything for rheumatism. They go to the evidence on file, to the affidavits, and to the history of the case and ascertain whether or not the soldier actually did incur rheumatism in the military service, and if they do not find anything in the history of the case to warrant a rating for that disability, it is thrown out of the calculation entirely.

Mr. PLATT of Connecticut. The Senator has given us some extreme cases of ridiculous reports and ratings made by the examining surgeons. I suppose, of course, the Pension Bureau would pay no attention to such ratings, but is it not true that, on the other hand, some boards make very low ratings and possibly unjust ratings, and is it not true that where a board of examining surgeons has made a very small rating the Pension Bureau does pay attention to it and give as a reason for a small pension that they had a small rating from the examining board?

Mr. GALLINGER. Well, Mr. President, that may happen. Now, as another illustration of the absurdity of this matter of the local boards making ratings, I have in mind a case that was sent to six boards in one of the large cities of the country. The soldier was sent in person to those six boards, and there was the widest possible difference in the ratings of the entire six boards. No two of them agreed upon the rating of any single disability. One of the boards, to my knowledge, rated the soldier three or four times as high as another board did. I cite this simply to show that these ratings have no binding force, that there is no uniformity about them, and they can not by any possibility be of any service in adjudicating the case; that they simply give rise to differences between the soldier and the Bureau of Pensions, and result in controversies that, in my judgment, can be obviated by adopting the method suggested by the committee, changing the matter of specific ratings to a careful description of the several diseases that are found to exist in the individual soldier.

This is all I care to say about the matter, Mr. President. Of course if this amendment is adopted, it will go into conference, and there is a possibility that it may be somewhat modified, or it may be that we shall be compelled to return to the provision found in the House bill.

Mr. TELLER. Mr. President, I think the amendment the committee have recommended on pages 2 and 3 is a good one. But I find in this bill something which I think is new. I do not know whether it is or not. In line 14, on page 2, it provides:

That if 20 or more applicants appear on one day no fewer than 20 shall, if practicable, be examined on said day.

It is not possible for any board of pension examiners of three men to examine 20 people on one day and do it properly and do justice to the Government.

Mr. GALLINGER. If the Senator from Colorado will permit me right there, that is not new. The Senator will find that in every pension appropriation act for a great many years.

Mr. TELLER. I did not know but that the number was new. I thought it was less.

Mr. GALLINGER. That is the precise number.

Mr. TELLER. I want to say that I have heard a good deal of complaint from ex-soldiers about the way they are examined.

Mr. GALLINGER. There is no doubt of it.

Mr. TELLER. I have asked several members of the board and they say there is a disposition, and that is almost to be expected, that where they received only a dollar for an examination, they are bound to examine the whole twenty, if there are twenty there, or they must adjourn until the next day. As they examine them at a dollar a piece there is a disposition to hurry up and to hasten that examination.

I wish to suggest to theSenator that the number, twenty, ought to be reduced. Of course, if we reduce the number the matter will go into conference. I should say that ten would be as many as should be examined in one day, especially, as under this amendment, if it should be adopted, they are to make a statement more in detail than they ever did, which I think is an admirable thing for the Department.

Mr. President, I agree that the Department can not be bound by this board of surgeons finally. I do not think they should. I had occasion last fall to look into the matter where a soldier came to me, and, as I discovered when I found the examination here, he was rated, I think, at $18 a month, and they gave him $6 here. To my personal knowledge the soldier was in a condition which, it

seemed to me, would justify the giving of $18; but I suppose the board in their haste, when they had a lot of other people to examine, made a general statement, without going into the details, not giving such a description to the Department here as they will do under this amendment. The Department did not have all the facts before them and all the knowledge before them, and they did not make the proper rating. I believe that soldier has made his application, and I understand that another board in another city, to which he has been sent, has made a rating equally high to the first.

Last summer a soldier called upon me and showed me his certificate by which he got a pension of $6 a month. The man was practically unable to walk. He came into my office with great difficulty. When he pulled up his trousers and showed me his ankles, not bigger than a baby's, all wasted away, I did not wonder that the man could not move. He was totally disabled. He was not confined to his bed, but it was impossible for him to earn a dollar, and he was getting a pension of $6 a month.

Now, I belive if a board had sat down and accurately described his condition, he never would have been rated in the office at $6 a month. If there could have been a photograph taken of him and sent to the office, he would not have been rated thus. I think that ought to be allowed to the board, that they might photograph the party if they saw fit.

I think, as a rule, these surgeons are conscientious people and try to do their duty, and then when their report comes in I think the Department folks try to do their duty, for they feel that they are there to see that the Government does not pay more than the law requires them to pay. Sometimes they get the idea, I suppose, that they are saving money to the Government, and they are a little technical and careful and particular about it, with no intent to do wrong to the soldier but to do justice to him, and at the same time do justice to the Government. In this way sometimes great injustice is done.

I recall a man who walks about the town in which I live. For years he has been trying to get arrears of pension under the old act, which he could not get, and which I know he certainly deserves, because long before the act of 1890 was passed he was in a decrepit condition. His record was good, but he could not get arrears. So he takes his pension under the act that gives him a pension because he was disabled, without reference to how his disabilities were incurred. This man is in distress and want, and he gets $12 a month.

I do not know that we can actually do justice to all these ex-soldiers. I doubt whether we ever shall. I doubt very much whether we shall give these old soldiers in their declining days what they deserve.

I said the other day that I was not disturbed about the amount of the pension roll. I am not. Mr. President, it is going to increase. It will be larger next year than it is this, or ought to be larger. There are nearly a million soldiers on the pension roll now. But I do not think there will be any impropriety if we should put every surviving soldier on the roll and give him a pension now. I think we can afford it. I think a country collecting as we are a million and a half of dollars a day—because that is pretty nearly what we are doing now—might retrench in some other directions possibly and give to these soldiers what I think they absolutely deserve, not as a charity, but as a right. As they grow older their needs are greater, their disabilities are greater, their opportunities for earning a little something grow less, and I think they appeal to us with a greater degree of force than any other claims that the Government discharges.

I should like to see this board cut down so that the doctors can sit down and give the applicants a careful examination and not feel that they are compelled to hasten by the small sum that the Government pays.

Mr. President, I am going to move to strike out in that provision, wherever it occurs, "twenty" and insert "ten." That at least will put it in conference, and then I trust the chairman of the committee will try and make some arrangement out of it.

Mr. GALLINGER. Mr. President, representing the committee more especially, and speaking for myself, I will not oppose the amendment. I have always believed that twenty examinations in a day was more than a medical board could properly attend to. But it is very likely that we may be compelled, as the Senator himself knows, to return to that number. However, I will promise the Senator that if the bill is amended as he suggests, personally I will do the best I can in the line suggested by the Senator from Colorado.

Mr. TELLER. It will relieve the Senate anyway of responsibility if we do the best we can.

I move, in line 14, on page 2, where the word "twenty" occurs, to strike out "twenty" and insert "ten;" in line 15, to strike out "twenty" and insert "ten;" in line 17, to strike out "twenty" and insert "ten;" and in line 19, to strike out "twenty" and insert "ten." That would make it read that when ten persons appear——

Mr. GALLINGER. I suggest to the Senator to withhold his amendment until the committee amendments are acted on.

Mr. TELLER. I beg pardon; I thought they had been disposed of.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee on pages 2 and 3.

Mr. GALLINGER. It is proper that I should say before the motion is put that I explained only one part of the proposed committee amendment. The other part of the proviso reads:

Provided further, That the reports of the special examiners of the Bureau of Pensions shall be open to inspection and copy by the applicant or his attorney, under such rules and regulations as the Secretary of the Interior may prescribe.

In explanation of that I will say that the soldiers of the country have contended with a great deal of vigor that the reports of the medical examining boards and the special examiners should be open to inspection and copy. The Bureau of Pensions, on the other hand, have contended that it would be detrimental to the service if that should be allowed. The committee in its discretion, after considering this matter very carefully, concluded that it would not be to the interest of the service to have the reports of the medical examiners made public, but that there was no reason why, when a special examiner was sent in the field to collect testimony in a pension case, the pensioner should not have the right to know what the special examiner reported. There was no practical difference in the committee on that point, and for that reason they have recommended that the reports of the special examiners shall be open to inspection and copy by the applicant or his attorney.

Mr. COCKRELL. How about the report of the board of examining surgeons?

Mr. GALLINGER. I have just remarked that the committee in its discretion, after examining the matter very carefully, concluded that it would not be wise to have the report of the examining surgeons spread broadcast over the country, and especially in the communities where the soldiers reside. There are reasons that perhaps I do not care to state publicly on this point; and yet I think they will commend themselves to the Senator from Missouri. There are no such reasons applying to the reports of the special examiners. These men are sent out to collect testimony concerning a soldier and to ascertain whether or not his claim is a valid claim, whether he has made misrepresentations, and all that sort of thing, and it seemed to the committee there was no reason why that evidence should not be placed in the hands of the claimant or his attorney.

Mr. COCKRELL. I know there have been a number of controversies arising as to what the claimants have stated to the examiners, and I know of two or three cases where the applicants claimed that they never made any such statements as the examiner has reported. As a matter of course, it comes up as a question of veracity between the two persons.

Mr. ALLEN. Mr. President, I was not in the Chamber when the Senator from New Hampshire began his remarks supporting this proposed amendment, and therefore I do not know all he said; but I heard enough of what the Senator said to satisfy me that in some respects at least he is in error. He says the reports of the examining boards have no binding force in the Pension Office.

Mr. GALLINGER. Yes; no binding force.

Mr. ALLEN. Therefore he concludes that it is useless for the examining boards to fix a rating or establish the pensionable disability of the applicant.

If the Pension Office disregards the ratings of the respective examining boards, a two-line amendment in this bill will settle the controversy and make it obligatory on the Pension Office to regard and give force to the reports of the examining boards. It may be possible—I say possible, because I do not believe it is true—that there is a greater degree of medical and surgical skill in the Pension Office than there is upon the pension boards scattered throughout the United States. My understanding of these gentlemen in the Pension Bureau is that they are theorists and in few instances men of extensive practical experience. I think their business is to find fault with the reports of the respective examining boards rather than to treat them with that degree of fairness they should receive at the hands of the Pension Office.

Who is better qualified to determine the nature and character of a disease, its origin, and its extent, than a practical physician living in the community where the applicant is examined? I presume the science of medicine, which is a science of experience largely, is like any other science. A great many men are theoretically very great lawyers. They write and deliver splendid essays and disquisitions upon legal topics, and yet when you put them into court to practice their profession they are utter failures. I presume the same is true of physicians and surgeons.

Many of the physicians and surgeons composing the respective examining boards are men of large experience and much reading and great scientific knowledge. Very many of them served through the civil war as physicians and surgeons and had large experience there. I can see no reason why their report should not have the

same force and effect as the report of any other examining board. A board capable of ascertaining facts usually is capable of determining the force of the facts ascertained. Take, for instance, the reference of a chancery case to a master. It is usually referred to him to find the facts and the law, and probably in a majority of instances where the examination has been careful his report of the facts and the law of the case is adopted by the court sending the reference to him. It is on account of his legal ability and his experience that he is made a master in chancery and the case is sent to him.

Now, does not the same reasoning apply to these boards? They were selected, in the first instance, on account of their standing as physicians and surgeons, on account of their education, on account of their experience, on account of their competency; and whenever a case is referred to them and they have made a physical examination and the necessary inquiries under the solemnity of an oath, and those inquiries and examinations are reduced to a report and signed by them, should it not have the same force as the report of a master? Should not the report be regarded by the Pension Office?

Now, Mr. President, speaking to the second branch of the amendment, it is objected that the reports of the examining surgeons should not be open to inspection. I believe they should be. I know of no reason why they should not be. While I conceded in the committee a modification of this amendment so as to cover the reports of the special examiners alone, I by no means abandon my idea that the report of the examining surgeon and the report of the special examiner come under substantially the same category and should stand together. It may be said that the chief reason for making the reports of the examining boards sacred and prohibiting the applicant or his attorney or friend from examining them is that if they should be adverse to the claimant, those who made the report would be subject to his enmity and the enmity of others.

Mr. President, there is no force in that contention. Every man who sits upon a jury and renders a verdict is subject to the same enmity of the defeated party. Every man who occupies a position upon the bench and enters a judgment against one or more litigants is subject to the same enmity and the same criticism; and if a man's work is as it should be there will be no permanent ill consequences following such criticism. If the examination and report are not such as they should be, then they ought to be criticised, and it ought to be known to the world, and the applicant and his friends and the public at large should know that an incompetent or disqualified man is occupying that position, and be able to take steps to have him removed. Of course, so far as the pension examiner is concerned, he is a migratory individual. He is here to-day and a hundred miles from here to-morrow. He is a man without a habitation and without a home, so far as the discharge of his official duties are concerned, and whatever the applicant may think of his report he can not injure him, because he does not usually live in the territory where the examinations are conducted.

Mr. TELLER. He does not at all.

Mr. ALLEN. He does not at all, the Senator from Colorado says.

Mr. President, I am in favor of an enlarged pension policy. I see nothing to be gained by this hair-splitting and higgling process respecting pensions. A pension is not a gratuity. The great liberator, Mr. Lincoln, himself said, when he was calling for volunteers during the late civil war, that the obligation of the Government to its soldiers and to their widows and orphans would be recognized by a generous government. Of course, patriotism and a desire to save the Union prompted the enlistments, for no man enlisted for $13 a month—receiving later in the war $16 a month in depreciated currency. It was the desire that this great Government of ours, which was the first real experiment of self-government, should live and work out its destiny that prompted the enlistments. The humble soldier who carried his musket in the ranks might not have been able to express that view as clearly as a polished and distinguished statesman or diplomat, but he understood it as well, and it was that feeling which prompted the enlistment of the private soldier during the late war. Now, when age has overtaken him and misfortune has come to his door, when a new generation of men have succeeded him and are rapidly pushing him from his place in the world of activity, is it wrong for him to come to Congress and remind it of the words of Lincoln and his cotemporaries and ask for liberal treatment at the hands of the Government?

Another thing seems very peculiar to me in the practice of the Pension Office, and I do not intend unnecessarily to criticise the Pension Office. I would not do it, because it has its burdens and the Commissioner has his duties to discharge, which are not at all times pleasant. But there seems to be a widespread idea in the Pension Office that a man who is entitled to a pension must have a hospital record; that he must be able to turn back to some period during his service in the ranks and point to the fact that he was at one time treated in a hospital. I remember the time, and remember it well, when it was humiliating to the soldier to be compelled to go to the hospital. Many a man died, many a man suffers to-day from wounds and from disease who absolutely refused to be taken either to a camp or a permanent hospital. Take the man who stood in line and did his duty from the opening to the close of the war without a hospital record, without spending an hour or a day in the hospital, and who performed his duty bravely and conscientiously, determined that he would see his home without a hospital record, if he was to see it at all. Yet all this seems to count for nothing, and it seems to be taken against the soldier that he did not at some time during the period of his service go to a hospital or be treated at a hospital or have a written record of disease.

Mr. President, I wish to see the time come when this Government will be generous enough and just enough, entirely regardless of politics, to take this class of old men and give every one of them who served his country faithfully and well a monthly pension. There are but few of them left. It would not cost the Government $50,000,000 a year additional to give every honorably discharged soldier and sailor in the Union who served in the civil war and who was honorably discharged a monthly pension of $10. What great good it would do to those men and to their wives in their declining years!

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment of the Committee on Pensions was, on page 3, line 10, after the word "dollars," to strike out the following proviso:

Provided, That the Commissioner of Pensions shall furnish all necessary blanks to claimants, and that said Commissioner may, in his discretion, refuse to pay the fee to attorney of record when he is satisfied that said attorney failed to prepare the case under his or her personal supervision and did not discharge his full duty to claimant.

Mr. COCKRELL. I should like to ask if that is not the existing law; and if so, what is the reason for a change?

Mr. GALLINGER. I will state to the Senator that the proviso has never before appeared in an appropriation bill. It was adopted without debate in another body at the last moment when this bill was under consideration there, and evidently without very serious consideration. As an illustration, the present law provides that the Commissioner of Pensions shall furnish all necessary blanks to claimants. That is now provided for. If the Senator will turn to page 119 of this pamphlet, entitled "Laws of the United States," he will find that the Secretary of the Interior has substantially all the authority over these attorneys that is proposed to be given by this proviso. I think I will put in the RECORD this section.

Mr. COCKRELL. Read it.

Mr. GALLINGER. Section 5 is a follows:

SEC. 5. That the Secretary of the Interior may prescribe rules and regulations governing the recognition of agents, attorneys, or other persons representing claimants before his Department, and may require of such persons, agents, and attorneys, before being recognized as representatives of claimants, that they shall show that they are of good moral character and in good repute, possessed of the necessary qualifications to enable them to render such claimants valuable service, and otherwise competent to advise and assist such claimants in the presentation of their claims, and such Secretary may, after notice and opportunity for a hearing, suspend or exclude from further practice before his Department any such person, agent, or attorney shown to be incompetent, disreputable, or who refuses to comply with the said rules and regulations, or who shall, with intent to defraud in any manner, deceive, mislead, or threaten any claimant, or prospective claimant, by word, circular, letter, or by advertisement.

Then, turning to the rules adopted by the Bureau of Pensions, I find that rule 10 reads as follows:

When an attorney or agent is called upon by this office to furnish evidence in any claim, he will be allowed ninety days to furnish such evidence or give reasons why he fails to do so: *Provided always*, That before such attorney is dropped or another attorney recognized at any time within one year, he shall be given thirty days' notice to show cause why he is not guilty of laches.

In the event that such answer be not filed within thirty days from the mailing of such notice, or if the said answer to said notice shall be held by the Commissioner to be insufficient, claimant will be notified of such failure, either to file the evidence called for or show cause why it is not filed, and may file the same, either himself or by such other attorney as he may elect; and upon the recognition of such other attorney the former attorney or agent will be estopped from claiming any fee.

Rule 12 says:

Attorneys will be required to exercise due diligence in all cases in which they are recognized as attorneys of record. Neglect to prosecute a claim for one year will be held, in default of cause shown therefor, conclusive evidence of abandonment of a claim by an attorney, and claimant will be so informed.

I have information that the Bureau has changed the time from one year to six months, so that unless they respond within six months and satisfy the Bureau that they are diligently prosecuting the claim they are dropped under the law and under the rules of the Bureau. It seemed to the committee that the existing law gave the Commissioner of Pensions all the authority that he ought to have over these men who are selected by the pensioners to prosecute their claims, and for that reason the committee are of the opinion that the proviso is entirely superfluous and should be stricken from the bill.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the Committee on Pensions.

The amendment was agreed to.

The PRESIDENT pro tempore. The Senator from Colorado [Mr. TELLER] offered an amendment, which will be stated.

The SECRETARY. On page 2, line 14, after the word "if," it is proposed to strike out "twenty" and insert "ten;" in line 15, after "than," to strike out "twenty"——

The PRESIDENT pro tempore. Is this one amendment?

Mr. TELLER. I moved it as one amendment.

The PRESIDENT pro tempore. It was offered as one amendment.

Mr. GALLINGER. It should be treated as one amendment.

The SECRETARY. On page 2, line 14, after the word "if," it is proposed to strike out "twenty" and insert "ten;" in line 15, after the word "than," to strike out "twenty" and insert "ten;" at the beginning of line 17, to strike out "twenty" and insert "ten;" and in line 19, after the word "until," to strike out "twenty" and insert "ten."

Mr. COCKRELL. Let it be read as it will read if the change is made.

The SECRETARY. If amended, the proviso will read:

Provided, That if ten or more applicants appear on one day no fewer than ten shall, if practicable, be examined on said day, and that if fewer examinations be then made, ten or more having appeared, then there shall be paid for the first examinations made on the next examination day the fee of $1 only until ten examinations shall have been made.

Mr. COCKRELL. What is the effect of the amendment?

Mr. TELLER. I will say to the Senator from Missouri that the purpose of the amendment is that the examiners may have time to examine. No board, I think the Senator will agree, can examine twenty men in a day, and the result is that the examinations are made superficially, and complaint is made by soldiers that they do not think they have a fair examination. Then when the reports come to the Department they have less confidence when they know that a great number were examined in one day. Ten is as many as, and I think in many cases is more than, they should examine in one day.

Mr. COCKRELL. I should like to ask the chairman of the Committee on Pensions how long twenty has been the number required to be examined?

Mr. GALLINGER. I think that has been the rule for a great many years, and possibly from the passage of the first pension law after the war. I am not sure as to that, but beyond question it has been the rule for a great many years.

Mr. COCKRELL. The effect of this amendment will be to largely increase the fees.

Mr. TELLER. No; not at all. It does not increase the fees at all.

Mr. GALLINGER. Yes; it would increase them somewhat.

Mr. TELLER. It might.

Mr. COCKRELL. It nearly doubles them.

Mr. GALLINGER. Oh, no; the increase will be almost wholly in the large cities.

Mr. TELLER. After ten they get only $1.

Mr. GALLINGER. It will increase the fees to some extent, but notwithstanding that I sympathize with the purpose the Senator from Colorado has in view, although I think the number ten is too small.

Mr. COCKRELL. Say fifteen.

Mr. GALLINGER. I am quite willing to let it go into conference.

Mr. TELLER. Let it go into conference with the House.

Mr. GALLINGER. I am quite willing that it shall go into conference with the House on ten, and possibly we may agree upon a number intermediate between ten and twenty.

I am fully in sympathy with the suggestion of the Senator from Colorado that no medical board can give twenty soldiers, most of whom have several disabilities, a fair examination in one day. It takes longer to examine the soldiers now than it did immediately after the war, when a man had simply a wound or perhaps one disability. The soldiers are getting old, their disabilities are multiplying, and it necessarily takes longer to fairly examine them than formerly. I believe the time has come when we ought to reduce the number, but I do not think we will reduce it, if we make any reduction, to the extent suggested by the Senator from Colorado. Still I am quite willing that it shall go into conference.

Mr. TELLER. I wish to say that there has been so much complaint that I think we ought to reduce it within reasonable bounds. It is not often, I suppose, except in the large cities, that twenty men will appear at one time.

Mr. GALLINGER. No, or ten.

Mr. TELLER. Or ten. I have had soldiers call on me within the last summer and say they have spent hours and waited until night, and the last thing they got an examination that was very unsatisfactory. They said they did not believe the board knew anything about what ailed them, and of course if they do not get their pensions they feel that they have not been properly treated. We certainly ought to put this business in shape so that the soldier will have a fair examination, both for his interest and that of the Government.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Colorado.

The amendment was agreed to.

Mr. TELLER. Now, I wish to move another amendment, for two reasons. The bill as amended reads:

That if ten or more applicants appear on one day no fewer than ten shall, if practicable, be examined on said day.

I do not know whether that means that ten must be examined.

Mr. GALLINGER. Certainly.

Mr. TELLER. Or else they must adjourn to the next day.

Mr. GALLINGER. Certainly.

Mr. TELLER. Then I will not make any change.

Mr. HAWLEY. I suggest a simple verbal amendment in the interest of better style. On page 2, line 21, I move to strike out "unless" and substitute the words "who was not." It reads:

No fee shall be paid to any member of an examining board unless personally present.

I move to strike out "unless" and insert "who was not."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDENT pro tempore. The question is, Shall the bill pass?

Mr. COCKRELL. I should like to ask the Senator in charge of the bill whether this is the estimate of the Commissioner of Pensions or below it. What is the estimate for the current year? This is for the coming fiscal year. What has been the expenditure during the last fiscal year and what is the appropriation for the current year?

Mr. GALLINGER. I will say that, as I understand the matter, the appropriation for 1900 was $145,233,830. The estimates for 1901 were $145,230,230, $3,000 less than the appropriation for 1900; but the Committee on Appropriations of the House increased the appropriation by about $15,000, which, I think, was for clerk hire. I feel sure that that was the item which was increased. The bill as it is now before the Senate carries precisely the amount that it did when it came from the House, and it is only fourteen or fifteen thousand dollars in excess of the estimates for 1901.

Mr. COCKRELL. The aggregate amount is $144,000,000?

Mr. GALLINGER. One hundred and forty-five million two hundred and forty-five thousand two hundred and thirty dollars, is it not?

Mr. TELLER. One hundred and forty-four million dollars.

Mr. GALLINGER. One hundred and forty-four million dollars for Army and Navy pensions, and the balance for fees of medical examiners, salaries, clerk hire, rent, etc.

Mr. COCKRELL. Yes; $144,000,000 for pensions.

Mr. GALLINGER. Yes.

Mr. COCKRELL. That is the aggregate appropriation for the payment of pensions?

Mr. GALLINGER. Yes.

Mr. COCKRELL. Then there are other appropriations for expenses, etc.

Mr. GALLINGER. Certainly.

Mr. TELLER. That is not in the bill.

Mr. ALLISON. It is in the bill, but not included in the $144,000,000.

Mr. COCKRELL. It is in the bill, but not included in that amount.

Mr. TELLER. It is not in that amount.

Mr. COCKRELL. It is $144,000,000 for the payment of pensions proper. Then there are other items for the administration of the office.

Mr. GALLINGER. That is correct.

Mr. TELLER. Did I understand the Senator to say that the estimate is $145,000,000 for pensions?

Mr. GALLINGER. No; $144,000,000 for pensions and $1,245,230 for other items of expenditure. That is according to the report made by the House committee, which is doubtless correct.

The PRESIDENT pro tempore. The question is, Shall the bill pass?

The bill was passed.

SENATOR FROM PENNSYLVANIA.

Mr. CARTER. I ask the Chair to lay before the Senate the resolution in the Pennsylvania case.

The PRESIDENT pro tempore. Without objection, the Chair lays before the Senate the resolution indicated by the Senator from Montana.

The Secretary read the resolution reported from the Committee on Privileges and Elections, as follows:

Resolved, That the Hon. Matthew S. Quay is not entitled to take his seat in this body as a Senator from the State of Pennsylvania.

Mr. CARTER. Mr. President, the principle involved in the case under consideration has been so often and so ably debated in this Chamber of recent years that I do not venture to assume that any view I entertain or may here express will tend to modify or change the opinion of any other Senator. This observation may be justly regarded as a command for silence rather than a warrant for speech, but my vote in the Corbett case being at variance with the position deliberately reached by me in the Mantle case and adhered to now, while not requiring seems to render appropriate a brief statement of my views of the correct rule of constitutional construction as to the power of a governor to fill a vacancy in the Senate by appointment.

That power is found in section 3 of Article I of the Federal Constitution, which reads as follows:

The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof, for six years; and each Senator shall have one vote.

Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

In mandatory words the section provides that the Senate of the United States shall be composed of two Senators from each State. The Senate shall be so divided that but one-third of its membership will be changed every two years, thus insuring its continuous existence with at least two-thirds of its membership always qualified; and finally, precaution is taken against vacancies arising by resignation or otherwise.

Again, Article V of the Constitution provides:

That no State, without its consent, shall be deprived of its equal suffrage in the Senate.

These provisions construed together leave no doubt whatever in my mind that the framers of the Constitution intended to facilitate rather than to hinder full and continuous representation of the several States in the Senate. It was intended that vacancies should not continue to exist in this body. A continued vacancy in the Senate is repugnant alike to State interest and national policy. Pennsylvania is to-day not only deprived of its equal suffrage in the Senate without its consent, but in defiance of its petition and over its protest.

The majority of the committee justifies this injury to the State of Pennsylvania upon purely technical grounds. They say the State is not asserting its right through the proper channel. It is admitted that the governor may appoint to fill vacancies in the Senate happening during the recess of the legislature. It is admitted the vacancy exists in the representation of Pennsylvania in the Senate and that the governor has duly appointed Matthew S. Quay to fill the vacancy, but it is suggested that because the legislature of Pennsylvania tried to provide against the happening of a vacancy, and did not succeed before its adjournment, therefore the vacancy which happened, and is continuing to happen every moment, is not a vacancy during the recess of the legislature of Pennsylvania. This I denominate a strained, technical construction. I prefer accepting the theory that a State should be allowed to exhaust every State agency recognized by the Federal Constitution as available to secure representation in the Senate. If one piece of State machinery fails and a vacancy in the Senate still happens to exist, why deny the State the right to at once act through the reserve or supplemental agent, the governor?

The rights of the State of Pennsylvania, the interests of the nation, and, in my opinion, the spirit and letter of the Constitution require that we should admit Mr. Quay to the Senate on the governor's certificate of appointment.

On broad lines, Mr. President, the great weight of authority found in the cases adjudicated by the Senate seems to be opposed to the majority report of the committee. On technical grounds purely that statement is not correct. There have been in the neighborhood of one hundred vacancies filled in this Senate since the organization of the Federal Government.

Of the eighteen cases which have arisen on the appointment by governors to fill vacancies in the Senate happening somewhat analogous to the vacancy here under consideration the Senate has adhered to the rule that the appointee was entitled to be seated in twelve instances and has reversed the rule in six cases. Of the six exceptions it is a matter of common knowledge that the last four, namely, the Mantle, Beckwith, Allen, and Corbett cases, were decided on other than strict constitutional grounds. When Mr. Mantle sought admission to the Senate on the certificate of the governor of Montana in 1893 the Senate and the country were engaged in an intense discussion of the coinage question.

This body was about evenly divided on that all-absorbing question, and the Administration was exerting its power and influence to defeat the views for which Mr. Mantle stood on the issue then pending. The seating of Mr. Mantle would have added strength to an opposition which the Administration and all the opponents of free silver were desperately struggling to overthrow. This opposition was regarded as dangerous, and under the circumstances it was surprising that Mr. Mantle came within 3 votes of being seated. It is a matter well known in connection with the record that is only preserved in the minds of Senators, and of the public to some extent, that if pairs in this body had been correctly arranged at that time so as to give full, fair, and honest expression to the views of Senators, Messrs. Mantle, Beckwith, and Allen would have been seated, and three of the precedents relied upon by the majority of the committee would thus have been reversed in 1893.

The verdict of the Senate rendered under such conditions can not be regarded as reflecting its free judgment on the constitutional status of the governor's appointment. The cases of Beckwith, from Wyoming, and Allen, from Washington, abided the decision in the Mantle case. Thus, sir, it appears that three of the six exceptions from the established rule of the Senate evolved with narrow margins from the expediency of the hour, from a political point of view rather than on the deliberate judgment of the Senate on the constitutional question presented, that judgment being the reverse of the recorded verdict of the Senate.

Now, as to the fourth exception recorded here in recent times. Mr. Corbett was appointed by the governor of Oregon to fill the vacancy occasioned by the expiration of the term of Senator John H. Mitchell on the 4th of March, 1897. The legislature of Oregon had failed to elect and its failure was due to the inability of the body to organize. Mr. Mitchell had made a vigorous campaign for reelection before the people of Oregon and they had elected a majority of the legislature favorable to his return to the Senate. The will of the people of that State as expressed in their representation in the legislature could only have been defeated by depriving the members of the legislature of the privilege of casting their votes and registering the popular will as expressed at the polls on election day. That case has been decided. Mr. Corbett was denied a seat in this Chamber. My vote was registered against him, and it would be registered against him now on the same state of facts.

By a course of conduct which was revolutionary in its nature the legislature was kept from perfecting an organization until its period of possible existence expired by limitation. It was believed by many members of the Senate that Mr. Corbett was the inspiring force in that revolutionary scheme, and acting upon that belief votes were influenced, cast, and recorded against him.

Exercising the unquestionable right to look beyond the credentials and the authority issuing them to the manner in which they were obtained by the applicant for a seat, a large number of Senators, to my knowledge, myself included, voted against seating Mr. Corbett solely on the ground that he should not be admitted to the Senate as the culmination of a conspiracy to cripple and demoralize the government of his State. If these considerations had not determined the votes of Senators the Mantle case would, I believe, have been reversed. Thus another of the exceptions to the rule passes on a basis not involving a construction of the Constitution, leaving only two decisions by the Senate out of eighteen to sustain the conclusions of the majority of the Committee on Privileges and Elections in the pending case on a plain question of correct constitutional construction.

From lack of time I have not been able to trace with accuracy the political environments and the other conditions and influences surrounding the Senate when the two remaining cases were decided. It would be quite interesting to scrutinize with care the personal and political history contemporaneous with the disposition of the Kensey Johns case in 1793 and the Lanman case in 1825. It is not improbable that investigation would disclose causes other than strict constitutional interpretation upon which to rest the two remaining exceptions. With varying shades of technical difference, the vast majority of cases decided by the Senate in its history have favored the continuous representation of States in the Senate, either by appointment by the legislature or appointment by the governor.

Mr. President, the Senator from Massachusetts [Mr. HOAR], in the course of his observations in the Senate last week, very wisely suggested that the framers of the Constitution had some apprehension lest representation in this body might be wanting, lest States might not desire to participate under the Constitution in the Government which they were framing. That apprehension existed, and the fact of its existence is borne out by the early parliamentary history of the Government.

This Government under the Federal Constitution was not taken very seriously for some time. For many years the Senate sat altogether with closed doors. It was a star chamber legislative body. Take volume 1 of the Annals of Congress, "Proceedings of the Senate of the United States," beginning on the 4th day of March, 1789. There were thirteen States in the Union. Twenty-six

Senators should have appeared at that time to take the oath of office. This is the full record of the first day's proceedings:

WEDNESDAY, *March 4, 1789.*

This being the day for the meeting of the new Congress, the following members of the Senate appeared and took their seats:
From New Hampshire: John Langdon and Paine Wingate.
From Massachusetts: Caleb Strong.
From Connecticut: William S. Johnson and Oliver Ellsworth.
From Pennsylvania: William Maclay and Robert Morris.
From Georgia: William Few.
The members present not being a quorum, they adjourned from day to day until Wednesday March 11—
When, the same members being present as on the 4th instant, it was agreed that a circular should be written to the absent members requesting their immediate attendance.

Was there not fear in the Constitutional Convention that representation in this body would be wanting? Was it not manifestly their desire in framing articles relating to the membership of the Senate to secure Senators here, rather than to prevent their presence by technicalities? Why, here, Mr. President, was the greatest government probably ever conceived by man launched two years before under its Constitution, and yet from the 4th until the 11th of March——

The PRESIDING OFFICER (Mr. PERKINS in the chair). The Senator from Montana will kindly suspend for a few moments while the Chair lays before the Senate the unfinished business, the title of which will be stated.

The SECRETARY. A bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Puerto Rico, and for other purposes.

Mr. FORAKER. I ask that the unfinished business may be temporarily laid aside without prejudice until the Senator from Montana [Mr. CARTER] concludes his remarks.

The PRESIDING OFFICER. If there be no objection, such will be taken as the sense of the Senate.

Mr. CARTER. Mr. President, with this Government, which had been so recently formed, after the long and strong and vigorous discussion that had gone on throughout the various States relative to the adoption of the Federal Constitution, a discussion which brought forth the wonderful system of pamphleteering which distinguished that period, sufficient interest had not been developed in the Federal Government to induce the member of the Senate elect from the State of New Jersey, just across the river from New York, to go over and take his seat in the Senate.

The record is interesting, it is instructive, as touching the identical point brought out by the Senator from Massachusetts, to wit, that the framers of the Constitution apprehended that it would be difficult to keep membership in the Senate; and therefore, in consequence of that apprehension, they made what they believed the most ample provision to prevent vacancies by the ordinary contingencies or any means by which a State could be crippled in its representation.

On the 11th of March we find the statement of the members present. Those present on the 4th of March "not being a quorum, they adjourned from day to day, until Wednesday, March 11; when, the same members being present"—just 7 Senators, when there ought to have been 26, representing the thirteen States. Those 7 Senators sat in a room in New York City and adjourned from day to day from the 4th of March until the 11th, when the record made by them, which has been left to us, says:

When, the same members being present as on the 4th instant, it was agreed that a circular should be written to the absent members requesting their immediate attendance.

The 7 Senators sat down and prepared a letter or address requesting the immediate attendance of the 19 absent Senators.

Thursday, March 12, no additional members appearing, the members present adjourned from day to day until Wednesday, March 18, when, no additional members appearing, it was agreed that another circular should be written to 8 of the nearest absent members, particularly desiring their attendance in order to form a quorum.

This second circular created sufficient interest in one of the Senators from New Jersey, Mr. William Paterson, to induce him to appear on the next day, the 19th, when he took his seat. On Saturday, March 21, Richard Bassett, from Delaware, appeared and took his seat.

Still, "a sufficient number of members to form a quorum not appearing, the members present adjourned from day to day until Saturday, March 28, when Jonathan Elmer, from New Jersey, appeared and took his seat. No other member appearing, an adjournment took place from day to-day until Monday, April 6"—thirty-odd days, Mr. President, after the time fixed by the Constitution for the meeting of the Senate—when "Mr. Richard Henry Lee, from Virginia, then appearing, took his seat, and formed a quorum of the whole number of Senators of the United States."

Thereupon they proceeded to organize, and John Langdon was elected President pro tempore of the Senate. They then proceeded to canvass the vote for President of the United States.

If these conditions, as described so meagerly in the written record, indicate anything, they indicate that there must have been a feeling of apathy, a lack of interest, a failure to comprehend the mighty force which had been projected amongst the governments of the world. One of the Senators from New Jersey, just across the Hudson River, could not be induced to come over and take part in the deliberations for days and days after the time appointed. The first Senator from that State appeared only after receiving a second written communication requesting him to be present.

The framers of the Constitution were the wisest men of their time, if not of any time. To assume that they did not comprehend, when framing this instrument, some of the leading difficulties which would be encountered in putting the Government into operation would be to give them credit for less mental acumen than their finished work warrants us in believing they possessed.

All the provisions relating to vacancies in the Senate taken together seem to point to an anxious desire on the part of the framers of the Constitution to secure continuous representation in this body. Full representation was deemed more important in this body than in the House. This constitutes a part of the treaty-making power of the Government. A quorum of this body is essential to the administration of the Government in its relations to foreign governments. The conclusion of treaties and kindred work, the confirmation of officers appointed by the President, the impeachment of officers found to be unworthy of their places, requires action by the Senate.

Now, Mr. President, after the lapse of a century interest in the Senate has developed somewhat. It is not necessary now to send out circulars to secure attendance. But there is another fact to which I desire briefly to call attention. In the early days of the Republic such was the lack of interest, such the failure to comprehend the magnificence of the mission of this Government in human affairs, that resignations from this body were very frequent. In the first appointment case that occurred in the Senate, George Mason, of Virginia, declined to accept an election. The Kensey Johns case, the second case decided, arose on a resignation. The Walton case, which was the third case, arose because of a resignation. The fifth case, William North, of New York, arose because of the resignation of John Sloss Hobart, of that State. The sixth case occurred because of Daniel Smith being appointed to succeed Andrew Jackson, who had resigned his seat.

Thus following down, I find in the first twenty years of the history of this Government resignations from the Senate were very frequent. In order to understand whether the framers of the Constitution really intended to facilitate rather than to hinder representation in this body when they used the language of this Constitution, we get much light for correct view by going back to the surroundings and conditions under which they acted and the manifest purposes they must have had in view in using the language employed.

Mr. STEWART. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Nevada?

Mr. CARTER. Certainly.

Mr. STEWART. The anxiety to obtain attendance was not confined to the Senate alone. The provision in the Constitution which requires Congress to change the time and manner, etc., of electing members of Congress, except the place of electing Senators, was discussed at greater length than any other provision in the Constitution, and Mr. Madison, when the matter came up in Virginia, explained the question anew. It had been explained frequently in that body. What he said on that occasion I think is applicable to what the Senator is saying, and with his permission I will have read what Mr. Madison said after the debate was over as to the reason for incorporating the provision that allowed Congress to alter and amend the regulations made by the States.

Mr. CARTER. I shall be very glad to have the matter read.

The PRESIDING OFFICER. If there is no objection, the Secretary will read as requested.

The Secretary read as follows:

Mr. MADISON. Mr. Chairman, the reason of the exception was, that if Congress could fix the place of choosing the Senators it might compel the State legislatures to elect them in a different place from that of their usual sessions, which would produce some inconvenience and was not necessary for the object of regulating the elections. But it was necessary to give the General Government a control over the time and manner of choosing the Senators to prevent its own dissolution.

With respect to the other point, it was thought that the regulation of time, place, and manner of electing the representatives should be uniform throughout the continent. Some States might regulate the elections on the principles of equality, and others might regulate them otherwise. This diversity would be obviously unjust. Elections are regulated now unequally in some States, particularly South Carolina with respect to Charleston, which is represented by 30 members. Should the people of any State by any means be deprived of the right of suffrage, it was judged proper that it should be remedied by the General Government. It was found impossible to fix the time, place, and manner of the election of Representatives in the Constitution.

It was found necessary to leave the regulation of these, in the first place, to the State governments as being best acquainted with the situation of the people, subject to the control of the General Government, in order to enable it to produce uniformity and prevent its own dissolution. And, considering the State governments and General Government as distinct bodies, acting in

different and independent capacities for the people, it was thought the particular regulations should be submitted to the former and the general regulations to the latter. Were they exclusively under the control of the State governments, the General Government might easily be dissolved. But if they be regulated properly by the State legislatures, the Congressional control will very probably never be exercised. The power appears to me satisfactory and as unlikely to be abused as any part of the Constitution.

Mr. CARTER. The report as read is certainly very apt, and I thank the Senator for interjecting it at this point. I think it is obvious, viewing the conditions that surrounded the framers of the Constitution, and construing the language employed by them in the light of the purposes they certainly intended to subserve, that we are driven irresistibly to the conclusion that it was with them a matter of the most profound solicitude to secure continuity of representation in this Chamber. A failure to secure that and would inevitably disclose a fatal defect in the operation of the governmental system they had labored to produce. The other branch of Congress is reelected entire every two years, it not having many of the important functions which are by the Constitution conferred upon the Senate in addition to legislative work; and being a more numerous body, vacancies are not so important in the House. But the special provision for filling vacancies here seems to leave no question that it was their intention that whether a vacancy occurred by resignation or otherwise, the governor should have the power to appoint until the next meeting of the legislature.

Taking the entire range of language familiar to us, where can you find an expression broader in scope, more far-reaching in significance as applied to any possible condition that may arise, than by saying when a vacancy occurs by death—that is one way—or otherwise? How can you select the exception to the all-embracing rule of construction which gives to otherwise the entire range of accident and occurrence, and method and manner, by which a vacancy may take place? This comprehensive language was employed not because they wished to prevent Senators from being in their places, but because they desired to have this Chamber full at all times. They went on further, providing, having due regard for the rights of the Commonwealths here represented and to be represented while the Government lasts, that no State should be deprived of its equal suffrage in this body without its consent; and there was no limitation upon the manner of giving consent.

Now, Mr. President, we are confronted with this majority report of the committee, which says a State shall be deprived of its equal suffrage in the Senate unless it give its consent according to strict technical rule and through one channel and not through another. No one questions that the desire of the State to be represented in the Senate may be made manifest by any agency recognized by the Constitution. The desire of the State to be represented here may be made known by its legislature. But the Constitution says that there is another agency of the State which may be recognized as of equal binding force in certain contingencies. The governor is a part of the State machinery. The will of the State, the desire of the State, is made manifest through its chief executive, its governor.

The matter of life and death is placed with the governor of the State. He is made commander in chief of the militia. He is the force created for the purpose of seeing that the laws of the Commonwealth are enforced. He is elected by the people and he is designated by the Federal Constitution as one of the responsible agencies of the State to fill a vacancy in the Senate which happens by resignation or otherwise. In the event of a vacancy in the Senate he is the organ to make manifest the desire of the State to be represented here until the next meeting of the legislature. But the majority of the committee say that he can not express the desire of the State to be represented in the Senate by designating a person to fill an office temporarily unless in restricted cases. According to their theory, you must circumscribe his right, you must circumscribe the right of the State to make its wish or will known through the governor of the State.

Ah, Mr. President, the desire of the framers of the Federal Constitution was that this Government might live, and not that it should die. The desire of the framers of the Constitution manifestly was that the seats in this Chamber should be filled and that States should be represented here, and they never intended to cast a single obstacle in the way of constant representation and equal suffrage by the States in this Chamber. The assumption to the contrary of that statement is based upon a strained, hypercritical construction of the instrument itself, a construction that is clearly contrary to the policy of the Government, contrary to the interests of the States, destructive of the purposes for which Senators are elected to represent Commonwealths upon this floor.

But, says the Senator from Tennessee [Mr. TURLEY], if you recognize the appointments made by governors, then legislatures will not hereafter elect. That is not a view of the Constitution or an attempt to secure proper construction; but it is the determination of the rights of the States upon the expediency of the moment as determined by Senators who happen to be in the Chamber at the time the question is presented.

Mr. SPOONER. That would be a good reason for amending the Constitution.

Mr. CARTER. Yes, as the Senator from Wisconsin suggests, that might be a good reason for amending the Constitution, but it does not furnish the rule of construction for the instrument as it now exists. But there is not much in the suggestion of the Senator from Tennessee, that the recognition of the governor's right to fill vacancies will induce legislatures to disagree or make the legislative assemblies the prey of designing men who seek gubernatorial appointments because unable to secure election by the legislature.

There are difficulties to be encountered on the Senator's policy line. It may be that, if the governor's certificate is recognized as a warrant to fill a vacancy in the Senate under all circumstances where a vacancy exists, designing men will capture the governor and then withdraw a sufficient number of partisans from the legislature either to prevent its organization in one branch or the other or else to prevent parties from securing an election by the casting of their full strength in favor of any candidate. But I doubt whether this evil can be averted by doing violence to the Federal Constitution. It is a remarkable fact that since the decision of the Mantle case more difficulty has arisen in the State legislatures in this country, they have approached nearer the edge of anarchy, they have resorted to more revolutionary tactics, more violence has been indulged in by aspirants for the Senate in dividing and paralyzing legislatures, than occurred in any fifty years in the history of the Government prior to that time.

We denied the right of the governor to appoint in the Mantle case, and instead of causing the legislatures of other States to promptly agree, instead of constraining them to elect, the very opposite seems to have been the effect. From the distant State of California down to Delaware, all along the line, since the decision of the Mantle case, a violent disease seems to have broken forth in the legislatures, and one after another has adjourned leaving the Commonwealths they attempted to represent without full representation in this Chamber.

The remedy suggested by the Senator from Tennessee is not efficacious. The result seems to be bad; it does not work well. The only way to dispose of this question of construction is to eliminate all questions of policy affecting party and section and aspirants for Senatorial seats, and attempt to ascertain what the framers of the Constitution desired to accomplish when they used the language "by resignation or otherwise." Did they desire to facilitate constant representation by the States in this body? Was it their view of good, sound public policy that States should be continuously and fully represented here? Was that the purpose they had in view? If so, all construction should yield to this consideration of paramount importance, to wit, the execution of the contract or instrument according to the manifest will and purpose of the parties. This rule of construction applying to contracts of the most trivial character ought not to be denied to the framers of the Federal Constitution. Whatsoever was their purpose, if the language employed reasonably expresses that purpose, I think the intent should be given effect.

Some little difficulty is encountered always in the disposition to slavishly follow precedents. We have it in the courts. We have the case lawyer on the bench who can not dispose of a case unless there is some precedent for it somewhere. We have the case lawyer in the office who dare not instruct his client concerning his rights on any subject until he can find some case to guide him. A very safe rule, no doubt, but precedents are sometimes misleading. I think it has been demonstrated by the brief recapitulation of the record here that in the history of the Government, in the one hundred and ten years during which we have been operating under the Constitution, only two cases have been decided on the merits in favor of the contention of the majority of the committee, the Kensey Johns case, decided away back in 1793, and the Lanman case, decided in 1825. The Mantle case, the Allen case, the Beckwith case, the Corbett case were all, beyond any question of doubt, decided on other grounds than the construction of the Constitution. That leaves but two cases favoring the majority of the committee in the whole record of the Government.

Mr. PENROSE. Mr. President, I should like to interrupt the Senator from Montana.

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Pennsylvania?

Mr. CARTER. Certainly.

Mr. PENROSE. I should like to call his attention to the fact in regard to the Lanman case that up to this day there is a dispute as to the reasons upon which that case was decided. There is absolutely no contemporaneous evidence as to the reasons upon which that case hinged, and Senators at this late day are still in dispute as to the precise constitutional point upon which that important case was decided.

Mr. CARTER. Then that suggestion would leave but one undisputed case; and I am not prepared to say that the Johns case

is undisputed. We know that in our time and under our observation the cases relied upon by the committee as precedents were not decided according to the views of Senators on the correct construction of the Constitution. The Mantle case and the Beckwith and Allen cases hinging upon it were decided in accordance with political expediency. The Corbett case, as I have already suggested, was decided by Senators in the Chamber here to-day who voted against Mr. Corbett and expect to vote for Mr. Quay. And why? Quay occupies the extreme opposite of the position which Mr. Corbett was assumed to occupy. I do not wish to criticise, and I only suggest this matter historically. Mr. Corbett was believed to have been at fault. He was believed to be an applicant for a seat, taking advantage of his own wrong or a wrong which he had participated in inflicting upon his State; and, going back to an ancient principle, Senators well know they concluded, in many instances, that no man should be the beneficiary of his own wrongful act, and so they voted.

In the case under consideration, Mr. President, we know there has been in progress in the State of Pennsylvania for over two years a scheme to prevent all representation rather than to have Mr. Quay in this body. The legislature of that State was elected Republican, with Mr. Quay as the candidate of the party for Senator. It is tragic, yes, and pathetic, to briefly recall the history of the struggle to destroy this man. He was, for the purpose of preventing the legislature of Pennsylvania electing him when they were prepared so to do, made the victim of a malicious criminal proceeding in the State of Pennsylvania, and an indictment was found against him.

Mr. PENROSE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Pennsylvania?

Mr. CARTER. Certainly.

Mr. PENROSE. I will state for the information of the Senator that that case was deliberately held over until the legislature failed to be able to elect a Senator by reason of the resolution passed on the first day of its meeting compelling it to adjourn on the 20th day of April.

Mr. CARTER. Now, Mr. President, the dastardly act was performed of resorting to the machinery of the criminal law of the State, to temporarily hold legislators from the performance of public duty upon the pretense that the candidate of the majority for the Senate would land in the penitentiary of the State. Then the criminal prosecution was put over from day to day and time to time, holding it in terrorem over that legislature, so as to prevent their action until the legislature finally adjourned. When the legislature adjourned, the accused man faced his accusers before a jury. After all the evidence of the prosecution was submitted in the case, the defendant said, Do with this evidence as you will. The jury went forth and brought in a verdict of not guilty in an incredible short period of time.

I should feel the language we speak utterly poverty stricken if I felt that this course of action were to be properly characterized by me. I doubt if the political history of this country has any record of a more deep, dark, damnable, diabolical plot than that. It was not the will of Pennsylvania that this seat should be vacant; it was the desire of the people that it should be filled. They had elected a legislature with that purpose in view, but a trifling minority of evil-disposed and vicious men, having more regard for the venting of private spleen and personal feeling than for subserving the public good, paralyzed the machinery of the State in one part, and now the majority of the committee say it shall have no vitality in the other part, and Pennsylvania is to be denied equal suffrage in the Senate without her consent. What a victory for political brigands the Senate is asked to confer!

I have no difficulty in reconciling my vote on the Corbett case to the vote on the Quay case which I intend to cast. They are directly opposite in so far as the position of the respective applicants is concerned. I reserve the right, as I think every Senator has the right and is in conscience bound to do, to go beyond the certificate, to go beyond the governor who signed it, and to inquire how it was obtained. If presented here by an applicant with unclean hands, I claim the right to hold him accountable for his action and to deny him a participation in a benefit resulting from his own wrong.

Mr. President, I have addressed the Senate much longer than I expected to do and I wish to thank the Senator from Ohio [Mr. FORAKER] for his indulgence. It is fortunate that this case can be decided on its merits. There is no element in it calculated to prevent a fair, dispassionate and just expression of the views of Senators upon the proper construction to be given to the relevant clause of the Federal Constitution. Personally, I have no doubt that it was the intention of the framers of that instrument to facilitate rather than to hinder the constant representation of the States in the Senate. They provided that if one piece of machinery failed the second or supplemental part of the Government machinery of the State should be brought into requisition, to wit, appointment by the governor to fill the vacancy in the Senate until the next meeting of the legislature.

Mr. FAIRBANKS. Mr. President——

Mr. FORAKER. I did not understand until a few moments ago that the Senator from Indiana desires to speak at this time. I ask that the unfinished business laid aside until the Senator [Mr. CARTER] concluded may be further laid aside without prejudice until the Senator from Indiana can be heard.

The PRESIDING OFFICER. If there be no objection, such will be taken as the consent of the Senate.

THE FINANCIAL BILL.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 1) to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, and for other purposes.

Mr. FAIRBANKS. Mr. President, the subject before the Senate has been so elaborately discussed, especially during recent years, that little remains to be contributed which is not in its nature largely cumulative. Money is no longer an occult science understood by the few, but its essential principles have become familiar to the many. Great questions engage the attention of Congress—questions which concern our newly acquired possessions and which affect our economic and domestic affairs—but greater than any other question is the one which is now before us. It does not appeal to the imagination, nor does it stir the enthusiasm, yet it touches most vitally and deeply every citizen of the Republic.

I shall not dwell upon the various details of the conference report; the chairman of the committee has sufficiently discussed them, but shall address myself chiefly to what I conceive to be its most essential features.

The report declares that the dollar consisting of twenty-five and eight-tenths grains of gold, nine-tenths fine, shall be the standard unit of value, and that all forms of money shall be maintained at parity of value with this standard. A redemption fund of one hundred and fifty millions in gold is created with which to redeem United States notes and Treasury notes when demanded, so as to maintain their parity with gold.

Sir, the measure before us is a large and intelligent step forward in the monetary history of the country. Its enactment will put at rest the monetary question in the United States for years to come, for it is incredible that the financial wisdom which the people have acquired during the past few years can be soon forgotten. The vast industrial and commercial interests will have a period of repose, secure against the menace of monetary doctrinaires.

It would seem that at this stage of our national progress no argument should be required to justify the maintenance of the gold standard. That standard is preferred not because of any sentimental feeling in favor of one metal as against another, but because commerce has decreed in its favor. What government of first rank has any other standard than gold? We will search in vain for a solitary one. This significant fact is not due to mere caprice or prejudice, but is the result of the world-wide operation of recognized laws, unwritten it is true, but possessing the binding force of Congressional enactments. There are certain monetary laws, the fruit of the centuries, which have compelled republics and kingdoms to adopt a monetary standard which possesses in full measure the essential element of fixedness—stability.

Gold by these laws has become the preferred metal, the acknowledged standard for the measure of values among the leading commercial nations.

The pending measure continues gold as the monetary unit or standard of value. It does not attempt to establish a new standard with which we are unfamiliar. It makes no new experiment which may lead to surprises and uncertainty, to the embarrassment of commerce and the consequent injury of the interests of labor and capital. It is a reassurance to them that no change is to occur in our monetary system which will place them in immediate or serious peril. Upon this renewed pledge they may go forward, planning, building, and expanding for the future. It allays apprehension; it dispels fear. It becomes the secure foundation of an expanding commerce—of a larger commercial growth.

Sir, no sophistries or subtleties can make money or create a currency which is good for one and which is not equally good for the other. The interests of labor and capital are always identical. They can never be divorced. They are so interlaced and interdependent that money which injuriously affects one can not beneficially affect the other. They must share and share alike. They are either benefited or injured in common by any policy or scheme of monetary legislation. This is a truism. It is a conclusion so obvious that it is almost an offense to intelligence to restate it. But there are those who insist that gold is a class money, and discriminates in its beneficial operation among the people, favoring some and injuring others. Such a statement, it is needless to say, is but mere assumption, founded upon no actual experience nor upon reason which should detain the attention for a moment.

No argument is required to sustain the wisdom of a stable currency, for an unstable, fluctuating circulating medium unsettles and disturbs, and brings a train of evils which are as merciless and destructive as the ravages of war. In verification of this we have but to recall our experience when there existed a grave apprehension as to the ability of the Government to maintain the integrity of our currency.

Gold has been the monetary standard of the country since 1873. In fact, it has really been the metal standard of value since 1834.

The issue between the two parties is sharply defined. The one adheres to the gold standard and the consequent use of a large but limited volume of silver and paper currency, its full equivalent in effecting the exchanges of the people, while the other is for the maintenance of the single silver standard, with gold expelled from the channels of trade. It is true this is not its professed policy, yet it would be the inevitable result if its policy were adopted.

The maintenance of the gold standard with silver circulating as currency at a parity with gold is the only bimetallism possible with so vast a difference existing between the value of the two metals in the markets. The divergence in their market value makes it impossible to maintain more than a limited amount of silver at a parity with gold at an arbitrary minting ratio.

The fact has been known and recognized by financiers for centuries that the cheaper metal will expel from circulation the dearer. This is the Gresham law, which is secure against amendment or repeal. Debased silver will drive gold from circulation, and debased legal-tender paper will usurp the currency functions of both gold and silver.

But it is said that opening the mints of the United States to the free coinage of silver and gold at the ratio of 16 to 1 will result in enlarging the demand for silver, and in enhancing its market value to an equivalency with its minting value, so that we will have no debased silver. In other words, that silver under unrestricted coinage will rise from a commercial ratio of 34.19 to 1 to 16 to 1. If this were true it would go far toward solving the problem which vexes us. It is well to inquire whether this claim has any basis. Is it founded upon experience? Is there warrant for it in the monetary history of the world? If so, where? In what country to-day where there is free coinage of both silver and gold at the proposed ratio, or at any ratio, has silver been raised to an equivalency with gold? Unless the history of coinage in our own country and in many other countries is false, the claims of the advocates of free-silver coinage rest upon unsupported assumption.

The first free coinage law of the United States was adopted in 1792. The ratio then selected was not chosen arbitrarily, but was based upon the exhaustive and able report of Alexander Hamilton, without doubt the greatest financial genius the country has produced. Hamilton reported (and his report received the approval of Thomas Jefferson, then Secretary of State) that the minting ratio should be substantially the market ratio between the two metals. He had ascertained with care that the market ratio between silver and gold in the United States was substantially 15 to 1, and this became the minting ratio under the law.

Let us turn to his report, which has an enduring place in the history of the Government.

There can hardly be a better rule in any country—

Said he—

for the legal than the market proportion, if this can be supposed to have been produced by the free and steady course of commercial principles. The presumption in such case is that each metal finds its true level, according to its intrinsic utility, in the general system of money operations.

This rule has lost none of its force by lapse of time and is as sound and universal in its operation to-day as when uttered. It is totally ignored, however, by the advocates of free silver coinage at a ratio which most flagrantly disregards the true commercial level of the respective metals as fixed by competition in the great markets.

It is well to recall another observation made by Hamilton in respect of the comparative stability of gold and silver. He said:

Gold may, perhaps, in certain senses, be said to have greater stability than silver, as, being of superior value, less liberties have been taken with it in the regulations of different countries. Its standard has remained more uniform, and it has in other respects undergone fewer changes, as, being not so much an article of merchandise, owing to the use made of silver in the trade with the East Indies and China, it is less liable to be influenced by circumstances of commercial demand. And if, reasoning by analogy, it could be affirmed that there is a physical probability of greater proportional increase in the quantity of silver than in that of gold, it would afford an additional reason for calculating on greater steadiness in the value of the latter.

And further:

As long as gold, either from its intrinsic superiority as a metal, from its greater rarity, or from the prejudices of mankind, retains so considerable a preeminence in value over silver as it has hitherto had, a natural consequence of this seems to be that its condition will be more stationary. The revolutions, therefore, which may take place in the comparative value of gold and silver will be changes in the state of the latter rather than that of the former.

In the light of subsequent experience, the utterances of Hamilton were prophetic. Revolutions have occurred and the ratio of silver to gold, which was approximately 15 to 1 in 1792, was 15.59 to 1 in 1834, and is 34.19 to 1 to-day.

While he did not regard it as expedient to attach the unit of value exclusively to either of the metals, yet he would make the proportion between the two at the mints correspond to that which existed in the markets.

With all the care taken by Hamilton to have the minting conform to the market ratio, thereby securing the concurrent use and circulation of both metals, gold was undervalued and avoided the mints. Why was this, if free coinage alone will raise the cheaper metal to an equivalency with the dearer? If the present arguments advanced by the learned and able advocates of free coinage are well founded, the effect of free coinage under the law of 1792 should have been to preserve the commercial ratio of the two metals at an equality, so that the market and minting ratios would always be the same.

The ratio determined by Hamilton and Jefferson continued unchanged until in 1834, when it was altered to 16.002 to 1.

It may be well to consider, without a too minute inquiry, how this ratio came to be adopted. Was it chosen arbitrarily?

The most cursory examination of the discussion leading up to the act of 1834 will disclose the fact that the ratio then chosen was adopted because it was supposed to most nearly conform to the market ratio of the two metals. Silver had either depreciated or gold had appreciated, so that 15 to 1 no longer measured their relative value. A new ratio became necessary.

The act of 1837 did not affect the amount of pure silver, but reduced the weight of the alloy in the silver coins and added slightly to the weight of the gold in the gold coins, so that the coinage value became 15.988 to 1, or popularly speaking, 16 to 1, the purpose being to so nicely adjust the minting value of the coins as to preserve their concurrent use and increase the metallic monetary stock of the country. But with all the care that was exercised silver was undervalued and practically ceased to circulate except as subsidiary coin. It increased in value until 1873, when it was some 3 per cent above gold.

If the argument of our free-silver friends is sound, why did not free coinage between 1834 and 1873 raise the value of gold, the cheaper metal as compared with silver, up to a parity with the latter? In short, why did not free coinage bridge the narrow divergence of 3 per cent and hold the two metals at an absolute equality?

The Latin Union formed by France, Belgium, Italy, Switzerland, and Greece for the maintenance of the double standard was forced to suspend the free coinage of silver because of the great decline in the value of that metal. We have here an experience similar to our own, and that is, that free coinage alone by the great Latin Union failed to arrest the decline of silver.

If free coinage was unable to bring gold and silver to a parity with each other from 1792 to 1834, when the difference between them was about 1¼ per cent, and further, if it was impossible to bring the metals to a parity with each other under the new ratio from 1834 to 1873, with a maximum difference between them of 3 per cent, how can it be supposed that free coinage to-day would bring them to an equivalency and keep them there, when there is a difference between them of 53 cents on the dollar? Sir, our friends set before us an impossible task.

The free coinage of silver as now proposed, with all the mints of Europe closed to free coinage, would not result in raising the great mass of silver in the United States and throughout the world up to and retaining it at a parity with gold. The effort to accomplish this feat would have one chief result, and that would be to drive out of circulation every dollar of gold money in the United States.

Mr. Blaine, who, during the great debate in this Chamber, in 1878, advocated the free coinage of gold and silver (at their market ratio, however), sounded a note of warning against coinage at an arbitrary ratio, and showed, with the lucidity of statement of which he was master, the evil results of silver monometallism.

Evidently—

Said he—

the first dictate of prudence is to coin such a dollar as will not only do justice among our citizens at home, but will prove a protection—an absolute barricade—against the gold monometallists of Europe, who, whenever the opportunity offers, will quickly draw from us the one hundred and sixty millions of gold coin which we now hold. If we coin a silver dollar or full legal-tender, we are simply opening our doors and inviting Europe to take our gold. With our gold flowing out from us we shall be forced to the single silver standard and our relations with the leading commercial countries of the world will not only be embarrassed but crippled.

The maintenance of the gold standard is not inconsistent with the use of silver as currency. In fact it insures its very large use and upon terms of practical equality with gold itself. While it is not a money of ultimate redemption, it is accepted as equivalent to such in effecting the manifold exchanges among the people.

So long as silver currency is maintained at a parity with gold the people will accept it in the payment of their gold obligations without doubt or question, and in every respect as freely and willingly as they will accept gold itself.

The extraordinary demand upon the Treasury in 1893, 1894, and 1895 for gold was largely stimulated, except where gold was required for the discharge of international balances, by the fear that the gold standard was in jeopardy, that gold payments could not be maintained, that the Government would be unable to discharge in gold its obligations—its bonds and greenbacks—and that the country was liable to go to the silver basis. The demand for gold was largely born of fear. It was not responsive, in a great measure, to any natural ordinary requirements.

Involved in the proposition for free silver coinage at a minting ratio which so grossly disregards the market ratio is the granting of profits to the owners of silver bullion which surpass in their favoritism the monopolies granted during the palmiest days of Elizabeth. They exceed any privileges which Congress has ever seen fit to confer through subsidizing acts. The gift is attended with no element of risk or hazard. It is direct and immediate. There remains no period of uncertainty and doubt, the owners and producers of silver being permitted to enter into the immediate realization of privileges and profits which are denied others.

Under free silver coinage the owner of silver bullion is enabled to take his commodity to the mints of the United States and to have it impressed with the potential stamp of the Government, and at its expense, and then pass it at its minting value in the payment of his obligations. Silver bullion, which is worth but 46.7 cents on the dollar in the markets of the world, where competition is free and open to the great silver producers, must be impressed, upon their demand, and without cost to them, with the stamp of the Government, whereby it is increased in value about 53 cents and the people are obliged to accept it at the enhanced value. Thus it is clear that under free coinage as proposed there would be a net profit to the silver-bullion owners of about $53,000,000 in every $100,000,000 of silver coin.

What claim have the owners of silver bullion to such distinct and positive favoritism of the Government? If there be class distinction in legislation about which we have heard so much, it lurks in every word and line of a free-coinage law. If there be governmental favoritism, it is found in its most offensive form in a free-silver measure which so utterly and grossly disregards the market value of the two metals.

While the effect of a free-coinage law would be to enrich the producers of silver bullion at the expense of the people to the extent of the difference between the market and the minting ratios of the two metals, this difference, striking as it is, would be but a small fraction of the cost which would fall upon the people in the derangement of our fiscal affairs, in the unsettling of values and in the embarrassment of our commercial enterprises.

Sir, by what right do the silver-bullion owners demand that the Government should impress 46.7 cents worth of silver bullion with the legal-tender value of 100 cents, and oblige labor to take it, and require capital to accept it for a full 100 cents. Such a proposition, if submitted in terms as above, would seem monstrous, and yet such is the logical and inevitable effect. It does violence to public morals and to wholesome and sound finance. There is nothing whatever to warrant it save and except the cupidity of the silver-bullion owners, and in the end they would suffer in common with others in the depression and disorder which would surely come by forcing the country to a free-silver basis. The advantage they would gain would be but temporary; it would not and could not endure permanently.

The distinguished Senator from Colorado (Mr. TELLER) challenges the consistency of the Republican party with respect to the silver question, holding that its present purpose is a departure from its earlier traditions. Sir, this is hardly the place nor the time for the discussion of mere party policies.

It is of little profit to pause and consider whether there has been any variation in political platforms, yet a word in reply may be justified. The pregnant fact is not whether a party was right or wrong in the past, but whether it is right now. The Senator will search in vain for any equivocation in the utterances or the purposes of the Republican party at any time with respect to the preservation of the absolute equality of all forms of currency. It always has been opposed to a degraded dollar, and at the earliest moment possible after the war brought every dollar of our money to a plane of absolute equality. It evolved order out of financial chaos in 1879 and has stood immovable for the preservation of the parity with each other of our dollars—gold, paper, and silver.

The Republican party has done much for silver, more than any other party has ever done. It enacted the measure of 1878 which added $378,166,793 to our silver currency. It subsequently passed the law of 1890, which to the date of its repeal, in 1893, still further increased the silver currency by $155,931,002, making a total addition of silver to our monetary supply in fifteen years of $534,097,795.

Notwithstanding these several attempts to provide liberally for the use of silver, it steadily continued to decline, as heretofore observed.

Conditions rapidly and materially changed; and party policy and business prudence demanded a change to meet them. Experience rendered necessary the repeal of the purchasing clause of the Sherman Act and no one would advocate its restoration to the statute books to-day.

It is true that the Republican party at St. Louis pledged itself to promote international bimetallism with the leading commercial nations, and it is likewise true that that pledge has been faithfully kept.

At the earliest practicable date after the present Administration succeeded to power a commission of able men was sent to Europe for the purpose of advancing, so far as they could, international bimetallism. The pledge was deliberately made, and it was made to be kept.

The commission was not composed of lukewarm or half-hearted friends of the cause of silver or men lacking in tact or capacity. It was composed of the able junior Senator from Colorado [Mr. WOLCOTT], the former Vice-President of the United States, Mr. Stevenson, and Gen. Charles J. Paine, a man of eminence and recognized ability. Better nor abler friends of the cause of international bimetallism could not be found, nor could men have been chosen possessing in fuller measure the public confidence.

The commission visited the leading commercial nations whose cooperation was admittedly indispensable in the establishment of international bimetallism. As the country well knows, the effort was futile, but through no failure of faithful and able advocacy.

I would earnestly commend to the thoughtful consideration of the advocates of the free coinage of silver the report made to the Senate by the distinguished chairman of the commission, Senator Wolcott:

> Since the demonetization of silver in the United States in 1873—
>
> Said he—
>
> there have been three international conferences held in the endeavor to secure the restoration of bimetallism. All of these conferences have been failures. There are eighteen nations of Europe, each emitting coinage of its own, and all of them basing their circulation upon the standard of gold alone. Two of them, Russia and Austria, have, since the last conference, lowered by law the gold value of the silver in their current silver coins and the value of the paper based on silver. One of the countries has closed the mints in India, its chief colony, the largest absorbent of silver in the world, and, outside of Europe, the Empire of Japan has inaugurated a new ratio between gold and silver of 32½ to 1.

I desire also to invite the considerate attention of our friends on the opposite side of the Chamber to the wisdom of the Japanese Empire, which recognizes that the minting ratio of gold and silver should approximate the market ratio between the two metals.

The distinguished chairman of the commission appreciated the futility of the attempt to establish international bimetallism at the ratio of 16 to 1, when he declared:

> It may also be necessary, in my opinion, to make concessions in the ratio, bringing it somewhere in the neighborhood of 20 to 1, more nearly approximating the ratios recognized by Russia, Austria, and India.

In the face of this the opposite side of the Chamber demand that the United States should alone open her mints to the free admission of gold and silver at a ratio which has been discarded by other countries.

The French ambassador, at the meeting of representatives of the United States, Great Britain, and France, held at the British Foreign Office in London in 1897, at the request of the chairman of the American commissioners, stated the position of the French Government, and, among other things, said that—

> The legal system established in France upon this basis (15½ to 1) has operated for a long time in a manner fully satisfactory to the French nation. But for about twenty years this system has been disturbed by different causes. * * * One of these causes is doubtless the superabundant production of silver. * * * In France we have been led to fight the evil by the closing of our mints to the silver metal; that is to say, by the temporary suspension of the coinage of silver. * * * If the Government in the actual state of affairs reopens the mints to the free coinage of silver, we would be flooded by the abundance of this metal coming from all other countries of the world, and we could not resist the even greater evil of the inevitable depreciation of one of our precious metals; that is to say, of the effective destruction of the legal ratio upon which our monetary system is based.

He was further of the opinion that a common understanding between all the commercial nations would be essential to the reestablishment of the normal ratio between the two metals.

> If measures of this kind—
>
> Said he—
>
> should be adopted by all the commercial nations, we would be able to reopen our mints to the free coinage of silver without fear of being submerged by an excessive influx of this metal.

The French Ambassador will not be charged with being in any wise unfriendly to the greatest possible use of silver currency. He very clearly shows why it is unwise and impossible for the French Government to undertake the independent free coinage of silver—reasons which should have great weight in our own country. They are not the reasons urged by a political partisan of the United States, but are the observations of a great statesman and financier, who, by tradition, would be biased, if at all, in favor of the independent free coinage of silver.

Sir, the opposition favor the free and unlimited coinage of silver, to use a hackneyed phrase, "without the aid or consent of

any other nation on earth." This is intended to be a brave utterance, stimulating to the national spirit and to our national pride, but it is a sharp impeachment of our intelligence. Let those who advocate such a policy study well the utterances of the French Ambassador.

The opposition are bimetallists in theory only. The very policy which they advocate defeats their professed object, and they are, in fact, silver monometallists.

We require the use of both gold and silver as a part of our circulating medium, and we have carefully provided for their retention. Under the bill silver and silver certificates become the pocket money of the people. All currency in denominations below ten dollars is withdrawn, and silver certificates in denominations of one, two, and five dollars will take their place. This will obviously secure a wide distribution of the silver certificates and silver coin. Thus distributed, their parity with gold will doubtless be maintained without the necessity of making them a charge upon the gold reserve.

There is a very broad distinction between the unlimited issue of silver as a currency and its limited use; a distinction which the advocates of unlimited coinage in their extraordinary zeal seem to fail to perceive. The result, sir, which would flow from the two policies of limited and unlimited coinage would be quite divergent.

The Treasury is able to maintain the interchangeability of a limited amount of silver and paper with gold and maintain them at par. The gold reserve of $150,000,000 will enable the Treasury Department to keep the United States notes and Treasury notes at par with gold by exchanging gold for them at the will of the holder. It is manifest that if there is no limit to the silver and paper issues, the Treasury, strong as it is or strong as it may become, would soon be unable to redeem with gold the mass of silver and paper which would be presented for redemption.

The adoption of the silver standard would result in a severe contraction of the currency. It would expel, as already observed, the stock of gold in this country, which is about $1,025,825,162; and the silver and paper would fall from the gold standard down to the silver basis—which would be the value of silver bullion for the time being. The shrinkage in the money value of the total silver and paper currency amounting to about $1,250,647,748 would be, on the basis of the present value of silver bullion, about $670,134,583. Free silver coinage, while proposed in the interest of the expansion of our currency, would result in its very great and serious contraction.

Our friends on the opposite side of the Chamber have been entirely consistent in their opposition to a stable monetary system. They opposed the resumption of specie payments. They demanded the free coinage of silver when the so-called Bland-Allison Act of 1878 was passed, and were still insistent in behalf of free-silver coinage when the Sherman law was enacted in 1890. While other countries have been going to the gold standard they have strongly persisted in our adopting policies which would place the country squarely upon a silver standard. Their financial policy has been consistently reactionary.

They have great faith in the efficacy of the Government's fiat. From what has been said by the senior Senator from Nevada [Mr. JONES], the fiat of the Government is the chief essential of a sound stable monetary system. During the last Congress the opposition advocated the issue of $150,000,000 of irredeemable paper money. The proposition received the earnest support of the advocates of free-silver coinage. The exigency, sir, which will justify the nation in issuing paper currency must be a grave one indeed, but no circumstances can be so emergent as to warrant any Government in issuing an absolutely irredeemable paper currency.

The junior Senator from South Carolina [Mr. MCLAURIN] proposed an amendment to the substitute of the Finance Committee providing—

That sections 3412 and 3413 and all other acts and parts of acts which impose any tax upon the circulation of State banks or State banking institutions be, and the same are hereby, repealed.

The amendment received the solid Democratic free-silver vote. It was in harmony with the policy and traditions of the Democratic party. It was no sudden inspiration, for the Democratic convention in 1892 solemnly resolved "that the prohibitory 10 per cent tax on State-bank issues be repealed." It is quite proper, sir, that silver monometallism and wild-cat currency should go hand in hand. They may well have a common author.

It is almost beyond belief that any party, in the light of to-day, should deliberately propose to pollute the present currency of the country by the introduction of State-bank issues. The present currency is national, known everywhere and good everywhere within our jurisdiction, while the proposed currency would be known nowhere beyond the community in which issued, good nowhere else, and often depreciated at home.

A writer in the North American Review thus describes the annoyance and inconvenience to the people of State-bank money:

In the Southern and Western States the divergence in some instance exceeded even 25 per cent. Not only was an accurate knowledge of the nominal exchange of the day necessary before making purchases at a distant place, but a traveler proceeding from the South or West toward the North or East, if he were so fortunate as to have his money received at all, could not adjust his reckoning at an inn till an abstruse calculation was made of the discount to which his bank notes were to be subjected, or till he had recourse to the interposition of a broker.

It may be well to recall the utterances of Mr. Garland of Virginia in 1840 with respect to State-bank issues:

The State banks—

Said he—

within a few years nearly doubled their original number, were greatly enlarged in their powers and nominal resources, and made to pour forth with prodigal hand their spurious issues of paper money—those pictured shadows that bewildered the brain, intoxicated the hearts of the people, and drove them into maddest schemes of speculation and extravagance. Never did any nation in the same space of time make more rapid advances in degeneracy or approach nearer a total abandonment of that great moral law which constitutes the well-being of the civil society and a substitution in its place of those time-serving expedients of interest and selfishness which never fail to end in fraud, oppression, and ruin.

We have witnessed the usual Democratic and Populistic assault upon the national banks. We have heard a very familiar protest against turning over to them the power to issue and to control the volume of currency in the country. The keenest invective is summoned against them day after day.

An examination of the record, however, will disclose the fact that our friends are not, after all, really opposed to the control of the volume of the currency by the banks, for they have already, in the most emphatic and solemn manner in which parties can give expression to their policies and purposes, expressed themselves in favor of granting them such power. It is true that they sharply oppose national-bank currency, which has been emitted for nearly forty years, and which is absolutely good throughout every State and Territory, and is equivalent to gold in many foreign countries. But they deliberately propose to give State banks the power to issue currency, and thereby enable them to control the volume of the circulating medium of the country.

Sir, they are against a national currency, a single currency, but are earnestly and enthusiastically in favor of as many currencies as each of the forty-five States of the Union may see fit to authorize.

The provision for funding the 5, 4, and 3 per cent bonds, maturing respectively, in 1904, 1907, and 1908, amounting to $849,332,520, into 2 per cent bonds, payable at the pleasure of the Government after thirty years, is not oppressive, as those opposing would make believe, for it will result, in the opinion of the committee, if the conversion is complete, in an annual saving of interest of $15,973,886.20.

It is doubtful if any government in the world has ever been able to borrow such a tremendous sum of money at so low a rate of interest. If the Secretary of the Treasury can effect the refunding of the bonds mentioned into 2 per cent bonds, as proposed, the result will be high testimony to the credit of the Government and to the virtue of the gold standard. No such conversion could be effected, with an annual saving to the Government of nearly $16,000,000, with the country upon the silver standard, or if we were to incorporate in the pending measure the amendment offered by the distinguished Senator from North Carolina [Mr. BUTLER], providing for the free and unlimited coinage of silver. Under such a monetary policy it would be utterly impossible for the Government to accomplish the great task of refunding over eight hundred millions of its debt at 2 per cent interest, and thereby relieve the people of a great part of their burden. They bear it willingly, it is true; yet it is our duty to reduce it to the lowest degree possible.

Clothed with the authority conferred by the pending measure, the Secretary of the Treasury will undoubtedly be able to effect an immediate conversion of several hundred millions of the high interest-bearing bonds into the 2 per cent bonds authorized.

Mr. President, the senior Senator from Colorado [Mr. TELLER], for whom I entertain the highest respect, expressed his fear of bonds, and the senior Senator from Missouri [Mr. COCKRELL], than whom there is no more serviceable member of this body, perceives in the present movement the effort to perpetuate the national debt.

There is, sir, in our past history no basis for the intimation that the party in power is predisposed to increase or in any manner unduly to extend the bonds of the Government. Under the administration of that party we have witnessed the reduction of the interest-bearing public debt from $2,383,033,315 at the close of the civil war to $585,037,100 at the close of Harrison's Administration, and with the reduction of the principal has gone a reduction of the interest upon what remained. With the exception of some ninety millons of bonds issued preparatory to the resumption of specie payments in 1879, no Republican Administration ever increased the bonded debt except for the purposes of war.

Contrast with this record the issue of $262,000,000 of bonds by the last Democratic Administration to meet peace requirements.

The addition of $200,000,000 of bonds to the national debt by the present Administration for the prosecution of the Spanish-American war needs no word of justification.

Those bonds are held by the people of the country, and are to-day at a premium, as the distinguished Senator from Minnesota [Mr. DAVIS] suggests. Could that result have been accomplished, Mr. President, under a free-coinage law such as is proposed by way of amendment to the pending measure? Those bonds, sir, have, according to the intent of Congress as expressed in the act authorizing them, been distributed equitably among the people of the country by the present Secretary of the Treasury, one of the ablest Secretaries who ever sat in the chair once occupied by Alexander Hamilton, a Secretary who is deserving of praise for his able and faithful administration of a great trust.

It has been a familiar assertion and assumption of the advocates of free silver that there exists a gold-hoarding class; that the holders of the bonds of the Government, who are assailed as if they were enemies of society, exact gold in their payment, and that the advocates of the gold standard seek to promote their selfish interests.

Like many other propositions which have been advanced, this is without the slightest foundation in fact. The truth is, as I had occasion to show in the debate upon the war-revenue bill, that the holders of bonds rarely exact gold; that they are usually paid by checks and drafts and not in any specific money, either paper, silver, or gold, and that whenever currency is paid it is paid, as a rule, indiscriminately. In the current practice, checks are drawn to the holders of the bonds and are by them deposited in bank, as other deposits are made, subject to check or draft. The desire for gold in the payment of Government as well as other obligations will arise chiefly only when there is doubt as to the purpose or ability of the Government to pay in that metal. The more absolute and certain the establishment and maintenance of the gold standard, the less will be the desire of the people for the payment of obligations in that coin.

The senior Senator from Colorado [Mr. TELLER], who I regret to see is not in the Chamber at this moment, has been pleased to refer to the measure before the Senate as the fruit of a caucus, as having been inspired by a junta which met at Indianapolis. Such charges, detract from the dignity of the debate upon this great question, and are scarcely worthy of answer.

There never was a measure before the Senate which was freer from the suggestion of caucus, or which is more responsive to the demand of the people, than that which has been reported by the committee. It is but a concrete statement of the will of the people of the country.

Sir, the monetary commission, or the "junta," to use the language of the Senator, which met at Indianapolis, was composed of men of eminent ability, one of them for many years a most distinguished member of this body, with no purpose to subserve except the best interests of the country. They have given intelligent consideration to the great monetary question from as exalted motives as can inspire men, and are entitled to more than censure and contumely, whether or not their suggestions in whole or in part received attentive consideration by any committee. There is no fitter place, sir, than Indiana in which a monetary commission could originate, for that State was one of the first to take a firm and positive stand against the heresy of free silver coinage and in favor of the gold standard. But these considerations are entirely aside from the purpose. I have been provoked to them by what seems to me to be the ungenerous observations of the honorable Senator from Colorado.

There has been much fervid denunciation of the gold standard by the opposition, as though it were inimical to the public welfare. The truth is that the greatest achievements, which are the rich fruits of peace, have been witnessed during the existence of the single gold standard.

There have been temporary periods of reaction, but the general trend of development has been upward. The most serious reactions have occurred when the permanency of our standard has been imperiled through the operation of unwise laws. The most acute disorders have been experienced, affecting both labor and capital, when our currency seemed to be most involved.

The story of the growth and development of the country from 1870, three years prior to the adoption of the gold standard, and 1899, both years included, is without a parallel, perhaps, in this or any other country.

I shall submit a table prepared by the Secretary of the Treasury, which illustrates more forcibly than any words I can utter the tremendous growth and development of the Republic under the existing gold standard. It will be observed that while our population increased 100 per cent, the money in circulation increased 182 per cent. Deposits in savings banks, where are gathered the earnings of the workingmen of the country, increased 327 per cent. Newspapers and periodicals, which measure the intellectual growth of the people, increased 261 per cent.

Mr. BEVERIDGE. For what years?

Mr. FAIRBANKS. The years 1870–1899. The story is a long and interesting one, which must quicken the pride and prove an inspiration to every citizen of the Republic.

Shall this splendid history be reversed? Can we write a new chapter more brilliant than the past by the introduction of a currency standard which has been discarded by every enlightened nation on the face of the earth? Those, sir, who denounce the gold standard and assail its supporters must have read to no profit the splendid and incomparable history of their country.

No higher duty rests upon the Congress than that of providing a sound and stable monetary system for the people, good throughout the Republic, a standard as fixed and as unvarying as the best wisdom can devise; a standard which shall be the same from year to year so far as human foresight can determine, the same when contracts mature as when they are made—a standard whose integrity is unquestioned and unquestionable.

Sir, such a standard is before us.

Table showing growth or diminution of certain items relating to the country's development between the years 1870–1899, with the percentage of change between the first and last periods.

	1870.	1880.	1890.	1895.	1899.	1870–1899.
						Per cent of increase.
Population	38,558,371	50,155,783	62,622,250	69,878,000	76,148,000	100
Salaries paid in public schools ..... dollars..	37,832,556	55,942,972	91,836,484	113,872,388	123,809,412	227
Newspapers and periodicals published	5,871	11,314	16,930	19,530	21,178	261
Post-offices in existence	28,492	42,989	62,401	70,064	75,000	163
Receipts of Post-Office Department ..... dollars..	19,772,221	33,315,479	60,882,097	76,983,128	95,021,384	380
Telegraph messages sent	9,157,646	29,215,509	63,358,762	70,801,207	76,895,175	739
Railways in operation ..... miles..	52,922	93,262	166,654	181,065	b 186,810	253
Tons of freight carried 1 mile	No data.	a 39,302,209,249	79,192,985,125	88,567,770,801	b 114,506,173,191	192
Average freight rate per ton ..... mile..	1.94	1.17	93	.84	.75	c 61
Tonnage of vessels passing through Sault Ste. Marie Canal	690,826	1,734,880	8,454,435	16,806,781	21,958,347	3,079
Wheat produced ..... bushels..	235,884,700	498,549,868	399,262,000	467,102,947	547,303,843	132
Corn produced ..... do....	1,094,255,000	1,717,434,593	1,489,970,000	2,151,139,580	2,078,145,333	89
Cotton produced ..... pounds..	1,451,401,357	2,771,797,156	3,027,306,183	5,036,984,400	5,703,689,282	293
Cotton (domestic) taken by mills ..... bales..	857,000	1,795,000	2,325,000	2,871,000	3,632,000	324
Coal produced ..... tons..	32,865,000	63,822,830	140,896,931	172,429,396	b 196,405,953	498
Petroleum produced ..... gallons..	185,202,672	836,304,132	1,476,867,546	2,072,463,672	b 2,325,297,786	1,155
Pig iron produced ..... tons..	1,665,179	3,835,191	9,202,703	9,446,308	b 11,773,934	607
Steel produced ..... do....	68,750	1,247,335	4,277,071	6,114,854	b 8,932,857	12,892
Imports of manufactures of iron and steel ..... dollars..	32,665,454	71,268,699	41,679,501	23,048,515	12,100,440	c 63
Exports of manufactures of iron and steel ..... do....	11,002,902	14,716,524	25,542,308	32,000,989	93,716,031	752
Imports of raw silk for manufacturing ..... pounds..	583,589	2,562,236	7,347,909	8,905,839	11,236,846	1,825
Imports of crude rubber for manufacturing ..... do....	9,624,098	16,826,099	33,842,374	39,741,607	51,063,066	431
Exports of manufactures ..... dollars..	68,279,764	102,856,015	151,102,376	183,595,743	338,067,794	396
Exports of agricultural products ..... do....	361,188,483	685,961,091	629,820,808	553,210,026	784,999,000	117
Total exports ..... do....	392,771,768	835,638,058	857,828,684	807,538,165	1,227,023,302	212
Total imports ..... do....	435,958,408	667,954,746	789,310,409	731,969,965	697,148,489	60
Total money in circulation ..... do....	675,212,794	973,382,228	1,429,251,270	1,601,988,473	1,904,071,881	182
Per capita money in circulation ..... do....	17.50	19.41	22.82	22.93	25.00	43
Deposits in savings banks ..... do....	549,874,358	819,106,973	1,524,844,506	1,810,507,023	2,230,366,954	327
Number of depositors in savings banks	1,630,846	2,335,582	4,258,893	4,875,519	5,697,818	248
American vessels, domestic trade ..... tonnage..	2,729,707	2,715,224	3,477,802	3,797,773	4,015,902	47
American vessels, foreign trade ..... do....	1,516,800	1,352,810	946,695	838,187	848,246	c 44
American vessels, Great Lakes only ..... do....	684,704	605,102	1,063,063	1,241,459	1,446,348	111

a 1882. b 1898. c Decrease.

Mr. BUTLER. Mr. President——

Mr. FORAKER. Will the Senator from North Carolina yield for a moment?

The PRESIDING OFFICER (Mr. WELLINGTON in the chair). Will the Senator from North Carolina yield to the Senator from Ohio?

Mr. BUTLER. Yes, sir.

Mr. FORAKER. The unfinished business was laid aside temporarily to allow the Senator from Indiana to speak. I ask that it may be in the same way disposed of until the Senator from North Carolina can conclude his remarks.

Mr. ALDRICH. I understand that the unanimous-consent agreement under which we are proceeding does not displace the unfinished business, but these speeches are made by unanimous consent.

Mr. FORAKER. If that is so understood, it will be a convenience. I called attention to it only for fear it might not be so understood.

Mr. ALDRICH. I think that was a part of the unanimous-consent agreement.

The PRESIDING OFFICER. The Senator from North Carolina will proceed.

Mr. BUTLER. Mr. President, I have been called from the Chamber several times during the speech of the Senator from Indiana [Mr. FAIRBANKS], and therefore have been deprived of the pleasure of hearing all that he has said. I have been very much struck by several statements made by him. I wish to call attention now especially to his closing sentences. He said, if I understood him correctly, that he was in favor of Congress establishing a sound and stable monetary system for this country, an unchanging and invariable standard, one that would be the same to-day, to-morrow, next year, and forever, so that the contract made to-day could be settled and satisfied ten years or at any time in the future with the same amount of labor or produce as at present. He said, as I understood him, that he was for such a standard or monetary system as that.

Mr. FAIRBANKS. I did not hear the beginning of the Senator's remarks; but I think, from what I heard toward the close, he quite misunderstood what I did say.

Mr. BUTLER. Well, I was about to say that I agreed with the Senator. But if he does not favor that kind of a financial system, then I should like to know just what the Senator does favor.

Mr. FAIRBANKS. I favor a standard as fixed and unvarying as the best wisdom can devise, a standard which shall be the same from year to year, so far as human foresight can determine. There may be better standards, but human wisdom has never devised one better than this.

Mr. BUTLER. I am not sure now that I understand the Senator. Do I understand that the Senator objects to my statement of his position, as I understood it, that it was the duty of Congress to provide a sound and stable monetary system for this country, so that the dollar would have an unchangeable purchasing and debt-paying power, the same when a mortgage or other contract becomes due as when it was made? If so, then am I to understand that the Senator is opposed to having a monetary system that will maintain stability of prices? If I can have the Senator's attention, I should like to understand him exactly and have him to answer my inquiry.

Mr. FAIRBANKS. I beg the Senator's pardon. My attention was diverted for a moment.

Mr. BUTLER. Do I understand that the Senator objects to my stating that he favors the establishment by Congress of a financial system that will maintain stability of prices and enable a man who makes a contract to-day to settle it twenty years from date with the same amount of produce or labor that would settle it to-day; that will keep the purchasing and debt-paying power of the dollar the same to-day, to-morrow, and twenty years from to-day? I stated that that was his position as I understood it, and he interrupted me and said I misrepresented him. Then do I understand the Senator does not favor that kind of a financial system?

Mr. FAIRBANKS. I do not know what conundrum the Senator has in his mind. The idea I intended to convey was that according to the best wisdom and the best experience of the leading nations gold is deemed to be the least fluctuating standard of value; that it is more uniform, more fixed, in its value from year to year; that that is the standard which should be adopted as the standard of this country. That is what I meant to say.

Mr. BUTLER. I understand thoroughly that the Senator favors limiting the full legal-tender money of the country to gold, but I understood him to say that he favored that method because it would result in maintaining stability of prices and making the purchasing and debt-paying power of the dollar always the same—the same when contracts mature as when they are made. I will not discuss his method—the gold standard—with him now, but will later. I want to see first if we can not agree on a principle—on a result to be accomplished—and then I will discuss the proper method or means. Does he favor that kind of a monetary system?

Mr. FAIRBANKS. I really do not understand what the Senator has in his mind. I favor that monetary standard by which all values are measured which shall be as unvarying as it is possible to devise it.

Mr. BUTLER. Does the Senator, then, favor a financial system, if one can be devised by human wisdom, that will maintain a general stability of prices, one under which the dollar will have as little fluctuation in purchasing power, up and down, as possible year after year?

Mr. FAIRBANKS. Well, I now clearly understand the Senator and am glad to answer him; the financial system has nothing whatever to do with regulating prices. They may go up and down in response to a thousand and one different influences. They may be modified by inventions, by new discoveries. They have nothing to do with the standard by which their values shall be measured.

Mr. BUTLER. I am astonished at the Senator's statement that the financial system has nothing to do with prices. Other things being equal, the volume of money in circulation has a controlling influence upon prices. But——

Mr. FAIRBANKS. The great law of supply and demand in the final analysis regulates prices.

Mr. BUTLER. Of course the supply and demand for any given article has an effect upon the price of that article, but the effect is confined to that one article, according to its scarcity or the demand for it. But I am referring to the effect that an increased or decreased volume of money has upon the prices of all articles and upon the value of all debts on account of its effect upon the purchasing power of each dollar regardless of the scarcity or demand for any one given article. Increase unduly the volume of money and up go all prices; decrease the volume and down go all prices.

Mr. FAIRBANKS. I do not see anything about that——

Mr. BUTLER. The Senator will surely admit that a sudden and radical increase or decrease in the volume of money would have a great deal to do with the range of prices, whether high or low.

Mr. FAIRBANKS. Let me put a question. Does depreciating the value of your standard make a rise in prices?

Mr. BUTLER. The scarcer you make the number of legal-tender units——

Mr. FAIRBANKS. In other words, can you put prices up by putting the value of money down?

Mr. BUTLER. The range of prices in any country depends upon the number of units of money in circulation that measure those prices. I take it that is an elementary principle of political economy that will not be questioned.

Mr. FAIRBANKS. Then the more units you have the higher the prices?

Mr. BUTLER. Certainly. Does the Senator deny it?

Mr. FAIRBANKS. Then why not increase to an unlimited amount your units, and raise prices to the clouds.

Mr. SPOONER. What is the Senator in favor of?

Mr. BUTLER. I will answer both Senators fully and frankly. I hope the Senator from Indiana will not run away. Let us see if we can not understand each other.

Mr. FAIRBANKS. The Senator from Indiana will not run away.

Mr. BUTLER. I am not any more in favor of unlimited inflation than I am in favor of unlimited contraction of the volume of money; they both lead to panics and ruin. I am in favor of stability of prices, and I maintain that the only way to secure that desired result is to have all money issued by the Government and have its volume increased each year with the increase of population and business. That is an answer to both Senators.

Now, Mr. President, my greatest objection to this bill is the practically unlimited power of contraction and inflation that it places into the hands of national banks. If I read this bill aright, it puts into the hands of the national banks the power to contract or inflate the currency of the country $840,000,000 whenever they see fit, without any permission of Congress, without any regard to the needs of the people and the business world. That is a most dangerous power.

Mr. FAIRBANKS. Let me put a question. Would you rather have the national banks inflate the currency, or the State banks?

Mr. BUTLER. I am not in favor of either.

Mr. FAIRBANKS. Are you in favor of——

Mr. BUTLER. I am in favor of the people regulating the volume of the money of the country through their agents, their representatives in Congress. I believe that the people themselves are capable of self-government, and the man who says they are not slanders the American people. I believe that all the people are safer and wiser to regulate their volume of money than any one man, or any three or four thousand banks, or any other private interests.

Mr. FAIRBANKS. You want to have the inflation done by the people themselves?

Mr. BUTLER. Certainly. Who can be trusted more than the people—all the people? Are a few wiser and more patriotic than

all? If so, then self-government is a failure. The people can be trusted to inflate the volume of money just as fast as business requires it, and no faster. Why should the people trust those who say that they can not trust the people? This is a sovereign function of the Government, and the people should not delegate it. The history of the country shows that the people have never demanded an increase of a circulating medium except when there were falling prices or when there was a war.

Mr. SPOONER. If the more you inflate it——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Wisconsin?

Mr. BUTLER. Certainly.

Mr. SPOONER. If the more you inflate it the higher the prices go, where would be the limit when you desire to inflate it?

Mr. BUTLER. That is a very pertinent question to be put to those who are in favor of allowing the banks to contract or inflate the volume of money. It requires an exercise of both wisdom and patriotism to inflate the volume of money only so much as the increasing needs of population and business require. Now, shall all the people or a few banks be trusted to do it? That is the question. Under this bill you make it at once profitable to the banks to put out bank paper, and they will do it, and up will go prices as long as it is profitable to them, and then will come contraction as long as they find that profitable. It will end in a panic of expansion. Unlimited inflation of money results just where continuous contraction results. They at last lead to the same thing—panics, disaster, and ruin, and you have to start over again. I am just as much opposed to the one as the other. One is just as wrong in principle as the other.

Mr. SPOONER. May I ask the Senator what financial system he is in favor of?

Mr. BUTLER. With a great deal of pleasure.

Mr. SPOONER. He is not in favor of national banks and he is not in favor of State banks. What is he in favor of?

Mr. BUTLER. Mr. President, as far as banks are concerned, I am in favor of all kinds of banks as long as they do a legitimate banking business. But I am opposed to banks of issue, both State and national. It is no part of the business of banks to issue money and control its volume. That is my position as to banks. Now, as to the kind of financial system that I favor, I will say that I offered a substitute for this bill which speaks for itself. But I will state now in addition that I favor a money of gold, silver, and paper, every dollar issued by the Government and every dollar a full legal tender.

I am not so particular about whether the dollars are coined of gold, silver, or paper—I have no sentiments or prejudices as to the material—but the essential thing is the quantity, and that quantity should be regulated by whom? By John Smith or Tom, Dick, or Harry? No! That would not be wise nor safe. But it should be controlled by the highest, wisest, and most responsible and patriotic power in the nation. Will anyone deny this? Then who is it that should control the volume of money; is it the bankers or is it Congress? I would have every dollar Government money, and I would have Congress to increase the volume each year with the increase of population and business, so as to keep the purchasing and debt-paying power of each dollar always the same. When the purchasing power of the dollar is unchangeable, then we have practically a stable price level, and all contracts are worth no more nor less at maturity than when made.

Mr. President, it is not so vitally important what the volume of money is to begin with, but the important thing is that the volume on which business is being done and contracts are made shall not be contracted nor expanded any faster than the increasing needs of population and business demand. Who will deny that this is a correct principle to control the volume of our money? Then, who shall control the volume of money according to this principle? I would leave that to Congress. Who else is wiser, who else is more patriotic, who else should legislate for the people, than Congress? Would you turn over all the legislation to 5,000 bankers? There is no more important function of government than regulating the volume of the people's money, and the Constitution makes this the duty of Congress. If Congress is not going to do that, then we have abandoned the most important function of Government, and, in the name of Shylock, we might go home and leave all the details of legislation to the same people who control the people's money. I will ask the Senator from Wisconsin [Mr. SPOONER] if, in his opinion, the 4,000 or 5,000 bankers, who have necessarily more or less selfish and personal interests in the volume of money which are and must be antagonistic to the interests of the public generally, are more patriotic or wiser or safer to leave this matter to than the people's representatives? The Senator asked me a question, and I have answered him. I now ask him one.

Mr. SPOONER. I do not see the slightest pertinency to the question.

Mr. BUTLER. That may be my misfortune, but I think it is the Senator's.

Mr. SPOONER. I should expect the Senator to think that, of course.

Mr. BUTLER. I am willing to abide the judgment of the Senate and the country as to that. The Senator asked me to whom I would give the power to regulate the volume of money for the country. This bill provides for leaving it to the bankers, and I said I would leave it to Congress. Then I asked the Senator if he thought it was safer and better to leave it to the bankers; if they were more patriotic; if their wisdom was greater than that of Congress. Under the bill that he supports the bankers manage it. Under the proposition that I favored Congress manages it. What could be more pertinent than my question? But I let that pass.

Mr. President, I do not think the business interests of this country outside of the banks have thoroughly grasped what this bill means. I am satisfied, if I can understand the bill, that the great mass of the business interests of the country would look upon it with fear and trembling. They surely will look upon it that way if the power given to the bankers in this bill is exercised. I do not believe there is a business man in the United States outside of the banking ring who wants to see the volume of money fluctuate suddenly; who wants to see one volume of money this month, another volume to-morrow; who wants to see prices fluctuate up and down without any system or regularity or without any regard to the effect of the law of supply and demand. This bill puts it in the power of a few men, without consulting Congress or the people, to inflate or contract the currency as much as $840,000,000 of bank paper. Do you tell me that that will not have a wonderful effect upon prices and the purchasing power of money? Do you tell me that that will not stimulate or depress business to an abnormal degree? Do you tell me that that will not make business drunk with inflation or prostrate with contraction?

You may say they will not abuse that great power. But are they not more likely to abuse that power than Congress? Even if their personal interests should not be antagonistic to the interests of the public, are they wiser and more representative of the people than the members of Congress? The Constitution makes it the duty of Congress to provide for the manufacture of money by the Government, and the further duty to regulate the purchasing power of the dollar. The purchasing power is regulated by regulating the quantity of units or dollars. This is the greatest and most important duty put in the hands of Congress. Shall Congress delegate this most important duty to private corporations? It is more criminal to do so than it would be for Congress to delegate to the banks the absolute power to levy and collect taxes.

The Senator from Indiana [Mr. FAIRBANKS] in his speech attempted to show the danger of free coinage of silver. He said that there was danger of great inflation from the unlimited coinage of silver, while a limited amount of silver could be used safely. I agree with him that it is possible that there might be such an abnormal, undreamed-of, and enormous output of gold and silver from the mines that the unlimited coinage of both would increase the volume of money faster than the increase of population and business, and thus cause undue inflation. In that event the coinage of both should be limited (after all bank paper had been retired and replaced by this new gold and silver money), so that the increase each year should be regulated by the rule I have already laid down. That is the kind of a financial system that I favor. But who will say that if the mints were now opened to the unlimited coinage of silver—who will say that the inflation would be one-tenth as great as it would be under this bill if the banks were at once to put $640,000,000 of bank currency in addition to the $200,000,000 they now have out?

Why, Mr. President, the accidents of the output of gold and silver are not so dangerous as the accidents of the output of bank paper. The gold standard is an accidental standard. The silver standard is an accidental standard. A bimetallic standard is an accidental standard. But the accidents are not so great with two metals as with one. It would be vastly better to leave the volume of money to the accidents of the mines than to the accidents of the banks, supplemented by human selfishness and private greed.

But, Mr. President, I am opposed to an accidental standard of any kind. This bill provides for the most uncertain and accidental standard the world has ever known. It limits the full legal-tender money of the country to gold alone, the output of which may be double next year what it was last, or only half as much. Then it gives free and unlimited power to the banks to supplement this gold money with bank currency ranging anywhere from $1 to $840,000,000 in volume. Is it possible for anything to be more uncertain and crazy?

Now, let us look for a moment and see how uncertain and fluctuating has been the supply of gold in recent years. From 1800 to 1840, the first forty years of the history of the present century, there was an average of only ten million and a half gold dug out of the mines in a year. Think of it! Ten and a half millions was the average for the first forty years of this century. From

1840 to 1850 the average jumped to $36,392,000. From 1850 to 1860, what? It suddenly jumped to $133,000,000 a year. The gold production in the ten years from 1840 to 1850 was thirty-six millions a year, and in the next decade, from 1850 to 1860, it was one hundred and thirty-three millions a year. Is there any relation between the increase of population and business and the ratio of increase of gold for money? No; there was gold inflation.

There was a population increasing how much? About 20 per cent. You have got an output of gold increasing about four hundred and some odd per cent. Under that kind of sudden inflation the purchasing power of every dollar would fall under the gold standard and the price level would rise.

Suppose, then, it happened the other way. It has happened the other way. From 1860 to 1870 what was the outpnt of gold per year? Was it still a hundred and thirty-three million? No; it dropped down to a hundred and twenty-six million a year. Population had increased, business had increased thirty-three and a third per cent, and yet the output of gold dropped from one hundred and thirty-three to one hundred and twenty-six million. So here we have the population increasing, while the volume of the money metal is decreasing. So what is the result if we depend upon the free coinage of gold alone? The purchasing power of the dollar rises, the price of everything else falls. Such is the inevitable result with an accidental standard.

What happened from 1870 to 1880? The output of gold dropped from one hundred and twenty-six million a year to one hundred and fifteen million. There during that twenty years you had the population to increase more than 50 per cent and you had the output of the metal from which the money, made the standard by this bill, was coined to drop from one hundred and thirty-three to a hundred and fifteen million.

How was it for the next decade? From 1880 to 1890 what was the output of gold per year? A hundred and six millions only. Thirty years before it was a hundred and thirty-three millions a year. During that time the population of the country doubled, and yet the output of gold, instead of doubling, as it should to keep pace with the increased demand, dropped from one hundred and thirty-three to one hundred and six million. Thus we see that the output of gold should have been two hundred and sixty-six million instead of a hundred and six million in order to preserve the purchasing power of the dollar unchanged and to maintain the stability of prices. But what did happen? The money supply being short, due to the accidents of the mines, the purchasing power of the dollar nearly doubled and the price of everything else fell.

Now, with these facts before us, have we the hardihood to tell the Senate and the country that it is safe for us to make the supply of full legal-tender money depend upon the accidental output of the gold mines? Will anyone dare to claim that such a financial system will give us a dollar of unchangeable purchasing power? Will anyone dare to maintain that such a system will preserve the value of contracts and insure stability of prices? Any boy knows better. A ten-year-old boy can understand that while population doubled that the output of gold instead of doubling dropped to one-half what population and business required, and that therefore the nation was short on money.

Now, let us see what has happened since 1890. From 1890 to 1893 the output of gold was increasing. The average for the three years, 1890 to 1893, was a hundred and thirty-two million dollars. But, mark you, this was less than the output from 1860 to 1870. How was it in 1894? The output of gold jumped to a hundred and eighty-one million. In 1895? It jumped to a hundred and ninety-eight million dollars. In 1896? It jumped to two hundred million. In 1897? It jumped to two hundred and thirty-seven million. In 1898? It jumped to two hundred and ninety million. In 1899, last year, it reached the highest notch, three hundred million.

Recently new gold fields have been discovered at Cape Nome, in another part of Alaska, which promise to be richer than the Klondike, while other new gold fields have recently been discovered in different parts of the world. The output of gold might possibly be $400,000,000 next year. This may continue for a few years. Then what? The mines will play out, as they have in the past. The gold output will drop suddenly, at the very time that a stimulated business activity will need each year a considerable amount of new money. Then a panic. Then our gold-standard friends will tell the world that the panic was not due to the gold standard, but that it was natural for it to come, and that it would have been worse had it not been for the gold standard; and some people will be fools enough to believe it.

But what are our gold-standard friends telling us now? They tell us that we should pass this bill because prices are now rising, and because there is now some evidence of prosperity in certain spots. I should like to ask some Goldite if they knew when they declared for the gold standard that there was going to be an output of $300,000,000 of gold last year, and if they think they deserve any credit for it. Suppose it had not come. They were for the gold standard anyway.

The fact is that nobody is so disturbed about the increase of gold to-day as the men who are clamoring for the gold standard. They are for the gold standard because they want to make money scarce. They think the chances are that it will be scarcer than any other money metal. But to-day it is increasing. Whatever prosperity comes under it comes in spite of their desires. I predict, and history proves it, that if the output of gold in the next few years shall be large enough to maintain the stability of prices and meet the increasing demands of population and business, you will have the banking interests of this country clamoring for the demonetization of gold. The venerable Senator from Missouri [Mr. VEST] told me a few days ago that soon after the great gold discoveries in California that the bankers of his city, St. Louis, held a meeting and passed resolutions petitioning Congress to demonetize gold, because they got uneasy and thought it would be too plentiful. We know the movement was started in Germany. We know it will be started here or anywhere whenever the output of gold is sufficient to meet the needs of population and business.

There are but two sides to the money question. It is not a question of gold or silver or paper. The only question is that of quantity, and quantity regulates quality. Unchangeable purchasing power of the dollar can only be controlled and maintained by regulating the quantity. There are two sides. One side wants it scarce. The other side—and with that side I stand, and if there is any other side I have no sympathy with it—wants the quantity to increase each year with the increase of population and business, so that there may be stability of prices, so that the contract of to-day and the contract when it matures shall be the same. Any man who wants any different policy, whether he calls himself a gold man or a silver man, is for a dishonest policy, in my judgment. I do not charge him with having such motives, but that is the effect, according to my judgment, and it seems to me so plain that there ought to be no misunderstanding about it. There can be no misunderstanding about so plain and simple a proposition if we will use the same common sense about it that we use when dealing with other questions. There has been a fluctuation in the production of silver almost as great as gold, at some periods even greater. Therefore if we have a bimetallic standard we still have an accidental standard, though subject to less fluctuation, and therefore less objectionable. The only common-sense system is to have the supply of gold and silver supplemented by Government greenbacks, so as to furnish each year just the necessary volume of new money to maintain stability of prices.

Mr. President, all this talk about parity between gold and silver and about the danger of 16 to 1, all this fight between the metals, has simply served to confuse the American public. Since this bill is to pass, there is one good purpose which it will serve by the very damage that it will sooner or later inflict. It will help to clarify the atmosphere. It will break up some of the prejudices of mankind about gold and silver. It will put the people to thinking about the money question in a common-sense way for themselves and not listen to what the "financiers" tell them. It will cause the business men of the country to open their eyes to their interests and the interests of every productive industry. It will cause them to discover that the financial system that they want is simply this: So many units of money, an increase each year in proportion to the increase of population and business, without any regard to whether it is gold, silver, or paper. This bill will teach them by bitter experience that the Government and not the bankers should control its volume.

Mr. President, this bill not only fixes an accidental standard, but the authors of it themselves admit that gold is too scarce to supply the needs of the country. What did they proceed to do next? They proceeded to supplement the gold money with bank paper. The bill contains a confession that the gold standard is a fraud. It contains a confession that there is not enough gold; that the country would starve from a money famine. Then they proceed to provide a banking scheme to supplement gold with paper money, which will aggravate the fluctuations under the accidental gold standard.

I have shown that the gold standard is at best an accidental standard. I have shown that when any government opens its mints to the free coinage of any one or two metals for money, that the only way that that government could offset the accidental and fluctuating output of the metals and always provide for a sufficient supply of money, when the output from the mines was too little, was by that government issuing paper money to supply such deficiency, and thus properly regulate the volume of money. This is the only possible way for any government to neutralize the evil effects of an accidental specie standard and maintain stability of prices. But what shall we say of a government that adopts an accidental gold standard, and then, instead of issuing itself paper money to supplement a scarce supply of gold, should give to a few private persons or private corporations the power to issue paper money without any regard to the supply of gold, and without any

regard to the needs of business? That would be an accidental standard with a vengeance. It would be an accidental gold standard, aggravated by an accidental volume of bank paper. That would be a wild and monstrous scheme; yet that is what this bill does.

Let us look for one moment at what the present banking law provides and see exactly what change is made. The present law allows the banks to issue $90 of currency for every $100 bond. But this bill allows them to issue dollar for dollar. Under the present banking law there was, on the 1st day of September of last year, six hundred and five millions of capital stock on the part of the 3,595 banks. Under the law which allows them to take up 90 per cent of their capital stock they could have had in circulation how much bank paper? Five hundred and forty-four million dollars. That is, the law as it now stands permits the 3,595 banks to issue and put into circulation five hundred and forty millions of currency.

Is there that much bank currency in circulation? No. Congress gave them the power, and they have done just as they have seen fit. They have put out three hundred millions, four hundred millions, two hundred millions—just what they saw fit to put out. They have run this scale up and down, trifling with prices, trifling with contracts, trifling with the most sacred relations of business, as it suited their whim. How much bank paper is there out to-day? On the 1st day of last September there was, in round numbers, only $200,000,000. The banks could put out five hundred and forty millions. They put out only $200,000,000. They could have put out none. Tell me, is it safe to put into the hands of a few individuals the power to expand the currency $540,000,000 or to shrink it to nothing, as they see fit? That is the present law, and with the power to put out five hundred and forty millions they put out to-day only two hundred millions.

What does this bill propose to do? It proposes to make that power greater. It proposes to make it more profitable to the banks to issue currency, and then permit them to issue a hundred dollars instead of $90. That is not all. It knocks down the 1 per cent tax on bank currency to one-half of 1 per cent, so as to make it much more profitable. What does that mean? It gives the power to these banks to inflate the currency of this country, whether we need it or not, $840,000,000, and besides makes it profitable for them to do it when they see fit. I do not think there is a safe, careful, wise business man in this nation, outside of a bank, who will not say, when he realizes what this bill means, that that is a dangerous power for a few individuals to have. And yet we, the legislators for the people, here abdicate that power we have sworn to exercise, to regulate the volume of money, and put it into the hands of those few men. We not only put it into their hands, but we make it profitable for them to put the money out and then leave it to their discretion to withdraw it whenever it is more profitable to contract the volume of money.

Let us look for a moment at the amount of interest that the people will pay to the banks on the bonds deposited in exchange for paper money. Eight hundred and fifty million dollars of bonds are to be refunded, and all of them will be deposited for bank circulation. This is certain, for in exchange for these 2 per cent bonds there can be obtained an equal amount of paper money. On this paper money there is a tax of one-half per cent, which, deducted from the 2 per cent per annum paid by the Government on the bonds, leaves 1½ per cent per annum on $850,000,000, which the people must pay to the banks that issue the paper money. This interest amounts to $12,750,000 per year; and as the bonds run thirty years, the amount to be paid is $382,500,000. This sum the people pay to the banks for issuing for them their paper money, and this is only a small fraction of the benefit which the private corporations known as national banks are to receive, for they will control the price level, and through this control they will reap not only untold hundreds of millions of dollars, if permitted to continue their hold, but they will also control elections very largely, and in case of a serious war will determine the fate of the Government.

Mr. President, paper money should be issued by this Government. Can anything be plainer than that it is wisdom and common sense that every dollar of paper money should be Government paper and not bank paper? It would save the $382,000,000 interest that the Government must pay the banks as a bonus for giving them the privilege of issuing our money. That is of small importance compared to the enormous power that we put into the hands of a few men when we let them regulate our volume of money as they see fit. I would rather turn over to private individuals or corporations the power of taxation and allow them to fix the taxes they might desire to levy each year on us than to turn over to them the power to control the nation's currency. Taxation is not near so dangerous as the power to inflate or contract the volume of money which affects every contract in the nation, affects every product in the nation, affects the laborer and every individual who earns his living by the sweat of his face. Yet that is what this bill does.

Mr. President, even the New York Sun, which favors the accidental gold standard, is alarmed at the great power of contraction and inflation given to the banks by this bill. The following extract, credited to the Sun, I see in another paper:

> Under the bill the currency is to be swelled by at least $24,000,000 of bank, as well as by $20,000,000 of cash premiums paid by the Treasury, and if this were all it would not be a very serious matter, but since the total issue of new bonds is to be $840,000,000, in which $630,000,000 additional bank notes may be issued, besides a cash premium of $90,000,000, the bill threatens a possible addition to our currency of $720,000,000. Such an inflation would produce an unnatural rise in prices of all kinds of property, wild speculation and the collapse with which that speculation is followed in due course of time. The banks, under the proposed law, will take out all the circulation that they can, and they will lend as much of it as they can. Borrowers, tempted by the facilities thus pressed upon them, will begin to buy stocks, merchandise, and real estate, and at first will sell them again at a profit. Then the new holders will resell to new purchasers, and prices will go on rising higher and higher until the tide turns and a collapse and a panic put an end to the business.

Mr. President, this bill is dangerous, and it is dangerous to the business interests which to-day are being claimed to be in favor of it. It is dangerous by its danger of inflation as well as by the danger of contraction. As I said a few moments ago, the only good I can see that will ever come from it will be that it will arouse the attention of the American people so that they will look at this money question in a common-sense manner. It will brush aside all of the cobwebs and all the talk about parity and ratios and cause every man and woman in the country to look at it just in this light, that if we have only 50,000,000 people and we have so much money, then if our population doubles to 100,000,000 we want Congress to double the volume of money, and then products keep the same general range of prices, fluctuating only by the quantity. Then a contract is payable and a note or a mortgage when it matures is payable by the same amount of produce or labor as it was when made.

But let population double and keep the same amount of money in existence, and every dollar is twice as hard to get. A thousand-dollar mortgage takes twice as much labor to pay it. That is too simple for discussion. On the other hand, if the banks take a notion to suddenly expand the currency—to practically double it—then a mortgage becomes less valuable and you can pay it with less produce and less labor. It is dangerous either way. It is a fluctuating system. There is no stability about it. It will result in panics. If we must go through this period, which is sure to come under the pending bill, and if nothing but that kind of an experience will arouse the American people to demand a common-sense monetary system based upon the number of units, all issued by the Government, and so regulated as to keep stability of prices, then it will be a blessing to be over with it, though the experience be bitter.

A few days ago, at Baton Rouge, Mr. Bryan in a speech declared the fundamental principle upon which an honest financial system must rest. He defined what an honest dollar is. He said:

> An honest dollar is an unchangeable dollar in its purchasing power.

This is no new doctrine with Mr. Bryan. He declared for the same principle in a speech in Congress in 1893. He has declared for that kind of a financial system a hundred times since. In accepting the nomination for President at Madison Square Garden, New York City, in 1896, when he was, of course, measuring every word carefully, Mr. Bryan said:

> An absolutely honest dollar would not vary in its general purchasing power; it will be absolutely stable when measured by average prices. A dollar which increases in purchasing power is just as dishonest as a dollar which decreases in purchasing power.

Mr. President, there is the whole doctrine of an honest financial system tersely stated. Who will say that he is opposed to such a system?

Now, how can you have the dollar unchangeable in purchasing power if the amount of dollars in circulation fluctuates first up and then down, according to the accidental output of the gold mines, or according to the avarice or caprice of the banker? To have a dollar with unchangeable purchasing power, the number of dollars in circulation must increase according to a fixed and scientific rule—that is, the number of dollars to always increase in proportion to the increase of population and business, no more and no less. There is no mystery about the money question except as it has been manufactured to mystify the public. There is nothing simpler under God's sun than the question that if you have so many people to-day and so many dollars (and I am even willing to start, if necessary, with the per capita volume that we have to-day), next year the number of dollars should increase just as much as the population and business needs have increased, no more, no less.

You want prices kept stable. That is the only way to do it. You want debts not to get too hard to pay. That is the way to do it. You want a debt not to be paid in cheaper money than that in use when the debt was made. That is the way to do it. It is common sense. Some of the ablest men that this world has ever produced have been hired to prostitute their intellectual powers to try to mystify the money question. Books have been published, magazine articles written, dealing with a labyrinth of

theories to try to confuse the public mind. To a certain extent they have succeeded or else this bill could never pass. But there is nothing simpler than the money question. Double the number of people, double the value of money. Now, who shall we trust to do that? Shall it be the bankers or shall it be the people themselves through their agent, the Government?

Mr. President, I have here a carefully prepared paper in answer to that question, that I intended to read to the Senate; but it is now late and near the usual hour of adjournment, so if there is no objection I will insert it in the RECORD as a part of my remarks and will not detain the Senate to read it. We vote on this bill tomorrow at 4 o'clock, and other Senators have given notice that they desire to speak to-morrow. This paper has been prepared by Mr. Shibley, the author of a valuable book on the money question.

The PRESIDING OFFICER. Without objection, the paper referred to by the Senator from North Carolina will be printed in the RECORD.

The paper referred to is as follows:

HOW SHOULD OUR PRICE LEVEL BE CONTROLLED?

I. STATEMENT OF THE CASE.

In the discussions of the currency question by the "sound money" advocates, it is invariably taken for granted that the system which they propose for the United States, namely, the retirement of the greenbacks and Treasury notes and a complete transference to the national banks of the power to issue the paper currency, is in line with the systems which prevail in Europe and the rest of the civilized world. And on its face it has the appearance of truth, for in England the paper currency is issued through the Bank of England; in France, through the Bank of France; in Germany, through the Bank of Germany, etc. But an examination of the management of these banks discloses the fact that in each country in Europe the class of citizens known as bankers are barred from controlling the volume of the paper currency and kept from controlling the interest rate on short-time loans, and thereby they are kept from controlling the price level and the profitableness of business.

This is fully demonstrated in the outline of the principal European systems which I append after describing some elementary principles, and later there is set forth the system in this country whereby the price level and the profitableness of business are controlled by the money loaners and speculators, foreign bankers and foreign governments, and the President of the United States.

II. ELEMENTARY PRINCIPLES.

It is a well-known law of money and prices that an export of gold from this country tends to lower prices and that an inflow of money tends to raise prices; and an increase in the volume of paper money tends to raise prices, while a contraction tends to depress prices.

The way that changes in the volume of money operate on prices is through the interest rate on money—the bank rate. A raise in the bank rate makes it less profitable to hold property and pay the bank rate of interest—it lowers the value of the property and consequently some of the holders of property offer it at a lower price. This results in a larger amount of sales over those which would otherwise have occurred, and some of the loans receiving the highest interest rate are paid, thus increasing the "reserves" in the banks—increasing the cash in the bank as compared with the amount owing by the bank to depositors. On the other hand, a lowering of the bank rate makes it more profitable to hold property and pay the bank rate of interest—it raises the value of property and consequently some of the would-be purchasers of property increase their offers. This results in a larger amount of sales over that which otherwise would have occurred, and so some of the property is paid for with money drawn from the banks, and some of the purchasers borrow money or credit from the banks. This reduces the bank reserves.

It follows that they who control the bank rate control the price level, if the volume of money remains stationary.

But if the volume of money does not remain stationary, then the bank rate no longer controls the price level. For example, if the supply of money can be increased to take the place of credit, should it be withdrawn, it is apparent that those who control the supply of credit do not control the price level; and if the supply of money can be made smaller whenever the volume of credit is inflated, it is again clear that those who control the supply of credit do not control the price level.

Stated in a slightly different form from the foregoing, it may be said that those who control the supply of money control the price level. For example, the price level can be raised if the volume of money in circulation is sufficiently increased; and, on the other hand, the price level can be lowered if the volume of money in circulation is lessened sufficiently.

Another important principle is that a falling price level increases the purchasing power of money and of debts payable in money. "Falling prices" also disorganize the forces engaged in production, and the disorganization has been in proportion to the length of time that the falling prices have continued and the severity of the falls. All this is demonstrated by history.

The disorganization of industry is evidenced by the unemployed and the hungry and homeless men and women, while food and clothing pile up higher and higher and wages and profits fall. This is termed a depression in industry.

Falling prices have always ended whenever the volume of money in circulation has been increased sufficiently. Idle money in banks is not "in circulation." With the cessation of falling prices and an outlook for rising prices for products it pays to produce things for sale, and consequently the unemployed workmen and capital are both offered work, and soon the demand for workers and capital results in increased wages in the competitive industries and higher interest rates for capital, and the profits of the employers are also higher than usual.

This increased wage profit and interest comes from two sources, namely: The increased activity in all lines of production results in a considerable increase in the national product; and the rising prices mean that a shrinking volume of products is required to pay interest charges and other obligations which call for money.

The ideal monetary system is one in which each unit of money shall have a steady purchasing power; in other words, that the prices for products shall, on the average, not fluctuate, but remain stable.

Let us turn to some of the leading countries of the world and examine the systems whereby the price level is controlled and thereby is determined the volume of business and its profitableness in general, the purchasing power of money, and even national elections.

III. THE SYSTEMS IN EUROPE.

A. Direct control by the Government.

In Germany, Austria, Russia, and possibly in some other of the states, the Government controls the price level within its borders, and in a direct manner. In each of the three first-mentioned States there is a central bank, with many branches, the capital of which is contributed by individuals, while the Government, acting directly through its officers, directs the policy as to the interest rate and the issuing of paper money.

GERMANY.

By a German law of 1875 there was created the Imperial Bank. The capital is contributed by individuals, but the control of the bank is through a board of inspectors, comprising the chancellor of the Empire, as president, and four other persons, one of whom is appointed by the Emperor, and the other three by a federal council.

This board holds its meetings quarterly. The president of the board of inspectors—namely, the chancellor of the Empire, or his representative as appointed by the Emperor—directs the entire administration of the bank, except as to its business relations with his department or with other portions of the Government.

There is an advisory body, which is termed the board of directors. Its members are, upon the recommendation of the federal council, appointed by the Kaiser for life. It is manifest, then, that these advisers are also Government officials. From the standpoint of the public, the board of directors appear as the administrative and executive corps of the bank.

No officer of the bank is permitted to hold shares in the same. The shareholders meet annually in what is termed a general assembly. At these meetings they elect a central committee, consisting of fifteen members, and a substitute for each; nine of the members and their substitutes must reside in Berlin, the situs of the bank. The term of office is three years, subject to election, and one-third are elected each year.

The duties of the central committee are to make monthly examinations of the weekly reports and to promptly communicate the results to the auditor of accounts; also to make recommendations as to the maximum rate of discount and interest on loans, changes in contracts with other German banks, etc., and to make recommendations as to the filling of vacancies in the board of directors.

The shareholders are also represented by three deputies, who are members of the central committee. They are authorized to attend all the sessions of the board of directors, with advisory votes. Furthermore, the business of the bank with the official departments of the Empire or the federal states is under the control of these three deputies, except as the central committee may choose to overrule their decisions.

From the foregoing it is clear that the chancellor of the Empire, as the administrative officer of the bank, determines the interest rate at the bank except as the board of inspectors at the quarterly meeting may lay down rules for the determination of the bank rate and the volume of paper money and as the German Parliament enacts laws for the regulation of the price level.

To enable the Imperial Bank to control the price level with greater precision than heretofore a law of April 29, 1899, provides that the state banks shall not discount at less than the rate at the Imperial Bank, except when the interest rate is below 4 per cent, and in no case shall they discount more than a quarter of 1 per cent below the official rate.

The discounting of bills of exchange and the granting of loans are under statutory regulation—fixed rules—thus leaving no discretionary power in the hands of the officials after the bank rate is fixed, and the rules are such as tend to give equality of opportunity. It appears that the rules were such that the large houses received a lower rate of interest than the smaller ones, and it brought forth protests. The result was that the law of last April prohibits discounts below the official rate except when the rate is less than 4 per cent.

As to paper money, there are in Germany treasury notes and bank notes. The issue and withdrawal of the former is manifestly under direct governmental control, and such also is the case, we shall find, as to bank notes. It is this way:

The law of 1875 provides that there may be 385,000,000 marks of uncovered bank notes—paper money—with no special deposit back of it in the way of bullion or other security. Some of this paper money was apportioned to the state banks, but the conditions were so burdensome that it was reported a few years ago that most of the banks have abjured the right to issue these bank notes.

By the act of April 29, 1899, the amount of uncovered notes is increased 156,000,000 marks, making the total amount that may be issued 541,000,000 marks, and of this the Imperial Bank is empowered to issue 450,000,000. Up to this maximum the chancellor of the Empire is empowered to issue uncovered paper money. Recommendations may be offered by the board of directors.

Beyond the above maximum of uncovered notes the Imperial Bank is empowered to issue bank notes secured by deposits and the payment of interest at the rate of 5 per cent per annum. This is a high rate in Germany, and therefore it is seldom that it pays to issue bank notes under this power. As rapidly as the stress for money is passed, the 5 per cent rate forces the secured bank notes into retirement.

With this elastic volume of money at hand there is no possibility of a panic for money, whereas in England, with a fixed limit, there has occurred since 1844 three instances in which the Government officials empowered the bank to go beyond the limit in order to avoid a panic for money. The "elastic limit" system of Germany has been adopted by Austria and Japan, but in the United States and England the beneficiaries of a fluctuating price level have been able to defeat its adoption.

The manufacture and cancellation of German bank notes is under the control of the imperial deputy commissioners or court of accounts, and a special associate commissioner is appointed by the Emperor for this particular business.

There are many branch banks in Germany, but they are parts of the Government institutions—no private corporation is empowered to establish a branch bank. And the same is true as to Austria and France. In England the private corporations are given the right to establish branch banks, but they are not permitted to control the price level.

AUSTRIA.

In Austria there is also a central bank with branches, as in Germany, and the capital is likewise contributed by private individuals, while the control of the bank is in the Government. In this way the Government controls the interest rate for short-time loans, and the volume of paper money, and thus keeps the price level at the desired point.

A law enacted during the present year has strengthened the Government control of the price level. In the words of l'Economiste European of January 23, 1899, "A series of provisions has been made which transforms the bank into an institution of higher politics and submits it entirely to the influence of the two Governments."

RUSSIA.

Through the Bank of Russia the Government of the Czar controls the price level. In its new monetary law of 1899 it declares at the outset that the right to coin money and put it in circulation is part of the sovereign right of the State. In other words, the control of the price level and the profitableness of business should not be in the hands of those who reap a profit while society is being injured. The full meaning of this will appear when we consider the control of the price level by the money-loaning class, speculators, and foreign governments, and the arbitrary will of the President of the United States.

B. Combined control by government and representatives of producing classes.

The Bank of France is empowered to issue the paper money of the country, and it controls the bank rate. The central office is at Paris, and there are branches throughout the State. The capital is contributed by individuals, while the control of the bank is as follows:

There is a council which fixes the interest rate and determines the volume of paper money, except as an increase may be vetoed by the censors, who are appointed by the commercial classes.

The council is composed of the governor and his two assistants, called undergovernors, all three of whom are appointed by the President of the Republic. A board of regents and three censors are chosen by an assemblage consisting of 200 of the largest owners of shares, all of whom must be French citizens. Each shareholder has but one vote, and there are no proxies.

The general assembly meets yearly, electing regents for five years and censors for three. Five regents and all of the censors must be from the commercial classes, and in this is included the manufacturing interests. Three of the regents must be chosen from among the officials of the treasury general disbursement office.

Thus it is that the majority of the council can not consist of bankers—those whose business is that of buying and selling credits—and it follows that through the combined action of the commercial classes and government officials the bank rate is gauged and the volume of the paper money is determined, except that the censors selected by the commercial classes may veto a proposal to issue paper money. In short, the control of the price level through changes in the volume of paper is made a monopoly, and lodged in in the hands of the representatives of the commercial classes, while a monopoly control of the bank rate is in the hands of a board or commission, the majority of whom are representatives of the commercial classes and appointees of the Government.

C. Control through representatives of the producing classes.

In England the control of the price level is in the Bank of England, and all the directors of the governing board of this bank are engaged in commercial or other industrial pursuits. Bankers are expressly prohibited from membership. In the words of Bagehot in his volume on Lombard Street, "Not only no private banker is a director of the Bank of England, but no director of any joint-stock bank would be allowed to become such. The two situations would be taken to be incompatible." The reason for this he shows in an earlier chapter. He points out that the control of the price level is in the interest rate for money at the Bank of England—the bank rate.

In recent years the growth of the banking interests, other than the Bank of England, has so weakened the power of the Bank of England that a movement is on foot to so amend the system as to increase its power over the price level and enlarge the volume of gold within the country.

SUMMARY.

Summarizing the foregoing, it may be said that in the leading countries of Europe, and also in Russia, the price level is controlled by the government direct, or by the government in combination with representatives of the producing classes, or the control is solely by representatives of the producing classes.

D. European states distinguished from the United States.

In the close competition between these countries as to strength in case of war, we may be reasonably sure that the systems which have not tended to national strength—the stimulation of industry and the maintenance of a war footing—have been discarded.

But in the United States, a country which has been free from dangers from without, the control of prices, and therefore the control of industry, is by the private corporations known as national banks and speculators, except as interfered with by the President, or the foreign banks or foreign governments; and these interested parties—these bankers and speculators—desire to lessen still further the power of the United States Government to protect itself and the producing classes, for it is proposed that the greenbacks and all other forms of Government paper money shall be retired and that the private corporations known as national banks be clothed with the sole power to issue and withdraw it. Proof that these statements are not overdrawn is as follows:

IV. EXISTING SYSTEM IN THE UNITED STATES.

A. Price level under the control of foreign governments.

As stated in the foregoing section of "Elementary principles," "it is a well-known law of money and prices that an export of gold from this country tends to lower prices and that an inflow of money tends to raise prices."

We have seen that the Governments of Germany, Austria, and Russia control at will the volume of gold within their territory, and thereby are able to draw gold from this country at will or to send it into this and other countries. In France it is the combined action of the officers of the Government and representatives of the commercial classes, and in England the commercial classes, who control the export and import of gold.

Examples of the way these countries have deliberately raised their price levels and exported gold to this country, thereby raising our price level and determining the profitableness of business and national elections, and then withdrawn gold from us, lowering our price level, thus increasing the value of the debts due to these creditor countries of Europe, follow:

CONTRACTION, 1873-1879.

The European nations have for years been competing in a way which means the extinction of national life to the power or powers which lag behind in the essential war elements. Gold is one of the war weapons. In 1873 France, to keep Germany from getting her gold money in exchange for silver, closed her mints to the free coinage of silver, and since that time the "struggle for gold" has continued. From 1873 to about July, 1879, the price levels in France, England, and the other great powers of Europe were so controlled as to keep within each country a quantity of gold proportioned to that held by the competing nations. In doing this the price levels were forced down and down, and industry was disorganized. After six years of these falling prices and a broken par of exchange in trade with the silver-using countries the industries in each country were horribly disorganized, distress was on all sides, and the governments, Germany, France, and other countries, including the United States, were liable to be overthrown, as in 1848, 1832, 1789, and other periods when the disorganizing effects of falling prices, combined with the other evils, reached the point where revolution stepped in.

INFLATION, 1879-80.

The stress in 1879 resulted in an inflation of paper money by the Imperial Bank of Germany. Then followed an increase in paper money through the Bank of France, and during this time the coin reserves were reduced in the Bank of France, the Bank of England, and the Bank of Germany. The amount of these reductions in the gold hoards is stated in the New York World, December, 1879, at $104,000,000, and the paper circulation in Germany and France increased $72,000,000. Prices in Germany for the last six months of 1879 rose 3 per cent on the average (see Soetbeer's Table of Prices); for the same period of time the average of prices in England rose 2 per cent (see Sauerbeck's Table of Prices), and gold flowed to the United States. During the last five months of 1879 the amount of gold poured into the United States was $78,000,000 (see Appleton's Annual Cyclopedia for 1879, page 370), while for the preceding year the net amount of gold imported into the United States had been but $1,000,000.

With this increase in the volume of money in the United States, combined with the increase from the silver purchase law of 1878, the price of products rose, and with rising prices there came, as usual, prosperity to the producing classes. In the national election of 1880, the candidates of the party who championed the system under which the falling prices had occurred were elected. The party which had fought against the falling prices of the preceding years was defeated, and the following is the reason assigned by President-elect Garfield, in a letter to John Sherman: "The distrust of the solid South and the adverse financial legislation have been the chief factors in the contest." (See Recollections of John Sherman, page 789.)

In France and Germany there was the usual prosperity which results from an increasing volume of money and rising prices. But the bankers and the other beneficiaries of fluctuating prices and falling prices so controlled the press and the other sources of knowledge that the people were led to believe that the cause of the prosperity was the recently enacted protective tariffs whereby the prices of agricultural produce had been raised. These protective duties in France and Germany had been levied to appease the land-owning element and to lead the people to believe that the falling prices were due to competition and not to a decreasing volume of money.

In England, with its free-trade policy, a different excuse was foisted upon the public by the creditor class and the other beneficiaries of the existing monetary systems.

CONTRACTION, 1882-1887.

But the prosperity for the producing classes was short-lived, the paper money was withdrawn, the gold hoards were increased, and the dominant power in Italy and other European countries purchased gold for use as money. This contracted the volume of money and tended to produce falling prices and hard times. The Bankers' Magazine, of New York, for July, 1884, in an editorial on "The monetary circulation," set forth that for the year the increase in monetary circulation within the country was only $10,000,000, whereas the expansion of population was such as to call for at least $40,000,000, if the price level was to be maintained.

Falling prices continued throughout the gold-standard world. Commissions on the depression of industry were appointed. In England such a commission reported to Parliament in 1886, calling attention to the falls in the price level and the broken par of exchange with silver-using countries, and asked that a special commission be appointed to examine into the matter. Shortly after a royal gold and silver commission was appointed. It began taking evidence November 12, 1886, and the beneficiaries of falling prices were not slow in recognizing that something must be done to relieve the depression for a time or the public would demand a change in the monetary legislation.

INFLATION, 1887-88.

Accordingly the volume of money in Europe was so increased that for 1887 the net import of gold into the United States was $33,269,414, whereas for the preceding year the exports of gold from the United States had exceeded the imports by $22,208,842. The rise in prices in the United States for 1887 averaged seven-tenths of 1 per cent. The next year the net import of gold into the United States was $25,558,000 and the rise in general prices was 1½ per cent. In England the rise in general prices for 1888 was 3 per cent, and probably about the same in the other gold-price counties.

The effect of rising prices was to again set in motion the wheels of industry in all the gold-price countries.

CONTRACTION, 1893-1895.

During 1893 and 1894 there were severe falls in the price level, with a proportionate disorganization of industry. This disorganization was highest in the autumn and winter of 1894-95, by stringencies in the money market, brought about by those who were attempting to secure the retirement of the greenbacks and the delegation to the banks of power to issue the paper currency.

INFLATION, 1895.

But the effort to retire the greenbacks was unsuccessful, and in order to stem the rising tide of discontent with the falling prices and hard times and the growing favor accorded to the remedy of free silver, there was an inflation of the volume of money and credit and a partial restoration of prices.

In the contract with President Cleveland for gold it was agreed that $31,000,000 in gold should be imported and no gold exported before October, at which time it would be needed to move the crops; and shortly afterwards the German Government began issuing paper money through the Imperial Bank, reduced its coin reserve, and expanded credit. In this way the German Government increased the money in use $101,000,000 by October 1; credits were expanded in all countries, and of course prices rose. In England the rise in prices of products averaged 5 per cent; and in the United States from January 1 to July 1 the rise was 8 per cent.

CONTRACTION, 1895-1897.

But the restoration of good times for the producing classes did not last over the Presidential election, owing to the action of the Russian Government. About July 1 it reached out and at one fell swoop took from the market $79,000,000 in gold and placed it in its war chest. The "shiver" which this produced throughout the entire gold-standard world is chronicled in the daily press. The rise in prices was checked, and they began to fall in October and continued falling, with only slight reactions, all through the following months and up to the Presidential election. Owing to the falling prices and hard times the representatives of the producing classes were able to capture the Democratic organization and make a fight against contraction and falling prices. So close was the contest that 20,000 votes properly distributed would have elected their Presidential nominee, William Jennings Bryan.

During the year 1896 and the first six months of the following year the governments of Europe, Russia, and the United States withdrew from circulation more than $200,000,000 of money, thus more than offsetting the increase in the volume of money from the gold mines. As the population of the world was increasing and the volume of money did not increase, prices continued to fall. But the industrial conditions were again so "hard" that a measure of prosperity had to be restored to the producing classes or the governments would pass into the hands of the representatives of the producing classes.

INFLATION, 1897–1899.

Accordingly we find that gold hoarding ceased practically, thus permitting the stream of new gold to increase the volume of money. At the same time the output of gold increased throughout the world, and these facts, together with the gold discoveries in the Klondike, led people to believe that falling prices were stopped for a time, and therefore that the usual inflation of credit and prices would follow. And such was the case. But the volume of new gold is increasing at an unusually high rate; and it is apparent that it is going to tax the ingenuity of the creditor class to so extend the demand for gold as to prevent further rises in prices and depreciation of debts.

From these facts, it is clear that our price level is controlled by foreign governments by accident; that is, by the accidental discovery and output of gold and by the manipulation of an international banking ring.

B. Our price level under the control of foreign bankers.

Under the existing monetary system and that proposed under the name "sound money" the creditor class, residing in London, Berlin, Paris, and the other cities of Europe, can control our price level at will unless their efforts are offset by the bankers in this country or by the Chief Executive of this Government. This I shall demonstrate. But these great bankers of London, Berlin, and Paris are unable to control the price level in their own countries.

An illustration of one of the ways in which the European money loaners operate in this country is as follows: In December, 1895, President Cleveland delivered his "Venezuela" message. At this time the gold reserve was down to about $70,000,000, and the moneyed interests were doing their best to retire the greenbacks.

The third day after the President's message there were cablegrams to the daily press of this country stating that there had been a meeting in London of the leading moneyed men of England, and that the question under discussion was, "Shall all English houses withdraw their credits from the United States?" The result of this conference was as follows:

The next morning the prices of American stocks in London tumbled as if a military war had been declared. During two days first-class stocks like the New Jersey Central fell 17½ points; Rock Island, 16½; Pullman, 15½; St. Paul, 15½; Lake Shore, 14½; Burlington, 14½; New York Central, 10½; Illinois Central, 10. The cause of this was the withdrawal of credits by the European bankers and the failure of our system to put in its place another medium of exchange.

In the words of the daily press, "None of the moneyed institutions in New York would renew loans at less than 4 per cent, and many of them would make no renewals at any advance. To carry stocks along money was frequently loaned at as high a figure as 75 per cent before 2 o'clock." (Chicago Times-Herald, December 21, 1895.) This action by the banks was taken in the face of the fact that the surplus reserve in the New York banks amounted to $20,000,000. All this occurred when nothing new in the controversy between the United States and London had occurred since three days previous.

The fact is that the moneyed interest simply took the opportunity to "work" the stock market and, what was evidently of far more importance to them, influence legislation for the retirement of the greenbacks. The efforts of President Cleveland and his cohorts to force legislation to the retirement of greenbacks are a matter of history. The CONGRESSIONAL RECORD and the daily press show very fully that the panic in Wall street was assigned as a reason for the retirement of the greenbacks, whereas it should have been an argument for the retirement of bank money and the substitution of an elastic volume of Government paper currency. Under the existing system the foreign bankers control at will our price level.

C. Our price level controlled at the discretion of the President.

The President of the United States, through his Secretary of the Treasury, is by law clothed with discretionary power to leave on deposit with the private corporations known as national banks all the funds of the United States, except from import duties, and he can withdraw them at pleasure; he also is empowered to prepay interest in advance up to one year and to purchase bonds before maturity. Illustrations of the way in which this great power has been exercised:

October 31, 1897, the amount of Government money on deposit with national banks was $13,000,000. The next month it was increased to $33,000,000; during December to $44,000,000, and eleven months later it was $91,000,000—an increase of about 300 per cent in one year. This tended, of course, to make prices rise, and those who had control of this volume of money knew what they intended to do, and therefore were enabled to forecast the trend of prices except as other causes should intervene.

November 15 of this year (1899) Secretary Gage, after consulting with the President, announced that the Department of the Treasury would pay cash for $25,000,000 of bonds, the price to be that of the preceding day. The result upon the money market was instantaneous. The interest rate on call loans dropped from 8 per cent to from 4 to 6 per cent, and the prices of stocks soared upward. The increased market value of 22 stocks over the low point of the preceding Saturday soon amounted to $48,000,000.

A special dispatch from Washington to the New York World states that previous to the public announcement by the Secretary or the President that the $25,000,000 of money would be put into circulation there came over the wires to New York from Washington large orders to buy stocks, and this led to inquiries from New York as to the cause of the heavy buying and suggesting that from the identity of the buyers it appeared that the Secretary was preparing to buy bonds. It was also stated in the daily press that there was evidence that "knowledge of the contemplated action of the Treasury Department reached a few insiders in Wall street before its official announcement here."

Last spring, when Spain was to be paid the $20,000,000 called for by the treaty, there was an urgent inquiry as to whether the funds would be withdrawn from the New York banks by checking from the Government deposits or whether it would come from the idle money in the Treasury, but for a considerable time the general public did not learn of a decision, and in the meantime those who had inside information were able to gamble in stocks with absolute certainty of winning.

Not long after the foregoing occurred there was a stringent money market in New York, and the weekly bank statement on Saturday morning showed a great reduction in bank reserves, and it was then publicly stated for the first time that during the week the Government had withdrawn from its deposits some $16,000,000. Not long after this the weekly bank statement showed a larger reserve than was expected, and the public were then informed that interest had been paid in advance. And again, inside of sixty days, came the $25,000,000 flood of money, as above noted, and shortly afterwards the President chose to announce that he would put $40,000,000 into circulation by leaving it on deposit with the banks.

With this great power in the President to contract and expand the volume of money at will, is it to be wondered at that the great speculators are deeply interested in the nominations for the Presidency and in the elections? Blaine was defeated for President by Wall street, while in 1880 the Democratic nominee was defeated by Wall street, as the letter from Garfield to Sherman above quoted shows.

Further illustrations of the way prices have been controlled by the President through his Secretary of the Treasury are set forth in Professor Kinley's book, The Independent Treasury of the United States. Among other things he describes the manner in which the Treasury funds were handled in 1872, and in conclusion says: "It favored speculation rather than legitimate business, so that its influence must on the whole be set down as evil. * * * The same thing is true on the whole of the year 1873. No definite, consistent, and continuous policy was adopted for guiding the relations of the Treasury to the business community."

Illustrative of the effect of the Treasury operations on the market, Professor Kinley quotes the following from Grosvenor on American Securities: "At the New York subtreasury an official brought out and posted a written notice announcing that the Government would redeem on a certain day bonds amounting to $10,000,000. * * * Within five minutes orders began to pour into the exchange for the purchase of stocks. At the same time those who had stocks to sell were warned by messengers to hold them at high prices. A sudden upward rush of prices occurred."

During President Harrison's Administration the Government receipts greatly exceeded the expenditures, and to keep the money in circulation bonds were purchased in advance of maturity, interest was paid in advance, and money left with the banks on deposit. In the President's annual message, December, 1891, he pointed out that the Treasury had put back into circulation $89,000,000. As to how this was done, Professor Kinley points out in his book The Independent Treasury:

"The Government poured out over $34,000,000, net, in September (1890); withdrew nearly eight millions in the following two months; let out over six millions in December; and in the last four months of the period made a net addition to the money afloat by its ordinary operations of nearly $36,000,000. * * * So great an irregularity as these figures show in the supply of money can not have a tendency to render prices also regular. Of course the effect of the spasmodic variation is felt first in speculation. But the influence of speculation on prices makes itself felt all through business, if the variations are more than what may be called momentary."

The President also has a negative power. He may refuse to build up the gold reserve. Illustrations of how this mighty power has been used to the detriment of the producing classes are as follows:

During 1893, when the Administration, in combination with the banking class, was endeavoring to secure the unconditional repeal of the silver-purchase law, the panic which occurred could have been stopped at any time by the President exercising his power to purchase gold and keep the reserve up to a hundred million dollars.

Again, during the autumn of 1894 and the following winter there was a determined effort to retire the greenbacks and give to the private corporations the power to issue all the paper currency. In January, when the final effort was being made, President Cleveland refused to build up the gold reserve, and private individuals withdrew from the Treasury great quantities of gold. On January 25 the amount of gold thus withdrawn was over $7,000,000. A New York dispatch said: "It is believed to be the largest amount of gold ever withdrawn from the Treasury in a single day. This leaves the reserve at $56,782,858. But the amount of gold coin on hand is only $12,912,280. It is freely predicted that the country will be on a silver basis next Monday."

The next day (Saturday) a telegram from Washington stated that "the President has been quoted recently that he was indisposed to authorize another issue of bonds until it became certain that Congress would refuse to do anything." On the following Monday the President sent a special message to Congress on the financial situation, and during the day over $4,000,000 in gold were withdrawn from the Treasury through the presentation of greenbacks; and we are informed by the editor of Bradstreet's Weekly that during the day "the Treasury was confronted by the prospect of an actual crisis and the country by another and worse panic than that which had just subsided (in 1893)."

Eleven months later (December, 1895) the above process was repeated; there was a refusal to build up the gold reserve, the banking interests raided the gold reserve and the stock market, and thus was pressure brought upon the country and upon Congress to retire the greenbacks and substitute bank money. A description is given above in the section dealing with the control of our prices by foreign bankers.

The remedy is to change the discretionary power of the Government official into an imperative duty to follow such fixed rules as shall maintain a stable average of prices. This is practicable, and, as I shall show later, it will remove the money question from politics.

THE EVIL.

The principal evil of the existing system was tersely set forth by Secretary of the Treasury Gage. In answer to those who criticised the placing of the Government behind the stock market on November 15, by offering to put $25,000,000 into circulation, he said: "If the Department had failed to offer to purchase bonds, then it would have been charged with aiding and abetting the speculators whose aim was to force prices down, impair confidence, and bring on a panic. It is a case of being damned if you do and damned if you don't."

THE REMEDY.

The remedy, manifestly, is for Congress to relieve the President and Secretary of the Treasury by establishing fixed rules for the control of the price level, and thereby advance to the high stage of industrial development which our peculiar situation invites us to.

NEED FOR STABLE PRICE LEVEL.

The evil which results from a tendency to falling prices and the need for a stable price level year after year were admirably stated by Secretary Gage in connection with the foregoing quotation. He said:

"Throughout the country there was as to the course of prices a growing anxiety in the minds of those engaged in productive industry like manufactures. The manufacturer has to buy raw materials oftentimes far in advance of his immediate necessities. Few have capital enough to pay cash down, but rely upon the use of credit.

"When anxiety and doubts about the future (i. e., when doubts as to the maintenance of prices) reach this class, they check operations. The fear that such raw materials as they may contemplate buying will not, when the labor cost shall have been added, find a market at fair prices naturally causes them to hesitate.

"So it can readily be seen that the question was not a question of New York alone, nor of the speculators in New York alone, but that it was possible that the far-reaching effects of this anxiety (about prices) might touch every industry in the country. Whether it would go so far or not was a question which neither the Secretary of the Treasury nor any other human being could determine. In such matters one can not draw definite conclusions from a set of facts, however clearly understood. It is the influence of these facts upon the minds and imaginations of the public that can not be measured.

"It was the Department's fair belief that the situation so manifested in New York would by natural causes cure itself. On the other hand, the situation was so delicate and might at any time be seriously aggravated by some unforeseen circumstances. It is further to be considered that the Treasury itself was in danger of aggravating the situation by a further locking up of funds in the vaults of the Government, to the prejudice of individuals and business interests."

The remedy for the foregoing condition of things is clear. Congress should pass a law relieving the President and Secretary of the Treasury from all discretion in the matter. In other words, Congress should establish fixed rules for the control of the price level, thereby taking from the administrative officers all discretion in the matter.

D. Our price level controlled by speculators not connected with the banking interests.

When there is a stringent money market in New York, those who are trying to force down the prices of stocks have found it profitable to not only sell stocks, but to also go into the money market and purchase the money offered "on call," thus locking it up. This has frequently been done; and as it is difficult for other speculators to know when it is being done, the system has proven to be a remunerative one when handled with judgment.

In Germany, France, Austria, Japan, or Russia it is impossible for speculators to corner money, for in each country the supply that can be put forth to sustain prices is unlimited. But such is not the case in the United States. In Europe the divergence is seldom more than from one-half per cent to 2 per cent, while in the United States it runs from one-half per cent to as high as 1,000 per cent. The effect on prices of these wide changes in the interest rate is tremendous. The difference between the bank rates is shown in a striking manner by placing them on a chart, and likewise the prices of foreign stocks and American ones can be compared.

E. Our price level controlled by the great speculative money loaners.

As has been set forth under "Elementary principles," if the volume of money remains stationary, then they who control the bank rate control the price level; by raising the rate of interest it depresses the prices of stocks and other property, and, on the other hand, by lowering the bank rate, it raises the prices of stocks and other property. The effect on stocks is instantaneous.

OUR SYSTEM FOR CONTROLLING THE PRICE LEVEL.

Under the existing system in the United States the volume of money is fixed except as it is altered by the President, by foreign governments, foreign bankers, or by the bankers in this country, whereas in all first-class nations, outside of the United States, there is not one that permits such a thing—the control in the price level is in the government, or in the commercial classes or a combination of these powers.

Under our monetary and banking system there is no control of the volume of money or interest rate with the avowed object of maintaining a stable price level, but, on the contrary, the arrangemant is such that there necessarily are great fluctuations in the price level.

CYCLES ARE INEVITABLE.

It is this way: There is a fixed volume of money in so far as the Government is concerned, except as the President wills differently, or foreign governments, foreign bankers, or American bankers choose to interfere, and the bank rate is controlled by those who buy and sell credits and deal in stocks, and the controlling motive of this controlling power—the money loaners and the speculators—is profit to themselves.

Under this system when prices are rising there is a demand for credit and money, and it therefore pays them to expand their loans, and this makes the prices go higher still. But the expansion of bank credits can not go on indefinitely; the law fixes the minimum proportion between money in the bank vaults and credit. It follows, therefore, that the bankers must at some time stop the expansion of credit. This is done by the "controlling banks." Then, with an outlook for a fall in prices, there is a shrinkage in bank credit and money piles up in the banks. This tendency continues till a fresh volume of money is put in circulation through some war or other cause, or the price level reaches so low a point that people are convinced that a rise will come about, and then the motive to reap a profit leads to the purchase of products, with another inflation of credit and rising prices.

This periodical rise and fall of prices where private corporations control the price level has been noted by economists. The cycle for the principal fluctuation has been about ten years, with inumerable smaller cycles within each period. During the past thirty years the fluctuations have been less violent owing to changes in the systems for controlling the price level. In Europe the private corporations and speculators no longer control the price level, and therefore in the countries of Europe there would be no cycles of rising and falling prices were it not that gold is a war weapon, and it is necessary that a fixed quantity of it be retained for war purposes. But the United States is so situated that we do not require a fixed quantity of gold for war purposes, and therefore can in safety secure a stable price level; and, as I shall show later by establishing a fixed rule for regulating the price level, the money question will be removed from politics. This can be accomplished by having all money issued by the Government and providing that the supply of money shall be such as to maintain a stable price level.

The existing system in the United States for the control of the price level can be described in another way: The volume of bank credit rises and falls; for example, from the first week in March, 1873, to the first week in December, 1893, it decreased 37½ per cent, and there was no way provided whereby the change could be offset by such a volume of money as should keep the price level stable; but, on the contrary, the volume of money in circulation actually decreased. Then when credit expands there is no withdrawal of money in circulation; but, on the contrary, it increases and prices tend to soar upward until the limit is reached, panic occurs, and a downward trend of prices follows for several years.

UNDUE ADVANTAGES OF BANKERS.

Under this system the directors of the largest of the New York banks, shaping as they do the policies of their respective institutions, know of each change in the bank rate in advance of the business world, and as each change in the bank rate results in an immediate change in the New York prices of stocks, it follows that the directors of these controlling banks have an advantage over those who are not on the "inside."

EVIL EFFECTS.

But this advantage over other speculators is of no consequence as compared with the direful effects upon production and distribution which flow from the fluctuations in average prices. "Falling prices" especially are a most terrible enemy to all human beings who are not speculators, creditors, or have not "fixed incomes." "Rising prices," while much better than falling prices, are not so good for society as a stable average, provided the falls in prices have been restored somewhat.

Now a few words in conclusion on the bank-note inflation provided for in the pending finance bill:

BANK-NOTE INFLATION.

I. THE IMMEDIATE INFLATION.

(a) *Incentive.*—Two per cent interest on bonds, less one-half of 1 per cent tax, net 1½ per cent to holders of bonds. This is a bonus to the banks if they will put up the "par bonds" for circulation. Of course, the $850,000,000 of refunded bonds will all be put up for bank notes. Dollar for dollar will be received in bank money, and in addition the banks will draw 1½ per cent per year.

(b) There will be enough bank capital to take out more than $850,000,000 for the present surplus, and profits will be changed to capital stock; State banks will change to national banks; new banks will be organized, and the present banks will increase their capital stocks by increasing the capital employed. For example, the City Bank of New York City, a Standard Oil institution, has, I am told, increased its capital from $1,000,000 to $10,000,000.

(c) There will be enough room in the circulation to take more than $1,000,000,000 of bank money.

(d) The incentive to the Republican party leaders to pass the bill is the need to stave off the coming panic—it is coming if their system is continued—and to benefit the trusts. The creditor class is under foot, and the rising price level will be used by the trusts to put up their selling prices, while they keep down the prices at which they buy labor and raw materials.

(e) The amount of the immediate inflation—that is, that will come in a few months—will be at least $300,000,000. The balance of the $800,000,000 of refunded bonds will be used against the $200,000,000 of bank money now out and the $100,000,000 of Treasury money now on deposit with the banks.

II. SUBSEQUENT INFLATION.

The issuance of this bank money will drive gold abroad. This gold for export will, until the election is past, be taken doubtless from bank vaults, but with the election past the bankers will reap a profit by taking gold from the United States Treasury and thus compel the Secretary of the Treasury to issue bonds for gold, and these bonds will be put up for more bank notes, and the bank notes will force more gold abroad, and thus compel the issuance of more bonds, and then will come more bank money. This endless chain of Government bonds bearing interest will continue until the channels of circulation outside the banks are filled with bank money.

Whenever the limit of bank money allowed by the pending bill is reached, there will soon come the inevitable collapse of credit and prices which this system breeds, and then the trust banks will suspend specie payments, and there will be no telling where the inflation of bank money will go.

On the other hand, if the reform parties win at the coming election, both the trusts and the speculative banks will be controlled. There will be no panic for money after the allied forces are in power, for they will at once provide for an elastic volume of money by the Government direct and with the object of maintaining a stable price level—a dollar the purchasing power of which shall be unchanged.

The law will command that the volume shall be just enough to attain this—no more, no less. In other words, the present discretionary power of the President to go into Wall street and flood it with money or to reverse the condition will be removed, and in place of the present discretionary power on his part there will be the rule of justice laid down by Congress, that the volume of money shall be such as to maintain a stable price level. This will banish panics and hard times from falling prices, furnish a stable price level upon which business men can calculate for years in advance, and furnish also a stable price level upon which to base trust prices and other monopoly charges.

Mr. ALLEN. Mr. President, I desire to address the Senate briefly on this subject; but as it is late in the evening, I will do so in the morning, if it is agreeable to the Senate. I desire to take the floor at this time.

Mr. ALDRICH. I think there will be no trouble in arranging for the Senator to proceed to-morrow morning. I do not know whether the Senator from Ohio cares to go on with his bill to-night.

Mr. FORAKER. In view of the lateness of the hour, I really prefer that the bill shall go over until to-morrow.

Mr. ALDRICH. Then I move that the Senate adjourn.

Mr. CARTER. Will the Senator withdraw that motion? There are some matters which require an executive session.

Mr. ALDRICH. I will give way to a motion to proceed to the consideration of executive business.

EXECUTIVE SESSION.

Mr. CARTER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 4 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, March 6, 1900, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate March 5, 1900.

SECOND LIEUTENANT IN MARINE CORPS.

William H. Pritchett, a citizen of Georgia, to be a second lieutenant in the United States Marine Corps, from the 2d day of March, 1900, to fill a vacancy existing in that Corps.

THIRD LIEUTENANT IN REVENUE-CUTTER SERVICE.

Harold D. Hinckley, of Massachusetts, to be a third lieutenant in the Revenue-Cutter Service of the United States. To correct error in the name of Mr. Hinckley, who was confirmed by the Senate December 19, 1899, as Harold L. Hinckley.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 5, 1900.

SURVEYOR OF CUSTOMS.

Thomas W. Wheeler, of New York, to be surveyor of customs for the port of Port Jefferson, in the State of New York.

APPOINTMENTS IN THE MARINE CORPS.

Louis G. Miller, a citizen of Ohio, to be a second lieutenant in the United States Marine Corps, from the 23d day of February, 1900, to fill a vacancy existing in that corps.

Daniel W. Blake, a citizen of Mississippi, to be a second lieutenant in the United States Marine Corps.

APPOINTMENT IN THE ARMY.

Second Lieut. Charles H. Whipple, jr., First Artillery, from the artillery arm to the infantry arm, February 26, 1900, with rank from February 1, 1900.

PROMOTIONS IN THE ARMY.

Medical Department.

Maj. Robert M. O'Reilly, surgeon, to be deputy surgeon-general with the rank of lieutenant-colonel, February 21, 1900.

Capt. William J. Wakeman, assistant surgeon, to be surgeon with the rank of major, February 21, 1900.

HOUSE OF REPRESENTATIVES.

MONDAY, *March 5, 1900.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of Saturday's proceedings was read and approved.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GROUT, from the Committee on Appropriations, reported the bill (H. R. 9139) making appropriations for and to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1901, which was ordered to be printed and referred to the Committee of the Whole House on the state of the Union.

Mr. RICHARDSON. I reserve all points of order, Mr. Speaker.

The SPEAKER. The gentleman from Tennessee reserves all points of order against the bill.

REPRINT OF FINANCIAL BILL.

Mr. OVERSTREET. Mr. Speaker, many members have made requests of me for copies of the conference report on the financial bill. That report has not been formally presented to the House, and consequently has not been printed for the benefit of the House. In order that the fullest information may be had, I ask unanimous consent that 5,000 copies of the bill as it passed the House, 5,000 copies of the bill as it passed the Senate, and an equal number as reported by the conference committee, be printed and stitched together for the benefit of the members and distributed through the folding room.

The SPEAKER. The gentleman from Indiana asks unanimous consent that 5,000 copies each of the House bill No. 1, known as the finance bill, as it passed the House, together with the bill as it passed the Senate, and also as agreed upon in conference, be printed for the use of members, stitched together, and placed to the credit of the members in the folding room.

Mr. RICHARDSON. I do not understand, Mr. Speaker, that the gentleman asks for 15,000 copies of these bills.

Mr. OVERSTREET. In order that members may be fully advised as to the changes, by arranging the House bill as it passed the House followed immediately by the Senate bill as it passed the Senate, and then the conference report, the entire information may be had. I ask 5,000 copies of the combined bill.

The SPEAKER. Five thousand copies of the general document. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

TRUSSES FOR SOLDIERS.

Mr. NORTON of Ohio. Mr. Speaker, I ask unanimous consent to take up the bill (H. R. 911) to amend section 1176 of the Revised Statutes of the United States.

The SPEAKER. The gentleman from Ohio asks unanimous consent for the immediate consideration of the bill which will be reported by the Clerk.

The Clerk read as follows:

Be it enacted, etc., That section 1176 of the Revised Statutes of the United States be, and the same hereby is, amended so as to read as follows:

"Every soldier, sailor, and marine of the Union Army, Navy, or Marine Corps who is now, or may hereafter be, pensioned for rupture is entitled to receive, free of expense to such soldier, sailor, or marine, a single or double truss of such style as may be designated by the Surgeon-General of the United State Army as best suited to his disability."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. PAYNE. How does this bill change the existing law?

Mr. NORTON of Ohio. Under the old law it was requisite that the rupture took place in line of duty and in service. This simply gives them a truss if they are suffering from rupture now and are pensioned for that cause. The bill has the unanimous indorsement of the Committee on Invalid Pensions, and had last year, and has the indorsement of everybody that I have heard.

Mr. LOUD. Does it propose to furnish a truss to every soldier who is now ruptured?

Mr. NORTON of Ohio. No, unless he is pensioned for that cause.

Mr. LOUD. Might he not be pensioned for that cause under the act of 1890 for a rupture which did not occur in the service?

Mr. NORTON of Ohio. Certainly, he might be.

Mr. LOUD. I object, Mr. Speaker. I think we have done enough under the act of 1890, without buying trusses for every soldier that is ruptured.

Mr. NORTON of Ohio. Oh, I would not do that.

The SPEAKER. Objection is made.

RESURVEY OF TOWNSHIP NO. 8, FRONTIER COUNTY, NEBR.

Mr. BURKETT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 2955) providing for the resurvey of township No. 8 of range No. 30 west of the sixth principal meridian, in Frontier County, State of Nebraska.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to cause to be made a resurvey of the lands in township numbered 8, in range numbered 30 west, of the sixth principal meridian, in Frontier County, in the State of Nebraska; and all rules and regulations of the Interior Department requiring petitions from all settlers of said county asking for resurvey and agreement to abide by the result of the same, so far as these lands are concerned, are hereby abrogated: *Provided*, That nothing herein contained shall be so construed as to impair the present bona fide claim of any actual occupant of any of said lands so occupied.

With the following amendment recommended by the Committee:

In line 8, strike out the word "county" and insert the word "township."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. RICHARDSON. I would like, Mr. Speaker, to have the gentleman make some explanation. What committee did it come from?

Mr. BURKETT. It came from the Committee on Public Lands, and the committee were unanimous in the report. The facts are these: When the original survey was made there was a strip 91 rods wide that seems to have been omitted. When the surveyor stuck his stake down and went to dinner and came back again to continue his survey, he began a distance of 91 rods from where he left off, leaving a strip across that township 91 rods wide that is not surveyed. The land belongs to the Government, from the best information we can get. The Department has recommended that this is the proper way to cure the error, and the committee are unanimous in the report.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time; and being engrossed was read the third time, and passed.

On motion of Mr. BURKETT, a motion to reconsider the vote whereby the bill was passed was laid on the table.

EXTENSION OF NAVIGATION LAWS, ETC., OVER HAWAII.

Mr. JONES of Washington. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The bill (H. R. 5065) to extend the laws relating to commerce, navigation, and merchant seamen over the Hawaiian Islands ceded to the United States was read.

The SPEAKER. Is there objection to the consideration of this bill?

Mr. KNOX. The matter embraced in this bill is all provided for in the general bill. It is not worth while to take up this subject piecemeal.

The SPEAKER. Objection is made.

CERTAIN LANDS IN WYOMING.

Mr. MONDELL. I ask unanimous consent for the immediate consideration of House bill 5485.

The bill (H. R. 5485) providing that the State of Wyoming be permitted to relinquish to the United States certain lands heretofore selected and to select other lands from the public domain in lieu thereof, was read as follows:

Be it enacted, etc., That upon the delivery to the Secretary of the Interior by the State of Wyoming of its properly executed and duly recorded deed or deeds reconveying to the United States of America, in fee simple, certain lands heretofore selected by and certified to said State under the provisions of an act entitled "An act to provide for the admission of the State of Wyoming into the Union, and for other purposes," approved July 10, 1890, to wit:

Southwest quarter of section 5; southeast quarter, south half of northeast quarter, southeast quarter of northwest quarter, and lots 1, 2, 3, 4, and 5 of section 6; east half of southeast quarter, east half of northeast quarter, northeast quarter of northwest quarter, and lots 1, 2, 3 of section 7; all of section 8; southwest quarter of section 9; south half of northeast quarter and south half of northwest quarter of section 17; northwest quarter of section 20, in township 34 north, range 118 west; all of sections 1 and 2; east half of section 3; north half of section 11; northeast quarter of northwest quarter, south half of northwest quarter, north half of southeast quarter, north half of southwest quarter, and southwest quarter of southwest quarter of section 12; northeast quarter, north half of northwest quarter, and southwest quarter of northwest quarter of section 14; southwest quarter of section 24; all of section 25, in township 34 north, range 119 west; west half of section 10; west half of section 15; north half of southeast quarter, north half of southwest quarter, northwest quarter, and south half of northeast quarter of section 22; southeast quarter, south half of northeast quarter, east half of southwest quarter, and south half of northwest quarter of section 23; southwest quarter, west half of southeast quarter, east half of northwest quarter, and west half of northeast quarter of section 26, in township 30 north, range 119 west, the land so described having been selected under the grant of 30,000 acres for the benefit of the Miners' Hospital, said selection being approved by the honorable Secretary of the Interior on March 6, 1894.

West half of section 1; all of section 2; east half of section 3; south half, south half of northeast quarter, and south half of northwest quarter of section 11; southwest quarter of section 12; west half of section 13; all of sections 14 and 23; west half of section 24; west half of section 25; all of sections 26 and 35, in township 35 north, range 119 west; south half of southwest quarter and south half of southeast quarter of section 22; southeast quarter, north half of southwest quarter, and southeast quarter of southwest quarter of section 27; east half, east half of northwest quarter, east half of southwest quarter, and southwest quarter of southwest quarter of section 34; west half of northeast quarter, northwest quarter, and south half of section 35, in township 36 north, range 119 west, the land so described having been selected under the grant of 30,000 acres for the benefit of the insane asylum in Uinta County, said selection being approved by the honorable Secretary of the Interior on February 16, 1894.

The said State shall be authorized and permitted to select an equal number of acres from the unappropriated public lands of the United States in said State in the same manner, for the same purposes, and subject to the same conditions and limitations under which the lands so reconveyed were selected and held.

SEC. 2. That the lands so reconveyed shall be restored to and become a part of the public domain and be subject to disposal by the Government in the same manner in which other public lands of a like character are disposed of.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. PAYNE. I should like to hear some explanation.

Mr. MONDELL. Mr. Speaker, this bill is not nearly so formidable as its reading might indicate. The tract of land in question embraces something less than 6,000 acres. The bill proposes to allow the State of Wyoming to reconvey this tract to the Government and to select other public lands unappropriated in lieu thereof. The situation is about as follows:

This land was selected by Wyoming as a part of two of the grants made to the State at the time it was admitted into the Union—one a grant for a miners' hospital, the other a grant for the support of an insane asylum. At that time the State authorities had in contemplation irrigation enterprises, and the lands first selected by the State were lands which were irrigable; but as time passed the State did not see fit to undertake—in fact it had no funds with which to undertake—to carrry on irrigation enterprises. Therefore this land remained in the hands of the State unreclaimed, in its natural desert condition, without being of any benefit to the State, and retarding growth and development in that region.

Under the constitution of Wyoming none of our public lands can be sold at less than $10 an acre. This land, without irrigation, is practically valueless. About the time the land was selected a large colony from Utah and Idaho emigrated to the region in which this land is located, and proceeded to irrigate and reclaim and develop the land lying in the same valley in which these lands are located; so that now these lands are surrounded by settlers; they lie unimproved and undeveloped in the midst of considerable settlements; and so long as they remain in the hands of the State they will be unimproved and undeveloped.

The last legislature of the State of Wyoming memorialized Congress asking authority to re-cede this land to the Government that it might be opened to entry under the general land laws in order that settlers might come in, take possession, reclaim, and develop. We now ask in this bill authority to reconvey that land to the Government and to select from other public lands of the United States in the State a like area.

Mr. CANNON. Will my friend allow me a question?

Mr. MONDELL. Certainly.

Mr. CANNON. Some years ago, under legislation which has since been repealed in whole or in part, reservoir sites in the arid region were at great expense surveyed and set apart. The land there is not of much use, except so far as it can be irrigated. Now, while I assent to the suggestion that if the State would take hold of the question of irrigation wisely all these reservoir sites——

Mr. MONDELL. This is not a reservoir site.

Mr. CANNON. I say that if the State would properly and wisely take hold of the question of irrigation all these reservoir sites might well be in the possession of the State. Now, as I understand, under the legislation proposed in this bill, the State of Wyoming to the extent of 6,000 acres—is that the amount?

Mr. MONDELL. Yes, sir.

Mr. CANNON. The State of Wyoming would convey to the United States those 6,000 acres, taking other lands in lieu thereof. Now, could not the State of Wyoming take 6,000 acres of these reservoir sites, and then under this bill those sites go into the hands of private purchasers at $10 an acre, whereas the worth of those sites might be almost untold?

Mr. MONDELL. I will say, in response to the inquiry of the gentleman from Illinois, that there is not a reservoir site that has been located by the Government of the United States in Wyoming. There are none of the reservoir sites there to which he alludes. There were two surveyed, it is true, but not segregated, about a year and a half ago.

But the State has no thought of taking reservoir sites in this manner. We do not want them. The State of Wyoming simply wishes under this legislation to get off its hands, and into the hands of settlers, these lands which are valueless to the State, but which the settlers can reclaim and develop, and to take in their stead other lands which, under our constitution, can be made available for the purposes of the State. The land which we are now taking under Government grants is not irrigable. We have discovered that it is not wise for the State to take lands which individuals may reclaim, because of the fact that it retards settlement and development.

Mr. CANNON. Then this provision would enable the State to dispose of lands in this manner that are not now and probably will not be irrigated?

Mr. MONDELL. The reason why Wyoming wishes to convey these lands to the General Government in exchange for others is because the land is irrigable. It is in a valley which is capable of being irrigated, the lands above and the lands below being already irrigated. But the gentleman will understand the condition better when I tell him that in the State of Wyoming we can not dispose of any of these lands for less than $10 an acre. It is not worth anything now; but when irrigated the land becomes valuable. But the State can not dispose of it except at the price indicated; and you can not get anyone who is willing to go upon the land and submit to the expense of reclamation and irrigation, besides paying to the State $10 an acre as required in our State.

The State wants to remove the barrier to the development of the land and enable us to exchange this land and take other lands that we could have originally taken under the grant to the State. We are not allowed under this provision which I now seek to have enacted into law to take any lands which we might not have taken in the first instance. We simply changed our policy as to the character of the land selected. We are not selecting lands which the settler and the home builder may reclaim, but we select those which are really ultimately less valuable.

Mr. LACEY. In other words, you are getting poorer lands than the lands you exchange?

Mr. MONDELL. Yes; very much poorer; because these lands which, as I have said, are capable of being irrigated, when reclaimed, will become very valuable. The lands that we take will not be so valuable.

Mr. CANNON. Has this met the approval of the Department, as well as the committee?

Mr. MONDELL. It has been recommended by the Secretary of the Interior and by the Commissioner of the General Land Office and has the unanimous approval of the Committee on Public Lands.

Mr. RICHARDSON. What is the value of the lands that you propose to take in exchange for the lands to which you refer?

Mr. MONDELL. Mr. Speaker, there are about 57,000,000 acres of public lands in the State of Wyoming; and if any considerable quantity of those lands, without irrigation, is worth more than a dollar an acre, I do not know about it.

Mr. LACEY. And as I understand the gentleman these lands can only be sold at $10 an acre and not below that?

Mr. MONDELL. The State can not dispose of them at a lower price.

Mr. BURKE of Texas. I would like to ask the gentleman from Wyoming a question.

Mr. MONDELL. Certainly.

Mr. BURKE of Texas. Is the price to which the gentleman alludes, $10 an acre, fixed by the legislature or by the constitution of the State of Wyoming?

Mr. MONDELL. By the constitution of the State.

Mr. BURKE of Texas. Then the gentleman wishes to exchange 6,000 acres of land that are not worth a dollar an acre for 6,000 acres of land that you suppose to be worth $10 an acre.

Mr. MONDELL. Oh, no; not at all. The gentleman is entirely mistaken. The State of Wyoming does not wish the enactment of any such law as that. There are no public lands in the State of Wyoming that are worth anything like $10 an acre. There is none of that character of land in the State. But the Government of the United States gave us certain land, and, just as other States have done, we selected them, but in this case they were selected, unfortunately, in such a way as to retard development and the reclamation of the land. That is the only reason we seek to make this change. As I have already said, we are unable to dispose of these lands at $10 per acre with the burden which must also follow for their reclamation and irrigation. For the State to hold them, therefore, retards settlement and development. We only ask that we may select other land, so as to enable us to promote the growth of settlement and the reclamation of lands in the State.

Mr. BURKE of Texas. What settlers are to come in and take up these lands?

Mr. MONDELL. I will say to the gentleman that in the valley in which these lands lie there are four post-offices within 15 miles of the land. There are five polling precincts within 15 miles of the land. The land above it and the land below it in the valley is irrigated and reclaimed, being settled mostly by Mormon people who came there from Utah and Idaho. They understand the irrigation and reclamation of arid lands thoroughly, and, in fact, are among the best home makers and irrigators in our country. These people will reclaim these lands. The Secretary and the Commissioner have both gone over this matter carefully, and have both recommended the bill favorably, and I hope the gentlemen will not object to the passage of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

On motion of Mr. MONDELL, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS EAST RIVER, NEW YORK.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 282) extending the time for the completion of the bridge across the East River, between the city of New York and Long Island, now in course of construction, as authorized by the act of Congress approved March 3, 1887.

The SPEAKER. The gentlemen from New York [Mr. SHERMAN] asks unanimous consent for the present consideration of a Senate bill, which the Clerk will report.

The bill was read, as follows:

Be it enacted, etc., That the time for the completion of the bridge of the New York and Long Island Bridge Company across the East River between the city of New York and Long Island, authorized by the act of Congress entitled "An act authorizing the construction of a bridge across the East River between the city of New York and Long Island," approved March 3, 1887, and the various acts amendatory thereof or supplementary thereto, is hereby extended to and including the 1st day of January, in the year 1905.

The SPEAKER. Is there objection?

Mr. SCUDDER. I object.

Mr. SHERMAN. Does the gentleman desire any explanation, or does he simply object?

Mr. SCUDDER. I object for the present.

The SPEAKER. Objection is made.

CEMETERY AT ELRENO, OKLA.

Mr. FLYNN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7649) authorizing the Secretary of the Interior to issue patent to the city of Elreno, Okla., for cemetery purposes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent to the city of Elreno, Okla., for cemetery purposes, to the following described land, to wit: The east half of the northeast quarter of section 16, township 12, range 7, in Canadian County, Okla.

Mr. FLYNN. Mr. Speaker, I ask for the reading of the report.

The report (by Mr. FLYNN) is as follows:

The Committee on the Public Lands, to whom the above bill was referred, having examined and considered the same, find that the bill seeks to authorize the issuance of a patent, by the Secretary of the Interior, to 80 acres of land to the city of Elreno, Okla., for cemetery purposes.

This land is embraced in section 16, the same being land reserved by act of Congress for public school purposes, to which the Territory of Oklahoma will probably not secure fee simple title until admitted as a State. This particular 80 acres, lying near Elreno, has been used for burial purposes for ten years, and the Territorial legislature has passed a memorial asking Congress to take action on the subject such as is proposed in this act.

The Committee on the Public Lands thinks the bill should pass, but recommends an amendment as follows, viz:

"*Provided*, That said city shall pay $1.25 per acre therefor, which sum shall be paid over to the Territorial school fund."

The committee recommend that the bill as amended do pass.

The amendment set forth in the report was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

On motion of Mr. SHATTUC, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 6493. An act for the relief of John Anderson, a Pottawatomie Indian, and his adult children; and

H. R. 7737. An act to change the name of the Potomac Insurance Company of Georgetown, and for other purposes.

The message also announced that the Senate had passed bills and joint resolutions of the following titles; in which the concurrence of the House of Representatives was requested:

S. 2368. An act granting a pension to Mary A. Randall;

S. 2203. An act granting an increase of pension to William Taylor;

S. 755. An act granting a pension to Hannah R. Johnson;

S. 757. An act granting an increase of pension to William C. Stockton;

S. 477. An act granting a pension to Levi C. Faught;

S. 2380. An act granting an increase of pension to Caroline B. Bradford;

S. 752. An act granting an increase of pension to Isaac W. Comery;

S. 1007. An act granting a pension to Mary E. Fenn;

S. 2942. An act granting an increase of pension to William Padgett;

S. 716. An act granting a pension to Susan Buck;

S. 207. An act granting a pension to Mrs. J. J. Van Horn;

S. 2510. An act granting an increase of pension to Caroline C. Townsend;

S. 1977. An act to increase the pension of Levi Morse;

S. 344. An act granting a pension to Nancy A. Dowell;

S. 103. An act granting an increase of pension to Charles Critzer;

S. 1752. An act for the relief of James J. Wheeler;

S. 1754. An act granting a pension to Burton Packard;

S. 1758. An act to increase the pension of Farnham J. Eastman;

S. 358. An act granting a pension to William P. Arble;

S. 347. An act for the relief of Margaret C. McKay;

S. 342. An act granting a pension to Eleanor McDevitt;

S. 2200. An act granting an increase of pension to Elizabeth W. Murphey;

S. 1905. An act granting an increase of pension to Lillian Capron;

S. 1906. An act granting an increase of pension to Agnes Capron;

S. 1191. An act granting an increase of pension to Orpha W. Reynolds;

S. 1127. An act to increase the pension of Hannah G. Strong;

S. 299. An act granting a pension to Susanna Marion;

S. 139. An act granting a pension to Adelaide Sessions;

S. 1600. An act granting an increase of pension to John T. Hayes;

S. 135. An act granting a pension to Mrs. Frances C. De Russy;

S. 1872. An act granting a pension to Hiram J. Reamer;

S. 2636. An act granting an increase of pension to Mary E. Law;

S. 2545. An act granting a pension to Nellie A. West;

S. 1066. An act granting a pension to Margaret E. Shipp;

S. 681. An act granting a pension to Julia D. Richardson;

S. 1271. An act granting a pension to Charles Williamson;

S. 2497. An act granting an increase of pension to Sarah W. Rowell;

S. 3103. An act granting a pension to Seleda Burnham; and

S. 2652. An act to increase the pension of Louisa E. Baylor.

The message also announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with deep sensibility the announcement of the death of Hon. SYDNEY P. EPES, late a Representative from the State of Virginia.

Resolved, That a committee of five Senators be appointed by the presiding officer to join the committee appointed on the part of the House of Representatives to take order for superintending the funeral of the deceased.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

Resolved, That as a further mark of respect to the memory of the deceased, the Senate do now adjourn.

And, in compliance with the foregoing, the presiding officer had appointed as the committee on the part of the Senate Mr. DANIEL, Mr. MARTIN, Mr. HARRIS, Mr. SCOTT, and Mr. PERKINS.

BOARD OF CHARITIES FOR THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, by direction of the Committee on the District of Columbia, this day being set apart for District business, I call up the bill (H. R. 7693) to establish a board of charities for the District of Columbia.

The bill was read, as follows:

Be it enacted, etc., That there shall be established in the District of Columbia a board of charities, to consist of five members, residents of the said District, who shall be appointed by the President of the United States, by and with the advice and consent of the Senate, each for a term of three years, but in such manner that the terms of not more than two of them shall expire in any one or the same year. The members of the said board shall serve without compensation.

During his term of office no member shall serve as trustee or other administrative officer of any institution subject to the visitation of the said board. The board shall elect a president and vice-president from among its own members, and may appoint such other officers, inspectors, and clerks as it may deem proper, and fix the number, duties, and compensation of such other officers, inspectors, and clerks, subject to appropriations of Congress. The superintendent of charities shall act as the secretary of said board, and hereafter he shall only discharge such duties as may be imposed on him by the board of charities, and shall receive only such salary as may be fixed by the said board, subject to appropriations of Congress. The said board of charities shall visit, inspect, and maintain a general supervision over all institutions, societies, or associations of a charitable, eleemosynary, correctional, or reformatory character which are supported in whole or in part by appropriations of Congress, made for the care or treatment of residents of the District of Columbia; and no payment shall be made to any such charitable, eleemosynary, correctional, or reformatory institution for any resident of the District of Columbia who is not received and maintained therein pursuant to the rules established by such board of charities, except in the case of persons committed by the courts.

The said board of charities shall be provided with suitable rooms in the building occupied by other departments of the government of the District of Columbia. Regular meetings of the said board shall be held at least once each month, and more often if required. The said board shall make such rules and orders for the regulation of its proceedings as may be deemed necessary. The officers in charge of all institutions subject to the supervision of the board of charities shall furnish said board, on request, such information and statistics as may be desired; and to secure accuracy, uniformity, and completeness of such statistics the board may prescribe such forms of report and registration as may be deemed to be essential; and all plans for new institutions shall, before the adoption of the same, be submitted to said board for suggestion and criticism. The Commissioners of the District of Columbia may at any time order an investigation by the board, or a committee of its members, of the management of any penal, charitable, or reformatory institution in the District of Columbia; and said board, or any authorized committee of its members, when making such investigation, shall have power to send for persons and papers and to administer oaths and affirmations; and the report of such investigation, with the testimony, shall be made to the Commissioners.

All accounts and expenditures of said board shall be certified as may be required by the Commissioners, and paid as other accounts against the District of Columbia. The said board shall make an annual report to Congress,

through the Commissioners of the District of Columbia, giving a full and complete account of all matters placed under the supervision of the board, all expenses in detail, and all officers and agents employed, with a report of the secretary, showing the actual condition of all institutions and agencies under the supervision of the board, the character and economy of administration thereof, and the amount and sources of their public and private income. The said report shall also include recommendations for the economical and efficient administration of the charities and reformatories of the District of Columbia. The said board shall prepare and include with its annual report such estimates of future appropriations as will, in the judgment of a majority of its members, best promote the effective, harmonious, and economical management of the affairs under its supervision; and such estimates submitted shall be included in the regular annual Book of Estimates. No member or employee of said board shall be either directly or indirectly interested in any contract for building, repairing, or furnishing any institution which by this act the board is authorized to investigate and supervise. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

The Committee on the District of Columbia recommended the following amendments:

Strike out the words "The superintendent of charities shall act as the secretary of the said board, and hereafter he shall only discharge such duties as may be imposed on him by the board of charities, and shall receive only such salary as may be fixed by said board, subject to appropriations of Congress," beginning on line 2 of page 2 of the bill and ending in line 7 of page 2 of the bill.

Page 2, line 18, after the word "courts," substitute comma for period after the word "courts," and add the following: "or abandoned infants needing immediate care."

Mr. BABCOCK. Mr. Speaker, I will yield to the gentleman from Maryland [Mr. PEARRE].

Mr. PEARRE. Mr. Speaker, I ask for the reading of the report upon the bill, if any gentleman desires it.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BABCOCK, a motion to reconsider the last vote was laid on the table.

OPENING OF ALLEYS IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. I ask for the consideration of the bill H. R. 8069.

The Clerk read as follows:

A bill (H. R. 8069) to amend an act approved July 22, 1892, entitled "An act to provide for the opening of alleys in the District of Columbia."

Mr. BABCOCK. Mr. Speaker, this bill is reported by substitute. I ask that the reading of the original bill be omitted and that the substitute be read.

The SPEAKER. Without objection, that will be done. The substitute will be read instead of the original bill.

The Clerk read as follows:

Strike out all after the enacting clause and insert the following:

"That chapter 230 of the laws of the first session of the Fifty-second Congress, entitled, 'An act to provide for the opening of alleys in the District of Columbia,' approved July 22, 1892, be, and the same is hereby, amended so as to read as follows:

"'That the Commissioners of the District of Columbia be, and they are hereby, authorized to condemn, open, extend, widen, or straighten alleys in the District of Columbia upon the presentation to them of the plat of the alley to be condemned, opened, widened, extended, or straightened, accompanied by a petition of the owners of more than one-half of the real estate in the square in which such alley is sought to be opened, widened, extended, or straightened, when the Commissioners of the District of Columbia shall deem that such opening, extending, widening, or straightening of an alley is necessary in order to provide proper drainage facilities for the square in which said alley is sought to be opened, extended, widened, or straightened, or when said Commissioners shall deem such opening, extending, widening, or straightening of an alley is necessary in order to properly accommodate vehicle traffic in such square, or when such opening, extension, widening, or straightening of an alley is necessary for the public health: *Provided*, That in the opening, extension, widening, or straightening of an alley, it shall be lawful to close any original alley, or part of an original alley, the fee of which is in the United States, which may thereby become useless or unnecessary; and that it shall also, in like manner, be lawful to close any other alleys or parts of alleys, the title thereto to revert to the person or persons who dedicated the same for alley purposes, or to their assigns: *And provided further*, That the Commissioners of the District of Columbia be, and they are hereby, authorized, whenever in their judgment the same may be necessary or expedient, to close an alley or part of an alley the width of which is less than 10 feet: *Provided*, That the assent thereto, in writing, is obtained from the owners of a majority of the real estate abutting thereon. That if the fee title to the land contained in the alley or part of an alley so to be closed is in the United States the said Commissioners are hereby authorized to dispose of said land by sale to the owners of the lots or parts of lots contiguous thereto at a price to be agreed upon between the said Commissioners and said owners, which price shall not be less than the current market price of the ground in the contiguous lots; that if the fee title to the land in the alley or part of an alley so to be closed is not in the United States, the title to said land shall revert to the person or persons who dedicated the same for alley purposes, or to his or their heirs or assigns.

"'SEC. 2. That it shall be the duty of the surveyor of said District, as soon as may be thereafter, to distinctly mark off such alley in the manner in which it may be designated in the petition therefor and make out triplicate plats of such alley, showing its courses and boundaries and the quantity in square feet which may be taken from the lots or parts of lots in the square by the opening, extending, widening, or straightening thereof, and showing also the alley or part of alley to be closed, if any, and the lots or parts of lots to which the land contained in such closed alley is to be annexed; one of which plats shall be deposited with the recorder of deeds of said District to be filed amongst the records of his office, another kept in the office of the surveyor of said District, and one filed in the office of the Commissioners of the District of Columbia.

"'SEC. 3. That in the opening, extension, widening, or straightening of an alley as herein provided for it shall be lawful for the Commissioners of the District of Columbia to close any alley or part of an alley thereby rendered useless or unnecessary, the fee to which is in the United States, by entering into an agreement with the owners of the lots or parts of lots contiguous thereto for the purchase by them of the land contained in said alley sought to be closed, at a price to be agreed upon by the said Commissioners and said owners, which price shall not be less per square foot than the assessed value per square foot of the contiguous lots; said agreements to be in duplicate, one of which shall be filed in the office of the recorder of deeds and the other in the office of the Commissioners of the District of Columbia, and the sums so agreed to be paid shall be assessed severally against the lots or parts of lots to which the land so purchased shall be annexed, such assessments to bear interest at the rate of 10 per cent per annum until paid, and shall be collected as other taxes are collected: *Provided, however*, That the Commissioners of the District of Columbia may, in their discretion, sell and convey the land contained in the alley to be closed for cash to any person or persons. That the Commissioners of the District of Columbia may, in the opening, extension, widening, or straightening of an alley, close an alley, or part of an alley, the fee to which is not in the United States, provided the owners of all the lots or parts of lots abutting thereon and the party or parties holding the fee title to the land contained in the alley to be closed shall first sign and file a petition therefor, in duplicate, together with a plat thereof, in duplicate, as provided by the first section of this act, one copy of which shall be filed with the recorder of deeds and the other in the office of the Commissioners of the District of Columbia.

"'SEC. 4. That upon the filing of such plat by the surveyor in the office of the Commissioners of the District of Columbia as aforesaid, the said Commissioners shall make an application in writing to the marshal of the District of Columbia to summon and impanel a jury of twelve citizens who have no interest in the real estate mentioned in the said petition (and it is hereby made his duty to summon and impanel the same in all such cases upon application to him in writing by said Commissioners), and who, having first taken and subscribed an oath in writing to discharge the duty imposed upon them by the provisions of this act justly and impartially, shall proceed to ascertain and appraise the damages which may accrue to the real estate of any person or persons by the opening, extending, widening, or straightening of such alley, which shall be the value of the land at the time of the taking, and they shall make and file a statement in writing, signed by them, of the damages so ascertained and appraised, in the office of the Commissioners of the District of Columbia, and a duplicate of said statement in the office of the recorder of deeds for the said District, and the amount thereof shall be paid to the persons respectively entitled thereto by said District of Columbia, out of any funds available therefor; and all such alleys or extensions, widenings, or straightenings shall thereafter be kept open and free for public use.

"'SEC. 5. That the said jury shall apportion an amount equal to the amount of said damages so ascertained and appraised as aforesaid, including $6 for the services of said marshal and $5 per diem for the services of each of said jurors when actually employed, according as each lot or part of a lot of land in such square may be benefited by the opening, widening, extending, or straightening such alley: *Provided, however*, That in cases provided for in section 2 of this act the sums paid or agreed to be paid for the land contained in any alley or part of alley to be closed shall first be deducted from the amount of benefits so to be assessed; and they shall make due return of such apportionment to the recorder of deeds and to the Commissioners of the District of Columbia, in which they shall designate each lot or part of a lot of land in such square so benefited, and the amount so apportioned to each, respectively; and, in case of failure to pay the amount so apportioned, it shall be the duty of said Commissioners, or some one designated by them, to levy an assessment upon each lot or part of a lot of land in accordance with such apportionment, the sum to be collected as other special assessments upon real estate are collected, and said assessment shall bear interest at the rate of 10 per cent per annum until paid.

"'SEC. 6. That the said marshal shall give or cause to be given at least ten days' written or printed notice of the time and place of the meeting of such jurors for the purposes aforesaid to each proprietor of land in the square designated as the location of such alley. If the proprietor be a resident of the District of Columbia the notice shall be served by delivering a copy thereof to him or her personally, or leaving it at the usual residence with some person over 10 years of age. If the proprietor be a nonresident the notice shall be served by delivering a copy thereof to his or their tenant or agent, or depositing it in the post-office at Washington City, inclosed in a post-paid envelope, which shall be addressed to the proprietor at his or her post-office address. If the proprietor or proprietors be under 21 years of age the notice shall be served as hereinbefore provided upon the guardian or parent of such minor or minors. A return of such service and the manner thereof shall be made by the marshal to the Commissioners of the District of Columbia, and shall be filed among the records of said District.

"'SEC. 7. That all alleys opened or extended in the city of Washington since June 30, 1871, under an ordinance of the late corporation of Washington approved November 4, 1842, are hereby made valid: *Provided*, That nothing in this act shall affect the rights of parties to suits now pending in such cases.

"'SEC. 8. That all alleys or parts of alleys heretofore closed by subdivision, with the approval of the Commissioners, shall remain unaffected by this bill.

"'SEC. 9. That if any moneys from the sale of land in which the United States is interested shall remain after carrying out the provisions of the preceding sections of this act, such moneys shall be paid into the Treasury of the United States by the Commissioners of the District of Columbia.

"'SEC. 10. That all acts or parts of acts inconsistent with the provisions hereof are hereby repealed.'"

Mr. BABCOCK. Mr. Speaker, I yield to the gentleman from Wisconsin [Mr. JENKINS] who reported the bill.

Mr. JENKINS. Mr. Speaker, I desire to submit an amendment. Strike out the word "twelve" where it occurs in line 17 of page 7 and insert "seven."

The Clerk read as follows:

Strike out, in line 17, page 7, the word "twelve" and insert the word "seven."

The amendment was agreed to.

Mr. JENKINS. Now I ask for a vote on the bill.

Mr. GAINES. I would like to ask the gentleman just one question. What provision is made in this bill for paying abutting owners for incidental damages to their property? It is a long bill, and I did not catch the reading of it.

Mr. JENKINS. There is no particular provision, I will say to the gentleman from Tennessee; that is governed by the general law.

Mr. GAINES. Oh, well, then, they are protected under the general law.

Mr. JENKINS. They are protected under the general law.

The substitute was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. JENKINS, a motion to reconsider the vote by which the bill was passed was laid on the table.

REMOVAL OF THE REMAINS OF THE LATE MAJ. GEN. E. O. C. ORD.

Mr. BABCOCK. I ask for the consideration of the bill S. 3266.

The Clerk read as follows:

A bill (S. 3266) authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Brig. Gen. E. O. C. Ord from Oak Hill Cemetery, District of Columbia, to the United States National Cemetery at Arlington, Va.

Be it enacted, etc., That the health officer of the District of Columbia be, and he is hereby, authorized to issue a permit for the removal of the remains of the late Brig. Gen. E. O. C. Ord from Oak Hill Cemetery, District of Columbia, to the United States National Cemetery at Arlington, Va.

The amendment recommended by the committee was read, as follows:

In line 5 strike out the words "Brigadier-General" and insert the words "Major-General."

Mr. BABCOCK. I ask for a vote on the amendment, Mr. Speaker.

The amendment was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

The SPEAKER. Without objection, the amendment to the title will be agreed to. [After a pause.] The Chair hears none.

FREDERICK DOUGLASS MEMORIAL AND HISTORICAL ASSOCIATION.

Mr. BABCOCK. I ask consideration for the bill (H. R. 3597) to incorporate the Frederick Douglass Memorial and Historical Association. Mr. Speaker, this bill is reported by substitute. I ask that the reading of the bill be omitted, and the substitute be read in its place.

The SPEAKER. The gentleman from Wisconsin asks that the substitute be read, and not the bill. Without objection, that will be done.

There was no objection.

The Clerk read as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That Helen Douglass, William H. H. Hart, Francis J. Grimke, May Wright Sewall, Edward A. Clarke, their associates and successors, be, and they are hereby declared to be, a body politic and corporate, in the District of Columbia, with perpetual succession, by and under the name, style, and title of the Frederick Douglass Memorial and Historical Association, for the following objects and purposes, to wit:

"First. To preserve to posterity the memory of the life and character of the late Frederick Douglass.

"Second. To collect, collate, and preserve a historical record of the inception, progress, and culmination of the anti-slavery movement in the United States, and to assemble in the homestead of the late Frederick Douglass, commonly called Cedar Hill, in the village of Anacostia, in the District of Columbia, all such suitable exhibits of records or things illustrative or commemorative of the anti-slavery movement and history as may be donated to said association or acquired by purchase, bequest, or other lawful means.

"SEC. 2. That the said association, by and under the name and title aforesaid, and their successors, shall be competent at law and in equity to take to themselves and their successors, for the use and behoof of said association, any estate whatsoever, in any messuage, lands, tenements, hereditaments, goods, chattels, moneys, and other effects, by gift, devise, grant, donation, bargain, sale, conveyance, assurance, or will; and the same to grant, bargain, sell, transfer, assign, convey, assure, demise, declare to use, and farm let, and to place out on interest, for the use of said association, in such manner as to them, or a majority of them, shall be deemed most beneficial to said association; and to receive the same, their rents, issues, and profits, income, and interest, and to apply the same for the proper use and benefit of said association for the objects and purposes hereinbefore mentioned; and by the same name to sue and be sued, to implead and be impleaded in any court of law or equity in all manner of suits, actions, and proceedings whatsoever, and generally by and in the same name to do and transact all and every the business touching or concerning the premises; and that after the said association shall have acquired title in fee simple to a whole or a part of certain property situate and being in the village of Anacostia, D. C., commonly called Cedar Hill, and occupied by the late Frederick Douglass as his homestead, the said association may manage, repair, improve, and adorn the same in such manner as the said incorporators or their successors, or a majority of them, may deem meet and proper, in pursuance of and in accordance with the objects and purposes for which this said association is incorporated.

"SEC. 3. That the first meeting of said incorporators shall be held at said Cedar Hill, Anacostia, D. C., at such time as a majority of the persons hereinabove named shall determine upon, after ten days' notice thereof shall be given to each of said incorporators, at which said first meeting, or at such other time thereafter as the said incorporators may fix for that purpose, they may enact such by-laws as they may see fit, not inconsistent with the laws of the United States, regulating the government of the said association.

"SEC. 4. That the government of said association shall be vested in a board of trustees of not less than five members nor more than nine, who shall be elected by the corporators at their first meeting or at such time thereafter as the said corporators may at the said first meeting appoint for that purpose. In case of a vacancy or vacancies occurring in said board of trustees by death, resignation, or otherwise, the same shall be filled by the remaining members thereof. Said board of trustees shall have perpetual succession, and in them and their successors shall be vested the power hereinbefore granted to this association. They shall adopt a common seal, which they may alter at pleasure, under and by which all deeds and acts of the association shall be passed and authenticated. They shall elect such officers as they may deem necessary, including a treasurer, for such terms and at such compensation as they may prescribe, in accordance with the by-laws which may be established for the government of said association. The said treasurer shall give such bond as may be fixed by the by-laws, and all of the officers of the association, together with such agents and employees as it may be deemed necessary to employ, shall be subject to removal for such causes and under such conditions and regulations as may be prescribed by the by-laws.

"SEC. 5. That no misnomer of the said corporation shall defeat or annul any grant, donation, gift, devise, or bequest to or from said corporation.

"SEC. 6. That the said corporation may cause to be erected at such suitable site upon the homestead aforesaid, after acquisition of title to same as aforesaid, as may be selected by the board of trustees, a monument to the memory of the late Frederick Douglass, of such character and at such cost as, in their judgment, may seem fit, in accordance with the means of said association and compatible with the objects and purposes thereof.

"SEC. 7. That the said board of trustees of the Frederick Douglass Memorial and Historical Association be, and they are hereby, authorized and empowered to organize auxiliary associations in the various States and counties of this Union, or elsewhere, to the extent that they may be able to do so for the purpose of soliciting funds and transferring the same to the treasurer of said association to carry into effect the objects and purposes of the said association as hereinbefore expressed.

"SEC. 8. That Congress reserves the right to amend or repeal this act."

Mr. BABCOCK. Mr. Speaker, I yield to the gentleman from Maryland, who will explain fully the provisions of this bill.

Mr. MUDD. The objects of this bill, Mr. Speaker, are succinctly and sufficiently set forth in the title and first and second clauses of the first section thereof. These objects, the attainment of which it is the purpose of the bill to make permissible to the extent that they may be found desirable and practicable by those interested therein, in such mode and to such extent as they may, in their discretion, see fit, are, as set forth in these clauses, first, to preserve to posterity the memory of the life and character of the late Frederick Douglass; and second, to collect and to preserve a record of the progress and history of the anti-slavery movement in the United States, in which this man bore so great a part and to whose successful culmination in universal freedom in this land I take it all classes of people and all sections of the country now give their cordial approval.

The bill does not enjoin or make mandatory the doing of anything for the execution of these purposes. It does not undertake to ask Congress to declare anything as to the wisdom or propriety of the prosecution of the ends and aims that it has in view. It simply gives an opportunity which is sought for and asked at the hands of Congress by those interested in it, through what is thought to be the more effective method and the more potent instrumentality of the organization that will come from incorporation, to the friends and the family and the admirers of the late Frederick Douglass, in such way as they may see fit, to commemorate his life and character, and to perpetuate, from the standpoint of their judgment and their feeling upon it, the remembrance of the abolition of human slavery in this country, to which he, by the eventful story and struggles of his life, and by the forceful services of his voice and pen, contributed as much, perhaps, as any man in the United States.

Another thing not stated in the bill, and yet which is one of the chief objects of it, and which I should perhaps state here, is the fact, as I am given to understand, that it is the purpose of that portion of his family that now owns his late residence in Anacostia to convey and to donate that property to the association that they ask to be thus incorporated, and to dedicate it unreservedly and without condition to the accomplishment of the purposes for which this organization is sought to be called into being.

Mr. FITZGERALD of New York. I would like to ask if there is any general law which makes property owned by such corporations exempt from taxation?

Mr. MUDD. There is no such general law in this District. There was a provision in the original bill, for which I have offered and reported a substitute, exempting the property from taxation; but the committee struck out that provision, and this property will pay taxes.

Mr. FITZGERALD of New York. I wish to say that if there was such a general law, some limit should be put upon the capacity of this corporation to hold property.

Mr. MUDD. There is no such provision in the substitute now before the House. I repeat that there was such a provision in the original bill, but that has been stricken out. There is no exemption from taxation in this proposed substitute, and those interested in the bill are not asking it, and this property will pay taxes, both general and special taxes, as any other property in the District of Columbia.

Mr. Speaker, I apprehend there will be no opposition from any source as to the provision of the bill which contemplates the donation and dedication of this property for the purposes which I have just indicated, and yet there has been some slight manifestation of opposition to this bill, and it is because of that manifestation that I have thought it proper that I should enter upon this much of explanation. The provisions of the bill are plain, in my judgment; its purposes and the motives of those behind it are proper and praiseworthy, and in a large degree patriotic, and are such as to deserve not merely the permission, but merit, if need be, the sanction and encouragement of Congress. I hope that the bill will promptly pass and that there will be no opposition to it at this time upon this floor.

Mr. BAILEY of Texas. This bill will not pass, if I can prevent it, with the seventh section in it. The seventh section authorizes

this corporation to extend itself into any State of the Union with or without that State's permission. There can be no possible defense for an effort to extend this organization into any State that is not willing to have it operate within it.

Mr. MUDD. If the gentleman will permit me—I have not yet yielded the floor—I think he will find, if he will read the bill, that the section referred to is not amenable to the objection that he states. The original bill used the word "charter" in connection with this contemplated work outside of the District of Columbia. To quote from the section alluded to in the original bill, it is said:

That the said board of trustees be, and they are hereby, authorized and empowered to charter and organize auxiliary associations in the States and counties of this Union, etc.

Upon my motion the word "charter" was stricken out because, in my judgment, the word "organize" was sufficient, was less amenable to objection, and would not confer, or undertake to confer, any corporate powers outside of the District of Columbia, and would not undertake to give to these trustees any authority to act in the various States or counties thereof without the consent of the States.

Mr. BAILEY of Texas. They organize under this charter, and this is practically a Federal charter. I have no sympathy with the object of it, but if you will confine it to the District of Columbia, I shall make no objection.

Mr. MUDD. I think we have done that.

Mr. BAILEY of Texas. Then why not strike that out?

Mr. MUDD. If the gentleman will bear with me for a moment, I want to call his attention to the first section of the bill, wherein it is provided "that Helen Douglas, William H. Hart, Francis J. Grimke, May Wright Sewall, Edward A. Clarke, their associates and successors, be, and they are hereby, declared to be a body politic and corporate, in the District of Columbia." This sufficiently shows the scope and the powers of the corporation. Congress has no power to charter a Federal corporation anywhere beyond the District——

Mr. BAILEY of Texas. I agree to that proposition as one of law; but mark you, a corporation chartered in the District of Columbia or in any State has no power to go into any other State, except with that State's consent.

Mr. MUDD. I understand that perfectly.

Mr. BAILEY of Texas (continuing). But you Federalize this corporation by expressly providing, not that it shall conduct its whole business in the District of Columbia, but that it may go into the several States of the Union; and if that is not the purpose of it, what can be the objection to striking it out?

Mr. MUDD. The gentleman from Texas and myself are so far agreed as to the character and powers of the Federal Constitution that I unite with him in the opinion that we can not Federalize this corporation.

Mr. BAILEY of Texas. Oh, yes, we can.

Mr. MUDD. You can in the District and the Territories, but not in States.

Mr. BAILEY of Texas. I myself believe they have no right to create a corporation, except the corporation is created to execute some power granted by Congress. The most famous case is the case of McCulloch against Maryland, in which they held that Congress did have the power to create a Federal corporation, a case which arose in the gentleman's own State.

Mr. MUDD. I do not just now recall the details of all that was decided in that case, but I apprehend there is no question but that it will be found that all cases that decided that Congress could create a Federal corporation did so upon the ground that such a corporation came within the purview of the powers especially enumerated in the Constitution as belonging to the Federal Government. That would, of course, be an exception to the general rule that I have stated.

Mr. BAILEY of Texas. It involved the validity of the old national-bank charter.

Mr. MUDD. I take it that nobody thinks for a moment that we can charter a corporation of this kind to do business in a State without that State's consent. The section of the bill referred to particularly says that this corporation shall be empowered "to organize auxiliary associations in the various States and counties of this Union or elsewhere, to the extent that they may be able to do so," etc. This shows that it is not contemplated that any such powers shall be exercised without the consent of the State in which it is done.

Mr. BAILEY of Texas. If the gentleman will pardon me, I have the floor.

Mr. MUDD. I myself had the floor, and had not yielded to the gentleman from Texas.

Mr. BAILEY of Texas. The Speaker was about to put the question——

Mr. MUDD. Well, we will not get into any controversy over that.

Mr. BAILEY of Texas. Very well; the gentleman can finish his remarks.

Mr. MUDD. I had not given up the floor, but I will yield to the gentleman from Texas if he desires.

Mr. COWHERD. Mr. Speaker, I would like to ask the gentleman from Maryland if this bill did not give this association any rights in other States, would not they have the right simply to organize societies without this provision? And why should he have any objection to striking it out?

Mr. MUDD. I am not sure that I myself have any strenuous objection to that.

Mr. BAILEY of Texas. Then strike it out, and I do not care to object to it.

Mr. MUDD. I have no objection to its going out if it will relieve the bill from controversy and will remove the constitutional or other legal difficulties which gentlemen may see in it.

Mr. BAILEY of Texas. I have no care about the bill so far as I am concerned, if you strike out that provision.

Mr. MUDD. Does the gentleman from Texas make any motion?

Mr. BAILEY of Texas. I am going to when we reach the proper time.

The SPEAKER. The gentleman from Wisconsin [Mr. BABCOCK] has the floor for an hour. Does he yield to anyone?

Mr. BABCOCK. I do not.

Mr. BAILEY of Texas. We may as well have an understanding. The gentleman from Wisconsin had probably yielded to the gentleman from Maryland. The gentleman from Maryland resumed his seat, and the Speaker was about to take a vote on the question. I rose and was recognized, and have never yielded the floor. The gentleman from Maryland interrupted me with some inquiry which I answered, and he then proceeded to make another speech. I have the floor, however.

The SPEAKER. The parliamentary situation was this: The gentleman from Wisconsin, chairman of the Committee for the District of Columbia, called up the bill and yielded to the gentleman from Maryland, whereupon the gentleman from Texas wanted to get in for some colloquy, and the Chair recognized him for that purpose.

Mr. BAILEY of Texas. If the Chair will pardon me, in the first place, when the gentleman from Wisconsin yielded to the gentleman from Maryland he did not yield any specific time or reserve the remainder of his time. But I rose; there is no question about that; the gentleman on the other side had abandoned the floor, and the Chair was about to state the question.

The SPEAKER. The Chair had no thought of stating the question.

Mr. BAILEY of Texas. I take it the Chair had stated the question——

The SPEAKER. It was not in his mind.

Mr. BAILEY of Texas. The Chair must have stated the question——

The SPEAKER. The gentleman from Wisconsin, in the present situation, has the floor; and it is a question for him to determine whether he is going to reserve his time.

Mr. BAILEY of Texas. The question is, Had he reserved it when he resumed his seat?

The SPEAKER. That is why the Chair asked him if he had reserved his time.

Mr. BAILEY of Texas. The gentleman can not sit down without reserving his time and afterwards reserve it.

The SPEAKER. The gentleman can sit down while he yields to another gentleman who occupies the floor. Has the gentleman from Wisconsin reserved his time?

Mr. BABCOCK. Yes, sir. The gentleman has reserved his time.

The SPEAKER. The Chair now recognizes the gentleman from Texas. If we keep perfectly cool, we shall get along.

Mr. BAILEY of Texas. If the Chair will keep cool——

The SPEAKER. The Chair is perfectly cool, and will protect the rights of every member on every side.

Mr. BAILEY of Texas. The reason I did not think the Chair was cool was because he said he had no thought of stating the question, while the rule expressly provides that the question shall be stated——

The SPEAKER. The gentleman from Texas has been recognized on this bill.

Mr. BAILEY of Texas. I am speaking in my own time.

The SPEAKER. But on a point the Chair has passed.

Mr. BAILEY of Texas. I have a right to proceed as I am doing.

The SPEAKER. No, sir; not after the question has been passed. The gentleman is recognized on this bill.

Mr. BAILEY of Texas. I intend to refer to that, and the Chair will simply have to rule that I am out of order.

The SPEAKER. That is what the gentleman is.

Mr. BAILEY of Texas. Then I appeal from the decision of the Chair.

The SPEAKER. The gentleman continues to discuss a parliamentary question after it has been decided by the Chair and after he had been recognized to discuss this bill. The Chair has held

that after deciding the question and recognizing the gentleman to discuss the bill, the Chair must rule him out of order in discussing a question the Chair has decided. The gentleman now takes an appeal from the decision of the Chair.

Mr. PAYNE. I move to lay the appeal on the table.

The SPEAKER. The gentleman from Texas takes an appeal and the gentleman from New York moves to lay the appeal on the table. The question is on laying on the table the appeal of the gentleman from Texas.

The question having been put,

The SPEAKER. The noes appear to have it.

Mr. PAYNE. I call for a division.

The question being again taken, there were ayes 85, noes 67.

Mr. BAILEY of Texas. I make the point that no quorum has voted.

The SPEAKER. The Chair overrules that point.

Mr. BAILEY of Texas. Then I make the point that there is no quorum present.

The SPEAKER. The Chair will count the House.

The members present having been counted,

The SPEAKER. The Chair counts 163 members present—not a quorum. The Chair orders the doors to be closed and the roll to be called for the purpose of ascertaining the presence of a quorum. Members as their names are called will vote on the pending question.

Mr. BAILEY of Texas. Mr. Speaker, I move that the House do now adjourn.

Mr. PAYNE. I make the point of order, Mr. Speaker, that that is a dilatory motion.

Mr. BAILEY of Texas. Why the gentleman does not imagine that I seek to delay when I am endeavoring to determine the question.

The SPEAKER. The Chair dislikes very much to entertain a point of order of that kind, but believes this to be clearly a dilatory motion.

Mr. BAILEY of Texas. Very well, Mr. Speaker, as only one appeal can be pending, I do not appeal from that decision.

The SPEAKER. The doors will be closed, and the roll will be called.

The Clerk proceeded to call the roll.

Mr. BISHOP. Mr. Speaker, I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. BISHOP. I wish to know the pending question?

The SPEAKER. An appeal has been taken by the gentleman from Texas [Mr. BAILEY] from the decision of the Chair. The gentleman from New York [Mr. PAYNE] has moved to lay that appeal upon the table. Those in favor of the motion of the gentleman from New York will, as their names are called, either vote "aye" or answer "present." Those opposed will vote "no."

The roll was called, with the following result—yeas 123, nays 89, answered "present" 18, not voting 121; as follows:

YEAS—123.

Alexander,	Dahle, Wis.	Jones, Wash.	Phillips,
Allen, Me.	Dalzell,	Joy,	Powers,
Babcock,	Davenport, S. A.	Kahn,	Prince,
Bailey, Kans.	Davidson,	Knox,	Pugh,
Barham,	Dayton,	Lacey,	Ray,
Barney,	Denny,	Landis,	Reeder,
Bartholdt,	Dick,	Lawrence,	Russell,
Bishop,	Dolliver,	Linney,	Shattuc,
Boutell, Ill.	Dovener,	Littlefield,	Shelden,
Bowersock,	Driscoll,	Long,	Sherman,
Brick,	Eddy,	Lorimer,	Showalter,
Bromwell,	Emerson,	Loud,	Smith, Ill.
Brosius,	Esch,	Lybrand,	Smith, H. C.
Brown,	Faris,	McCall,	Spalding,
Bull,	Fletcher,	McCleary,	Sperry,
Burke, S. Dak.	Fordney,	McPherson,	Sprague,
Burkett,	Foss,	Marsh,	Stevens, Minn.
Burleigh,	Gamble,	Mesick,	Stewart, Wis.
Burton,	Gardner, Mich.	Miller,	Sulloway,
Butler,	Gillett, Mass.	Minor,	Tawney,
Calderhead,	Graff,	Mondell,	Tayler, Ohio
Cannon,	Greene, Mass.	Moody, Mass.	Thomas, Iowa
Cochrane, N. Y.	Hamilton,	Moody, Oreg.	Thropp,
Cooper, Wis.	Hedge,	Morgan,	Tongue,
Corliss,	Henry, Conn.	Morris,	Vreeland,
Cousins,	Hepburn,	Mudd,	Wachter,
Cromer,	Hill,	O'Grady,	Waters,
Crump,	Hoffecker,	Parker, N. J.	Weaver,
Crumpacker,	Hopkins,	Payne,	Weeks,
Curtis,	Hull,	Pearce, Mo.	White.
Cushman,	Jenkins,	Pearre,	

NAYS—89.

Allen, Ky.	Breazeale,	Davey,	Griffith,
Allen, Miss.	Brenner,	Davis,	Griggs,
Atwater,	Brundidge,	De Graffenreid,	Hay,
Bailey, Tex.	Burke, Tex.	De Vries,	Henry, Tex.
Ball,	Burnett,	Dinsmore,	Howard,
Bankhead,	Caldwell,	Dougherty,	Jones, Va.
Barber,	Carmack,	Driggs,	Kitchin,
Bartlett,	Clark, Mo.	Fitzgerald, N. Y.	Kleberg,
Bellamy,	Clayton, Ala.	Foster,	Klutts,
Benton,	Clayton, N. Y.	Gaines,	Lanham,
Bradley,	Cowherd,	Glynn,	Lentz,
Brantley,	Crawford,	Green, Pa.	Lester,
Lewis,	Moon,	Ruppert,	Thayer,
Livingston,	Naphen,	Ryan, N. Y.	Thomas, N. C.
Lloyd,	Neville,	Scudder,	Vandiver,
McClellan,	Noonan,	Shackleford,	Williams, J. R.
McCulloch,	Pierce, Tenn.	Sheppard,	Wilson, Idaho
McDowell,	Ransdell,	Sims,	Wilson, N. Y.
McLain,	Rhea, Ky.	Snodgrass,	Zenor,
McRae,	Richardson,	Stephens, Tex.	Ziegler.
Maddox,	Ridgely,	Stokes,	
Meekison,	Rixey,	Sutherland,	
Meyer, La.	Robinson, Nebr.	Talbert,	

ANSWERED "PRESENT"—18.

Adamson,	Cochran, Mo.	Lovering,	Norton, Ohio
Bell,	Elliott,	Mann,	Otey,
Berry,	Finley,	Mercer,	Sparkman.
Burleson,	Ketcham,	Metcalf,	
Campbell,	Latimer,	Needham,	

NOT VOTING—121.

Acheson,	Gayle,	May,	Spight,
Adams,	Gibson,	Miers, Ind.	Stallings,
Baker,	Gilbert,	Muller,	Stark,
Bingham,	Gill,	Newlands,	Steele,
Boreing,	Gillet, N. Y.	Norton, S. C.	Stewart, N. J.
Boutelle, Me.	Gordon,	Olmsted,	Stewart, N. Y.
Brewer,	Graham,	Otjen,	Sulzer,
Broussard,	Grosvenor,	Overstreet,	Swanson,
Brownlow,	Grout,	Packer, Pa.	Tate,
Capron,	Grow,	Polk,	Taylor, Ala.
Catchings,	Hall,	Quarles,	Terry.
Chandler,	Harmer,	Reeves,	Tompkins,
Clarke, N. H.	Haugen,	Rhea, Va.	Turner,
Connell,	Hawley,	Riordan,	Underhill,
Cooney,	Heatwole,	Robb,	Underwood,
Cooper, Tex.	Hemenway,	Robbins,	Van Voorhis,
Cox,	Henry, Miss.	Roberts,	Wadsworth,
Crowley,	Hitt,	Robertson, La.	Wanger,
Cummings,	Howell,	Robinson, Ind.	Warner,
Cusack,	Jack,	Rodenberg,	Watson,
Daly, N. J.	Jett,	Rucker,	Weymouth,
Davenport, S. W.	Johnston,	Ryan, Pa.	Wheeler, Ky.
De Armond,	Kerr,	Salmon,	Williams, W. E.
Fitzgerald, Mass.	Lamb,	Shafroth,	Williams, Miss.
Fitzpatrick,	Lane,	Sibley,	Wilson, S. C.
Fleming,	Levy,	Slayden,	Wright,
Fowler,	Littauer,	Small,	Young, Pa.
Fox,	Little,	Smith, Ky.	Young, Va.
Freer,	Loudenslager,	Smith, Samuel W.	
Gardner, N. J.	McAleer,	Smith, Wm. Alden	
Gaston,	Mahon,	Southard,	

So, a quorum being present, the appeal was laid on the table.

Mr. OTEY. Mr. Speaker, I am paired with the gentleman from Pennsylvania, Mr. MAHON, and desire to withdraw my vote.

Mr. ADAMSON. I would like to ask if the gentleman from Pennsylvania, Mr. WANGER, has voted on this question?

The SPEAKER. He has not.

Mr. ADAMSON. I voted in the negative, Mr. Speaker, but have a general pair with the gentleman from Pennsylvania, and desire, therefore, to withdraw my vote and be marked "present."

The SPEAKER. Without objection, that will be done.

There was no objection.

Mr. BURLESON. Mr. Speaker, has the gentleman from Pennsylvania, Mr. GROW, voted?

The SPEAKER. The Chair is informed that the gentleman has not voted.

Mr. BURLESON. Then I withdraw my vote, having been paired with him.

Mr. MANN. I am paired with my colleague, Mr. JETT. I voted inadvertently, and wish to withdraw the vote and be recorded as "present."

The SPEAKER. That will be done, without objection.

There was no objection.

Mr. BERRY. Mr. Speaker, I desire to ask if my vote is recorded?

The SPEAKER. The gentleman is not recorded.

Mr. BERRY. I want to be marked "present," as I am paired with the gentleman from Maine, Mr. BURLEIGH.

The following pairs were read from the Clerk's desk:

For this session:

Mr. JACK with Mr. FINLEY.

Mr. REEVES with Mr. SPARKMAN.

Mr. HULL with Mr. HAY.

Mr. WM. ALDEN SMITH with Mr. WILSON of South Carolina.

Mr. PACKER of Pennsylvania with Mr. POLK.

Mr. WRIGHT with Mr. HALL.

Mr. METCALF with Mr. WHEELER of Kentucky.

Mr. MANN with Mr. JETT.

Mr. NEEDHAM with Mr. NORTON of South Carolina.

Mr. WANGER with Mr. ADAMSON.

Until further notice:

Mr. WADSWORTH with Mr. SPIGHT.

Mr. BOREING with Mr. FITZPATRICK.

Mr. LANE with Mr. SALMON.

Mr. HAWLEY with Mr. COOPER of Texas.

Mr. KETCHAM with Mr. MULLER.

Mr. ACHESON with Mr. SULZER.

Mr. LOVERING with Mr. FITZGERALD of Massachusetts.

Mr. GILLET of New York with Mr. GAYLE.

Mr. WATSON with Mr. DALY of New Jersey.

Mr. STEELE with Mr. ROBERTSON of Louisiana.
Mr. OLMSTED with Mr. WILLIAM E. WILLIAMS.
Mr. RODENBERG with Mr. SMALL.
Mr. LOUDENSLAGER with Mr. STALLINGS.
Mr. HEATWOLE with Mr. CROWLEY.
Mr. MAHON with Mr. OTEY.
Mr. YOUNG of Pennsylvania with Mr. CUSACK.
Mr. STEWART of New York with Mr. RIORDAN.
Mr. HOWELL with Mr. JOHNSTON.
Mr. HARMER with Mr. SMITH of Kentucky.
Mr. VAN VOORHIS with Mr. GORDON.
Mr. STEWART of New Jersey with Mr. MCALEER.
Mr. GIBSON with Mr. TATE.
Mr. CONNELL with Mr. STANLEY W. DAVENPORT.
Mr. HEMENWAY with Mr. MIERS of Indiana.
Mr. WEYMOUTH with Mr. BROUSSARD.
Mr. BROSIUS with Mr. ZIEGLER.
Mr. SOUTHARD with Mr. NORTON of Ohio.
For this day:
Mr. HAUGEN with Mr. LEVY.
Mr. HITT with Mr. LAMB.
Mr. OVERSTREET with Mr. HENRY of Mississippi.
Mr. ROBERTS with Mr. NEWLANDS.
Mr. SAMUEL W. SMITH with Mr. ROBB.
Mr. GRAHAM with Mr. GASTON.
Mr. CLARKE of New Hampshire with Mr. RYAN of Pennsylvania.
Mr. FREER with Mr. ROBINSON of Indiana.
Mr. GARDNER of New Jersey with Mr. QUARLES.
Mr. CAPRON with Mr. TERRY.
Mr. LITTAUER with Mr. UNDERWOOD.
Mr. BINGHAM with Mr. COX.
Mr. ADAMS with Mr. SWANSON.
Mr. BROWNLOW with Mr. MAY.
Mr. UNDERHILL with Mr. TOMPKINS.
Mr. MERCER with Mr. STARK.
Mr. GROW with Mr. BURLESON.
Mr. KERR with Mr. CUMMINGS.
Mr. WARNER with Mr. CHANLER.
Mr. JENKINS with Mr. COONEY.
Mr. FOWLER with Mr. BREWER.
For this vote:
Mr. GILL with Mr. CATCHINGS.
Mr. OTJEN with Mr. DE ARMOND.
Mr. BAKER with Mr. BERRY.

Mr. FARIS. I understood the Clerk to read my name as paired with some one; but knowing nothing about it, I voted on the roll call, responding "aye," and I presume that the pair is an oversight on the part of some one. I am not paired.

The SPEAKER. The gentleman is not recorded as voting.

Mr. FARIS. I voted "aye" on the first roll call.

The SPEAKER. Does the gentleman desire to be called?

Mr. FARIS. Well, I have already voted "aye," and I of course demand my right to vote. If I was not heard when I voted, I have a right to vote.

The SPEAKER. The gentleman is right about it. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. FARIS, and he voted "aye."

Mr. BOUTELL of Illinois. Mr. Speaker, I should like to inquire whether the gentleman from Georgia, Mr. GRIGGS, has voted?

The SPEAKER. He has voted in the negative.

Mr. BISHOP. I notice that I am announced as paired with the gentleman from Montana, Mr. CAMPBELL. That was not a general pair, but only a pair for a specific purpose, and therefore I should not have been announced as paired.

The result of the vote was announced as above recorded.

The SPEAKER. The gentleman from Texas.

Mr. BAILEY of Texas remained in his seat.

Mr. BABCOCK. I ask——

The SPEAKER. Does the Chair understand that the gentleman from Texas [Mr. BAILEY] yields the floor?

Mr. BAILEY of Texas. "The gentleman from Texas" does not desire to proceed at this time.

The SPEAKER. The gentleman from Wisconsin.

Mr. BABCOCK. Mr. Speaker, I ask for the previous question on the substitute offered and on the bill to its final passage.

Mr. COWHERD. Mr. Speaker, I should like to ask my colleague if he will not yield for a motion to strike out——

The SPEAKER. The gentleman from Wisconsin [Mr. BABCOCK] asks for the previous question on the bill and substitute. Does he yield to the gentleman from Missouri?

Mr. BABCOCK. I yield for a question.

Mr. COWHERD. I should like to ask the chairman of the committee if he will not yield for a motion to strike out section 7? The gentleman in charge of the bill has already consented that it may be stricken out. He states that it is not necessary to effectuate the objects sought to be accomplished by the bill, and it will relieve all friction and all opposition to the measure.

Mr. MUDD. I think I would do that.

Mr. BABCOCK. No, Mr. Speaker; I do not think that the argument is a good one. I decline to yield for that purpose at this time.

Mr. COWHERD. I think it would facilitate the passage of the bill.

The SPEAKER. The question is on ordering the previous question.

The question being taken, the Speaker announced that the ayes appeared to have it.

Mr. BAILEY of Texas. Division!

The House divided; and there were—ayes 71, noes 57.

Mr. BAILEY of Texas. I make the point that no quorum is present.

The SPEAKER. The gentleman from Texas [Mr. BAILEY] makes the point that no quorum is present. The Chair will count.

Having counted the House, the Speaker announced 180 members, a quorum, present.

Mr. BAILEY of Texas. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 107, nays 94, answered "present" 14, not voting 136; as follows:

YEAS—107.

Alexander,	Davenport, S. A.	Kahn,	Powers,
Allen, Me.	Davidson,	Lacey,	Prince,
Babcock,	Dick,	Landis,	Pugh,
Bailey, Kans.	Dolliver,	Long,	Ray,
Barney,	Dovener,	Lorimer,	Reeder,
Bartholdt,	Driscoll,	Loud,	Russell,
Bishop,	Eddy,	Lybrand,	Shattuc,
Boutell, Ill.	Emerson,	McCall,	Shelden,
Bowersock,	Esch,	McCleary,	Sherman,
Bromwell,	Faris,	McPherson,	Showalter,
Brosius,	Fletcher,	Marsh,	Smith, Ill.
Brown,	Fordney,	Mesick,	Smith, H. C.
Bull,	Foss,	Miller,	Spalding,
Burke, S. Dak.	Gamble,	Minor,	Sperry,
Burkett,	Gardner, Mich.	Mondell,	Stevens, Minn.
Burton,	Graff,	Moody, Mass.	Sulloway,
Butler,	Greene, Mass.	Moody, Oreg.	Tawney,
Calderhead,	Hamilton,	Morgan,	Tayler, Ohio
Cannon,	Hedge,	Morris,	Thomas, Iowa
Capron,	Henry, Conn.	Mudd,	Thropp,
Cochrane, N. Y.	Hepburn,	O'Grady,	Tongue,
Corliss,	Hill,	Overstreet,	Vreeland,
Cousins,	Hoffecker,	Parker, N. J.	Wachter,
Cromer,	Hopkins,	Payne,	Weaver,
Crump,	Hull,	Pearce, Mo.	Weeks,
Curtis,	Jenkins,	Pearre,	White.
Dalzell,	Jones, Wash.	Phillips,	

NAYS—94.

Allen, Ky.	Clayton, N. Y.	Lanham,	Rucker,
Allen, Miss.	Cowherd,	Latimer,	Ruppert,
Atwater,	Davis,	Lentz,	Ryan, N. Y.
Bailey, Tex.	De Armond,	Lester,	Scudder,
Ball,	De Graffenreid,	Lewis,	Shackleford,
Bankhead,	De Vries,	Little,	Sheppard,
Barber,	Dinsmore,	Lloyd,	Sims,
Bartlett,	Dougherty,	McClellan,	Slayden,
Bell,	Driggs,	McCulloch,	Snodgrass,
Bellamy,	Fitzgerald, N. Y.	McDowell,	Stephens, Tex.
Benton,	Foster,	McLain,	Sutherland,
Bradley,	Gaines,	McRae,	Talbert,
Brantley,	Gilbert,	Meekison,	Taylor, Ala.
Breazeale,	Glynn,	Moon,	Terry,
Brenner,	Green, Pa.	Naphen,	Thayer,
Brewer,	Griffith,	Neville,	Thomas, N. C.
Brundidge,	Griggs,	Noonan,	Vandiver,
Burke, Tex.	Hay,	Rhea, Ky.	Williams, J. R.
Burnett,	Henry, Miss.	Rhea, Va.	Williams, Miss.
Caldwell,	Henry, Tex.	Richardson,	Wilson, N. Y.
Carmack,	Howard,	Ridgely,	Zenor,
Catchings,	Jones, Va.	Rixey,	Ziegler.
Clark, Mo.	Kitchin,	Robinson, Ind.	
Clayton, Ala.	Kleberg,	Robinson, Nebr.	

ANSWERED "PRESENT"—14.

Adamson,	Littlefield,	Metcalf,	Smith, Wm. Alden,
Berry,	Lovering,	Needham,	Sparkman.
Burleson,	Mann,	Norton, Ohio	
Crumpacker,	Mercer,	Otey,	

NOT VOTING—136.

Acheson,	Cox,	Freer,	Hitt,
Adams,	Crawford,	Gardner, N. J.	Howell,
Baker,	Crowley,	Gaston,	Jack,
Barham,	Cummings,	Gayle,	Jett,
Bingham,	Cusack,	Gibson,	Johnston,
Boreing,	Cushman,	Gill,	Joy,
Boutelle, Me.	Dahle, Wis.	Gillet, N. Y.	Kerr,
Brick,	Daly, N. J.	Gillett, Mass.	Ketcham,
Broussard,	Davenport, S. W.	Gordon,	Kluttz,
Brownlow,	Davey,	Graham,	Knox,
Burleigh,	Dayton,	Grosvenor,	Lamb,
Campbell,	Denny,	Grout,	Lane,
Chanler,	Elliott,	Grow,	Lawrence,
Clarke, N. H.	Finley,	Hall,	Levy,
Cochran, Mo.	Fitzgerald, Mass.	Harmer,	Linney,
Connell,	Fitzpatrick,	Haugen,	Littauer,
Cooney,	Fleming,	Hawley,	Livingston,
Cooper, Tex.	Fowler,	Heatwole,	Loudenslager,
Cooper, Wis.	Fox,	Hemenway,	McAleer,

Maddox,	Reeves,	Spight,	Underwood,
Mahon,	Riordan,	Sprague,	Van Voorhis,
May,	Robb,	Stallings,	Wadsworth,
Meyer, La.	Robbins,	Stark,	Wanger,
Miers, Ind.	Roberts,	Steele,	Warner,
Muller,	Robertson, La.	Stewart, N. J.	Waters,
Newlands,	Rodenberg,	Stewart, N. Y.	Watson,
Norton, S. C.	Ryan, Pa.	Stewart, Wis.	Weymouth,
Olmsted,	Salmon,	Stokes,	Wheeler, Ky.
Otjen,	Shafroth,	Sulzer,	Williams, W. E.
Packer, Pa.	Sibley,	Swanson,	Wilson, Idaho
Pierce, Tenn.	Small,	Tate,	Wilson, S. C.
Polk,	Smith, Ky.	Tompkins,	Wright,
Quarles,	Smith, Samuel W.	Turner,	Young, Pa.
Ransdell,	Southard,	Underhill,	Young, Va.

So the previous question was ordered.

The following additional pairs were announced:

Until further notice:

Mr. DAYTON with Mr. MEYER of Louisiana.

For this day:

Mr. LITTLEFIELD with Mr. ELLIOTT.

Mr. SPRAGUE with Mr. FLEMING.

Mr. BURLEIGH with Mr. BERRY.

Mr. ADAMSON. Mr. Speaker, has the gentleman from Pennsylvania, Mr. WANGER, voted?

The SPEAKER. The gentleman did not vote.

Mr. ADAMSON. I desire, then, to withdraw my vote, "nay," and to be recorded as "present."

The result of the vote was then announced as above recorded.

The SPEAKER. The question is on agreeing to the substitute.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. BABCOCK. Division, Mr. Speaker.

The House divided; and there were—ayes 55, noes 22.

So the substitute was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. BABCOCK. Mr. Speaker, I think we had better have the yeas and nays on this bill, and I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 101, nays 80, answered "present" 15, not voting 155; as follows:

YEAS—101.

Alexander,	Curtis,	Lacey,	Roberts,
Allen, Me.	Dahle, Wis.	Long,	Russell,
Babcock,	Dalzell,	Lybrand,	Shattuc,
Bailey, Kans.	Davenport, S. A.	McCleary,	Shelden,
Barham,	Davidson,	McPherson,	Sherman,
Barney,	Denny,	Marsh,	Showalter,
Bartholdt,	Dolliver,	Miller,	Smith, Ill.
Bishop,	Driscoll,	Minor,	Smith, H. C.
Boutell, Ill.	Emerson,	Moody, Mass.	Sperry,
Bowersock,	Faris,	Moody, Oreg.	Stevens, Minn.
Brick,	Fletcher,	Morgan,	Stewart, Wis.
Bromwell,	Fordney,	Morris,	Sulloway,
Brosius,	Foss,	Mudd.	Tawney,
Brown,	Gardner, Mich.	Naphen,	Tayler, Ohio
Burkett,	Graff,	O'Grady,	Thomas, Iowa
Burton,	Greene, Mass.	Otjen,	Thropp,
Butler,	Hamilton,	Overstreet,	Tongue,
Calderhead,	Hedge,	Payne,	Vreeland,
Cannon,	Henry, Conn.	Pearce, Mo.	Wachter,
Cochrane, N. Y.	Hill,	Pearre,	Waters,
Cooper, Wis.	Hoffecker,	Phillips,	Weaver,
Corliss,	Hopkins,	Powers,	Weeks,
Cousins,	Jenkins,	Prince,	White.
Cromer,	Jones, Wash.	Pugh,	
Crump,	Kahn,	Ray,	
Crumpacker,	Knox,	Reeder,	

NAYS—80.

Allen, Ky.	Clayton, N. Y.	Latimer,	Ridgely,
Allen, Miss.	Cochran, Mo.	Lester,	Rixey,
Atwater,	Cowherd,	Lewis,	Robinson, Ind.
Bailey, Tex.	Davis,	Little,	Robinson, Nebr.
Ball,	De Armond,	Lloyd.	Ruppert,
Bankhead,	De Graffenreid,	McClellan,	Ryan, N. Y.
Barber,	Dinsmore,	McCulloch,	Shackleford,
Bartlett,	Driggs,	McDowell,	Sheppard,
Bradley,	Fitzgerald, N. Y.	McLain,	Sims,
Brantley,	Foster,	McRae,	Snodgrass,
Breazeale,	Gaines,	Maddox,	Stephens, Tex.
Brenner,	Glynn,	Meekison,	Talbert,
Brewer,	Green, Pa.	Moon,	Terry,
Brundidge,	Griffith,	Neville,	Thomas, N. C.
Burke, Tex.	Griggs,	Noonan,	Underwood,
Caldwell,	Howard,	Pierce, Tenn.	Vandiver,
Carmack,	Jones, Va.	Ransdell,	Williams, J. R.
Catchings,	Kitchin,	Rhea, Ky.	Williams, Miss.
Clark, Mo.	Kleberg,	Rhea, Va.	Zenor,
Clayton, Ala.	Lanham,	Richardson,	Ziegler.

ANSWERED "PRESENT"—15.

Adamson,	De Vries,	Lovering,	Otey,
Bell,	Elliott,	Mercer,	Sparkman,
Burleson,	Gilbert,	Metcalf,	Wilson, Idaho.
Dayton,	Hay,	Needham,	

NOT VOTING—155.

Acheson,	Fleming,	Lawrence,	Sibley,
Adams,	Fowler,	Lentz,	Slayden,
Baker,	Fox,	Levy,	Small,
Bellamy,	Freer,	Linney,	Smith, Ky.
Benton,	Gamble,	Littauer,	Smith, Samuel W.
Berry,	Gardner, N. J.	Littlefield,	Smith, Wm. Alden
Bingham,	Gaston,	Livingston,	Southard,
Boreing,	Gayle,	Lorimer,	Spalding,
Boutelle, Me.	Gibson,	Loud,	Spight,
Broussard,	Gill,	Loudenslager,	Sprague,
Brownlow,	Gillet, N. Y.	McAleer,	Stallings,
Bull,	Gillett, Mass.	McCall,	Stark,
Burke, S. Dak.	Gordon,	Mahon,	Steele,
Burleigh,	Graham,	Mann,	Stewart, N. J.
Burnett,	Grosvenor,	May,	Stewart, N. Y.
Campbell,	Grout,	Mesick,	Stokes,
Capron,	Grow,	Meyer, La.	Sulzer,
Chanler,	Hall,	Miers, Ind.	Sutherland,
Clarke, N. H.	Harmer,	Mondell,	Swanson,
Connell,	Haugen,	Muller,	Tate,
Cooney,	Hawley,	Newlands,	Taylor, Ala.
Cooper, Tex.	Heatwole,	Norton, Ohio	Thayer,
Cox,	Hemenway,	Norton, S. C.	Tompkins,
Crawford,	Henry, Miss.	Olmsted,	Turner,
Crowley,	Henry, Tex.	Packer, Pa.	Underhill,
Cummings,	Hepburn,	Parker, N. J.	Van Voorhis,
Cusack,	Hitt,	Polk,	Wadsworth,
Cushman,	Howell,	Quarles,	Wanger,
Daly, N. J.	Hull,	Reeves,	Warner,
Davenport, S. W.	Jack,	Riordan,	Watson,
Davey,	Jett,	Robb,	Weymouth,
Dick,	Johnston,	Robbins,	Wheeler,
Dougherty,	Joy,	Robertson, La.	Williams, W. E.
Dovener,	Kerr,	Rodenberg,	Wilson, N. Y.
Eddy,	Ketcham,	Rucker,	Wilson, S. C.
Esch,	Kluttz,	Ryan, Pa.	Wright,
Finley,	Lamb,	Salmon,	Young, Pa.
Fitzgerald, Mass.	Landis,	Scudder,	Young, Va.
Fitzpatrick,	Lane,	Shafroth,	

So the bill was ordered to be engrossed for a third reading.

During the roll call the following took place:

Mr. BAILEY of Texas. Mr. Speaker, I desire to know what is going on at the Clerk's desk.

The SPEAKER. The clerks were ascertaining whether Mr. CLAYTON of New York had answered to his name.

Mr. BAILEY of Texas. It takes an uncommonly long time.

The following additional pairs were announced:

For this day:

Mr. PARKER of New Jersey with Mr. DOUGHERTY.

Mr. MONDELL with Mr. WILSON of New York.

Mr. DICK with Mr. LENTZ.

Mr. ESCH with Mr. SLAYDEN.

Mr. FARIS with Mr. GRIFFITH.

On this vote:

Mr. BURKE of South Dakota with Mr. BELLAMY.

For the session:

Mr. LOUD with Mr. DE VRIES.

Mr. MERCER. Mr. Speaker, I inadvertently voted. I am paired with my colleague, Mr. STARK of Nebraska. I desire to withdraw my vote of "aye" and be marked "present."

The SPEAKER. That will be done, without objection.

There was no objection.

Mr. HENRY of Mississippi. Mr. Speaker, I did not hear my name called, and I wish to vote.

The SPEAKER. The gentleman is not recorded. Was he in his seat and watching for his name to be called?

Mr. HENRY of Mississippi. I was in the Hall.

The SPEAKER. Was the gentleman listening for his name?

Mr. HENRY of Mississippi. I was trying to listen. I had just returned from lunch. I was in the Hall when Mr. CRUMPACKER'S name was called. I tried to listen, but I did not hear my name. I wanted to vote "no."

The SPEAKER. The gentleman should be listening.

Mr. HENRY of Mississippi. I was listening as well as I could, but I did not hear it.

The SPEAKER. The Chair can hardly allow the gentleman to vote under that statement.

Mr. HENRY of Mississippi. I think I was listening as well as a man could, Mr. Speaker. [Laughter.]

The SPEAKER. The gentleman is aware that the rule absolutely prohibits any submission for unanimous consent in such a case.

Mr. HENRY of Mississippi. I never heard my name called, and I can not say whether it was called or not.

The SPEAKER. The Chair has no power in the premises.

Mr. MEYER of Louisiana. Mr. Speaker, I desire to be recorded as "present."

The SPEAKER. Was the gentleman present when his name was called?

Mr. MEYER of Louisiana. I was not.

The SPEAKER. The gentleman can not be recorded now.

The result of the vote was then announced as above recorded.

The SPEAKER. The bill is ordered to be engrossed and read a third time.

Mr. BAILEY of Texas. Mr. Speaker, I demand the reading of the engrossed bill.

The SPEAKER. There is no engrossed bill present and the bill will have to be laid aside.

Mr. PAYNE. It being unfinished business, I suppose it will come up to-morrow morning.

The SPEAKER. Undoubtedly.

LEAVE OF ABSENCE.

Leave of absence was granted to Mr. NORTON of Ohio, for one week, on account of important business.

ORDER OF BUSINESS.

Mr. BABCOCK. Mr. Speaker, I ask that House bill 459 on the Union Calendar may be considered in the House as in Committee of the Whole.

Mr. BAILEY of Texas. I object to that, Mr. Speaker.

Mr. BABCOCK. Then, Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering House bills 459, 7150, and 8532.

The SPEAKER. The gentleman from Wisconsin moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of House bill 459.

Mr. BABCOCK. There are three bills, Mr. Speaker, 459, 7150, and 8532.

The SPEAKER. For the consideration of three bills on the Private Calendar.

Mr. BAILEY of Texas. A point of order, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. BAILEY of Texas. I submit that it is not competent for the gentleman to move to go into Committee of the Whole for the purpose of considering more than one bill at a time.

The SPEAKER. The Chair would like to hear the gentleman from Texas on his point of order.

Mr. BAILEY of Texas. Mr. Speaker, the gentleman can only have up one bill at a time before the House, and surely the House can not resolve itself into the Committee of the Whole House to consider bills that are not before it. That seems to me too plain. The only bill now before the House is the bill H. R. 459. Clearly the House can not resolve itself into the Committee of the Whole to consider a bill which is not before it.

Mr. PAYNE. Mr. Speaker, it is competent for the House to go into Committee of the Whole House for the purpose of considering appropriation bills, and it can take up bills on the Calendar; also to go into Committee of the Whole to consider revenue bills, that it can take up such bills on the Calendar, and on private bill day it can take up private bills. Now, why, under District day, should it not, by parity of reasoning, be competent for the House to resolve itself into Committee of the Whole House to take up District business?

Mr. BAILEY of Texas. The difference is plain. In the first place, the motion is to resolve itself into Committee of the Whole for the purpose of taking up bills on the Private Calendar, revenue bills, or appropriation bills. Now, it might be possible for the House to resolve itself into Committee of the Whole for the purpose of transacting business relating to the District of Columbia, though I express no opinion as to that; but plainly it is not competent to move that the House go into Committee of the Whole to consider particular bills that are not before it. This motion is not to go into Committee of the Whole to consider business relating to the District of Columbia or business reported from the Committee on the District of Columbia, but it is a motion to go into Committee of the Whole to consider particular bills which are not now before the House—that have not even been called up by the gentleman from Wisconsin, the chairman of the District Committee.

Mr. PAYNE. That is a difference in matter of form.

The SPEAKER. The Chair is ready to decide the question. The Chair sustains the point of order, believing it is not competent to name a number of bills and move that the House go into Committee of the Whole to consider them.

Mr. BABCOCK. Then, Mr. Speaker, I will modify my motion and move that the House resolve itself into Committee of the Whole on the state of the Union to consider bills on the Union Calendar reported by the Committee on the District of Columbia.

The SPEAKER. These bills are on the House Calendar, as the Chair understands.

Mr. BABCOCK. On the Union Calendar.

The SPEAKER. If they were on the Private Calendar they would have to be considered in Committee of the Whole House, not in Committee of the Whole on the state of the Union.

Mr. BABCOCK. They are on the Union Calendar, Mr. Speaker.

The SPEAKER. They are all on the Private Calendar.

Mr. BABCOCK. Then there has been an error in printing the Calendar I have. I withdraw my motion and call up for consideration——

The SPEAKER. The gentleman can move to go into Committee of the Whole House to consider bills relating to the District of Columbia. The Chair assumes that that was the motion the gentleman wanted to submit. The gentleman was confused in regard to where his bills are. They are private bills on the Private Calendar.

Mr. BABCOCK. As the bills are on another Calendar, I will again modify my motion and move that the House resolve itself into Committee of the Whole House to consider bills on the House Calendar reported by the Committee on the District of Columbia.

The SPEAKER. The Chair will state the gentleman's motion to see whether he understands it correctly. The gentleman, as the Chair understands, moves that the House resolve itself into Committee of the Whole House to consider bills on the Private Calendar reported from the Committee on the District of Columbia. Is that the gentleman's motion?

Mr. BAILEY of Texas. As a question of order, I submit it is not in order to make that motion, because no such motion is known to the rules of the House. There is a motion under our rules that the House resolve itself into Committee of the Whole to consider bills on the Private Calendar, or to consider revenue bills, or to consider appropriation bills; but there is no motion known to the rules of the House that the House resolve itself into Committee of the Whole to consider private bills reported from the Committee on the District of Columbia. I am not prepared to express an opinion about the general motion to consider business relating to the District of Columbia or reported from the Committee on the District of Columbia.

The SPEAKER. The Chair sustains the point of order as to the last part of the motion, which names the District of Columbia.

Mr. BABCOCK. Then I will again modify my motion by withdrawing the clause relating to the District of Columbia.

Mr. BAILEY of Texas. Now, Mr. Speaker, a question of order——

The SPEAKER. The gentleman's motion, then, as the Chair understands, would be that the House resolve itself into Committee of the Whole House to consider bills on the Private Calendar.

Mr. BAILEY of Texas. Then I submit as a question of order that that motion is not competent except on Friday.

The SPEAKER. The point of order is overruled.

Mr. BAILEY of Texas. I am compelled to appeal.

The SPEAKER. Monday is specially set aside for business of the District of Columbia, and therefore this motion is in order on Monday. Does the gentleman appeal?

Mr. BAILEY of Texas. I do appeal.

The SPEAKER. The Chair declines to entertain the appeal, as it is clearly dilatory.

Mr. BAILEY of Texas. I will say to the Chair that this is not a dilatory motion. I believe sincerely that the motion of the gentleman from Wisconsin is not in order. But I will give better proof than that; I will withdraw the appeal rather than have it ruled out on that ground, because I sincerely believe——

The SPEAKER. The gentleman from Texas withdraws his appeal.

Mr. BAILEY of Texas. On the ground that the Chair had refused to entertain it because it was dilatory.

The SPEAKER. On the ground as stated by the gentleman.

The question is on agreeing to the motion of the gentleman from Wisconsin.

The question having been taken,

The SPEAKER. The noes appear to have it.

Mr. BABCOCK. I call for a division.

The question being again taken, there were—ayes 94, noes 60.

Mr. BAILEY of Texas. No quorum present.

The SPEAKER. The gentleman from Texas makes the point that there is no quorum present. The Chair will count the House.

Having counted the House,

The SPEAKER said: One hundred and eighty members are present. The ayes have it, and the motion prevails.

The House accordingly resolved itself into Committee of the Whole House (Mr. PAYNE in the chair).

CHRISTIANA DENGLER.

The CHAIRMAN. The House is now in Committee of the Whole House for the consideration of bills on the Private Calendar.

Mr. BABCOCK. Mr. Chairman, I ask consideration of House bill No. 459 for the relief of Christiana Dengler.

The CHAIRMAN. The bill will be read.

The bill was read, as follows:

Be it enacted, etc., That all real estate lying in the District of Columbia heretofore purchased by and conveyed to Christiana Dengler be, and the same is hereby, relieved and exempted from the operations of an act entitled "An act to restrict ownership of real estate in the Territories to American citizens," approved March 3, 1887; and all forfeitures incurred by force of said act in respect to such real estate be, and the same are hereby, remitted.

Mr. BABCOCK. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

Mr. BAILEY of Texas. Is the gentleman not going to allow debate, or give any explanation of this bill?

Mr. BABCOCK. Certainly, if desired. I yield to the gentleman from Texas if he wishes time.

Mr. BAILEY of Texas. It seems to me, as well as I could understand the bill from the reading at the Clerk's desk, that this is a proposition to exempt some foreigner who now owns property in the District in contravention of the law against alien ownership; and I would like to understand if there is any good reason for the exemption of one person from the operation of that law which we enforce against everybody else.

Mr. BABCOCK. Then I yield to the gentleman from Wisconsin [Mr. JENKINS], who is entirely familiar with the bill, and can explain the circumstances connected with it.

Mr. JENKINS rose.

Mr. BAILEY of Texas. I suggest, in order that there shall be no misunderstanding, that the gentleman be explicit as to the floor. Does the chairman of the Committee on the District of Columbia desire to reserve the remainder of his time?

Mr. BABCOCK. Certainly; I have not surrendered the floor by any means. I did not intend to give it up; I yielded merely to my colleague for the purpose of answering a question, and I expect him to yield back the time to me when he shall have concluded.

Mr. BAILEY of Texas. The reason I make the suggestion is because this very condition of affairs culminated in a misunderstanding a short time ago. The rule is imperative that where a gentleman yields the floor, without reserving the remainder of his time, he loses his right to resume the floor, and I thought it well enough that we carry that along with us in these proceedings.

Mr. BABCOCK. I have no intention of giving up my right to the floor. I yield to my colleague for the purpose of answering the question of the gentleman from Texas.

My colleague, the chairman of the Judiciary Committee, who reported this bill, is capable of answering any question with reference to it that gentlemen on the floor may desire to ask, more intelligently than I can.

Mr. BAILEY of Texas. It is, of course, Mr. Speaker, entirely proper for the gentleman to yield to his colleague a portion or all of his time, and I have simply called the attention of the committee to the fact that the rules of the House——

The CHAIRMAN. The gentleman from Texas will please to confine himself to the bill under consideration. The gentleman of course had the right to take the floor and the right to give away his time if he desired to do so.

Mr. BAILEY of Texas. But, Mr. Chairman, the contention I make is that when he resumes his seat he has lost his right.

The CHAIRMAN. The Chair thinks the gentleman from Texas has the right to the floor, and, under the rules, has the right to an hour.

Mr. BAILEY of Texas. The "gentleman from Texas?"

The CHAIRMAN. Certainly.

Mr. BAILEY of Texas. But the gentleman from Wisconsin had yielded to his colleague, and his colleague arose for the purpose of addressing the committee.

The CHAIRMAN. It will be entirely proper for the gentleman when he gets the floor to occupy it, but the gentleman from Texas is recognized.

Mr. BAILEY of Texas. No, Mr. Chairman. If the Chair will permit me, the gentleman from Wisconsin [Mr. JENKINS] has the floor, and the time was yielded to him by his colleague.

The CHAIRMAN. The Chair understood the gentleman from Wisconsin to move that the bill be laid aside with a favorable recommendation.

Mr. BAILEY of Texas. But the stenographer's notes will show, Mr. Chairman, that the gentleman from Wisconsin moved to lay aside the bill, at which statement on his part I asked the question if we were not going to have any discussion or explanation of the bill. He then said "I yield"—he not having yielded up to that time—"to my colleague from Wisconsin [Mr. JENKINS]," and the gentleman from Wisconsin [Mr. JENKINS] arose.

The CHAIRMAN. The Chair did not hear the colloquy between the gentlemen. He recognized the gentleman from Texas personally. If that was a fallacy, of course, then the gentleman from Wisconsin [Mr. BABCOCK] would have the right to yield.

Mr. BAILEY of Texas. I should like to have the Chair recognize the gentleman from Wisconsin [Mr. JENKINS] to state the reasons for this bill. Then, if they are not satisfactory, I should then be glad to be recognized to oppose the bill.

The CHAIRMAN. The gentleman from Wisconsin.

Mr. JENKINS. Mr. Chairman, this is not just such a case as the gentleman from Texas [Mr. BAILEY] thinks it is. This is the case of a citizen of the United States. The beneficiary is a woman who came to the city of Washington some thirty years ago, and who, at a time when she was a foreigner, bought the property in question.

Mr. BAILEY of Texas. Is she now a citizen of the United States?

Mr. JENKINS. She is now a citizen of the United States.

Mr. BAILEY of Texas. Well, that is satisfactory to me.

Mr. JENKINS. Then, Mr. Chairman, I move that the bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

FRANCESCO PERNA.

The CHAIRMAN. The gentleman from Wisconsin.

Mr. BABCOCK. Now, Mr. Chairman, I desire to call up the bill (H. R. 7150) for the relief of Francesco Perna.

The CHAIRMAN. The gentleman from Wisconsin calls up a bill which the clerk will report.

The bill was read, as follows:

Be it enacted, etc., That all real estate lying in the District of Columbia heretofore purchased by and conveyed to Francesco Perna, of Montgomery County, State of Maryland, prior to the passage of this act, be relieved and exempted from the operation of an act to restrict the ownership of real estate in the Territories to American citizenship, approved March 3, 1887, and all forfeitures incurred by force of said act are in respect of such real estate hereby remitted.

Mr. BABCOCK. Mr. Chairman——

Mr. BAILEY of Texas. Is that in the same situation as the other?

Mr. BABCOCK. Exactly in the same line as the other bill.

Mr. BAILEY of Texas. This beneficiary is now an American citizen?

Mr. BABCOCK. Is now an American citizen, as I understand.

Mr. JENKINS. Yes; I will say to the gentleman from Texas that the record discloses that the beneficiary is now an American citizen.

Mr. BAILEY of Texas. That is satisfactory.

Mr. BABCOCK. I move that the bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

WILLIAM H. DIX.

Mr. BABCOCK. Now, Mr. Chairman, I call up the bill (H. R. 8532) to quitclaim all interest of the United States of America in and to lot 4, square 1113, in the city of Washington, D. C., to William H. Dix.

The CHAIRMAN. The gentleman from Wisconsin calls up the following bill, which the Clerk will report.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and required to grant and convey unto William H. Dix, of the city of Baltimore, State of Maryland, and his heirs and assigns, all the right, title, and interest of the United States in and to a certain lot of land in the city of Washington, in the District of Columbia, known upon the plat or plan of said city as lot numbered 4 in square 1113, upon the payment by the said Dix into the Treasury of the United States of such sum of money as the said Secretary of the Interior, upon consideration of all the circumstances, shall determine proper to be paid by the said Dix for the said lot.

Mr. BABCOCK. Now, Mr. Chairman, I yield to the gentleman from Wisconsin [Mr. JENKINS], for the purpose of explaining the provisions of this bill.

The CHAIRMAN. The gentleman from Wisconsin.

Mr. JENKINS. I do not know whether the gentleman from Texas cares to have any explanation, after hearing the bill read.

Mr. WILLIAMS of Mississippi. Some of us would like to hear it.

Mr. BAILEY of Texas. I know nothing about it.

Mr. JENKINS. The facts are very few and simple, but the report is somewhat lengthy.

Mr. BAILEY of Texas. I am sure all of us would like to understand it—not myself especially, but we would all like to understand it.

Mr. JENKINS. Well, the bill simply provides that the Secretary of the Interior may fix the price at which the beneficiary, Mr. Dix, can receive a quitclaim deed from the United States of its right, title, and interest to the property in question. Mr. Dix bought this property and paid for it, and after he had paid for it a question arose as to whether the title was in Mr. Dix or in the United States. The Committee on the District of Columbia, upon investigating the title, by aid of the attorney of the United States for the District of Columbia, found that the title of the property was in the United States.

Mr. TERRY. Did he ever go back to his original vendors for reclamation?

Mr. JENKINS. I want to say to the gentleman from Arkansas that did not make any difference, because now he is simply desirous of purchasing the property from the United States, and pay the United States just exactly as though he had never bought it.

Mr. TERRY. As though he had never bought it from the other party at all.

Mr. JENKINS. We have provided in the bill that the Secretary of the Interior shall fix the price for which Mr. Dix shall receive a quitclaim deed; in other words, he has got to pay the United States the value of the land.

Mr. BAILEY of Texas. That is not the statement in the bill. The statement is to pay so much as the Secretary may determine to be proper under all the circumstances.

Mr. JENKINS. Which we assume will be the value of the property.

Mr. BAILEY of Texas. Then if you want the value of the property, the assumption is useless. You should authorize——

Mr. JENKINS. I want to say that the United States has never made any claim whatever to this land.

Mr. BALL. What is the character of this property?

Mr. JENKINS. A lot.

Mr. BALL. Is it any part of the reservations?

Mr. JENKINS. No, sir; it is certainly a very close question as to where the legal title is.

Mr. BAILEY of Texas. Has the Committee on the District of Columbia gone far enough into details to know the value of the lot?

Mr. JENKINS. I want to say to the gentleman from Texas the gentleman from Michigan [Mr. SAMUEL W. SMITH], who reported this bill at the last session of Congress, examined the title, and what is now in the report is what the committee reported last year. I can not answer the gentleman.

Mr. BAILEY of Texas. The bill seems simply to be an authorization for the Secretary to sell the property, not for the full value of it, but for what, under the circumstances, he thinks the occupant ought to pay. Now, that might or might not be an entirely sensible proposition. I am inclined to think it is. As a body, it is impossible for us to know the value or to fix the price, without an investigation such as the committee might have made. Then, in order for us to deal justly with this claimant, we would have to know what were the circumstances under which he purchased this insufficient title; but, surely, as between the Government and him, whatever the equities may be, the person from whom he purchased ought to be compelled to reimburse him for the amount paid, with interest, and whether it should go to the Government or not, it ought to be taken into consideration when the Government comes to determine how much it ought to receive.

Mr. JENKINS. I want to say to the gentleman from Texas the form of this bill met the approval of the United States attorney for the District of Columbia. Our understanding was, and I remember it was very carefully discussed by the committee at the time, that the Secretary of the Interior would insist on the value of the property. We did not consider that he should take into consideration any equities in the case at all, because we had so many of these cases.

Mr. BAILEY of Texas. I think the bill is unfortunately drawn.

Mr. COWHERD. Will the gentleman from Wisconsin permit me to make an explanation?

Mr. JENKINS. I yield to the gentleman from Missouri, if he desires to discuss the bill.

Mr. COWHERD. I had occasion to go over both the report on this bill and papers in the former bill that we reported, some two or three weeks ago, concerning a part of this same land. It is a part of the original lots of the city of Washington; and gentlemen who are familiar with their history will remember that they were dedicated to the Government, to be sold, the proceeds to be used for the Government buildings here in Washington. Years ago, away back in the latter part of the last century, there was an agreement entered into with a man named Greenleaf and a certificate issued to him covering a large number of these lots. The party to whom the certificate was issued took it to Holland for the purpose of raising money and mortgaged the property. By reason of these conveyances the title to a great deal of property has become badly complicated and a suit was brought in the District court here in which the Government finally became a party, and in that suit, in 1831, this land was decreed to be part of the property of the United States.

Now, that decree was not recorded in the assessor's or collector's office, so that the municipal authorities here continued to levy taxes on this land, and this property has been sold and tax deeds issued some four or five times since then. The present party in interest, the beneficiary in this bill, is the present holder and owner of the property under a tax sale, as I understand it. Now, there are out against it two or three other tax deeds. The present holder has held the property a number of years; he has paid out large sums in taxes upon the property, and now we thought that all these things should be considered by the Secretary of the Interior in fixing the value of the property.

Mr. BAILEY of Texas. I think that is right.

Mr. COWHERD. That was our purpose.

Mr. JENKINS. The Government has taxed it for taxes since 1834, but we are of the belief from the records that the legal title is in the United States.

Mr. BAILEY of Texas. Is it an improved piece of property?

Mr. JENKINS. I think not; my remembrance is that it is vacant.

Mr. BAILEY of Texas. At any rate, it is perfectly just and proper that the Secretary should consider the equities of the case. I shall not make any resistance to it.

Mr. JENKINS. Then, Mr. Chairman, I move that the bill be laid aside with a favorabe recommendation.

The motion was agreed to.

Mr. BABCOCK. Mr. Chairman, I move that the committee now rise and report the several bills to the House with a favorable recommendation.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE, chairman of the Committee of the Whole House on the State of the Union, reported that that committee had had under consideration the bills H. R. 459, H. R. 7150, and H. R. 8532, and had directed him to report the same back without amendment, and with the recommendation that the several bills do pass.

CHRISTIANA DENGLER.

The SPEAKER. The Clerk will read the first bill.

The Clerk read as follows:

A bill (H. R. 459) for the relief of Christiana Dengler.

The bill was ordered to be engrossed and read a third time; and being engrossed, was read the third time, and passed.

On motion of Mr. JENKINS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

FRANCESCO PERNA.

The SPEAKER. The Clerk will read the next bill.

The Clerk read as follows:

A bill (H. R. 7150) for the relief of Francesco Perna.

The bill was ordered to be engrossed and read a third time; and being engrossed, was read the third time, and passed.

On motion of Mr. JENKINS, a motion to reconsider the last vote was laid on the table.

QUITCLAIM OF LAND TO WILLIAM H. DIX.

The SPEAKER. The Clerk will read the next bill.

The Clerk read as follows:

A bill (H. R. 8532) to quitclaim the interest of the United States in and to lot 4, square 1113, Washington, D. C., to William H. Dix.

The bill was ordered to be engrossed and read a third time; and being engrossed, was read the third time, and passed.

On motion of Mr. JENKINS, a motion to reconsider the last vote was laid on the table.

The SPEAKER. Has the gentleman from Wisconsin any further bills to report?

Mr. BABCOCK. No further bills, Mr. Speaker.

CALL OF COMMITTEES.

The SPEAKER. The Clerk will call the committees.

The Clerk began the call of committees, and when the Committee on Interstate and Foreign Commerce was called—

BRIDGE OVER EAST RIVER, NEW YORK.

Mr. SHERMAN. Mr. Speaker, by direction of the Committee on Interstate and Foreign Commerce, I call up the bill (S. 282) extending the time for the completion of the bridge across East River, between the city of New York and Long Island, now in course of construction, as authorized by the act of Congress approved March 3, 1887.

The bill was read, as follows:

Be it enacted, etc., That the time for the completion of the bridge of the New York and Long Island Bridge Company across the East River, between the city of New York and Long Island, authorized by the act of Congress entitled "An act authorizing the construction of a bridge across the East River, between the city of New York and Long Island," approved March 3, 1887, and the various acts amendatory thereof or supplementary thereto, is hereby extended to and including the 1st day of January in the year 1905.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was read the third time, and passed.

On motion of Mr. SHERMAN, a motion to reconsider the last vote was laid on the table.

FRANK H. NEWCOMB AND OTHERS.

Mr. CORLISS. Mr. Speaker, by direction of the Committee on Interstate and Foreign Commerce I call up Senate joint resolution 51, recognizing the gallantry of Frank H. Newcomb, commanding the revenue cutter *Hudson;* of his officers and men; also retiring Capt. Daniel B. Hodgsdon, of the Revenue-Cutter Service, for efficient and meritorious services in command of the cutter *Hugh McCulloch* at Manila.

The Clerk read the bill at length.

The SPEAKER. The Chair is advised by the Clerk that this is upon the Union Calendar. Only bills on the House Calendar can be considered in this call.

Mr. CORLISS. Then, Mr. Speaker, I ask unanimous consent for the present consideration of the bill.

Mr. BAILEY of Texas. Mr. Speaker, I intended to make the point that this was on the Union Calendar. This is a proposition to retire one of the officers. I do not object to the vote of thanks, but I do object to the unanimous consent.

The Clerk proceeded with the call of the committees, when the Committee on the Public Lands was called.

SALE OF TIMBER AND CORD WOOD.

Mr. LACEY. Mr. Speaker, I call up the bill (H. R. 6063) to amend chapter 2 of the laws passed by the first session of the Fifty-fifth Congress of the United States, being an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes," approved June 4, 1897.

The Clerk read the bill, as follows:

Be it enacted, etc., That chapter 2 of the laws of the first session of the Fifty-fifth Congress, being an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes," approved June 4, 1897, be, and the same is hereby, amended by striking out the following words where the same appear in said act, commencing with the word "Before," in line 36, on page 35, of volume 30 of the United States Statutes at Large, and ending with the word "exists," in the forty-third line of said volume and page, as follows: "Before such sale shall take place notice thereof shall be given by the Commissioner of the General Land Office, for not less than sixty days, by publication in a newspaper of general circulation published in the county in which the timber is situated, if any is therein published, and if not, then in a newspaper of general circulation published nearest to the reservation, and also in a newspaper of general circulation published at the capital of the State or Territory where such reservation exists," and insert in lieu thereof the following: "Before such sale shall take place notice thereof shall be given by the Commissioner of the General Land Office, for not less than thirty days, by publication in one or more newspapers of general circulation, as he may deem necessary, in the State or Territory where such reservation exists: *Provided*, That the Commissioner of the General Land Office shall have authority to sell, in case of emergency, such timber from the forest reserve as shall have been designated to any individual or corporation upon giving notice and under such rules and regulations as the Secretary of the Interior shall prescribe.

With the following amendment recommended by the committee:

Strike out all after the word "exists," in line 19, page 2, and insert the following:

"*Provided, however*, That in cases of unusual emergency the Secretary of the Interior may, in the exercise of his discretion, permit the purchase of timber and cord wood in advance of advertisement of sale at rates of value approved by him and subject to payment of the full amount of the highest bid resulting from the usual advertisement of sale: *Provided further*, That he may, in his discretion, sell without advertisement, in quantities to suit applicants, at a fair appraisement, timber and cord wood not exceeding in value $100 stumpage: *And provided further*, That in cases in which advertisement is had and no satisfactory bid is received, or in cases in which the bidder fails to complete the purchase, the timber may be sold, without further advertisement, at private sale, in the discretion of the Secretary of the Interior, at not less than the appraised valuation, in quantities to suit purchasers."

Mr. PAYNE. Mr. Speaker, I think that bill belongs on the Union Calendar, and I make that point of order. It provides for a sale and disposition of the timber lands belonging to the Government of the United States. It certainly is appropriating property belonging to the United States.

Mr. LACEY. That point is too late, Mr. Speaker. The bill was on the Union Calendar and was transferred from that Calendar to the House Calendar by order of the Chair. The question has been disposed of by the House.

Mr. PAYNE. I do not know how it got onto the House Calendar. It certainly provides for the disposition of timber belonging to the United States.

Mr. LACEY. I was not in the House when the matter came up, but the bill was transferred, as I understand it, to the House Calendar.

Mr. LOUD. The bill came up and I objected to its consideration once.

Mr. LACEY. The gentleman from California objected, and the Chair transferred it from the Union Calendar to the House Calendar, but declined to allow it to be taken up again on that day.

The SPEAKER. That is as the Chair recollects it. The bill was transferred to the House Calendar, but the Chair declined to allow it to come up again the same day. The question is on agreeing to the amendment.

Mr. PAYNE. Mr. Speaker, I would like to hear some explanation of the bill.

Mr. LACEY. The Commissioner of the Land Office in his report asks for this legislation. The Secretary of the Interior approves the request of the Commissioner. The report calls attention to the difficulties arising out of existing law in disposing of small quantities of timber. This proposition was made by the Commissioner of the Land Office, and at the request of that office the bill was introduced. I know of no objection to it except that made by my friend from California [Mr. LOUD]——

Mr. LOUD. Which is a pretty strong one.

Mr. LACEY. Which is perhaps a matter of habit rather than anything else. Until I can hear some reason why this relief asked by the Department should not be granted I am somewhat at a loss in undertaking to discuss the question.

Mr. McRAE. What character of timber is it desired to sell under this bill—only that on forest reserves?

Mr. LACEY. On forest reserves. And really the main object is to enable the parties managing the forest reserves to sell without too much delay the dead and down timber, or timber which it is desirable to sell in case of fires. It frequently happens that after advertisement has been made there are no bids; and later on opportunities arise to sell the timber, which under the existing law can not be sold without readvertising it. Now, this proviso was attached to cover that condition of things:

Provided, however, That in cases of unusual emergency the Secretary of the Interior may, in the exercise of his discretion, permit the purchase of timber and cord wood in advance of advertisement of sale at rates of value approved by him and subject to payment of the full amount of the highest bid resulting from the usual advertisement of sale.

There is no disposition to squander this timber or not suitably to care for it; but a little more latitude is necessary to be given to the Department in the handling of timber that ought to be speedily sold to cover these emergencies. With this explanation I am satisfied that my friend from California will make no further objection.

Mr. McRAE. Does the bill enlarge the authority to sell, or does it refer only to questions of administration?

Mr. LACEY. To questions of administration and advertising. It allows timber to be sold without advertising in cases of emergency.

Mr. McRAE. But the limitation of the original act is maintained—that only dead and down timber can be sold.

Mr. LACEY. The bill makes no change as to the character of timber to be sold.

Mr. DENNY. I would like to ask the gentleman what he considers to be an "emergency" under the bill?

Mr. LACEY. Emergencies might arise like this: A fire might take place, and some of the timber might be wanted for a specific purpose that could not be used later on. The situation might be such that a sale must be made at once or not at all. Under various circumstances emergencies may occur as to the disposition of the timber. It is hard to tell what particular character of emergencies might exist from time to time; but it is safe to leave that matter in the discretion of the Secretary of the Interior. He can only act under this bill where, in the exercise of his discretion, he believes an unusual emergency to exist.

Mr. LOUD. Now, will the gentleman from Iowa [Mr. LACEY] yield to me?

Mr. LACEY. I yield to the gentleman as much time as he may desire; and I reserve the balance of my time.

The SPEAKER. The Chair has a word to say about this bill.

Mr. LOUD. I will listen to the Chair.

Mr. LACEY. I yield to the Chair. [Laughter.]

The SPEAKER. The Chair, without examining the bill, accepted the statement of the gentleman from Iowa that this was one the reference of which had been changed by the Chair from the Union Calendar to the House Calendar. The Chair now ascertains that the bill whose reference was changed was the Sioux City Pacific Railroad bill; and the reference being changed, the Chair would not allow it to come up on this call on that day.

Mr. LACEY. I was not present at that time. I speak as to the transfer from information from the gentleman from South Dakota [Mr. GAMBLE], who does not seem to be present.

The SPEAKER. The Chair has made no ruling upon this bill, but now finds that it provides for advertising expenses in connection with the sale of land, thus making a charge upon the Treasury. The bill, therefore, clearly can not be upon the House Calendar.

Mr. LACEY. It is upon the House Calendar.

The SPEAKER. But it should not be on the House Calendar. There is no way to have it disposed of now except by unanimous consent.

Mr. LACEY. I ask unanimous consent.

The SPEAKER. The gentleman from Iowa asks unanimous consent for the consideration of this bill during the call of committees.

Mr. PAYNE. I would not object if the request came under the usual order of unanimous consents; but I think we ought to keep this call of committees clear from requests for unanimous consent. That is the reason I object.

Mr. LACEY. Before the bill is passed over it ought to be transferred to the Union Calendar.

The SPEAKER. It will go to the Union Calendar.

The Committee on Indian Affairs was called.

Mr. SHERMAN. Mr. Speaker, I call up the bill H. R. 8590——

Mr. LACEY. Before the Committee on Public Lands is passed, Mr. Speaker, there is another bill or two on the Calendar which I would like to have considered.

Mr. SHERMAN. I will wait until the Committee on the Public Lands has completed its business.

The SPEAKER. The gentleman from Iowa will send up the bill authorized to be called up by his committee.

PREVENTION OF FOREST FIRES ON THE PUBLIC DOMAIN.

Mr. LACEY. Mr. Speaker, I desire, by instruction of the Committee on the Public Lands, to call up the bill (H. R. 8585) to

amend chapter 313 of the United States Statutes at Large, entitled "An act to prevent forest fires on the public domain."

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 313 of the Statutes at Large of the United States of 1897 be, and the same is hereby, amended so as to read as follows:

"That any person who shall willfully or maliciously set on fire, or cause to be set on fire, any timber, underbrush, or grass upon the public domain, or shall leave or suffer fire to burn unattended near any timber or other inflammable material, shall be deemed guilty of a misdemeanor, and upon conviction thereof in any district court of the United States having jurisdiction of the same shall be fined in a sum not more than $5,000 or be imprisoned for a term of not more than two years, or both.

"SEC. 2. That any person who shall build a fire in or near any forest, timber, or other inflammable material upon the public domain shall, before leaving said fire totally extinguish the same. Any person failing to do so shall be deemed guilty of a misdemeanor, and upon conviction thereof in any district court of the United States having jurisdiction of the same shall be fined in a sum not more than $1,000 or be imprisoned for a term of not more than one year, or both.

"SEC. 3. That in all cases arising under this act the fines collected shall be paid into the public-school fund of the county in which the lands where the offense was committed are situated."

Amend the title so as to read: "A bill to amend an act entitled 'An act to prevent forest fires on the public domain,' approved February 24, 1897."

The committee recommend the adoption of the following amendments:

In lines 3, 4, and 5 strike out the words "That chapter 313 of the Statutes at Large of the United States of 1897" and insert "That an act entitled 'An act to prevent forest fires on the public domain,' approved February 24, 1897."

Also amend the title.

Mr. LACEY. I ask a vote on the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

The SPEAKER. In the absence of objection, the title will be amended as proposed by the committee.

There was no objection.

On motion of Mr. WATERS, a motion to reconsider the last vote was laid on the table.

AGREEMENT WITH THE COMANCHE, KIOWA, AND APACHE INDIANS.

The Committee on Indian Affairs was called.

Mr. SHERMAN. Mr. Speaker, I call up for present consideration the bill (H. R. 8590) to ratify and confirm an agreement with the Comanche, Kiowa, and Apache tribes of Indians in Oklahoma Territory, and to open their reservation for settlement.

The bill was read, as follows:

Whereas David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, duly appointed commissioners on the part of the United States, did, on the 6th day of October, 1892, conclude an agreement with the Comanche, Kiowa, and Apache tribes of Indians in Oklahoma, formerly a part of the Indian Territory, which said agreement is in the words and figures as follows:

"Articles of agreement made and entered into at Fort Sill, in the Indian Territory, on the twenty-first day of October, eighteen hundred and ninety-two, by and between David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, commissioners on the part of the United States, and the Comanche, Kiowa, and Apache tribes of Indians in the Indian Territory.

"ARTICLE I.

"Subject to the allotment of land, in severalty to the individual members of the Comanche, Kiowa, and Apache tribes of Indians in the Indian Territory, as hereinafter provided for, and subject to the conditions hereinafter imposed, and for the considerations hereinafter mentioned, the said Comanche, Kiowa, and Apache Indians hereby cede, convey, transfer, relinquish, and surrender, forever and absolutely, without any reservation whatever, express or implied, all their claim, title, and interest, of any kind and character, in and to the lands embraced in the following-described tract of country in the Indian Territory, to wit: Commencing at a point where the Washita River crosses the ninety-eighth meridian west from Greenwich; thence up the Washita River, in the middle of the main channel thereof, to a point thirty miles, by river, west of Fort Cobb, as now established; thence due west to the north fork of Red River, provided said line strikes said river east of the one hundredth meridian of west longitude; if not, then only to said meridian line, and thence due south, on said meridian line, to the said north fork of Red River; thence down said north fork, in the middle of the main channel thereof, from the point where it may be first intersected by the lines above described, to the main Red River; thence down said Red River, in the middle of the main channel thereof, to its intersection with the ninety-eighth meridian of longitude west from Greenwich; thence north, on said meridian line, to the place of beginning.

"ARTICLE II.

"Out of the lands ceded, conveyed, transferred, relinquished, and surrendered by Article I hereof, and in part consideration for the cession thereof, it is agreed by the United States that each member of said Comanche, Kiowa, and Apache tribes of Indians over the age of eighteen (18) years shall have the right to select for himself or herself one hundred and sixty (160) acres of land to be held and owned in severalty, to conform to the legal surveys in boundary; and that the father, or, if he be dead, the mother, if members of either of said tribe of Indians, shall have the right to select a like amount of land for each of his or her children under the age of eighteen (18) years; and that the Commissioner of Indian Affairs, or some one by him appointed for the purpose, shall select a like amount of land for each orphan child belonging to either of said tribes under the age of eighteen (18) years.

"ARTICLE III.

"It is further agreed that the land in said reservation shall be classed as grain-growing and grazing land; and in making selection of lands to be allotted in severalty as aforesaid, each and every Indian herein provided for shall be required to take at least one-half in area of his or her allotments of grazing land. It is hereby further expressly agreed that no person shall have the right to make his or her selection of land in any part of said reservation that is now used or occupied for military, agency, school, school-farm, religious, or other public uses, or in sections sixteen (16) and thirty-six (36) in each Congressional township, except in cases where any Comanche, Kiowa, or Apache Indian has heretofore made improvements upon and now uses and occupies a part of said sections sixteen (16) and thirty-six (36), such Indian may make his or her selection within the boundaries so prescribed so as to include his or her improvements. It is further agreed that wherever in said reservation any Indian, entitled to take lands in severalty hereunder, has made improvements, and now uses and occupies the land embracing such improvements, such Indian shall have the undisputed right to make his or her selection within the area above provided for allotments, so as to include his or her said improvements.

"It is further agreed that said sections sixteen (16) and thirty-six (36) in each Congressional township in said reservation shall not become subject to homestead entry, but shall be held by the United States and finally sold for public school purposes. It is hereby further agreed that wherever in said reservation any religious society or other organization is now occupying any portion of said reservation for religious or educational work among the Indians, the land so occupied may be allotted and confirmed to such society or organization, not however, to exceed one hundred and sixty (160) acres of land to any one society or organization so long as the same shall be so occupied and used; and such land shall not be subject to homestead entry.

"ARTICLE IV.

"All allotments hereunder shall be selected within twelve months from the ratification of this agreement by the Congress of the United States: *Provided*, The Secretary of the Interior, in his discretion, may extend the time for making such selection; and should any Indian entitled to allotments hereunder fail or refuse to make his or her selection of land in that time, then the allotting agent in charge of the work of making such allotments shall within the next thirty (30) days after said time make allotments to such Indians, which shall have the same force and effect as if the selection were made by the Indian.

"ARTICLE V.

"When said allotments of land shall have been selected and taken as aforesaid, and approved by the Secretary of the Interior, the titles thereto shall be held in trust for the allottees, respectively, for the period of twenty-five (25) years, in the time and manner and to the extent provided for in the act of Congress entitled "An act to provide for the allotment of land in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and Territories over the Indians, and for other purposes," approved February 8, 1887, and an act amendatory thereof, approved February 28, 1891.

"And at the expiration of the said period of twenty-five (25) years the title thereto shall be conveyed in fee simple to the allottees or their heirs, free from all incumbrances.

"ARTICLE VI.

"As a further and only additional consideration for the cession of territory and relinquishment of title, claim, and interest in and to lands as aforesaid, the United States agrees to pay to the Comanche, Kiowa, and Apache tribes of Indians, in the Indian Territory, the sum of two million (2,000,000) dollars.

"To be paid as follows: As fast as the lands opened for settlement under this act are sold, the money received from such sales shall be covered into the Treasury and placed to the credit of the said Comanche, Kiowa, and Apache tribes of Indians: *Provided*, That no part of said money shall be paid to said Indians until the question of title to the said lands is fully settled between said tribes and the Choctaw and Chickasaw tribes by a suit in the Court of Claims, as hereinafter provided; and said court shall by its decree direct the payment of said two millions of dollars to the tribes entitled to the same.

"Nothing herein contained shall be held to affect in any way any annuities due said Indians under existing laws, agreements, or treaties.

"ARTICLE VIII.

"It is further agreed that whenever in said reservation any member of any of the tribes of said Indians has, in pursuance of any laws or under any rules or regulations of the Interior Department taken an allotment, such allotment, at the option of the allottee, shall be confirmed and governed by all the conditions attached to allotments taken under this agreement.

"ARTICLE IX.

"It is further agreed that any and all leases made in pursuance of the laws of the United States of any part of said reservation which may be in force at the time of the ratification by Congress of this agreement shall remain in force the same as if this agreement had not been made.

"ARTICLE X.

"It is further agreed that the following-named persons, not members by blood of either of said tribes, but who have married into one of the tribes, to wit, Mabel R. Given, Thomas F. Woodward, William Wyatt, Kiowa Dutch, John Nestill, James N. Jones, Christian Ke oh-tah, Edward L. Clark, George Conover, William Deitrick, Ben Roach, Lewis Bentz, Abilene, James Gardloupe, John Sanchez, the wife of Boone Chandler, whose given name is unknown, Emmit Cox, and Horace P. Jones, and also Bianca Bell, Cortez Bell, William Bell, Gladys Bell, Claude Bell, Dottie Bell, Bonnie Bell, T. A. Babb, Thomas Babb, and Annie Babb, shall each be entitled to all the benefits of land and money conferred by this agreement, the same as if members by blood of one of said tribes.

"ARTICLE XI.

"This agreement shall be effective only when ratified by the Congress of the United States."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That said agreement be, and the same hereby is, accepted, ratified, and confirmed as herein amended.

SEC. 2. That the Secretary of the Interior is hereby authorized and directed to cause the allotments of said lands, provided for in said treaty among said Indians, to be made by any Indian inspector or special agent.

SEC. 3. That all allotments of said land shall be made under the direction of the Secretary of the Interior to said Indians within one year from the passage of this act, subject to the exceptions contained in Article IV of said treaty.

SEC. 4. That the lands acquired by this agreement shall be opened to settlement by proclamation of the President within six months after allotments are made and be disposed of under the general provisions of the homestead and town-site laws of the United States: *Provided*, That in addition to the land-office fees prescribed by statute for such entries the entryman shall pay $1.25 per acre for the land entered at the time of submitting his final proof: *And provided further*, That in all homestead entries where the entryman has resided upon and improved the land entered in good faith for the period of fourteen months he may commute his entry to cash upon the payment of $1.25 per acre: *And provided further*, That the rights of honorably discharged Union soldiers and sailors of the late civil war, as defined and described in sections 2304 and 2305 of the Revised Statutes shall not be abridged: *And provided further*, That any person who, having attempted to but for any cause failed to secure a title in fee to a homestead under existing laws, or who made entry under what is known as the commuted provision of the homestead law shall be qualified to make a homestead entry upon said lands: *And provided further*, That any qualified entryman having lands adjoining the

lands herein ceded, whose original entry embraced less than 160 acres in all, shall have the right to enter so much of the lands by this agreement ceded lying contiguous to his said entry as shall, with the land already entered, make in the aggregate 160 acres, said land to be taken upon the same conditions as are required of other entrymen: *And provided further*, That the settlers who located on that part of said lands called and known as the "neutral strip" shall have preference right for thirty days on the lands upon which they have located and improved.

SEC. 5. That sections 16 and 36, 13 and 33, of the lands hereby acquired in each township shall not be subject to entry, but shall be reserved, sections 16 and 36 for the use of the common schools, and sections 13 and 33 for university, agricultural colleges, normal schools, and public buildings of the Territory and future State of Oklahoma; and in case either of said sections, or parts thereof, is lost to said Territory by reason of allotment under this act or otherwise, the governor thereof is hereby authorized to locate other lands not occupied in quantity equal to the loss.

SEC. 6. That the payment for said lands shall be made to the Indian tribes entitled to receive the same under the provisions of this act as fast as the lands opened for settlement under this act are sold. The money received from such sale shall be covered into the Treasury and placed to the credit of the said Comanche, Kiowa, and Apache tribes of Indians: *Provided*, That no part of said money shall be paid to said Indians until the question of title to said lands is fully settled between said tribes and the Choctaw and Chickasaw tribes by a suit in the Court of Claims as hereinafter provided for. And said court shall direct the payment thereof to the tribes that they may find entitled thereto.

SEC. 7. That none of the money or interest thereon which is, by the terms of the said agreement, to be paid to said Indians shall be applied to the payment of any judgment that has been or may hereafter be rendered under the provisions of the act of Congress approved March 3, 1891, entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations."

SEC. 8. That should any of said lands allotted to said Indians or opened to settlement under this act contain valuable mineral deposits, such mineral deposits shall be open to location and entry, under the existing mining laws of the United States, upon the passage of this act, and the mineral laws of the United States are hereby extended over said lands.

SEC. 9. That as the Choctaw and Chickasaw nations claim to have some right, title, and interest in and to the lands ceded by the foregoing treaty as soon as the same are abandoned by said Comanche, Kiowa, and Apache tribes of Indians, jurisdiction be, and is hereby, conferred upon the United States Court of Claims to hear and determine the said claim of the Chickasaws and the Choctaws, and to render a judgment thereon, it being the intention of this act to allow said Court of Claims jurisdiction, so that the rights, legal and equitable, of the United States and the Choctaw and Chickasaw nations, and the Comanche, Kiowa, and Apache tribes of Indians in the premises shall be fully considered and determined, and to try and determine all questions that may arise on behalf of either party in the hearing of said claim; and the Attorney-General is hereby directed to appear in behalf of the Government of the United States; and either of the parties to said action shall have the right of appeal to the Supreme Court of the United States: *Provided*, That such appeal shall be taken within sixty days after the rendition of the judgment objected to, and that the said courts shall give such causes precedence: *And provided further*, That nothing in this act shall be accepted or construed as a confession that the United States admit that the Choctaw and Chickasaw nations have any claim to or interest in said lands or any part thereof.

SEC. 10. That said action shall be presented by a single petition making the United States party defendant, and shall set forth all the facts on which the said Choctaw and Chickasaw nations claim title to said land; and said petition may be verified by the authorized delegates, agents, or attorneys of said Indians upon their information and belief as to the existence of such facts, and no other statement or verification shall be necessary: *Provided*, That if said Choctaw and Chickasaw nations do not bring their action within ninety days from the approval of this act, or should they dismiss said suit, and the same shall not be reinstated, their claim shall be forever barred.

Mr. SHERMAN. Mr. Speaker, this is the Comanche, Kiowa, and Apache treaty that has been pending before the two Houses of Congress for a good many years past. It has been reported favorably by the Committee on Indian Affairs to the present House, as well as in one or two previous Congresses, and passed the House during the last Congress.

Mr. TERRY. Will the gentleman allow me to interrupt him for a question?

Mr. SHERMAN. Certainly.

Mr. TERRY. This is a very lengthy bill, and it is almost impossible for members who are not on the committee to know very much of the details from the reading at the desk. I want to ask the gentleman, because I know that he is very careful in matters of this sort, if the committee has amply provided that this money that we do appropriate here will be paid to the right Indians?

Mr. SHERMAN. I will state to the gentleman from Arkansas that we do not appropriate any money. We make no provision of that kind in the pending bill, not a cent. But we have amply provided that when the lands are sold and the money goes into the Treasury of the United States, it will be properly distributed to the persons entitled to receive it.

Mr. TERRY. Because the gentleman from New York is aware of the fact that there are different antagonistic claims.

Mr. SHERMAN. Certainly, I understand that.

I ask a vote on the bill.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. SHERMAN, a motion to reconsider the last vote was laid on the table.

NAVAJO INDIAN RESERVATION, ARIZ.

The SPEAKER. Has the gentleman from New York anything further to call up from this Committee?

Mr. SHERMAN. I call up the bill (H. R. 4001) authorizing the adjustment of rights of settlers on the Navajo Indian Reservation, Territory of Arizona.

The SPEAKER. The gentleman from New York calls up a bill which the Clerk will report.

The bill was read, as follows:

Be it enacted, etc., That all lands claimed by actual settlers or persons to whom valid rights attach, who settled upon or occupied any part of the public lands of the United States prior to the date of the Executive order of January 6, 1880, extending the boundaries of the Navajo Indian Reservation, in the Territory of Arizona, and which were included in said Executive order, are hereby excepted from the operations thereof, and said settlers are hereby granted authority to establish their rights and secure patents for any of said lands to which they have a valid title under the public land laws of the United States.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

On motion of Mr. SHERMAN, a motion to reconsider the last vote was laid on the table.

CLAIMS UNDER CERTAIN INDIAN LAWS.

Mr. LITTLE rose.

Mr. SHERMAN. I desire to call up a bill which my colleague [Mr. LITTLE] has and will send to the desk.

The SPEAKER. The gentleman from Arkansas [Mr. LITTLE] calls up the following bill, which the Clerk will report.

The bill (H. R. 8566) authorizing certain suits in the Court of Claims, and for other purposes, was read, as follows:

Be it enacted, etc., That white persons who have intermarried with Cherokee citizens according to Cherokee laws are hereby authorized and empowered to bring suits in the Court of Claims of the United States, within ninety days after the passage of this act, against their respective nations, for the purpose of determining, according to law and equity, all their rights and claims under such laws and treaties in and to the lands and funds of the respective tribes into which they have so intermarried. Should any of such persons recover against the nation, the court shall render judgment for the amount and order the same paid by the United States and deducted from any funds due such nation, and shall fix the compensation or fees due to attorneys of record, and make proper orders in reference thereto; or said nations may bring like suits against such intermarried persons within their respective nations; and jurisdiction is conferred on said court to adjudicate and fully determine all such rights.

SEC. 2. That any suit provided for in section 1 herein so authorized may be brought by any party other than said tribes in their own behalf, or in the name of any trustee or delegate selected by them, with approval of the Secretary of the Interior, and by any one of said tribes in the name of the principal chief, acting principal chief, or governor of the tribe; and the law and practice and rules of procedure in such courts shall be the practice and law in all such cases; and copies of petitions filed in any case at commencement of suit shall be served on the principal chief or governor of the tribe, or on the trustee or delegate so appointed, or on any other person suing, or on his representative, by a marshal of the United States court in Indian Territory, and on the Attorney-General of the United States, who shall designate and appoint, from the Department of Justice, a competent person to defend for the tribe and for the United States in each of said suits; and said court shall have authority, in its discretion, to enforce its judgments in all such cases by proper process.

SEC. 3. That the persons known as Mississippi Choctaws, or Choctaw Indians claiming rights under Article XIV of the treaty concluded on the 27th day of September, 1830, of Choctaw Indian blood, who claim rights as Choctaws in the lands or funds of the Choctaw Nation or of the Choctaw people, are hereby authorized and empowered to bring suit in the Court of Claims of the United States, by filing a petition therein within one hundred and twenty days after the passage of this act, against the Choctaw Nation to determine their rights aforesaid under treaties made between the United States and the Choctaw Indians, and particularly under Article XIV of the treaty concluded on the 27th day of September, 1830; and jurisdiction is conferred on said court to adjudicate and fully determine the same, and to render any appropriate judgment or decree to carry such determination into effect.

Such suit, if brought by such Mississippi Choctaws, may be brought by them individually, or by some of them on behalf of themselves and such others similarly situated as may thereafter ask to come into said suit or to participate in the benefits of the judgment therein.

Appeal may be taken from any judgment of the Court of Claims under this act to the Supreme Court of the United States by any party interested within sixty days after the rendition of judgment by the Court of Claims, and said cases, both in the Court of Claims and in the Supreme Court, shall be preferred cases and shall be heard and determined as early as practicable.

The judgment of said Court of Claims, or of the Supreme Court if appeal is taken thereto, shall be final and conclusive upon the rights of all parties interested.

SEC. 4. Upon the rendition of any judgment under the provisions of this act the court shall make proper orders fixing and providing for the compensation of attorneys of record.

The following amendments recommended by the Committee on Indian Affairs were read:

After the word "laws," in line 4, page 1, insert the following language: "And white persons who have intermarried with Choctaw citizens, according to Choctaw laws, and white persons who have intermarried with Chickasaw citizens, according to Chickasaw laws."

Strike out all after the word "notion," in line 14, page 1, down to and including the word "thereto," in line 2, page 2.

The amendments recommended by the Committee on Indian Affairs were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. LITTLE, a motion to reconsider the last vote was laid on the table.

THE "NEUTRAL STRIP," OKLAHOMA.

Mr. SHERMAN. Mr. Speaker, I call up the bill (H. R. 5032) authorizing the Secretary of the Interior to negotiate with certain Indian tribes in Oklahoma for the cession of the "neutral strip."

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to order an Indian inspector to the Kiowa and Comanche tribes of Indians, in Oklahoma Territory, to negotiate with said tribes for the relinquishment of all their interest in and to the following-described tract of

land south of Washita County and north of the Washita River, known as "the neutral strip," containing 2,700 acres, more or less, and more particularly described as follows: Commencing at the point on the left bank of the Washita River in section 34, township 8 north, of range 14 west Indian meridian where the north boundary line of the Kiowa and Comanche Indian Reservation intersects the left bank of said river; thence running west along said boundary to the point in section 35, township 8 north, of range 15 west where said boundary again intersects the left bank of the said Washita River; thence down said river along its left bank through townships 8 and 7 north, of ranges 15 and 14 west to the place of beginning.

SEC. 2. That upon proper settlement being made with said Indians for said lands the same shall be opened under the homestead laws, as applicable to the Cheyenne and Arapahoe lands: *Provided*, That the homestead settlers now occupying said above-described lands shall be given the preference right of entry to said lands for thirty days: *And provided further*, That said settlers shall be given credit for the actual time they have resided on said lands.

The following amendments, recommended by the Committee on Indian Affairs, were read:

That lines 4 and 5, page 1, be amended by substituting for the words "Kiowa and Comanche" the words "Kiowa, Comanche, and Apache."

After the last word in line 6, page 2, insert: "such relinquishment to be in the form of an agreement, which shall be subject to ratification and confirmation by Congress."

The amendments recommended by the Committee on Indian Affairs were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. SHERMAN, a motion to reconsider the last vote was laid on the table.

LANGSTON UNIVERSITY, OKLAHOMA.

The SPEAKER. The Clerk will call the next committee.

The Committee on the Territories was called.

Mr. FLYNN. Mr. Speaker, I am authorized by the Committee on the Territories to call up the bill (H. R. 8463) ratifying an appropriation by the legislature of Oklahoma, out of the Morrill fund, for the use of the university at Langston for colored students.

The bill was read, as follows:

Be it enacted, etc., That the appropriation made by the Territorial legislature of the Territory of Oklahoma, by section 5 of an act approved March 10, 1899, entitled "An act making appropriations for erecting, maintaining, and supporting the educational institutions of the Territory of Oklahoma for the years 1899 and 1900," be, and the same is hereby, ratified and confirmed.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

SIOUX CITY AND PACIFIC RAILROAD COMPANY.

The SPEAKER. The Clerk will call the next committee.

The Committee on Pacific Railroads was called.

Mr. POWERS. Mr. Speaker, I call up the bill (H. R. 2864) to create a commission to make settlement and adjustment with the Sioux City and Pacific Railroad Company of its indebtedness to the Government of the United States.

The SPEAKER. The gentleman from Vermont calls up the following bill, which the Clerk will report.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury, the Secretary of the Interior, and the Attorney-General of the United States are hereby authorized and empowered to make settlement and adjustment with the Sioux City and Pacific Railroad Company of its indebtedness to the Government of the United States; and when such settlement is approved by the President it shall become operative, and the Attorney-General shall make the necessary acquittances to said railroad company.

The following amendment, recommended by the Committee on Pacific Railroads, was read:

In line 8, after the word "States," insert the words "*Provided*, That they deem the same for the best interests of the Government."

The SPEAKER. The question is on agreeing to the amendment.

Mr. HOPKINS. Mr. Speaker, I think we had better have a little explanation of that bill before we go to voting on it.

Mr. POWERS. Mr. Speaker, this bill provides for a commission——

Mr. RICHARDSON. Mr. Speaker, I would like to inquire if this bill is on the House Calendar?

The SPEAKER. Yes, sir; it is on the House Calendar.

Mr. RICHARDSON. Does it not affect the indebtedness of the United States?

The SPEAKER. The point of order was made and passed upon on a former occasion.

Mr. RICHARDSON. It has been?

The SPEAKER. It has been.

Mr. RICHARDSON. I beg pardon.

Mr. POWERS. I would say, Mr. Speaker, that this bill provides for a commission, to consist of the Secretary of the Treasury, the Attorney-General, and the Secretary of the Interior, to make settlement with the Sioux City and Pacific Railroad Company of its indebtedness to the United States, with an amendment providing they find that it is for the best interests of the Government. And when such settlement is made, if it is approved by the President, it shall be final. The bill comes to the House with the unanimous approval of the committee. I do not know that gentlemen desire any further statement of facts about it, but for a moment I would ask the ear of the House to say that the Sioux City and Pacific Railroad is one of the branches of the original Union Pacific Railroad system.

It will be remembered by members of the House that when the Union Pacific Railroad Company was chartered, in 1862, there was a great contest between several cities on the Missouri River for the terminus of that road. Among others, Sioux City desired it, Omaha desired it, St. Joe desired it, and Kansas City desired it; and to compose these differences existing on the part of the friends of each of these cities, it was provided in the original act that the Union Pacific Railroad should begin at the one hundredth meridian, which was distant about 250 miles west from Omaha, and in the same act it was provided that a branch of that road should be built to Sioux City, to Atchison, to Omaha, to Kansas City, all the contending cities for the eastern terminus, and they were all in that way accommodated.

That was in 1862. Two years later, in 1864, Congress absolved the Union Pacific Railroad Company from the necessity of building this branch to Sioux City, but held them to their obligation to build all the other branches named in the act of 1862. In this act of 1864, however, they provided that any other company that would go forward and build to Sioux City the Sioux City and Pacific branch should have the same subsidy and the same land grant that was given to the main company itself and the other branches, so that any other company would stand on the same level, so far as Government patronage was concerned, as those other branches. Thereupon a corporation chartered by the State of Iowa, and known as the Sioux City and Pacific Railroad Company, took up the operation of building this road. The obligation of the company was to build a road from Sioux City to a connection on the main stem of the Union Pacific Railroad.

Now, then, this was thirty-odd years ago. Sioux City at that time was little more than a trading post, away out on the north end of the State of Iowa, and there was very little inducement to build a road from that city to any place then. So this company, with the approval of the United States officials, built the road down on the east side of the Missouri River to a place known as California Junction, and then at a right angle nearly west to the town of Fremont, in the State of Nebraska, across the Missouri River, connecting with the main line of the Union Pacific at Fremont.

The total distance of that line was 101 miles and a fraction, and under the stipulations of the original act of 1862 this company received from the Government a subsidy of $16,000 per mile, amounting in all to $1,620,320. In addition to that, they received a grant of land, which was of very large value, the same as the main line of the Union Pacific and its several branches had received. I would say, however, in reference to the land grant, that these lands have all been patented and sold, so that that question does not concern us at this time.

Mr. HOPKINS. As I understand the gentleman, the object of this bill is to have the Secretary of the Interior, the Attorney-General, and the Secretary of the Treasury act as a commission to adjust whatever equities there may be.

Mr. POWERS. This is a bill to enable this commission to ascertain the amount of indebtedness, and to settle upon such terms as they may deem best.

Mr. DALZELL. Subject to the approval of the President.

Mr. POWERS. Subject to the approval of the President.

Mr. HOPKINS. I have no further objection to the bill, after that explanation.

Mr. TERRY. I want to ask the gentleman a question there. Is it contemplated that we will have something to receive from this company, or that we will have something to pay to them?

Mr. POWERS. There is certainly no indebtedness from the Government to the company. They owe the Government for principal and interest down to the 1st day of July, or the end of last fiscal year, $4,216,926.06.

Mr. TERRY. What is the amount that it is supposed the Government will be entitled to under this kind of a settlement?

Mr. POWERS. It is supposed, Mr. Speaker, that we shall get the most we can.

Mr. TERRY. Has not the gentleman any idea as to the amount?

Mr. POWERS. I have not the slightest conception, but I know the point of my friend's question. I will say that this road runs in exactly the wrong direction to be a valuable road. It should have been built in a southwesterly direction. The connection with the Union Pacific road should give an east and west road, which is the only road that would be profitable. Instead of that, they complied with the exact terms of the act of Congress by building it down in a southeastern direction for a certain distance, and then it goes west, the result of which is that it is only that portion of the road from the angle to which they built that has become of very great value. It is now operated by the Chicago and Northwestern Railroad Company, and is a part of their system. They utilize the line from California Junction to Fremont, a distance of about 20 miles.

Mr TERRY. I noticed that fact in a casual reading of the report. I will suggest to my friend from Vermont that it is usual when large amounts are involved and we send out a commission to adjust them for the Government of the United States to let the commission report back to Congress. I recollect when the commission, composed of the Secretary of the Interior and several other Department officers, adjusted the Arkansas settlement that we had to report back to Congress for its final determination. Let the representatives of the people know what they think about the settlement. I have no doubt the Government officers will try to do what is right about it, but the representatives of the people ought to have something to say about vast amounts of money of this sort.

Mr. POWERS. I quite agree with my friend from Arkansas about the principle, but here is a road that confessedly can never, on its own strength, at least, ex proprio vigore, to quote a familiar expression, ever pay its debt. It is now being operated by the Chicago and Northwestern line, and whatever they have of any great value comes from the fact that it is a part of that system.

The Commissioner of Railroads and all officials who have examined the road pronounce it of very little value standing by itself. Now, it is in that insolvent condition, as you might say, where you have to take the most you can get, make the best settlement you can. I would remind my friend that the Central Pacific Railroad Company settled their indebtedness with the Government through that same commission, and the Government secured the amount of the debt. In the case of the Union Pacific Railroad, while the Government did not receive the full amount, we received a much larger sum than anyone expected we should get. So I think we can point to those two instances as evidence of the fact that these officials will look out for the best interests of the Government.

Mr. TERRY. What security have we now?

Mr. POWERS. A second mortgage on the road.

Mr. TERRY. Is this a unanimous report from the committee?

Mr. POWERS. It is.

Mr. RIDGELY. Will the gentleman from Vermont permit a further question?

Mr. POWERS. Certainly.

Mr. RIDGELY. You cite the favorable settlements that the Government has secured with the Central Pacific and the Union Pacific, and I understood you to say that the commission by whom that settlement was secured was substantially the same as the commission provided for in this bill.

Mr. POWERS. Practically.

Mr. RIDGELY. Was not there, by Congressional action, some limitation or restriction placed on that settlement, that the Government should receive at least so much?

Mr. POWERS. I was not aware of it. I do not see the propriety of appointing a commission to settle an indebtedness if we say that they shall not take anything but the full amount.

Mr. RIDGELY. It was not exactly in that way. I remember when this Pacific railroad matter was up in the Fifty-fifth Congress, both in the House and the Senate, there was a great deal said and some very specific action was taken, which did result in securing to the Government a much larger sum than we were likely to get at one time.

Now, has the gentleman from Vermont any objection that this commission shall first report to Congress and get the approval of Congress before the settlement shall be finally completed and binding?

Mr. POWERS. I think, Mr. Speaker, that would be impracticable. Now, I want to remind the gentleman of the condition we are in here to-day. How can we settle this matter? Here are 356 gentlemen on this floor, and they may have 356 different offers. You can never settle an indebtedness against an insolvent debtor by such a body as that. The only way you can do is to delegate it to a competent commission that will look into the matter carefully. This commission has all the facilities in the Secretary's office and the Attorney-General's office. They have all the papers, the documents, the vouchers, and everything that a committee can need, right in their own office. Now, they have made a good settlement in two instances, although they did not secure the full amount from the Kansas Pacific Railroad Company; nevertheless, they did secure more than even my friend expected they would.

Can we not trust that commission to take up this case and settle it according to the best interests of the Government? And what object would there be in reporting the matter back to Congress except to bring the subject up here on the floor where everybody would be as much in the dark about the real merits of the case as we are to-day?

Mr. RIDGELY. I certainly believe that when a principal authorizes an agent to perform any work, it is safe business policy that the principal shall reserve to himself the power to approve or disapprove of the work that the agent may do.

Mr. POWERS. I quite agree with my friend's proposition; and we have done that very thing by requiring this commission to submit its report to the President and receive from him, as the executive officer of the Government, his approval before the settlement shall be binding.

Mr. RIDGELY. The President is not the source from which the authority emanates in this case. I would prefer to have the report come back to the source that authorizes the commission.

Mr. POWERS. I do not think we shall hasten the matter very much if we provide for referring it back to Congress. If Congress is to settle the matter, it might as well settle it now. This is largely a matter of bookkeeping and expert investigation which we are incapable of conducting. It is much better to refer the matter to some competent tribunal and require that tribunal to submit its work to an officer who is responsible to the whole people. If he says the finding is all right, that ought to satisfy us.

Mr. RIDGELY. Can the gentleman give us some information as to the business of the balance of this line of road, which he says is not doing so large a volume of business as is done on the 20 miles already referred to? What is the balance of the line doing?

Mr. POWERS. It is in operation; but its earnings are very small indeed. If the gentleman will look at the last report of the Commissioner of Railroads, he will find that that part of the road is all the time running behind. There is a deficit every year. It can not meet its fixed charges.

Mr. RIDGELY. That is very common among a great many railroads overburdened with watered bonds and high-salaried officials.

Mr. POWERS. There is a first mortgage on the road ahead of the Government's lien. The interest on that mortgage has to be paid, besides the operating expenses.

A MEMBER. And the mortgage is past due.

Mr. RIDGELY. In this connection it may be observed that every time Congress has touched the Pacific Railroad question the people of the country have got the worst of it. The Government held a first mortgage on the property of the road; then by act of Congress we yielded that at the pleading of some of the investors in these roads and took a second mortgage, upon which in this case we are likely to receive little or nothing, according to the statement of the gentleman [Mr. POWERS]. It seems that the second mortgage is worth but little to us, unless we protect our property by taking care of the first mortgage or sell our second lien as best we can. But why this commission without limit or approval by Congress?

One other question: Can the gentleman, from the investigations he has made, indicate anything as to the probable sum we can receive under the existing status of this property if we give the commission the authority proposed by this bill?

Mr. POWERS. I regret to say I can not give the gentleman the slightest information on that subject. I have never heard of any offer being made or any upset price being fixed. It seems to me the matter is all in the air so far as concerns the value of the road and the probable amount the Government will realize.

Mr. RIDGELY. And Congress is asked to blindly throw this property into the hands of a commission.

Mr. POWERS. Congress is asked to blindly throw this property into the hands of a competent commission. That is what it is asked to do. There is no chance for the Government being the loser. It will unquestionably get all that is possible for anybody to get.

Mr. RIDGELY. Will not the gentleman consent that the bill be so amended as to refer the matter back to Congress for its approval before final action is taken?

Mr. POWERS. I should regard such an amendment as a practical destruction of the bill. We should realize nothing by undertaking to settle the question in that way.

Mr. RIDGELY. Will the gentleman inform me why after the commission has made an investigation it should not submit to Congress its conclusion with the reasons in favor of a certain settlement, and why shall not we be allowed the privilege of reviewing the commission's action, approving or disapproving it?

Mr. POWERS. With 356 members of this House there might be 356 different estimates of the amount that the Government ought to accept.

Mr. RIDGELY. The gentleman's objection would exclude Congress from action in this matter as being an impracticable, worthless body. We certainly should have the right to say "yes" or "no" upon the action of the commission.

Mr. POWERS. My friend's criticism would apply to a great deal of business that is done in Congress. There are many matters of this kind that must be settled by a commission. We appoint certain commissions at every session of Congress because it is the wisest and best course to take.

Mr. RIDGELY. If we are capable of appointing a commission, we are capable of approving or disapproving its action, and I think we should reserve the right to exercise that power.

Mr. WILLIAMS of Mississippi. Would the gentleman from

Vermont [Mr. POWERS] object to an amendment striking out "the President" and inserting "the Congress of the United States?"

Mr. POWERS. I should certainly object to such an amendment, because it seems to me it would destroy the chance of the Government ever realizing anything out of this road. Its indebtedness is all the time growing larger and the security of the Government smaller.

Mr. WILLIAMS of Mississippi. When the gentleman yields the floor, I should like an opportunity to say a word on this question.

Mr. RIDGELY. I want to ask one further question. Have we not a law now that directs the President of the United States, in case of default on the part of any of these Pacific land-grant and money-grant railroads, to proceed to foreclose and take care of the first mortgage? And if so, why has not the President acted?—if the gentleman can tell.

Mr. POWERS. Well, I think I can answer that question, although not by authority of the President. I can answer it on general principles. There is a first mortgage ahead of the Government security, amounting to the same principal sum as the Government mortgage; that is to say, it amounts to $1,600,000.

Now, I have no doubt that the President has refrained from foreclosing that mortgage for the simple reason that if he does so he must necessarily put his hands into the Treasury and take out $1,600,000 to pay off the first mortgage, and when he has done that he has undoubtedly got a railroad on his hands that is worth but very little, if anything, more than the amount of money he has just paid out. He has not realized anything on his second mortgage. I have no doubt that is the reason. It is just what the gentleman himself would do in a private business transaction.

Now, I would like to ask the gentleman from Kansas [Mr. RIDGELY] if I am not right in my assumption that his desire is that the Government shall foreclose the mortgage, take the road, and operate it?

Mr. RIDGELY. Not necessarily.

Mr. POWERS. Not necessarily, but is not that what you desire?

Mr. RIDGELY. No, sir; my desire——

Mr. POWERS. Are you not in favor of that?

Mr. RIDGELY. My desire in this case is that the taxpayers of this nation shall proceed in such a way as to get back as much as possible of their investment. When we take up Government ownership and operation of railroads it will be on a much larger scale. In this case let us get all we can out of our lien.

Mr. POWERS. That is what we are all trying to do.

Mr. RIDGELY. Now, I say that we, as the agents of the people, should protect the people by holding in our hands the final disposition of the matter by making the amendment which the gentleman from Mississippi [Mr. WILLIAMS] suggests, that Congress and not the President shall have the final say.

Mr. THROPP. Will the gentleman allow me to ask him one question?

Mr. POWERS. Certainly.

Mr. THROPP. The chairman of the committee has inadvertently overlooked one other fact which I think ought to be known to gentlemen on the other side, and that is that the valuable portion of this road is the terminus at Sioux City, and that the Chicago and Northwestern road, which is now operating it, is it not——

Mr. POWERS. Yes.

Mr. THROPP (continuing). Can by the building of a few miles of road parallel this Sioux City road into Sioux City, and in that way take away nearly the whole value of the property. That leaves us with a road on our hands which is mortgaged for $1,600,000, and the Government holding a second mortgage of $1,600,000, representing a total mortgage indebtedness of about $32,000 per mile on a road which it is estimated could be duplicated to-day for less than $12,000 per mile, and which in addition to that would have no terminus.

Mr. RIDGELY. I want to say to the gentleman and to every gentleman here that the people of the country are watching with a jealous eye our proceedings in these Pacific railroad settlements, and I warn the representatives of the people here not to blindly vote away the power of the people into the hands of any commission without reserving the right to approve or disapprove of their action before it becomes binding.

Mr. BELL rose.

Mr. POWERS. I yield to the gentleman from Colorado.

Mr. BELL. Mr. Speaker, I want to state in reference to this road that members of the Senate, who have the same question in hand, and especially Senator HARRIS, who helped build these roads, and who has had a great deal to do with the settlement of the other claims of the Government, insist that this amendment ought to be made, that it ought to be referred back to Congress for final determination, because it will come to members who have thoroughly investigated this question and know the conditions, while if it goes to the President of the United States, he will get his information from the commission and be controlled by them.

Now, here is another point which Senator HARRIS makes that it seems to me ought to carry great weight. He says there is one of those bridges across the river which, according to the belief of a number of the members of their committee, belongs to this road under a decision of the Supreme Court of the United States, and he is admitted, on that side of the House, at least, to be one of the best posted if not the best posted man in either House on the building and condition of these roads. Now, it is his mature judgment that with proper management we can hold a bridge that will pay us not only the first but the second mortgage in full.

It seems to me that we labor under a misapprehension here. We have been talking about interest, and throwing off interest. Now, I do not understand that these debts ever drew interest. All the interest that has ever been paid was paid directly out of the Treasury of the United States for the railroads themselves. No interest has been coming back to us.

Now, it seems to me that a matter so important as this ought to come back where the Committee on Pacific Railroads in this House and in the other House, with all the information they have at hand, should take the responsibility of accepting the settlement and not throw the responsibility upon the President of the United States. He has multifarious duties, and he would have to get his information practically from the commission itself, which would be equivalent to having no confirmation at all.

Mr. LACEY. Will the gentleman yield for a question?

Mr. BELL. I have not time if we are going to adjourn, because I want to yield to the gentleman from Mississippi [Mr. WILLIAMS] to offer his amendment. I am sorry that I have not the time before adjournment to yield to the gentleman.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The SPEAKER. The gentleman from Mississippi offers an amendment, which the Clerk will report.

Mr. WILLIAMS of Mississippi. I want to say something, later on, in behalf of the amendment; but at this moment I yield to the gentleman from Texas [Mr. SHEPPARD].

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

In line 10, strike out the word "President" and insert the words "the Congress of the United States."

Mr. SHEPPARD. Mr. Speaker, as a member of the Committee on Pacific Railroads I voted in the Committee to make the report that has been read by the chairman.

We find that this piece of railroad, from the testimony that we had before the committee, is about 101 miles in length. There is a first mortgage of $16,000 to the mile, ahead of the Government mortgage. The Government has an indebtedness against this road of $16,000 to the mile, and this is a bonded indebtedness; these bonds draw 6 per cent per annum since 1862. The first-mortgage debt, as well as the debt the Government holds against this road, matured on the 30th of June, 1899.

The testimony before the committee shows that the debt in favor of the Government amounted to something over $4,000,000 with the accumulated interest. The testimony also showed that this railroad, if it was put up on the market, or if suit was instituted and the Government mortgage foreclosed subject to the first mortgage, would not bring a sufficient sum to pay off the first mortgage.

Now, we were confronted with this proposition, first, that if we foreclosed the Government mortgage and bid in this road, we would have a railroad belonging to the Government. Neither the majority nor the minority members of the committee considered that desirable. We did not think it a good business transaction to foreclose the mortgage, because the evidence showed that if we did the road would not bring a sufficient sum to pay off the first mortgage.

There was an amendment offered in the committee, which was voted down, which was in substance the same amendment as that offered by my friend from Mississippi [Mr. WILLIAMS], that this commission be required to report back their proposed settlement for the approval of Congress. There is no minority report.

The testimony showed that this road was not in a first-class condition and that they were anxious to make some extensions and some betterments of the road, and if we required the commission to report back to Congress its settlement for its approval, it would take too much time, and in all probability we would miss an opportunity to sell and get something for this indebtedness.

Now, as a member of that committee, I tried to ascertain from the witnesses what would be the sum that the Government could probably realize by pursuing the course that this bill provides. Well, we had nobody to answer the question. No one knew.

Now, I want the facts all known to this committee, especially on this side of the House, so that they may understand the reasons why I agreed to recommend this bill. I thought then and I think

yet that if we authorize the Secretary of the Treasury, the Secretary of the Interior, and the Attorney-General to make a settlement with the Sioux City and Pacific Railway Company with a provision which is in the bill, that it shall be left to their discretion to determine whether or not the settlement that they can make is for the best interest of the Government, and that before the commission finally close out the interest of the Government it must be approved by the President of the United States, the Government interest will be protected, and it will receive every dollar its mortgage is worth.

Now, from all the testimony that I heard, taking into consideration the value of the property as it now stands, the amount of the first mortgage, and the testimony showing that the road could be duplicated for perhaps $8,000 a mile, I was of the opinion then and I am now that this bill ought to pass without an amendment.

Mr. WILLIAMS of Mississippi. The amendment, Mr. Speaker, which I propose merely strikes out the word "President," in the tenth line of the bill, and substitutes the words "the Congress of the United States," in which sense, of course, the President is part of the Congress of the United States. There is no intention at all to reflect upon the President or upon any of those officers who shall compose this commission, but it seems to me that it is a right principle in legislation that we who have the authority to authorize a settlement appointing ourselves the agents for the purpose of making that settlement, should have them report back to us before it should become final.

Now, I have listened with much interest to what has been said by my friend from Texas, and I remember in that connection, Mr. Speaker, that in a prior Congress, when the question of the settlement of the claims of the Government against the Union Pacific Railroad Company and the Southern Pacific Railroad Company was at issue, that one of the best Congressmen that ever sat upon this floor, a man of ideal integrity and honesty, a member of the Committee on Pacific Railroads, a colleague of mine, Mr. Kyle, of Mississippi, told me privately, and also said upon the floor, as did many other good men, almost identically what has just been said by my friend in relation to this company, but saying it, of course, of a different set of railroads, namely, that they were "overmortgaged," overloaded, and "could be paralleled;" that there was a "first mortgage," and that the Government could not get its money until that first mortgage had been paid off; that the Government would find difficulty in making itself whole, etc.

That was at a time when we were trying to get more than a certain amount of money from these railroads, which, it was said, was all they could pay. Afterwards, when the settlement was made with these very same railroads, we did get a great deal more money than it had been proposed the Government should take. Gentlemen had assured us that the first-mortgage debt would almost eat up the whole before we could get a hearing on our debt.

Now, we remember this lesson. We know that the testimony taken before these railroad committees is testimony in the interest of the railroads, not that the committee would have it so by any means, but that it just naturally happens that the railroad managers and stockholders, who are wealthy and interested, are able to make themselves heard before committees. So, Mr. Speaker, the best men in the world, hearing the testimony and not knowing anything outside of the testimony, of course, the testimony being sent or brought them by the railroad interests, would arrive at the conclusion that the very best thing we could do would be to make our settlement with them on their basis.

Now, Mr. Speaker, the gentleman from Vermont, my friend Judge POWERS, says that there may be 365 different opinions to be ventilated in Congress when the matter comes up, if my amendment passes. There could be but two different opinions in Congress. The bill would then read that any settlement agreed on should be executed or should fail, depending upon the approval of Congress. If a Congressman approved, he would vote to let it stand; if a Congressman disapproved, he would vote to let it fall; and these would be the only two opinions that could be expressed in the vote of Congress.

Mr. POWERS. Will the gentleman allow me to ask him a question?

Mr. WILLIAMS of Mississippi. Certainly.

Mr. POWERS. Supposing the commission should report that we should accept $1,000,000; suppose you should think it should be a million and a half and I should think it should have been a million and a quarter, and suppose my friend from Kansas should think it should be two millions and a half and another think it should be three millions. Would not there be all those differences of opinion?

Mr. WILLIAMS of Mississippi. There could be no possible taking of evidence by the House, and the House would have to receive the testimony as taken by the commission except so far as members might be able to ventilate the testimony before the committee or give information which they had themselves. When a bill is brought before the House you understand that these gentlemen would have to vote against the approval of the settlement made by this commission or vote for it, and that would indicate that Congress in its judgment and good sense had concluded to do one thing or to do the other thing.

Now, you remember very well that this very committee brought in a bill that these other roads should make settlement at a certain figure and Congress disagreed with the committee. The committee said that we could not get beyond a certain amount of money out of these Pacific railroads, and you know it turned out that Congress was right; that the evidence before the committee was wrong, and the report of the committee, based upon that evidence, was wrong, and Congress was right, because we did subsequently get a great deal more from those very railroads. Now I will yield to the gentleman from Iowa.

Mr. LACEY. The gentleman will remember that there has been an improvement in the value of railroad property since the proposition to settle the debt of the Union Pacific Railroad was first brought up.

Mr. WILLIAMS of Mississippi. It makes my argument a fortiori.

Mr. LACEY. I ask the gentleman if it is not a good time to settle with this company when railroad property is more valuable and railroads are prospering?

Mr. WILLIAMS of Mississippi. Is my friend going to give up the idea that the world is going to grow "more and more prosperous" under the "beneficence of Republican rule," and that you are going to stay in power for one or two years? And if that is so, why shall we have to settle this in twenty-four hours or six weeks or six months? We are not going to build this particular Rome in a day. No Rome worth building was ever built in a day.

Mr. LACEY. My friend suggests that a lesson is furnished in the final settlement made with these other railroads?

Mr. WILLIAMS of Mississippi. Yes, sir.

Mr. LACEY. Now, we want to bear in mind, and I will not discuss the question of politics, that times are fairly good now, so far as railroad business is concerned.

Mr. WILLIAMS of Mississippi. Yes; and I think they are going to improve in the immediate future.

Mr. LACEY. This would not be a bad time to settle these matters.

Mr. WILLIAMS of Mississippi. The immediate future would be a better time; by waiting nothing is to be lost. I do not think that argument cuts much one way or the other. There is no reason given here why we should cast this slur on the judgment of the Congress of the United States by having the business of Congress consummated by the approval of the President instead of by the approval of both branches of the Congressional body.

Mr. LACEY. Congress did refer the Central Pacific matter to a commission like this; and when it seemed that we could not get 50 cents on the dollar in any settlement proposed to Congress, that commission succeeded in getting the entire amount of the claim.

Mr. WILLIAMS of Mississippi. Yes; but how did they get it?

Mr. LACEY. They got it from the company.

Mr. WILLIAMS of Mississippi. Was it under a bill like this?

Mr. LACEY. Substantially this; very much like it.

Mr. WILLIAMS of Mississippi. I thought it was on proceedings instituted in the courts of the United States.

Mr. LACEY and others. Oh, no.

Mr. WILLIAMS of Mississippi. In that I seem to have been mistaken.

Mr. LACEY. No; they made an agreement that it should be made in installments—divided it up. They made an arrangement that Congress could not have made very readily. Three men can get together, just as three men can settle any complicated matter, and make an agreement that Congress could not arrive at, because there has to be debate here in Committee of the Whole. By a commission all that complicated machinery of legislative action is avoided. The three men made a settlement, and the President approved it, as it is proposed to do in this bill.

Mr. WILLIAMS of Mississippi. Well, three men can make an agreement, under this bill, with my amendment, and Congress, including the President, can approve it.

Mr. SHAFROTH. Did not the bill limit the commission in any way?

Mr. LACEY. No; I think not.

Mr. SHAFROTH. I think the gentleman is mistaken; I think it did.

Mr. LACEY. It required them to submit it to the President for approval.

Mr. SHAFROTH. It required the commission to get the full amount of indebtedness due the United states, less the interest, and as to the other road—we voted upon the question whether we would take $6,000,000 less——

Mr. LACEY. In one instance the committee got back the full amount of the claim.

Mr. SHAFROTH. Certainly; but it was on a bill limiting their power.

Mr. WILLIAMS of Mississippi. Now, Mr. Speaker, it seems to me that this bill is going to take some little time to dispose of. Would the gentleman be willing to take an adjournment now and have the matter continued?

Mr. POWERS. The gentleman from Illinois [Mr. NOONAN] wanted to be heard a moment, and I would like to have him heard now.

Mr. CLARK of Missouri. I would like to ask the gentleman from Vermont if it is contemplated in this bill that the commissioners shall get any extra pay?

Mr. POWERS. None whatever.

Mr. CLARK of Missouri. I am glad of it.

Mr. POWERS. Mr. Speaker, I will now yield to the gentleman from Illinois [Mr. NOONAN].

Mr. NOONAN. Mr. Speaker, I am entirely in accord with the report of the committee. The remarks of gentlemen touching the old Union Pacific matter do not seem to me to be well in point. This is not a main line, it is a little branch of 100 miles, and is peculiarly and unfortunately situated. It runs along the east bank of the Missouri River, and can only receive and acquire freight haulings from east of that line; none from the west line. The Missouri River cuts it off from territory that ordinarily would contribute to a railroad, if it was not so close to the east of the Missouri River. We are in the position of a holder of a second mortgage whose equity will be soon frozen out. The amendment contemplated, in my opinion, would protract and delay the matter so long that the first mortgage would acquire whatever value there is in the property at the present time.

Mr. GAINES. Who will freeze us out?

Mr. NOONAN. In my opinion we shall be frozen out.

Mr. RIDGELY. How many years has the Government's mortgage run?

Mr. NOONAN. Thirty years. The debt has run thirty years, and with the interest now amounts to over $4,000,000.

Mr. RIDGELY. Does the gentleman think the few months between this and the next session of Congress would be dangerous to our interests?

Mr. NOONAN. This bill has not yet passed both Houses of Congress; the commission contemplated by the bill has not been appointed. The succeeding Congress may not see fit to take it up, and you can never figure on any time that a bill will pass both Houses of Congress; and delay in this matter is dangerous. I look at this exactly as if I was holding a second mortgage; it is the time that counts. If its condition would remain in statu quo until we got a report from the commission, I would agree to have the amendment adopted, but, in my opinion, that will not be wise. We want to know what this interest is worth now, and, as a member on this side of the House, on this particular case, with the facts surrounding it, I am very anxious to vote in accord with the committee for the commission and the approval by the President, for I think it is for the best interests of the Government.

Mr. GAINES. I asked the gentleman a moment ago who would freeze us out. He did not seem to understand my question, for he did not answer it.

Mr. NOONAN. The holders of the first mortgage, the accumulations of the first mortgage.

Mr. GAINES. Have we no way to protect our rights?

Mr. NOONAN. Oh, we could foreclose and buy in the property, but we should have to pay for the first mortgage. In my opinion, the property is not worth to the Government the amount of the first mortgage, as a seperate entity, as a route of that length by itself. If it were a trunk line, a main line, such as the other railroads, it would alter the case somewhat; but, in my opinion, such a course in this case would be unwise.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I yielded to the gentleman from Illinois [Mr. NOONAN] at the request of the gentleman from Vermont [Mr. POWERS] without any intention of entirely giving up the floor. I would like to inquire how the debate shall proceed and how the time shall be controlled on each side, for and against the bill?

The SPEAKER. It is purely a question of recognition.

Mr. WILLIAMS of Mississippi. Have I the floor now, Mr. Speaker?

The SPEAKER. The Chair did not hear the gentleman from Vermont [Mr. POWERS] reserve his time, and the gentleman from Mississippi [Mr. WILLIAMS] was recognized.

Mr. WILLIAMS of Mississippi. Then I want to reserve the balance of my time, and move to adjourn now.

Mr. POWERS. Mr. Speaker, I did reserve the balance of my time.

The SPEAKER. Did the gentleman from Vermont reserve the balance of his time?

Mr. POWERS. I did.

The SPEAKER. The Chair did not hear him. The question is on the motion of the gentleman from Mississippi to adjourn.

The question being taken on the motion to adjourn, it was agreed to.

MEMBERSHIP OF COMMITTEE ON WAYS AND MEANS.

Pending the announcement of the result of the vote, the Speaker announced the appointment of Mr. OSCAR W. UNDERWOOD as a member of the Committee on Ways and Means.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 1931. An act to provide for the erection of a bridge across Rainy River, in the State of Minnesota, between Rainy Lake and the mouth of Rainy River; and

S. 3360. An act to extend the time for the completion of a bridge across the Missouri River.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 2368. An act granting a pension to Mary A. Randall—to the Committee on Pensions.

S. 2203. An act granting an increase of pension to William Taylor—to the Committee on Invalid Pensions.

S. 755. An act granting a pension to Hannah R. Johnson—to the Committee on Invalid Pensions.

S. 757. An act granting an increase of pension to William C. Stockton—to the Committee on Invalid Pensions.

S. 477. An act granting a pension to Levi C. Faught—to the Committee on Invalid Pensions.

S. 752. An act granting an increase of pension to Isaac W. Comery—to the Committee on Invalid Pensions.

S. 1007. An act granting a pension to Mary E. Fenn—to the Committee on Invalid Pensions.

S. 2942. An act granting an increase of pension to William Padgett—to the Committee on Pensions.

S. 716. An act granting a pension to Susan Buck—to the Committee on Invalid Pensions.

S. 1977. An act to increase the pension of Levi Morse—to the Committee on Invalid Pensions.

S. 344. An act granting a pension to Nancy A. Dowell—to the Committee on Pensions.

S. 103. An act granting an increase of pension to Charles Critzer—to the Committee on Invalid Pensions.

S. 1752. An act for the relief of James J. Wheeler—to the Committee on Pensions.

S. 1754. An act granting a pension to Burton Packard—to the Committee on Invalid Pensions.

S. 1758. An act to increase the pension of Farnham J. Eastman—to the Committee on Invalid Pensions.

S. 358. An act granting a pension to William P. Arble—to the Committee on Pensions.

S. 347. An act for the relief of Margaret C. McKay—to the Committee on Pensions.

S. 342. An act granting a pension to Eleanor McDevitt—to the Committee on Invalid Pensions.

S. 2200. An act granting an increase of pension to Elizabeth W. Murphy—to the Committee on Invalid Pensions.

S. 1905. An act granting an increase of pension to Lillian Capron—to the Committee on Pensions.

S. 1906. An act granting an increase of pension to Agnes Capron—to the Committee on Pensions.

S. 1191. An act granting an increase of pension to Orpha W. Reynolds—to the Committee on Invalid Pensions.

S. 1127. An act to increase the pension of Hannah G. Strong—to the Committee on Pensions.

S. 299. An act granting a pension to Susanna Marion—to the Committee on Invalid Pensions.

S. 139. An act granting a pension to Adelaide Sessions—to the Committee on Invalid Pensions.

S. 1600. An act granting an increase of pension to John T. Hayes—to the Committee on Invalid Pensions.

S. 1872. An act granting a pension to Hiram J. Reamer—to the Committee on Pensions.

S. 2545. An act granting a pension to Nellie A. West—to the Committee on Invalid Pensions.

S. 681. An act granting a pension to Julia D. Richardson—to the Committee on Invalid Pensions.

S. 1271. An act granting a pension to Charles Williamson—to the Committee on Invalid Pensions.

S. 3102. An act granting a pension to Seleda Burnham—to the Committee on Invalid Pensions.

LEAVE OF ABSENCE.

Mr. SPIGHT, by unanimous consent, obtained leave of absence indefinitely, on account of sickness.

The result of the vote on the motion to adjourn was then announced; and accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Commissioner of Internal Revenue submitting an estimate of appropriation for overtime work of employees in his department—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a copy of a communication from the chairman of the Commission to the Five Civilized Tribes relating to printing copies of the report of the commission—to the Committee on Printing.

A letter from the acting president of the Board of Commissioners of the District of Columbia, transmitting a report of the operations of the excise board of the District—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a copy of a communication from the General Land Office inclosing a draft of a bill relating to the sale and use of timber on certain public lands—to the Committee on the Public Lands, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. GROUT, from the Committee on Appropriations, to which was referred the bill of the House (H. R. 9139) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1901, and for other purposes, reported the same, accompanied by a report (No. 488); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. JONES of Washington, from the Committee on the Public Lands, to which was referred House bills 2946, 5482, 4337, and 9085, reported in lieu thereof a bill (H. R. 9140) perfecting title under homestead laws, and for other purposes, accompanied by a report (No. 489); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SPALDING, from the Committee on the Territories, to which was referred the bill of the House (H. R. 4468) to authorize the city of Tucson, Ariz., to issue bonds for waterworks, and for other purposes, reported the same with amendment, accompanied by a report (No. 491); which said bill and report were referred to the House Calendar.

Mr. EDDY, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 998) providing for the sale of pine timber on White Earth and Red Lake (diminished) reservations, in the State of Minnesota, reported the same with amendment, accompnnied by a report (No. 492); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 997) to provide allotments to Indians on White Earth Reservation, in Minnesota, reported the same with amendment, accompanied by a report (No. 493); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. JONES of Washington, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 2000) for the relief of Thomas Paul, reported the same without amendment, accompanied by a report (No. 490); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 4853) for the relief of the heirs at law of Edward N. Oldmixon—Committee on War Claims discharged, and referred to the Committee on Claims.

A bill (H. R. 9137) to restore Henry Clay Henshaw to the Revenue-Cutter Service—Committee on Naval Affairs discharged, and referred to the Committee on Interstate and Foreign Commerce.

A bill (H. R. 4538) to pay just compensation to William Wheeler Hubbell for his invention of high-power steel guns and improvements in other guns, made and adopted by the United States for its military service and Navy at the present time—Committee on War Claims discharged, and referred to the Committee on Patents.

A bill (H. R. 4537) for the relief of William Wheeler Hubbell—Committee on War Claims discharged, and referred to the Committee on Patents.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. GROUT, from the Committee on Appropriations: A bill (H. R. 9139) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1901, and for other purposes—to the Union Calendar.

By Mr. JONES of Washington, from the Committee on the Public Lands: A bill (H. R. 9140) providing that entrymen under the homestead laws who have served in the United States Army, Navy, or Marine Corps during the Spanish war or the Philippine insurrection, shall have certain service deducted from the time required to perfect title under homestead laws, and for other purposes—to the Union Calendar.

By Mr. NEWLANDS: A bill (H. R. 9141) to authorize the entry and patenting of lands containing salt, and chiefly valuable therefor, under the placer-mining laws of the United States—to the Committee on the Public Lands.

By Mr. DE VRIES: A bill (H. R. 9142) for the construction of a free public trail from accessible point in Inyo County, Cal., to the summit of Mount Whitney, California—to the Committee on the Public Lands.

By Mr. JENKINS: A bill (H. R. 9143) to authorize the formation of guaranty companies in the District of Columbia—to the Committee on the District of Columbia.

By Mr. JONES of Washington: A bill (H. R. 9144) providing for the erection of a public building at the city of North Yakima, in the State of Washington—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 9145) to provide pay for the improvements of actual settlers upon public lands included within forest reservations upon the relinquishment of their lands to the United States—to the Committee on the Public Lands.

By Mr. ROBINSON of Nebraska: A bill (H. R. 9146) extending relief to Indian citizens, and for other purposes—to the Committee on Indian Affairs.

By Mr. HENRY C. SMITH: A bill (H. R. 9147) granting pensions to certain soldiers of the war of the rebellion—to the Committee on Invalid Pensions.

By Mr. COCHRAN of Missouri (by request): A bill (H. R. 9148) to regulate the practice of veterinary medicine in the District of Columbia—to the Committee on the District of Columbia.

By Mr. VREELAND: A bill (H. R. 9149) to increase the limit of cost for the purchase of a site and the erection of a public building thereon at Jamestown, N. Y.—to the Committee on Public Buildings and Grounds.

By Mr. HULL: A bill (H. R. 9150) to increase the efficiency of the Subsistence Department of the Army—to the Committee on Military Affairs.

By Mr. GILLETT of Massachusetts: A bill (H. R. 9151) to regulate the sale of intoxicating liquors in the Philippine Islands—to the Committee on Insular Affairs.

By Mr. JENKINS: A bill (H. R. 9152) for the extension of V street NW.—to the Committee on the District of Columbia.

By Mr. SPARKMAN (by request): A bill (H. R. 9153) granting the right of way to Alafia, Manatee and Gulf Coast Railroad Company through the United States light-house and military reservations on Gasparilla Island, in the State of Florida—to the Committee on Interstate and Foreign Commerce.

Also (by request), a bill (H. R. 9154) granting authority to Alafia, Manatee and Gulf Coast Railroad Company to build railroad bridges across the Manatee River and Gasparilla Sound and to lay railroad tracks thereon—to the Committee on Interstate and Foreign Commerce.

By Mr. O'GRADY: A bill (H. R. 9195) to provide for the appointment of a collector of fines in the police court of the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. ROBERTS: A bill (H. R. 9196) to remove the duty on hides of cattle—to the Committee on Ways and Means.

By Mr. DE VRIES: A joint resolution (H. J. Res. 194) providing for the repeal of certain duties and directing certain proceedings by the Attorney-General—to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BELLAMY: A bill (H. R. 9155) for the relief of R. L. Hutchins and others for work done and material furnished in the

construction of the post-office building at Wilmington, N. C.—to the Committee on Claims.

By Mr. BROWNLOW: A bill (H. R. 9156) granting a pension to James Conant—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9157) granting an increase of pension to Timothy Sivils—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9158) for the relief of heirs of Thomas Harvey—to the Committee on War Claims.

By Mr. BOUTELL of Illinois: A bill (H. R. 9159) granting an increase of pension to John R. Parker—to the Committee on Invalid Pensions.

By Mr. BURTON: A bill (H. R. 9160) to remove the charge of desertion from the record of Bingham Perkins—to the Committee on Military Affairs.

By Mr. CUSHMAN: A bill (H. R. 9161) granting an increase of pension to Mary U. Wilmarth—to the Committee on Invalid Pensions.

By Mr. DE VRIES: A bill (H. R. 9162) for the relief of George W. Johnson—to the Committee on Invalid Pensions.

By Mr. DE GRAFFENREID: A bill (H. R. 9163) granting a pension to Ferguson M. Burton—to the Committee on Invalid Pensions.

By Mr. DENNY: A bill (H. R. 9164) for the relief of Poole & Hunt—to the Committee on War Claims.

By Mr. ESCH: A bill (H. R. 9165) to increase the pension of Horace L. Stiles—to the Committee on Invalid Pensions.

By Mr. GREEN of Pennsylvania: A bill (H. R. 9166) granting an increase of pension to Solomon R. Rush—to the Committee on Pensions.

By Mr. HAMILTON: A bill (H. R. 9167) for the relief of Hudson M. Harris—to the Committee on Military Affairs.

By Mr. JETT: A bill (H. R. 9168) for the relief of the estate of John Sears, deceased—to the Committee on War Claims.

By Mr. LONG: A bill (H. R. 9169) granting an increase of pension to John W. McKinney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9170) granting an increase of pension to Andrew Evarts—to the Committee on Invalid Pensions.

By Mr. LENTZ (by request): A bill (H. R. 9171) for the relief of Conrad Muller—to the Committee on Claims.

Also, a bill (H. R. 9172) granting an increase of pension to Thomas E. Shrieves—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9173) to correct the military record of Frank D. Myers—to the Committee on Military Affairs.

Also, a bill (H. R. 9174) to pension Louisa Blesch—to the Committee on Invalid Pensions.

By Mr. MILLER: A bill (H. R. 9175) granting a pension to Stella B. Armstrong—to the Committee on Pensions.

Also, a bill (H. R. 9176) granting a pension to Emily Haines Harrison—to the Committee on Invalid Pensions.

By Mr. MARSH: A bill (H. R. 9177) to grant increase of pension to Luke P. Allphin—to the Committee on Pensions.

Also, a bill (H. R. 9178) to grant an honorable discharge to Andrew T. Brown—to the Committee on Military Affairs.

Also, a bill (H. R. 9179) to grant an honorable discharge to Christopher C. Cummins—to the Committee on Military Affairs.

By Mr. MINOR: A bill (H. R. 9180) granting an increase of pension to Nathaniel L. Colson—to the Committee on Pensions.

By Mr. McDOWELL: A bill (H. R. 9181) granting an increase of pension to John Tipton—to the Committee on Invalid Pensions.

By Mr. PRINCE: A bill (H. R. 9182) to pension Eva K. Nyberg—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9183) granting a pension to Jennie A. McKinley—to the Committee on Pensions.

By Mr. RICHARDSON: A bill (H. R. 9184) for the relief of Dr. J. J. Crunk, of Marshall County, Tenn.—to the Committee on War Claims.

By Mr. RAY of New York: A bill (H. R. 9185) granting an increase of pension to Chapman L. Strong—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9186) granting a pension to Mary E. Reid—to the Committee on Invalid Pensions.

By Mr. HENRY C. SMITH: A bill (H. R. 9187) granting a pension to Mary Frances Gray—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9188) granting a pension to Catharine M. Rogers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9189) granting a pension to Sarah Wells and Julia Wells—to the Committee on Pensions.

Also, a bill (H. R. 9190) granting a pension to Phillip Miller—to the Committee on Pensions.

Also, a bill (H. R. 9191) granting a pension to Lucy Parker—to the Committee on Invalid Pensions.

By Mr. SOUTHARD: A bill (H. R. 9192) to increase the pension of Lydia A. Templeton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9193) to correct the military record of Peter Cherry—to the Committee on Military Affairs.

By Mr. WATERS: A bill (H. R. 9194) granting a pension to Sarah Elvira C. Upham—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER: Petition of Charles M. Rider and other citizens of Sardinia, N. Y., for legislation relating to the transportation of dairy or food products—to the Committee on Interstate and Foreign Commerce.

By Mr. BARTLETT: Resolutions of Union No. 344, of Atlanta, Ga., Cigar Makers' International Union of America, favoring the passage of House bill No. 6882, relating to hours of labor on public works, and House bill No. 5450, for the protection of free labor against prison labor—to the Committee on Labor.

By Mr. BELL: Petitions of A. W. Galloway, of Montrose; Chris Zorn, of Rye; J. Russell and Chris Karst, of Apache; A. E. Crawford, of Lamar, Colo., favoring the Grout bill relating to dairy products—to the Committee on Agriculture.

Also, petitions of A. McMillan, of Greeley; F. Girardot, of Schley; R. Corson, of Del Norte; S. J. Capps, of Capps; F. Eldredge, of Durango; J. B. Brooks, of Elizabeth; W. Ramsey, of Kit Carson; C. B. Hollingsworth, of Burns; O. D. Spinoga, of Conejos; H. Weisbrod and W. S. Larick, of Monte Vista, Colo., asking that the Government continue the manufacture and distribution of blackleg vaccine—to the Committee on Agriculture.

Also, petitions of the Woman's Christian Temperance Union and the Methodist Episcopal Church, of Lamar, Colo., for the passage of a bill giving prohibition to Hawaii—to the Committee on the Territories.

Also, petition of J. N. Chipley, of Denver, Colo., favoring the passage of House bill No. 7017, in the interest of the dental profession—to the Committee on Patents.

By Mr. BENTON: Petition of Dr. C. S. Tisdale and others, urging a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

Also, petition of E. G. Nonkesis, chief, and other members of the Ottawa tribe of Indians, Indian Territory, relative to the sale of land on the Ottawa Reservation—to the Committee on Indian Affairs.

By Mr. BOUTELL of Illinois: Petition of J. E. Voigt, Gus Kirchner, and other druggists of Chicago, Ill., for the repeal of the stamp tax on medicines—to the Committee on Ways and Means.

By Mr. BOUTELLE of Maine: Petition of Getchell Brothers of Lubec, Me., in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BROSIUS: Petition of W. T. Williams and other employees of the Jeffersonville (Ind.) depot of the Quartermaster's Department of the Army, in favor of the bill for the retirement of Government employees in the classified civil service—to the Committee on Reform in the Civil Service.

By Mr. BROWNLOW: Petition of Mark Lillard, of Cocke County, Tenn., for reference of war claims to the Court of Claims—to the Committee on War Claims.

By Mr. BURKETT: Resolution of Waiters' Union, L. J. Pascal, president, Omaha, Nebr., against public-land grants to any but actual settlers—to the Committee on the Public Lands.

Also, resolutions of the Erie County Pharmaceutical Association, Buffalo, N. Y., relating to the stamp tax on medicines—to the Committee on Ways and Means.

Also, paper to accompany House bill No. 8882, to amend the record of W. H. Spradling—to the Committee on Military Affairs.

Also, papers to accompany House bill No. 4927, to place Amos E. Evans on the pension roll—to the Committee on Invalid Pensions.

By Mr. BURLESON: Petition of Capt. Theo. Schirmacher, officers, and members of Company A, Signal Corps, Texas Volunteer Guard, favoring the passage of House bill No. 7936, increasing the appropriations for arming and equipping the military of the States and Territories—to the Committee on the Militia.

By Mr. BURTON: Petition of the Chamber of Commerce of San Francisco, Cal., relative to House bill No. 7097, providing for a reorganization of the consular service—to the Committee on Foreign Affairs.

By Mr. CALDWELL: Remonstrance of the Retail Clerks' Association, of Pana, Ill., against the parcel-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. CLAYTON of New York: Resolution of the municipal assembly of the city of New York, urging the improvement of the Government post of Fort Hamilton—to the Committee on Military Affairs.

By Mr. CONNELL: Petition of H. W. Swartz, E. G. Biesecker, and others, of Moscow, Pa., favoring the passage of House bill No. 5029, relative to the free entry of wood pulp imported for use in the manufacture of paper—to the Committee on Ways and Means.

By Mr. DE VRIES: Evidence in support of House bill granting a pension to George W. Johnson—to the Committee on Invalid Pensions.

By Mr. ESCH: Resolution of the Erie County Pharmaceutical Association, of Buffalo, N. Y., relating to the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. FITZGERALD of Massachusetts: Petition of A. M. Hunt, of Boston, Mass., favoring the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Erie County Pharmaceutical Association, Buffalo, N. Y., for the repeal of the stamp tax on medicines, etc.—to the Committee on Ways and Means.

Also, resolutions of the California Club, San Francisco, Cal., urging the purchase of the Calaveras big trees of California by the Government and to set aside the grove as a national park—to the Committee on the Public Lands.

Also, resolution of the League of American Wheelmen, Boston, Mass., urging an increase of appropriation for the Office of Public-Road Inquiries—to the Committee on Agriculture.

By Mr. GAMBLE: Resolution of McLean Post, No. 162, Grand Army of the Republic, of South Dakota, favoring the passage of a law creating a pension court of appeals—to the Committee on Invalid Pensions.

Also, protest of H. P. Robie, publisher, Sioux Falls, S. Dak., against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. JONES of Washington (by request): Petition of the Gull Harbor Sunday School, of Olympia, Wash., for the passage of a bill giving prohibition to Hawaii—to the Committee on the Territories.

By Mr. JOY: Petition of Hiram B. Morse, publisher, St. Louis, Mo., against the passage of House bill No. 6071—to the Committee on the Post-Office and Post-Roads.

By Mr. LACEY: Resolutions of California Club, in favor of a national park being made of the Calaveras grove of sequoias, in the State of California—to the Committee on the Public Lands.

By Mr. LENTZ: Petition of Ellis Murdock and other ex-soldiers of the civil war, of Lancaster, Ohio, favoring the passage of a per diem pension bill—to the Committee on Invalid Pensions.

By Mr. LONG: Petition of Hon. S. R. Peters and citizens of Harvey County, Kans., in favor of Senate bill No. 1439, relating to an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

Also, petition of E. H. Farmer and other druggists of Walton, Kans., relating to the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. McALEER: Resolutions of California Club, in favor of a national park being made of the Calaveras Grove of Sequoias in the State of California—to the Committee on the Public Lands.

Also, petitions of Hance Bros. & White, chemists, Philadelphia, Pa., and the Erie County Pharmaceutical Association, of Buffalo, N. Y., relating to the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

Also, resolution of the League of American Wheelmen, Boston, Mass., favoring larger appropriations for the office of road inquiry—to the Committee on Agriculture.

By Mr. McCLEARY: Petitions of Dr. W. S. Smith, of St. Clair, and Dr. Fred T. Strathren, of St. Peter, Minn., protesting against the passage of Senate bill No. 34, relating to vivisection in the District of Columbia—to the Committee on the District of Columbia.

Also, letter of Mrs. E. J. Scriver, president, and Mrs. A. M. Flint, secretary, of the Getitic Literary Society and Prospect Park Literary Society, of Minneapolis, Minn., urging the establishment of a national park in northern Minnesota—to the Committee on the Public Lands.

Also, remonstrance of Nelson Jacobson, Son & Co., and other citizens of Hills, Minn., against a parcel-post system—to the Committee on the Post-Office and Post-Roads.

Also, petition of Albert H. Hall, of Minneapolis, Minn., favoring the passage of the Russell bill, relating to the revenue tax on alcohol in manufactures, etc.—to the Committee on Ways and Means.

Also, petitions of John Paulson, Aug. Boettcher, J. G. Poschke, Frank Bauer, and J. L. Stewart, all of the State of Minnesota, favoring the Grout bill relating to oleomargarine—to the Committee on Ways and Means.

Also, resolution of Company C, Fourth Infantry, National Guard, Minnesota State Militia, in favor of House bill No. 7936, making an increase in the appropriation for arming and equipping the militia of the States and Territories—to the Committee on Military Affairs.

Also, petitions of the Minnesota State Medical Society, and Dr. F. C. Todd, of Minneapolis, against the passage of the anti-vivisection bill—to the Committee on the District of Columbia.

Also, petition of F. H. Wagner, of the Minnesota Association of Local Fire Insurance Agents, in favor of the bill to substitute a tax on the gross premiums of insurance companies in lieu of the stamp tax—to the Committee on Ways and Means.

By Mr. McDOWELL: Papers to accompany House bill granting an increase of pension to John Tipton—to the Committee on Invalid Pensions.

By Mr. MANN: Petition of John Hogan and 10 other watchmen in the post-office at Chicago, Ill., for increase of salary—to the Committee on the Post-Office and Post-Roads.

Also, petitions of George Ballinger, J. S. Frantz, and other druggists, Chicago, Ill., for the repeal of the stamp tax on medicines, etc.—to the Committee on Ways and Means.

Also, petition of the Supreme Association, Patrons of Industry, Marengo, Ill., favoring the passage of Senate bill No. 1439, to amend the act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

Also, petition of Fort Scott Lodge, No. 377, International Association of Machinists, Chicago, Ill., favoring the passage of House bill No. 6882, relating to hours of labor on public works, and House bill No. 5450, for the protection of free labor against prison labor—to the Committee on Labor.

Also, petition of the Cycle Age Company, of Chicago, Ill., against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Chicago Lodge, No. 3, the Shipmasters' Association of the Great Lakes, Chicago, Ill., indorsing House bill No. 2918, to regulate the Life-Saving Service of the Great Lakes—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Philip S. Hasenstab and others, of Chicago, Ill, objecting to the passage of House bill No. 9, relating to teaching articulate speech and vocal language to deaf children before they are of school age—to the Committee on Education.

By Mr. NEEDHAM: Certified copy of resolution of the board of supervisors of Fresno County, Cal., tendering free use of room to the United States for United States circuit court, to accompany House bill No. 5278—to the Committee on the Judiciary.

Also, resolution of the San Diego (Cal.) Chamber of Commerce, urging the immediate construction of the Nicaragua Canal—to the Committee on Interstate and Foreign Commerce.

Also, petition of Mare Island Branch of the National Association of Civil Service Employees, urging the defeat of the clerical corps bill—to the Committee on Naval Affairs.

Also, petition of Wagner Leather Company and other business firms in the State of California, urging the repeal of the war-revenue duty on hides—to the Committee on Ways and Means.

Also, resolutions of a meeting of fourth-class postmasters of San Diego County, Cal., praying for the passage of the Cummings bill, increasing the compensation of postmasters of the fourth-class post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. OTJEN: Petition of A. Hempert and others, of Watertown, Wis., against the passage of House bill No. 6071—to the Committee on the Post-Office and Post-Roads.

By Mr. OVERSTREET: Petition of Thomas C. Kelly and other clerks of the Indianapolis (Ind.) post-office, asking for the passage of House bill No. 4351, for the classification of clerks in first and second class post-offices—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Journal, Press, News, Sun, and Sentinel, of Indianapolis, Ind., urging the passage of House bill No. 5765, known as the Russell bill, relating to the revenue tax on alcohol in manufactures, etc.—to the Committee on Ways and Means.

By Mr. PAYNE: Petition of G. E. Dunscombe and others, of New York City, N. Y., asking for a modification of the existing internal-revenue law—to the Committee on Ways and Means.

Also, resolutions of the New York Board of Trade and Transportation, with reference to the bill for the encouragement of the American merchant marine—to the Committee on the Merchant Marine and Fisheries.

Also, petition of C. K. Knapp, and others, druggists, of Sodus, N. Y., for the repeal of the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

Also, evidence in support of House bill No. 8800, for the relief of Libbie Fries—to the Committee on Invalid Pensions.

Also, papers to accompany House bill No. 8799, for the relief of William Feek, of North Rose, N. Y.—to the Committee on Invalid Pensions.

By Mr. POWERS: Petition of Frank C. Dyer and other fourth-class postmasters of Addison County, Vt., praying for the passage of the Cummings bill, increasing the compensation of postmasters

of the fourth-class post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. RAY of New York: Petition of M. D. Fisher and others, of Spencer, N. Y., for a law subjecting food and dairy products to the laws of the State or Territory into which they are imported—to the Committee on Interstate and Foreign Commerce.

Also, petition of J. H. Dudley, of Roxbury, N. Y., against the passage of House bill No. 6071—to the Committee on the Post-Office and Post-Roads.

By Mr. RICHARDSON: Petition of Post 481, of Dalton City, Ill., Grand Army of the Republic, favoring the passage of a bill for the establishment of a national military park on the battlefield of Stone River, Rutherford County, Tenn.—to the Committee on Military Affairs.

Also, petition of the publisher of the Colored Cumberland Presbyterian, in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. SHAFROTH: Petition of the First Colorado Infantry, for the passage of a bill that will enable volunteers and regular soldiers who served in Manila on and after the 11th day of April, 1899, to obtain travel pay—to the Committee on War Claims.

By Mr. SHERMAN: Petition of J. G. Dorrance and others of Camden, N. Y., to amend the present law in relation to the sale of oleomargarine—to the Committee on Agriculture.

By Mr. STARK: Petitions of the Rev. L. Morrison and 29 citizens of Gage County, and A. W. Griffen and 23 others of Fillmore County, Nebr., urging the enactment of a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

By Mr. STEVENS of Minnesota: Petition of Charles Grandstard and F. V. Bridges, of Washington County, Minn., in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

Also, resolution of Acker Post No. 21, Grand Army of the Republic, of St. Paul, Minn., asking that all ex-Union soldiers who desire appointment for a Federal office, and are not mentally or physically disqualified, be not subjected to civil-service competition—to the Committee on Reform in the Civil Service.

By Mr. STEWART of Wisconsin: Resolutions of Lucius Fairchild Post, Grand Army of the Republic, Department of Wisconsin, favoring the passage of such legislation as has the approval of the national pension committee of the Grand Army of the Republic; also favoring the passage of bills giving preference to veterans in the Government service—to the Committee on Invalid Pensions.

Also, resolutions of the Wisconsin Cheese Makers' Association, favoring the Grout bill, relating to dairy products—to the Committee on Agriculture.

Also, resolutions of Federated Trades Council of Milwaukee, Wis., asking for legislation to increase the requirements and qualifications of seamen and firemen on the Great Lakes—to the Committee on the Merchant Marine and Fisheries.

Also, resolutions of the Monday Club and the Woman's Christian Temperance Union, Helena M. Scott, president, of Ashland, Wis., urging the passage of House bill No. 1144, relating to the prevention of cruelty to animals in the District of Columbia—to the Committee on the District of Columbia.

By Mr. WACHTER: Resolution of the Chamber of Commerce of Baltimore, Md., in relation to the hydrographic appropriation—to the Committee on Interstate and Foreign Commerce.

By Mr. WEEKS: Memorial of Modesto Ferrer, alcalde, and others, of Cayey, Puerto Rico, relative to railway franchise, etc.—to the Committee on Insular Affairs.

Also, communication from the committee of Navy Department per diem employees, urging the passage of House bill No. 6064, relating to leave of absence with pay to certain employees of the Government—to the Committee on Naval Affairs.

Also, resolutions of the Merchants and Manufacturers' Exchange of Detroit, Mich., in favor of Senate bill No. 1439, relating to an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. WILSON of Arizona: Petition of the Board of Trade of Phœnix, Ariz., against the leasing of public lands—to the Committee on the Public Lands.

By Mr. WILSON of New York: Resolutions of the municipal assembly of the city of New York, approving the bill to reconstruct Fort Hamilton, N. Y.—to the Committee on Military Affairs.

Also, resolutions of the Maritime Association of the Port of New York, calling for an increase in coast artillery—to the Committee on Military Affairs.

By Mr. ZENOR: Resolution of the Grand Army of the Republic post of Orleans, Ind., urging the passage of House bill No. 7094, for the establishment of branch soldiers' home near Johnson City, Washington County, Tenn.—to the Committee on Invalid Pensions.

SENATE.

TUESDAY, *March 6, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

GROVES OF BIG TREES IN CALIFORNIA.

The joint resolution (H. J. Res. 170) providing for the acquisition of certain lands in the State of California was read the first time by its title.

Mr. HANSBROUGH. The Committee on Public Lands has had the Senate joint resolution under consideration and has authorized me to report favorably thereon. I report back from that committee favorably, with an amendment, the joint resolution (S. R. 90) providing for the acquisition of certain lands in the State of California, and I ask that the House joint resolution be substituted for the Senate joint resolution and that it be put on its passage. A report accompanies the joint resolution.

The PRESIDENT pro tempore. The joint resolution will be read to the Senate in full for its information.

The joint resolution (H. J. Res. 170) providing for the acquisition of certain lands in the State of California was read the second time at length, as follows:

Whereas what are known as the "Mammoth Tree Grove" and "South Park Grove of Big Trees," species of Sequoia gigantea, located in Calaveras County, Cal., are now held in private ownership; and

Whereas the owner thereof now contemplates the sale thereof for the purpose of felling said trees and their conversion into lumber, which said project is threatened of consummation at an early date; and

Whereas the trees Sequoia gigantea of these groves constitute the largest collection and probably the finest specimens of the same in the world; and

Whereas the destruction of these trees would be an irredeemable loss to science, and the loss of one of the marked wonders of the world: Therefore, be it

Resolved, etc., That the Secretary of the Interior be, and is hereby, authorized and directed, at the earliest practicable date, to open negotiations for, and if possible procure a bond upon, the lands occupied by said groves of trees, in Calaveras and Tuolumne counties, Cal., with sufficient adjacent lands for their preservation, management, and control, and submit the same to Congress for action thereupon.

Mr. HOAR. I should like to inquire from what source the joint resolution comes.

The PRESIDENT pro tempore. It came over from the House of Representatives and was laid before the Senate by the Chair.

Mr. HOAR. I desire to suggest if it is to be considered now, if any Senator has the matter especially in charge, whether it would not be expedient to couple with the resolution a clause that the Secretary of the Interior shall take the land by condemnation and pay its value. A proposition to buy something for the Government for a public purpose with nothing behind it is very apt to lead to the demand of extravagant prices, and the power to take the land by condemnation is very valuable sometimes in making a bargain.

Mr. PERKINS. I will state that this joint resolution was prepared by the different scientific societies of California, and I have here a memorial from the California Club which I ask the Secretary to read. It sets forth the facts fully.

The memorial was read, as follows:

Resolutions urging the purchase of the Calaveras big trees of California by the Federal Government.

CALIFORNIA CLUB,
San Francisco, February 17, 1900.

The Calaveras Grove of Sequoias, included in a tract of forest land covering about 2,300 acres, comprises 1,450 trees of a genus found at the present day only in California. Some of these trees are reputed to be 6,000 years old and upward, and their size and height warrants this belief.

Whereas a lumber merchant has secured for $1,000 an option of purchase on this tract of land, expiring on April 1, 1900; and

Whereas this grove, unparalleled in the size and magnificence of its trees is one of the great natural attractions of the world:

Resolved, That in view of these facts the California Club protests against the destruction of these trees and beseeches Congress to purchase and set aside this grove as a national park, and it urges upon all citizens, all organizations, and legislators, both State and national, to join in commending and furthering this course of action.

MRS. LOVELL WHITE, *President.*

Mr. PERKINS. I will state that the "Mammoth Tree Grove" and "South Park Grove" of trees, *Sequoia gigantea*, located in Calaveras and Tuolumne counties, Cal., constitute the most easily accessible, most compact groves and finest specimens of these trees in the world. These groves were the first discovered of these trees.

The north Calaveras, a mammoth grove located at Bigtrees post-office, near the eastern border of Calaveras County, Cal., comprises 50 acres of virgin forest. It contains about 100 big trees. Ten are not less than 30 feet in diameter; 70 are from 15 to 32 feet in diameter. The common height is from 250 to 325 feet.

The south Calaveras grove is located about 6 miles southeast of the post-office, near the west border of and within Tuolumne

County. This grove covers about 1,000 acres, and contains 1,380 big trees. The average height is 250 feet, and diameter 15 feet. The largest range from 300 to 380 feet in height and from 25 to 41 feet in diameter.

These trees constitute the only living relics of prehistoric times, and are estimated to be, the oldest of them, 4,000 years of age. They have attracted the attention and presence of the scientific world, and are regarded thereby as the finest of modern natural wonders. They are of great interest and attractiveness to the tourists of the world.

The area necessary for the holding and proper protection of these groves in one body is estimated at about 3,800 acres. They and this tract of land are held in private ownership, and are in immediate danger of sale and destruction for timber and lumber purposes. The movement for their acquisition, inaugurated by the warning given by the California Club, a San Francisco association of prominent and patriotic Pacific coast ladies, has given warning to the scientific, botanical, and wonder-admiring world of the impending menace and aroused a uniform demand therefrom coming from every State for the acquisition by and ownership of these groves by the Federal Government.

The Calaveras grove, comprising about twenty-three hundred acres, has been bonded for $1,000, and I think the Secretary of the Interior will be able to execute another bond for about that sum. It is a question in which all the scientists of our country are interested, not only in California, but innumerable petitions have been pouring in upon us.

This joint resolution has passed the House of Representatives without objection, and I think that at this time it would be inexpedient to amend it. I therefore trust my friend from Massachusetts will favor the passage of the joint resolution as it comes to us from the House of Representatives. Future legislation can then be had after determining the advisability of the purchase under the bond or to enter upon proceedings in a court for condemnation.

Mr. HOAR. Mr. President, it becomes something of a fashion with the Senate when some question is made whether a bill may or may not be improved in its phraseology to say that it was prepared in the Department or that it was prepared by some worthy scientific body outside, seeming to imply that the gentlemen in the Departments or gentlemen in scientific bodies are much fitter for legislative duties than those sent here by the legislatures of the different States.

I said when I rose that I heartily sympathize with the purpose of the joint resolution. I said I did not wish to interfere with the management of the matter if any Senator has it in charge. But I wish to suggest to my honorable friend now, while I will not move an amendment, but yield to his judgment, that if there were authority given to the Secretary of the Interior, which three lines would give, to take this land by condemnation, unless there is something peculiar in this situation, it would be a great saving to the Government. When we take lands for public buildings or other purposes in our bills we always couple it with the power to institute condemnation proceedings, and that brings a reasonable price. But I do not wish to interpose in so interesting a matter if the Senator from California thinks it ought not to be done now.

Mr. GALLINGER. Mr. President, concerning this matter I desire simply to say that I very heartily sympathize with the purpose contemplated by the joint resolution. It has not been my privilege to see these mammoth trees in California, but a few years ago I did visit a park in the vicinity of Santa Cruz where there are trees approximating in size these great trees that we now propose to have the Government protect. I was astounded to find that for the purposes of lumber some redwood trees, enormous in size, had been cut down in that park and that the vandalism had gone on to such an extent that a rich woman in New York had purchased the park with her own money and had opened it to the public. What that rich woman has done to protect the trees near Santa Cruz it seems to me the United States Government ought to do toward protecting these greater trees, which are the admiration of the people of the entire country.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment.

Mr. LODGE. Is it possible to have the joint resolution read for information again?

The PRESIDENT pro tempore. It has been read. It will be read again if the Senator desires it.

Mr. LODGE. I should like very much to have it read again.

The joint resolution was again read.

The joint resolution was ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

Mr. HANSBROUGH. I move that the joint resolution (S. R. 90) providing for the acquisition of certain lands in the State of California be indefinitely postponed.

The motion was agreed to.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented a petition of the Maritime Association of the Port of New York, praying for the enactment of legislation to increase the personnel of the coast artillery; which was referred to the Committee on Military Affairs.

He also presented a petition of the Erie County Pharmaceutical Association, of Buffalo, N. Y., praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

He also presented a petition of Local Union No. 146, Retail Clerks' Union, of Lockport, N. Y., and a petition of Garland City Lodge, No. 194, International Association of Machinists, of Watertown, N. Y., praying for the enactment of legislation to limit the hours of daily service of laborers and workmen upon the public works of the United States, and also to protect free labor from prison competition; which were referred to the Committee on Education and Labor.

He also presented a memorial of the Musical Journal, of Buffalo, N. Y., and a memorial of the Herald, of Sandy Hill, N. Y., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Chamber of Commerce of New York, praying for the enactment of legislation to admit the products of Puerto Rico free of duty; which was ordered to lie on the table.

He also presented a petition of the Medical Society of Albany County, N. Y., praying for the employment of women nurses in the military hospitals of the Army; which was referred to the Committee on Military Affairs.

He also presented a petition of the municipal assembly of New York City, praying for the enactment of legislation providing for the reconstruction of the post at Fort Hamilton, and also for the continuance of the shore road in and around the post or through the reservation; which was referred to the Committee on Military Affairs.

He also presented petitions of Dr. M. D. Williams and 20 other citizens of Middleport, E. J. Decker and 35 other citizens of Far Rockaway, Maj. A. M. Hare and 90 other citizens of Oswego, and of Anderson Crowforth and 63 other citizens of Lockport, all in the State of New York, praying for the establishment of an Army veterinary corps; which were referred to the Committee on Military Affairs.

Mr. FORAKER presented a petition of Encampment No. 23, Union Veteran Legion, of Washington, D. C., praying for the adoption of certain amendments to the pension laws relating to the granting of pensions to veterans of the Mexican war; which was referred to the Committee on Pensions.

Mr. LINDSAY presented the petition of A. T. McKinney and sundry other citizens of Elkton, Ky., praying that Silvia Miller, Silvia Bronough, and Bayley Peyton be granted pensions; which was referred to the Committee on Pensions.

He also presented a memorial of the News, of Middlesboro, Ky., and a memorial of the Review, of Fairview, Ky., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Louisville, Ky., praying for a continuance of the free distribution by the Department of Agriculture of blackleg vaccine; which was referred to the Committee on Agriculture and Forestry.

Mr. PENROSE presented a petition of the maritime, commercial, and trade organigations of Philadelphia, Pa., praying for a continuance of the appropriations for the support of the Hydrographic Office of the Navy Department; which was referred to the Committee on Appropriations.

Mr. WELLINGTON. I present a joint resolution of the legislature of the State of Maryland, in favor of the passage of a bill to reimburse and indemnify the mayor and aldermen of Frederick, Md. It is a matter of some importance, and I ask that the joint resolution be read and referred to the Committee on Claims.

By unanimous consent, the joint resolution was read and referred to the Committee on Claims, as follows:

Joint resolution and memorial of the general assembly of the State of Maryland to the Congress of the United States for the passage of a bill to reimburse and indemnify the mayor and aldermen of Frederick.

Whereas on July 9, 1864, during the progress of the late civil war, the town of Frederick, in the State of Maryland, was seized by the Confederate army and General Jubal A. Early, and the said army, by way of retaliation against the Government of the United States for the destruction of property by the Union armies in the Confederate States of America, exacted from said town, under pain of the pillage and burning thereof, the sum of $200,000; and

Whereas the State of Maryland had faithfully satisfied all the requisitions made upon it by the Government of the United States in the prosecution of said war, and was entitled to receive for itself and the said town of Frederick from the Government of the United States protection against the invasions

and aggressions of the Confederate armies, and the said Government, after having taken and removed the home-defense forces of said State beyond its limits and control, failed to comply with the request of said State to provide for the defense thereof, and of the said town of Frederick as one of its municipalities, against the invasion of the said Confederate army under General Early, and by reason of such failure of the Government of the United States the said invasion was accomplished and the said town of Frederick was despoiled as aforesaid by way of retaliation against the said Government; and

Whereas the said municipality, as a direct result of said exaction, has ever since been under the necessity of carrying a large bonded indebtedness, which has been a continuous and is a present hardship to the citizens of said town, and it is just and equitable that the Government of the United States should assume the loss suffered by said town by reason of its loyalty to the Union and on account of a policy of retaliation directed against the said Government: Therefore, be it

Resolved by the general assembly of Maryland, That the Senate and the House of Representatives of the United States of America in Congress assembled be, and they are hereby, respectfully requested to pass a bill appropriating the sum of $200,000, to be paid to the mayor and aldermen of Frederick, in the State of Maryland, as a reimbursement and indemnity for the loss sustained by the said municipality through the said reprisal and exaction of the said Confederate army of invasion: Be it

Further resolved, That the secretary of state be, and he is hereby, requested to transmit under the seal of this State a copy of the aforegoing resolution and memorial to each of the Senators and Representatives now in Congress from Maryland, with the request that they lay the same before their respective Houses in support of the measure hereinbefore mentioned.

Given under our hands this 13th day of February, 1900.

JOHN HUBNER,
President of the Senate.
LLOYD WILKINSON,
Speaker of the House of Delegates.

STATE OF MARYLAND, *Set:*

I, Allan Rutherford, clerk of the court of appeals of Maryland, do hereby certify that the foregoing is a full and true copy of the joint resolution of the general assembly of Maryland, of which it purports to be a copy, as taken from the original resolution belonging to and deposited in the office of the clerk of the court of appeals aforesaid.

In testimony whereof I have hereunto set my hand as clerk and affixed the seal of the said court of appeals this 20th day of February, A. D. 1900.

ALLAN RUTHERFORD,
Clerk Court of Appeals of Maryland.

STATE OF MARYLAND, EXECUTIVE DEPARTMENT.

I, John Walter Smith, governor of the State of Maryland, do hereby certify that Allan Rutherford is clerk of the court of appeals of Maryland, and, as such, keeper of the acts and resolutions of the general assembly of the State, and that full faith and credit are due and ought to be given to his acts as such.

In testimony whereof I have hereto set my hand and affixed the great seal of the State of Maryland on this 21st day of February, in the year of our Lord 1900.

JNO. WALTER SMITH.

By the Governor:
[SEAL.] WILFRED BATEMAN, *Secretary of State.*

Mr. WELLINGTON presented memorials of the Antietam Daily Record, of Sharpsburg; the Medicus, of Fredericksburg; the St. Mary's Enterprise, of Leonardtown; the Poultry and Farm, of Baltimore; the Volks-Zeitung, of Baltimore, and the National Underwriter, of Baltimore, all in the State of Maryland, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Board of Trade of Baltimore, Md., praying for the enactment of legislation to provide for the reorganization of the artillery forces by discontinuing the regimental organization, etc.; which was referred to the Committee on Military Affairs.

Mr. FAIRBANKS presented a petition of Local Union No. 8065, American Federation of Labor, of Glezen, Ind., praying for the enactment of legislation to protect free labor from prison competition, and also to limit the hours of daily service of workmen and mechanics on the public works of the United States; which was referred to the Committee on Education and Labor.

He also presented a petition of Honey Creek Grange, No. 1, Patrons of Husbandry, of Terre Haute, Ind., praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the Banner, of Bristol, Ind., and a memorial of the Berne Witness, of Berne, Ind., remonstrating against the passage of the so-called parcels-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. FOSTER presented a petition of members of the Sunday school of Gull Harbor, Wash., praying for the enactment of legislation to prohibit the manufacture and sale of alcoholic liquors in Hawaii; which was referred to the Committee on Pacific Islands and Puerto Rico.

Mr. NELSON presented the memorial of O. E. Reiersgord, of Ulen, Minn., and the memorial of E. L. De Lestry, of St. Paul, Minn., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Company A, Third Regiment, National State Guard of Minnesota, praying for the enactment of legislation to improve the armament of the militia; which was referred to the Committee on Appropriations.

Mr. HANNA presented a petition of sundry citizens of Ohio, praying for the establishment of an Army veterinary corps; which was referred to the Committee on Military Affairs.

Mr. GALLINGER presented a memorial of the North American Checker Board, of West Derry, N. H., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. SHOUP presented a petition of the Commercial Club of Lewiston, Idaho, praying for the construction of a temporary free portage railroad around The Dalles of the Columbia, for the use and as the means toward the construction of a ship canal with locks through The Dalles; which was referred to the Committee on Commerce.

Mr. PERKINS presented a petition of San Jose Grange, Patrons of Husbandry, of California, praying for the enactment of legislation to prohibit all rebates or discriminations by public carriers; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the California State legislature, praying that appropriations be made for the construction of roads in and about the Yosemite National Park; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Board of Trade of Oakland, Cal., praying for the enactment of legislation to provide for a floating dry dock on San Francisco Bay especially for the use of ocean-going vessels; which was referred to the Committee on Commerce.

He also presented a petition of the Board of Trade of Pasadena, Cal., praying for the passage of the so-called ship-subsidy bill; which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Corning, Cal., remonstrating against the manufacture and sale of alcoholic liquors and the continuance of the prohibition of gambling and the opium trade in the Hawaiian Islands; which was referred to the Committee on the Pacific Islands and Puerto Rico.

He also presented petitions of the Geological Society of the Pacific, the Board of Trade of Oakland, the San Jose Grange, Patrons of Husbandry, of San Jose, and of the Woman's Club of San Jose, all in the State of California, praying for the purchase by the Government of the Calaveras big trees of California for the purposes of a forest reserve; which were ordered to lie on the table.

Mr. CULLOM presented the memorial of Thomas O'Connor and 25 other citizens of Pana, Ill., remonstrating against the passage of the so-called parcels-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of Local Union No. 409, Cigar Makers' International Union, of Chicago, Ill., remonstrating against the importation of cigars from Puerto Rico free of duty; which was ordered to lie on the table.

He also presented a petition of the Board of Trade of Chicago, Ill., and a petition of Sweetzer, Pembrook & Co., of New York City, praying for the adoption of certain amendments to the interstate commerce law; which were referred to the Committee on Interstate Commerce.

He also presented memorials of E. G. Mendenhall, of Kinmundy; M. S. McCoy, of Bowen; Grant M. Curtis, of Quincy; F. E. Lux, of Rochelle; Perry C. Ellis, of Quincy; Myron Jordan, of Moline; F. F. Keith, of Harvey; C. T. Kurz, of Highland, and E. E. Burson, of Litchfield, all in the State of Illinois, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Local Union No. 16, Typographical Union, of Chicago; of Fort Scott Lodge, No. 377, International Association of Machinists, of Chicago Heights; of Local Union No. 119, Journeyman Barbers' International Union, of Pontiac; of Local Union No. 702, United Mine Workers, of Carlinville, and of Local Union No. 393, Machinists' Union, of Centralia, all in the State of Illinois, praying for the enactment of legislation to protect free labor from prison competition and also to limit the hours of daily service of laborers and mechanics upon public works of the United States; which were referred to the Committee on Education and Labor.

Mr. FRYE presented the memorial of Alfred Bonneau, publisher of La Justice, of Biddeford, Me., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. QUARLES presented memorials of A. J. Leighton, of Chilton; Bronson & Glover, of Menasha; C. G. Himley, of Wabeno, and of Albert Haupert, all in the State of Wisconsin, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

KIOWA, COMANCHE, AND APACHE INDIANS.

Mr. HARRIS. I present additional papers pertaining to an amendment providing for the ratification of an agreement with the Kiowa, Comanche, and Apache tribes of Indians in Oklahoma, formerly a part of the Indian Territory, intended to be proposed to the Indian appropriation bill. I move that the papers be

printed as a document and referred to the Committee on Indian Affairs.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. BAKER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 3125) granting a pension to Emily A. Larimer; and

A bill (S. 2332) granting an increase of pension to Margaret H. Kent.

Mr. BAKER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (H. R. 3067) granting an increase of pension to Melvina Bottles;

A bill (S. 1954) granting a pension to Edward L. Ruby;

A bill (S. 1242) to increase the pension of Adele W. Elmer; and

A bill (S. 756) granting a pension to Lydia F. Wiley.

Mr. KYLE, from the Committee on Pensions, to whom was referred the bill (S. 1619) granting a pension to Ella Cotton Conrad, reported it with amendments, and submitted a report thereon.

Mr. MARTIN, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 5139) for the relief of Joseph Bacigaluppi, reported it with amendments, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 244) granting a pension to Mary Jane McLaughlin, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1909) granting a pension to Cecilia A. Price, reported it with amendments, and submitted a report thereon.

Mr. SHOUP, from the Committee on Pensions, to whom was referred the bill (S. 3183) granting a pension to George W. Newell, reported it with amendments, and submitted a report thereon.

Mr. TURNER, from the Committee on Pensions, to whom was referred the bill (S. 3294) granting a pension to Louisa Moulton, reported it with an amendment, and submitted a report thereon.

MARY J. MORROW.

Mr. JONES of Nevada. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by the Senator from Missouri [Mr. COCKRELL] January 31, 1900, to report it with an amendment, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution.

The amendment of the committee was, in line 5, before the word "months," to strike out "twelve" and insert "six;" so as to make the resolution read:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Mary J. Morrow, widow of Christopher C. Morrow, deceased, late a clerk in the office of the Secretary of the Senate, a sum equal to six months' salary at the rate paid to the said clerk per annum, said sum to be considered as including funeral expenses and all other allowances.

The amendment was agreed to.

The resolution as amended was agreed to.

EMILY M. JONES.

Mr. JONES of Nevada. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by the Senator from New Hampshire [Mr. GALLINGER] February 23, 1900, to report it with amendment, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution.

The amendment of the committee was, in line 5, before the word "months," to strike out "twelve" and insert "six;" so as to make the resolution read:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Emily M. Jones, widow of Thaddeus A. Jones, late chief engineer of the United States Senate heating and ventilating department, a sum equal to six months' salary, at the rate paid the said chief engineer by law; said sum to be considered as including funeral expenses and all other allowances.

The amendment was agreed to.

The resolution as amended was agreed to.

BILLS INTRODUCED.

Mr. ALLEN introduced a bill (S. 3458) for the relief of Joseph Culley; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 3459) granting an increase of pension to William Campbell; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McMILLAN introduced a bill (S. 3460) for the extension of V street NW.; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. BAKER introduced a bill (S. 3461) to provide for the purchase of a site and the erection of a public building thereon at Hutchinson, in the State of Kansas; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. HARRIS introduced a bill (S. 3462) for the relief of Alfred W. Kent; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. MARTIN introduced a bill (S. 3463) for the relief of Mrs. Bessie H. Lester; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3464) for the relief of Edward B. Harrison; which was read twice by its title, and referred to the Committee on Claims.

Mr. FOSTER introduced a bill (S. 3465) to provide an American register for the steamship *Garonne;* which was read twice by its title, and referred to the Committee on Commerce.

Mr. McCUMBER introduced a bill (S. 3466) granting a pension to John F. Hutchinson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SHOUP introduced a bill (S. 3467) granting a pension to Hellen Lang; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 3468) granting a pension to Catherine Roe; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 3469) granting a pension to Mary A. Buford; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PLATT of New York introduced a bill (S. 3470) granting a pension to Rosalia Tejidor Brinckerhoff; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SULLIVAN introduced a bill (S. 3471) for the relief of Jacob Joyner; which was read twice by its title, and referred to the Committee on Claims.

Mr. QUARLES introduced a bill (S. 3472) granting a pension to Frances M. Roberts; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. HOAR submitted an amendment proposing to pay Liliuokalani, late queen of the Hawaiian Islands, $250,000, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

Mr. GALLINGER submitted an amendment proposing to appropriate $2,000 for the maintenance of the Woman's Clinic, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

He also submitted an amendment proposing to appropriate $864,475 to pay 328 teachers of the public schools, at $500 each, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

GOVERNMENT OF PUERTO RICO.

Mr. NELSON submitted an amendment intended to be proposed by him to the bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Puerto Rico, and for other purposes; which was ordered to lie on the table and be printed.

PRINTING OF A DOCUMENT.

On motion of Mr. HOAR, it was

Ordered, That Senate Document No. 62, Parts I and II, Fifty-fifth Congress, be printed for the use of the Senate.

COMMERCIAL STATISTICS.

Mr. CULLOM submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed for use as a public document 12,500 additional of each of the monographs issued by the Bureau of Statistics of the Treasury Department, entitled Commercial China in 1899, Commercial Japan in 1899, the Russian Empire and the Siberian Railway, Commerce of Asia and Oceanica, Commercial Africa in 1899, American Commerce, Cuba, Puerto Rico, the Hawaiian, Philippine, and Samoan Islands, Colonial Systems of the World, of which number 3,500 copies of each document shall be for the use of the Senate, 6,500 copies for use of the House of Representatives, and 2,500 for use of the Bureau of Statistics of the Treasury Department.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. HALE. Mr. President, is the morning business completed?

Mr. SIMON. Mr. President——

The PRESIDENT pro tempore. The Chair will receive morning business.

Mr. HALE. I was going to suggest, if the debate is not to go on upon the conference report on the currency bill and no Senator is desirous of taking the floor for the purpose of making a speech, I should like to get up the diplomatic and consular appropriation bill. It will not take very long.

Mr. SIMON. If the Senator from Maine will permit me, I will

state that I desire to submit some observations on the Quay resolution, and at a later hour the Senator from Nebraska [Mr. ALLEN] desires to take the floor on the financial bill. I should like at this time to call up the resolution relative to the vacant seat from Pennsylvania.

Mr. ALDRICH. The Senator from Nebraska [Mr. ALLEN] gave notice last night that he would make a speech on the conference report this morning. I understand that Senator is willing to defer his speech for the time being, but with the understanding that he shall take the floor at 2 o'clock or in that neighborhood.

Mr. HALE. Then, as the Senator from Oregon desires to take the floor now, I will not urge the passage of the diplomatic and consular appropriation bill to-day, but will give notice that I shall try to get it up to-morrow morning after the routine morning business. It ought to be passed. It has been standing here for a long period, and will not consume much time.

NATIONAL ASSOCIATION OF MANUFACTURERS.

Mr. MASON. Will the Senator from Oregon yield to me for just a moment?

Mr. SIMON. Certainly.

Mr. MASON. I desire to ask unanimous consent that the bill (S. 2692) to incorporate the National Association of Manufacturers be put upon its passage. It is a short bill which passed at the last session. The report is only about five lines long.

The PRESIDENT pro tempore. The Senator from Illinois asks unanimous consent for the present consideration of a bill which will be read to the Senate in full for its information.

The Secretary read the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. PETTUS. I should like to know why it is that in a bill of this sort the corporation should have unlimited powers to own real and personal property.

Mr. MASON. If the Senator will hear the reading of the report—the report is very short—it explains the matter. It is a corporation without profit and not for the purposes of profit.

Mr. PETTUS. I should like to hear the report read before the bill is put on its passage.

The PRESIDENT pro tempore. The report will be read.

Mr. TELLER. Has permission been granted for the consideration of the bill?

The PRESIDENT pro tempore. It has not yet been granted.

Mr. TELLER. I take the liberty of objecting, because there are other things that ought to go on to-day.

Mr. MASON. Of course if there is to be any discussion, it will have to go over; but the bill has been read; the report is not five lines long; the bill passed the Senate before without objection; it is a corporation without profit; and it will not take one minute longer if the Senator will let the report be read.

Mr. TELLER. I think it very apparent that there will be some discussion.

Mr. COCKRELL. I only want to have two amendments made. They are very simple. If they are accepted I think there will be no objection to the bill. One is to strike out the words "lands, tenements, and hereditaments," so that the corporation will have no authority to hold land and deal in land transactions, and the other is to reserve the right to Congress to alter, amend, or repeal the act.

Mr. MASON. That is all right. There is no objection to the amendments. It will not take one minute, if the Senator will let it go through.

Mr. TELLER. I do not know what the bill is, and I do not know whether anyone is giving any attention to it, but if it will only take a few moments I shall not object. I shall reserve the right to object.

Mr. MASON. Then just hear the reading of the short report.

Mr. TELLER. I reserve the right to object.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the report submitted by Mr. MASON on the 7th ultimo, as follows:

> The Committee on Manufactures, to whom was referred the bill (S. 2692) to incorporate the National Association of Manufacturers, submit the following report:
>
> The object of this bill is to form a corporation, not for profit, but simply to promote the manufacturing industries of the United States and to give proper direction to the efforts looking to that end, and also to extend the facilities of transportation both at home and abroad, and generally to take all proper methods for advancing the manufacturing interests and promoting the commerce of the whole country. The officers selected and provided for in the bill are the present officers of the National Association of Manufacturers, and consist of well-known citizens interested in manufacturing in more than half the States of the Union; it is believed the adoption of this bill will give a national character to the association that will aid it in its laudable and proper undertakings, and for that reason your committee recommend that the bill do pass.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. SPOONER. I ask for the reading of the bill.

The PRESIDENT pro tempore. The bill has just been read.

Mr. SPOONER. Is it a long bill?

The PRESIDENT pro tempore. It is pretty long.

Mr. TELLER. I object to the further consideration of the bill.

Mr. SPOONER. Let it go over.

Mr. TELLER. I will not object to the Senator calling it up at some other time.

The PRESIDENT pro tempore. Objection is made. The Senator from Oregon is recognized.

SENATOR FROM PENNSYLVANIA.

Mr. SIMON. I ask for the reading of the resolution reported from the Committee on Privileges and Elections.

The Secretary read the resolution, as follows:

> *Resolved*, That the Hon. Matthew S. Quay is not entitled to take his seat in this body as a Senator from the State of Pennsylvania.

Mr. SIMON. Mr. President, the senior Senator from Montana [Mr. CARTER] on yesterday, in the discussion of this resolution and in explanation of his intention to vote to seat Mr. Quay, notwithstanding the fact that but two years ago, upon a much stronger case, he had refused to vote to seat Mr. Corbett, has this to say in justification of his course:

> Mr. Corbett was appointed by the governor of Oregon to fill the vacancy occasioned by the expiration of the term of Senator John H. Mitchell on the 4th of March, 1897. The legislature of Oregon had failed to elect, and its failure was due to the inability of the body to organize. Mr. Mitchell had made a vigorous campaign for reelection before the people of Oregon, and they had elected a majority of the legislature favorable to his return to the Senate. The will of the people of that State as expressed in their representation in the legislature could only have been defeated by depriving the members of the legislature of the privilege of casting their votes and registering the popular will as expressed at the polls on election day. That case has been decided. Mr. Corbett was denied a seat in this Chamber. My vote was registered against him, and it would be registered against him now on the same state of facts.
>
> By a course of conduct which was revolutionary in its nature the legislature was kept from perfecting an organization until its period of possible existence expired by limitation. It was believed by many members of the Senate that Mr. Corbett was the inspiring force in that revolutionary scheme, and, acting upon that belief, votes were influenced, cast, and recorded against him.
>
> Exercising the unquestionable right to look beyond the credentials and the authority issuing them to the manner in which they were obtained by the applicant for a seat, a large number of Senators, to my knowledge, myself included, voted against seating Mr. Corbett solely on the ground that he should not be admitted to the Senate as the culmination of a conspiracy to cripple and demoralize the government of his State.

The charge is distinctly made here by the senior Senator from Montana that when he voted on the Corbett case he believed that Mr. Corbett had corrupted the members of the Oregon legislature, prevented an organization of the house, and defeated the return of Mr. Mitchell, who was the choice of the people of the State of Oregon for Senator from that State.

Mr. President, it had not been my purpose to discuss this question. I intended to content myself with casting my vote in accordance with my convictions. I can not, however, permit this unjust and untrue charge, made by the distinguished Senator from Montana, nor the assertion made by the junior Senator from Nevada some days since, that Mr. Corbett was responsible for the demoralization of the Oregon legislature, to remain unchallenged.

I was a member of that legislature, and I believe that I am familiar with the circumstances and causes that led up to the failure of the house of representatives to organize and the failure of the legislature to elect a Senator, and I desire to say now, without qualification, that Mr. Corbett was in no way responsible for either the failure of the house to organize or the failure of the legislature to elect a Senator.

In connection with this statement I wish to add that Mr. Corbett was not a candidate for election to the Senate; neither had he any inclination in that direction; nor had he any desire to prevent the organization of the house. On the contrary, as a citizen of that State and largely interested in its affairs and in its material development and progress, he was particularly anxious that the legislature should organize and that certain legislation of a remedial and economic character that was in contemplation then under discussion in the public press, should be enacted, and also that a Senator in line with the policy of the incoming Administration should be elected.

The assertion of the senior Senator from Montana that Mr. Mitchell was the choice of the people of Oregon for reelection, and that at the election for members of the legislature of 1897 Mr. Mitchell had succeeded in bringing about the election of a large majority of the members that were favorable to his return to the Senate is not borne out by the facts, and is contrary to what I understand the truth to be. The very best evidence of my assertion is the fact that at no meeting of the joint convention that Mr. Mitchell's friends held for the purpose of endeavoring to secure his return to the Senate was there ever present a sufficient number of members to bring about such election. The effort was made and persisted in by Mr. Mitchell from the very commencement of the session until its close to secure a majority of the members of the legislature who would vote for the return of Mr. Mitchell to the Senate; but in his efforts to accomplish this he met with no success.

The failure of the house to organize is attributable to Mr. Mitchell, and to him alone. Not that Mr. Mitchell was averse to or not inclined to have the house organize. On the contrary, he was desirous of securing an organization of the house, but such organization, if accomplished, must be consistent with and in his interest. The cause of the failure of the house to organize was because of a strife over the election of speaker and a contest over some proposed radical legislation that the members of the house were almost evenly divided upon, and above all on account of division on the financial question. The membership of the house consisted of Republicans, Silver Republicans, Democrats, and Populists. The Republicans were slightly in the majority, but they did not have the necessary two-thirds required by the constitution to form a quorum. It was claimed that Mr. Mitchell had promised his support to two of the leading candidates for speaker, one a gold-standard Republican and the other a Silver Republican, and both of them insisted upon the fulfillment of the pledge they claimed to have had from him. This was the real cause of the failure of the house to organize, and was what brought about Mr. Mitchell's defeat.

Mr. Mitchell had been up to the time of the election of President McKinley an ardent advocate of the free coinage of silver. He spoke for free silver in season and out of season and in Congress and out of Congress. Upon the adoption of the St. Louis platform and the consequent election of McKinley, and the election of a Republican legislature in Oregon that was very largely in favor of the gold standard, Mr. Mitchell discovered that he was in a very peculiar and embarrassing position, and from the time of the November election of 1896 until the present hour no one has ever been able to get a public expression from Mr. Mitchell as to how he stands upon the financial question. The Silver Republicans, Democrats, and Populists that comprised one-half the membership of the house, all of whom believed in the free coinage of silver, feared that owing to his support of McKinley, and therefore incidentally of the St. Louis platform, that Mr. Mitchell had abandoned his views upon the silver question, and many of the gold-standard Republicans, because of his theretofore well-known views upon the silver question and of his refusal or failure to give any public expression upon the subject, had no confidence in his conversion to the gold standard and distrusted the intimations given out by his friends and adherents that Mr. Mitchell would no longer advocate the free coinage of silver and would stand upon the St. Louis platform and advocate the financial policy of the Republican party if reelected to the Senate. Neither the advocates of free silver nor the advocates of the gold standard were satisfied, and Mr. Mitchell, seeking to ride two horses, fell between them and was lost.

Mr. Mitchell had always had more or less connection and political fellowship with those who oppose the policy of the Republican party, and on at least one occasion when elected to the Senate it was made possible only by Democratic votes. Because of this friendly relation it was believed by many Republican members that the claim made by those in opposition to the Republicans, that Mr. Mitchell had promised to aid them in securing certain legislation which was desired by them and opposed to the policy of the Republican party, was not altogether without merit. At any rate, because of the division of the members of the house over the election of speaker, division upon the financial question, and fear of the passage of legislation upon which there was great division, the house failed to organize. Under the constitution of the State a quorum of each house consists of two-thirds of the members elected thereto. When the opposition to Mr. Mitchell became convinced that it was his purpose to ignore the promises claimed to have been made to them respecting the election of a speaker and in regard to the legislation desired, they concluded that they would delay the organization of the house so as to defer the election of Senator one week.

There was no purpose at that time of preventing an organization of the house; simply a desire to gain time in which to enforce compliance with the promises made. The temporary organization of the house was not effected in the interest of Mr. Mitchell, but in opposition to him, and after Mr. Mitchell's friends discovered that they were unable to secure a quorum or even a majority of the members of the house to attend its sessions and do his bidding, they determined, by high-handed and revolutionary methods, to usurp the organization and effect a permanent organization not in succession to but in spite of and ignoring the temporary organization that had been lawfully effected. When this course was outlined and adopted, it incensed the other members of the house, and they refused to be bound by such revolutionary methods, and refused to cooperate with those members who were willing to do Mr. Mitchell's bidding, and refused to attend the sessions of the house. This condition continued until feeling between the rival parties became very bitter and intense, and it became apparent that no organization of the house could be effected, and after wasting several weeks in a vain attempt to arrive at an understanding the members dispersed and returned to their homes.

I deny the imputation that Mr. Corbett contributed money to bring about or that he in any way brought about the conditions I have detailed. He had no interest or purpose in so doing. I have no hesitation in asserting that Mr. Corbett had no part whatever in bringing about the failure of the house to organize, and for the reasons stated such failure is to be attributed to Mr. Mitchell, and to him alone, and whatever demoralization there was of the legislature was caused by Mr. Mitchell, and not by Mr. Corbett.

I want also to assert in the most positive manner that if there was any improper or corrupt methods adopted or used in connection with the failure of the legislature to organize or the failure to elect a Senator Mr. Corbett was not directly or indirectly connected therewith or responsible therefor.

Mr. President, I regret the necessity for discussing this case or making this statement, but I could not remain silent after hearing the charges against Mr. Corbett, so earnestly made by Senators, who I have no doubt believed them to be true, but have been misled and deceived. Mr. Corbett is one of the foremost men of the Northwest. He is a gentleman of high moral character and of the strictest integrity. He is conscientious in the discharge of every duty required of him. He is high minded and honorable, and would scorn to do an unworthy act. No one in Oregon has done more toward the upbuilding and bringing about the material development of that State than he. No one has contributed more to charitable and educational purposes than he, and no one stands higher in the estimation of the people of that State than does Mr. Corbett. No one knowing him will believe the charges that have been publicly made on the floor of the Senate against him.

Mr. President, in addition to this statement, which I felt in duty bound to make in justice to Mr. Corbett, I shall now submit a few observations concerning the right of Mr. Quay to a seat in the Senate upon the appointment of Governor Stone, of Pennsylvania.

I take it for granted that the facts of this case are so well understood that a statement of them is unnecessary. The Constitution provides that—

> The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof, for six years.

The Senate is a body which represents the States, and the equality of the States, whether large or small, is maintained by allotting to each equal representation. As vacancies were liable to occur during the recess of the legislatures of the States, in order to secure continuous, full, and equal representation to all of them, it became necessary for the Constitution to make provision for filling vacancies: otherwise a State, or States, might be deprived of its representation in whole or in part during such recess, when interests of vital importance to the States and the highest moment to the National Government demanded the presence of a full quota of Senators. To provide for such contingency the framers of the Constitution formulated this clause:

> If vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

This clause was intended solely to preserve the representation of the States by providing a method for filling vacancies occurring in the Senatorial office during the recess of their legislatures by temporary appointments of the executives of the States. I can readily agree with those who argue for the seating of Mr. Quay, that the thought uppermost in the mind of the Convention was the method to be devised for filling vacancies which were liable to occur during the interim between the sessions of the legislatures as a means of preserving representation among the States, and that, for the purposes of the case, vacancies were treated as given facts; and how to fill them and by whom when the legislatures of the States were not in session, so that the particular States affected by such vacancies should not be deprived of any part of their representation, was the question which engaged the attention of the Convention; and while there is force in the argument of those who oppose this contention, I should, if this were an original question and free from its otherwise quasi-judicial determination by the Senate, agree with the contention that, in framing this clause, the Convention was not aiming to specify the particular cases which constituted a vacancy, but to provide a method for filling all vacancies, however occurring, between the sessions of the legislature, to the end that full and equal representation should be preserved to each State.

A distinguished member of this body, in an earlier discussion of the subject, said:

> The Constitution abhors a vacancy in the Senate as much as nature abhors a vacuum.

The effect of vacancies in office, if long continued, is to impair the powers and retard the operation of government. They produce, so to speak, a hiatus which disturbs the orderly administration of public affairs unless speedily filled. They are regarded by lawgivers as an evil so injurious to the body politic that all governments provide in their constitutions or laws methods for promptly filling them. Nor is it of any consequence how the

vacancies occur, whether by resignation, official delinquency, or otherwise, the evils resulting from them are just the same, and are only to be averted by promptly providing them with incumbents.

The framers of the Constitution well understood that vacancies could not exist in the Senate for any length of time without impairing the right of representation and entailing its consequent evils before the States and nation. Hence, when the Convention came to frame the clause under consideration, the cardinal idea in their mind was not how vacancies might occur, but how they should provide a method for filling them during the recess of the legislature, and by whom such vacancies should be filled, so that no State should be deprived for any considerable length of time of its full and equal representation in the Senate. As the Senators were chosen by the legislatures of the States, they provided, if the Senatorial office became vacant when the legislature was not in session, that the governor might fill it by temporary appointment until its next session. In this way and by this construction full and equal representation is secured continuously to the States, which is manifestly the chief object of this clause. Although I have always entertained this view of the clause of the Constitution under discussion, and therefore believed that Mr. Corbett was clearly entitled to a seat as a member of the Senate under the appointment of the governor of Oregon, I find that this view is not in harmony with the construction given this clause of the Constitution by the Senate.

As was shown by the distinguished Senator from Tennessee, who argued in favor of the resolution now under consideration, during a period of seventy-five years the Senate has never admitted the appointee of a governor when the legislature has had an opportunity to elect and failed to do so.

Omitting consideration of the earlier cases and coming down to the cases still fresh in our recollection, we find that in the Mantle case the Senate expressly declared that where the legislature of a State has had an opportunity to elect and failed to do so, in consequence of which a vacancy exists, the governor is not authorized to fill it by a temporary appointment. In the Corbett case the Senate by a more decisive vote carried the principle still further, and held that where a legislature failed to organize and by reason thereof had no opportunity to elect a Senator, in consequence of which a vacancy occurred, there was no such material difference in the facts of the two cases that a like principle should not govern them, and declined to recognize the appointment of the governor and refused to seat Mr. Corbett.

In the Corbett case, not only was the legislature not in session when the vacancy happened, but the legislature had not been able to organize, and therefore was unable to perform its constitutional duty.

Mr. Quay's case is not nearly so strong upon its facts as either the Mantle case or the Corbett case, as the vacancy in his case occurred during a session of the legislature, and for a long period after the vacancy occurred this legislature was in session endeavoring to elect a Senator. If in the Corbett case, where the legislature had never organized and of course could not be and was not in session when the vacancy occurred, the appointment of the governor would not be recognized by the Senate, how, then, in the Quay case, where the legislature was in session when the vacancy occurred, and the constitution of that State requires the governor to convene the legislature for the purpose of filling any vacancy existing in its representation in the Senate, can it be consistently contended that the appointment of the governor of Pennsylvania should be respected and Mr. Quay given his seat, when Mr. Corbett, upon a much stronger case only two years before that time, was denied a seat? Mr. Quay was a member of this body when the Corbett case was under discussion, and he evidently concluded that the governor had no right to appoint a Senator in that case.

An examination of the record in the Corbett case discloses the fact that when the vote was taken upon the question of seating Mr. Corbett Mr. Quay was paired in opposition thereto. If the unbroken line of precedents during a period of seventy-five years is now to be cast aside and Mr. Quay is to be given a seat in this body, how will it be possible for the Senate to atone for the great wrong done Mr. Corbett, in which wrong Mr. Quay was an active participant? Or is it true, as contended for by some of the supporters of Mr. Quay, that in the consideration of future cases involving the question of the right of a governor to appoint to a vacant seat in the Senate each case is to be determined upon the personality of the appointee? It seems to me, upon every principle of justice, Mr. Quay ought to be estopped from claiming the benefit of the rule of construction invoked by Mr. Corbett, which would now secure to him (Mr. Quay) a seat in the Senate upon a less meritorious state of facts, when he did not see his way clear to sustain the rule by voting for Mr. Corbett's admission.

The PRESIDENT pro tempore. The Calendar under Rule VIII is in order.

Mr. CARTER. Mr. President, with the permission of the Senate I should be glad, by unanimous consent, to be granted a moment to say a word in reply to the observations of the Senator from Oregon [Mr. SIMON].

The PRESIDENT pro tempore. If there be no objection, the Senator will proceed. The Chair hears no objection.

Mr. CARTER. Mr. President, the statements made by me yesterday with reference to the Corbett case were not made with a view to any assault upon Mr. Corbett personally, nor were they actuated by any desire to become intermingled with the politics of the State of Oregon.

I assigned as a reason for the vote I cast against Mr. Corbett the belief then entertained by me, and now entertained by me, that the proceeding which resulted in the appointment of Mr. Corbett to a seat in the Senate was a revolutionary proceeding to which he was a party.

The legislature of Oregon was elected after a very spirited campaign, during which John H. Mitchell, then a Senator, was a candidate for reelection. Mr. Mitchell made a campaign of that State as a candidate for reelection. It appears by the record unchallenged that the legislature elected was a Republican legislature, a legislature belonging to the party to which Mr. Mitchell belonged. That legislature sought to organize. A majority of its members in caucus made Mr. Mitchell the caucus nominee by a unanimous vote, the name of no other person being presented to the Republicans of that legislature as a candidate for Senator.

Mr. Brownell, who was president of the joint assembly of the State, in a letter dated Oregon City, Oreg., March 10, 1897, directed to "The Honorable the Chairman of the Committee on Privileges and Elections, United States Senate," outlines in such clear and lucid language what occurred that, with the permission of the Senate, I will ask the Secretary to read the letter as a part of my remarks.

The PRESIDENT pro tempore. If there be no objection, the Secretary will read as requested.

The Secretary read as follows:

OREGON CITY, OREG., *March 10, 1897.*

To the Honorable the Chairman of the Committee on Privileges and Elections, United States Senate, Washington, D. C.

MY DEAR SIR: In view of the fact that I was elected by the joint assembly of the members of the Oregon legislature at its late session, met for the purpose of electing a United States Senator in Congress, in accordance with the provisions of the act of Congress, as presiding officer of that joint assembly, I, being a member also of the State senate from Clackamas County, deem it but proper, in view of the fact that our governor has commissioned one of our citizens as Senator, that I should make to you and to the other members of your committee a plain statement of facts in connection with the late meeting of the Oregon legislature.

The Oregon legislature is composed in all of 90 members—30 in the senate and 60 in the house. The membership politically of this legislature was as follows:

SENATE.

Elected as Republicans June, 1896	24
Elected as Democrats June, 1896	3
Elected as Populists	3
Total	30

HOUSE.

Elected as Republicans in June, 1896	40
Elected as Populists in June, 1896	13
Elected as Bimetallists in June, 1896	3
Elected as Democrats in June, 1896	4
Total	60

Of the 40 elected as Republicans in June, 1896, two, namely, Representative Bourne, of Multnomah County, and Representative Barkley, of Marion County, left the party in November and supported Bryan.

While there is no limit in the constitution of our State to the term of a legislature in Oregon, there is a limit of the pay. Members can only receive pay for forty days, hence it has been the universal custom heretofore for the legislature to adjourn sine die at the end of forty days. They have never heretofore sat beyond that more than a day once or twice.

Our legislature, under the constitution and laws of our State, meets biennially on the second Monday of January. The legislature met on that day, Monday, January 11, last. All the members were present in both senate and house—30 in the senate and 60 in the house. The senate, on the first day of meeting, effected a full permanent organization by the election of Joseph Simon, a senator from Multnomah County, as president of the senate, and a full set of other officers.

The House, on the first day of the session, all the members being present, proceeded without qualifying, to effect a legal, temporary organization, by the election of Representative Davis, of Umatilla County, as temporary speaker and Ralph Moody, of Multnomah County, as temporary secretary. The house then, without proceeding to permanent organization, adjourned over until the next day.

Tuesday, January 12, 29 members of the house—that is to say, the 13 populists, the 3 bimetallists, and 3 of the 4 Democrats, and 10 elected as Republicans—refused to come into their seats and refused to be qualified. Davis, who had been elected temporary speaker, and who was in sympathy with those remaining out, although he took his seat as presiding officer, refused to qualify and refused to entertain any motion whatever, except a motion to adjourn from day to day. This house then adjourned until the next day, continuing to do this for several days, at the end of which time the 3 remaining Democrats, 1 of the Democrats having been in his seat from the first, came in and qualified, the 30 Republicans and 1 Democrat having been duly sworn in by the chief justice of the supreme court on the second day of the session.

On the —— day of January, there being present in the house on that day 29 Republicans and 3 Democrats, all of whom had qualified, that being 3 more than a majority of all the members elected to the house, and being all the members who had qualified up to that date, proceeded to depose Speaker Davis, by the adoption of a resolution to that effect, adopted unanimously. They then elected Representative Smith, of Marion County, as temporary

speaker, then proceeded to a permanent organization of the house by the election of Representative Benson, of Josephine County, as permanent speaker, and a full set of permanent officers. This constituted what is known as the Benson house. This house met from day to day, using every means in their power, by argument and otherwise, to induce the 27 members to come in, be qualified, and take their seats, which they continued to refuse to do.

On the second Tuesday after the organization of this Benson house, there being 30 members present in the house, a resolution was adopted unanimously that the house proceed to vote openly for United States Senator. This was adopted unanimously. A vote was taken; 29 votes were cast for John H. Mitchell and 1 vote was cast for George H. Williams. On the same day a similar resolution was offered in the senate. This resolution President Simon ruled out of order, claiming that as there had been no organization of the house, within the meaning of the act of Congress, the time had not arrived to vote for United States Senator. To this statement of the chair it was replied by senators on the floor, first, that the Benson house was a legally organized house; that while it is true the constitution of the State of Oregon provides that two-thirds of each house are necessary to constitute a quorum to do business, that yet a legal organization of the house permanently could be made by a majority of all the membership of the house, especially by all the qualified members of the house, and it was urged that even were the Benson house not legally organized, there had been a perfect temporary organization of the house on the first day of the session which fully met the requirements of the act of Congress, as decided after lengthy debate by the Senate of the United States in the case of Claggett *vs.* Dubois, from Idaho.

On appeal being taken, however, on the ruling of President Simon, the chair was sustained; he (Simon), by his influence, having induced some four Republicans who had been in the Republican Senatorial caucus and voted for Mitchell to believe that he (Simon) was right, and that therefore the time had not come to vote for Senator; consequently, no vote in the senate was had on that day for Senator.

On the next day after this proceeding, at 12 o'clock meridian, 42 members of the two houses met in the hall of the house of representatives for the purpose of organizing and voting for United States Senator, as provided by the act of Congress. President Simon did not enter this joint assembly. Speaker Benson did. This joint assembly organized by the election of myself as president and the election of the secretary of the Benson house as secretary and by the election of another gentleman as secretary to represent the senate. The records of the proceedings of the Benson house and of the senate of the day previous were present, and each of which, under the direction of the presiding officer, was read, as provided by the act of Congress. It was understood by many members who entered this joint assembly that there should be no vote for Senator unless there were at least 46 members present, that being a majority of the whole membership elected; and as there were but 42 present, I entertained a motion to adjourn until 12 o'clock meridian of the next day, which was carried.

This joint assembly continued to meet at 12 o'clock meridian each day thereafter until Wednesday, the 24th day of February, when both the senate and the Benson house voted an adjournment sine die; this joint assembly did likewise. The highest number present in this joint assembly any one day was 43. It was understood, however, that 2 other Republicans were ready at any time and willing to go into the joint assembly, provided the necessary number to make the 46 would join them.

The Benson house continued to meet from day to day, and on Friday preceding final adjournment of that house, which took place on Wednesday, February 24, a resolution was passed through the Benson house declaring vacant the seats of the 27 members who for forty-five days had refused to take the oath of office or take their seats in either the house of representatives or the joint assembly, save and excepting Davis, the temporary speaker, who went through the farce of meeting from day to day and adjourning, but who never took the oath of office until after the two houses had adjourned and gone home.

There is a provision in the statutes of Oregon declaring how an office shall become vacant. Among other things, it declares any office shall become vacant "by a failure or refusal to qualify." (See Oregon Code.)

The Benson house, some days before final adjournment, passed a concurrent resolution fixing the time for final adjournment of the two houses. This was adopted unanimously, was sent to the senate. President Simon put it in his pocket, and refused to lay it before the senate.

On Tuesday, the 23d of February, a resolution was offered in the senate fixing 12 o'clock meridian the next Wednesday, the 24th, for adjournment sine die of the senate. This was not a concurrent resolution. President Simon declared it out of order because it was not a concurrent resolution. On an appeal, however, from this ruling, the chair was overruled by a vote of 17 to 13, and the resolution was adopted.

When the next day arrived, Wednesday, 12 o'clock meridian, February 24, Simon refused to declare the senate adjourned sine die, but entertained a motion made by Senator Holt, a Populist, that the senate should adjourn until 2.30 o'clock of the same day, that being the usual hour of meeting. Although the votes were largely against this motion, and a demand all over the senate made for the ayes and nays, President Simon declined to grant a roll call; and although the vote was overwhelming against such an adjournment, and in favor of an adjournment sine die, President Simon declared the senate adjourned until 2.30 of the same day, and left the chair. Then just two-thirds of the senate, 20 of the 30, left the capital and went to their homes. The Benson house also adjourned sine die, and they went home.

This being done, and forty-five days of the session having elapsed, five more than the regular term, the 27 members who during all that period had refused to take the oath of office came in and were qualified, Davis still pretending to act as Speaker. They went through the farce of remaining about a week longer, adjourning from day to day, adopting a resolution to bring in absent members; sent out sergeant-at-arms to bring in members who had qualified and been there ready to do their duty the whole term. These members defied these pretended sergeants-at-arms. They in turn refused to use violence to make arrests.

President Simon went through the farce of holding sessions from day to day with six or eight members of the Senate, when finally he entertained a motion to dissolve, as did the house, and the miserable farce ended.

On a meeting of the legislature, January 11, 47 Republicans, or more than a majority of all of the members of the legislature, signed a call for a Senatorial caucus (see copy inclosed, with the names appended thereto). At this caucus, which was held at the time designated in the call, there were actually present 44 of the 47 persons signing the call. Two others were represented by letter and telegram, stating that if present they would vote in the caucus for John H. Mitchell as the nominee for Senator. On a roll call in an open viva voce vote to name a Senator, Mr. Mitchell received the votes of everyone present, and was declared the unanimous nominee of the Republican party for Senator.

It must be further stated that for over a week before the final adjournment of the two houses, Mr. Mitchell, finding the game was blocked as to his election by the refusal of eleven Republicans to take the oath of office and take their seats in the house and in the joint assembly, did all in his power to induce the opposition, as well as his friends, to unite on some other Republican and elect him Senator. On the 18th of February he addressed a letter to the Republican conference, a copy of which I hereto attach and mark it "Exhibit A" and make a part of this letter. On the 22d he addressed another letter to the conference, a copy of which I hereto attach and mark it "Exhibit B" and make it a part of this letter.

In addition, Mr. Mitchell came personally before the Republican conference and stated he was willing to unite on any one of about a dozen different leading Republicans of the State if the opposition could be induced to join them in the election of any such one. In this connection Mr. Mitchell named the following leading Republicans in different parts of the State, any one of whom he would cheerfully support:

Hon. George H. Williams, late Attorney-General of the United States; Hon. Sol Hirsch, chairman of the Republican State central committee from the State of Oregon; Hon. Charles W. Fulton, late State senator, late Presidential elector during the Harrison campaign, and one of the prominent Republicans of the State; Hon. E. B. Watson, late justice of the supreme court of the State; Hon. F. A. Moore, present chief justice of the supreme court of the State; Hon. Binger Hermann, late Representative in Congress; Hon. J. C. Fullerton, circuit judge; Judge Eakin, circuit judge; Judge Fee, late circuit judge; Lionel J. Webster, late circuit judge, and others. To my certain knowledge, also, Mr. Mitchell communicated with Mr. Simon and other leaders of the opposition his willingness to unite with them if they would come in, on any one of these gentlemen, but was met with the answer they would support no one except Henry W. Corbett, and furthermore, that Jonathan Bourne, who, although elected as a Republican in June, 1896, had supported Bryan in November, must be elected speaker of the house. To these propositions neither Mr. Mitchell nor any one of his supporters would consent.

The facts of history in connection with this legislature require that it should be further stated that the present governor of the State, Governor Lord, was understood from the beginning to the end to be in direct sympathy with and supported all this combination of Populists and Republicans, so called, and which combination was supported from the beginning to end by the Oregonian, the so-called leading Republican paper of this State. The facts of history further require it should be stated that this combination was held together by the cohesive power of what seemed to be an unlimited amount of money. The question finally became one rising much higher and going far beyond that of the election or defeat of any one man for the Senate. It became a question as to whether the wheels of government should be stopped by a minority who, unless they could have their way, both as to the election of speaker of the house and the United States Senator, would refuse to take the oath of office and thus absolutely obstruct not only the election of a Senator, but the enactment of any laws whatever. Two-thirds of the members of the legislature and, to their credit, two Democrats in the legislature, regarded this proceeding as one tending to anarchy.

If these proceedings, resulting as they have in the appointment of a United States Senator by the governor of the State, who was a party to them, as every one here knows, can receive the sanction of the Senate of the United States, and be made a precedent which it would be right to follow in the future, then it seems to me, and as it seems to a great majority of the Republicans of this State, as I believe, a fatal blow is struck at the very existence of our governments both State and national. Suppose two years hence all the 60 members of the house of representatives should be Republicans. Suppose again, at the same time, 19 members of the 30 members of the senate should be Republicans, and 11 members of the senate Democrats; and suppose, furthermore we should have a Democratic governor, then if the precedent sought to be established now should then be followed, all that it would be necessary to do in order to defeat the will of the 79 Republicans out of the 90 members of the legislature would be for the 11 Democrats of the senate to refuse to be qualified, and thus block the election of a Senator, and block all legislation, leaving it to the Democratic governor to appoint a Senator.

In this connection I hope I may be permitted to say that, in my judgment, four-fifths of all the Republicans of the State desired the reelection of Mr. Mitchell. I had the honor of stumping the State in part with him for McKinley and Hobart last October, and I think I am thoroughly familiar with the sentiment of the people of the State, especially of the Republicans, in this regard. His defeat in the legislature could only be accomplished in the way in which it was accomplished; that is, by 11 Republicans and 16 Populists refusing to take the oath of office.

I trust I may be pardoned for this lengthy letter. The situation has seemed to demand that some one, at least, thoroughly familiar with the history of the late legislature in this State, should bring the facts to your attention. I may add the journal entries of the respective houses, if they can be had, will in a great measure bear me out in what I have here said.

I am, yours, very respectfully,

GEORGE C. BROWNELL,
President Joint Assembly of Oregon.

[To the Republican conference.]

SALEM, OREG., *February 18, 1897.*

HON. SAMUEL HUGHES,
Chairman Republican Conference, Salem, Oreg.

MY DEAR SIR: On and prior to Tuesday, January 14, 1897, 47 of the Republican members of the legislature, being one more than a majority of all members entitled to seats in the two houses, signed a call for a Republican Senatorial caucus to meet in the hall of the house of representatives in this city, on Thursday, January 14, at 7 o'clock p. m. The following is an exact copy of such call:

"We, the undersigned Republicans and Republican members of the legislature of the State of Oregon, believing as we do in maintaining and perpetuating the organization of the Republican party and also in its principles as enunciated in its platform as adopted at the late Republican convention at St. Louis, and believing, furthermore, that in the selection of a candidate for United States Senator such organization and its principles will be best promoted by adhering to the will of the majority as openly and fairly expressed in party caucus, do hereby agree, a sufficient number to elect consenting thereto, that we will meet in party caucus on Thursday, the 14th day of January, 1897, in the hall of the house of representatives, in Salem, Oreg., at 7 o'clock p. m., and after organization by the selection of a presiding officer and two secretaries, will, by a viva voce vote as our names are called, express our preference for a candidate for United States Senator, and we hereby agree to support for United States Senator by our vote in the legislature the person who shall at such caucus receive a majority of all the votes cast therein.

"Benson, Bridges, Brownell, Brown, Calbreath, Carter, Chapman, Conn, Craig, Crawford, David, Dawson, Driver, Gesner, Gowan, Gurdane, Harmon, Haseltine, Hobson, Hogue, Hope, Hudson, Hughes, Jennings, Johnson, Lake, Langell, Marsh, McClung, Merrill, Mitchell, Mulkey, Nosler, Palm, Patterson (I. L.), Price, Reed, Rigby, Smith (J. N.), Somers, Stanley, Taylor, Thomas, Thompson, Vaughan, Veness, Wagner."

Senator Carter, of Benton County, did not sign the call for caucus, but gave his verbal assurance of approval, stating if present in the city on the evening of the caucus he would attend and be governed by its decision.

In pursuance of this call I was, at the time and place named therein, as I was officially advised the same evening, unanimously nominated by an open viva voce vote, each member responding to the call of the roll, as your candidate and the candidate of the Republican party for United States Senator for the full term commencing March 4, 1897. At such caucus all of the 47 members signing the call, as above, were present excepting 3, as follows: Senator Mulkey, of Polk County, Senator Gesner, of Marion County, and Representative Riddle, of Douglas County. Senator Carter, however, being unable to be present, sent to the chairman of the caucus a letter, which was read in the caucus before the ballot was taken, and of which the following is a copy:

SALEM, OREG., *January 14, 1897.*

To the chairman and members of the Republican caucus to be held by the Republican members of the present session of the Oregon legislature for the purpose of nominating a candidate for the United States Senate.

GENTLEMEN: I regret to state that I have been called home and will be unable to be present at the caucus to be held this evening. I wish to say, however, that if present I should vote for Senator J. H. Mitchell; but if the caucus shall nominate some other gentleman I will support him, it being my intention, I assure you, to abide by the will of the majority and to support the nominee of your caucus.

Very respectfully, yours,

TOLBERT CARTER.

Senator Gesner sent verbal word by Senator Patterson, of Marion, as I have been advised, that he was detained by serious illness of a member of his family, but he would abide by the decision of the caucus.

Senator Mulkey, being suddenly called away to his home at Dallas by the serious illness of his little girl, sent me a telegram on his arrival in Dallas on the evening of the caucus, of which the following is a copy:

DALLAS, OREG., *January 14, 1897.*

Hon. JOHN H. MITCHELL,
Willamette Hotel, Salem, Oreg.:

I have just arrived in response to a telegram announcing the sickness of my little daughter. Find her very ill. Whatever caucus decides on to-night I will abide by.

B. F. MULKEY.

Representative Riddle, of Douglas County, who had signed the caucus call, did not attend, and for reasons unknown to me, but it must be presumed entirely satisfactory to himself, sent me, about 6 o'clock of the evening of the caucus, a letter, of which the following is a copy:

SALEM, OREG., *January 14, 1897.*

Hon. JOHN H. MITCHELL, *Salem, Oreg.*

DEAR SIR: I am in receipt of a notice that a caucus will be held in the hall of the house of representatives on this Thursday evening, January 14, 1897, at 7 o'clock p. m., for the purpose of selecting a candidate for United States Senator, the said caucus to be held in pursuance of a call heretofore signed by me. I take this opportunity of writing to you to request you or those in charge of said call to erase my name therefrom, and to inform you that I will not be present at said caucus and will not be controlled thereby.

Respectfully,

GEO. W. RIDDLE.

This letter I immediately transmitted to the caucus through Representative Hudson, of Washington County. Thus it will be seen there were present at the caucus, in person or by representation, not only a majority of all the Republican members, but a majority of all the members of the legislature, and I not only received the unanimous nomination, but there was no other candidate named or suggested.

Of all the 14 Republicans entitled to seats in the legislature and all of whom declined to go into the caucus and who have refused not only to support the caucus nominee, but all of whom have absolutely refused to go into the joint assembly for the purpose of electing a Senator, the following have qualified and taken their seats, namely: Senators Simon, Bates, Mackay, and Selling, of Multnomah County; Senator Patterson, of Washington County; Senator Michell, of Wasco County; Representative Huntington, of Wasco County; in all, 7. The remaining 7 Republicans, namely: Representatives Bayer, Davis, Hill, Maxwell, Povey, of Multnomah County, and Representatives Jones, of Wasco County, and Davis, of Umatilla County, have up to the present time failed and refused to qualify as members and have failed and refused up to this day to take their seats either in the house of representatives or in the joint assembly.

The Republican senators above named who did not sign the call for caucus nor participate therein have also, so far, declined to go into joint assembly for the purpose of electing a United States Senator. All the representatives of the Populist party and all of the representatives of the Bimetallic party have also, as I am advised, failed and refused to qualify, and have failed and refused to take their seats in the house or in the joint assembly. A combination, therefore, exists between this small minority of Republicans who refused to be governed by the will of the majority, and seven of whom have failed and refused to qualify; and the representatives of the Populist party and the Bimetallic party, all of whom have refused to qualify, the avowed purpose, as I understand, being, first, the election of Jonathan Bourne, a Populist, as speaker of the house, and, secondly, the defeat of your nominee for Senator.

The history of politics since the beginning of the Government fails to furnish a parallel in any State to the situation thus presented. The spectacle presented is that of a minority, realizing their lack of power to dictate and control in the selection of a speaker of the house of representatives and in the choosing of a United States Senator, deliberately refusing to qualify and take their seats in the house, thereby intending to prevent the presence of a quorum, and absolutely blocking the election of both speaker and Senator, and legislation as well. Such a proceeding, whatever may be the motive of those promoting it, tends strongly and inevitably toward anarchy. It is a most dangerous menace not only to the integrity of the organization of the Republican party but to the very existence of our Government, both State and national. It is a proceeding that should receive the unqualified condemnation of every law-abiding citizen of all political parties. Those who give it their countenance or support, either directly or inferentially, of whatever party affiliation, deserve to be classed with the enemies of law and order. To permit it to be established as a precedent would be to set in motion an element of discord and disintegration that will eventually sap the very foundation of our political institutions.

In view, however, of the present status of the United States Senate, and as it will be after the 4th of March next, it is of the utmost importance that Oregon should at this time elect a Senator. This fact must be appreciated by every true Republican.

The Republican party is infinitely greater than any one man. Its interests are paramount to those of any one individual. It is your duty to elect a Republican Senator, if in your power; and while, as your nominee, I personally am ready and willing, as you all know, to stand by you and with you for the integrity of party organization and the maintenance and perpetuity of the rule of the majority, still I desire to say to you now, in this public manner, that while I believe that the minority should not be permitted to dictate to the majority, and that there is now a principle involved in this contest which is infinitely greater than the interests of any one individual, yet, as I have repeatedly stated to each of you individually during the last thirty days, I do not claim to control your judgment or assume any right to direct your forces.

Therefore, whenever you can see your way clear to choose a Republican Senator other than myself, then you must not for one moment permit the fact of my nomination or of my candidacy to stand in the way. In other words, I am in your hands; you have made me your nominee; do with me as you please, and I will be content. Do your whole duty to the Republican party, the State of Oregon, and the nation. You know full well the character of the combination against you and the influences through which it found its origin and by which it has been maintained. Exercise your best judgment, keeping steadily in view the best interests not only of the Republican party, but of the State and nation.

Thanking you and each of you most cordially for the unfaltering support you have given me, I am, with great respect, your obedient servant,

JOHN H. MITCHELL.

MR. MITCHELL'S LETTER.

SALEM, OREG., *February 22, 1897.*

Hon. SAMUEL HUGHES,
Chairman Republican Conference, Salem, Oreg.

MY DEAR SIR: I understand there is a strong disposition upon the part of the majority of the Republicans to adjourn the legislature sine die without further effort to secure the election of a Senator. This would leave the State only partly represented in the Senate of the United States, the effect of which, in all probability, would be to place the control of the Senate in the hands of those opposed to the Republican party, in which event the defeat of tariff legislation at the coming extraordinary session of Congress would be assured. It seems to me, therefore, there is a paramount duty resting upon you to make one more determined effort before final adjournment to secure the election of a Senator. There are many prominent Republicans located in different sections of the State eminently qualified for the position, men who would do credit to the party, the State, and the nation. I will cooperate with you and all other Republicans in the legislature in endeavoring to bring about the election of such Republican as the Republican conference, to whom this letter is addressed, will agree upon.

Yours, very sincerely,

JOHN H. MITCHELL.

Mr. CARTER. The exhibits, without objection, will be inserted in the RECORD.

Mr. President, this letter just read sets forth in narrative form about what occurred in the State of Oregon in connection with the attempted election of a Senator. It appears from the statement of the president of the joint assembly that Mr. Mitchell did receive a caucus nomination; that he was the only candidate of his party before the legislature, and that if a vote had been taken he would have been elected.

The Senator from Oregon states that Mr. Mitchell himself tended to demoralize the legislature and prevent an election. The fact, as set forth by the president of the joint assembly, seems to be that in the preliminary organization Mr. Mitchell's candidate was defeated, but the Mitchell members came forward the next day, and then it happened that Davis, who had been elected by the opponents of Mitchell as temporary chairman, refused to entertain a motion, refused to take the oath of office, refused to administer to any member of the legislature his oath, and stood there occupying the chair for the purpose of paralyzing the proceedings, and for that purpose only. Every member of the legislature, it seems, who was in favor of the election of John H. Mitchell to the Senate took the oath of office before the chief justice, those in the Senate having the oath administered in the orderly manner, and were ever and always ready to participate in proceedings looking to the election of a Senator.

The president of the joint assembly in this letter states that the opposition to the organization found its source and power in unlimited quantities of money; that the governor of the State and Henry W. Corbett were in the combination to prevent the election; that Mr. Mitchell went to this opposition and said, "Any good Republican in this State will answer, and I will withdraw;" whereupon the reply came, so the story goes as related by this man, concerning whose veracity no one has raised a question, "You must elect Henry W. Corbett to the Senate, and Mr. Bourne," who had voted for and supported Mr. Bryan, "shall be elected speaker of the House."

I can not reconcile the statement of the Senator from Oregon, that Mr. Mitchell persistently refused to attempt to harmonize or bring about results, with this letter signed by him and forwarded to the members of the caucus which had nominated him. I read from the letter in part, signed by Mr. Mitchell:

The Republican party is infinitely greater than any one man. Its interests are paramount to those of any one individual. It is your duty to elect a Republican Senator, if in your power; and while, as your nominee, I personally am ready and willing, as you all know, to stand by you and with you for the integrity of party organization and the maintenance and perpetuity of the rule of the majority, still I desire to say to you now, in this public manner, that while I believe that the minority should not be permitted to dictate to the majority, and that there is now a principle involved in this contest which is infinitely greater than the interests of any one individual, yet, as I have repeatedly stated to each of you individually during the last thirty days, I do not claim to control your judgment or assume any right to direct your forces. Therefore, whenever you can see your way clear to choose a Republican Senator other than myself, then you must not for one moment permit the fact of my nomination or of my candidacy to stand in the way. In other words, I am in your hands. You have made me your nominee; do with me as you please and I will be content. Do your whole duty to the Republican party, the State of Oregon, and the nation. You know full well the character of the combination against you, and the influences through which

it found its origin and by which it has been maintained. Exercise your best judgment, keeping steadily in view the best interests not only of the Republican party but of the State and nation.

Thanking you and each of you most cordially for the unfaltering support you have given me, I am, with great respect, etc.

Later, on the 22d of February, Mr. Mitchell sent another letter addressed to Hon. Samuel Hughes, chairman of the Republican conference, in which he practically withdraws from the Senatorial fight to the end that some person not directly or personally offensive to this opposition may be elected. It is stated in the communication that Mr. Corbett could not have obtained a corporal's guard of the votes in that legislature or the most trifling per cent of the vote of the people of Oregon at the polls. It was manifest that Corbett's appointment was the thing sought, and that this disruption and disorganization of the legislature was intended to continue until the legislature adjourned, and that then Mr. Corbett should be given the seat by the appointment of the governor. The appointment was made, and the Senate refused to ratify the bargain. That is the simple statement according to the manner in which it appears in the record as made up and certified to by the president of the joint assembly.

Mr. SIMON. Mr. President, I do not wish to take up the time of the Senate in rediscussing the Oregon case. I think a very great wrong was committed when the Senate refused to seat Mr. Corbett, and if I could secure a reversal of that vote by this Senate, although it would be impossible for Mr. Corbett thereby to obtain a seat here, I should be content. I can not allow some of the statements made by my distinguished friend the Senator from Montana——

Mr. HOAR. May I ask the Senator one question before he passes from that sentence? Then I understand him to say that but for the precedent in the Corbett case he would be prepared now to affirm the authority of the governor as exercised in this case?

Mr. SIMON. I would.

Mr. HOAR. It is not any previous precedent, but that single one?

Mr. SIMON. I have always been of the same impression that the Senator from Massachusetts has—that any vacancy, no matter how it existed, might be filled by the governor's appointment; but I contend that, the Senate having determined that question otherwise, it would be wrong now, in view of having refused to seat Mr. Mantle and Mr. Corbett, and in view of the fact that the precedents have been in that direction for seventy-five years, to now again reverse that rule and seat Mr. Quay. That is as far as I care to go in answering the question of the Senator from Massachusetts.

I wish to answer some of the suggestions made by the distinguished Senator from Montana. My friend lives in a very peculiar country, and we have all heard more or less about the conditions in Montana and about Senatorial elections in that State, and I think many of his ideas are exaggerated, and are obtained by reason of what is learned from Montana politics. It has been generally charged, and to some extent believed, that in an election held in that State not very long ago—not in ancient times—moneys were used to corrupt the legislature; and if reports do the successful candidate no injustice, he separated himself from about $300,000. How true that is I do not know, but it is generally believed in the Western country that there is more or less truth in the rumors that have become current on the subject. I do not say that with any desire to cast reflection upon anyone. I have no knowledge upon the subject, and refer to this simply for the purpose of indicating how the views of the distinguished Senator from Montana may have become warped. He has been making exaggerated charges of corruption and bribery, and laying them to the door of Mr. Corbett.

I wish to deny again, emphatically, that Mr. Corbett was a candidate for the Senate. During the legislature of 1897 he had no idea of becoming a candidate for the Senate. He had no desire to be a candidate. It was his purpose and his desire that some gold-standard Republican should be elected other than himself. I speak from personal knowledge of the matter. What the Senator from Montana says he undoubtedly believes to be true, but he has been deceived and misled; and because he has been deceived and misled he has done Mr. Corbett a great injustice.

Now, I was very much entertained by the letter I just heard read, signed by my distinguished friend the senator from Clackamas County, Hon. George C. Brownell. I say this, calling him my friend, in all seriousness. The letter was drafted and prepared by Senator Mitchell. It bears the earmarks of Senator Mitchell. It was generally known and understood in Oregon that Senator Mitchell had prepared a letter or communication of this character, which was to be forwarded to the United States Senate. Up to this time I had not seen it or heard it read, and did not know its contents, and I am very much entertained and amused by what I learn from this letter.

What appears in the letter is all from the standpoint of Senator Mitchell, and I dissent from very many of the statements that are therein contained.

So far as the letter is concerned and so far as the Senator from Clackamas is concerned, I want to say this: If he, Senator Brownell, did at that time intend to cast any aspersions or reflections upon me, he has amply repaired that wrong. In the legislature of 1898, when I had the honor to be elected a member of this body, if it is an honor, and I presume it is, Senator Brownell placed me in nomination, and in the speech which he made eulogizing my private and public virtues it was apparent that in his judgment at least I was the man and the only man in Oregon who was fit for this important position.

As I said, this letter was written by Senator Mitchell, and of course was written in his interest and from his standpoint, and many of the statements made there can be taken with a grain of allowance, and perhaps it may be contended that some of the statements I have made here should also be taken with a grain of allowance. I have endeavored to state them fairly and truthfully, but my interest in this matter may have misled me and may have induced me to exaggerate or rather give undue importance to some of them. I do not think that is true. I have endeavored to be fair and candid and to state only the facts as I understood them to be.

Mr. Mitchell is not truthful in his letter—and I might as well refer to it as the Mitchell letter, because it is the Mitchell letter—when he says he was willing to retire from the Senatorial contest. It is true that he wrote the letters referred to, but these letters had strings upon them. It was well understood by members of the legislature that those letters were to go to the Republican caucus; that they were to be circulated for the purpose of inducing recalcitrant and weak-kneed members of the legislature, who were not disposed to unite in the election of Mitchell, to become members of the joint assembly and thereby bring about the election of Mr. Mitchell. It was at no time intended by Mr. Mitchell in good faith to retire from the Senatorial contest, and when he could succeed in inducing the hold-out Republican members to enter the joint assembly the letters of withdrawal would have accomplished their purpose and would then be withdrawn.

It appears from the letter that a Republican caucus was held at which there were present more than a majority of the Republican members of the legislature. I beg to disagree with that statement. It is not consistent with the facts. If it were true, there would have been no difficulty in bringing about the election of Mr. Mitchell. He would have been elected, because there were votes enough there, according to his claim, to elect him. In the first place, the charge was made publicly and believed to be true that names were added to the caucus roll without the consent of the parties whose names were appended to the call. The caucus call contained the names of several members who publicly declared that they had not signed the call and had not intended to be bound by it, and their names were upon the call without their consent. Although not personally present, I am assured that at no time were there members enough present in the caucus to elect Mr. Mitchell Senator, which goes to bear out the assertions that were made by those members who claimed that their names were appended to this call without their consent. It is certain they did not participate in the caucus, did not go into the joint convention, and refrained from having any connection with the movement to bring about a Senatorial election.

I do not want to take up any more of the time of the Senate in discussing this matter, but I thought I ought to say this much in answer to the Senator from Montana.

Mr. HOAR. I should like to say one word, suggested by what has been said by the honorable Senator from Oregon. He agrees that but for the single precedent of the Corbett case the Senate ought to follow the clear, plain purpose, as it seems to him and as it seems to me, of the Constitution, which would give to it an interpretation to the effect that whenever there is a vacancy in a recess of the legislature the governor may fill it.

Mr. BURROWS. I am sure the Senator from Massachusetts did not hear what the Senator from Oregon said.

Mr. HOAR. I did.

Mr. BURROWS. That the precedents for seventy-five years had established it in a certain way.

Mr. HOAR. I did, and I asked the Senator whether I understood him to say, what he very clearly said, that but for the Corbett precedent alone the Senator would have voted, if he had been here, for Corbett. If he had been the Oregon Senator on that day he would, if I understand him correctly, have voted for Mr. Corbett. But now the precedent the other way constrains him.

Now, what I wish to suggest to the Senator and to the Senate is this: How is it possible that he can know on what grounds the Senate voted in the Corbett case; whether they voted on the ground that the Constitution meant so and so, or whether they voted on the ground stated in the debate now by the Senator from Montana and stated in debate then at least by one other Senator in the Corbett case and stated in private by other Senators, as everybody who was here knows? The idea that a great wrong had been done to Senator Mitchell and to the Oregon legislature was circulated

most industriously through the Senate. It is not like the judgment of a court, where the court states its grounds, and it does not seem to me that anybody can tell whether the judgment of the Senate was put on one ground or on the other.

I believe as religiously as I believe anything in the world that if the question had come of the reappointment under such circumstances at that time of some esteemed and popular Senator like the late Senator from Vermont or the present Senator from Vermont or my honorable friend from Wisconsin, he would have been seated by a large majority on that day. I do not think anyone who remembers the history of that time will question it. So it does not seem to me that that vote is a vote of binding force. Senators who voted just the other way in the three other cases and in the New Hampshire cases voted that way.

Now, in regard to the previous precedents, it is true that there is no case which has gone on all fours with this, where a Senator has been seated; but it is also true that a large number of our precedents, the New Hampshire cases and a half a dozen of the earlier cases, overthrow the argument that a governor can not appoint unless a vacancy happen and begin in the recess; and the whole argument substantially of this case now is put on the ground of denying the doctrine on which a large portion of the old precedents go.

Mr. GALLINGER. Will the Senator permit me?

Mr. HOAR. Let me finish the sentence; then I will yield to the Senator. So the question is here now and will remain until it is finally disposed of one way or the other. Is the Senator from Oregon right when he says they meant to provide a means of filling all vacancies by letting the legislature do it when they are in session and the governor do it when they are not in session, or did they go into these thousand numerous refinements? Why, just see to what refinements our honorable friends are driven when they are talking about these precedents.

Here is the Sevier case. Now, the vacancy occurred when the Arkansas legislature was in session, and the governor filled it, the Arkansas legislature, however, not having heard of the vacancy before they adjourned.

My friends say, "Oh, well, the Constitution means that if the legislature have not had a chance to fill it the governor may appoint." But that is not what the Constitution says. It says if a vacancy happen during the recess. Now, if that means if a vacancy happens to begin during the recess, the Arkansas appointment, the appointment where the legislature did not have a chance to elect, is just as much a violation of the Constitution as any other. If it means, as we say on our side, if a vacancy exists during the recess, however it may have begun, then the Arkansas case was rightly decided.

The Arkansas case in any view of it overthrows the doctrine of the gentlemen who now resist Mr. Quay's right to a seat, because the vacancy did not begin during the recess, whether the legislature had heard of it or had a chance to fill it or not, and therefore the whole argument about happening, the whole argument of happening at the beginning instead of the middle, is gone. Now I will yield to my honorable friend.

Mr. GALLINGER. Mr. President, we want to be accurate about this matter; and as the Senator has cited the New Hampshire cases, I wish to ask the Senator where he gets any authority for stating that the vacancies in those cases did not happen during a recess of the legislature?

Mr. HOAR. But the argument in this case is that the word "happen" relates to a vacancy. I am dealing with that part of the argument which relates to a vacancy which occurs fortuitously and not vacancies which occur by reason of the expiration of a term and are foreseen. That was the argument in the New Hampshire cases. That is where it comes in.

Mr. GALLINGER. There has been a very wide difference of opinion, I will say, in New Hampshire as there was in the Senate, as to the right under the Constitution to admit Mr. Blair and Mr. Bell. I think I shall show before this debate closes that the contention that those gentlemen were not entitled to seats was, perhaps, well grounded. But the essential fact is——

Mr. HOAR. They are authorities against that contention.

Mr. GALLINGER. The essential fact is, Mr. President, that those vacancies did occur three months before the legislature convened; that it was during a vacancy of the legislature; that the legislature could not by any possibility elect; and hence, under the Constitution, a majority of the Senate ruled or voted that it was a vacancy occurring during a recess of the legislature as contemplated by the Constitution, and hence, by a small majority, Mr. Bell was admitted to a seat in this body.

Mr. HOAR. But the vacancies did not happen. Now, if the gentleman or anybody gives authority to the New Hampshire cases at all, he has got to go with me to this extent, namely, that the word "happen" does not describe fortuitous vacancies alone, but describes vacancies existing, whether they come by chance or not. That is as far as they go, I agree; but they go to that length.

Mr. GALLINGER. I think I would agree with the Senator on that point, but I would not agree with the Senator that a vacancy occurring during a recess can be filled at any time after the legislature has had an opportunity to act. I take it that about this hour the public schools of Washington are having a recess, but after the school is called together, after the recess terminates, I do not think the recess continues until midnight. That is my judgment of what a recess means.

Mr. SIMON. Mr. President, the Senator from Massachusetts is correct in his assumption that if I had been a member of the Senate when Senator Corbett appeared here with his credentials from the governor of Oregon I would have voted to seat him. The Oregon case was a very peculiar case. It is sui generis. There is not another case of its kind on record. Here was a case where the legislature had failed to organize, and there had been no opportunity for the constitutional authority of the State to fill that vacancy. By what authority can it be contended that the State should be blamed and deprived of its representation in the Senate if its agent fails to perform a duty that is required of it by the Constitution? I think the Oregon case is entirely a different case and a very much stronger case for the seating of a governor's appointee than any of the other cases that have been submitted to the consideration of the Senate.

For seventy-five years, as the Senator from Tennessee [Mr. TURLEY] has shown to the Senate, the Senate has refused to seat the appointee of a governor when the legislature had had an opportunity to elect and failed to do so. I should have been bound to follow that precedent, and I should have refused to vote to seat anyone other than in the Corbett case, because I should have followed the unbroken line of precedents. The Corbett case stands upon a different footing from any of the others. I do not believe that there should be one law for the North and another for the South. I do not believe that there should be one law for the State of Montana or the State of Delaware or the State of Oregon and another for the State of Pennsylvania. I think the same rule ought to apply in every State, and if the Senate has determined, during this long period of time, that the Constitution ought to be construed in this manner, that the appointee of a governor shall not be seated if the legislature has had an opportunity to fill the vacancy, then, whether that contention is right or wrong, it is better to follow that conclusion and to follow that line of decision than to change it now at the solicitation of anyone, no matter how anxious we may be to serve him. If we change it now and seat the appointee from Pennsylvania, how long will that rule continue? How soon will there be a change again?

The reason why I should have voted to seat Senator Corbett is because the legislature had had no opportunity to elect, and for the further reason that the legislature was not in session, not only had no opportunity to elect, but had never organized, and had never been in a position where it could conform to the constitutional requirements in electing a Senator.

The PRESIDING OFFICER (Mr. PERKINS in the chair). There is nothing before the Senate at this time. The Calendar under Rule VIII will be proceeded with.

THE PHILIPPINE ISLANDS.

Mr. SCOTT. I introduce a joint resolution and ask that it be read at length. On Friday, after the morning business has been disposed of, I shall offer some remarks upon it.

The joint resolution (S. R. 97) authorizing the President of the United States to govern the Philippine Islands until Congress shall otherwise provide was read the first time by its title and the second time at length, as follows:

Be it resolved, etc., That until otherwise provided by Congress, the President of the United States shall exercise and employ all military, civil, and judicial powers necessary in his discretion to govern the Philippine Islands, and that all such powers shall be vested in such persons and exercised and executed in such manner as the President shall determine from time to time to be fitting and proper for maintaining government thereof and therein, and for protecting the inhabitants of said island in the full, fair, and free enjoyment of their liberty, property, and religion.

The PRESIDING OFFICER. The joint resolution will be printed and lie on the table.

MARGARETHA LIPPERT.

Mr. KENNEY. I ask unanimous consent for the immediate consideration of the bill (S. 3186) granting a pension to Margaretha Lippert.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Margaretha Lippert, widow of Adam Lippert, late of Company B, Eighth Battalion, District of Columbia Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ROAD TO NATIONAL CEMETERY NEAR NEWBERN, N. C.

Mr. BUTLER. I ask unanimous consent to call up the bill (S. 2499) to authorize needed repairs of the graveled or macadamized

road from the city of Newbern, N. C., to the national cemetery near said city.

The PRESIDING OFFICER. The Secretary will read the bill for the information of the Senate.

The Secretary read the bill.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate House bill No. 1.

Mr. FORAKER. House bill 8245 is the unfinished business.

The PRESIDING OFFICER. The Secretary will read the title of the bill which is the unfinished business.

The SECRETARY. A bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Puerto Rico, and for other purposes.

Mr. GALLINGER. I hope that will be laid aside until the bill called up by the Senator from North Carolina, which has just been read, is acted on.

Mr. BUTLER. It will take but a moment. I ask unanimous consent that the bill be put on its passage.

The PRESIDING OFFICER. If no objection be made, the unfinished business will be temporarily laid aside.

Mr. ALDRICH. What is the bill which the Senator from North Carolina has called up?

The SECRETARY. A bill (S. 2499) to authorize needed repairs of the graveled or macadamized road from the city of Newbern, N. C., to the national cemetery near said city.

Mr. ALDRICH. I objected to a similar bill the other day providing for a road in Tennessee, and I feel obliged to enter the same objection.

Mr. SPOONER. And that bill was passed after the Senator left the Chamber.

Mr. BUTLER. This bill was reported by the Committee on Military Affairs.

Mr. ALDRICH. I withdraw the objection.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2499) to authorize needed repairs of the graveled or macadamized road from the city of Newbern, N. C., to the national cemetery near said city, which had been reported from the Committee on Military Affairs with amendments.

The first amendment was, in section 1, on page 2, line 3, before the word "thousand," to strike out "five" and insert "six;" so as to make the section read:

That the sum of $6,000 be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, for much-needed repairs and improvements of the graveled or macadamized road leading from the city of Newbern, N. C., to the national cemetery near said city, the said sum of money to be expended under the direction of the Secretary of War of the United States: *Provided*, That no more of the said appropriation shall be expended than is necessary to put said road in as good condition as when originally constructed for the United States.

The amendment was agreed to.

The next amendment was, on page 2, after line 12, to strike out section 2, in the following words:

SEC. 2. That this act shall be in force from its ratification.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

INDIANA STATE CLAIMS.

Mr. SCOTT. Mr. President——

Mr. FAIRBANKS. If the Senator from West Virginia will allow me, I should like to call up Senate joint resolution No. 66.

The PRESIDING OFFICER. The Senator from Indiana asks unanimous consent to call up a joint resolution, which will be read for the information of the Senate.

The Secretary read the joint resolution (S. R. 66) authorizing and directing the Secretary of the Treasury to pay certain claims of the State of Indiana.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

Mr. PETTUS. I ask for the reading of the report on the joint resolution.

The PRESIDING OFFICER. The Secretary will read the report as requested.

Mr. ALDRICH. I dislike to object to the consideration of these bills, but the Senator from Nebraska [Mr. ALLEN] gave notice yesterday that he would make some remarks to-day on the conference report upon House bill No. 1. Only two hours remain between now and the time that has been fixed by unanimous consent for the vote to be taken, and I think that the Senator is entitled to the floor. With that view I feel obliged to object to the consideration of any other measure.

The PRESIDING OFFICER. Objection is made. Discussion since 2 o'clock has been proceeding by unanimous consent. The Chair has no discretion but to state that the point is well taken. The Senator from Nebraska.

Mr. ALLEN. I understand that the Senator from West Virginia [Mr. SCOTT] desires the attention of the Chair for a moment, and I will temporarily yield to him.

Mr. FAIRBANKS. Under the circumstances, let the bill which I called up go over without prejudice.

The PRESIDING OFFICER. Such will be taken as the sense of the Senate. The Senator from Nebraska yields to the Senator from West Virginia.

PUBLIC BUILDING AT WHEELING, W. VA.

Mr. SCOTT. I am very much obliged to the Senator from Nebraska. I ask unanimous consent for the present consideration of the bill (S. 717) to provide for the purchase of a site and for the erection of a public building thereon at the city of Wheeling, State of West Virginia.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with amendments.

The first amendment was, in section 1, page 2, line 2, before the word "dollars," to strike out "one million" and insert "four hundred thousand;" so as to read:

That the cost of such site and building, including the vaults, heating and ventilating apparatus, elevators, and approaches, complete, shall not exceed the sum of $400,000. That proposals for the sale of land suitable for said site shall be invited by public advertisement in three or more of the newspapers of largest circulation in said city for the period of at least thirty days prior to the date specified in said advertisement for the opening of said proposals.

The amendment was agreed to.

The next amendment was, in section 1, page 2, line 25, after the word "property," to insert the following proviso:

Provided, however, That the sale of said building and land hereby authorized shall not be proceeded with until after the erection and completion of the building herein provided for: *Provided further*, That in making such sale the Secretary of the Treasury may accept payment therefor in installments, any deferred payments to be secured to the satisfaction of the Secretary of the Treasury.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 282) extending the time for the completion of the bridge across the East River, between the city of New York and Long Island, now in course of construction, as authorized by the act of Congress approved March 3, 1887.

The message also announced that the House had passed with amendments the bill (S. 3266) authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Brig. Gen. E. O. C. Ord from Oak Hill Cemetery, District of Columbia, to the United States national cemetery at Arlington, Va.; in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 459) for the relief of Christiana Dengler;

A bill (H. R. 2955) providing for the resurvey of township No. 8, of range No. 30 west, of the sixth principal meridian, in Frontier County, State of Nebraska;

A bill (H. R. 4001) authorizing the adjustment of rights of settlers on the Navajo Indian Reservation, Territory of Arizona;

A bill (H. R. 5032) authorizing the Secretary of the Interior to negotiate with certain Indian tribes in Oklahoma for the cession of the "neutral strip;"

A bill (H. R. 5485) providing that the State of Wyoming be permitted to relinquish to the United States certain lands heretofore selected and to select other lands from the public domain in lieu thereof;

A bill (H. R. 7150) for the relief of Francesco Perna;

A bill (H. R. 7649) authorizing the Secretary of the Interior to issue patent to the city of Elreno, Okla., for cemetery purposes;

A bill (H. R. 7663) to establish a board of charities for the District of Columbia;

A bill (H. R. 8069) to amend an act approved July 22, 1892, entitled "An act to provide for the opening of alleys in the District of Columbia;"

A bill (H. R. 8463) ratifying an appropriation by the legislature of Oklahoma, out of the Morrill fund, for the use of the university at Langston for colored students;

A bill (H. R. 8532) to quitclaim all interest of the United States of America in and to lot 4, square 1113, in the city of Washington, D. C., to William H. Dix;

A bill (H. R. 8566) authorizing certain suits in the Court of Claims, and for other purposes;

A bill (H. R. 8585) to amend an act entitled "An act to prevent forest fires on the public domain," approved February 24, 1897; and

A bill (H. R. 8590) to ratify and confirm an agreement with the Comanche, Kiowa, and Apache tribes of Indians of Oklahoma Territory, and to open their reservation for settlement.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 1931) to provide for the erection of a bridge across Rainy River, in the State of Minnesota, between Rainy Lake and the mouth of Rainy River;

A bill (S. 3360) to extend the time for the completion of a bridge across the Missouri River;

A bill (H. R. 6493) for the relief of John Anderson, a Pottawatomie Indian, and his adult children; and

A bill (H. R. 7737) to change the name of the Potomac Insurance Company of Georgetown, and for other purposes.

THE FINANCIAL BILL.

The Senate resumed the consideration of the conference report on the disagreeing votes of the two Houses upon the bill (H. R. 1) to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, and for other purposes.

Mr. ALLEN. Mr. President, it is not my purpose to detain the Senate long in the discussion of this measure, because I suppose the decree has gone forth that it shall pass, be signed by the President, and become a law before the 15th of this month.

The bill as reported back from the committee of conference does not differ substantially from the Senate amendments; in fact, it is practically a recast of the Senate amendments.

The measure has been so fully discussed heretofore by other Senators representing the views I hold that it would be useless for me to discuss it at length; but there are some matters about the conference report to which attention, I think, ought to be called, and I will do that as briefly, as concisely, and as speedily as possible. I shall not take up these points in their consecutive or chronological order. I shall take them as they come to my mind, and as I think will best serve the purposes of this discussion.

The gold standard, of course, is the first thing, and it is adhered to. It was in the House bill and in the Senate amendments, and it is in this conference report. I suppose it will not be denied on the other side of the Chamber and by the advocates of this measure that it is in gross violation of the declaration of the Republican party in its platform of 1896. Nor do I suppose it will be asserted that there has ever been an honest effort on the part of the Republican party to bring about international bimetallism. I think the country understands that no effort was ever made in that respect. So we are to have the gold standard, with all the withering and blighting influences it will bring to the industries and the industrial classes of the country, not that it is required, not that it is demanded by the people, but because a few rich men and a few corporations demand it as the price of their support of the Republican party.

I see there is retained in this conference report a provision by which the obligations of contracts are impaired. No respect whatever is paid to the constitutional doctrine, universally accepted, that legislation shall never impair the obligations of contracts; but it is proposed by this measure to run roughshod over that doctrine, over the rights of debtors and the rights of every contract, and to make every contract, public and private, that is payable in lawful money payable in gold at the present standard of weight and fineness.

The Senator from Rhode Island [Mr. ALDRICH], I regret to say, makes many of his arguments by shaking and nodding his head, that never get into the RECORD; and the Senator is now engaged in that occupation.

Mr. ALDRICH. Mr. President, I dislike very much to interrupt the Senator.

Mr. ALLEN. It is no interruption at all.

Mr. ALDRICH. Then I will inject into the Senator's remarks the statement that up to this moment I do not agree to any of the statements he has made, and I presume that will be true when the Senator shall have concluded his speech.

Mr. ALLEN. I do not doubt that, because in the six or seven years of my acquaintance with the Senator from Rhode Island I have never known him to be on the right side of any public question. But I will verify what I stated by the language of the conference report, which, I understand, was drafted largely by the Senator from Rhode Island.

Section 2 reads as follows:

That it shall be the duty of the Secretary of the Treasury, in order to secure the prompt and certain redemption of United States notes and Treasury notes as hereinbefore provided, to set apart in the Treasury a reserve fund of $150,000,000 in gold coin, which fund shall be used for such redemption purposes only, and whenever and as often as any of said notes shall be redeemed from said fund it shall be the duty of the Secretary of the Treasury to use said notes so redeemed to restore and maintain such reserve fund in the manner following—

I observe that I have not read the correct section. I am reading from the wrong measure, from the Senate bill. I shall not occupy the time nor detain the Senate to turn to the passage I had in my mind, because it will appear in the bill, and I do not think the Senator from Rhode Island will deny it.

Mr. ALDRICH. I do most emphatically deny it.

Mr. ALLEN. Does the Senator from Rhode Island deny that this conference report makes all contracts, public and private, payable in gold coin of the present standard of weight and fineness?

Mr. ALDRICH. I do.

Mr. ALLEN. The Senator says he does. I did not suppose that any man would deny that the sun shone when everybody was looking at it. But I am not surprised at his denial. Every contract, public and private, according to this bill, is reduced to the gold standard. The bill does not stop with the obligations of the nation or the obligations of States or of municipalities and counties, but it makes every obligation, however unimportant it may be, of private individuals payable in gold coin of the present standard of weight and fineness.

Mr. President, that is wrong. I understand, of course, if a man has worked himself into the frame of mind where he says he proposes to do wrong anyway, regardless of consequences, there is not much hope in appealing to him to do right, and it seems to me that has been exactly the frame of mind of our Republican friends in this Chamber during the discussion of this bill. But three gentlemen upon the other side have spoken upon this subject. The Senator from Rhode Island [Mr. ALDRICH], who is chairman of the Committee on Finance, has given it a few light touches, but has studiously refrained from being provoked into its analysis and its extensive discussion; the Senator from Iowa [Mr. ALLISON] has been induced, I think contrary to his desire, to say something on the subject; and yesterday we were treated to a very learned discussion of the bill by the senior Senator from Indiana [Mr. FAIRBANKS]. There seems to have been a disposition on that side of the Chamber to run away from the discussion and an analysis of the bill. I do not know why, unless it is because there is a desire that the people shall not know the contents of the bill or the effect it is to produce upon the interests of the country.

Mr. President, this bill is a bill in the interest of the national banks. It is not a bill in the interest of the people. Of course no public officer ever admitted that he did wrong through wrong motives. Every man who undertakes to foist upon the country anything that is unsound, that will not bear analysis, always declares that he does it in the interest of the public good. So, Mr. President, it is claimed, or it will be claimed, I suppose, in this case, that this stupendous scheme of buncoing the people is designed to advance the interests of the people and not to advance the interests of any particular class. It is a legislative bunco scheme, and it is not entitled to any more euphonious name than that.

I have yet to hear the Senator from Rhode Island—and I speak of him because he is the responsible agent of his party in this matter—tell the country why the power to issue money is turned over to private banking institutions. Perhaps he will gratify the wishes of the opposition and enlighten the country at this time by answering that question.

Mr. ALDRICH. There is no provision in the conference report which changes the law in regard to the issue of national-bank notes or enlarges it in any way.

Mr. ALLEN. The Senator fires and falls back, as I expected he would. Why does the Republican party give to the banks the power to issue money?

Mr. ALDRICH. Ever since 1864——

Mr. ALLEN. Eighteen hundred and sixty-three.

Mr. ALDRICH. Ever since 1863, by legislation, and by the concurrent opinion of the people of this country sustaining that legislation, national banks have had the right to issue a certain proportion of our circulation. This conference report does not enlarge that right in any respect.

Mr. ALLEN. Well, now, that answer may be entirely satisfactory to the Senator. Since 1863 we have had national banks; ergo, we must continue them. That is the answer.

Mr. ALDRICH. There has been no suggestion on the part of anybody to abolish the national banks.

Mr. ALLEN. There has been none?

Mr. ALDRICH. None that I know of, except in the speeches of the Senator from Nebraska.

Mr. ALLEN. Oh, no, Mr. President; a great many people in the United States have been urging that question for years past.

Mr. ALDRICH. They are not numerously represented on this floor, then.

Mr. ALLEN. They may not have the agencies of being represented on this floor that are at the disposal of others. That makes some difference, sometimes, in the numerical representation of a party or an organization. But that answer of the Senator is not satisfactory, and will not be satisfactory to any intelligent and investigating man.

Why should the interests of 75,000,000 people, with all our commerce and our agricultural and industrial interests, be turned over to 3,500 or 4,000 men? The Senator can answer that question or run away from it, just as he sees fit.

Mr. ALDRICH. My answer to that would be that neither does the bill nor the existing law turn over to the national banks any such power as the Senator suggests. There is now in existence national bank note circulation amounting to about 12 per cent of the entire amount of money outstanding. In 1865 and the years that followed that amount was nearly 50 per cent. The national bank note circulation to-day is of much less importance relatively to our currency than it has ever been in most of the periods of our history for the last generation. There is no suggestion, as I have said, to increase the powers of the national banks over our currency. We do not turn that power over to them.

Mr. ALLEN. Well, Mr. President, I wish I thought that was true and could convince myself that it is true. The Senator says that the committee in their report do not turn over anything to the national banks, that they do not increase their powers, and yet it is patent upon the face of the bill that they do, and that that is one of the chief purposes of this bill. The banks, according to the existing law, are confined to 90 per cent of bonds deposited, in the issuance of their currency notes. By this bill it is proposed to give them power to issue to the par value of the bonds. There is an increase of 10 per cent.

But, Mr. President, that is not the most dangerous increase. This bill provides for an unlimited issue of Government bonds, and every dollar of Government bonds that may be issued in the future can be covered by a dollar of bank currency, and there is no limitation and no end to it.

Mr. ALDRICH. I dislike to interrupt the Senator, but I am sure he wants to keep reasonably within bounds in this discussion. There is nothing in this bill that provides for an unlimited issue of bonds. There is no single provision of that nature, and no such suggestion has ever been made by anybody who is a friend of this measure.

Mr. ALLEN. No, Mr. President, the friends of this measure would not disclose the cloven foot. It is their purpose to hide it, as far as possible.

Mr. ALDRICH. Then, Mr. President, I hope the Senator's time will be sufficient in this particular case to have him point out the provision of the bill that he thinks does what he has stated.

Mr. ALLEN. I shall endeavor to do so. I say the bill confers unlimited power to issue Government bonds. In the first place, then, Mr. President, along that line of thought, the bill creates, for the first time in the history of this country, by statute a reserve fund, fixing the maximum at $150,000,000 and the minimum at $100,000,000, and every time that reserve fund is drawn down to the minimum—and it can be at any time—the Secretary of the Treasury is clothed with the power, at his caprice, at his discretion, to issue bonds, to put them upon the market, to buy gold and fill up the reserve fund. Every one of those bonds, as often as they may be issued, forms the basis for the issuance of additional national-bank currency; and in that respect there is no restriction upon the power to issue currency under the bill.

Mr. ALDRICH. Mr. President, the act of 1875 for the redemption of United States notes did give unlimited power to the Secretary of the Treasury to sell bonds of the descriptions referred to in the act of 1870 for the purposes of redemption. That power is not disturbed by this bill, and there is no suggestion on anybody's part of depriving the Secretary of the Treasury of that power. That is the only unlimited right that the Secretary of the Treasury has now by law for the issue of bonds.

This bill provides, in the section to which the Senator referred, for a strictly limited issue of bonds, which can not exceed $50,000,000 at any one time; and the Senator, if he is familiar with the terms of the bill, must be aware of that fact.

Mr. ALLEN. But how often may the Secretary of the Treasury issue bonds?

Mr. ALDRICH. He can issue them as often as the reserve fund is depleted to the amount of $50,000,000.

Mr. ALLEN. Exactly so.

Mr. ALDRICH. Which can never happen, in my judgment, at all, and which certainly could not happen very often on account of the limited amount of United States notes for which the reserve is pledged.

Mr. ALLEN. As often, therefore, as this reserve fund is trenched upon—and it may be trenched upon every week, for that matter, and every month and every year—the Secretary of the Treasury may issue bonds without any authority from Congress but that contained in this act, and put them on the market and buy gold, and those bonds will furnish the basis for the issuance of national-bank currency.

Mr. ALDRICH. I think it is rather important in that connection to define exactly what can be under any circumstances the maximum issue of bonds. The amount of United States notes for which this reserve fund is held, and now outstanding, is $346,000,000. The proposed reserve fund is $150,000,000; and the maximum amount of bonds which can be issued for that reserve fund, therefore, under any circumstances, is $196,000,000, instead of the unlimited amount which the Senator says.

Mr. ALLEN. How often can that be done?

Mr. ALDRICH. It can not be done beyond that under any possible circumstances.

Mr. ALLEN. I wish I could look upon this bill with the favor with which the Senator from Rhode Island looks upon it; but it does not bear that construction.

Mr. ALDRICH. If the Senator from Nebraska—who, I know, has been extremely busy with regard to other matters recently, and has not been able to be here sometimes during a portion of the discussion—had had time to give the attention to this bill which he usually gives to public matters and to public measures, I am sure he would, to a very large extent, anyhow, agree with me as to its provisions.

Mr. ALLEN. The Senator when cornered in this respect immediately flies off to the resumption act of 1875, and there falls into trouble again. He says that furnishes unlimited authority to the Secretary of the Treasury to issue bonds. Mr. President, it does not. The act of 1875 provided for the issuance of bonds to make one specific redemption, and when that redemption was made, that statute became functus officio, and has never had vitality from that moment to this; and yet I know that Mr. Cleveland and others followed the idea that it afforded authority for the issuance of bonds. But, Mr. President, that the issuance of bonds under the Cleveland Administration was a clear usurpation of power, a positive violation of the statutes of the United States, has been shown too frequently in this Chamber to be open to discussion at this time. There is no authority for it. I have no doubt it could be used if anybody wanted to use it, and that it would afford a pretext for the unlawful issuance of national obligations.

So when we come to look at this measure in all of its details, in this respect it gives the national banks of the United States unlimited power over the currency of the country; and the Senator from Rhode Island and his associates propose to put all the industries and all the industrial classes on their knees at the feet of this gigantic financial power. For what? What have the people done that their backs should be burdened? Simply, Mr. President, because they will bear it, and because this wonderful power, known as the National Banking Association, is a power that must be reckoned with in party politics. That is all there is to it.

The bill does more, Mr. President. It perpetuates and continues the national banks. In 1882 a bill was passed extending the charters of the national banks for twenty years. That law will expire by limitation in two years from now. Couched within the terms of this bill, without disclosing it as fully as it should be disclosed, is a provision which extends the charters of the national banks without any limitation. The Senator is going to deny that, I suppose?

Mr. ALDRICH. I am, most certainly; and I should like to have the Senator call attention to any such provision in the bill.

Mr. ALLEN. These things must be evil or they would not be denied.

Mr. SPOONER. They are denied because they are evil.

Mr. ALDRICH. Exactly.

Mr. ALLEN. Then they must be evils inhering in this bill. If you touch a man upon an unpleasant truth, he is always sensitive. When these hideous features of this monstrous measure are brought out, they are so monstrous and so unjust that even the Senator from Rhode Island himself will arise and protest——

Mr. ALDRICH. Would it be asking too much of the Senator from Nebraska to ask him to bring out these "hideous features?"

Mr. ALLEN. I am bringing them out as rapidly as I can.

Mr. ALDRICH. I am not referring now to the Senator's imagination, but to the terms of the bill.

Mr. ALLEN. The Senator stands here to cover them up like a hen covers her brood at night. They are to be hidden from public view. I do not know that I blame him particularly. He has been set apart and consecrated to this purpose by his party associates on that side of the Chamber.

Mr. SPOONER. Mr. President, will the Senator allow me to ask him a question?

Mr. ALLEN. I always yield to the Senator from Wisconsin with pleasure.

Mr. SPOONER. Will not the Senator uncover this particular chicken?

Mr. ALLEN. Yes, sir; I will uncover the whole brood.

Mr. SPOONER. But this particular chicken. Where is the provision in this bill that extends indefinitely the charters of the national banks?

Mr. ALLEN. If the Senator will turn over and read the bill through he will find it there. It occupies almost half of one page.

Mr. SPOONER. Is that the only answer the Senator makes to my question?

Mr. ALLEN. I shall not take up this bill like a boy takes his reader at school and read it for the enlightenment of my friend from Wisconsin. He has got as much time as I have to do that.

Mr. SPOONER. I was asking for information.

Mr. ALLEN. The Senator needs it; and he will find it in the bill.

Mr. SPOONER. If the Senator admits he can not give the answer to me, I will pursue the other course.

Mr. ALLEN. I could give it to the Senator. I could give him information upon this and upon other important matters that he stands much in need of; and some day when I am in a proper frame of mind and have ample time I shall set apart an hour for that purpose and shall be glad to do so. [Laughter.]

So, Mr. President, the charters of the national banks are to be extended. When are they to end? Will a time ever come in the history of our country—and I put this question to the Senator from Rhode Island, too—when the national bank as a bank of issue will cease to be an institution of the land? Will the Senator answer that question?

Mr. ALDRICH. I trust the time will never come unless some wiser and better means can be devised for furnishing currency to the people of the United States, or a part of it.

Mr. ALLEN. Such frankness, Mr. President, was not to be expected. I expected to hear the Senator say, "Some time—some time in the indefinite and hazy future—the national bank as a bank of issue will cease to have an existence."

I am not an enemy of the national bank or any other kind of a bank that is properly conducted as a bank of deposit or a bank of exchange; but when a banking institution usurps the sovereign power of issuing and controlling the volume of money, which belongs to the Government, I am its enemy in that respect, and no further. Here the Senator from Rhode Island and his associates bargain, transfer, and sell this sovereign power to less than four thousand institutions in the United States, and the Senator stands up here, childlike and bland, and admits the time will never come, as he hopes, when that power will be taken back by the Government. So all the future generations that are to follow us and all the countless millions that are to come and go are to be the bond slaves of this gigantic institution. The Senator from Rhode Island is doing to-day all he can to weld the chains of slavery upon them, and he seems to delight in admitting it.

Mr. President, no man has ever given a reason, and in my judgment no man ever will give a reason, why the greenbacks, the money issued by the Government, should be retired, burned up, destroyed, impounded, or in some other manner rendered useless. Why did you not let the greenback stay where it was? It had performed the work of money for almost forty years; it was good enough to pay the soldiers and sailors during the late civil war, and to sustain the Government; and our late associate, the Hon. John Sherman, from Ohio, declared upon this floor repeatedly in my hearing that it was the best and wisest money this Government ever had. Why did you not let it alone? Your friends, the banks, could not make any money out of it. It was not a fit instrument to exact unlawful tribute from the pockets of the people, and therefore it must disappear. Of course the Senator from Rhode Island would not admit that that was the reason. He would say that it was to break the endless chain, or for some other imaginary reason that it was necessary to retire them; but the real reason was that your accomplices could not make money out of it and can not make money out of it. It is the money of the people. It is as open to one man as to another.

So, Mr. President, the sovereign power to issue money is all turned over to these few institutions, with practically no limit or check upon them in their power to issue or to contract the volume of money. No man has fought stronger against the power of inflation than the Senator from Rhode Island. I remember, Mr. President, when he was fearful that something would be done by Congress that would give unlimited power of inflation. He and his associates upon the other side of the Chamber depicted in language I am unable to use the consequences that would come to our country as the result of extreme inflation. Yet this measure puts it in the hands of a few thousand men to expand the currency of the country at their will without limitation, and it puts in their hands also that other dangerous power that leads to the same result—bankruptcy and ruin—the power of unlimited contraction of their notes. Do you tell me there is any power under this or any other law of the United States to restrain these banks from retiring their currency when they want to?

Mr. ALDRICH rose.

Mr. ALLEN. Now I see the Senator from Rhode Island comes to his feet. I am glad to welcome him again. I will listen to him.

Mr. ALDRICH. The Senator from Nebraska undoubtedly is aware, if he has not forgotten it, that the present law, which is not changed in this respect, limits the amount of the currency which can possibly be retired by the national banks to $3,000,000 a month.

Mr. ALLEN. How much can they retire monthly?

Mr. ALDRICH. Three million dollars in the aggregate.

Mr. ALLEN. In the aggregate?

Mr. ALDRICH. In the aggregate. That is $36,000,000 a year.

Mr. ALLEN. How long would it take to retire the outstanding currency?

Mr. ALDRICH. Eight years to retire the currency now outstanding.

Mr. ALLEN. What contraction and disaster and injustice would that occasion?

Mr. ALDRICH. Does the Senator think that $36,000,000 a year, at the rate of three millions a month, would bring disaster upon the country?

Mr. ALLEN. It would add very materially to it, Mr. President.

In 1891 and 1892 the country was receiving an addition to its volume of money of about $50,000,000 a year through the coinage of silver. We had reasonably prosperous times in those days—that is, a man could live and have his bills paid at the end of the year. He would not have anything left, but he would be square with the world. We called that prosperity.

Mr. ALDRICH. Is not the Senator aware that the expansion of the currency has been greater in the year which has just elapsed than it was at the time he mentions?

Mr. ALLEN. I will come to that in a moment. I am glad to know there is some truth in that statement, and I will mention it in a moment. But in 1893 prosperity had grown so great that the friends of the Senator from Rhode Island called for a repeal of the act which authorized the issuance of silver money. We came together, I think it was on the 7th of August, 1893, and we debated this question until the 1st day of November, and they had power enough to carry the act through. Then we have been trying from that time on to recover from the consequences of that evil and that shortage in our money volume until within the last eighteen months, when we have struck more gold than the Senator and his party ever dreamed of, and by the addition of this volume of gold to the world's stock of money we have had some prosperity, just what those of us who hold to the doctrine of the quantitative theory of money have always maintained.

But, Mr. President, do you suppose, does any sane man suppose, that the Republican party wanted this tremendous volume of the money metal to be discovered and be thrown on the market as suddenly as it has been? It is one of the things, thank God, that Republican legislation can not reach. They have got everything in the world but the air and the sunshine, and they are getting them as rapidly as possible. They have the water and the land. It is not due to the Republican party that there was a discovery of more gold, double the amount of gold, than there has been in the past. It was not due to their agency. They were not responsible for it, nor are they responsible for the consequences flowing from it. There is more gold being produced to-day than there was of gold and silver combined in 1893, when you passed the bill to repeal the purchasing clause of the Sherman Act. But this great party of which the Senator from Rhode Island is a shining light and a leader is perfectly willing to appropriate to itself even this beneficence of nature and tell the country that it was through its action that these discoveries were made and this seeming prosperity brought to the country by the Republican party. There is a great deal of prating about the prosperity of the country, due, of course, always, in the imagination of those gentlemen, to the elevation of that party to power, but which upon examination proves to be delusive and false.

Mr. President, it is said—I think I heard the Senator from Rhode Island say it—that there is not much money to be made by the issuance of national-bank currency; that it is not a very iniquitous scheme after all. That has been announced in this Chamber repeatedly. But have you had occasion to hear what the bankers say about this bill? They are already speculating upon the fact that it is to become a law. What do they say about it? The New York Sun of the 4th instant contains an article entitled

"Bond profits for banks," and it quotes from a circular letter issued by Harvey Fisk & Sons. I read from the article:

WHY THE COUNTRY DEMAND FOR THE BONDS IS SO STRENUOUS.

Why Government bond prices have advanced sharply recently is explained by the showing made in a circular addressed to the national banks by Harvey Fisk & Sons. This circular says regarding the pending currency bill:

"Among its other attractive features the bill provides for the issue of 2 per cent thirty-year gold bonds, the reduction of one-half per cent per annum in the tax on circulation where secured by these bonds, the issue of notes to the full face value of the bonds deposited, and the right to increase circulation at any time, by the repeal of the restriction which has heretofore prevented its increase until the expiration of six months from the last decrease in circulation.

"Many banks have already increased their holdings of the old issues which are to be refunded into the new 2 per cents, and while there has been a material advance in the prices of all Government bonds during the last few days, they are still obtainable at prices making the new twos very attractive as a basis for circulation. At present prices every dollar invested in circulation will realize over 20 per cent per annum. In no other way can such rates of interest, absolutely free from risk, be secured, and it behooves the banks to act promptly in order to secure the full advantages of the transaction."

Twenty per cent profit per annum! Yet we have been led to believe that there is no profit in it; that the action of the banks is wholly due to motives of patriotism; that they are willing to put their strong arms around this Government and under the Government and tide it over all its financial difficulties from time to time, prompted alone by the spirit of patriotism. Yet this financial house, issuing its circular letter, says there is 20 per cent profit on every dollar invested, and that there never was a time in the history of the country when such great profits could be made as can be made by an investment in these securities.

Mr. ALDRICH. Has the Senator from Nebraska sufficient credulity to believe that that is true?

Mr. ALLEN. I do not know what the Senator means by "credulity," unless he thinks that I——

Mr. ALDRICH. Does the Senator seriously think that a bank can buy any bonds of the United States as the basis of circulation and receive 20 per cent profit on the purchase?

Mr. ALLEN. When a great banking house, which has been established for years, recognized in financial circles throughout the world, as a house of good standing, issues a circular letter of that kind I must believe there is at least a modicum of truth in it.

Mr. ALDRICH. There is not even a modicum.

Mr. ALLEN. I do not like to put friends at cross-purposes, and I will not set my friend to quarreling with his friends in New York. I simply speak of the fact and let it pass for what it may be worth. This circular goes on to explain:

The circular goes on to explain that an investment of $106,000 in $100,000 of the bonds is really an investment of $6,000 only, since $100,000 of circulation can be taken out against the bonds. The 20 per cent profit is on the $6,000. With the outstanding 3 per cent bonds at 111.93, the fours of 1907 at 117.80, ex-April interest, and the fives at 116.62 the cost of the twos will be 106. At 100 the profit on circulation would be 21.55 per cent a year with money at 4 per cent, and 21.83 at 5 per cent.

Does the Senator from Rhode Island disagree with that statement?

Mr. ALDRICH. He does.

Mr. ALLEN. The Senator does.

The profit from the twos at 107 would be 18.21 per cent on the actual cash invested with money at 4 per cent and 18.50 with money at 5 per cent. The profit at 108 with money at 4 per cent would be 15.71 per cent, and with money at 5 per cent 16 per cent. There were predictions in Wall street yesterday that the price of the new twos would reach 110.

We are going to exchange them at par and let somebody else make 10 per cent on them.

Isaac N. Seligman has written a letter to Secretary Gage regarding what he thinks is a flaw in the currency bill. He says that under section 2 of the bill, after an issue of bonds to replenish the reserve fund, notes that had been redeemed through the action of this fund would have to be turned into the general fund of the Treasury in case the bond sale increased the reserve fund to above the maximum of $150,000,000 defined in the section. The notes so withdrawn would be available to any of the general purposes of the Government.

That seems to disclose that all of the avenues of escape for the greenbacks have not been closed up, and he wants to close them up. Mr. Seligman, who is a banker, I presume—I would not say he is a lawyer from reading this statement—seems to believe that the Secretary of the Treasury was derelict in his duty to the banks, and that the Senate committee has been derelict in its duty by leaving an avenue of escape where the deposits amount to more than a hundred and fifty million dollars. Whether that is true or not I do not know. If it is true, it leaves these notes where they may be used for the purpose of working this endless chain of which we have heard so much lately. I will finish this article.

"Should at any future time," says Mr. Seligman, "the revenue of the country fall short of its requirements, these legal tenders would certainly in one form or another be paid out, and we would have a repetition of the pernicious endless chain that brought such disastrous effects under the last Cleveland Administration."

Mr. Seligman says he wants to see the bill changed so as to retain such notes in the custody of the bureau of issue and redemption. It was, however, pointed out in Wall street yesterday that Senator ALDRICH, in explaining the amendments made by the conference committee to the Senate bill, had said that the clause in section 2 "that they" (referring to the notes taken in exchange for gold, the proceeds of a bond sale) "shall not be used to meet deficiencies in the current revenues" was inserted to provide, and did "provide distinctly that the Secretary of the Treasury should not use the money raised by the sale of bonds for the payment of the current expenses of the Government, the purpose being to destroy any possibility that the so-called endless chain might be established."

Whether the Senator from Rhode Island said that I do not know, but one thing is obvious, even to an ordinary observer; he is not required to have the brain power of Mr. Seligman, or some other man of noted mental development, and that is, that all the way through there is a studied purpose to effectually and forever destroy all forms of Government paper money, and the vast field that is and has been occupied by that form of money is to be turned over without any restriction whatever to a few corporations in the United States. I want some man, Mr. President, to tell me why a Government like this should turn over its whole financial policy and the whole sovereign power to make and control the volume of money to a few individuals. There was a time in the history of this country when if a public officer had mentioned such a thing he would have been impeached and driven from power; and yet all the property and all the hopes and all the aspirations of the people of this great country of ours are to be put at the absolute mercy of these organizations, and that, too, under the assumption that it is an exhibition of the highest patriotism to do it. And those of us who find fault with it are to be criticised and sneered at and contemned as creatures of a low order.

Mr. President, this bill still continues that feature which is the basis of a perpetual national debt. What would Washington, Jefferson, Madison, or Hamilton, or any of the fathers of the Republic have thought of the idea of a perpetual national debt? Every one of them warned the people against it and against its consequences, and yet there has grown up a species of brass-jeweled aristocracy, who base their claim to distinction upon the money they have in their pockets and not the brains in their heads, who say that a perpetual national debt is a good thing after all. They say it cements the people and makes them more harmonious and keeps them working to pay the interest and they have no time to get together and grumble and inform themselves. Their time will be consumed in earning the money to pay the interest on this great debt.

In the last five years the interest-bearing debt of the United States has increased $162,000,000 in round numbers. This bill is in line with the policy of increasing and perpetuating the interest-bearing debt of the Government. No effort is to be made to get the Government out of debt. That is not to be thought of. The Senator from Rhode Island a few days ago congratulated himself and the country upon the fact that we were able to float our indebtedness at 2 per cent; and yesterday the senior Senator from Indiana [Mr. FAIRBANKS] seemed to congratulate the country and himself upon the thought that no nation in ancient or modern times was able to carry so great a load of indebtedness as we are carrying, as though that were something to be commended. No wise business man ever unnecessarily taxes his credit.

Mr. FAIRBANKS. Will the Senator permit me to interrupt him?

Mr. ALLEN. Certainly.

Mr. FAIRBANKS. I think the Senator is laboring under a misapprehension. What I did say was that no country in the world perhaps had ever been able to borrow so large a sum of money as the United States at so low a rate of interest. If the Senator will consult my published speech, he will find I am not inaccurate in my recollection.

Mr. ALLEN. Here is what the Senator said:

It is doubtful if any government in the world has ever been able to borrow such a tremendous sum of money at so low a rate of interest. If the Secretary of the Treasury can effect the refunding of the bonds mentioned into 2 per cent bonds, as proposed, the result will be high testimony to the credit of the Government and to the virtue of the gold standard.

So he goes on in that strain.

Mr. FAIRBANKS. That confirms my recollection.

Mr. ALLEN. I was not very far off. Of course I did not quote the language exactly, but the meaning is there, that we are to be congratulated that no government was ever able to float so great a debt. Is that a thing to congratulate yourself upon? Is it a proper thing for a man to tax his credit to the utmost, to a greater extent than any other business man, and then put his hands in his pockets and say, "I doubt if there is a business man in all this country who can float as great a debt as I owe?"

Mr. FAIRBANKS. Will the Senator permit an interruption? I know that he would not intentionally misrepresent what I did say. He is too good for that. There is outstanding to-day of the 5, 4, and 3 percents some $849,000,000. This bill simply proposes to fund those bonds into bonds payable thirty years from date at 2 per cent interest, resulting in not increasing the burden upon the backs of the people a solitary dollar, but, on the contrary, reducing their obligations to the amount of $15,000,000 and upward a year.

Mr. ALLEN. That is a very beautiful sentiment, very admirably expressed, but it varies, I beg to say to my friend, from what I conceive to be the truth. The whole purpose of the bill is to tax the credit of the nation to its utmost. You want to put upon the backs of the people every dollar that it is possible for them to bear, every dollar that they can by their industry and economy produce, so that you may fatten and profit while they toil.

Mr. President, no successful man ever taxed his credit unless it was absolutely necessary. It is the last resort. No man ever gives his promissory note, if he is a good business man, if he has the money to pay. The fact that he gives a note is evidence ordinarily that he does not have the ready cash. Are we, as a nation, to abandon every successful business principle? Are we to pile up a national debt mountain-high for the generations which follow us to liquidate or strive to pay? I heard stated on the other side of this Chamber a short time ago the monstrous proposition that it was not our duty to pay all the debts incurred by our generation; that we should pass over a portion of them to another generation to pay. If that were put into practice, the generations of Americans that follow us for a thousand years could be enslaved by this generation; and I heard that from an advocate of this bill, a man who will vote for it. So one of the purposes of the bill is to perpetuate and increase the national debt.

Mr. FAIRBANKS. Mr. President——

Mr. ALLEN. I do not blame the Senator from Indiana or the Senator from Rhode Island for rising in their seats and protesting against this conclusion. They do not want this monstrous proposition to be brought to public view.

Mr. FAIRBANKS. Will my honorable friend permit me to interrupt him?

Mr. ALLEN. I certainly will.

Mr. FAIRBANKS. He says this bill is intended to increase the public debt.

Mr. ALLEN. Yes.

Mr. FAIRBANKS. And that that is its purpose. That is a very distinct and definite proposition. I ask my honorable friend if he will state in what respect and in what manner it does increase the public debt a solitary dollar.

Mr. ALLEN. That is an old trick. There is nothing new in it. When a man makes an assertion, it is common to ask, "Where do you find that; will you not be kind enough to point out where you find it?" It is a good deal like a pettifogger in a justice's court. When a proposition is stated, he denies it, and asks you to point out the statute where you find it.

Mr. FAIRBANKS. Mr. President——

Mr. ALLEN. I do not mean that offensively.

Mr. FAIRBANKS. No. The answer from the Senator from Nebraska is an old answer. It is the reply of an advocate who can not answer definitely a proposition.

Mr. ALLEN. The people of the United States will answer this question for you. They are in the majority. When the farmer takes this bill and sits down at his fireside and analyzes it, as he will, he will find that the statement I have made is the true statement, and he will find that the Senator from Indiana is the man who is mistaken. But I do not blame my friends, the Senator from Indiana and the Senator from Rhode Island. They want to hide the monstrosities of this bill, of course. They want to make the people believe that it is just the thing needed for the prosperity of the country. So they are willing to exclude from the public view all of these deformities as rapidly as they are brought to public attention.

Mr. BUTLER. Will the Senator from Nebraska pardon me?

Mr. ALLEN. Yes, sir.

Mr. BUTLER. I ask the Senator from Nebraska, Will it not be the result of the inflation of bank currency which will come under this bill, and which it is made profitable to the banks to circulate; that gold will go abroad, and that when gold goes abroad under this bill the Treasury will be called upon to sell bonds to get more gold, and if that will not necessarily and inevitably increase the national debt through the endless chain that will be started?

Mr. ALLEN. There is not the slightest doubt of it, Mr. President. I do not see how any man can deny it.

Mr. BUTLER. That refutes the statement of the Senator from Indiana.

Mr. ALLEN. But, of course, in arguing the question the Senator from Indiana and the Senator from Rhode Island will say it is not true. They want their ipse dixit to be taken in lieu of every logical deduction that can be made, and the contents of the bill itself.

Mr. ALDRICH. Will the Senator allow me?

Mr. ALLEN. Certainly.

Mr. ALDRICH. I understand it to be——

Mr. ALLEN. I hope the Senator does not contemplate cutting me short.

Mr. ALDRICH. No; not seriously. I wanted to find out whether the concurring opinion of the two distinguished statesmen——

Mr. ALLEN. Leave out "distinguished," please.

Mr. ALDRICH. The two statesmen——

Mr. ALLEN. All the "distinguished gentlemen" are gold-standard men.

Mr. ALDRICH. That a depreciated currency drives gold out of the country.

Mr. ALLEN. How is that?

Mr. ALDRICH. I understand that you concur with the Senator from North Carolina that a depreciated currency drives gold out of the country.

Mr. ALLEN. I do not know what the Senator from North Carolina believes in that respect.

Mr. ALDRICH. I understood him to say so.

Mr. ALLEN. I do not know of any such thing as depreciated money where all money is full legal tender, but I can understand that the qualities of money could be so withdrawn from a thing in circulation that it would have that effect.

Mr. ALDRICH. I submit that is hardly a fair answer to my question.

Mr. ALLEN. The Senator wants to get me back, I suppose, to the Gresham law and he wants to discuss that for a time. I never did think the Gresham law itself had any force in this country.

Mr. ALDRICH. I understood the Senator from North Carolina to add his distinguished authority to that of the Senator from Nebraska.

Mr. ALLEN. Not "distinguished;" I beg the Senator's pardon.

Mr. ALDRICH. I understood the Senator from North Carolina to concur in the opinion which Mr. Gresham gave many years ago.

Mr. ALLEN. We were not talking about that. That is in keeping with the Senator's comprehension of the whole situation. Nothing of the kind was under discussion at all. I do not propose to discuss the Gresham law or anything pertaining to it, because, Mr. President, the principle of what is known as the Gresham law has no application to any condition ever presented in the United States of America.

Mr. ALDRICH. If I misunderstood the Senator from North Carolina, it was my fault. I understood the Senator from North Carolina to say that the issue of national-bank currency, creating an inflation, would drive gold out of this country.

Mr. ALLEN. He said it might, and I said I thought it would.

Mr. ALDRICH. I understood both the Senators to agree to that proposition.

Mr. ALLEN. I did not say anything about a depreciated currency, unless Senators want to follow——

Mr. ALDRICH. If not by depreciated currency, by what process would gold go out by inflation so as to bring about depreciation in national-bank notes?

Mr. ALLEN. Mr. President, it is quite evident that the filling of the channels now occupied by our different forms of money by an excessive issue of national-bank notes would, temporarily at least, have the effect of retiring and probably sending abroad to new fields a portion of the gold of this country.

Mr. ALDRICH. Would the excessive issue or coinage of silver have the same effect?

Mr. ALLEN. Does the Senator desire to take me away from the hideous and monstrous features of this bill and carry me off on some side issue that is not at all germane to the question?

Mr. ALDRICH. No; I was trying to see whether the Senator from Nebraska concurred with his friend from North Carolina.

Mr. ALLEN. It is not important whether I do or not.

Mr. ALDRICH. I was trying to carry the Senator back to the doctrine which I understood him to argue on this floor with great force and eloquence at various times.

Mr. ALLEN. I do not think I have ever been inconsistent. I may have been, but I hope I have not been. But, Mr. President, one thing is true. If I ever become convinced that I am wrong, I will have the courage to stand right up here and say so. I will not beat about the bush, I will not hedge and cover and duck out of sight, and pretend that I was consistent all the way through, when I am not, as the Senator does. The question what will be the effect on the gold coin of the country is not material, although, as I said in answer to the Senator from North Carolina, I believe it would have that effect, and I can see no reason why it should not.

But, Mr. President, the Senator from Rhode Island shall not escape from the monstrous provisions and monstrous consequences that will follow the adoption of this bill. I have paid some attention to this discussion, not, perhaps, as fully as the Senator from Rhode Island, because I have not the great intellectual capacity which he enjoys, but I have given it the result of my best mental power. I have tried honestly, at least, to learn what it contains and what it means, but I have failed to find one man committed

to this bill or who will vote for it now within a few minutes who will tell the country or tell the Senate why this power is turned over to the banks and the different forms of Government paper money retired. And, Mr. President, it never will be told. No man will ever stand here and tell why that was done. That is one of the hidden purposes of the bill to come out to public gaze after it shall have become a law and after it is too late for the people to apply the remedy.

Mr. President, of all the vicious legislation that has been proposed in this Chamber since I have had the honor of occupying a desk here I think this is the most infamous. It is further reaching in its blighting consequences. It affects not only the present but the future generations of our people with widespread disaster the consequences of which can not be calmly contemplated. No curse ever befell this country or ever befell the world that will equal in its direful consequences the passage and enforcement of this bill. I can not understand that peculiar sort of man who is willing to put this burden upon his country and upon his countrymen, and who is anxious to do it. Are not the homes of this country sacred? Are not the millions of homes that lie between the Atlantic and Pacific and between Canada and the Gulf of some importance to the American statesman? Is the withering curse and the blight that will follow this bill to be put upon them without any compunction of conscience, without at least the thought that something wrong is being done? Yet, Mr. President, it would seem here in the Senate Chamber of the United States gentlemen are anxious and waiting for the moment to come when they can consummate this villainy by making it a law.

Mr. ALDRICH. Mr. President, I am quite well aware that the contention of the Senator from Nebraska [Mr. ALLEN] that we are conferring by this bill some unusual or extraordinary powers on national banks will be heard from in the next political campaign. I do not intend to detain the Senate in any extended examination of this question, but to state a few facts in regard to it.

The Senator from Nebraska asked me the question why we should desire to turn over to the national banks the sole power of issuing money. I have already stated that this bill does not in any of its provisions give to the national banks any additional powers over what they now have in regard to the circulation, except it does provide that circulation may be issued up to the par value of bonds deposited, instead of 90 per cent, as at present.

It does not in any other respect or in any other manner change the status of national banks. It gives them no new powers; it does not extend their charters or add one additional day to the life of the institutions now in existence. The charters of these associations expire in 1902 and the years thereafter, and it will be within the power of Congress at or prior to that time to say whether there shall be any further renewal of their privileges.

Now, the Senator from Nebraska says that we propose to give by this measure to these banks the right to issue currency without limit. This is not true. They do not have under this act and they have never had unlimited power to issue currency. Their issues have always been strictly limited, first, by the capital, and, second, by the amount of bonds deposited. That has remained so from the time when the banks were first established up to the present moment.

In 1870 the amount of money of all kinds in circulation in the United States was $754,000,000, or $17.16 per capita. For the ten years prior to that time the issues of the national banks constituted about 45 per cent of all the money in circulation. At the present moment we have over two thousand million dollars in circulation, of which the national banks furnish $240,000,000, or about 12 per cent. If the national banks should furnish in the immediate future the same proportion of our circulation that they did in the years between 1865 and 1870, that amount would be $1,400,000,000 instead of $240,000,000.

This bill allows national banks to issue up to the amount of their capital, which is $609,000,000. They have now outstanding $240,000,000. This provides for a possible increase of $360,000,000, or an amount equivalent to about 15 per cent of the outstanding circulation. The incentives to note issue have been by the force of circumstances and conditions—inexorable conditions—greatly impaired and restricted.

For instance, in the early history of the national banks Congress required that they should deposit for circulation bonds bearing not less than 5 per cent interest, and the profit on national-bank circulation at that time was more than double what it will be under this bill. There has been no time in the history of the national banks from the beginning down to the present moment that they have furnished an excessive proportion of our currency, and it is not possible under the provisions of this bill that there should be any such inflation as the Senator from Nebraska fears.

I was greatly surprised at the statement of the Senator from North Carolina [Mr. BUTLER], concurred in by the Senator from Nebraska, that they were afraid that inflation by means of national-bank circulation would drive gold out of the country. If that is to be the position of the party which those two gentlemen represent in the approaching political campaign, I am sure that the day of miracles has not passed. I have certainly understood the Populist party to be in favor of any proposition which added to the amount of the currency.

They were in favor, first, of the free coinage of silver, with the contention that such free coinage, in their opinion, would not drive out gold, but that it would remain and the parity preserved. They are in favor of an unlimited amount of paper money to be issued by the Government, contending—a contention, of course, contrary to the experience of mankind——

Mr. BUTLER. Mr. President——

The PRESIDING OFFICER (Mr. PERKINS in the chair). Does the Senator from Rhode Island yield to the Senator from North Carolina?

Mr. ALDRICH. And that this unlimited issue could be maintained at a parity with gold and never redeemed. It is a new doctrine for these gentlemen, that which they have enunciated to-day. I congratulate the Senator from North Carolina and the Senator from Nebraska that at last, after the lapse of all these years, they have discovered the true doctrine applicable to money.

Mr. BUTLER. Mr. President, I regret to see that the Senator from Rhode Island so poorly understands the position of the People's Party on the financial question. If he understands this bill no better than he understands the position of the People's Party, he will himself be very much surprised at some of the results that will flow from it. He has just attempted to state the position of the People's Party, which is wholly incorrect.

He stated that my party was in favor of an unlimited amount of paper currency. Mr. President, nothing could be further from the truth. The chief opposition of the People's Party to this bill is the opportunity that it furnishes for a practically unlimited contraction and expansion, to be controlled by accident by a few bankers, without any regard to the increasing business needs of the country. Unlimited contraction and unlimited inflation are both dangerous evils. We should steer clear of both. We should have a well-regulated increase of the volume of money, to be determined by the increasing needs of population and business, so that a stable price level will be maintained.

The position of the People's Party, as I have attempted to state several times on this floor, is not in favor of an unlimited supply of paper money or an unlimited supply of money of any kind. The People's Party is opposed to an unlimited supply of gold as much as an unlimited supply of paper. The position of the People's Party is for a volume of money to be increased as the increasing demands of population and business demand it, no more and no less, to the end that stability of prices and equity between the debtor and creditor may be maintained. It is not so material what the per capita shall be. As I stated yesterday, we would be willing to start out with what we have got to-day in circulation as a basis, as a starting point, and then to increase that volume each year to meet the demands of increasing population and business so as to maintain a stable price level.

Then our position is that, starting with a volume of $20, or $30, or $50 per capita—the amount is not so material—that volume of money, every dollar being a legal tender, whether gold, silver, or paper, should be increased each year, not recklessly, not by chance, not by accident, not unlimited, but exactly, scientifically, mathematically with the increase of population and business.

Mr. ALDRICH. Is the Senator from North Carolina or his party in favor of the free and unlimited coinage of silver?

Mr. BUTLER. Mr. President, that question was asked me by a prominent banker a few days ago.

Mr. ALDRICH. My question was a simple one, susceptible of a categorical answer. If the Senator is not willing to give me one——

Mr. BUTLER. I will answer it squarely—I am glad to do so—but I will answer it in my own way. The banker referred to asked me if the increase in the supply of gold was as great as would have been the increase caused by free coinage of silver, or, if necessary, to be supplemented by Government paper, as demanded by the People's Party——

Mr. ALDRICH. That is not my question.

Mr. BUTLER. I will answer the Senator's question with pleasure, but he must not try to dictate or shape my answer. I will do that for myself. My answer to the question of that banker was——

Mr. ALDRICH. My question is a plain and simple one.

Mr. BUTLER. In answer to his question, if I would, under the conditions he named, still favor the free coinage of silver, and a still further inflation by it, I answered him, "No."

Mr. ALDRICH. Now, without any ifs at all, or any other suggestion, is the Senator from North Carolina or his party in favor now of the free and unlimited coinage of silver at the ratio of 16 to 1?

Mr. BUTLER. If I could write the law governing the financial

system of this Government, I would not provide for the free and unlimited coinage of any metal or any combination of metals, and then further provide that the amount of those metals that accident and chance brought from the mines should make the volume of the nation's money. That kind of a system might make too much money one year and too little another year. There would be nothing certain or stable about it. Under the free and unlimited coinage of gold alone, it is possible that there might be such an enormous output of gold in one year as to inflate the volume of money greater than the increase of population and business, and therefore it would disturb values.

Therefore any law which provides that the volume of money shall depend upon the output from the mines of one metal or two metals is to fix an accidental standard which will cause prices to rise or fall according to the accidental discovery of those metals. I would have no accidents about it. I would regulate the amount of gold each year that was made into money, the amount of silver, the amount of paper, and I would regulate it by a common-sense standard, and that is to increase the volume of money, whether gold, silver, paper, one or all, each year with the increase of population and business, and leave nothing to accident or to chance.

Mr. ALDRICH. The ample collection of words which the Senator from North Carolina has used does not include any answer to my question. Is he or is his party in favor of the free and unlimited coinage of silver by the United States at a ratio of 16 to 1?

Mr. BUTLER. Mr. President, the question that the Senator asks is as unscientific as the standard he stands for. I would not favor the free coinage of silver if it could be shown that the free and unlimited coinage of silver would increase the volume of circulation faster than the increase of population and business would demand. If this could be shown, then I would be in favor of limiting the coinage of both gold and silver to just the amount required each year to supply the honest and legitimate demands of our people. But——

Mr. ALDRICH. I have watched——

Mr. BUTLER. Mr. President, the Senator from Rhode Island can not divert me from this statement till I have finished it. I am stating the fundamental principle that must underlie any honest financial system; and when I have finished that statement, he will have the answer to his question as emphatic as he may desire. Whenever prices are falling, I am in favor of stopping falling prices by increasing the volume of money. That is the only way to do it. Just so when prices are rising unduly, I am in favor of stopping such rise by stopping the inflation of the currency, for that is the cause when there is an undue rise in the general range of prices. I am in favor of doing that even if it requires the stopping of the free and unlimited coinage of gold or of silver or the limiting of the volume of Government legal-tender paper, whatever it may be.

Mr. ALDRICH. Mr. President, I have watched with great interest and have seen the supporters of the proposition for the free and unlimited coinage of silver upon the other side disappear one after another, but I did not expect the Senator from North Carolina or the Senator from Nebraska would thus unceremoniously abandon the silver standard. It seems to me this is the unkindest cut of all, as their candidate (because I speak of Mr. Bryan, I hope without disrespect, as the candidate of the Populist party) has declared that it is the greatest issue before the American people and that it is the duty of the United States at once to return to the free and unlimited coinage of silver at a ratio of 16 to 1.

And here we have the leading representative of one of the great parties supporting him in this campaign disavowing his leader and stating emphatically that he is not in favor of the free and unlimited coinage of silver.

Mr. BUTLER. The Senator misrepresents Mr. Bryan. He stands for an honest dollar, and he has defined what he means by that term. The coinage of gold or silver or paper is simply a means to that end. Yesterday I read from a speech delivered three days ago by Mr. Bryan in Louisiana, in which he laid down a correct and fundamental financial proposition to the effect that an honest dollar is one with unchanging purchasing and debt-paying power. Will anyone say that he opposes such a financial system? If we can agree on that principle, then we will discuss the method to secure it.

Mr. ALDRICH. But is the Senator willing to answer my question?

Mr. BUTLER. The trouble with the Senator is that he does not like the kind of answer that I am now giving him, and he is trying to divert me from it. I will not be diverted. Mr. Bryan laid down a correct principle in that speech. He stated the same thing when he was in the House in 1893. He said the same thing in his Madison Square speech in 1896, when he accepted the nomination for the Presidency, as I showed yesterday. It is nothing new with him. He has always stood for that principle, and so has every man who has understood the money question and who has stood for an honest financial system. It is simply this, that we need a volume of national money, gold, silver, and paper, all issued by the Government, to be increased in quantity from time to time so as to keep a stable price level—to make the purchasing power of the dollar the same to day, to-morrow, twenty years from to-day, and for all time.

That is the correct fundamental principle on which any honest financial system must be based; anything else is fluctuation and panics. When once we lay down this rule, then the whole financial question is reduced to a mathematical certainty. It will be removed from the arena of politics. The people and all business men will favor the fair and just rule that will maintain the stability of prices. The party that would attempt to change that rule when once the people saw how safe and sound it was would be defeated as disturbers of business prosperity and triflers with stability of prices and security of contracts.

Mr. President, the money question is a simple one. It is simply a question of quantity of dollars or units. Let every dollar be issued by the Government and be a full legal tender and then the quality of every dollar is controlled by the quantity. And I have stated the rule that should govern quantity. I am not a gold man and I am not a silver man and I am not a paper man, but I am for a common-sense financial system, every dollar to be full legal tender, and the volume to increase scientifically with the increase of population and business. That, and that alone, will maintain the stability of prices. That will keep a stable price level, so that the contract of to-day will be settled ten years from to-day with the same labor and the same produce and commodity that the contract called for when it was made. I challenge any Senator to say that he favors any different kind of a dollar.

Mr. ALDRICH. Mr. President, I submit it is too much to expect the Senator from North Carolina—it is too great a tax upon his powers to oblige him to repeat the whole of his platform frequently, but I should like to return to my simple question, which was, Is he or his party in favor of the free and unlimited coinage of silver by the United States at a ratio of 16 to 1?

Mr. BUTLER. Mr. President, if the Senator will possess his soul in patience, he shall have his answer and have it straight—so straight that he can not misunderstand it. It is possible that the output of gold might be so great that I would not vote for the free and unlimited coinage of gold alone—it might unduly inflate the volume of money in toto. But I think to-day—to answer the Senator—that the United States can open its mints to the free coinage of silver and absorb all the silver that will come to us, and still not increase the circulating medium to an amount larger than the business needs of the country require.

But I may be mistaken. The output of silver and gold may be abnormal—may be so great that our gold friends will want to demonetize gold. If the time should come when the output of gold alone should be too great for the business needs of the country as money, then I would stand with them to limit the coinage of gold and limit it by the common-sense rule I have just stated. Our gold friends have more than once in the past favored the demonetization of gold. They understand the money question. They wanted to demonetize gold simply because they feared there would be too much gold.

They are in favor of scarce money. I am not in favor of scarce money. I am not in favor of undue inflation. I am in favor of a sufficient quantity of money, no matter what it is made of, to maintain a stable price level. But it is the duty of Congress to make it and to put the stamp of the Government on the material out of which it is made, whether it be paper or gold or silver; it is immaterial which. There is but one thing involved in the money question, and that is the quantity; and with the sovereignty of the Government behind the dollar, it will always be an honest dollar, provided the quantity is right.

The quantity of legal-tender dollars will determine their quality, and the quantity should be controlled by the increase of population and business, and this will always keep the quality the same. We want an unchangeable quality, and this is secured when the quantity is regulated according to the rule I have already stated.

Mr. ALDRICH. Mr. President, at last we have a complete abandonment of Mr. Bryan's monetary platform, and I shall expect, after he reads the speech of the Senator from North Carolina, that his name will be withdrawn as a candidate.

Mr. BUTLER. Mr. President, not all. The Senator is attempting to misrepresent the position of Mr. Bryan. But his record and position on this question have been known and publicly stated for years. I quoted from many of his speeches yesterday. They speak for themselves. He stands for an honest dollar of unchanging purchasing power. Our gold-standard friends do not. They stand for an accidental standard, a contracting standard, with the power given in this bill to the banks to enormously inflate or contract the bank paper at will. We contend that all paper money should be issued by the Government and that its volume should be regulated by the Government as the needs of the country require, and not as the whims or desires of private corporations may dictate. That is the question at issue. Can the people be trusted

to control the money of the country, or are a few bankers more patriotic and wise? On that issue we are ready to go to the country with Mr. Bryan as the people's standard bearer.

Mr. ALDRICH. Just a word, Mr. President, in reply to the statement made by the Senator from Nebraska [Mr. ALLEN] in regard to United States notes. He asks, Why would we destroy the greenbacks? I would suggest to the Senator and to his friends that there is nothing in this bill that in any manner or in the slightest degree affects the functions, the privileges, or the prerogatives of United States notes. We expressly reserve their legal-tender quality, and they are entitled to all the rights under this bill which they have by existing law. We strengthen the provision for their redemption. We provide that they shall be used as they have always been used. We do not restrict their use in any way except that they shall be retained in the reserve fund until they are replaced by gold.

If the Senator believes that United States notes ought to be retired or impounded, then he is not in sympathy with this bill. If he believes that they ought to retain all the functions which they have now, then he should support this measure.

Mr. ALLEN. Mr. President, I suppose the Senator from Rhode Island wants me to accept his version of this bill as to its effect upon the industries of this country. I do not. My own idea is—and I am convinced of that fact—that the greenbacks are intended to be taken out of circulation as effectually as if they were destroyed, burned up.

Mr. ALDRICH. The Senator made similar statements in relation to the effect of this bill in the course of his speech this afternoon in regard to quite a number of other matters; but they are not based upon anything contained in the bill—none of them. They are simply the result of his reasoning or his imagination in regard to them.

Mr. ALLEN. They are ideas that I gathered from reading and studying the bill. I think they are legitimate deductions and inferences to be drawn from the provisions of the bill.

Mr. ALDRICH. I am very sorry the Senator from Nebraska should have so misconceived the purposes and the effect of the measure.

Mr. ALLEN. If I have misconceived them, the future will set me right.

PUBLIC BUILDING AT NATCHEZ, MISS.

Mr. SULLIVAN. I ask unanimous consent for the present consideration of the bill (S. 1402) for the erection of a public building at Natchez, Miss.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to purchase, acquire by condemnation, or otherwise provide a site and cause to be erected thereon a substantial and commodious building, with fireproof vaults, for the use and accommodation of the post-office and for other Government uses, at Natchez, Miss.; the site and building thereon, when completed upon plans and specifications to be previously made and approved by the Secretary of the Treasury, not to exceed in cost $100,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GOVERNMENT OF PUERTO RICO.

Mr. PETTUS. Mr. President, I wish to give notice that on Thursday next, after the morning business, if that bill shall then be before the Senate, I shall desire to make some remarks on the bill relative to a Territorial government for Puerto Rico.

INVENTIONS BY NAVAL OFFICERS.

Mr. HALE. Mr. President, while we are waiting for the hour to take the vote on the conference report, I ask unanimous consent for the consideration of the bill (S. 2035) providing for the use by the United States of devices invented by its naval officers while engaged in its service and covered by letters patent.

The PRESIDENT pro tempore. The bill will be read for information, subject to objection.

The bill was read.

Mr. COCKRELL. Let the report be read in that case.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the report submitted by Mr. HALE on January 31, 1900, as follows:

The Committee on Naval Affairs, to whom was referred the bill (S. 2035) providing for the use by the United States of devices invented by its naval officers while engaged in its service and covered by letters patent, having considered the same, report it back to the Senate and recommend its passage.

The letter of the Secretary of the Navy is appended and made a part of this report and is as follows:

NAVY DEPARTMENT,
Washington, December 22, 1899.

SIR: I transmit herewith a draft of a bill providing for the use by the United States of devices invented by its naval officers while engaged in its service and covered by letters patent. This matter has been repeatedly recommended by the Department in its annual reports and to Congress, upon one occasion receiving the favorable consideration of the Senate. The necessity for the enactment of some provision of law controlling this subject is emphasized each year, as in the course of naval development a wider range of inventions is utilized in the equipment of ships of war. I have the honor to recommend its favorable consideration by the committee.

Very respectfully,
J. D. LONG,
Secretary.

Hon. EUGENE HALE,
Chairman Committee on Naval Affairs, United States Senate.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. HOAR. I should like to hear that bill read once more.

Mr. HALE. Let the bill be read, so that it may be thoroughly understood.

The PRESIDENT pro tempore. The bill will be read.

The Secretary again read the bill.

Mr. HOAR. Mr. President, I think that the bill had better go over. It seems to take from officers in the service of the United States and from their assignees, whoever they may be, their legal property in their inventions. If the bill referred to future matters, it would be proper to make provision restricting it to persons who make such inventions while in the service of the United States, and who now have the full right to a patent. Instead of giving a legal claim for the damages to their property, it provides that the Court of Claims shall determine certain equities and settle their rights on some very different rule from the right which they would have by the laws of the land but for this proposed law.

If, as I suppose, a title to a patent be a vested constitutional right, it seems to me the constitutionality of the bill is liable to very serious doubt. I think certainly as to all such patents heretofore granted, if the Senate wants to provide against the bringing into Congress of claims for gratuities or other compensation on the ground that Congress can not be sued, I think the bill ought to provide that the officer should be entitled to recover his lawful damages, whatever they may be, by suit under the law as it now is, as to the right of the Government to use the invention on certain equitable principles.

The PRESIDENT pro tempore. Objection being made, the bill goes over.

Mr. HOAR. It seems too important a matter to go through without consideration. Of course these considerations—I have not had time to examine the bill before—are offhand, but it may be, if the Senator can have the opportunity to explain, that he will be able to satisfactorily answer them.

Mr. HALE. Mr. President——

REMOVAL OF REMAINS OF GENERAL ORD.

The PRESIDENT pro tempore. The Chair lays before the Senate the amendments of the House of Representatives to a bill (S. 3266) authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Brig. Gen. E. O. C. Ord from Oak Hill Cemetery, District of Columbia, to the United States national cemetery at Arlington, Va.; which will be stated.

The Secretary read the amendments of the House of Representatives, which were, in line 5, to strike out the words "Brigadier-General" and insert "Major-General;" and to amend the title so as to read: "A bill authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Maj. Gen. E. O. C. Ord from Oak Hill Cemetery, District of Columbia, to the United States national cemetery at Arlington, Va."

Mr. FORAKER. I move that the Senate concur in the amendments of the House of Representatives.

Mr. HALE. How did this bill get in? I thought the bill which I called up was before the Senate.

The PRESIDENT pro tempore. The bill which the Senator called up was objected to by the Senator from Massachusetts [Mr. HOAR], and took its place on the Calendar.

Mr. HALE. I rose to say a word or two on that bill. The Senator from Massachusetts intimated that he was ready to listen to an explanation.

The PRESIDENT pro tempore. Will the Senator first permit the Chair to put the question on agreeing to the amendments of the House of Representatives to the bill the title of which has been stated?

Mr. HALE. Certainly.

The PRESIDENT pro tempore. The question is on concurring in the amendments of the House of Representatives, which have been read.

The amendments were concurred in.

INVENTIONS BY NAVAL OFFICERS.

Mr. HOAR. I will withdraw my objection to the bill called up by the Senator from Maine [Mr. HALE], so that he may be heard.

The Senate, as in Committee of the Whole, resumed consideration of the bill (S. 2035) providing for the use by the United States of devices invented by its naval officers while engaged in its service and covered by letters patent.

Mr. HALE. There are only two or three minutes remaining before the time for taking the vote on the conference report. If the Senator insists upon the bill going over, I do not object to it.

Mr. HOAR. Oh, no.

Mr. HALE. The bill does not proceed on the ground indicated by the Senator from Massachusetts, of taking away from an inventor who is in the Government service, or his assignee, compensation for the invention; on the other hand, it is in the line of his protection.

There has always been a grave question whether a patent, which is the result of the investigation and thought and wit of a bright man in the Government service, in the Navy or in the Army, appertaining to the operations of things in the Army or the Navy, is entitled to any compensation; whether his patent shall not be for the benefit of the Government; and different committees, who have finally to deal with these matters, are constantly beset by applications from officers for gratuities of fixed amounts for inventions pertaining to guns, ordnance, powder, and everything used by the military or other establishments.

On reflection, last year the committee reported, and it passed the Senate, the bill which is now before the Senate, providing that in all such cases, instead of the right being taken away, instead of a contract being made with the Secretary, the officer shall go to the Court of Claims, a tribunal instituted to consider cases between the Government and its citizens; that this tribunal shall consider all the facts, the merits of the invention, the situation of the inventor, and the fact that he is in the Department and has had the benefit of all the devices and all the information of the Department.

Mr. HOAR. If the Senator will pardon me for a moment, I do not think he sees my point. Whether such an officer has any legal right at all now is one thing; but you take this legal right, if he has got one, and you provide for compensation for that right by a different rule than the existing rule of law, to wit, the fancied or real equities which are to be applied by the Court of Claims. My proposition is that you have no right, either in justice or under the Constitution, to do that thing. You can not say that the Government shall take my land and then pay me a sum of money for it which a court shall consider equitable, considering the circumstances under which it was taken. For past transactions you must enforce the naked legal right everywhere as to all persons, and for future transactions you may do what you think proper.

The PRESIDENT pro tempore. The hour of 4 o'clock has arrived.

THE FINANCIAL BILL.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 1) to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, and for other purposes.

The PRESIDENT pro tempore. The question is on agreeing to the report of the conference committee.

Mr. ALDRICH and Mr. COCKRELL called for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. JONES of Arkansas (when Mr. BERRY's name was called). My colleague [Mr. BERRY] is detained from the Senate. He is paired with the Senator from New Jersey [Mr. SEWELL]. If my colleague were present, he would vote "nay."

Mr. HANSBROUGH (when his name was called). I am paired with the senior Senator from Virginia [Mr. DANIEL], but I transfer that pair to the Senator from New Jersey [Mr. KEAN], and vote "yea."

Mr. McBRIDE (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. MONEY], who is absent. I am informed that the Senator from South Carolina [Mr. McLAURIN] is paired with the Senator from North Carolina [Mr. PRITCHARD], who is also absent. I therefore suggest to the Senator from South Carolina that we exchange pairs, so that the Senator from North Carolina will stand paired with the Senator from Mississippi and the Senator from South Carolina and I may both vote.

Mr. McLAURIN. I agree to that, Mr. President.

Mr. McBRIDE. Under that arrangement I vote "yea."

Mr. NELSON (when his name was called). I have a general pair with the Senator from Missouri [Mr. VEST], but I transfer that pair to the Senator from Wyoming [Mr. WARREN], and vote "yea."

Mr. PROCTOR (when his name was called). I have a general pair with the senior Senator from Florida [Mr. MALLORY], but I transfer that pair to the junior Senator from Colorado [Mr. WOLCOTT], and vote. I vote "yea."

Mr. SPOONER (when his name was called). I have a general pair with the Senator from Tennessee [Mr. TURLEY], who is absent from the city. I am, therefore, not at liberty to vote. If I were at liberty to vote, I should vote "yea."

Mr. TELLER (when Mr. STEWART's name was called). The Senator from Nevada [Mr. STEWART] is paired with the Senator from Louisiana [Mr. CAFFERY]. The Senator from Nevada would vote "nay," if present, and the Senator from Louisiana would vote "yea."

Mr. TURNER (when his name was called). I have a general pair with the Senator from Wyoming [Mr. WARREN], but I understand that that pair has been transferred to the Senator from Missouri [Mr. VEST] who is absent. With that understanding, I will vote "nay." I understand the Senator from Wyoming, if present, would vote "yea."

Mr. CLARK of Wyoming (when Mr. WARREN'S name was called). I desire to say that if my colleague [Mr. WARREN] were present, he would vote "yea" on this question.

The roll call was concluded.

Mr. PENROSE. I desire to state that I have a special pair on this bill with the Senator from Nevada [Mr. STEWART], but I understand that that pair has been transferred. I am therefore at liberty to vote, and I vote "yea."

Mr. ALLISON. The junior Senator from Colorado [Mr. WOLCOTT] is necessarily absent from the Chamber. He authorized me to pair him on this question. If he were present, he would vote in the affirmative. He is paired, as has been stated by the Senator from Vermont [Mr. PROCTOR], with the Senator from Florida [Mr. MALLORY].

Mr. BURROWS. I have a general pair with the Senator from Louisiana [Mr. CAFFERY], but I understand that pair has been transferred to the Senator from Nevada [Mr. STEWART]. I am therefore at liberty to vote, and I vote "yea."

Mr. HANSBROUGH. I am requested to announce a pair on this question between the Senator from Kentucky [Mr. DEBOE] and the Senator from Louisiana [Mr. McENERY].

The result was announced—yeas 44, nays 25.

Mr. CLARK of Montana subsequently said: Mr. President, I am informed that my vote on the question of agreeing to the conference report has not been recorded. I voted "nay."

Mr. COCKRELL. I heard the vote distinctly.

Mr. BATE. So did I.

The PRESIDENT pro tempore. The Chair is informed that the clerks did not hear the vote.

Mr. COCKRELL. I move that the vote be recorded. It will not change the result.

The PRESIDENT pro tempore. A motion would not be in order. A request for unanimous consent is not in order.

Mr. KENNEY. The vote of the Senator from Montana was very distinct.

Mr. SPOONER. I heard the vote of the Senator from Montana.

Mr. BACON. It seems to me there can be no possible doubt as to the fact, and the vote ought to be recorded without any motion.

Mr. HOAR. It seems to me there ought to be some method of recording the fact.

Mr. BACON. It is not a matter of grace or favor. The Senator was in the Chamber and voted.

Mr. JONES of Arkansas. This is nothing but a motion to correct the record, to make it speak the truth.

The PRESIDENT pro tempore. There is no trouble about the statement of the Senator from Montana being received on the record, but I think there is about changing the names on the roll call.

Mr. JONES of Arkansas. The Clerk can not change a man's vote. The Senator from Montana has voted.

The PRESIDENT pro tempore. Rule XII reads as follows:

> When the yeas and nays are ordered, the names of Senators shall be called alphabetically; and each Senator shall, without debate, declare his assent or dissent to the question, unless excused by the Senate; and no Senator shall be permitted to vote after the decision shall have been announced by the presiding officer, but may for sufficient reasons, with unanimous consent, change or withdraw his vote.

Mr. JONES of Arkansas. But he did vote.

The PRESIDENT pro tempore (reading)—

> No motion to suspend this rule shall be in order, nor shall the presiding officer entertain any request to suspend it by unanimous consent.

Mr. COCKRELL. It is not a motion to suspend the rule.

Mr. JONES of Arkansas. He did vote.

Mr. HOAR. It is a mere matter of the correctness of the Journal. Ordinarily the proper time for the Senator from Montana to have made his suggestion would have been when the Journal was read to-morrow morning, but as it was much more convenient that he should make the announcement now, when the facts are fresh in memory, it seems to me the Senate may now modify the record to include his vote.

Mr. PETTIGREW. To show the fact.

Mr. HOAR. To show the fact.

Mr. COCKRELL. There is no question about it.

Mr. HOAR. I move that the clerks be directed to enter the name of the Senator from Montana upon the roll call.

Mr. HALE. What is the provision of the rule just read by the Chair?

Mr. HOAR. That you shall not change the vote.

Mr. HALE. It forbids any motion being entertained.

Mr. COCKRELL. It does not forbid any motion. It prohibits a vote that was not cast from being cast. This vote was cast.

Mr. KENNEY. Undoubtedly,

Mr. COCKRELL. The rule has nothing to do with this case.

Mr. GALLINGER. I desire simply to say that I am at a considerable distance from the Senator from Montana and I heard his response distinctly.

Mr. KENNEY. I heard it.

Mr. BATE. I did, undoubtedly.

The PRESIDENT pro tempore. If the Senator actually voted and it is a mistake entirely of the recording officer, I suppose there is a right—there must be a right—to have the error corrected.

Mr. BATE. Unanimous consent can be given.

Mr. SPOONER. It simply makes the record tell the truth.

Mr. HOAR. I move that the name of the Senator from Montana be added to the list of names on the record.

Mr. HALE. I hope the Senator will not make a motion. This may be a precedent that may come back to trouble us when a vote is close. There is no real changing of the result contemplated here. It is simply stated that the Senator from Montana voted, as the rest of us voted, and the clerks, without fault on their part, did not hear his vote. Now, I hope that no motion will be made which hereafter will imply that a motion can be made to change the vote, but that unanimous consent, which pledges nobody in the future and which makes no precedent, be asked that the Senator's name may be added to the list of names, he having voted.

Mr. KENNEY. The question of unanimous consent does not apply in this case. The Senator from Montana distinctly answered the roll call and voted "nay," and it does not appear to me that it is necessary for unanimous consent to be given that his vote shall be recorded as he cast it.

Mr. HALE. The trouble is that when the clerks announced the result and the Chair took the result from the clerks and announced it to the Senate, the Senate accepted the result as stated by the Chair. The only way, it seems to me, in which it can be got at is by the unanimous consent of everybody. It being a pure question of error, the Senator having voted, as the rest of us did, let unanimous consent be given—and I ask that such consent be given—that the Senator's name be added to the list of those having voted.

Mr. HOAR. Asking unanimous consent implies that it can not be done by motion.

Mr. HALE. I have doubt whether it can be.

Mr. HOAR. It is absolutely within the right of the Senator from Montana to have the record corrected, and within the right of the Senate. He voted, and the fact that he voted is proved by seven Senators, who have declared they heard him. I think that is the number. The only question, and it is one of form and not of substance, is whether when the Journal is read to-morrow morning the Senator would have the right then to have the Journal corrected. It is much more convenient to do it now. I shall object to unanimous consent, because that is admitting that the Senator from Montana is not within his absolute right. I shall insist on a vote to correct the record.

Mr. JONES of Arkansas. May I ask the Senator from Massachusetts a question?

Mr. HOAR. Certainly.

Mr. JONES of Arkansas. I wish to ask the Senator from Massachusetts if he thinks it is possible for the Senate to refuse the right of the Senator from Montana to have his vote recorded?

Mr. HOAR. I do not think it is.

Mr. JONES of Arkansas. Therefore, I think the President of the Senate should direct the clerks to record his vote.

Mr. HOAR. I think so, too.

Mr. JONES of Arkansas. Without any order by anybody and without unanimous consent.

Mr. HALE. If the Chair takes the responsibility of doing that, that settles it. Otherwise I shall ask unanimous consent that the Senator's name may be added to the list of "nays," he having voted; and then let us see if any Senator will object to that.

The PRESIDENT pro tempore. It being clearly a mistake and not a change of a vote or anything of that nature, the Chair will without any hesitation make an order that the name of the Senator from Montana shall be entered.

Mr. CULLOM. That is right.

The PRESIDENT pro tempore. On which side shall it be entered?

Mr. JONES of Arkansas. In the negative.

Mr. HALE. In the negative.

The PRESIDENT pro tempore. It will be entered in the negative.

Mr. CHANDLER. I now ask that the result of the vote be reannounced.

The result was announced—yeas 44, nays 26, as follows:

YEAS—44.

Aldrich,	Elkins,	Hoar,	Platt, Conn.
Allison,	Fairbanks,	Lindsay,	Platt, N. Y.
Baker,	Foraker,	Lodge,	Proctor,
Bard,	Foster,	McBride,	Quarles,
Beveridge,	Frye,	McComas,	Ross,
Burrows,	Gallinger,	McCumber,	Scott,
Carter,	Gear,	McMillan,	Shoup,
Clark, Wyo.	Hale,	Mason,	Simon,
Cullom,	Hanna,	Nelson,	Thurston,
Davis,	Hansbrough,	Penrose,	Wellington,
Depew,	Hawley,	Perkins,	Wetmore.

NAYS—26.

Allen,	Clay,	Kenney,	Sullivan,
Bacon,	Cockrell,	McLaurin,	Taliaferro,
Bate,	Culberson,	Martin,	Teller,
Butler,	Harris,	Morgan,	Tillman,
Chandler,	Heitfeld,	Pettigrew,	Turner.
Chilton,	Jones, Ark.	Pettus,	
Clark, Mont.	Jones, Nev.	Rawlins,	

NOT VOTING—17.

Berry,	Kyle,	Sewell,	Warren,
Caffery,	McEnery,	Spooner,	Wolcott.
Daniel,	Mallory,	Stewart,	
Deboe,	Money,	Turley,	
Kean,	Pritchard,	Vest.	

So the report of the committee of conference was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Public Lands:

A bill (H. R. 2955) providing for the resurvey of township numbered 8 of range numbered 30 west of the sixth principal meridian, in Frontier County, State of Nebraska;

A bill (H. R. 4001) authorizing the adjustment of rights of settlers on the Navajo Indian Reservation, Territory of Arizona;

A bill (H. R. 5485) providing that the State of Wyoming be permitted to relinquish to the United States certain lands heretofore selected and to select other lands from the public domain in lieu thereof;

A bill (H. R. 7649) authorizing the Secretary of the Interior to issue patent to the city of Elreno, Okla., for cemetery purposes; and

A bill (H. R. 8585) to amend an act entitled "An act to prevent forest fires on the public domain," approved February 24, 1897.

The following bills were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (H. R. 459) for the relief of Christiana Dengler;

A bill (H. R. 7150) for the relief of Francesco Peruna;

A bill (H. R. 7663) to establish a board of charities for the District of Columbia;

A bill (H. R. 8069) to amend an act approved July 22, 1892, entitled "An act to provide for the opening of alleys in the District of Columbia;" and

A bill (H. R. 8532) to quitclaim all interest of the United States of America in and to lot 4, square 1113, in the city of Washington, D. C., to William H. Dix.

The following bills were severally read twice by their titles, and referred to the Committee on Indian Affairs:

A bill (H. R. 5032) authorizing the Secretary of the Interior to negotiate with certain Indian tribes in Oklahoma for the cession of the "neutral strip;" and

A bill (H. R. 8590) to ratify and confirm an agreement with the Comanche, Kiowa, and Apache tribes of Indians in Oklahoma Territory, and to open their reservation for settlement.

The bill (H. R. 8463) ratifying an appropriation by the legislature of Oklahoma out of the Morrill fund for the use of the university at Langston for colored students was read twice by its title, and referred to the Committee on Territories.

The bill (H. R. 8566) authorizing certain suits in the Court of Claims, and for other purposes, was read twice by its title, and referred to the Committee on Claims.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. HALE. I ask that the consular and diplomatic appropriation bill may be laid before the Senate. With the leave of the Senate I will call it up for consideration to-morrow morning.

The PRESIDENT pro tempore. The Senator from Maine asks that the unfinished business be laid aside temporarily, and that the diplomatic and consular appropriation bill be laid before the Senate. The Chair lays before the Senate the bill indicated, which will be read by title.

The SECRETARY. A bill (H. R. 7941) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1901.

Mr. HALE. Certain Senators not being present, I will not press the consideration of the bill to-night, but with the leave of the Senate I will call it up after the routine morning business to-morrow.

The PRESIDENT pro tempore. The Senator from Massachusetts [Mr. LODGE] gave notice that to-morrow he would address the Senate immediately after the routine business was concluded.

Mr. HALE. I can not, of course, interfere with that, but as soon as he is through I will try to get the bill up and have it passed.

I move that the Senate proceed to the consideration of executive business.

Mr. CARTER. If the Senator will withdraw that motion, pending its renewal I should like to make a request for unanimous consent.

Mr. HALE. I withdraw the motion.

NIGHT SESSION—CIVIL GOVERNMENT FOR ALASKA.

Mr. CARTER. I ask unanimous consent that when the regular work of the Senate shall have been concluded to-morrow afternoon, at the time of adjournment under ordinary circumstances, the Senate take a recess until 8 o'clock to-morrow evening for the purpose of the formal reading of the bill (S. 3419) making further provision for a civil government for Alaska, and for other purposes. The reading of the bill will consume a considerable time, and I make the request, in view of that fact, and with the understanding that no other business shall be transacted, that there shall be no amendments made to the bill or any action taken upon it, save the formal reading at the evening session, which I request for to-morrow evening.

The PRESIDENT pro tempore. The Senator from Montana asks unanimous consent that the Senate to-morrow take a recess until 8 o'clock in the evening, and that the bill to which he has referred, providing laws for Alaska, may be read, without any amendment or any action whatever other than the reading.

Mr. HALE. And no other business.

The PRESIDENT pro tempore. And no other business to be transacted. Is there objection? The Chair hears none, and it is so ordered.

CANADIAN-AMERICAN BOUNDARY WATERS.

Mr. PLATT of New York. I ask unanimous consent for the present consideration of the joint resolution (S. R. 71) authorizing the President of the United States to invite the Government of Great Britain to join in the formation of an international commission to examine and report upon the diversion of the waters that are the boundaries of the two countries.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUERTO RICO AND THE PHILIPPINE ISLANDS.

Mr. LINDSAY. Mr. President, I desire to give notice that on Friday morning, at the conclusion of the routine morning business, I shall address the Senate, if an opportunity presents itself, on the pending bill in relation to Puerto Rico and also concerning the relations which the Philippine Islands bear to the United States.

EXTENSION OF RHODE ISLAND AVENUE.

Mr. McMILLAN. I ask unanimous consent to call up the joint resolution (H. J. Res. 119) to amend an act entitled "An act to extend Rhode Island avenue," approved February 10, 1899.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It proposes to amend the act referred to by adding to the sixth section the following proviso:

Provided, That no appeal by any interested party from any decision of the supreme court of the District of Columbia confirming said assessment or assessments shall delay or prevent the payment of said awards in respect to the property condemned.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM R. M'ADAM.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill (S. 3105) for the relief of the mother of William R. McAdam.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to the mother of William R. McAdam, deceased, late an assistant surgeon in the United States Marine-Hospital Service, $3,900, being the amount of his salary and allowances for two years.

Mr. COCKRELL. Let the report be read.

The report submitted by Mr. NELSON February 23, 1900, was read, as follows:

The Committee on Commerce, to whom was referred the bill (S. 3105) for the relief of the mother of William R. McAdam, referred the same to the Treasury Department for information and advice, and in reply thereto received a letter from the Acting Secretary of said Department, which is attached to this report and made a part thereof. This letter gives the facts in the case, and indorses and recommends the passage of the bill.

Your committee concur in the views expressed by the Secretary of the Treasury, and accordingly recommend the passage of the bill.

TREASURY DEPARTMENT,
Washington, February 15, 1900.

SIR: I have to acknowledge receipt of your letter of the 13th instant, transmitting a copy of S. 3105, Fifty-sixth Congress, first session, "For the relief of the mother of William R. McAdam," and requesting me to furnish the committee with suggestions touching the merits of the bill and the propriety of its passage.

In reply I have to inform you that Asst. Surg. William R. McAdam, while in the active discharge of his duty in connection with the measures taken to prevent the spread of yellow fever from Key West, Fla., to the mainland, contracted the disease and died therefrom October 12, 1899. He was not married, but leaves an aged mother, who relied upon him for support.

There is a precedent for this bill in the act of Congress approved June 15, 1898, appropriating a sum equal to two years' pay and allowances for the benefit of the legal representatives of the late Asst. Surg. John W. Brannam, Marine-Hospital Service, who died in Brunswick, Ga., in 1893, under similar circumstances. The bill is also in line with recommendation contained in the last annual report of the Secretary of the Treasury. I deem the bill a proper and meritorious one, and urgently recommend its passage.

Respectfully,

O. L. SPAULDING,
Acting Secretary.

The CHAIRMAN COMMITTEE ON COMMERCE,
United States Senate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ANNIE E. JOSEPH.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 1319) granting an increase of pension to Annie E. Joseph.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the name "Joseph," to insert "Bvt. Brig. Gen. Charles S. Russell, and also widow of:" and in line 10, after the word "of" where it occurs the second time, to strike out "the $20 per month which she now receives" and insert "that she is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Annie E. Joseph, widow of Bvt. Brig. Gen. Charles S. Russell, and also widow of George W. Joseph, late private, Company B, One hundred and thirty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALBERT HAMMER.

Mr. CULLOM. I ask unanimous consent to call up the bill (H. R. 2637) granting an increase of pension to Albert Hammer.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Albert Hammer, late of Company E, One hundred and twenty-third Illinois Volunteers, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT DALLAS, TEX.

Mr. CULBERSON. I ask unanimous consent to call up for present consideration the bill (S. 2583) for enlarging the public building at Dallas, Tex.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of the Treasury to cause the public building at Dallas, Tex., to be enlarged, so as to furnish to the post-office and other offices more room and better accommodation, the cost of such enlargement not to exceed the sum of $150,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN B. TURCHIN.

Mr. FORAKER. I ask unanimous consent for the present consideration of the bill (S. 289) granting a pension to John B. Turchin.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John B. Turchin, late brigadier-general, United States Volunteers, and pay him a pension at the rate of $50 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT SPOKANE, WASH.

Mr. TURNER. I ask that the bill (S. 98) providing for the erection of a public building at the city of Spokane, in the State of Washington, be put on its passage.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, on page 2, line 2, before the word "thousand," to strike out "three hundred and fifty" and insert "five hundred;" so as to read:

That the Secretary of the Treasury be, and he hereby is, authorized and directed to purchase or acquire by condemnation proceedings a site for a building to be erected thereon, and to cause to be erected at the city of Spokane, in the State of Washington, a suitable building for the use and accommodation of the United States courts, the post-office, and other Government offices in said city, with fireproof vaults extending to each story, the site and the building thereon, when completed according to plans and specifications to be previously made and approved by the Secretary of the Treasury, not to exceed the cost of $500,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SEMINOLE INDIANS.

Mr. PLATT of Connecticut. I ask unanimous consent that the Senate consider the bill (S. 3055) to ratify an agreement between the Commission to the Five Civilized Tribes and the Seminole tribe of Indians.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

GLOBE WORKS, OF BOSTON, MASS.

Mr. HOAR. I ask that the Senate proceed to the consideration of the bill (S. 1934) for the relief of the Globe Works, of Boston, Mass. There are two bills, this one and the one following, that I believe go together.

The PRESIDENT pro tempore. The bill has been read in Committee of the Whole formerly. Is there objection to its consideration?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1934) for the relief of the Globe Works, of Boston, Mass.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ATLANTIC WORKS, OF BOSTON, MASS.

Mr. HOAR. I ask also that the next bill, which is one standing in the same way, a bill of the same character, be taken up and considered. It is the bill (S. 1744) for the relief of the Atlantic Works, of Boston, Mass.

The PRESIDENT pro tempore. That bill also has been read in Committee of the Whole. Is there objection to its consideration? The Chair hears none.

Mr. ALDRICH. Are we taking up cases that have been objected to heretofore or not?

The PRESIDENT pro tempore. They have not been objected to.

Mr. ALDRICH. This bill has been objected to once or twice.

Mr. HOAR. I think not.

Mr. ALDRICH. I myself objected to it once. I do not know whether anyone else has objected to it or not.

Mr. GALLINGER. It was passed over without prejudice.

Mr. ALDRICH. I was wondering whether we had gone back and taken up cases objected to.

The PRESIDENT pro tempore. It was taken up by unanimous consent at the request of the Senator from Massachusetts. Does the Senator from Rhode Island object?

Mr. HOAR. Does the Senator wish me to make an explanation now?

Mr. ALDRICH. No; I object to the bill.

The PRESIDENT pro tempore. Objection being made, the bill goes over.

Mr. HOAR. Let the bill stand without prejudice until the Senator who reported it comes in.

The PRESIDENT pro tempore. The bill will be passed over without prejudice.

JULIA A. TAYLOR.

Mr. HARRIS. I ask unanimous consent for the present consideration of the bill (S. 817) granting an increase of pension to Julia A. Taylor, a pension bill reported without amendment.

There being no objection, the bill (S. 817) granting an increase of pension to Julia A. Taylor, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Julia A. Taylor, widow of Samuel A. Taylor, late captain Company G, Twenty-first Regiment Massachusetts Volunteer Infantry, and second lieutenant Company H, Fourth Regiment Massachusetts Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Julia A. Taylor."

NELLY YOUNG EGBERT.

Mr. FORAKER. I ask unanimous consent for the present consideration of the bill (S. 995) granting an increase of pension to Nelly Young Egbert, widow of Harry Clay Egbert, late colonel, United States Army.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "one hundred" and insert "fifty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nelly Young Egbert, widow of Harry Clay Egbert, late colonel Twenty-second Regiment United States Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Nelly Young Egbert."

CHARLES KAUFFUNG.

Mr. QUARLES. I ask unanimous consent for the present consideration of the bill (H. R. 2597) granting an increase of pension to Charles Kauffung.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Kauffung, late of Company G, First Regiment Wisconsin Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

Mr. QUARLES. I move to amend the amendment by striking out the word "thirty" and inserting the word "fifty" before the word "dollars." This is a case where I omitted to call the attention of the committee to the amendment. The man is entirely blind in both eyes and requires, of course, the constant attendance of some one to look after him, and to make this pension equal with the others, according to the rule and understanding of the committee, I move this amendment to the amendment.

Mr. COCKRELL. Unless the matter has been brought to the attention of the Committee on Pensions, I shall object. The Pension Committee has been very liberal, and I shall oppose any increase over what the committee recommend unless there are some very strong reasons why the Committee on Pensions will assume the responsibility. If this course is to be pursued, I have here a dozen cases where I will move to increase the rate fixed by the Committee on Pensions unless they will consider the case and make a report upon it themselves. It is not right that this one and the other one should come in here and move to increase the rate and violate the rules of the Pension Committee and their system of adjudicating and rating pensions.

The PRESIDENT pro tempore. Does the Senator from Missouri object to the present consideration of the bill?

Mr. COCKRELL. I do for the present.

Mr. QUARLES. I wish the Senator would withdraw his objection. I will state that I have consulted the committee in regard to it.

Mr. COCKRELL. Recommit the bill to the committee and let them report it back.

Mr. QUARLES. That would put it down at the foot of the Calendar.

Mr. COCKRELL. That does not make a bit of difference. Pension cases are always considered by taking up the Pension Calendar and going through with it.

Mr. QUARLES. Then I move to recommit the bill to the Committee on Pensions.

The motion was agreed to.

HORATIO H. WARREN.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (H. R. 2331) granting an increase of pension to Horatio H. Warren.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Horatio H. Warren, late of Company B, Thirteenth New Hampshire Volunteer Infantry, and to pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Several Senators addressed the Chair.

Mr. HAWLEY. I rose to move that the Senate proceed to the consideration of executive business.

MRS. ELLA M. SHELL.

Mr. McLAURIN. I ask unanimous consent that the Senate proceed to the consideration of the bill (S. 2311) for the relief of Mrs. Ella M. Shell.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay $500 to Mrs. Ella M. Shell, widow of G. W. Shell, deceased, for services rendered by her husband as census supervisor for the Fourth census district of South Carolina.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and read the third time.

Mr. COCKRELL. I ask that a letter which the Senator from South Carolina has from the Director of the Census in relation to the bill may be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, the letter will be printed in the RECORD in connection with the bill.

The letter is as follows:

DEPARTMENT OF THE INTERIOR, CENSUS OFFICE,
Washington, D. C., February 14, 1900.

MY DEAR SIR: In compliance with your request as to the services which were rendered by Mr. G. W. Shell, supervisor of census for the Fourth census district of South Carolina, I have the honor to inform you that Mr. Shell was appointed supervisor on July 25, 1899, and confirmed by the Senate on December 12, 1899, shortly thereafter dying.

During this period he was called upon to investigate the conditions which prevailed in his district, to secure information regarding various matters, and to properly divide his district into suitable enumeration districts.

These matters required considerable work, and he was probably placed to some expense to acquire the information necessary, which expense could not be reimbursed under the census act approved March 3, 1899.

I am of the opinion that his legal representatives should receive some consideration for the services thus rendered.

I am, very truly, yours,

W. R. MERRIAM, *Director.*

Hon. JOHN L. MCLAURIN,
United States Senator, Washington, D. C.

The PRESIDENT pro tempore. Shall the bill pass?

The bill was passed.

Mr. HAWLEY. I move that the Senate proceed to the consideration of executive business.

Mr. FOSTER. Allow me to have one bill passed.

Mr. HAWLEY. I will yield.

PUBLIC BUILDING AT TACOMA, WASH.

Mr. FOSTER. I ask unanimous consent to call up the bill (S. 304) providing for the erection of a public building at the city of Tacoma, in the State of Washington.

There being no objection, the bill was considered as in Committee of the Whole. It directs the Secretary of the Treasury to acquire, by purchase, condemnation, or otherwise, a site for a building to be erected thereon, and to cause to be erected, at the city of Tacoma, Wash., a suitable building for the use and accommodation of the United States courts, the post-office, and other Government offices in that city, with fireproof vaults extending to each story; the site and the building thereon, when completed according to plans and specifications to be previously made and approved by the Secretary of the Treasury, not to exceed the cost of $750,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

W. W. RILEY.

Mr. CLAY. I ask unanimous consent to call up the bill (H. R. 1806) for the relief of W. W. Riley and put it on its passage.

Mr. COCKRELL. I give notice that as soon as this bill is passed I shall move that the Senate adjourn.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill indicated by the Senator from Georgia?

There being no objection, the bill was considered as in Committee of the Whole. It proposes to pay to W. W. Riley, of Ackerman, Miss., $458, being the amount of United States money-order funds which was stolen from his safe October 13, 1896, when he was postmaster at Ackerman, Miss., and which amount he paid into the United States Treasury.

Mr. COCKRELL. I ask for the reading of the report in that case, or at least the letter from the Post-Office Department dated January 19, 1900.

The Secretary read the following report, submitted by Mr. CLAY, February 19, 1900.

The Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 1806) for the relief of W. W. Riley, beg leave to submit the following report, and recommend that said bill do pass:

In 1896 Riley was postmaster at Ackerman, Miss., and was in the possession of certain United States money-order funds, which were stolen from him. The theft was committed by one Thrasher Meade in the nighttime, after breaking open a safe where said funds were deposited. Largely through the efforts of Mr. Riley, said Thrasher Meade was arrested and convicted of the crime.

The amount of the funds stolen, as stated in said bill, was made good by said Riley. Your committee are unable to find that said Riley was guilty of negligence in the matter, and the Post-Office Department, to which said bill was referred for opinion as to its merits, recommend relief to Mr. Riley.

The letters received by the committee from the Department are made a part of this report and are as follows:

POST-OFFICE DEPARTMENT,
OFFICE OF FIRST ASSISTANT POSTMASTER-GENERAL,
Washington, D. C., January 19, 1900.

SIR: This office has given careful consideration of the matter of loss of $458 in money-order funds by burglary of the post-office at Ackerman, Miss. A bill is pending for the relief of the postmaster.

The circumstances seem to fully justify concurrence in the views of the Assistant Attorney-General for this Department, under this date, and this office is therefore of the opinion that the amount should be refunded to the postmaster, through the process provided for in the bill, and so recommends.

Respectfully,

GEO. M. ALLEN,
Acting First Assistant Postmaster-General.

Hon. A. F. FOX, M. C., *City.*

POST-OFFICE DEPARTMENT,
OFFICE OF ASSISTANT ATTORNEY-GENERAL,
Washington, D. C., January 19, 1900.

SIR: Mr. Allen called on me in person within the last few minutes, in company with Hon. A. F. FOX, member of Congress, of Mississippi, and requested that I look into the matter of the loss of $458 of money-order funds by burglary at the post-office at Ackerman, Miss., on the night of October 13, 1896, which amount was paid upon the demand of a post-office inspector by W. W. Riley, postmaster at Ackerman. There is no question as to the facts connected with this case. A bill has been introduced by Mr. FOX for the relief of this postmaster, and he desires that a recommendation from this Department shall be made for the refunding of said amount, which he may use in connection with the consideration of the case by the proper committee.

The postmaster at Louisville, Miss., remitted said amount ($458) to the postmaster at New Orleans, La., the proper depository. The registered package containing this amount reached the post-office at Ackerman, in transit, on the evening of October 12, 1896. It was placed in the postmaster's safe, with other property in his custody, by the postmaster, and so far as the facts go to show, the safe was securely locked. The New Orleans package, in the regular course of mails, should have left Ackerman the next day, but by reason of the oversight of the postmaster (for which he offers some very good reasons) it laid in his safe during that day and into the night of the 13th of October. His safe was burglariously entered that night, it is said, by a celebrated and notorious burglar, who was subsequently arrested and convicted for this offense, and mainly through the efforts of the Ackerman postmaster, and this particular package for New Orleans, together with other funds, was stolen. The postmaster at Ackerman has heretofore made a claim for the loss of funds belonging to his own office, the most of which claim was some time since allowed by this office.

The main question which seems to be involved in the case, so far as it should be considered in connection with Mr. FOX'S request, is whether or not, by reason of the negligence, real or technical, of Riley, this Department should decline to make a recommendation for the refunding of the money to him. There seems to me to be some very substantial reasons why the loss should not fall upon him. That the money was taken by the burglar and never recovered is unquestionable, and the only thing to be considered is whether or not the negligence of the postmaster is of that serious character that should prevent this Department from joining in the proposition to relieve him. I do not believe that the public service would be damaged by giving the recommendation.

Very respectfully,

JAS. N. TYNER,
Assistant Attorney-General for the Post-Office Department.

Hon. PERRY S. HEATH,
First Assistant Postmaster-General.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. ALDRICH. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, March 7, 1900, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate March 6, 1900.

UNITED STATES DISTRICT JUDGE.

Melville C. Brown, of Wyoming, to be United States district judge for the district of Alaska, vice Charles S. Johnson, whose resignation has been accepted to take effect March 31, 1900.

SURVEYOR OF CUSTOMS.

Joshua L. Chamberlain, of Maine, to be surveyor of customs for the port of Portland, in the State of Maine, to succeed William H. Anderson, whose term of office has expired by limitation.

POSTMASTER.

Adam C. Reinoehl, to be postmaster at Lancaster, in the county of Lancaster and State of Pennsylvania, in the place of Ellwood Griest, deceased.

APPOINTMENT IN THE ARMY.

Pay Department.

Capt. Francis L. Payson, assistant quartermaster, United States Volunteers, to be paymaster with the rank of major, March 5, 1900, vice Frost, retired from active service.

APPOINTMENTS IN THE VOLUNTEER ARMY.

PUERTO RICO REGIMENT OF INFANTRY.

To be captains.

First Lieut. Jesse McI. Carter, Fifth United States Cavalry, to fill an original vacancy.

First Lieut. Christian Briand, adjutant, Puerto Rico Battalion, to fill an original vacancy.

First Lieut. James T. Ord, Puerto Rico Battalion, to fill an original vacancy.

William P. Butler, late major, First Illinois Volunteer Cavalry, to fill an original vacancy.

To be first lieutenants.

Orval P. Townshend, late captain, Ninth Illinois Volunteers, vice Raymond, appointed captain.

Second Lieut. Harry L. Cooper, Puerto Rico Battalion, vice Briand, appointed captain.

Second Lieut. Jacob E. Wyke, Puerto Rico Battalion, vice Ord, appointed captain.

To be second lieutenants.

Walter F. Martin, late first lieutenant, Sixth Missouri Volunteers, vice Cooper, appointed first lieutenant.

Eben Swift, jr., late second lieutenant, Seventh Illinois Volunteers, vice Wyke, appointed first lieutenant.

First Sergt. Paul Wuttke, Company A, Puerto Rico Battalion, to fill an original vacancy.

Charles B. Kerney, late sergeant, Light Battery A, Missouri Volunteers, to fill an original vacancy.

Frederick W. Hawes, late private, Company M, First United States Volunteer Cavalry, to fill an original vacancy.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 6, 1900.

CONSUL.

Henry B. Miller, of Oregon, to be consul of the United States at Chungking, China.

POSTMASTERS.

Homer A. Plimpton, to be postmaster at Perris, in the county of Riverside and State of California.

Clarke P. Harding, to be postmaster at Medway, in the county of Norfolk and State of Massachusetts.

William Noble, to be postmaster at South McAlester, in the Choctaw Nation of Indian Territory.

Edward A. Ellis, to be postmaster at Newton Center, in the county of Middlesex and State of Massachusetts.

J. H. Smith, to be postmaster at Downs, in the county of Osborne and State of Kansas.

Francis Marion McDowell, to be postmaster at Winamac, in the county of Pulaski and State of Indiana.

Eugene T. Slayton, to be postmaster at Lapeer, in the county of Lapeer and State of Michigan.

William F. Wiley, to be postmaster at Peabody, in the county of Essex and State of Massachusetts.

Stephen Osgood, to be postmaster at Georgetown, in the county of Essex and State of Massachusetts.

William C. Collins, to be postmaster at Homer, in the county of Cortland and State of New York.

Charles A. Sawyer, to be postmaster at Jackson, in the county of Cape Girardeau and State of Missouri.

Frank L. Redfield, to be postmaster at Cloquet, in the county of Carlton and State of Minnesota.

Frederick T. Miles, to be postmaster at Salem, in the county of Columbiana and State of Ohio.

Charles T. Jackson, to be postmaster at Goshen, in the county of Orange and State of New York.

Gilbert Francis, to be postmaster at Ellenville, in the county of Ulster and State of New York.

George B. Jacobus, to be postmaster at Caldwell, in the county of Essex and State of New Jersey.

James H. Morrison, to be postmaster at Marienville (late Marionville), in the county of Forest and State of Pennsylvania.

Byron G. Hahn, to be postmaster at Wilkesbarre, in the county of Luzerne and State of Pennsylvania.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March 6, 1900.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read.

CORRECTIONS.

Mr. BAILEY of Texas. Before the Journal is corrected there is one matter to which I wish to call attention. It is not very important, but I am unwilling to see the Journal approved without making the statement that it is not correct to say that "Mr. BAILEY proceeded to discuss the question of order which the Chair had decided." As a matter of fact, I proceeded to comment upon it. I have no desire to detain the House by any motion to correct the Journal, but merely wished to make that statement.

Mr. GAINES. On page 2662 of the RECORD I am reported as not voting and not present. I was not only present, but voted, my vote being cast in the negative.

The SPEAKER. The correction stated by the gentleman from Tennessee [Mr. GAINES] will be made. As corrected, the Journal, if there be no objection, will stand approved.

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed with amendments a bill of the following title; in which the concurrence of the House of Representatives was requested:

H. R. 6627. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1901, and for other purposes.

The message also announced that the Senate had passed without amendment joint resolution (H. J. Res. 170) providing for the acquisition of certain lands in the State of California.

ELECTION CONTEST—ALDRICH VS. ROBBINS.

The SPEAKER. The contested-election case of Aldrich vs. Robbins, from the Fourth Congressional district of Alabama, will now be taken up under the order of the House. The gentleman from Georgia [Mr. BARTLETT] is recognized.

Mr. BARTLETT. Mr. Speaker, I yield one hour to the gentleman from Alabama [Mr. ROBBINS].

[Mr. ROBBINS addressed the House. See Appendix.]

Mr. MANN. Mr. Speaker, the gentleman from Nebraska is ready to proceed, and I yield one hour to him.

Mr. BURKETT. Mr. Speaker, this case now before us for consideration is an important one. It is more so, perhaps, than most similar contests. The membership of the House is probably more familiar with it than any other of the several contested-election cases. The political history of the Fourth Congressional district of Alabama is an unenviable one. It is a disgrace to the State of Alabama and a stain upon the whole nation.

For three consecutive Congressional elections the methods and practices of that district have been investigated by this House, and in both of the preceding instances this body has set its seal of condemnation upon the debauchery thereof.

As between these individuals only it matters little to this House or the country whether the contestant shall be given the seat or whether the sitting member shall be permitted to retain it. This contest is to right wrongs as between these individuals, and will have failed of its purpose in the measure that it fails of right and justice and law and fact.

But I say that out and beyond the rights of the immediate parties to this contest are the things that this contest stands for. The rights and liberties of the thousands of disenfranchised American citizens in the Fourth Congressional district of Alabama are involved in our action here to-day. Aye, more even than that, for by the contests that are before this body for consideration at this time there is to be determined whether or not those parts of the Constitution which define American citizenship and determine a man's status and rights, notwithstanding the color of his skin or the condition of his pocketbook, shall have any meaning and effect, or whether force, fraud, and corruption in some portions of this

country shall continue to nullify those constitutional guaranties at will.

We hear considerable in these modern times from certain sources about "human liberty" and "equality," "the Declaration of Independence," and the "consent of the governed." A stranger to earth might almost imagine the Democratic party was sprouting wings. Great gobs of salty tears are periodically shed for people we never have seen and know not of far across the seas. Our friends who occupy that portion of this House between that aisle and the "Cherokee Strip" have been very solicitous of late about the status of the Constitution in Puerto Rico and the Philippines, while at home, in the very stronghold of Democracy, the Constitution is being withheld from more voters than there are people in all our new possessions.

I sent to the Clerk of the House of Representatives and asked him for a list of the contests that were pending before this Congress. The statement which he sent me is as follows:

No.	Contestant.	Contestee.	District.
1	William F. Aldrich	Gaston A. Robbins	Fourth Alabama.
2	Walter Evans	Oscar Turner	Fifth Kentucky.
3	George M. Davison	G. G. Gilbert	Eighth Kentucky.
4	John D. White	Vincent Boreing	Eleventh Kentucky.
5	Cornelius J. Jones	Thomas C. Catchings	Third Mississippi.
6	Oliver H. Dockery	John D. Bellamy	Sixth North Carolina.
7	Richmond Pearson	Wm. F. Crawford	Ninth North Carolina.
8	R. B. Tolbert	Asbury C. Latimer	Third South Carolina.
9	Richard A. Wise	William A. Young	Second Virginia.
10	James A. Walker	William F. Rhea	Ninth Virginia.

Thus we see there are here pending ten contests for consideration and determination by this House.

The scope of the territory from which these contests come is a significant fact. It is the same territory from which comes up the wail of more than one-half of the people that their rights are being stamped beneath the feet of others. It is there that men are not permitted to exercise the right of franchise which the laws of their country give them. It is in this spot where "consent of the governed" is less regarded than in any place on the earth to-day. Fifteen Congressmen occupy seats in this body to-day, representing more than two and a half million of people, with a combined vote of 45,000. So I say the contests that come in here are important far beyond the significance to the parties as individuals. They call our attention to the condition of affairs down there and, most of all, to the miserable election laws that we have heard so much about.

The contestee, the gentleman from the Fourth Alabama district [Mr. Robbins], who has just spoken, went over, so to speak, the entire case, and yet, sir, in all that time I have not heard one single word why any vote should be counted that was not counted, nor why any vote should not be counted that was counted by the majority of the committee in its report. If this committee has done any great wrong, certainly he should have told you. There has been a good deal of talk going on about the corridors and about this House to the effect that this Committee on Elections had taken up precincts in which the contestant had ordered his votes suppressed, and had counted votes which "they thought would have been cast for the contestant if they had been permitted to vote."

It was only yesterday that a member addressed me in the body of the House and said: "I understand that your committee have taken certain precincts where Aldrich suppressed the votes and have counted for him the number of votes that you supposed would have been cast for him if they had been permitted to vote." Some of the distinguished gentlemen's remarks who preceded me seemed intended to convey that impression.

I want to remove any such impression as that, if it has got abroad. This committee in not one single, solitary precinct have employed any such a rule. Not one single, solitary vote have they given to any man who has not come up and proved that vote. We have not drawn on our imagination in any particular nor permitted any partisan or personal feeling to lure us on to conclsuions not abundantly substantiated by evidence. We have considered the case for weeks and months. We have taken the 900 printed pages of evidence and gone over it page by page, line by line, word by word, and from this testimony we have drawn our conclusions as best we could, from the very best sort of evidence that was given us to determine it upon.

I will admit, Mr. Speaker, that in all particulars the evidence was not as full and clear and complete as I would liked to have had it. But I do not suppose that any election contest will ever come here to be determined in which all the points that an election committee might suggest shall have been touched upon in that evidence which must necessarily have been taken months in advance. But, sir, as a member of this committee, I want to assure you that this committee was bound under the evidence to bring in the report that the majority have presented here for your consideration.

Now, Mr. Speaker, before I shall go further into the details of this report, before I shall undertake to point out to the House separately and individually the frauds that were perpetrated in this election and upon which the majority report is based, I want briefly to touch generally upon the cause of this contest. I want, in as few words as possible, to give you some of the conditions that obtain down there in that particular district. This district has become historical for one thing, if for no other—that of contested-election cases. For the third time, as has been brought out in this evidence, these same parties, practically—three times the same contestant and twice the same contestee—have brought their difficulties into this body to be determined and to be settled; and every time fraud enough has been found in the single county, that of Dallas, to warrant the House in overturning the election returns and granting the prayer of the contestant.

I do not suppose, Mr. Speaker, in all this Union of States, in all their counties, there is another county among them all that is responsible for so much corruption and dirty, miserable, degraded political practice as the one county of Dallas, in the Fourth Congressional district of Alabama. Now, Mr. Speaker, I want to call the attention of the House to the geographical condition, if I may so term it, of that district, that we may have a correct understanding of the entire case. As has been said, the Fourth district of Alabama is composed of six counties—Cleburne, Calhoun, Talladega, Shelby, Chilton, and Dallas.

There is no contest about five of them. The trouble all comes from the one county of Dallas. There is no use in talking about the other five counties of Cleburne, Calhoun, Talladega, Shelby, and Chilton; there is nothing in the contest about them, but the whole proposition comes upon Dallas County alone. Aye, more. It all turns upon ten precincts in Dallas County, and I will give those to you later on. Enough of fraud, enough of corruption, enough of manipulating of the ballots and the count and the returns was found in ten precincts of one county to change the results of the election in the entire district and warrant the majority of the committee in reporting in favor of the contestant.

By the census of 1890 the total voting population of that district was 35,462. The total voting population of Dallas County was 10,677. Deducting Dallas County from the total in the district, and we find that the other five counties have 24,785. Now, the total vote cast at the election of 1898, as shown by the returns, gives Aldrich 5,685 and Robbins 6,915, or a total vote cast of 12,600 out of a total voting population of 35,462. That is, as shown by the returns, about one man out of every three who were entitled to vote actually exercised that right.

Now, let us go a step further. In these five counties where the whites predominate—and they do in every county but Dallas—Aldrich received 5,293 votes and Robbins 4,477 votes. In short, Aldrich received in these five white counties, where the whites predominate more than 2 to 1, controlled by white men, 816 more votes than Robbins did. These votes must be overcome. They could not change the returns in these five counties. The people there knew how they wanted to vote, and had the nerve and the manhood and the power to demand and obtain their rights.

This majority for Aldrich must be overcome where it could be done. It must be done where the environments were most auspicious. It must be overcome down there in Dallas County where the people managing the election were willing to go to any depths of miserable degradation, and to any length in usurpation of the rights of others, and where those thus defrauded were too weak and too fearful to demand and obtain their rights. Down in Dallas, poor, black, and ignorant, is where the force and fraud was used that thwarted the will of six counties of people. In Dallas County, by the returns, Mr. Robbins received 2,438 votes and Mr. Aldrich 392 votes. This left 2,046 majority for Mr. Robbins in that county, and deducting the 816 votes that Mr. Aldrich received in the white counties, left the contestee's majority in the district 1,230.

Now, from these figures let us make a few deductions. By the census of 1890 the total number of white voters in those first five counties was 17,005. The total number of colored votes in those first five counties was 7,780. In those five counties with 17,000 white voters and 7,000 colored voters, Mr. Aldrich received, according to the returns, 5,293 votes and Mr. Robbins 4,477.

Now, let us go just one step further in Dallas County. As I said, with white voters numbering two thousand one hundred-odd and the colored voters numbering 8,500, Mr. Aldrich received only 392 votes and Mr. Robbins 2,438, and still the Democrats of the South tell us they are afraid of "negro domination," when Aldrich carried the white counties and the only county the Democratic contestant carried was negro Dallas. Now, from both these figures let us draw another deduction or two. Mr. Aldrich, the contestant, received in the five white counties 21.3 per cent of the entire voting

population, and Mr. Robbins received 18 per cent of the entire voting population. When we get down into Dallas County, Mr. Aldrich received only 3.6 per cent of the entire voting population, instead of 21.3 per cent, and Mr. Robbins received 22.8 per cent.

Now, why do not our friends on the other side get up and ask us whether Mr. Aldrich did not suppress some of the votes down there in Dallas County? To be sure he did, for reasons which the gentleman from Illinois, my colleague on the committee, explained so thoroughly to the House the other day. But let me call attention to this fact, that up in those five counties Mr. Robbins received 18 per cent, while down in Dallas County he received 22.8 per cent of all the voting population. What does that mean? It means that Mr. Robbins increased his vote 26.6 per cent of itself down in Dallas County over and beyond the proportion that it was up in those five counties.

I ask you, Mr. Speaker, I ask this House, as a general proposition—I admit that this has nothing to do with the proof in this case—but I ask this House, as a general proposition, is there not something peculiar when a Democrat, running on a Democratic ticket, who has the temerity to tell this body that he believes in Caucasian rule; that he does not intend to go to Africa for his vote; can go down into a county with two and a half times as many colored people as white and jump his vote up 26.6 per cent of itself? [Laughter.] My judgment is that Africa is his proper political habitat.

Now, Mr. Speaker, I want to impress that fact upon this House. Down in Dallas County contestee increased his vote 26.6 per cent of itself, where there were two full-grown negroes and a boy to every white man and where there were three voting precincts that never voted at all. Think of it! Three voting precincts that never voted at all. Yet the gentleman who represents the Democracy of the South, exultant in the frauds by which the Caucasian shall rule, spurning the African vote, increased his vote 26.6 per cent in that particular county. Let us take a little more of this same sort of figuring. Mr. Aldrich's vote equaled 31.1 per cent of the white vote of those five counties.

When he got down into Dallas County, he received a number of votes equal to 18.2 per cent of the white votes of the county. That does not signify anything, I will confess—why? Because Mr. Aldrich suppressed his vote in Dallas County, as shown here. But let us take the other vote. Mr. Robbins received a vote equal to 26.3 per cent of the white voting population of the five counties I have just mentioned. He goes down into Dallas County—"nigger Dallas County," as he is pleased to term it; "Africa," as he chooses to brand it—and he receives, what per cent of the white voting population do you suppose? He receives 113.6 per cent—13 per cent more than there were, all told, of white voting population in that county. [Laughter.] That is, while up in the other counties he received a vote equal to 26.3 per cent of the white voters, down in Dallas his vote equaled every single solitary white man and 13 per cent besides.

So I might go on, Mr. Speaker, and cite figures and calculate percentages from the votes down there. I have not undertaken to do more in this, however, than to lay down a general proposition for the purpose of showing this House right from the start that there has been something radically wrong down in Dallas County for lo these many years, and that the duty devolves upon this House to right, now and forever, the wrong that has been perpetrated upon the people of that district.

Mr. LATIMER. Will it interrupt the gentleman if I ask him a question?

Mr. BURKETT. Oh, no.

Mr. LATIMER. Does the gentleman think the fact that Mr. Robbins lives in Dallas County, that that is his home, cuts no figure in the number of votes cast for him there?

Mr. BURKETT. I admit that it is hardly possible that a man can live in a county and the vote for him not be different there from what it would be if he lived in another county. If it were not so, it would signify that the man running for office was neither a bad man nor a good man—a simple nonentity in that community. A man running for office in his own county would naturally get more votes because he is a good man and respected in the community, or else fewer votes because he is a bad man.

But, Mr. Speaker, it ought not to be so very different as we find it is in the case now presented. He ought not to go there—when he gets only 26 per cent on the average in the rest of the district—he ought not to go there to get 13 per cent more than the total number of white votes cast.

Mr. LATIMER. If the gentleman will permit me, I presume, of course, that he wants to state the facts and be perfectly fair to the House in connection with this controversy.

Mr. BURKETT. Certainly.

Mr. LATIMER. Then, the statement I would like to make to the gentleman is this, That in the Southern country I suppose the same condition prevails as we find all over the United States, that there is some sort of pride among the people in the county where the candidate resides.

Mr. BURKETT. Certainly; I understand that.

Mr. LATIMER. So when you refer to the fact that Mr. Robbins got an exceedingly large vote in Dallas County, which is his home county—a larger vote than he got in proportion to the average received throughout the rest of the district—we insist, because he was a resident of Dallas County, there was that pride amongst the people of that county which induced large numbers to make special efforts to get to the polls and vote for their candidate.

Mr. BURKETT. You have already so stated, and I do not dispute the gentleman's statement. I am only calling attention to the remarkable discrepancy in this case. Let me call your attention to the further fact that there were almost 11,000 votes in Dallas County. Now, if this distinguished gentleman, the contestee, was so remarkably popular in his own county, is it not a peculiar fact he received only 2,438 votes out of 11,000 voters?

Mr. LATIMER. I understand that in the most of this county the Aldrich voters—the colored voters—were advised not to turn out and vote at all.

Mr. BURKETT. Even if that were so, it would not affect the Robbins vote.

Mr. LATIMER (continuing). But in face of that the Robbins vote turned out and consequently he got a very much larger proportion of votes there than he did in the rest of the precincts. The effect of Mr. Aldrich's action was to reduce his vote and necessarily to increase to that extent the Robbins vote.

Mr. BURKETT. Oh, no; that would divide the percentages; but if every single supporter of Aldrich had stayed at home, it could not have increased Robbins's vote. But there was another reason which the gentleman has not yet assigned. It was needless for men to go to the polls and vote for Mr. Aldrich when they had reason to believe that their votes would be counted the other way anyhow.

Mr. LATIMER. If the voters purposely, and by advice, stayed away from the polls, of course they could not expect their votes to be counted.

Mr. BURKETT. But they would be counted for the other fellow anyway even if they voted, and therefore they stayed at home.

Mr. LATIMER. The gentleman will hardly make that contention, I imagine.

Mr. BARTLETT. If the gentleman from Nebraska will yield a moment—I am sure he wants to be entirely fair.

Mr. BURKETT. I will yield to the gentleman from Georgia.

Mr. BARTLETT. Then pardon me if I call your attention to a statement which I think the gentleman has entirely overlooked. Mr. Robbins got in Dallas County 2,438 votes altogether.

Mr. BURKETT. That is correct.

Mr. BARTLETT. Now, in 1890, ten years ago, there were 2,146 white voters in the county. The testimony shows that in the ten years after the census of 1890 there are at least 3,000 white voters in that county; and that is the testimony of witnesses of the contestant himself. Is it not true?

Mr. BURKETT. It is not. I disagree with the gentleman——

Mr. BARTLETT. I beg the gentleman's pardon; but the evidence is conclusive.

Mr. BURKETT. Of course, I understand the gentleman from Georgia to be entirely correct as to the evidence. That is the statement on the testimony, but I question somewhat the correctness of that testimony.

Mr. BARTLETT. I understand the gentleman, of course.

Mr. BURKETT. Certainly. I have no dispute with the gentleman as to what the evidence was. But I think the evidence is wrong. As to the facts alleged, I differ with the testimony, and I have figures here which I think will show that I am justified in that regard. It is not material, as I can see, anyway, even if what the gentleman from Georgia has said was correct. I want to show that the same old Dallas County, where all of these irregularities have been going on for these many years past, has been going downward and downward when the rest of the country has been developing and building up; where other counties and other States, in which the people are permitted to exercise their constitutional rights unimpaired, are increasing in wealth and growing in population all the time. People are moving into them and being born in them; but the statistics show that in old Dallas County, if people are born there or move there, they get ashamed of the fact, disown the county, and move out of it.

But now let me proceed to the next step in this discussion. I have shown you what the vote was, and from that have drawn some general propositions with reference to that election. Now I want to show the general condition that prevails socially, politically, and morally also in this particular county of Dallas. I want you in a measure to know the people; at least to know the environments. I want to give you some of the practices that obtain in politics down there. I want you to understand their methods and motives, as shown in some instances by their own language. For before I enter in detail upon the evidence in this case I want you to know that the things that I shall then show you were not accident or mistake, but that they

were premeditated; that they were malice aforethought. The contestee, in his remarks just preceding me, speculated considerably upon the fact that these negro witnesses were placed aboard the cars and taken outside of Dallas County to a place called Staunton, where their testimony was taken. But, Mr. Speaker, that was not done without a reason. Every mile traveled there on the railroad costs just as it does elsewhere. If, therefore, the contestant loaded three or four hundred witnesses onto the train and took them into another county at an enormous expense, there must have been cause for it. What was that cause? Why, simply that they could take their testimony unmolested and without the fear of results direful and dangerous to both witnesses and parties so taking it. It was because the evidence could not be taken down in Dallas County.

The evidence shows that they made preparations to take these depositions down there, but that they could not do it. A building was leased in Selma for the purpose of taking the evidence and furniture was procured. But let me tell you why they did not take the evidence there. Let me tell it to you in the exact language of Hon. E. H. Dryer, one of the counsel in the case.

Q. State whether or not, in your opinion, from facts and circumstances above testified to by you and other facts and circumstances within your knowledge or information, it would have been possible for contestant to have taken or caused to be taken his testimony in support of this contest in the city of Selma or within Dallas County immediately after the said personal attack upon him or soon thereafter.

A. In my opinion he could not have taken his testimony at any place in Dallas County.

Q. State whether or not that opinion was shared in and expressed by Mr. Aldrich's friends and advisers universally after full consultation and expression thereof.

A. It was.

Q. Was it for that reason, in whole or in part, that contestant's witnesses were examined at Stanton, in Chilton County, Ala.?

A. It was decided that it was not possible to have anything approaching the dignity of a court in Dallas County; that the witnesses would be afraid to testify if they came on account of fear of arrest on pretended charge of perjury, and that on account of the condition of affairs then existing in Dallas County we would go as near the county as it was possible to have any accommodations, open the court there, and do everything possible to get out all the evidence which could be taken at such a point from the witnesses out of Dallas County.

A personal assault was made by the contestee upon the contestant in the hotel at Selma, where preparations were being made for taking testimony. It was a dastardly affair. It was a most cowardly assault. That it was premeditated there can be little question, for under the drawn revolvers of Dallas County officials contestant was beaten by contestee until he cried for peace. It was not considered safe or possible either by the lawyers or the officers who took the testimony for the contestant to this contest to take the evidence down there in Dallas County.

The distinguished gentleman, Mr. Robbins, in his remarks introduced some testimony of the sheriff, Mr. Lumpkin, about some conversation that was had about a particular inspector in one precinct, a conversation between the sheriff and Mr. Mason. The sheriff has given his version of that conversation. But what has become of Mr. Mason, gentlemen of this House? He was shot dead in his tracks by a supporter of the other side before he was ever permitted to give evidence in this case and tell what he knew about that matter. His lips are sealed in death, and he is not permitted to counteract the evidence that the witness has given. That is another illustration of the conditions that exist in that county.

Mr. BARTLETT. Will the gentleman state when the killing of Mr. Mason happened?

Mr. BURKETT. I do not know just when it happened. It happened before we could take his evidence to counteract this.

Mr. HAMILTON. He died on the 26th of December.

Mr. BURKETT. I do not remember just when it happened. It was right after the election a few days when they shot him down.

Let me give you another illustration of the conditions that exist down there, as brought out from this testimony. The testimony shows that Edward Ball went up to cast his vote, and was bluffed and scared away from the polls by a man named Bamberger, a registrar, a man placed there by the law to preserve order and see that justice was done to all. Nevertheless this servant of the law, from his seat as such official, defeated Mr. Ball of his constitutional and God-given rights. Notice the evidence of Mr. Ball on this point, after stating that he went to the court-house to vote, but did not vote. The following questions and answers appear as part of his deposition:

Q. What was said and done by Mr. Bamberger after he issued you that registration ticket?

A. At the time he was writing it out he asked me who I was going to vote for, and I told him I was going to vote for Mr. Aldrich. He said, "Vote for Aldrich?" and said, "Why don't you vote for Robbins?" He said, "Why in the hell don't you vote for Robbins?" and I told him I did not know him any more than I knew Mr. Aldrich; that Mr. Aldrich was my choice man. Then he went on to cuss me and called me a damned nigger, and asked me did I know I was going to the coal mines; and I told him, "No, sir," and he said, "By George, you have got to go. As for you, old man, you had better go and call for your lawyer; just time you get out of here."

Q. What did you then do?

A. I never said any more to him and went on out.

Alexander Watts was driven away from the voting place, and I will call attention to page 107 of the record to Mr. Watt's testimony:

Q. Did you register in May?
A. Yes, sir; I registered in May.
Q. Is this your registration ticket?
A. Yes, sir.
(Here the contestant offers the registration ticket referred to by the witness, which is hereto attached, marked "Exhibit A," to this witness's testimony.)
Q. Did you go up to the court-house that day?
A. Yes, sir.
Q. About what time a day was it?
A. Between 10 and 11 o'clock.
Q. State, as near as you can recollect, what was said and done there then.
A. When I went there to vote, and when I got there they drove me out, and I come on out and went on to my work.
Q. Who drove you out?
A. I do not know who it was; I don't know his name.
Q. Was it a white man or colored man?
A. It was a white man, but I do not know who it was.
Q. What did he say to you?
A. He just drove me out and cussed me a little.
Q. What, if anything, had you said to him?
A. I did not say nothing; I went on out.
Q. I mean before he drove you out; before he cursed you and drove you out?
A. I did not say nothing; I told him I had registered, and that was all I had said.
Q. Are you a Republican or Democrat?
A. I am a Republican.
Q. For whom were you about to vote when you were in the polling place that morning?
A. I went up to vote for Mr. Aldrich.

Alexander Marshall, as the evidence shows on page 85, was not permitted to vote:

Alex Marshall, having been duly sworn by the commissioner on this the 27th day of January, 1899, testified as follows:
Direct examination by E. H. DRYER for the contestant:
Q. What is your name, where do you live, and how long have you lived there?
A. My name is Alex Marshall; I live in the city of Selma; I have been there since about 1876.
Q. What is your age and occupation?
A. I am about 45 years old; I am a whitewasher.
Q. Are you a colored man?
A. Yes, sir.
Q. Did you apply to be registered on election day in November, 1898, at Selma, Ala.?
A. Yes, sir; I did.
Q. Was it at the court-house?
A. Yes, sir.
Q. State what was said and done there, as near as you can.
A. Mr. Bamberger refused.
Q. Did he or not ask you any questions about how you were going to vote or how you would vote?
A. I think there was something like that. He said, "Why don't you vote for Mr. Robbins?"
Q. Was that before or after you asked for registration ticket?
A. It was before.
Cross-examination by A. D. PITTS:
Q. What did Mr. Bamberger say to you on the day of election about voting for Robbins?
A. He said, "Mr. Robbins is a good man; why don't you vote for him?" I said, "Why should you want me to part from my profession? I am a Republican; I would not wish to part from my profession." He said, "Well, I shall not let you register and neither vote; my polls have been opened long enough for you to have registered."
Q. And thereupon you left?
A. Yes, sir.

I might go on and read these 900 pages of evidence, to show one occurrence after another, right along the same line, to show that the conditions were such down there that it was not possible for them to take the evidence there. Aye, more, it was not possible for them to have an honest election down there. In these pages is evidence in abundance confirming the proposition that the Democratic managers did not win a fair and honest election, and that they did not intend to have it, and further that the evidence of their nefarious practices should be submerged. Now, let me go just a step further and try to show you their method and their motive in their own language and over their own signatures. I wish to read a circular signed by county officials and leading men of the Democratic party there. It shows the feelings of those men, and points out the ends to which they are willing to go in their insane fear and delusion over negro domination, as they term it.

EXHIBIT No. 1—E. M. Riley's testimony.

AN ADDRESS TO THE WHITE PEOPLE OF DALLAS COUNTY.

SELMA, ALA., *October 22, 1898.*

To the white people of Dallas County:

The political conditions now existing in the Fourth Congressional district of Alabama, and particularly in Dallas County, demand your most serious and immediate attention. You are menaced by a danger which, if not averted, will prove more direful than pestilence in its consequences.

Little more than twenty years ago this county was redeemed from the clutches of ignorant and vicious negroes, led by carpetbaggers, and, most despicable of all, a few white-skinned native renegades and traitors, who had taken complete charge of every branch of our local government and inaugurated a reign of misrule and robbery. The deliverance was accomplished, in face of what seemed to be insurmountable dangers and difficulties, under the intrepid leadership of a mere handful of your fellow-citizens—as noble a band of patriots as ever led a forlorn hope on the field of battle.

For more than twenty years you have enjoyed the blessings of good government, but only as the reward of constant vigilance, for the enemy has always been alert and ready to strike at the first sign of weakness. But your

sentinels can only stand guard and warn you of approaching danger. They can not fight the battles alone; they can not hold their ground unless the whole army falls in line and takes up arms when the signal gun is fired.

We, as the campaign committee of Dallas County, give you that warning now. We tell you that the cause of white supremacy is, at this moment, most seriously menaced, and that the further continuance absolutely depends on the casting of the solid Democratic vote at the approaching Congressional election.

The question of what man shall fill the seat in Congress from this district, important as it is, is dwarfed into insignificance when we consider the appalling danger of an organized party of negroes, led by corrupt white men, and the most vicious of their own race, again taking charge of our local affairs.

This they will most surely do if you sleep. A long continued sense of security tends to make men careless in the face of danger; but this is no sensational or false alarm. The enemies of law and order and good government are even now actively at work in your very midst, with a bold face effrontery that has not been witnessed since the dark days of the early seventies; corrupt and venal white men are attempting by the use of money and every art known to devilish ingenuity to stir up and array the negroes for an assault on all that represents decency and good government in this community. Covert attempts have been made to debauch and corrupt some of your best fellow-citizens.

White people of Dallas County, will you submit to these things? If not, then such of you as are apathetic or indifferent, wake up! Look the situation in the face and act.

The white man who willfully or negligently fails to cast his vote under the conditions that now surround us will be guilty of a crime against society.

Will you let some petty misunderstanding, some trivial wrong, real or fancied, or some unkind feeling toward this or that neighbor, deter you from striking a blow against the common enemy? Will you stand still with folded hands and deliberately invite the horrible fate that has already overtaken the people of a portion of North Carolina as the direct result of their indifference and dissension? We do not believe you will; but we appeal to you in the name of law and order and good government, and above all in the sacred name of the noble womanhood of this country, to arouse yourselves and heed the terrible object lesson that North Carolina presents to you.

On the 8th day of November you must vote for a member of Congress from this district. Hon. Gaston A. Robbins is the nominee of the Democratic party, and as such, he is the standard bearer and representative of the white people, and all that stands for good government in this district, and especially in Dallas County, as he is the standard bearer of white supremacy and all that is decent and respectable.

William F. Aldrich, the Republican and negro candidate, represents all against which the great battle of 1874 was fought and won in Dallas County, and against which we have struggled ever since the domination of ignorant negroes and unscrupulous and corrupt white men.

We have no doubt as to how the people of this county will cast their vote, but you must vote if you value good government at home. We do not seek to unnecessarily alarm you, but we tell you that in our solemn judgment, on this election depends the future welfare of this county. If every white man will do his duty and go to the polls and cast his ballot all will be well.

We tell you the facts and give you warning, as it is our duty to do so. The result is with you.

W. W. Burns, chairman; F. L. Pettus, H. S. D. Mallory, C. W. Hooper, Robert H. Tuck, W. C. Phillips, J. H. Lumpkin, J. B. Evans, M. Woolsey, E. C. Jones, S. A. Reynolds, W. S. Pickering, J. H. Nunnelee, R. D. Walker, M. S. Day, J. B. Ellis, R. E. L. Niel, S. F. Huston, A. C. Coates, M. J. Meyer, of the executive campaign committee.

Let me read another little extract from the evidence. This is from the Selma Times, a paper printed in the county seat of Dallas County, on November 6, 1898, just two days before election:

ALDRICH BUTTONS—THEY ARE BELOW PAR IN THE COUNTY OF DALLAS—ROBERT SMITH RELIEVED OF ONE.

Aldrich buttons don't go.

Not in Democratic Dallas.

Robert Smith, of Old Town beat, knows it by this time.

Mr. Smith is the man whom Aldrich had appointed postmaster at Tyler in place of Jim Minter, removed for being too good a Democrat.

Mr. Smith was in town yesterday, and he wore an Aldrich button on the left lapel of his coat. But he left town without the button.

It is an offensive partisanship for a white man to wear an Aldrich button in the great Democratic county of Dallas. There are no Robbins buttons, and the boys have made up their minds that no more Aldrich buttons shall be worn by either whites or blacks. There are only two white men in Dallas who have so far come to town with an Aldrich button on their coats.

And they will be very scarce from time forward, for the boys have sworn that they can not be worn. Mr. Van Pelt, of Portland, had better remember this.

I have read these, gentlemen, to show you what the conditions are down there, socially, morally, and politically. I want you to know the difficulties the contestant labored under. I want to show you that it was not possible to take the evidence in Dallas County, and that contestant had to take his stenographer and notary public over into an adjoining county in order to take that evidence.

Now, coming down more especially to this case, I told you in the beginning that the whole contest summed itself up in Dallas County. Aye, more, that it all settles down to the vote in ten precincts.

Dallas County is composed of 31 voting precincts. Of these 31 voting precincts, in 8 there was no election held. In 11 the contestant did not claim anything in his summary of the vote. In 2 the contestee admits the claims of contestant. In 5 precincts the committee did not change the vote from the returns. Thus only 10 precincts are to be considered.

I will give a summary of the precincts under these heads:

Number of precincts in Dallas County	31
Precincts in which no election was held (No. 10 River, No. 11 Pinefiat, No. 12 Portland)	3
Precincts in which nothing was claimed by contestant in his summary (No. 3 Woodlawn, No. 5 Harrell's, No. 13 Pleasant Hill, No. 25 Liberty, No. 26 Bell's, No. 27 Vernon, No. 29 Brown's, No. 32 Elm Bluff, No. 33 Carlowville, No. 34 Boykin's, No. 35 Mitchell's)	11
Precincts in which contestee admits as claimed by contestant (No. 1 Plantersville, No. 2 Summerfield)	2
Precincts in which committee make no change (No. 6 Dublin, No. 7 Martin's, No. 12 Old Town, No. 14 Richmond, No. 31 Smiley's)	5
Precincts in which contest lies (No. 4 Valley Creek, No. 8 Orrville, No. 9 Lexington, No. 16 Cahaba, No. 22 Burnsville, No. 23 Union, No. 24 Pence's, No. 28 Marion, No. 30 King's, No. 36 City)	10
Total	31

Now, let us take up these ten contested precincts one at a time and find the frauds, if any. Let us know wherein the law has been violated and why the returns of the election boards should be set aside. For in those precincts where the contestant was given no representation on the election board neither was he given any votes by the returning officers.

In those ten precincts that I have just named, in accordance with the law that the contestee himself has just read to you to-day, we claim that the contestant was denied representation at the polls, and that the result proves beyond peradventure of a doubt that the end was contemplated of the means used. In Valley Creek, No. 4, contestant was denied any representation. At Orrville, No. 8, he was denied any representation as an inspector, and he received a total of 5 votes. In Lexington precinct, No. 9, they denied him an inspector, and he received 3 votes. In Pence's precinct, No. 24, they denied him an inspector, and the returns when they were brought in gave him 1 vote.

Mr. ROBBINS. Will the gentleman permit an interruption?

Mr. BURKETT. I will.

Mr. ROBBINS. Do I understand you to say that in Pence's precinct the person requested by the contestant was not appointed inspector?

Mr. BURKETT. They appointed a man at Pence's district—I believe that is the place—when he was sick, and you appointed another man that you brought there for the purpose of appointing on the morning of election, who was a Democrat.

Mr. ROBBINS. I understand the gentleman to admit that Evans Bryant, who was requested by the contestant as an inspector, was appointed. Is that correct?

Mr. BURKETT. That is correct; yes, sir; but so far as I know and so far as any evidence is presented, Evans Bryant never knew that he had been appointed to represent the contestant.

Mr. BARTLETT. Was not his son appointed a clerk of that same precinct?

Mr. BURKETT. He was, but there is no testimony that this man was ever notified by the officers that he was expected to be one of the inspectors on that occasion in that precinct.

Mr. ROBBINS. Does not the sheriff of the county in his testimony state that he and his deputy served these notices of appointment upon the inspectors who had been appointed?

Mr. BURKETT. Yes, sir; but the sheriff never testified that he had served any notice on anybody in particular. He merely made it as a general statement that notices were served, as I remember.

In Marion Junction precinct, where the contestant asked for the appointment of W. J. Gilmore and you appointed Robert Whitehead, Aldrich did not receive a solitary vote. In King's precinct, where contestant asked for the appointment of J. J. Jones and they appointed Willie Towns, Aldrich did not get a single vote by the returns. Further, in Mitchell's, where Mr. Johnson was requested and denied, Aldrich received only two votes. I state this to show that these ten precincts was the place selected by the supporters of the contestee to overcome the majority that Mr. Aldrich received in the "white" counties. Here is where the organization decided that they would do their work.

Mr. ROBBINS. I would ask the gentleman if it is not a fact that in this precinct Mr. Johnson was appointed?

Mr. BURKETT. That was in Mitchell's precinct.

Mr. ROBBINS. In Mitchell's precinct you admit that he was appointed?

Mr. MANN. The gentleman knows that is only byplay.

Mr. ROBBINS. Mr. Johnson, of Mitchell's precinct, was requested by the contestant here, and he was declined because it was not shown that he was a citizen of the beat, and he was also declined because there was a question as to whether he was a person of sound mind.

Mr. BURKETT. We do not throw out the returns in that precinct at all. The contestant received but two votes.

Mr. ROBBINS. You did not throw out that precinct, but that is one of the precincts that the gentleman has referred to.

Mr. BURKETT. Mr. Johnson was requested and was not appointed in that precinct.

Mr. MANN. There is no evidence in the record that he was.

Mr. BURKETT. But take another step forward and show the condition there in the county. I want to show the vote and the population according to the census of 1880 and the census of 1890 in these very precincts. These are the precincts, I say, where they laid themselves out to do the work; there is where they were determined to overcome Mr. Aldrich's vote or majorities in the white counties, and these 10 precincts are those which are involved in this contest.

In three of these precincts there were less people in 1890 than

they had in 1880. And in the entire 10 precincts, including the city of Selma, there was a gain of less than a thousand people in the ten years from 1880 to 1890. This demonstrates the proposition that I made a while ago that Dallas County was not keeping up the pace in advancement with her sister communities in this country. Let me give you the population for those two years in those precincts exact.

Population of the ten precincts in controversy.

Precinct.	1890.	1880.
No. 4. Valley Creek	3,125	2,608
No. 8. Orrville	1,467	1,414
No. 9. Lexington	1,873	1,713
No. 16. Cahaba	1,548	2,022
No. 22. Burnsville	1,893	2,225
No. 23. Union	2,613	2,559
No. 24. Pence's	1,322	1,405
No. 28. Marion	907	889
No. 30. King's	1,473	903
No. 36. City	7,622	7,529
Total	49,350	48,433

Mr. ROBBINS. Can I ask the gentleman one more question?

Mr. BURKETT. Certainly.

Mr. ROBBINS. Do you think it is fair to determine this case on the vote or findings in any previous case?

Mr. BURKETT. These findings have nothing to do with any previous case.

Mr. ROBBINS. But the gentleman is reading as to the vote in former elections.

Mr. BURKETT. No; I am not. I beg the gentleman's pardon. I am reading from a statement that I copied from the census report for 1890. These are the precincts, I say, in which they decided to overcome Mr. Aldrich's majority in the white counties, for this was the place where they could conduct their elections as dishonestly as they pleased and in accordance with their own wishes.

Some one may say if Mr. Aldrich was not given proper representation at the polls, why did not he get out a mandamus and compel the county board, consisting of the sheriff, county judge, and county clerk, to appoint inspectors in the several precincts in accordance with the law? I will tell you why. Because your supreme court of Alabama a few years ago, in 1892 I believe it was, in the case of Taylor et al. against Kolb, and reported in 100 Alabama, at page 602, passed upon that question in a case identical with this, and they decided that mandamus would not lie to compel a board to appoint election officers in accordance with the law.

Mr. ROBBINS. What election officers?

Mr. BURKETT. I will read you from the case. This case of Taylor *vs.* Kolb is exactly in point with the one now at hand, and it shows what would have been the result if Aldrich had tried to compel the election board to do their duty.

Let me read what Judge Coleman, in the opinion, says:

> Reuben F. Kolb filed the present petition for a writ of mandamus, the purpose of which is to have vacated and annulled the appointment of certain parties as inspectors of an election made by the judge of probate, sheriff, and clerk of Madison County, and to command them to appoint others in their stead. The petition is filed under section 352 of the code of 1886, which provides that these officers or any two of them "must at least thirty days before the holding of any election in their county appoint three inspectors for each place of voting, two of whom shall be members of opposing political parties, if practicable," etc.
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> * * * * * * *
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> The petition shows that the officers appointed three inspectors for each place of voting, but avers that neither of the three belonged to the party which nominated petitioner for governor. It may be admitted that as between petitioner and the respondents, petitioner shows a clear, legal, specific right and a disregard of this right by respondents; but does it show a case for mandamus?
>
> * * * * * * *
>
> Our conclusion is, the duties to be performed under section 352 of the code by "the judge of probate, sheriff, and clerk" in the appointment of inspectors are not purely ministerial, but require judicial judgment and discretion, and the writ of mandamus will not lie to control their action. If they refuse to act, mandamus will lie to compel action, but having acted, if error or wrong was committed, it can not be remedied by mandamus.

Thus we see that Mr. Aldrich was powerless to remedy the evil before election. When that county board had defied the law, when they had refused, in accordance with the statute of Alabama, passed by the political associates of this contestee, saying that two inspectors must be of opposite political faith—when they refused to do that, there was no recourse for Aldrich in the courts. He must simply abide his time and ask this House to give him the legal rights which were then denied him.

The supreme court of Alabama having determined that mandamus would not lie, the only thing he could do was to go to his voters, as he did, and say, "You do not dare to vote; if you do, in the light of our experience in the past, every vote cast for me will be counted for Robbins. Let us keep the vote as low as possible and thus the opportunity for fraud will be reduced. And so it was, for, great as have been the wrongs practiced in this election, they do not compare with those of 1894 and 1896 in magnitude.

Mr. ROBBINS. Does the gentleman recognize the distinction which I stated a few minutes ago, that in the appointment of inspectors the board acted judically and as to the appointment of markers and clerks of elections the inspectors were required under the law to give each party representation. Does he draw the distinction between the appointment of inspectors and that of the appointment of clerks and markers?

Mr. BURKETT. Certainly; according to your own court's decision they could do just as they pleased, and when Aldrich went to the supreme court, it would say that the county board was sitting as a judicial body, and would not have anything to do with it.

Mr. ROBBINS. As to clerks and markers, were they not required to give each party representation?

Mr. BURKETT. I was not speaking of clerks and markers; I said inspectors.

Mr. ROBBINS. I understood the gentleman to say officers.

Mr. BURKETT. As a matter of fact, you did not give them markers or clerks. Precinct after precinct they did not have any markers at all, and the same three Democrats acted as markers, and in precinct after precinct you did not give the colored people any markers at all.

Mr. MANN. The first precinct we come to—Valley Creek—you refused to give them markers.

Mr. BURKETT. Now, as I said, this contest settles itself down to 10 precincts.

The first one is Valley Creek precinct, No. 4. There has been a good deal said, as I remarked in the beginning, about this case being based upon what has happened in times past. I intend to go over this case precinct by precinct, and show the House why these returns were thrown out; and I am also going to show, if I have time, by the evidence, how the vote was calculated that has been brought in here; and if the other side can take any encouragement from that, they are welcome to it. A fact in this country always beats a Democratic theory.

I do not agree in all these precincts with the figures just as they are made up in this report. There are four precincts in which I would give the contestee a few more votes than these figures do. There are some precincts where I would give the contestant more; and when I would bring in my result I would give the contestant a larger majority than this report gives him. If the figures in respect to which I differ with the majority of the committee had changed results, I would have stood by my own figures, but they do not change the result. Give the contestee every vote upon which any fair-minded man has any doubt, and still he could not be seated.

Let us begin with Valley Creek. Why should those returns in Valley Creek be set aside? In the first place, the election officers have made their returns under oath, they have sworn as to how that election was conducted and how the vote was cast, and we will all agree that if those returns made under such solemn conditions are to be set aside and the parties thrown upon aliunde proof that there ought to be very good reason for it. Such a thing ought not to be done arbitrarily. It is a serious matter. It ought not to be considered lightly, so I am going to give this House my reasons for setting aside the vote in every single precinct in which it has been done.

I begin with Valley Creek precinct, No. 4. I set aside those returns—first, because the contestant requested that Charles Smith should be appointed as his representative an inspector at the polls in accordance with the law, and the request was denied. Second, because witnesses whose names are not on the poll list at all have testified to having voted. Down in Alabama, as in almost all the other States, the clerk keeps a poll list; and when a man votes, his name is placed on that list. Down there in Valley Creek precinct there were witnesses who testify under oath that they cast a ballot and cast it for Aldrich; yet their names were never on the poll list at all. I will give the names of those voters if the gentleman from Georgia desires.

Then, as a third reason why I would set aside those returns, there were more men in Valley Creek precinct who, under oath, testified that they voted for Aldrich than the returns gave him. Fourth, I would set aside those returns because Mr. Houston and Mr. Roundtree, who were Democratic inspectors, acted as markers, there being no regular markers on duty. So anxious were they that there would be no slips, that the contemplated results should not miscarry, they determined to keep the whole thing in their own hands, notwithstanding the law that a man incapable of marking his own ballot should have the assistance of a man of his own political faith.

Mr. BARTLETT. The gentleman will allow me a moment. He says that Mr. Aldrich did not have any marker at that precinct. I ask, Was not Willis Kennedy appointed a marker there?

Mr. BURKETT. Probably it was as clerk that the Democrat

acted. But that makes it so much the worse. If the clerk, whose duty it is to make up the returns, acted as marker, does that fact benefit you at all?

Now, I will tell you why I did not follow the figures of the returning officer. It was because the contestee in his brief admits that 121 men testified that they voted for the contestant, and because he admits that 85 men testified that they marked their own ballots and marked them for Aldrich, when the returns only gave him 44 votes.

Now, let us go to the next precinct—Orville. I will tell you why I cast aside the returns there. First, because the contestant asked that Mr. Hatch should be appointed an inspector, and was denied any representation on the board, in accordance with the law. Second, because there were not any clerks appointed in that precinct, and third, because Andrew King, a marker, was proven dishonest in his marking, to which there was no contradicting evidence. These, to my mind, are reasons sufficient for ignoring the returns. It is convincing that a fair and honest election was never intended and was not had.

That same man King was placed upon the witness stand three different times, and swore to three different things about the same identical proposition.

Mr. BARTLETT. And that is the testimony of a witness put up by Mr. Aldrich.

Mr. BURKETT. Oh, no; you put him up yourself.

Mr. BARTLETT. The gentleman is entirely mistaken.

Mr. BURKETT. At all events he did not swear to the same thing twice, and you appointed him marker.

We come now to the next precinct, which is Lexington precinct, No. 9, and here we find the same old story—contestant was given no representation on the board. He asked an inspector and was refused. I would throw out the returns, in the second place, because the poll list was proven incorrect. I would disregard them, in the third place, because more men swore they voted for contestant than were returned for him.

Now, the gentleman says if we permit them to use aliunde evidence to prove for the contestant 4 votes to show the returns wrong, then the contestee would be entitled to 36 votes. That is precisely the figure that I would give to the contestee. I would give the 36 votes to him if I was the whole committee. But the majority say in its deliberations that contestee ought not to profit by his own wrongdoing. He refused Mr. Aldrich representation there. He made it impossible for Mr. Aldrich to get any votes there, or at least to have any counted, and therefore aliunde proof ought not to be permitted.

Take precinct No. 16, Cahaba precinct. The returns should be thrown out, first, because the contestant was denied representation on the board; second, because the Republican clerk was not permitted to remain during the counting of the vote. Contestee seemed very anxious to have you understand that where Republican inspectors were refused that Republican clerks were appointed, but he neglected to add that they invariably dispensed with his services when it came time to count the votes and make up the returns. And as a third reason why I would throw it out, the returns are shown by the testimony to be incorrect. More votes were proven to have been cast for Mr. Aldrich than the returns show.

Let us come now, Mr. Speaker, to Burnsville precinct, No. 22, and let me show you the reasons why this should also be thrown out. Now understand, gentlemen, in the consideration of these cases, when there was evidence of wrongdoing we first determined the proposition of whether or not the returns should be considered; if they were thrown out, then we took the testimony of the individual voters themselves as to whom they voted for, or, in the absence of this, the very best evidence we could get.

In this particular precinct they also appointed a Republican clerk, having refused a Republican inspector. When they came to canvass the vote, they ordered the clerk to leave the room; but it happened that in this case the man was brave and courageous enough to stand for his rights and wise enough to know what they were, and he refused and said: "I will not go out, and there will be war here again in the South before I do." They dared not count the ballots in his presence. Their scheme would be frustrated if they did. So they did another illegal thing—they gave the ballot box to an inspector to take home with him to keep overnight, until, as they claimed, they could look up the law. The box was not locked, and the votes were not counted until the next day. They were kept by a Democrat and, as his own evidence shows, were handled during the night.

If that is not a good reason for throwing out the returns of that precinct, I would like to have our friends suggest a more justifiable one. If there was no corruption, if there was no fraud, it was not because the Democrats who had control of the box did not have an opportunity to commit it, and not because their action failed to convince us of their intentions to commit fraud.

Mr. BARTLETT. Was not the box left all night in the charge of the Aldrich inspector?

Mr. BURKETT. Yes, sir; that is true; but he was a Democratic inspector, because a Republican inspector was refused, and Aldrich said, "I would rather have a fair Democrat than a bad one."

Mr. GLYNN. But he voted for Aldrich.

Mr. BURKETT. Oh, no; he voted for Robbins. He was appointed at the request of Mr. Aldrich.

Mr. GLYNN. He was a Democrat, you say. But the testimony of Bamberger shows how he voted.

Mr. BURKETT. Yes; and he voted for Robbins.

Mr. GLYNN. He swears, however, that he voted for Aldrich.

Mr. HAMILTON. Mr. Thompson ought to know better than Bamberger or any Democrat for whom he voted, and swears that he voted for Robbins.

Mr. GLYNN. And he swears to a lie.

Mr. BURKETT. The gentleman can ask me any question, but I do not want to have a controversy between gentlemen on the other side of the House.

The SPEAKER pro tempore. The gentleman from New York is out of order, and will take his seat.

Mr. GLYNN. I ask the gentleman from Nebraska to allow me a moment, to ask him a question.

The SPEAKER pro tempore. Does the gentleman from Nebraska yield?

Mr. BURKETT. Certainly.

Mr. GLYNN. Is it not true that this man Thompson, about whom you are speaking, signed the election returns as they appear, and then went on the stand and swore that they were false? At one time he swore that the returns were true, and when placed on the stand afterwards he swore that he signed returns that were false. Is not that true? And is it not true that the other election officers swore that the returns were correct?

Mr. BURKETT. They will swear to anything. They are Democrats, and we do not believe them. That is what is the matter with them.

Mr. GLYNN. That is the reason why I said Thompson swore to a lie. He swore to one thing at one time and to another thing at another time; and a man who does that must some time swear to a lie.

Mr. BURKETT. Thompson is a Democrat. We are not accusing any Republican of swearing to a lie down in that country, for you never give them a chance. But I will answer the gentleman's question.

Thompson was a Democrat. His own testimony shows that he voted for Robbins; but Aldrich could not get any representative at that precinct, so he said, "Rather than have some one else who might be worse, I will consent that Thompson be appointed."

Let me go on now with this precinct and state the reasons why we threw out this vote. We threw it out, for the fourth reason, because the votes were handled, as the evidence shows, during the night while they were in that man's possession, and, for the fifth reason, because the evidence shows that the returns were not correct.

Now, I want to go a little further into the particulars in Burnsville precinct. As has been said, all the inspectors were Democrats. After the controversy as to whether or not the Republican clerk would be permitted to help count the votes, Thompson took them home with him. The ballot box was not locked, and during the night Mr. Thompson swears that he got up and counted the votes, and there were 113 cast for Aldrich and 22 cast for Robbins. The next day those three inspectors got together and counted the votes. Thompson did not take any particular part in it, and when they got through they made out the returns and gave Mr. Aldrich 44 votes and Mr. Robbins 83 votes.

The question was raised by the gentleman just now, Did not Mr. Thompson sign these returns? Yes; but why? He demurred to it right there at the time and said, "They are not right;" but the other two inspectors said, "You had better do it," and by some persuasion that was not brought out in this testimony they induced Mr. Thompson to sign them, although against his will.

Now, let us consider Union precinct and see why we throw out that return. First, because John Logan was requested by the contestant as an inspector; a good man, as everybody testifies, but he was denied. They did not give Mr. Aldrich any representative on the board. Second proposition: We throw out the returns because the votes were cast upstairs in a ginhouse, and after they got through the inspectors took the votes downstairs—out doors—and counted them. We do not know where else they took them.

But during that time it was dark, as the evidence shows. The key to the box was lost for half an hour, and during that particular half hour the Democrats had the ballots alone upstairs in the ginhouse, and the Republicans were all down stairs and out doors. This we believed was enough to show an intention on their part at least to rape the ballot box and opportunity enough to accomplish their aims.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MANN. I yield to the gentleman such further time as he desires.

Mr. BURKETT. So, Mr. Speaker, I might go on through with all these precincts and show that the same reasons exist, or that even greater reasons exist, for throwing out the returns which we have thrown out.

But, as my time is going so fast, let us now consider City precinct, which is the large precinct of Selma. Let me tell you why we throw out the vote of that precinct. We threw it out, first, because there were nine witnesses who swore they voted and their names were not on the poll list. Nine men came in and gave their evidence under oath that they were at the polls on that day and voted; and yet their names were not upon the poll list.

The second reason why we threw it out was because there were the names of four men on the poll list who swore that they never voted at all. I can see how a man might slip through who voted and his name not get on the poll list, but there is no explanation under heaven that would satisfy anybody that four men could go on the poll list honestly who never voted at all.

The third reason why we threw it out was because there were 65 unregistered voters who voted there that day; fourth, there were 75 colored voters on the poll list that could not be found by days and weeks of diligent search in the city. The fifth reason was there were 54 white men on the poll list as voting who were unknown and unheard of; sixth, 102 witnesses swore they voted for Aldrich, and the returns only gave him 79; seventh, Mr. Moore, one of the markers, says he marked 60 votes for Mr. Aldrich; and seven men testified that they instructed Mr. Dockery, the marker, to mark their tickets for Aldrich, and one said he instructed Mr. Tinch to mark his ballot for Aldrich. Thus 110 men testify that they voted for Aldrich, and Mr. Moore swears he marked 60 more for Aldrich, making a total of 170, and yet the returns only give him 79. The committee thought that there was sufficient reason from all this to throw out the returns.

Now, I want in closing to just call the attention of the House to this: I said in the beginning that this case was of more than passing moment. It has an importance beyond the importance to this individual or to that individual. It does not make much difference whether Mr. Robbins be permitted to retain his seat or Mr. Aldrich shall be given the seat, so far as the future deliberations of this House are concerned.

But there is a reason above and beyond the wrong or the right of these men as individuals why this contest should be considered and why this contestant should be given the seat. As I said a moment ago, there is a cry coming up from all our Southern States that the people are being disfranchised; that their liberties are being taken from them; that instead of a republican form of government the South to-day is controlled by fewer people than direct the destinies of any empire.

I presume before I get through there will be somebody on the other side who will have the temerity to deny it. Democrats all over the country deny it, but the fact remains the same. I do not blame the whole Democratic party for denying what really does exist down South. But I would think more of you if you would do more to remedy the evil and talk less on generalities and of things that you know less of. There is a stench that goes up to heaven from that portion of the country where your party dominates. There is something wrong down there.

You have not solved the question of a republic, nor are you carrying out the aims and ideals of our republican institutions. We of the North look upon you from afar, and, like an oil painting, imagine perhaps you appear even better from a distance. Republicans do not like it; Democracy of the North do not like it; and, in fact, you are ashamed of it yourself. You apologize for it. Some of you go so far as to deny it. Half a dozen of you did it the other day when Judge LINNEY was talking, and I would not be surprised if some of you did to-day. But you can not make anybody believe it. You do not believe it yourselves. You always admit it is over in the next State. The facts are, there is a vermin in advanced stage of decomposition down in the land of Democracy. I lay down the proposition that the people of the South are being disfranchised; that you are not only disfranchising them by the laws of those Southern States and by the constitutions that you are forcing upon them, but also by the miserable interpretations of those laws and the nefarious practices such as we have proven in this case. Shall I prove to you that the people are deprived of the elective franchise? Then first let us begin with the membership of this body.

I have here the names of 15 Congressmen that come from the South, from these States whence come these contests, and these 15 Congressmen have a total vote of 45,376, against a total vote of 890 in opposition to them. In short, there are 15 Congressmen that occupy seats here that have an average of 3,025 votes, with an average of only 60 votes against them.

Now, let us look upon the other hand. I have hastily taken from the record 5 Congressmen who come here, each man with more votes cast at his election than the 15 Congressmen combined who occupy seats on that side of the House. I am not saying anything personal; if you can get your election by going out and getting 1,765 votes, as the distinguished and respected gentleman who occupies a seat as the representative of the Sixth South Carolina district, that is well and good for you. But I say to you it is a question of more importance than your own individual rights. It reaches further than that. While you are here with 1,765 votes, there are 158,000 people in your district that have not had any right to say who they want to represent them, or what sort of principles they want advocated in their behalf in the American Congress.

Let me particularize a little. The gentleman from the Sixth district of South Carolina comes here with 1,765 votes for him and 151 votes against him, a total of 1,916 votes, in a district with a population of 158,851.

Mr. Speaker, I will not go over them all, but want to incorporate them in my remarks.

Statistics with reference to election of 1898.

Name.	District.	His vote.	Vote of opposition.	Total vote cast.	Population of district.
Hon. James Norton	6th South Carolina.	1,765	151	1,916	158,851
Hon. P. D. McCulloch	1st Arkansas	4,103	None.	4,103	230,261
Hon. J. S. Little	2d Arkansas	3,415	None.	3,415	206,187
Hon. T. C. McRae	3d Arkansas	3,806	None.	3,806	190,805
Hon. W. L. Terry	4th Arkansas	3,065	None.	3,065	147,800
Hon. S. Brundidge	6th Arkansas	3,500	None.	3,500	160,181
Hon. E. B. Lewis	3d Georgia	3,539	141	3,680	150,658
Hon. W. C. Adamson	4th Georgia	3,218	None.	3,218	166,121
Hon. L. F. Livingston	5th Georgia	3,027	None.	3,027	165,638
Hon. C. L. Bartlett	6th Georgia	3,008	None.	3,008	165,942
Hon. W. H. Fleming	10th Georgia	2,290	None.	2,290	160,758
Hon. S. M. Robertson	6th Louisiana	2,494	None.	2,494	208,802
Hon. J. M. Allen	1st Mississippi	2,469	None.	2,469	143,315
Hon. T. Spight	2d Mississippi	2,949	225	3,174	170,512
Hon. T. C. Catchings	3d Mississippi	2,068	373	2,441	184,297
Total		45,376	890	46,266	2,589,134
Average		3,025	60	3,084	172,609
Five Congressmen who each represent more votes than the entire fifteen above do.					
Hon. J. C. Bell	2d Colorado	52,728	27,335	80,063	207,539
Hon. J. F. Shafroth	1st Colorado	43,111	18,850	61,961	204,659
Hon. J. R. Mann	1st Illinois	37,506	21,828	59,334	316,280
Hon. G. E. Foss	7th Illinois	30,903	19,955	50,858	143,407
Hon. J. Q. Underhill	16th New York	32,578	27,112	59,690	230,857
Total		196,826	115,080	311,906	1,062,742
Average		39,365	23,016	62,381	218,548

The gentleman who has the honor of representing the First district of Arkansas, comes here with 4,103 votes cast for him, and yet not a single vote cast against him. I confess that he is to be congratulated upon having no opposition so far as he is individually concerned, but it does not persuade me, it does not persuade this House, that he is so popular down there in the First district of Arkansas that there is nobody who would not like to vote against him if they had the opportunity.

It does not convince me, it does not convince this House, it does not convince the country, that all the people of that district look through the same bunghole politically with the gentleman who occupies a seat as a Representative from that district, and that is no disparagement to him or his politics either. But, sir, it shows this; it proves conclusively this fact, for in these 15 districts that I have spoken of 11 of them have no opposition at all, the people in these districts are confined to the proposition of voting for this man or not voting at all. These things exist down there, and the effect is to do away with republican institutions of government, and it is a question of more than passing importance. I see by the press that a bill has been introduced looking forward to a settlement of the proposition whether or not section 2 of the fourteenth amendment to the Constitution means anything or not. Section 2 of the fourteenth amendment of the Constitution is as follows:

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being 21 years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State.

Now, I say, Mr. Speaker, in view of the fact that already steps are being taken to find out whether that particular amendment of the Constitution signifies anything, whether or not the American people are willing to stand idly by and see a few men in the South trample on the Constitution, I say it is important and proper for this House at this time to determine it for itself. Aye, more; it is better that we admonish in no uncertain terms the danger of the path that they tread.

Now, Mr. Speaker, I want to go a little further in this matter of representation of the South. Let us make some comparison between States as a whole. I have taken for this purpose ten States in the South—Arkansas, Mississippi, South Carolina, Tennessee, Kentucky, Virginia, Georgia, North Carolina, Alabama, and Louisiana. These ten States have 86 members sitting in this Congress as their Representatives. Right side by side I have taken nine other States in this Union that have, as near as I could get it, the same number of Representatives, respectively, and they also have a combined representation on the floor of this House of 89 members.

Alabama has 6 members in this body. Nebraska has also 6 members in this body. In Nebraska the population is 1,058,910.

Mr. BARTLETT. The gentleman said that Alabama has 6 members in this House. I think he must be mistaken in the name of the State.

Mr. BURKETT. If I said Alabama, I meant Arkansas. Now, Arkansas has a population of 1,123,182, more population than Nebraska, and they have the same number of Representatives here in Congress. Now, let us find out how they vote, comparatively.

The 6 members who sit here in this body from Arkansas received a total vote of 24,972—24,000 men in Arkansas elected 6 Congressmen to represent 1,123,000 people. In Nebraska it took 98,891 men to send 6 members of this House to Congress. In Arkansas only 2,706 men were given an opportunity or dared go to the polls and register themselves in opposition to those 6 men. In Nebraska the 6 men elected had to overcome an opposition of 89,465 votes before they could sit here representing the people of Nebraska.

Let us take Mississippi, with 7 Congressmen, and Kansas, with 7. In Mississippi 22,365 votes were cast for 7 Congressmen; in Kansas 149,373 were required to elect 7 Congressmen. In South Carolina 7 men were sent to Congress by the voice of 26,027 voters, while in Minnesota it took 136,797 to send the same number of Representatives to Congress.

Let me give you these statistics as I have them, and from them you can make your own comparisons and draw your own conclusions. It is a comparative vote of Southern States and Northern States of about equal number, population, and representation in Congress:

TEN SOUTHERN STATES.

State.	Number of Representatives.	Total vote of members elected at last Congressional election.	Total opposition vote at last Congressional election.	Grand total vote at last Congressional election.	Population of State.
Arkansas	6	24,972	2,706	27,678	1,123,182
Mississippi	7	22,365	4,822	27,187	1,290,583
South Carolina	7	26,027	2,804	28,831	1,151,149
Tennessee	10	117,508	60,394	177,902	1,767,218
Kentucky	11	152,480	127,309	279,789	1,863,964
Virginia	10	105,418	66,884	172,302	1,655,980
Georgia	11	56,066	12,639	68,705	1,846,295
North Carolina	9	174,584	156,861	331,445	1,643,341
Alabama	9	66,942	20,711	87,655	1,513,017
Louisiana	6	27,453	5,278	32,731	1,118,587
Total	86	773,815	460,406	1,224,223	14,972,316
Average per Congressman		8,998	5,353	14,235	174,096

NINE NORTHERN STATES.

Nebraska	6	98,891	89,465	188,356	1,058,910
Kansas	7	149,373	131,612	280,985	1,392,836
Minnesota	7	136,797	111,878	248,669	1,302,739
Wisconsin	10	180,512	141,567	322,079	1,683,276
Iowa	11	233,456	186,538	419,994	1,923,691
Michigan	12	232,535	182,862	415,397	2,117,705
Indiana	13	293,890	273,930	567,820	2,210,643
Colorado	2	95,830	46,185	142,094	412,198
Ohio	21	435,681	340,311	774,973	3,673,217
Total	89	1,614,419	1,513,348	3,360,286	15,775,215
Average per Congressman		18,139	17,003	37,756	177,249

Now, without going further along this line, for my time is now very limited, and I have already talked much longer than I had anticipated, I want, if I can, to give the reason why there are so few voters in those Southern constituencies compared with the North. I want to bring to the attention of this body some of the laws which have been put in force down in that country, and to lay down this proposition broad and deep, so that you will all hear and remember it—that whenever or wherever the Democratic party have got into power the very first thing they have done is to tamper with the ballot laws and manipulate the governmental machinery for partisan purposes. This is not the fault of individual Democratic voters. It is not his idea. He is opposed to it. But, sir, North and South alike, I regret to say that such is the tendency of Democratic rule.

Let us first begin with the laws and constitutions of those States from whence come all these contested-election cases. Let us see what kind of laws they have on their statute books. First, let me take the State of Mississippi—no, I will first take Kentucky; that is more modern; we are more familiar with the facts existing down in Kentucky. There has been a good deal said about that infamous Goebel law of Kentucky. Not that it is any worse than the laws of many other of those Southern States, but the bloodshed and the carnage resulting from it has especially attracted our attention to it. The people of Kentucky refuse to bow submissively, as in other States; hence has come all the notoriety and publicity of that law. I wish I had time to read to this body what the editor of the Louisville Courier-Journal has said about this law and what the Democratic press of the State of Kentucky has said about it. I want only to give a few quotations from those papers as collated in an editorial of the Louisville Evening Post of February 26, 1900.

The Bourbon News said:

A bill more fraught with disaster and degradation to the State of Kentucky has never been entered in the Kentucky legislature.

The Interior Journal hoped that a bill would be presented and agreed upon free from the objections urged against the measure now before the body, "which seemed to be so utterly subversive to free institutions as well as Democratic principles."

The Winchester Democrat said:

It is a force bill scarcely less odious than that which the Republicans at Washington tried several years ago to foist upon the people of the whole country. It may give temporary advantage to the party in power, but it will eventually prove its ruin.

The Anderson News says:

All this talk about a caucus on the subject was inexcusable rot.

The Versailles Sun spoke of it as—

the worst measure ever put before the Kentucky legislature.

The Lexington Argonaut said:

The passage of the Goebel election bill will prove to be a submarine mine, and blow the Democratic party into utter nothingness.

The Owingsville Outlook said:

It is a force bill as bad as that fought in Congress by the Democratic party in the past. Nothing as bad has ever been attempted against honest elections in Kentucky since the war.

The Owensboro Inquirer said:

If the election bill becomes a law, and the State goes Republican in "99" by 25,000, we don't want to hear anybody say that MARK HANNA stole it.

Some gentleman on the other side of that aisle—I do not remember who—took the floor a few days ago to defend that Kentucky election law. Let me tell you about that law.

In the first place it provides that the general assembly shall select three commissioners, who shall be styled "The State board of election commissioners."

Nothing in the law provides against their all being from one political party, and of course they will all be Democrats.

This board of election commissioners select three county commissioners from each county. Nothing in the law prohibits these county commissioners from all being selected from one political party, and hence they are Democrats.

The county board is to select the election officers for each election precinct, which consist of two judges, one clerk, and one sheriff of election.

While the law provides that the judges shall be of different political parties, yet it says that they must all be "discrete" persons.

The law provides for the removal of the election officers by the county commissioners, and in fact of the county commissioners by the State board of elections.

Such removal of a member of the election board in any precinct may be made at any time, apparently without any cause, simply at the will and caprice of the county board.

This, together with the other parts of the law constituting the various commissioners and boards judges of all returns, throws the entire right of elective franchise in the State of Kentucky in the hands of a comparatively few men, and those the rankest partisans and ward heelers of the dominant political party of the State.

The next State to which I want to call attention is the State of Mississippi. Let me read to you from the constitution with reference to the qualification of voters. I read section 244 of Article XII:

On and after the 1st day of January, 1892, every elector shall, in addition to the other qualifications, be able to read any section of the constitution of this State; and he shall be able to understand the same when read to him, or give a reasonable interpretation thereof.

Now, I submit to this House, in view of all the constitutional arguments——

Mr. GROSVENOR. I would like to suggest to the gentleman this question: How could we get along in this House at this time if all the members had to be cross-examined on the Constitution of the United States? [Laughter.]

Mr. BURKETT. I was just about to say——

Mr. BARTLETT. I did not hear the remark of the gentleman from Ohio [Mr. GROSVENOR]. I am always interested in what he has to say. I hope he will repeat it.

Mr. GROSVENOR. I was asking how the members of this House could get along if we had to give a uniform explanation of the meaning of different provisions of the Constitution of the United States.

Mr. LATIMER. I would like to say that the board of registration in the State of Mississippi is not composed of lawyers.

Mr. GROSVENOR. That is a glorious thing!

Mr. BURKETT. Now, I was about to say, in view of what we have heard here within the last month, that there is not anybody in this House who could qualify himself as a voter down in Mississippi if some gentleman on the other side of those constitutional controversies sat as inspector of the election.

Mr. BARTLETT. Does not the gentleman know that the Supreme Court of the United States has passed upon the construction of the Mississippi election law and has determined that it is not in violation of the fourteenth amendment of the Constitution?

Mr. BURKETT. That does not violate any proposition that I have laid down in this connection, even if it be true. I only wanted to show in these citations the disposition of the Democratic party, wherever it is in power, to so manipulate the ballot boxes under the guise of election laws that it is impossible for a man to vote who does not vote their ticket.

But let us pass on now to Virginia.

Mr. BARTLETT. Will the gentleman pardon me if I ask him to give us the Massachusetts law upon this question?

Mr. BURKETT. Certainly. I have it before me and will give it with pleasure. Article XX of the Massachusetts constitution is the particular part in point and provides:

No person shall have the right to vote or be eligible to office under the constitution of this Commonwealth who shall not be able to read the constitution in the English language and write his name: *Provided, however*, That the provisions of this amendment shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any person who shall be 60 years of age or upward at the time this amendment shall take effect.

Mr. BARTLETT. Thank you.

Mr. BURKETT. And, Mr. Speaker, let me say there is much difference between the constitution of Massachusetts and the constitution of Mississippi and the proposed constitution and law of North Carolina, to which I am now going to call your attention. The Massachusetts law recognizes man's inherent and constitutional right, and does not lightly set it aside. In fact, it does not of itself alone disenfranchise any man. The man's rights are maintained inviolate except as penalty for his own wrongful acts or neglect to prepare himself for the responsibilities of franchise in the future.

The Massachusetts law is not retroactive. It recognizes that a man in that State if once eligible can not be disfranchised excepting for crime. That principle does not prevail in these other constitutions and laws. Acquired rights are ruthlessly thrust aside. Let me give you the Virginia law, without comment, as I am anxious to get to a State that is now attracting attention by reason of its proposed constitution. The legislature here select the county boards, and of course they constitute a partisan board. The section pertaining to their appointment is as follows:

SEC. 84. *General assembly to elect electoral boards.*—The general assembly shall, at its session commencing in December, 1889, and at each alternate regular session thereafter, proceed to elect three qualified voters, who shall be residents of the county or city for which they are chosen, to be known as the county or city electoral board, as the case may be, who shall go into office on the 1st day of April succeeding their election, or as soon thereafter as possible, having first taken and subscribed the usual oaths of office prescribed for city and county officers, and whose term of office shall continue for four years, or until their successors are duly elected and qualified. The oaths prescribed by this section may be taken before any person qualified to administer oaths, and when so taken and subscribed shall be filed in the office of the county, corporation, or hustings court, as the case may be.

This board select judges of election in accordance with the following:

SEC. 117. *How judges of election appointed; failing to attend, who to act.* (As amended by an act approved March 3, 1898.)—It shall be the duty of the electoral board of each city and county, elected at the present session of the general assembly, on or after the 1st day of June, 1898, and on or after the 1st day of June in each year thereafter, to appoint three competent citizens, being qualified voters, who shall constitute the judges of election for all elections to be held in their respective election districts for the term of one year, dating from their appointment or until their successors are appointed, and who shall have power to appoint two clerks for each place of voting at such election, to whom shall be administered by the judges, or either of them, or by the officer swearing the judges, the same oath as that taken by the said judges.

Whenever it is possible to do so, the persons so appointed judges of election shall be chosen for each voting place from persons known to belong to different political parties, each one of whom shall be able to read and write. The members of any electoral board who shall willfully fail to comply with this requirement shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than one hundred nor more than five hundred dollars; but no election shall be deemed invalid when the judges shall not belong to different political parties, or who shall not possess the above qualifications.

I desire especially to call attention to the penalty provided for failure to comply with this law by way of making the judges of election nonpartisan. A fine of $100 is imposed. It is not a felony for a Democratic election board to openly and flagrantly defy the law, but notice the penalty for a poor, ignorant negro who gets too close to the polls:

18. It shall not be lawful upon the day of election for persons to congregate and crowd upon the public highway within 100 feet of any of the voting places, and any persons violating the provisions of this section shall, upon conviction thereof, pay a fine of $25 or be confined in jail not exceeding ten days.

The following is the assistance this law provides for the ignorant or physically unfortunate voter. You will observe that one of the judges acts as marker, of course, always of the dominant party. What protection has an illiterate or blind voter in the hands of an unscrupulous marker of opposite political faith?

17. The judges of election or a majority of them shall appoint and designate one of their number, whose duty it shall be, at the request of any elector who may be physically or educationally unable to prepare his ballot, to enter the booth with said elector and render him assistance in preparing his ballot by reading the names and offices to be voted for on the ballot and pointing out which name or names the said elector may wish to strike out, or otherwise aid him in preparing his ballot. The said judges, or a majority of them, shall have power from time to time, when and as often as they may see proper, to change the appointment and designation of the judge who shall discharge the duties prescribed by this act and designate another judge in his place and stead to perform the same.

Let us now take up for consideration the proposed constitution of North Carolina. It is now before the people of that State for their adoption or rejection. Thus we see that gradually, one at a time, these laws are creeping over the entire South. The object is apparent. It is to defeat the fundamental law of the land in actual practice. It is to take away the right of franchise from the poor colored man which this country said in tears and bloodshed was his. Aye, more, it is to place an educational and property test upon electors, and in the end to place the governing power in the hands of the few learned in letters and fortunate in purse. Again I say it only shows the tendency of the Democratic party wherever it is in power to make it impossible for anybody to have the right to vote who does not believe as they believe.

It also shows their hypocrisy in their lavish and profuse solicitude for the poor man. When they get him deprived of his ballot and shorn of his power methinks this love must wane. No such conditions prevail in the constitution or laws of Massachusetts. This, however, seems to meet the approval of these gentlemen from the South. For they are here defending it day after day. Let me give to you some of the provisions of that new proposed constitution of North Carolina.

Section 2 provides for residence in the State two years, in the county six months, and in the precinct four months before one is entitled to register preparatory for voting.

The old law provides, respectively, one year in the State and three months in the county.

Section 3 provides that every person offering to vote shall be legally registered, not only in the cities, but in the country precincts as well.

Section 4 provides the qualifications necessary to entitle one to registration, and is as follows:

SEC. 4. Every person presenting himself for registration shall be able to read and write any section of the constitution in the English language; and before he shall be entitled to vote shall have paid, on or before the 1st day of March of the year in which he proposes to vote, his poll tax, as prescribed by law, for the previous year. Poll taxes shall be a lien only on assessed property, and no process shall issue to enforce the collection of the same, except against assessed property.

Section 4 provides an educational qualification for the voter, but section 5 is a waiver of the educational proposition—as to whom? As to the man who could have voted on January 1, 1867. This section 5 is as follows:

SEC. 5. No male person who was on January 1, 1867, or at any time prior thereto entitled to vote under the laws of any State in the United States, wherein he then resided, and no lineal descendant of any such person shall be denied the right to register and vote at any election in the State by reason of his failure to possess the educational qualifications prescribed in section 4 of this article.

Is there any question whom that section was intended to disqualify? Is there a man here who could deny that that clause was specially aimed at the fifteenth amendment to the Constitution? The black man of the South was the one who could not vote on January 1, 1867. There is the difference between these constitutions, and I hope gentlemen will see it—I mean between the constitution of Massachusetts and those that I have referred to here.

Mr. THOMAS of North Carolina. Will the gentleman yield to me for a moment?

Mr. BURKETT. Certainly.

Mr. THOMAS of North Carolina. I want to ask the gentleman, so long as he is talking of my State, North Carolina, if he ever

read the infamous election law passed by the fusion party in North Carolina?

Mr. BURKETT. By whom?

Mr. THOMAS of North Carolina. By the Fusionists of my State.

Mr. BURKETT. Well, I do not know anything of the Fusionist party in North Carolina. I know I have been fighting them pretty hard in Nebraska nearly all my life. What is the Fusionist party of North Carolina?

Mr. THOMAS of North Carolina. It is a mongrel combination of Populists and Republicans, and I wish the gentleman would read that law.

Mr. BURKETT. Let me proceed now, Mr. Speaker, and call your attention to the peculiar provisions in the constitution of the State of North Carolina as to her suffrage qualifications. In the first place, a man must be able to read and write the constitution in the English language. In the second place, he must have paid his poll tax. When? Not by the time he asks to register, but he must have paid his poll tax by March 1, previous to that time. Any payment after that time, under that constitution, would not entitle him to a vote.

Now, the other proposition that is most peculiar is the part that waives that educational qualification to those people who were entitled to vote on the 1st day of January, 1867. Let us ask those who are advocating that law, Why was that peculiar language inserted into that law? It is apparent to everybody. You wanted to disfranchise one particular race of people in this country. The people of North Carolina want to say, with all the braggadocio and defiance of the contestee in this case, that "he did not want to go to Africa to get his votes."

I want to say to the gentleman from Alabama and to the people of North Carolina that the people of these United States, in a constitutional amendment which they have adopted, determined who should have the right to vote in this country, and it is not proper that the State of North Carolina or any other State, or the gentleman from Virginia, should so defy that fundamental law of the land as to say that these men shall not have a right to exercise their constitutional prerogatives.

Now, Mr. Speaker, before I proceed further and before leaving North Carolina, I want to show you the ends they resorted to to carry out their aims when they proposed that amendment to the constitution to be voted upon. They did not propose that the thing should miss fire.

To use the words of an illustrious man in an expression that has gone through the press recently, "The Democratic party took no risks." They wanted a sure thing. They were not willing to let the people have a free, open chance at that constitution, with a free ballot and a fair election. They made a special law to pass it by, and so, down in North Carolina, after they had ratified that amendment to the constitution on the 21st day of February, if I remember the date rightly, they passed a law on the 6th day of March under which this constitution should be voted upon. For, in connection with that amendment and as a part of it, they had said it should be voted on according to the law that was in force and effect on the 1st day of May, 1899. Then the very next week we see they turned around and passed a law specifically regulating the voting upon that constitution.

Now, what did they do? They put into that law which provided for the voting upon this constitution the same obnoxious things that the constitution was going to provide. They did not wait until they found out whether or not the people wanted such limitations and qualifications. In short, they disfranchised the same men under that law that the constitution which they proposed will disfranchise if that constitution is put into force and effect. At one fell stroke they eliminated a great measure of the votes that would have been registered against it.

Now, you ask, What of that? I will tell you what of that. It was more far-reaching than you might imagine at first. The constitutionality of that law could not be tried before they voted upon the constitutional amendment. It has been decided by the courts, as the gentleman from North Carolina [Mr. LINNEY] told us the other day, if I remember rightly, that you could not raise the question of the constitutionality in the way in which he had hoped it could, and the lawyers had decided that there was no relief from this specially prepared election law.

Mr. LINNEY. By injunction.

Mr. BURKETT. By injunction. Now let me read you section 11 of that law.

SEC. 11. That before the next general election, on the first Thursday in August, in the year of our Lord 1900, provided for in this act, there shall be an entirely new registration of all persons who shall be entitled to register in every voting precinct in the State, and only such persons as are registered shall be entitled to vote in any election held under this act; that in all cases the applicant for registration shall be sworn by the registrar before being registered, and shall state and answer his age, place of residence, stating ward, if he resides in an incorporated town or city; number of his house, if numbered, and if not numbered, then a designation of its locality by streets; and if not the owner, then the name of the owner or renter.

If not a resident of an incorporated town or city, he shall then state his place of residence in the election precinct; and if he is not the owner of the house in which he lives, then he shall state the name of the person who does own the same or upon whose land he lives; the time of his residence in said county, ward, or election precinct, his avocation, place of business, where and by whom employed, if employed; if a newcomer, from whence he comes and his post-office address before removal; whether he has been disqualified as a voter by judgment or decree of any court; if so, by what court reinstated; whether he has listed for taxation his poll for the current year in which he proposes to register, and for the year next preceding, if liable to pay a poll tax, and any other questions which may be regarded by the registrar as material upon the question of the identity and qualification of the said applicant to be admitted to registration. The registrar may require the applicant to prove his identity or age and residence by the testimony of at least two electors under oath.

Now, think of it. After the man has told where he comes from, where he is living now, who his ancestors were, what his age is, whether he lives in a rented house or not and who is the owner, his vocation, place of business, by whom employed, and every other ridiculous sort of a proposition which no man on earth ever heard of before, then they turn around and say that in addition to that the registrar can ask him any other question he wants to.

Mr. LINNEY. And the registrar is made the judge of his qualifications.

Mr. BURKETT. Now, notice:

And thereupon, if the said registrar shall adjudge the applicant to be duly qualified and entitled to register as an elector, he shall register the name of the applicant.

Now, then, a little further along it says that—

Nothing herein contained shall prevent any elector or judge of election on the day of election, when the elector presents himself to vote, to challenge the right of the elector to vote.

After he is registered under the most severe law of this country, and when even the registrar arbitrarily can refuse to register him, after he has run all this gauntlet, yet when he presents himself to vote still he can be thrown out. Notice, too, the law says:

Every person adjudged by the registrar as qualified as an elector shall take the following oath.

After he has taken an oath to answer these questions, and he takes it, and the registrar admits him to vote, then they turn around and make him take upon himself another oath that is a still more ridiculous oath, as follows.

I do solemnly swear (or affirm) that I will support the Constitution of the United States and the constitution of the State of North Carolina; that I have been a resident of the State of North Carolina for twelve months and of the County of —— for ninety days; that I am 21 years of age; that I have not registered for this election in any other ward, precinct, or township; that I am the identical person that I represent myself to be, and that I am a bona fide resident of —— precinct. So help me God.

Then, after taking this second oath, on election day he may still be refused his vote.

Section 21 of the law provides as follows:

On the day of election any elector may, and the judges of election shall, challenge the vote of any person who may be known or suspected not to be a duly qualified voter.

Section 22 provides, among other things, that when any person is challenged as above, he shall take an oath of which the following is a part:

You do solemnly swear (or affirm) that you are a citizen of the United States, that you are 21 years old, and that you have resided in this State for twelve months and in this county for ninety days next preceding this election, and that you are not disqualified from voting by the constitution and laws of this State.

And also, even after this third oath, that same section 22 of the law says:

Provided, That after such oath shall have been taken the registrar and judges may, nevertheless, refuse to permit such person to vote, unless they be satisfied that he is a legal voter.

Mr. BARTLETT. Now, I would like to ask of the gentleman a question right there.

Mr. BURKETT. Very well.

Mr. BARTLETT. Will the gentleman tell me in what particular the conduct of the election case now being considered proposes to violate those provisions?

Mr. BURKETT. If the gentleman had listened to my remarks he would have known how it does. I told him in the beginning that I was talking about a Democratic community, and I laid down the proposition in the beginning that here where the Democratic party was in absolute power you could not have a fair election, and I propose to prove it by their laws.

Mr. BARTLETT. They have a Republican governor down there.

Mr. BURKETT. I would like to read also the penalty thrown about the registration laws:

SEC. 11. If any applicant for registration who is permitted to register shall confess upon his examination under oath at the time he is admitted to registration that he has not listed his poll for taxation for the current year, if the time of his said application is after the time fixed by law for listing taxes in that year, or if he shall admit that he did not list his poll for taxation for the year next preceding, it shall be the duty of the registrar to certify said fact or facts to the clerk of the superior court of his county, and the said clerk shall hand such certificate to the solicitor for the district at the next term of the superior court, and the solicitor shall, without delay, draw and send to the grand jury a bill of indictment against such elector so registering for failure to list his poll tax.

And if any applicant shall falsely swear he has listed his poll for taxation he shall be guilty of perjury and punished as prescribed by law.

This shows the leverage they took upon those poor, ignorant blacks, and whites as well. These oaths and penalties that a Solomon could not comprehend and know were intended not for pure elections, but as a bugbear to frighten those men from the polls.

Thus we see that the same result practically is attained from that special law as is contemplated by this constitutional amendment. The very men whose liberties are struck at in the amendment are prevented from registering their opposition to it by the law.

Now, let me make another suggestion for you to cogitate upon. Wherever the Democrats come into power, the first thing they do is to change the election laws. The distinguished gentleman here, my colleague on this side of the House from St. Louis, a few days ago rose and stated what they did to get control of the Republican city of St. Louis. He said that one of the first things the Democratic legislature did in Missouri was this.

They looked upon St. Louis as a Republican city, almost unanimously Republican—unanimous so far as the election of officers was concerned with solictude. Not satisfied with Democratic Missouri, they wanted a Democratic St. Louis. So they passed a law in Missouri that put St. Louis in the hands of the Democrats. They took away from St. Louis the right to manage its own elections. How? Why, they said that the legislature shall select three men who shall constitute the election board there in St. Louis. They went further than that, even, to get control of the city, and said that we must have control of the police and fire department of St. Louis, and they made St. Louis a Democratic city in that particular by State legislation. Republicans were displaced as policemen and Democrats put in their stead by the State government, through a specially appointed commission.

Mr. SIMS. Mr. Speaker, I rise to a question of order.

The SPEAKER pro tempore (Mr. SHATTUC). The gentleman will state his question of order.

Mr. SIMS. I understand that perhaps North Carolina may be pertinent; but what has St. Louis got to do with this question?

Mr. BURKETT. It is evident that the gentleman has not been listening to my remarks or he would have known. I am stating how the Democrats get control and what the Democrats did when they got control in Missouri. That is what I am talking about. I am now speaking of Democratic tendencies.

Mr. SIMS. I make the point of order, which ought to be sustained, that the gentleman should confine himself to the case under consideration.

The SPEAKER pro tempore. The gentleman's point of order is overruled. [Laughter.]

Mr. SIMS. I withdraw it, Mr. Speaker.

Mr. BURKETT. Now, Mr. Speaker, I want to come a little closer home still. There was a time when the State which I have the honor to represent in part was a Republican State. We had a Republican legislature and we had Republican governors. But calamity came upon us, politically, as it did upon the whole American people, when Grover Cleveland went into the White House, and we went Democratic—Populist, as they call it out there.

Now, right here, Mr. Speaker, I should like to say that I have been in contests against Democrats, and I have been in contests against Populists, and in contests against both of them combined. I am familiar with every Democratic theory, and likewise every Populist vagary, but this is the first time that I have ever taken the floor to advocate the election of a Populist as against a Democrat. There are members from my State who occupy seats upon the floor of this House that probably will not find themselves as much embarrassed so far as political questions are concerned as I am, and still I am a little anxious to know how they will act between a Populist and a Democrat. Here is a place where fusion can not be worked. They must line up with a Democrat or keep in "the middle of the road."

Mr. BARTLETT. Does the gentleman say that Mr. Aldrich is a Populist?

Mr. BURKETT. Why, in the election there he was.

Mr. BARTLETT. Who is the Populist in this case, then?

Mr. BURKETT. Why, the evidence showed that Mr. Aldrich was.

Mr. BARTLETT. He is not a Republican, then?

Mr. BURKETT. You said there were no Republicans down South. I say that all the Republicans down there do not have any vote, and they never did.

Mr. GROSVENOR. I rise to a question of order.

The SPEAKER pro tempore. What is the gentleman's question of order.

Mr. GROSVENOR. That on a judicial question like this, no one has a right to bring in a man's politics. [Laughter.]

Mr. BURKETT. There was a time when Nebraska had a Republican legislature and a Republican governor—of course those pleasant spots in our life as a State are only history now—but a few years ago the enemy fused on us, and we have been confused ever since to know just where we were at. They elected a fusion legislature composed of Democrats on the one side and Populists on the other; they all come in under one or the other. I believe there was one man who said he was a Silver Republican, but he acted just like the rest and voted just like the rest. The only point of difference ever observed were his good habits and his educated whiskers. But they all crawled under the same cover; they supped out of the same dish, voted the same way, were guilty of the same nefarious practices, so that we never were able to state with any degree of satisfaction which was a Populist and which was a Democrat.

Now, when our fusion friends got into power, with the legislature and the governor, what do you suppose was the first thing that fusion legislature did in Nebraska? They were elected on a platform that promised a good many desirable things for the State. Among others their platform said one of the things they were going to do was to reduce the running expenses of our State. It pledged them to do away with a railroad commission that we had in Nebraska. They said it had been riding on passes and imposing on the people and voting with the corporations for lo! these many years.

They said, "We are going to put into force new revenue laws that will reduce the taxation on the poor man and put it on the rich man and the corporations." They said they were going to reduce salaries up in the statehouse. They came into power on a platform pledging them to do all these things. They went there specially commissioned to relieve the people, to consider things beneficial to the people. They were, as they pledged themselves, the special guardians and conservators of the people's rights and interests. Now, what do you suppose they did?

Gentlemen, the very first law that fusion legislature passed for the State of Nebraska was a law providing for an appropriation to pay their own salaries. [Laughter on the Republican side.] They had not gotten their seats warm. They had not learned the way to the statehouse so as to be safe to dispense with a guide when they tapped the treasury for $90,000. The next law was to provide for an appropriation to pay their incidental expenses. [Laughter on the Republican side.]

But this has nothing to do with the question here. I want to get to the point. About the third or fourth law they passed was a law like this: They looked down upon the city of Lincoln, a Republican city always, and they said, "We must control that Republican city;" and they laid their vile hands upon it and passed a law, a new charter, as they called it, for the city of Lincoln. They provided in that law that a governor elected away out from the western end of the State, a man that had been loaning money on "spotted cows" and "boar black pigs," a man who knew nothing about the city of Lincoln, should practically control it.

Think of it! A city of 60,000 of the most intelligent people in the world, the capital of a State with the smallest per cent of illiteracy in the Union, a city the queen of the prairies, noted for her educational institutions and churches, peopled with the cream of inhabitants from Iowa, Illinois, Indiana, Ohio, and other older States! Think of the selfish partisanship that would prompt such action as was taken! Imagine the depths of desperation to which they were willing to go when they denied that city, resplendent in its own beauty, proud of its bright men and noble women, the right to local self-government!

So they passed a law providing that the governor should appoint three men, called an excise board, who should have control of the firemen and policemen. They chose this method of running the city in their own sweet Populistic way—for what? That they might gain politically. It was an eyesore to them politically. It was the home of Mr. Bryan. It must be won for Bryan and Democracy. Well, they were not satisfied with Lincoln, so they went to Omaha, a city that sometimes goes Republican and occasionally disappoints us. But it was not sure enough Democratic for them.

They wanted a sure thing. They wanted a certainty, and so they passed a similar law through that Democratic legislature, giving the governor control of the city of Omaha in that same way. This is their record in Nebraska along the lines I have mentioned. I might add, however, that instead of a blessing it proved a curse, as injustice always does. Americans like to govern themselves, and they want no paternalism.

Gentlemen, I have tried to show to this House that it is not only in the South that these Democratic tendencies are observed, but in the North as well. It is not only in these States where they are unanimous almost in their majorities, but it is also in those States where they get in control temporarily. It is their method; I will not say their nature, for the rank and file are better than their party. But it is the method of their leaders, when they once get in control, to perpetuate such control. Lacking, as they always have, the genius of government to meet and solve great questions to the approval of the American people, fearful of their own ability to retain the confidence of the voters, they resort to unworthy methods to perpetuate themselves in power.

Now, Mr. Speaker, in conclusion, this question is, as I said before,

of more than passing importance. It is not simply whether Mr. Robbins, the contestee shall be permitted to keep his seat or whether Mr. Aldrich shall be given the place. The question goes further, out and beyond this; it is whether the members of this House are going to permit this miserable, nefarious ballot-box stuffing to defeat the Constitution of the United States. It is a stench that reaches up to high heaven. It is one that the members of this House ought not to permit to go on.

This House should register now and here the decree that plants every clause of the Constitution in Alabama as unquestionably as our friends on the other side insisted for Puerto Rico and the Philippines. It should say to Mr. Robbins in no uncertain terms, Go back to the Fourth district of Alabama and be elected in accordance with the correct and honest interpretation of your laws and the Constitution of the United States before we can receive you. You will not be permitted to take a seat here, reeking as your certificate is with vice and corruption. Go back and cleanse those precincts, reorganize them, allow the people their rights that the Constitution gives them. When you come here your demeanor politically must be correct, for none can enter here with their skirts bedrabbled with the muck and the mire and filth of Southern election frauds. The people of the North cry out against them. The world stands aghast at them, and the people of the South shall be protected against them. The Constitution still stands, strengthened and beloved by lapse of years. From it you must not take a syllable, nor to it add a word; neither under it shall you defy it. "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude." [Loud applause on the Republican side.]

Mr. MANN. Mr. Speaker, I hope the gentleman from Georgia [Mr. BARTLETT] will now occupy a part of his time.

Mr. BARTLETT. Mr. Speaker, may I inquire of the Chair how much time has been used on this side?

The SPEAKER pro tempore (Mr. SHATTUC). Two hours and forty-eight minutes on the Republican side and one hour and nineteen minutes on the Democratic side.

Mr. BARTLETT. Mr. Speaker, I now yield to my colleague on the committee, the gentleman from New York [Mr. GLYNN] such time as he may occupy.

[Mr. GLYNN addressed the House. See Appendix.]

Mr. BARTLETT. Is it the desire of the gentleman from Illinois [Mr. MANN] that I proceed further at this time?

Mr. MANN. I should like to have the gentleman from Georgia occupy some more of his time.

Mr. BARTLETT. All right, sir.

Mr. MANN. Mr. Speaker, in any event it is understood between the gentleman from Georgia and myself that the time which is to be occupied to-morrow shall be equally divided between the two sides, whatever may be the time occupied to-night.

Mr. BARTLETT. I thank the gentleman very much for his kindness. I yield to the gentleman from Missouri [Mr. DE ARMOND].

Mr. DE ARMOND. Mr. Speaker, a stranger in the House, looking from the galleries, no matter what his political views might be or what his previous training or information, would be impressed with the fact that so often in the consideration of these election cases comparatively few members upon either side are present to hear the discussion. He might at first suppose this is because each one reads the record for himself, familiarizes himself with everything in the case, and is thoroughly prepared to vote according to the merits as they shall appear to a man of full information, and therefore, having fully informed himself, that it is unnecessary for him to give more time to the matter.

The actual fact, however, is that a large number take these matters for granted, or, rather, vote without any information upon the subject and, harsh as it may seem in the saying, really without any particular desire for it. It is only justice to the men upon the several sides of these controversies, only fair play to the members of the committee who give their time to the investigation of these cases, that the information which they gather and the reasons which they have to offer should be heard and considered by those who are to act upon the cases in the House.

Those who suppose that the work of an election committee is light and a mere holiday matter are much mistaken. A great deal of it is a work of drudgery, a work of self-denial, as far as the committee are concerned. Often it is necessary for those who would be informed to study a record of great length, the mere reading of which is no light task. It is necessary for them, in order to reach conclusions, to gather the comparatively few grains of wheat from out the great mountain of chaff. Now, when the members of the committee have done that and present their views to the House, it is unfortunate, to say the least about it, that they do not have, upon both sides, a full and fair hearing.

As parties come and go, the political ascendency sometimes being with one party and sometimes with another, it seems to me, not to put it upon any higher plane than that of mere expediency, that it is to the interest of those who may have good claims and those who have good title to seats that election contests should be decided as nearly as possible according to their merits.

Mr. Speaker, very frequently it follows that an unjust decision, a decision not really warranted by the facts and the law, does little good to those who apparently get the advantage of it for the time being, and does some of them much harm later on. Averaging it up, one Congress with another, and one case with another, each side profits by the correct decision of these controversies, and each in turn is liable to suffer from an erroneous decision. There is a disposition often engendered to make reprisals, a disposition to retaliate, which is totally unsuited to that judicial frame of mind in which all ought to be when they are passing upon questions of right.

This case, like all other cases, ought to be decided according to its actual merit. If Mr. Robbins is entitled to retain the seat in controversy, then, because he is entitled to it, he should be permitted to retain it. If, upon the contrary, he ought not to have it and it should be given to Mr. Aldrich, the contestant, then, equally, should Mr. Robbins be unseated and Mr. Aldrich seated.

Passing beyond these men, and applying the decision in this case to other cases which may arise or which may now be pending in the House, and respecting the rights of the parties themselves, it is really in the interest of all who desire fair play that this case should be decided according to its merits. If wrong shall be done in this case, it surely will be a provocation and an excuse for wrong in some other case. The gain which might come to either party in the one case by retaining the seat and in the other case by acquiring it—if secured by a wrongful decision—would be more than met and more than counterbalanced by the harm which later on almost surely must result as a consequence of such action.

Now, it has seemed to me, on such investigation as I have given to this case, and from what I have heard in argument of it, that to decide this contest in favor of Mr. Aldrich, to unseat Mr. Robbins and give his seat to Mr. Aldrich, is to proceed upon some lines that are new and that, I think, certainly can not be traced by reason or authority.

A number of things all have to come together, have to unite, each one of them extraordinary, in order to justify the giving of this seat to Mr. Aldrich. The election law of Alabama requires that inspectors of elections be not all appointed from the same political party. That is a provision that ought to exist and ought to be observed everywhere. The reasons for it are so plain that no man may need spend time in stating them or enlarging upon them. It seems that in some precincts in this district persons suggested by Mr. Aldrich or his managers for inspectors were not appointed.

The law and the principles of justice requiring that inspectors from the two sides should be appointed, do not require and do not even suggest that any particular, unofficial person, having himself an interest in the election, should name the persons to be appointed. In other words, while Mr. Aldrich, under the law, as a matter of right, independent of law, was entitled to representation upon the election boards, he was not entitled, as a matter of law, as a matter of reason, as a matter of justice, or upon any sound general principles, to name particular persons who should be appointed. Hence the failure or refusal to appoint persons named by him for appointment is not in itself any reason for disturbing the election returns in the particular precincts in which his suggestions were not followed.

Now, I do not believe that proposition is susceptible of refutation. I do not believe there is a ground or basis for a reason or argument against it.

The rightful power existed in the boards not to appoint men suggested by Aldrich, though it is not to be exercised arbitrarily and without reason. It does not appear from the record, as I understand that the Aldrich men who were rejected have been shown to be suitable men for appointment.

Mr. BARTLETT. If the gentleman from Missouri will permit me, I would suggest that in some few of the cases they were not appointed because there were no such men known to exist in the precincts where they were wanted,

Mr. DE ARMOND. That makes the contention which I am now advancing all the more forceful. It does not follow, as a matter of course, nor as a matter of inference, nor as a matter of reasonable judgment, that where there is a failure to appoint as an inspector or any other election officer somebody suggested by a party candidate or his manager wrong has been done. The officers there, as officers everywhere, are presumed to have done their duty; and when they did not appoint according to Aldrich's choosing, it is to be presumed that there was sufficient reason for their action.

Mr. BARTLETT. Will the gentleman permit me to make another suggestion? In this record it is shown that the only place where the box was improperly gone into it was gone into by a man appointed at Mr. Aldrich's suggestion at Burnsville.

Mr. DE ARMOND. That suggestion is most timely and forceful.

Now, Mr. Speaker, assume that A was first suggested as an election inspector in a particular precinct, suggested by a party candidate. He is not appointed, and B is appointed. So far there is no room for an inference that wrong has been done or the law violated. It is necessary to show that B is an improper person to be appointed, or else his appointment is perfectly warranted under the law and unassailable. Suppose it turns out that B is not a proper man for the appointment. This is not enough to sustain a charge of misconduct lodged against the appointing power. It must be shown that A was a proper person for the place to be filled, and even then account must be taken of errors of judgment, free from evil intent.

Those who are charged with the appointment are charged necessarily with the exercise of judgment; they are presumed to act in good faith; but that aside, they are charged with the exercise of judgment, and their judgment is not to be impeached merely because they do not surrender their own power and their own right and submit themselves to the dictation or the suggestion of some interested party.

The contestant starts with the proposition that some men suggested for inspectors were not appointed. As the gentleman from Georgia [Mr. BARTLETT] has said, in most instances it has been shown, not that these men were qualified and did exist, but inferentially that they were not qualified or did not exist, or their existence was not known. So, there can be no fault found with the failure to appoint these men, and there can be no basis for a contest or for unseating anybody on that account. As to the men appointed, there ought to be exercised honest judgment.

The fact that a man may have been appointed whose appointment ought not to have been made, the fact that the selection may not have been a good one, does not warrant the conclusion, or even the inference, that any improper motives influenced the appointment. There may have been an error of judgment; there may have been an honest mistake committed. Even where the wrong man was appointed, and it was known that the wrong man had been appointed, still no right exists to nullify the election, and no such excuse will serve for those who might have voted, but chose instead to remain away from the polls.

Passing from the question of inspectors, we find that this contest rests upon the further proposition that, the persons suggested for inspectors not being appointed in certain precincts, one of the candidates then had a right to issue an ukase, a manifesto, a direction or command, I do not know what you might call it——

Mr. BARTLETT. They call it an order.

Mr. DE ARMOND. Yes; an order; that is better—to issue an order to those who were inclined to support him to remain away from the polls and not participate in the election. In order to justify the seating of Mr. Aldrich and the unseating of Mr. Robbins, it is necessary to concede also this second proposition, that upon the failure or refusal of the appointing power to name as inspectors persons suggested by Mr. Aldrich or his friends for inspector, Mr. Aldrich possessed a right of potency here and now to order his followers to remain away from the polls; and his followers heeding that order and remaining away, then from these two things put together—the failure to appoint the men suggested for appointment and the order to the voters to remain away from the polls, and their remaining away—the whole election goes with the winds; that the election is the same as though not held, and the precinct returns and votes are to be thrown out.

Now, these propositions are decidedly novel. One, I think, would search the books in vain to find support for either of them. What right has a candidate for office to direct his followers to remain away from the polls, and then make that order a basis for the claim that the returns should be thrown out and that the result of the election should be disregarded?

Mr. BARTLETT. Will my friend pardon me again?

Mr. DE ARMOND. Certainly.

Mr. BARTLETT. The manager of Mr. Aldrich's campaign distinctly said that he did it for the purpose of making a contest.

Mr. DE ARMOND. Yes.

Mr. MANN. Mr. Speaker, I want to make the suggestion to my friend that the committee took that action only in four precincts, and held the other way in all the rest of the precincts.

Mr. BARTLETT. Although the same conditions existed.

Mr. DE ARMOND. I was discussing, however, the principle, without reference to its application in this place or that place. The principle is correct or incorrect; it is sound or unsound. It is a question of the right of a man who is a candidate for office to direct his followers to remain away from the polls, and then insist that the result of the election be nullified because they have remained away. It is not a question whether you apply it to one precinct or to one hundred precincts. As the gentleman from Georgia [Mr. BARTLETT] has suggested, Mr. Aldrich was a candidate, not really for election by the people, but for a contest and for an election here in the House of Representatives, and the election, unless the case is to be decided upon the true basis of a contested election, is to take place here a little later.

What a droll thing—a man being a candidate for a contest! But it is suggested that Mr. Aldrich directed his supporters to remain away from the polls because if they went their going would facilitate the perpetration of a wholesale fraud upon him; that his votes would be counted for the other party. In the first place, that is a bold assumption, and in the second place, if it were true the principle involved would afford the very best reason for not throwing out the poll or disregarding the returns in this case as made by the record. The principle of law that applies in regard to these things is not the subject of dispute, but it is well established. It is the duty of those who pass upon election returns to uphold them, if they can in fairness and justice; otherwise there is no use to hold elections.

There are informalities at almost every election. This little thing that ought to have been done is not done; another little thing that should not in strictness have been done has been done. Things that should be done one way are done another way. The real object in election cases is always to ascertain—and in the first place, of course, to ascertain by the returns, if it can be done—what has been the judgment and decision of the people at the polls. Our whole Government rests upon that philosophy, that the people do the electing. They may choose unwisely. Those who act for the time being in conducting the election may not act strictly within the province of the law. But the real question is, What did the people say about their choice of officers? Who has been elected according to the declaration of the majority, or plurality, as the case may be, of those who did vote and had the right to vote?

Now, I say small informalities, trifling cases of disregard of the law, or even serious ones, if you please, here and there, so long as they do not affect the integrity of the poll, are to be disregarded, with a view of getting at the result and making effective the voice of the people who have declared their choice in the only way that they can declare it under the law and customs of our country. It is a serious thing when a single honest man entitled to vote, and having cast his vote, is deprived of that vote by reason of any misconduct whatsoever on the part of the election officers. The election officers have no right of control, positive or negative, over the choice of the people, except in so far as they are required to discharge their duties and transact their business in general conformity to certain rules and regulations.

If the officers have departed from those, if they have been so dishonest and corrupt as that the whole poll is tainted, the whole thing rotten, so that no credence is to be given to any of it, so that none of it is entitled to respect, then as a dernier ressort, not as a matter of choice, not as something to be desired, but as something that can not be escaped, the returns must be disregarded and the poll thrown out.

It is not every little thing, it is not misconduct of this or that man, it is not intention on the part of this man or that man to commit fraud, it is not even actual fraud upon the part of this man or that man, but it is so much fraud or irregularity, such gross departure from prescribed methods that you can not regard the poll as worth anything and must throw it out, that can justify resort to such a remedy.

This is simple fundamental election law; it is nothing new or strange; it is to be observed not merely by one Congress, one party, or one section of the country; it is universal in its application; it rests upon common sense and the necessities of common experience. Now, tested thus, a considerable number of polls which have been thrown out in this case would not be thrown out.

The fact that a particular man who was suggested for appointment as inspector was not appointed—the fact that Mr. Aldrich ordered his followers not to attend the election, not to vote—these things do not constitute a legal reason for throwing out any poll. The suggestion that if these men had gone and voted their votes would have been turned over and counted for Mr. Aldrich's opponent, that fact—that fact, if they had voted and their votes had been stolen, thus making the fact—might have afforded a reason for throwing out the poll; that might have been conclusive and overwhelming evidence of fraud—fraud so gross, so completely permeating the whole box and everything in it that you would have to throw out the poll.

So it was not necessary for Mr. Aldrich's followers to stay away from the polls in order to insure him fair play and justice. Suppose, for convenience of illustration, that there were 100 voters in a particular precinct, 50 favorable to Aldrich and 50 to Robbins. Suppose that Aldrich advised his 50 to stay away from the polls, and that all did stay away. Suppose that the 50 Robbins men went to the polls and voted, cast their ballots for Mr. Robbins. Suppose even

that Mr. Aldrich's party had no representation upon the election board, that not a man of those suggested by them for appointment, not a man of his party, had been appointed—and this is putting it strongly, far more strongly than the facts in this case warrant—still, I say, all this could not justify a disregard of the returns or the throwing out of the votes of honest electors, honestly cast for the man of their choice.

Suppose, on the other hand, that Aldrich's 50 men went to the polls and voted and their votes were counted for Robbins, so that there is a return of 100 votes for Robbins and none for Aldrich. How easy to show such a fraud as that, such wholesale, such unblushing fraud, such outrageous fraud as to justify throwing out the whole poll and relegating each candidate to his right of proving the vote that was cast for him.

Mr. BARTLETT. While the gentleman is on that——

Mr. DE ARMOND. Certainly.

Mr. BARTLETT. I am so much interested in the gentleman's argument I desire to make this suggestion——

Mr. DE ARMOND. I am glad to have it.

Mr. BARTLETT. In those four precincts where they discard the entire poll because of the failure to appoint representatives the committee find that Robbins proved, by aliunde proof, so many votes and Aldrich so many, but they refused to count them for him in the general result.

Mr. DE ARMOND. Of course I can not understand the philosophy of that. My understanding of this matter is that when a poll is thrown out each party has an absolute, unqualified right to prove as many votes cast for himself as he can prove, and that whenever it is found that one vote or a hundred votes or any number of votes were actually cast by qualified voters for either of the candidates he is entitled to have those votes counted for him. Ordinarily the returns are evidence of what votes were cast for this man or that man, but the returns being out, there being no other evidence, then you are remitted to the testimony of the voters themselves, and I have always thought that the votes proven in those cases are to be counted for the man for whom they are proven to have been cast.

Mr. MANN. Will the gentleman yield?

Mr. DE ARMOND. I yield to the gentleman from Illinois.

Mr. MANN. I quite agree with almost all, if not all, the propositions laid down by the gentleman from Missouri, except the proposition that it is very easy to show fraud——

Mr. DE ARMOND. Well, in the case I supposed——

Mr. MANN. Where they count the ballots for one man when they have been cast for the other man, and I simply call the attention of the gentleman to the very first precinct that is noticed in this case, Valley Creek precinct, No. 4, where the returns for Aldrich were 44 and where 121 witnesses swore they voted for Aldrich. I mention this not for the purpose of involving the gentleman, but for the purpose of calling his attention to the fact that it is not very easy to discover fraud, because the committee on the two sides do not agree as to whether that proof does disclose the fraud.

Mr. DE ARMOND. Mr. Speaker, I did not make the assertion and do not wish to be understood as saying that fraud is an easy thing to prove. I concede that fraud often is a difficult thing to prove. I concede that very fully.

Mr. MANN. I thought the gentleman said it was very easy.

Mr. DE ARMOND. But in the case that I supposed fraud, if it existed, could be shown easily enough. I supposed it for the purpose of illustration, to show that in order to get justice it was totally unnecessary for Mr. Aldrich to order or advise his followers to remain away from the polls; that he had no right to do that; and that if he did it, if he did order them to remain away, he has no right on account of that fact to have the poll thrown out.

Mr. GAINES. That would be taking advantage of his own wrong, would it not?

Mr. DE ARMOND. That is what it would amount to. Now, I concede that very frequently it is very difficult to prove fraud. That is a fundamental proposition, of course, which is well known to lawyers; but there are cases——

Mr. MANN. Will the gentleman pardon me again?

Mr. DE ARMOND. Certainly.

Mr. MANN. The gentleman from Missouri is well aware, I suppose, that the majority of the committee do not rest their conclusions upon the proposition which the gentleman is talking about; in any event, so far as the report is concerned. While they differ with the gentleman as to the proposition, they do not base their report on that, and so state.

Mr. BARTLETT. The case does rest absolutely upon it.

Mr. DE ARMOND. Now, coming to the matter of proof, there is this peculiar condition of things which arises in this case, which certainly is worthy of a word of comment in passing.

The gentlemen who contend that Mr. Aldrich ought to be seated and Mr. Robbins unseated proceed largely upon the theory that where there was an opportunity to commit a fraud these election officers, especially those opposed to Mr. Aldrich in politics, did commit it; and that when you find an election board upon which Mr. Aldrich had no representative who was satisfactory to him, they seem to pass from that position at once to the conclusion that fraud was committed.

Now, what does that rest upon? It rests upon the assumption that a large number of men of good intelligence and good character, not impeached by the testimony, are ready to falsify their oaths and to commit the grossest of frauds, and that such men did commit such frauds in this election, and a great deal of the testimony offered is the testimony of men who, to say the least, must be regarded as unreliable.

It is notorious that a large number of men who vote for A, across party lines, when they come to testify about the matter, especially under some stimulus and encouragement, will swear that they voted for B. In other words, when upright and honorable election officers declare that at a particular precinct Mr. Robbins received 75 votes and Aldrich 25 votes, and when 50 people swear that they voted for Aldrich, it by no means follows that Aldrich, in fact, did receive 50 votes and that 25 votes were taken from him and carried over to Robbins.

Against the testimony of these ignorant men, upon whose testimony the proposition to seat Aldrich, so far as it has support in the evidence, must rest, and whose ignorance is also accompanied by corruption in many instances, there stands the official oath, and often the additional oath, administered in the taking of testimony in this contest, of men of the very highest character.

Mr. BARTLETT. In every precinct in this contested county they were men of the highest character.

Mr. DE ARMOND. The returns are assailed, in large part, by the testimony of men who are grossly ignorant and in large part by the testimony of men unworthy of credibility.

Now, because an ignorant black field hand says that he voted at a certain election, and that he voted for Aldrich, when the returns show that he either is not telling the truth or that the election officers who counted his vote returned it for Robbins instead of for Aldrich, it by no means follows that he did vote for Aldrich and did not vote for Robbins. And yet that conclusion must be reached and carried out through this whole case, or the decision can not be in favor of Aldrich.

The assumption, too, is made that it is perfectly legitimate and proper to dispose of this case upon the history of the district. Now, how significant that is. It seems to me that the majority of the committee must have been conscious of the weakness of their claim—I say this with all due respect, because I am trying in my remarks to speak to the merits of this case as they appear to me, and not to criticise anybody or find fault with anybody—it seems to me that they must have been conscious of the weakness of their contention, when they make a large part of their argument upon the previous history of the district and the decisions of former committees upon former contests. Not only that, but they go to other States and to other districts.

Now, everybody knows that one election is not necessarily a pattern for another election. Everybody knows that methods pursued in one election may not be pursued in another. There is no way of getting rid of a bad record, whether the bad record is deserved, or whether it is made in error or in malice, unless each transaction be looked at simply by itself and in the light of the testimony brought to bear upon it. What difference does it make that in 1894 there was a contest of Aldrich against Robbins and the committee found so and so in this precinct and in that precinct?

What light does it shed upon this case that in 1896, when Aldrich and Plowman were the opposing candidates, Plowman received the certificate of election and Aldrich contested his seat, and the committee decided in favor of Aldrich, and that the House sustained that decision? What has that to do with this particular contention?

How natural it would be that Mr. Robbins, in his own home county, should receive a good vote. As I understand, there was no officer to be elected then except a Representative in Congress.

Mr. BARTLETT. That is correct.

Mr. DE ARMOND. That was the only officer to be elected. There was nothing to arouse that sort of partisan prejudice, or to draw the partisan lines with that degree of closeness which may prevail in a general national election.

The record shows that at this election Mr. Robbins's friends endeavored to get the votes of black men as well as of white men. And yet the ground is assumed and taken that if he did get the votes of black men and the votes of the black men were counted for him, they were stolen and should be counted for Aldrich. This is an assumption, and yet it is absolutely necessary to come somehow to such a conclusion in order to determine this contest in favor of Mr. Aldrich.

As a matter of fact, many colored men were put upon the stand

and testified that they voted for Robbins. Are they to be believed? Had they said they voted for Mr. Aldrich that testimony would have been taken by the committee readily against the testimony of reputable white men and officers as sufficient to warrant the throwing out of disputed precinct returns. Why is it not to be taken when it is for Robbins to show that they did actually vote for him? Take it that they did vote for Robbins and he is elected. Proceed according to the proof which has been given and Robbins is elected.

Follow the precedents and the principles of law that have been laid down and established time and again, and Mr. Robbins is elected. New principles have to be incorporated in this case, a new philosophy applied to it, in order to reach a different decision; but if the purpose is to follow the law and the evidence, then it must be in favor of Robbins. With such examination as I have been able to give the case, and I am not as familiar with it, I know, as those gentlemen who are on the committee, it does seem to me that without disregarding the prior decisions of the House, without introducing anything new and strange, unsound and dangerous, but following the beaten track, pursuing the regular course of ordinary fairness, Mr. Robbins is entitled to retain his seat.

Now, if that be true—of course I may be in error in my judgment—if that be true, then if Robbins be unseated, not only will wrong be done to him, but to this House; and there is no telling who may be called upon at some time to suffer for the wrong. Any man may have a contest. That is a mere matter of chance and accident. A thousand causes may produce it. Some men make an industry of contesting seats. Other men start a contest because they are disappointed, and begin the contest as a means of letting themselves down, with the formal pompous declaration that they were elected and swindled out of the seat.

Some persons make contests for the incidental allowances that they will receive; and then they may get into the House. Anyhow, they will get more than they could earn in any other way, provided they get the ordinary amount allowed to contestants. Every man whose seat is contested is bound to defend it or surrender it. He has to protect his rights no matter how clear they are. A man whose seat is contested is in an anomalous condition in the House. He knows nothing about how long he may retain his seat; knows nothing as to what the decision will be, whether judicial methods will prevail or whether his seat will be taken from him merely to give it to another.

Therefore it is in the interest of every man in the House, without reference to politics, or how long or short a time he has been a member, how prominent or obscure—it is the interest of every man in the House, and the interest of every constituency, that cases be determined as nearly as may be as the decisions of the courts would determine them—simply upon the merits.

It has been my observation in the little time that I have been in the House that contests decided on other principles than those which underlie even-handed justice have more than once brought retribution. I am satisfied that men have been unseated or kept in seats in this House as a matter of retaliation.

So, then, fairness is in the interest of all of us. In a sense, every man has a stake in the fairness and correctness of the decisions in these cases.

I am one of those whose fortune has been a time or two, and more than a time or two, to vote against most of my party colleagues upon election contests, following my own judgment about it; and whatever others may have thought, I have had no occasion to regret my course in these particulars. I believe it is not only the fair and right thing for a man to do, simply as a man, as an independent Representative on this floor, but I believe it is the wise thing for a man to do in the interest of his party. I believe that whenever my party does a wrong in one of these cases it is liable to suffer for that wrong, and that somebody who ought to retain a seat is going to be deprived of it, or some other body entitled to a seat will be denied it, by way of evening up; and what applies upon the one side applies also upon the other.

If Mr. Robbins is unseated in this case and Mr. Aldrich is given the seat, it must be by the application of principles that are new and strange and find no support either in the action of this House or in the law books. The refusal to appoint inspectors in some instances, at Aldrich's suggestion, can not be a ground for seating him, and yet without that his contest must fail. The order by Aldrich to his supporters to remain from the polls must invalidate election returns or Aldrich can not be seated, and that can not be true. If that were true, elections could be nullified anywhere.

Suppose I am a candidate for election, and I know that in a particular precinct the majority of the votes will be cast against me. What better expedient for me to suggest to my friends than to remain away from the polls and then have the returns thrown out? It may be that I can prove up more votes than the other man, because it may be that the persons who voted for me are more easily reached; it may be their testimony will bear examination better. I may be a minority candidate in a particular precinct, and yet I may be able, if the returns be thrown out, to show more votes cast for me than my opponent could possibly show cast for him, because my facilities for bringing forward my witnesses, easily identified and secured, may enable me to do so.

It will never do, Mr. Speaker, to incorporate into the election law of this House the principle that a candidate can so simply determine that so far as he is concerned there will be no election in a particular case, and that then there shall be none. How about those that go to the polls and vote and who are entitled to vote? Shall his suspicions, shall his arbitrary action, shall his failure to succeed in his dictating a particular man for an election officer, shall those things coupled together sweep away the right of the people to vote and nullify the action of those who do vote? That is essential in this case, or Mr. Aldrich's contest must fail.

Moreover, it is essential that you gather different and strange elements when you make out this case. Mr. Aldrich has what he ran for, the contest. He was not elected; and if I could believe that the members of this House had given to the case the attention to which it is entitled, I would be sure that the House would not now usurp the functions of the Fourth Alabama district and elect him. If he is elected, it is going to be done by the votes of men who know nothing about the case or men who do not care anything about the right or the wrong of the case.

Now, I do not make any pretense to being clear of partisanship. I regard myself as a pretty intense partisan. I regard it as a merit and not a demerit, upon occasions which are timely and proper, for a man to push his partisanship. I believe in my party and believe in its principles. I believe in battling with the brethren on the other side, whose views are different from ours, in sharp, earnest contest, with the hope that under our theory of government we shall bring out that which is good and sustain it, or develop, on the other hand, that which is bad and overcome it. It is only in that philosophy that a free government can be maintained.

I believe that it is the duty of every man individually to look at this case as if this were not a partisan body—as if these two men were of the same party or of no party. I believe that not only is that right, but even upon narrow partisan grounds that what is right in these cases, what is warranted by the well-settled principles of law and the facts of the case, is the wisest partisanship.

There is, of course, very little incentive to anyone to address himself to these questions when so few people are interested in them. I have talked to the House, or that fraction of it which is here, longer than I meant to do upon this case, and I shall not detain it any further. I certainly have had no other object than to try to discuss, in my own way, a few familiar principles of law, and to contrast them with principles—if they can be called principles; I think they are not—which are unfamiliar, not sustained by any authorities, and to draw the conclusion which to me seems inevitable when correct principles are applied to the facts of this case. According to plain, recognized, well-established principles of law Mr. Robbins must retain his seat. To deprive him of it and give it to Mr. Aldrich is to invent new law and to make strange application of that invention. I thank the House for its attention. [Applause.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BENNETT, its Secretary, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1) to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, and for other purposes.

ENROLLED BILLS SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 7737. An act to change the name of the Potomac Insurance Company of Georgetown, and for other purposes; and

H. R. 6493. An act for the relief of John Anderson, a Pottawatomie Indian, and his adult children.

Mr. MANN. I move that the House do now adjourn.

The motion was agreed to.

LEAVE OF ABSENCE.

Pending the announcement of the vote on the motion to adjourn,

Mr. SPALDING, by unanimous consent, obtained leave of absence for three days, on account of important business.

CHANGE OF REFERENCE.

The SPEAKER laid before the House a document of the following title, with the recommendation that its reference be changed

from the Committee on Naval Affairs to the Committee on Appropriations; which, by unanimous consent, was agreed to:

House Document No. 467. A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Navy submitting an estimate of appropriation for yards and docks.

The result of the vote on the motion to adjourn was then announced; and accordingly (at 4 o'clock and 55 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of War, transmitting a list of suspensions in the accounts of Maj. Charles W. Raymond, and recommending that provisions be made for his relief in the next general deficiency bill—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of War, transmitting a response to the inquiry of the House as to expenditures for military operations in the Philippine Islands—to the Committee on Insular Affairs, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Archibald Rutherford against the United States—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. CORLISS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 6874) to create an additional life-saving district and authorizing certain changes in the serial numbers of existing districts, reported the same without amendment, accompanied by a report (No. 532); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MOODY of Oregon, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 2976) reserving from the public lands in the State of Oregon as a public park for the benefit of the people of the United States, and for the protection and preservation of the game, fish, timber, and all other natural objects therein, a tract of land herein described, and so forth, reported the same without amendment, accompanied by a report (No. 533); which said bill and report were referred to the House Calendar.

Mr. SHERMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 8247) to amend an act entitled "An act to authorize the construction of a bridge across the Mississippi River at Memphis, Tenn.," approved April 24, 1888, reported the same without amendment, accompanied by a report (No. 540); which said bill and report were referred to the House Calendar.

Mr. PHILLIPS, from the Committee on Claims, to which was referred the bill of the House (H. R. 2937) authorizing and directing the Secretary of the Interior to examine certain claims of persons who owned or occupied buildings on the Hot Springs Mountain Reservation which had been condemned by the Hot Springs Commission and afterwards burned, and to fix a reasonable value thereof, and making appropriations for the payment of said claims, reported the same with amendment, accompanied by a report (No. 541); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FLETCHER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 2869) authorizing the Cape Nome Transportation, Bridge, and Development Company, a corporation organized and existing under the laws of the State of Washington and authorized to do business in the Territory of Alaska, to construct a traffic bridge across the Snake River at Nome City, in the Territory of Alaska, reported the same without amendment, accompanied by a report (No. 542); which said bill and report were referred to the House Calendar.

Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the Senate (S. 198) to reimburse the State of Wyoming for money expended by the Territory of Wyoming protecting and preserving the Yellowstone National Park during the years 1884, 1885, and 1886, reported the same without amendment, accompanied by a report (No. 543); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. DRIGGS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5209) granting an increase of pension to Samuel A. Greeley, reported the same with amendment, accompanied by a report (No. 494); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8112) granting a pension to John Vogler, reported the same with amendment, accompanied by a report (No. 495); which said bill and report were referred to the Private Calendar.

Mr. SPIGHT, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4681) granting a pension to Elizabeth Keiff, reported the same with amendment, accompanied by a report (No. 496); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8378) for the relief of Mary Steffens, widow of Henry Steffens, deceased, Company F, Ninth Ohio Infantry Volunteers, reported the same with amendment, accompanied by a report (No. 497); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1147) granting an increase of pension to Dr. Luke H. Cooper, now totally blind, reported the same with amendment, accompanied by a report (No. 498); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 5127) granting a pension to John Lafollett, reported the same with amendment, accompanied by a report (No. 499); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 4138) granting a pension to Elizabeth A. Hyatt, reported the same with amendment, accompanied by a report (No. 500); which said bill and report were referred to the Private Calendar.

Mr. GASTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3642) granting an increase of pension to Adolphus Lavine, late of Company I, One hundred and sixty-ninth New York Volunteers, reported the same with amendment, accompanied by a report (No. 501); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 4276) granting a pension to John R. Eggeman, reported the same with amendment, accompanied by a report (No. 502); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6900) granting an increase of pension to Benjamin F. Kurtz, reported the same with amendment, accompanied by a report (No. 503); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6885) granting an increase of pension to Horace B. Durant, reported the same with amendment, accompanied by a report (No. 504); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5886) granting a pension to William H. Lane, reported the same with amendment, accompanied by a report (No. 505); which said bill and report were referred to the Private Calendar.

Mr. MINOR, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6952) to pension Carrie L. Dale, widow, reported the same with amendment, accompanied by a report (No. 506); which said bill and report were referred to the Private Calendar.

Mr. HEDGE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 457) granting a pension to Mrs. Clara L. Harriman, reported the same with amendment, accompanied by a report (No. 507); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3131) to restore to the pension roll the name of Matilda O'Connor, reported the same with amendment, accompanied by a report (No. 508); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the

bill of the House (H. R. 3941) to restore the pension of Samuel B. Weeks, reported the same with amendment, accompanied by a report (No. 509); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 4654) granting a pension to Simon Van Der Vaart, reported the same with amendment, accompanied by a report (No. 510); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 5170) granting a pension to Cyrus Johnson, reported the same with amendment, accompanied by a report (No. 511); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8610) granting a pension of $50 per month to Abner S. Crawford, reported the same with amendment, accompanied by a report (No. 512); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1254) granting a pension to Catherine E. O'Brien, reported the same without amendment, accompanied by a report (No. 513); which said bill and report were referred to the Private Calendar.

Mr. COCHRANE of New York, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8120) granting an increase of pension to David L. Wentworth, reported the same with amendment, accompanied by a report (No. 514); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7535) granting an increase of pension to Clare H. Burleigh, reported the same with amendment, accompanied by a report (No. 515); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 493) granting a pension to Fanny M. Hays, reported the same with amendment, accompanied by a report (No. 516); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 642) to increase the pension of Gen. C. C. Doolittle, reported the same with amendment, accompanied by a report (No. 517); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 1681) granting an increase of pension to Isaac M. Lock, reported the same with amendment, accompanied by a report (No. 518); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4398) to grant a pension to Julius Vogt, reported the same with amendment, accompanied by a report (No. 519); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 1172) granting a pension to Mrs. Rebecca J. Jones, reported the same with amendment, accompanied by a report (No. 520); which said bill and report were referred to the Private Calendar.

Mr. GASTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4562) for the relief of Lois A. Fields, widow of George W. Fields, late of Company I, Forty-seventh Pennsylvania Militia Volunteers, reported the same with amendment, accompanied by a report (No. 521); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6159) granting a pension to Arnold Bloom, of Curwensville, Pa., reported the same with amendment, accompanied by a report (No. 522); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 4030) for the relief of Minnie and Lotta M. Coleman, helpless children of Thomas R. Coleman, reported the same with amendment, accompanied by a report (No. 523); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 5435) to increase the pension of Alexander P. Baugher, of Company G, Two hundred and ninth Regiment Pennsylvania Volunteer Infantry, reported the same with amendment, accompanied by a report (No. 524); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3021) granting a pension to Eliza H. Getchell, reported the same with amendment, accompanied by a report (No. 525); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 2397) granting a pension to Eliza S. Redfield, reported the same with amendment, accompanied by a report (No. 526); which said bill and report were referred to the Private Calendar.

Mr. NORTON of Ohio, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4832) granting a pension to Martha E. Graves, reported the same with amendment, accompanied by a report (No. 527); which said bill and report were referred to the Private Calendar.

Mr. MINOR, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6195) granting a pension to Livingston B. Gregory, formerly private, Company F, One hundred and eighty-ninth Regiment, New York Volunteer Infantry, reported the same with amendment, accompanied by a report (No. 528); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6731) granting a pension to William F. Tait, reported the same with amendment, accompanied by a report (No. 529); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2203) to increase the pension of John M. Garrett, reported the same with amendment, accompanied by a report (No. 530); which said bill and report were referred to the Private Calendar.

Mr. HEDGE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3693) granting an increase of pension to Abraham Sanford, reported the same with amendment, accompanied by a report (No. 531); which said bill and report were referred to the Private Calendar.

Mr. BOUTELL of Illinois, from the Committee on Claims, to which was referred the bill of the House (H. R. 3819) for the relief of the widows and children of William Ryan and John S. Taylor, deceased, reported the same without amendment, accompanied by a report (No. 534); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 5739) for the relief of Gus A. Nowak, reported the same with amendment, accompanied by a report (No. 535); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 1196) for relief of George C. Ellison, reported the same without amendment, accompanied by a report (No. 536); which said bill and report were referred to the Private Calendar.

Mr. OTEY, from the Committee on Claims, to which was referred the bill of the House (H. R. 1453) for the relief of John C. White, reported the same without amendment, accompanied by a report (No. 537); which said bill and report were referred to the Private Calendar.

Mr. WEEKS, from the Committee on Claims, to which was referred the bill of the House (H. R. 6146) for the relief of the administrators of William B. Moses, deceased, and of Lebbeus H. Rogers, reported the same with amendment, accompanied by a report (No. 538); which said bill and report were referred to the Private Calendar.

Mr. NEEDHAM, from the Committee on Claims, to which was referred the bill of the Senate (S. 1894) for the relief of the Union Iron Works, of San Francisco, Cal., reported the same with amendment, accompanied by a report (No. 539); which said bill and report were referred to the Private Calendar.

Mr. UNDERHILL, from the Committee on Claims, to which was referred the bill of the House (H. R. 3273) to repay to the city of Denver the sum of $3,200 for amounts of judgments it has been compelled to pay for damages incurred by reason of negligent construction by the United States of sidewalks adjacent to post-office building in that city, reported the same with amendment, accompanied by a report (No. 544); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the House (H. R. 4120) to pay Eliza R. Crawford the amount of a United States loan certificate issued in 1779, reported the same with amendment, accompanied by a report (No. 545); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions and memorials of the following titles were introduced and severally referred as follows:

By Mr. BOUTELL of Illinois: A bill (H. R. 9197) in relation to

suits against steamship companies and other carriers of passengers and freight—to the Committee on the Judiciary.

By Mr. KNOX: A bill (H. R. 9198) to disapprove an act passed by the legislative assembly of the Territory of New Mexico, approved February 23, 1899—to the Committee on the Territories.

By Mr. MERCER (by request): A bill (H. R. 9199) to authorize the purchase of the property known as the Corcoran Art Gallery, in the city of Washington, D. C.—to the Committee on Public Buildings and Grounds.

By Mr. ROBINSON of Nebraska: A bill (H. R. 9200) to provide for the repayment of certain purchase money paid as double minimum fee on lands situate within Ponca Sioux lands, opened to settlement under act of March 2, 1889—to the Committee on the Public Lands.

By Mr. MUDD: A bill (H. R. 9201) authorizing the President to appoint additional cadets at large at the United States Naval Academy—to the Committee on Naval Affairs.

By Mr. ALEXANDER: A bill (H. R. 9243) to provide for regulations to limit the length and width of tows in United States inland waters—to the Committee on the Merchant Marine and Fisheries.

By Mr. GROUT: A joint resolution (H. J. Res. 195) authorizing the erection of a bronze statue in the District of Columbia in honor of the late Justin S. Morrill, a Senator of the United States from the State of Vermont—to the Committee on the Library.

By Mr. LEVY: A joint resolution (H. J. Res. 196) for the repayment of the amount expended by the United States Government on behalf of the island of Cuba—to the Committee on Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BENTON: A bill (H. R. 9202) granting a pension to Alvin Seagroves, late private in Company L, Second Arkansas Volunteer Cavalry—to the Committee on Invalid Pensions.

By Mr. CALDWELL: A bill (H. R. 9203) granting an increase of pension to Ebenezer Dunn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9204) to remove the charge of desertion from the record of Frank Gaffney, late of the gunboat *Crusader*, in the war of the rebellion—to the Committee on Military Affairs.

By Mr. CLARK of Missouri: A bill (H. R. 9205) granting a pension to J. H. Milroy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9206) granting a pension to George H. Roberts—to the Committee on Invalid Pensions.

By Mr. CAPRON: A bill (H. R. 9207) granting a pension to John F. Kelly—to the Committee on Invalid Pensions.

By Mr. DICK: A bill (H. R. 9208) granting a pension to Ellen D. Campbell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9209) to confer jurisdiction upon the Court of Claims to hear and adjudicate the claim of the personal representatives of William Kiskadden, deceased—to the Committee on War Claims.

Also, a bill (H. R. 9210) to remove the charge of desertion and grant an honorable discharge to John Leisure—to the Committee on War Claims.

Also, a bill (H. R. 9211) for the relief of Carl F. Kolbe—to the Committee on War Claims.

Also, a bill (H. R. 9212) to amend the muster roll of Company B, Ninth Regiment Pennsylvania Volunteers, so as to place thereon the name of William C. Armstrong—to the Committee on Military Affairs.

Also, a bill (H. R. 9213) for the relief of George S. Curtis—to the Committee on Claims.

Also, a bill (H. R. 9214) granting a pension to Thomas Morris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9215) granting a pension to Sue C. Eva, widow of Sardis H. White—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9216) granting an increase of pension to Almira G. Johnson, widow of Madison J. Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9217) granting an increase of pension to Margaret L. Getty, widow of Ebenezer Getty—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9218) granting an increase of pension to George W. Hissey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9219) granting an increase of pension to George A. Breckinridge—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9220) granting an increase of pension to Sarah O. Lyon, widow of George G. Lyon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9221) granting an increase of pension to Charles H. Barber—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9222) for the relief of John C. De Lany—to the Committee on Claims.

By Mr. DE ARMOND (by request): A bill (H. R. 9223) to correct the military record of Mathew H. Cole and grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. DALZELL: A bill (H. R. 9224) to remove the charge of desertion from the military record of Francis Reilly—to the Committee on Military Affairs.

By Mr. GILBERT: A bill (H. R. 9225) for the relief of Henry S. Branaman, of Rockcastle County, Ky.—to the Committee on War Claims.

By Mr. GROUT: A bill (H. R. 9226) granting an increase of pension to Ransom O. Smith—to the Committee on Invalid Pensions.

By Mr. KNOX: A bill (H. R. 9227) to remove the charge of desertion now standing against William J. Dempsey—to the Committee on Military Affairs.

By Mr. LLOYD: A bill (H. R. 9228) granting a pension to Lewis Burton—to the Committee on Invalid Pensions.

By Mr. LORIMER: A bill (H. R. 9229) for relief of Elizabeth B. Russell—to the Committee on Claims.

By Mr. RIXEY: A bill (H. R. 9230) for the relief of Mrs. Bessie H. Lester, of Culpeper, Va.—to the Committee on Claims.

Also, a bill (H. R. 9231) for the relief of James Downs, of Washington, D. C.—to the Committee on War Claims.

Also, a bill (H. R. 9232) for the relief of E. B. Harrison, of Leesburg, Va.—to the Committee on Claims.

Also, a bill (H. R. 9233) for the relief of George H. Shaver, of Fauquier County, Va.—to the Committee on War Claims.

By Mr. ROBINSON of Nebraska: A bill (H. R. 9234) for the relief of John Breitling—to the Committee on War Claims.

Also, a bill (H. R. 9235) granting a pension to Peter Lundberg, of Wayne, Nebr.—to the Committee on Invalid Pensions.

By Mr. RYAN of New York: A bill (H. R. 9236) to grant a pension to Herman S. Soules—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 9237) granting an increase of pension to Robert J. Carr, a Mexican war veteran—to the Committee on Pensions.

By Mr. YOUNG of Pennsylvania: A bill (H. R. 9238) granting a pension to Kate Pearce—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9239) granting a pension to Henry K. Davis—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: A bill (H. R. 9240) granting a pension to Cyrus Schull—to the Committee on Invalid Pensions.

By Mr. RIXEY (by request): A bill (H. R. 9241) for the relief of Emma H. Slamm and others—to the Committee on Claims.

By Mr. SMITH of Illinois: A bill (H. R. 9242) granting an increase of pension to Benjamin F. Clark—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BROSIUS: Petition of James Ely, C. A. Passmore, and others, of Gap, Pa., favoring the Grout bill, relating to oleomargarine—to the Committee on Agriculture.

Also, resolutions adopted by the Epworth League of Cookman Methodist Episcopal Church, Columbia, Pa., relating to our insular possessions—to the Committee on Insular Affairs.

By Mr. BURLESON: Petition of W. T. Jackman, A. D. McGehee, J. G. Horn, R. S. Clayton, and other stockmen, in the State of Texas, asking that the Government continue the manufacture and distribution of blackleg vaccine—to the Committee on Agriculture.

By Mr. CAPRON: Papers to accompany House bill granting an increase of pension to John F. Kelly—to the Committee on Invalid Pensions.

By Mr. CARMACK: Paper relating to the claim of Lindsay C. Hardwick—to the Committee on War Claims.

By Mr. CLARK of Missouri: Petition of W. C. Shattuck and other citizens of the State of Missouri, asking for the enactment of a law granting a pension to Missouri State Militia—to the Committee on Invalid Pensions.

By Mr. CONNELL: Petition of H. W. Swartz, E. G. Biesecker, A. J. Noble, and others, of Moscow, Pa., Frank Alt and M. E. Westcott and others, of Madisonville, Pa., to amend the oleomargarine law—to the Committee on Agriculture.

Also, resolution of United Mine Workers of America, of Taylor, Pa., for the passage of House bill No. 5450, for the protection of free labor against prison labor—to the Committee on Labor.

By Mr. DOLLIVER: Resolution of Local Union No. 855, United Mine Workers of America, Lehigh, Iowa, favoring the passage of House bill No. 6882, relating to hours of labor on public works, and House bill No. 5450, for the protection of free labor against prison labor—to the Committee on Labor.

By Mr. ESCH: Resolution of the Retail Lumber Dealers' Association of Wisconsin, in favor of Senate bill No. 1439, relating to an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. FOSTER: Petitions of J. H. Wilson and others, Walter F. Meyer and others, druggists, of Chicago, Ill., for the repeal of the stamp tax on medicines, etc.—to the Committee on Ways and Means.

By Mr. GAMBLE: Petition of O. A. Aberl, of Alcester, S. Dak., against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. GRAHAM: Resolutions of the Grain Growers' Cooperative Association at St. Paul, Minn., February 6 to 10, 1900, upon various subjects, viz: Foreign markets, American ships, Interstate Commerce Commission, Industrial Commission, Government crop reports, war tax on agricultural products, pure food, rural postal delivery, Paris exhibit, etc.—to the Committee on Interstate and Foreign Commerce.

By Mr. GRIFFITH: Affidavit to accompany House bill No. 6980, that a pension may be granted to Emily J. Smith—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: Petition of B. S. Barrett and others of Rutland, Ohio, F. H. Dunn and others of Bainbridge, Ohio, druggists, relating to the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. GROUT: Petition of B. Howes, Island Pond, Vt., praying for an appropriation sufficient to enable the granting of thirty days' annual leave and thirty days' sick leave to the employees of the Bureau of Animal Industry stationed outside of the District of Columbia—to the Committee on Agriculture.

Also, testimony to accompany House bill granting a pension to Samuel Packman, of Bridport, Vt.—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting an increase of pension to Ransom O. Smith, of Lunenburg, Vt.—to the Committee on Invalid Pensions.

Also, resolution of the Erie County Pharmaceutical Association, of Buffalo, N. Y., relating to the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. JONES of Washington: Petition of Louis D. Janeck and other druggists of North Yakima, Wash., for the repeal of the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. LACEY: Petition of Local Union No. 242, United Mine Workers of America, of Avery, Iowa, favoring the passage of House bill No. 6882, relating to hours of labor on public works, and House bill No. 5450, for the protection of free labor against prison labor—to the Committee on Labor.

Also, resolutions of Company K and Company L, Fiftieth Regiment, Iowa National Guard, in favor of House bill No. 7936, making an increase in the appropriation for arming and equipping the militia of the States and Territories—to the Committee on Militia.

By Mr. LITTLEFIELD: Petition of the Society of the Cincinnati of New Jersey, for the erection of a monument to Gen. Henry Knox—to the Committee on the Library.

By Mr. LLOYD: Papers to accompany House bill granting a pension to Lewis Burton—to the Committee on Invalid Pensions.

By Mr. MERCER: Resolution of the Waiters' Union of Omaha, Nebr., against the leasing of public lands, etc.—to the Committee on the Public Lands.

Also, petition of William Boettger of Florence, Nebr., in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

By Mr. NEVILLE: Resolutions of the Peoples' Independent Party of Keith County, Nebr., opposing the leasing or cession of the unoccupied public lands and demanding that such lands be held for actual settlers—to the Committee on the Public Lands.

By Mr. OTJEN: Petition of Wisconsin Retail Lumber Dealers' Association, favoring the passage of Senate bill No. 1439, to amend the act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. RIXEY: Paper in support of bill for the relief of Bessie H. Lester, of Culpeper, Va.—to the Committee on Claims.

Also, paper in support of bill for the relief of E. B. Harrison, of Leesburg, Va.—to the Committee on Claims.

Also, paper to accompany House bill No. 8441, for the relief of the estate of George W. Nowland, of Loudoun County, Va.—to the Committee on War Claims.

Also, paper to accompany House bill for the relief of Emma H. Slamm and others—to the Committee on Claims.

By Mr. ROBINSON of Nebraska: Sundry affidavits in support of House bill No. 8570, for increase of pension to Joseph Westbrook, of St. Edward, Nebr.—to the Committee on Invalid Pensions.

Also, paper to accompany House bill relating to the claim of Frank Leach—to the Committee on the Public Lands.

By Mr. RUSSELL: Resolution of the Norwich (Conn.) Central Labor Union, against the alienation of public lands by the United States to any but actual settlers, and also in favor of Government building of reservoirs—to the Committee on the Public Lands.

By Mr. RYAN of New York: Petition of Albert Nowak, of Buffalo, N. Y., against the passage of House bill No. 6071—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the Buffalo Musicians' Protective Association, in favor of the passage of the bill for the employment of enlisted men in competition with civilian musicians—to the Committee on Labor.

By Mr. STEELE: Protest of Local Union No. 215, Cigar Makers' International Union, of Logansport, Ind., against free trade with Puerto Rico, Cuba, or the Philippines—to the Committee on Ways and Means.

By Mr. STEVENS of Minnesota: Petition of Company A, Fourth Regiment, National Guard, Minnesota State Militia, in favor of House bill No. 7936, making an increase in the appropriation for arming and equipping the militia of the States and Territories—to the Committee on the Militia.

By Mr. WACHTER: Papers, consisting of letters, petitions, maps, and affidavits, relative to appropriation for dredging channel leading into Rock Hall Harbor, Rock Hall, Md.—to the Committee on Rivers and Harbors.

By Mr. JAMES R. WILLIAMS: Resolution of Macedonia Post, No. 469, Grand Army of the Republic, Department of Illinois, to accompany House bill granting a pension to Alfred N. Whiffen—to the Committee on Invalid Pensions.

By Mr. YOUNG of Pennsylvania: Petition of Hance Bros. & White, of Philadelphia, Pa., for the repeal of the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

Also, petition of John Wyeth & Bro., Philadelphia, Pa., for the improvement of Trinity River to the city of Dallas, Tex.—to the Committee on Rivers and Harbors.

Also, petition of John Wyeth & Bro., Philadelphia, Pa., urging the passage of House bill No. 5765, known as the Russell bill, relating to the revenue tax on alcohol in manufactures, etc.—to the Committee on Ways and Means.

Also, resolutions of the Erie County Pharmaceutical Association, of Buffalo, N. Y., for the repeal of the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

Also, resolution of the Firemen's Association of the State of Pennsylvania, in favor of establishing a division in the Treasury Department for the regulation of insurance among the several States—to the Committee on Interstate and Foreign Commerce.

SENATE.

WEDNESDAY, *March 7, 1900.*

The Chaplain, Rev. W. H. MILBURN, D. D., offered the following prayer:

O Thou, the King immortal, invisible, eternal, as we are again summoned by the mystery of death in the House of Representatives, calling the "Father of the House" from the busy paths of life to the stillness of the grave, hearken to our cry in behalf of the widow and her children, who sit shrouded in sorrow and hushed in the home made desolate. Grant them the ministry of consolation which comes alone through Jesus and the resurrection, and may their ears be gladdened with the gracious words, "And there shall be no more death, neither sorrow nor crying, neither shall there be any more pain, for the former things are passed away." We ask in the beloved and sacred name of Jesus Christ our Saviour. Amen.

THE JOURNAL.

The Secretary proceeded to read the Journal of yesterday's proceedings.

Mr. BURROWS. I ask unanimous consent that the further reading of the Journal be dispensed with.

Mr. HALE. Before that is done, I should like to see whether the Journal was corrected in accordance with the order of the President pro tempore with reference to the vote of the Senator from Montana [Mr. CLARK].

The PRESIDENT pro tempore. The Secretary will read that portion of the Journal.

The Secretary read as follows:

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1) to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, and for other purposes; and

On the question to agree to the report,

It was decided in the affirmative—yeas 44, nays 26.

On motion by Mr. COCKRELL,
The yeas and nays being desired by one-fifth of the Senators present,
Those who voted in the affirmative are Messrs.——

The PRESIDENT pro tempore. The names need not be read.

Mr. HALE. The 26 votes in the negative include the vote of the Senator of Montana [Mr. CLARK]?

The PRESIDENT pro tempore. That vote is included.

Mr. BACON. With reference to this matter, before it is finally disposed of, I wish to call attention to the fact that the yeas and nays as stated in the RECORD, as first announced, still state it incorrectly. In other words, I take the liberty of calling attention to the fact that the Senator from Montana is put down as not voting.

The PRESIDENT pro tempore. The RECORD will be corrected.

Mr. BACON. I think the RECORD should be corrected in that particular. In the list of yeas and nays the name of the Senator from Montana should be put down among those voting in the negative, and his name should be withdrawn from the list of those not voting.

Mr. COCKRELL. And that should be the only mention made of it.

Mr. BACON. He is put down as not voting.

The PRESIDENT pro tempore. The RECORD will be corrected in accordance with the fact. Is there objection to the further reading of the Journal being dispensed with? The Chair hears none. Without objection, the Journal will stand approved.

NIGHT SESSION—CIVIL GOVERNMENT FOR ALASKA.

Mr. CARTER. Mr. President, in the closing hours of yesterday's session I requested unanimous consent that at the usual hour for adjournment this evening the Senate should take a recess until 8 o'clock for the purpose of proceeding with the formal reading of the Alaska bill. I now ask unanimous consent that the order then made, or the understanding arrived at, be continued for to-morrow evening instead of this evening.

The PRESIDENT pro tempore. Will the Senator name a time at which the Senate shall take a recess?

Mr. CARTER. I will then ask, in order to get the matter into definite form, that at the hour of 5 o'clock to-morrow evening the Senate shall take a recess until 8 o'clock, at that time to proceed with the formal reading of the bill (S. 3419) making further provision for a civil government for Alaska, no other business to be transacted than the formal reading, and no amendments to be acted upon during the session.

Mr. BATE. I should like to ask the Senator why that can not be done in the evening after 3 or 4 o'clock without bringing a few of us back here at night? I have no idea that there would be more than half a dozen Senators here at a night session. I have seen that tried before. I do not care myself to come and I do not suppose others do, but if it is work that needs the attention of the Senate it ought to be done accurately and correctly and at the proper time. I am willing to come if that course is insisted upon, but it seems to me the object would be attained more easily by agreeing that at 3 o'clock in the evening the bill will be taken up, devoting two or three hours, or something like that to its reading, instead of coming back here at night with no Senate whatever and only half a dozen Senators present.

Mr. CARTER. The Senator well knows that the bill which is to be formally read under the unanimous consent requested contains something over 2,000 sections and over 600 pages. It will be quite impossible to have it read during the day without very seriously interfering with the regular business of the Senate. As is well known, many matters of grave importance are being pressed and will be pressed during the month.

It is of vital importance that there should be legislation on this subject, and in connection with it is the fact that the code prepared is largely a formal matter, providing a code of civil procedure following the lines embodied in the statutes of the State of Oregon and adjusted only to the peculiar conditions existing in Alaska. It seems that there may be some amendments offered, but the request now made does not touch amendments nor limit debate nor consideration of any part or portion of the bill. It must be read formally at some time, and it can be, I assume, read in the evening without prejudice to anyone's rights or without limiting the right of amendment or the privilege of debate.

The request now pending, Mr. President, is merely for the change of the time during which unanimous consent shall take effect. Unanimous consent was given yesterday evening that upon the arrival of the hour which would ordinarily be the hour of adjournment the Senate this evening instead of adjourning should take a recess until 8 o'clock, and at that hour the formal reading of the bill should be proceeded with.

I now ask, in view of certain conditions not then anticipated, that the time for the reading be transferred from this evening until to-morrow evening, and that the Senate upon to-morrow at 5 o'clock shall take a recess until 8.

Mr. BATE. I offer no objection to the change the Senator proposes to make, but I want to appeal to him not to bring the members of the committee and others here after night. We have plenty of time, certainly, to consider the bill. It is in the early part of the session. We could devote some two or three hours every evening to it after 3 o'clock or half past 3 o'clock. That would suit Senators much better than holding sessions after night, with five or six Senators only in their seats. In a matter of grave importance we ought all to have a chance to be present.

Mr. CARTER. I suggest to the Senator that we meet to-morrow evening under the unanimous-consent agreement, beginning at 8 o'clock, and of course it will require an extension of the unanimous-consent agreement to meet on evenings thereafter.

Mr. BATE. I do not believe there is any special reason for meeting to-morrow evening. I have not interposed an objection to it, but I say it is a tax upon us to be brought here at night to consider an important bill, and it ought not to be done.

Mr. HALE. I hope the Senator from Tennessee will permit the Senator from Montana, who already has obtained the unanimous consent of the Senate to take up to-night, to have the arrangement postponed until to-morrow. He can go on and take up to-night, but owing to an announcement which will soon be made from the House of the sudden death of an old and distinguished member of that body, the Senate ought not to take a recess. It never does take a recess under such circumstances; it adjourns out of respect to the event. Therefore, because of that, the Senator from Montana asks that to-morrow night be substituted for to-night.

Mr. BATE. To that I do not object. I understand the situation. But I do object to proceeding after night with the consideration of that bill.

The PRESIDENT pro tempore. The Senator from Montana asks unanimous consent that the Senate to-morrow at 5 o'clock shall take a recess until 8 o'clock in the evening for the purpose of formally reading the bill in relation to the Territory of Alaska, that no amendments shall be acted upon, and no other business than the formal reading of the bill shall be done. Is there objection? The Chair hears none. It is so ordered. Petitions and memorials are in order.

PETITIONS AND MEMORIALS.

Mr. PERKINS. I present a petition of the legislature of California, praying that an appropriation be made for the construction of roads in and about the Yosemite National Park. I ask that the petition be printed in the RECORD, and referred to the Committee on Forest Reservations and the Protection of Game.

There being no objection, the petition was referred to the Committee on Forest Reservations and the Protection of Game and ordered to be printed in the RECORD, as follows:

[Assembly concurrent resolution No. 2. Introduced by committee on roads and highways, February 7, 1900.]

Assembly concurrent resolution No. 2, relative to appropriations for roads in and about Yosemite National Park.

Whereas by an act of Congress approved October 1, 1890, the tract of land in the State of California described as townships 1 and 2 north, and townships 1, 2, 3, and 4 south, all of ranges 19, 20, 21, 22, 23, and 24 east; also townships 1, 2, 3, and 4 south, of range 25 east; and also townships 3 and 4 south, of range 26 east; excepting therefrom the tract of land known as Yosemite Valley, granted to the State of California for a public park by an act of Congress approved June 30, 1864, as the same has been surveyed out and accepted by said State, have been set apart for a public park, and the same is known as the "Yosemite National Park;" and

Whereas such park withdraws from settlement and production a vast area within the State of California; and

Whereas to the present time the appropriations for the improvement and maintenance of said park have been so limited in character that it remains a park in name but not in fact, and is furthermore inaccessible to the people of the United States and the State of California, and therefore of no benefit to said people for the purposes intended; and

Whereas to make said park accessible it will be necessary to construct various roads to and through said park, and to acquire the existing toll roads in and about said park, requiring national expenditure, due to the fact that said park is under national control; and

Whereas at the last session of Congress a special commission was created to examine and report upon the feasibility of acquiring the existing roads in and about said park, and for the construction of other necessary new roads within said park; and

Whereas said commission has reported fully as to the needs of said park and the amount of expenditure necessary therefor: Therefore, be it

Resolved by the assembly (the Senate concurring), That our Senators in Congress be instructed, and our Representatives be requested and urged, to take such action as shall result in the securing of proper appropriations in accordance with the report of said commission, for these most necessary improvements, to the end that said Yosemite National Park shall be made a park in fact as well as in name, accessible to the people of the United States at all times.

Resolved further, That the chief clerk of the assembly be instructed to transmit by mail a copy of this resolution to the President of the Senate and to the Speaker of the House of Representatives of the United States of America, and to each Senator and Representative of the State of California at Washington, D. C.

Mr. PLATT of New York presented a petition of Broncho Lodge No. 129, of North Tonawanda, N. Y., praying for the enactment of legislation to increase the salaries of machinists employed in the Government Printing Office, at Washington, D. C.; which was referred to the Committee on Printing.

He also presented a petition of sundry citizens of New York, praying for the repeal of the stamp-tax clause in the internal-revenue law; which was referred to the Committee on Finance.

He also presented memorials of the Herald, of Fairport; the Gazette, of Baldwinsville; the Clinton County Farmer, of Plattsburg; the Labor World, of Syracuse, and the Nordisk Tidens, of Brooklyn, all in the State of New York, remonstrating against the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Sixteenth assemby district Republican committee, of Brooklyn, N. Y., praying that the work in the construction of new battle ships be done at the Brooklyn Navy-Yard; which was referred to the Committee on Naval Affairs.

Mr. ALLEN presented a petition of the People's Independent Party, of Keith County, Nebr., praying for the enactment of legislation to prohibit the leasing of the unoccupied public domain to individuals or corporations, etc.; which was referred to the Committee on Public Lands.

Mr. BEVERIDGE presented a petition of Local Union No. 352, United Brotherhood of Carpenters and Joiners, of Anderson, Ind., and a petition of Federal Labor Union No. 7145, of Brazil, Ind., praying that all the public lands of the United States be held for the benefit of the whole people, and that no grants of the title to any of these lands be made to any but actual settlers and home builders on the land; which were referred to the Committee on Public Lands.

He also presented a memorial of sundry citizens of Elkhart, Ind., remonstrating against the passage of the so-called parcels-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Elkhart, Ind., praying for the passage of the pure-food bill; which was referred to the Committee on Manufactures.

He also presented memorials of the Banner, of Bristol; the Witness, of Berne; the Standard, of Colfax; the Examiner, of Connersville, and the Hoosier Democrat, of Charlestown, all in the State of Indiana, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. MASON presented a petition of the Woman's Christian Temperance Union of the Baptist Church of Wheaton, Ill., praying for the enactment of legislation to prohibit the sale of intoxicating liquors and opium in Hawaii; which was referred to the Committee on Pacific Islands and Puerto Rico.

He also presented a memorial of the Retail Clerks' Association of Pana, Ill., remonstrating against the passage of the so-called parcels-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Farmers' Institute of Champaign County, Ill., praying for the establishment of free rural mail delivery throughout the country; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Local Union No. 393, Machinists' Union, of Centralia, Ill., and a petition of Local Union No. 52, Coal Miners' Union, of Centralia, Ill., praying for the enactment of legislation to protect free labor from prison competition, and also to regulate the hours of daily service of laborers and mechanics on the public works of the United States; which were referred to the Committee on Education and Labor.

He also presented memorials of Local Union No. 114, Cigar Makers' International Union, of Jacksonville; of Local Union No. 157, Cigar Makers' International Union, of Belvidere; of Local Unions Nos. 14, 15, 217, and 227, Cigar Makers' International Union, of Chicago; of Local Union No. 47, Cigar Makers' International Union, of Quincy, and of Local Union No. 118, Cigar Makers' International Union, of Peoria, all in the State of Illinois, remonstrating against the importation of cigars from Puerto Rico free of duty; which were ordered to lie on the table.

He also presented sundry petitions of druggists of Chicago, Ill., praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which were referred to the Committee on Finance.

He also presented resolutions adopted at a meeting of sundry citizens of Clallam County, Wash., expressing sympathy for the people of the South African Republic; which were referred to the Committee on Foreign Relations.

Mr. SCOTT presented a petition of sundry fourth-class postmasters of West Virginia, praying for the enactment of legislation to increase the salaries of fourth-class postmasters; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. DEPEW presented a petition of the New York Board of Trade and Transportation, praying for the reorganization of the consular service; which was referred to the Committee on Foreign Relations.

He also presented petitions of 53 citizens of New York City, 92 citizens of Oswego, and of sundry citizens of Middleport, Rochester, and Reynales Basin, all in the State of New York, praying for the establishment of an Army veterinary corps; which were referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Moira, N. Y., praying for the enactment of legislation regulating the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

Mr. BACON presented the petition of Mary L. McLendon, president, and Gertrude C. Thomas, secretary, on behalf of the Woman Suffrage Association of Georgia, praying for the adoption of a sixteenth amendment to the Constitution prohibiting the disfranchisement of United States citizens on account of sex, and also that the women of Hawaii, Puerto Rico, Cuba, and the Philippines be given the right of suffrage; which was referred to the Select Committee on Woman Suffrage.

Mr. COCKRELL presented memorials of the Missouri School Journal, of Jefferson City; the Lathrop Herald, of Lathrop; the Mail, of Otterville, and the Macon Democrat, of Macon, all in the State of Missouri, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

REPORTS OF COMMITTEES.

Mr. LODGE, from the Committee on Foreign Relations, to whom was referred the amendment submitted by Mr. HOAR on the 6th instant, relative to the payment to Liliuokalani, lately Queen of the Hawaiian Islands, upon the warrant of the Secretary of State, of the sum of $250,000, intended to be proposed to the consular and diplomatic appropriation bill, reported it with an amendment, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 3010) for the benefit of the heirs and legal representatives of John P. Maxwell and Hugh H. Maxwell, deceased, asked to be discharged from its further consideration and that it be referred to the Committee on Private Land Claims; which was agreed to.

Mr. QUARLES, from the Committee on Indian Affairs, to whom was referred the bill (S. 3207) approving a revision and adjustment of certain sales of Otoe and Missouria lands in the States of Nebraska and Kansas, reported it with an amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 3329) granting a pension to Kate B. Warren, reported it with an amendment, and submitted a report thereon.

REPORT OF THE GEOLOGICAL SURVEY IN MONTANA.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. CLARK of Montana on the 2d instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed at the Government Printing Office 1,500 copies, in addition to those heretofore authorized by law, of a paper in Part III of the Twentieth Annual Report of the Geological Survey, entitled "Geology of the Little Belt Mountains, Montana, with notes on the mineral deposits of the Neihart, Barker, Yogo, and other districts," by Walter Harvey Weed.

REPORT OF INDUSTRIAL COMMISSION.

Mr. PLATT of New York, from the Committee on Printing, reported the following order; which was considered by unanimous consent, and agreed to:

Ordered, That the usual number of copies of the report of the Industrial Commission be printed for the use of Congress.

BILLS INTRODUCED.

Mr. GALLINGER introduced a bill (S. 3473) for the relief of Corinne Strickland; which was read twice by its title, and referred to the Committee on Claims.

Mr. BATE introduced a bill (S. 3474) for the relief of the Baptist Church at Bolivar, Hardeman County, Tenn.—which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. BAKER introduced a bill (S. 3475) for the relief of James A. Carroll; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Post-Offices and Post-Roads.

Mr. PERKINS introduced a bill (S. 3476) for the relief of Mary A. Swift; which was read twice by its title, and referred to the Committee on Claims.

Mr. HARRIS introduced a bill (S. 3477) granting an increase of pension to Daniel T. Rose; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BACON introduced a bill (S. 3478) for the relief of St. Luke's Protestant Episcopal Church, of Atlanta, Ga.; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3479) for the relief of the trustees of St. Phillip's Church, of Atlanta, Ga.; which was read twice by its title, and referred to the Committee on Claims.

Mr. FRYE introduced a bill (S. 3480) granting a pension to John Holland; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MASON introduced a joint resolution (S. R. 98) authorizing the Secretary of the Navy to cause to be struck bronze medals commemorating the naval engagements on the Cuban coast, and to distribute such medals to the officers and men of the ships of the North Atlantic Squadron of the United States; which was read twice by its title, and referred to the Committee on Naval Affairs.

GOVERNMENT OF PUERTO RICO.

Mr. ALLEN submitted an amendment intended to be proposed by him to the bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Puerto Rico, and for other purposes; which was ordered to be printed and lie on the table.

THE PHILIPPINE ISLANDS.

Mr. SULLIVAN. I submit a concurrent resolution; which I ask may be read and lie on the table, and be printed.

The concurrent resolution was read, as follows:

Resolved by the Senate of the United States of America in Congress assembled, That the Philippine Islands, just as Puerto Rico, are the rightful property, honorably acquired, of the United States of America, having been obtained in a manner and under such forms as are recognized throughout the world as being legal and effective;

That while the misguided Filipinos continue the present war, brought on by them, against the rightful authority of the United States, resulting in the wounding and death of many of our soldiers; so long as a single gun in their hands is trained upon our flag, no expression of intention as to the future course of the United States with respect to them should be made by the Senate.

The PRESIDENT pro tempore. The concurrent resolution will lie on the table at the request of the Senator from Mississippi. It will be printed under the rule.

BRUNSWICK (GA.) HARBOR IMPROVEMENT.

Mr. CLAY submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to send to the Senate the report, or a copy thereof, made by H. L. Marindin, the officer of the Coast and Geodetic Survey detailed by the Secretary of War, under the provisions of the river and harbor acts of 1894, 1896, and 1899, to make survey of the outer bar of Brunswick, Ga., filed in the War Department December 4, 1899, together with the report supplemental thereto, and transmitted to the Auditor for the War Department (an official of the Treasury Department) December 22, 1899.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 6th instant, approved and signed the act (S. 2477) authorizing the construction of a bridge across the Mississippi River at Dubuque, Iowa.

SOUTH AFRICAN REPUBLIC.

Mr. LODGE. Mr. President——

Mr. MASON. Will the Senator give me just time to give a notice?

Mr. LODGE. Certainly.

Mr. MASON. I desire to give notice that to-morrow, after the morning hour, I shall move that the Committee on Foreign Relations be discharged from the further consideration of the resolution offered by me three months ago yesterday, December 6, 1899—a resolution proposing to give sympathy to the South African Republic.

I desire, before I sit down, simply to say that I intend to make this motion without any intention of violating any of the rules or without intending to be disrespectful to the committee. I have waited now much longer than I intended to wait. There is clearly a determination on the part of the committee not to give the members of this body an opportunity to vote. I intend to ask to-morrow morning, after the morning hour, that the committee be discharged from the further consideration of the resolution, and that it be instructed to report the same back to the Senate, that it may be placed on the Calendar.

The PRESIDENT pro tempore. After the morning hour or after the routine business to-morrow?

Mr. MASON. After the routine business.

The PRESIDENT pro tempore. The Senator from Alabama [Mr. PETTUS] has given notice that he intends to address the Senate immediately after the routine business to-morrow morning.

Mr. MASON. Then I give notice to follow in the morning hour. I will wait until the Senator from Alabama finishes.

Mr. President, I have no desire to proceed with the case in this way, or to be discourteous to the committee. The committee can give us a report. If they are not in favor of the resolution, let them report it adversely. Let them give us some opportunity at least to vote on this subject. In my opinion 95 per cent of the people of this country favor a resolution of this kind, and it is simply child's play that we should sit here for three months and allow the minority of this body to keep us from a vote, for I am satisfied that a majority of this body is in sympathy with that Republic.

PUBLIC BUILDING AT SPOKANE, WASH.

Mr. TURNER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Washington?

Mr. LODGE. Certainly; I yield to the Senator from Washington.

Mr. TURNER. I would not ask the Senator to yield but for the fact that I wish to correct an error in a bill which was passed yesterday, and it is a routine matter. It is necessary to have action taken before it passes from the jurisdiction of the Senate—before the enrollment of the bill and its transmission to the House. It must therefore be acted upon this morning. It is the bill (S. 98) providing for the erection of a public building at the city of Spokane, in the State of Washington. The Treasury Department recommended an appropriation of $500,000 for that building instead of the sum of $350,000, as the original bill provided. Yesterday, before its passage, the bill was amended in one place, but the sum of $350,000 still remains in the bill. I desire to ask unanimous consent to reconsider the votes by which the bill was ordered to a third reading and passed, that it may be amended in accordance with the recommendation of the Treasury Department, and be put upon its passage again.

The PRESIDENT pro tempore. The Senator from Washington asks the unanimous consent of the Senate that the vote by which the bill (S. 98) providing for the erection of a public building at the city of Spokane, in the State of Washington, was ordered to a third reading and read a third time, and the vote by which it was finally passed, shall be reconsidered. Is there objection? The Chair hears none; and the bill is before the Senate and open to amendment.

Mr. TURNER. On page 2, line 2, before the word "thousand," I move to strike out "three hundred and fifty" and insert "five hundred;" so as to read:

And the sum of $500,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purchase of said site and the completion of said building.

The amendment was agreed to.

The bill was ordered to a third reading, read the third time, and passed.

NATIONAL CELEBRATION IN 1900.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on the Centennial Anniversary of the Establishment of the Seat of Government in Washington, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the information of Congress, the report of the proceedings of the committee appointed in conformity with an act of Congress entitled "An act to provide for an appropriate national celebration of the establishment of the seat of Government in the District of Columbia," approved February 28, 1899.

WILLIAM McKINLEY.

EXECUTIVE MANSION, *March 7, 1900.*

THE PHILIPPINE ISLANDS.

Mr. LODGE. I shall ask the indulgence of the Senate, Mr. President, that I may be allowed to proceed without interruption. Such arguments as I desire to present I should like to present as a whole, and I am sure I shall be excused if I decline interruption.

The PRESIDENT pro tempore. Shall the Chair lay before the Senate the bill to which the Senator intends to speak?

Mr. LODGE. I shall ask for the reading of the bill in a moment. I shall be most happy, if any Senator desires to ask me any questions when I conclude, to answer them if I can. I ask the Secretary to read Senate bill 2355, reported from the Committee on the Philippines.

The PRESIDENT pro tempore. The bill will be read.

The Secretary read the bill (S. 2355) in relation to the suppression of insurrection and to the government of the Philippine Islands, ceded by Spain to the United States by the treaty concluded at Paris on the 10th day of December, 1898, reported from the Committee on the Philippines, as follows:

Be it enacted, etc., That when all insurrection against the sovereignty and authority of the United States in the Philippine Islands, acquired from Spain by the treaty concluded at Paris on the 10th day of December, 1898, shall have been completely suppressed by the military and naval forces of the United States, all military, civil, and judicial powers necessary to govern the said islands shall, until otherwise provided by Congress, be vested in such person and persons, and shall be exercised in such manner as the President of the United States shall direct for maintaining and protecting the inhabitants of said islands in the free enjoyment of their liberty, property, and religion.

Mr. LODGE. This bill, Mr. President, is simple but all sufficient. It makes no declarations and offers no promises as to a future we can not yet predict. It meets the need of the present and stops there. The President, under the military power, which still controls and must for some time control the islands, could do all that this bill provides. But it is well that he should have the direct authorization of Congress and be enabled to meet any emergency that may arise with the sanction of the lawmaking power, until that power shall decree otherwise. Above all, it is important that Congress should assert its authority; that we should not leave the Executive acting with the unlimited authority of the war power to go on alone after the conclusion of peace, but that he should proceed under the authority of Congress in whatever he does until Congress shall otherwise and more specifically provide. By this bill we follow the well-settled American precedents of Jefferson and Monroe, which were used still later in the case of Hawaii. To leave the war power unrestrained after the end of war, as was done in the case of California and New Mexico, is to abdicate our own authority. This bill is the assertion of Congressional authority and of the legislative power of the Government. To undertake any further or more far-reaching legislation at this time would be, in my judgment, a great mistake. But I believe it to be of great importance to define our position, so that it may be perfectly understood by the inhabitants of the Philippines, as well as by our own people.

Negotiations, concessions, promises, and hesitations are to the Asiatic mind merely proofs of weakness, and tend only to encourage useless outbreaks, crimes, and disorders. A firm attitude, at once just and fearless, impresses such people with a sense of strength and will calm them, give them a feeling of security, and tend strongly to bring about peace and good order. This bill conveys this impression, states the present position of the United States, and does nothing more. The operative and essential part of it is in the very words of the act by which Congress authorized Jefferson to govern Louisiana, and which received his approbation and signature. It was also used by Congress and by President Monroe in 1819 in regard to Florida. I think that in such a case we may safely tread in the footsteps of the author of the Declaration of Independence. He saw no contradiction between that great instrument and the treaty with Napoleon, or the act to govern Louisiana. Some modern commentators take a different view and are unable to reconcile the acquisition of territory without what they call the consent of the governed with the principles of the Declaration. Jefferson found no such difficulty, and I can not but think that he understood the meaning of the Declaration as well as its latest champions and defenders. At all events, I am content to follow him, content to vote for his bill, content to accept his interpretation of what he himself wrote. Even if he is wrong those of us who agree with him can console ourselves by thinking that it is perhaps "better to err with Pope than shine with Pye."

The questions involved in the future management of these islands and in our policy in the far East are of a nature to demand the highest and the most sagacious statesmanship. I have always thought with Webster that party politics should cease "at the water's edge." He spoke only in reference to our relations with foreign nations, but I think we might well apply his patriotic principle to our dealings with our own insular possessions, both in the Atlantic and the Pacific. The Philippines should be an American question, not the sport of parties or the subject of party creeds. The responsibility for them rests upon the American people, not upon the Democratic or Republican party. If we fail in dealing with them we shall all alike suffer from the failure, and if we succeed the honor and the profit will redound in the end to the glory and the benefit of all. This view no doubt seems visionary. It certainly ought not to be so, and in time I believe it will be accepted. Unfortunately it is not the case to-day.

One of the great political parties of the country has seen fit to make what is called "an issue" of the Philippines. They have no alternative policy to propose which does not fall to pieces as soon as it is stated. A large and important part of their membership, North and South, is heartily in favor of expansion, because they are Americans, and have not only patriotism, but an intelligent perception of their own interests. They are the traditional party of expansion, the party which first went beyond seas and tried to annex Hawaii, which plotted for years to annex Cuba, which have in our past acquisitions of territory their one great and enduring monument. In their new wanderings they have developed a highly commendable, if somewhat hysterical, tenderness for the rights of men with dark skins dwelling in the islands of the Pacific, in pleasing contrast to the harsh indifference which they have always manifested toward those American citizens who "wear the shadowed livery of the burnished sun" within the boundaries of the United States. The Democratic party has for years been the advocate of free trade and increased exports, but now they shudder at our gaining control of the Pacific and developing our commerce with the East. Ready in their opposition to protection, to open our markets to the free competition of all the tropical, all the cheapest, labor of the world, they are now filled with horror at the thought of admitting to our markets that small fragment of the world's cheap labor contained in the Philippine Islands, something which neither Republicans nor anyone else think for one moment of doing. Heedless of their past and of their best traditions, careless of their inconsistencies, utterly regardless of the obvious commercial interests of the South, which they control; totally indifferent to the wishes and beliefs of a large portion of their membership, and to the advice and example of some of their most patriotic, most loyal, and most courageous leaders, to whom all honor is due, the managers of the Democratic organization have decided to oppose the retention of the Philippines and our policy of trade expansion in the East, for which those islands supply the corner stone. Their reason appears to be the highly sagacious one that it is always wise to oppose whatever Republicans advocate, without regard to the merits of the policy or to the circumstances which gave it birth. I will make no comment upon this theory of political action, except to say that it has seemed for a long time exceedingly congenial to the intelligence of the Democratic party, and that it may perhaps account for the fact that since 1860 they have only held for eight years a brief and ineffective power. As an American I regret that our opponents should insist on making a party question of this new and far-reaching problem, so fraught with great promise of good both to ourselves and to others. As a party man and as a Republican I can only rejoice. Once more our opponents insist that we shall be the only political party devoted to American policies. As the standard of expansion once so strongly held by their great predecessors drops from their nerveless hands we take it up and invite the American people to march with it. We offer our policy to the American people, to Democrats and to Republicans, as an American policy, alike in duty and honor, in morals and in interest, as one not of skepticism and doubt, but of hope and faith in ourselves and in the future, as becomes a great young nation which has not yet learned to use the art of retreat or to speak with the accents of despair. In 1804 the party which opposed expansion went down in utter wreck before the man who, interpreting aright the instincts, the hopes, and the spirit of the American people, made the Louisiana purchase. We make the same appeal in behalf of our American policies. We have made the appeal before, and won, as we deserved to win. We shall not fail now.

Before explaining our policy I should be glad, as a preliminary, to state the policy proposed by our opponents, so that I could contrast our own with it, but I have thus far been unable to discover what their policy is. No doubt it exists, no doubt it is beautiful, but, like many beautiful things, it seems to the average searcher after truth both diaphanous and elusive. We have had presented to us, it is true, the policy desired by Aguinaldo and his followers, that we should acknowledge him as a government, enforce his rule upon the other eighty-three tribes and upon all the other islands, and then protect him from foreign interference. This plan, which would involve us in endless wars with the natives and keep us embroiled with other nations, loads us with responsibility without power and falls into ruin and absurdity the moment it is stated. Another proposition is that we should treat the Philippines as we treat Cuba. That is precisely what we are doing. But what is really meant by this demand is not that we should treat the Philippines as we treat Cuba, but that we should make to them a promise as to the future. And that is what every proposition made by those opposed to the Republican party comes down to, a promise as to the future. We are to put down insurrection and disorder and hold the islands temporarily without the consent of the governed, but simultaneously we are to make large promises as to the future which will look well in print and keep insurrection and disorder alive.

The resolutions offered by Senators on the other side and the tenor of their speeches are all of this description. They present no policy, but invite us to make promises. Promises are neither action nor policy, and, in the form of legislation, are a grave mistake. Those which involve us in pledges of independence have the additional disadvantage of being the one sure means of keeping alive war and disorder in the islands. Those who offer them or urge them proceed on the assumption that you can deal with an Asiatic in the same manner and expect from him the same results as from a European or an American. This shows, it seems to me, a fatal misconception. The Asiatic mind and habit of thought are utterly different from ours. Words or acts which to us would show generosity and kindness and would bring peace and order, to an Asiatic mean simply weakness and timidity and are to him an incentive to riot, resistance, and bloodshed. Promises of this kind, therefore, are neither effective action nor intelligent policy, but the sure breeders of war. If we must abandon the Philippines, let us abandon them frankly. If we mean to turn them over to domestic anarchy or foreign control, let us do it squarely. If we are to retain them, let us deal manfully with the problems

as they arise. But do not indulge in the unspeakable cruelty of making promises which our successors may be unable or unwilling to fulfill, and which will serve merely to light the flames of war once more and bring death to hundreds of natives and to scores of American soldiers. Let us not attempt in such a situation and with such responsibilities to mortgage an unknown future and give bonds to fate which will be redeemed in blood.

The policy we offer, on the other hand, is simple and straightforward. We believe in the frank acceptance of existing facts, and in dealing with them as they are and not on a theory of what they might or ought to be. We accept the fact that the Philippine Islands are ours to-day and that we are responsible for them before the world. The next fact is that there is a war in those islands, which, with its chief in hiding, and no semblance of a government, has now degenerated into mere guerrilla fighting and brigandage, with a precarious existence predicated on the November elections. Our immediate duty, therefore, is to suppress this disorder, put an end to fighting, and restore peace and order. That is what we are doing. That is all we are called upon to do in order to meet the demands of the living present. Beyond this we ought not to go by a legislative act, except to make such provision that there may be no delay in reestablishing civil government when the war ends. The question of our constitutional right and power to govern those islands in any way we please I shall not discuss. Not only is it still in the future, but if authority is lacking, the Constitution can be amended. Personally I have no doubt that our Constitution gives full right and authority to hold and govern the Philippines without making them either economically or politically part of our system, neither of which they should ever be. When our great Chief Justice, John Marshall—"magnum et venerabile nomen"—declared in the Cherokee case that the United States could have under its control, exercised by treaty or the laws of Congress, a "domestic and dependent nation," I think he solved the question of our constitutional relations to the Philippines. Further than the acts and the policy which I have just stated, I can only give my own opinion and belief as to the future, and as to the course to be pursued in the Philippines. I hope and believe that we shall retain the islands, and that, peace and order once restored, we shall and should reestablish civil government, beginning with the towns and villages, where the inhabitants are able to manage their own affairs. We should give them honest administration, and prompt and efficient courts. We should see to it that there is entire protection to persons and property, in order to encourage the development of the islands by the assurance of safety to investors of capital. All men should be protected in the free exercise of their religion, and the doors thrown open to missionaries of all Christian sects. The land, which belongs to the people, and of which they have been robbed in the past, should be returned to them and their titles made secure. We should inaugurate and carry forward, in the most earnest and liberal way, a comprehensive system of popular education. Finally, while we bring prosperity to the islands by developing their resources, we should, as rapidly as conditions will permit, bestow upon them self-government and home rule. Such, in outline, is the policy which I believe can be and will be pursued toward the Philippines. It will require time, patience, honesty, and ability for its completion, but it is thoroughly practicable and reasonable.

The foundation of it all is the retention of the islands by the United States, and it is to that question that I desire to address myself. I shall not argue our title to the islands by the law of nations, for it is perfect. No other nation has ever questioned it. It is too plain a proposition to warrant the waste of time and words upon it. Equally plain is our right under the Constitution, by a treaty which is the supreme law of the land, to hold those islands. I will not argue this point nor the entire legality of all that the President has done in accordance with his constitutional power and with the law passed by Congress at the last session which recognized the necessity of an increased army in order to cope with the existing insurrection. The opposition to the Republican policy rests its weight on grounds widely different from these. They assert that on moral grounds we have no right to take or retain the Philippines, and that as a matter of expediency our whole Eastern policy is a costly mistake. I traverse both assertions. I deny both propositions. I believe we are in the Philippines as righteously as we are there rightfully and legally. I believe that to abandon the islands, or to leave them now, would be a wrong to humanity, a dereliction of duty, a base betrayal of the Filipinos who have supported us, led by the best men of Luzon, and in the highest degree contrary to sound morals. As to expediency, the arguments in favor of the retention of the Philippines seem to me so overwhelming that I should regard their loss as a calamity to our trade and commerce and to all our business interests so great that no man can measure it. Let me take these propositions in their order, beginning with the question of right and wrong, of morals and duty, involved in our action.

Our opponents put forward as their chief objection that we have robbed these people of their liberty and have taken them and hold them in defiance of the doctrine of the Declaration of Independence in regard to the consent of the governed. As to liberty, they have never had it, and have none now, except when we give it to them protected by the flag and the armies of the United States. Their insurrection against Spain, confined to one island, had been utterly abortive and could never have revived or been successful while Spain controlled the sea. We have given them all the liberty they ever had. We could not have robbed them of it, for they had none to lose.

The second objection as to the consent of the governed requires more careful examination, because of the persistency with which it has been made the subject of heated declamation. I can not hope to rival the eloquence and the oratory which have been devoted to this point, but I shall try to make a plain and simple statement in regard to it, lighted on my way by the facts of history, and if not, like so many of our opponents, a master of rhetoric, at least I shall go forward undazzled by its deceptive radiance.

It has been stated over and over again that we have done great wrong in taking these islands without the consent of the governed, from which, according to American principles, all just government derives its powers. The consent of the governed! It is a fair phrase and runs trippingly upon the tongue, but I have observed a great lack of definite meaning in those who use it most. I have always thought it well in discussing any subject to know, as a preliminary precisely what we mean by a word or a phrase. What do we mean by the "consent of the governed?" We quote it from the Declaration of Independence. What did Jefferson mean by the phrase? Some persons say that he meant the consent of all the governed. Others that he meant the consent of some of the governed. Sentiment seems to be with the former amendment to Jefferson's language; the facts appear to be with the latter. But neither "all" nor "some" are in Jefferson's famous sentence. Nor is there any indication of how the consent is to be obtained or expressed, although the present especial guardians of the Declaration seem to assume that it must be by a vote.

In order to interpret Jefferson's language aright let us see what kind of a government he was himself engaged in setting up, for there alone can we get light as to his meaning. The Declaration of Independence was the announcement of the existence of a new revolutionary government upon American soil. Upon whose consent did it rest? Was it upon that of all the people of the colonies duly expressed? Most assuredly not. In the first place we must throw out all negroes and persons of African descent, who formed about one quarter of the population, and who were not consulted at all as to the proposed change of government. So we must immediately insert the word "white" in Jefferson's sentence. Let us go a step further. Were women included in the word "governed?" They certainly were not permitted by voice or vote to express an opinion on this momentous question. They must, therefore, be excluded, and we must add to the word "white" the word "male" as a further limitation upon the governed whom Jefferson had in mind. Did the revolutionary government rest on the consent of all the white males in the colonies? Most assuredly not. There was the usual age limitation which shut out all male persons under twenty-one, and manhood suffrage, as we understand it, did not exist in a single colony. Everywhere the suffrage was limited, generally by property qualifications, sometimes by other restrictions. So another amendment becomes necessary to Jefferson's phrase if we are going to make it fit the government which he was actually engaged in setting up. Conforming to the facts the sentence then would read something like this: "Deriving their just powers from the consent of the white male governed who have the right to vote according to the laws of the various colonies." This is not all. The white male population of voting and military age in the colonies was divided upon the question of the Revolution. In some States the Loyalists were in a majority; in others the Patriots were in a majority, and in still others the two parties appear to have been pretty evenly balanced. Taking the colonies as a whole, a very large minority, if not half, of the people whom the Continental Congress proposed to govern were utterly opposed to the Revolution. Did we ask their consent? Not at all. We crowded the revolutionary government on the Loyalists at the point of the bayonet, and when the Revolution was over they had to accept the government thus forced upon them or go into exile, which many of them did. Therefore, if we test Jefferson's phrase by the facts of the government which we see he was engaged in setting up himself we find that it does not in the least meet the fantastic extensions which it has been sought to put upon it in the interests of the Filipinos.

The truth is that those were the days of Rousseau and his theories, and the doctrines of the social compact were strong in their influence upon all the political thought of the time. We can trace, I think, Jefferson's aphorism to this source. What Jefferson really did—with Rousseau and the theory of the social compact in mind—was to put in the form of a large generaliza-

tion the principle for which the colonies engaged in the Revolution, which was that they were not to be taxed without representation and without their consent. He was not drafting a law or a constitution providing for all contingencies and setting up all sorts of limitations. If he had done that no one would have heeded his declaration at the moment, much less read and repeated it since. Jefferson was saying to all the world what the American people, whom he represented, felt and what he himself believed. To do this he set forth a series of general principles in broad and brilliant terms, so that the whole world listened then, and the American people have repeated his sentences from that day to this. He would have been the first to deny the narrow, rigid interpretation which, in the exigencies of debate, men have sought to place upon his words. But we are not at a loss to know what Jefferson himself thought. He was the greatest expansionist in our history. He acquired a vast territory for the United States. Did he ask the consent of the 30,000 white men at the mouth of the Mississippi, or of the Indians roaming over the wide expanses of the Louisiana purchase? Such an idea never occurred to him for one moment. He took Louisiana without the consent of the governed, and he ruled it without the consent of the governed. It was not a question then of "all" or "some." He never asked the consent of any of the governed, either to take the territory or to rule it afterwards.

But it is not necessary to stretch Jefferson's phrase embodying a general principle in which we all believe on the Procrustean bed of facts. As the Frenchman said, "No generalization is completely true, not even this one." To pull a sentence out of a revolutionary manifesto and deal with it as if it was one of the labored and chiseled clauses of the Constitution shows a sad confusion of thought. Neither Thomas Jefferson nor any other sensible man supposed for one moment that it was possible to have a government rest on the expressed consent of all the governed. No such government has ever existed, or ever can exist, and yet the Governments of the United States and of the several States of the Union rest to-day firmly and absolutely upon the consent of the governed. Take my own State of Massachusetts. The total population of the State is, in round numbers, 2,500,000. The total number of registered voters for the State election of 1899 was 490,483. The other 2,000,000 inhabitants of Massachusetts, men, women, and children, had neither the right nor the power in any way to express their consent to the government of the State. The people who had the right to rule this State were a little less than one-fifth of the population, and of those people 297,000 only exercised the privilege last November. Of the two million and a half people resident in Massachusetts, less than three hundred thousand have expressed their consent to the government which to-day rules over them. Yet the government of Massachusetts rests on the consent of the governed, if any government of the world ever did, and we know it not from the number of voters who vote, but from the fact that the entire population acquiesce in the form of government under which a majority of a small minority of the people rule the State. In other words, the consent of the governed is not to be determined by votes alone, nor their dissent by the riot, insurrection, or disorder of a fraction of the population. The plebiscites which supported the third Napoleon on his throne did not represent the consent of the people of France, and yet they were large and nearly unanimous. While, on the other hand, the closely divided vote of our last general election supplies in its result, which all men accept, the firm foundation upon which the Government of the United States to-day rests with the consent of all the governed. From this it follows that the consent of the governed is a phrase which represents a great and just principle, but which in practice must have its existence determined by actual facts and conditions, and is not to be ascertained merely by voting or in any other one way.

But this is not all. We must go a step farther and see how the American people throughout their history have applied this principle to the vast territory which they have acquired. We have an immediate interpretation of the Declaration in the secret treaty made with France at the time of the treaty of alliance in 1778. In that treaty occurs the following article:

> If the United States should think fit to attempt the reduction of British power remaining in the northern parts of America, or the islands of Bermudas, those countries or islands, in case of success, shall be confederated with or dependent upon the said United States.

It will be observed that this clause provides for the acquisition of inhabited territory by conquest, and asserts the right of the United States to govern the territory so conquered as a dependency of the United States, if it sees fit. I find nothing in it about the consent of the governed, yet that treaty clause was drawn by Benjamin Franklin, who was on the committee which drafted the Declaration of Independence, and to whom it was submitted for amendment and correction. I can not but feel that Franklin knew what the Declaration meant, and that he saw no inconsistency with it in writing the clause of the treaty which I have quoted and which the circumstances of the time demanded.

Hard upon this first practical interpretation of the Declaration of Independence came our first extension of territory through the conquest of the Illinois country by George Rogers Clark. That brilliant feat of arms carried our boundaries to the Mississippi on the west and to the Great Lakes on the north. But I never heard that we asked the consent of the French inhabitants of that region, which had been wrested from France by England, to our government, when by the right of conquest they were ceded to us under the treaty of Paris.

The next, and the greatest of all our expansions, was the Louisiana purchase. There is no word in the treaty about the consent of the governed, nor in the resolutions of Congress which gave Jefferson the power to rule over that vast region, nor in the act organizing the Territorial government, which was to be the creation of the Executive power. Yet there were 30,000 white men settled at the mouth of the Mississippi and in its neighborhood who had no good will to this Government, and whose wishes were never consulted at all by the nations which decided their fate. Are we to be told that this differs from the case of the Filipinos because the inhabitants of Louisiana were few and the territory was vast and sparsely populated? I have heard such an argument advanced, incredible as it may seem, and I can only reply to it by asking if the consent of the governed rests upon the number of the people involved? If so, at what point in the census does this great doctrine begin to take effect? I confess, Mr. President, that my principles in regard to the rights of man are not quite so flexible as that. The doctrine of the consent of the governed is just as sacred for one man as for ten, for thirty thousand as for ten million. To say that it is modified or determined by land areas or census statistics is as apposite as to declare that it is controlled by the abundance of springs or the paucity of trees. Such a proposition is fit to go hand in hand with that other which I find in resolutions and speeches here, to the effect that it is permissible to rule without the consent of the governed if you will promise to do it only for a little while. No, Mr. President, if the consent of the governed is a rigid and immutable principle, no casuistry of this sort can make it at once absolute and open to modification. It is either subject to the laws of common sense in its application or it is fixed and unchangeable. It can not be both at once. Jefferson's mind was certainly free from all such confusions. He did not attempt to rest his acquisition and government of Louisiana without the consent of the governed on any such grounds as the numbers of the population or the size of the territory. He put it on the real ground, that of truth and common sense, for in 1803 he wrote to De Witt Clinton:

> Although it is acknowledged that our new fellow-citizens are as yet incapable of self-government as children, yet some can not bring themselves to suspend its principles for a single moment.[1]

Thus, then, under the guidance of Thomas Jefferson, and with a Congress obedient to his slightest behest, we took Louisiana without the consent of the governed, and ruled it without their consent so long as we saw fit. Who is there to-day who will stand up and say that Thomas Jefferson did not do well and rightly when he bought Louisiana?

A few years more passed, and, in 1819, we bought Florida from Spain without the consent of the governed, and this crime against the Declaration of Independence was perpetrated by John Quincy Adams and James Monroe. Moreover, Congress placed in the hands of President Monroe, the principal criminal, power to govern this new territory absolutely, in the very terms employed by a previous Congress when they conferred a like authority upon Thomas Jefferson.

The next case is Texas. There we had technically the consent of the governed, but it so happened that those who ruled Texas were Americans. They had gone into that region, settled the country, and conquered it in war from Mexico. Having done that, they decided to rejoin their own country, bringing their conquered territory with them. The way was a little more roundabout, but the result was the same as if the Government of the United States had conquered Texas for itself. I never have been able to discover any indication that the Mexicans who lived in that great region had their consent asked, and I have a very strong impression that the rule of the American invaders was forced upon such persons as happened to be there before their arrival, without regard to the latter's wishes.

Then came the Mexican war, and by the treaty of Guadalupe Hidalgo we received a great cession of territory from Mexico, including all the California coast; and although we paid Mexico twenty millions as indemnity I think it has been held that the cession was one of conquest. There were many Mexicans living within the ceded territory. We never asked their consent. Must we again draw the census line and say that the country was too large and they were too few to be entitled to a consent? There

[1] Extract of a letter from Thomas Jefferson to De Witt Clinton, dated at Washington, December 2, 1803. Page 283 of the Writings of Thomas Jefferson, edited by Paul Leicester Ford.

seems to be no other escape, if it is desired to distinguish the California acquisition from that of the Philippines. I need not dwell upon the Gadsden purchase which followed in 1853, except to say that under its provisions we bought territory with the people on it from Mexico, and nobody was consulted except the Governments of Mexico and of the United States.

The consent of the governed appears next in a question which involved, not the expansion of the United States, but the retention of a large part of its existing domain. In 1861 eleven States of the Union decided to leave it. With the profoundest faith in the justice of their cause, with the utmost bravery and the highest military skill, they fought their battle for four long years. What was the reply of the people of the United States to the proposition of the eleven seceding States? Simply this, "You shall not go," and the people of the United States, with the profoundest faith in the justice of their cause, and with bravery and skill quite equal to that of their Southern brethren, fought for their belief for four years, and won. We forced the Southern States back into the Union, and will anyone tell me that we asked the consent of the governed? I have heard it said that this was a case to which the consent of the governed could not apply, because it was rebellion against the will of the majority, which we had all agreed to obey. Even this poor quibble will not serve. The great President, one of the greatest men of the century now dying, who led his country through those awful years, and who finally laid down his life in her behalf, was elected President in 1860 by a minority of the popular vote. No, Mr. President, the existence of the Union was at stake in the civil war, and all questions about the consent of the governed went down into nothingness, as they deserved to go, in the presence of that master issue.

One more case and I have done with the list of expansions. In 1867 we purchased Alaska from Russia, territory, people and all. Let me call attention to article three. It is there said that—

> the inhabitants of the ceded territory, according to their choice, reserving their natural allegiance, may return to Russia within three years, but if they should prefer to remain in the ceded territory they, with the exception of uncivilized native tribes, shall be admitted to the enjoyment of all the rights, advantages, and immunities of citizens of the United States, and shall be maintained and protected in the free enjoyment of their liberty, property, and religion. The uncivilized tribes will be subject to such laws and regulations as the United States may from time to time adopt in regard to aboriginal tribes of that country.

It will be observed that to the white inhabitants we allow the liberty of returning to Russia, but we except the uncivilized tribes specifically. They are to be governed without their consent, and they are not even to be allowed to become citizens. Why, only the other day, Mr. President, a great Democratic thinker announced that a republic could have no subjects. He seems to have forgotten that this Republic not only has held subjects from the beginning, in the persons of those whom we euphemistically call the "wards of the nation," but that, to our shame be it said, we once authorized the slave trade in our Constitution, and provided for fugitive-slave laws. More than this, if he had been familiar with the Alaskan treaty he would have known that we not only hold subjects, but have acquired them by purchase. This Alaskan treaty passed without serious opposition, and when the appropriation to carry it out went through the House the House added to the bill a specific approval of the treaty. This infringement of the constitutional right of the Senate was stricken out when it reached the treaty-making branch, but it is of interest because the House in voting for it gave formal approval to the treaty provisions. They approved of the provision which transferred the inhabitants without their consent to the jurisdiction of the United States, and which denied to the Indian tribes even the right to choose their allegiance, or to become citizens. It interested me to notice, although the point is a very unimportant one, that among those who in the House approved this vast acquisition of territory without the consent of the governed, and with the careful exclusion of the Indians from all rights, was my eminent fellow-citizen ex-Governor Boutwell.

Prophets of evil are not lacking to declare ruin inevitable if we persist in our career of expansion and in setting no fixed bounds to the progress of the country. Like the raven of Macbeth they croak themselves hoarse in predicting the downfall of the Republic. These dire forebodings are not new. Look back to the debates of 1803 and the succeeding years, and you will find there all that is being said now in almost the same language, and with the same certainty of swift-coming disaster. In view of the results of the Louisiana purchase the gloomy prophecies of these old Cassandras look very queer and make us smile. But they are no queerer than the black predictions of their successors of to-day will appear to the next generation. The downfall of the Republic has been constantly and confidently foretold many times since the foundation of the Government, generally on trivial grounds, and always when a great expansion of territory took place. Never has it come true. Only once was the great peril real and near, and that was not when men were trying to widen the bounds of the Republic, but when they sought to divide it and make it small.

Thus, Mr. President, I have reviewed our former acquisitions of territory. The record of American expansions which closes with Alaska has been a long one, and to-day we do but continue the same movement. The same policy runs through them all—the same general acceptance of the laws of nations, in regard to the transfer of territory, the same absence of any reference to the consent of the governed. It has not only been the American policy, it is the only policy practicable in such transactions. Why should we now be suddenly confronted with the objection that it is a crime to acquire the territories ceded to us by Spain in 1898, when we cheerfully accept all the previous cessions, which do not differ one whit in principle from the last? If the arguments which have been offered against our taking the Philippine Islands because we have not the consent of the inhabitants be just, then our whole past record of expansion is a crime, and Thomas Jefferson, and John Quincy Adams, and James Monroe, and all the rest of our Presidents and statesmen who have added to our national domain are traitors to the cause of liberty and to the Declaration of Independence. Does anyone really believe it? I think not. Then let us be honest and look at this whole question as it really is. I am not ashamed of that long record of American expansion. I am proud of it. I do not think that we violated in that record the principles of the Declaration of Independence. On the contrary, I think we spread them over regions where they were unknown. Guided by the principles of that record, I am proud of the treaty of Paris, which is but a continuance of our American policy. The taking of the Philippines does not violate the principles of the Declaration of Independence, but will spread them among a people who have never known liberty and who in a few years will be as unwilling to leave the shelter of the American flag as those of any other territory we ever brought beneath its folds.

The next argument of the opponents of the Republican policy is that we are denying self-government to the Filipinos. Our reply is that to give independent self-government at once, as we understand it, to a people who have no just conception of it and no fitness for it, is to dower them with a curse instead of a blessing. To do this would be to entirely arrest their progress instead of advancing them on the road to the liberty and free government which we wish them to achieve and enjoy. This contention rests, of course, on the proposition that the Filipinos are not to-day in the least fitted for self-government, as we understand it. The argument on this point is, I will admit, much simplified by the admissions of our opponents. The past, present, and prospective leader and Presidential candidate of the Democratic party said at Minneapolis, on January 10:

> I am a firm believer in the enlargement and extension of the limits of the republic. I don't mean by that the extension by the addition of contiguous territory, nor to limit myself to that.
>
> Wherever there is a people intelligent enough to form a part of this republic, it is my belief that they should be taken in. Wherever there is a people who are capable of having a voice and a representation in this government, there the limits of the republic may be extended.
>
> The Filipinos are not such a people. The Democratic party has ever favored the extension of the limits of this republic; but it has never advocated the acquisition of subject territory to be held under colonial government.

I do not assert that this is his view to-day, for Mr. Bryan gives forth a great variety of opinions on a great variety of topics. I have not, unfortunately, either time or opportunity to indulge in the delight of reading all he says, for even if he does not from night to night show knowledge, he certainly from day to day uttereth speech. The passage that I have quoted seems, however, to be the last authentic deliverance on the subject, and in it Mr. Bryan distinctly admits that the Filipinos are unfit for self-government, as we understand it. What is far more important and to the purpose, the Senator from Washington, in the able and interesting speech which he delivered on this subject, has made the same admission. Thus our differences narrow. They think that we should abandon the Philippines because they are not fit for self-government. I believe that for that very reason we should retain them and lead them along the path of freedom until they are able to be self-governing, so far, at least, as all their own affairs are concerned. I should be glad to let the matter rest here and confine myself to this very narrow ground of difference, but, unfortunately, there are people who do not recognize facts so frankly as the Senator to whom I have referred, and who contend either that the Filipinos are fit for self-government in the highest acceptation of the term, or that it is our duty to withdraw and leave them to set up such a government as they can evolve for themselves.

Mr. BACON. In view of the Senator's request that he should not be interrupted, I have forborne several times when I had the inclination to do so, and I will not interrupt him now to the extent of making any inquiry of him. I simply desire to state that he has absolutely incorrectly stated my position.

Mr. LODGE. I did not mean to misstate the Senator's position. I understood him to say that he did not consider the Filipinos fit for self-government as we understand it. If I misquote him, of course I will withdraw it entirely.

Mr. BACON. The Senator has entirely misquoted me, and when he has finished I will state what my position is.

Mr. LODGE. I hope the Senator will allow me to proceed. I will make any correction he desires.

Mr. BACON. I did not desire by my silence to have it appear that I acquiesced in his statement of my position.

Mr. LODGE. If he will allow me to proceed, I will be indebted. I will withdraw it entirely as to the Senator from Georgia.

Mr. BACON. No, sir; no withdrawal is required. I simply desire that it shall not appear that he is stating me correctly. I will take occasion to make my own statement at the proper time.

Mr. LODGE. I do not think the Filipinos are fit for self-government as we understand it, and I am certain that if we left them alone the result would be disastrous to them and discreditable to us. Left to themselves the islands, if history, facts, and experience teach anything, would sink into a great group of Haitis and St. Domingos, with this important difference, that there would be no Monroe doctrine to prevent other nations from interfering to put an end to the ruin of the people and the conversion of a fair land into a useless and unproductive waste. The nations of Europe are not going to stand idly by and see the islands of the Philippines given over to anarchy and dictatorships of the Haitian type, while their waters swarm again with pirates whom Spain suppressed, and whom we have now the responsibility of keeping down and extinguishing. We have no right to give those islands over to anarchy, tyrannies, and piracy, and I hope we have too much self-respect to hand them over to European powers with the confession that they can restore peace and order more kindly and justly than we, and lead the inhabitants onward to a larger liberty and a more complete self-government than we can bestow upon them. Therefore, Mr. President, I desire to show why I feel so confident that the Filipinos are not now fit for self-government, and that their only hope of reaching the freedom, self-government, and civilization which we desire them to have lies in our now holding, governing, and controlling the islands.

Let us look first for a moment at the new territory of which we have thus become the possessors. The Philippine group extends over a distance of 1,000 miles north and south. The large-scale maps show that it consists of 1,725 islands, great and small. Of these at least 60 are over 20 miles square. Geographically, therefore, it is a broken and separated territory, scattered over a wide extent of ocean. It is physically without unity or connection. The best statistics—and the best are poor—indicate that there is a population in all the islands of over 8,000,000. This population consists of different races, of many tribes—President Schurman and Professor Worcester say there are 84—speaking 50 or 60 languages and dialects. Most of these people are of the Malay stock, but in many of the tribes the Malay blood is greatly mixed. One division consists of the Negritos, few in number, and steadily declining, who are ethnically totally different from the Malays, largely savage wanderers in the mountainous and wooded interiors of the islands, and who are in the lowest stage of barbarism. They are racially as different from the Malays as we are. Another, and a large division, consists of people of what is sometimes called the Indonesian stock, who are physically a finer race than the Malays, but who are still entirely uncivilized, and who are pagans in religion. There are also in the interior many wild and barbarous Malay tribes with no conception of government whatever, except in the case of certain of them like the Macabebes, who have one fixed political idea, which is that they will fight the Tagals to the death and will unite with anyone against them. The Malay tribes are almost as widely divided among themselves as from the Negritos. Those of the Sulu archipelago and Mindanao are Mohammedans, and bitter foes of the Christianized Malays of Luzon, and among the Christianized Malays some are as hostile to the Tagals as they are to the Moros, while the wild tribes, or "Infieles," are hostile to both. The islands fell an easy prey to the Spanish conquerors, because there was no unity among them. They were occupied by detached tribes living under the despotism of local chiefs. There was no consolidation, no unity, even among the inhabitants of a single island. The Filipinos have never been either a people or a nation. There has never been any single sovereignty there, or any central government, except that of Spain, to which we succeeded. To accept the Tagal followers of Aguinaldo as representing the inhabitants of the Philippine Islands would be just as intelligent as to hold that because William Penn made a treaty with the Delawares we thereby bound and were bound to the Sioux, Pawnees, and Apaches, who roamed over the great plains of the West. There has never been a Filipino nation, there has never been a Filipino government, there is not a scintilla of evidence that at any period they had any central government whatever or were capable of having any form of government larger than a village community which was not an unrestrained Asiatic despotism, whether exercised by a Sultan in the Mohammedan regions or by some military dictator of like political instincts among those who had come under the rule and example of Spain. Of self-government, as we understand it or as it is understood by Western civilization, there has never been the faintest conception in the Philippine Islands, and there never will be unless we give them the opportunity, and by slow processes teach them what it is. Geographically and ethnically—because they are scattered islands and because the people are divided among 84 tribes in all stages of development, from savagery to civilization, speaking fifty or sixty different dialects or languages, with every form of religion—they are to-day not only unfit for self-government, but from the physical facts alone self-government is impossible to the Philippines as a whole. There must be one central, strong, civilized power which shall control all the islands and thus give them in the only possible way the opportunity of rising to freedom and home rule.

The capacity of a people, moreover, for free and representative government is not in the least a matter of guesswork. The forms of government to which nations or races naturally tend may easily be discovered from history. You can follow the story of political freedom and representative government among the English-speaking people back across the centuries until you reach the Teutonic tribes emerging from the forests of Germany and bringing with them forms of local self-government which are repeated to-day in the pure democracies of the New England town meeting. The tendencies and instincts of the Teutonic race which, reaching from the Arctic Circle to the Alps, swept down upon the Roman Empire, were clear at the outset. Yet the individual freedom and the highly developed forms of free government in which these tendencies and instincts have culminated in certain countries and under the most favorable conditions have been the slow growth of nearly fifteen hundred years.

There never has been, on the other hand, the slightest indication of any desire for what we call freedom or representative government east of Constantinople. The battle of Marathon was but the struggle between a race which had the instinct and desire for freedom and the opposite principle. The form of government natural to the Asiatic has always been a despotism. You may search the history of Asia and of the East for the slightest trace, not merely of any understanding, but of any desire for political liberty, as we understand the word. In the village communities of India, in the Mura of Japan, in the towns and villages of China you can find forms of local self-government which are as successful as they are ancient. The Malays of Java and of the Philippines as well display the same capacity, and on this old and deep-rooted practice the self-government of provinces and states can, under proper auspices, be built up. It is just here that our work ought to begin. But this local self-government never went beyond the town or the village; it never grew and spread, as was the case with the Teutonic tribes and their descendants. The only central, state or national governments which the Eastern and Asiatic people have formed or set up have been invariably despotisms. They may have been tempered by assassination and palace intrigues, the revolts of factions may have changed dynasties, the wave of conquest may have ebbed and flowed, but the principle or the unlimited power of one man, of the pure despot, whether it be Xerxes or Genghis Khan, the Sultan of Sulu, or an adventurer like Aguinaldo, has never failed and has maintained an undisputed acceptance throughout all the vast regions of the East.

You can not change race tendencies in a moment. Habits of thought slowly formed through long periods of time and based on physical, climatic, and geographical peculiarities are more indestructible than the pyramids themselves. Only by very slow processes can they be modified or changed. Buckle's theory, that you could make a Hottentot into a European if you only took possession of him in infancy and gave him a European education among suitable surroundings, has been abandoned alike by science and history as grotesquely false. It is perhaps possible for an extremely clever and superior people like the Japanese, with their unsurpassed capacity of imitation, to adopt Western forms of government, but whether the underlying conceptions—which are the only solid foundation of free institutions—can exist under such circumstances is yet to be proved, and all human experience is against the theory. These political conceptions are of very slow growth even among the races whose natural tendencies and instincts lead toward them, but in the particular instance which we are called upon to consider we are not left in the dark. We know what sort of government the Malay makes when he is left to himself. Study the history of the Malay States, and you will find that before the advent of the British residents they were governed by despotic chiefs, and their condition was one of incessant private or public war, coupled with a condition of society little, if any, short of anarchy. But we have an even better example in the Philippine Islands themselves. In the Sulu group, and in the island of Mindanao you find perfect types of the government which the Malay, when left to himself, naturally produces. These islands are ruled by sultans, who are supposed to have a general authority, and more

directly by datos, or local chiefs. Every one of these governments is a personal despotism of a more or less murderous character. The people of the islands which fell under the control of Spain have changed their religion, but they have not changed their habits of mind or their natural instincts. Give them unhampered liberty to do what they like and you would have the governments of Sulu or Mindanao repeated. There would be modifications unquestionably, because Christianity has modified the character of the people, but their political instincts are unchanged, and the only model of civilized government which they have had opportunity to know is the corrupt and broken rule of the Spaniard, who has himself emerged from despotism less than a hundred years ago. I am far from criticising or finding fault with the people about whom I make this statement. Aguinaldo's government was a pure military dictatorship. He took possession of the governmental machinery of Spain, such as it was, but the military power, as you may see by referring to the account of the two naval officers who traveled throughout the island, was everywhere dominant. In Negros, which was friendly to us from the beginning, we gave the people the utmost latitude to do as they liked. They set up a government of their own and chose their best men for office. It broke down, and they came of their own accord to our general and asked him to again assume control. They were not fit to carry on a general government for themselves, and they themselves recognized it. Free government, as we know it, is no child's play to be learned in a moment. A republic like our own we know to be the freest and the most representative government on earth, but we are apt to forget that it is also the most complicated and the most difficult. We are so accustomed to it that we do not remember that it is the result not merely of centuries of struggle, but, what is far more important, of a training and a mental habit which stretch back to the twilight of history.

Is it to be supposed that a people whose every instinct, every mode of thought, and every prejudice is hostile to what we consider the commonplaces of political existence are going to take up in the twinkling of an eye and work successfully the most intricate forms of self-government ever devised by man? To make such an assumption is not only to betray an utter ignorance of history, but is to give the lie to all human experience. We must not confuse names with things. It does not follow because a government is called a republic that it is therefore a free government, as we understand it; or because it is called a monarchy that it is therefore a tyranny or a despotism. To the south of us lie many governments called republics. Are they free governments, as we understand the term? He would be a bold man who would undertake to answer that question in the affirmative. Haiti and Santo Domingo are called republics, and yet they are bloody tyrannies. The condition they create is anarchy. Neither life, liberty, nor property is safe, and as the island slides downward in the scale of civilization the controlling power shifts from the hands of one military adventurer to those of another. Because they are called republics, will anyone say that they are freer, more representative, better for individual liberty and for civilization than the Government of Holland, which is called a monarchy? Again, I say, let us not confuse names with things. The problem we have before us is to give to people who have no conception of free government, as we understand it and carry it on, the opportunity to learn that lesson. What better proof could there be of their present unfitness for self-government than their senseless attacks upon us before anything had been done? Could anything demonstrate more fully the need of time and opportunity to learn the principles of self-government than this assault upon liberators and friends at the bidding of a self-seeking, self-appointed, unscrupulous autocrat and dictator? Some of the inhabitants of the Philippines, who have had the benefit of Christianity and of a measure of education, will, I have no doubt, under our fostering care and with peace and order, assume at once a degree of self-government and advance constantly, with our aid, toward a still larger exercise of that inestimable privilege, but to abandon those islands is to leave them to anarchy, to short-lived military dictatorships, to the struggle of factions, and, in a very brief time, to their seizure by some great Western power who will not be at all desirous to train them in the principles of freedom, as we are, but who will take them because the world is no longer large enough to permit some of its most valuable portions to lie barren and ruined, the miserable results of foolish political experiments.

Now, Mr. President, before discussing the advantages to the United States which will accrue from our possession of these islands, I desire to state briefly the course of our action there since the outbreak of the insurrection. I can do that best by dealing directly with an assertion that has been reiterated here to the effect that in some way we recognized the government which Aguinaldo set up, a government representing all the Filipinos and founded on their assent, and that therefore we have been doing those people a great wrong and have been engaged in a war of conquest, or, in the cant phrase, of "criminal aggression."

On March 31, 1898, Admiral Dewey sent a dispatch to the Navy Department in which he stated the condition of affairs at Manila, because he already foresaw that if war should break out with Spain that would be the point of attack.[1] He gave a list of the Spanish ships there, some statements in regard to the batteries and the soldiers, and then said that the islands were in a state of insurrection, and that he had been informed that there were 5,000 armed rebels in camp near Manila. A month later he was on his way to the Philippines, and on the 1st of May fought the battle which resulted in the destruction of the Spanish fleet. After the battle was over Admiral Dewey found that he had been entirely misinformed by Mr. Williams, our consul at Manila, as to the existence of an insurrection in the islands. He also found that there was no organized insurgent force of any kind, and that the information that there were 5,000 armed insurgents near Manila was absolutely without foundation. No such force existed. Before he left Mirs Bay the admiral had been put into communication with Aguinaldo through Mr. Pratt, our consul at Singapore. What happened is completely stated in a memorandum furnished to the Philippine Commission by Admiral Dewey, and to be found on page 6 of their preliminary report, which I will now read:

MEMORANDUM OF RELATIONS WITH AGUINALDO.

On April 24, 1898, the following cipher dispatch was received at Hongkong from Mr. E. Spencer Pratt, United States consul-general at Singapore:

"Aguinaldo, insurgent leader, here. Will come Hongkong. Arrange with commodore for general cooperation insurgents, Manila, if desired. Telegraph.

"PRATT."

On the same day Commodore Dewey telegraphed Mr. Pratt, "Tell Aguinaldo come soon as possible," the necessity for haste being due to the fact that the squadron had been notified by the Hongkong Government to leave those waters by the following day. The squadron left Hongkong on the morning of the 25th, and Mirs Bay on the 27th. Aguinaldo did not leave Singapore until the 26th, and so did not arrive in Hongkong in time to have a conference with the admiral.

It had been reported to the commodore as early as March 1, by the United States consul at Manila and others, that the Filipinos had broken out into insurrection against the Spanish authority in the vicinity of Manila, and on March 30 Mr. Williams had telegraphed: "Five thousand rebels armed in camp near city. Loyal to us in case of war."

Upon the arrival of the squadron at Manila it was found that there was no insurrection to speak of, and it was accordingly decided to allow Aguinaldo to come to Cavite on board the *McCulloch*. He arrived with thirteen of his staff on May 19, and immediately came on board the *Olympia* to call on the commander in chief, after which he was allowed to land at Cavite and organize an army. This was done with the purpose of strengthening the United States forces and weakening those of the enemy. No alliance of any kind was entered into with Aguinaldo, nor was any promise of independence made to him, then or at any other time.

Thus it will be seen that there was no insurrection in the islands; that the movement which had been brought to an end by the treaty of Biac Na Bato had died out, and that Admiral Dewey had caused Aguinaldo to be brought over in the hope of reviving the native resistance to the Spaniards, which was a judicious military measure in view of the fact that Admiral Dewey had no United States troops with which to carry on land operations. Aguinaldo, as stated in the memorandum, arrived in Manila on the 19th of May. The next day Admiral Dewey cabled:

Aguinaldo, the rebel commander in chief, was brought down by the *McCulloch*. Organizing forces near Cavite, and may render assistance which will be valuable.[2]

At first Aguinaldo seemed to get little support, and was so discouraged that he talked of returning to Hongkong, but was urged to remain by Admiral Dewey, and after a short time the natives began to gather in the neighborhood of Cavite, and Admiral Dewey furnished them with some arms from the arsenal at that place. Thus it will be seen that there was no insurrection against the Spaniards when Dewey arrived, and that the whole movement was created and made possible by the victory of May 1, and could have had no existence without the American support. On May 26 the Secretary of the Navy telegraphed to Admiral Dewey:

It is desirable, as far as possible, and consistent for your success and safety, not to have political alliances with the insurgents or any faction in the islands that would incur liability to maintain their cause in the future.[3]

On May 30 Dewey telegraphed to the Secretary of the Navy:

Aguinaldo, revolutionary leader, visited the *Olympia* yesterday. He expects to make a general attack on May 31.[4]

And on June 6 he cabled, in reply to the dispatch of May 26:

Receipt of telegram of May 26 is acknowledged, and I thank the Department for the expression of confidence. Have acted according to the spirit of Department's instructions therein from the beginning, and I have entered into no alliance with the insurgents or with any faction. This squadron can reduce the defenses of Manila at any moment, but it is considered useless until the arrival of sufficient United States forces to retain possession.[2]

I wish to draw most particular attention to these dispatches. It is very important to notice that within a week after the arrival of Aguinaldo the Administration at Washington cabled Admiral Dewey that there must be no political alliances of any sort

[1] See Senate Document No. 73, first session Fifty-sixth Congress.
[2] See Abridgments of Messages and Documents, 1898-99, vol. 4, page 100.
[3] See Abridgement of Messages and Documents, 1898-99, vol. 4, page 101.
[4] See Abridgement of Messages and Documents, 1898-99, vol. 4, page 102.

with the native insurgents. Thus at the very start was the attitude of the Administration clearly defined, and from that attitude the President never departed. Now note Admiral Dewey's reply. He says that he has acted in accordance with the instructions of the Administration from the beginning; that he has entered into no alliance with the insurgents or with any faction, and he adds that he could reduce the defenses of Manila at any moment without their aid, and does not do it simply because he thinks it better to wait until troops arrive from the United States. Nothing could be clearer or plainer than the facts set forth in these dispatches. Before Aguinaldo had started what he called his government the Administration had directed that there should be no political alliance with any faction of the natives, and the Admiral replied that there never had been nor ever would be any.

Mr. President, there is not the slightest ground upon which to found the assertion which has been made here and elsewhere that Aguinaldo or his government, after he had made it, received the slightest recognition from the Government of the United States. That loosely written and wholly unauthorized letters were sent him by some of our consuls I well know, but when or by what code of international law or where in the Constitution or the laws of the United States is it set down that the letter of a consul, who is not a diplomatic officer and has no authority to speak for his Government, constitutes a recognition of another government? Such a claim is preposterous, and the only persons affected by those consular letters are the consuls themselves. It has been asserted on this floor and elsewhere that Admiral Dewey saluted the so-called Filipino flag. We know from Admiral Dewey's letter which I read to the Senate, as well as from the official dispatches of the time, that that assertion is absolutely false. It has been asserted here and elsewhere, and particularly by Mr. Mabini, who figured as Aguinaldo's secretary of state, that Aguinaldo was received by Admiral Dewey on the *Olympia* with military honors. This again, as we know from Admiral Dewey's letter which I read to the Senate, is absolutely false. It has also been said that Admiral Dewey recognized Aguinaldo and his government by turning Spanish prisoners over to them. This is founded on the Subig Bay incident. The insurgents had taken posession of Subig Bay, but could not take the Isla Grande, where the Spaniards had a considerable force, because the German cruiser *Irene* was in the harbor and prevented them and because of the garrison. Admiral Dewey, on July 7, sent the *Raleigh* and *Concord* to Subig Bay. Exactly what occurred is best told in the following extract from a letter addressed to me by Captain Coghlan, the captain of the *Raleigh:*

FEBRUARY 1, 1900.

MY DEAR SENATOR LODGE:

* * * * * * *

I was in command of the expedition sent by the Admiral (*Raleigh* and *Concord*) to the mouth of Subig Bay, July 6, 1898, to capture Grande Island, then held by the Spaniards. I wish to affirm as strongly as human words can do so that Aguinaldo's people did not accompany us, and that they took no part whatever in that capture. No one but the Admiral, Lieutenant Brumby, Captain Walker, and myself even knew where we were to go. We left at midnight, without lights of any kind, not even signaling, as usual, for permission to get under way, and no one knew except the flagship and a vessel or two near us, that the vessels (*Raleigh* and *Concord*) had moved from their berths. It was not known until next morning that we had gone out of sight of our fleet. At this very time the so-called gunboat of Aguinaldo was anchored at Cavite, and did not learn of our departure until next day about noon. We captured Grande Island about 10.30 a. m., July 7, and no Filipino boat of any description appeared about Subig Bay until that evening about 7 p. m., when the boat we had left at Cavite came in and expressed the greatest surprise at our capture, telling us they had hoped to take part in the attack. So far as Aguinaldo's people having anything to do with the capture, after it had been done I instructed their chief at Alongapo, about 5 miles up the bay, that his people must in no way bother with the island, and to prevent them I moved the *Raleigh* out into the bay, where the searchlights were used all night to see that no insurgent went near the island. In my opinion, those on the island could have held out indefinitely, as they were well provided with everything, and the Aguinaldoites had no artillery—one small gun only on their so-called gunboat, the rest of her armament (?) consisting of pieces of 3-inch pipe stuck through chocks and holes in her sides to simulate guns.

There may not be much glory arising from that capture, but on behalf of my naval comrades, who did it alone, I object to having any of it taken away by anyone attempting to falsely assign us help.

Yours, very truly,

(Signed) J. B. COGHLAN,
Captain, U. S. N.

The *Irene* withdrew and the American ships *Raleigh* and *Concord*, as Captain Coghlan states, then took the island. It will also be noted that Aguinaldo's boat was not convoyed and did not go up with our vessels and had no part in the capture. We had no land forces, and our naval force was unable to take or provide for the six or seven hundred Spanish prisoners, but the insurgents were not allowed to hold the island or its garrison until they had given the most absolute pledges of humane treatment to the Spaniards who fell into their hands.[1] In this instance, at least, the pledges were fulfilled.

But suppose, Mr. President, that all these statements about saluting the flag, giving military honors, and turning captured prisoners over were true instead of false, as all but the last are, what then? Neither singly nor all together would they have constituted the slightest foundation for the claim that we had recognized Aguinaldo either as an ally or as a government. After the war broke out with Spain we were in constant communication with the insurgent forces in Cuba. We supplied them with arms and ammunition. We landed parties to assist them. At Santiago their generals were in constant communication and conference with our naval and military officers, and they cooperated with us in our military operations in that region. An effort has been made to twist a sentence in Admiral Dewey's letter into an admission that he really made allies of the insurgents. His statement was that he—

Never treated them as allies, but used them in his operations against the Spaniards.

Familiar with the laws and language of war, Admiral Dewey's statement was as exact as it was true. Using troops or individuals in war does not make them either the political or military allies of the power using them. George III, for example, used Hessians in his operations against us, but the Hessians were not his allies—they were his mercenaries. We never cooperated with the Filipinos. We scrupulously avoided any connection with them. We never consulted with them in regard to our military operations. In a word, we carefully refrained from maintaining with them any of the relations in which we freely engaged with the Cubans. Yet will anyone undertake to say that by our treatment and relations with the Cuban army we recognized the Cuban Republic, which those armies served? No one ever suggested or would think of suggesting such a manifest absurdity, and with this fact known to everybody there are still persons who undertake to say that we recognized Aguinaldo as a government, when we never had the relations with him which we had with the Cubans, and when from the beginning our naval and military representatives in the Philippines, under the explicit direction of the Administration, refrained with the most minute care from any act which could be construed into a recognition of any sort of Aguinaldo and his followers, whether as an ally or a government. The case is so plain that I almost feel that I ought to ask the pardon of the Senate for even stating it. Governments are not recognized by the careless letters of consuls nor by the unauthorized acts of military or naval officers, and in this instance no military or naval officer ever committed any act which could possibly be construed as even suggesting recognition. The recognition of one government by another is a much more serious business than this. It must be the solemn act of the constituted authority of the recognizing government. When Secretary Long sent the dispatch of May 26 he established the position of our Government. The only authority in the United States capable of recognizing another government said within a week after Aguinaldo landed at Cavite that there was to be no political alliance with the insurgents or any faction of the natives. The only person who could give recognition on the part of the United States was the President, and his orders of the 26th of May, transmitted through the Secretary of the Navy, declared that there was to be none. There has been no alteration since the date of that dispatch in the attitude of our Government, and while that dispatch stood, while the President held that position, no act of anyone in the Philippines, even if such had been committed, and none such was committed, could by any possibility have caused a recognition by the United States of any government, real or alleged, in those islands.

But, Mr. President, there are some persons—very few, I think—who are indifferent to facts, who care nothing for the testimony of the official records, who will not accept the word of the President, or of the Secretary of the Navy, or of Admiral Dewey or of the generals of the United States, in regard to any transaction in the Philippines. For the benefit of those persons I desire to call, on this point, another witness, one in whose veracity I have not myself the slightest confidence, but whom I cite in this instance because here he is testifying against himself and against the contention which his friends make in his behalf. On January 5, 1899, when Aguinaldo was engaged in rousing his followers to attack the Americans, he issued a proclamation in which he set forth his grievances. Among the many complaints which he made I extract the following:

The American generals not only ignored me entirely in the stipulations for capitulation, but also requested that my forces should retire from the port of Cavite and the suburbs of Manila.

I represented to the American generals the injustice done me, and requested in friendly terms that they should at least expressly recognize my cooperation but they utterly declined to do so.

In spite of these concessions (Aguinaldo's withdrawal of his army), not many days passed before Admiral Dewey, without any reason whatever, arrested our steam launches, which had been plying in the bay of Manila with his express consent.[1]

On January 9 Aguinaldo addressed a letter to General Otis, in which he said:

I have been informed after the interview between the commissioners of my government and Mr. Carman that there will be no inconvenience on your

[1] See Abridgment of Messages and Documents, 1898-99, vol. 1, page 110.

[1] See Report of Major-General Otis for 1899, page 77.

part in naming, as commanding general, representatives that will confer with those whom I will name for the same object.

Although it not being explained to me the reason why you could not treat with the commissioners of my government, I have the faculty for doing the same with those of the commanding general "who can not be recognized."[1]

On January 23 he wrote another letter to General Otis, announcing the promulgation of the political constitution of the Philippine republic, and used the following language in the last clause:

And taking the liberty of notifying your excellency, I confidently hope that doing justice to the Philippine people you will be pleased to inform the Government of your nation that the desire of mine, *upon being accorded official recognition*, is to contribute to the best of its scanty ability to the establishment of a general peace.[2]

Thus it will be seen that Aguinaldo himself says that our generals declined to recognize his cooperation in the siege of Manila or to let him take part in the stipulations for capitulation. He further complained that Admiral Dewey had seized his steam launches, a perfectly proper military precaution against an attack by the insurgents, which Admiral Dewey justly apprehended, but something which he would hardly have done to an ally or a government recognized by him. On January 9 Aguinaldo complains that General Otis will not recognize his commissioners in any formal way, and on January 23 he admits that no recognition had been accorded to the Philippine republic. On February 4 hostilities began, just a week after this last admission, and I do not think that even the most enthusiastic friend and admirer of Aguinaldo could claim that we have recognized him as anything but an enemy since the fighting started. Thus is it proved by Aguinaldo's own admissions that never in the slightest way did our military or naval officers give him any recognition as an ally, much less as a government.

Let me now return to the narrative of events. On the 24th of May, 1898, Aguinaldo issued three proclamations, one containing decrees as to the treatment of the enemy, another announcing the establishment of a dictatorial government by himself and with himself as dictator, and the third containing further decrees with reference to carrying on military operations. This government was the pure creation of Aguinaldo himself, and was a simple seizure of power.[3] The natives were now flocking to his standard, and the Spaniards being rendered helpless through Dewey's victory, the insurgents began to spread over the island and cut off outlying Spanish garrisons. During all this time Admiral Dewey carefully refrained from assisting Aguinaldo with the force under his command, and declined his request to do so, telling him the squadron could not act until the arrival of United States troops. He treated him as a friend, but kept aloof from his confidence and consistently held to the position that the United States was not bound to assist the insurgents or the insurgents to assist the United States.[4]

Whatever the insurgents did was done voluntarily but the increase of his force and his success against the Spanish garrisons very soon had the effect of completely turning Aguinaldo's head, and on June 18 he established what he called a revolutionary government, of which he made himself president by proclamation on July 1.[5] This was a mere extension of the dictatorial government under a new name to civil as well as military affairs. The first detachment of our army arrived on July 3, the second on July 20. Our Army officers maintained toward Aguinaldo the same attitude as that of Admiral Dewey, refusing to cooperate with the insurgents or to recognize them in any way, treating them merely as a friendly force opposed to a common enemy; but Aguinaldo, rapidly enlarging his pretensions, as his sense of his own importance passed beyond his control, in July declared martial law to exist over all the islands; that is, he asserted his authority, which was purely dictatorial, over islands inhabited by different tribes, and where he had not the slightest foothold or the faintest claim of any kind.[6]

On July 25, 1898, General Merritt arrived and took command of all the military forces of the United States. The following dispatch from Admiral Dewey exactly describes the situation and shows how Aguinaldo had already begun to threaten the forces of the United States, without whose assistance he would have been vegetating in a forgotten exile at Singapore or Hongkong. The dispatch is as follows:

Merritt arrived yesterday in the *Newport*. The remainder of the expedition is expected within the next few days. Situation is most critical at Manila. The Spanish may surrender at any moment. Merritt's most difficult problem will be how to deal with insurgents under Aguinaldo, who has become aggressive and even threatening toward our army.[7]

It is important to note at this point that the hostility of Aguinaldo and his followers was so threatening on July 25, 1898, as to embarrass our operations for the capture of the city. This disposes entirely of the idea that we forced resistance upon Aguinaldo. He had begun to manifest hostility toward us even before Manila had fallen, and he did so because he had begun to understand that we would not allow him to loot the city, a distinct interference with his right to liberty and self-government. Utterly unmindful of what he owed us, and of the fact that if we had withdrawn our troops and ships he could never have overcome the Spaniards alone, he was none the less plotting against a friendly power to whom the very existence of himself and his army was due. I can not give the history of the events which followed the dispatch just quoted better than in the words of the commission composed of Admiral Dewey, General Otis, President Schurman, Professor Worcester, and General Denby in their preliminary report.

Upon landing and joining the troops at Camp Dewey, Brigadier-General Anderson, the ranking brigadier-general, assumed command of the division. Shortly afterwards, upon the arrival of General Merritt, the insurgents were notified that our troops intended to commence operations against Manila, and would establish a line of works commencing at the base and extending east in front of the outposts then maintained by them. This movement was not received kindly by the Filipinos, but on the establishment of our line on their front they gradually retired. There were no conferences between the officers of the Filipinos and our officers with a view of operating against the Spaniards, nor was there any cooperation of any kind between the respective forces, and the relations between the two forces were strained from the beginning. Upon our landing they furnished our forces no protection nor support. The natives objected to our establishing camps, and were only quieted by the assurance that the United States would pay for all the damage done and for all wood and other articles consumed. There never was any preconcerted operation, or any combined movement by the United States and the Filipinos against the Spaniards. When the city of Manila was taken on August 13, the Filipinos took no part in the attack, but came following in with a view of looting the city and were only prevented from doing so by our forces preventing them from entering. Aguinaldo claimed that he had the right to occupy the city; he demanded of General Merritt the cession of the Palace of Malacañan for himself, and the cession of all the churches of Manila, Paco, and Ermita, and also that a part of the money which was taken from the Spaniards as spoils of war should be given up, and above all that he be given the arms of the Spanish prisoners. This confirms the statement already made that he intended to get possession of these arms for the purpose of attacking us. All these demands were refused.

After the taking of Manila the feeling between the Americans and the insurgents grew worse day by day. All manner of abuses were indulged in by the insurgent troops, who committed assaults and robberies, and under the order of General Pio del Pilar even kidnaped natives who were friendly toward the Americans and carried them off into the mountains or killed them. In the interest of law and order it became necessary to order the Filipino forces back, and this order made them angry. Aguinaldo removed his seat of government to Malolos, where the so-called Filipino congress assembled. The anti-American feeling was steadily nourished by the Filipino newspapers, which were directed to foster it. At this time Sandico began to establish what were called "popular clubs" in Manila and the neighboring villages and towns. Ostensibly they were intended to promote social intercourse and the instruction of the people; their actual object was to provoke bitterness toward the Americans. Their influence was far-reaching, and from their membership was recruited later on the local militia, which was to attack us from within Manila while the regular insurgent troops attacked us from without.

On the 21st of September a significant decree passed the Filipino congress imposing military service on every male over 18 years of age, excepting those holding government positions. In every carriage factory and blacksmith shop in Manila bolos (knives) were being made.

It is in proof before us that Aguinaldo was urged at this time to make some immediate determination in regard to the settlement of affairs with the Americans. At this time we were about to discuss the future of the Philippines in Paris, and many of the leading Filipinos believed that America would abandon this country. It was made plain to Aguinaldo that it was not enough for the Filipinos to desire America to stay in the islands, but that it would be desirable for them to show America that it would be to her interest to keep the country. Aguinaldo was advised to write President McKinley and ask what desires he had about the country and what form of government he wished to establish, and to ask him not to abandon the Filipinos. This view was accepted not only by the government, but by many members of the Filipino congress. There was, however, considerable opposition, especially from Paterno, Mabini, and Sandico. While it seemed to appear that the sovereignty of America was acceptable to Aguinaldo, still he was always urging the military men to prepare for war. The cabinet at Malolos decided to send to the President of the United States the propositions above mentioned, but Aguinaldo did not wish to do so. He first stated that he desired to translate them into Tagalog, and afterwards that he wished to put them into cipher, and so delayed the sending of them.

Danger signals now multiplied. Aguinaldo endeavored to get the war-making power transferred from Congress to himself. He also urged a heavy bond issue to secure one million dollars for the purchase of arms and ammunition. It is now known that elaborate plans had been perfected for a simultaneous attack by the forces within and without Manila. The militia within the city numbered approximately ten thousand; they were armed for the most part with bolos. General Pio del Pilar slept in the city every night. No definite date had been set for the attack, but a signal by means of rockets had been agreed upon, and it was universally understood that it would come upon the occurrence of the first act on the part of American forces which would afford a pretext; and in the lack of such act in the near future at all events. Persistent attempts were made to provoke our soldiers to fire. The insurgents were insolent to our guards and made persistent and continuous efforts to push them back and advance the insurgent lines further into the city of Manila. It was a long and trying period of insult and abuse heaped upon our soldiers, with constant submission as the only means of avoiding an open rupture. The Filipinos had concluded that our soldiers were cowards and boasted openly that we were afraid of them. Rumors were always prevalent that our army would be attacked at once.

With great tact and patience the commanding general had held his forces in check, and he now made a final effort to preserve the peace by appointing a commission to meet a similar body appointed by Aguinaldo and to "confer with regard to the situation of affairs and to arrive at a mutual understanding of the intent, purposes, aims, and desires of the Filipino people and of the people of the United States." Six sessions were held, the last occurring on January 29, six days before the outbreak of hostilities. No substantial results were obtained; the Filipino commissioners being either unable or unwilling to give any definite statements of the "intent, purposes, and aims of their people;" at the close of the last session they were given full assurances that no hostile act would be inaugurated by the United States troops.

[1] See report of Major-General Otis for 1899, page 80.
[2] See report of Major-General Otis for 1899, page 85.
[3] See Abridgment of Messages and Documents, 1898-99, volume 4, page 104.
[4] See Abridgment of Messages and Documents, 1898-99, volume 4, page 103.
[5] See Abridgment of Messages and Documents, 1898-99, volume 4, page 111.
[6] See Abridgment of Messages and Documents, 1898-99, volume 4, page 113.
[7] See Abridgment of Messages and Documents, 1898-99, volume 4, page 118.

The critical moment had now arrived. Aguinaldo secretly ordered the Filipinos who were friendly to him to seek refuge outside the city. The Nebraska regiment at that time was in camp on the east line at Santa Mesa, and was guarding its front. For days before the memorable 4th of February, 1899, the outposts in front of the regiment had been openly menaced and assaulted by insurgent soldiers; they were attempting to push our outposts back and advance their line. They made light of our sentinels and persistently ignored their orders.

On the evening of the 4th of February an insurgent officer came to the front with a detail of men and attempted to pass the guard on the San Juan bridge, our guard being stationed at the west end of the bridge. The Nebraska sentinel drove them back without firing, but a few minutes before 9 o'clock that evening a large body of insurgent troops made an advance on the South Dakota outposts, which fell back rather than fire. About the same time the insurgents came in force to the east end of the San Juan bridge, in front of the Nebraska regiment. For several nights prior thereto a lieutenant in the insurgent army had been coming regularly to our outpost No. 2, of the Nebraska regiment, and attempting to force the outpost back and insisting on passing his guard within the Nebraska lines; and at this time and in the darkness he again appeared with a detail of about six men and approached Private Grayson, of Company D, First Nebraska Volunteers, the sentinel on duty at outpost No. 2. He, after halting them three times without effect, fired, killing the lieutenant, whose men returned the fire and then retreated. Immediately rockets were sent up by the Filipinos, and they commenced firing all along the line.

The story of the actual fighting has often been told by military men who were engaged in it, and we do not deem it necessary to give a description of it here. It is known of all men that immediately after the first shot the insurgents opened fire all along their line and continued to fire until about midnight; and about 4 o'clock on the morning of February 5 the insurgents again opened fire all around the city and kept it up until the Americans charged them and drove them with great slaughter out of their trenches.

After the landing of our troops, Aguinaldo made up his mind that it would be necessary to fight the Americans, and after the making of the treaty of peace at Paris this determination was strengthened. He did not openly declare that he intended to fight the Americans, but he excited everybody, and especially the military men, by claiming independence, and it is doubtful whether he had the power to check or control the army at the time hostilities broke out. Deplorable as war is, the one in which we are now engaged was unavoidable by us. We were attacked by a bold, adventurous, and enthusiastic army. No alternative was left to us, except ignominious retreat. It is not to be conceived of that any American would have sanctioned the surrender of Manila to the insurgents. Our obligations to other nations, and to the friendly Filipinos, and to ourselves and our flag demanded that force should be met by force. Whatever the future of the Philippines may be, there is no course open to us now except the prosecution of the war until the insurgents are reduced to submission. The commission is of the opinion that there has been no time since the destruction of the Spanish squadron by Admiral Dewey when it was possible to withdraw our forces from the islands either with honor to ourselves or with safety to the inhabitants.

This account of events leading up the insurgent outbreak really needs no addition, but as it is constantly reiterated that we began the war because an American soldier fired the first shot, it is perhaps well to say a single word on that point. For some time before February 4 the insurgents had been insulting our soldiers, pressing upon our outposts, and trying to break through our lines. On February 2 they sent a party to draw the fire of our outposts and failed. On February 4 they succeeded. To declare that because our sentinel fired the first shot we began the war is as absurd as to say that because a householder fires on a burglar breaking into his house he has attacked a peaceful citizen, or because a policeman fires on a mob trying to sack a public building, that the officer of the law began a riot. The sentinel was simply doing his military duty and the only criticism that could properly be made is, not that he fired, but that he refrained so long and under such serious and menacing provocation from doing so. We are not left in the dark, however, upon this point. The action of the insurgents makes their intentions clear. The moment the firing began rockets went up and there was a general movement of the insurgent lines. That night, also, Aguinaldo issued the following proclamation declaring war:

GENERAL ORDER TO THE PHILIPPINE ARMY.

Nine o'clock p. m., this date, I received from Caloocan station a message communicated to me that the American forces, without prior notification or any just motive, attacked our camp at San Juan del Monte and our forces garrisoning the blockhouses around the outskirts of Manila, causing losses among our soldiers, who, in view of this unexpected aggression and of the decided attack of the aggressors, were obliged to defend themselves until the firing became general all along the line.

No one can deplore more than I this rupture of hostilities. I have a clear conscience that I have endeavored to avoid it at all costs, using all my efforts to preserve friendship with the army of occupation, even at the cost of not a few humiliations and many sacrificed rights.

But it is my unavoidable duty to maintain the integrity of the national honor and that of the army so unjustly attacked by those who, posing as our friends and liberators, attempted to dominate us in place of the Spaniards, as is shown by the grievances enumerated in my manifest of January 8 last; such as the continued outrages and violent exactions committed against the people of Manila, the useless conferences, and all my frustrated efforts in favor of peace and concord.

Summoned by this unexpected provocation, urged by the duties imposed upon me by honor and patriotism and for the defense of the nation intrusted to me, calling on God as a witness of my good faith and the uprightness of my intentions—

I order and command:

1. Peace and friendly relations between the Philippine forces and the American forces of occupation are broken, and the latter will be treated as enemies, with the limits prescribed by the laws of war.

2. American soldiers who may be captured by the Philippine forces will be treated as prisoners of war.

3. This proclamation shall be communicated to the accredited consuls of Manila, and to congress, in order that it may accord the suspension of the constitutional guaranties and the resulting declaration of war.

Given at Malolos, February 4, 1899.

EMILIO AGUINALDO,
General-in-Chief.

These are not the words of a man taken by surprise, but a carefully prepared utterance to meet an anticipated event. In the presence of such facts as these, and of the unbroken testimony of the officers of the Army and Navy and of our commission, that Aguinaldo began to manifest hostility to us even before Manila fell, how worse than idle it is to insist that we began a war which he and his counselors had been plotting and which, heedless of the dictates of gratitude and conscience, they brought down upon their own head.

It is not necessary to follow in detail the events of the war which thus began on February 4, 1899. The insurgents, repulsed with heavy loss in their attack on Manila, were afterwards forced back from the immediate neighborhood of the city. An expedition under General MacArthur captured Malolos, which Aguinaldo had selected as his capital, and various other expeditions were equally successful; but we had not enough troops to hold and garrison the points thus taken. A large force was required in Manila, our army was small, it was necessary to send home the volunteers and replace them by regular regiments, while the rainy season made all military operations for a time impracticable. General Otis, therefore, contented himself with holding Manila and its immediate neighborhood, and with carrying through the return of one army to the United States and the organization of a new one which was sent out. All this difficult and trying work was successfully accomplished. The various insurgent attempts to burn the city, and thus create panic and disturbance, were successfully repressed. The insurgents were held at a safe distance, and when the dry season came again the old army had gone, the new army had come, and we were able to take the field effectively.

Since that time northern Luzon has been cleared and its ports opened. The same work has been nearly, if not quite accomplished in southern Luzon. The insurgent forces have been scattered, the insurgent government has been broken up, and nothing now remains but guerrilla fighting and brigandage. Aguinaldo, the titular head of the insurrection, after some weeks of rapid flight, is in hiding. He appears to have no love of a stricken field, does not seem ever to have led a column into battle, and apparently prefers to let others do his fighting for him. His cabinet, or advisers, are nearly all military prisoners. There is no longer any semblance of a government there to be recognized. The government which Aguinaldo personally established, and which some people in this country were so anxious to recognize, has ceased to exist. There never was anything really to be recognized except Aguinaldo himself and the adventurers who surrounded him, and now his counselors are in prison and he can not be found. He, with his government concealed about his person, is lost somewhere in the jungle.

But although Aguinaldo and his government have melted away, there are some facts in regard to him and his followers which should be noted, because they throw light upon the leader himself and his purposes, and disclose at once the utter absence of any ground for recognition and at the same time the most conclusive reasons against it. Aguinaldo himself is what is known in the islands as a Chinese Mestizo. In his first cabinet he had some representatives of the Spanish Mestizos, but they are not energetic and are naturally a quiet people, who were opposed to the wild scheme of independence. In his second cabinet, therefore, he got rid of them, and his advisers were almost all Chinese half-breeds, like himself. These Chinese Mestizos are the most active, energetic, restless, and unscrupulous class in the islands. Although relatively but a very small element in the population, there are many thousands of them, and they are almost altogether in the neighborhood of Manila, where the Chinese are chiefly gathered, and the intermixture has taken place with the Tagalos because that is the tribe nearest to the capital city. It was to people of mixed blood like himself and to the Tagalos that Aguinaldo naturally made his appeal, and it was from these sources almost exclusively that he drew his followers and soldiers. The first government he set up was a pure dictatorial government, created by himself. The revolutionary government, of which he made himself president, differed from the first only in name, and the constitutional government which succeeded that was still the same, with the addition of certain forms imitated from American and European constitutions. There is no proof that any election was held which indicated in any way a general popular acceptance of this government, even by the Tagals, and it is known that many members of the congress which he assembled were appointed by Aguinaldo himself as representing outlying provinces. They were all liable to removal by him, and this gave to him absolute control of the body whose powers, in any event, were more nominal than real.[1]

He established his government by seizing on the machinery of the Spaniards, as anyone else could have done who was first in the field, and to the government organization, no matter who holds it, there is a strong tendency in the Asiatic mind to yield.

[1] See Preliminary Report of Philippine Commission.

Even then, with all this advantage, his actual power seems to have been confined to the ten Tagalog provinces, namely: Manila, Cavite, Laguna, Batangas, Morong, Bulacan, Nueva Ecija, Principe, Infanta, and Zambales. It was strong in the first six and hardly existed in the last four, and even in the first six there was a very large element of opposition to Aguinaldo, composed of the best elements of the population, who realized that peace and good order were only to be found in American supremacy.[1]

Moreover in these ten provinces, divided as they were, the population is only a million and a half, which represents the full strength of the Tagal tribe, out of a total population of 8,000,000 and more. Thus it will be seen that Aguinaldo in no sense represented the inhabitants of the islands, or succeeded in establishing his dictatorial government even partially over more than one tribe and a limited area. As has been said, there never was any such thing as a "Philippine nation," and Aguinaldo never represented or had the support of more than a fraction of all the Filipinos. In the island of Luzon alone there are 21 wild tribes which had never been subdued by Spain, and which, as a body, gave no adherence to the insurgents. Some, like the Macabebes, made haste to join the Americans in order that they might fight the Tagals, who are their deadly enemies. Others, like a portion of the Cagayanes, who are fanatics desiring to restore the old fetich worship and the old paganism and for that purpose wish to destroy all foreigners, joined Aguinaldo in attacking the Americans, and on more than one occasion tried to ambush parties of American soldiers. The humane Aguinaldo did not hesitate to employ these religious fanatics in his warfare. He also sent expeditions to stir up revolts in other islands, chiefly among the Visayans, who are the largest tribe. In some cases, as in Panay, he was successful. In other cases, as in the island of Negros, he utterly failed, and at Zamboanga, in the island of Mindanao, the native leaders murdered his agent and surrendered the town and province to the *Castine*. How idle it is, in the presence of facts like these, to talk about Aguinaldo's government as representing the Filipinos. But this is not all. He met resistance in many of the towns and in many parts of Luzon. In numerous towns and villages the inhabitants yielded only through terror, dreaded his approach and that of his agents, in some cases resisting, while in very many others they welcomed the American troops as protection against the new despotism, which they hated worse than that of Spain.

"Throughout the archipelago there was trouble only at those points to which armed Tagalogs had been sent in considerable numbers."[1]

The government of Aguinaldo plundered the people under pretense of war contributions, while his officials grew rich. The administration of justice was paralyzed, and crime of all sorts was rampant. "Never in the worst days of Spanish misrule had the people been so overtaxed or so badly governed. In many provinces there was anarchy,"[1] and from all sides there came petitions to us for protection and help. Wherever we got possession of a town, like Imus or Bacoor, civil government was established and peacefully carried forward. Observe, now, the methods of war pursued by Aguinaldo's army. As our troops advanced, the insurgents drove out the inhabitants of the villages and burned their houses, to be rebuilt when we came in and when the deserted fields were once more cultivated. The inhabitants were plundered by the insurgent troops, who robbed them of jewels, clothing, and food, so that they were starving. Peaceable citizens were fired upon and women maltreated. In southern Luzon the Bicols, a large and powerful tribe, rose against their Tagal masters. Even the two naval officers who made a hurried trip through the island before hostilities with the United States had broken out said that the military power was everywhere dominant, and showed itself arbitrary and despotic.[2]

These were the methods which Aguinaldo employed toward the people of the Philippines immediately in reach of his soldiers. His performances in other directions were no better. Captain Arguelles was one of the officers sent to negotiate with us. Because he told the truth about us and our intentions he was considered too friendly to the United States, was deprived of his rank, dismissed the service, and sent to prison for twelve years, an example of the Aguinaldo conception of free speech. Here is another case. One of the most active and energetic of the insurgent chiefs was General Luna. He was so popular and strong that he was thought to be dangerous, and Aguinaldo had him assassinated, which throws some light on the conception entertained by this representative of free government as to the manner in which free government should be conducted. We may also learn something from the record of his manner of conducting war. He had organized bands in Manila for the purpose of an uprising in the city and for destroying it by fire. On the night of February 22, 1899, some 500 men entered that part of the city known as Tondo, started a fire, and attacked our guards. It had been planned that the local militia should join the attack. All the whites were to have been massacred. This attempt was crushed by General Hughes, and was not repeated. Nevertheless incendiary fires occurred daily, and all Filipinos favoring the Americans feared assassination.[1] At a very recent date they had a plan to throw dynamite bombs into the funeral procession of General Lawton, thus causing an uprising in the city, but this failed, for at that period the time had entirely passed when such a proceeding was possible. One more example of the character of this government and I have done. On February 15, 1899, Aguinaldo's secretary of the interior, who was also a member of his staff, issued a proclamation calling on the Filipinos in Manila and elsewhere to join in the massacre of every foreigner. I give the exact words of this precious document:

First. You will so dispose that at 8 o'clock at night the individuals of the territorial militia at your order will be found united in all the streets of San Pedro armed with their "bolos" and revolvers and guns and ammunition, if convenient.

Second. Philippine familes only will be respected. They should not be molested, but all other individuals, of whatever race they may be, will be exterminated without any compassion after the extermination of the army of occupation.

Third. The defenders of the Philippines in your command will attack the guard at Bilibid and liberate the prisoners and "presidiarios," and, having accomplished this, they will be armed, saying to them, "Brothers, we must avenge ourselves on the Americans and exterminate them, that we may take our revenge for the infamies and treacheries which they have committed upon us. Have no compassion upon them; attack with vigor. All Filipinos 'en masse' will second you. Long live Filipino independence!"

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Fifth. The order which will be followed in the attack will be as follows: The sharpshooters of Tondo and Santa Ana will begin the attack from without, and these shots will be the signal for the militia of Trozo, Binondo, Quiapo, and Sampaloc to go out into the street and do their duty. Those of Paco, Ermita and Malate, Santa Cruz and San Miguel will not start out until 12 o'clock unless they see their companions need assistance.

Sixth. The militia will start out at 3 o'clock in the morning. If all do their duty our revenge will be complete. Brothers, Europe contemplates us. We know how to die as men, shedding our blood in defense of the liberty of our country. Death to the tryants; war without quarter to the false Americans, who have deceived us! Either independence or death![2]

Thus we see that under Aguinaldo's government, which represented only the leaders who set it up, and never had the support of anything but a very small proportion of the Filipino population, warfare of the most barbarous sort was carried on, and every kind of crime was committed, not only against every open enemy, but against helpless prisoners, and against the inhabitants of the islands, of whose freedom they were loudly proclaiming themselves the champions for the benefit of their sympathizers in the United States. We have no need to say that if we had left the Filipinos alone anarchy would have come. Anarchy came, and existed in full force wherever Aguinaldo held sway, coupled with bloodshed, pillage, and corruption.

Such were the men to whom it is seriously proposed that we should intrust the control of all the other millions of human beings, some half civilized, some wholly wild, who live in these other islands. Such is the government, stained with assassination, with the burning and pillage of the villages of their own people, with plans for the massacre of all foreigners, and for murder and looting in Manila, cruel, arbitrary, despotic, treacherous; such, I say, is the government which we are gravely asked to assist in forcing upon the innocent population of those islands, and are denounced because we have not done so. To have recognized Aguinaldo's government and helped him to thrust it upon the other natives, or to have drawn aside and allowed him to try to wade "through slaughter to a throne" by himself would have been a crime against humanity. Those who have urged, or who now urge, such a policy should study with care and with thoroughness the government of Aguinaldo. They never do so. They never take the trouble to learn the facts about the despotism which Aguinaldo and his friends tried to set up. They laugh at facts, deride all who are in a position to bear witness, sneer at history and experience, and declaim against the Government for not giving recognition and support to something which never existed, which is the mere creature of their fancy.

How different their attitude when they come to considering the actions of their own countrymen. Men who will take the lightest word of a half-bred adventurer, of whose existence they had never heard two years ago, impugn the actions and doubt the statements of the highest officers of our Government, of the commanders of our fleets and armies, of men who have gone in and out before the American people for years, and whose courage, patriotism, and honor have never been questioned or assailed. It must be a weak and bad cause indeed which rests its support upon accusations of falsehood and prevarication directed against the President and his advisers, and against the gallant and honorable men who wear our uniform and lead our Army and our Navy in the day of battle. The opponents of our policy have searched the record for every careless word; they have thrown

[1] See Preliminary Report of the Philippine Commission.
[2] See Senate Document No. 66, first session Fifty-sixth Congress.

[1] See Preliminary Report of the Philippine Commission.
[2] Report of Major-General Otis, page 95.

themselves eagerly on every idle rumor; they have twisted facts; they have imputed the worst motives to men who have proved their devotion to their country on the field of battle and in every department of civil life. Let us be just at least to our own. I ask no more. Take the evidence of all men who have been in those islands and whose knowledge and experience entitle them to speak, take the official record from day to day since the Spanish war began, examine the report of your commissioners, your men of science, your Army and Navy officers, read the utterances and the proclamations of the insurgent leader, weigh, sift, discuss. Then face the facts, all the facts, and set down naught in malice. If this is done there can be but one result. The government of Aguinaldo will stand out as I have described it, for there is no escape from the evidence. Turn to the other side and you will find not that in a situation of great difficulty and delicacy there were no mistakes, but great cause for wonder that so few were made. You will find that our Admiral and our generals never swerved from the line laid down; that they made no false promises; that they carried patience and forbearance to such a point that it encouraged men of Asiatic mind to think us weak and timid, fit subjects for attack. You will find that they saved the great city from fire and sword; that they curbed the insurgents; that they dealt with them justly; that they grasped at every chance for peace, only to find that each proposition was a sham, with neither substance nor honesty in any negotiation offered. You will also find that when war was forced upon them, so soon as they had troops and opportunity they pushed it rapidly, effectively, and with the skill and gallantry characteristic of American soldiers to a successful conclusion.

Behind all this lies the policy of the President, which our officers followed by sea and land. History will say that it has been firm, consistent, and humane from the beginning. No false hopes were held out. From the dispatch of May 26 onward the attitude of our Government was clear and unmistakable. But every real hope, every proper promise, was freely offered and never violated. There are many duties imposed upon a President in which it is easy to imagine a personal or selfish motive, in which such motives might exist even if they do not. But here even the most malignant must be at a loss to find the existence of a bad motive possible. Suddenly at the end of the Spanish war we were confronted with the question of what should be done with the Philippines. Their fate was in our hands. We were all able to discuss them and to speculate as to what that fate should be. No responsibility rested upon us. But one man had to act. While the rest of the world was talking he had to be doing. The iron hand of necessity was upon his shoulder, and upon his alone. Act he must. No man in that high office seeks new burdens and fresh responsibilities or longs to enter on new policies with the unforeseen dangers which lie thick along untried paths. Every selfish motive, every personal interest, cried out against it. Every selfish motive, every personal interest, urged the President to let the Philippines go, and, like Gallio, to care for none of these things. It was so easy to pass by on the other side. But he faced the new conditions which surged up around him. When others then knew little he knew much. Thus he came to see what duty demanded, duty to ourselves and to others. Thus he came to see what the interests of the American people required. Guided by this sense of duty, by the spirit of the American people in the past, by a wise statesmanship, which looked deeply into the future, he boldly took the islands. Since this great decision his policy has been firm and consistent. He has sought only what was best for the people of those islands and for his own people. It is all there in the record. Yet although he fought in his youth for liberty and union, he is now coarsely accused of infatuation for a vulgar Cæsarism. He who is known to everybody as one of the kindest of men, eager to do kindly acts to everyone, is denounced as brutal and inhuman to a distant race whom he has sought in every way to benefit. When every selfish interest drew him in the other direction he has been charged with self-seeking for following the hard and thorny path of duty.

I hesitate, Mr. President, in saying even as much as I have said. The President of the United States needs no defense at my hands. His own policy and his own acts in the East are his all-sufficient defense, both now and in history. But I have read and heard with amazement and regret the attacks which have been made upon the President in connection with the Philippines. I am well aware that malignity can not raise imbecility above contempt. I know that only weak minds and bad tempers mistake abuse for argument. I am sure that it is needless to repel attacks from such sources. But, none the less, as one who has followed and studied all the details of his Eastern policy, I wish to make public record of my admiration for that policy and of my belief in it. As an American I believe it to be at once courageous, wise, and patriotic. The words of criticism or of praise which we utter here will pass with the hour of speech, but the great facts of the last two years will stand. In the long process of the patient years those who now assail the President with epithet and imputation will shrink down beyond the ken of even the antiquarian's microscope; but the name of the President who took the Philippines and planted our flag at the portals of the East will stand out bright and clear upon the pages of history, where all men may read it, and he will have a monument better than any reared by human hands in fair and fertile islands blooming after long neglect and in a race redeemed from tyranny and lifted up to broadening freedom and to larger hopes. [Applause in the galleries.]

The PRESIDENT pro tempore. No applause is permitted in the galleries, and, if it is repeated at any time, the galleries will be cleared.

Mr. TILLMAN. Mr. President——

Mr. LODGE. I beg that the Senator will not interrupt me now. I am nearly through.

Mr. TILLMAN. I thought the Senator was through.

Mr. LODGE. I come now to a consideration of the advantages to the United States involved in our acquisition and retention of the Philippine Islands, although I can not hope in this respect to add to the eloquent statement made from personal knowledge by the Senator from Indiana. When these arguments are offered in behalf of our Philippine policy the opponents of that policy stigmatize them as sordid. I have never been able to see why they were any more sordid than arguments of exactly the same character urged against the retention of the islands, but we may let that inconsistency pass as one of the familiar incidents of political discussion. I do not myself consider them sordid, for anything which involves the material interests and the general welfare of the people of the United States seems to me of the highest merit and the greatest importance. Whatever duty to others might seem to demand, I should pause long before supporting any policy if there were the slightest suspicion that it was not for the benefit of the people of the United States. I conceive my first duty to be always to the American people, and I have ever considered it the cardinal principle of American statesmanship to advocate policies which would operate for the benefit of the people of the United States, and most particularly for the advantage of our farmers and our workmen, upon whose well-being, and upon whose full employment at the highest wages, our entire fabric of society and government rests. In a policy which gives us a foothold in the East, which will open a new market in the Philippines, and enable us to increase our commerce with China, I see great advantages to all our people, and more especially to our farmers and our workingmen.

The disadvantages which are put forward seem to me unreal or at best trivial. Dark pictures are drawn of the enormously increased expense of the Navy and of the Army which will be necessitated by these new possessions. So far as the Navy goes, our present fleet is now entirely inadequate for our own needs. We require many more ships and many more men for the sure defense of the United States against foreign aggression, and our guarantee of peace rests primarily upon our Navy. Neither the possession nor the abandonment of the Philippines would have the slightest effect upon the size of the Navy of the United States. If, as I hope, we shall build up a Navy adequate to our needs, we shall have an abundant force to take care of the Philippines and find employment there in times of peace without the addition of a man or a gun on account of our ownership of those islands.

The Philippines will entail upon us no naval expenses that we should not have in any event with a proper naval establishment. But the great bugbear is the Army. Enormous sums have been stated here, all of them mere guesswork, to represent the increased expense to which we have been put by the call for troops for the Philippines. Although these statements are exaggerated, there can be no question that our military expenditure during the past year has been increased by the Philippines, because there has been a war going on in those islands which demanded a large body of troops. But that war is practically over. There is no reason to doubt that in a comparatively short time peace and order will be restored, and when we are considering what burden the possession of the islands will impose upon us we must proceed upon the normal conditions of peace. If we should employ in the Philippines as many American troops, proportionately, as England employs in British India, we should keep there an army of 2,500 to 3,000 men, but the fact that the Philippines are composed of scattered islands would undoubtedly necessitate the employment of a larger body than this. Spain found less than 15,000 men sufficient, and I think it is safe to say that if Spain was able to manage with 15,000 men, the same number of American soldiers would be enough to do very well what Spain did very badly. As to the expense involved, it seems to be entirely forgotten that the islands themselves are abundantly able to pay for the establishment there, both civil and military. Under Spanish rule, with all its bad administration and profound corruption the islands not only paid all their expenses, but made at times at least a return to the Spanish treasury. With revenues well and honestly administered,

and with wise and honest expenditure, the islands in our hands would not only easily pay all the expenses of the military establishment, but of the civil government as well, and we could at the same time, by our superior honesty and efficiency, greatly lighten the burden of taxation. In a word, the Philippine Islands, as we should govern and administer them, would be entirely self-supporting, and would throw no burden of expense at all on the people of the United States after peace and order were once restored and business was again flowing in its normal channels.

We are also told that the possession of these islands brings a great responsibility upon us. This, Mr. President, I freely admit. A great nation must have great responsibilities. It is one of the penalties of greatness. But the benefit of responsibilities goes hand in hand with the burdens they bring. The nation which seeks to escape from the burden also loses the benefit, and if it cowers in the presence of a new task and shirks a new responsibility the period of its decline is approaching. That fatal hour may draw near on leaden feet, but weakness and timidity are sure signs that it is coming, be its progress swift or slow. These islands, I well know, impose upon us new and great responsibilities, and I do not doubt that we shall make mistakes in dealing with them before we reach complete success, but I firmly believe that they will enure to our lasting benefit. The athlete does not win his race by sitting habitually in an armchair. The pioneer does not open up new regions to his fellow-men by staying in warm shelter behind the city walls. A cloistered virtue is but a poor virtue after all. Men who have done great things are those who have never shrunk from trial or adventure. If a man has the right qualities in him, responsibility sobers, strengthens, and develops him. The same is true of nations. The nation which fearlessly meets its responsibilities rises to the task when the pressure is upon it. I believe that these new possessions and these new questions, this necessity for watching over the welfare of another people, will improve our civil service, raise the tone of public life, and make broader and better all our politics and the subjects of political discussion. My faith in the American people is such that I have no misgiving as to their power to meet these responsibilities and to come out stronger and better for the test, doing full justice to others as well as to themselves.

So much for the objections commonly made to our Philippine policy, which have as little foundation, in my opinion, as those which proceed on the theory that we are engaged in the perpetration of a great wrong. Let us now look at the other side, and there, I believe, we shall find arguments in favor of the retention of the Philippines as possessions of great value and a source of great profit to the people of the United States which can not be overthrown. First, as to the islands themselves. They are over a hundred thousand square miles in extent, and are of the greatest richness and fertility. From these islands comes now the best hemp in the world, and there is no tropical product which can not be raised there in abundance. Their forests are untouched, of great extent, and with a variety of hard woods of almost unexampled value. Gold is found throughout all the islands, but not in large quantities, and there is no indication that the production of gold could ever reach a very great amount. There appears to be little or no silver. There are regions in Luzon containing great and valuable deposits of copper which have never been developed. But the chief mineral value of the islands is in their undeveloped coal beds, which are known to exist in certain parts and are believed to exist everywhere, and which are certainly very extensive and rich. The coal is said to be lignite, and, although 20 to 30 per cent inferior to our coals or to those of Cardiff, is practically as good as the Australian coal and better than that of Japan, both of which are largely used in the East to-day. To a naval and commercial power the coal measures of the Philippines will be a source of great strength and of equally great value. It is sufficient for me to indicate these few elements of natural wealth in the islands which only await development.

A much more important point is to be found in the markets which they furnish. The total value of exports and imports for 1896 amounted in round numbers to $29,000,000, and this was below the average. The exports were nearly $20,000,000, the imports a little over $9,000,000. We took from the Philippines exports to the value of $4,308,000, next in amount to the exports to Great Britain, but the Philippine Islands took from us imports to the value of only $94,000. There can be no doubt that the islands in our peaceful possession would take from us a very large proportion of their imports. Even as the islands are to-day there is opportunity for a large absorption of products of the United States, but it must not be forgotten that the islands are entirely undeveloped. The people consume foreign imports at the rate of only a trifle more than $1 per capita. With the development of the islands and the increase of commerce and of business activity the consumption of foreign imports would rapidly advance, and of this increase we should reap the chief benefit. We shall also find great profit in the work of developing the islands. They require railroads everywhere. Those railroads would be planned by American engineers, the rails and the bridges would come from American mills, the locomotives and cars from American workshops. The same would hold true in regard to electric railways, electric lighting, telegraphs, telephones, and steamships for the local business. Some indication of what we may fairly expect may be found in the following tables of our exports to, and our imports from, our new possessions and Cuba in 1899 as compared with 1897.

United States exports.

To—	1897.	1899.
Puerto Rico	$2,023,751	$3,677,564
Cuba	9,308,515	24,861,261
Philippines	69,459	1,668,213
Hawaii	5,478,224	11,305,581
Total	16,869,949	41,507,619

United States imports.

From—	1897.	1899.
Puerto Rico	$1,943,251	$3,416,681
Cuba	16,233,456	29,619,759
Philippines	4,352,181	4,903,467
Hawaii	15,311,685	22,188,206
Total	37,840,573	60,228,113

By these figures it will be seen that our imports from the islands have increased $23,000,000 and our exports to them $25,000,000. The increase in exports is almost wholly to Cuba, Puerto Rico, and Hawaii, amounting to $24,000,000 as against $1,000,000 increase to the Philippines. Yet the opportunity for export to the Philippines is larger than to all the rest put together. The fact of the insurrection in the former accounts of course for the difference, but the great increase of exports to the islands where peace reigns shows what may be expected of the Philippines when like conditions prevail there. An increase of $25,000,000 in our exports to the islands may strike some lofty minds as "sordid." To me that increase means wages and employment to a large number of American farmers and workingmen, and I therefore regard it as of the highest beneficence and importance, and as a striking justification of the policy which finds in our possession of these islands not only advantages to their inhabitants, but an expansion of trade of great profit and value to American labor and American industry. Thus is it demonstrated that we should gain in the Philippines themselves, under normal and peaceful conditions and with the growing prosperity which our control would bring, a market of very great value to the workingmen, the operatives, and the farmers of the United States.

But the value of the Philippine Islands, both natural and acquired, and as a market for our products, great as it undoubtedly is, and greater as it unquestionably will be, is trifling compared to the indirect results which will flow from our possession of them. From the time of the war between China and Japan it became apparent that great changes were impending in the East, changes which many economists and publicists believed would play the master part in the history of the next century. The struggle for the world's trade, which has for many years been shaping ever more strongly the politics and the history of mankind, has its richest prize set before it in the vast markets of China. Every great nation has recognized the importance of this prize, either by the acquisition of Chinese territory or by obtaining certain rights and privileges through treaty. But after the war between China and Japan this movement rapidly assumed an acute form. It grew daily more apparent that Russia was closing in upon the Chinese Empire, and that her policy, at once slow and persistent, aimed at nothing less than the exclusion of other nations from the greatest market of the world. To us, with our increasing population, and an agricultural and industrial production which was advancing by leaps and bounds, the need of new markets in the very near future, if we hoped to maintain full employment and ample returns to our farmers and our workingmen, was very clear. More than ready to take our chance in a fair field against all rivals, and with full faith in the indomitable ingenuity and enterprise of our people, it was more than ever important that we should not be shut out from any market by unjust or peculiar discriminations if by any methods such a misfortune could be avoided. The great danger to our interests in China became clearer and clearer as the months went by to those who watched the progress of great economic and political forces outside our own boundaries. I do not think that there were many who did so, but I remember very well that some time before the Spanish war the senior Senator from Colorado pointed out in a public interview the importance of the Chinese question and the necessity that would soon be upon us of taking some steps in conjunction with England and Japan, and very probably with Germany and with France, in order to prevent our exclusion from that empire by the great power of the north which was closing down upon it. There were

others who felt in the same way, although I do not think they were very numerous, but I am quite sure that nobody saw very clearly how we were to assert in the East our rights and interests which were so important to the welfare of our agriculture and our industry. That Hawaii was necessary as the first and essential step toward our obtaining that share to which we were entitled in the trade of the Pacific, the ocean of the future, was obvious enough, but beyond that all was doubt and darkness. Then came the Spanish war, and the smoke of Dewey's guns had hardly cleared away when it was seen by those who were watching that he had not only destroyed the Spanish fleet, but had given to his countrymen the means of solving their problem in the far East. He had made us an Eastern power. He had given us not only the right to speak, but the place to speak from.

Let me now try to show the importance and meaning of the Eastern question, with regard to which Dewey's victory has given us such a commanding position. The Empire of China has a population of which we have no accurate statistics, but which is certainly over four hundred millions. The rate of consumption among the Chinese per capita is at present low, but even as it stands it affords a great market for foreign imports. The work of opening up the country by railroads and of developing its still untouched natural resources has begun and is advancing with giant strides. There is the greatest opportunity in China for trade expansion which exists anywhere in the world. I desire to call the attention of the Senate to the value of the Chinese trade to us now despite our neglect of it, and to the enormous advance which that trade has made in the last four years, and more especially since the Spanish war carried our flag into the East and turned the attention of our people more sharply to the unlimited opportunites for commerce which there exist.

In our commerce with China during 1889–1899 there was a gain of $13,293,168. The increase occurred almost entirely in the export trade, which advanced from $2,791,128 in 1889 to $14,493,440 in 1899. Our imports for 1899, amounting to $18,619,268, were only slightly larger than in 1889, when a value of $17,028,412 was reported. The exports to China, like those to Japan, showed an exceptional growth in 1897, 1898, and 1899, the records for these years being $11,924,433, $9,992,894, and $14,493,440, respectively. Our trade with the port of Hongkong, although less important than that credited directly with China, was nearly doubled during 1898–1899, making a gain of $5,045,149. The exports for 1899 had a value of $7,732,525 as compared with only $3,686,384 for 1889. The imports were considerably smaller and showed marked fluctuations. In 1889 they were valued at $1,480,266, but these figures were not equaled again until 1899, when a value of $2,479,274 was recorded. From these figures it will be seen that our exports to China and Hongkong in 1899 were over $22,000,000, and that the growth in the last three years had been phenomenal. The gain in exports to China, Hongkong, and Japan in 1899 over 1889 was 256 per cent, and it almost all came in the last years of the decade.

I will not take the time of the Senate in analyzing these figures and showing the different articles of export which make up these totals. That has all been most admirably done in the bulletin of the Department of Agriculture prepared by Mr. Hitchcock upon our trade with China, Japan, and Hongkong. I have not touched upon our trade with Japan at all, but I would strongly recommend a study of this bulletin, which shows how much our possession of the Philippines and our increased interests in the East have stimulated our trade with that country. There are two points, however, to which I wish to call especial attention, because they emphasize and demonstrate the great value to our farming and manufacturing interests of this vast Chinese market into which we are just entering. In 1898 we sent nearly four million dollars' worth of wheat flour to Hongkong alone, while to China we sent $5,203,427 worth of cotton manufactures in the same year and over $9,000,000 worth, as compared with only $2,854,221 worth for 1894. These are illustrations in two leading articles of what the Chinese market means to the Western growers of wheat and to the manufacturers of cotton. Nearly all these cotton manufactures came from the South, and have been to our Southern mills a source of great profit, while at the same time they have relieved the pressure upon the domestic market and are thus a direct benefit to every cotton factory in New England or in any other part of the country. Ex pede Herculem! From these two items as well as from the long lists of Mr. Hitchcock we can judge what the trade of China is to us to-day and what it is destined to be. The loss of that market and of its prospects and possibilities I should regard as one of the greatest calamities which could befall the farmers and the workingmen of the United States. How, then, are we to hold and develop it? Look at your tables of statistics and note the increases which have occurred since the capture of Manila. The mere fact that we hold the Philippine Islands increases our trade with all the East—with China and Japan alike. Trade certainly has followed the flag, and its appearance at Manila has been the signal for this marked growth in our commerce with the neighboring states and empires.

But we must go a step further. Having this opportunity to obtain a large and increasing share in the trade of China, how shall we make sure that it is not taken from us? We know well that China is threatened by Russia, and that Russian dominion, if unrestrained, would mean discrimination and exclusion in the Chinese markets. Sooner than anyone dreamed it has been shown how far the Philippines have solved this pressing problem for us. The possession of the Philippines made us an Eastern power, with the right and, what was equally important, the force behind the right to speak. Mr. Hay, as Secretary of State, has obtained from all the great powers of Europe their assent to our demand for the guaranty of all our treaty rights in China and for the maintenance of the policy of the open door. I do not belittle one of the most important and most brilliant diplomatic achievements in our hundred years of national existence when I say that the assent of these other powers to the propositions of the United States was given to the master of Manila. They might have turned us aside three years ago with a shrug and a smile, but to the power which held Manila Bay, and whose fleet floated upon its waters, they were obliged to give a gracious answer. Manila, with its magnificent bay, is the prize and the pearl of the East. In our hands it will become one of the greatest distributing points, one of the richest emporiums of the world's commerce. Rich in itself, with all its fertile islands behind it, it will keep open to us the markets of China and enable American enterprise and intelligence to take a master share in all the trade of the Orient. We have been told that arguments like these are sordid. Sordid indeed! Then what arguments are worthy of consideration? A policy which proposes to open wider markets to the people of the United States, to add to their employment, and to increase their wages, and which in its pursuit requires that we should save the teeming millions of China from the darkness of the Russian winter, and keep them free, not merely for the incoming of commerce, but for the entrance of the light of Western civilization, seems to me a great and noble policy, if there ever was such, and one which may well engage the best aspirations and the highest abilities of American statesmanship.

Thus, Mr. President, I have shown that duty and interest alike, duty of the highest kind and interest of the highest and best kind, impose upon us the retention of the Philippines, the development of the islands, and the expansion of our Eastern commerce. All these things, in my belief, will come to pass, whatever the divisions of the present moment, for no people who have come under our flag have ever sought to leave it, and there is no territory which we have acquired that any one would dream of giving up. All our vast growth and expansion have been due to the spirit of our race, and have been guided by the instinct of the American people, which in all great crises has proved wiser than any reasoning. This mighty movement westward, building up a nation and conquering a continent as it swept along, has not been the work of chance or accident. It was neither chance nor accident which brought us to the Pacific and which has now carried us across the great ocean even to the shores of Asia, to the very edge of the cradle of the Aryans, whence our far distant ancestors started on the march which has since girdled the world.

Call up your own history as witness. It was not inevitable that we should take Louisiana. We could have remained shut up between the Mississippi and the Atlantic and allowed another people to build the great city where New Orleans stands. But it was inevitable, if we followed the true laws of our being, that we should be masters of the Mississippi and spread from its mouth to its source. It was not inevitable that the union of States should endure. Had we so chosen we could have abandoned it, but if we had abandoned it we should have gone down to nothingness, a disintegrated chaos of petty republics. We determined that the Union should live, and then it was inevitable that it should come to what it is to-day. There was nothing inevitable about the Monroe doctrine. We need never have asserted it, need never have maintained it. Had we failed to do both we should have had Europe established all about us; we should have been forced to become a nation of great standing armies; our growth and power would have been choked and stifled. But we have declared and upheld it. We have insisted that all the world should heed it, and it is one of the signs of the times that in The Hague Convention we have obtained at last a formal recognition of it from all the nations of Europe. Yet the Monroe doctrine is far more than a proposition of international law which we have laid down. Millions of men are ready to fight for that doctrine who could not define its terms, and who have never read, perhaps, the famous message which announced it. That is because the instinct of the people recognizes in that doctrine a great principle of national life. Without clinging to it we should be in constant peril, our evolution would be retarded, our existence menaced. The European power which attempts to establish itself in new possessions in the Americas, whether on a little island or in a continental state, from Patagonia to the Rio Grande, is our enemy. We are ready to fight upon that "theme until our eyelids do no longer wag." Is it because we want territory to the south of us?

Far from it. It is because we know by instinct that it is a law of our being, a principle of our national life, that no power from over seas shall come into this hemisphere to thwart our policy or to cross our path. The Monroe doctrine, with all it implies, is inevitable if we are to be true to the laws of our being.

Like every great nation, we have come more than once in our history to where the road of fate divided. Thus far we have never failed to take the right path. Again are we come to the parting of the ways. Again a momentous choice is offered to us. Shall we hesitate and make, in coward fashion, what Dante calls "the great refusal?" Even now we can abandon the Monroe doctrine, we can reject the Pacific, we can shut ourselves up between our oceans, as Switzerland is inclosed among her hills, and then it would be inevitable that we should sink out from among the great powers of the world and heap up riches that some stronger and bolder people, who do not fear their fate, might gather them. Or we may follow the true laws of our being, the laws in obedience to which we have come to be what we are, and then we shall stretch out into the Pacific; we shall stand in the front rank of the world powers; we shall give to our labor and our industry now and larger and better opportunities; we shall prosper ourselves; we shall benefit mankind. What we have done was inevitable because it was in accordance with the laws of our being as a nation, in the defiance and disregard of which lie ruin and retreat.

I know well the objections which are made to this theory of national life. I have heard much criticism upon the word "inevitable" as applied to our movement into the far East. Still more censure has been directed against our familiar phrase of "manifest destiny." It has been intimated that it is the tyrant's and the robber's plea, the coward's excuse, and the hypocrite's pretense to say that these events which have taken place since 1898 were inevitable. Such criticism proceeds on what seems to me a total misconception. I should be the last to deny the doctrine of free will, but I believe most profoundly that when certain conditions are given, certain results are sure to come. I believe this because I believe in the reign of law. We stand like children on the seashore, knowing only the shells and the pebbles where we tread, understanding only the ripple of the waves breaking at our feet, while far away before us stretches the great ocean of knowledge, whose confines we can not see, and whose possessions we can only dimly guess. We catalogued the visible stars and then photographed the heavens, only to find far beyond the bodies which the most powerful telescopes can disclose myriads of stars and systems glimmering away into infinite space. What they are, what other worlds than ours there may be we do not know, but we have learned that they move in obedience to law. When science demonstrates its theories it tells us little more than that—

> The spangled heavens a shining frame,
> Their great original proclaim.

The doctrine of the old theologians and schoolmen that the universe was all made for man is no more vain and arrogant than the assertion that man is too insignificant to find place in the great system of universal law. The same laws which govern the movements of the uncounted stars in space, tint the wings of the moth so that his keen-eyed enemy can not distinguish him from the dead leaf or the roughened bark, and paint the little sand spider so cunningly that unless he move his most virulent pursuer would not know that he was not part of the glittering grains among which he hides. If we assume a system capable of regulating the stars in their courses, it must be one equally able to color the moth or hide the spider. There must be a power which grasps the infinitely little as well as the infinitely great, for any other would be limited and finite. If we say with reverence, as the greatest of poets said, that we are in the care of Him "who doth the ravens feed; yea, providently caters for the sparrow," are we to suppose that nations alone are not subject to law? Are we to believe it possible that the races of men go stumbling blindly through the centuries, the playthings of chance, the helpless victims of their own passions?

Science has revealed the immense antiquity of man, and has demonstrated that through eons of time the race has been migrating hither and thither, shifting and changing, developing civilizations which have perished off the face of the earth, leaving only dumb symbols carved on stone, or hardened bones which the rock alone preserves. Yet were they always moving, these long-vanished people, always striving, always rising up or sinking down in obedience to unknown, inexorable laws which governed alike their growth and their decay. There was a process of evolution governed by law, which ruled them and their fate; that is all we know.

Then history takes up the wondrous tale and the whole effort of modern research is in the passionate demand that she reveal to us the laws which have ruled in the short period over which she holds sway. That there were laws we know, and very slowly, very dimly, we are beginning to discern what they were. We detect them in the migrations of tribes and races; we can see their operations in the rise and fall of nations and empires. One people fades out of existence, another grows, and climbs, and inherits the earth. Very far removed as it is from an exact science, history still teaches clearly enough that the evolution of nations depends upon laws of their being, which, if obeyed, lead in one direction, if disobeyed are replaced by others which will carry the disobedient to a widely different fate. I believe, therefore, that men and nations are like all else in the universe the subjects of law; that if they obey the laws of their being and follow them rightly they will succeed; that if they violate these laws they fall the victims of others equally powerful and go down to failure and dishonor.

I do not believe that this nation was raised up for nothing. I do not believe that it is the creation of blind chance. I have faith that it has a great mission in the world—a mission of good, a mission of freedom. I believe that it can live up to that mission; therefore I want to see it step forward boldly and take its place at the head of the nations. I wish to see it master of the Pacific. I would have it fulfill what I think is its manifest destiny if it is not false to the laws which govern it. I am not dreaming of a primrose path. I know well that in the past we have committed grievous mistakes and paid for them, done wrong and made heavy compensation for it, stumbled and fallen and suffered. But we have always risen, bruised and grimed sometimes, yet still we have risen stronger and more erect than ever, and the march has always been forward and onward. Onward and forward it will still be, despite stumblings and mistakes as before, while we are true to ourselves and obedient to the laws which have ruled our past and will still govern our future. But when we begin to distrust ourselves, to shrink from our own greatness, to shiver before the responsibilities which come to us, to retreat in the face of doubts and difficulties, then indeed peril will be near at hand. I would have our great nation always able to say:

> It matters not how strait the gate,
> How charged with punishments the scroll,
> I am the master of my fate,
> I am the captain of my soul.

I have unbounded faith and pride in my country. I am proud of her past, and in that past I read her future. I do not read it in any vain or boastful temper, but with a spirit of reverence and gratitude for all that has gone, and with a very humble prayer that we may make the present and future worthy of the past, and that, in the old Latin words—

> Sicut patribus sit Deus nobis.

APPENDIX.

A.

Section 2 of an act approved October 31, 1803, to enable the President of the United States to take possession of the territories ceded by France to the United States by the treaty concluded at Paris on the 30th of April, 1803, and for the temporary government thereof:

SEC. 2. *And be it further enacted*, That until the expiration of the present session of Congress, unless provision for the temporary government of said territories be sooner made by Congress, all the military, civil, and judicial powers exercised by the officers of the existing government of the same shall be vested in such person and persons, and shall be exercised in such manner, as the President of the United States shall direct for maintaining and protecting the inhabitants of Louisiana in the free enjoyment of their liberty, property, and religion.

B.

Part of section 2, of an act approved March 3, 1819, to authorize the President of the United States to take possession of East and West Florida, and establish a temporary government therein:

SEC. 2. *And be it further enacted*, That until the end of the first session of the next Congress, unless provision for the temporary government of said territories be sooner made by Congress, all the military, civil, and judicial powers exercised by the officers of the existing government of the same territories, shall be vested in such person and persons, and shall be exercised in such manner, as the President of the United States shall direct, for the maintaining the inhabitants of said territories in the free enjoyment of their liberty, property, and religion.

C.

Paragraph 3 of an act approved July 7, 1898, to provide for annexing the Hawaiian Islands to the United States:

The existing laws of the United States relative to public lands shall not apply to such lands in the Hawaiian Islands; but the Congress of the United States shall enact special laws for their management and disposition: *Provided*, That all revenue from or proceeds of the same, except as regards such part thereof as may be used or occupied for the civil, military, or naval purposes of the United States, or may be assigned for the use of the local government, shall be used solely for the benefit of the inhabitants of the Hawaiian Islands for educational and other public purposes.

D.

The following two cablegrams from Major-General Otis and letter from General Lawton are on file at the War Department in regard to the assassination of General Luna:

MANILA, *June 13, 1899.*

ADJUTANT-GENERAL,
Washington:

It is believed that the killing of Lieutenant-General Luna on the 8th instant,

near San Isidro, by Aguinaldo's guard, will be attended with important results not derogatory to United States interests.

OTIS.

MANILA, *June 14, 1899.*

ADJUTANT-GENERAL,
Washington:

General Luna, killed 8th instant at Aguinaldo's headquarters, held supreme military command, was uncompromising for continuation of war, influenced lower and robber classes, demanded confinement or death of all who should advise peace, and greatly feared by natives in country occupied by his troops on account of cruelties practiced. He dominated Aguinaldo and all insurgent officers, civil and military. His death received with satisfaction by all influential Philippines.

OTIS.

Also the following, from Lawton to MacArthur, May 18, which doubtless explains the occasion for the assassination:

HEADQUARTERS FIRST DIVISION, EIGHTH ARMY CORPS,
In the Field, San Isidro, May 18, 1899.

GENERAL MACARTHUR, *San Fernando:*

Four commissioners, headed by Gen. Gregorio del Pilar, will go under escort to-morrow, via Malolos, to see General Otis, and commission, from what I can understand, will not have definite results. From inquiry with one of its members, one of my staff officers reports that the former commission named by Aguinaldo to treat for peace has been dissolved by Luna. The latter arrested Buencamino and Arguellas in Cabanatuan, and has sent them to Talavera. Luna, it appears, desires to be dictator; has the greater part of the army (five or six thousand) under his influence. Aguinaldo fears Luna and is but nominally in power. Present commission bears no more power than to request suspension of hostilities for short time to call congressional assembly for further action. This proposition from General Luna. Again, one of the commission reports that previous to the capture of Calumpit, Aguinaldo had given Pio del Pilar orders to move from Antipolo to the assistance of Gregorio del Pilar at Baliuag. Pio did not comply with the order, deeming it inadvisable. Now it is said, Pio is on the road with 1,000 men to invade towns in the province of Bulucan.

LAWTON,
Major-General Volunteers.

E.

TABLES SHOWING OUR IMPORT AND EXPORT TRADE WITH CHINA AND HONGKONG DURING EACH FISCAL YEAR FROM 1889 TO 1899.

Following is a statement of the imports and exports in our direct trade with China during each fiscal year from 1889 to 1899, inclusive:

Value of merchandise imported and exported by the United States in the trade with China during each fiscal year from 1889 to 1899, inclusive.

Years ended June 30—	Imports.			Exports.			Total imports and exports.	Excess of imports over exports.
	Free.	Dutiable.	Total.	Domestic merchandise.	Foreign merchandise.	Total.		
	Dollars.	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*
1889	11,583,611	5,444,801	17,028,412	2,790,621	507	2,791,128	19,819,540	14,237,284
1890	11,332,805	4,927,666	16,260,471	2,943,790	2,419	2,946,209	19,206,680	13,314,262
1891	14,577,887	4,743,963	19,321,850	8,700,308	700	8,701,008	28,022,858	10,620,842
1892	15,936,431	4,551,860	20,488,291	5,663,471	26	5,663,497	26,151,788	14,824,794
1893	15,469,945	5,166,590	20,636,535	3,900,457	.....	3,900,457	24,536,992	16,736,078
Annual average 1889–1893	13,780,136	4,966,976	18,747,112	4,799,730	730	4,800,460	23,547,572	13,946,652
1894	13,348,786	3,786,242	17,135,028	5,858,488	3,938	5,862,426	22,997,454	11,272,602
1895	16,958,428	3,587,401	20,545,829	3,602,741	1,099	3,603,840	24,149,669	16,941,989
1896	18,195,233	3,827,771	22,023,004	6,921,136	797	6,921,933	28,944,937	15,401,071
1897	17,288,264	3,115,598	20,403,862	11,916,888	7,545	11,924,433	32,328,295	8,479,429
1898	15,120,790	5,205,646	20,326,436	9,902,070	824	9,902,894	30,319,330	10,333,542
Annual average 1894–1898	16,182,300	3,904,532	20,086,832	7,658,265	2,840	7,661,105	27,747,937	12,425,727
1899	.....	.....	18,619,268	.....	.....	14,493,440	33,112,708	4,125,828

The following statistics show the annual value of our import and export trade with Hongkong during the fiscal years 1889–1899:

Value of merchandise imported and exported by the United States in the trade with Hongkong during each fiscal year from 1889 to 1899, inclusive.

Years ended June 30—	Imports.			Exports.			Total imports and exports.	Excess of exports over imports.
	Free.	Dutiable.	Total.	Domestic merchandise.	Foreign merchandise.	Total.		
	Dollars.	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*
1889	513,108	967,158	1,480,266	3,675,594	10,790	3,686,384	5,166,650	2,200,118
1890	290,059	679,086	969,745	4,434,641	4,512	4,439,153	5,408,898	3,469,408
1891	270,615	292,660	563,275	4,743,498	25,199	4,768,697	5,331,972	4,205,422
1892	376,483	386,840	763,323	4,887,350	6,699	4,894,049	5,657,372	4,130,726
1893	372,696	505,382	878,078	4,214,576	2,026	4,216,602	5,094,680	3,338,524
Annual average 1889–1893	364,592	566,345	930,937	4,391,132	9,845	4,400,977	5,331,914	3,470,040
1894	253,289	630,222	892,511	4,208,128	1,719	4,209,847	5,102,358	3,317,336
1895	353,546	422,930	776,476	4,244,895	8,145	4,253,040	5,029,516	3,476,564
1896	855,954	563,170	1,419,124	4,681,380	9,821	4,691,201	6,110,325	3,272,077
1897	617,537	306,305	923,842	6,032,180	7,859	6,040,039	6,963,881	5,116,197
1898	283,752	462,765	746,517	6,333,607	31,593	6,365,200	7,011,717	5,518,683
Annual average 1894–1898	472,816	478,878	951,694	5,084,038	11,827	5,095,865	6,047,559	4,144,171
1899	.....	.....	2,479,274	.....	.....	7,732,525	10,211,799	5,253,251

During the delivery of Mr. LODGE'S speech,

The PRESIDING OFFICER (Mr. BEVERIDGE in the chair). The Senator from Massachusetts will suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 8245) temporarily to provide revennes for the relief of the island of Puerto Rico, and for other purposes.

Mr. FORAKER. I ask that the unfinished business be temporarily laid aside without prejudice, that the Senator from Massachusetts may proceed.

The PRESIDING OFFICER. The Senator from Ohio asks that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none. The unfinished business is temporarily laid aside, and the Senator from Massachusetts will proceed.

After the conclusion of Mr. LODGE'S speech

Mr. PROCTOR and Mr. TILLMAN addressed the Chair.

The PRESIDENT pro tempore. The Senator from Vermont.

Mr. PROCTOR. Mr. President, if the order of business can be temporarily laid aside, I should like to read two letters from Army officers in the Philippines, which seem to come in very appropriately in connection with the speech of the Senator from Massachusetts.

The first letter is from Col. L. W. V. Kennon, commanding the Thirty-fourth Regiment in Manila. Colonel Kennon is a very intelligent officer; was for some years the special personal staff officer of General Crook. Later he was in Central America, and he was one of General Brooke's staff officers in Cuba. No man in the Army is better acquainted with Spanish America, and he is in all respects a very able officer. A slight portion of the letter is personal, but most of it is a statement of existing conditions there, which is interesting, and will give much valuable information:

SAN JOSE, PHILIPPINE ISLANDS, *December 22, 1899.*

MY DEAR MR. PROCTOR: Since writing last, the Thirty-fourth Infantry has seen a great deal of very varied service, with but little fighting. As soon as we landed in Manila we were put on the south line of defenses; hardly were we acquainted with the ground in that locality before we were detached and ordered to go with General Lawton's northern expedition. This gave me a brigade command until a senior officer arrived, but it was my fortune to

command it during all of the advance and until the object of the expedition was accomplished. Then the General was ordered south, and I was left high and dry, stranded on the beach and practically without command. My brigade consisted of two regiments of regular infantry, two of volunteers, a squadron of cavalry, and a battery of artillery. There was no opportunity to engage this force as a body; our operations consisted principally in "pushing crackers" along a line which gradually extended to a hundred miles in length. This line was defended against our advance by many carefully constructed intrenchments, but they were poorly defended. The insurgents confined themselves to firing from trenches, opening on us when we came in sight. A flanking party was at once sent around them, when they fled precipitately, usually losing a few men at this time. Our losses in such actions were very light. We have not had a single man killed in my regiment up to date, though a number have been wounded.

All the Filipino army of the north, defending the town of Tarlac and the granary of the island, as this section is called, has melted away upon our advance. A few scattered remnants are hiding in the mountains to which they fled for safety, believing that we could never reach even as far as this point of San Jose. Our work now is to guard the mountain passes and pursue these small bands. Aguinaldo and a few followers are fugitives. No one can tell where he is. He may pass anywhere, for he has great facility in disguising himself. As a Chinaman, I am told that "Le bon Dieu" couldn't recognize him. I have searched through and even beyond my jurisdiction for him, but have succeeded in capturing only his uniforms, swords, etc., with four large boxes of his official and private papers. Among the captured property were also the golden and jeweled aureole, collar, and scepter which it is said he wore on state occasions of ceremony; also an American flag, supposed to have belonged to a launch of the *Yorktown*.

Hundreds of captured Spaniards and a few American prisoners have been liberated, but Aguinaldo himself we have not laid eyes on to our knowledge.

Our extended movements have given us a good idea of the country and its people away from Manila and a far better idea of the situation than we could have obtained from an acquaintance with the Tagal tribe of Filipinos, which occupies the country about Manila, the Laguna de Bahia, and as far north as Tarlac. Very many points have been made clear by a perusal of Aguinaldo's correspondence, the greater part, probably, of which, fell into my hands.

As you may be interested in getting a little first-hand information concerning the Philippines, I shall give you some of the facts I have found to exist and opinions I have formed since my arrival here.

The country is beautiful, exceedingly fertile, and, for a tropical climate, healthful. There are many opportunities for the investment of capital. Hemp, tobacco, coffee, cacao, and rice are assured products. Cattle do well. Timber, gold, copper, and iron are found in the mountains. All the country seems undeveloped except in the rice-producing districts. The means of transportation are poor, except for the railway between Manila and Dagupan. Carts drawn by carabaos are used on the roads, and boats, either paddled or poled, on the rivers. Light-draft stern-wheeled steamers on the main rivers would reach a large section and would pay well. A steam or electric railway is needed to connect with the northern districts, which are rich, but undeveloped. A road could be easily built and would yield large returns to the investor. There is magnificent water power on both sides of the mountains near the main pass.

The people are very mixed in type, and include, it is stated, as many as 70 different tribes, speaking as many different languages or dialects. The Tagal tribe, having occupied the richest portion of the country, near Manila, is the most advanced. Owing to Spanish favor, it has the most prestige. The whole tribe is but a small portion of the Philippine population, and is a very mixed people as regards race. Spanish, Chinese, and, to a less extent, Japanese blood is mixed in the ordinary Tagal. Away from Manila purer types are found. In the north are the people of the mountains, the "Igorrotes," who are but little known and are somewhat dreaded by all the other native tribes. They seem to be the simple and primitive type of Malay, uncontaminated by either Chinese or Spanish blood. They are savages, and reported to be little addicted to the use of clothing, either by male or female. Those that I have seen do not seem to be fierce in character, but rather of a harmless nature, who have been too poor to be either robbed or educated.

So far as my observation goes, the Filipinos are in no way fitted for self-government. Without entering into the question of who should hold them in leading strings until they are able to stand alone, I am convinced that to give them self-government at this time would be to deliver the country over to anarchy, to bloodshed, and slavery, so far as the vast mass of the people are concerned, and would be an unpardonable crime against civilization.

Mr. President, as I am a little hoarse, I will ask the Senator from Indiana [Mr. BEVERIDGE] to finish the reading.

Mr. BEVERIDGE read the remainder of the letter, as follows:

A sufficient proof of their incapacity is the present insurrection, into which they were driven by a few ambitious leaders, whom they feared. I can give you no adequate idea of an ignorant, timid, and superstitious people, whose development has been arrested for centuries by a government which used them for its own profit, and converted them to Christianity for their more complete and easier control. Their religion amounts to little more than crude idolatry; their arts and manufactures amount to almost nothing. They do not understand the working of metals. Near Manila some may have been taught by Spaniards, but the few iron implements are of foreign make. Household implements are of wood, cocoanut shells, gourds, etc. A native family feeds; it does not breakfast or dine, it simply feeds. A wooden bowl of rice, with perhaps a little meat stewed in with it, is put on the floor; the entire family squats around it; the fingers are used to convey the food into the mouth.

I have never seen any Filipino eat otherwise, and I have seen presidentes, principal men, etc., at their meals. They live now as their ancestors have lived for centuries. Except in and near Manila the people are savages. There are few who will not admit a good degree of cleverness and intelligence in the leaders of the Filipinos, but the most important point is that these educated leaders are so few in number and that they by no means represent the people. I inclose herewith a photograph of a leader and a fair representative of the people, the latter accidentally figuring in the background. Admitting the intelligence of the leaders, there are few who will not bear witness to the dense, crass ignorance of the masses. They are more savage than any tribe I saw in Central America, but I believe them capable of great development. Ordinarily they are simple minded, cheerful, and obedient to authority. Education is now difficult. As a school-teacher, a mestiza, told me, the girls marry at 12 years of age and the boys at 14, and after marriage schooling is at an end, though they may retain an ability to write their names. A very large percentage can not even do this.

The people have been governed through presidentes of towns, who gave orders to the head men or cabezas, each of whom controlled from 100 to 150 families; practically a military hierachy. They have been taught simply to obey orders without question. If men are wanted to work on roads, to carry burdens, or similar service, the cabeza orders them, and they work. If rice, cattle, carts, or timber are wanted, they are similarly ordered and brought. If men are wanted for soldiers, they go in the same way. They are hardly more than cattle. Accustomed to obedience, it was an easy matter, once the native presidentes could be won over by interest or fear, to make a great showing of a popular move. The wealthier and educated Tagals waxed haughty and resented Spanish rule. They planned an insurrection which was justified to the people by the conduct of the civil and religious representatives of the Government of Spain. I would not venture to say that this uprising was not fully justified. It proved a failure, and its leaders, Aguinaldo in particular, were bought off and for a sum of money agreed to leave the country. When Dewey's expedition sailed the Filipino insurrection was practically dead. With the probability of American success an opportunity arose which was shrewdly taken advantage of by Aguinaldo and his bought-off associates.

I have heard it said that the fact that Filipinos were at first our friends and became afterwards our enemies implied woeful mismanagement somewhere. I do not believe this. The present war was inevitable. On the 4th day of May, 1898, before the news of Dewey's victory had reached Hongkong, Aguinaldo, Agoncillo, and a few others held a meeting in that city, in which the present war was planned in case the government of the islands was not turned over to them by the Americans. It is to be noted that at the time in question they were not struggling patriots, but bought-off traitors, shrewdly trying to turn the existing conditions to their own personal advantage. Their plan was to unite with the Americans, procure arms from them, which later were to be used against their liberators. I have myself read the minutes of this meeting, signed by Agoncillo, in which this plan is proposed by Aguinaldo.

Aguinaldo returned to Luzon, and, as he says, raised the revolution to life again and called out the people. Aguinaldo objected to American occupation of Manila, because, he said, his soldiers were entitled to their share of the booty arising from the sack of the town. The Americans were surrounded by spies, and daily reports of their smallest movements were made by secret agents in the city. Files of these reports, dating back to September, 1898, were captured by me at Capatinlan recently. From the hour of Aguinaldo's return to Luzon secret preparations were actively made for war with the United States. Emissaries were sent to procure concert of action. Tagal control was established in many instances by force of arms. Spaniards were commissioned as officers of engineers and artillery, and were put at work in arsenals to manufacture ammunition and ordnance equipments. The Spanish arms captured by them were used to arm their troops.

In January was established the Filipino republic, with Aguinaldo as president. War had been "voted for" by the different townships by the end of January, the resolutions being vague, indefinite documents, which clearly show how little the people knew what they were doing or why they were doing it. From the summer of 1898, when the people had spontaneously cheered the American liberators, to February, 1899, Aguinaldo and his agents had managed to instil a feeling of distrust, fear, and dislike of Americans in the hearts of thousands of natives who had never seen an American soldier, and to induce or to compel them to take up arms against their best friends. It was not difficult to do. Promises of power and wealth appealed to the ambition of leaders, and the people had not to be consulted; they were like sheep, and followed or were driven by their chiefs. It was with them no question of freedom or liberty; it was a mere question of obedience. So one of their captured generals told me, adding that such people were far, far from being capable of self-government.

It should be understood that this is in no sense a war by the people nor for the people; nor was it in any way contemplated that a government of the people should be formed, but, as Aguinaldo said in one of his speeches, that "Filipinos should govern their Filipino children." He was to be the father. (This speech was delivered, by the way, on the 3d of August, 1898.)

The insurrection has been widespread, though in truth the Tagals seem to be the only tribe really in earnest. The others have entered it through persuasion or coercion. It is not generally popular. As in Central America, the party which secures the firearms dominates and controls the rest, who acquiesce and care not so long as they are left alone. If some one can "get the drop" on the existing government, there is a revolution and another takes charge. It is usually profitable, for the rulers invariably get wealthy if they can remain in power for a few years, for with them public office is the shortest road to wealth.

The leaders make a pretty plea for independence, for liberty, for freedom, and one well calculated to reach the American heart. Until I came here and saw the actual existing conditions, I did not realize how much these words had influenced my opinion as to the righteousness of the cause in these islands. On paper, the insurgent cause is made to resemble our own early struggle for independence, but in fact there is no parallel. They paraphrase the words of our own patriots, but there the similarity ends. The conditions are entirely different. We had men who voiced the aspirations and desires of a people who had long been free and who resisted an invasion and limitation of their cherished rights and liberties. The patriot fathers represented a free people. These people have never been free, and they know not what freedom is. Their self-constituted, but none the less real, leaders talk of independence, freedom, liberty, but all this is not for the people, but for themselves, whom alone they represent. They are no doubt really sincere in their desire to govern the people. Their ideas of government are derived from Spain, and all the methods and language of the insurgent government are merely a legacy of Spanish rule. The constitution has been a mere printed paper, without meaning or practical effect, and Aguinaldo's government has, in point of fact, been a government of despotism, cruelty, blood, and terror in the province which he has controlled. And this, too, from the very beginning. Those who refused to sign a declaration of allegiance to him and of war upon the Americans either fled the country for their lives or were killed "pour encourager les autres."

The insurrection on the surface seemed to be a widespread, firmly grounded movement, based on the general wishes of a people whom we were led to believe were intelligently capable of governing themselves. In reality, nothing could be more superficial. A few intelligent men at the head did it all. It was, in fact, amusing to watch their attempts to make an effect to "throw powder in the eyes" of the civilized world. They struggled to produce a literature to order, every example of which is purely Spanish. They were told that a real government should have a post-office department and stamps. A foreigner was obtained who made them stamps, and work was rushed day and night to get them out. Then they say, "Why certainly! We have all that. Behold! Here are stamps marked with the sign of our secret order. How civilized we are!" And so with other things. Many deceived thereby, or on meeting a Filipino educated in France or Spain, and more Chinese or Spaniard than Filipino, anyhow, believed them to be a civilized people.

"But at any rate they treated their prisoners well." Only Aguinaldo knows what trouble this matter has given him. From his own letters and from the statements of liberated prisoners, I learn that prisoners have been treated both well and ill, owing to the character of the officers in charge of

them. The natural desire of a Filipino was to kill a prisoner as a matter of course, or rather not to take any; so Aguinaldo found it necessary to order frequently that they should be well treated. He explains in his instructions that the possession of these prisoners is "his main reliance." His idea was to communicate with Spanish diplomatic officials in Manila and treat with them for the surrender of the Spanish prisoners, thus securing a recognition by Spain of his government. In this way was explained this strange freak of Aguinaldo's to his subordinates.

To come back to the people. A people who can not make war are not fitted to govern themselves. These people can not make war. After once testing the mettle of American troops, they will not stand before them. Their largest and best equipped army, which protected their capital and the rich country from which alone they could hope to draw supplies, has melted away like a morning mist and without a battle worthy the name. A few scattered remnants are hiding in the mountains. They retain no organized force in this, the northern, section of the country. If a party gets separated from its officers it comes in and surrenders; they have no heart in the struggle. The leaders hope to continue a guerrilla warfare until the patience of the United States is exhausted, when they expect us to draw back our troops to America.

The greatest portion of the people I have seen desire American rule. They know each other and they fear each other. When we first appeared the natives fled to the woods with such of their household goods as they could carry. They had been told that the Americans would cut off their arms and legs. Now they welcome the coming of the troops. They beg them to come. A town deserted when the troops enter is full by night. The troops leave, and the people fly for safety. They entreat the Americans not to leave them to the mercy of their own people. In this case their fears are well grounded. The scattered fragments of the insurgent forces descend upon an undefended town, rob, burn, ravish, and murder the peaceful village folk. Not content with murder, they mutilate, behead their victims, and cut off their legs. With immunity derived from the possession of their firearms, so greatly dreaded by the people, their savage instincts are brought out. Nine of the most prominent men of Asingan were beheaded within a few days; another in a little town near San Nicolas. A woman in Aliaga welcomed us and aided us. Her husband had been killed by the insurgents, his head cut off, and his heart cut out. I can not describe to you the terror evinced by these people of the "insurrectos" or the "ladrones," robbers of the mountains.

A presidente told me there were bad men in the neighborhood. He wanted me to have them arrested and shot in the plaza. The most dangerous of these men, I ascertained, was a person so presuming that he had some pretensions to the place occupied by the presidente. They are a simple-minded people.

The northern tribes are hostile to Aguinaldo, who was burned in effigy in Bincalonan. I have a list turned in to me of more than 500 natives who want to join the American forces as volunteers to bring about peace. They do not want independence. They want security to marry and be given in marriage, and to raise families and rice with which to feed them. They all want protection by some one powerful enough to guarantee it, they hardly care whom. If Aguinaldo could have given them this, well and good; if not, and the Americans can, better. They want Americans; above all, they want protection. That is characteristic. They are incapable of protecting themselves. These are not the characteristics of a free people nor of a people who deserve to be free. They are not ready for any but such freedom as may be accorded to them by a paternal government—the only kind now suited to them. Their capacity for self-government is—nothing. The Indians of America are better fitted for it.

They need education of all kinds and in all directions. They need a strong hand to direct them, and will need it for many years to come. My belief is that our national duty is to lend that hand, and that their education should be begun at once. A thousand priests and ministers of assorted denominations and 10,000 Yankee schoolmistresses could find their mission in life right here among these people. They will respond quickly to teaching, and, barring the Tagals, who have imbibed so much of Spanish pride and modes of thought, will soon learn to appreciate the signification of the words "freedom" and "liberty," which have heretofore fallen a mere unmeaning sound on their ears.

I fear you will wish that General Otis would give me more active service if I employ my leisure in writing such letters as this to you, but the facts I have presented are first hand, derived from my own observation and from Aguinaldo's own papers. I inclose one of his cards, some Filipino stamps, a photograph of Aguinaldo, his autograph, all found among the articles captured at Capintalan, and a copy of the declaration of war and allegiance of the town of Aliaga.

With cordial regards to Mrs. Proctor and your daughter, I am, as always,

Very truly, yours,

L. W. V. KENNON,
Colonel Thirty-fourth Infantry, U. S. V.

Mr. PROCTOR. Mr. President, as showing that the Americans were not responsible for the outbreak a year ago in February, Colonel Kennon incloses a part of the record of the town of Aliaga, which I will read. It is very brief, and is as follows:

Literal translation of the sanction of the declaration of war against the United States by the township of Aliaga.

In the town of Aliaga, province of Nueva Ecija, on the 9th day of January, 1899, Sr. Pablo Medina, president of the said town, obeying the notification received to-day concerning the bad things which the American nation is doing in this country, the principal men of the town are now gathered together in the president's office, offering all their possessions for the good of the land and to the honorable revolutionary president, Sr. Emilio Aguinaldo, and he who does not join us will be regarded as an enemy and a traitor to his country. This writing being finished, the truth of its contents is certified by our signatures following.

Literal translation from original.

L. W. V. KENNON,
Colonel Thirty-fourth Infantry.

(Here follow signatures.)

Colonel Kennon adds this note:

NOTE.—Among the points noticed in this document there may be mentioned the date, showing that the Filipino leaders had resolved on war before the outbreak in February—

This statement being dated the 9th of January, 1899—

the vagueness of the charge against the United States; the action taken in obedience to notification received, and the threat to those who do not join them. It may be added that each "principal" orders at will all the people of his ward. Under his orders they render personal service, or deliver up their property, such as oxen, carts, or provisions. The Filipino army was supplied largely in that way. Many orders are in my possession on different towns for service of this character. No native dare refuse to give, even if it be his last pound of rice.

L. W. V. K.

DEATH OF REPRESENTATIVE HARMER.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, communicated to the Senate the intelligence of the death of Hon. ALFRED C. HARMER, late a Representative from the State of Pennsylvania, and transmitted the resolutions of the House thereon.

The message also announced the appointment by the Speaker of the House of Representatives of a committee on the part of the House to take charge of the funeral arrangements.

Mr. PENROSE. Mr. President——

Mr. TILLMAN. Will the Senator from Pennsylvania allow me to make a brief explanation?

Mr. PENROSE. I should like to have the resolutions from the House of Representatives, in relation to the death of my late colleague in the House, laid before the Senate.

Mr. TILLMAN. I shall only occupy a minute, or half a minute.

The PRESIDENT pro tempore. Does the Senator from Pennsylvania yield to the Senator from South Carolina?

Mr. PENROSE. I yield.

Mr. TILLMAN. Mr. President, owing to the fact that the junior Senator from Massachusetts [Mr. LODGE] requested that no interruptions should be made during the course of his speech, those of us who were prepared to controvert his arguments and also to dispute some of his statements were not allowed an opportunity to do so; and now that a condition has arisen requiring the announcement of the death of a late Representative from the State of Pennsylvania, of course debate can not continue.

Mr. PENROSE. I ask the Chair to lay before the Senate the resolutions which have just been received from the House of Representatives.

The PRESIDENT pro tempore. The Chair lays before the Senate the resolutions from the House of Representatives, which will be read.

The Secretary read the resolutions, as follows:

IN THE HOUSE OF REPRESENTATIVES, *March 7, 1900.*

Resolved, That the House has heard with deep regret and profound sorrow of the death of the Hon. ALFRED C. HARMER, for twenty-seven years a Representative from the State of Pennsylvania, and the senior member of this House in time of continuous service.

Resolved, That a committee of fifteen members of the House, with such members of the Senate as may be joined, be appointed to attend the funeral at Philadelphia, Pa., and that the necessary expenses attending the execution of this order be paid out of the contingent fund of the House.

Resolved, That the Sergeant-at-Arms of the House be authorized and directed to take such steps as may be necessary for properly carrying out the provisions of this resolution.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The Speaker announced the appointment of Mr. BINGHAM, Mr. ADAMS, Mr. YOUNG of Pennsylvania, Mr. MCALEER, Mr. DALZELL, Mr. WANGER, Mr. BROSIUS, Mr. BUTLER, Mr. MCCLEARY, Mr. KETCHAM, Mr. BABCOCK, Mr. RICHARDSON, Mr. CATCHINGS, Mr. TERRY, and Mr. FITZGERALD of Massachusetts as members of said committee on the part of the House.

Mr. PENROSE. Mr. President, in consequence of the announcement which has just been made of the action of the House of Representatives upon the death of my late colleague in that body, Mr. HARMER, I submit the resolutions which I send to the desk, and ask unanimous consent for their immediate consideration.

The PRESIDENT pro tempore. The Senator from Pennsylvania submits resolutions which will be read.

The Secretary read the resolutions, as follows:

Resolved, That the Senate has heard with deep sensibility the announcement of the death of Hon. ALFRED C. HARMER, late a Representative from the State of Pennsylvania.

Resolved, That a committee of five Senators be appointed by the President pro tempore to join the committee appointed on the part of the House of Representatives to take order for superintending the funeral of the deceased.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

The resolutions were unanimously agreed to.

The PRESIDENT pro tempore. Under the second resolution the Chair appoints as the committee on the part of the Senate Mr. PENROSE, Mr. MASON, Mr. HANSBROUGH, Mr. SULLIVAN, and Mr. SCOTT.

Mr. PENROSE. Mr. President, as a further mark of respect to the memory of my deceased colleague in the House of Representatives, I move that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 3 o'clock and 48 minutes p. m.) the Senate adjourned until to-morrow, Thursday, March 8, 1900, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March 7, 1900.*

The House met at 12 o'clock m., and was called to order by the Speaker.

The Chaplain, Rev. HENRY N. COUDEN, D. D., offered the following prayer:

We thank Thee, Almighty God, our Heavenly Father, for that deep, persistent, and ever-abiding faith in Thee which, through all the varied circumstances of life, holds us close to Thee and makes the whole world akin. "For as we have many members in one body, and all members have not the same office, so we, being many, are one body in Christ, and every one members one of another," so that when one member suffers the whole body suffers with it.

For a third time since the convening of Congress, death has entered this Congressional family and taken away one of its members, who, by his long-continued, faithful, efficient, and patriotic service, has been rightly styled "the Father of the House."

Let Thy blessing descend upon these Thy servants, and comfort them in the blessed thought that death, which comes to all from a loving Father, must be a good thing, and help them to emulate all that was pure and noble in him. Put Thy loving arms about the widow and his children, and give them all that peace which comes gently down from heaven to comfort the afflicted, and help us all to look forward in faith to Thee—

> That God, which ever lives and loves,
> One God, one law, one element,
> And one far-off, Divine event,
> To which the whole creation moves.

And Thine shall be the praise; in the name of Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

CONTESTED-ELECTION CASE—ALDRICH VS. ROBBINS.

Mr. MANN. I ask unanimous consent that the order of the House with reference to the debate and vote in the Aldrich-Robbins contested-election case be changed so as to substitute to-morrow in place of to-day.

Mr. BARTLETT. Mr. Speaker, I hope that request will be granted.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the order for the treatment of the case of Aldrich *vs.* Robbins be canceled for to-day and made operative for to-morrow. Is there objection?

There was no objection.

THE FINANCIAL BILL.

Mr. OVERSTREET. Mr. Speaker, I submit the following privileged report.

The SPEAKER. The gentleman from Indiana [Mr. OVERSTREET] submits a privileged report, which the Clerk will read.

Mr. OVERSTREET. Mr. Speaker, I ask that the reading of the conference report be dispensed with and that the statement of the House conferees on the bill (H. R. 1) to define and fix the standard of value, maintain the parity of all forms of money issued or coined by the United States, and for other purposes, be read instead.

The statement of the House conferees was read.

Mr. OVERSTREET. Mr. Speaker, I ask that the report and statement be printed in the RECORD and lie upon the Speaker's table.

The SPEAKER. That order will be made.

The conference report is as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1) to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report.

The conference committee have agreed upon a substitute for the bill as passed by the House and amended by the Senate.

Under an order of the Senate, February 23, 1900, and of the House, March 5, there has been printed, for the information of the Senate and House of Representatives and of the public, the bill as passed by the House, the amendments of the Senate, and the substitute agreed upon by the conference committee for both the House and Senate measures.

The substitute agreed upon and recommended by the conference committee is in full as follows:

That the dollar consisting of 25.8 grains of gold 0.9 fine, as established by section 3511 of the Revised Statutes of the United States, shall be the standard unit of value, and all forms of money issued or coined by the United States shall be maintained at a parity of value with this standard, and it shall be the duty of the Secretary of the Treasury to maintain such parity.

SEC. 2. That United States notes, and Treasury notes issued under the act of July 14, 1890, when presented to the Treasury for redemption, shall be redeemed in gold coin of the standard fixed in the first section of this act, and in order to secure the prompt and certain redemption of such notes as herein provided it shall be the duty of the Secretary of the Treasury to set apart in the Treasury a reserve fund of $150,000,000 in gold coin and bullion, which fund shall be used for such redemption purposes only, and whenever and as often as any of said notes shall be redeemed from said fund it shall be the duty of the Secretary of the Treasury to use said notes so redeemed to restore and maintain such reserve fund in the manner following, to wit: First, by exchanging the notes so redeemed for any gold coin in the general fund of the Treasury; second, by accepting deposits of gold coin at the Treasury or at any subtreasury in exchange for the United States notes so redeemed; third, by procuring gold coin by the use of said notes, in accordance with the provisions of section 3700 of the Revised Statutes of the United States. If the Secretary of the Treasury is unable to restore and maintain the gold coin in the reserve fund by the foregoing methods, and the amount of such gold coin and bullion in said fund shall at any time fall below $100,000,000, then it shall be his duty to restore the same to the maximum sum of $150,000,000 by borrowing money on the credit of the United States, and for the debt thus incurred to issue and sell coupon or registered bonds of the United States, in such form as he may prescribe, in denominations of $50 or any multiple thereof, bearing interest at the rate of not exceeding 3 per cent per annum, payable quarterly, such bonds to be payable at the pleasure of the United States after one year from the date of their issue, and to be payable, principal and interest, in gold coin of the present standard value, and to be exempt from the payment of all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority; and the gold coin received from the sale of said bonds shall first be covered into the general fund of the Treasury and then exchanged, in the manner hereinbefore provided, for an equal amount of the notes redeemed and held for exchange, and the Secretary of the Treasury may, in his discretion, use said notes in exchange for gold, or to purchase or redeem any bonds of the United States, or for any other lawful purpose the public interests may require, except that they shall not be used to meet deficiencies in the current revenues. That United States notes when redeemed in accordance with the provisions of this section shall be reissued, but shall be held in the reserve fund until exchanged for gold, as herein provided; and the gold coin and bullion in the reserve fund, together with the redeemed notes held for use as provided in this section, shall at no time exceed the maximum sum of $150,000,000.

SEC. 3. That nothing contained in this act shall be construed to affect the legal-tender quality as now provided by law of the silver dollar, or of any other money coined or issued by the United States.

SEC. 4. That there be established in the Treasury Department, as a part of the office of the Treasurer of the United States, divisions to be designated and known as the division of issue and the division of redemption, to which shall be assigned, respectively, under such regulations as the Secretary of the Treasury may approve, all records and accounts relating to the issue and redemption of United States notes, gold certificates, silver certificates, and currency certificates. There shall be transferred from the accounts of the general fund of the Treasury of the United States, and taken up on the books of said divisions, respectively, accounts relating to the reserve fund for the redemption of United States notes and Treasury notes, the gold coin held against outstanding gold certificates, the United States notes held against outstanding currency certificates, and the silver dollars held against outstanding silver certificates, and each of the funds represented by these accounts shall be used for the redemption of the notes and certificates for which they are respectively pledged, and shall be used for no other purpose, the same being held as trust funds.

SEC. 5. That it shall be the duty of the Secretary of the Treasury, as fast as standard silver dollars are coined under the provisions of the acts of July 14, 1890, and June 13, 1898, from bullion purchased under the act of July 14, 1890, to retire and cancel an equal amount of Treasury notes whenever received into the Treasury, either by exchange in accordance with the provisions of this act or in the ordinary course of business, and upon the cancellation of Treasury notes silver certificates shall be issued against the silver dollars so coined.

SEC. 6. That the Secretary of the Treasury is hereby authorized and directed to receive deposits of gold coin with the Treasurer or any assistant treasurer of the United States in sums of not less than $20, and to issue gold certificates therefor in denominations of not less than $20, and the coin so deposited shall be retained in the Treasury and held for the payment of such certificates on demand, and used for no other purpose. Such certificates shall be receivable for customs, taxes, and all public dues, and when so received may be reissued, and when held by any national banking association may be counted as a part of its lawful reserve: *Provided*, That whenever and so long as the gold coin held in the reserve fund in the Treasury for the redemption of United States notes and Treasury notes shall fall and remain below $100,000,000 the authority to issue certificates as herein provided shall be suspended: *And provided further*, That whenever and so long as the aggregate amount of United States notes and silver certificates in the general fund of the Treasury shall exceed $60,000,000 the Secretary of the Treasury may, in his discretion, suspend the issue of the certificates herein provided for: *And provided further*, That of the amount of such outstanding certificates one-fourth at least shall be in denominations of $50 or less: *And provided further*, That the Secretary of the Treasury may, in his discretion, issue such certificates in denominations of $10,000, payable to order. And section 5193 of the Revised Statutes of the United States is hereby repealed.

SEC. 7. That hereafter silver certificates shall be issued only of denominations of $10 and under, except that not exceeding in the aggregate 10 per cent of the total volume of said certificates, in the discretion of the Secretary of the Treasury, may be issued in denominations of $20, $50, and $100; and silver certificates of higher denomination than $10, except as herein provided, shall, whenever received at the Treasury or redeemed, be retired and canceled, and certificates of denominations of $10 or less shall be substituted therefor, and after such substitution, in whole or in part, a like volume of United States notes of less denomination than $10 shall from time to time be retired and canceled, and notes of denominations of $10 and upward shall be reissued in substitution therefor, with like qualities and restrictions as those retired and canceled.

SEC. 8. That the Secretary of the Treasury is hereby authorized to use, at his discretion, any silver bullion in the Treasury of the United States purchased under the act of July 14, 1890, for coinage into such denominations of subsidiary silver coin as may be necessary to meet the public requirements for such coin: *Provided*, That the amount of subsidiary silver coin outstanding shall not at any time exceed in the aggregate $100,000,000. Whenever any silver bullion purchased under the act of July 14, 1890, shall be used in the coinage of subsidiary silver coin, an amount of Treasury notes issued under said act equal to the cost of the bullion contained in such coin shall be canceled and not reissued.

SEC. 9. That the Secretary of the Treasury is hereby authorized and directed to cause all worn and uncurrent subsidiary silver coin of the United States now in the Treasury, and hereafter received, to be recoined, and to reimburse the Treasurer of the United States for the difference between the nominal or face value of such coin and the amount the same will produce in new coin from any moneys in the Treasury not otherwise appropriated.

SEC. 10. That section 5138 of the Revised Statutes is hereby amended so as to read as follows:

"Sec. 5138. No association shall be organized with a less capital than

$100,000, except that banks with a capital of not less than $50,000 may, with the approval of the Secretary of the Treasury, be organized in any place the population of which does not exceed 6,000 inhabitants, and except that banks with a capital of not less than $25,000 may, with the sanction of the Secretary of the Treasury, be organized in any place the population of which does not exceed 3,000 inhabitants. No association shall be organized in a city the population of which exceeds 50,000 persons with a capital of less than $200,000."

SEC. 11. That the Secretary of the Treasury is hereby authorized to receive at the Treasury any of the outstanding bonds of the United States bearing interest at 5 per cent per annum, payable February 1, 1904, and any bonds of the United States bearing interest at 4 per cent per annum, payable July 1, 1907, and any bonds of the United States bearing interest at 5 per cent per annum, payable August 1, 1908, and to issue in exchange therefor an equal amount of coupon or registered bonds of the United States in such form as he may prescribe, in denominations of $50 or any multiple thereof, bearing interest at the rate of 2 per cent per annum, payable quarterly, such bonds to be payable at the pleasure of the United States after thirty years from the date of their issue, and said bonds to be payable, principal and interest, in gold coin of the present standard value, and to be exempt from the payment of all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority: *Provided*, That such outstanding bonds may be received in exchange at a valuation not greater than their present worth to yield an income of 2½ per cent per annum; and in consideration of the reduction of interest effected, the Secretary of the Treasury is authorized to pay to the holders of the outstanding bonds surrendered for exchange, out of any money in the Treasury not otherwise appropriated, a sum not greater than the difference between their present worth, computed as aforesaid, and their par value, and the payments to be made hereunder shall be held to be payments on account of the sinking fund created by section 3694 of the Revised Statutes: *And provided further*, That the 2 per cent bonds to be issued under the provisions of this act shall be issued at not less than par, and they shall be numbered consecutively in the order of their issue, and when payment is made the last numbers issued shall be first paid, and this order shall be followed until all the bonds are paid, and whenever any of the outstanding bonds are called for payment interest thereon shall cease three months after such call; and there is hereby appropriated out of any money in the Treasury not otherwise appropriated, to effect the exchanges of bonds provided for in this act, a sum not exceeding one-fifteenth of 1 per cent of the face value of said bonds, to pay the expense of preparing and issuing the same and other expenses incident thereto.

SEC. 12. That upon the deposit with the Treasurer of the United States, by any national banking association, of any bonds of the United States in the manner provided by existing law, such association shall be entitled to receive from the Comptroller of the Currency circulating notes in blank, registered and countersigned as provided by law, equal in amount to the par value of the bonds so deposited; and any national banking association now having bonds on deposit for the security of circulating notes, and upon which an amount of circulating notes has been issued less than the par value of the bonds, shall be entitled, upon due application to the Comptroller of the Currency, to receive additional circulating notes in blank to an amount which will increase the circulating notes held by such association to the par value of the bonds deposited, such additional notes to be held and treated in the same way as circulating notes of national banking associations heretofore issued, and subject to all the provisions of law affecting such notes: *Provided*, That nothing herein contained shall be construed to modify or repeal the provisions of section 5167 of the Revised Statutes of the United States, authorizing the Comptroller of the Currency to require additional deposits of bonds or of lawful money in case the market value of the bonds held to secure the circulating notes shall fall below the par value of the circulating notes outstanding for which such bonds may be deposited as security: *And provided further*, That the circulating notes furnished to national banking associations under the provisions of this act shall be of the denominations prescribed by law, except that no national banking association shall, after the passage of this act, be entitled to receive from the Comptroller of the Currency, or to issue or reissue or place in circulation, more than one-third in amount of its circulating notes of the denomination of $5: *And provided further*, That the total amount of such notes issued to any such association may equal at any time but shall not exceed the amount at such time of its capital stock actually paid in: *And provided further*, That under regulations to be prescribed by the Secretary of the Treasury any national banking association may substitute the 2 per cent bonds issued under the provisions of this act for any of the bonds deposited with the Treasurer to secure circulation or to secure deposits of public money; and so much of an act entitled "An act to enable national banking associations to extend their corporate existence, and for other purposes," approved July 12, 1882, as prohibits any national bank which makes any deposit of lawful money in order to withdraw its circulating notes from receiving any increase of its circulation for the period of six months from the time it made such deposit of lawful money for the purpose aforesaid, is hereby repealed, and all other acts or parts of acts inconsistent with the provisions of this section are hereby repealed.

SEC. 13. That every national banking association having on deposit, as provided by law, bonds of the United States bearing interest at the rate of 2 per cent per annum, issued under the provisions of this act, to secure its circulating notes, shall pay to the Treasurer of the United States, in the months of January and July, a tax of one-fourth of 1 per cent each half year upon the average amount of such of its notes in circulation as are based upon the deposit of said 2 per cent bonds; and such taxes shall be in lieu of existing taxes on its notes in circulation imposed by section 5214 of the Revised Statutes.

SEC. 14. That the provisions of this act are not intended to preclude the accomplishment of international bimetallism whenever conditions shall make it expedient and practicable to secure the same by concurrent action of the leading commercial nations of the world and at a ratio which shall insure permanence of relative value between gold and silver.

Amend the title so as to read: "An act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes."

JESSE OVERSTREET,
M. BROSIUS,
Managers on the part of the House.

The statement of the House conferees is as follows:

The effect of the conference agreement is a bill along similar lines adopted in the original House bill, with the exception that the plan for the refunding of the public debt, agreed to by the Senate, has been accepted as a part of the bill submitted by the conference committee. The bill as herewith submitted retains the same arrangement as to subjects as found in the original House bill.

The first change from the House bill is in phraseology and arrangement of section 1. While the House bill originally confined the first section to the definition of the standard of value, the new section embodies with the definition the declaration for the maintenance of parity of all forms of money issued or coined by the United States, and the duty of the Secretary of the Treasury to maintain such parity.

The next change is in section 2, where the provision for payment of interest-bearing obligations is omitted, for the reason that the same result is obtained by the refunding of the public debt into gold-bearing bonds. The provision for the payment of private obligations, in conformity with the gold standard, is also omitted from section 2. The provision in the same section relative to the legal-tender quality of the silver dollar and other money coined or issued by the United States is placed in a new section, designated as section 3.

The next change is the arrangement relative to the gold reserve fund for the redemption of United States notes and Treasury notes. This provision is found in section 4 of the House bill, but is changed to section 2 of the bill agreed upon, and is made a fixed amount of $150,000,000, instead of one-fourth of the outstanding United States notes and Treasury notes. Provision is also made for replenishing said fund whenever reduced below $100,000,000. In this change the reserve fund is limited exclusively to the redemption of United States notes and Treasury notes, and the provisions for maintaining said reserve fund are modified by directing specifically that such fund may be replenished by exchange of redeemed notes for gold from the general fund of the Treasury, or by exchange for gold under section 3700, Revised Statutes. A further change in this same section permits the use of United States notes, when redeemed, for the purchase or redemption of any bonds of the United States, or for any other lawful purpose the public interest may require, except that they shall not be used to meet deficiencies in the current revenues.

The next change is in the phraseology of section 3 of the House bill, which is made section 4 of the new bill, relative to divisions of issue and redemption, which changes specifically direct the use of the funds pledged for the redemption of outstanding notes and certificates to the sole purpose of such redemption, said funds being held as trust funds.

The next change is the acceptance of the section in the Senate bill, being section 5 of the bill herewith submitted, providing for the retirement and cancellation of United States Treasury notes whenever received into the Treasury, such cancellation to take effect as standard silver dollars are coined, under the provisions of the acts of July 14, 1890, and June 13, 1898.

The next change is the acceptance of the Senate provision, being section 6 of the bill herewith submitted, authorizing the issue of gold certificates for the deposit of gold coin. The provision in the Senate bill was modified by change of phraseology, limiting the issue of such gold certificates under certain directions of the Secretary of the Treasury. This section also contains provision for the cancellation of United States currency certificates.

Sections 5 and 6 of the House bill are accepted and made sections 8 and 9 of the bill agreed upon, the only change being a limitation of issue of subsidiary coin to $100,000,000, instead of an unlimited issue permitted by the repeal of the present statute, as was originally provided for in section 6 of the House bill.

The next change is in section 7, which is also section 7 of the bill agreed upon. The original House bill provided for the issue of United States notes in such denominations, not less than $1, as the Secretary of the Treasury might prescribe, and the issue of silver certificates in denominations only of $1, $2, and $5, and the reconversion of silver certificates of denominations above $5 into lower denominations. These provisions are so changed that silver certificates shall be issued in denominations of $10 and under, except that not exceeding in the aggregate 10 per cent of the total volume of silver certificates may be issued in denominations of $20, $50, and $100. All silver certificates of denominations higher than $10, except the proviso concerning 10 per cent of the aggregate of certificates, shall, when received at the Treasury, be retired and canceled, and certificates of denominations of $10 or less shall be substituted therefor, and a like volume of United States notes of less denomination than $10 shall be retired and canceled and notes of denominations of $10 and upward reissued in substitution therefor.

The next change is the dropping out of sections 8 and 9 of the House bill. These two sections of the House bill made provision for the increase of bank-note circulation to the par value of the bonds deposited, not exceeding, however, the amount of the capital stock paid in, this principle having been embodied in section 12 of the bill agreed upon.

The next change is the dropping out of section 10 of the House bill, which provided for the taxation of franchises of national banks and the repeal of the statute imposing a tax upon bank-note circulation.

The next change is in section 11 of the House bill, whereby the limit of population in a place where a national bank of $25,000 capital stock may be organized is fixed at 3,000 inhabitants, instead of 2,000 inhabitants, as specified by the House bill. This section becomes section 10 of the bill agreed upon.

Sections 11, 12, and 13 of the bill agreed upon make provision for the refunding of the 5 per cent bonds of 1904, the 4 per cent bonds of 1907, and the 3 per cent bonds of 1908 into 2 per cent gold-bearing bonds. Permission is thereby given to all national banks exchanging any bonds of the above-mentioned classes for the 2 per cent bonds to increase their note circulation to the par value of the bonds, not in excess, however, of the capital stock paid in, and provides, further, that in case of such exchange the tax upon the bank-note circulation of such banks shall be one-fourth of 1 per cent each half year upon the average amount of such of its notes in circulation as are based upon the deposit of said 2 per cent bonds.

Section 14 of the bill agreed upon provides that "this act is not intended to preclude the accomplishment of international bimetallism whenever conditions shall make it expedient and practicable to secure the same by concurrent action of the leading commercial nations of the world and at a ratio which shall insure the permanence of relative value between gold and silver." This section has no legislative effect different from existing law, and is merely declaratory that any future effort in that direction shall not be foreclosed by the enactment of this act.

The title of the bill remains the same as the title of the House bill, except that the words "to refund the public debt" are made a part of the title.

Mr. McRAE. Mr. Speaker, I wish to ask the gentleman from Indiana how much time is likely to be allowed for the discussion of this bill?

Mr. SWANSON. And when is it to be taken up?

Mr. OVERSTREET. That is a matter to be determined. I, on my part, have had exceedingly little demand for time.

Mr. McRAE. When does the gentleman expect to call it up?

Mr. OVERSTREET. That will depend upon the pleasure of the House, but I will say to the gentleman that it will be as soon as possible. I should very much like to have it disposed of to-morrow.

Mr. RICHARDSON. Surely the gentleman will not call it up without notice. There is a contested-election case set down for to-morrow. The gentleman would not call it up without some notice.

Mr. OVERSTREET. I will be very frank with the gentleman and say that I should like to dispose of it to-morrow.

Mr. RICHARDSON. But there is an election contest fixed for to-morrow already.

Mr. OVERSTREET. I do not intend to ask that the consideration of the conference report take the place of the special order which the House has already made.

Mr. RICHARDSON. Then there is another contested-election case to follow this. I should like to know whether the gentleman intends to displace that one, or whether he will wait until both are voted upon.

Mr. OVERSTREET. I will say that if I should call it up to-morrow, it would be immediately after the disposition of the pending contested-election case, which has had the attention of the House now for two or three days.

Mr. RICHARDSON. The gentleman must understand that we desire some time to debate the conference report, and we shall insist upon it.

Mr. OVERSTREET. How much time does the gentleman think that side would desire?

Mr. RICHARDSON. At least four gentlemen have asked me for time to debate it, and it would take some time for those gentlemen to be heard.

Mr. OVERSTREET. I will say to the gentleman that there is nothing new in the measure, excepting the proposition for the refunding of the public debt.

Mr. RICHARDSON. Yes, you have some other new matters in it. You have a bimetallic provision in it, I am sure, that was not in the bill when it passed this House, and that certainly raises a very broad question.

Mr. OVERSTREET. That, I will say, has so little in it that I imagine there will be very little desire for discussion of it.

Mr. RICHARDSON. The gentleman concedes that that is unimportant, then.

Mr. OVERSTREET. I say to you very frankly that I think it is of very little importance.

Mr. RICHARDSON. Well, we want to show that by the discussion. But that is by the way. We should like to have at least four hours on this side.

Mr. OVERSTREET. I will say to the gentleman that inasmuch as full discussion was had before, and as there is not a great deal of new matter, I feel that very little time is necessary for further discussion. I should very much like to dispose of it to-morrow.

Mr. McRAE. I wish to ask the gentleman from Indiana for an opportunity to occupy some time on this bill. I was not present, on account of sickness, and not able to discuss the bill when it passed the House, and desire to do so when the report of the conferees is presented.

Mr. OVERSTREET. I do not hear the gentleman from Arkansas.

Mr. McRAE. I wanted to ask the gentleman for an opportunity to discuss the bill. I was not able, when it was before the House, to take part in the discussion, and while I have been granted leave to print, I have not yet availed myself of that privilege and very much prefer to say what I have prepared before the report is voted upon. I would like to discuss this report, and was promised by the Democratic conferee on the part of the House such time as he could secure for me. As he is absent on account of sickness, I wish to appeal to the gentleman from Indiana to give me at least thirty minutes on the bill. Some of the data I have prepared I will print as an appendix under the former leave granted me.

Mr. OVERSTREET. Mr. Speaker, I was not insisting this morning on fixing any particular limit to the discussion or when a vote shall be taken, but simply desired to bring the matter before the House, with the understanding that at the earliest possible moment I would like to dispose of it. I have stated already that I should be glad, if possible, to take it up to-morrow immediately after the election case, but will not ask the House now to fix any time or say absolutely that it will be considered to-morrow. I will confer with gentlemen on the other side later in the day, with the hope that some satisfactory arrangement may be arrived at, always with the understanding that no prolonged delay in the consideration of the bill will be had.

Mr. RICHARDSON. The gentleman will understand, of course, that the conferee representing this side of the House has been ill ever since the bill went into conference, and is now absent at a health resort, and it puts us at considerable disadvantage in coming to an agreement. We hope the gentleman will therefore give sufficient time in order that the question may be fully discussed on this side of the House. We want at least four hours on our side.

Mr. OVERSTREET. Mr. Speaker, I can not promise now that such a length of time will be given.

Mr. RICHARDSON. Well, we will insist upon that and ask the House to give it to us.

Mr. OVERSTREET. I just wanted to have the matter brought up before the House and let it lie upon the Speaker's table for the present. The question of the length of time to be allowed for the discussion will come up hereafter.

DEATH OF HON. ALFRED C. HARMER.

Mr. BINGHAM. Mr. Speaker, it is more than a sad duty, and certainly most painful to me, personally, to announce to the House the decease of my esteemed and loved colleague, the Hon. ALFRED C. HARMER, late a member of Congress from the State of Pennsylvania.

He was recognized, as of right, "the Father of the House," by reason of long-continued service, and not only that, but was also esteemed the father of the House, because of the affection and high regard that the members of this body held for him.

It is not my purpose at this time to make any extended remarks, but I would feel that I was doing far less than my affection calls for if I did not say a few words in tribute to the deceased.

ALFRED C. HARMER was born in 1825 in Germantown, now a part of the city of Philadelphia. From his twenty-first year he commenced his public service as a representative of his people, and until the day of his death, with but few years of intermission, he continued their representative, either in the councils of the city, in offices of trust, or as a member of this body.

He died in the same community in which he was born and among the people who, for more than half a century, loved and honored him personally and held him in such high esteem and confidence that only death could sever their close relations.

He was one of a marked group of four men whom the city of Philadelphia sent to the American Congress, men most exceptional in their usefulness and years of service to the people of their own home constituencies, as well as to their State and the nation.

I desire, before offering the resolutions which I shall send to the Clerk's desk, to group together the names of those four members whose record to-day belongs to the whole country and for whose memory the people of Philadelphia have especial affection: Judge W. D. Kelley, who was elected to 15 Congresses and who served twenty-nine years; Mr. Charles O'Neill, who also was elected to 15 Congresses and served twenty-nine years; Mr. Samuel J. Randall, who was elected to 14 Congresses and served twenty-seven years; and our colleague just deceased, Mr. A. C. HARMER, who likewise was elected to 14 Congresses and served twenty-seven years; in all, one hundred and twelve years of service given by those four distinguished dead—a record unparalleled in the history of the country.

At a later date I shall ask the House to assign a day for memorial services in honor of our dead colleague. I offer the resolutions which I now send to the Clerk's desk.

The resolutions were read, as follows:

Resolved, That the House has heard with deep regret and profound sorrow of the death of the Hon. ALFRED C. HARMER, for twenty-seven years a Representative from the State of Pennsylvania, and the senior member of this House in time of continuous service.

Resolved, That a committee of 15 members of the House, with such members of the Senate as may be joined, be appointed to attend the funeral at Philadelphia, and that the necessary expenses attending the execution of this order be paid out of the contingent fund of the House.

Resolved, That the Sergeant-at-Arms of the House be authorized and directed to take such steps as may be necessary for properly carrying out the provisions of this resolution.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The resolutions were unanimously agreed to.

The SPEAKER announced the appointment of the following committee in pursuance of the resolutions just adopted:

Mr. BINGHAM, Mr. ADAMS, Mr. YOUNG of Pennsylvania, Mr. MCALEER, Mr. DALZELL, Mr. BROSIUS, Mr. WANGER, Mr. BUTLER, Mr. KETCHAM, Mr. MCCLEARY, Mr. BABCOCK, Mr. RICHARDSON, Mr. CATCHINGS, Mr. TERRY, and Mr. FITZGERALD of Massachusetts.

Mr. BINGHAM. Mr. Speaker, as a further mark of respect to our deceased colleague, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 12 o'clock and 28 minutes p. m.), the House adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. ESCH, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 793) providing for the adjustment of the swamp-land grant to the State of Wisconsin, and

for other purposes, reported the same without amendment, accompanied by a report (No. 548); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. KNOX, from the Committee on the Territories, to which was referred the bill of the Senate (S. 222) to provide a government for the Territory of Hawaii, reported the same with amendment, accompanied by a report (No. 549); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3129) granting an increase of pension to Henry McMillen, reported the same without amendment, accompanied by a report (No. 546); which said bill and report were referred to the Private Calendar.

Mr. JENKINS, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 7479) for the relief of John A. Narjes, of Washington, D. C., reported the same without amendment, accompanied by a report (No. 547); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 9210) to remove the charge of desertion and grant an honorable discharge to John Leisure—Committee on War Claims discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 9180) granting an increase of pension to Nathaniel L. Colson—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. EDDY: A bill (H. R. 9244) extending the provisions of section 2301 of the Revised Statutes of the United States to homestead settlers on the ceded Indian reservation in Minnesota—to the Committee on the Public Lands.

By Mr. SHAFROTH: A bill (H. R. 9245) to segregate from public lands certain tracts on which are situated ancient houses and ruins and to provide protection for these—to the Committee on the Public Lands.

By Mr. SHACKLEFORD: A bill (H. R. 9246) for improvement of Missouri River at Overton, Mo.—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 9247) for improvement of Osage River in Missouri—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 9248) for the improvement of the Missouri River in Callaway County, Mo.—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 9249) for improvement of Gasconade River in Missouri—to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALLEN of Mississippi: A bill (H. R. 9250) for the relief of Milton Crawford—to the Committee on War Claims.

By Mr. BROWN: A bill (H. R. 9251) to remove the charge of desertion from the military record of Edward Furgison—to the Committee on Military Affairs.

Also, a bill (H. R. 9252) to remove the charge of desertion and disloyalty from the military record of Joseph Shuman—to the Committee on Military Affairs.

Also, a bill (H. R. 9253) to remove the charge of desertion from the military record of Arthur B. Spader, late a private of Company B, Fourth Regiment Ohio Volunteer Cavalry—to the Committee on Military Affairs.

By Mr. BAILEY of Texas (by request): A bill (H. R. 9254) for the relief of the heirs of James C. Lipscomb—to the Committee on War Claims.

Also (by request), a bill (H. R. 9255) granting a pension to Mrs. Mason Posey—to the Committee on Invalid Pensions.

By Mr. COX: A bill (H. R. 9256) for the relief of the estate of Mrs. E. M. Booker, deceased, late of Columbia, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 9257) for the relief of the estate of N. E. Perkins, deceased, late of Williamson County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 9258) for the relief of the trustees of the Cumberland Presbyterian Church, of Pulaski, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 9259) for the relief of W. S. Reid, administrator of Mrs. F. M. Harris, deceased, late of Franklin, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 9260) for the relief of H. J. Brewer, of Wayne County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 9261) for the relief of F. M. Fitzgerald, administrator of the estate of John Chandler, deceased, late of Maury County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 9262) for the relief of Alexander Bennett—to the Committee on Military Affairs.

Also, a bill (H. R. 9263) to remove the charge of desertion from the military record of John Jones—to the Committee on Military Affairs.

By Mr. DE ARMOND (by request): A bill (H. R. 9264) granting a pension to Napoleon B. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9265) for the relief of Elida J. Davis, widow of Capt. Freeman Davis, deceased—to the Committee on Military Affairs.

Also, a bill (H. R. 9266) granting an increase of pension to James H. Caldwell—to the Committee on Invalid Pensions.

By Mr. DAVIS: A bill (H. R. 9267) for the relief of Ed. W. Ramage—to the Committee on Claims.

By Mr. FREER: A bill (H. R. 9268) to pension Christiana Rogers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9269) to pension Miss Olie Heaton, dependent daughter—to the Committee on Invalid Pensions.

By Mr. HENRY of Mississippi: A bill (H. R. 9270) for the relief of the estate of Thomas S. Maben, deceased, late of Hinds County, Miss.—to the Committee on War Claims.

By Mr. KETCHAM: A bill (H. R. 9271) to remove the charge of desertion against Charles Schaupp, alias Phillip Schaupp, and authorizing his honorable discharge—to the Committee on Military Affairs.

By Mr. LLOYD (by request): A bill (H. R. 9272) granting a pension to Solomon J. McMillen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9273) granting a pension to Mrs. Jane Baker, widow of Johnson Baker, deceased—to the Committee on Invalid Pensions.

By Mr. LIVINGSTON: A bill (H. R. 9274) for the relief of estate of Margaret Barge, deceased, late of Campbell County, Ga.—to the Committee on War Claims.

By Mr. SHACKLEFORD: A bill (H. R. 9275) appropriating $5,000 to widow of late R. P. Bland—to the Committee on Appropriations.

By Mr. YOUNG of Pennsylvania: A bill (H. R. 9276) for the relief of William Congdon—to the Committee on Naval Affairs.

By Mr. ZIEGLER: A bill (H. R. 9277) to increase the pension of Michael G. Lawrence, of Company C, Two hundred and second Regiment Pennsylvania Volunteer Infantry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9278) to remove the charge of desertion from the military record of George W. Cook—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARNEY: Petition of O. H. Gulick, H. E. Coleman, and three other members of a committee, Rev. J. Kekahuna and numerous natives of the Hawaiian Islands, urging the enactment of a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

By Mr. BARTLETT: Petition of Carpenters' Union No. 144, of the United Brotherhood of Carpenters and Joiners, of Macon, Ga., favoring House bill preventing the transportation of prison-made goods—to the Committee on Labor.

By Mr. BINGHAM: Resolutions of the National Board of Trade, commending the Paris Exposition, the Pan-American Exposition at Buffalo, N. Y., in 1901, Ohio Exposition at Toledo, Ohio, in 1902, and the World's Exposition at St. Louis, Mo., in 1903—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the National Board of Trade, urging the immediate construction of the Nicaragua Canal—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the National Board of Trade, urging the early completion of the system of contract improvements, by locks and dams, upon the Ohio River—to the Committee on Rivers and Harbors.

Also, resolution of the National Board of Trade, commending the banking and currency bill—to the Committee on Banking and Currency.

Also, resolutions of the National Board of Trade, urging the consolidation of several Government bureaus relating to forestry and the preservation of forests—to the Committee on the Public Lands.

Also, joint memorial of the maritime, commercial, and trade organizations of Philadelphia, Pa., urging liberal appropriations for the support of the Hydrographic Office of the Navy Department—to the Committee on Appropriations.

By Mr. BRENNER: Petitions of L. G. Gould, of Eaton, and F. N. Plessinger, of Germantown, Ohio, against the passage of House bill No. 6071—to the Committee on the Post-Office and Post-Roads.

By Mr. BURKETT: Petition and papers to accompany House bill No. 6094, granting a pension to Mary A. Ellis—to the Committee on Invalid Pensions.

By Mr. BURLESON: Petition of T. M. Yett, Rudolph Ebeling, R. L. Lacey, and other ranchmen and stock raisers in the State of Texas, favoring Government distribution of blackleg vaccine—to the Committee on Agriculture.

By Mr. FREER: Papers and evidence in support of House bill granting a pension to Olie Heaton—to the Committee on Invalid Pensions.

By Mr. GAMBLE: Petition of C. J. Lavery, publisher of the Fairplay, of Fort Pierre, S. Dak., against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. GRAHAM: Petition of the American-German League of Western Pennsylvania, Max Kurniker, secretary, Pittsburg, Pa., urging that the Government of the United States use its friendly offices to bring about a cessation of hostilities between Great Britain and the South African republics—to the Committee on Foreign Affairs.

Also, resolutions of the Erie County Pharmaceutical Association, of Buffalo, N. Y., for the repeal of the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. GREENE of Massachusetts: Resolution of the Boston Associated Board of Trade, in favor of the establishment of the department of commerce and industries—to the Committee on Interstate and Foreign Commerce.

By Mr. GRIFFITH: Medical certificate to accompany House bill No. 3784, granting an increase of pension to Lindsay C. Jones—to the Committee on Invalid Pensions.

By Mr. JOY: Petition of A. H. Foote and 10 other members of the St. Louis Credit Men's Association, favoring amendment of bankruptcy law and opposing repeal—to the Committee on the Judiciary.

Also, papers to accompany House bill granting a pension to Caroline Brune—to the Committee on Invalid Pensions.

By Mr. KETCHAM: Petition of Robert Welsh and other citizens of Coleman Station, N. Y., for a law subjecting food and dairy products to the laws of the State or Territory into which they are imported—to the Committee on Interstate and Foreign Commerce.

By Mr. LLOYD: Petition of T. A. Day and others, of Kaseyville, Mo., for the relief of Jane Baker—to the Committee on Invalid Pensions.

By Mr. LONG: Petition of W. P. Morrison, of Sterling, Kans., against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petitions of Gem Drug Company and others, of Medicine Lodge; Bixby & Lindsay, of McPherson; H. O. Harris and 51 others, of Mount Hope; J. A. Foster and Charles Roberts, of Marquette, Kans., for the repeal of the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. NAPHEN: Petition of the graduate nurses in the State of Massachusetts, favoring the passage of House bill No. 6879, relating to the employment of graduate women nurses in the hospital service of the United States Army—to the Committee on Military Affairs.

By Mr. STARK: Paper to accompany House bill No. 3960, granting a pension to John Fisher, of Wilber, Nebr.—to the Committee on Invalid Pensions.

By Mr. ZIEGLER: Petition and affidavits in support of House bill for increase of pension to Michael G. Lawrence, of Company C, Two hundred and second Regiment Pennsylvania Volunteer Infantry—to the Committee on Invalid Pensions.

SENATE.

THURSDAY, *March 8, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. RAWLINS, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

RELATIONS WITH THE PHILIPPINES.

Mr. RAWLINS. Mr. President, I desire to give notice that on Monday next, after the routine morning business, I will submit some remarks, if convenient to the Senate, on our relations with the Philippines.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. H. L. OVERSTREET, one of its clerks, announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President pro tempore:

A bill (S. 282) extending the time for the completion of the bridge across the East River, between the city of New York and Long Island, now in course of construction, as authorized by the act of Congress approved March 3, 1887;

A bill (S. 3266) authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Maj. Gen. E. O. C. Ord from Oak Hill Cemetery, District of Columbia, to the United States National Cemetery at Arlington, Va.; and

A joint resolution (H. J. Res. 170) providing for the acquisition of certain lands in the State of California.

AGRICULTURAL EXPERIMENT STATIONS.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and referred to the Committee on Printing:

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of Agriculture on the work and expenditures of the agricultural experiment stations established under the act of Congress of March 2, 1887, for the fiscal year ended June 30, 1899, in accordance with the act making appropriations for the Department of Agriculture for the said fiscal year.

WILLIAM MCKINLEY.

EXECUTIVE MANSION, *March 8, 1900.*

VISITORS TO ANNAPOLIS.

The PRESIDENT pro tempore appointed Mr. HANNA and Mr. TILLMAN members of the Board of Visitors on the part of the Senate to attend the next annual examination of cadets at the Naval Academy at Annapolis, Md., under the requirements of the act of February 14, 1879.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented a petition of the Machinists' Protective Association of Buffalo, N. Y., praying for the enactment of legislation relative to the employment of enlisted men in competition with civilian machinists; which was referred to the Committee on Military Affairs.

He also presented a petition of 53 citizens of New York City, praying for the establishment of an Army veterinary corps; which was referred to the Committee on Military Affairs.

He also presented a petition of the Riverside Republican Club, of New York City, praying for the enactment of legislation in relation to our trade with China; which was referred to the Committee on Commerce.

He also presented petitions of Local Lodge No. 245, International Association of Machinists, of Buffalo; of Columbus Lodge, No. 401, International Association of Machinists, of Brooklyn, and of Local Lodge No. 421, International Association of Machinists, of Elmira, all in the State of New York, praying for the enactment of legislation to increase the salaries of machinists in the United States Government Printing Office, at Washington, D. C.; which were referred to the Committee on Printing.

He also presented memorials of the Health Culture, of New York City; the New York Education, of Albany; the Homeopathic Eye, Ear, and Throat Journal, of New York City; the Citizen, of Allegany; the Hobart Herald, and the Daily News, the Free Press, and the Regulator, of Cohoes, all in the State of New York, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. COCKRELL presented memorials of the Republican, of Lamar; the Democrat, of Dearborn; the Democrat, of Monroe City; the Democrat, of Lamar; the School and Home, of St. Louis; the Chief, of Cowgill; the National Land News, of Green Ridge; the Enterprise, of Liberal; the Commercial Lawyer, of St. Louis,

and the Reflector, of Holt, all in the State of Missouri, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. NELSON presented a memorial of sundry citizens of Elbow Lake, Minn., remonstrating against the enactment of legislation to prevent the use of trades checks; which was referred to the Committee on the Judiciary.

He also presented memorials of the Cigar and Tobacco Journal, the Gazette, the Commercial Bulletin, and Northwest Trade, of Minneapolis, all in the State of Minnesota, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. SCOTT presented memorials of sundry citizens of West Virginia, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. McBRIDE presented a petition of 80 citizens of Lane County, Oreg., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors and the sale and importation of opium in Hawaii; which was ordered to lie on the table.

Mr. SPOONER presented a petition of the Builders and Traders' Exchange of Milwaukee, Wis., and a petition of the Wisconsin Retail Lumber Dealers' Association, praying for the adoption of certain amendments to the interstate-commerce law; which were referred to the Committee on Interstate Commerce.

He also presented a petition of the Wisconsin Cheese Makers' Association, praying for the enactment of legislation to regulate the manufacture and sale of oleomargarine and all other imitation dairy products; which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the Trades and Labor Assembly of Superior, Wis., remonstrating against the enactment of legislation to abolish the use of eighth stamps upon beer barrels; which was referred to the Committee on Finance.

He also presented memorials of Aut Novak, of Milwaukee; Rev. Albert Haupert, of Watertown; J. M. Hibbard, of Strouthton; H. J. Leighton, of Chilton; Cordial G. Hinley, of Waveno; Bronson & Glover, of Menasha; Frank E. Noyes, of Marinette; John E. Thomas, of Sheboygan Falls, and Samuel Shore, of Crandon, all in the State of Wisconsin, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Stevens Point Post, No. 156, Department of Wisconsin, Grand Army of the Republic, praying for the enactment of legislation in reference to civil service and appointments thereunder; which was referred to the Committee to Examine the Several Branches of the Civil Service.

Mr. MASON presented a memorial of Local Union No. 38, Cigar Makers' International Union, of Springfield, Ill., remonstrating against the importation of cigars from Puerto Rico free of duty; which was ordered to lie on the table.

Mr. ALLEN presented a petition of Company D, Second Regiment Nebraska State National Guard, praying for the enactment of legislation to increase the appropriation for the maintenance of the National Guards of the United States; which was referred to the Committee on Military Affairs.

He also presented a memorial of the Nebraska and Kansas Farmer and Breeder, and a memorial of the News, of Nebraska City, Nebr., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Building Trades Council of Omaha, Nebr., praying that the Government build reservoirs and irrigation works, and that the remaining public lands of the United States be held for the benefit of the whole people, and that no grants of title to any of these lands be made to any but actual settlers and home builders on the land; which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also presented resolutions adopted at a mass meeting of citizens in Omaha, Nebr., relative to the war now being waged against the Transvaal Republic and the Orange Free State in South Africa; which were referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Harrison, Nebr., praying for a continuance of the free distribution by the Department of Agriculture of blackleg vaccine; which was referred to the Committee on Agriculture and Forestry.

Mr. CULLOM presented a memorial of the Federation of Musicians of Chicago, Ill., remonstrating against the cession of public lands to the several States; which was referred to the Committee on Public Lands.

He also presented a petition of Local Union No. 19, Journeymen Tailors' Union, of Peoria, Ill., praying for the enactment of legislation to protect free labor from prison competition, and also to limit the hours of daily service of workmen and mechanics on the public works of the United States; which was referred to the Committee on Education and Labor.

He also presented a petition of the Typographical Union of Joliet, Ill., praying for the enactment of legislation to print the label of the Allied Printing Trades on all publications of the Government; which was referred to the Committee on Printing.

He also presented memorials of the Free Press, of Carbondale; the Riverton Enterprise, the Mechanicsburg News, the Buffalo Press, the Chicago Unity, the Nashville Democrat; the Farm Home, of Springfield; the Bureau County Republican, of Princeton; the Independent Star, of Elizabethtown; the Pilot, of Noble; the Home News, of Elizabethtown; the Weekly Citizen, of Schuyler; the Daily Citizen, of Rushville; the Leader, of Walnut; the Cycle Age and the Motor Age, of Chicago; the Pratt County Pilot, of Monticello, and the School and Home Education, of Bloomington, all in the State of Illinois, and a memorial of the Philanthropic Index and Review, of Kalamazoo, Mich., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. FRYE presented a memorial of the Maine Academy of Medicine and Science, remonstrating against the enactment of legislation for the further prevention of cruelty to animals in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a memorial of the Maritime Association of the Port of New York, remonstrating against the enactment of legislation to regulate towing in the port of New York; which was referred to the Committee on Commerce.

He also presented the petition of Charles P. Lincoln, of Washington, D. C., praying for the enactment of legislation relative to the Jerome treaty with the Comanche and other Indians of the Indian Territory; which was referred to the Committee on Indian Affairs.

He also presented a petition of the senate of Templ Congress, praying for the establishment of free commercial intercourse between Puerto Rico and the United States; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. 743) to relieve Benjamin F. Burgess of the charge of desertion, reported it with an amendment, and submitted a report thereon.

Mr. HARRIS, from the Committee on Military Affairs, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 1562) for the relief of Wilbur F. McCue;

A bill (S. 961) to place John M. Cunningham on the active list; and

A bill (S. 2932) to provide for macadamizing Fort Crook military boulevard from Fort Crook, Nebr., to Omaha, Nebr., and appropriating money therefor.

Mr. PETTUS, from the Committee on Military Affairs, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 805) to remove the charge of desertion from the name of David Dunwoody;

A bill (S. 999) to remove the charge of desertion standing against Thomas B. Peterson; and

A bill (S. 799) to correct the military record of John Scanlin.

Mr. SHOUP, from the Committee on Military Affairs, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2762) to authorize the Secretary of War to correct the military record of Wynn W. Pefley; and

A bill (S. 3283) for the relief of Isaac R. Dunkelberger.

Mr. MASON, from the Committee on Commerce, to whom was referred the bill (S. 3301) to provide an American register for the barge *Davidson*, reported it without amendment, and submitted a report thereon.

Mr. TURNER, from the Committee on Pensions, to whom was referred the bill (S. 2938) granting an increase of pension to Joseph Longmire, reported it with an amendment, and submitted a report thereon.

STEAMER WINDWARD.

Mr. GALLINGER. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 6767) to grant an American register to the steamer *Windward*, to report it without amendment. As it is a very brief bill, to which I feel sure there

will be no objection, I ask unanimous consent for its present consideration.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REVIEW OF THE WORLD'S COMMERCE.

Mr. PLATT of New York. I am directed by the Committee on Printing to report a concurrent resolution, and I ask unanimous consent for its immediate consideration.

The concurrent resolution was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed, for the use of the Department of State, 10,000 copies of the general summary entitled "Review of the World's Commerce" for the year 1899, and 5,000 copies of Commercial Relations of the United States for the year 1899, including the summary.

Mr. COCKRELL. Is that only for the benefit of the State Department? I ask the Senator from New York reporting the resolution whether the Senate and House will get any copies of this publication?

Mr. PLATT of New York. I understand they will.

Mr. COCKRELL. The resolution does not give any copies to the Senate or House. Let the first part of the resolution be again read.

The Secretary again read the resolution.

Mr. COCKRELL. I do not remember that that document has been ordered printed for the use of the Senate and House.

Mr. HALE. Undoubtedly under this resolution all the copies would go to the Department.

Mr. COCKRELL. Unless it has already been ordered printed for the use of the Senate and House, there ought to be some copies provided for Congress.

Mr. HALE. I suppose probably what has been done is that as the documents have come in, the usual number, which is very small, has been printed for the use of the Senate and the House.

Mr. PLATT of New York. There has been no such resolution passed.

Mr. HALE. But under the general rule as the documents are sent in, the usual number, which is very small, is printed. Then generally (I know that was my experience on the committee) we provided by a resolution for additional copies, of which so many shall be for the use of the House and so many for the use of the Senate and the remainder for the Department.

Mr. PLATT of New York. We will bring in a separate resolution hereafter for copies for the Senate and the House.

Mr. HALE. Does the Senator think this number is none too large for the Department?

Mr. PLATT of New York. I presume not. It is the recommendation of the Department and of the President.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. JONES of Arkansas. Has this document ever been printed? Has it been in the hands of Senators? Do we know anything about what the document is?

Mr. PLATT of New York. Last year the same number of copies of the same document was printed for the preceding year.

Mr. JONES of Arkansas. Of this same document?

Mr. PLATT of New York. No; not of this same document. It was the report for the preceding year.

Mr. JONES of Arkansas. It seems to me if the document is worth printing at all, there should be some copies of it printed for the use of Senators and Members of the House, and it ought not to be printed exclusively for the use of the State Department.

Mr. PLATT of New York. I stated that hereafter we would bring in another resolution embodying the views of the Senator.

Mr. JONES of Arkansas. Why should it not be done now? I can not understand why the printing should be done for the use of the State Department before it is done for the use of the Senate itself.

Mr. PLATT of New York. As the Senator from Arkansas is a member of the committee we will now make an amendment so as to have copies ordered for the two Houses.

Mr. JONES of Arkansas. I am perfectly willing to take the matter up in the committee at any time, whenever it is necessary to be done. I did not know anything about the facts in the case and I wanted to understand it. I suggest that the resolution go over until to-morrow, and the Senator from New York can propose such amendments as will be necessary to meet the requirements.

The PRESIDENT pro tempore. Objection is made to the present consideration of the resolution, and it goes over.

Mr. PLATT of New York, subsequently said: I ask consent to withdraw the resolution I reported a short time ago for printing the Review of the World's Commerce.

The PRESIDENT pro tempore. The Senator from New York asks leave to withdraw the report which was made by him this morning touching commercial reports. Is there objection? The Chair hears none, and the resolution is withdrawn.

BILLS INTRODUCED.

Mr. KEAN introduced a bill (S. 3481) to permit certain burials of the dead in the lands of the Protestant Episcopal Cathedral Foundation of the District of Columbia, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. BUTLER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3482) granting an increase of pension to Elias M. Lynch (with accompanying papers);

A bill (S. 3483) granting an increase of pension to Jeremiah Jackson (with accompanying papers); and

A bill (S. 3484) granting an increase of pension to William Flinn (with accompanying papers).

Mr. ALLEN introduced a bill (S. 3485) to remove the charge of desertion from the name of James W. Pace; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3486) to remove the charge of desertion from the name of Herrm Henry Schapers; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CULLOM introduced a bill (S. 3487) to increase the pension of Dr. William O. Osgood; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. WARREN introduced a bill (S. 3488) to amend an act fixing the fees of jurors and witnesses in the United States courts in certain States and Territories; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. DEPEW introduced a bill (S. 3489) authorizing and empowering the Secretary of War to grant the right of way for and the right to operate and maintain a line of railroad through the Fort Ontario Military Reservation, in the State of New York, to the Oswego and Rome Railroad Company; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. McMILLAN introduced a bill (S. 3490) in relation to admissions to and dismissions from the Reform School of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PRITCHARD introduced a bill (S. 3491) to correct the military record of Henry Butler; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3492) for the relief of Andrew H. Plemmons; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3493) for the relief of E. B. Norville; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 3494) for the relief of James M. Howard, administrator of Thomas S. Howard, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3495) granting an increase of pension to Merritt Young;

A bill (S. 3496) granting a pension to William Rommel; and

A bill (S. 3497) granting a pension to James Edwards.

Mr. HANSBROUGH introduced a bill (S. 3498) to authorize and regulate the sale and use of timber on the unappropriated and unreserved public lands; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. NELSON (by request) introduced a bill (S. 3499) for the relief of Henry W. Lee; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. HANNA introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3500) granting a pension to Mary Merideth (with an accompanying paper);

A bill (S. 3501) granting an increase of pension to Kate Harbaugh (with an accompanying paper); and

A bill (S. 3502) granting a pension to Elisabeth Whisler (with accompanying papers).

Mr. HANNA introduced a bill (S. 3503) to correct the military record of Jacob McDowell; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. SPOONER introduced a bill (S. 3504) for the relief of the

Menomonee tribe of Indians, in the State of Wisconsin; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 3505) granting an increase of pension to Edwin Culver; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. JONES of Arkansas (by request) introduced a bill (S. 3506) for the relief of Bayles E. Cobb; which was read twice by its title, and referred to the Committee on Claims.

Mr. MORGAN introduced a bill (S. 3507) for the relief of Betty Mosely and Martha B. Mosely; which was read twice by its title, and referred to the Committee on Claims.

Mr. PERKINS introduced a joint resolution (S. R. 99) authorizing the President to appoint an inspector to be attached to the office of the Secretary of the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. TELLER introduced a joint resolution (S. R. 100) providing for the printing of additional copies of the Report of the Governor of Alaska for 1899; which was read twice by its title, and, with the accompanying letter from the Secretary of the Interior, referred to the Committee on Printing.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. KEAN submitted an amendment relative to the claim of Morgan's Louisiana and Texas Railroad and Steamship Company for transporting United States mails between July 1, 1878, and February 21, 1892, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. HALE submitted an amendment relative to the appointment of an inspector of accounts to be attached to the office of the Secretary of the Navy, intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. MASON submitted an amendment fixing the salary of the chief clerk, office of the First Assistant Postmaster-General, at $2,500 per annum, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

ADULTERATED FOODS.

Mr. MASON (by request) submitted an amendment intended to be proposed by him to the bill (S. 2426) to prevent the manufacture of adulterated foods; which was referred to the Committee on Manufactures, and ordered to be printed.

TRADE RELATIONS WITH PUERTO RICO.

Mr. BACON. I send to the desk and ask to have read for information amendments intended to be proposed by me to the bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Puerto Rico, and for other purposes.

The amendments were read and ordered to lie on the table and to be printed, as follows:

Amendments intended to be proposed by Mr. BACON to the bill (H. R. 8245) entitled "An act temporarily to provide revenues for the relief of the island of Puerto Rico, and for other purposes," viz:

Strike out from section 8 all from the beginning thereof to and including the word "Congress," in the twenty-third line, on page 8, and insert in lieu thereof the following:

"SEC. 8. That on and after the date when this act shall take effect there shall be levied, collected, and paid upon all articles imported from foreign countries into Puerto Rico, which is hereby constituted a customs-collection district, the rates of duty mentioned and prescribed in the schedules and paragraphs of an act entitled "An act to provide revenue for the Government, and to encourage the industries of the United States," approved July 24, 1897; and on and after the date when this act shall take effect, organizing and establishing civil government in Puerto Rico, there shall, in accordance with section 8, Article I, of the Constitution of the United States, be no duties or imposts levied, collected, or paid upon any articles imported into Puerto Rico from any part of the United States, and no duties or imposts shall be levied, collected, or paid upon any articles imported into any part of the United States from Puerto Rico."

Strike out all of section 10.

SABINE PASS IMPROVEMENT.

Mr. CULBERSON submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be authorized and directed to submit a report of survey and estimate for the improvement, straightening, and widening the main ship channel in Sabine Pass, Texas, from a point 1,000 feet north of the United States life-saving station to Sabine Lake, and that said survey and estimate be made in accordance with the provisions of section 22 of the river and harbor act of March 3, 1899.

TEXAS STATE CLAIMS.

Mr. CULBERSON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and he is hereby, directed to furnish the Senate a complete list of all claims audited and paid to individuals or corporations for expenses for the subsistence, transportation, sheltering, and generally the maintenance of volunteers, during the interval between their enrollment (enlistment) and their muster (or being sworn in) into the service of the United States; also all incidental expenses connected therewith, such as the hire of officers' clerks, messengers, etc.; for mustering officers for volunteers organized in the State of Texas in 1898 for the Spanish war, together with the names of the owners of each of such claims, the character and amount therof, and the date of the audit and payment of same.

THE CLAYTON-BULWER TREATY.

Mr. MASON submitted the following resolutions; which were refered to the Committee on Foreign Relations:

Whereas Gen. Lew Wallace, of Indiana, a conspicuous citizen of the Republic, who was elected a delegate at large from the State of Indiana to the Republican national convention meeting in St. Louis in 1896, alleges that the late James G. Blaine, then Secretary of State of the United States of America, told him, the said Lew Wallace, that he, the said James G. Blaine, had just finished the preparation of a note or manuscript of instruction to the minister of the United States to the Government of Great Britain in which the contention was maintained that the Clayton-Bulwer treaty of 1850 had been rendered void by the acts of the British Government; and,

Whereas the published correspondence of the Department of State of the United States of America indicates that the late James G. Blaine had maintained in his official capacities that the treaty commonly called the Clayton-Bulwer treaty had been violated by Great Britain, and for that reason should be abrogated; and the late Frederick T. Frelinghuysen, Secretary of State of the United States Government, maintained in his correspondence that the Clayton-Bulwer treaty had been abrogated by the acts of Great Britain and the United States and was for that reason null and void; and

Whereas the State Department has declared to the newspapers of the country that the late Frederick T. Frelinghuysen was the only Secretary of State who held the view that the Clayton-Bulwer treaty had been canceled: Therefore, be it

Resolved, That the Secretary of State be, and he is hereby, requested to transmit to the Senate of the United States any and all correspondence between the State Department of the United States and the Government of Great Britain, and particularly any notes or correspondence or declaration of policy relative to an isthmian canal, and to any treaties referring to such canal, that may have been written or dictated or authorized by the said James G. Blaine; and be it further

Resolved, That the Secretary of State of the United States be, and he hereby is, requested to furnish to the Senate a chronological recapitulation of the various contentions made by the Secretaries of State of the United States since the signing of the so-called Clayton-Bulwer treaty as to the validity of said treaty, the replies thereto by the Government of Great Britain, and the violations of the terms of said treaty on the part of Great Britain which have been held by the Government of the United States or the Secretaries of State thereof to have operated as an abrogation of said treaty; the purpose of this resolution being to secure from the State Department a complete explanation as to the attitude of the various Secretaries of State of the United States relative to the Clayton-Bulwer treaty.

SOUTH AFRICAN REPUBLIC.

The PRESIDENT pro tempore. Is there further morning business? If not, the morning business is closed.

Mr. PETTUS rose.

Mr. MASON. I do not wish to interfere with the notice given by the Senator from Alabama, as I understand the Senator gave notice he would address the Senate at this hour. I wish to give notice that upon the conclusion of his remarks I desire to call up my motion asking to relieve the Committee on Foreign Relations from the further consideration of the resolution which I introduced on the 6th day of December, 1899.

The PRESIDENT pro tempore. The Chair is not informed that the Senator from Illinois has made any motion. If the motion is made, it will lie over under the rule one day.

Mr. HOAR. If objected to.

The PRESIDENT pro tempore. Yes; unless the Senate otherwise orders. Does the Senator from Illinois make the motion?

Mr. MASON. Well, I make the motion to-day. I gave notice yesterday; and I want to say to the members of the committee that I gave notice yesterday simply to emphasize the fact that I did not wish to take the resolution away from the committee if they had any disposition to report it. They have had the resolution three months and three days, and I now make the motion and desire to have it entered. If under the rules it goes over we will take it up to-morrow morning at the close of the morning hour.

Mr. HALE. At the close of the routine morning business.

Mr. MASON. It will be included in the morning business, after the routine work of the morning hour.

Mr. COCKRELL. After the morning business.

Mr. MASON. As a part of the morning business, after the routine business to-morrow morning I desire to take it up. I make the motion now.

The PRESIDENT pro tempore. The Senator from Illinois moves that the Committee on Foreign Relations be discharged from the further consideration of the resolution——

Mr. MASON. The resolution introduced by me on the 6th day of December, 1899, of sympathy for the Boers, and that the said resolution be placed upon the Calendar.

The PRESIDENT pro tempore. The motion will go over under the rule.

HUDSON RIVER BRIDGE.

Mr. SEWELL. I ask the unanimous consent of the Senate to call up the bill (S. 2871) to supplement and amend the act entitled "An act to incorporate the North River Bridge Company and

to authorize the construction of a bridge and approaches at New York City across the Hudson River, to regulate commerce in and over such bridge between the States of New York and New Jersey, and to establish such bridge a military and post road," approved July 11, 1890.

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from New Jersey?

Mr. SEWELL. I simply want to call up this bill, which was reported from the Committee on Commerce by the Senator from Missouri [Mr. VEST] some time ago. It will take but a minute. It proposes to extend the time for the construction of the bridge.

Mr. PETTUS. Very well.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. H. L. OVERSTREET, one of its clerks, announced that the House insists upon its amendment to the bill (S. 2354) enlarging the powers of the Choctaw, Oklahoma and Gulf Railroad Company, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERMAN, Mr. CURTIS, and Mr. LITTLE managers at the conference on the part of the House.

GOVERNMENT OF PUERTO RICO.

Mr. PETTUS. Mr. President, I ask that House bill 8245 as amended in the Senate be laid before the Senate.

The PRESIDENT pro tempore. The Chair lays before the Senate the following bill.

The SECRETARY. A bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Puerto Rico, and for other purposes.

Mr. PETTUS. Mr. President, Job said, "When I looked for good, then evil came;" and every hopeful patriot might well use the words of that long-suffering man when he sees this proposed legislation for the government of the island of Puerto Rico.

The President of the United States in his message to Congress gave his opinion as to the laws needed for good government in that territory of the United States. No sordid politician had put his vile fingers in the ink of that message. It advised justice and equal rights as the rules for our action in framing laws for the government of the new citizens of the United States in Puerto Rico. He specially advised that there should be no tariff duties levied on goods coming to us from that island or going from the other parts of the United States to Puerto Rico. The President of the United States is the head of the party now in power in both Houses of Congress, and we had the right to hope and to believe that he would have some influence over this Administration, especially when the rallying cry of the party for three years has been, "Support the Administration."

Then the President's Secretary for War gave in substance the same advice. But "when I looked for good, then evil came." The Secretary of War says:

> I wish most strongly to urge that the customs duties between Puerto Rico and the United States be removed.

And now the public press are trying to induce us to believe that the Secretary of War wrote the bill, and that our President advised a "compromise" of justice to Puerto Rico in order to "hold the party together." For one I refuse to believe this charge against the President, and for answer say, "There are no such things done as thou sayest." For, though he may desire a reelection, he was a brave soldier and an able, generous man; and for one like him, "it is not all of life" to be reelected by a party which he can not induce to do justice or to act for the common good of all our citizens as he sees it. When you pass this bill without doing justice to the people of Puerto Rico as the President has stated it, and he approves your act, then I may believe the next vile thing I hear asserted against a good man.

Then I may believe the awful picture drawn by a cartoonist in one of the papers of this city. It represented a small barefoot boy lying on the ground, face downward, and an enormous elephant standing with two feet on the boy's legs and the other two on the boy's body, and the name of the boy was "Puerto Rico," and the name of the elephant was "Grand Old Party." The head of the elephant was hanging down, as though ashamed of his own conduct.

Mr. President, when this bill is enacted by Congress in its present form and is approved by the President, just men will be forced to write under that horrible picture, "A true bill."

Mr. President, let me invite your attention to the condition of the people of Puerto Rico; and in order to do so I will read from page 19 of the last Annual Report of the Secretary of War to the President, where he draws a mild picture of the condition of Puerto Rico. He says:

> The year has been devoted to administering and improving the civil government of the island and instructing the people in the rudiments of self-government, and this has been done at every step in conference with the leading citizens of the island, and upon lines agreed upon between them and the military governor. The work has been retarded by the unfortunate industrial condition of the island, caused by the fact that the people were unable to find remunerative markets for their products.
>
> The prevailing distress was heightened by the terrific hurricane which swept over the entire length of the island on the 8th of August, 1899, followed by a deluge of rain and a tidal wave on the south coast. The result of this disaster was the loss of about 3,000 lives, the destruction of sugar mills, dwellings, roads, bridges, and growing crops. The principal crop of the island is coffee, and fully two-thirds of the coffee crop of the year was destroyed. Over 100,000 people were reduced to absolute destitution, without homes or food or means to obtain food, and at the same time the avenues of communication were destroyed, so that many of the destitute were reached with the greatest difficulty.
>
> An immediate appeal to the people of the United States, through the War Department, met with a prompt and vigorous response. Relief committees were organized in our principal cities, and their work was systematized by a central relief committee with its headquarters in New York. One thousand tons of food were sent to the island for distribution during each week until the middle of October, when it was possible to reduce the quantity to 500 tons a week. Great quantities of medicines and other supplies were also furnished. Whenever the quantities of food furnished by private charity were insufficient to maintain the regular supply, the deficiency was made up by this Department, at an aggregate cost of $392,342.63, not including cost of transportation.

Now, considering the distressed and impoverished condition of these people, the policy of this bill is bad, apart from questions of law. Your purpose, of course, must be to make of the people on the island useful and peaceable and patriotic citizens; yet you certainly know that such citizens can never be produced by oppressive and unjust legislation.

This bill is bad in policy, in its provisions for levying taxes. It taxes what comes out of the island to other parts of the United States, and what goes into the island, and also what stays in Puerto Rico. And for what purposes?

1. To pay the legitimate expenses of the local government—to which purpose no objection is made.

2. But these people by this bill are taxed to pay the salaries of the United States district judge, the United States district attorney, and the United States marshal. Why not, on the same principle, make New York pay for the administration of the laws of the United States in the great State of New York?

3. And they are to be taxed to reimburse the United States for any moneys which have been or may be expended for the relief of the industrial conditions of Puerto Rico caused by the hurricane of August, 1899. This last item, when the Secretary of War made his report for last year, was $392,342.63. This last provision puts the United States in the unseemly attitude of generously relieving the sufferings of some of its citizens from the effects of a hurricane and a tidal wave, as this Government has done before at home and abroad, and then taxing those people to get back a generous donation. That is a thing which this Government never did before, and I hope Senators will not allow such a thing to be done. It is illegal and hardly decent.

As to the policy of this bill, I say it is bad. The policy is bad in the tariff tax levied by the bill; and I call your attention, Senators, to what has been the action of the Chamber of Commerce of New York. Their opinion on this part of the bill was sent to Senators by the president of that distinguished body of merchants, Mr. Morris K. Jesup. I will read it. I want to prove that some good can come out of Nazareth:

CHAMBER OF COMMERCE OF THE STATE OF NEW YORK.

At the monthly meeting of the Chamber of Commerce, held Thursday, March 1, the following resolutions reported by its committee on foreign commerce and the revenue laws, in reference to the Puerto Rican tariff, were unanimously adopted—

The merchants had no doubt about what they were saying. There was not a doubting Thomas among them.

> Whereas in accepting the cession of the island of Puerto Rico and in assuming the control of the destinies of this new Territory the people of the United States have undertaken a solemn duty and obligation toward the people of that island, and are in good faith bound to recognize the welfare and the interests of its inhabitants as identical in every particular with our own; and
>
> Whereas the President of the United States in his message to Congress unequivocally declares that the markets of the United States should be opened to Puerto Rico's products, and that our plain duty is to abolish all customs tariffs between the United States and Puerto Rico, and to give to her products free access to our markets; and
>
> Whereas the Secretary of War, in his last report to the President, states that the highest considerations of justice and good faith demand that we should not disappoint the confident expectation of sharing in our prosperity with which the people of Puerto Rico so gladly transferred their allegiance to the United States, and that we should treat the interests of this people as our own, and should remove the customs duties between Puerto Rico and the United States: Now, therefore, be it
>
> *Resolved*, That the Chamber of Commerce of the State of New York records its emphatic opinion that every consideration of honor, justice, and humanity demands that trade between the United States and the island of Puerto Rico shall be unrestricted by any customs duties whatever; and be it further
>
> *Resolved*, That early and prompt action should be taken by the Congress to redeem the good faith and the implied pledges of this nation as sponsor for the future welfare of Puerto Rico; and be it further

Resolved, That a copy of the preamble and resolutions be sent to the President of the United States and to the members of both Houses of Congress.

MORRIS K. JESUP, *President*.

Attest:
GEORGE WILSON, *Secretary*.

NEW YORK, *March 1, 1900*.

So much for the mere policy of this measure.

Mr. President, my purpose in taking the floor was to call the attention of Senators to provisions in this bill which can not be enacted without a violation of the Constitution of the United States.

This bill levies a tariff tax on goods imported into Puerto Rico from other parts of the United States; and also on goods imported from Puerto Rico into other parts of our country. Yet the Constitution declares:

All duties, imposts and excises shall be uniform throughout the United States.

And it also declares:

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to, or from, one State, be obliged to enter, clear, or pay duties in another.

Now, what meaning will you give to the command, "Duties shall be uniform thoughout the United States?"

Chief Justice Marshall, in Loughborough *vs.* Blake (5 Wheaton, 317), decided in 1820, gives a direct and clear answer. He, giving the unanimous opinion of our Supreme Court, says:

The eighth section of the first article gives to Congress the power to lay and collect taxes, duties, imposts, and excises for the purposes thereinafter mentioned. This grant is general and without limitation as to place. It consequently extends to all places over which the Government extends.

If this could be doubted, the doubt is removed by the subsequent words which modify the grant. These words are, "but all duties, imposts and excises shall be uniform throughout the United States." It will not be contended that the modification of the power extends to places to which the power itself does not extend. The power then to lay and collect duties, imposts, and excises may be exercised and must be exercised throughout the United States. Does this term designate the whole or any particular portion of the American empire? Certainly this question can admit of but one answer. It is the name given to our great Republic, which is composed of States and Territories. The District of Columbia or the territory west of Missouri is not less within the United States than Maryland or Pennsylvania; and it is not less necessary, on the principles of our Constitution, that uniformity in the imposition of imposts, duties, and excises should be observed in the one than in the other.

Thus spoke the greatest of the judges.

That decision merely establishes that the Constitution of the United States is the supreme law over all and every part of the territory of the United States, whether in or outside of the separate States. In other words, the United States can not have sovereign power over any spot on earth not subject to our Constitution.

This decision, made by Chief Justice Marshall, has been, in substance, fully sustained by very many decisions subsequently made, extending over the entire time from 1820 to 1897, when another of our great judges decided the case of Thompson *vs.* The State of Utah (170 U. S., 347), where Justice Harlan, speaking for the court, says:

It is equally beyond question that the provisions of the National Constitution relating to trials by jury for crimes and criminal prosecutions apply to the Territories of the United States.

"In the course of human events it becomes necessary" to invent new theories, even for the construction of our fundamental law; and this is most often done in cases where the plain letter and true meaning of the Constitution are in conflict with the plans and purposes of a political party. And lately and in high place, as the papers inform us, it was boasted, and in reference to a constitutional difficulty, that "If the people want to do a thing, they will find a way to do it." Partisans who use such language usually speak of their party as "the people."

Even the distinguished Senator from Ohio [Mr. FORAKER] in charge of this bill has his favorite theory, and he has reduced it to a maxim; in substance, that the Constitution does not extend into the Territories of the United States proprio vigore. If the Senator means by this favorite declaration that anything can be lawfully done in any Territory of the United States contrary to the provisions of our Constitution, he will find a plain denial of his assertion in the Constitution itself. And if his meaning is as I have supposed, the great lawyer in charge of this bill has admitted in the bill itself that his theory is without any real foundation.

The United States can not act or speak except it be by some one or more of its officers. The President of the United States and the officers lawfully acting under him speak and act for the United States in all matters of an executive nature. The Congress and subordinate legislative bodies in certain localities speak and act for our National Government in all matters of a legislative nature; and all judicial speaking and acting for the nation must be by the Supreme Court and such other court as may be created by law. No other human being can speak or act for the United States except in a few particular cases, where officers of the State may exercise authority.

Mr. President, notice how wisely the great men who framed our Constitution wrote in reference to every human being who could possibly speak or act for the United States:

The Senators and Representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation, to support this Constitution.

Senators, if anyone should desire disobedience to our Constitution in our territory of Puerto Rico, neither the President nor the Congress, nor the courts, nor any other officer can do the mean thing, because they have all sworn to support the Constitution; and they are all honorable men.

The senior Senator from Ohio has admitted in his bill here that his pet theory is not sound, for in the fourteenth section of his bill he requires every officer sent to Puerto Rico to take an oath to support the Constitution. After taking that oath, does he propose that they shall break it or not be bound by it, either in their personal or official conduct?

The Constitution may not go "proprio vigore," it may not and ought not to "follow the flag," for to follow means to go after. But the Constitution does go with the flag, for it is carried in the breast of every true and loyal officer of the United States into the Territories of the United States and wheresoever he may act for this great Republic.

The amendment proposed by the Senator from Minnesota [Mr. DAVIS] is a most interesting specimen of inventive genius. He proposes to send over to Puerto Rico the Constitution of the United States, not all at once, but by installments—now a little, and then a little. His amendment says:

That for the purposes of this act the following provisions of the Constitution of the United States are hereby extended and made applicable to Puerto Rico.

And then follows the clauses granting and regulating the power to tax. When and how did the Congress get authority to divide the Constitution or to repeal a part of it or to dole it out in homeopathic doses?

Mr. President, there are other things which should be changed or stricken out of this bill, and I have called your attention to some of them in the amendments which I have presented. But I will not now discuss these minor defects.

Senators, I beg you not to change the Constitution by act of Congress. There is an order in the Holy Book, "Remove not the ancient landmark." And then follows the penalty in these words:

Cursed be he that removeth the landmark which his father hath set. And all the people shall say, Amen.

Mr. FORAKER. Mr. President, it is not yet 2 o'clock, the time when the unfinished business should be properly laid before the Senate, and I do not know whether there is any other Senator present who desires to speak on this bill. Neither do I know the desire of Senators as to the presentation of other business.

Mr. MORGAN. The bill was laid before the Senate for consideration.

Mr. FORAKER. The bill was laid before the Senate when the Senator's colleague commenced his remarks. If there is any other Senator who desires to speak, I shall be glad to yield to him. If not, I will say something myself.

Mr. MORGAN. I should like to inquire of the Chair what the question on this bill is now before the Senate?

Mr. FORAKER. In answer to the Senator from Alabama, I can only say that the bill is the unfinished business of the Senate. It has been read.

The PRESIDING OFFICER (Mr. KEAN in the chair). The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. FORAKER. Notice has been given of a great many amendments to be proposed, but none has yet been offered.

Mr. MORGAN. None have been acted on?

Mr. FORAKER. None has been acted on. A great many are now lying on the table.

Mr. MORGAN. The point of my inquiry is this——

The PRESIDING OFFICER. The real question before the Senate, the Chair understands, is on the amendment reported by the committee.

Mr. MORGAN. At the proper time, after the committee have gone forward and perfected their bill, if they intend to offer any committee amendments by which the bill is to be perfected——

Mr. FORAKER. We are now considering the House bill, but the Senate Committee on Pacific Islands and Puerto Rico reported as a substitute for the House bill a Senate bill which they had previously reported favorably. So we have now under consideration the House bill, but the main proposition before the Senate is the amendment proposed as a substitute by the Senate committee, and I will now speak to that in answer to the Senator from Alabama [Mr. PETTUS] if there is no other Senator desiring to speak.

Mr. MORGAN. Not with a view of cutting off debate or trying to dispose of the question in any usual way at all, I wish to say this: That either when the Senator is through and other Senators

have spoken upon it, or at a later day in the progress of improvement and modification of the committee amendment, I propose to move to lay the entire substitute on the table, and shall ask for a yea-and-nay vote upon that proposition at the proper time. I do not want to cut off anybody from debating it, but I want to give notice now that I intend to make that motion.

Mr. FORAKER. Mr. President, in view of the expressed purpose of the Senator from Alabama [Mr. MORGAN], it will be necessary for those of us who desire to speak further to speak while we have the opportunity, as I understand, under the rules of the Senate, that motion is not debatable, and when made must be at once voted upon. Therefore I shall now briefly make answer to the criticisms made by the Senator from Alabama [Mr. PETTUS] upon this bill.

Mr. President, the Senator from Alabama [Mr. PETTUS] commenced his remarks with a Scriptural quotation. The trouble with my friend from Alabama seems to be that with which a good many men are afflicted—they know how to quote Scripture, but they do not always know how to make a correct application of it. The quotation was from Job: "When I looked for good, then evil came." I am not at all surprised that the Senator from Alabama was looking for good; and I am not at all surprised that the Senator from Alabama imagines that only evil has come. It will be my purpose, if I can, to satisfy the Senator from Alabama that he is mistaken, and that there is no case for the application of the Scriptural quotation he has made; that he not only looked for good, but that good has in fact been proposed by this measure.

Now, upon what theory is it that the Senator from Alabama undertakes to make it appear that not good but only evil is proposed by this bill? His theory is the same as that upon which the bill has been criticised by other Senators in this Chamber and the same theory upon which it has been criticised by a good many newspapers throughout the country. The criticism is that this bill does not deal fairly in its propositions with the people of Puerto Rico; that we are dealing illiberally and ungenerously with them; and the Senator from Alabama, to be specific, points out that we are levying 15 per cent of the existing Dingley rates of tariff upon commerce between the United States and Puerto Rico and that we are requiring the people of Puerto Rico, out of their revenues, to pay the salaries of the officials of Puerto Rico, for the appointment of whom we provide, to administer their government; and also that we provide in this bill for the issuance of bonds by the insular government, for which we are providing, to reimburse the United States for moneys expended by the United States to restore the industrial condition of that island. Let me now address myself to all this, for there seems to be a good deal of misunderstanding about the character of this bill, not only throughout the country, but here in the Senate, where every Senator has had an opportunity to read every word and every line and to study and understand and appreciate it.

I wish to commence by saying that instead of this bill being illiberal and ungenerous in its provisions toward the people of Puerto Rico, it is the most liberal and generous bill in its provisions that has ever been proposed in Congress for any Territory of the United States since the beginning of our Government. It is the very opposite of what is said about it. Now, before passing to the specific objections made by the Senator from Alabama, I call attention to the character of government, so far as its framework is concerned, that this bill provides for the island of Puerto Rico. You are all familiar with the Territorial governments that are now in operation. You know that for New Mexico, Arizona, and other Territories we have a governor, a judiciary, and we have also a legislative department. You are all aware that the governor and judiciary in these legislative governments are appointed by the President. The people are not consulted about them. They are not allowed to vote. They have no choice. The President appoints. When it comes to the selection of a legislative assembly, they elect and elect both houses. That is the present system. But it was not always so. Our first Territorial legislation was for Louisiana, and after that we had one legislative act after another establishing governments for Territories.

I have before me the act under which we took possession of the Territory of Louisiana and provided for that Territory its first government. That act was passed in 1803, on the 31st day of October, while Thomas Jefferson was President, and I have seen it stated in reliable and authentic histories that Thomas Jefferson and James Madison drew that act, one the author of the Declaration of Independence and the other a coframer of the Constitution. They certainly ought to be good authority as to what the power of Congress is to legislate for acquired territory and this act certainly ought to be a standard by which we have a right to measure the provisions we are now proposing for Puerto Rico, in order to determine whether we are dealing generously or illiberally by that people.

I will not stop to read this, but I will ask that the act to which I refer may be incorporated in the RECORD as a part of my remarks. I stop here only to call attention to the fact that it was provided by this legislation that all military, civil, and judicial power should be vested for the government of that Territory in such person and persons as the President of the United States might select. The people were not consulted. There was no providing, by any consultation with them, for a governor, or a judiciary, or a legislative department, but all powers were placed in the hands of the President, to be exercised by such agencies as he might see fit to provide. I ask that the act may be incorporated in the RECORD. It is short. There are only two sections.

The PRESIDING OFFICER. The Senator from Ohio asks unanimous consent that the act to which he has referred may be incorporated in the RECORD as a part of his remarks. Is there objection? The Chair hears none.

The act referred to is as follows:

CHAPTER I.—An act to enable the President of the United States to take possession of the territories ceded by France to the United States, by the treaty concluded at Paris, on the 30th of April last, and for the temporary government thereof.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States, be, and he is hereby, authorized to take possession of and occupy the territory ceded by France to the United States by the treaty concluded at Paris, on the 30th day of April last, between the two nations; and that he may for that purpose, and in order to maintain in the said territories the authority of the United States, employ any part of the Army and Navy of the United States and of the force authorized by an act passed the 3d day of March last, entitled "An act directing a detachment from the militia of the United States and for erecting certain arsenals," which he may deem necessary; and so much of the sum appropriated by the said act as may be necessary is hereby appropriated for the purpose of carrying this act into effect; to be applied under the direction of the President of the United States.

SEC. 2. *And be it further enacted*, That until the expiration of the present session of Congress, unless provision for the temporary government of the said territories be sooner made by Congress, all the military, civil, and judicial powers exercised by the officers of the existing government of the same shall be vested in such person and persons, and shall be exercised in such manner, as the President of the United States shall direct for maintaining and protecting the inhabitants of Louisiana in the free enjoyment of their liberty, property, and religion.

Approved, October 31, 1803.

Mr. FORAKER. The same legislation was enacted for Florida when later we came by acquisition from Spain to take possession of that territory; and it was in effect repeated when we annexed Hawaii.

Let me call attention, for I have taken the trouble to go over these various acts, to what was done in respect to other Territories. In the Northwest Territory, under the ordinance of 1787, preceding the adoption of the Constitution, it was provided that all governmental powers should be vested in and be exercised by the governor and judges, they to make laws until a general assembly should be selected. By the act of May 26, 1790, creating a civil government for the territory south of the Ohio River, the provisions of the ordinance of 1787 for the government of the territory northwest of the river Ohio were adopted.

By the act of May 7, 1800, it was provided that the government for the Territory of Indiana should be the same as the government for the Northwest Territory. In the act of October 31, 1803, establishing a government for Louisiana, the provisions were as I have already recited. In a second act, providing a government for this same Territory, all power of government was lodged in a governor and secretary and thirteen councilors. Nobody was given a right to vote for any official. The governor and these thirteen councilors discharged all executive duties, did all legislation, and everything else, except only what was done by the judiciary, all the members of which department of government were appointed. Later, by the same act, a Territorial government was provided for the district of Louisiana. It was the northern part of the Louisiana purchase, and according to this act all the legislative, judicial, and executive powers were lodged in the officials already provided for the Territory of Indiana. They were to legislate for Louisiana, and Louisiana was not given any officials of its own, not even by appointment.

So I might go on and show that in the case of Missouri, in the case of Arkansas, and in practically every case down to 1850, the whole power of government was placed by appointment in officials whom the President might see fit to select, and the people of the Territory were not given any right of election whatever. Since that time generally, almost without exception, the rule has prevailed to which I have adverted, and the people have been allowed to elect their legislative branch of government.

Now, in Puerto Rico we have departed from this last rule to this extent: We have provided that the governor shall be appointed and the judiciary shall be appointed and the upper house of the legislature shall be appointed, but we have provided that the lower house shall be elected. So the difference between the latest and most liberal governments that we have established for the Territories is in the fact that we appoint instead of allowing the people to elect the upper house.

Mr. President, there is good reason for that. The people of Puerto Rico differ radically from any people for whom we have

heretofore legislated. They have had a different kind of experience, especially in the matter of government. They have had no experience such as to qualify them, according to the testimony adduced before our committee at the hearings had, for the great work of organizing a government with all its important bureaus and departments such as the people of Puerto Rico are in need of. So the committee thought when they came to frame this bill, although they were anxious to give to the people of that island all the participation in government they could bring their minds to judge it was safe to give them, that as to these important officials the power should be reserved to the President to appoint them, thinking that by appointment of the President, by and with the advice and consent of the Senate, men of capacity for the great work of organizing those bureaus and starting that government as nearly as possible in harmony with the spirit of our institutions might be secured. That is the only reason for the departure.

I take a great deal of pleasure in saying to the Senate that so far as I am aware no intelligent and appreciative man in Puerto Rico has taken any serious exception to that provision. There has no doubt been some dissent at times, but as the matter has come to be understood, as the great work to be done has been unfolded and they have come to understand and appreciate it, they all recognize the wisdom and the propriety of it, and the people of Puerto Rico are satisfied with it. They recognize that this is a far more liberal government than we ever gave to any Territory in the early days of the Republic, and under the circumstances quite as liberal a government as any that we have authorized in later years.

Mr. President, the trouble with this bill, however, according to the criticisms that have been made, is not on this point, but it is with respect to the provision in the bill proposing a tax on commerce between Puerto Rico and the United States and in the particulars specifically mentioned by the Senator from Alabama. Now let me point out briefly why I said a moment ago that the Senator from Alabama does not recognize good when it comes, but mistakes it for evil, particularly in this instance. I have before me the official report of General Davis, who has been military commander there for the last year. He is a very able, a very careful, a very conservative, and a very painstaking man, and his statements impressed the committee as absolutely reliable. We sent for him and had him come all the way from Puerto Rico to advise us as to the conditions existing in Puerto Rico in order that we might be able to legislate intelligently. He told us about the people, and he told us about their industrial conditions.

I need not stop here to speak of what he said about the people, except only to say that it was creditable to them in a high degree, yet coupled with the fact that perhaps 90 per cent, or at least 85 per cent, of them are unable to read or write and are not possessed of any property. That to which I wish to call attention—because it has direct reference to and is the basis of this provision—is what he said about the industrial conditions in that island. Let me read a minute. He says in his report of September 5, 1899:

Previous to the 8th of August—

Which was the date of the hurricane—

the industrial situation here was far from satisfactory. In previous communications by cable I have adverted to that, but certain bold facts as bearing upon the business, production, and revenues of the island I now give, and in some respects repeat what has before been said.

The normal exports under Spain had been about 18,000,000 pesos for several years, and the taxes raised for the insular treasury and for Spain were about 5,000,000 pesos. The amount of municipal taxes would approximate another million, I suppose.

The exports for calendar year 1898, the year of the war, have not yet been ascertained, but the total must have been much less than formerly. There is as yet some lack of precise information as to the amounts raised by taxes for insular and municipal treasuries.

The exports during the current calendar year will show a great falling off, while the present budget calls for an expenditure of about 3,000,000 pesos.

The exports will stand something like the following, in pesos:

Coffee	7,000,000
Sugar	4,500,000
Tobacco	500,000
Total	12,000,000

For next year tobacco as an export may be eliminated—

I am calling attention to this in order that the industrial condition and the capacity of the people to pay taxes may be brought to the attention of the Senate—

For next year tobacco as an export may be eliminated, as it will be planted only in sufficient quantities to supply home consumption, but of stocks left there may be for export 500,000 pesos.

The most sanguine estimate for next year—

That is, this year—

is one-third of a normal crop of coffee for export, or, say, 18,000,000 pounds, which at present prices will net the producers about 1,500,000 pesos.

I will say in this connection that in a subsequent report made in December he said to the War Department that instead of one-third of a coffee crop there will not be this year more than 10 per cent of a crop; that the hurricane was more disastrous than he had imagined.

If the destroyed or damaged sugar mills are all restored, the export of cane products may reach 5,000,000 pesos.

We have, then, a total possible export of 6,500,000 pesos, or a little more than one-third the normal.

It does not require a demonstration to show that the industrial conditions existing before the hurricane, bad as they were, are excellent by comparison with those resulting from the storm.

Formerly but two-thirds of the labor that sought employment at 30 cents, American money, per day could secure it, and now not one-third the labor is employed at any rate of pay. A hundred thousand or more individuals are being fed from the bounty of the American people. In some localities where the municipal government was feeble and the town councils did not command respect (and I am sorry to say these towns are not few in number) no collections whatever of taxes can be made; some who could pay will not, because of their belief that the contributions will be squandered; others make this belief a pretext for nonpayment, and many others, who were well off, have no means whatever with which they can even support their families.

Then he goes on. I will not detain the Senate to read it all, but I ask consent to insert it all in the RECORD. It is but a page additional and describes the very disastrous conditions that obtain in that island.

The matter referred to is as follows:

The coffee lands suffered worst. These trees are planted on the hill and mountain slopes, and in many places the declivities are very abrupt. The gale tore up the trees, loosened the soil, and the deluge of water converted the earth into a semifluid.

Then followed landslides, and thousands of acres of coffee plantations slid down into the valleys; trees, soil, rocks, and every vestige of culture are piled up in the bottom of the valleys. In such cases there is no restoration possible, for where there were smiling groves are now only bald rocks, which were uncovered by the avalanches.

Where the soil was not disturbed the most of the coffee trees were either uprooted, broken off, or stripped of foliage and the immature berries. The larger trees of other varieties, which are habitually grown for shade to the coffee, were blown down, and their protection to the coffee trees is also gone; so where the trees are not wholly denuded the protection of the berries from the sun's heat is absent, and the green fruit is blighted and spoiled.

It will take five years to reestablish these coffee vegas, and there will be necessarily years of want and industrial paralysis.

To say that this will deplete the revenues is unnecessary, for when purchasing power is wanting imports can not be made. It seems probable that the importations for the remainder of the year will not reach more than one-third of the estimate; therefore rigid economy will be necessary on every hand. But for the fact that I brought over from last fiscal year well on to a half million dollars of a balance, I would see no hope of administering the government.

And it would not be surprising if it should become necessary to borrow in order to pay the indispensably necessary expenses of the government. The present balance in the insular treasury is just about $570,000, American currency.

The sugar industry has suffered much less than the others. Some cane has been uprooted and some has been buried, and many mills have been damaged or destroyed. The margin of profit at present prices to the sugar grower is small, but there is a margin of probably a half cent per pound to the manufacturer who has modern machinery; but the old "Jamaica train" mills, which are badly damaged, will probably never be reconstructed, and the growing cane for next year can not be ground on such estates unless their owners can negotiate large loans. Many will be unable to do this, so the prediction seems justified that much growing cane will next year be left to rot in the fields.

The municipal governments are many of them prostrate; the police can not be paid, the prisoners can not be fed, and the schools must be closed if not wholly supported from the insular treasury.

From every town and village I am appealed to for financial help—donations; loans are asked, implored even, and the alternative of chaos is predicted as the result of refusal. Proprietors beg for financial help and the homeless for rehabilitation of their dwellings.

Mr. FORAKER. In other words, the statement made by General Davis shows that the industrial conditions of that island are absolutely paralyzed and prostrated. He says in many municipalities no taxes can be gathered at all. He tells us that many people who have heretofore been accounted wealthy are unable to pay, have no money, and have no credit with which to command money. In other words, direct taxation upon the property in Puerto Rico, about which we have heard so much, is an impossible thing.

We were called upon to provide a civil government. You can not set up governmental machinery and maintain it in operation unless that government have revenue. It was estimated that the revenues essential to the support of this government would be not less than $3,000,000 annually. Where were we to get the $3,000,000 with which to support this government? Gentlemen tell us, "You can get it by taxation." We answer, there is the testimony that was before us, and to raise money for the support of that government by taxation was out of the question. You could not raise it in that way. They did not have it.

Here, then, were a people who were already in a state of bankruptcy practically before the hurricane came on August 8, 1899. By the disastrous effects of that hurricane they were absolutely ruined, and they would have been foreclosed and sold out had not the strong hand of this Government stayed the creditor by saying he should not enforce his claim, first for a year, and later it extended the time for six months additional. Now they will have to extend it again or else almost every plantation and every farm and every home in Puerto Rico will be sold at auction, for the record shows that there is a recorded mortgage debt upon the real property of that little island exceeding $26,000,000.

Mr. TILLMAN. Mr. President——

Mr. FORAKER. If the Senator will allow me a moment, then I will gladly yield to him. It is said we ought to raise this money by direct taxation. Let me suggest what that means. Take the situation as it exists—their impoverished and bankrupt condition, their inability to pay anything. How much do you think the rate of taxation would have to be to raise $3,000,000 for insular purposes, to say nothing about municipal government? The total valuation at the highest figures I recall as having been given amounts to about $150,000,000 for all the property in that island. Generally in the Northern States here I think we assess property for taxation at about two-thirds of its market value. That is called its full, fair value for taxation. A hundred millions of valuation would therefore be the basis on which you would have to raise by direct taxation $3,000,000. That is what the insular government alone needs.

In addition to that we would have to raise, General Davis says at least a million dollars for municipal government. That would mean a tax rate of 4 per cent on every dollar's worth of property belonging to the people of Puerto Rico and situated in that island. When we were called upon to provide revenue, we said, in view of all this, the people of Puerto Rico in their devastated condition can not stand such a burden, and we will not impose it if we can find any way whereby we can exempt them from it and at the same time give them a revenue, and that is how and why we proposed these provisions. Now I will yield to the Senator from South Carolina.

Mr. TILLMAN. I was just thinking that the subject which the Senator from Ohio is discussing is a very important one, and one that vitally interests every Senator who has to vote on this measure. There are so few Senators here that I was going to call attention to the fact that there is no quorum present.

Mr. FORAKER. I will be obliged to the Senator if he will do so.

The PRESIDING OFFICER. The Senator from South Carolina suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Foraker,	McBride,	Scott,
Allison,	Frye,	McComas,	Sewell,
Bacon,	Gallinger,	McCumber,	Shoup,
Baker,	Hale,	McMillan,	Spooner,
Bard,	Hanna,	Martin,	Stewart,
Burrows,	Harris,	Nelson,	Sullivan,
Butler,	Hawley,	Perkins,	Teller,
Chandler,	Heitfeld,	Pettus,	Tillman,
Cockrell,	Kean,	Platt, Conn.	Turner,
Daniel,	Kyle,	Platt, N. Y.	Warren,
Davis,	Lindsay,	Pritchard,	Wellington,
Deboe,	Lodge,	Rawlins,	Wetmore.

The PRESIDENT pro tempore. Forty-eight Senators have responded to the roll call. There is a quorum present. The Calendar under Rule VIII is in order.

Mr. FORAKER. Mr. President, I was addressing the Senate, with another occupant in the chair, when the Senator from South Carolina interrupted and raised the question of the presence of a quorum.

The PRESIDENT pro tempore. The Chair was not informed of that fact.

Mr. FORAKER. I am very much obliged to the Senator from South Carolina for making that suggestion, for what I was talking about is a matter that I want all Senators to hear. In view of the fact that there are some Senators in the Chamber now who were not present when I was talking a moment ago, I want briefly to recapitulate before I proceed. I was talking about this bill to provide a civil government for Puerto Rico, and I was talking in answer to the Senator from Alabama [Mr. PETTUS]. I was answering his objection to the bill that we provide a tariff to the amount of 15 per cent of the existing Dingley rates upon products imported from there into the United States and from here into Puerto Rico, a provision with which Senators and the whole country are familiar, and I was pointing out why in this bill we have made the character of provisions in regard to revenue that we have.

In that connection, Mr. President, I had just called attention to the report of Brigadier-General Davis, who for more than a year past has been the military governor of Puerto Rico. I called attention to the fact with which most Senators are familiar, I think, that General Davis is a very trustworthy, reliable, safe man. You can depend upon the statements he makes. He has been on the ground; he is specially familiar with the whole subject; and he tells us in his report of last September to the War Department that the industrial conditions of that island are absolutely prostrated. He tells us that they were in bad condition before the hurricane, and that they are in a worse condition since the hurricane. Coffee, which is the chief product of the island, was almost, as an industry, eliminated, the coffee plantations being destroyed.

Mr. LINDSAY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Kentucky?

Mr. FORAKER. Certainly.

Mr. LINDSAY. If the Senator will yield for a question, I ask him whether Brigadier-General Davis does not, upon that state of facts, recommend that all tariff duties between Puerto Rico and the United States be removed?

Mr. FORAKER. Yes, he does; and I will come to that if the Senator will content himself for a moment. I will speak about it now.

Mr. President, it does not follow because General Davis, while giving us facts that we can all accept, should be followed when he gives us simply his opinion as to what should be done. We are here to legislate not only with Puerto Rico in view, but with the interests of the whole of the United States in view; with the interests of other possessions than Puerto Rico in view, and with our obligations to other possessions of the United States than Puerto Rico in view.

Now, I will tell you why the committee have provided as they have in the matter of revenue; I want to show that it is a good provision and not a bad one, as the Senator from Alabama has seemed to think; that it is in the interest of the Puerto Ricans and not contrary to their interests. It was conceived in mercy to the Puerto Ricans, and it stands in the matter of generosity toward the people for whom we are legislating absolutely without a precedent in all the Territorial legislation of this Government from the beginning of it until now.

What is the condition as General Davis has depicted it? I have asked that it all be printed in the RECORD. Let me state here, therefore, briefly that according to General Davis in many municipalities in Puerto Rico you can not raise a dollar by a direct tax on property. Why? Simply because, as he points out, the property of the island is already burdened with debts that are evidenced by recorded mortgages to the amount of more than $26,000,000, and but for the hand of this Government staying the right of the creditor to foreclose the whole island would have been precipitated into bankruptcy, and all that property would have been sold under foreclosure long ago. To-day the creditor is compelled by the action of this Government to wait. The first order was that he should wait a year. The time has been extended six months additional. It will be extended again, in the hope that some time in the course of human events the Congress of the United States will get done discussing constitutional questions and go to the relief of a starving people.

Mr. President, General Davis shows us that the people are in such a situation that to raise revenue by way of taxation on property is an impossibility. How much revenue would have to be raised in that way? Has any Senator stopped to think? The committee did. It is an easy matter for those who do not stop to think, as the committee who investigated this subject were compelled to think, to criticise this measure. But have you who are in opposition stopped to think that to raise $1,000,000 of revenue, $3,000,000 for the uses of government, the lowest estimate anybody has made, and a million dollars additional for municipalities, would require a rate of taxation not less than 4 per cent?

Are people who to-day can not buy bread to be subjected to that kind of a burden? We are familiar with what direct taxation means in the United States. That is the system we employ throughout the States and Territories to raise revenue for our local government. They are not familiar with the system there. It would take time, in addition to its burdensome feature, to put it into operation and to get a return.

So, it was, Mr. President, when we found the Puerto Ricans in that situation, we stopped to consider whether we could not in mercy toward those people, not in a spirit of illiberality, not lacking generosity, but practicing the most gracious generosity, find some way whereby we could exempt them from this ruinous burden and raise revenues for their government in some other manner that would rest more lightly upon them.

In that endeavor we conceived the notion that we would do for Puerto Rico, and we have undertaken to do by the provisions of this bill, what has never before been done for the people of any Territory in the United States, something nobody thought to do for Louisiana, nobody thought to do for Florida, nobody thought to do for any Western Territory or Southern Territory. Nearly all the States here represented, all except thirteen, have been in a Territorial form of government. Not one of them ever had done for it what we are proposing to do for Puerto Rico. We extend the internal-tax laws of the United States into every Territory, and the people in every Territory are to-day paying the taxes prescribed by that law. But where, when they have been collected, are the taxes taken to? To Washington, to the National Treasury, for the benefit of the whole nation, the whole common country. Never in a single instance has there been other provision than that made.

But, Mr. President, in this instance we say to the people of Puerto Rico when they pay the internal-revenue taxes, paying

precisely, and only precisely, the same as are paid elsewhere in the United States, they shall have every dollar of benefit arising therefrom: that instead of being brought to Washington and put into the National Treasury for the benefit of the National Government, they shall go into the insular treasury for the benefit of the people of Puerto Rico.

That is not all. We have provided in this bill that the tariff laws of the United States shall be extended to Puerto Rico, and that full rates of duty shall be collected on all importations into Puerto Rico from countries other than the United States. Now, that has been the law in the case of every Territory. When Florida and Louisiana and Washington and Oregon were Territories, all goods imported into their ports of entry paid full tariff duties, and the collections so made were brought to Washington and put into the National Treasury for the benefit of the whole country. But in this case we not only say the people of Puerto Rico shall have the internal-revenue taxes, but that they shall also have all these tariff taxes.

Now, Mr. President, we made a careful estimate. I am speaking unexpectedly to-day, and unfortunately I have not with me some papers I should have. Among other papers, I have not the estimate which we made of what would be derived from these sources. I can not now in the absence of that paper give you the details of it, but I remember well the aggregate result from internal-revenue taxation and from import duties upon goods from foreign countries. We estimated that there would be derived, all told, about $2,000,000.

Mr. CHILTON. How much from each source? Do you remember?

Mr. FORAKER. No; I do not remember, but I can give it, I think. It did not give it by countries either; it gave it simply in the aggregate. That is my recollection, but I can show to the Senator from that paper the amount we estimated would come from countries other than the United States, and the amount that would come from the United States.

Mr. CHILTON. But I mean how much from internal revenue and how much from import duties?

Mr. FORAKER. Oh, I think it was about a million four hundred thousand dollars of tariff and about $600,000 of internal revenue. That is my recollection. I reserve the right to correct that if I am in error about it. But the most conservative estimate made as to expenditures necessary to conduct that government for this year, now in progress, would be about $3,000,000. What I have mentioned raised about $2,000,000. Where were we to get the other million?

Mr. LINDSAY. I ask the Senator if he can inform me how much it cost to administer the government of Puerto Rico during the last year of Spanish domination?

Mr. FORAKER. No; I can not recall now, but that is all shown in the reports. I think General Davis gave it in his statement before our committee.

Mr. LINDSAY. I think it amounts to not more than one-third as much as you estimate this year for expenses.

Mr. FORAKER. Yes, sir; I will say to the Senator that it amounted to over $4,000,000. I remember that.

Mr. SPOONER. And it was not a very good government, either.

Mr. FORAKER. It was a miserable government at that.

Mr. GALLINGER. If the Senator will permit me, he will remember that we are providing about a million dollars to build schoolhouses——

Mr. FORAKER. I am just coming to that.

Mr. GALLINGER. And we are providing a million dollars to build some roads for those people, which they never have had.

Mr. FORAKER. The Spaniards exacted from the Puerto Ricans, as I remember it, over $4,000,000 per annum, and they spent it as only Spaniards know how to spend money. They did not spend it for schoolhouses. We have done more for education in that island since we have taken possession, hampered as we have been, than Spain did for education in three centuries of time, so far as inaugurating any general system is concerned.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from South Carolina?

Mr. FORAKER. Certainly.

Mr. TILLMAN. Will the Senator tell us how much of that $4,000,000 was sent to Spain as tribute from the island?

Mr. FORAKER. I will gather all that and with pleasure answer any such question; but, as I said a moment ago, I did not expect to speak to-day.

Mr. TILLMAN. I am trying to get information. I did not seek to interrupt the Senator for any other purpose.

Mr. FORAKER. At any time I will be glad to be interrupted. I have no speech to make. I have no oration to deliver. I am here in the discharge of a duty, simply seeking to give to Senators information, and I want to give it in the most direct and most satisfactory way I can. I am glad to have all kinds of questions asked, and I will give the fullest information I can.

Mr. SCOTT. Mr. President——

Mr. FORAKER. I should like to proceed with the argument, but I yield to the Senator from West Virginia.

Mr. SCOTT. I merely rose to ask the Senator if the bill provides for different courts?

Mr. FORAKER. Certainly, it provides for courts. As I have already said (the Senator, I suppose, was out of the Chamber at the time), the bill provides a complete civil government, republican in form. We have an executive, a judicial, and a legislative department, and, according to this estimate of $3,000,000, we estimated in this way $1,000,000 to defray the expenses of that government. That means the executive department, the judicial department, and the legislative department, the management of jails, and the management of almshouses. Then we estimate, upon the recommendation of General Davis, for the expenditure of another million dollars for public improvements.

Why, Mr. President, the General told us and other witnesses the same that in the island of Puerto Rico they have no roads except two or three military roads, one from San Juan to Ponce, and short spurs to that; and that throughout the island, except only as to these roads to which I refer, they have no highways, nothing but bridle paths practically, which they must use in going from the interior out to the seacoast with their products. The prosperity of that island requires, if we are to restore it, that there shall be large expenditures made in the near future, and the best interests of the people require that labor shall be furnished in that way to those who are without it now. We estimate that a million dollars of this $3,000,000 should be expended in that way, for roads, bridges, etc.

The PRESIDENT pro tempore. The Senator from Ohio will suspend one moment. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Puerto Rico, and for other purposes.

Mr. FORAKER. Mr. President——

The PRESIDENT pro tempore. The Senator from Ohio.

Mr. SULLIVAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Mississippi?

Mr. FORAKER. Certainly.

Mr. SULLIVAN. I should like to ask one question. How can it be for the benefit of the Puerto Ricans to lay a tax upon them, either an internal-revenue tax or this duty upon products shipped there, if the money is to be returned to them, if when returned it is just the amount taken from them less the expense of the collection? How can that benefit them?

Mr. FORAKER. Mr. President, the committee may be in error about it, but I can tell the Senator the view we take of that, and I will tell him, as I proceed, in connection with what I was just about to say. I want to finish what I was saying when I was interrupted before I proceed to that.

We found, Mr. President, that to raise this revenue of $4,000,000 necessary for the insular and municipal governments, $4,000,000 would have to be raised by direct taxation or in some other manner, and that to raise it we would have to levy taxes at the rate of 4 per cent, which meant ruin, bankruptcy, and disaster to all who had property in the island. So we cast about to see if we could not find an easier way to raise it.

Mr. DAVIS. Mr. President——

Mr. FORAKER. In just one moment. We sought to raise it by internal taxes, which is largely an indirect method of taxation, and by the imposition of tariff duties for their benefit, or rather to turn them over to them instead of turning them over to the United States Treasury, which is another indirect and easy way for them to pay them. I was just proceeding to say that we had still a deficiency of at least $1,000,000, and we cast about to determine how that should be raised, and we concluded that we could raise it by imposing a duty of 25 per cent of the Dingley rates upon the commerce between Puerto Rico and the United States. The House bill cut it down to 15 per cent. In my opinion it ought to have remained at 25 per cent. That is very light, not at all a burdensome duty, and the Puerto Ricans did not, except on sentimental grounds, make any complaint against it. They recognized that they could at once have prosperity in that way.

Now, to answer the Senator's question, the advantage to the people of Puerto Rico in raising that million dollars in that way instead of by a direct tax upon their property was that the men who were able to trade back and forth, particularly the people who pay here at the port of New York and other ports of this country, the people who pay in the United States, for that goes and makes up a part of it as well as what is paid in Puerto Rico, are able to pay it as a part of their business transactions, far more so than the people of Puerto Rico who own the property there upon which it would have rested as a burden if it were not raised in this indirect way.

Now, I say we may be in error about that, but it does not seem

to me so, and it did not seem so to the committee. Now I shall be glad to hear the Senator from Minnesota.

Mr. DAVIS. For how many years is this $4,000,000 to be raised?

Mr. FORAKER. The 15 per cent is to continue until the 1st of March, 1902.

Mr. DAVIS. And you estimate $1,000,000 for schools and $1,000,000 for roads?

Mr. FORAKER. Yes.

Mr. DAVIS. Is it necessary to establish all those schools and build all those roads within two years? Why can not the time be properly extended?

Mr. FORAKER. General Davis's testimony and the testimony of others was to the effect that there ought to be at least $1,000,000 expended on each of these accounts for quite a number of years to come. That $1,000,000 would make but very little of the required amount of roads and other public improvements that are needed in that island.

Mr. DAVIS. I should like to ask the Senator——

Mr. HOAR. The Senator from Minnesota is not quite well heard on this side of the Chamber. I think Senators have a right to hear his question.

Mr. DAVIS. I should like to ask the Senator from Ohio this question. He admits that this method of raising revenue and handing it back to a political subdivision, whatever you call it, is unprecedented. It has not been done to Hawaii. It never was done to any Territory. The theory and practice have always been for the General Government itself to pay all of the necessary expenses of the Territory. Why not raise the revenue as to Puerto Rico the same as it is raised everywhere, cover it into the United States Treasury, and, as heretofore, if an appropriation is necessary for schools, for roads, or for administration, or to alleviate distress, do it by means of a direct appropriation? What is the reason, why is it, except in this matter of incidental distress, that this tariff rate, anomalous, unheard of, unprecedented, and temporary in its very conception, shall be applied to Puerto Rico, when the other day, in another place, $2,000,000 was appropriated from the General Treasury that came in under the tariff relations of Puerto Rico with the United States.

Mr. FORAKER. Mr. President, answering the Senator from Minnesota, there has never been an instance that I know of where it has been the practice to collect revenues in a Territory, turn them into the United States Treasury, and then appropriate them out again for the benefit of the Territory, beyond the mere payment of the salaries of the officials appointed by the United States. The United States Government has never undertaken to support a local government in either State or Territory, and would not be allowed to do it if it did make such an effort. The case, therefore, of Puerto Rico is anomalous, without precedent, as the Senator says, but it is without precedent not only as to the legislation which we propose, but as to the conditions that exist there and the requirements of that case. If Puerto Rico is to have schools, if Puerto Rico is to have roads, if Puerto Rico is to have the other improvements that we speak of, Congress must not only authorize the people of Puerto Rico by taxation to raise the needed revenue, but we must authorize a system of taxation that the people of Puerto Rico can conform to and administer successfully.

Mr. DAVIS. Mr. President——

Mr. FORAKER. I say to the Senator from Minnesota that it is an utter impossibility to raise money on the island by the usual method of direct taxation on the property wherewith to conduct a government and pay its expenses.

Mr. DAVIS. Then I say, those things being merely temporary, the proper and regular thing to do is to make appropriations from the general revenues.

Now, another word. It has been proposed, and I think the measure is before this body, to appropriate $2,000,000 to Puerto Rico from the revenues coming to it in the present conditions. I want to know, and I ask the Senator most persuasively if I can, what effect it is going to have on a people of that kind to donate to them, in the first place, $2,000,000, and then let them understand that by a precedent of this character, year after year, they are to receive, in the status of mendicants, as the recipients of alms, revenue collected in this way; that it is to be returned to them? I would rather, if the Senator will allow me, apply to Puerto Rico the system we apply to Alaska and what has been the general uniform practice of the Government from the beginning, not turning revenue into any place to meet a temporary exigency of distress even, but if necessary to make the proper appropriations for such time as may be necessary.

Mr. FORAKER. I am gratified to have the views of the Senator from Minnesota, but let me say, in answer to what the Senator from Minnesota has said, that if we were to apply to Puerto Rico the calm and dispassionate system heretofore pursued, to use his language, by the United States Government, the people of Puerto Rico would be nearly all starved to death before this Government would have done anything for them.

This, Mr. President, is a great emergency. The Senator can not answer what I am saying in support of these provisions by pointing to the appropriation that has been made by the House in the bill pending in the Senate.

Mr. DAVIS. I say make an appropriation, and others from time to time, as may be necessary.

Mr. FORAKER. Yes; and the Senator would vote for it, and other Senators would not vote for it. But the committee conceived it was their duty to the people of Puerto Rico to provide for that people a government and make it self-supporting, and start them on the way of taking care of themselves. I do not believe in appropriating money out of the Treasury for the benefit of people except only in cases of great emergency, and then I am willing to do it; but I am opposed to a system of almsgiving to be continued indefinitely. I think it better to adopt a self-supporting system now.

Now, Mr. President, it is premature to talk about appropriating $2,000,000; but what General Davis says in his report is that they must have at least $10,000,000 to relieve their general condition—$3,000,000 for the government on the accounts I have mentioned, and the other $7,000,000 on other accounts that he specifies and which we have enabled them to raise by authorizing them to provide a system of taxation and to issue bonds in anticipation of revenues from taxation and otherwise.

Mr. President, what I wanted to point out here is that this bill is not unjust and illiberal and ungenerous in its provisions for the Puerto Ricans, as charged by the Senator from Alabama [Mr. PETTUS], but that, on the contrary, it is the very opposite of all that; that we are doing for them what never has been done by this Government for any other Territory since the beginning of the Government; that we are, as the Senator from Minnesota has only emphasized, taking from them only the same internal-revenue taxes we collect elsewhere and then covering all back to them instead of putting those taxes into the National Treasury; taking from them only the same tariff taxes that we are taking from all, and, instead of putting those tariff duties into the National Treasury, turning them all into the treasury of the island of Puerto Rico for their benefit.

Never, Mr. President, in the history of this Government has there been such unexampled generosity and liberality in legislating for the people of any Territory. I say all this in answer to the criticism that this bill is unjust to Puerto Rico. Now, whether it is good policy for us to do this is a matter for the Senate to consider. I have undertaken to show that it is; that it is one of the necessities of the case; that we should be liberal and generous to the extent I have indicated and that this bill provides, and I hope the Senate will agree with us.

Mr. DAVIS. Will the Senator allow me?

Mr. FORAKER. Certainly.

Mr. DAVIS. Where is the justice of imposing the Dingley Act upon Puerto Rico as to all the rest of the world, and then turning around and imposing upon the same island, the same people, 15 per cent of that act on imports to that island from the United States?

Mr. FORAKER. Well, Mr. President, so far as the first part of the Senator's question is concerned, Where is the justice of imposing upon the people of the United States the Dingley Act——

Mr. DAVIS. My question is not separable.

Mr. FORAKER. Ah, but I will separate it if I see fit.

Mr. DAVIS. You can not.

Mr. FORAKER. I can. The Senator asks me where is the justice of imposing upon them the Dingley Act and then imposing upon the trade with the United States 15 per cent of the Dingley Act additional? I say to him that as to his first proposition I can answer it by saying that his question implies that there is some injustice in imposing the Dingley rates. Certainly the Senator will agree that there is not.

Mr. DAVIS. No——

Mr. FORAKER. He voted for the Dingley bill.

Mr. DAVIS. No; the——

Mr. FORAKER. It was a necessity of our conditions, and under it the country has been brought to a degree of prosperity it has never before realized in all its history.

Mr. DAVIS. No; Mr. President, as old a protectionist as I am, I am not to be put in a false position by the Senator from Ohio.

Mr. FORAKER. The Senator will allow me to say that I do not want to put him in a false position.

Mr. DAVIS. What I want to know is why and where the justice is, the Dingley Act being conceded to be just all round if applied to all the people, of putting upon any political community in this land 15 per cent more?

Mr. FORAKER. Mr. President, the 15 per cent to which the Senator alludes has no connection with the Dingley rates that are put upon importations into Puerto Rico. That is what I have been trying to show to the Senator from Alabama.

Mr. SCOTT. Mr. President——

Mr. FORAKER. I do not want to put any Senator in a false position, and no Senator will be allowed to put me in a false

position if I can help it. I know the Senator from Minnesota does not want to put me in a false position, and I do not mean that for him. I mean I would only do just what he was seeking to do.

Mr. SCOTT. May I ask the Senator from Ohio a question?

Mr. FORAKER. With pleasure.

Mr. SCOTT. Is it not the general report that the products of Puerto Rico are now held by so-called trusts, so that the 15 per cent duty that you are now proposing to levy upon the imports of Puerto Rico into this country would largely fall upon those trusts and not upon the people proper of Puerto Rico?

Mr. FORAKER. That is according to my information; I think that is according to the information of all the members of our committee, and I think that is according to common report. As to what the facts are I have no personal knowledge, but I do understand—and it has been stated over and over again, and it has not been denied, so far as I have heard, by anybody—that practically all the tobacco and all the sugar now ready for export from the island of Puerto Rico is owned by the tobacco and the sugar trusts. So the imposition of the duty of 15 per cent upon sugar and tobacco in the island is not, as it has been charged in the newspapers—and I would not speak of it, I would think it beneath the dignity of the Senate to refer to it, if the Senator had not called my attention to it—is not an imposition on the people of Puerto Rico proper, but an imposition of the tax upon those who own the sugar and tobacco and who must pay, for the benefit of the people of Puerto Rico, to whom we give it back as soon as it has been paid; but I do not put it on that ground.

Mr. BACON. Will the Senator permit an inquiry in that connection?

Mr. FORAKER. Certainly.

Mr. BACON. I understand from the statement of the Senator, which he says is in accord with general information, that the producers in Puerto Rico have already been paid for those products. Am I correct in that?

Mr. FORAKER. I so understand—I do not pretend to have any personal knowledge about it, and the Senator knows as much about it as I do—I understand that the tobacco and the sugar in the island have been bought up by the trusts very largely.

Mr. BACON. If that is the case, and the producers have already received the money for their products, outside of the tornado over there, what causes the great distress in Puerto Rico, if it is not due to the fact that the people can not sell their products?

Mr. FORAKER. It is because the people have been having to live meanwhile. It is not a rich country; their surplus for export is but small for a million people; and they have long ago lived up all the surplus they had. They have been visited not only by a tornado, but by war. Our armies have been marching over their soil and have interrupted their business and vocations and pursuits; and, as a result of it all, they are in a distressed condition, according to General Davis, to whom I have referred. I have not visited the island; but no man questions the truthfulness of the statement that has been made to us, and which I have had printed in the RECORD.

We all do know that no matter how the distress has come about this possession, of which we are justly so proud, because of the character of the people, the location of the island, the ambition of the people, which has been to make themselves agreeable to us and to make themselves an important part of this country—it is known to all of us, I say, that that people are in distress, in poverty, in squalor, hundreds of thousands of them; and if we are to relieve that people, if we are to legislate so as to give them prosperity, no one thing we can do in giving them civil government is so important to them as to exempt their property from all direct taxation, and necessarily, in the absence of the provisions we have supplied to conduct their government, to set into operation a school system and a system of public improvements such as they need.

Mr. HOAR. Mr. President, I should like at some time during the Senator's argument to state a constitutional question which has occurred to me for his answer. I do not know whether it is a convenient time to do so now.

Mr. FORAKER. All seasons are summer when the Senator from Massachusetts has a question to ask.

Mr. HOAR. Very well, Mr. President. I wish to say, if I may be allowed, that whatever may be or has been my opinion, and continues to be, about the desirableness of the Government of the United States governing dependencies not expected to be hereafter a part of the United States, I conceive it my duty as a Senator, when that is done, to help in my humble capacity in every way to have the best thing done for those people and for the United States; and with a desire to have the difficulty solved, if it can be, I put this question to the Senator: The Constitution of the United States prohibits a duty upon exports from any State. I had always supposed that that was the provision which prevented, under the interstate-commerce power, the imposition of taxation upon an export from New York to Ohio, or to New Mexico, or to the Indian Territory, or to the District of Columbia; and whether these new acquisitions are Territories, or are to become States, or are to be dependencies, it is equally a duty upon exports to tax anything shipped from Ohio or New York to Puerto Rico. Now, if that be true, I can not see how it is any the less a duty on exports whether you collect the duty at one end of the route or the other—whether you collect it in a port of the island or collect it in the port of the United States from which it starts. It is collected by the United States, and it is equally a duty on something carried out of a State. I should like to understand what is the answer in the Senator's mind to that proposition.

Mr. FORAKER. Mr. President, my answer to that proposition is the same that has been given a thousand times over and over again, in one form and another, since this debate with respect to the power of Congress to legislate for these dependencies commenced; and that is, that the constitutional prohibition to which he refers has no application whatever to the government of Puerto Rico or to the action of Congress in governing Puerto Rico.

Mr. HOAR. But I am not disputing——

Mr. FORAKER. Mr. President, let me say to the Senator——

Mr. HOAR. I will continue for one minute, if the Senator will allow me. I will concede for the purposes of this discussion what so many gentlemen believe, and I suppose the Senator from Ohio believes, that there is no limit whatever in the Constitution in governing Puerto Rico; but is it not just as much an export from Boston to send the product from there to Puerto Rico, which is not under the Constitution, as it would be to send it to Ohio, which is under the Constitution, or to send it to Great Britain, which is not under the Constitution?

Mr. FORAKER. If the Senator will allow me——

Mr. HOAR. Just one sentence more. That being so, could you, under your claim, tax these things in the port of New York on their way to Puerto Rico; and, if you can not under that constitutional provision, can you tax them at the other end of the route before they get off the ship?

Mr. FORAKER. Mr. President, the persistency with which the Senator presses his contention only illustrates what I intended to say a little bit later in the remarks I have in mind to make at this time. His persistency simply shows, as I was going to say presently—and I will say it now—that this question has passed beyond the law-book stage. In other words, Mr. President, what I mean by that is this——

Mr. HOAR. That is the answer.

Mr. FORAKER. No; it is not the answer. I gave the Senator the answer a moment ago; and the Senator knows that this was not intended as an answer. I say that the persistence of the Senator, and now his repeated persistence here in coming in with an interruption, which is an unjust and unfair one, in the way of comment on what I said—and the Senator will acknowledge it—shows, Mr. President, that with respect to this debate, which has been going on now for two years practically, there are two opposing views. I might stand here and quote from decisions of the Supreme Court of the United States from now until the time when the last Puerto Rican has starved to death without being able to make any impression whatever on the Senator from Massachusetts or other Senators who entertain views in opposition to the views I entertain; and they might quote in the same way and with the same absence of effect as to me.

I believe, Mr. President, that these acquisitions are mere dependencies of the United States, and that Congress has not only an inherent but a constitutional power to legislate, and also power under the treaty to govern these particular acquisitions as Congress may see fit, without regard to any of the restraints or limitations to which the Senator refers, except only qualified as I qualified that remark a few days ago when speaking on this same subject. That is my opinion. Other Senators entertain the opposite opinion.

It is idle to quote law books any longer hour after hour, day after day, and to consume time with such quotations without any effect.

I am referring now to other Senators than myself. [Laughter.] But, Mr. President, what I refer to now is this: We have here a controversy, lines have been drawn with respect to it, and men have taken their positions. It is idle to debate longer. There will never be a settlement of that question except only by the Supreme Court of the United States. When that tribunal speaks all will bow in humble and respectful submission, and until then we will have our respective convictions.

Therefore, I do not propose in this debate to bring here any law books. I simply plant myself on the general proposition and point to the authorities, with which Senators are all familiar, in support of it. There is where I shall stand until the Supreme Court tells me I am in error, if it ever is to so tell me, and I have no idea it ever will. I have confidence in my opinion; and therefore, Mr. President, I rejoice in the fact that the provisions of this bill are of such a character as to make it inevitable that the Supreme Court of the United States will pass upon that question.

Now let me say to the Senator from Minnesota [Mr. DAVIS] and to the Senator from Massachusetts [Mr. HOAR], I do not know

precisely in detail what their views are; I think they know what mine are; but whatever they may be, it is of the highest importance to everybody, to Democrats and Republicans alike, to the whole American people in common, that we know what is the right of this controversy; that we know at the earliest opportunity what is the power of Congress to legislate for these dependencies, and whether or not we can levy what the Senator from Massachusetts calls an export duty, but which, because of the way it is levied, I say is not such a duty within the meaning of the Constitution, and that we may have every other question settled. Therefore I rejoice that we have found a way to raise revenue for the people of that island without burdening them by direct taxation on their property, and at the same time raise questions that will bring all this controversy before the court, where we will ultimately get a settlement of it.

Mr. President, let me dwell here for a moment, as Senators have precipitated this discussion—I spoke briefly about this the other day—let me advert to it again, and say that we can not sit here and intelligently legislate if we do not take a more comprehensive view of the field of legislation than that which comprehends only Puerto Rico. We have got to take into consideration, as I said a while ago, our own conditions at home, and we have got to take into consideration, as bearing upon this general subject of legislation, the Philippines, as well as Puerto Rico.

Puerto Rico and the Philippines came to us by the same instrument. They stand in precisely the same legal relation to this Government, the one as the other does. What we can do or can not do as to the one is true as to the other.

Mr. President, is it true that we can not levy a tariff duty upon goods going into Puerto Rico from the United States? Is it true that we can not impose a tariff duty upon goods coming into the United States from Puerto Rico? If so, we can not find it out too soon. I say it is not true. I say it is within the power of Congress to do it. Other Senators say the reverse. Let us hear what the Supreme Court of the United States will say on the subject; and when the Supreme Court has spoken, then we will know how to legislate, and not until then will we know how to legislate.

Now, consider the importance of that. It was only very recently, within a few weeks, announced, and everywhere accepted as one of the greatest diplomatic triumphs standing to the credit of our Government in recent years, that we had demanded and succeeded in securing an open door in the far East, as to China. But does any man imagine that we can demand and receive at the hands of the other nations and powers of the world an open door as to China, and not in turn be at least asked to give an open door in the Philippines?

What does "an open door" mean? It means, Mr. President, that ships and merchandise of other nations shall go into the ports of the Philippines on precisely the same terms that our ships and merchandise go there. If we can not levy a duty on imports into the Philippines from the United States because, as the Senator from Massachusetts suggests, it would be an export duty, what is the consequence? We will have to go in free of duty; and if we go in free of all duty, the ships and merchandise of every other nation will go in free of all duty.

Mr. LINDSAY. Why?

Mr. FORAKER. I have just said why. I say that an open door means that the ships and merchandise of every other nation shall have exactly the same privileges in the ports of the Philippines, if we have an open door there, as our ships and merchandise have. If we can not levy a duty on the products from this country going into the Philippines; if we are to be told, as the Senator from Massachusetts undertook to tell us a moment ago, that that is an export duty prohibited by the Constitution—if that is the law, and the Supreme Court says so, then we can go in there only free of duty; and if we go in free of duty, Germany and England and France and Austria and every other power in the world will go in with their ships and merchandise free of all duty.

Mr. TILLMAN. Will the Senator allow me?

Mr. FORAKER. If the Senator will wait a moment, I shall be glad to yield to him.

I do not see how there is any escape from that difficulty. If we go into the Philippines free of duty, and they go in free of duty, it is because, as the Senator suggests, the Philippines have become, by this cession to the United States and our acceptance of it, so far an integral part of our country that they are the United States as much as any other Territory we have under the flag; and if they are the United States, and for that reason we can not levy an export duty, and for that reason when the ships and merchandise of other countries get within the ports of the Philippines they are within the ports of the United States, what is the consequence? Why, Mr. President, you can not levy either a protective or a revenue tariff; you may as well dismantle your custom-houses and go out of the business of collecting tariff revenues. There is no escape from it.

I say, therefore, every Senator here—Democrat and Republican alike—should rejoice at the opportunity this bill provides for raising a question that will put at issue our differences upon that point. I take it every Senator wants to reach a right conclusion; I take it that no Senator would think we were safe in answering the demands in the affirmative for an open door in the Philippines until we know certainly what the law is that is to govern in that contingency. Therefore it is, I say, there can be no intelligent legislation for Puerto Rico until we take a commanding view of the whole situation.

Mr. PETTUS. Will the Senator allow me to ask him a question for information?

Mr. FORAKER. Certainly.

Mr. PETTUS. How was it settled that the Philippines should have any open door?

Mr. FORAKER. It has not been settled that they shall have an open door; but I say it has been settled, as I am informed from that source of information which is common to us all, the newspapers, that we have demanded and we have received and been granted an open door in China by the other nations who trade in the East. I say we can not reasonably expect—I can go further and say I know we have no right to expect—that we will not be asked to give an open door in the Philippines; and if we get an open door we can not, without appearing very illiberal, niggardly, and mean, refuse an open door.

Mr. BACON. Will the Senator permit me to ask him, in order that I may have his views, what he understands by an "open door" in China?

Mr. FORAKER. I explained a moment ago.

Mr. BACON. I was unfortunate in not hearing the Senator.

Mr. FORAKER. I took the pains to say that by an "open door" I understand that the same conditions are to exist and control as to the ships and merchandise of all countries that go there. For instance, we are to go into China on the same terms that the ships of other nations go in on; we are all to go in on an equality. If they pay no duty, we do not; and whatever duty they pay we pay. So as to the Philippines—the ships and merchandise of other nations are to be allowed to go in, if there is an open door in the sense I understand it, upon precisely the same terms that our ships and merchandise go in.

Mr. TILLMAN. Will the Senator allow me?

Mr. FORAKER. Certainly.

Mr. TILLMAN. If the Philippines are an integral part of the United States, or if they are a part of our domain, I presume that the Dingley tariff, or any other tariff we may levy, will obtain there. China, as I understand it, does not belong to anybody yet, except to her own people, although there are spheres of influence and interests claimed by Germany, France, England, Russia, etc. Why is it that we will be under obligations as to a part of our own territory, of our title to which the Senator says he has no doubt, and that we are to be forced to recognize the rights of other people in regard to our own territory and give them concessions in regard to our own territory? And, then, the obligation rests with us, as the Senator seems to think, of being obliged to give them those advantages because we demand that they shall not go in and partition China and take it and divide it up and erect a tariff wall against us.

Mr. FORAKER. I have not said that we are under obligations, except only what you might call a moral obligation arising from the nature of the transaction. We want to trade with the far East. We have reached that point in the development of our resources, in the manufacture of products, in the aggregation of capital, and in the command of skilled labor when we are turning out annually millions in value more than we can consume at home. So we must find a market somewhere in the world. We can not find it in Europe, but it is in the far East. In recognition of that fact, an open door to the markets of China is of the highest importance, for in China and Japan and Oceanica and Australasia they have some six or seven or eight hundred million people possibly, who are just now being introduced to our civilization and who are coming to want our products.

Now, we say to Germany, to France, and to England, who have been making lodgments there and who are in command of the situation, "You shall not shut these doors against us," as it was recently proposed they would. England said it two or three years ago; and I remember when she sailed her ships over to Chemulpo, and stood them off opposite Port Arthur, and issued that proclamation which made the Anglo-Saxon blood start all over the world, in which she said, "These ports of China shall be open to all or open to none."

Following that we have——

Mr. TILLMAN. Mr. President——

Mr. FORAKER. I will yield to the Senator in a moment.

We have, without any such declaration, without any threat, without any menaces, succeeded in obtaining for ourselves what Great Britain was unable to accomplish, although she made that threat; we have been accorded an open door, and it is of the utmost importance to us to consider what may be asked in return, for I say the probabilities are that we shall be asked to give an

open door in the Philippines as soon as the insurrection there is suppressed and we institute a civil government. It is one of the inevitable coming questions, in my judgment. Now, when we are asked—we will not be necessarily required to give it, and we may not give it at all; but after we have so strenuously insisted upon it and received it, it strikes me it will be a little bit embarrassing to withhold it.

Mr. TILLMAN. If the Senator will permit me right there, there is no one more anxious than I am to secure the open door to China, because I would inform the Senator it is a local matter, so to speak, so as to secure a market for the cotton exports of the South, which is our staple; and the exports largely from my State are cotton goods with which England can not compete and no other nation can compete with us. New England can not compete with us, nor can any other section. We, therefore, are as anxious and as solicitous for an open door to China as the Senator can possibly be.

But, Mr. President, the Senator's argument, if it amounts to anything, has reduced itself to this: That he is not certain yet as to whether he wants the Philippines or not. If the Supreme Court shall determine that the Philippine Islands under the treaty are a part of the United States and that the laws and Constitution of the United States will be enforced there, if they go there ex proprio vigore—to use the law phrase which has been dinged into our ears here for the last two years—if we have the Philippines as a part of this country, then he does not know whether he wants the Philippines or not.

Mr. FORAKER. It will be a question always what we shall do as to the Philippines; and I will frankly say to the Senator, if it shall be determined by the Supreme Court, when that question is properly presented, that we can not levy any tax on imports from this country into the Philippines, or on imports from there here, we may have to adopt a very different policy in respect to the Philippines from that which I now anticipate will be adopted.

Mr. TILLMAN. Then what becomes of the contention about philanthropy and the flag and the glory and everything of that kind, and of the humanitarian aspects of the case? [Laughter.]

Mr. FORAKER. There is an easy answer to that, Mr. President. The Senator can not ridicule that idea in this connection. What I referred to in that connection was this: We want it settled not alone that we may know on what kind of conditions we can trade with that people, but we want it settled in order that we may know whether or not we can say to the people of the United States that the labor and the industry of this country shall be protected from what has been charged as the unjust competition of the Malay in the Philippines and the products of Malay cheap labor.

All over the country in the last campaign, Mr. President—to be more specific with respect to that which was in my mind—we were told by those who represented organized labor; we were told by Democrats on the stump, all speaking, no doubt, according to their honest judgment, that by the annexation of the Philippines we had taken a people into the United States against whom and whose systems of labor there was no power in the Congress of the United States under the Constitution to defend and protect the labor and the industry of this country. We answered that there was such power under the Constitution; and we pointed to the judicial decisions of the Supreme Court of the United States to support our contention. But those statements and those authorities are not satisfactory to the Senator from South Carolina and others, and they still insist that they are right in their contention.

I say, Mr. President, I have enough confidence in my proposition, in the proposition upon which we stand in this matter, to have this question submitted to the Supreme Court and passed upon at the earliest possible time. I say not only should that be done, but, in my judgment, it would be nothing short of criminal stupidity in the Congress of the United States not to legislate when there is necessity for it, so as to raise that question and have it settled.

Mr. TILLMAN. Then, Mr. President, if the Senator will permit me, this whole Puerto Rican contention rests upon the theory that if we can stand free trade between Puerto Rico and the United States we would take that island under our sheltering wing and let the eagle brood over it; but we can not do the same thing in Asia.

Mr. FORAKER. It does not raise any such thing. The Senator misunderstands. He would not misrepresent, for he is one of those kind-hearted, good men who are always solicitous to be perfectly fair to everybody. [Laughter.] What I have said, and been at a great deal of pains to say, is that the conditions in Puerto Rico are such as to make it necessary, if we would have the necessary revenue raised in the easiest way possible, to raise it in the way provided by this bill.

Then, in answer to the question propounded to me by the Senator from Massachusetts [Mr. HOAR], I took up the question about which I have now been talking as one of the incidents of this legislation, and I have said that I rejoice in the fact that it will become necessary for the Supreme Court to pass upon that question, and thus put an end to a controversy that is hopeless, so far as the ending of it otherwise is concerned.

Mr. TILLMAN. Will the Senator explain why it was that the President of the United States, who had better sources of information than he did, prior to the assembling of Congress, in his message, gave us to understand that it was our bounden duty to have free trade between the United States and Puerto Rico, and that he himself introduced a bill without any mention of this great exigency, that this was necessary, or that this revenue must be derived to keep people from starving, and that in the House of Representatives there was introduced a free-trade bill, and they only found after Mr. Oxnard, the sugar-trust king, had gone before a committee that there were interests which would be jeopardized if sugar came in free——

Mr. FORAKER. I will have to refer the Senator to my colleague.

Mr. TILLMAN. To whom?

Mr. FORAKER. To my colleague. I do not know. I am not the keeper of the President's opinion. I do not know whether my colleague can answer it or not, but I want to say to the Senator from South Carolina that the President no doubt spoke the sentiment that was in his mind when he made that recommendation, and it is a sentiment which is in the highest degree creditable to him. I was of the same opinion. I wanted free trade with Puerto Rico. I think everybody else here wants free trade with Puerto Rico as soon as it can be safely had. Nowhere in the United States could you find 11 men more thoroughly friendly to the Puerto Ricans and more thoroughly anxious to do for the Puerto Ricans everything in their power than constituted the Committee on Pacific Islands and Puerto Rico.

It was a struggle with us to know how we could show them the most generosity, and, as the Senator from Minnesota has well said, the generosity we have manifested is absolutely without a precedent. In the first draft of the bill I made I did not have quite courage enough to put into it a provision that all the internal-revenue taxes collected in the island should go into the insular treasury; but after we studied and after we figured and after we found how prostrated were their industries, how little could be raised in this and that and the other way, and found it was necessary to resort to every method here provided to get enough revenue to exempt them from direct taxation, then I was willing to agree to it and did. Now, then——

Mr. TILLMAN. In other words——

The PRESIDING OFFICER (Mr. CLAY in the chair). Does the Senator from Ohio yield to the Senator from South Carolina?

Mr. FORAKER. I will yield in a moment. I do not know whether or not the President has changed his mind. I know nothing about that; I do not pretend to know; but I have no doubt that the President knows more about it now than he did then. I know I do. I did not know much about the situation there existing, although I had been reading the newspapers; but when we sat as a committee, when witnesses were brought before us, when they told us in detail what the existing situation was, and when we came to know what it was, then we conceived it to be our duty to do what we have done. It may be that the President knows more about it now than when he wrote his message; and if so, and if he shall have changed his mind, that is also to his credit. It is to his credit as a man, his credit as a statesman, his credit as President that he should have made the recommendations when he possessed the knowledge he then had, and equally to his credit, if such be the case, that, having more knowledge, he should change his mind if he thinks that the additional knowledge tends to show that he should.

Mr. TILLMAN. In other words, if the Senator will permit me, he clings to the doctrine that protection to American labor is paramount and supreme, and that he will hold to the horn of that altar without regard to any of this philanthropy of which we have heard so much.

Mr. FORAKER. No, I do not do any such thing; but I do not think there is any higher or any better philanthropy than that which commences at home.

Mr. TILLMAN. I do not believe there is, either.

Mr. FORAKER. I do not think there is any better philanthropy than that which seeks to protect the wage-worker and the capital of this country from unjust competition from abroad. We fear no competition from Puerto Rico; that has nothing to do with it; but in the contingency I have pointed out there may and would come a competition which would be prejudicial; and if we are wise, we will now legislate to prepare the way for protection when that trouble comes.

Mr. TILLMAN. Their sugar comes in direct competition with the sugar of Louisiana and their rice with the rice of South Carolina and their tobacco with the tobacco of the Southern States, which is largely of the same texture and quality. The Senator demands protection for the manufacturing industries of this country. We of the South are opposed to admitting these islands in

the Pacific, because we will come in direct competition with them in the products of agriculture; and unless he shall strain the Constitution to the point where it will no longer be a Constitution for all who will be under the protection of the American flag, but that there will be subjects and citizens, unless there shall be a differentiation and a division and all our old ideas about the consent of the governed and the equality of men are to disappear, the very fundamental principles of American freedom are to be overturned in behalf of this doctrine of destiny, duty, and dollars, we have to face the alternative of considering the Filipinos as American citizens; and if the Supreme Court shall declare they are not, then it will be because the Supreme Court acknowledges no God and no law other than its own will and is determined to adhere to its fealty to the moneyed classes of this country.

Mr. FORAKER. Then, in advance we have a statement from the Senator from South Carolina to the effect that, no matter what the Supreme Court of the United States may decide, he does not propose to abide by it or respect it unless it is in accordance with the views he now entertains.

Mr. TILLMAN. There have been so many decisions from the Supreme Court that I had to swallow, whether I thought they were honest or not, that I expect to be forced to abide by this as we have had to abide by other decisions.

Mr. FORAKER. I can say for myself, and I think I can say for every other Senator in this Chamber or entitled to sit here, that there is for the Supreme Court of the United States and has always been only the supremest respect and the utmost confidence. I believe not only that the Supreme Court ought to settle that question, but I believe also that the Supreme Court will settle it rightly. I believe they ought to settle it before gentlemen of whom the Senator from South Carolina is a type become so excited about it that they can not speak of the decision when made respectfully.

Mr. TILLMAN. Oh, Mr. President, I am not the first man either in the Senate or out of it who has spoken disrespectfully of the Supreme Court. I call the Senator's attention to the fact that when the Dred Scott decision was made by the same august assembly the apostle of liberty, Abraham Lincoln, declared it was wrong.

Mr. FORAKER. Unquestionably.

Mr. TILLMAN. The Republican platform declared it was wrong. It was said that it was a covenant with hell.

Mr. FORAKER. But everybody bowed to the law thus declared until by the arbitrament of arms it was set aside. So I say no matter what this, that, or the other individual may have in the way of an opinion with respect to the Supreme Court, that tribunal and it alone can end this controversy, and we should welcome an opportunity to present the question to it; and because this bill presents that question I am more strongly in favor of it than I would otherwise be, and I think every other Senator is who has confidence in the position he maintains. Senators on the other side generally, I think, will be glad to see it submitted, glad to have the court pass upon it, glad to have the legislative department of the Union instructed as to our relations to the island and as to the course of legislation we can pursue.

But I have been drawn here into a very irregular and a very extended sort of debate. I did not expect, when I arose, to consume anything like this much of the time of the Senate. I wanted, in a very brief way, to make answer to the criticism of the Senator from Alabama, that this bill is illiberal and unjust in its provisions with respect to Puerto Rico. I wanted to show that on the contrary it is the very opposite, and if I have accomplished that, it is all I started out to do at this time. Being in charge of the bill, I will, of course, have an opportunity to answer as to various legal propositions that may be raised as we proceed in the consideration of the measure, and I will have an opportunity to answer every question as it may be presented. I had no thought at this time of making any formal legal argument. I will say that the more I think of it the more I think I will not make any at all; for what is the use?

Mr. BACON rose.

Mr. FORAKER. The Senator from Georgia [Mr. BACON] has his view about it, and he bases it on authorities that he has examined. He is an able lawyer. He reaches an opinion only after examination and consideration. I know he will retain that opinion, no matter what I may say. It is useless for me to bring in the case of American Insurance Company against Canter, in 1 Peters, or Sere *vs.* Pitot, in 6 Cranch, or the Mormon Church Case, in 136 U. S., or any of the many authorities which have been cited and can be cited, and thrash that straw all over again. I intend to rest the whole proposition right here, that, as I said a while ago, we have got beyond the stage where quoting authorities will do any good.

Mr. HOAR. Mr. President, I desire to occupy only a few moments.

Mr. TILLMAN. Will the Senator from Massachusetts allow me just one moment, in order to quote Mr. Lincoln's words regarding the Dred Scott decision?

Mr. HOAR. Certainly.

Mr. TILLMAN. I will read them:

> Judicial decisions have two uses: First, to absolutely determine the case decided, and, secondly, to indicate to the public how other similar cases will be decided when they arise. For the latter use, they are called "precedents" and "authorities."
>
> We believe as much as Judge Douglas (perhaps more) in obedience to, and respect for, the judicial department of Government. We think its decisions on constitutional questions, when fully settled, should control, not only the particular cases decided, but the general policy of the country, subject to be disturbed only by amendments of the Constitution, as provided in that instrument itself. More than this would be revolution. But we think the Dred Scott decision is erroneous. We know the court that made it has often overruled its own decisions, and we shall do what we can to have it overrule this. We offer no resistance to it.

Mr. SPOONER. There is no imputation on the honesty of the court.

Mr. HOAR. Mr. President, I understood when the Senator from Ohio began his argument that he not only consented that any Senator who sought light at his blazing torch might ask questions, but that he invited such interruptions, saying he would be very glad to help to remove any doubt that any Senator had in his mind. So I was quite disappointed when I found that the very simple question which I put to the Senator excited so much emotion in his excellent heart——

Mr. FORAKER. The Senator from Massachusetts is not, in my opinion, doing himself justice in making such a remark.

Mr. HOAR. What remark?

Mr. FORAKER. The only thing said that was resented was when the Senator referred to a remark I made after I had passed from an answer to his question. He said, "That is the answer." The Senator knew that was not the answer, and the Senator knew when he said that—he certainly knew it, if he understood what I was saying—that it was not intended as an answer. I had already answered the Senator, and I had given a reason why I did not answer him at greater length.

Mr. HOAR. Perhaps it is better to let the Senator's observation pass. He says that I told him that I thought something was an answer when I knew it was not.

Mr. FORAKER. No; I think the Senator wants always to be fair and just, and therefore I say that I thought that he spoke not in his usual way, but in a way that is not characteristic of him at all. I answered the question of the Senator, and gave a reason why I made it brief. I did not propose to discuss that question, and gave the reason why. That is all that the Senator could expect me to say under such circumstances. Then I proceeded to say, among other things, that we had now passed the point where a discussion of that would do any good, and the Senator seized upon that and said, "That is the answer of the Senator to my question."

Mr. HOAR. I certainly understood that to be the answer of the Senator to my constitutional proposition, that we had passed the law-book stage, from which I supposed that he meant it was not worth while, in dealing with this particular exigency, to trouble ourselves much about the decisions of the court reported in the books. That is what I understood.

Mr. FORAKER. The Senator will recall, when I remind him, that I said, in answer to his question, that my answer was that the provision of the Constitution upon which he relied as a predicate for his question has no application to the case he put, and then I proceeded, after I so answered him, to go on, and I made the remark to which he referred in that connection, and then he seized that, saying that was my answer to his constitutional question.

Mr. HOAR. I asked the Senator this question: Whether in his judgment a provision of the Constitution of the United States, which I did not quote exactly, but which I will now quote exactly—

> No tax or duty shall be laid on articles exported from any State—

Was not just as much violated if you put a tax or duty on the article while in the ship at the end of the voyage as while in the ship at the beginning? The Senator said, it is true, that he did not think the Constitution applied. That does not strike me as an answer to such a question—why it does not have a certain effect. Then he added that it had passed beyond the law-book stage. But, Mr. President, I suppose the lava in either the Senator's bosom or mine is entirely burned out by this time, and I will therefore proceed to discuss that question for a moment.

I can not agree with the Senator from Ohio, profound as is my respect for the Supreme Court of the United States, that it is proper for Senators to vote for measures which they deem unconstitutional in the hope that they will be instructed hereafter by the Supreme Court and set right if they are wrong. I think it was the expectation of the framers of the Constitution when they created the Senate and imposed upon us the oath to support the Constitution of the United States that there would be a Senate composed of constitutional jurists also, and that in the exercise of legislative functions they would act on their judgment, each individual Senator acting for himself, enforcing the Constitution as

he understands it and not under the guardianship or under the tutelage of any man or body of men sitting elsewhere. While I agree that if the Supreme Court of the United States in a proper case shall adjudge that a certain power is not committed to Congress by the Constitution we ought to refrain from exercising that power hereafter, I do not at all agree or admit that the converse of the proposition is true, and that we have a right to exercise powers which we believe are not committed to us because the Supreme Court says we may exercise them.

Mr. FORAKER. Nothing that I said is capable of such a construction as I understood the Senator from Massachusetts to put upon my remarks. I did not say that we should frame a bill for the purpose of raising that question. I simply said, in answer to his question and in discussing the question raised by the Senator, that it so happened that the bill that we bring in does raise that question, and I rejoice in the fact that it does, because that will lead to the settlement of a controversy that can not be settled by debate between the Senator from Massachusetts and myself, but can be settled by the Supreme Court.

Mr. HOAR. I submit that it can not lead to the settlement of a controversy, because if what I just said now be sound and true, questions arising hereafter will be questions for the conscience of each individual Senator whatever the Supreme Court may say.

Mr. FORAKER. Of course, I was referring only to the question of power. The question of policy would remain as it always does.

Mr. HOAR. I am referring to the question of power likewise. I repeat that if it be not within the constitutional power of Congress to hold dependencies and to legislate for them according to our conception of our interests and not according to our conception of theirs, to frame tariffs for them intended for the protection of American manufactures and American produce, perhaps, even against their own—if that policy be unconstitutional and un-American in the opinion of any Senator, I do not see how another judgment of the Supreme Court of the United States to a different effect is to relieve his conscience.

But, further, the Senator appeals to the Senate to pass this bill because of the imperative and pressing conditions of distress and hardship which exist in Puerto Rico. Still he is proposing a measure for their relief which, according to his suggestion, it is at least quite possible and, in the opinion of some Senators, very probable will be held ineffective and inoperative by that high tribunal, and therefore this whole measure must be patched up or renewed or something else provided in its place a year hence when Congress assembles after we get the decision.

Mr. FORAKER. I want to say right here, in answer to that suggestion, that the Senator will remember that I said I had no question in my mind on that point or on any other raised.

Mr. HOAR. I thought the Senator spoke of it as one of the advantages of this bill that we were to get a decision of the Supreme Court on this mooted and, in the minds of some Senators, doubtful question.

Mr. FORAKER. Does not the Senator think that would be an advantage?

Mr. HOAR. I think it would not be an advantage.

Mr. FORAKER. Does not the Senator recognize that it would eliminate about nine-tenths of the debate we have had in this Chamber and in the other during this session of Congress?

Mr. HOAR. I do not see how, if the Supreme Court of the United States should hold that we had that power, any Senator who thinks we had not would be relieved from the burden of his own official oath by the decision.

Mr. FORAKER. In other words, the Senator from Massachusetts would not accept, and deem himself bound in legislating by, the constitutional construction given by the Supreme Court of the United States.

Mr. HOAR. The Senator asks me not to yield for a question or a suggestion or a correction, but for an argument. Perhaps he will prefer to make it after I finish.

Mr. FORAKER. I supposed I might interrupt the Senator to the extent of understanding him; that is all.

Mr. HOAR. Certainly.

Mr. FORAKER. It is a very important statement which the Senator made, and I wanted to make sure that I understood it.

Mr. HOAR. I think the simple thing to do in this matter is to make a provision of a sum of money for the immediate and pressing needs of that people, as suggested, if I understood him, by the Senator from Minnesota [Mr. DAVIS], the chairman of the Committee on Foreign Relations. There is no doubt about that. There is no delay about that. There is no inhumanity about that. There is no necessity of waiting a week if you do that. There is no customs service to be improvised; no officers are to be appointed; no tariff law is to be interpreted or construed; no case made up for the court; no delay in any decision; and I appeal to the honorable Senator who has made this eloquent appeal for the now starving people of Puerto Rico not to keep the bread from their mouths while all these long and tedious processes are to go on, with doubt in the end whether his provision will turn out to be constitutional or not.

I want to repeat the proposition which I put in the form of a question to the honorable Senator from Ohio and which I thought he answered by saying we have got beyond the law-book stage, but which he says he did answer by saying that he did not think the Constitution applied. I want to repeat that proposition.

Mr. FORAKER. I can not give the exact language I employed in my answer, but I went on afterwards to use the expression the Senator refers to as the reason why I did not want to go into any argument about it.

Mr. HOAR. Will the Senator state the substance of that language—the reason why? I will give way for that.

Mr. FORAKER. I stated that the reason was because we had reached the point in regard to that and other questions where discussion only prolonged discussion and did not bring any result.

Mr. HOAR. Very well. I understand now that the answer of the Senator to this constitutional difficulty is that we have reached the point where prolonged discussion does not do any good. Is that it?

Mr. FORAKER. No. The Senator does not understand any such thing. What I said to the Senator when he first interrupted me and what I said to him two or three times in repetition and what I said to him just now and what I say to him again now is that the provision of the Constitution upon which he relies in my judgment has no application to this question.

Mr. HOAR. Why not?

Mr. FORAKER. Because we are legislating for a dependency to which the Constitution does not apply, and for the many reasons that have been assigned over and over again in this Chamber and time and again by myself, and always supported by authority. We are not restrained in so legislating by the provisions of the Constitution.

Mr. HOAR. Very well.

Mr. FORAKER. I am not undertaking to make an argument. I am stating in a brief way why the Senator's proposition does not apply.

Mr. HOAR. The Constitution of the United States provides that no tax or duty shall be levied on any article exported from any State. Now, as I understand, that is the only thing in the Constitution which prohibits the putting of a tax on articles exported from Ohio to New York or to New Mexico or to Arizona. It is not because the Constitution is not in Arizona.

Mr. FORAKER. The Constitution——

Mr. HOAR. I am going to state this proposition consecutively.

Mr. FORAKER. I thought the Senator asked me a question.

Mr. HOAR. The Senator can answer afterwards.

Mr. FORAKER. I thought the Senator asked me a question. I beg pardon.

Mr. HOAR. I did not.

Mr. FORAKER. I thought he was asking if the Constitution had been extended to Arizona.

Mr. HOAR. I did not ask any question whatever of the Senator.

Mr. FORAKER. We sitting here so understood. I beg the Senator's pardon.

Mr. HOAR. Now, Mr. President, you can not put a duty or tax on an article which is exported from a State.

Mr. DAVIS. To any place.

Mr. HOAR. To any place on the face of the earth. The Constitution is not binding in Russia, but you can not put a tax on an article exported from New York to Russia. Whether you send to St. Petersburg and get it on an American ship there, or whether you send an officer with the ship into mid-ocean and do it, or whether you put it on in the port of New York, it is an article exported from New York. As I was saying when I was interrupted, that is the only provision of the Constitution which prevents putting a tax on articles exported from any American State to any other. Under the power to regulate commerce among the States you could tax the lead of Colorado when it arrives at the Massachusetts boundary or on its way there, but it is an article exported from Colorado, and you can not touch it anywhere on the face of the earth. You can not touch it with your tax levied by authority of the United States in Russia or in Constantinople any more than you can in Ohio or New York.

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Ohio?

Mr. HOAR. I will yield when I have made my statement and not until then, if the Senator pleases. If that be true, it makes no difference whether Puerto Rico be a dependency, or a Territory, or a district, with certain peculiar provisions like the District of Columbia, or another State in the Union, you can not put your tax or duty upon the article. Does it make the slightest difference, Mr. President, whether you undertake to collect that tax at one end of the route or at the other end of the route or midway of the route? Now, that is the provision, and if it has been answered

five hundred times or once, I have not been so fortunate as to hear the suggestion of the answer.

Mr. FORAKER. If the Senator will allow me, I should like to give him the answer that I understand has been given a thousand times.

Mr. HOAR. Very well; the Senator has said that not a thousand times, but a good many times.

Mr. FORAKER. I supposed the Senator was perfectly familiar when he asked me that question with the answer which has been constantly given and which I think is a sufficient one, that the 15 per cent provided to be paid on goods sent from here into Puerto Rico is paid not for the privilege of exporting, but for the privilege of importing into that island after they have been exported; that is, for taking them into that particular territory, and that it is competent for Congress so to provide. There is no export duty at all.

Mr. HOAR. I never heard that answer before. Let us see whether it is a good one. The Constitution does not say you shall not pay a tax for the privilege of exporting. It says you shall not put a tax or duty on the article exported, and it is just as much a tax or duty on the article exported wherever in the route it is put on.

Now, Mr. President, what is the constitutional reason for this great provision, the justice and propriety of which no man, so far as I know, ever yet questioned? It is that if you put a tax on the products of different States, the States may combine to raise the duty in a way which will make it fall wholly on a few. Suppose we put an export tax on that great necessity to the world, cotton, and make our entire revenue, as we might have done to a very recent period, upon the cotton exported from the Southern States to England, and on tobacco, and on rice exported, the 41 or 42 States that do not raise cotton or tobacco or rice could compel the few States that raise these products to pay the entire cost of this Government if they saw fit, and they would be helpless.

Now, it is proposed to establish in Puerto Rico our Dingley tariff; that is, to have a certain percentage of our Dingley tariff, a tariff established for our benefit alone, in which the people of that island were not at all considered. In that tariff lead has a considerable protection, copper is free for good reasons, and nickel practically, I think, is free. Some one will correct me if I am not right. I was so told just now. Therefore you are giving to the producer of copper the right to send his copper to Puerto Rico free; you are giving to the producer of lead and nickel that privilege only on a most onerous and considerable condition, to wit, paying 25 per cent, if that is the percentage finally agreed on, or 15, whatever it is, of the tariff rate imposed on that as an import in the Dingley Act. Barley paid a little while ago 25 per cent. It pays a larger sum now; I do not remember just at this moment. Rice was up under the Gorman-Wilson Act to nearly 90 per cent ad valorem. Now, that was for the protection of rice, which needed more protection than barley or than wheat. This high duty is for protection, and under this policy of the Senator the product of the United States which in our judgment needs and deserves the most protection is to have the most burden put upon it when it comes to be an export and is carried to Puerto Rico.

Mr. President, this argument is not affected by the consideration that this is a foreign country, or is a dependency, or is not affected by the Constitution. You are, by the power of the United States, placing a burden on an American product of one State unequal to the burden which you put on American products of other States. Whether it is an export to Russia, or to Turkey, or to Puerto Rico, or is carried to New Mexico from the State of Georgia, it is liable to the same objection; it falls under the same constitutional prohibition.

Now, the honorable Senator said something about the open door, and that if we did not give the open door somewhere, we could not get it somewhere. We do not understand that this bill is giving an open door anywhere. If there is any part of that door open, it is shut as tight, so far as the conditions of this bill go, as the power and ingenuity of the honorable Senator can shut it. I conceive that if it were not so, no nation could refuse to give us equal terms with other nations in their own ports on the ground or under the pretext that we did not give her equal terms with us in these new dependencies.

The principle of the most-favored-nation clause, which declares the equality of nations with one another in the ports of third nations, always has been construed to mean equally with the most favored nations under the same conditions. It does not prevent reciprocity treaties, as we have always held and claimed; and it certainly would not prevent our making special terms for ourselves if it were expedient and just so to do in places which were our dependencies, which we had liberated at our cost, and for which we were at the time making large expenditures from our own Treasury. As it seems to me, if the theory be correct of gentlemen who maintain our right to do what we have been doing and propose to continue to do with these possessions, it is utterly idle to say that they are bound by the open-door doctrine or the most-favored-nation doctrine to deal with them precisely in all respects as we deal with other nations with whom we have friendly commercial relations.

Mr. TELLER. Mr. President, I sought the opportunity of asking the Senator from Ohio [Mr. FORAKER] a question, and I did not get it when he closed his speech. I want to know, if I can, the theory upon which the Senator presents this bill. I followed the Senator in his remarks, but I did not find out anything much except that he hoped the Supreme Court would have an opportunity to determine whether this is proper legislation or not. I want to know whether, according to the theory of the Senator from Ohio, if the bill becomes a law as it now stands, Puerto Rico will be a part of the United States or not?

Mr. FORAKER. I said expressly in the course of my remarks that I regard Puerto Rico as a dependency belonging to the United States, and not as a part of the United States in any integral sense.

Mr. TELLER. Is that the position the Senator takes?

Mr. FORAKER. That is the position I take now and have taken all the time.

Mr. TELLER. If that is true, I want to call his attention to what, it seems to me, is the industrious way in which he has gone in to make it a part of the United States, and if possible I wish to have the Senator now or at some other time distinguish to us how Puerto Rico will be different from the Territories we have been legislating for during many years.

Mr. FORAKER rose.

Mr. TELLER. I do not ask the Senator to do it now.

Mr. FORAKER. I think I can do it now.

Mr. TELLER. Well, the Senator may do it now, if he will.

Mr. FORAKER. I think that all the Territories which we have acquired have been, independently of the treaty provisions, mere dependencies belonging, so far as acquisition went, to the United States; but ordinarily in the acquisition of territory heretofore by treaty there has been an express stipulation that the territory and the inhabitants should be incorporated into the Union. In this case there is no such stipulation. Notwithstanding there has been that stipulation heretofore, our Supreme Court, as I read the other day, in 18 Wallace, reading from Mr. Justice Bradley, has uniformly held in effect, according to the language employed by him, that our Territories are mere dependencies of the United States, which the Congress has a right, in the exercise of its power derived from the Constitution, to govern as it may see fit.

Now, when we come to this territory it is much more a dependency than any of the other acquisitions were, because there is no such stipulation in the treaty, but, on the contrary, the stipulation is that Congress shall have power to fix or to determine the civil and political status of the inhabitants. That means not only that we shall have a right to say whether they shall be citizens of the United States in a national sense or not citizens, or whether they shall vote or sit on juries or have jury trials, but it also means that we have power to determine whether or not they shall be subjected to the same kind of taxation that the people of the United States elsewhere are subjected to, or whether they shall be favored in that respect as we have undertaken to favor them here. I think everything of that kind which relates to and affects their civil and political status is authorized by the treaty, which is as much a part of the supreme law of the land as the Constitution itself, and is made so by the Constitution.

Mr. TELLER. Mr. President, I do not myself differ very much with the Senator from Ohio as to the power of the General Government over these new possessions or over the Territories. I think when we took Louisiana we took it with a moral obligation at least to make a State of it; but until we did make a State of it we had the same power that we have over the new possession here. I find no difficulty whatever in managing this affair; but we must manage it, I think, upon either the theory that Puerto Rico is not a part of the United States or that she is. Now, if Puerto Rico is a part of the United States, I should like the Senator to tell me where he gets his authority to treat Puerto Rico as a foreign country.

Mr. FORAKER. I do not treat——

Mr. TELLER. Wait a moment. I will not now go into the question that the Senator from Massachusetts [Mr. HOAR] has just discussed, which has been in my mind all the time; but I should like to know whether there is not an obligation upon the Government to treat the citizens of every part of the country alike, if these people are to be citizens and this is to be a part and parcel of the United States.

Mr. FORAKER. Mr. President, I have before me now the case in 18 Wallace to which I referred a moment ago, and I should like in this connection to read the language I referred to as used by Mr. Justice Bradley in the case of Snow *vs.* The United States, at page 319, 18 Wallace:

> The government of the Territories of the United States belongs, primarily, to Congress, and, secondarily, to such agencies as Congress may establish for that purpose. During the term of their pupilage as Territories they are mere dependencies of the United States.

Then he reiterates that expression further along in the opinion.

Now, if Territories that were acquired under treaties that expressly stipulated that they should be incorporated into the Union as States and the inhabitants of the Territories be admitted to citizenship in due time were dependencies, while in the state of pupilage that they were in as Territories, much more, it seems to me, have we a right to say that Puerto Rico is not a part of the United States within the meaning of the Constitution, but is a dependency of the United States, and, being a dependency of the United States, we have a right to legislate for it as a possession belonging to the United States, but not as a country that is a part of it.

Therefore, I say there is no difficulty to my mind in answering the question the Senator from Massachusetts asked me, which I did not think it necessary to answer beyond the answer I made, but which I will, now that the Senator from Colorado has again referred to it, answer further. The duty which they pay upon goods going into Puerto Rico is not for the privilege of exporting. The exportation has been completed when they pass out of our harbor. But when they go beyond our harbors and are on the high seas they can go to France, or Spain, or South America, or wherever they like, and enter upon such terms as may be prescribed for admission to those ports. If they see fit to go to this province, or colony, or dependency, or whatever you may see fit to call it, that is not the United States, but a possession belonging to it, they may have the privilege of entering there on the payment of this duty which we prescribe. Therefore, I say it is not a privilege for export, but it is purely and solely a privilege they pay for entering the harbor of that possession or dependency of the United States.

Mr. TELLER. I should like to ask the Senator another question, which it seems to me to be perfectly pertinent to what he has been saying. Have we the power now to lay a duty upon goods going into New Mexico?

Mr. FORAKER. No; certainly not.

Mr. TELLER. Or goods coming from New Mexico?

Mr. FORAKER. Certainly not.

Mr. TELLER. Why not?

Mr. FORAKER. Because while New Mexico is still a Territory and within this language a dependency, yet the Constitution has been expressly extended to New Mexico, has been made the rule of action in the Territory as the organic law of that Territory there the same as here.

Mr. TELLER. I will make another illustration that will perhaps suit the Senator better. I believe the Constitution has not been extended over Alaska. What will the Senator say about Alaska?

Mr. FORAKER. I say it is in the power of Congress to do as it may like as to Alaska. Where the Constitution has not been extended and made the rule of action, it is within the power of Congress to say what shall be the regulation without regard to the restraints of the Constitution, except only with respect to those plain, positive negations that I have already referred to.

Mr. TELLER. We have had Territories from the commencement of our constitutional history, and this is the first time we have ever undertaken to distinguish between the people of the Territories and the States with reference to duties, imports, and exports. I do not care to-night to go into any discussion as to the power. I wanted to find out exactly what was the Senator's idea.

Mr. FORAKER. I think I understand the Senator, and I am trying to give him my idea.

Mr. TELLER. Yes; I think I understand it now.

Mr. FORAKER. I am sorry the Senator was not in the Chamber, if he was not, when during the first part of my remarks I spoke of a necessity for this kind of legislation and undertook to show how it was in the interest of the people of Puerto Rico that we were seeking to raise revenues, not by direct taxation on their property, which they could not pay, but by resorting to this indirect method of raising revenue, which they can stand, and which will give them a revenue at once.

Mr. TELLER. I do not care to-night——

Mr. FORAKER. Will the Senator allow me just one word there?

Mr. TELLER. Very well.

Mr. FORAKER. I have not said at any time that the purpose of this bill was to raise the question, but I say I recognize that question is raised, and I am glad it has been raised, for I think there are such irreconcilable differences of opinion among Senators that the question ought to be settled by somebody before we come to legislation where legislation in this regard will be more important.

Mr. TELLER. I have not any question about the power of the United States to treat Puerto Rico as a dependency in the strongest sense of the term, and as a province if you choose, a colony if you choose. I do not think there is any question about our power. We can treat her as a foreign nation if we see fit. We can maintain our sovereignty over her and treat for her internationally, or allow her to have absolute self-government if we choose, the same as Great Britain practically allows to Canada. But I do not myself believe you can make Puerto Rico a part of the United States nor, by the legislation which is here proposed, after it shall have been enacted, to collect a dollar of revenue upon imports which come from that country into this. I do not believe, under any conditions, whether she is a foreign country or whether she is a part of the United States, whether she is a Territory or whether she is a colony, that we can collect a duty on exports which go there, and for the reasons the Senator from Massachusetts [Mr. HOAR] has so well given.

I do not intend to go into any discussion of this subject to-night. The Senator from Ohio [Mr. FORAKER] has announced a doctrine here which I want to dissent from. I think it was a remarkable statement when the Senator from Ohio said, as I thought I understood him, that this legislation was intended to secure from the Supreme Court of the United States a declaration as to what was our power.

Mr. FORAKER. Mr. President, I have disclaimed that there was any such purpose. I have simply said—and I was particular to say it—that I discussed this question in this connection only because the Senator from Massachusetts [Mr. HOAR] asked me the question which precipitated it. I say again, as I have said repeatedly, that while we did not frame the legislation for that purpose, yet I am glad, as one who wants to see the question settled by a tribunal to which we all bow in submission, that the question will be raised.

Mr. TELLER. That is what the Senator said substantially, I think. That is the interpretation I put upon it.

Mr. GALLINGER. If the Senator from Colorado will permit me, I simply desire to say, as a member of the committee which reported the bill, that that question never was raised in the committee during the consideration of the bill.

Mr. FORAKER. And the question never was raised until others raised it.

Mr. TELLER. It is absolutely immaterial what the purpose is. We may get an opinion from the Supreme Court of the United States; but I was educated in a school of politics, Mr. President, which taught me when I took the oath of office at that desk, which I did a good many years ago, and which I have taken several times since, that I took it to do my duty here as I understood it, and not as somebody else should decide for me. I believe that General Jackson laid down the proper rule for the legislative branch of the Government. It is true if the Supreme Court should decide that we have not the right to do a certain thing, we may refrain from doing it, because the power is there to upset what we do; but the Supreme Court of the United States can not release my conscience, and it ought not to release the consciences of men who are engaged in legislation that they do not believe in because the Supreme Court may have said it was constitutional, but, in their judgment, is against the Constitution.

I shall follow and obey the decisions of the Supreme Court and shall refrain, if it be possible, from indulging in legislative measures which the court say we have not a right to enact. But as a legislator the court shall never be allowed to say to me, "You must legislate in a certain way," nor can I acquit my conscience, Mr. President, when I know I ought not to so legislate, because the court has said I might.

Mr. FORAKER. I want to say to the Senator that I agree with him precisely in what he is saying now. I rejoice not that I may be released from any of the conscientious convictions I may have as to what is right or wrong in the legal sense on this proposition, but because we shall then know whether or not it is a vain thing or otherwise to legislate as we may be called upon to do, so that we may have the light and the guidance of the Supreme Court.

Mr. TELLER. I shall never believe, if this bill passes, that I have the constitutional right to vote to impose a tariff duty on those people, for I believe this bill will make Puerto Rico a part of the United States. I shall govern myself not according to what the court may say I have a right to do, but according to what I believe to be right.

But I want to say that all this talk that the imposition of a duty of 15 per cent is an outrage upon those people is not the question we are to address ourselves to, but it is the question of power, of justice, of equity, and of right. It may be that if we collect the tax for and pay it over to them there will be no injury to them, and yet I recollect that the fathers of the Revolution declined to allow Great Britain to collect taxes from us and then turn them over to us. They said that would not be a settlement of the controversy. They said: "So long as you claim the right to tax us without representation, you can not condone that wrong by giving to us the proceeds of your robbery."

Mr. President, I did not rise to make a speech on this question, which I intend to do some time later, but I arose to say a word in reference to the Supreme Court.

All my business life has been spent as a member of the legal profession. I have practically done nothing else than practice law except to hold an office. There is no man living who has greater confidence in courts than I have, although I confess some things have been done within a few years which have shaken my confidence,

as my confidence was shaken, when I was a young lawyer, when the Dred Scott decision was proclaimed. I felt then, as did a great number of lawyers in this country, that the Supreme Court of the United States had gone out of its way to make a ruling which was contrary to the ruling that had been made theretofore, which was contrary to justice and to right, and was in the interests of human servitude and its extension into the Territories of the great Northwest.

Mr. President, I should have been ashamed of myself as a young man if I had not dared to stand up and say that was an unrighteous judgment. I did it from the hour that that decision went to the public, and so did all the leading men of the political party with which I was associated. In this Chamber it was criticised in a manner that would strike terror, I think, into the mind of the Senator from Ohio and into the minds of his political associates, remembering some things which they said during the campaign of 1896 about the Chicago platform.

The Chicago platform was not such a criticism of the Supreme Court as we made of the court in 1860. It was a mild statement. I am going to read it, and then I am going to call your attention to some criticisms which have been made upon the court by men high in public life; and that is about all I shall desire to say this evening. This was the declaration of that platform:

> Until the money question is settled we are opposed to any agitation for further changes in our tariff laws, except such as are necessary to meet the deficit in revenue, caused by the adverse decision of the Supreme Court on the income tax.
>
> But for this decision by the Supreme Court there would be no deficit in the revenue under the law passed by a Democratic Congress in strict pursuance of the uniform decisions of that court for nearly one hundred years, that court having in that decision sustained constitutional objections to its enactment which had previously been overruled by the ablest judges who had ever sat on that bench. We declare that it is the duty of Congress to use all the constitutional power which remains after that decision, or which may come from its reversal by the court as it may hereafter be constituted, so that the burdens of taxation may be equally and impartially laid, to the end that wealth may bear its due proportion of the expenses of the Government.

Mr. President, that was not a condemnation of the court; it was not an indecent criticism of the court; it was not a criticism which might not have been made in the presence of the full bench by any lawyer; and the court could not have complained of such criticism as that. If the time ever comes when any Department of this Government is above the criticism of the public, when the people believe it to be wrong, there will be a very near approach to the end of the Republic. What is the use of talking of free speech, Mr. President, if there is a body which can undo what we do here, and if, then, the people are not allowed to say to them, "You have made a mistake," you are wrong, if the people believe, as we all believed in 1860, that the court or a majority of it was moved by wicked influences. With all the respect I have for courts, I shall continue to criticise them, Mr. President, as I have done heretofore, because I believe that is the way to keep the courts pure and honest.

Mr. FORAKER. Mr. President, I ask the Senator from Colorado if that is not the recognized constitutional right of everybody, especially of a lawyer who practices in a court?

Mr. TELLER. Mr. President, I heard men say from the public stump in 1860, and I heard similar statements in 1896, that a criticism of the Supreme Court was practically treason against the Government of the United States; and that was the platform declaration of the Senator's political party speakers again and again all over the country in 1896, and of the Democratic party in 1860. The Democratic party has improved, and the Republican party, I am afraid, has degenerated.

Mr. FORAKER. I am perfectly familiar with all that the Senator says as to the criticisms that have been indulged in of the Supreme Court and other courts; but I asked him if it was not the constitutional right, so recognized by everybody, of a lawyer to criticise the court when it made a decision he did not agree to, but still if it is not also the recognized rule that everybody submits to the law as expounded by the court and that nobody would be justified in putting it at defiance or disregarding it?

Mr. TELLER. There is nothing in the Democratic platform that intimates resistance to the Supreme Court.

Mr. FORAKER. I did not say there was.

Mr. TELLER. And there was nothing in our platform in 1860 that intimated a resistance to the Supreme Court.

Mr. FORAKER. Certainly there was not. That is what I wanted to call to the attention of the Senator—that however much we may dislike a decision and criticise it, which is our privilege, we bow to it.

Mr. TELLER. The Senator from Ohio is putting a bugbear of his own to distract attention from his position. We are not proposing to disregard the judgment of the court.

Mr. FORAKER. Well, what is the bugbear, if we may know? I ask the Senator if, while we have the right of criticism, yet we do not recognize that it is our duty to obey, to accept, and to abide by a decision so long as it does stand as the decision of the court? That is a polite question.

Mr. TELLER. If the Senator wants to intrude that now upon the suggestion that I want to disobey the Supreme Court, I want to say to him very frankly that it is very far fetched and that he has gone out of his way to do it.

Mr. FORAKER. I have not any such thought as that. Of course the Senator would not. That is all I was saying. I was not saying that nobody would criticise an opinion of the court, but I say we must abide by and be governed by the decision when it is rendered.

Mr. TELLER. I made speeches, as I said, in 1860, and was called to task for my criticism of the court by the then opposition. All at once they have become very fond of the court, a court which the Democratic party had criticised in early days; and no man ever criticised the court more severely than did Jefferson and his compeers, who were then called Republicans; and General Jackson afterwards criticised the court; but I was never called more severely to task for criticism of the court than I was in 1896 by Republican orators and Republican speakers and Republican newspapers, and yet I did not propose to disregard its judgment.

Mr. President, I criticised the decision of the Supreme Court on the income tax, and I criticise it now and here. It was a reversal of the decision of that court which has stood for more than one hundred years; it was a reversal of five cases which established the principle of an income tax, in every one of which there had been a united court; it was a reversal of a decision made in 1880, which Mr. Justice Harlan said had received the careful attention of the nine members of the court and the approval of all; it was a reversal which, I say, astonished the legal profession of this country; it was a decision that struck a blow at the power of the Government as no other decision has ever done, denying to the Government of the United States the right to make the wealth of this country respond to its necessities in time of trouble.

Mr. President, if I can not criticise that opinion, and if I can not denounce it as unsound law, then I am no longer a freeman. Every man who has any legal education knows that the adjudication of cases on principles which have stood for one hundred years is entitled to respect and consideration, and is only to be disturbed when a case is so clear and so strong that a contrary decision can not be escaped.

That decision, Mr. President, has, in my opinion, marked a very unfortunate period in the history of the Federal judiciary. If some things which I see are being tried to be done shall be brought about, I believe that in a little while the great respect and confidence the people have in the courts will be taken away.

But I want to call the attention of the Senate for just a moment to the position of the Republican party in its youth upon this question. The Senator from South Carolina [Mr. TILLMAN] read—I was engaged at the moment and was not paying attention, but it is probably the same thing that I am going to read now—a statement made by Mr. Lincoln. There is considerable more of it than I shall now read, which it is not necessary that I should read at this time. This was said when he was making a public speech:

> What are the uses of decisions of courts? They have two uses. As rules of property, they have two uses. First, they decide upon the question before the court. They decide in this case that Dred Scott is a slave. Nobody resists that. Not only that, but they say to everybody else that persons standing just as Dred Scott stands are as he is—that is, they say that when a question comes up upon another person it will be so decided again, unless the court decides in another way, unless the court overrules its decision. Well, we mean to do what we can to have the court decide the other way. That is one thing we mean to try to do.

That is as much as the Democratic platform of 1896 said. Yes, that is more than the platform contained. I want to call the attention of some of my Republican friends to what has been the attitude upon this question of constitutional extension into the Territories by the Republican party as a party, and then I will quote some remarks made in the House of Representatives. I have some other extracts, but I have them not here at present.

In 1856 the Republican convention declared:

> *Resolved*, That the Constitution confers upon Congress sovereign power over the Territories of the United States for their government, and that in the exercise of this power it is both the right and the duty of Congress to prohibit in the Territories those twin relics of barbarism, polygamy and slavery.

In 1860 the Republican platform contained this declaration:

> That the new dogma, that the Constitution of its own force carries slavery into any or all of the Territories of the United States, is a dangerous political heresy, at variance with the explicit provisions of that instrument itself, with contemporaneous exposition, and with legislative and judicial precedent; is revolutionary in its tendency and subversive of the peace and harmony of the country.

That is all I want to say upon that subject. There was in the House of Representatives in 1860 a gentleman by the name of Ashley, of Ohio.

Mr. HOAR. I wish to ask the Senator, does the resolution which he has read to his mind contain an affirmation that the Constitution is not in the Territories for any purpose, or only that it does not carry slavery there?

Mr. TELLER. I think, as I said the other day, that we contended it was not in the Territories; but Calhoun first enunciated that doctrine in the Senate in 1849. That, I understand, is the history of it.

Mr. HOAR. But my question relates to that particular resolution.

Mr. TELLER. I hope the Senator will wait a minute, and I will get to that.

I think that while we held that the Constitution was not of its own force in the Territories, there was a universal feeling, a universal expression, a universal sentiment, that the great fundamental principles which were enunciated in the Constitution, without reference to whether the Constitution went to the Territories or not, were in force because they must be in force wherever free government exists. That is the ground upon which we put it, and not that it went there by its own force. But I do not care about going into a general debate on that subject now.

Mr. President, I had prepared, but can not put my hand upon it, because I did not expect this debate to come up just in this shape, some other extracts from speeches; but this I find in my desk, and I will read it.

Mr. Ashley, of Ohio, commonly called Jim Ashley in those days, was a very prominent Republican member of Congress, a man of ability and high character, who lived until within a very recent period. On May 29, 1860, he said in the House of Representatives:

I propose, Mr. Chairman, to show the House and the country how one department of the Government has been taken possession of by this privileged class—I mean the Supreme Judiciary. I propose to show that, while they have been preaching concessions and compromises to us—

He was not speaking about the court, but he was speaking about members of this body and the other, the leaders of the Democratic party in Congress at that time—

they have for years been secretly and cautiously at work to obtain complete control of this important as well as most dangerous department of the Federal Government. That this department of the Government is dangerous I think the history of its usurpations since its organization will show.

That would be a pretty severe statement in these days, I suppose, and yet that was regarded as perfectly proper in the House of Representatives in 1860. It is absolutely proper now, if any speaker should so think. I am not quoting all of Mr. Ashley's speech, but only a portion of it. He further said:

In compliance with this demand, we find the party to-day which for years so vehemently denounced the usurpations of this court and opposed and disregarded its decisions have come to regard it, if the declaration of their Presidents and representatives and party conventions are to be credited, as the most "august tribunal" in the world—a tribunal whose opinions are infallible, from whose judgment there is no appeal, and before whose decisions and political decrees citizens and parties, and even sovereign States, are required to bow. On failure to acquiesce in this claim of prerogative the representatives of sovereign States are denounced on this floor by the leaders of this privileged class as traitors to the Government and as perjurers who have sworn to support a Constitution they intend to violate.

And here let me ask what there is in this tribunal, composed as it is of but nine men, that should entitle it, as a political authority, to the veneration and unquestioned obedience claimed for it by the present Administration party, any more than to the same number of Senators and Representatives that might with ease be selected as gentlemen possessing at least equal, if not superior, legal and natural abilities? Is there anything in the character of these judges, in their services to the country, in their learning or qualifications as lawyers, that should entitle them to the appellation of an "august tribunal?" Is it not a fact, well known to everyone, that so far from this court being composed of men of superior abilities, or the ablest lawyers in the country, a majority of them were partisans and selected because of their partisanship when placed upon the bench?

That is pretty plain talk, Mr. President. That was good Republican doctrine in 1860, when it was thought proper to criticise the court. Principles are said to be immortal. If that declaration was right then, it is right now. The party whose members made such utterances may have changed, and it may be to their interest to give to this court a character that never was given to it before when its decisions happened to turn in their direction and in their interest.

I have some extracts from a speech made by Senator Roscoe Conkling, of New York, when he was a member of the House of Representatives, on April 17, 1860. I need not say anything about ex-Senator Conkling, who is now dead. I need not say anything of his ability, his high character, or his sense of honor when it came to treating subjects like this. There are many Senators here who served with him and who know quite as much about him as I do. He said:

Why, sir, the infallibility ascribed to the Supreme Court makes the Constitution, the institutions of the country, nothing but wax in the hands of judges; it amounts to a running power of amendment.

If the Constitution as the court now expounds it is the Constitution we as legislators are sworn to support, our allegiance in the year of grace 1860 is due to an instrument very different from that which guided those who have gone before us.

For a hundred years the members of this body were supported by the decisions of the Supreme Court that an income tax was a constitutional tax.

But without allowing myself to dwell upon the enormity of such a power, let me speak of the anomaly of its existence.

The Federal polity of this country is nothing more than three agencies—the legislative, the executive, and the judicial—all alike constituted by the people to do particular acts.

However disguised by titles or deified by ascriptions, these several departments are mere agents of one principal, servants of one master, acting and being under one appointment, namely, the Constitution of the United States.

Now, by what dislocation of the settled notions of centuries should one of the three agents, coeval and identical in origin, be suffered to determine for himself as against all the world, not merely his own powers, but the rights and powers of his coagents, the construction and effect of the common warrant, and the powers, remedies, and rights of the common principal, and this without escape and without appeal? Bear in mind, in the case I am putting, the principal is the jealous people I have described; the powers flung away are the same just rescued from eternal loss by martyrdom and war.

But, sir, this one overmastering agent is a more marvelous creation than I have stated. Its appointment is perpetual, and was executed in blank; the principal not knowing whose name might fill it at first, nor who would succeed when changes should occur. The other two of these three agents are selected directly and solely by their authorized power, and they yield up their trusts finally at frequent intervals. But notwithstanding this, the uncounted and unlimited powers were all, we are told, given to the one whose appointment is irrevocable and whose personality the principal can never know.

First. That the judgments of the Supreme Court are binding only upon inferior courts, and parties litigant. Undoubtedly, when a constitutional question is decided, so long as the court adheres to the decision, acts of Congress repugnant to the principle laid down, will be inoperative just so far, in the language of Mr. Van Buren, as "they depend upon the courts for their execution," and no further.

Second. That the decisions of the Supreme Court are not obligatory upon Congress in any sense, but, like other arguments, are addressed to the discretion of Congress. Being the solemn acts of one department of the Government, they are entitled to great consideration from the other departments, and ought not, on frivolous grounds, to be repudiated. But whenever a decision is, in the judgment of Congress, subversive of the rights and liberties of the people, or is otherwise hurtfully erroneous, it is not only the right but the solemn duty of Congress persistently to disregard it.

Now, sir, hear what General Jackson proclaimed in a public message on the 10th day of January, 1832, a few months before his reelection to the Presidency—

This is pretty good reading, Mr. President, and I believe it is pretty good law—

If the opinion of the Supreme Court covered the whole ground of this act, it ought not to control the coordinate authorities of this Government. The Congress, the Executive, and the court must each for itself be guided by its own opinion of the Constitution. Each public officer who takes an oath to support the Constitution swears that he will support it as he understands it, and not as it is understood by others. It is as much the duty of the House of Representatives, of the Senate, and of the President to decide upon the constitutionality of any bill or resolution which may be presented to them for passage or approval as it is for the supreme judges when it may be brought before them for judicial decision. The opinion of the judges has no more authority over Congress than the opinion of Congress has over the judges; and on that point the President is independent of both.

From some things that have occurred recently it would appear to me that the President may be independent of both. Certainly Congress is not independent of the President.

The authority of the Supreme Court must not, therefore, be permitted to control the Congress or the Executive when acting in their legislative capacities, but to have only such influence as the force of their reasoning may deserve.

In 1810 Mr. Jefferson wrote Mr. Gallatin—

I call the attention of Senators to this quotation from this strict constructionist of the Constitution, this father of the most important political enunciation ever made in the history of the human race.

At length, then, we have a chance of getting a Republican majority in the supreme judiciary.

This is what Mr. Conkling says:

In 1860, sir, we have a chance to go and do likewise, and I trust we shall improve it. A reorganization and reinvigoration of the court, with just regard to commercial and political considerations, is one of the auspicious promises of Republican ascendency.

I rose, as I said, to enter my protest against any legislation here looking to securing a decision from the Supreme Court of the United States of our power to legislate. I do not care what the Supreme Court decides until they do decide. When they decide, if their arguments and reasons are good enough to persuade my mind, then I give my adhesion to that as a proper construction of the Constitution. If they are not, I do not, always remembering that it is useless to legislate here, although every member of the body might believe we had the right so to do, if the court will adhere to its former decision declaring that the act is unconstitutional.

Mr. President, the decision does not make it unconstitutional. It may be obligatory upon us to accept it in legislating. I do not suppose that in all this broad land there was a man who believed the income tax was constitutional who changed his mind when the Supreme Court by a bare majority of one said it was unconstitutional. The Senator from Missouri [Mr. VEST] once detailed to us how the decision was made. The Supreme Court on the 8th day of April voted that the income tax was a constitutional tax. That, according to this new doctrine, was to bind the mind of the legislative body. On the 20th day of May following the Supreme Court held that it was an unconstitutional tax. Did that release me, who believed that it was a constitutional tax? Did that release anybody who believed that it was a constitutional tax? Is any Senator required to surrender his judgment?

Who knows but that the next time the court is heard upon this question it will return to the old doctrine that had been promulgated for more than a hundred years, by a decision rendered, when out of the five members of the court three had been members of

the Constitutional Convention. There is infinitely more reason to suppose that the income-tax decision will be reversed than there is that it will be maintained; and I assert here that it is the right of every man who does not believe that is the law to question it, to criticise it, and to complain of it, and it is his duty under his oath to do it, and he is recreant to the great duty he owes as a representative here if he believes that if he shall keep silent and admit by his silence that he believes that which he does not believe.

Mr. BACON. Mr. President, I intended to ask the Senator from Ohio a question while he was on the floor. I shall occupy a very short time in stating the subject relative to which I intended to make an inquiry. I do not desire to prolong the discussion, but the matter is one which I think might well appear in connection with this afternoon's debate. The Senator from Ohio states that this legislation with reference to the imposition of a tariff duty upon articles going from the United States to Puerto Rico and coming from Puerto Rico to any other part of the United States, as we conceive it, is based upon the proposition that Puerto Rico is not a part of the United States. I understand that to be the proposition?

Mr. FORAKER. Not in the sense that a State of the Union is. I say it is part of the United States in the sense that it is part of our possessions. It is a dependency.

Mr. BACON. Exactly.

Mr. FORAKER. And a dependency to which we have not extended the Constitution and to which it does not extend ex proprio vigore.

Mr. BACON. It is a possession.

Mr. FORAKER. Yes, sir.

Mr. BACON. And not a part of the United States over which the Constitution and laws of the United States extend except so far as they have been specifically extended by act of Congress.

That necessarily involves the additional proposition that no inhabitant of Puerto Rico is a citizen of the United States. Necessarily that must follow.

Mr. FORAKER. Will the Senator repeat that proposition? My attention was diverted for just a moment.

Mr. BACON. I say that a necessary conclusion from that proposition is that no inhabitant of Puerto Rico is a citizen of the United States.

Mr. FORAKER. Do you ask the question?

Mr. BACON. Am I correct in that?

Mr. FORAKER. Not unless we see fit to make them such.

Mr. BACON. You do not make them so by any legislation?

Mr. FORAKER. We propose to do so by this bill—in a national sense.

Mr. BACON. This bill?

Mr. FORAKER. This bill provides that the native inhabitants of that island shall be citizens of the United States.

Mr. BACON. Then the additional proposition follows that——

Mr. FORAKER. Let me explain to the Senator that a few days ago in the debate here I dwelt upon that and pointed out upon authority that that term is used in an international, a national, and a State sense. This fixes their status, and being citizens of the United States means they have the right to look to us for protection; they owe us allegiance; they can apply for a passport if they want to travel abroad.

Mr. BACON. They owe us allegiance, but have none of the rights of citizens of the United States. In other words, the Constitution of the United States is not spread over them. I understand that to be the proposition.

But what I want to call the attention of the Senate to is this: It is impossible for me to conceive of a citizen of the United States who is not under the Constitution of the United States. He may be a subject of the United States, if such a thing can constitutionally be; but when I say citizen, I mean one enjoying the right of citizenship under our Constitution and laws. I understand from the position of the Senator that that necessarily follows. If the Constitution and laws of the United States do not extend over Puerto Rico, no inhabitant of Puerto Rico is under the protection of the Constitution and laws of the United States except so far as they are specifically extended to them by act of Congress.

Mr. FORAKER. And we do extend specifically all the laws of the United States not locally inapplicable. But let me say to the Senator from Georgia that in making them citizens, although the Constitution is not extended, we are doing simply what was done with respect to Louisiana and Florida and all of our other Territorial possessions. We never extended the Constitution to any Territory until 1850, when it was extended to New Mexico, and yet in all the Territories we were then governing the people were treated and regarded as citizens of the United States.

Mr. BACON. But citizens not under the Constitution.

Mr. FORAKER. They are citizens governed by Congress——

Mr. BACON. Exactly.

Mr. FORAKER. As Congress may see fit to govern, under its power derived from the Constitution.

Mr. BACON. Citizens not under the Constitution. What I want to call the attention of the Senate to is this: In this bill there is a provision under which Puerto Rico will elect a Delegate to Congress. I will read the section.

SEC. 37. That the qualified voters of Puerto Rico shall, on the first Tuesday after the first Monday of November, A. D. 1900, and every two years thereafter, choose one Delegate to the House of Representatives of the United States, who shall be entitled to a seat, but not to a vote, in that body, on the certificate of election of the governor of Puerto Rico, who shall have the same rights provided by law for a Territorial Delegate and the same compensation payable as now provided by law for a Territorial Delegate.

I am one of those who believe that whenever we legislate for territory which we may acquire, necessarily we must legislate under the Constitution of the United States, and that by the act of organizing a civil government under the United States Government we necessarily extend the Constitution over them by that act, or rather that whenever we legislate for that territory that the Constitution ex proprio vigore is extended whenever we, by such legislation, organize civil government; and whenever we depart from that proposition we at once enter upon a field of difficulty.

Here is an illustration of it in this bill. It is absolutely provided that in a portion of the territory subject to the jurisdiction of the United States there shall be a body of people, not citizens in the sense that we are citizens, a body of people not entitled to the protection of the Constitution, a body of people whose country is not entitled to the enjoyment of any of the prohibitions of the Constitution with respect to the equality of tariff laws, for instance, and yet a people who thus, without the right of citizenship in its proper sense, can select one who equally with themselves does not enjoy the right of citizenship, and yet who is to come and occupy a seat in Congress, perform all the duties of a member of Congress except the right to vote, and enjoy all the emoluments of a member of Congress.

Not only so, but absolutely before he can take his seat, although he is not under the Constitution of the United States and not a citizen of the United States, he is required to take an oath to support the Constitution of the United States. That is a fact. Every Territorial Delegate has to take an oath to support the Constitution of the United States, and there will sit in the House of Representatives a man not enjoying any of the rights and prerogatives of a citizen under the Constitution of the United States, having none of the protection given to a citizen by the Constitution of the United States, and yet sitting with the constitutional lawmakers of the country, drawing pay equally with them, and entitled to all of the privileges and emoluments of one of them, and absolutely compelled to swear to support the Constitution under which he is not entitled to any protection, owing it neither duty nor obligation, nor under it enjoying any privilege.

Mr. TILLMAN. Will the Senator from Ohio tell us whether each native voter will have to take the same oath?

Mr. FORAKER. There is not anything new in all that the Senator from Georgia has said, impressively as he has said it. When we legislated for the Orleans Territory and later for Louisiana Territory and later for Florida Territory and later for Missouri, and when we legislated for Mississippi and Alabama and Arkansas, we declined to extend the Constitution to those Territories, and yet we required every officer appointed by the President to administer the law of Congress in those Territories to take an oath to support the Constitution of the United States, and every citizen of those Territories was treated and regarded and held under the law to be a citizen of the United States, although not living within territory over which the Constitution extended ex proprio vigore or by act of Congress, for at that time the doctrine that the Constitution extends itself by its own inherent operation had not been heard of in the politics of this country, and it never was heard of until 1850, when we came to legislate for New Mexico, or, rather, in the debate immediately preceding, when it was advanced for the first time by John C. Calhoun in the interest of human slavery. It was then first brought forward, and Thomas H. Benton, of Missouri, characterized it, in language which I read to the Senate a few days ago, as the vagary of a diseased mind.

Mr. President, therefore I say, in answer to the Senator's question, that when he points out that we make the people of Puerto Rico citizens of the United States, it does not follow, any more than it did in the cases to which I have referred, that the citizens were without any privileges or immunities that they ought to have, for in all the legislation applicable to them Congress legislated, restrained, as I have always contended and as I believe, by those positive prohibitions and negations of the Constitution which will inure to their benefit whether the Constitution be extended or not, simply because we are restrained by the Constitution; but above all, whether there is any restraint imposed upon us by the terms of the Constitution, we are restrained by that higher law of the

spirit of our institutions which has been referred to time and again in Supreme Court decisions, and notably so in the Mormon Church cases, by Mr. Justice Bradley, and time and again repeated since then. We take away no immunity, no privilege, no right that belongs to the individual in the personal sense that affects him as to his liberty or those privileges and immunities that belong to him.

Mr. BACON. It is not a question whether or not we take it away. It is a question whether he has it as a matter of right or simply enjoys it from us as a matter of gift or grace.

I will not enter into the question suggested by the Senator as to the doctrine which he said was first enunciated in 1849 with respect to the effect and power of the Constitution in the Territories. I think, however, it can be very plainly shown that the contention of those of whom he speaks was not as to whether the Constitution was in force in the Territories, but, as suggested by the senior Senator from Massachusetts [Mr. HOAR], whether a particular construction of the Constitution carried with it and protected the right of slave property in the Territories. That was the question. I am not going into that.

The Senator from Ohio says that in the various Territories which were organized every officer who was appointed by the President of the United States in those Territories was required to take an oath to support the Constitution of the United States. Clearly so. Because he was appointed by the President.

Mr. FORAKER. Mr. President——

Mr. BACON. I hope the Senator will let me proceed for a little while.

Mr. FORAKER. Why should not the officers of Puerto Rico be so required?

Mr. BACON. Because they are not appointed by the Government of the United States. They are officers who are elected by the votes of the people and who are to hold their commissions by virtue of the fact that they received the votes of the people, and the Delegate is to come here and take his seat in the other House of Congress——

Mr. FORAKER. It was the same as to every Delegate elected from the Territories to which I have referred. Every Delegate who was elected and who came and took his seat, but did not have a vote, was required before he could take his seat to take an oath to support the Constitution of the United States, and yet he was elected by people who were not under the Constitution.

Mr. BACON. I do not think the Senator can show in the case of any one of those Territories that there was the explicit statement or contention which the Senator makes here that that Territory was not a part of the United States, not under the Constitution. The avowal is that Puerto Rico is not a part of the United States, and it is claimed that we have the same right to legislate in reference to it that we would have if there were no such possible connection of a Territory with the United States as we have heretofore understood it, but as an entirely separate and independent country held by us as a chattel, to be done with by us as we please.

There has never been any such contention so far as our past history has been concerned. It has related entirely to territory which it was expected to be thereafter incorporated as a part of our political system; but there is in this bill an express provision for the levying and collection of impost duties which must confessedly be in conflict with the Constitution if it is a part of the United States; and the justification and defense for that provision is that this is not a part of the United States; that it is outside of the United States. And in the same bill it is provided that a foreign country, not under the Constitution of the United States, its citizens not under the Constitution, except so far as we may extend it by direct act of Congress, may nevertheless elect a Delegate to sit in Congress, and before he takes his seat qualify himself by taking an oath to support the Constitution of the United States in which those who advocate this bill say he has no part.

Mr. President, I do not design to pursue the question now, but I thought in connection with the debate which has been continued to-day upon this subject it was proper that there should be this particular mention of the inconsistency which necessarily follows whenever we assume to legislate and organize a civil government under the jurisdiction of the United States and at the same time insist that the Constitution of the United States and the laws applicable to that particular territory do not go ex proprio vigore; but that it is necessary for us by express act to extend the Constitution, and that unless we do it by express act given as a matter of grace, the Constitution has then there no validity and no authority.

Mr. McCUMBER. Mr. President, I do not rise at this time for the purpose of making any extended speech upon this question, but merely to ask the Senator from Ohio a simple question relative to the construction of that portion of our Constitution which is now under discussion, namely:

No tax or duty shall be laid on articles exported from any State.

To make my question clear, I desire to make this supposition: Suppose I have a shipload of grain to be exported from the port of New York or from any other port in the United States destined to Puerto Rico. The Senator, as I understand, will admit that we can not lay an export duty direct upon any of the articles in the shipload. Now, what I desire to ask him is this: At what time can we place a duty upon any of such articles? Admitting that we can not place an export duty upon them in the port of New York or New Orleans, that we can not reach them in midocean at any place, will it be contended that we can, by the method adopted in this bill, apply our laws to them so that it will in effect be an export duty at the time they reach the port in Puerto Rico?

I think the Senator will agree with me that if the same goods were going to Great Britain the moment they reached her ports they would be subject to her jurisdiction. Why? Because she is a foreign power, and our laws will not reach beyond the limits of our own jurisdiction. Admitting that to be the case, then I ask when and where do we get the power to apply a duty upon anything that shall be exported from the United States to Puerto Rico? What law is it that governs? We say that we can not levy this export duty in New York, or at any other place in the United States; but whose law is it that imposes the duty, whether it is in Puerto Rico or whether it is in the United States? It is not Puerto Rican law that levies the duty in her ports. The very law that makes the duty is a law of the Government of the United States. It reaches across the ocean and it lays its hand upon the cargo in another jurisdiction, in another port. Therefore it is the same law against which this inhibition is provided in the Constitution itself. Is not that true?

We must do one of two things, it seems to me, Mr. President; either consider these new possessions, so far as the application of our revenue laws is concerned, as one of our own dependencies, over which the Constitution of itself acts, or we must consider it in the nature of a foreign country. If we consider it in the latter position, which I contend for so far as the application of the principle of our revenue laws is concerned, then we must admit that the Constitution has no application. I believe that is the law. I do not believe that the Constitution of the United States has any application over any of this acquired territory without the express language of our own laws by an enactment to that effect. But conceding that to be the case, then I say is not this in effect and absolutely the levying of an export duty by our law reaching beyond our own ports and seeking to levy it in the ports of one of our own dependencies? If that is true, is it necessary for us to go to the Supreme Court of the United States to determine a question which it seems to me is as clear as any legal proposition that could be placed before us?

Upon the other proposition, of our right to levy a duty upon articles imported from Puerto Rico to the United States, my mind is clear. I will admit that power. I will admit the power of protection against any of the imported articles from any country, whether it be a foreign country or one of our newly acquired possessions; but it seems to me that I am compelled, not only by the Constitution, but by our reasoning powers, to claim that there could not be, in the very nature of things, a duty imposed upon articles in the port of New York, in midocean, or at any other point prior to their reaching their final destination, or at the point of destination, when the law itself is a law of Congress which makes the duty and which is clearly and expressly prohibited by our Constitution. I desire the Senator from Ohio to indicate to me what is the difference between the power exercised upon those particular articles in our own ports and the same law, not a different law, but the same identical law, operating upon them at the other end of the route.

Mr. FORAKER. That is the question upon which the Senator from Massachusetts and I had a colloquy a few moments ago. I can only repeat now, in answer to the inquiry of the Senator from North Dakota, what I then said to the Senator from Massachusetts. I understand that Puerto Rico is a dependency of the United States not different in any sense whatever from any other territory that the United States may acquire, or ever has acquired, except as the treaty of acquisition may have made a difference in the first instance, and the express extension of the Constitution in the second instance may have made a difference.

I understand that when we acquired the Territory of Louisiana and Florida and New Mexico and other territory it was stipulated that that territory should be incorporated into the Union in due time, and the inhabitants should be incorporated into the Union. I understand that notwithstanding that fact the Supreme Court has over and over again in its decisions held that these Territories are mere dependencies, to be governed as Congress may see fit; and if Congress sees fit to declare that the Constitution shall be extended to and put into force, the Constitution becomes the rule of action, and the limitations of the Constitution would apply.

But until that has been done there is no limitation of the Constitution of the character involved in the Senator's inquiry that does apply. Puerto Rico belongs, just as other territory acquired belongs, to the United States. Why, Mr. President, the Constitution itself draws the distinction between territory that belongs

in the Union and territory that belongs outside. What is it that we are authorized to legislate about? Not territory of the United States, but territory, to use the exact language of the Constitution, belonging to the United States; and when we come to legislate for territory belonging to it we legislate free from all restraints and limitations of the Constitution.

Now, Puerto Rico is territory belonging to the United States. Therefore we have power under the Constitution to legislate for it. How? As we may see fit. Therefore, when we come to the provision upon which the Senator relies, I answer to him that the Constitution applies to the Union, and you can not levy an export tax upon products sent out of the United States, because of the limitation that he refers to. But when it has gone beyond the United States it can go where it may; and if the Congress sees fit to say that as to any territory which simply belongs to and is not otherwise a part of the United States—territory to which the Constitution has not been extended—it shall not have the privilege of entering there except on the payment of duty. It is within the power of Congress to do it, and the duty that is imposed is not an export duty, but a duty paid for the privilege of entering that port, which is not under the Constitution, and for which Congress has plenary and absolute power to legislate as it may see fit.

Mr. KENNEY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Delaware?

Mr. FORAKER. Certainly.

Mr. KENNEY. I wish to ask the Senator from Ohio to give the definition or difference between territory of the United States and territory belonging to the United States.

Mr. FORAKER. Territory of the United States in the sense in which I used that term a moment ago is territory within the Union of States. All territory outside of the States, including the Territory of New Mexico and the Territory of Arizona, all territory that has not been admitted to the Union, is territory belonging to the United States, and we have a right to legislate about it as we see fit. If we want, we can extend the Constitution by act of Congress, and if we do not see fit to so extend it it does not extend ex proprio vigore.

Now, in this connection I wish to answer the Senator from Georgia with the citation from Mr. Benton that I referred to a moment ago.

Mr. SPOONER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Wisconsin?

Mr. FORAKER. Certainly.

Mr. SPOONER. The Senator will make his argument, I think, a little stronger—no stronger, perhaps, than it ought to be made—if he quotes the Constitution as it reads in that connection. It says:

> The territory or other property belonging to the United States.

Mr. FORAKER. I thank the Senator from Wisconsin for calling my attention to the clause. The power that is given to Congress to legislate for territory belonging is the same power that is given to Congress to legislate for other property, so that we have absolutely the same power to legislate with respect to territory belonging to the United States that we have to legislate in the disposition of a lot of condemned ordnance or a piece of realty or anything else which Congress might want to deal with or dispose of.

Mr. RAWLINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Utah?

Mr. FORAKER. I will yield; but I do want, in answer to the Senator from Georgia, to read this quotation from Mr. Benton before I quit the floor.

Mr. RAWLINS. In connection with the question propounded to the Senator from Ohio by the Senator from Wisconsin, that that provision of the Constitution——

Mr. FORAKER. Would not the Senator as soon interrupt me later on?

Mr. RAWLINS. I had just about concluded. That provision refers only to the territory or other property. Therefore it deals alone with property and not with the people. Therefore Congress may do what it pleases with property; but can it do what it pleases with the people under that clause?

Mr. FORAKER. Well, Mr. President, I will point to the precedents about that. My proposition is that the Congress has power, and has exercised it in every instance, to do as it sees fit with respect to the people as well as the territory. I do not know how you are to distinguish.

Mr. SPOONER. I suppose the argument of the Senator from Utah would be that if people settle upon territory of the United States, thereby Congress would lose its constitutional power over them.

Mr. RAWLINS. If I may be——

Mr. SPOONER. It would no longer be property and subject to disposition by the United States because people had settled upon it.

Mr. RAWLINS. I do not think the courts have held that Congress derives its power to legislate for people in a Territory from that clause in the Constitution. The idea is that the Constitution was ordained, among other things, to secure the blessings of liberty to the framers of the Constitution and their posterity, meaning by that the people of the United States, whether native born or naturalized, and their posterity; and wherever that people might go, in a State or in a Territory, this Constitution was to be their heritage; and for them it was to be the supreme law of the land wherever the political jurisdiction of the Union extended.

Such has been the interpretation, I think, of the Supreme Court and the practice of this Government from the foundation of it until the present time, the Supreme Court itself holding in a case, in 9 Howard, that the Constitution superseded the act previously passed in relation to the Northwest Territory; that the Constitution was not in conformity with its provisions, and that hence the Constitution superseded it, and that the act was only continued by virtue of the act passed by Congress August 7, after the Constitution took effect.

Mr. FORAKER. Mr. President——

Mr. SPOONER. Does the Senator from Utah claim that the Supreme Court held that the Constitution of the United States superseded the ordinance of 1787?

Mr. RAWLINS. That is what they held. I have the decision here.

Mr. SPOONER. I remember they held that the admission of a State into the Union operated to supersede the ordinance.

Mr. FORAKER. But never in any other case.

Mr. SPOONER. Which, I think, is correct.

Mr. HOAR. To what case does the Senator refer?

Mr. RAWLINS. The case of Strader *vs.* Graham.

Mr. SPOONER. They held in that case that the admission by Congress of a Territory into the Union superseded the ordinance of 1787.

Mr. RAWLINS. Here the court——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to this colloquy?

Mr. SPOONER. I beg pardon.

Mr. FORAKER. I do not want to interrupt the Senators, but I should like to conclude what I was trying to say. The Senator from Utah can repeat the question to-morrow. It is only fifteen minutes until the time when we shall have to take a recess.

Mr. RAWLINS. I will not detain the Senate by referring to the language of this decision. It explicitly holds what I contend.

Mr. FORAKER. Mr. President, I wish to answer the Senator from Georgia [Mr. BACON]. He said he did not understand that I could show that there had been any legislation (I may not quote him exactly right, and I hope he will correct me if I do not) providing, as I indicated a while ago, that officials who were elected from Territories to which the Constitution had not been extended should, nevertheless, be required to take an oath to support the Constitution of the United States, instancing in that regard the election of a Delegate to Congress.

I wish to call his attention now to the organic acts as compiled in Senate Document No. 148, the provision as to Missouri when it was created a Territory. The Constitution was not extended to Missouri. I read from page 37. It provides here:

> That all free white male citizens of the United States above the age of 21 years who have resided in said Territory twelve months next preceding an election, and who shall have paid a Territorial or county tax, assessed at least six months previous thereto, shall be entitled to vote for representatives to the general assembly of said Territory.

Provisions similar to that, provisions, as I said a while ago, recognizing citizenship of the United States, will be found in every act creating a Territorial government that was enacted by Congress prior to the time when Congress expressly extended the Constitution to the Territories of the United States.

Mr. BACON. What section does the Senator read from?

Mr. FORAKER. I was reading from the last clause of section 6, on page 37. Now, it further provides, on page 39, section 13, for the election of a Delegate to Congress:

> That the citizens of the said Territory entitled to vote for representatives to the general assembly thereof shall, at the time of electing their representatives to the said general assembly, also elect one Delegate from the said Territory to the Congress of the United States; and the Delegate so elected shall possess the same powers, shall have the same privileges and compensation for his attendance in Congress, and for going to and returning from the same, as heretofore have been granted to and provided for a Delegate from any Territory of the United States.

So the requirements are precisely the same as to that Delegate as the requirements in this bill to which the Senator has taken exception.

Mr. BACON. Now, if I——

Mr. FORAKER. Now, in the next section, if the Senator will allow me, instead of extending the Constitution, they do by express

legislative enactment extend to the people in the Territory of Missouri certain constitutional guaranties, not, however, as constitutional guaranties, but as legislative guaranties, quoting from the Bill of Rights in that particular.

Now, Mr. President, that of itself shows that in the opinion of Congress at that time the Constitution did not ex proprio vigore extend into the Territory. Otherwise, they would not have legislated the provisions of the Bill of Rights into a statute of the United States for the protection of the citizens there. In my opinion it is unnecessary so to legislate, because those personal immunities go to the citizen anyhow by virtue of what I have referred to heretofore.

Mr. BACON. Mr. President——

Mr. FORAKER. Now, the Senator must wait until I finish. I will yield in a moment. To further show that this doctrine that the Constitution extends ex proprio vigore was not known in the politics of this country until the discussion came on with respect to Territorial governments for New Mexico and Utah and some kind of a government for California in the debates of 1848 and 1849, I will read what Mr. Benton said.

Mr. BACON. Before the Senator passes, I should like to ask him——

Mr. FORAKER. I want to read this, and then the Senator can ask me anything he wants to ask. Mr. Benton said, in speaking of this doctrine, speaking of the debates of 1848, 1849, and 1850:

> A new dogma was invented to fit the case—that of the transmigration of the Constitution (the slavery part of it) into the Territories, overriding and overruling all the anti-slavery laws which it found there, and planting the institution there under its own wing, and maintaining it beyond the power of eradication either by Congress or the people of the Territory.
>
> Before this dogma was proclaimed efforts were made to get the Constitution extended to these Territories by act of Congress. Failing in those attempts, the difficulty was leaped over by boldly assuming that the Constitution went of itself—that is to say, the slavery part of it. In this exigency Mr. Calhoun came out with his new and supreme dogma of transmigratory function of the Constitution in the ipso facto and the instantaneous transportation of itself in its slavery attributes into all acquired territories.

Mr. Benton says further in this connection:

> History can not class higher than as the vagary of a diseased imagination this imputed self-acting and self-extension of the Constitution. The Constitution does nothing of itself—not even in the States, for which it was made. Every part of it requires a law to put it into operation. No part of it can reach a Territory unless imparted to it by act of Congress.

Therefore I say, Mr. President, first, according to this authority (and I do not think any Senator can successfully dispute it or contradict it), we never had this doctrine in the politics of this country until the exigency of slavery made it necessary that such doctrine should be relied upon with respect to the New Mexican debate, and then it was brought forward by Mr. Calhoun for the first time, as Mr. Benton says, and, as Mr. Benton characterized it, as merely "the vagary of a diseased imagination." Whether it is or not I do not pretend to say; I am simply quoting what Mr. Benton saw fit to say about it.

Now, Mr. President, that being the case, it can not be contended that anybody recognized the Constitution as in force in these Territories until Congress by express legislative act extended it there. They could not have recognized it as in force in Missouri, for there they took the trouble to legislate into their act the Bill of Rights of the Constitution, which would have been unnecessary if the Constitution had been regarded as extending ex proprio vigore.

Now, Mr. President, in the case of Missouri and in all these Territories the officers were appointed by the President. There was no election so far as the local officials were concerned, but there was an election in all of them of a Delegate to the Congress of the United States; and in every instance the officers appointed by the President were required to take an oath to support the Constitution of the United States, although it was not extended to the people they were governing. The Delegates to Congress were required to take oaths to support the Constitution of the United States, although they had been elected by a people over whom the Constitution had not extended.

Now, I say this amounts to a conclusive argument, so far as precedent is concerned, to show that in this bill there is nothing to take an exception to.

Mr. BACON. Except——

Mr. RAWLINS. Will the Senator from Ohio yield for just one suggestion?

Mr. FORAKER. Yes.

Mr. RAWLINS. The Senator challenged an authority to the effect that the Constitution applies to citizens of the Territory by its own force. I read from the opinion in Strader *vs.* Graham this language:

> The Constitution was, in the language of the ordinance, "adopted by common consent," and the people of the Territories must necessarily be regarded as parties to it and bound by it and entitled to its benefits, as well as the people of the then existing States. It became the supreme law throughout the United States. And so far as any obligations of good faith had been previously incurred by the ordinance, they were faithfully carried into execution by the power and authority of the new government.

Further:

> It is undoubtedly true that most of the material provisions and principles of these six articles—

Referring to the articles relating to the Northwest Territory—

> not inconsistent with the Constitution of the United States have been the established law within this Territory ever since the ordinance was passed; and hence the ordinance itself is sometimes spoken of as still in force. But these provisions owed their legal validity and force, after the Constitution was adopted and while the Territorial government continued, to the act of Congress of August 7, 1789, which adopted and continued the ordinance of 1787, and carried its provisions into execution, with some modifications, which were necessary to adapt its form of government to the new Constitution. And in the States since formed in the Territory, these provisions, so far as they have been preserved, owe their validity and authority to the Constitution of the United States, and the constitutions and laws of the respective States, and not the authority of the ordinance of the old Confederation.

Holding distinctly that the Constitution is for the people not only of the original States, but of the Territories.

Mr. FORAKER. Will the Senator allow me to see the case to which he refers?

Mr. RAWLINS. Yes, sir.

Mr. HOAR. Mr. President——

The PRESIDING OFFICER (Mr. CARTER in the chair). Does the Senator from Ohio yield to the Senator from Massachusetts?

Mr. FORAKER. Certainly.

Mr. HOAR. Mr. President, I wish to make simply one observation. The Senator from Ohio, in answer to the Senator from Colorado, who asked him if we could do this thing to New Mexico, replied, No, because the Constitution of the United States had been extended to New Mexico by act of Congress, not being there otherwise. Now, if the Constitution of the United States is there only as the result of an act of Congress, then it seems to me that a subsequent act of Congress which can repeal, modify, or qualify any prior act of Congress can withdraw the Constitution of the United States in whole or in part. Therefore, if we should pass an act exactly like this applicable to New Mexico, and you can do it but for the suggestion which I had the honor to make a little while ago constitutionally, that will repeal so much of the act of Congress as extended the Constitution there.

Mr. FORAKER. I do not think there is any question about it.

Mr. HOAR. A law repealing it——

Mr. FORAKER. Did the Senator ask me a question?

Mr. HOAR. I did not.

Mr. FORAKER. Oh, I beg pardon; I thought you had.

Mr. HOAR. I did not ask the Senator any question; I rose and addressed the Chair in my own right. So, Mr. President, we come back to the affirmation upon which this legislation depends, that we govern a dependency under the power derived from our right to deal with property, which the Senator says is just the same whether we were dealing with guns or with land or any other thing, making laws for the people thereof for our interests as far as we think fit, and not for theirs, taxing them without representation by laws of taxation to which they never give their assent, and without any constitutional restraints; and that doctrine it is proposed to apply to the people of Puerto Rico, to the people of the Philippine Islands, and, I am afraid, in some quarters hereafter, to the people of Cuba.

Now, I hold that that of itself is a very strong reenforcement of the argument that our fathers never meant that we should hold the people subject to our will under such circumstances and under such conditions. That is despotism pure and simple. We have a right, according to the logic of the Senator from Ohio, to extend it to Alaska, as he says, to New Mexico, as he does not say; if it depends there only on an act of Congress they are exempted. I hold that to be despotism, and it is none the less despotism because the men who are to exercise it in the beginning are benevolent, just, and well intentioned.

Mr. BACON. Mr. President——

Mr. FORAKER. Will the Senator allow me just a moment?

Mr. BACON. The Senator would not permit me to answer him when he replied before to what I said.

The PRESIDING OFFICER. In pursuance of the order entered yesterday, based upon the unanimous-consent agreement, the hour of 5 o'clock having arrived, the Senate will take a recess until 8 o'clock this evening.

Mr. COCKRELL. And nothing to be done then except to read the Alaskan bill.

The Senate (at 5 o'clock p. m.) took a recess until 8 o'clock p. m.

EVENING SESSION.

The Senate reassembled at 8 o'clock p. m.

CIVIL GOVERNMENT FOR ALASKA.

The PRESIDING OFFICER. Under the order of the Senate, the Senate will proceed to consider the bill (S. 3419) making further provision for a civil government for Alaska, and for other purposes.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDING OFFICER. The Secretary will proceed to read the bill.

The Secretary read to page 24, section 27, line 12.

Mr. BATE. The word in line 11 is "practicable." The Secretary read it "possible." It is "practicable" in the print of the bill I have.

The PRESIDING OFFICER. "Practicable" is the word.

Mr. BATE. That involves a matter of contest, and I called attention to it because I know there is objection made, and it is going to be discussed.

The PRESIDING OFFICER. The Secretary will proceed with the reading of the bill.

The Secretary resumed the reading of the bill, and read to the end of section 258, on page 126.

Mr. CHANDLER. Mr. President, I desire to ask some questions of the Senator who reported this bill, and perhaps this would be as convenient a time as any for me to make the inquiries.

I notice the bill was introduced by the Senator from Montana [Mr. CARTER] on the 1st of March, referred to the Committee on Territories and reported with amendments on the 5th of March, which, of course, was a very brief consideration to be given to a bill of this importance and magnitude.

I think I know that this civil code is substantially the same as that which was introduced in the Fifty-fifth Congress, second session, in connection with the criminal code, and omitted from consideration and action at that time——

Mr. CARTER. That is correct.

Mr. CHANDLER. But yet, Mr. President, I am not quite convinced that there has been given to this bill in all of its parts that careful examination which should be given to a measure of this importance, even for Alaska. I know that the committee which has reported this bill is a committee of ability and discernment, and that there are lawyers upon it of acuteness and eminence; and yet a code of this kind would hardly pass any legislative body without the scrutiny of the judiciary committee of that body.

Mr. President, I should like to ask two or three questions of the chairman of the committee or any member of the committee, and would desire to be answered, if convenient, now.

In the first place, with reference to the criminal code that was adopted toward the close of the last Congress, have any errors or defects or solecisms been discovered in the operation of that code in Alaska since it went into operation?

I should like to be informed whether there was anything connected with the method by which that bill was passed by Congress which should require us to be more careful than we are in reference to the civil code?

I remember very well the circumstances connected with the passage of the criminal code. It was read with care, its provisions were discussed from time to time while the bill was being read; and, through the zeal and persistency and energy and patience of the chairman of the Committee on Territories, the other members of the committee, and those Senators who attended while it was being read and discussed, it was brought to a successful passage. Now, I want to know whether that code has served its purpose, and whether or not it was found to any considerable extent involved in mistakes; whether mistakes were discovered in the practical operation of the code?

Secondly, I should like to ask the members of the committee present whether it is their expectation that this civil code shall be referred to any other committee before it finally becomes a law?

Would it be agreeable to the members of the committee if, after the bill is read, I should move that it be referred to the Committee on the Judiciary for further examination?

I notice that the bill is full of elaborate and somewhat complicated provisions; for instance, those which are now being read in reference to proceedings in the courts of law. Those may have been taken from the codes of other States, which have been found to be sensible and effective, or they may not have been based upon the code of any other State. Certainly, Mr. President, even for Alaska, a bill of this kind should not be hastily passed. It should receive careful examination and discussion at the hands of Congress.

I have put all my questions at once so that they may all be answered at once. I notice the Senator from Montana [Mr. CARTER] is ready to reply to me; and I should also like to hear from the Senator from Tennessee [Mr. BATE]. I should like to have some little statement made to this body showing how this code has been scrutinized and examined in the committee, and to what extent we can rely upon the fidelity with which the work has been done and with which it ought to be done, before this bill becomes a law.

The members of the committee will kindly excuse me for troubling them with these questions, which I have wanted to ask, and which I thought I might as well put at this time.

Mr. CARTER. Mr. President, in reply to the questions propounded by the Senator from New Hampshire [Mr. CHANDLER], I will briefly state the history of this legislation in so far as it has progressed.

The rapid development of the mining industry in the district of Alaska caused the country, and the Congress as well, to realize the necessity for a code of laws for that district. For over twenty years the district of Alaska had remained a neglected spot under the jurisdiction of the United States. At the beginning of the last Congress a commission, known as the Code Commission, were requested to prepare a criminal code, a code of criminal procedure, and a code of civil laws for the district of Alaska. That commission proceeded to perform the task assigned them, accepting as the basis of their work the laws of the State of Oregon, which had been theretofore applied generally, in so far as applicable, to the district of Alaska.

The criminal code was first prepared. It was referred to the Judiciary Committee of this body, as was the civil code, I believe. That committee concluded that the laws, the machinery of the courts, and the government of the district of Alaska more properly came within the jurisdiction of the Committee on Territories; and the bill was, upon the suggestion of the chairman of the Committee on the Judiciary, referred to the Committee on Territories. That committee, with painstaking care that rarely characterizes the work of a committee, went over every section of the report of the Code Commission, and undertook to make such amendments and additions as were necessary to adapt the criminal code, the code of civil procedure, and the civil code to the conditions existing in Alaska.

This task was not a slight one. We were attempting to adjust the laws of the State of Oregon to a vast area, the District of Alaska, embracing over 500,000 square miles, sparsely settled, without counties, townships, or other minor divisions, or any of the geographical adjustments and arrangements existing in a State such as Oregon.

We undertook to secure consideration at the last session of Congress not only for the criminal code, but likewise for the additional codes referred to. The report of the committee was made at a late day in the session. It was found quite impracticable even to read the entire mass of matter reported by the committee in a single bill. It being imperative that the criminal code should be put in operation at the earliest date possible, we, on the floor of the Senate, while the bill was under consideration, detached the criminal code and passed that, leaving the code of civil procedure and the civil code without consideration.

The criminal code which was passed at the last session of Congress has been in operation in Alaska for about one year. Nearly every lawyer practicing at the bar in Alaska has been heard from concerning the operation of that code. The governor of the Territory, who is charged by law with the interests of the United States in that district, and who is further enjoined to see that the laws of the United States are executed there, has been before the committee during the present session of Congress.

From all sources, without a dissenting voice, so far as I am informed, it is agreed that the criminal code has proven entirely satisfactory to the people of Alaska, with the exception of some minor items embraced in the license provisions, concerning which items some amendments will have to be made. But in so far as the practical operation of the criminal code as a code of criminal law is concerned, it has proven eminently satisfactory. Indeed, it is very remarkable that, all the lawyers being consulted, the governor being consulted, all parties in interest being consulted, an amendment has not been suggested to that code, except in some few details of the license provisions which it contains.

The bill now before the Senate, Senate bill 3419, as reported was, it is true, introduced on the 1st of March and reported on the 5th of this month. That bill has been under consideration from the opening of the session. It was introduced at an early day in the month of December by the chairman of the committee, the senior Senator from Idaho [Mr. SHOUP]. That bill, thus introduced by him, was very carefully considered, which resulted in a series of amendments proposed and adopted by the committee from time to time.

The bill as thus amended, with additions made thereto, was introduced by me at the request of the chairman as Senate bill 2927 on the 5th day of February. This new bill, thus introduced, has been before the committee from the 5th day of February. The bill was very carefully considered section by section, chapter by chapter, and division or title by title, with the result that numerous amendments were made.

It was deemed by the committee best not to consume the time of the Senate by reading the numerous amendments that were made in conjunction with the text; and to avoid that process, which would consume much time in a bill of this volume, we concluded that it was better to introduce the bill anew; and so it was presented here as Senate bill 3419, on the 1st day of March, as a new bill, not showing the amendments in italics, as an amended bill would if presented with a report, but reading with the text unimpaired in any manner by italics, amendments, or words

stricken out, except to a very limited extent. After the bill was introduced on the 1st of March the committee again went over it, and certain amendments were made, which will appear in the bill as the reading proceeds.

The measure primarily finds its origin in the statutes of the State of Oregon. It has been carefully adjusted section by section to conditions existing in Alaska, and I doubt when all the facts are considered and the bill carefully scrutinized if any objection can be found or any serious defect discovered in the measure. I do not discern any reason for its reference to the Committee on the Judiciary. It does not involve any great or profound question of constitutional law, but merely the statutes of a State adjusted to a district of the United States where the Constitution and laws are in a measure made applicable. The present reading of the bill is purely formal, it being understood by the unanimous-consent agreement that no amendments would be offered, no amendments would be acted upon, and no action taken with reference to the bill during the session devoted to its reading by the unanimous consent of the Senate.

Mr. CHANDLER. The statement of the Senator from Montana is very clear and full and accounts for what I was not quite able to understand—that is, the rapidity with which the bill was reported back from the Committee on Territories. It also appears on the first page of the bill that there are amendments, being the parts printed in italics. I do not notice any amendments; therefore I suppose they are few and of no great importance. The explanation of the Senator from Montana is entirely satisfactory to me, and I only hope this bill, after it becomes a law, will have no more faults or defects discovered in it than have been discovered in the criminal code which was passed under the same auspices at the last session.

Mr. SHOUP. Mr. President, I am somewhat surprised at the questions raised by the Senator from New Hampshire in regard to this bill, supposing there would be no discussion whatever during its formal reading. It was understood that the bill was to be read in a formal way before putting it on its passage, when amendments would be in order. But as he has propounded a number of questions, first as to the result of the criminal code which was reported by the Committee on Territories at the last session of Congress and which carried with it an amendment, offered by the distinguished Presiding Officer here to-night [Mr. PERKINS] relating to the license law in Alaska, I will state that since that time I have visited Alaska and have visited the principal towns and cities in Alaska.

I have made inquiry personally with respect to the operation of that law, as to whether it gave general satisfaction. I ascertained that it did, with one single exception, which the Senator from Montana has explained, and that was this: While they admitted that the license law was a benefit to Alaska, they wanted 50 per cent of the money to be expended in Alaska in place of going into the Treasury of the United States. That was the only question raised in Alaska as to that law. In all other respects it was regarded as being a good measure and an appropriate law for the Territory of Alaska. I consulted nearly all the lawyers of Alaska and the judge of the court of Alaska, and I found it to be entirely satisfactory.

Now, as to the rapidity of the preparation of this bill; that has been very clearly stated by the Senator from Montana [Mr. CARTER]. The main portion of it was considered at the last session. It was reported to this body. At the opening of the present Congress I reintroduced the code, but the Senator from Montana and the Senator from California each introduced bills which have since been incorporated into this bill.

This has been gone over and through a number of times, and I took the precaution—I am now responding to the suggestion made by the Senator from New Hampshire [Mr. CHANDLER], that it ought to go to the Committee on the Judiciary—to subdivide this bill into four different parts and to refer them to four eminent and prominent lawyers on the committee. They have gone through it carefully, and it has all been considered over and over again. So there has been no haste about it. There has been no precipitate action whatever. It has been before the committee since the early days of the present Congress.

Hence, I wish to say on behalf of the committee that there has not been any hasty action on their part, and that the bill has been carefully considered and is before the Senate after being more carefully considered, in my judgment, than any other bill which has been presented to this body in many years.

Mr. CHANDLER. I am very happy to hear from the Senator from Idaho the statement he has made. He expressed surprise at my inquiries, because it was understood that no business was to be transacted this evening except the reading of the bill. The Senator from Idaho will not undertake to say that there was any agreement that there should be no discussion on the bill as the reading proceeded. If there was any understanding to that effect, then of course I have broken that arrangement. If I have done so, I have been ably answered by the Senator from Montana and the Senator from Idaho. Was there any understanding, I will ask the Senator, that there should be no discussion on the bill?

Mr. SHOUP. I will say, in reply to the inquiry of the Senator from New Hampshire, that while there was no specific understanding that there should be no discussion, I think there was a general understanding that all that was to be done to-night was the formal reading of the bill.

Mr. CHANDLER. I do not think the understanding in the RECORD will bear out the chairman of the committee in his present statement. Certainly, if I have offended, I have been sufficiently answered by the two Senators.

Mr. SHOUP. I do not regard it as any offense whatever.

Mr. CHANDLER. The statement of the agreement is that the session shall "be for the purpose of formally reading the bill in relation to the Territory of Alaska; that no amendments shall be acted upon, and no other business than the formal reading of the bill shall be done." Debate, as is well known both to the Senate and the country, is not business, and no agreement of this kind has ever been understood to exclude debate.

I wish to say only one word more, and that is that the chairman of the committee will excuse me for not knowing the care with which the bill has been considered by the committee, the duties of the chairman of which he performs with so much assiduity. I noticed it was introduced on the 1st of March and reported on the 5th of March, and there was nothing on the face of the bill to indicate that it was the outcome of two or three previous bills which had been finally merged in this bill. With the explanations that have been made I am entirely satisfied, but shall take occasion whenever a bill is being read, even if no other business is to be transacted, to make any inquiries that I may think to be pertinent.

Mr. BATE. Mr. President, I myself, as a member of the committee, am glad to see the vigilance shown by the Senator from New Hampshire. I have been part and parcel of the making up of this measure, but I did not take so great a part as I desired, because I did not have opportunity. I think it shows vigilance upon his part to be looking into these matters. It is troublesome, it is true; it is tedious; but it is our duty to look at it narrowly.

This bill affects the rights of a great many persons, the rights of a whole Territory—mining rights, land rights, personal rights, commercial rights, and all these things. I am one of those who would be delighted to see the bill go to the Judiciary Committee. If he shall make that proposition I shall certainly sustain him, not, however, because I am aware of any glaring defects in the bill. I think it is rather a remarkable document, prepared, as it has been, rather hurriedly, it is true. But it was done systematically. The chairman divided it into four parts. There are 600 pages here.

Mr. SHOUP. The Senator from Tennessee had one part.

Mr. BATE. Yes; I was just going to say that. The chairman divided it into four parts. There were four lawyers upon the committee, and he gave each one of them 150 pages. I took one section, at his suggestion, and went over it; but I must confess, sir, that it took me several days, and even at night till 1 o'clock, three or four nights, before I got through and mastered it at all to my satisfaction.

I recommended, then, as many as twenty or thirty or forty amendments to it, and I think all but three or four were adopted. None of them was very great or material, however. So we went on, and after that was done each one brought his section up there, one-fourth of it, and presented it to the whole committee, and it was scanned by the committee and read over. I was not present when the first section was read. I was present when all the others were. We compared notes and got it, if I may say so, in the shape in which it is now. It is in as acceptable form, perhaps, as we could very well get it.

I shall not object—because I know the importance of this bill—to referring it to the Committee on the Judiciary. It ought to go forth correct. It affects the rights of these people and of persons going in there by the thousands, and perhaps hundreds of thousands, before this code passes away—perhaps there will be a large State—and we ought to be doubly vigilant in regard to it, and I am glad, as I say, to observe the watchfulness shown by the Senator from New Hampshire.

Mr. President, there are amendments that are going to come forth. I have some myself, and I think some of importance, I will say to the Senator from New Hampshire, but this is not the time, as I understand, for the presentation of them. We agreed that we should not do anything at this time except the formal reading, and we have already passed over three or four points to which I would have called the attention of the Senate if it had not been for the agreement.

Mr. SHOUP. I will say, for the information of Senators present, that the Senator from Tennessee has reserved the right to offer any amendments he may desire to present to the Senate when the bill is before the Senate and open to amendment.

Mr. BATE. That is a right which belongs to every one of us,

of course. It is a right which can not be denied. But still I took the precaution to notify my associates on the committee of that fact.

I think it is a very remarkable measure, to be got up in the manner in which it has been prepared. I regretted that there was any necessity for it. I thought it would serve the purpose in the early organization of this Territory if we were to continue in force the code of Oregon, which they have, because they have all the decisions of the courts construing its various provisions, and there would be less trouble in the end than to start anew and have new courts and new decisions upon these questions. But still the Senate saw fit to take another course, and I bowed as gracefully as I could, and I have performed my duty in connection therewith as I thought was necessary. I think the bill is possibly in as good shape as we can have it. Still I am not adverse to seeing it undergo the scrutiny of the Judiciary Committee, because it is a very important matter indeed.

Mr. SHOUP. I will ask the Senator from Tennessee whether he does not consider, with all deference to the members of the Judiciary Committee, that he and a number of other lawyers on the Committee on Territories, who have had this bill under their scrutiny, are as capable as the members of the Judiciary Committee of determining everything in a legal way as to the force and effect and application of the laws and rules to govern those people?

Mr. BATE. I think it is very full and ample and very accurate, so far as I am able to judge. Still, I yield my opinion to those who have been selected by the Senate as the head of its lawyers to constitute the Judiciary Committee. I would certainly submit gracefully to anything they would say; and if there is any doubt about it, or if any Senator desires the bill to go there, I will vote for its reference.

The PRESIDING OFFICER (Mr. PERKINS in the chair). The reading of the bill will be resumed.

The reading of the bill was resumed and continued to the end of section 303, on page 156.

Mr. BATE. Mr. President, I see that it is nearly half past 11 o'clock, and we have gone over one hundred and fifty-odd pages of the bill to-night. It is very fine work, I think, sir; and if it is agreeable to the chairman of the committee, I move that the Senate adjourn.

Mr. SHOUP. I concur in the motion made by the senior Senator from Tennessee.

The motion was agreed to; and (at 11 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Friday, March 9, 1900, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March 8, 1900.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

CHOCTAW, OKLAHOMA AND GULF RAILROAD COMPANY.

The SPEAKER. The gentleman from New York calls up the disagreement of the Senate to the House amendment to the Senate bill 2354.

Mr. SHERMAN. I move, Mr. Speaker, that the House insist upon its amendments.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (S. 2354) to enlarge the powers of the Choctaw, Oklahoma and Gulf Railroad Company.

Mr. SHERMAN. Mr. Speaker, I move that the House insist upon its amendments and agree to the conference asked by the Senate.

The motion was agreed to.

The SPEAKER announced the following conferees: Mr. SHERMAN, Mr. CURTIS, and Mr. LITTLE.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. CAMPBELL, until Monday, on account of important business.

CURRENCY BILL.

Mr. OVERSTREET. Mr. Speaker, I desire to give notice that I shall call up for consideration the currency bill, that is agreed upon by the conferees of the two Houses, on next Tuesday; and I ask unanimous consent that the debate had upon the report begin immediately after the reading of the Journal and close at 4.30 o'clock the same day, at which time a vote may be had.

The SPEAKER. The gentleman from Indiana gives notice that he will call up the House bill No. 1, known as the finance bill, that the conferees have agreed upon, on Tuesday next, debate to begin immediately after the approval of the Journal, and a vote thereon to be taken at 4.30 o'clock. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

ADDITIONAL URGENT DEFICIENCY BILL.

Mr. CANNON, from the Committee on Appropriations, reported the bill (H. R. 9279) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1900, and for prior years, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. RICHARDSON. Mr. Speaker, I reserve all points of order upon the bill.

The SPEAKER. The gentleman from Tennessee reserves all points of order on the bill.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 3266. An act authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Maj. Gen. E. O. C. Ord from Oak Hill Cemetery, District of Columbia, to the United States National Cemetery, at Arlington, Va.

S. 282. An act extending the time for the completion of the bridge across the East River, between the city of New York and Long Island, now in course of construction, as authorized by the act of Congress approved March 3, 1887.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title, when the Speaker signed the same:

H. J. Res. 170. Joint resolution providing for the acquisition of certain lands in the State of California.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 3186. An act granting a pension to Margaretha Lippert;

S. 717. An act to provide for the purchase of a site and for the erection of a public building thereon at the city of Wheeling, State of West Virginia;

S. 1402. An act for the erection of a public building at Natchez, Miss.;

S. R. 71. Joint resolution authorizing the President of the United States to invite the Government of Great Britain to join in the formation of an international commission to examine and report upon the diversion of the waters that are the boundaries of the two countries;

S. 3105. An act for the relief of the mother of William R. McAdam;

S. 1319. An act granting an increase of pension to Annie E. Joseph;

S. 3583. An act for enlarging the public building at Dallas, Tex.;

S. 289. An act granting a pension to John B. Turchin;

S. 98. An act providing for the erection of a public building at the city of Spokane, in the State of Washington;

S. 3055. An act to ratify an agreement between the commission to the Five Civilized Tribes and the Seminole tribe of Indians;

S. 1934. An act for the relief of the Globe Works, of Boston, Mass.;

S. 817. An act granting an increase of pension to Julia A. Taylor;

S. 2499. An act to authorize needed repairs of the graveled or macadamized road from the city of Newbern, N. C., to the national cemetery near said city;

S. 995. An act granting an increase of pension to Nelly Young Egbert, widow of Harry Clay Egbert, late colonel of United States Army;

S. 2311. An act for the relief of Mrs. Ella M. Shell; and

S. 304. An act providing for the erection of a public building at the city of Tacoma, in the State of Washington.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 1806. An act for the relief of W. W. Riley;

H. R. 2321. An act granting an increase of pension to Horatio H. Warren;

H. R. 2637. An act granting an increase of pension to Albert Hammer;

H. J. Res. 119. Joint resolution to amend an act entitled "An act to extend Rhode Island avenue," approved February 10, 1899; and

H. R. 6767. An act to grant an American register to the steamer *Windward*.

The message also announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with deep sensibility the announcement of the death of Hon. ALFRED C. HARMER, late a Representative from the State of Pennsylvania.

Resolved, That a committee of five Senators be appointed by the President pro tempore to join the committee appointed on the part of the House of Representatives to take order for superintending the funeral of the deceased.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

And, in compliance with the foregoing, the President pro tempore had appointed as said committee Mr. PENROSE, Mr. MASON, Mr. HANSBROUGH, Mr. SULLIVAN, and Mr. SCOTT.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

Senate concurrent resolution 28.

Resolved by the Senate (the House of Representatives concurring), That there be printed at the Government Printing Office 1,500 copies, in addition to those heretofore authorized by law, of a paper in Part III of the Twentieth Annual Report of the Geological Survey, entitled "Geology of the Little Belt Mountains, Montana, with notes on the mineral deposits of the Neihart, Barker, Yogo, and other districts," by Walter Harvey Weed.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 717. An act to provide for the purchase of a site and for the erection of a public building thereon at the city of Wheeling, State of West Virginia—to the Committee on Public Buildings and Grounds.

S. 1402. An act for the erection of a public building at Natchez, Miss.—to the Committee on Public Buildings and Grounds.

S. R. 71. Joint resolution authorizing the President of the United States to invite the Government of Great Britain to join in the formation of an international commission to examine and report upon the diversion of the waters that are the boundaries of the two countries—to the Committee on Foreign Affairs.

S. 3105. An act for the relief of the mother of William R. McAdam—to the Committee on Interstate and Foreign Commerce.

S. 1319. An act granting an increase of pension to Annie E. Joseph—to the Committee on Invalid Pensions.

S. 2583. An act for enlarging the public building at Dallas, Tex.—to the Committee on Public Buildings and Grounds.

S. 98. An act providing for the erection of a public building at the city of Spokane, in the State of Washington—to the Committee on Public Buildings and Grounds.

S. 3055. An act to ratify an agreement between the commission to the Five Civilized Tribes and the Seminole tribe of Indians—to the Committee on Indian Affairs.

S. 1934. An act for the relief of the Globe Works, of Boston, Mass.—to the Committee on War Claims.

S. 817. An act granting an increase of pension to Julia A. Taylor—to the Committee on Invalid Pensions.

S. 2499. An act to authorize needed repairs of the graveled or macadamized road from the city of Newbern, N. C., to the national cemetery near said city—to the Committee on Military Affairs.

S. 2311. An act for the relief of Mrs. Ella M. Shell—to the Committee on Claims.

S. 304. An act providing for the erection of a public building at the city of Tacoma, in the State of Washington—to the Committee on Public Buildings and Grounds.

Senate concurrent resolution 28:

Resolved by the Senate (the House of Representatives concurring), That there be printed at the Government Printing Office 1,500 copies, in addition to those heretofore authorized by law, of a paper in Part III of the Twentieth Annual Report of the Geological Survey, entitled, "Geology of the Little Belt Mountains, Montana, with notes on the mineral deposits of the Neihart, Barker, Yogo, and other districts," by Walter Harvey Weed—

to the Committee on Printing.

S. 2880. An act granting an increase of pension to Caroline B. Bradford—to the Committee on Invalid Pensions.

S. 2510. An act granting an increase of pension to Caroline C. Townsend—to the Committee on Invalid Pensions.

S. 207. An act granting an increase of pension to Margaret E. Van Horn—to the Committee on Invalid Pensions.

S. 135. An act granting an increase of pension to Frances C. De Russy—to the Committee on Invalid Pensions.

S. 1787. An act granting an increase of pension to Joseph P. Pope—to the Committee on Invalid Pensions.

S. 2686. An act granting an increase of pension to Mary E. Law—to the Committee on Invalid Pensions.

S. 1066. An act granting an increase of pension to Margaret B. Shipp—to the Committee on Pensions.

S. 2497. An act granting an increase of pension to Sarah W. Rowell—to the Committee on Pensions.

S. 2632. An act granting an increase of pension to Louisa E. Baylor—to the Committee on Invalid Pensions.

MESSAGE FROM THE PRESIDENT.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed joint resolution of the following title:

On March 8, 1900:

H. J. Res. 170. Joint resolution providing for the acquisition of certain lands in the State of California.

CONTESTED-ELECTION CASE—ALDRICH AGAINST ROBBINS.

Mr. MANN. Mr. Speaker, I call up the contested-election case of Aldrich against Robbins, and yield an hour to the gentleman from Michigan [Mr. HAMILTON].

Mr. BARTLETT. Mr. Speaker, before my colleague on the committee proceeds, I desire to ask the gentleman from Illinois a question. It is understood that the time now remaining is to be equally divided between the two sides.

Mr. MANN. It is understood that the time now remaining shall be equally divided between the two sides.

Mr. BARTLETT. Mr. Speaker, I ask the gentleman if he has succeeded in making the arrangement I suggested?

Mr. MANN. I have not yet succeeded in making the arrangement suggested.

The SPEAKER. Unanimous consent is asked by the gentleman from Georgia and the gentleman from Illinois that the time remaining shall be equally divided between the two sides. Is there objection? [After a pause.] The Chair hears none.

Mr. HAMILTON. Mr. Speaker, the Fourth Congressional district of Alabama is composed of six counties, namely, the counties of Cleburne, Calhoun, Talladega, Shelby, Chilton, and Dallas. Of these the first five named counties are the so-called white counties, and the county of Dallas lies in the so-called black belt of Alabama.

Mr. Aldrich, the contestant, came down through the white counties to Dallas County with a majority of 816. There is no contest except as to Dallas County.

By the census of 1890 Dallas County is shown to have a total voting population of 10,677, of whom 8,531 are colored voters and 2,146 are white voters; and yet out of a total voting population of 10,677 only 2,830 votes in all were cast in the last election.

On the argument of this case before the committee complaint was made, which has been renewed here on the floor of the House, because it was said the so-called colored vote had been suppressed. That is, it was said that word was sent out by the Aldrich managers to the colored voters requesting them not to go to the polls and not to vote, and it is quite clear that this is true, and it is as equally obvious that the colored voters did not go to the polls and did not vote to any large extent in the last election in Dallas County. That a mere request like this should have been observed, whereby almost the total voting population of Dallas County voluntarily disfranchised itself, on the request of the Republican managers, is conclusive evidence that the home-staying vote in Dallas County was a Republican vote, and the most casual investigation of conditions as shown not only in this case but in the two other contested-election cases preceding this from this same district reveals the reason why the colored voters did not go to the polls and did not attempt to vote.

Sir, this contest and others from the South grow out of conditions there, and are practically inevitable so long as these conditions continue to exist. The first difficulty is the ingrained opposition to what is known as negro domination there. The next difficulty is the ignorant and illiterate condition of the colored people of the South, which makes them fit and easy material out of which almost any kind of returns may be manufactured or evolved at will.

Now, sir, I am not prejudiced. The committee to which I have the honor to belong would be ill qualified to perform the arduous duties devolving upon it if its members approached the consideration of these questions in a partisan spirit.

Neither is there any longer any sectional feeling. The sectional feeling that smoldered in the ashes of the civil war has been smothered and quite put out forever.

We are all fellow-citizens of one common country, stretching 3,000 miles, from the Atlantic to the Pacific, and some 7,000 miles beyond; 1,000 miles from the Lakes to the Gulf, with some outlying territory in the arctic regions and in the Atlantic Ocean; united now, at least as to the United States, under one written Constitution, symbolized by one flag, known and respected the world over as the Stars and Stripes. [Applause.] Under that flag now there are people of all classes, colors, and conditions, from the frozen north to the tropic zone. And, sir, the time has come, in my opinion, when the white American citizen must rise to the full measure and stature of his responsibility to his weaker brethren. No matter how much we may resort to sophistry to convince ourselves and others to the contrary, we are our brother's keepers.

Long ago, at creation's first dawn, while yet the cherubim with flaming swords stood guard at the gates of deserted Eden, and man had just begun to eat his bread in the sweat of his face and the first murder had been done, the question was asked, "Am I

my brother's keeper?" Modern civilization is answering that question emphatically in the affirmative. We are our brother's keepers. And when men fail to respond to their duty in this behalf they must inevitably suffer in the long run by reflex action upon themselves for such failure.

Like mercy, which is twice blessed, blessing him that gives and him that receives, so oppression is twice hurtful, hurting him that oppresses and him that is oppressed.

You Southern gentlemen are genial, manly men. You are talented, high-souled gentlemen. I have many warm friends among you. But, my friends, in your dealings with this election problem growing out of this race problem you are like the man who stacks the cards on the man who does not even know how to play the game. [Laughter on the Republican side.]

This case of Aldrich against Robbins or any other election case growing out of similar conditions sinks into insignificance when compared with the tremendous race problem out of which these contests grow. Many books have been written, many treatises have been published, many orators have made many speeches over this question, but few I think, have, approached a solution of it. I am one of those who believe that the colored man in the South must and that he will, in the fullness of time, work out his own salvation and his own solution of this problem. But in the meantime I insist that it is not only the duty of the white man not to put obstacles in his way, but that it is the white man's affirmative duty to help him upward and onward. Who will say that the colored man has not advanced as rapidly from his original condition as any race in all time—who will say he lacks courage or patriotism?

Since San Juan hill some white gentlemen have capitalized their glory, some gentlemen have permitted themselves to be inducted into political office, and the whole world has applauded American nerve, American pluck, and American manhood.

But let it not be forgotten that when the white Regulars and the Rough Riders marched up the hill that led to death and glory the black Regulars were there also side by side with them, every step of the way, fighting with the steadiness and precision of machines and the courage and discretion of American citizens.

Sir, I say that a man who is man enough to fight like that is man enough to vote in the elections of the country for which he fights [applause on the Republican side] and to have his vote counted. They are permitted often to go through the farce of a vote, but they are frequently counted out.

Meanwhile let education go on with accelerated vigor; but education alone will not solve this problem, although it will go far. The knowledge of arithmetic, the ability to count is of little real value to the man who uses it to count dishonestly, to count somebody out, be he black or white.

There must not only be education but there ought to be moral and industrial education as well. Moral education, so that the colored man will esteem his privilege as an American citizen and not sell it out on election day, as he too frequently does; industrial education which will enable him to take care of himself and family and not be constantly in debt and in a condition of financial subserviency, so that when election day comes around in the South a nod here and a suggestion there will control his vote.

Some days ago on the train coming through from the West an intelligent Southern gentleman was telling how a bright young negro had hired out for a term of three months at $15 a month. The term of service having expired, he went in to settle up. His employer being absent, he was paid, by mistake, for two months instead of three. He went away puzzled and disappointed, because he had expected to get married on the proceeds of his work, and the amount of his pile seemed inadequate to the contemplated enterprise. But he could not figure, and he gave it up. Shortly afterwards his employer returned and, learning of the mistake, called him in and paid him the balance. Jim took the money gratefully and then said: "Look yer, Boss; I dun thought the' was some kind of disfigurin' roun' heah somewhere, but I didn't know jus' wha' it was."

So it is on election day with the colored man in the South. He knows there is some kind of "disfiguring around somewhere," but he does not know just where it is; he only knows that, by some sort of subtle, occult transmutation in and about the ballot box, his vote for Richard Roe is transformed into a vote for John Doe or is not counted at all, and he does not know just how except that he did not intend to vote that way. The illiterate colored man who can not mark his own vote is at the mercy of the unscrupulous marker.

"PIG TRACKING."

On the argument of this case before the committee amusing comment was made upon what was called "pig tracking" of witnesses. Now, this term "pig tracking" is a peculiar kind of hog Latin [laughter], or law Latin, or at least it is a Southern law phrase, to describe witnesses who follow each other so closely in their testimony as to arouse the suspicion that they have been "horse shedded"—that is our Northern expression.

Well, sir, these witnesses who were accused of "pig tracking" remind me of a story that an old justice of the peace up in my country used to tell about himself and an old sow of the third-row breed that could eat corn out of a jug, and was so thin that she could hardly cast a shadow. He said he had turned her out in the meadow. It was August, and the pasture was parched and brown and forage was scarce. Missing her from time to time at the trough, his suspicions were aroused. Adjoining the meadow was a cornfield, separated from it by a rail fence built in the old-fashioned way, with logs for the bottom rails. On investigation he found that the sow had discovered a hollow log, and that by passing through the length of it she could come out in the land of corn and plenty.

In a spirit of psychological research he turned the log so that both ends were in the meadow, and, hiding himself, he awaited results. The sow came up and, as she had done many times before, dove into the log, in full expectation of corn beyond, and came out still in the meadow. This had never occurred before in her experience. Sorely perplexed and disappointed, she tried it again and again, until, worn out with futile effort, she abandoned the enterprise. Something was wrong with the combination. The "open sesame" had failed to work.

So, by "disfiguring" and turning the log, election boards in the South have so contrived that the illiterate voter knows he can no longer express his will at the polls.

That, my friends, is why, with a voting population of 10,677 in Dallas County, only 2,830 votes were cast at the last election. Do you tell me there was fairness there? Why, my friends on the other side, you know perfectly well that there is no fairness there; you know perfectly well that the colored man is not permitted to register his will. And, with all due deference to you, it is a farce to come up here and claim that it is so. It is not true.

Now, what is the nature of the "disfiguring" and turning the log in Dallas County? Before passing to specific instances, permit me to call attention to the election law applicable to this case.

REGISTRATION.

First, as to registration, the law prescribes that the governor shall appoint a registrar of elections in each county and assistant registrars of elections in each precinct of each county, whose business it is to register electors. The law further prescribes that there shall be a period of registration extending from the first Monday in May for eighteen consecutive days, Sundays excepted, except that in cities of 10,000 inhabitants or more the period of registration is thirty consecutive days, Sundays excepted. Further, the constitution of the State of Alabama, Section 5, Article 8, prescribes that "no person shall vote at any election unless he shall have registered as required by law."

Pursuant to this constitutional provision paragraph 1620 of the Alabama election law was passed. It prescribes that "the elector must have registered as provided in this chapter, and if any elector attempts to vote without having registered for that election, his vote must be rejected." McCrary, in paragraph 330 of his work on Election Law, says, "When the law does not permit any person to vote unless his name is on the register, the provision is mandatory." So much as to registration.

INSPECTORS, CLERKS, AND MARKERS.

The election machinery of Alabama is put in motion by an appointing board composed of the judge of probate, the county clerk, and the sheriff of each county.

It is the duty of this appointing board, at least thirty days before election, to appoint three inspectors of election for each precinct, two of whom shall be from opposing political parties if practicable.

It is the duty of the inspectors so appointed, before the opening of the polls, to appoint two markers from opposing political parties, whose business it is to mark the ballots of illiterate and physically disabled electors for them. It is the further duty of the inspectors, before the opening of the polls, to appoint two persons to act as clerks.

Now, it is evident that a marker is an important person in an illiterate community. And when a marker is appointed without regard to law, without regard to its requirement as to selection from opposing political parties, and when the marker so appointed is ignorant, incompetent, and corrupt, and is well known to the voters to be so—is well known to be a man on whom they can not rely, not only by reason of his personal character, but by reason of former experience with him acting in the capacity of marker—then voters have just ground for believing that fraud was intended from the outset, intended by the appointing board when it appointed partisan and dishonest inspectors, and intended by inspectors when they appointed incompetent and corrupt markers and clerks. And so believing, and being so justified in believing, there is nothing left for the illiterate voter to do but to stay away from the polls on election day, so that his vote may not swell the aggregate of material out of which corrupt election officials may make dishonest returns.

THE BALLOT.

Now, as to the ballot. The law provides that the judge of probate of each county shall cause the ballots to be printed in a form prescribed by law, and this ballot must be printed in books or blocks and provided for each precinct where the election is to be held. This ballot is known as the "official ballot," and the law prescribes that the ballot so provided is the "legal ballot," and that "no ballot shall be received or counted in any election to which the act applies except it be provided as herein prescribed."

Now, Mr. Speaker, it will be seen that a legal ballot is prescribed under the laws of Alabama. It must have a legal origin and a legal career, and must come legally into the hands of inspectors, and must be legally given by inspectors into the hands of voters. No other ballot is lawful in that State.

VOTING.

Now, as to voting this ballot. The law prescribes that "no person except officials and voters admitted to vote shall be permitted to approach within 50 feet of the doors or windows of polling places." This is provided in sections 25 and 28 of the Alabama election law.

Ballots must be given to the voters by the inspector. (Section 32.)

No ballot can be carried away from the polling places. (Section 40.)

It is unlawful to print copies of ballots or to have copies in possession. (Section 43.)

Forgery of the initials of inspectors upon ballot stubs is a crime under the law of Alabama. (Section 17.)

And, finally, no vote shall be received or counted unless it be provided as prescribed by law. (Section 14.)

FRAUD AND NEGLIGENCE.

Now, gentlemen, a word as to fraud. It is a well-established principle of law that fraud destroys and vitiates the value of returns as evidence. Fraud does not necessarily invalidate the legal vote, but by destroying the presumption of the correctness of returns it makes it necessary that any person claiming the benefit of votes must prove them, and when the conduct of an election or the return of a vote is so tainted with fraud that the truth can not be deduced from the returns, the returns must be set aside. This is the plain statement of law, which I take it no one present will dispute.

Further, when the incompetency, inefficiency, and reckless disregard of the essential requirements of the law prevail to such an extent that the acts of the officers must be deemed unreliable, this will of necessity have the same effect as fraud and be ground for rejecting returns. This, also, is well-established law.

SELMA, NO. 36.

Now, gentlemen, bearing in mind these principles of law, I propose to call your attention to the conditions that existed in Selma precinct, No. 36—the largest precinct in Dallas County, and upon which, to a great extent, the result of this election hinges. In this connection let me say that, so far as I am concerned, I would not allow my vote or voice to be influenced by any personal consideration or feeling I might have toward contesting parties. Unless I believed that the man who comes here with a contest ought to be seated, I would not vote to seat him. Unless I believed conscientiously that a man whose seat is contested ought to be unseated, I would not give my assent to any such action, notwithstanding the little pungent newspaper paragraphs by a singular coincidence appearing from day to day in certain papers here, framed in the interest of contestees and reflecting upon the judicial fairness of election committees, and the flippant manner of treating these cases which sometimes appears in debate upon this floor. I consider the rendition of judgment in these cases a high and important matter of duty and of obligation.

Members on this floor have talked about cases being decided on "political grounds." There is behind our service on this Election Committee a solemn duty which we owe not only to the constituents of contending parties but to the people of the whole country in investigating cases of this kind.

Mr. Speaker, when a man contests for a seat here he ought not to be accepted as a member of this body unless the evidence is conclusive to the minds and the consciences of the members, and I would not give my vote or my voice in support of the contention of a contestant unless I believed, honestly and conscientiously, that the claimant had a right which we had no right to ignore.

It is not a question of political friendship or one of partisan consideration. It is a high duty which we owe to the people and to ourselves. I consider it a matter of personal honor to which I feel bound to give my best consideration. It is a matter of personal honor affecting the committee, too; and I am unwilling to submit quietly to even a suggestion that the committee of which I have the honor to be a member would, under any circumstances, be willing to give a decision on a case of this kind for partisan reasons or purposes. There is no such sentiment in the committee to which I have the honor to belong. We have had under consideration in this and the last Congress seven cases, I think. I ask my colleague, the gentleman from Illinois [Mr. MANN], how many cases have been pending before the committee?

Mr. MANN. There were seven cases before the committee.

Mr. HAMILTON. Seven cases, and we have reported in favor of the sitting Democratic member in every case except one in the last House and one in this.

I want it understood, gentlemen, that Elections Committee No. 1 does not report in favor of unseating a man unless it believes that he ought to be unseated. That is the way I feel about it. I say this is too big a question to be tampered with flippantly on the floor of this House. Elections Committee No. 1 sits judicially on these questions. They do not fritter away the fight of a man's life.

To occupy a seat in this body may have been the ambition of a man's lifetime.

When he comes here, before very long he may find that it is hardly worth while. There is tinsel and show and hollowness and heartache and disappointment enough about it all, and every man is largely for himself. It is a passing show in many respects, and Congressmen, as Bryce says, disappear like snowflakes on a river. Withal, of course, there is great and serious work to do.

But when a man has made his fight and is here contending for his rights, nothing short of the best and most serious thought, consideration, and judgment is due him. I will not consent that a breath of imputation of carelessness shall touch Elections Committee No. 1, and when such suggestion comes from a member of the minority of this committee I am reminded of a saying of a certain French philosopher, that "Confidence in other men's virtues is no slight evidence of a man's own."

Now, as to precinct No. 36, I have stated to you that there must be fraud or negligence of election officials sufficient to satisfy the committee that there is reason to overturn the returns of that precinct before those returns can be thrown out and proof be accepted aliunde.

EVIDENCE AFFECTING RETURNS.

As to Selma precinct, No. 36. First, the evidence shows to the satisfaction of the majority of this committee that about 80 persons appear to have voted who were not registered.

When the law requires that a man shall be registered in order to vote, and his name appears on the poll list as having voted when he is not registered, does that, to your minds, as a jury who must pass upon this question, suggest anything dishonest?

Second, a large number, to wit, 54 white persons, whose names appear on the poll list as having voted could not be found in the precinct. Now, the value of that kind of evidence depends upon the extent of the research of the person hunting for them and his knowledge of the precinct. I do not lay great stress upon it. The case does not depend upon that, but I make the statement.

Third, a large number, to wit, 75 colored persons, whose names appear upon the poll list as having voted could not be found in the precinct. I do not lay stress upon that. The value of that evidence depends upon the research of the person inquiring, depends upon his means of observation and his knowledge of the precinct.

Fourth, a large number of persons are shown to have voted who were illegally registered. As to that, I do not agree with the majority of the committee. The majority of the committee in their report did not take the view which I take of that, which I shall, later on, perhaps, have something to say about.

Fifth, several swore that they voted whose names are not on the poll list at all.

Now, would that suggest anything curious about the election in that precinct?

Sixth. Several testified that they did not vote, although their names do appear on the poll list as having voted. Would these facts have weight in your minds in determining whether the official returns are reliable?

So, my friends, when we took all those facts in conjunction, the committee felt that there was sufficient peculiarity, sufficient fraud, or, if you do not care to use the term "fraud," that there was sufficient carelessness on the part of the inspectors of that election, so that we could not accept those returns as valid. In that precinct Mr. Aldrich was credited with 79 votes, and when he came to the oral proof he proved more than 170.

Now, there is nothing flimsy about this. What would you do if you sat as members of a committee and heard these facts and were confronted with the fact that these returns were not such as you could accept?

THE PROVED VOTE.

You must resort to the next step, obviously. What is the next step? It is to prove the votes. Now, against Mr. Robbins, the contestee, I have not a word to say personally. He is, like many other Southern gentlemen, the victim of his environment.

The contestee, Mr. Robbins, examined 636 witnesses from this Selma precinct. Now, first, deducting those who were called for

other purposes than to prove their vote, or who were recalled and therefore appeared twice, or who testified that they did not vote, 9 in number, the vote stands 636 less 9. Second, we further deduct those who testified that they voted but whose names do not appear on the registration list, 32 in number. We could not very well count those votes. Now, third, I, personally, propose to deduct those who testified to having voted for the contestee, but who appear from their own testimony to have been illegally registered. In that I am not sustained by the majority of the committee. My contention is that under the law of Alabama, under the constitutional provision, and under the statute passed pursuant to that constitution, those votes ought not to be counted. If it were simply a question whether we should accept votes returned, then it might properly be said that inasmuch as these votes do not appear to have been challenged they ought to be counted. But having rejected the returns, when we proceed to the count of *proved* votes, only those votes which are proved to be *legal* votes ought to be counted; and when an elector by the very testimony on which his vote is sought to be counted discloses that the vote in itself is illegal, that it has fatal legal infirmities, then I am unable to see how such vote can be legally counted. But it is not a matter on which I need to waste time, because the majority of the committee have not subtracted this number from Mr. Robbins's vote, out of abundant caution and abundant fairness to Mr. Robbins.

Fourth. We deduct the votes of those who testified that they voted for Mr. Robbins, but who obtained their ballots from various unauthorized persons and places. Now, Mr. Speaker, bear in mind that the ballot must have a legal birth, a legal origin, must be printed as prescribed by law, must go into the hands of inspectors from a legal source, and can not get out of the hands of an inspector except it be handed by an inspector to a voter who is about to exercise the right to vote. Bearing that in mind, let me call your attention to the testimony.

There was the case of William Wilby, who got his ballot from a window in the yard; not from an inspector at the table.

There was the case of W. B. F. Harrison, who got his ticket from Mr. Lumpkin. Mr. Lumpkin is the sheriff and not an inspector.

J. J. Babcock—where did he get his ticket? He says: "I think Joe Evans handed me the ticket." Joe Evans was not an inpector.

Jake Storm says Mr. Kennedy, a deputy sheriff, handed his ticket to him.

Thomas Walker says some gentleman handed a ticket to him in the hall. There were tickets flying around everywhere, and, under the law, the tickets could only be given out by the inspectors to voters about to vote, and if they got out of the inspector's hands, except as provided by law, they got out in an illegal way; and yet here we have them all over town. That is the reason why we throw out these votes, gentlemen. It is not for political purposes.

W. R. Lardent got his ticket from some man at the door of the court-house.

Another man, C. Ritter, says Will Walker gave him a ticket as he walked in court-house door.

James Walsh says: "I picked up my ticket myself on the table on the piazza outside." Every man could go and get a ticket off the piazza. [Laughter.]

W. W. Stewart says he got his ticket from some one outside. J. M. Long when asked, "When you voted where did you get your ticket," said:

> I got it myself.
> Q. Where?
> A. Some down town and some in the booths in the court-house.

And he said: "He had some in his pocket."

Tickets were flying around loose, floating about in the hands of anybody, and this man had tickets in his pocket and could get all the tickets he wanted.

A. M. Cummings:

> Where did you get your tickets?—A. I got them down at the store and I carried them down there.

He should have been able only to have gotten those tickets at the polling place.

E. H. Hobbs:

> Where did you get your ticket when you voted?—A. The ticket was left at my store.

And still gentlemen talk about this election having been conducted fairly.

Mr. LIVINGSTON. Did not they wish to vote those tickets?

Mr. HAMILTON. They voted them; they voted them, and evidently would have voted more if they could.

Mr. LIVINGSTON. You damn them if they do and you damn them if they do not.

Mr. HAMILTON. You as a Democrat, sir, and as a member of this House, will not claim for a minute to me or to any other man on the floor of this House that a voter has got the right to go down town and get a ticket, or take it off the piazza of the court-house, or that tickets can be given out to anybody—Tom, Dick, and Harry—anywhere, and by everybody, when the law says no ticket shall be given out except by an inspector.

Mr. LIVINGSTON. If there were 1,700 votes for him, why not give him them?

Mr. HAMILTON. I will prove to you that these votes ought to be thrown out.

Mr. BARTLETT. We do not claim that this was right.

Mr. LIVINGSTON. I do not claim it.

Mr. HAMILTON. This is proved by the contestee's own witnesses. Here are some more. Lewis Bega, when asked where he got his ticket, said he got the ticket he voted at the Hotel Albert. Hotel Albert! Down town somewhere; I do not know how far from the court-house, where the vote was taken. Talk about fairness, gentlemen; talk about inducting a man into office here for political reason!

J. T. Russell, jr., had his ticket handed to him on the street. Is there any reason in seating a man on these votes? Now, gentlemen, I want it distinctly understood that so long as I serve on an Election Committee, and I hope I will never have to serve on another one, I will not consent to count that kind of votes.

Now, Mr. Robbins claimed to have proved 636 votes, and by the process which I have given you we deduct only 76 votes. We deduct them carefully, conscientiously, with proper regard for the interest of the gentleman from Alabama. Now, what does Mr. Aldrich prove for himself? We find 102 witnesses who say they went up and voted for him and marked their tickets themselves. How many did he get credit for by the returns? Seventy-nine votes. Is that honest? There were others—those who testified to legal registration, and that O. O. Moore marked their ballots for them. Of these there were 35. And then there were others, 7 in number, who testified that Dockery, another marker, marked their ballots for them for Aldrich. One other ballot was marked for Aldrich by Tinch. None of this testimony is disputed. That makes 145, at least, which Aldrich proves. By the returns, however, he was credited with only 79. There were 10 other votes proved for Aldrich, but the men who voted them admitted that their registration was defective, and the majority of the committee did not allow these votes for contestant.

Then there was O. O. Moore, who testified that he marked 60 or 65 ballots for Aldrich, and although his evidence is undisputed, the committee have preferred to count only those votes which were proved by the voters themselves. If allowed, Moore's testimony will give Aldrich 25 more votes, but we do not count them.

I say to you, gentlemen of the House, that in my humble opinion there is no doubt but that Aldrich is legally, justly, and equitably entitled to 145 votes in the city of Selma, and I am inclined to think that he ought to have more counted for him.

Within my time I can not proceed in detail as to the other precincts, but I have a statement here which I propose to print with my remarks.

PRECINCTS OUTSIDE OF SELMA.

Aldrich carried the white counties by 816; deduct Robbins's majority in Selma, 342, and Aldrich's majority stands 474.

There are 31 election precincts in Dallas County, numbered from 1 to 16, inclusive, and from 22 to 36, inclusive.

No cause was found by the committee for changing returns in the following 12 precincts, which in the aggregate give Robbins 300 and Aldrich 23:

No. of precinct.	Name.	Vote returned.	
		Aldrich.	Robbins.
3	Woodlawn	3	38
5	Harrells	0	18
13	Pleasant Hill	0	29
15	Portland (no election)	0	0
25	Liberty Hill	3	77
26	Bells (no contest)	8	3
27	Vernon	1	19
29	Browns	0	19
32	Elm Bluff	0	10
33	Carlsville	6	35
34	Boykins	0	24
35	Mitchells	2	28
	Total	23	300

And the count stands: Aldrich, 474+23=497; Robbins, 300; and Aldrich's majority is reduced to 197.

This leaves 18 other precincts to be considered, as follows:

PLANTERSVILLE, NO. 1.

The vote returned gave Robbins a majority of 28, but the evidence (Pickering, Harris, Davis, Fulford) discloses that only one marker—one Oden—was appointed for all parties and that he was detected marking the ticket of one voter for Robbins after having been twice requested to mark it for Aldrich. The fact that he did this in one case raises the reasonable presumption that he did it every time he could get a chance, and vitiates the whole precinct. But deducting only that which is proved to be fraudulent, viz, 1

vote, the vote stands: Robbins, 54; Aldrich, 28; Robbins's majority, 26; and reduces Aldrich's total majority (197 less 26) to 171.

SUMMERFIELD, NO. 2.

Aldrich was given an inspector, Surles, but no marker or clerk. The returns gave Robbins 81, Aldrich 32.

One man under age, Moore, voted, whose vote deducted leaves Robbins 80. Tom King saw 35 or 40 colored voters who said they voted for Aldrich, and Surles, the inspector, voted for Aldrich; but for purposes of the count let returns stand Robbins 81, minus 1 illegal minor vote. Robbins 80, Aldrich 32; Robbins's majority 48; and reduces Aldrich's total majority (171 less 48) to 123.

VALLEY CREEK, NO. 4.

In this precinct the Republicans and Populists asked for the appointment of Charles W. Smith as one of the inspectors. This was refused, and J. D. Roundtree and S. F. Houston, white Democrats, and Llewellyn Phillips, a colored Democrat, were appointed inspectors. Phillips did not arrive at the polls until a short time after 8 o'clock, and his place was filled by the appointment of one Judge Thomas, a colored man who lived on T. C. Woods's place, and had been told in advance by Woods that he was wanted to act as an inspector. This same Woods was appointed returning officer. Woods was the only man who counted the ballots, while Roundtree and Houston kept the tally, instead of the clerks, who should have done so. The official returns from this precinct were—Robbins 158; Aldrich 44.

Aldrich was given a marker, Willis Kennedy, but was given no other representative in that precinct.

Eighty-five witnesses swore they voted for Aldrich and marked their own tickets; 12 witnesses swore they voted for Aldrich and that their tickets were marked by Jake Martin; Jake Martin testifies that he voted for Robbins; 24 other witnesses testified that they voted for Aldrich and that their tickets were marked for them by either Kennedy as official marker or by an inspector; Kennedy testified to having marked 48 ballots for illiterate voters, 16 of whom have already been credited to Aldrich, leaving sworn to by Kennedy 32. Total Aldrich vote, 153; Robbins proved 41; Aldrich's majority, 112; (Kennedy and several others do not appear upon poll list) and increases Aldrich's total majority (123 plus 112) to 235.

DUBLIN, NO. 6.

Returned: Aldrich, 0; Robbins, 24.

Here Aldrich was given an inspector, but he did not appear at the polls. The polls were not open between 8 and 9 o'clock, as required by statute. Aldrich's supporters gathered at the polls, but, being convinced that polls would not be opened, went away, whereupon 24 Democrats voted for Robbins, and Aldrich's majority is reduced (235 minus 24) to 211.

MARTINS, NO. 7.

In this precinct J. W. Richardson was appointed inspector on behalf of Aldrich. Returns: Aldrich, 1; Robbins, 90.

John Henry testified that he directed that his ballot be marked for Aldrich. Other than this the returns should stand. This would give Robbins 89, Aldrich 2; Robbins's majority, 87; and Aldrich's total majority is reduced (211 minus 87) to 124.

ORRVILLE, NO. 8.

Jordan Hatchers was asked for by Aldrich managers and refused as inspector, and Craig was appointed inspector, together with J. L. Edwards and James B. Ellis; Edwards and Ellis were white Democrats and Craig a colored Democrat. The returns were: Aldrich, 5; Robbins, 106.

Testimony of Lumpkins shows that Craig was appointed at suggestion of Joseph Evans, who was Robbins's manager. Aldrich had no representation at the polls. The law requires that two clerks must be selected before the opening of the polls (Alabama Code, 327), who must take the oath required by law (Alabama Code, 358). No clerks were selected and no oath taken (Ellis).

I have not fully yielded my assent to the views of the majority of the committee in throwing out the returns from this precinct. I am satisfied that fraud was contemplated here when the Aldrich managers were refused officers at the polls and that the returns are clearly dishonest and fraudulent. So far I am fully in accord with the majority of the committee. I have some question, however, about refusing to give the contestee credit for some 75 votes proved by him to have been cast for him at this precinct.

The theory on which a count of these proved votes is refused is that the very proof of them is part of a general conspiracy to defraud, having its beginning in the refusal of the appointing board to appoint inspectors and the refusal of the inspectors to appoint clerks and markers, by reason whereof it was known and understood that the colored voters would refuse to vote, knowing that however they might vote, their votes would not be honestly counted nor marked; and that, having refused to vote, upon a contest charging fraud, the returns being rejected, it was known and understood from the very beginning that all that it would be necessary to do would be to swear the voters who actually voted, the Republican voters having been driven by the obvious fraudulent intent of the board to stay away from the polls. There is reason and logic in this position, and perhaps it may be well to establish such a precedent.

However, it is proper to say in this connection that, the returns having been overthrown, Mr. Robbins made proof of 75 votes and Aldrich 12, which, for the reasons I have given, have not been counted. Their count or the refusal to count them has no decisive effect in this case.

I have gone through the poll list of this precinct and examined the evidence of each of the 75 witnesses sworn by contestee.

The majority of the committee have refused to count precinct 8, and the figures are unchanged.

LEXINGTON, NO. 9.

Here the Aldrich managers asked for the appointment of J. Gilbert Johnson, but the board refused to appoint him and selected one Simon Armstrong, a colored Democrat, to serve with Berry and Moseley, white Democrats. Armstrong had in previous elections proved his availability for fraudulent purposes, and there can be no question but that his selection on this occasion was with the deliberate intent of making fraud easy.

The returns from this precinct were: Aldrich, 3; Robbins, 54. Aldrich had no representation at this polling place. Johnson, and the man Moseley, who was appointed inspector, did not arrive at the polls until two hours after they opened. It is perfectly obvious that there was absolutely no check upon the fraudulent inclinations of those in charge. It is shown that if Aldrich had had representation there that day his supporters would have voted for him, but that they did not dare to vote because they knew their votes would be misrepresented, and that Aldrich would have had a majority of 200 votes if his supporters had dared to vote.

Aldrich proved 4 votes, 2 of which were proved in rebuttal time when they should have been proved in chief and have therefore been deducted, viz, Van Perry and Mike West.

Robbins proved 36 votes, and Robbins's majority, if counted in this precinct, would be 34 on proven votes. But upon the theory that representation was denied Aldrich at this precinct for the very purpose of enabling Robbins's supporters to exclude voters at the polls and count their own supporters by proof, the majority report of this committee throws out this precinct. If, however, a majority of 34 for Robbins were counted here it would not have controlling effect. The count stands, therefore, unchanged.

RIVER, NO. 10.

No vote. No election. Count unchanged.

PINE FLAT, NO. 11.

No vote. No election. Count unchanged.

T. B. Collins says polls not opened; that between 40 and 50 colored voters were there, who, when asked to indicate whether they were there to vote for Aldrich, all indicated they were there for that purpose.

OLD TOWN, NO. 12.

Returns: Aldrich, 0; Robbins, 56.

It appears here that the Aldrich managers asked for the appointment of Robert W. Smith; that he was appointed and refused to act. (Minter.)

This Robert W. Smith was the same gentleman who felt it incumbent upon him to cease to wear an Aldrich button because of the pressure of Mr. Robbins's political friends. There were no election booths at this precinct and tickets were marked openly. (Smoke.)

In my opinion this whole precinct ought to be thrown out because of the willful disregard of the election officers of the requirements of law as to election booths and the marking of ballots, ignoring the privacy which the law intends to guard, and that the votes should be counted only as proved.

Mr. Robbins proved 26 votes, 3 of which are doubtful.

By the testimony of William Houston it appears that only 2 colored men voted there that day, and that only about 20 voters entered that polling place, and yet Mr. Robbins is credited with 56 votes.

The majority report of the committee, however, counts Robbins's vote as returned, and gives Aldrich credit for none. Robbins's majority, 56, and reduces Aldrich's majority (124 minus 56) to 68.

RICHMOND, NO. 14.

Returns: Robbins, 21; Aldrich, 0.

Here an Aldrich inspector was appointed and the committee have counted the vote as returned. Robbins's majority 21, and Aldrich's total majority is reduced (68 minus 21) to 47.

CAHABA, NO. 16.

Returns: Aldrich, 54; Robbins, 127.

Here the Aldrich managers asked for the appointment of Samuel B. Mitchell as inspector, but his appointment was refused and one Ullmer, a rheumatic and disabled colored man, was appointed inspector to act with Blackwell and Donelson, Democrats. Aldrich was also given a clerk and marker here, but at the close of the

polls the Republican clerk and marker were ordered out while the vote was being counted. (Ullmer.)

The poll list of this precinct contains 183 names. Of these it is admitted that only 8 or 10 are white men. Pet Ullmer, marker, swore he marked 123 ballots of illiterate voters for Aldrich and that 40 or 50 colored voters marked their own tickets for Aldrich. Ullmer's statement as to these 40 or 50 voters is corroborated by Lewis, and it is admitted by contestee that Harrison and McCurdy would testify as did Lewis. The committee have no doubt that Aldrich should here be credited with 163 votes. Robbins proved 7 votes. Aldrich's majority, 156, and Aldrich's majority is increased (47 plus 156) to 203.

BURNSVILLE, NO. 22.

Returns: Aldrich, 44; Robbins, 83.

Here A. Thompson was appointed inspector, at the request of the Aldrich managers. The Republicans were also given a clerk and a marker. Thompson was a white Democrat who voted for Robbins. At the close of the polls one John F. Burns, who claimed to act as returning officer, but who had not been so appointed, insisted that the Republican clerk and marker should retire while the vote was being counted. A dispute arose, and it was finally agreed that the ballot box should be left in the hands of Inspector Thompson until the next day, so that the Robbins supporters might obtain instructions as to turning clerks out of the polling place while the vote was being counted. The box was not locked, and the next morning Mr. Thompson counted the ballots and found that there were 113 for Aldrich and 22 for Robbins. He put the ballots back into the box, and when the Democratic officials pretended to count the ballots they made return: Aldrich, 44; Robbins, 83. The committee believe Thompson and give Aldrich 113; Robbins made proof of 22; Aldrich's majority, 91, and Aldrich's total majority is increased (203 plus 91) to 294.

UNION, NO. 23.

Returns: Aldrich, 76; Robbins, 131.

Here the Aldrich managers asked for the appointment of John Logan as inspector, an admittedly reputable man; and no reason is anywhere assigned why he should not have been appointed. One Thompson was appointed, who did not appear, and then, finally, one Smith, a colored Republican, was appointed and served. No Republican clerk was appointed. One Waugh was appointed as Republican marker, and, having appointed him, the supporters of contestee in this case proceeded to impeach him to get rid of his testimony. Waugh swore that he marked for Aldrich 130; marked by Harrison, 2; as to the 40 other Republican votes claimed by Waugh to have been cast the proof is not as complete as could be desired, and although the committee are inclined to think Aldrich received these 40 votes, for abundant caution they have rejected them, and the vote stands: Aldrich, 132; Robbins, 34; Aldrich's majority, 98; and Aldrich's total majority is increased (294 plus 98) to 392.

PENCE'S, NO. 24.

Returns: Aldrich, 1; Robbins, 64.

Evans Bryant was appointed inspector on behalf of Aldrich, but did not serve; and one William Thomas, an illiterate colored man, who voted for Robbins, but had to have his vote marked in order to do it, was appointed inspector in place of Bryant. By testimony of Charles Brown it appears that about 15 names were fraudulently added to the poll list; 11 of these are persons shown not to live in the precinct. We allow Robbins the number proved, 44; Aldrich, admitted, 1; Robbin's majority, 43; and Aldrich's total majority is reduced (392 minus 43) to 349.

MARION JUNCTION, NO. 28.

Returns: Aldrich, 0; Robbins, 73.

Here Aldrich's managers asked for appointment of W. J. Gilmer, chairman of Populist party of that precinct, as inspector. This request was refused without reason, and an illiterate colored man, who voted for Robbins, was appointed. One Goldsby testifies that there were only 34 white voters in the precinct, and that only 8 colored voters entered the polls that day. This, however, did not deter the inspectors from having a poll list of 73. Robbins proved 39, Aldrich none; Robbins's majority, 39, and Aldrich's total majority is reduced (349 less 39) to 310.

KINGS, NO. 30.

Returns: Aldrich, 0; Robbins, 52.

Here the Aldrich managers asked for the appointment of J. J. Jones as inspector. This appointment was refused without reason assigned, and finally Willie Towns, a colored Democrat, received the appointment. Aldrich had no representation. The proved vote is: Robbins, 12; Aldrich, none; Robbins's majority, 12, and Aldrich's total majority is reduced (310 less 12) to 298.

SMYLEYS, NO. 31.

Returns: Aldrich, 3; Robbins, 41.

R. C. Sewell, an inspector, testified that only between 9 and 12 men voted all day. He enumerates the men who were there and voted. We are satisfied that the returns are discredited by this testimony. But inasmuch as it was taken in rebuttal time, when it should have been taken in chief, in strict fairness the committee have rejected it and have allowed the returns to stand: Robbins, 41; Aldrich, 3; Robbins's majority, 38; and Aldrich's total majority is reduced (298 less 38) to 260.

In Orrville, No. 8, if Robbins be credited with 75 proved votes and the failure to appoint inspectors be not considered as a part of a conspiracy to commit fraud, then Robbins's vote would be increased by 75.

In Lexington, No. 9, if Robbins were credited with 34 votes which have been denied him for the same reason assigned as to Orrville, No. 8, his total would be increased by 34. Orrville, 75; Lexington, 34; total, 109.

In Old Town, No. 12, however, if the returns are thrown out and the proved vote counted, Robbins would be reduced by 30. This would increase Robbins's total vote by 79.

As to Aldrich, if he be credited with 40 votes, testified to by Waugh, in Union, No. 23, and 25 votes, sworn to by Moore, in Selma City precinct, Aldrich's vote would be increased by 65, so that the total result would be changed but little by taking into consideration and counting these votes which the committee have rejected.

CONDITIONS SURROUNDING TAKING OF TESTIMONY.

Something has been said on the other side of the House about a campaign button. A gentleman came up from Oldtown by the name of Robert Smith, who had an Aldrich button on, and some of Robbins's supporters said to him: "The boys have made up their minds that no more Aldrich buttons shall be worn by either whites or blacks." So that Smith, being a discreet person, was induced to remove the button.

Now, the wearing of a campaign button is a harmless sort of decoration, but a social condition that dictates to a man what kind of a button he shall wear approaches a condition of tyranny and makes a man want to stick campaign buttons all over him and protect his privilege with a Gatling gun. [Laughter and applause on the Republican side.] We shall never have the right kind of a government while such a condition is fostered and upheld, and still we have the curious anomaly of gentlemen coming up here to defend it. There was the case of a man who was killed right after the election. Killed! Why? Because he was a supporter, as I understand, of Aldrich—because of "hatred engendered by his political position."

Mr. BARTLETT. Oh, I hope the gentleman will not make that statement——

Mr. HAMILTON. The testimony—and the only testimony on that point—by one witness was that he was shot because of a feeling aroused on account of his having been a supporter of Aldrich.

Mr. BARTLETT. That was only the opinion of a witness who did not see the shooting and was not present.

Mr. HAMILTON. That is the statement of the witness. The man languished until the 26th of December, the day after Christmas, the day of "Peace on earth and good will to men," and finally died. There was another occurrence there. I do not state this for the purpose of inflaming feeling, but because it has been commented on unfairly on that side of the House.

This gentleman, Aldrich, went into Selma to open his court so that he could take testimony. But he could not take testimony. I hate to allude to this; I do not want to say much about it, but it has been alluded to on that side of the House. He went into the Hotel Albert on the evening of January 14, 1898. There were gentlemen sitting around the fireplace, among them the gentleman from Alabama, Mr. Robbins. When he went in the gentleman from Alabama advanced, called him aside, and called his attention to something in a paper, and then struck him. The encounter was all one-sided, because while Robbins struck Aldrich as fast as he could, Aldrich simply protected his face with his hands from his blows. Then a friend of Aldrich, his attorney, Mr. Dryer, advanced to interfere, but was confronted by Mr. Joe Evans, clerk of the Selma city court, a smooth-faced gentleman, with a cocked revolver, who suggested to him that it would be just as well to desist.

Another gentleman, Mr. Deans, Aldrich's manager in Dallas County, said he would like to have interfered in the interest of fair play, but when he advanced he was met by a cocked pistol in the hands of another distinguished gentleman, whereupon, Mr. Deans looking around saw other gentlemen with cocked revolvers, and they stood there while the proceedings went on, until Mr. Joe Evans, who was presiding on this interesting occasion with his cocked revolver, courteously inquired of Mr. Aldrich, "Have you had enough?" And Mr. Aldrich was obliged to say that he had.

That is the atmosphere of public opinion which surrounded this man when he attempted to take testimony in his case there. That is why he had to go into another county to take his testimony. That is why they talk about "pig tracking" witnesses, because they had to take these witnesses into another county to get their testimony to be used in the hearing of this case. Now, gentlemen, I do not allude to this except in answer to what has been said on the other side. That fight must have been a great disappointment

to the coroner and other distinguished gentlemen connected with the local political situation. [Laughter.]

THE RACE PROBLEM.

All this is made possible, nay, all this is invited, by the ignorant and illiterate condition of the colored people down South; and so long as that condition continues to exist, cases like this will continue to come up here year after year for settlement. This is a case that calls for our careful consideration, a case which rises above mere partisanship. It rises into the atmosphere of a great social problem.

Sir, my attention has recently been called to a very able discussion of this race problem by Prof. Booker T. Washington, himself a splendid illustration of what a colored man can do for himself and for others under our free institutions.

No man patronizes him; no man tampers with his vote. In the domain of thought he sits high among the men to whom the color of a man's skin is but an incident.

Some men in public life are like soap advertisements in a grocery window. Approach them from one direction and they read one way; approach them from another direction and they read another way; approach them from the front and they read still another way. [Laughter.] But Professor Washington has never borne one message to the colored people of the South, another message to the people of the North, and another message to the white people of the South. He has always been consistent. He is admitted by you Southern men, I think, without dispute, to be an intelligent, high-souled gentleman, who is operating for the best interests of his race as well as of the white people.

In his recent work on the Future of the American Negro in America, Professor Washington calls attention to some of the fundamental difficulties of this race problem. It resolves itself into two parts: First, how to make the colored man in the South self-supporting and progressive. Second, how to adjust the relations between the white and colored people of the South on a better basis.

He urges the need of industrial as well as other education and discipline.

He regards education as more important than political reforms.

He calls attention to the fact that under the old slave conditions there was a certain kind of industrial and mechanical training; then slavery was swept away, and an attempt was made to build upon the old slave conditions a system of education which did not sufficiently take into consideration the condition of the people whom it sought to benefit.

The colored people celebrate August 1 up in my country. Last August I was called upon to make a speech. There was another speaker—a colored man, who held forth with fervid eloquence on what he called "the wrongs" of his people. Afterwards, riding with an old colored preacher of my town, named Julius Cæsar, I said, "Mr. Cæsar, what do you think is the solution of this race problem?" "Look here, Mr. HAMILTON," he said, "I think that when the colored man gets an education and gets skill as a workman and gets some property, then the white men and other people begin to want him; and the colored man will rise in proportion to his ability—just like everybody else."

This view is indorsed by Professor Washington. He supposes the case of a colored man who has a business of $10,000 a year with a railroad company. He says, "Do you suppose that when that black man takes his family aboard the train they are going to put him and his family into a 'jim-crow' car and run the risk of losing that $10,000 a year? No; they will put on a Pullman palace car for him."

Now, this regard for material conditions runs through all classes and colors and conditions, from the barbarian who stood well because of his wealth in wampum and cowry shells, and the Virginian settler who was able to obtain the bride of his choice because of his wealth in plug tobacco, down to the present time when some young woman marries some degenerate descendant of so-called foreign aristocracy and advertises her wardrobe.

This thing runs through all conditions. There was the case of my old friend Jones. Said he, "De fust year things were middlin' prosperous, and I was able to put down $25 for de benefit ob de church, and dey called me 'Deacon' Jones; de next year things wa'n't so prosperous and I done give 'em $10, an' dey called me 'Mister' Jones; de next year I was mighty hard up and I didn't give 'em anything, and dey called me 'Old Jones,' and I quit 'em in disgus'."

Now, Professor Washington tells how, about ten years ago, a young man came up from one of the plantation districts to Tuskegee. After finishing his course he went back home to take up his work among his own people, whom he found as he had left them, living in one-room cabins, in ignorance and in debt, and paying exorbitant interest, their only school in a log cabin for three months in a year. He went to work, and Professor Washington sums up the results of his splendid work as follows:

I wish you could look into the faces of the people and see them beaming with hope and delight. I wish you could see the two or three room cottages that have taken the place of the usual one-room cabin, see the well-cultivated farms, and the religious life of the people that now means something more than the name. The teacher has a good cottage and well-kept farm that serve as models. In a word, a complete revolution has been wrought in the industrial, educational, and religious life of this whole community by reason of the fact that they have had this leader, this guide and object lesson, to show them how to take the money and effort that had hitherto been scattered to the wind in mortgages and high rents, in whisky and gewgaws, and how to concentrate it in the direction of their own uplifting.

Why, my friends, it seems to me that all the members of this House on both sides—every man who helps to make public opinion—instead of trying to beat the colored man out of his vote ought to try to stand with such men as Booker T. Washington to give the colored man his right to build himself up, to make an American citizen of himself, and to act for his best interests. [Applause.]

Sir, I am compelled to give my vote for the unseating of Gaston A. Robbins and the seating of William F. Aldrich in this case—not for personal or partisan reasons, but because I believe the evidence compels that decision. I regret the disappointment which such a vote must cause. But I desire to say in closing that it is not of so much importance who occupies the seat in controversy here; it is not even of so much importance how the colored man votes—whether he votes the Democratic or Republican ticket. The important thing is that the colored man shall be permitted to vote just once and to have his vote counted as cast, and that the white man shall not be corrupted year after year by lying returns and dodging the law, and that the colored man shall not be held in degradation year after year by being used as mere material out of which to falsify returns. [Loud applause.]

Mr. BARTLETT. Do I understand from the gentleman from Illinois that I am to proceed now as was originally contemplated?

Mr. MANN. I hope the gentleman from Georgia will now occupy such time as he may desire.

Mr. BARTLETT. Mr. Speaker, the most eminent of the chief justices of England had, prior to his elevation to the bench, been for a long time a most vigorous and relentless solicitor and attorney-general for the Crown, and had permitted himself on many occasions to exhibit the most bitter partisanship toward the accused—partisanship such as did not become the high office he so ably filled; yet, when he took upon himself the oath of office as chief justice he announced as a motto of his administration of the duties of that great judicial position, "Audi alteram partem;" and in the discharge of the duties of his judicial office no decision was rendered until the other side—until both sides—had had an opportunity of a fair and impartial hearing. How unlike that rule of conduct, adopted by the great chief justice, must appear the conduct of both sides of the House in these contested-election cases. They seem to conclude that instead of hearing the other side or both sides, to hear neither, and to form their opinions solely upon questions of personal favor or political policy or expediency. They adopt the motto, "Audi nullam partem."

Mr. Speaker, it is unfortunate that these cases, which, in the early days of the Republic, were decided according to the evidence offered by the parties and according to the law, with due regard for the rules of evidence laid down and established by the law, when the evidence and the law and not party demands were the guide, should now be considered as mere matters of personal favor or political expediency. I do not mean to charge that such has been done by the majority of the committee in this case or that the House will so determine the case now before us. I do not mean to charge that a question of this magnitude will not be considered by the House upon its merits and with a due sense of justice.

But how can members of the House who have not heard, who will not listen, and who refuse to hear, justly decide a question like the one pending here—a question involving, as it does, the highest privilege of a member in this House—the right to his seat; and not only that, but the dearest right of the American citizen—the right and privilege to have his chosen representative retain his seat here to which the people of the district have elected him. If we are not to determine these questions when a contest shall arise not only upon the law and the evidence, but absolutely and impartially and without regard to any partisan or other consideration excepting those involving the right and truth of the case, then why waste the time of the country and the House to discuss them? Why not arbitrarily pass the resolutions of ouster at once and boldly declare that the vote is given because the partisan demands require it?

I believe, Mr. Speaker, that to the few members present who do me the honor, and the committee the honor, to hear me and listen to the argument in this case, I shall demonstrate as a mathematical problem the injustice of this contest and the right of the contestee to his seat on the admitted evidence adduced and found in the record of this case, to which I have devoted a great deal of attention and careful search and patient investigation. I had hoped that at least those who would listen to me could not fail to recognize the absolute right of the contestee to his seat, the proof of which I am about to submit.

I had also indulged the hope, sir, that, in this the year 1900, a

contested-election case involving the greatest right of American citizenship and of the highest privilege in this great representative body of the people might be considered by some—by many, by all, in fact—as a nonpartisan, as a judicial matter to which men of all parties might bring their best thought, and by their votes and impartial judgments establish the proposition that these questions should be and must be nonpartisan in character, and so decided. How else should questions of fact and questions of law be determined?

I want to say that no word that I may utter is intended to reflect upon any member of the House or upon any one of my colleagues on the committee.

I feel sincerely, I know absolutely, that their conclusions are erroneous, not sustained by the evidence, not justified or upheld by the well-settled principles of law; but that is a matter of judgment. I am not here to censure or denounce, but to criticise and demonstrate their error, if I can. I shall be earnest, for that is my nature; but in that earnestness I shall have no intention to be offensive. But I shall endeavor to criticise the report of the majority in a fair, legitimate, and judicial way, without any personal strictures or harsh comments upon the views of the majority of my colleagues, for whom I have the highest personal respect and esteem.

I shall call attention in the course of the discussion to what I regard as the discrepancies and errors, to the failures in the report to present to the House the truth of the case as I understand it from the record. I shall, I repeat, criticise that report; but, Mr. Speaker, I shall under no circumstances undertake to denounce or condemn the gentlemen for the opinions entertained honestly, no doubt, by my colleagues on the committee. [Applause.] Nor shall I condemn the action of those gentlemen on the majority side because they have not brought before the House in the report now presented all the material facts of the case at bar, nor stated the evidence which must destroy their contention. But I shall present to you my opinions and my views, derived from a careful study of the evidence, which are directly at variance with those which they ask you to accept.

I will not say that the evidence presented by the other side and the rule laid down by them, if sustained, do not, taken together, justify the conclusion to which they have arrived; but I do say that no committee, no matter how partisan, that no member of this House who desires to consult his conscience and accept the conditions which that conscience would impose, should ask this House to violate every rule of evidence which has been established by decisions of courts and affirmed in previous election contests, as I insist has been done by this report; I only insist that you, the members of the House, shall decide this contest with a due regard to these admitted and established principles of law and the evidence presented for our consideration in this case.

I have not time, Mr. Speaker—I regret very much that I have not, nor do I deem this the proper occasion—to reply to the speech of the gentleman from Nebraska [Mr. BURKETT], delivered evidently for home consumption, in relation to the conditions at the South, and by other gentlemen on the opposite side of the Chamber. What business have such speeches here at such a time as this? Due regard for the proprieties, it seems to me, would have prevented their use here. I had thought that the day of waving the bloody shirt in this country was passed and gone forever. That had been my hope. I had thought that the views and conduct of the older—of the oldest and ablest—members of this House had been such as to prevent an exhibition of any such littleness as that. I had thought that the war of sections was over, and that recent events showed that we had a united and not a divided country; that hate and animosity toward the sections had passed away.

But it was reserved to my friend the new member from Nebraska [Mr. BURKETT], with his judicial, affidavit-looking face and stentorian voice, to resurrect the bloody shirt and wave it again. I had been led to hope and believe that the efforts to array the sections had long since been abandoned. The older members of this House had set the honorable example of letting the dead past rest. But the gentleman from Nebraska has again seized the worn-out sword of sectionalism, which older and more experienced men had gladly laid aside, and now brandishes it in this case, when all should at least make the effort to determine the questions involved calmly and impartially.

I have no reply to make to him here and now. I beg to say, however, that it was not becoming in him, in the exercise of that high prerogative he enjoys as a member of this House, in presenting this contested-election case to stir up the embers of a spirit fast dying out, and to arraign the entire section of the country from which I have the honor to come, and to announce that he is ready to overturn the decisions of the people of the States he mentioned, by the arbitrary will of Congress, in 86 other Congressional districts. In his cooler moments I believe he will regret it. I am loath to believe that he can gain any political advantage amongst his own people by such means. Let the "bloody shirt" rest; let the broken and battered blade of sectionalism be left idle in its scabbard. To quote the familiar lines from Hudibras:

> The trenchant blade, Toledo trusty,
> For want of fighting has grown rusty,
> And ate into itself, for lack
> Of somebody to hew and hack.

Mr. Speaker, the gentleman, in his calmer moments, and when he has been here a little longer, will realize that these things are of the past, are gone forever, we hope, and once more, in spite of bloody internecine war, in spite of the great strife and civil discord, and the animosities engendered thereby, in spite of the wrongs inflicted by one side and endured by the other, those of us from the North and those of us from the South can stand upon this floor and proclaim that we believe in verity and in truth that in the common grave of the Northern and the Southern boys who fell in the war with Spain "this bloody-shirt business," this assault of the South upon the North and of the North upon the South, is buried, and we trust buried forever.

Are we strangers to you, gentlemen on the other side? Is there any reason why assaults like these should be made? Why, sir, even at the risk of occupying my time to the exclusion of other things, let me recall a few historical facts, not old but recent. Sir, I was one of those who witnessed that scene here in the Fifty-fifth Congress, when every member demanded a roll call that he might go down upon record in that patriotic outburst when we gave to the President of the United States $50,000,000 to do what he pleased with it, in order to vindicate the honor of America and to free Cuba. And when that war came, Mr. Speaker, and volunteers were called for by the President, what was the sight which was witnessed by monarchs and kings and by those who had predicted that the American Republic would perish from the face of the earth because the North and the South had once been arrayed in conflict, one against the other?

Why, sir, the Southern States answered the call of the President for volunteers promptly and patriotically. The State of Georgia was the ninth State in the Union which filled her quota of troops, and she sent more soldiers according to population, I am informed, than any other State in this Union. Georgia, Alabama, and all the States of the South hurried with their offerings, with their children, and their treasure to lay them upon the altar of their common country. Let me recall an incident of how our boys fraternized with yours, Mr. Speaker. At Knoxville were encamped the First Georgia and the Thirty-first Michigan, a regiment from my friend's own State. Those boys lived side by side in camp and marched side by side on the march, and each held up gallantly and gladly the common emblem of our common country.

When the President came to review them they mingled together, and one company of the Georgians next to a company of the Michigan regiment, and there the President of these United States and the members of his Cabinet beheld marching side by side as one regiment the intermingled companies of the First Georgia and the Thirty-first Michigan. And when the First Georgia was mustered out before the Thirty-first Michigan, a number of young men from my own town were so devoted to the friends they had made in the Thirty-first Michigan that they reenlisted and went off with them. [Applause.] These young Michigan officers and soldiers would not to-day, I am sure, indorse the words of my friend from Michigan in which he arraigns the people of the South.

Yes, Mr. Speaker, let me recall other reasons why our brethren from the North ought not to be forever denouncing us on the floor of this House, even if it be only for home consumption. On the 1st day of May, 1898, there rode into the harbor of Manila the American fleet, upon the bridge of whose flagship stood the immortal Dewey. Ere the sun had climbed to the zenith there was achieved a naval victory the equal of which has scarcely ever been seen and the superior of which the annals of the world do not record.

Side by side with that gallant commodore, now the Admiral of this country's Navy, stood a Georgian born, who rode with him upon that battle ship through the storm of battle, and when the Stars and Stripes went up over Manila for the first time it was at the request of Admiral Dewey that Brumby, a Georgia boy, ran up Old Glory above Manila. [Applause.] He died in this city a few weeks ago, and the Admiral, who had recommended him for promotion, who loved him as he did his son, stated to me and has stated in the press that he died from disease contracted in the performance of his duty.

When the first effective shot was fired at an American ship from a Spanish battery upon the deck of our gunboat, the first blood that flecked the waves that wash Cuba's shore and the first life that went out as an offering upon the altar of our country was that of a son of the South, the heroic young Bagley.

Further than that, when our fleet lay at the mouth of Santiago Harbor, before the Spanish fleet came out and when men were wondering how that fleet could be bottled up, whose mind conceived, whose bravery suggested, and whose gallantry carried out

the idea of sailing an American ship through shot and shell to sink it in the narrow mouth of the harbor?

The whole country and the whole world rang with the praises of the daring and bravery of Hobson and his six gallant men. He was an Alabamian, living next door or in the next county to the contestee. His name is written upon the glorious pages of the history of his country; and yet the people who produced a man like that, his associates, his brethren, are to be deprived of their right to be represented in this body in response to the assault made upon them by gentlemen upon the other side, who denounce as peculiar and wrong and infamous their method of conducting an election and the election laws passed by the Southern States, and that, too, in behalf of a contestant whose real political status is of a mixed and grotesque character—who is neither a full-fledged Republican, nor Populist, nor Greenbacker, but a Free-Silver-Republican-People's-Party-Populist-Greenbacker.

More than that. On the 3d of July, after that fleet had come into the open, and the immortal Schley, ever on the watch, a Southern man, steamed after it, and one by one ran them down and sunk them, there stood upon the bridge of the *Brooklyn*, unprotected by armor or anything else, a man who, cool-headed and brave, guided it through all the fight—the chief naval navigator. He was a Georgian born.

When our conflict was raging at San Juan Hill, early in the battle, when we were startled and anxious for fear our troops had been repulsed, when it was stated that a retreat had been determined on, whose mind guided, whose advice was followed in connection with the brave Lawton and Bates? Who was the man that, although weakened by disease and racked by pain, led at least a part of the American forces up that hill and helped to gain the victory? An Alabamian! I need not mention his name. At that time he was a member of this House, and has again been elected.

In the far-off Philippines when that gallant, brave, and chivalrous old soldier, whose bravery and devotion to duty was only equaled by his quiet manner and modesty, General Lawton, was killed, there stood by his side a Georgia captain who, though shot and wounded, remained at the head of his company and led them against the enemy until the foe was dispersed, and for this gallant act he was recommended by his commander for promotion, and has been promoted. I refer to Capt. O. T. Kenan, of my own city. Search the records of the War and Navy Departments and there you will find that the reports from the front are ablaze with the deeds of bravery of Southern men who are fighting the battles of our common country. At Malabon Lieut. Emory Winship, of the Navy, a native of my own city, though five times wounded, heroically continued to fire his gun from his vessel until every one of his men had returned from the shore and were safe aboard.

But why multiply instances? Many a young and glorious life of our Southern boys has gone out in the past few months in battle in the efforts of our people to sustain the dignity of our country and the glory of our flag.

How different from this wail of my young friend from Nebraska in his attack upon our people are the manly and noble words of the President of these United States when he, addressing the legislature of Georgia in December, 1898, said:

> Sectional lines no longer mar the map of the United States; sectional feeling no longer holds back the love we bear each other. Fraternity is the national anthem, sung by a chorus of forty-five States and our Territories at home and beyond the seas. The Union is once more the common object of our love and loyalty, our devotion and sacrifice. The old flag again waves over us in peace, with new glories which your sons and ours have this year added to its sacred folds. Every soldier's grave made during our unfortunate civil war is a tribute to American valor.
>
> And while these graves were made we differed widely about the future of this Government, the differences were long ago settled by the arbitrament of arms, and the time has now come in the evolution of sentiment and feeling under the providence of God when in the spirit of fraternity we should share with you in the care of the graves of the Confederate soldiers.

When all these recent things have occurred; when our boys and our young men rushed with yours at their country's call and locked arms with your sons and boys, and stood by their side in the strife, going down to the death with yours on the battlefield or in the hospital; yet when these cases are to be decided, coming from the South, you say you do not like our election laws, and the fresh young Representatives assail us, and you are asked by your votes to indorse the slanders.

Gentlemen, you may do so; that is your privilege; it is not your right. I know that there are a great many men, Mr. Speaker, like the gentleman from Nebraska, who, if they had been at the beginning of creation, would have taken a hand in making some useful suggestions as to how the Creator might have bettered the universe; and I apprehend that if my friend from Nebraska [Mr. BURKETT] had been there, he would have made suggestions to the Creator as to how He could have benefited the universe and made it better than He did; but we must deal with things as they are.

Coming down, then, Mr. Speaker, to the case, I ought not probably to have taken this much time to have said this. It may be read some time, and there are some who listen. May I be pardoned if I tell an incident, as story telling seems to have been a large part of the argument of my friend from Michigan [Mr. HAMILTON]? This performance reminds me of what occurred before a justice of the peace, and its application might be made to either side or both sides. An old justice of the peace in one of the wire-grass counties in Georgia was hearing a case. One man had argued for a long time, and another was proceeding to argue, evidently intending to consume some time.

There had been a very dry time of it in that section, and, a shower of rain coming up, the justice of the peace was very anxious to go out and set out his potato slips, and he finally said to the lawyers, "Hold on a minute; when you get through with the argument you will find the judgment already wrote out in the back of the docket." [Laughter.] Now, I am almost afraid that when I shall have gotten through with my argument and my friend has gotten through with his, that incident will be equally applicable to both sides—the judgment has already been rendered. So, Mr. Speaker, if I thought that were really true, if the case is to be decided simply by the prejudgment of it, whether right or wrong, I would not attempt to proceed further; but, Mr. Speaker, believing, as I have good reason to believe, there are those who are interested enough in doing that which is fair and just and in accordance with the evidence, whether that be for unseating or retaining the contestee, I shall proceed.

This question rests upon the charges that the voting in every precinct in this county except one was fraudulent and that the vote was fraudulently cast and counted in many precincts. It was the same identically, and copied almost word for word and letter for letter, figure for figure, until they come to the City beat, with the two other former contests here. Why, the contestant has got a machine down there for contesting these cases in which he grinds out the notices of contest, and not only does he grind out the notices of contest, but grinds out through his machine bought evidence, as I will show to this House, upon which the committee have concluded that the vote shall be excluded. I make the assertion, and I do not believe it will be controverted—I know it can not be contradicted from the evidence—that the result in this case depends upon three precincts—Orrville, Cahaba, and Union.

In these precincts contestant offered as witnesses Andrew King, Pet Ulmer, and Jackson Waugh, three negroes, one in each precinct, and their evidence is the only evidence relied on to impeach the returns. The first two afterwards renounce their former testimony; admit that it was false; and the third, Jackson Waugh, is overwhelmingly impeached by proof of bad character and that he is unworthy of belief under oath. The majority of the committee in their report say, on page 12, that he was impeached. Here is your own report:

> Some of the witnesses for the contestee swear that they think Waugh's character is bad and that they would not believe him under oath.

The contestant's case depends upon this evidence; without the evidence of all three his case must fail, as it depends upon this perjured testimony. Remove it, and the case falls.

Let us consider these three precincts and determine from the evidence, as reported by the majority, whether this case depends upon them.

At Orrville precinct, No. 8, the contestant received by the official returns 5 votes and the contestee 106 votes. The majority exclude the poll entirely and refuse to count any votes, although on page 9 they find that Robbins proved 75 votes and Aldrich 5. The only witnesses offered by the contestant to impeach this precinct were Andrew King and Simon Raiford. Simon Raiford was the Republican chairman for that beat, and only testifies that he voted for Aldrich. Andrew King, on page 164, testifies that he was a marker at this precinct, and that he marked 9 ballots for Aldrich besides his own, making in all 10 ballots. Of this number, so alleged by him to have been marked for Aldrich, 4 were produced on the stand and swore that they voted for Robbins; the names of two can not be found upon the poll list, and he is not only contradicted by these four witnesses, but by the election officers, who swear that there were 114 votes cast in all, that 5 were cast for Aldrich and 106 were cast for Robbins, and 3 were defectively marked.

Andrew King again appears as a witness on the 5th of April, 1899, and on pages 664–665 of the record he testifies that he is the same witness who testified on behalf of the contestant with reference to the Orrville precinct; that he did not vote for Aldrich, but voted for Robbins; that he did not mark any tickets for Aldrich at Orrville precinct on the 8th of November, 1898, although he had sworn on a previous occasion that he marked 10; that he was induced to swear to these facts because Simon Raiford, the Republican chairman of the Orrville beat, told him that he would be paid $7 per day, and that he would be gone three days; that he did not mark a single ticket at Orrville on election day for Mr. Aldrich, and retracts every word that he testified to on a previous occasion with reference to his marking any tickets for Aldrich at the election.

I assert that it can not be shown from the record that any other witness attacked this precinct. If my assertion as to his testimony is denied, I request gentlemen on the other side to deny it now.

If this precinct stands as it should, and is not destroyed by the testimony of Andrew King, confessedly false as it is, then there should be added to the vote of the contestee 106 votes, which reduces the majority found by the committee for Aldrich to 100.

The following is the testimony of Andrew King, referred to above, given on the 5th of April, 1899:

Q. State your name, age, residence, and duration thereof; state whether or not you voted at the election held November 8, 1898. Where and for whom did you vote for a member of the Fifty-sixth Congress from the Fourth Congressional district of Alabama?

A. My name is Andrew King; I am 41 years old; I reside in Orrville precinct, and have lived here on Mr. Ellis's place five years; I voted at the election held last November; I voted here for Gaston A. Robbins for Congressman.

Q. Are you the same man that testified at Stanton in this case?
A. Yes, sir.
Q. Did you or not testify at Stanton that you voted for Aldrich?
A. Yes, sir.
Q. You were marker here that day, were you not?
A. Yes, sir.
Q. Did you mark any tickets that day for Aldrich here?
A. No.
Q. How many did you swear at Stanton that you marked for Aldrich?
A. Ten.
Q. What induced you to go to Stanton and swear to those facts?
A. They said that I would be paid.
Q. Who told you you would be paid?
A. Simon Rayford.
Q. How much did they promise you?
A. They said I would get $7 per day and be gone three days.
Q. Who else induced you to testify that way?
A. No one else.
Q. Did or not Green Korneaga talk to you before you were put upon the stand at Stanton?
A. I don't know him.
Q. Is it a fact that you did not mark a single ticket here that day for Mr. Aldrich?
A. Yes, sir; it is a fact. I did not mark one single ticket for Mr. Aldrich here that day.

Let us take up the next precinct, Cahaba. At this precinct the returns were 54 for Aldrich and 127 for Robbins. The only witness who in any manner attacks the sereturns is one Pet Ulmer, who testified on the 9th day of February, 1899, when offered as a witness for the contestant, that he was a marker at that precinct; that he marked 123 ballots for Aldrich, and that these tickets were voted, and that there were 40 Republicans who voted there that day who could mark their own tickets; and the report of the majority of the committee give to the contestant at this precinct 163, and count them for him, which is 109 more than was returned for him, and they allow Robbins only 16 votes, when the returns show 127 for Robbins, thus depriving him of 111 votes, and giving to Aldrich 109.

At this precinct Robbins had 73 majority by the returns, and by the report of the committee Aldrich is given a majority of 157, which would make a difference in Robbins's vote of 120. If the testimony of this witness is not reliable, and this precinct is permitted to stand as returned, then this precinct and Orrville, just discussed, would overcome the majority found for Aldrich.

On the 25th of March, 1899 (on page 742 of the record), this same witness, Pet Ulmer, testified that he does not know how many tickets he marked for Aldrich at that precinct; that he kept no memorandum that day; that the reason he said he marked 123 ballots was because Green Cornegie asked him just to say that he marked 123, and that the list he swore on a former occasion he kept that day he got up after the election at the suggestion of Green Cornegie.

I read the testimony of Pet Ulmer upon this point, given on the 25th of March, 1899:

Q. Were you examined at Stanton by the contestant?
A. Yes, sir.
Q. What, if any, official position did you hold at Cahaba last November?
A. Marker.
Q. Do you or not remember how many tickets you marked that day for Mr. Aldrich?
A. I don't know how many there were.
Q. Did you or not keep any memorandum that day?
A. I did not.
Q. How many tickets did you testify to marking for Mr. Aldrich when at Stanton?
A. I think it was 122 or 123.
Q. Why did you say then that you marked 123 for Aldrich?
(Counsel for contestant objects to this question and moves to exclude the answer, for it calls for the reason of the witness and not the facts.)
A. Green ask me how many there were and I told him I did not know; that I had gotten up a list after the contest and had left the list at home.
Q. Was that Green Cornegie that you speak of?
A. It is.
Q. What did Green then say to you, if anything?
A. He ask me did I have any idea how many there were, and I told him some hundred odd, and he then said, "You can just say 123."
Q. Did you or not keep account on the day of the election how many you marked?
A. I did not; I did not have time.
Q. When did you get up that list you mentioned?
A. About two weeks after the election.
Q. Was it from that list that you got up that you based your estimate upon?
A. Yes, sir.

And this is the testimony and the character of the witness that is accepted by the majority of the committee to overturn the returns from this precinct.

The next precinct is Union, No. 24. At this precinct John H. Smith, the colored Republican chairman for that beat, was appointed inspector, and Jackson Waugh, at his request, was appointed marker. At this precinct the returns give Aldrich 76 and Robbins 131 votes. The only witness offered by the contestant to impeach these returns is Jackson Waugh, who swore that he marked 90 tickets, commencing at 11 o'clock, for Aldrich, and that he kept an account or memorandum of them, and prior to 11 o'clock he supposes he marked 40, and the committee reject the returns and count for Aldrich the number of votes this witness swears he marked for him.

It will be seen that the committee deprived Robbins of 97 votes at this precinct, and gave to Aldrich 54 more than were returned, making a difference against Robbins of 109 votes. If this precinct is permitted to stand, together with the other two I have just discussed, then the majority found by the report for Aldrich not only disappears, but we have a majority of more than 200 for Robbins, even if the report of the majority is accepted in all other respects. This witness is contradicted by Kent West and Willis Smith, clerks appointed at the request of the Republicans, and by the three Democratic election officers, and it is testified by three citizens of that precinct that Waugh is of bad character and unworthy of belief. Besides, nine colored voters, whose votes he swore he marked for Aldrich, appear upon the stand and swear that he did not mark their tickets for Aldrich, but for Robbins, and that they voted the tickets for Robbins so marked by him.

The testimony of this witness is unworthy of credit, because, when called upon to produce the list which he claims to have kept on the election day, he said that he had left it that morning at Selma, and the list has never been produced or offered to be produced. It is a bare fiction. Besides, it was shown by witnesses who were present at the election that he kept no list that day and did not pretend to keep one; and he is impeached as being a man of bad character and unworthy of belief. Witness J. A. Carson, on page 755, swears as follows with reference to his character:

Q. Do you know the general character of Jackson Waugh in the community where he lives for truth and veracity?
A. Yes, sir.
Q. Is that character good or bad?
A. It is not good.
Q. Would you or not believe him on oath?
A. No, sir.

J. J. Townsend, on page 757, swears as follows with reference to his character:

Q. Do you or not know the general character for truth and veracity of Jackson Waugh in the community where he lives?
A. I do.
Q. Is his character good or bad?
A. My opinion is it is very bad.
Q. Would you or not believe Jackson Waugh under oath?
A. I would not.

And J. F. Orr, on page 759, swears as follows with reference to his character:

Q. Do you or not know the general character of Jackson Waugh for truth and veracity in the community where he lives?
A. I do.
Q. Is his character for truth and veracity good or bad?
A. Bad.
Q. Would you or not believe Jackson Waugh on his oath?
A. I would not.

Not a witness is offered and no effort is made to sustain the character of Jackson Waugh. Abundantly and overwhelmingly impeached as he is, the majority of the committee have accepted his testimony in preference to that of two Republicans and three Democrats and nine negro voters and three respectable white men, who impeach his character.

I can not discuss these other precincts, but the testimony offered by the contestant is on a par with that offered in these three precincts. In nearly every case they are ignorant, vicious, uneducated negroes, who have been drilled and instructed what to say, and upon whose testimony alone, although contradicted, not only by the solemn returns of the election officers, but by testimony under oath of respectable white citizens, the various precincts have been rejected by the majority of the committee.

Time forbids me to discuss all, but I desire to call attention to the City precinct, and first as to the law. The majority reject this precinct because no Republican clerk was appointed. The evidence shows that no clerk was requested to be appointed by the Republicans at this precinct, but they simply requested a marker, and that request was granted. Had a clerk been requested, the inspectors swear that one would have been appointed. The contestant had appointed at this precinct the inspector he requested, and the evidence shows that this inspector received the ballots, and that when they were counted he inspected each one of them. This is testified to by the two Democratic inspectors and is not denied or disputed by the Republican inspector, who for some unaccountable reason, known only to the contestant,

was not placed upon the stand; and the evidence in the record clearly demonstrates that the testimony relied upon, which was taken in chief by the contestant, to attack this precinct, is wholly unreliable.

It is an unusual thing in contested-election cases to deprive the voter of his vote and reject a precinct upon the grounds set forth in the majority report because the election officers have neglected to perform some duty which is merely directory. The omission of the officers to perform a duty imposed by the election law, unless it is mandatory and unless the law expressly declares that the failure to observe such directions shall avoid the election, will not void the poll nor deprive the voter of his vote.

In the case of Barnes *vs.* Adams (2 Bartlett, 764) the committee's report, which was adopted by the House, was in effect as follows:

> The officers of election are chosen, of necessity, from among all classes of the people; they are numbered in every State by thousands; they are often men unaccustomed to the formalities of legal proceedings. Omissions and mistakes in the discharge of their ministerial duties are almost inevitable. If this House shall establish the doctrine that an election is void because an officer thereof is not in all respects duly qualified, or because the same is not conducted strictly according to law, notwithstanding that it may have been a fair and free election, the result will be very many contests; and, what is worse, injustice will be done in many cases. It will enable those who are so disposed to seize upon mere technicalities in order to defeat the will of the majority.

These requirements as to the appointment of clerks are not mandatory, but are directory, and an unintentional failure to comply with them would not vitiate the returns. In order for the failure to do certain specified acts or the doing of certain prohibited specific acts to be fatal to the validity of the election, the statute must declare such acts or the omission to do such things as fatal to the election; that is, in order to destroy a return for the failure of the officers to perform certain requirements in the method of conducting the election the law must be mandatory—that is, it must declare that the failure to perform these duties avoids the election.

Ignorance, inadvertence, mistake, or even intentional wrong on the part of the officials should not be permitted to disfranchise the district, and unless the statute plainly shows that the legislature intended compliance with the provision in relation to the manner of procedure as essential to the validity of the election it is to be regarded as directory only. Nor are statutory provisions relating to elections rendered mandatory by the circumstance that the officers of the election are criminally liable for their violation. The rule prescribed by law for conducting elections is designed chiefly to afford opportunity for the people to exercise the elective franchise, and to prevent illegal voting, and to ascertain the true result. As such rules are directory, and not mandatory, a departure from the mode prescribed will not vitiate the returns of the election. (I refer to Paine on Elections, 497, 498, and the notes thereto. See also Rinaker *vs.* Downing, decided by Committee on Elections No. 1 in the Fifty-fourth Congress.)

From these principles it must be clear that the failure to appoint a clerk from this list for the contestant was a failure to perform a merely directory duty imposed by statute, and such a failure does not and can not vitiate the poll. Besides, the testimony clearly shows that the omission was not intentional, but a mere oversight, and that duty would have been performed and the provision complied with if the persons named on the list had been presented or had appeared. Besides, the list did not conform to the statute, in that it did not contain the number of names required; and, moreover, it is admitted by the proof and undisputed that O. O. Moore, the only person on this list that was present, was in fact appointed, as requested, and that the only reason another was not appointed was because none were present; and it would be unreasonable to demand that the election should have been delayed until these could be hunted up and produced by contestant's representatives.

I refer also to 6 American and English Encyclopedia of Law, page 325; McCrary on Elections, 190, and cases cited. In the case of O'Neill *vs.* Joy the views of the minority declare:

> No case has been discovered sanctioning the conclusion that the voter should be deprived of his vote by the omission of the election officers to discharge a duty imposed upon them by law. It is only when the statute has declared the ballot to be void or forbids it to be counted that the court have felt obliged to sanction its exclusion.

To same effect is Paine on Elections, sections 360-373, note 3; Quinn *vs.* Latimore (120 N. C.); Clark *vs.* Robbins (88 Ill., 498); Barnes *vs.* Adams (2 Bart., 764); People *vs.* Wilson (62 N. Y., 190).

Therefore the conclusion of the majority to reject the returns because of the failure of the election officers to appoint a clerk from the list furnished, who was not present and failed to appear, can not be sustained under the well-settled rules of law; but they are in the face of the law. They, the majority, not only reject the votes, but reject the poll.

The conclusion of the majority of the committee to reject the precinct because there are alleged to be found on the poll list 80 persons who were not registered is equally untenable, and can not be sustained either by the text writers, decisions of the courts, or the precedents in Congressional contested-election cases. On the subject I call attention to the following: Paine on Elections, sections Nos. 359, 360, and 374, and notes; the case of Dale *vs.* Irwin (78 Ill., 170). This case arose under the Illinois statute, which provided that—

> No vote should be received at any State, county, town, or city election if the name of the person offering to vote be not in the said register made on Tuesday or Wednesday preceding the election, etc.

The supreme court of Illinois held as follows:

> It is claimed that as the others voted without having been registered and without any proof of right, their votes are invalid. It does not appear that these votes were challenged or any objections made to their voting, and the presumption must be that they were legal voters, and so known to the judges.

The court not only decided that rejection of unregistered voters did not invalidate the poll, but that the fact that they were permitted to vote unchallenged, and that the ballots were deposited in box and honestly counted, prevented the rejection of the votes.

In a later case the same court reviewed this case (see Clark *vs.* Robinson, 88 Illinois, page 498) and decided—

> That the prohibition of the statute in this regard was but directory against receiving such a vote, and that the failure of observance of this direction would not invalidate such a vote which had been received by the judge of elections and deposited in the ballot box.

How much less would such conduct of election officers invalidate the poll. This last case from Illinois is quoted with approval by the Committee on Elections No. 1, in the Fifty-Fourth Congress, in its report of case of Rinaker *vs.* Downing, which was finally adopted by the House. The House has dealt with the question and has never held that the precinct should be rejected because unregistered voters are permitted to vote; but it has decided that the votes should not be counted, but be deducted from the candidate for whom cast. To this effect are the following: Payne on Elections (sections 362, 363), Finley *vs.* Walls (Smith Election Cases, 367), Bell *vs.* Snyder (Smith Election Cases, 247), McCrary on Elections (page 445).

I can not dismiss this precinct without calling attention to the passionate manner in which the gentleman from Nebraska [Mr. BURKETT] paraded before the House the fact that there were two men who were run or driven from the polls in this precinct. There is no such testimony. There is in the evidence the testimony of one Aleck Marshall, who testified that he applied on the day of the election to be registered by the registrar, Mr. Bamburger, but that the registrar declined upon the ground that he had not resided in the precinct long enough; and it is shown that on the same day there were 20 white Democrats who were denied registration by the registrar and 13 negroes. I have this evidence here easily accessible, and it is for the investigation of any member of the House who desires to read it. I have carefully cut it from the record, and here present it.

The other one is Aleck Watts, who testified that he came to the voting place, and that some man cursed at him and told him to get out of the way. Who this man was he was unable to say, but he does say that it was not an officer of the election nor an officer of the town nor a citizen of the town, for he swears that he knows them all. It was some stranger, he says. He further testified that he had been approached by two friends of the contestant, who endeavored to induce him to swear to matters that he did not know of concerning this election at the City precinct. It is clearly demonstrated by the employer of this old negro that he is either an idiot or has very little sense, and that his testimony was unreliable.

These are the two voters, one of whom was not registered and the other a crazy negro; but the gentleman boldly asserts that they were run away from the polls. The evidence in the record, with which he should have been familiar, but of which he did not show a knowledge, contradicts his assertion.

When you take this seat from this contestee, you are compelled to do so upon the evidence of these negroes, two of whom admit their perjury and one of whom is proven to be a perjurer, and who are also contradicted by every election officer at these precincts.

Now I pause, even though my time is short, to ask for a denial of that statement. There being no denial by my friends of the majority, I accept it as the truth, and I will leave the case where it is if I have not proved that statement. Then, gentlemen of the House, are you willing to take from this contestee the seat upon testimony admitted to be perjury? You may do it in an evil hour, you may do it to-day, you may hasten to do it and salve your conscience with the belief that you are following the committee. Let the majority members of the committee deny the statement.

I want to remind you that it is not always Mr. Robbins who will be the contestee. The wheel of destiny—of political destiny—turns rapidly. It may be in a close district in after years, yea, next year, that there will be some man who stands here upon a narrower margin of votes than he does, whose seat on that side

may depend upon some one taking the testimony of admitted perjurers. For myself, no matter who it may be, I will never vote to turn him out of this House to which he has been elected, whether Republican or Democrat, upon any such testimony. [Applause.]

I stand here to-day to say that if I remain long enough in Congress—and the prospect is that I shall be here in the next Congress—[applause on the Republican side] and that then the majority will be on this side of the Chamber [applause on the Democratic side], yet I want to serve notice on you now and here that I will never deprive any man of the seat to which he has been elected on testimony admitted to be perjury. I do not care if party lash is laid upon my back, or what party necessities may dictate or party leaders demand, I will never vote to turn any man out of his seat, be he Republican or Democrat, on testimony that is admitted to be perjury. [Applause.] And shame be on those who would!

Mr. BAILEY of Texas. May I interrupt the gentleman from Georgia a moment?

Mr. BARTLETT. Certainly.

Mr. BAILEY of Texas. Do I understand that this case depends upon three precincts?

Mr. BARTLETT. Yes.

Mr. BAILEY of Texas. And the majority unseat the contestee upon the testimony of two men who admit themselves to be perjurers and a third man whose testimony was contradicted and who was successfully impeached?

Mr. BARTLETT. Yes, not sustained by anybody.

Mr. BAILEY of Texas. And the whole case stands on that?

Mr. BARTLETT. Yes. If you take out one of the three, the contestant will lose his case; and if you take all three out, the contestee will have a majority of over 500 votes.

Mr. BAILEY of Texas. And you challenge the gentlemen on that side to deny it?

Mr. BARTLETT. No, I did not challenge them on that side to deny it, but they have not denied it.

Mr. HAMILTON. Oh, yes; I denied it in my speech.

Mr. BARTLETT. But I will prove it by the contestant's own witnesses. I have got it here, and I am going to read it; and you admit Waugh's impeachment in your report. I have read it.

Mr. HAMILTON. The gentleman from Georgia knows that I have a high regard for anything he may say, and I did not want to interrupt him, but now I simply want to enter a denial. That is all.

Mr. BAILEY of Texas. There is no better time than right now.

Mr. HAMILTON. We have entered our denial many times.

Mr. BARTLETT. I beg the gentleman's pardon.

Mr. HAMILTON. But it does not seem to have any effect.

Mr. BARTLETT. But, my friend, did not King swear that the testimony that he gave about Orrville precinct was a lie?

Mr. HAMILTON. You do not mean King?

Mr. BARTLETT. I mean King. I will read the evidence. I will show you that testimony which he gave, undertaking to unseat the contestee, he subsequently admits was a lie. The gentleman should acquaint himself with the record.

Mr. GROSVENOR. Will the gentleman from Georgia allow me an interruption?

Mr. BARTLETT. Certainly.

Mr. GROSVENOR. I am not sure whether I understood the gentleman, and I would like to ask him if I am right in construing his statement. You say you believe that this is a fraudulent claim so far as the contestant is concerned, and accompany it with the threat that should he be unseated you will retaliate in this sort of a case?

Mr. BARTLETT. No; the gentleman misunderstood me. I did not say so. On the contrary, I said there was no power on earth, no party lash, no party dictation, that would compel me upon evidence like this, purchased and perjured as it is, to deprive any man of his seat.

Mr. GROSVENOR. Then what was the application——

Mr. KLUTTZ. Is the gentleman from Ohio a member of the Committee?

Mr. GROSVENOR. I will take care of that. What was the pertinence of the suggestion of the gentleman from Georgia that perhaps there was some other House that would do it?

Mr. BARTLETT. I intended to say that—

Though the mills of God grind slowly, yet they grind exceedingly small;
Though with patience He stands waiting, with exactness grinds He all.

You gentlemen by setting an example either by demand of your party or your own volition, unseating a man on testimony like this, set a bad example, which will induce others to follow.

Mr. GROSVENOR. Will the gentleman yield to one other question?

Mr. BARTLETT. Yes; one other question.

Mr. GROSVENOR. Has the gentleman read the record in the case of O'Neill *vs.* Joy?

Mr. BARTLETT. I have read the reports and I have quoted from the minority report in that case and incorporated it in my report in this case, which I agree with. If I had been here I would have voted to allow Mr. Joy to retain his seat, and would not have followed blindly the report of the majority.

Mr. GROSVENOR. I wish we could all get together in that way.

Mr. BARTLETT. Ah, that is but another illustration of the truth of the line which I have just quoted, and I may add another:

Time at last sets all things even.

In that case the majority on this side of the House blindly followed the committee and did what I believe, on investigation of that case, was not in accordance with the accepted principles of law of the courts, of Congress, or of the country. They turned Mr. Joy out upon a report written by Mr. Josiah Patterson, of Tennessee. Twenty-four months afterward Josiah Patterson himself stood before this House as contestant in an election case; and with even-handed justice this side of the House joined with the other in commending to his own lips the poisoned chalice he had mixed. [Applause.]

Mr. DINSMORE. Is it not a fact that the Republican majority of the committee in this case have refused to follow the minority report of the Republican minority in the Joy case?

Mr. BARTLETT. That is so. But I propose to follow it here and to put the seal of my approbation upon the law as announced by the minority of the committee in that case.

Mr. DINSMORE. And which the other side now rejects.

Mr. BARTLETT. And which they now reject.

But to proceed with the testimony. Andrew King, when first introduced, swore that he marked ten ballots at Orrville for Aldrich, and because there were not that many counted and returned for Aldrich the majority of the committee have thrown out that precinct.

This is the only witness who impeaches the return of the election officers at that precinct. His testimony is not supported by that of the Republican officials, the Republican clerks, or the two Democratic inspectors and the Democratic clerks. Seventy-five voters come up and swear that they voted for Robbins as against Aldrich; and two swear that they voted for Aldrich. Upon the testimony of this admitted perjurer, this precinct is thrown out by the majority of the committee. Let me read what he says:

Q. State your name, age, residence, and duration thereof; state whether or not you voted at the election held November 8, 1898. Where and for whom did you vote for a member of the Fifty-sixth Congress from the Fourth Congressional district of Alabama?

A. My name is Andrew King; I am 41 years old; I reside in Orrville precinct, and have lived here on Mr. Ellis's place five years; I voted at the election held last November; I voted here for Gaston A. Robbins for Congressman.

Q. Are you the same man that testified at Stanton in this case?
A. Yes, sir.
Q. Did you or not testify at Stanton that you voted for Aldrich?
A. Yes, sir.
Q. You were marker here that day, were you not?
A. Yes, sir.
Q. Did you mark any tickets that day for Aldrich here?
A. No.
Q. How many did you swear at Stanton that you marked for Aldrich?
A. Ten.
Q. What induced you to go to Stanton and swear to those facts?
A. They said that I would be paid.
Q. Who told you you would be paid?
A. Simon Rayford.

The evidence discloses that Rayford was the Republican chairman for Orrville beat; and he is the man who induced this negro to swear that he marked for Aldrich.

What else does King say?

Q. How much did they promise you?
A. They said I would get $7 per day and be gone three days.

[Applause on the Democratic side.]

That is one precinct. This is the only witness who attacks the correctness of the return. He swears that he did not vote for Aldrich, but for Robbins, although he had first sworn he had voted for Aldrich. He swears that he swore to a lie and that he did it upon a promise of $7 per day for three days—$21. Now, let my friend from Michigan enter another denial. This purchased, perjured evidence from a vagabond negro is the balm with which you gentlemen undertake to ease your consciences in voting to seat the contestant.

That is not all. I refer to the testimony of one Pet Ulmer, who acted as marker at Cahaba precinct, at which precinct Robbins received 127 votes and Aldrich 54. This man swore that he marked 123 ballots for Aldrich; but subsequently, on the 22d day of March, 1899 (I refer to page 741 of the record), he swore that he did not do so, that he did not keep any memorandum. Why, then, did he swear that he marked 123 ballots? Because Green Cornegie, the negro chairman of the Republican executive committee of Dallas County, told him to "jes swear you marked 123 ballots."

This man Ulmer admits that he was lying; he admits that he did it by direction of the chairman of his county committee. When this House takes into consideration the fact that Mr. Aldrich's manager admits that the election was conducted by his side simply for the purpose of obtaining materials on which to conduct

a contest here, it will be seen what effect his testimony ought to have, when the only evidence by which the attempt has been made to impeach the return is withdrawn and admitted to be false.

Now, I go back to the testimony of King. Here it is. If anybody wants to examine it, I have cut it out. I advise and entreat those gentlemen who would like to examine it to do so. I have marked it and labeled it. If you desire to record the truth, you can not write a verdict on the Journals of this House by accepting and crediting such testimony. And you can not find your verdict in favor of Aldrich unless you take as truth the testimony to which I have referred—testimony tainted with perjury and crime, and for which the contestant's manager in that county is responsible, for he procured it and paid in part for it.

The money paid to this man by the contestant's manager bought this evidence. This was not denied in the ten days that he had to deny it; there is not a word or a syllable of denial by any witnesses, though attention is called to the manager of contestant, who paid the money.

Gentlemen, vote this seat if you will to Mr. Aldrich; upon evidence like this if you will, but do not talk to us about being fair, do not talk to us about being just. The gentlemen of the majority of the committee may have overlooked this testimony, may have followed the contestant's brief; but here it is as I have read it, cut from the record. Deny it if you can. But that is not all.

Mr. DINSMORE. And the contention of the contestant in this case absolutely depends upon that?

Mr. BARTLETT. Yes, sir; absolutely. It depends upon these precincts being rejected and votes counted for the contestant as sworn to by these witnesses.

But, Mr. Speaker, I desire to call your attention to another case, and that is the testimony on which the contestant absolutely relies—the testimony of one Jackson Waugh; he is the contestant's only witness. In this precinct, Union, Aldrich got 76 votes and Robbins 131, as the returns show. The great majority of the votes received by Mr. Robbins in that precinct were taken away, and only 34 were allowed to him and 130 were given to his opponent solely upon Waugh's evidence.

Now, let us examine the testimony in reference to that particular precinct. The testimony shows that J. H. Smith, an intelligent colored man, the Republican chairman for that beat, who was a school-teacher, demanded that he, Smith, should be appointed inspector, and also that Willis Smith and Kent West be appointed, and two other Republicans be appointed clerks.

They were all appointed, and Jackson Waugh was appointed a marker at the request of the Republican chairman for the beat, J. H. Smith. They had also two Democratic inspectors and one marker, as well as one Democratic returning officer. That is to say, there were three Republicans who had represented the contestant in the district—three colored men—and ours on the other side, the white men. In other words, there were three Republicans and four Democrats. Three of them voted for Aldrich and four of them for Robbins. All of them, except Waugh, swear positively that the vote was honestly received and counted correctly; that the ballots were received by the Republican inspectors and counted under the supervision and in the presence of all the Republican officials.

This man Jackson Waugh testifies that after 11 o'clock in the morning he marked 90 ballots and kept a list, and that before 11 he thinks he marked about 40 for Aldrich. According to the returns, Aldrich received only 76 votes, 4 of the ballots not being marked at all, and upon that testimony the majority of the committee gave Aldrich in that precinct 132 votes, the testimony of Jackson Waugh being the only evidence to sustain the finding. He claimed to have kept a list of the 90 voters who appeared at the polls. I have his testimony here in full, and I beg that those gentlemen who will shall take time and read that testimony and see if they can find any justification for the preposterous claim that is made.

A very significant fact in connection with the testimony of this same witness, Jackson Waugh, is that when he was asked to produce the list he pretended to have kept, he swears that he left it at home on the morning of the day he testified. And yet, Mr. Speaker, it was sixty days before the contestant closed his evidence, and the list that Jackson Waugh claims to have kept, and which he had at his home, never was brought to light to corroborate his remarkable statement. He was not asked to bring it by the commissioner who was taking the testimony, and no corroboration was offered of his testimony. His testimony is not corroborated by the Republican clerk of the election, or by any other official, but is flatly contradicted by all. In fact, the testimony shows that he swore to what was not true.

But that is not all. There is testimony directly to the contrary on the part of four young men—men of standing in the community—which establishes precisely the contrary facts to those which have been reported by the majority.

Mr. Aldrich was taking testimony in the County of Dallas in his own behalf, and he had ample opportunity of bringing testimony to sustain this witness if he had desired to do so. He should have sustained him, and his failure to do so is a clear demonstration that this testimony is unworthy of consideration.

But, in addition to this, four reputable white men swore that Waugh's character was bad and that they would not believe him on oath. Of the 8,000 voters in that county, white and colored, not a man has been offered, not a man, woman, or child out of the 40,000 inhabitants of the county, who was willing to say that this man, Jackson Waugh, was worthy of belief. Nor did he make any effort to disprove the statement of Andrew King and Pet Ulmer, that they had been induced by his managers to swear falsely and had been promised to be paid for the perjury. It must be taken, then, as admitted by the contestant that these three witnesses are impeached and their credibility destroyed, and with their evidence goes the case.

It must stand or fall by and with them. I repeat, when you take this man's seat, if you take it—and I should like gentlemen to hear what I say—you take it upon the admitted perjured, lying, villainous, infamous testimony of Andrew King, Pet Ulmer, and Jackson Waugh. And if Robbins is to be turned out because of such testimony, why, he can go to his home with no spot or blemish upon him; but the dishonor, if dishonor there be, will be transferred to those gentlemen who are willing to outrage the law, the rules of evidence, and the rules of proper construction of testimony.

Now, Mr. Speaker, that is the truth about this case. Will the gentleman deny it? If he does, there is the evidence of the admitted perjury and the proven perjury; there it is, cut from the record in this case—only a few pages; let those who desire read it.

One word, Mr. Speaker, before I come to the discussion of the City precinct. The City precinct of Selma contains 10,000 inhabitants. It has a registered vote of about thirteen hundred. I have gone over the registration list, those that are marked white and colored, and as nearly as I can arrive at the fact four-fifths of the registered voters of Selma precinct are white. They cast a little over 1,000 votes in this election. Of those 72 were returned for Aldrich and 900 and over for Robbins.

But what is the truth about that precinct? It is that Mr. Aldrich himself and Mr. Aldrich's district manager, Mr. Dean, asked for the appointment of Golson, a Populite, and he was appointed. They did not ask for the appointment of any other officer except a marker. Although the list that was furnished, not complying with the law, contained only five names, they appointed O. O. Moore as a marker, and the representative of Aldrich who presented the list agreed that they did not need a clerk. No one was there to demand a clerk, but they got Moore for a marker and Golson for their inspector; and R. D. Walker and J. L. Clay were the Democratic inspectors. The Republican marker does not show that there was any fraud. The contestant dared not introduce his inspector; and all the Democratic officials testify and fully sustain the returns. Every ballot was inspected and counted by the Aldrich inspector.

Now, I deny that there ever was a decision, or that there ever was any law, or that any court presided over by a judge, or any partisan court composed of the members of a legislature or members of the House, that ever held that because the officers of election failed to comply with requirements which are not mandatory, such conduct invalidated the election. I have abundant authority here and have read some of the cases which sustain my contention, and I assert that no case can be found in the books, so far as I have been able to search them—and I have given the subject very patient research—where the courts have ever decided that you could throw out the vote of a precinct because an unregistered voter was allowed to vote there. I call as a witness to my statement the decision of the supreme court of Illinois, the gentleman's own State.

Mr. MANN. If the gentleman will pardon me, we do not have any such frauds in our State as there are in this case—not even when the Democrats are in control.

Mr. BARTLETT. Ah, Mr. Speaker, that is a fitting reply to a legal proposition. When you undertake to throw out this whole precinct because eighty-five or sixty men voted who were not registered, it is a fitting reply to say you do not have such frauds in Illinois. You did have them. Why, your very managers in this case, reported in 78 and 88 Illinois, permitted six or eight or ten men to vote who were not registered, and it was charged that it was fraudulent and that the poll should be thrown out, the same contention that you make here as to the City precinct.

Your own supreme court said it did not invalidate the poll, and they not only sustained the precinct, but counted the votes. Now, if the gentleman is not familiar with his own supreme court cases, he should take them and study them. Here they are. I will cheerfully furnish them to him.

Mr. MANN. If the gentleman will pardon me, I think I am fully familiar with the law of Illinois, and the law is good law, but it has no application whatever to this case, not the slightest.

Mr. BARTLETT. Why, that reminds me of an incident which

occurred when I was studying law. One of my fellow-students asked our distinguished preceptor, "Colonel, if I have not got the law on my side, what am I to do?" Said he, "Give them the devil on the facts." "But," asked the student, "when I have not any facts on my side, what am I to do?" He said, "Then pitch in and give them the dickens on the law." "But," said he, "suppose I have got neither law nor facts on my side?" "Then," said he, "give the party and counsel on the other side hell." [Laughter.]

Mr. MANN. That is just what the gentleman is doing at present.

Mr. BARTLETT. Ah, Mr. Speaker, I am not able to inflict upon the gentleman the punishment which his own conscience ought to inflict for this report. [Applause on the Democratic side.] Having neither law nor facts, the gentlemen on the other side have not discussed the law or the evidence; they have contented themselves with denouncing the South and its election laws and methods. But here are the decisions of the gentleman's own court, which sustain my contention and absolutely destroy his.

Mr. Speaker, how much time have I?

The SPEAKER pro tempore (Mr. ALEXANDER). The gentleman has used an hour, lacking five minutes.

Mr. BARTLETT. Well, I have all the remaining time on this side.

The SPEAKER pro tempore. The gentleman, then, has seven minutes additional, or twelve minutes in all.

Mr. BARTLETT. Then, Mr. Speaker, I can not do better than to enlighten my friend from Illinois about the cases decided by the supreme court of his own State. Here was a case in 78 Illinois, page 111 and page 170, the case of Dale against Irvin.

I thought, Mr. Speaker, that my friend had forgotten the decisions of his own court, and I am glad that I am permitted to instruct him briefly in what the law of this case is as decided by the supreme court of his own State.

In 78 Illinois, in the case of Dale *vs.* Irwin, page 170, construing the statutes of that State, the supreme court said that the statutes of Illinois provided that—

> No vote should be received at any State, county, town, or city election if the name of the person offering to vote be not in the said register made on Tuesday or Wednesday preceding the election, etc.

The court held as follows:

> It is claimed that as the others voted without having been registered and without any proof of right, their votes are invalid. It does not appear that these votes were challenged or any objections made to their voting, and the presumption must be that they were legal voters, and so known to the judges.

The supreme court of Illinois again, in construing a case where there had been a dispute about permitting to be deposited in the ballot box ballots of voters who had not registered in accordance with the law, decided, in the case of Clark *vs.* Robinson (88 Illinois Report, page 498), as follows:

> That the prohibition of the statute in this regard was but directory against receiving such a vote, and that the failure of observance of this direction would not invalidate such a vote which had been received by the judge of elections and deposited in the ballot box.

And yet the gentleman decides this case in the face of his own supreme court; and I call the attention of the gentleman from Pennsylvania to the celebrated case from his State of Cavode *vs.* Foster, which follows the rule just cited. I could cite a large number of cases. Here are the decisions that the deposit of an unregistered ballot in the box does not destroy the poll; and what do you gentlemen do? You destroy both the vote and the poll.

The case of Dale *vs.* Irwin was reviewed again in 88 Illinois, where the same statute was again construed. Mark you, the statute of Illinois does not permit the deposit of a ballot in a box unless the voter was registered on the Tuesday before the election. What did they say? That the prohibition of the statute in this regard was but directory, in receiving such a vote, and that the failure of observance of this directory action would not invalidate such a vote which had been received at the poll in the election and deposited in the box. Yet read the report of this majority as to the City precinct. Why do they reject it? Because the poll shows that some 80 votes were put in that were not registered.

In the State of Illinois it was decided by the supreme court that they would not cast out the polls nor the ballots because 6, 8, 10, or 80 unregistered voters had cast their ballots in the precinct attacked. That is not all. I hope my friend will show greater confidence in the supreme court of Illinois and exhibit more respect for its decisions. He appears to have come to the conclusion that the court was guilty of a great error and wrong when they made this decision upon their statute, and which, had he followed, he could not have rejected the City precinct and thus have taken from the contestee over 400 votes.

Mr. MANN. The gentleman need not be alarmed. The supreme court and I get along very nicely.

Mr. BARTLETT. I expect so; but in this case the gentleman is wiser than the supreme court is, when he undertakes to destroy the right of a man to a seat on this floor by overriding the decisions of the supreme court of Illinois and is at the same time utterly disregarding the precedents of this House, which I have quoted in this report.

There was a decision made in the case from Illinois in the Fifty-fourth Congress, a case to which I wish my friend would listen in this case. It was the case of Rinaker *vs.* Downing. It was before this same Committee on Elections No. 1, the report being signed by Mr. LINNEY, at present a member of this committee, and the chairman and all the Republican members of the committee, except the gentleman from Massachusetts [Mr. MOODY]. The report unseated the Democratic contestee, and in that report, which I have here, they decided that the deposit of ballots of unregistered voters in the ballot box did not deprive the voter of his vote or impair the poll, and Rinaker was to be given his seat in this House on account of four men who had voted in that way; and finally was seated by a majority of 1, and that, too, after counting the ballots of these unregistered voters.

Now, it is true I did not vote for that report at that time, because I insisted that there should be a recount of the ballots, and the House sustained me. Mr. MOODY and myself, the members of the minority upon that committee, made the report, and we submitted our contention to the House, and the House sustained us and set aside the report, but finally adopted it after we had a recount of the ballots. So the majority report as to this question was finally adopted; and if precedents count for anything, it should control now.

Now there are two Illinois cases, one by the supreme court of Illinois and one by the House here. It is a good law for an Illinois election case, but is disregarded when the rule is applied to an Alabama case.

I refer now to the case of O'Neill against Joy. In that case the minority made a report to this House against unseating the Republican, and in discussing the rule, say:

> No case could be found or discovered which shows that the voter should be deprived of his vote by the omission of the election officers to discharge the duty imposed upon them by law. It is the manner in which the State declares the ballot to be voted and to be counted for the man for whom it was cast.

Now, I want to refer the New York lawyers to the case of the People against Wilson (62 New York), where the very question is decided and where the New York court of appeals decided that the permitting of unregistered voters to vote does not invalidate the poll.

But why waste my time, Mr. Speaker, in endeavoring to convince the majority of the House of the law of the case on this adjudicated question? The gentlemen on that side have not cited a solitary authority or a precedent to sustain their new and startling propositions when they reject the poll and refuse to count the votes proven. They have not cited a single proposition of law or a single precedent where they have been permitted to reject a precinct for failure to give representation to the contestant and not count any votes, and in the very next precinct reject it for the same reason and count all the votes the contestant has proved. It is a shifting rule that you have adopted, made to suit the exigencies of the case.

In Orrville, where Mr. Robbins proved 75 votes and Aldrich 3, according to the report you do not give him a vote; in Valley Creek, where Aldrich proves 143 and Robbins 44, you give Aldrich what he proves and Robbins what he proves. The rule is a good one when it benefits Aldrich, but it is a poor rule when it benefits Robbins. It will not do to cast out all the precincts and count the proven votes, for then Robbins is clearly elected; the only way to defeat him is to do as the committee has done. If all the precincts attacked are disregarded and only those votes counted which each proved, then Robbins has a majority of 389. To refuse to do so is to violate all rules of law and justice.

This is a legitimate criticism on their report made to this House, which denounces one precinct because of fraud and then proceeds to the next precinct and denounces it as fraudulent for the same reason, but counts the votes which it would not count in the other precincts. Now, here is the report of the majority of the committee by which they admit that in the four precincts discarded entirely Robbins proved 161 votes, but nowhere do they count them for him. Even the votes admitted by contestant for contestee in his brief are not counted by the majority. They count less than he admits.

Mr. Speaker, it would take much more time than I have at my disposal to go over all these precincts. I desire to refute the statement that in the City precinct these people got their tickets from stores and piazzas, and outside of the election room. Such allegations are not sustained by the evidence, for it is explained by nearly every witness, and the evidence shows that instead of its being at this election in November, 1898, it was in the previous primary elections, where there was no official ballot, and the witness evidently confused the two elections, four of which were held in the summer and fall of 1898. Besides the election officers at the precinct clearly demonstrate that no voter got a ticket and voted it except it was an official ticket.

Now, I want to say that the charge that Mr. Aldrich should be seated because he and Robbins had a fist fight, where Aldrich instigated the trouble and made a slanderous report with reference

to Robbins, and when Aldrich's attention was called to it he did not deny it, and Robbins slapped him in the face and beat him with nature's own weapons, ought not to have any weight in this proceeding. It is true that when Aldrich's men undertook to interfere and take hold of Robbins, one of the bystanders simply said, "We are going to have fair play," and stood them off until Aldrich said he had enough. Moreover, this fight in which a man was killed, which has been referred to here for the purpose of stirring up animosities, was a drunken barroom brawl, and the man that was shot struck the first blow—struck a man in the face and knocked him down, and in the struggle the pistol was fired and the bullet struck him in the hip and he died, not because the wound was mortal, but from blood poisoning. This occurred long after the election.

Now, what has this fight and all these matters like it to do with this election case; how do they sustain the contestant's case? What have all these brawls on the streets and barroom fights to do with this case? Nothing, Mr. Speaker, except to excite prejudice; and they are used to stir up animosities, to warp the judgment, and hurry you to a verdict not justified by the law or the facts. They are brought into this House after they have been discarded by the committee, and it is demanded that you render a decision depriving the contestee of his seat, not because the contestant was elected, but because there have been in Dallas County drunken brawls and personal difficulties long after the election was held.

Mr. Speaker, my time is gone. The case can not be argued in the time that remains to me. Some may say the time was wasted. It may be so. I have endeavored to demonstrate that the evidence does not justify the unseating of this contestant; that it utterly fails to show that the contestant was elected, but demonstrates that the contestee was elected.

Again I demand of the majority of the committee that they refute from the evidence, the statement that this case hangs by the rotten, slender thread of the testimony of three witnesses, two self-confessed perjurers and the other one a proven perjurer. In every precinct the returns are sustained by reputable witnesses whose characters are not even attacked. Gentlemen of the other side, take this contestant and admit him to a seat and to your councils upon the testimony which he and his managers have manufactured, purchased, and paid for; take him, and have the consolation to know that in doing so he is a pretended Republican. To use the language of a prominent and respected Alabama white Republican:

An enemy, claiming to be within our own ranks, confronts us. The principles of the Republican party are sought to be subordinated to the debauchery and hope for greed of some of those heretofore trusted, and in whose sense of honor and decency we had relied. Through the corrupt influence of an alien to our principles, aided by the mean use of money, I am unable longer to continue the unequal fight against this pseudo nominee—the Populites candidate for Congress in our district.

Let his own conduct and language in 1896 describe who he is. Here it is:

Upon the reassembling of the State executive committee of the People's party, after dinner, Mr. W. F. Aldrich asked the privilege of a personal explanation. He said that he had been represented as a candidate for governor, but that he was not a candidate for that position, although he was sensible of the high honor. Mr. Aldrich was asked as to how he stood on the money plank of the Omaha platform. He replied that he was in full agreement with the money plank of the Omaha platform. He was asked as to how he would vote in the national election in 1896 as between a gold-standard Republican candidate for the Presidency upon a gold-standard platform and a Presidential candidate of the People's Party on the Omaha platform. He replied that he would in that event support the candidate of the People's Party. He said the fact was that he was a genuine Greenbacker.

Mr. Aldrich was warmly applauded upon these statements. * * * When he closed his speech, he was asked by William Denman if he was going to support Mr. McKinley on his goldbug platform, and his reply was that if the Populites nominated Mr. TELLER, who was a protectionist and a free-silver man, he would vote for him, but if they did not he would vote for Mr. McKinley. He further said that Mr. McKinley was in favor of bimetallism and wanted the St. Louis convention to adopt a free-silver plank in their platform, but that the New York delegates would have bolted, and that a gold platform was adopted to please them.

But I have done. If all the facts of this case, as they have been proven and not disputed, sustained by reputable witnesses, as honest and reputable men as any State in this Union can produce, can not induce you to do this contestee that even-handed justice which impartial judges and jurors would promptly render him, were the case being tried in a court of law, then all effort is vain, Mr. Speaker. I have but to add, "Let down the curtain, the farce is done." [Applause on the Democratic side.]

Mr. TERRY. Mr. Speaker, I want to say just a few words on this question.

Mr. MANN. I think I am entitled to the floor, if the gentleman from Arkansas [Mr. TERRY] will excuse me.

Mr. TERRY. I was recognized, as I understand, by the Chair. I want to say only a few words on this matter. I will not take long.

The SPEAKER pro tempore (Mr. ALEXANDER). Does the gentleman from Illinois [Mr. MANN] yield to the gentleman from Arkansas?

Mr. MANN. I can not. I have only about ten minutes left. The time of gentlemen on the other side, under the agreement, has expired. I am very sorry to be obliged to refuse to yield. If I had more time I should be glad to do so.

Mr. TERRY. How much time has the gentleman?

Mr. MANN. About eight minutes.

Mr. BARTLETT. If I had the time, I would yield to my friend from Arkansas.

Mr. TERRY. If the gentleman from Illinois has only ten minutes left, I do not ask him to yield to me.

Mr. MANN. Mr. Speaker, it will not be expected, of course, that I should attempt to reply seriatim to the arguments or statements made by gentlemen on the other side of the House. But I wish again to call the attention of the House to the record of the committee which has reported this case to the House. The Committee on Elections No. 1 in the Fifty-fifth and Fifty-sixth Congresses has had pending before it eleven election cases with Republican contestants and Democratic contestees. In no case has a report been made to this House by that committee in favor of a Republican or against a Democrat except in this one district of Alabama, and that solely on account of election frauds in Dallas County. I ask the House to sustain the action of this committee, which has examined these cases with care, with caution, with nonpartisanship.

In this Congress our committee has already reported in favor of retaining in his seat the Democratic member from Louisville, Ky. "Ah," the gentleman from New York the other day said, "you made that report because you were justified by the facts." Aye, Mr. Speaker, we reported in favor of Turner and against Evans because the evidence before our committee did not warrant us in deciding in favor of Evans; and in this case we have reported in favor of Aldrich and against Robbins because the evidence shows that the election machinery in Dallas County reeks with fraud. It is not the kind of fraud, Mr. Speaker, that comes stealthily in through the open window; it is the kind of fraud that stalks boldly in through the open door. There is not a precinct where we have found against the contestee that is not alive with the vermin of fraud. There is not a precinct where we have found against the contestee that is not slimy with fraud.

The gentleman from Alabama has endeavored to cite particular instances. We did not throw out the vote of the city of Selma because 85 men not entitled to vote did vote. We threw it out because (apart from other reasons) the conduct of the election officers at that precinct covered the election there with fraud.

Mr. Speaker, we have proven our case. The committee has examined the record in this case conscientiously and carefully—a record covering 900 closely printed pages. The committee, who have read every page of this testimony, who have considered every argument of counsel, submit to you a dispassionate, nonpartisan report. They ask you to seat the contestant, Mr. Aldrich.

It is true that Mr. Aldrich is a Republican and that the contestee is a Democrat. Doubtless that is a sufficient reason with gentlemen on the other side for voting for the contestee. But we do not ask you to vote for the contestant merely because he is a Republican. Ah, Mr. Speaker, it means something for the contestant to be a Republican in that Congressional district. His principal manager has been murdered in that county because this contest was inaugurated. He himself has been assaulted because the contest was inaugurated. Gentlemen on the other side may give reasons as they please; the facts are that Mr. Aldrich, who has had the honor, the nerve, and the daring in this Alabama district to stand up as a Republican, has been assaulted, has been abused, has been defrauded by every machination which human ingenuity could devise, and by every scheme which the fertile resources of those gentlemen conducting the election on the other side could imagine.

Mr. Aldrich appears before this House not asking favors, only asking justice at your hands. He has not been afraid to defy the fraud of Dallas County. He has not been afraid to stand up for the rights of man. I appeal to the other side of the House, who have talked so much about the "right of self-government" and the right of foreign races to govern themselves; I appeal to them to rise above partisanship and to show that they are greater than mere Democrats. I ask them to vote against the frauds in the elections in this district and in favor of the man who was elected by the votes of the district. And I appeal to the Republicans to reward the honest, faithful efforts of the committee on their side of the House to reach a righteous conclusion in this case and to support the report of the committee. We have done our duty. Mr. Aldrich has done his duty. It remains for the members of this House to do their duty by casting their votes in favor of righteous self-government, in favor of honest elections, and against the most outrageous frauds that have ever been known in this country. [Applause.]

Mr. BARTLETT. I ask that the resolutions submitted by the minority of the committee be now read and that they be substituted for those offered by the majority of the committee.

The SPEAKER. What is the request of the gentleman?

Mr. BARTLETT. Mr. Speaker, as I understand the situation,

the majority in this case have reported certain resolutions and the minority certain other resolutions. Following the ordinary course, as I understand, I now move that the resolutions submitted by the minority be substituted for those of the majority.

Mr. MANN. The agreement was, I understand, that the original resolutions should be considered as before the House and also the substitute resolutions.

Mr. BARTLETT. Yes, sir.

Mr. MANN. I suppose the vote will be taken on the substitute first?

Mr. BARTLETT. That was the purpose of my motion.

Mr. MANN. It does not require any motion, I believe.

Mr. BARTLETT. My remark was rather in the shape of a parliamentary inquiry.

The SPEAKER. The Chair is of opinion that inasmuch as the previous question was ordered upon the original resolutions and the substitute, the question is now on the adoption of the substitute.

Mr. BARTLETT. Upon that, Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

Mr. MANN. Mr. Speaker, before the vote is taken, I would ask the reading of the substitute resolutions proposed by the minority of the committee.

The SPEAKER. Without objection, the resolution of the minority will be again read.

The substitute resolutions were read, as follows:

Resolved, That William F. Aldrich was not elected a member of the House of Representatives from the Fourth Congressional district of Alabama to the Fifty-sixth Congress, and is not entitled to the seat.

Resolved, That Gaston A. Robbins was duly elected a member of the House of Representatives for the Fifty-sixth Congress from the Fourth Congressional district of Alabama, and is entitled to the seat therein.

The SPEAKER. The question is on agreeing to the adoption of the resolutions which have just been read as a substitute for the resolutions presented by the committee, on which the gentleman from Georgia asks the yeas and nays.

Mr. MANN. I join in the request of the gentleman from Georgia for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 134, nays 138, answered "present" 5, not voting 73; as follows:

YEAS—134.

Adamson,	De Graffenreid,	McAleer,	Shackleford,
Allen, Ky.	De Vries,	McClellan,	Shafroth,
Allen, Miss.	Denny,	McCulloch,	Sheppard,
Atwater,	Dinsmore,	McDowell,	Sibley,
Bailey, Tex.	Driggs,	McLain,	Sims,
Ball,	Elliott,	McRae,	Slayden,
Bankhead,	Finley,	Maddox,	Small,
Barber,	Fitzgerald, Mass.	May,	Snodgrass,
Bartlett,	Foster,	Meekison,	Spight,
Bell,	Gaines,	Meyer, La.	Stark,
Bellamy,	Gaston,	Muller,	Stephens, Tex.
Benton,	Gilbert,	Neville,	Stokes,
Berry,	Glynn,	Newlands,	Sutherland,
Brantley,	Green, Pa.	Noonan,	Swanson,
Breazeale,	Griffith,	Otey,	Talbert,
Brenner,	Griggs,	Pierce, Tenn.	Taylor, Ala.
Brewer,	Hay,	Quarles,	Terry,
Brundidge,	Henry, Miss.	Ransdell,	Thayer,
Burke, Tex.	Henry, Tex.	Rhea, Ky.	Thomas, N. C.
Burleson,	Howard,	Rhea, Va.	Turner,
Burnett,	Johnston,	Richardson,	Underhill,
Caldwell,	Jones, Va.	Ridgely,	Underwood,
Chanler,	Kitchin,	Riordan,	Vandiver,
Clark, Mo.	Kleberg,	Rixey,	Wheeler, Ky.
Clayton, Ala.	Kluttz,	Robb,	Williams, J. R.
Clayton, N. Y.	Lamb,	Robertson, La.	Williams, Miss.
Cochran, Mo.	Lanham,	Robinson, Ind.	Wilson, Idaho
Cooney,	Latimer,	Robinson, Nebr.	Wilson, N. Y.
Cowherd,	Lester,	Rucker,	Wilson, S. C.
Crawford,	Levy,	Ruppert,	Young, Va.
Cummings,	Lewis,	Ryan, N. Y.	Zenor,
Davenport, S. W.	Little,	Ryan, Pa.	Ziegler.
Davis,	Livingston,	Salmon,	
De Armond,	Lloyd,	Scudder.	

NAYS—138.

Adams,	Calderhead,	Faris,	Hoffecker,
Alexander,	Cannon,	Fletcher,	Hopkins,
Allen, Me.	Capron,	Fordney,	Howell,
Babcock,	Clarke, N. H.	Foss,	Hull,
Bailey, Kans.	Cochrane, N. Y.	Fowler,	Jack,
Baker,	Connell,	Gamble,	Jenkins,
Barham,	Cooper, Wis.	Gardner, Mich.	Jones, Wash.
Barney,	Corliss,	Gardner, N. J.	Kahn,
Bingham,	Cousins,	Gill,	Ketcham,
Boutell, Ill.	Cromer,	Gillett, Mass.	Knox,
Bowersock,	Crump,	Graff,	Lacey,
Brick,	Crumpacker,	Graham,	Landis,
Bromwell,	Curtis,	Greene, Mass.	Lane,
Brosius,	Cushman,	Grosvenor,	Linney,
Brown,	Dahle, Wis.	Grout,	Littauer,
Brownlow,	Dalzell,	Grow,	Littlefield,
Bull,	Davenport, S. A.	Hamilton,	Long,
Burke, S. Dak.	Davidson,	Haugen,	Lorimer,
Burkett,	Dick,	Hedge,	Lovering,
Burleigh,	Driscoll,	Henry, Conn.	Lybrand,
Burton,	Eddy,	Hepburn,	McCleary,
Butler,	Esch,	Hill,	McPherson,
Mahon,	Mudd,	Roberts,	Tawney,
Mann,	O'Grady,	Russell,	Tayler, Ohio
Marsh,	Otjen,	Shattuc,	Thomas, Iowa
Mercer,	Overstreet,	Shelden,	Tongue,
Mesick,	Payne,	Sherman,	Wachter,
Metcalf,	Pearce, Mo.	Showalter,	Wanger,
Miller,	Pearre,	Smith, H. C.	Waters,
Minor,	Phillips,	Smith, Samuel W.	Weaver,
Mondell,	Powers,	Sperry,	Weeks,
Moody, Mass.	Prince,	Stevens, Minn.	White,
Moody, Oreg.	Pugh,	Stewart, N. J.	Young, Pa.
Morgan,	Ray,	Stewart, Wis.	
Morris,	Reeder,	Sulloway,	

ANSWERED "PRESENT"—5.

Bartholdt,	Naphen,	Van Voorhis.
Loudenslager,		

NOT VOTING—73.

Acheson,	Emerson,	Lentz,	Sparkman,
Bishop,	Fitzgerald, N. Y.	Loud,	Sprague,
Boreing,	Fitzpatrick,	McCall,	Stallings,
Boutelle, Me.	Fleming,	Miers, Ind.	Steele,
Bradley,	Fox,	Moon,	Stewart, N. Y.
Broussard,	Freer,	Norton, Ohio	Sulzer,
Campbell,	Gayle,	Norton, S. C.	Tate,
Carmack,	Gibson,	Olmsted.	Thropp,
Catchings,	Gillet, N. Y.	Packer, Pa.	Tompkins,
Cooper, Tex.	Gordon,	Parker, N. J.	Vreeland,
Cox,	Hall,	Polk,	Wadsworth,
Crowley,	Hawley,	Reeves,	Warner,
Cusack,	Heatwole,	Robbins,	Watson,
Daly, N. J.	Hemenway,	Rodenberg,	Weymouth,
Davey,	Hitt,	Smith, Ill.	Williams, W. E.
Dayton,	Jett,	Smith, Ky.	Wright.
Dolliver,	Joy,	Smith, Wm. Alden	
Dougherty,	Kerr,	Southard,	
Dovener,	Lawrence,	Spalding,	

So the substitute was rejected.

Mr. VAN VOORHIS. Mr. Speaker, I find that I am paired with my colleague, Mr. GORDON. I have voted upon this question, but ask that the vote be withdrawn.

The SPEAKER. The vote of the gentleman will be withdrawn, if there be no objection.

There was no objection.

The following pairs were announced from the desk:

For this session:

Mr. REEVES with Mr. SPARKMAN.

Mr. WRIGHT with Mr. HALL.

Mr. PACKER of Pennsylvania with Mr. POLK.

Mr. NEEDHAM with Mr. NORTON of South Carolina.

Until further notice:

Mr. BOREING with Mr. FITZPATRICK.

Mr. HITT with Mr. CARMACK.

Mr. STEELE with Mr. CUSACK.

Mr. MCCALL with Mr. FOX.

Mr. DAYTON with Mr. DAVEY.

Mr. BARTHOLDT with Mr. DOUGHERTY.

Mr. SPALDING with Mr. MOON.

Mr. SOUTHARD with Mr. NORTON of Ohio.

Mr. HEMENWAY with Mr. MIERS of Indiana.

Mr. WEYMOUTH with Mr. BROUSSARD.

Mr. GIBSON with Mr. TATE.

Mr. VAN VOORHIS with Mr. GORDON.

Mr. LOUDENSLAGER with Mr. STALLINGS.

Mr. OLMSTED with Mr. WILLIAM E. WILLIAMS.

Mr. WATSON with Mr. DALY of New Jersey.

Mr. GILLET of New York with Mr. GAYLE.

Mr. HAWLEY with Mr. COOPER of Texas.

Mr. SPRAGUE with Mr. SMITH of Kentucky.

For this day:

Mr. ACHESON with Mr. SULZER.

Mr. DOVENER with Mr. CATCHINGS.

Mr. LAWRENCE with Mr. FLEMING.

Mr. WM. ALDEN SMITH with Mr. LENTZ.

Mr. JOY with Mr. NAPHEN.

Mr. BISHOP with Mr. CAMPBELL.

Mr. STEWART of New York with Mr. FITZGERALD of New York.

Mr. HEATWOLE with Mr. CROWLEY.

Mr. LOUD with Mr. JETT.

Mr. KERR with Mr. COX.

Mr. BARTLETT. Mr. Speaker, I ask that the vote be recapitulated. I do not know how close it may be; but this is an important question, and I think it ought to be read in the hearing of the House.

The SPEAKER. The Chair believes in a case of this kind that it would be well to have a recapitulation of the vote, and will order it, so that the names of members who have voted on each side be accurately noted, especially in view of the fact that some gentlemen are announced as being paired who have voted on this question.

The roll call was recapitulated as above.

The result of the vote was then announced as above recorded.

The SPEAKER. The question now recurs on the original resolutions presented by the Committee on Elections——

Mr. BARTLETT. On that, Mr. Speaker, I call for the yeas and nays.

The yeas and nays were ordered.

Mr. BARTLETT. I ask that the resolutions which are about to be voted upon be read, if that can be done.

The SPEAKER. In the absence of objection, the original resolutions will be reported.

The Clerk read as follows:

Resolved, That Gaston A. Robbins was not elected a member of the Fifty-sixth Congress from the Fourth Congressional district of Alabama, and is not entitled to a seat therein.

Resolved, That William F. Aldrich was elected a member of the Fifty-sixth Congress from the Fourth Congressional district of Alabama, and is entitled to a seat therein.

The question was taken; and there were—yeas 141, nays 135, answered "present" 6, not voting 67; as follows:

YEAS—141.

Adams,	Dahle, Wis.	Jenkins,	Pearce, Mo.
Alexander,	Dalzell,	Jones, Wash.	Pearre,
Allen, Me.	Davenport, S. A.	Kahn,	Phillips,
Babcock,	Davidson,	Ketcham,	Powers,
Bailey, Kans.	Dick,	Knox,	Prince,
Baker,	Dolliver,	Lacey,	Pugh,
Barham,	Driscoll,	Landis,	Ray,
Barney,	Eddy,	Lane,	Reeder,
Bingham,	Esch,	Linney,	Roberts,
Boutell, Ill.	Faris,	Littauer,	Rodenberg,
Bowersock,	Fletcher,	Littlefield,	Russell,
Brick,	Fordney,	Long,	Shattuc,
Bromwell,	Foss,	Lorimer,	Shelden,
Brosius,	Fowler,	Lovering,	Sherman,
Brown,	Gamble,	Lybrand,	Showalter,
Brownlow,	Gardner, Mich.	McCleary,	Smith, H. C.
Bull,	Gardner, N. J.	McPherson,	Smith, Samuel W.
Burke, S. Dak.	Gill,	Mahon,	Sperry,
Burkett,	Gillett, Mass.	Mann,	Stevens, Minn.
Burleigh,	Graff,	Marsh,	Stewart, N. J.
Burton,	Graham,	Mercer,	Stewart, Wis.
Butler,	Greene, Mass.	Mesick,	Sulloway,
Calderhead,	Grosvenor,	Metcalf,	Tawney,
Cannon,	Grout,	Miller,	Tayler, Ohio
Capron,	Grow,	Minor,	Thomas, Iowa
Clarke, N. H.	Hamilton,	Mondell,	Tongue,
Cochrane, N. Y.	Haugen,	Moody, Mass.	Wachter,
Connell,	Hedge,	Moody, Oreg.	Wanger,
Cooper, Wis.	Henry, Conn.	Morgan,	Waters,
Corliss,	Hepburn,	Morris,	Weaver,
Cousins,	Hill,	Mudd,	Weeks,
Cromer,	Hoffecker,	O'Grady,	White,
Crump,	Hopkins,	Otjen,	Young, Pa.
Crumpacker,	Howell,	Overstreet,	
Curtis,	Hull,	Parker, N. J.	
Cushman,	Jack,	Payne,	

NAYS—135.

Adamson,	De Graffenreid,	McAleer,	Shackleford,
Allen, Ky.	De Vries,	McClellan,	Shafroth,
Allen, Miss.	Denny,	McCulloch,	Sheppard.
Atwater,	Dinsmore,	McDowell,	Sibley,
Bailey, Tex.	Driggs,	McLain,	Sims.
Ball,	Elliott,	McRae,	Slayden,
Bankhead	Finley,	Maddox,	Small,
Barber,	Fitzgerald, Mass.	May,	Snodgrass,
Bartlett,	Foster,	Meekison,	Spight,
Bell,	Gaines,	Meyer, La.	Stark,
Bellamy,	Gaston,	Muller,	Stephens, Tex.
Benton,	Gilbert,	Neville,	Stokes,
Berry,	Glynn,	Newlands,	Sutherland,
Brantley,	Green, Pa.	Noonan,	Swanson,
Breazeale,	Griffith,	Otey,	Talbert,
Brenner,	Griggs,	Pierce, Tenn.	Tate,
Brewer,	Hay,	Quarles,	Taylor, Ala.
Brundidge,	Henry, Miss.	Ransdell,	Terry,
Burke, Tex.	Henry, Tex.	Rhea, Ky.	Thayer,
Burleson,	Howard,	Rhea, Va.	Thomas, N. C.
Burnett,	Johnston,	Richardson,	Turner,
Caldwell,	Jones, Va.	Ridgely,	Underhill,
Chanler,	Kitchin,	Riordan,	Underwood,
Clark, Mo.	Kleberg,	Rixey,	Vandiver
Clayton, Ala.	Kluttz,	Robb,	Wheeler, Ky.
Clayton, N. Y.	Lamb,	Robertson, La.	Williams, J. R.
Cochran, Mo.	Lanham,	Robinson, Ind.	Williams, Miss.
Cooney,	Latimer,	Robinson, Nebr.	Wilson, Idaho
Cowherd,	Lester,	Rucker,	Wilson, N. Y.
Crawford,	Levy,	Ruppert,	Wilson, S. C.
Cummings,	Lewis,	Ryan, N. Y.	Young, Va.
Davenport, S. W.	Little,	Ryan, Pa.	Zenor,
Davis,	Livingston,	Salmon,	Ziegler.
De Armond,	Lloyd,	Scudder,	

ANSWERED "PRESENT"—6.

Bartholdt,	Naphen,	Southard,	Van Voorhis.
Bishop,	Needham,		

NOT VOTING—67.

Acheson,	Emerson,	Kerr,	Spalding,
Boreing,	Fitzgerald, N. Y.	Lawrence,	Sparkman,
Boutelle, Me.	Fitzpatrick,	Lentz,	Sprague,
Bradley,	Fleming,	Loud,	Stallings,
Broussard,	Fox,	Loudenslager,	Steele,
Campbell,	Freer,	McCall,	Stewart, N. Y.
Carmack,	Gayle,	Miers, Ind.	Sulzer,
Catchings,	Gibson,	Moon,	Thropp,
Cooper, Tex.	Gillet, N. Y.	Norton, Ohio	Tompkins,
Cox,	Gordon,	Norton, S. C.	Vreeland,
Crowley,	Hall,	Olmsted,	Wadsworth,
Cusack,	Hawley,	Packer, Pa.	Warner,
Daly, N. J.	Heatwole,	Polk,	Watson,
Davey,	Hemenway,	Reeves,	Weymouth,
Dayton,	Hitt,	Smith, Ill.	Williams, W. R.
Dougherty,	Jett,	Smith, Ky.	Wright.
Dovener,	Joy,	Smith, Wm. Alden	

So the resolutions were agreed to.

The result of the vote was announced as above recorded.

Mr. MANN. Mr. Speaker, I move to reconsider the vote just taken and to lay that motion upon the table.

Mr. BARTLETT. Upon that, Mr. Speaker, I call for the yeas and nays.

Mr. HOPKINS. Oh, no; the gentleman will not do that.

Mr. BARTLETT. Yes, I will.

Mr. MANN. Then, Mr. Speaker, I withdraw the motion to reconsider.

Mr. BARTLETT. I withdraw the demand for the yeas and nays.

The SPEAKER. The gentleman from Illinois moves to reconsider the vote by which the resolutions were agreed to, and also moves to lay the latter motion upon the table. Without objection, the latter motion will be agreed to.

Mr. MANN. I ask that Mr. Aldrich appear at the bar of the House and be sworn in, Mr. Speaker.

The SPEAKER. The gentleman will step forward.

Mr. Aldrich came to the bar of the House; and the Speaker administered the oath of office to him.

PRIVATE PENSION BILLS.

Mr. DALZELL. Mr. Speaker, I am instructed by the Committee on Rules to submit the following report.

The SPEAKER. The gentleman from Pennsylvania [Mr. DALZELL] submits a privileged report from the Committee on Rules, which the Clerk will read.

The Clerk read as follows:

The Committee on Rules, to whom were referred resolutions of the House numbered 18, 128, 135, and 157, have had the same under consideration, and respectfully report in lieu thereof the following:

"*Resolved*, That during the remainder of this Congress the second and fourth Fridays in each month, after the disposal of such business on the Speaker's table as requires reference only, shall be set apart for the consideration of private pension bills, bills for the removal of political disabilities, and bills removing charges of desertion. The provision herein made shall be in lieu of the evening session provided for by section 2 of Rule XXVI, and section 6 of Rule XXIV and section 1 of Rule XXVI are hereby modified to conform herewith. And on each bill considered under this rule there shall be allowed ten minutes of debate in favor of the bill and ten minutes in opposition thereto."

Mr. DALZELL. Mr. Speaker, in brief, the object of this rule is to substitute two days in each month for the Friday evening sessions for pension business, and to abolish the Friday evening sessions.

Mr. RICHARDSON. I would like to have some explanation of the latter part of the rule, which gives ten minutes for debate on each side.

Mr. DALZELL. The latter part of the rule provides that there shall be twenty minutes' debate upon each pension bill.

Mr. HOPKINS. Ten on a side.

Mr. DALZELL. Ten on a side—that is, we have adopted a rule that has prevailed at times in previous Congresses, and has been found to work satisfactorily.

Mr. LACEY. I want to ask the gentleman a question.

Mr. RICHARDSON. One moment. I hope the gentleman will allow me.

The SPEAKER. The gentleman from Tennessee has obtained permission of the gentleman from Pennsylvania to ask him a question.

Mr. RICHARDSON. I only want to say that this is an entirely new provision in the first consideration of pension bills. We have never had any limit under any rule for the consideration of a bill in the first case; but the rule to which the gentleman refers was only applied where the bill had received consideration in Committee of the Whole at a Friday evening session and had been favorably reported to the House, and then in the House there was this limit of debate of which the gentleman speaks, but as a fact there has been no limit of debate in Committee of the Whole as to each particular bill.

Mr. DALZELL. I think my friend from Tennessee is mistaken. I think the rule is entirely like that of previous Congresses. The gentleman can see very readily, without undertaking to enter into a discussion of the reason for this rule, that the same influences that operated to prevent pension legislation at these night sessions can operate to prevent any pension legislation if there be no limit of debate.

Mr. LACEY. Now, will the gentleman allow me to ask him a question?

Mr. DALZELL. I yield to the gentleman for a question.

Mr. LACEY. I notice that the rule then proposes to consider bills removing political disabilities. I call the attention of the gentleman to the fact that the last Congress removed the only political disabilities existing. That ought to be stricken out, and have the last remnant of that question eliminated from the rules.

Mr. DALZELL. I will say to my friend from Iowa that we merely copied the rule as it now exists because we intended this to be a substitute in lieu of it; and it does no harm.

Mr. LACEY. Why keep that alive when there is not a living

soul whose disability was not removed in the last Congress, immediately preceding the war with Spain?

Mr. DALZELL. Then we will not have any trouble with cases of that character.

Mr. RICHARDSON. I want a little time.

Mr. MAHON rose.

The SPEAKER. Does the gentleman yield to his colleague from Pennsylvania.

Mr. MAHON. I would like to have a little division of the time for and against this resolution.

The SPEAKER. The gentleman from Pennsylvania [Mr. DALZELL] controls the time.

Mr. MAHON. He is in favor of the rule. Who is controlling the time against it?

Mr. DALZELL. How much time does the gentleman want?

Mr. MAHON. Twenty minutes, the time that the rule allows.

Mr. DALZELL. How much do gentlemen on the other side want?

Mr. RICHARDSON. Well, I would not have wanted over five minutes——

Mr. DALZELL. I will yield you five minutes.

Mr. RICHARDSON. Except for the new feature which is included in the rule. I understood, Mr. Speaker, that the rule to be reported was to be a copy of the old rule, except that it was to be made applicable to day sessions on two Fridays of the month and abolish the night sessions on Friday night. I did not understand that the rule changed the mode of procedure in considering these bills when they are called up. That is a change, and presents a new feature.

Mr. DALZELL. The rule is precisely as it was when submitted to the gentleman from Tennessee. I have handed in the exact copy which I handed to my friend from Tennessee. I do not believe he read it.

Mr. RICHARDSON. I did not; but I understood the gentleman to say it simply changed the rule as it existed, abolishing the night session and taking two day sessions, and to that I was making no objection; but I do not hardly see my way clear to support a change of the rule which limits the debate on each bill and gives such a brief time for consideration. I want to find the old rule, and in the meantime the gentleman can yield to his colleague.

Mr. DALZELL. I yield ten minutes to the gentleman from Pennsylvania for the purpose of debate.

The SPEAKER. Does the gentleman yield from his time?

Mr. DALZELL. The gentleman from Tennessee only wants five minutes.

Mr. RICHARDSON. I want a little more time than that to consider this other feature. I want at least fifteen minutes.

The SPEAKER. Does the gentleman from Pennsylvania reserve his time and yield to the other side?

Mr. DALZELL. I yield, first, fifteen minutes to the gentleman from Tennessee, and reserve the balance of my time.

Mr. RICHARDSON. Mr. Speaker, I would like to have the rule again read.

The SPEAKER. Let the rule be again reported in the time of the gentleman from Tennessee.

The Clerk again read the rule.

Mr. DALZELL. Mr. Speaker, before my friend from Tennessee proceeds, I want no misunderstanding about this. If the gentleman from Pennsylvania [Mr. MAHON] desires time in opposition to the resolution, he will have to get it from my friend from Tennessee [Mr. RICHARDSON].

Mr. MAHON. The gentleman from Pennsylvania yielded me fifteen minutes. He does not need to yield me time unless he cares to; but I notify him that he will need it in the future on some other matters. He can call the previous question if he wants to.

Mr. RICHARDSON. How much time does the gentleman from Pennsylvania [Mr. DALZELL] yield?

Mr. DALZELL. Fifteen minutes.

Mr. RICHARDSON. Mr. Speaker, as only fifteen minutes are given me for debate on this proposition, I wish to use only a few minutes of that time, and then I will yield to certain other gentlemen who desire to be heard.

I confess, Mr. Speaker, that I am taken by surprise when I find the rule reads as it does. I was present at the committee meeting when this rule was ordered reported, and I distinctly understood, without hearing the resolution read, that the proposition was to repeal so much of the rule as provides for the consideration of pension bills on Friday evening and to substitute for every Friday evening in the month two Fridays of each month in the daytime. Now, you can see very well that the proposition presented to us is a wholly different proposition. I say it is unprecedented in our history.

The gentleman from Pennsylvania [Mr. DALZELL] is mistaken when he says it is a copy of any rule that ever obtained in the House of Representatives. There has never been a time when debate on pension bills was limited to ten minutes on a side, or twenty minutes in all. There have been agreements and rules to limit this debate in special cases to twenty minutes—that is, where these bills have received full consideration in Committee of the Whole on Friday evening, the previous question being ordered, it has been agreed, I say, in cases of that kind, that the bills would be voted upon in the House, on some subsequent day, at a day session, and then that there should be ten minutes debate for and ten minutes against the pending bill; but never has there been an attempt to cut down debate for only twenty minutes, in Committee of the Whole or in the House, as an original proposition, upon a bill of this character.

I submit, therefore, that we can not agree to the passage of this rule in this form. If the gentleman had simply brought the rule here providing, as in clause 2 of Rule XXVI, that we should have two days in each month, instead of four nights, for the consideration of the class of bills referred to in the rule, I should not have opposed it very strenuously. I should then have said what I will now say, that never before in our legislative history has it been necessary to consider pension bills in a day session.

On the other hand, no matter whether the Democratic party was in power or the Republican party in power in the House, there never has been any difficulty in bringing a sufficient number of members to the night session to pass pension legislation. And now these gentlemen of the majority come forward by their rule and admit that, with a clear Republican majority on this floor—and one that is gradually increasing, it seems [laughter and applause on the Republican side], but will be decreased after the next election, I hope [applause on the Democratic side]—you find it necessary, with your increasing majority, to set aside the night sessions and bring a rule here to take day sessions in order to pass pension bills for the benefit of the old soldiers.

It seems to me that with your majority you ought to have had no difficulty in bringing a quorum here on Friday nights, if you desire to pass pension bills. This is the first time it has ever been necessary to ask for this legislation only in the daytime, and if your zeal in behalf of the old soldier was as great as you would have the old soldier believe it is, it would not be necessary now to abolish night sessions, but you would bring a quorum of the House here which you have, and pass these bills.

Now, I should have said that, and I would not strenuously oppose this change to day sessions, because we all admit that it is a little more convenient for us to come to the House in the daytime than it is at night. But I do insist, and if I have the opportunity to do so I shall move to strike out so much of this rule as limits the debate to twenty minutes. Gentlemen on that side must recognize the fact that this is not right. The time will come when you gentlemen will want to debate pension propositions longer than ten minutes.

Great questions are sometimes raised in pension bills, and it seems to me it is unnecessary for gentlemen to insist on this limit. I do not think they will find filibustering against pension legislation here in the daytime. I am quite sure I can safely say for gentlemen on this side of the House that there will be no disposition merely to consume time in opposition to pension legislation. The old soldier has been treated just as well when the Democratic party was in majority in this House, and as many private pension bills were passed, as when the Republicans were in the majority.

There has never been any question about that. They have never complained that they could not get all the legislation needed from a Democratic House. It will be time enough to place a limit on discussion when any difficulty in that direction shall arise. I assure gentlemen on the other side there will be no filibustering on this side of the House against pension legislation in the daytime under this new rule; and there can be no occasion, no necessity, for limiting discussion on these matters to twenty minutes.

Mr. Speaker, how much time have I used?

The SPEAKER. The gentleman has exhausted ten minutes of his time.

Mr. RICHARDSON. Then I yield five minutes to the gentleman from Pennsylvania [Mr. MAHON], if he will take it.

Mr. DALZELL. I yield to the gentleman from Pennsylvania [Mr. MAHON] any reasonable time that he may desire.

Mr. RICHARDSON. Then I reserve the remainder of my time.

Mr. DALZELL. I yield the gentleman from Pennsylvania five minutes.

Mr. RICHARDSON. And I reserve my time.

The SPEAKER. The gentleman from Tennessee, as the Chair understood, first yielded five minutes to the gentleman from Pennsylvania and afterwards reserved his time.

Mr. RICHARDSON. I understood the gentleman from Pennsylvania to decline the time I offered him.

Mr. MAHON. It was not as much time as I desired. But my colleague [Mr. DALZELL] has given me five minutes more, and if the gentleman from Tennessee will yield me five, that will make ten.

Mr. RICHARDSON. All right; I yield to the gentleman from Pennsylvania five minutes.

The SPEAKER. The gentleman from Tennessee yields five minutes, and the gentleman from Pennsylvania [Mr. DALZELL] five minutes, to the gentleman from Pennsylvania [Mr. MAHON].

Mr. MAHON. Mr. Speaker, I have been a member of this House for nearly eight years. My record is that I have never voted against a general or a private pension bill. And I want to say to members of this House that there have come from the committee of which I am chairman bills which are on the Calendar to-day, involving claims of soldiers of the civil war and of the Spanish-American war, which in importance are far above the claims of any deserter whose bill might be covered by this proposed rule.

The third month of this Congress has gone; yet not a day has been allowed for the consideration of bills reported from the Committees on Claims and War Claims; no opportunity has been afforded to consider the just claims of private citizens against this Government. This proposed rule will virtually wipe out in this Congress the work of Claims and War Claims Committees.

If you want to spend two days a month here considering private pension bills, all right. If you want to spend half your time in fixing up records of men who deserted in the face of the enemy, take it. Mr. Speaker, we have wasted seven days on an election case; and there are nine more of such cases to come. There are on the election committees lawyers who can present these cases by arguments occupying not more than two hours on a side. If they would do so, this House would listen to them. But if the nine election cases remaining are each to occupy five or six days, they will take up nearly two months of the time of this House in prolonged discussion to which gentlemen of the House never listen.

I am in favor of considering and passing these private pension bills; but there is ample time, if we properly use our time, to pass them without this rule. Why are we to adopt this rule? Because the gentleman from South Carolina, who represents 4,073 voters out of 24,000 in his district—who is not here by the vote of a majority of the voters of his district—puts himself against his colleagues on the other side and the Republicans on this side in obstructing private pension legislation. I wish and hope and believe that the result of his course may be that some Republican or Populist down in the gentleman's district may be induced to run against him for Congress and break up the rotten record of his district——

Mr. TALBERT. I am not afraid of any Republican or Populist——

Mr. MAHON (Mr. TALBERT continuing to speak). It would give me great pleasure if——

The SPEAKER. The gentleman from South Carolina [Mr. TALBERT] is out of order.

Mr. MAHON. It would give me great pleasure in the Fifty-seventh Congress to assist in throwing him out of his seat, because he never was elected.

[While Mr. MAHON proceeded, Mr. TALBERT continued to speak.]

The SPEAKER. The gentleman from Pennsylvania will suspend. The gentleman from South Carolina is out of order. When any member desires to interrupt another who is occupying the floor he must, under the rules, address the Chair, and through him secure the consent of the gentleman on the floor.

[Mr. TALBERT continued to speak, amid cries of "Order!"]

The SPEAKER. The gentleman from South Carolina is out of order; and the Sergeant-at-Arms will take charge of him if he does not obey the Chair.

Mr. MAHON. Mr. Speaker, day in and day out the gentleman has sat here and seen great bills, involving important general legislation of all kinds, pass through this House when there was no quorum here, and he knows it. Nevertheless, at Friday night sessions, when pension legislation was before the House, he has made it his business to bring about this result by demanding that a quorum shall be present. Now, Mr. Speaker, I wish to acquit the Democrats on the other side of the House, with the exception of himself, from any such imputation. They are opposed to him in this regard, and I should be heartily glad if in the Fifty-seventh Congress I might be able in a contest to help to throw him out of the House.

Mr. TALBERT rose.

The SPEAKER. Does the gentleman from Pennsylvania yield?

Mr. MAHON. I do not yield to the gentleman from South Carolina. Now, as I said before, I represent a district which is largely interested in claims pending before this House. Of course all the members here know that when the House has been in session for a long day, and the committees have been working, it is not practicable, and often impossible, to find members who are able to come back here for the night session.

But I represent a district here that has been clamoring at the doors of Congress for thirty-five years to get through the House just claims, which are due to the people of my State; and my people can not understand why Congress—Congress after Congress—makes no provision for their payment. These are people—and God knows the fact—that have suffered just as much as many of the men and women who are on the Private Pension Calendars of this House.

I hope the Committee on Rules, before a vote is taken, therefore, will give consent to an amendment that one Friday in the month shall be devoted to the consideration of private pensions, one to the Private Calendar, and one to the war claims, which are already pending upon the Calendars. If this is done, I shall have no objection to the proposition. If not, I feel like voting against it. I think this is only a proper request to make and one that must meet the approval of the House.

Mr. TALBERT. Mr. Speaker, I would like to ask unanimous consent to be permitted to address the House for some five or eight minutes.

Mr. MAHON. I will answer any question the gentleman desires to ask now.

Mr. TALBERT. I do not want to ask the gentleman a question. I want time in my own right.

The SPEAKER. The gentleman from Pennsylvania is entitled to the floor if he wishes to proceed. The gentleman from South Carolina asks unanimous consent that eight minutes of time be allotted to him in the discussion. Has the gentleman from Pennsylvania yielded the floor?

Mr. MAHON. I have not.

Mr. TALBERT. Then I will make the request when he gets through.

Mr. MAHON. I have offered to yield to the gentleman for any question he desires to ask.

Mr. TALBERT. I do not wish to ask the gentleman a question. He is hardly in a mood now to answer any question.

Mr. MAHON. Oh, yes; he is.

I believe it will take unanimous consent now, Mr. Speaker, as I understand the rule, to amend this report? If in order, I move to amend it.

The SPEAKER. It is not in order to offer an amendment under the circumstances.

Mr. MAHON. Very well.

Mr. TALBERT. Mr. Speaker, I ask unanimous consent that I may have eight minutes of the time of the House, and hope, under the circumstances, that I will not be denied that privilege.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

Mr. DALZELL. Mr. Speaker, I will yield eight minutes to the gentleman from South Carolina.

Mr. TALBERT. I am very much obliged to the gentleman.

Mr. Speaker, I would not have said a word but for the uncalled-for attack of the gentleman from Pennsylvania. We have witnessed here to-day a most remarkable spectacle. The utterances of the gentleman from Pennsylvania who has just taken his seat [Mr. MAHON] are unbecoming to any gentleman who occupies a seat on either side of this House. Without excuse and without provocation, he says here in his place, deliberately, as a member of this body, that he wishes in the next campaign in my district to induce some Populist or Republican to run against me in order (please listen) to bring a contest here against me so that he may have an opportunity of voting to throw me out, without law, without justice, and without evidence, just like they threw the gentleman from Alabama, Mr. Robbins, out a few moments ago. [Applause on the Democratic side.] I suppose he speaks for his party, and as he is speaking for his party I want the country to know that that is your custom and that is your method of procedure in the Republican party whenever it suits your purpose so to act.

What has the gentleman from South Carolina done to be thus assailed? What offense have I committed. Why, I have only stood up here, sir, in the exercise of my right as a member of this body and demanded that, under the rules and in the constitutional way, the business of this body should be transacted. But gentlemen on the other side, if they are opposed to the Constitution and to honesty and justice, as they seem to be, have a perfect right to claim their privilege and threaten to throw me out of the House, if perchance a contest shall arise against me some time in the future, simply and merely for the proper exercise of my constitutional prerogatives. Now, if that be your policy, gentlemen, pronounced by the gentleman from Pennsylvania [Mr. MAHON], you are entirely welcome to any such proposition as that. [Applause on the Democratic side.] In that you will only be doing what you do on all occasions.

You are to-day proceeding and acting in everything outside of the Constitution, and I want to say that you present yourselves to the country to-day as the hypocritical and pretended friends of the old soldiers when in your secret hearts you have no such feelings whatever. You only desire to electioneer with the public Treasury to continue yourselves in office. The gentleman has said that I was silent in the Fifty-fifth Congress because I had a contest. I deny it, and stand here to say that I fought fraudulent pensions as I am now doing and as I intend to do.

Why have these rules been brought in here? Not on account of anything that "the gentleman from South Carolina" has done or

said. Well, then, why? Because the majority party in this House, in their hypocritical cant, are unwilling to spend a few hours once a week at night in order to give the old soldier justice. You are unwilling to leave your pink teas and polka parties to come here to do the old soldier justice. [Applause and laughter on the Democratic side.] Only last Friday night, I am told, a number of you were absent attending a farewell tea party. Ah, ye hypocrites, ye pretenders, ye scribes and Pharisees! Ye whited sepulchres, full of dead men's bones within, though white outside. [Laughter.] It will be more tolerable for Tyre and Sidon than it will be for you in the day of judgment. [Laughter.]

And then I want to say further that if any gentleman upon that side of the House thinks that he can deter me from exercising my constitutional rights as a member of this House by threatening to turn me out on a probable contest, he mistakes his man. Turn out and be blanked! There are not enough Republicans in this House to intimidate me. And I want to say, turn me out once, and I will come back to haunt you again. Like Banquo's ghost, I will not down.

I am here to represent my people upon the question of pensions as well as upon all other questions. I intend to do what I think is right, though the heavens fall. Run as many men as you please against me, I will say to the gentleman from Pennsylvania.

I want to say, Mr. Speaker, while you abruptly and unjustly threatened to put the Sergeant-at-Arms upon me, a member who was in order, I think the Sergeant-at-Arms ought to have taken the gentleman from Pennsylvania [Mr. MAHON] by the nape of the neck and dragged him out of this Hall for making this personal assault upon a member who was only exercising his constitutional rights and privileges.

I want to say here and now that I intend to stand by my original proposition, that if you wish to come here and appropriate money for your deserters, your coffee coolers, your bounty jumpers, you have got to bring a quorum here to do it.

You can bring in here as many rules as you please. I do not care if you take every day in the week. You are responsible. And I want to say that was one of my two objects. One was to force you hypocrites—I will not say liars, because that is too unparliamentary—to force you hypocrites, because you are a set of hypocrites [laughter on the Democratic side], to either bring out a quorum on Friday nights or abandon them entirely and take the day time.

When you brought in your Puerto Rican bill, you stood up here and pretended that you wanted to pass it because the Puerto Ricans needed immediate relief and that was the only way to get it, and that very night you held a midnight conspiracy with the President—midnight marauders as you are—and brought in here an appropriation the next morning for money that you knew was in the Treasury at the very time you were urging the passage of the tariff bill. And yet you told a falsehood when you said you wanted to pass this tariff bill for immediate relief, because you knew it would take twelve months, under the operations of that bill, before you could relieve them. That is one of the reasons why I say that you are hypocrites. [Applause on the Democratic side.]

Now, I want to say again that I do not pretend to exercise a single right that I have, except that which is guaranteed me by the rules, the Constitution, and the laws of my country. And if you wish to undertake to turn me out because of that, crack your whip, for it only accentuates and shows more plainly to the country that you are yourselves violators of the law, violators of the rules, and violators of the Constitution of this the greatest nation upon the face of the earth.

I want to say again: Bring in your rules and pass them, as many of them as you please. Take the responsibility; and if I am able to drag myself here on those days, I will meet you here and demand that you bring a quorum to pass these bills in the daytime, as I did in the night. [Applause on the Democratic side.] And in doing this I want to say again that it is not my purpose to oppose the passage of a single meritorious claim for the pension of a single brave, patriotic old soldier.

In conclusion, allow me to say that I will continue to do my duty along this line; and if this be treason "make the most of it." [Applause.]

Again, before I take my seat, I want to say that I am not responsible for the introduction of this new rule, but that the responsibility must rest with those who were unwilling to furnish a quorum to do business; and I want also again to resent the insinuation of the gentleman from Pennsylvania that I did not oppose any pension legislation in the Fifty-fifth Congress because, forsooth, there was a contest on my hands. The record will show that I was always on hand during that Congress and opposed such measures as I deemed unworthy of passage, notwithstanding the existence of a contest. I am sorry that I have consumed so much of the time of the House, and should not have done so but for the nonsensical and unprovoked attack of the gentleman from Pennsylvania [Mr. MAHON]. [Applause.]

Mr. DALZELL. I yield to my colleague from Ohio [Mr. GROSVENOR].

The SPEAKER. How much time?

Mr. DALZELL. Five minutes.

Mr. GROSVENOR. Mr. Speaker, the gentleman from South Carolina is always consistent and always stands by the Constitution. I do not deny that he feels a great moral, personal, and political obligation laid upon him to see to it that pension bills are not passed without a quorum. Of course he differs in that respect from one hundred and sixty-odd other gentlemen on his side of the House, but we are bound to presume that he is the temporary custodian of the conscience of his party.

Now, I want to call attention to the fact that there is a sort of riparian growth in his conscience, a sort of aggregation of conditions. I was a member of the Fifty-fifth Congress, and the gentleman from South Carolina was here also. In that Congress he never once made the point of no quorum at a pension session, never. His conscience had not swelled up to the magnitude that it now occupies.

Now, I will never say anything unkind of the gentleman, but when there is such a change of heart as that, I would advise gentlemen here who desire to study the question to look at the records of the Fifty-fifth Congress and see whether there was any reason that might have suggested to the gentleman to keep the peace during that Congress. [Applause and laughter on the Republican side.] Now, can it be possible that my friend——

Mr. TALBERT. Will the gentleman repeat that remark? I did not catch it.

The SPEAKER. Does the gentleman from Ohio yield?

Mr. TALBERT. I just want to ask the gentleman what he said. I did not catch his remark.

Mr. GROSVENOR. I said I did not know but that anybody by a careful examination of the records of the Fifty-fifth Congress might find some reasons why your conscience had not got up to the sticking place about the Constitution that it has now. Now, why is it? But I must turn aside. I have only suggested it. I do not know that the conditions in the Fifty-fifth Congress have anything to do with his course in that matter. I want to show how mean people—mean men like the gentleman from Pennsylvania—might turn around and suspect that the gentleman was holding his conscientious scruples about the Constitution in abeyance during the pendency of certain matters in the last Congress.

Now, Mr. Speaker, I want to say to my friend from Tennessee something I believe I am better capable of stating with knowledge of the facts than he. The old soldiers of this country—I speak of the great body of the great Army of the Republic, both the members upon the roll of that splendid organization and the men who are not on those rolls—are not worried about these private pension bills. There is an underlying feeling that there is perhaps connected with them a discrimination in favor of the men who are thereby to be benefited by pensions which has no general application to the whole Grand Army. So I have stood here year after year and heard these shots fired from the other side about——

The SPEAKER. The time of the gentleman has expired.

Mr. DALZELL. I will yield further time to the gentleman.

Mr. GROSVENOR. How much time have you?

Mr. DALZELL. How much time have I, Mr. Speaker?

The SPEAKER. The gentleman has twenty-five minutes remaining.

Mr. DALZELL. I yield ten minutes to the gentleman.

Mr. GROSVENOR. We have pretty liberal pension laws, but not such as we would like to have. I have long been a convert to the doctrine of a service-pension law [applause]—a law that would give to every honorably discharged soldier a pension. I want to say to my friend that every private pension bill that passes which is a favor to a single soldier or a single widow proves a source of criticism from thousands of soldiers, widows, and citizens. Ninety-nine out of every hundred soldiers are remitted to the general pension law, and special cases come here. The other soldier is remitted to his rights under the law, and he is jealous of the man who gets his special favor.

Since I have been a member of Congress I have procured the passage of two pension bills to repension widows who had been pensioned and remarried and got into trouble one way or another with their second husbands. Instead of there having been any good feeling about it, I have been criticised about those two bills more than any other official act of my life; and you will find that it is true all along the line. There is a class of cases that occur——

Mr. RICHARDSON. Will the gentleman allow me to interrupt him?

Mr. GROSVENOR. Yes, sir.

Mr. RICHARDSON. I agree with the gentleman that a large majority, if not nearly all, soldiers can get their pensions when they are entitled through the Bureau, and that the bills that come here are where they have been denied a pension under the general laws in the Bureau.

Mr. GROSVENOR. Very many of them.

Mr. RICHARDSON. And nearly all that come here are because of some special reason. Now, what I wish to emphasize, and I think the gentleman ought to agree with me in it, is that where these bills are outside of the law, or where, because of some technical reason, the Bureau can not give them a pension, we ought to have more than ten minutes on a side on those bills.

Mr. GROSVENOR. The gentleman is quite right, and I had reached the point where I had said that there is a class of cases, when he interrupted me, that should be inquired into. I want to say that I have not looked carefully into the reports of the present committee, but I feel, and always have felt, that the committee in the last Congress was exceedingly wise—I do not know but what this committee is quite as wise—in discriminating between cases that can not be pensioned there and cases that for some reason are not eligible to a pension and those that ought to be acted upon; and if we only had those cases here we would have no trouble in one day practically passing all of them.

When I am present at a pension session, which is not always, I rely upon the report of the committee, and therefore the length of time for debate, ordinarily, is not a matter of very serious import to me. There are two or three classes of business in this House where I hitch my dependence on the committee; one is the Pension Committee, and the other is the Committee on Contested Election Cases. I do not propose to be held always strictly accountable for every vote I make on these questions, and therefore, if I should vote to retain the gentleman from South Carolina [Mr. TALBERT] in his seat in the next Congress, I shall apologize to all the world because the committee reported in his favor, and because there is no other justification I could possibly have in my judgment. [Laughter and applause.]

Now, then, as one of the Committee on Rules, I have consented to this rule because in my judgment it will benefit the private pension claims and the claims from the committee so ably represented by the gentleman from Pennsylvania [Mr. MAHON]. What has that committee had up to this time? Nothing. Why? Because you have always got the condition that puts up one class of cases against another class. But if they have two Fridays in each month, there will be very little contest about giving them the right to be heard.

If we have pension cases on two Fridays, in my judgment, we can pass all that the Committee on Invalid Pensions will feel that ought to be taken up. They report some bills that ought not to be taken up, and they are absolutely right about that. What I would like to have is that they should bring in one or two general propositions that I would like to vote for. So, Mr. Speaker, the report of the Committee on Rules is not intended to injure either one of this class of cases, but will be a benefit to both of them.

Mr. RIDGELY. Mr. Speaker——

The SPEAKER. Does the gentleman from Pennsylvania [Mr. DALZELL] yield to the gentleman from Kansas?

Mr. DALZELL. I can not yield to the gentleman, Mr. Speaker, as I desire the remainder of my time myself. The gentleman from Tennessee [Mr. RICHARDSON] does not object, as I understand, to the first part of the rule, that which substitutes two week days in the month for the evening sessions of Friday, but to that part which limits the debate; and he is opposed to that because he says it is unprecedented. Before I call his attention to the precedents, let me say to the gentleman, for I would have no misunderstanding about it, that this rule, as reported, is precisely in the condition it was in when it was submitted to the gentleman in the room of the Committee on Rules.

Mr. RICHARDSON. I take no issue with the gentleman on that. I assumed that it was only the change that had been indicated.

Mr. DALZELL. The gentleman from Tennessee is under the impression that rules of a like character which have been adopted in previous Congresses had relation to the discussion in the House and not to discussion in Committee of the Whole House.

Mr. RICHARDSON. In the House after the bills had received consideration in Committee of the Whole.

Mr. DALZELL. I want to call the gentleman's attention to the rule that was adopted at the first session of the Fifty-fourth Congress on the 5th of May, 1896.

Resolved, That Wednesday, May 6, 1896, and Wednesday, May 13, 1896, immediately after the reading of the Journal on each day, the House shall resolve itself into the Committee of the Whole House for the consideration of such bills as are in order on sessions of Friday evening; and in the consideration of such bills under this resolution ten minutes' debate shall be allowed on each bill with amendments thereto, such time to be divided equally between those favoring and those opposing the bill.

Mr. RICHARDSON. I want to ask the gentleman if each one of these bills was not considered or had not had consideration in the Committee of the Whole?

Mr. DALZELL. Not at all.

Mr. RICHARDSON. Then he will find, if he will pardon me, that this resolution only applied especially to one or two days and not to any general amendment of the rule.

Mr. DALZELL. That may be a modification of the gentleman's statement. Here is a precedent where the debate was limited to five minutes on a side, and where two days were set apart for consideration immediately after the reading of the Journal, and where the debate was limited in the Committee of the Whole House.

I call the gentleman's attention again to a resolution which was adopted in the second session of the Fifty-fourth Congress, on Tuesday, the 19th day of January, 1897:

Resolved, That on Tuesday, the 19th day of January, immediately after the reading of the Journal, the House shall resolve itself into Committee of the Whole House for the consideration of such bills as are in order at sessions on Friday evening, and in consideration of such bills under the resolution ten minutes' debate shall be allowed on each bill with amendments thereto, such time to be divided equally between those favoring and those opposing the bill.

So my friend is mistaken when he says this is an unprecedented rule. My friend will recognize the fact that precisely the same influences that compel the introduction into the House to-day of the main provision of the rule providing for day sessions compel also some limitation on debate. All gentlemen are familiar with the history of attempted pension legislation in this Congress. I do not lay any blame to that side of the House.

I have been told time and again by gentlemen on that side of the House, without number, that they were willing to contribute so far as they could to pension legislation, and that they regretted the fact that a single one of their members came here night after night and raised the technical objection against going into Committee of the Whole, which requires the presence of only 100 members, that there were not present to pass that perfunctory motion a quorum of the whole House.

And I want to say that I do not believe that in any Congress that I have known the Friday evening sessions of the House have been so well attended as they have been during the present Congress. I find, for instance, that on one evening there were present 117 members, 17 more than were necessary, under the rules, to do business, and there stood between them and the effort to do business the simple technical objection that there were not 179 members to adopt a motion to go into Committee of the Whole. I find that on another evening there were 169 members present, 9 less than a quorum; on another evening 156 members; and on last Friday evening 171, only 7 less than a quorum.

Mr. DRIGGS. If the gentleman will allow me, I would like to ask whether, in examining the list of members present at those evening sessions, he has observed the political sides that they occupy?

Mr. DALZELL. Oh, I have not drawn any distinction between Democrats and Republicans on pension legislation. I do not know of any Democrat that differs from a Republican with respect to pension legislation except the gentleman from South Carolina.

Mr. TALBERT. Will the gentleman allow——

Mr. DALZELL. I will not "allow." I decline to yield to the gentleman.

I draw no such distinction, because I am not imputing blame to that side of the House. I do not think blame is to be imputed to either side of the House with respect to these Friday night sessions. When you take into consideration the number of members constituting this body, the number that must at all times necessarily be absent, the number who are sick, the number who are physically incapable of attending to committee duties, and after spending five hours in the atmosphere of this House, of coming here to an evening session, I think that the record is a remarkable one and one of which both sides of the House have a right to be proud.

Why, gentlemen, to show the technical, and, if I should indulge in such language as has been indulged in here to-day, I might say the hypocritical, objection against proceeding with Friday evening pension legislation, I call your attention to the fact that the only thing the House has to do on Friday evening, as contemplated by the rule, is to go into Committee of the Whole; and to say that you shall have 79 more members present every Friday evening than are necessary to transact business on that evening, under the rule, simply for the purpose of passing a single perfunctory motion, is to show the insincerity of the whole business.

So that I end as I began: The necessity that prompts the introduction of the main rule prompts the introduction of the rule providing for limitation of debate, so that members on both sides of the House who are interested in proper legislation for the old soldier shall have an opportunity, without any hypocritical objection, to legislate in accordance with their will.

Mr. Speaker, I ask for the previous question.

Mr. RICHARDSON. I ask the gentleman to yield one minute——

Mr. DALZELL. I yield to the gentleman for a moment.

Mr. RICHARDSON. In view of the fair statement which the gentleman has made, acquitting this side of the House of any disposition to defeat pension legislation, why can we not agree that

the rule may be adopted without the clause limiting debate to ten minutes on a side? Because I assure the gentleman there will be no disposition to fritter away the time. It is because I dislike to see the precedent established of putting into the permanent rules of the House a limitation of this kind upon debate that I make this suggestion. I believe the gentleman can accomplish all he wishes in the way of pension legislation without it.

Mr. DALZELL. Now, Mr. Speaker, without wishing to say anything unkind to gentlemen on the other side, I must remark that the gentleman from Tennessee can not be responsible for that side of the House, because, though a while ago he said he would guarantee to us that there would be no filibustering, yet the gentleman from South Carolina who followed him within ten minutes announced that on all possible occasions when he could drag himself to the House he would filibuster, if nobody else did.

Nevertheless, having said that much, I now accept the suggestion just made by the gentleman from Tennessee and withdraw the latter part of the proposed rule. [Applause.]

The SPEAKER. Without objection, the ten-minute limitation will be withdrawn from this proposed rule. The Chair hears no objection.

The question being taken on agreeing to the resolution as modified, it was decided in the affirmative.

The SPEAKER. The proposed rule as modified is adopted.

On motion of Mr. DALZELL, a motion to reconsider the last vote was laid on the table.

ELECTION CONTEST—WISE VS. YOUNG.

Mr. WEEKS. Mr. Speaker, it was arranged that the contested-election case from the Second district of Virginia—Wise *vs.* Young—would follow immediately the contested-election case just disposed of this afternoon.

The SPEAKER. Notice was given to that effect.

Mr. WEEKS. Notice was given to that effect. I now renew my notice, and am about to ask that the case be taken up. But previous to doing so, I desire to offer a resolution on a question of personal privilege.

The SPEAKER. The gentleman from Michigan, from the Committee on Elections No. 3, submits the resolutions which the Clerk will report.

The Clerk read as follows:

In the contested-election case of Richard A. Wise against William A. Young, I offer the following resolutions in lieu of the resolution in the report of the majority of the committee:

Resolved, That William A. Young was not elected a member of the Fifty-sixth Congress from the Second Congressional district of Virginia and is not entitled to a seat therein.

Resolved, That Richard A. Wise was duly elected a member of the Fifty-sixth Congress from the Second Congressional district of Virginia and is entitled to a seat therein.

Mr. WEEKS. Now, Mr. Speaker, I offer these resolutions in lieu of the resolutions reported by the Committee on Elections.

The SPEAKER. Does the minority of the committee wish its substitute resolution to be pending at the same time?

Mr. BURKE of Texas. The minority of the committee, Mr. Speaker, ask that their resolution be considered as pending.

The SPEAKER. Then the substitute proposed by the minority will be considered also as pending.

Mr. WEEKS. That is correct.

The substitute resolution is as follows:

Resolved, That William A. Young was duly elected to a seat as Representative from the Second Congressional district of Virginia in the Fifty-sixth Congress of the United States and should retain the same.

Mr. BURKE of Texas. Now I respectfully ask the gentleman from Michigan that we make this kind of an agreement: That this case be taken up immediately after the approval of the Journal to-morrow and be discussed until half past 2 o'clock on Saturday afternoon, at which time a vote shall be taken in the House. And I make that suggestion, Mr. Speaker, on this ground. It is now half past 4 o'clock——

Mr. DALZELL. Let me interrupt the gentleman from Texas to state that to-morrow, under the rule just adopted, is set aside for the consideration of private pension bills.

Mr. BURKE of Texas. What is the statement of the gentleman?

Mr. DALZELL. Under the rule just adopted to-morrow has been set aside for the consideration of private bills under the same order as has heretofore prevailed on Friday night sessions.

Mr. BURKE of Texas. Then I suggest that this case be taken up now, in view of what the gentleman from Pennsylvania has stated, and that a vote be had, say, at 4 o'clock on Saturday afternoon.

The SPEAKER. The gentleman from Texas makes a request which the Chair will submit to the House. The gentleman asks unanimous consent that this election contest, which has just been reported from the committee, be taken up for discussion now, and that a vote be taken on the same at 4 o'clock on Saturday afternoon. Is there objection to the request of the gentleman from Texas?

Mr. WEEKS. Mr. Speaker, I object. I should prefer very much—however much I would like to meet the wishes of the gentleman from Texas—I should prefer that this case be argued and submitted to the vote of the House on Monday at half past 2 o'clock.

Mr. BURKE of Texas. But that, the gentlemen will remember, is District day.

Mr. WEEKS. I know it is. But I rely upon getting the consent of the chairman of the District Committee to have a vote taken at that time.

The SPEAKER. The gentleman from Michigan objects to the request of the gentleman from Texas and makes a request in lieu thereof, which the Chair will submit to the House, that this case be considered now, and that on Saturday a vote be taken at half past 2 o'clock. Is there objection?

Mr. BURKE of Texas. In order to be entirely even with my friend from Michigan, and to be placed on all fours with him, I object. [Laughter.]

The SPEAKER. Objection is made. The gentleman from Michigan is recognized if he desires to proceed with the case now.

Mr. WEEKS. Mr. Speaker, I call up the case for present consideration, and will state to the House that I shall move the previous question at half past 2 o'clock on Monday next.

The SPEAKER. The gentleman has given notice of his intention.

Mr. MUDD. Mr. Chairman, I do not see the chairman of the District Committee here, but I desire to give notice to the gentleman that we will ask the House to assign the day properly belonging to the Committee on the District to that committee, and shall make objection to any other arrangement until I know his wishes in that regard.

Mr. WEEKS. Mr. Speaker, this contest comes from the Second Congressional district of Virginia, and the members of this House have been already advised of the facts claimed by the contestant through the report of the Committee on Elections No. 3, which has been delivered by mail, or otherwise, to the members of the House. In presenting the argument at this time in support of the report of the committee it will not, therefore, be necessary to go largely into detail, inasmuch as every member has had an opportunity of examining the report and the figures shown relating to the election in question, in every precinct, contested or otherwise, throughout the Congressional district.

The results of these figures show to the satisfaction of the majority of the committee that the contestant, Richard A. Wise, was honestly elected to the seat in this House over the contestee by a majority of 1,947 votes. This result is reached by first stating the returns from the uncontested counties of Charles City, Elizabeth City, and Norfolk and the city of Newport News, which gave to the contestant a majority of 549 votes; by throwing out of consideration the entire vote of Norfolk, save those proven by the contestant, 437 votes, and afterwards taking up in detail the other contested voting precincts in the district, throwing out the returns from those districts where the result is tainted with fraud, and giving to the contestant the votes proven to have been received by him; all of which is particularly and carefully stated in the report of the committee, and which would, on this basis, give to the contestant a clear majority over the contestee of 2,434 votes.

In attacking the returns from the city of Norfolk, the theory of the contestant, which was fully sustained to the satisfaction of the committee, was that there was a general plan or scheme, concocted by the partisans of Young, to prepare and have a false and fraudulent poll list and in some manner cause to be placed in the ballot boxes a sufficient number of fraudulent votes to approximately compare with these fraudulent poll lists, and on the count of the ballot, and making the returns to count all such fraudulent votes for the contestee, and thus defeat the contestant.

Mr. HAY. Will the gentleman permit me to ask him a question?

Mr. WEEKS. Yes; one question.

Mr. HAY. I do not wish to interrupt the gentleman, if he does not desire to be interrupted.

Mr. WEEKS. I should prefer to make the argument as much in my own way as possible, for the reason that it consists largely of an examination of the figures. I am not going to talk about other matters outside of the case. I shall address myself to the House as an attorney would address a jury under the direction of the court, confining himself to the case on trial, and I shall indulge in very few of those glittering political generalities which are so interesting to some gentlemen on this floor, and which receive such generous applause on the other side. They are gems in their way, but we will lay them aside for this occasion.

It appears certain to the committee that this plan or scheme was worked thoroughly in the city of Norfolk in all its precincts, in some more thoroughly than in others; and it appears equally plain to the committee from the returns from all counties that the concoctors of this plan caused it to be spread over the district, and while the rural experts were not as cunning and intelligent as those who manipulated the Norfolk election, it seems to the committee very certain that the method of cheating in Norfolk was carried out wherever it was possible, and where this plan was

not carried out others were adopted quite as effective to carry out what the committee recognizes as a general scheme to cheat the contestant out of his election.

I shall direct my attention in the remarks I am about to make first to the city of Norfolk, where the frauds permeating the returns from every precinct are very transparent and were so clumsily worked as to deceive only the most unsophisticated. No doubt seems to exist that the 11 voting precincts in the city of Norfolk are badly tainted with this transparent fraud, and in all the precincts the performance was so similar that no doubt is left that it was planned and the motives of its practice disseminated to all the precincts from a common center. I call the attention of the House to the returns from all the counties outside of Norfolk, and any gentleman making careful figures will discover that upon these returns, of all the counties outside the city of Norfolk, contestant was elected by a majority of at least 2,400 votes when the returns are properly corrected and the results honestly obtained.

It is perhaps well to note the fact that in the Congressional election of 1898 the vote was unusually light. The returns in 1898 gave a total of 21,832 votes cast, of which 16,666 were from the counties and 5,166 from the city of Norfolk, the rural vote falling off 8,681, or over 34 per cent from the vote of 1896, and the vote of Norfolk in 1898 falling off only 13 per cent less than in 1896. It is curious to note also that the returns from the only four counties in the district uncontested—Charles City, Elizabeth City, Norfolk County, and the county of Newport News—shows that the falling off between the vote of 1896 and 1898 was nearly 50 per cent, and this remarkable change or falling off in the vote has not been explained and no one has attempted to explain it. It is also well to call the attention of the House to the fact, as will be seen on pages 70, 71, and 72 of the brief filed for the contestee, that the counsel for the contestee admits that no claim can be made for 1,060 of the 3,604 votes returned for him from Norfolk, and that the returns from both precincts of the Fifth Ward must be thrown out.

Mr. BURKE of Texas. Will the gentleman yield for a question?

Mr. WEEKS. I will.

Mr. BURKE of Texas. If the contestee concedes these votes and gives them up, wherein is the necessity for the gentleman's dwelling upon them at such length?

Mr. WEEKS. I will tell the gentleman from Texas. I am making these statements with regard to the two precincts so generously and gracefully yielded to the contestant on the ground of fraud, simply to illustrate and call attention hereafter to the fact that every other precinct in the city is just like that. They are worthy of mention as showing the general character of the election in the city of Norfolk.

An examination of all the returns from Norfolk will show that the returns from the two precincts of the Fifth Ward, conceded to be fraudulent, are exactly like those from other wards in the city in every essential characteristic, and the admission that they are false and fraudulent is a confession as to every other precinct in the city. I desire to state here that on the hearing and argument before the committee, counsel for the contestee, after having his attention called to the remarkable evidence of fraud in the returns and polling lists—the padding of the polling lists by the importation of false and fictitious persons—was asked in the presence of the whole committee whether he could explain the alphabetical arrangement of the names of alleged voters on the polling lists, as will be hereafter more specially referred to, and the counsel's reply was that he could not explain it. He was then asked the question whether he would justify before the committee such appearances, and with equal frankness stated that he would not.

Mr. Speaker, I claim that the same rule applies here that would in the trial of a suit in a court of law where the client is bound by the statements and admissions of his counsel made during the progress of the trial. No rule or practice is more familiar than this. Counsel in stating a case at the opening of a trial binds the party whose case he is stating; and if he has not stated a good and sufficient cause, the court would refuse to permit it to proceed and direct a verdict; so, in the midst of a trial of a suit at law counsel is asked whether such and such a proposition is admitted and states that it is, whereupon the court, taking the admission of the counsel, would direct a judgment or a verdict. This occurs so frequently that I need only refer to the fact, and every lawyer in this House will see the importance of the admission which was made by Mr. Brooke as against the contestee, for whom he was acting upon this hearing before the committee. If, therefore, the admission is held to be an admission of the contestee, every vote received by the contestee in the city of Norfolk must be discarded and the vote of the whole city must be given to the contestant, so far as he has proven the votes received by him, which, as already stated, amounted to 437. (See page 15 of the report of the committee.)

In discussing the vote of the city of Norfolk I will take the first precinct of the Fifth Ward as a sample. Seven hundred and nine men voted. The returns give Young 529 and give Wise 52. The votes returned, however, fall 20 short of what the poll purported to have been cast. The evidence shows that the Republican tally keepers, who knew that the vote polled was barely half as large as that cast in 1896, were surprised when they saw the returns; but when they saw the poll books, there was no difficulty in understanding how the thing could occur. By turning to the record page 1105, this remarkable evidence will be found:

That blocks of names of men who never voted had been transcribed into this poll book, and that it had been done in a very awkward way. Example: On the poll book, page 1105, from vote No. 536 to No. 543, 8 persons with names beginning with A appear to have voted consecutively, followed by 30 persons whose names begin with B, No. 544 to No. 573. This was followed by 13 persons whose names began with C, No. 574 to No. 586, inclusive. I will not stop to dwell upon the singular coincidence of such circumstance, but it is all the more remarkable when the same thing exactly is found to have occurred in all the other precincts of the city. The contestant does not rest entirely upon the remarkable circumstance or coincidence of alphabetical arrangement, but introduces evidence to prove by 16 men, whose names appear on the poll list thus arranged, that they did not vote. Of these 16 was the name of one who appeared in the middle of a group of A's, 2 whose names appeared in the middle of a group of B's, and 2 whose names appeared in the middle of a group of C's. These were well-known men with whom the judges of the election at the precinct were well acquainted and concerning whom there could have been no misapprehension. (See record, page 1116; testimony of Woodworth and Tierney, prominent Republicans.)

The contestant also proved, as shown by the record, that 6 others whose names appear as having voted were nonresidents of the district and were even nonresidents of the State. Pursuing the matter still further, the contestant proved by the Democratic registrar of the election that 32 names appear on the poll book as having voted were not on the registration list at all. This circumstance is treated by the contestee in his brief in a very light, airy manner, where he speaks of "these apparent irregularities," and states that they are "difficult to explain," and dismisses the matter by paying a compliment to the high character of the election officials at this precinct. Could anything be more conclusive of fraud than the facts thus presented from the first precinct of the Fifth Ward of Norfolk?

Let us take the second precinct of the Fifth Ward. Here 528 votes were cast and only 506 accounted for. The returns gave Young 407 and Wise 22, and in six lines of his brief (page 70) contestee gives up these 400 votes without even a compliment to the judges of the election, admitting that the returns from this precinct are too evidently rotten with fraud to be considered even by the contestee. The block system of transfers of names from the registration book to the poll book is again apparent in this return; but we need not discuss this particular precinct, as it is conceded that it should be cast aside. Among the little instances, however, worth mentioning, as showing the general character of the election in the city of Norfolk, is this: The Democratic registrar proves 26 names on the poll book not on the registration book; 9 voters, whose names are scattered through the lists on the poll book, swear that they never voted; the registrar swears there are no names like theirs on the registration book; 2 persons, as having voted, were proved to have been dead; others returned as voting are proved to have been in the Army and absent. And this overwhelming proof, regardless of the contestee's confession, shows that more than one-fourth of the returns from Norfolk for contestee are utterly unworthy of belief.

Mr. Speaker, at the request of several gentlemen about me, I will now suspend my speech and move that the House do now adjourn, reserving the right to continue my remarks when the consideration of this case is resumed.

Mr. BURKE of Texas. At what time?

Mr. WEEKS. On Saturday, I suppose.

The SPEAKER. Will the gentleman withhold his motion to adjourn, to allow the Chair to submit two messages from the President of the United States?

Mr. WEEKS. Certainly.

ENROLLED BILLS SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

H. R. 2321. An act granting an increase of pension to Horatio H. Warren;

H. R. 1806. An act for the relief of W. W. Riley;

H. R. 2637. An act granting an increase of pension to Albert Hammer; and

H. J. Res. 119. An act to amend an act entitled "An act to extend Rhode Island avenue," approved February 10, 1899.

EXPENDITURES OF AGRICULTURAL EXPERIMENTAL STATIONS.

The SPEAKER laid before the House the following message of the President; which was read, referred to the Committee on Agriculture, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report of the Secretary of Agriculture on the work and expenditures of the agricultural experimental stations established under the act of Congress of March 2, 1887, for the fiscal year ended June 30, 1899, in accordance with the act making appropriations for the Department of Agriculture for the said fiscal year.

WILLIAM McKINLEY.

EXECUTIVE MANSION, *March 8, 1900.*

NATIONAL CELEBRATION OF THE ESTABLISHMENT OF THE SEAT OF GOVERNMENT IN THE CITY OF WASHINGTON.

The SPEAKER laid before the House the following message of the President; which was read, referred to the Select Committee on the Centennial of the Establishment of the Seat of Government in Washington, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the information of Congress, the report of the proceedings of the committee appointed in conformity with an act of Congress entitled "An act to provide for an appropriate national celebration of the establishment of the seat of government in the District of Columbia," approved February 28, 1899.

WILLIAM McKINLEY.

EXECUTIVE MANSION, *March 7, 1900.*

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. GAINES, for ten days, on account of important business.

ORDER OF BUSINESS.

Mr. WEEKS. If the motion to adjourn is carried, Mr. Speaker, when do I resume the argument in this case?

The SPEAKER. The gentleman will be recognized when he calls up the case.

Mr. WEEKS. I will give notice——

Mr. BARTLETT. I hope the gentleman will speak up, there is such an immense audience here now, so that we may be able to hear him.

Mr. BURKE of Texas. Mr. Speaker, judging from what the gentleman from Pennsylvania said a moment ago, my idea was that the case goes over until Saturday.

The SPEAKER. The regular order to-morrow will be the consideration of pension business, under the new rule just adopted. The Chair thinks it would be well that that be understood between the two sides, so that gentleman will not be here unnecessarily for that purpose. The gentleman reserves the balance of his time?

Mr. WEEKS. Yes, sir.

The SPEAKER. And moves that the House do now adjourn?

Mr. WEEKS. Yes, sir.

The motion was agreed to; and accordingly (at 5 o'clock and 3 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Navy submitting an estimate of appropriation for deficiencies in funds for printing and binding—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Commissioner of Fish and Fisheries submitting an estimate of appropriation for fish hatchery stationed at St. Johnsbury, Vt.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of War, transmitting a report of the Quartermaster-General of the Army on the claim of Henry J. Hewitt, of Missouri—to the Committee on War Claims, and ordered to be printed in part as designated.

A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of the examination and survey of Diamond Reef and Coenties Reef, East River, New York—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Acting Secretary of War, transmitting a paper relating to the claim of Maj. J. B. Guthrie, and also a copy of the report of the Judge-Advocate-General of the Army, together with draft of a bill—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. McPHERSON, from the Committee on the Post-Office and Post-Roads, to which was referred the bill of the House (H. R. 8923) to revise and codify the laws relating to the Post-Office Department and postal service and to amend the same, and for other purposes, reported the same without amendment, accompanied by a report (No. 551); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CANNON, from the Committee on Appropriations, to which was referred the bill of the House (H. R. 9279) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1900, and for prior years, and for other purposes, reported the same without amendment, accompanied by a report (No. 552); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HEATWOLE, from the Committee on Printing, to which was referred the concurrent resolution of the House (H. C. Res. 26) to print 25,000 copies of the report of First Assistant Postmaster-General for the year ending June 30, 1899, in lieu of H. C. Res. No. 13, accompanied by a report (No. 553); which said concurrent resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the joint resolution of the Senate (S. R. 75) to print 31,000 copies of the eulogies on Garret A. Hobart, late Vice-President of the United States, reported the same without amendment, accompanied by a report (No. 554); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the joint resolution of the House (H. J. Res. 159) to amend joint resolution to furnish the daily CONGRESSIONAL RECORD to members of the press, and so forth, approved February 17, 1897, reported the same without amendment, accompanied by a report (No. 555); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the concurrent resolution of the Senate (S. Con. Res. No. 25) to print 12,500 copies of the report of the Director of Geological Survey relating to Cape Nome district, in Alaska, reported the same without amendment, accompanied by a report (No. 556); which said concurrent resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the joint resolution of the Senate (S. R. 91) authorizing the printing of extra copies of the publications of the Office of Naval Intelligence, Navy Department, reported the same without amendment, accompanied by a report (No. 557); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the concurrent resolution of the Senate (S. Con. Res. No. 22) to print 12,500 copies of the proceedings in connection with the receipt of the Webster statue on January 18, 1900, reported the same with amendment, accompanied by a report (No. 560); which said concurrent resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LACEY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 5763) to extend the public land laws to the district of Alaska, reported the same with amendment, accompanied by a report (No. 561); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ADAMS, from the Committee on Foreign Affairs, to which was referred the bill of the House (H. R. 1026) to increase the efficiency of the foreign service of the United States and to provide for the reorganization of the consular service, reported the same with amendment, accompanied by a report (No. 562); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. KETCHAM, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 876) authorizing the Secretary of War to reconstruct the post of Fort Hamilton, N. Y., according to a new and appropriate plan, to purchase or acquire by exchange, or both, the necessary ground adjoining the Government reservation, and to erect buildings, reported the same without amendment, accompanied by a report (No. 564); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LACEY, from the Committee on the Public Lands, to which was referred the House bill 7572, reported in lieu thereof a bill (H. R. 9310) extending in the district of Alaska the placer-mining laws to lands reserved from sale in sections 1 and 10 of an act of Congress approved May 14, 1898, entitled "An act extending the

homestead laws and providing for right of way for railroads in the district of Alaska, and for other purposes," accompanied by a report (No. 566); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. BOUTELL of Illinois, from the Committee on Claims, to which was referred the bill of the House (H. R. 523) for the relief of Arba N. Waterman, reported the same without amendment, accompanied by a report (No. 550); which said bill and report were referred to the Private Calendar.

Mr. WEEKS, from the Committee on Pensions, to which was referred the bill of the Senate (S. 1752) granting a pension to James J. Wheeler, reported the same without amendment, accompanied by a report (No. 558); which said bill and report were referred to the Private Calendar.

Mr. HENRY C. SMITH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 548) granting a pension to Edward Harris, reported the same with amendment, accompanied by a report (No. 559); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 2368) granting a pension to Mary A. Randall, reported the same without amendment, accompanied by a report (No. 563); which said bill and report were referred to the Private Calendar.

Mr. FREER, from the Committee on Patents, to which was referred the bill of the House (H. R. 638) to extend certain patents of Seth H. Smith, reported the same with amendment, accompanied by a report (No. 565); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CANNON, from the Committee on Appropriations: A bill (H. R. 9279) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1900, and for prior years, and for other purposes—to the Union Calendar.

By Mr. BINGHAM: A bill (H. R. 9280) to make applicable to the Marine Corps the provisions of the act of March 3, 1899, to reorganize and increase the efficiency of the personnel of the Marine Corps of the United States—to the Committee on Naval Affairs.

By Mr. SHERMAN: A bill (H. R. 9281) providing for an additional circuit judge in the second judicial district—to the Committee on the Judiciary.

By Mr. JENKINS: A bill (H. R. 9282) to amend section 4434 of the Revised Statutes—to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 9283) to regulate insurance in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. LANHAM: A bill (H. R. 9284) to attach the county of Foard, in the State of Texas, to the Fort Worth division of the northern district of Texas, and providing that all process issued against defendants residing in said county shall be returned to Fort Worth—to the Committee on the Judiciary.

By Mr. CLAYTON of Alabama: A bill (H. R. 9285) to grant lands to the State of Alabama for the purposes of education of colored students at Montgomery, Ala., and for the use of the State Normal College at Troy, Ala.—to the Committee on the Public Lands.

By Mr. MARSH: A bill (H. R. 9286) authorizing the construction of a training ship for service upon the Mississippi River for the use of the naval militia—to the Committee on Naval Affairs.

By Mr. NEWLANDS: A bill (H. R. 9287) to increase the salary of the United States marshal for the district of Nevada—to the Committee on the Judiciary.

By Mr. SHERMAN: A bill (H. R. 9288) to amend section 12 of the customs administrative act of 1890—to the Committee on Ways and Means.

Also, a bill (H. R. 9289) authorizing and empowering the Secretary of War to grant the right of way for and the right to operate and maintain a line of railroad through the Fort Ontario Military Reservation, in the State of New York, to the Oswego and Rome Railroad Company—to the Committee on Military Affairs.

By Mr. LACEY: A bill (H. R. 9290) to extend the system of public surveys to the district of Alaska—to the Committee on the Public Lands.

Also, a bill (H. R. 9291) to extend the timber and stone acts to the district of Alaska—to the Committee on the Public Lands.

By Mr. BARTHOLDT: A bill (H. R. 9292) for the improvement of the Missouri River at and near the city of Union, Franklin County, Mo.—to the Committee on Rivers and Harbors.

By Mr. ELLIOTT: A bill (H. R. 9293) to permit certain burials of the dead in the lands of the Protestant Episcopal Cathedral Foundation of the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. LACEY: A bill (H. R. 9294) to limit placer-mining claims in the district of Alaska, and for other purposes—to the Committee on the Public Lands.

Also, a bill (H. R. 9295) to prohibit the location of mining claims by power of attorney in the district of Alaska—to the Committee on the Public Lands.

Also, a bill (H. R. 9296) to amend the homestead laws of the district of Alaska—to the Committee on the Public Lands.

Also, from the Committee on the Public Lands: A bill (H. R. 9310) extending in the district of Alaska the placer-mining laws to lands reserved from sale in sections 1 and 10 of an act of Congress approved May 14, 1898, entitled "An act extending the homestead laws and providing for right of way for railroads in the district of Alaska, and for other purposes"—to the Committee on the Public Lands.

By Mr. LITTLE: A bill (H. R. 9342) for the relief of homestead settlers, and for other purposes—to the Committee on the Public Lands.

By Mr. PIERCE of Tennessee (by request): A bill (H. R. 9343) to amend section 6, chapter 119, United States Statutes at Large, relating to Indian Territory—to the Committee on Indian Affairs.

By Mr. KLEBERG (by request): A joint resolution (H. J. Res. 197) for the relief of heirs of S. A. Belden & Co.—to the Committee on Foreign Affairs.

By Mr. SHERMAN: A joint resolution (H. J. Res. 198) providing for the printing and distribution of the general report of the expedition of the steamer *Fishhawk* to Puerto Rico, including the chapter relating to the fish and fisheries of Puerto Rico, as contained in the Fish Commission Bulletin for 1900—to the Committee on Printing.

By Mr. BINGHAM: A memorial of the general assembly of Pennsylvania, urging Federal legislation to protect free labor from injurious competition with contract labor—to the Committee on Interstate and Foreign Commerce.

By Mr. WACHTER: A joint resolution and memorial of the general assembly of the State of Maryland, for the passage of a bill to reimburse and indemnify the mayor and aldermen of Frederick, Md.—to the Committee on War Claims.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BRICK: A bill (H. R. 9297) to remove the charge of desertion from the military record of Jonas Albert—to the Committee on Military Affairs.

Also, a bill (H. R. 9298) to remove the charge of desertion from the military record of Andrew Matheny—to the Committee on Military Affairs.

By Mr. BINGHAM: A bill (H. R. 9299) to authorize the President to place the name of Archibald K. Eddowes on the retired list of the United States Navy with the rank of chief engineer, United States Navy—to the Committee on Naval Affairs.

By Mr. BURNETT: A bill (H. R. 9300) granting a pension to Hughey H. Herring, late of the United States Navy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9301) granting a pension to Matthew V. Ellis, of Exie, Ala.—to the Committee on Pensions.

Also, a bill (H. R. 9302) for relief of John A. Bates—to the Committee on War Claims.

By Mr. CALDWELL: A bill (H. R. 9303) granting a pension to Eliza Jane Garvin—to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 9304) to restore pension to Sarah A. Fugett, widow of James H. Fugett, Company K, Seventh Kentucky Cavalry Volunteers—to the Committee on Invalid Pensions.

By Mr. CURTIS: A bill (H. R. 9305) for the relief of Robert H. Semple—to the Committee on Military Affairs.

Also, a bill (H. R. 9306) for the relief of G. W. Seaman late postmaster at Red Mountain, Colo.—to the Committee on Claims.

By Mr. DALZELL: A bill (H. R. 9307) granting a pension to Mary A. Colhoun—to the Committee on Invalid Pensions.

By Mr. DAYTON: A bill (H. R. 9308) granting an increase of pension to Joseph M. Shaw—to the Committee on Invalid Pensions.

By Mr. FITZGERALD of Massachusetts: A bill (H. R. 9309) for the relief of the estate of Nicholas White, deceased, late of Washington, D. C.—to the Committee on War Claims.

By Mr. GRIFFITH: A bill (H. R. 9311) granting a pension to Harvey McClanahan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9312) granting a pension to Mary McGowan—to the Committee on Invalid Pensions.

By Mr. GARDNER of Michigan: A bill (H. R. 9313) to correct the military record of Henry Myers—to the Committee on Military Affairs.

Also, a bill (H. R. 9314) granting a pension to Horace Wilson—to the Committee on Invalid Pensions.

By Mr. GRAFF: A bill (H. R. 9315) directing the issue of duplicate of lost check drawn by C. C. Sniffen, major, United States Army, in favor of Fourth National Bank, New York City—to the Committee on Claims.

By Mr. HAMILTON: A bill (H. R. 9316) granting an increase of pension to Wesley N. Longcor—to the Committee on Invalid Pensions.

By Mr. HENRY of Mississippi: A bill (H. R. 9317) for the relief of the estate of W. T. Collins, deceased, late of Hinds County, Miss.—to the Committee on War Claims.

By Mr. JACK: A bill (H. R. 9318) granting an increase of pension to James M. Derby—to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 9319) for the relief of Patrick O'Neil—to the Committee on Claims.

By Mr. LOUDENSLAGER: A bill (H. R. 9320) for the relief of Albert Steiner—to the Committee on Claims.

By Mr. LACEY: A bill (H. R. 9321) granting a pension to Nancy A. Killough—to the Committee on Invalid Pensions.

By Mr. LITTLE: A bill (H. R. 9322) for the relief of Bayles E. Cobb, of Fordyce, Ark.—to the Committee on War Claims.

Also, a bill (H. R. 9323) for the relief of the widow and heirs of the late D. G. Hineman, late of Fayette County, Tenn.—to the Committee on War Claims.

By Mr. O'GRADY: A bill (H. R. 9324) to correct the military record of Leroy F. Hammond—to the Committee on Military Affairs.

Also, a bill (H. R. 9325) granting a pension to James McNabb—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 9326) for the relief of Robert C. Hornsburg, of Washington County, Md.—to the Committee on War Claims.

Also, a bill (H. R. 9327) granting an increase of pension to John W. Fox—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9328) for the relief of the Columbian Iron Works and Dry Dock Company—to the Committee on Claims.

By Mr. RAY of New York: A bill (H. R. 9329) granting a pension to Norman P. Brown—to the Committee on Invalid Pensions.

By Mr. SHERMAN: A bill (H. R. 9330) granting a pension to Emma B. Taber—to the Committee on Invalid Pensions.

By Mr. SAMUEL W. SMITH: A bill (H. R. 9331) granting an increase of pension to Helen F. Thomas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9332) granting a pension to Carrie L. Armstrong—to the Committee on Invalid Pensions.

By Mr. SHAFROTH: A bill (H. R. 9333) granting an increase of pension to Henry H. Geiger—to the Committee on Invalid Pensions.

By Mr. SUTHERLAND: A bill (H. R. 9334) granting an increase of pension to Reuben W. Bartram—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 9335) granting a pension to Felix Lindsey—to the Committee on Invalid Pensions.

By Mr. WACHTER: A bill (H. R. 9336) to grant a pension to Isabella Armiger, mother of John M. Armiger, late of Company A, Eleventh Regiment Maryland Infantry Volunteers, and so forth—to the Committee on Pensions.

By Mr. WILLIAMS of Mississippi: A bill (H. R. 9337) for the relief of John D. Ryan, of Meridian, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 9338) for the relief of the estate of William Roberts, late of Scott County, Miss.—to the Committee on War Claims.

By Mr. YOUNG of Pennsylvania: A bill (H. R. 9339) for the relief of Charles Davis, assignee of Augustus D. Saylor, deceased—to the Committee on Claims.

Also, a bill (H. R. 9340) granting a pension to Charles Moyer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9341) granting a pension to Thomas Chase—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petitions of J. J. Conger, C. W. Jardy, and other retail dealers, of Oneida, Iowa, in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

By Mr. BARTHOLDT: Petition of the St. Louis Credit Men's Association, protesting a repeal of the bankruptcy act and recommending amendments for the better protection of creditor and debtor alike—to the Committee on the Judiciary.

Also, resolution of Colonel Lennard Post, No. 251, Grand Army of the Republic, of Missouri, and others, urging the passage of House bill No. 2583, giving veterans preference in employment—to the Committee on Reform in the Civil Service.

By Mr. BARTLETT: Petitions of W. B. Hill, chancellor of the University of Georgia, and B. F. Holder, jr., of Forsythe, Ga., against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BELL: Petition of the Woman's Christian Temperance Union of Olathe, Colo., also of the Baptist Church of Olathe, for the passage of a bill giving prohibition to Hawaii—to the Committee on the Territories.

Also, petitions of J. B. Macarey, of Denver, Colo., adjutant First Regiment, National Guard, Colorado State Militia, and W. F. White, of Grand Junction, Colo., in favor of House bill No. 7936, making an increase in the appropriation for arming and equipping the militia of the States and Territories—to the Committee on Militia.

Also, petition of the Chemical Manufacturing Company of Denver, Colo., for the improvement of Trinity River to the city Dallas, Tex.—to the Committee on Rivers and Harbors.

Also, resolutions of the Chamber of Commerce of Denver, Colo., in favor of Senate bill No. 1439, relating to an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

Also, petitions of Christian Keck, of Del Norte; F. L. Heuschkel, of Glenwood Springs; James P. Williams, of Pueblo; H. Applegate, of Lamar; H. A. Tanner, of Fondis, and C. H. Lovelady, of Lamar, Colo., in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

Also, petitions of G. A. Gibbs, of Del Norte; W. W. Taylor, of Trinidad; H. F. Morgan, of Arriola; M. R. Wedell, of Dolores, and Hugh Quinn and J. J. Pride, of Durango, State of Colorado, favoring Government distribution of vaccine—to the Committee on Agriculture.

Also, petition of Federal Labor Union No. 1, of Pueblo, Colo., against the passage of House bill No. 7936, increasing the appropriation for the State militia—to the Committee on the Militia.

Also, petition of Charles Denison, M. D., of Denver, Colo., favoring the passage of Senate bill No. 1440 and House bill No. 6618, relating to a department of public health; also against the passage of Senate bill No. 34, prohibiting vivisection—to the Committee on the District of Columbia.

Also, resolution of the Woman's Club of Denver, Colo., protesting against the desecration of the national flag—to the Committee on the Judiciary.

By Mr. BROSIUS: Protest of J. R. Missliner, of Mount Joy, Pa., against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of General Welsh Post, No. 118, Grand Army of the Republic, of Columbia, Pa., in favor of House bill No. 7094, to establish a branch Soldiers' Home at or near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. BULL: Petition of Dr. John M. Peters, superintendent, and other officers of the Rhode Island Hospital, indorsing House bill No. 6879, for the employment of women nurses in military hospitals of the Army—to the Committee on Military Affairs.

Also, resolutions of Portsmouth Grange, No. 29, of Portsmouth, and Kingston Grange, No. 10, Kingston, R. I., Patrons of Industry, favoring the passage of Senate bill No. 1439, to amend the act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the New England Manufacturing Jewelers' Association, protesting against the ratification of the treaty with France—to the Committee on Foreign Affairs.

By Mr. BURNETT: Affidavit of J. A. Choate, to accompany House bill No. 7853, to remove the charge of desertion against him—to the Committee on Military Affairs.

By Mr. CALDWELL: Petition of Robert Irwin and others, of Beason, Ill., favoring the bill relating to dairy products—to the Committee on Agriculture.

By Mr. CAPRON: Resolutions of James C. Nichols Post, No. 19, Grand Army of the Republic, of Rockland, R. I., indorsing the bill to establish a Branch Home for disabled soldiers at or near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, resolution of the New England Manufacturing Jewelers' Association, protesting against the ratification of the reciprocity treaty with France—to the Committee on Foreign Affairs.

Also, resolutions of West Kingston Grange, No. 10, Patrons of Husbandry, of Kingston, R. I., urging the passage of Senate bill No. 1439, relative to amendments to the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

Also, petition of Dr. John M. Peters, superintendent, and other officers of the Rhode Island Hospital, in favor of the bill for the employment of female nurses in the Army—to the Committee on Military Affairs.

By Mr. CONNELL: Petitions of E. F. N. Edwards and others, of Spring Brook, and John Sayers and others, of Maple Lake, Pa., in favor of the Grout bill, taxing oleomargarine—to the Committee on Agriculture.

By Mr. CRUMP: Petitions of C. H. Steiger, of Midland, and J. P. Leknot, of Bay City, Mich., in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, remonstrance of the Michigan Hardware Association, of Detroit, Mich., against the parcel-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of C. S. Killmer, C. J. Brandt, and A. H. Willis, of Standish, Mich., favoring the passage of House bill No. 3717, amending the oleomargarine law—to the Committee on Agriculture.

By Mr. CURTIS: Petition of J. M. Bowen and others, druggists, of Atchison, Kans., for the repeal of the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. DALZELL: Petition of Western Pennsylvania Retail Druggists' Association, of Pittsburg, Pa., for the repeal of the stamp tax on medicines, etc.—to the Committee on Ways and Means.

Also, petitions of Cortland Whitehead, bishop, of Pittsburg, Pa., and of the publisher of Amerikansko Slovenske Noviny, of Pittsburg, in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of General Alex. Hays Post, Grand Army of the Republic, in favor of House bill No. 7094, for the establishment of a Branch Soldiers' Home at or near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, resolutions of the United Presbyterian and Methodist Preachers' Meeting, of Pittsburg, Pa., against the extension of saloon slavery to our new islands—to the Committee on Alcoholic Liquor Traffic.

By Mr. S. A. DAVENPORT: Petition of W. F. Nick and other druggists of Erie, Pa., for the repeal of the stamp tax on proprietary medicines, perfumery, etc.—to the Committee on Ways and Means.

By Mr. DAYTON: Petition of the estate of William Corrick, deceased, late of Tucker County, W. Va., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. DOLLIVER: Petition of E. P. McEvoy and other citizens of Osgood, Iowa, favoring the Grout bill, relating to dairy products—to the Committee on Agriculture.

Also, resolution of Company F, Fifty-second Regiment, Algona (Iowa) National Guard, Iowa State Militia, in favor of House bill No. 7936, making an increase in the appropriation for arming and equipping the militia of the States and Territories—to the Committee on the Militia.

By Mr. DRIGGS: Papers to accompany House bill for the correction of the military record of George Michel—to the Committee on Military Affairs.

By Mr. EMERSON: Petitions of Henry A. Eaton and others, of Brandon, and H. McWhorter and others, of Hartford, N. Y., for legislation relating to the transportation of dairy or food products—to the Committee on Interstate and Foreign Commerce.

Also, petition of Phillips & Casey and Irving C. Foote, jr., of Fort Edward, N. Y., against the passage of House bill No. 6071—to the Committee on the Post-Office and Post-Roads.

By Mr. GRIFFITH: Petitions of commander and members of Grand Army of the Republic post at Paris, Ind.; officials of Jefferson County, Ind., and statement of Harvey McClenahan, praying for the passage of a bill granting him a pension—to the Committee on Invalid Pensions.

Also, resolutions of Fouts Post, No. 272, Grand Army of the Republic, of Indiana, in support of House bill No. 7074, entitled "A bill to establish a branch Soldiers' Home at or near Johnson City, Washington County, Tenn.—to the Committee on Military Affairs.

Also, statement of the Bliss Milling Company, of Seymour, Ind., in regard to discrimination in freight rates—to the Committee on Interstate and Foreign Commerce.

Also, affidavit and official certificate to accompany House bill granting a pension to Mary McGowan—to the Committee on Invalid Pensions.

By Mr. HILL: Petition of Charles W. Deane and others, of Bridgeport, Conn., in favor of House bill No. 6634 and 6062, for the preservation of game and other birds—to the Committee on Agriculture.

By Mr. HOWELL: Petition of St. George Kempson, of Perth Amboy, N. J., against the passage of House bill No. 6071—to the Committee on the Post-Office and Post-Roads.

By Mr. JACK: Petition of C. W. Ditty, S. D. Smith, and others, of Summerville, Pa., favoring the Grout bill relating to dairy products—to the Committee on Agriculture.

Also, petition of C. O. Slater and other citizens of Latrobe, Pa., to accompany House bill for the relief of James M. Derby—to the Committee on Invalid Pensions.

Also, paper to accompany House bill No. 2738, for the relief of Charles W. Hoffman—to the Committee on Invalid Pensions.

By Mr. KLEBERG: Petition of W. Westhoff and other leading stock raisers of De Witt County, Tex., for the continuation of Government distribution of blackleg vaccine—to the Committee on Agriculture.

By Mr. KNOX: Papers to accompany House bill No. 9297, to remove the charge of desertion now standing against William J. Dempsey—to the Committee on Military Affairs.

By Mr. McCALL: Petition of the First Baptist Church of Medford, Mass., asking for the prohibition of the liquor traffic in our new possessions—to the Committee on Insular Affairs.

By Mr. McCLEARY: Resolutions of the Chamber of Commerce of Duluth, Minn., Ray T. Lewis, president, in relation to the hydrographic appropriation—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of a mass meeting at Walker, Minn., Daniel De Lury, secretary, urging the establishment of a national park in northern Minnesota—to the Committee on the Public Lands.

Also, resolution of the Minneapolis Trades and Labor Council, Harry M. Cohen, secretary, protesting against a proposed modification of the postal clerks' eight-hour law—to the Committee on the Post-Office and Post-Roads.

By Mr. OVERSTREET: Petitions of M. L. Hessing and 60 other citizens of the State of Indiana, in favor of the bill to tax oleomargarine—to the Committee on Agriculture.

By Mr. PHILLIPS: Petition of Warren W. H. Lawrence, to accompany House bill No. 9100, granting him a pension—to the Committee on Invalid Pensions.

By Mr. POLK: Paper to accompany House bill No. 7612, for the relief of Randolph Hayan—to the Committee on Invalid Pensions.

By Mr. RAY of New York: Petitions of C. L. Horton, Luther N. Davis, and other citizens of Chenango County, N. Y., favoring the Grout bill relating to dairy products—to the Committee on Agriculture.

By Mr. ROBINSON of Indiana: Resolution of Grand Army of the Republic Post of New Haven, Ind., J. A. Crippen, commander, favoring the establishment of a branch soldiers' home for disabled soldiers at or near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. SHATTUC: Petition of the Fire and Marine Underwriters of Cincinnati, Ohio, praying for favorable consideration of House bill No. 6247, to substitute a tax on the gross premiums of insurance companies in lieu of the stamp tax—to the Committee on Ways and Means.

By Mr. SPRAGUE: Protests of the Waverley Publishing Company; also of the Home Journal, of Boston, Mass., against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the New England Manufacturing Jewelers' Association, Providence, R. I., protesting against the confirmation of the treaty with France—to the Committee on Foreign Affairs.

Also, memorial of George R. Bird Post, No. 169, Grand Army of the Republic, of Norwood, Mass., favoring the passage of a bill to establish a branch soldiers' home in or near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, resolution of the granite manufacturers of New England, Boston, Mass., favoring the passage of Senate bill No. 1439, to amend the act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

Also, petition of F. James McCarthy, of Boston, Mass., for the repeal of the stamp tax on medicines—to the Committee on Ways and Means.

By Mr. STARK: Resolutions of Company A, First Regiment, Company H, Second Regiment, National Guard, State of Nebraska, and Company B, Second Regiment Florida State Troops, urging the passage of a bill to improve the armament of the militia—to the Committee on the Militia.

By Mr. STEWART of Wisconsin: Petition of Wisconsin Retail Lumber Dealers' Association, favoring the passage of Senate bill No. 1439, to amend the act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Christian Endeavor Society of the First Presbyterian Church of Ashland, Wis., urging the passage of House bill No. 1144, relating to the prevention of cruelty to animals in the District of Columbia—to the Committee on the District of Columbia.

Also, petitions of C. G. Wimley and Samuel Shaw, publishers,

Crandon, Wis., against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. WACHTER: Paper to accompany House bill for the removal of the charge of desertion from the record of Lorenzo Dorritee, late of Company I, Third Maryland Volunteers—to the Committee on Military Affairs.

By Mr. WEEKS: Petitions of L. H. Howse, E. T. Woodruff, and M. B. Smith, of the State of Michigan, against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. WILSON of New York: Petition of E. & H. T. Anthony, of New York City, N. Y., against the passage of House bill No. 6071—to the Committee on the Post-Office and Post-Roads.

SENATE.

FRIDAY, *March 9, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. LODGE, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

SOUTH SIDE OF PENNSYLVANIA AVENUE.

The PRESIDENT pro tempore laid before the Senate a communication from the Commissioners of the District of Columbia, transmitting, in response to a resolution of the 14th ultimo, a report of the board of assistant assessors of the District on the approximate value of the squares on the south side of Pennsylvania avenue from Fifteenth street to the Botanical Gardens, together with the rental values of the same; which, with the accompanying paper, was referred to the Committee on the District of Columbia, and ordered to be printed.

SCHOONER MARGARETTE.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the schooner *Margarette*, Crowell, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. H. L. OVERSTREET, one of its clerks, announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President pro tempore:

A bill (H. R. 1806) for the relief of W. W. Riley;

A bill (H. R. 2331) granting an increase of pension to Horatio H. Warren;

A bill (H. R. 2637) granting an increase of pension to Albert Hammer; and

Joint resolution (H. J. Res. 119) to amend an act entitled "An act to extend Rhode Island avenue," approved February 10, 1899.

PETITIONS AND MEMORIALS.

Mr. SEWELL presented a petition of the Improved Order of Red Men, of Pittsgrove, N. J., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in canteens, Soldiers' Homes, and all Government buildings; which was referred to the Committee on Military Affairs.

He also presented petitions of the Woman's Christian Temperance Union of Daretown, the Methodist Episcopal Church of Burlington, the Woman's Christian Temperance Union of the Methodist Episcopal Church of Burlington, and of the Good Citizenship League of Burlington, all in the State of New Jersey, praying for the enactment of legislation to prohibit the importation, manufacture, and sale of intoxicating liquors and opium in Hawaii; which were referred to the Committee on Pacific Islands and Puerto Rico.

He also presented memorials of the News, of Jersey City; the Union, of Jersey City; the Journal, of Orange; the Hunterdon County Democrat, of Flemington; the Sunday School Messenger, of Trenton; the Somerset Democrat, of Somerville, and the Freie Press, of Elizabeth, all in the State of New Jersey, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. PLATT of New York presented a memorial of the Bulletin of the Pasteur Institute, of New York, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Lodge No. 100, International Association of Machinists, of Amsterdam, N. Y., praying for the enactment of legislation to increase the salaries of machinists in the Government Printing Office at Washington, D. C.; which was referred to the Committee on Printing.

Mr. LODGE presented the petition of George Boyd, of Northampton, Mass., praying that he be relieved from the charge of desertion; which was referred to the Committee on Military Affairs.

He also presented a petition of sundry letter carriers of Lowell, Mass., praying for the enactment of legislation to grade substitute letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of 29 citizens of Massachusetts, praying for the establishment of an Army veterinary corps; which was referred to the Committee on Military Affairs.

He also presented a petition of the Young People's Christian Union of Boston, Mass., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in canteens, Soldiers' Homes, immigrant stations, and all other Government buildings; which was referred to the Committee on Military Affairs.

He also presented a petition of the Young People's Christian Union of Boston, Mass., praying for the enactment of legislation to prohibit bookmaking of races in the District of Columbia and the Territories, and also to prohibit interstate-commerce gambling by telegraph; which was referred to the Committee on the Judiciary.

He also presented petitions of the Jefferson Manufacturing Company, of Worcester; the Iron Foundry Company, of Boston; the Cobb & Drew Company, of Plymouth, and the Magee Furnace Company, of Boston, all in the State of Massachusetts, praying that an appropriation be made for the construction of a new fireproof Patent Office building; which were referred to the Committee on Public Buildings and Grounds.

He also presented sundry petitions of railway mail clerks of Boston, Winthrop, Cambridgeport, Stoneham, and Chicopee Falls, all in the State of Massachusetts, praying for the enactment of legislation to provide for the classification of clerks in first and second class offices; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of the Courant, the Coming Age, the Home Journal, the Granite, the American Whist Player, the Missionary Herald, Life and Light for Women, the News, the Christian Witness, Education, the Advance, and Our Dumb Animals, all of Boston, and of William A. Pierce, of Boston; the Kindergarten Review, of Springfield; the Waverly Magazine, the Cornerstone, of Woburn; the Herald, of Warren, and the Times, of East Cambridge, all in the State of Massachusetts, and a memorial of the Humboldt Library of Science, of New York City, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. HALE presented a petition of Company F, First Regiment Infantry, National State Guard of Maine, praying for the enactment of legislation to improve the armament of the militia; which was referred to the Committee on Military Affairs.

Mr. ALLEN presented a petition of the Farmers' Institute, of Ord, Nebr., praying for a continuance of the free distribution by the Department of Agriculture of blackleg vaccine; which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of Federal Labor Union, No. 7112, of South Omaha, Nebr., remonstrating against the cession of the public lands to the several States and Territories; which was referred to the Committee on Public Lands.

He also presented a petition of sundry citizens of Nebraska, praying for the establishment of an Army veterinary corps; which was referred to the Committee on Military Affairs.

He also presented a memorial of the News, of Norfolk, Nebr., and a memorial of the Western Medical Review, of Lincoln, Nebr., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry papers in support of a bill to tax Indian lands; which were referred to the Committee on Indian Affairs.

Mr. DANIEL presented a memorial of Updyke and Munsey, of Mechanicsburg, Va., and the memorial of J. L. Cole, Joe Carney, J. M. Suthard, and 26 other citizens of Virginia, remonstrating against the enactment of legislation to regulate the shipment of game from one State to another; which were referred to the Committee on Interstate Commerce.

He also presented memorials of the Normal Index, the Ecce Homo, and the Home and School; the Observer, of Orange, and

the Zion's Advocate, of Luray, all in the State of Virginia, remonstrating against the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry graduate women nurses of Richmond, Va., praying for the employment of women nurses in the military hospitals of the Army; which was referred to the Committee on Military Affairs.

Mr. ALLISON presented a petition of the Business Men's Association of Davenport, Iowa, praying for the enactment of legislation to improve the Weather Bureau service; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Iowa State Veterinary Medical Association, praying for the establishment of an Army veterinary corps; which was referred to the Committee on Military Affairs.

He also presented memorials of Local Union No. 106, United Brotherhood of Carpenters and Joiners, of Des Moines; of the Trades and Labor Congress, of Dubuque, and of Baldwin Lodge, No. 273, International Association of Machinists, of Boone, all in the State of Iowa, remonstrating against the proposed cession of the public lands to the several States and Territories; which were referred to the Committee on Public Lands.

He also presented a petition of the Lightning Medicine Company, of Muscatine, Iowa, and the petition of F. K. Gregg and 7 other citizens of Manchester, Iowa, praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which were referred to the Committee on Finance.

He also presented the petition of Barnett and Herron and 11 other citizens of Boone County, Iowa, praying for the enactment of legislation placing wood pulp and print paper upon the free list; which was referred to the Committee on Finance.

He also presented a memorial of the Medical Association of Keokuk County, Iowa, remonstrating against the enactment of legislation for the further prevention of cruelty to animals in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Farmers' Institute of Lynn County, Iowa, praying for the enactment of legislation taxing oleomargarine; which was referred to the Committee on Finance.

He also presented the petitions of Frank S. Stone and 3 other citizens of Oskaloosa, E. R. Cochran and 5 other citizens of Iowa City, Henry L. Power and 3 other citizens of Fort Dodge, O. T. Swan and 1 other citizen of Atlantic, and W. F. Wichman and 5 other citizens of Waterloo, all in the State of Iowa, praying for the enactment of legislation to provide for classification of clerks in first and second class post-offices; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Bettendorf Axle Company and sundry other manufacturing firms of Davenport, Iowa, praying that an appropriation be made to provide for the construction of a new fireproof Patent Office building; which were referred to the Committee on Public Buildings and Grounds.

He also presented petitions of Local Union No. 152, United Mine Workers, of Ottumwa; of Local Union No. 97, Journeymen Barbers' Union, of Cedar Rapids; of Local Union No. 63, Journeymen Tailors, of Ottumwa, and of the Amalgamated Woodworkers' Union, of Clinton, all in the State of Iowa, praying for the enactment of legislation to protect free labor from prison competition, and also to regulate the hours of the daily service of laborers and mechanics on the public works of the United States; which were referred to the Committee on Education and Labor.

Mr. KYLE presented a memorial of Local Union No. 387, Cigar Makers' International Union, of Yankton, S. Dak., remonstrating against the admission of products from Puerto Rico, Cuba, and the Philippines free of duty; which was ordered to lie on the table.

Mr. COCKRELL presented memorials of the Record, of Centerville; the Post, of Polo; the Optic, of Jenco Springs; the Star, of Bonneterre; the Press, of Marble Hill, and of the Bohemian Literary Society of St. Louis, all in the State of Missouri, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. FRYE presented petitions of sundry officers of Company F, First Regiment Infantry, National State Guard of Maine, praying for the enactment of legislation to improve the armament of the militia; which were referred to the Committee on Military Affairs.

He also presented a petition of the Granite Manufacturers' Association of New England, praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

He also presented memorials of Ferguson & Ferguson, publishers of the Republican, of Wantonga, Okla., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

PAYMENT TO OSAGE INDIANS.

Mr. COCKRELL. I present a protest from the Osage council, of Pawhuska, Okla., remonstrating against the adoption of the amendment submitted by the Senator from Nebraska [Mr. THURSTON] to the Indian appropriation bill authorizing the Secretary of the Interior to pay the Osage Indians a sum equal to $700 each or a total, based on the present enrollment, of over a million dollars of Osage treaty money now held in trust by the Government under solemn treaty with the Osages. I move that the protest be printed as a document, as it is very brief, and that it be referred to the Committee on Indian Affairs.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom was referred the bill (S. 3490) in relation to admissions to and dismissions from the Reform School of the District of Columbia, reported it without amendment, and submitted a report thereon.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the amendment submitted by Mr. KYLE on the 5th instant, proposing to appropriate $50,000 for the printing and binding of 50,000 copies of Parts I, II, and III of the Report of the Industrial Commission on the subject of industrial combinations, intended to be proposed by him to the legislative, executive, and judicial appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

REVIEW OF THE WORLD'S COMMERCE, ETC.

Mr. PLATT of New York, from the Committee on Printing, reported the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That there be printed 14,000 copies of the general summary entitled "Review of the World's Commerce" for the year 1899, of which 1,000 shall be for the use of the Senate, 3,000 for the use of House of Representatives, and 10,000 for the use of the Department of State; and 8,000 copies of "Commercial Relations of the United States" for the year 1899, including the general summary, of which 1,000 shall be for the use of the Senate, 2,000 for the use of the House of Representatives, and 5,000 for the use of the Department of State.

COMMERCIAL STATISTICS.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. CULLOM on the 6th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed for use as a public document 12,500 additional of each of the monographs issued by the Bureau of Statistics of the Treasury Department, entitled "Commercial China in 1899," "Commercial Japan in 1899," "The Russian Empire and the Siberian Railway," "Commerce of Asia and Oceanica," "Commercial Africa in 1899," "American Commerce," "Cuba, Puerto Rico, the Hawaiian, Philippine, and Samoan Islands," "Colonial Systems of the World," of which number 3,500 copies of each document shall be for the use of the Senate, 6,500 copies for use of the House of Representatives, and 2,500 for use of the Bureau of Statistics of the Treasury Department.

PUERTO RICAN REVENUES.

Mr. ALLISON. From the Committee on Appropriations I report back, with two or three amendments, the bill (H. R. 9080) appropriating, for the benefit and government of Puerto Rico, revenues collected on importations therefrom since its evacuation by Spain, and revenues hereafter collected on such importations under existing laws. I ask the attention of the Senate to this report. I will request the Senate to-morrow morning to consider the bill. I hope and think it will not lead to any extended debate or to any debate, perhaps. The Senate is familiar with the subject-matter, and I give notice now that I shall call it up to-morrow morning after the routine business.

Mr. FORAKER. I should like to have the amendments read.

Mr. STEWART. Let the bill be read with the amendments.

Mr. ALLISON. Very well. I ask unanimous consent that the bill be read with the amendments, and then I give notice that to-morrow morning I shall ask the Senate to consider it.

The PRESIDENT pro tempore. Is there objection to the present reading of the bill? The Chair hears none. The bill will be read with the proposed amendments.

The SECRETARY. The amendments of the Committee on Appropriations are as follows:

On page 1, line 9, after the word "hundred," strike out:

Together with any further customs revenue collected on importations from Puerto Rico since the 1st of January, 1900, or that shall hereafter be collected under existing law.

On page 2, line 1, after the word "government," strike out:

And benefit of Puerto Rico until otherwise provided by law;

And insert:

Now existing and which may hereafter be established in Puerto Rico, and for public education, public works, and other governmental and public purposes therein;

On page 2, line 3, after the word "the," strike out:

Revenues herein referred to, already collected and to be collected under existing law, are,

And insert:

Said sum, or so much thereof as may be necessary, is;

Amend the title so as to read: "An act appropriating, for the benefit and government of Puerto Rico, customs revenues collected on importations therefrom since its evacuation by Spain to the 1st day of January, 1900."

So as to make the bill read, as proposed to be amended:

An act appropriating, for the benefit and government of Puerto Rico, customs revenues collected on importations therefrom since its evacuation by Spain to the 1st day of January, 1900.

Be it enacted, etc., That the sum of $2,095,455.88, being the amount of customs revenue received on importations by the United States from Puerto Rico since the evacuation of Puerto Rico by the Spanish forces on the 18th of October, 1898, to the 1st of January, 1900, shall be placed at the disposal of the President, to be used for the government now existing and which may hereafter be established in Puerto Rico, and for public education, public works, and other governmental and public purposes therein, and the said sum, or so much thereof as may be necessary, is hereby appropriated for the purposes herein specified, out of any moneys in the Treasury not otherwise appropriated.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

BOARD OF CHARITIES FOR THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. I am directed by the Committee on the District of Columbia to report back favorably with two amendments the bill (H. R. 7668) to establish a board of charities for the District of Columbia.

Mr. President, this is a matter that has been very carefully investigated by the committee; it has the sanction of the District Commissioners and the present superintendent of charities; and I will venture to ask for the immediate consideration of the bill.

Mr. McMILLAN. The bill has passed the House.

Mr. GALLINGER. It has passed the House.

Mr. COCKRELL. Let the bill be read. It seems to be rather an important measure.

The PRESIDENT pro tempore. The bill will be read.

The bill was read by the Secretary.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. TELLER. This is an important bill, and I ask that it may go to the Calendar, so that it may have proper consideration.

The PRESIDENT pro tempore. The bill goes to the Calendar.

Mr. CARTER. Let it be printed as amended.

The PRESIDENT pro tempore. It will be so printed under the rule.

BILLS INTRODUCED.

Mr. LODGE introduced a bill (S. 3508) granting an increase of pension to Edward F. Phelps; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3509) granting a pension to Mary L. Nash; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WARREN introduced a bill (S. 3510) granting an honorable discharge to James E. Walsh; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. KEAN introduced a bill (S. 3511) for the relief of Capt. Charles A. De Arnaud; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. KYLE introduced a bill (S. 3512) granting an increase of pension to Samuel Schultz; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DANIEL (by request) introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3513) to quiet the titles of certain lands in the State of Mississippi, and for the relief of the estate of Eli Ayres, deceased;

A bill (S. 3514) for the relief of Samuel H. Sonner;

A bill (S. 3515) for the relief or Moritz and Jonas A. Lowenbach or their legal representatives; and

A bill (S. 3516) for the relief of Thomas Huntington.

Mr. FRYE introduced a bill (S. 3517) granting an increase of pension to Adam Velten; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. WELLINGTON introduced a bill (S. 3518) prohibiting bone or fertilizing factories to be operated in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. LODGE introduced a joint resolution (S. R. 101) to authorize the Commissioners of the District of Columbia to dispose of the Force School property on Massachusetts avenue and to obtain another site for that school; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a joint resolution (S. R. 102) to revive the grade of lieutenant-general in the United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

WILLIAM S. CLINTON.

Mr. COCKRELL. I ask in the case of the bill (S. 1237) authorizing the Secretary of War to issue an honorable discharge to William S. Clinton, that Mr. Clinton be allowed to withdraw from the papers on the files of the Senate the certificate of dishonorable discharge. The bill has been reported unfavorably, and has been indefinitely postponed; but I see no objection to allowing the discharge to be withdrawn.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Missouri? The Chair hears none, and that order is made.

INVESTIGATION OF CUBAN AFFAIRS.

Mr. PLATT of Connecticut submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Relations with Cuba, or any subcommittee thereof, is hereby authorized and empowered to visit the island of Cuba for the purpose of investigating and inquiring into conditions existing there bearing upon the relations of the United States with said island and its duty to the people thereof; and that the expenses of said committee, or subcommittee, including necessary assistance, be paid out of the contingent fund of the Senate upon vouchers signed by the chairman of the committee.

SOUTH AFRICAN REPUBLIC.

The PRESIDENT pro tempore. Is there further morning business? If not, the morning business is closed.

Mr. COCKRELL. The Calendar.

The PRESIDENT pro tempore. The Calendar is in order under Rule VIII.

Mr. MASON. Mr. President, I desire to call up my motion to discharge the Committee on Foreign Relations from the further consideration of Senate resolution No. 8.

The PRESIDENT pro tempore. The Chair lays before the Senate the motion entered yesterday by the Senator from Illinois. The Secretary will read the motion.

The Secretary read as follows:

Mr. MASON entered a motion to discharge the Committee on Foreign Relations from the further consideration of the resolution submitted by him December 6, 1899, expressing sympathy for the South African Republic in their heroic battle against cruelty and oppression.

Mr. DAVIS. Mr. President, is the motion before the Senate?

The PRESIDENT pro tempore. It is.

Mr. DAVIS. I move that the doors be closed.

Mr. GALLINGER. I second the motion.

The PRESIDENT pro tempore. The Sergeant-at-Arms will clear the galleries and close the doors.

Mr. MASON. Mr. President, do I understand that that is a privileged motion, and that it does not require a vote?

The PRESIDENT pro tempore. It does not require a vote. The motion was made and seconded, and under the rule the order must be made.

The Senate thereupon proceeded to deliberate with closed doors; and at the expiration of one hour and forty-two minutes the doors were reopened.

EXECUTIVE SESSION.

Mr. DAVIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twelve minutes spent in executive session the doors were reopened.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 8th instant approved and signed the act (S. 3266) authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Maj. Gen. E. O. C. Ord from Oak Hill Cemetery, District of Columbia, to the United States National Cemetery at Arlington, Va.

The message also announced that the President of the United States had on this day approved and signed the following acts:

An act (S. 282) extending the time for the completion of the bridge across the East River, between the city of New York and Long Island, now in course of construction, as authorized by the act of Congress approved March 3, 1887;

An act (S. 1931) to provide for the erection of a bridge across Rainy River, in the State of Minnesota, between Rainy Lake and the mouth of Rainy River; and

An act (S. 3360) to extend the time for the completion of a bridge across the Missouri River.

ORDER OF BUSINESS.

Mr. HALE. I had hoped to get up this afternoon, and have passed, the consular and diplomatic appropriation bill, which has been on the Calendar for some weeks, and which ought to be speedily disposed of; but I am told that the Senator from Kentucky [Mr. LINDSAY] has given notice of his desire to address the Senate this afternoon, and that he is now ready to go on. Therefore I shall not now ask the Senate to proceed to the consideration of the appropriation bill.

Mr. FORAKER rose.

Mr. HALE. I will state to the Senator from Ohio that I do not think that the bill that I have alluded to will, when it comes up, seriously interfere with the matter he has in charge, and that it will soon be disposed of.

Mr. FORAKER. I will say to the Senator from Maine that I hope we may be able to so arrange matters that there may be very little, if any, conflict between the bills.

I ask that the unfinished business be now proceeded with. It has been laid before the Senate.

The PRESIDING OFFICER (Mr. GALLINGER in the chair.) The unfinished business has been laid before the Senate.

GOVERNMENT OF PUERTO RICO.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Puerto Rico, and for other purposes.

Mr. LINDSAY. Mr. President, the debate on yesterday developed serious questions which can not be separated from the consideration of the Puerto Rican bill; and before I proceed to the remarks I had originally intended to make, I wish to devote a little time to the consideration of some of those very important questions.

The Constitution provides that—

No tax or duty shall be laid on articles exported from any State.

This bill provides that articles exported from the States of the Union shall be subjected to a tax equal to 15 per cent of the Dingley tariff import duties when they reach that port in Puerto Rico to which the shipment may be made. It is conceded that those articles can not be taxed at the port of shipment.

The answer to the question interposed yesterday by the Senator from Massachusetts [Mr. HOAR], was that this impost duty levied at Puerto Rico was a tax on the privilege of introducing the goods, and not a tax on the goods as American products at all. Now, if the United States exercises the right to determine what the privilege shall cost the American shipper to send his goods to Puerto Rico, and if this tax be legitimate and not in antagonism to the provision of the Constitution to which I have called attention, we have this state of case: That the Congress of the United States, conceding its want of authority to levy an export tax on the articles shipped, can follow those articles to Puerto Rico and there prescribe the tax that shall be imposed for the privilege of admitting them.

My theory is that our relations, in either view of the case, toward Puerto Rico, are so essentially different from the relations with a foreign port that we can not collect at Puerto Rico that which we can not impose and collect at Boston, New York, Newport News, or any other port of shipment. The authority to tax at all comes from the Government of the United States, the imposition is to be made under the authority of the Government of the United States, and the United States can not, by transferring the place of collection, change the character of the tax that may be levied and collected.

So, then, that provision of this bill which provides for an import duty to be levied on articles shipped from the United States to Puerto Rico is, in substance and effect, a tax on the exportation, a tax on the articles exported from a State of the Union, and can not be deemed a tax imposed by a power outside the United States on the privilege of importing into the country to which the shipment has been made. In other words, the changing of the place of the collection of a tax or duty laid on articles exported from the United States can not be deemed sufficient to override the express provision of the Constitution to which attention has been called.

In explanation of this tariff taxation it has been said that the sugar and the tobacco now held in Puerto Rico is the property of certain trusts, that are not entitled to legislative consideration. Whether we propose to reduce the Dingley tariff duties 85 per cent for the benefit of those trusts or to impose the 15 per cent duty by way of punishment is not made clear by any argument I have yet heard by the supporters of this bill. The same trusts import their sugars from the Hawaiian Islands into American ports free of duty.

If they buy from our Puerto Rican neighbors, they are to be required to pay a duty equal to 15 per cent of the Dingley tariff duties; and to do this the price of sugar in the hands of the Puerto Ricans must be diminished to that extent in order to compete with the sugar imported from Hawaii. It seems to be the policy of this bill to have free trade in sugar with the Hawaiian oligarchy, but to have taxed trade in sugar when we come to deal with the people of Puerto Rico.

The open door in the East, about which so much has been said, does not mean that we may not provide for the free shipment of American goods to our dependencies and at the same time levy our regular tariff duties on goods imported into the United States from those dependencies. If Puerto Rico be not an integral portion of the United States, if the Philippine Archipelago be not an integral portion of the United States, and if the Constitution does not extend to those countries, but they are subject to the legislative discretion of the Congress of the United States as mere dependencies of the United States, may we not provide that goods exported from the United States to those countries shall be received free of import duties, and at the same time exercise the right to levy, if we choose, the Dingley tariff duties in our own ports against the goods shipped us from such dependencies?

To do so will not be to fly in the face of what we suppose to be the open door. The open door does not mean that if we permit American goods to be exported to the Philippines free of duty, we must extend the same privileges to British, German, Russian, Japanese, and French goods. Spain may have a right for ten years under the treaty to ship goods to the Philippines or to Puerto Rico on terms as favorable as American goods are shipped; but no other nation can claim that privilege; and for us to control our own commercial relations with our own dependencies will by no means put us under disabilities when we come to demand equal rights so far as the ports of China are concerned.

It seems to me that we propose now to deal with Puerto Rico on the hothouse policy; that we are to do for that people in one, two, or three years all that ought to be done in the course of a quarter of a century. To do this, we propose to tax them higher than they were taxed by Spain; we are to deny them privileges they were allowed by Spain; and all this is defended alone upon the fact that the extortionate taxation, when imposed and collected, is to be used for the benefit of the Puerto Rican people.

We were told yesterday that these people are to be taxed each year $4,000,000; that a million dollars are to be expended in making roads; that a million dollars are to be applied to the purposes of education; and that $2,000,000 are to be applied to the expenses of the government of the island—800,000 people to be taxed $4,000,000 each year, under the pretext that this excessive taxation is for their sole and exclusive benefit.

I should like to know if an American State, with a population of less than a million, ever imposed such taxation, ever did undertake in two or three years to accomplish results which in the nature of things ought to take from twenty-five to fifty years? Yet this is said to be the policy we are to pursue in relation to this island that we rescued from the oppression of Spain, and which we now propose to turn over to a system of taxation more onerous, and more oppressive than that imposed by Spain.

Mr. President, the selection of the island of Puerto Rico as the proper subject for establishing the principle that the territories acquired by the United States through the recent treaty with Spain are not per se integral portions thereof is, in my opinion, singularly unfortunate. The inhabitants of Puerto Rico, if not content with Spanish supremacy, were not engaged in insurrection at the time we commenced the war for the liberation of Cuba. They had resisted the appeals of the Cuban people and steadily refused to assist them in their revolutionary movement for independence. When, in the progress of our war against Spain, we deemed it expedient to invade Puerto Rico and to drive the Spanish armies from that island, we met with no resistance from the inhabitants. On the contrary, we were received with open arms and our soldiers hailed as the advance guard of American civilization, American generosity, and American brotherhood.

When the sovereignty of Puerto Rico was ceded by Spain to the United States, without exception the people recognized their allegiance to their new sovereign, and, demanding nothing on the ground of citizenship, willingly and cheerfully accepted the provisions of the treaty, to the effect that their civil rights and political status should be determined by the American Congress. Every vestige of the government administered by Spain disappeared with the ratification of the treaty of Paris, and the Puerto Rican people would have been left in a condition of chaos had not the Executive of the United States, as the Commander in Chief of our Army and Navy, made provision for their temporary security.

In the absence of authority from Congress to the contrary, the Executive has enforced against the products of Puerto Rico the provisions of the Dingley tariff bill, and since the 18th of October, 1898, we have collected as a tax on Puerto Rican products imported into the United States $2,095,455.88. If the claim, always insisted on by the friends of protection, that import duties collected on foreign goods are paid by the foreigner and not by

the consumer be correct, it results that during the eighteen months we have exercised sovereign authority in Puerto Rico we have taxed the people of that island over $2,000,000.

The injustice of this tax is so manifest, the impropriety of its collection so clear, that the President of the United States has recommended that the moneys so collected shall be applied alone to the use of the Puerto Rican government.

The differences in the considerations applying to the American and the Asiatic territories acquired through the recent cession by Spain are radical and do not require elaboration or discussion.

Puerto Rico is essentially an American country. It lies almost within sight of our southern shores; and while its term of Territorial probation may necessarily be an extended one, there is no reason, in its geographical situation, in its industries, in its products, or in the character of its inhabitants, that precludes it at some future time from being admitted into the Union as an American State.

This is not true with regard to the Philippine Archipelago or the Hawaiian Islands. This is a Union of American States and must so remain to the end. The bond of union was ordained and established as "The Constitution of the United States of America," and our traditions, glory, and safety alike forbid the admission into the Union of any other than a North American State.

We have before us a bill entitled "An act temporarily to provide for the relief of the island of Puerto Rico, and for other purposes," which has received the approval of the House of Representatives. That bill provides:

(1) For the enforcement of the Federal revenue law in the island of Puerto Rico, and for the collection of the duties prescribed by the Dingley tariff law on all importations into Puerto Rico from ports other than those of the United States:

(2) For the payment of duties on goods imported into Puerto Rico from the United States and into the United States from Puerto Rico equal to 15 per cent of the Dingley tariff duties on like articles;

(3) That the duties and taxes collected in Puerto Rico and in the United States on goods imported from Puerto Rico, less the cost of collection, shall be held as a separate and special fund and placed at the disposal of the President to be used for the benefit and for the government of Puerto Rico; and

(4) That the act shall not continue in force after the 1st day of March, 1902.

The passage of this bill by the House of Representatives has provoked general condemnation by the people of the United States. They almost universally demand that trade between the United States and the island of Puerto Rico shall be unrestricted by any customs duties whatever, and that we shall redeem the good faith and the implied pledges of this country to the people of Puerto Rico.

The amendment reported by the Senate Committee on the Pacific Islands and Puerto Rico as a substitute for the House bill contains all the objectionable features of that bill and makes provision for a condition of affairs in Puerto Rico inconsistent with the supposed power of this Government to impose tariff taxation on the trade between the island of Puerto Rico and the continental States and Territories of the United States.

By the third section of the Senate amendment it is provided that all the inhabitants of Puerto Rico who were Spanish subjects on the 11th of April, 1899, except such as shall have elected to preserve their allegiance to the King of Spain, shall be deemed and held to be citizens of the United States. If this provision be carried into a statute, it will be the exercise of the discretion vested in Congress by the treaty of Paris, in favor of clothing the inhabitants of the island of Puerto Rico with the civil rights and the political status of citizens of the United States.

The senior Senator from Ohio, who has charge of the bill, defines the term "citizen" thus:

> In other words, the word citizen implies nothing more, used in its political sense, than that the person who is the citizen owes allegiance to the government under which he belongs as citizen, and that the government owes him protection in return.

And he concludes that, inasmuch as the people of Puerto Rico owe us allegiance, and we owe them protection, therefore they may be called citizens.

I can not accept this definition when applied to persons declared by law to be citizens of the United States. In the sense of the Senator's definition, the adoption of the thirteenth amendment to the Federal Constitution converted every freedman in the United States into a citizen of the United States. The Government was entitled to their allegiance and owed them protection.

They were native-born inhabitants of the country in which they lived, and yet that they were not citizens after the adoption of the thirteenth amendment, and that a broader and more comprehensive meaning attaches to the expression "citizens of the United States" than that insisted on by the Senator from Ohio was made clear by the subsequent action of the States in adopting the first clause of the fourteenth amendment, which, in order to confer citizenship on the freedmen, declared that all persons born or naturalized in the United States and subject to the jurisdiction thereof "are citizens of the United States and of the State wherein they reside." This declaration guaranteed to the freedmen constitutional protection equal to that enjoyed by the original citizens of the American States, and established beyond cavil or dispute the true significance of the phrase "citizens of the United States."

The national status of the masses of the people residing in any country gives character to its political relations with the rest of the world. If the United States elect to treat a people as foreigners, the country they inhabit, so far as we are concerned, must be deemed a foreign state or territory. If they be treated as subject to the sovereign authority of the United States, but at the same time the inhabitants of a territory held under our temporary control, their country may be treated as an American dependency. But with 800,000 American citizens inhabiting, to the practical exclusion of everyone else, an American island less than 4,000 square miles in extent, it seems preposterous to deny that their country is an integral part of the United States, and being so, we must tax and govern them in accordance with the Federal Constitution, which affords equal protection to the civil rights of all the citizens of the United States, whether residents of American States or American Territories.

I can not conceive of 800,000 citizens of the United States, constituting virtually all the inhabitants of a country over which this Government has undisputed sovereign authority, being constitutionally deprived of the right to free ingress and egress with their property to or from any portion of the United States, or of the right of trial by jury, or of the right to face the witnesses who testify against them in criminal prosecutions, or of the full enjoyment of life, liberty, and property, unless deprived thereof by due process of law.

I do not claim that we are under legal or constitutional obligations to make citizens of the people of Puerto Rico. I do not believe that we are. But as we have discretionary power in the premises, I approve of so much of the substitute for the House bill as provides that the Puerto Ricans shall be deemed and held to be citizens of the United States, while I oppose the taxing features of the bill and the substitute, whether the Puerto Ricans be made citizens or not. If we intend to treat them as the inhabitants of a dependency, and to tax and govern them as such, I insist that we can not consistently declare by Congressional enactment that they are to be deemed and held to be citizens of the United States.

I am not afraid to be just to and liberal and generous with the people of this American island on the ground that we may establish a precedent to be used against us when we come to determine the civil rights and the political status of the Filipinos. We need not make citizens of the Puerto Ricans unless we deem it expedient, but making them citizens will place us under no obligations, constitutional or otherwise, to follow that course when we come to legislate concerning the Tagals, Malays, etc., who inhabit the islands of the Philippine Archipelago.

The action of the House of Representatives in response to the message of the President, recommending that the $2,095,455.81 collected in the way of duties on imports from Puerto Rico since October 18, 1898, be set apart to pay the expenses of the government of Puerto Rico, which has been followed by the Senate Committee on Finance, leaves no excuse for the tariff taxation proposed by this bill, and the country will not accept as sufficient the explanation that these odious tariff provisions have no greater or more commendable purpose than that of making a case for the Supreme Court in order that in advance of legislation in respect to the Philippines we may have the authority of Congress defined by that high tribunal and may legislate in accordance with what that court may conclude to be our legislative power under the Constitution.

It is not the business of Congress to make cases for the courts. It is not in keeping with the dignity of the legislative department of the Government to seek the advice and assistance of the courts when it is found necessary to grapple with new and difficult questions of constitutional law. Representing an independent and coequal department, Congress is to decide primarily what its constitutional powers are, and its decision, when made, can not be reversed by the courts, unless in cases in which it can be clearly demonstrated that unauthorized power has been exerted, or some constitutional limitation plainly disregarded.

From the beginning of the Government it has been complained that the courts were gradually usurping legislative functions and insidiously undermining legislative power. It will be a new departure in Congressional precedents to provide cases for the courts in order that they may be furnished with legitimate excuse for the very usurpation with which, in my opinion, they have heretofore, in most instances, been unjustly charged.

The President touched the popular heart and commanded popular approval when he said to Congress and to the country that "our plain duty is to abolish all customs and tariffs between the United States and Puerto Rico and give her products free access to our country," and it will be a grave mistake, as well as an act of flagrant injustice, for Congress to decline to respond to that recommendation for the purpose of making a case for the Supreme Court of the United States, the decision of which can not help but may embarrass us in carrying out the only policy that can be reasonably adopted when we come to legislate for the future destiny of the Philippine Islands and their people.

Those islands are lawfully subject to our sovereign jurisdiction, but they are not integral parts of the United States, and their inhabitants are not entitled to claim that they can be governed only under and in exact accordance with the Constitution of the United States.

In the later discussions concerning the acquisition of territory through the treaty of Paris it is not denied that the United States possess the power of acquiring territory either by conquest or treaty, or that, so far as Spain could transfer sovereignty in the Philippines, that nation did set over to and invest the United States with sovereign authority over those islands. It has been insisted that the cession was invalid on the ground that the Filipino people had previously overthrown Spanish authority and at the time of the negotiation of the treaty were maintaining an independent government. But now that the Philippine armies have been dispersed and the dominion of the United States established by force of arms, that contention, even if it had foundation in fact, becomes immaterial from a practical point of view, as territory may be acquired as well by conquest as by treaty.

The moral phase of this question, so far as it depends either on the cession by treaty or the triumph of American arms, I do not propose at this time to discuss. The question we now have is, What relations, under existing conditions, do the people of the Philippine Archipelago bear the Government of the United States? Are they necessarily citizens and entitled to claim the benefits of the guaranties of the Federal Constitution, or do their rights, civil and political, depend on the future action of Congress, unrestrained except by the terms of the treaty and the nature and theory of free institutions and the principles on which they rest?

We are told that the Constitution of the United States follows the flag, and that no country to which title may be acquired, whether by treaty or conquest, can be held and governed otherwise than as an integral part of the United States, and that the moment the allegiance of the inhabitants of a foreign country attaches they become clothed with all the attributes of American citizenship. If that be correct, the right to acquire territory by way of indemnity for expenses incurred in a just war may and in many cases will turn out to be the barren right to assume obligations the performance of which will prove inimical to American institutions rather than of national advantage, financially or territorially.

The war against Spain was declared by the almost unanimous vote of each House of Congress. The negotiation of the treaty by the Executive and its ratification by the Senate were clearly within the powers conferred by the Constitution. The right to demand indemnity and to accept a cession of territory in satisfaction thereof is not denied, but that right is claimed to be limited and qualified by the imperative duty of incorporating into the Federal Union the inhabitants of the ceded territory and of admitting them to the enjoyment of the rights of citizens of the United States according to the principles of the Constitution.

Some concede that this duty does not apply to the inhabitants who remain in a state of nature, unacquainted with the elements of civilization, and thoroughly savage in all their habits and customs. But the doctrine is broadly announced that the duty does apply wherever the germ of nationality is to be found and the capacity for the maintenance of orderly government exists, however foreign its nature may be to the genius of American institutions and however incapable the inhabitants may be of administering free government of any kind on any plan.

If these contentions can be sustained, it results that even as to foreign countries, in the exercise of our war and treaty-making powers, the United States are less than a nation, and that so much of the Declaration of Independence as proclaimed in relation to the American States that "as free and independent States they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent States may of right do," was inaccurate at the time it was made, or that the right to do "all other acts and things which independent States may of right do" has been in some way lost, abandoned, or abridged since His Britannic Majesty in 1782 acknowledged "these States to be sovereign and independent."

In 1776, when this Declaration was made, there was not a nation on earth that did not claim the right to hold territories as dependencies, conceding to their people such civil and political rights only as were deemed consistent with the interest of the dominant nation. That right to hold and govern dependencies was not only undisputed, but was then practiced by every nation strong enough to exercise it.

I take the liberty of repeating here what on a different theater I had occasion to say in this connection:

> If the Union had fallen to pieces, as it might have done had not the Articles of Confederation been superseded by the Constitution, and had the State of New York in that event preserved her separate existence as a sovereign State and been the adversary of Spain in the recent war, who will say that New York might not have accepted the cession of the Spanish territories and contracted for the allegiance of their inhabitants without incurring the obligation of converting those inhabitants into citizens and of ultimately admitting them to share in the administration of the home government?
>
> Possessing this broad and comprehensive power, the States delegated it to the General Government. As the recipient of this power, the United States may exercise it as completely as it might have been exercised by the States that conferred it, and in and about matters affecting primarily our foreign relations they may do all acts and things which any other free republic might do under like circumstances and conditions.
>
> Independent republics have equal rights in the prosecution of just wars with other nations whatever may be their forms of government. If it be necessary or expedient for a republic, in its justifiable self-defense, which comprehends the support and prosecution of its rights, to overrun the territories of its enemy, it may lawfully overrun and occupy them, and at the close of a successful war may indemnify itself for the expense and damage sustained by requiring the cession of such portions of the conquered territory as justice and expediency may reasonably demand.
>
> It may require the inhabitants of the conquered country to submit to reasonable and just rules prescribed for their government. It may unite the conquered province to its own state, or it may suffer it to retain its own form of government and treat it as a province or dependency.
>
> These are among the inherent rights of nations, and they were recognized rights when the King of Great Britain acknowledged the United States to be free, sovereign, and independent States.

To establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and to secure the blessings of liberty to them and their posterity the people of the United States ordained and established the Constitution. To the General Government the States delegated, without reserve or qualification, the power to declare war, to make treaties, and to regulate commerce with foreign nations.

Whatever the States, acting in their separate capacities or jointly under the old Articles of Confederation, might have done in the exercise of those great powers, they by express grants authorized the General Government to do, and in express terms or by necessary implication inhibited themselves from doing. It is a singular conclusion from all this, that in the hands of the General Government, which combines all the war and treaty making powers of all the States, those powers are less comprehensive and less efficient than they were in the hands of each of the States.

If this be true, we have a case in which the whole is less than each of its parts, and where, in union there is weakness instead of strength.

The misapplication of the principles of the Constitution is as unwarranted as disobedience to its mandates. The limitations of that instrument restraining the powers of the General Government in respect to the States and their people have no application and were intended to have no application to foreign countries or to the inhabitants of foreign countries.

The Constitution was ordained to subserve the interests, to insure the safety, and to promote the welfare of the American States and their people, and it is not a violation of its provisions, nor is it against the genius of our institutions, to prefer the interests and welfare of the American people to those of the stranger when we come to determine the civil and political status of the inhabitants of the foreign countries we may from time to time acquire by cession or by conquest. It was to avoid the claim that by the acceptance of the cession from Spain we would place ourselves under obligations to the people of the ceded territory to clothe them with American citizenship, however inexpedient or preposterous or even dangerous it might be that the stipulations of the old French, Spanish, and Mexican treaties were omitted and a materially different stipulation inserted in the treaty of Paris.

Any other independent nation in the prosecution of a war against Spain might have destroyed the Spanish fleet, occupied the city of Manila, and treated for the cession of the Philippines with the absolute right to say that the inhabitants of those islands should not acquire or enjoy the right to be incorporated into its body politic or to be made citizens with privileges and immunities equal to those enjoyed by the inhabitants of the conquering state.

While the genius of our institutions and the theory of our Government combine to prevent the abuse of this power and to direct its exercise as far as may be on lines consistent with the spirit of free institutions, they do not contravene the existence of the power, and there is no evidence to be found in the text of the Constitution or in the history of its formation to show that any international power asserted by the framers of the Declaration of Independence and involved in the acknowledgment of our independence by Great Britain has at any time been surrendered, abandoned, or repudiated.

Decisions by the Supreme Court touching the rights of the inhabitants of the American territories acquired through the treaties with France, Spain, and Mexico are relied on to establish the doctrine that the Constitution ex proprio vigore follows our national flag and extends to every country that comes under our permanent domination. That there are expressions to be found in some of the opinions of the Supreme Court tending to support that claim I am free to admit, and that such expressions by the highest judicial tribunal established by the Constitution are entitled to respectful consideration I do not deny; but the question for present consideration, as it arises under the treaty of Paris, has never been before that court, and in the nature of things no question strictly analogous could ever have been presented to, considered, or decided by that tribunal.

The treaty of Paris provides that "the civil rights and the political status of the native inhabitants of territory ceded to the United States shall be determined by the Congress." In no case has the Supreme Court ever defined, or attempted to define, the civil rights of a person coming under the dominion of the United States in virtue of a treaty containing that stipulation, or its equivalent. When a case shall arise involving that question, it will be sui generis and without a controlling precedent.

All the judicial opinions relied on to prove that the Constitution is necessarily the supreme law not only within the limits of the States of the Union, but wherever our authority may extend, were rendered in cases arising in the District of Columbia or in one of the American territories acquired from France, Spain, or Mexico under treaties fixing and defining the personal rights of the inhabitants.

Of the District of Columbia it is enough to say that it was carved out of the States of Maryland and Virginia after the Constitution had been adopted and after it had been made the supreme law of the land in every portion of each of those States. The creation of the Federal District was not intended to withdraw and there was no power to withdraw from the people of that territory the constitutional guaranties, or to deprive them of the constitutional protection they were enjoying as citizens of Maryland and Virginia at the time the District was established.

By the French treaty for the cession of Louisiana it was stipulated that the inhabitants of—

> the ceded territory shall be incorporated in the Union of the United States and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States.

The Spanish treaty ceding Florida contained, in substance, a like stipulation.

The treaty with Mexico, under which New Mexico and Upper California were ceded to the United States, stipulated that the inhabitants who might remain in those Territories and elect not to continue their character as citizens of Mexico should be incorporated into the Union of the United States and admitted at the proper time, to be judged of by Congress, to the enjoyment of all the rights of citizens of the United States according to the principles of the Federal Constitution.

Following each of these cessions there was appropriate legislation to carry out the stipulations concerning the personal status of the inhabitants. As fast as the population warranted it, Territorial governments were established. In virtue of these treaties and of the subsequent legislation, the inhabitants of Louisiana, Florida, New Mexico, and Upper California were clothed with the rights, immunities, and privileges of other citizens of the United States.

Thus all the powers of the Federal Government were called into action for the purpose of extending the provisions of the Constitution to the American countries brought under the dominion of the United States and to secure to their inhabitants the personal and civil rights enjoyed by the citizens of the United States under constitutional guaranties. The solemn action of the treaty-making power was supplemented and reenforced by the deliberate action of the legislative and executive departments, and nothing was left undone to extend the Constitution to the new Territories and to incorporate their people into American citizenship.

In negotiating for the future of the inhabitants of Louisiana France did not accept the assumption that the Constitution of the United States would, ex proprio vigore, extend to and become the supreme law of the ceded territory. Spain, like France, contracted in favor of the affirmative incorporation of the inhabitants of Florida into the Union and for their enjoyment of the privileges, rights, and immunities of the citizens of the Government to which the cession was made. Although at the time of the treaty of Guadalupe Hidalgo Mexico lay prostrate at the feet of American power, that Republic insisted on and secured an express stipulation that the people of the ceded Territories should be admitted to American citizenship.

In the negotiation of no one of those treaties was it claimed that the stipulation in question was unnecessary or superfluous, and we have no record that the representatives of the United States then held to the doctrine that the mere acquisition of sovereignty necessarily carried with it the Constitution and incorporated the inhabitants of the new domain into the Union and admitted them to the enjoyment of the rights, privileges, and immunities of citizens of the United States.

In view of those treaties and of the legislation that followed them, the Supreme Court has treated the ceded territories as integral portions of the United States and held that American citizenship attached to their inhabitants.

Commenting on the sixth article of the treaty with Spain, Chief Justice Marshall, in Canter's case (1 Peters), used this language:

> This treaty is the law of the land, and admits the inhabitants of Florida to the enjoyment of the privileges, rights, and immunities of citizens of the United States. It is unnecessary to inquire whether this is or not their condition independent of stipulation.

This was, in effect, a decision that the inhabitants of Florida, who, before the negotiation of the treaty of 1819, were foreigners, were naturalized as citizens of the United States by the ratification of the stipulation contained in the sixth article of that treaty.

At the second session of the Twenty-seventh Congress the point was made that David Levy, who had been elected to sit as Delegate from the Territory of Florida, was not a citizen of the United States; but the House Committee on Elections overruled the objection and held that it matters nothing whether the naturalization be effected by act of Congress, by treaty, or by admission of a new State. In Boyd *vs.* Thayer (143 U. S.) it was said that—

> Naturalization is the act of adopting a foreigner and clothing him with the privileges of a native citizen.

And the court in that case distinctly recognized the doctrine of naturalization by treaty. The inhabitants of the countries acquired from France, Spain, and Mexico became naturalized citizens of the United States, in virtue of the treaties to which attention has been called, and there is no doubt that as such citizens they can, when charged with crime, rightfully claim the protection the Constitution was intended to secure to other American citizens. Such being the case, the Supreme Court, of course, held, in the case of Thompson, who was convicted of felony by a jury of eight persons, that it—

> is beyond question that the provisions of the National Constitution relating to trials by jury for crimes and criminal prosecutions apply to the Territories of the United States.

At that time there was no Territory, not even Alaska, that had not been acquired under a treaty providing that the inhabitants should enjoy the rights, advantages, and immunities of citizens of the United States.

In Callan's case (127 U. S.), which arose in the District of Columbia, and in which the accused, by virtue of an act of Congress, was denied the right of trial by jury in a criminal prosecution, the Supreme Court said, as it was bound to say, that—

> There is nothing in the history of the Constitution or of the original amendments to justify the assertion that the people of this District may be lawfully deprived of the benefit of any of the constitutional guaranties of life, liberty, and property, especially of the privilege of trial by jury in criminal cases.

In relation to the Territories acquired from France, Spain, and Mexico it might well be said, as the Supreme Court has said, that the authority of the Government of the United States is subject to such restrictions as are expressed in the Constitution, or necessarily implied in its terms. Independent of constitutional limitations or of treaty stipulations Congress, in dealing with the inhabitants of Territories acquired either by treaty or conquest, is bound, as far as conditions may reasonably permit, to observe those principles of free institutions which restrain all the agencies of government, State or national.

I was asked the other day how I explained the decisions of the Supreme Court in cases arising in Territories acquired by the treaty with Mexico, to the effect that Congress could not provide for twice punishing a man for the same offense and could not make applicable to that territory a bill of attainder, and could not dispense with the trial by jury in cases at common law involving more than $20, and could not take away from the accused the right to confront the witnesses who may testify against him, and could not put a man on trial without previous information of the nature of the accusation.

My explanation is that the Constitution of the United States protects the citizens of the United States against any one of those abuses of power, and that the inhabitants of the territory acquired from Mexico were made citizens of the United States by the ratification of a treaty which clothed them with American citizenship, and in express and unqualified terms secured to them the enjoyment of the rights of citizens of the United States according to the principles of the Constitution.

Those who represent what they term the anti-imperial sentiment of the country will not, of course, accept the explanation as satisfactory. They propose to look beyond and behind the

stipulations contained in the treaties with France, Spain, Mexico, and Russia, and, doing so, to commit the Supreme Court to a rule of decision that will preclude the judiciary department of the Government from recognizing the power of Congress to exercise sound legislative discretion in carrying out so much of the treaty of Paris as provides that—

The civil and political status of the native inhabitants of the territories ceded to the United States shall be determined by the Congress.

They attach no controlling importance to the covenants contained in earlier treaties, and claim that without them the Constitution would have extended the supremacy of its provisions over the ceded territories and converted their inhabitants into citizens of the United States. This innate power of transmigration was not supposed to inhere in the Constitution by Monroe and Livingston when they negotiated the treaty for the purchase of Louisiana, or by John Quincy Adams, William H. Seward, and the other distinguished constitutional lawyers immediately connected with the treaties through which we obtained the cessions of Florida, New Mexico, Upper California, and Alaska.

From 1803, the time of our first acquisition of territory under the Constitution, down to 1867, when Alaska was purchased, each treaty affords persuasive evidence that special covenants were deemed necessary to secure the benefits and advantages of citizenship to the inhabitants whose allegiance was being transferred to the purchasing government.

As an answer to all this it is said that in the Dred Scott case the Supreme Court expressed the opinion that this Government has no right to hold colonies and no right to hold any people as subjects and no right to acquire territory except with the ultimate purpose of its being admitted into the Union as a State, and that in this conclusion all the judges of that court concurred.

When it is remembered that at the date of that decision no attempt had ever been made to hold a colony or to treat any people as subjects, and that no territory had been acquired that had not been or was not being held with the view of its ultimate admission into the Union as a State or States, I am at a loss to understand how all or any of these important and fundamental questions found a judicial lodgment in a case in which as shown by the principal opinion the controlling inquiry was whether Dred Scott, a man of color, who, according to his own contention, was an ex-slave, was a citizen of the United States and entitled as such to maintain a suit in the Federal courts.

I do not agree with the distinguished Senator from Missouri [Mr. VEST] that the Supreme Court, in the recent case of Shiveley vs. Bowlby, reaffirmed the doctrine of the principal opinion in the Dred Scott case. That court did say, and as an historical fact it is true, that the then Territories were, and always had been, held with the object of their ultimate admission into the Union, and did declare that—

Upon the acquisition of territory by the United States, whether by cession from one of the States or by treaty with a foreign country, or by discovery and settlement, the same title and dominion passed to the United States for the benefit of the whole people, and in trust for the several States to be ultimately created out of the territory.

Do the United States, however independent of treaty stipulations, hold Territories in trust for future States?

The question in the Shiveley case was as to the validity of a Federal grant of land lying below tide water. It was contended that the supposed trust attaching to such land in favor of the future State precluded the Federal Government from granting it away during the existence of the Territory and before the admission of the State. To that contention the court replied:

By the Constitution, as is now well settled, the United States have the right to acquire territories, and, being the only Government which can impose laws upon them, have the entire dominion and sovereignty, national and municipal, over all the Territories so long as they remain in Territorial condition.

We can not doubt, therefore, that Congress has the power to make grants of land below high-water mark of navigable waters in any territory of the United States whenever it becomes necessary to do so in order to perform international obligations or to effect the improvement of such lands for the promotion and convenience of commerce with foreign countries and amongst the several States, or to carry out other public purposes appropriate to the objects for which the United States hold the territory.

If the title of the United States had not in fact and in law been absolute, we would have the case of a trustee disposing of the estate of the cestue que trust and pocketing the proceeds of the sale. The real effect of the decision as to the point in issue was that in the absence of treaty stipulations creating it no trust attaches to the ownership of and dominion of the United States over the National Territories in favor of any other power, much less of a State, that may or may not be organized or, if organized, may or may not be admitted into the Union. The United States are the absolute owners of the National Territories, and are chargeable with no trust in favor of a successor, which can only come into existence at their unrestrained discretion.

Mr. Calhoun, speaking (in the Senate) of the legal status of the Territories, said:

They belong to us—they are ours—that is to say, they are the property of the States of the Union, and we as the representatives of those States have the right to exercise all that authority and jurisdiction which ownership carries with it.

The question before the court in Loughborough vs. Blake was whether the District of Columbia was within the United States in the meaning of the constitutional provision that "all duties, imposts and excises shall be uniform throughout the United States." To have decided that the Federal District, made up as it was of territory taken from two of the original States of the Union, and constituting the seat of government, was not, for all purposes, within the United States would have been an extraordinary decision.

If the contest had involved the same question as to the then Territories, a like decision would, no doubt, have been rendered, and the discussion, as to Federal taxation in the Territories, would have been relevant and legitimate. In support of the conclusion reached the Chief Justice might have said, as in effect he did say in Canter's case, the French and Spanish treaties are the laws of the land and admit the inhabitants of the Territories ceded by France and Spain to the enjoyment of the privileges, rights, and immunities of citizens of the United States, and that it was, therefore, unnecessary to express an opinion as to the supposed self-extending attributes of the Constitution.

Treaties may be disregarded by Congress. Acts extending the operation of the Constitution to new territory, it is insisted, may be repealed. So far as a treaty remains executory on both sides, it may be conceded that Congress can prevent its further execution, but it does not follow that Congress can override the obligations of, and disregard the conditions created by, an executed treaty, nor does it follow that Congress can impair the efficiency of a personal right created and established by the act it assumes to repeal.

Whatever may be the general rule as to the effect of Congressional action disregarding the stipulations of a treaty, or as to the effect of the repeal of an ordinary statute, citizenship of the United States, once acquired, whether by naturalization, or treaty stipulation, or by act of Congress, can not be taken away, nor its benefits, advantages, or immunities neutralized or impaired, except as a punishment for crime, and then only after a constitutional trial and conviction.

To deprive a citizen of the United States of a civil right that inheres in American citizenship would be to inflict on him a most serious punishment. To attempt by legislative action to strip a class of citizens of the right of trial by jury, or to take from them constitutional protection against being twice put in jeopardy for the same offense, or against being deprived of life, liberty, or property without due process of law, would be to attempt to subject them to the operation of a bill of attainder, which the Constitution expressly forbids.

The high prerogative of citizenship of the United States may be surrendered by voluntary expatriation, or in a proper case may be nullified by the judgment of a court of competent jurisdiction as a punishment for crime, but it is above and beyond the reach of any self-enforcing statute, State or Federal.

I have already said that when the Supreme Court comes to pass on the power of Congress to determine the civil and political status of the inhabitants brought under the authority of the United States by the treaty of Paris it will for the first time be brought face to face with the question now being discussed in the halls of Congress and on the hustings. That court may be embarrassed, but it will not be compromised by any of the expressions used in former cases and now relied on as committing it to the views of those who contend that the Philippines constitute an integral part of the United States and that their inhabitants are entitled to demand all the constitutional protection secured to American citizens.

The difference between the treaty of Paris and all other treaties for the acquisition of territory can not be overlooked, and he who seeks to maintain its identity by the doctrine of stare decisis will be compelled to take the burden of establishing analogies that do not exist.

Taking the sixth section of the Spanish treaty of 1819, quoted by Chief Justice Marshall in Canter's case, which reads that—

The inhabitants of Territories * * * shall be incorporated into the Union of the United States as soon as may be consistent with the principles of the Federal Constitution, and admitted to the enjoyment of all the privileges, rights, and immunities of citizens of the United States—

it will be necessary to put in juxtaposition with it that clause of the treaty of Paris which reads—

The civil rights and the political status of the native inhabitants of the territory ceded to the United States shall be determined by Congress—

and then to establish that the two stipulations are substantially the same, and that in spite of their difference in phraseology, yet for some occult constitutional reason their meanings are identical and the ends they accomplish in all their essential elements the same.

We have with us eminent men who do not hesitate to assume the task of proving the similarity of obligation and the identity of duty created and imposed by the two treaty stipulations, but it is difficult to conclude that with all their learning, ability, and

ingenuity they can successfully maintain that the conditions resulting from the two stipulations are not essentially different in their dominating characteristics.

The treaty of Paris does not provide that the inhabitants of the territories ceded by Spain shall at any time or in any contingency be made citizens of the United States, or that their civil rights are to be measured by the Federal Constitution. Those rights are committed to the determination of Congress. The Asiatic countries ceded by Spain can not from the nature of things be incorporated into our Union. Their people can not be admitted to the rights of citizenship. We have, therefore, the alternatives either to refuse the performance of the duty which, in the estimation of the civilized world, we assumed by the acceptance of the cession, or else courageously to set about the task of giving to these people the best government they are capable of administering.

I do not favor, and I do not believe the American people favor, the permanent holding of the Filipinos in a state of subordination. but we do not hasten the day for their national enfranchisement by demanding for them rights which their conditions make it impossible for them to enjoy, or by charging them with duties they are palpably unable to perform.

It was said by Mr. Bancroft that—

> The United States of America are not only a Republic, they are a society of Republics—a Federal Republic. Toward foreign powers the country has no seam in its garment. It exists in absolute unity as a nation, with full and undisputed natural resources.

In that national character we treated for peace with Spain. In that national character we accepted the sovereignty of her recent Asiatic possessions, and, doing so, assumed the duty of controlling their future. It is a poor compliment to the National Constitution to insist that in the administration of this great trust and in the performance of this solemn and responsible duty the organic law denies to Congress the right to consider the racial, mental, and moral peculiarities of the inhabitants of those countries, or their capacity for self-government, or their geographical situation and environment, and imperatively imposes the duty of legislating for them as we might and would legislate if they were descended from the self-governing races of Europe and inhabited contiguous American territory.

I can not give my adhesion to such a rule of constitutional construction. I can not seriously contemplate the possibility of the Supreme Court adopting and enforcing such a rule. Since we have broken the bonds of continental isolation, all the departments of Government must recognize that, while preserving our American system, our influence henceforth is to have its due weight in directing the progress of those Asiatic countries whose commerce is to be transported over the waters of the Pacific.

When the authority of the United States to control, as our national interests may require, our relations with the Philippines, or to determine whether those countries are to be incorporated into our Union or their inhabitants endowed with the rights of American citizenship, shall be called in question in the Supreme Court, I rely, with confidence, on a decision sustaining their authority to decide these questions, each and all, at their unrestrained discretion, so far as constitutional limitations or restrictions are concerned.

During the first fifty years after the organization of the Government the Supreme Court consistently held to the doctrine that the admiralty jurisdiction of the courts of the United States was confined to waters affected by the ebb and flow of the tides. But when the growth of commerce on the Great Lakes and on the great interstate rivers began to approximate, in extent and importance, our foreign and coasting trade, that court was compelled to depart from an unbroken line of precedents established by its own decisions. In the case of the *Genesee Chief* (12 Howard) the ancient rule was reversed and a new rule established, applying such jurisdiction to cases arising on the Great Lakes and on the great interstate rivers. The court, through Chief Justice Taney, justified that departure on grounds as set out in the following quotation:

> It is the decision in the case of the *Thomas Jefferson* which mainly embarrasses the court in the present inquiry. We are sensible of the great weight to which it is entitled. But at the same time we are convinced that if we follow it we will follow an erroneous decision into which the court fell when the great importance of the question, as it now presents itself, could not have been foreseen, and that the subject, therefore, did not receive the deliberate consideration which at this time would have been given it by the eminent men who presided here when the commerce on the rivers of the West and on the lakes was in its infancy and of little importance and but little regarded compared with that of the present day.

It may be said of the fugitive expressions of the Supreme Court concerning the supposed inherent constitutional rights of the inhabitants of the territories acquired under the treaties with France, Spain, and Mexico, all of which have been carefully collated and strenuously pressed, that those expressions, even if legitimate and proper, were not necessary to and might well have been omitted from the opinions in which they are to be found. They were uttered when the great importance of the question as to the capacity of the Constitution to extend its operation proprio vigore as it now presents itself could not have been foreseen, and when the subject did not receive the deliberate consideration which at this time would be given it by the great men who were members of the Supreme Court when those expressions were used.

Satisfied that the Supreme Court will be slow to enter on the work of impairing the discretion intended to be secured to Congress by the treaty of Paris, and that there is no reasonable ground for fearing that it will decide, either that the citizenship of the Filipinos must be recognized on the one hand or the exercise of Federal jurisdiction over them and the countries they inhabit abandoned on the other, I insist that we may legislate for Puerto Rico and its people in the broadest spirit of justice and generosity without endangering our authority to solve the Asiatic problem on lines consistent with the best interests of the United States and of the Philippines, and on principles that will secure to the people of those islands political autonomy whenever they may demonstrate their capacity and disposition to preserve domestic order and to perform the international obligations that must be assumed when they become an independent State.

We can not forget that with the cession of Puerto Rico she lost the principal markets she had long enjoyed; that our tariff laws have been systematically applied to her products, and that the markets of Spain and Cuba, which were once open to her, can only be reached now by the payment of Spanish and Cuban duties. She has lost free intercourse with Spain and Cuba, and it is now proposed to deny her free intercourse with the people of the United States.

We can not afford to do this unjust thing, and the industrial interests that are to-day standing in the way of the open door to Puerto Rico are unwittingly provoking a movement that may not lose its impetus till all the doors that now obstruct or impede free intercourse between the United States and other nations shall have been subjected, in a greater or lesser degree, to the opening process.

I shall vote to amend this bill so as to make it provide for absolute free trade with the people of Puerto Rico. [Applause in the galleries.]

Mr. TURNER. Mr. President——

Mr. ALDRICH. Will the Senator from Washington yield to me for a moment?

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Rhode Island?

Mr. TURNER. Yes, sir.

Mr. ALDRICH. I move that at 4 o'clock the Senate take a recess, to meet at half past 8 o'clock this evening.

Mr. PETTUS. For what?

Mr. ALDRICH. For the purpose of having the bill reported from the Committee on Territories making further provision for a civil government for Alaska read, and for no other business.

Mr. BATE. Why can not we take the bill up now? We were here last night until half past 11 o'clock and only 156 pages of the bill were read; and it is necessary that it shall all be read before action can be taken upon it.

Mr. ALDRICH. Mr. President——

Mr. TURNER. Mr. President, I did not yield to the Senator from Rhode Island to be taken off my feet.

Mr. ALDRICH. I beg the Senator's pardon.

Mr. TURNER. I desire to make some remarks on the pending Puerto Rican bill.

Mr. ALDRICH. If the Senator will excuse me a moment, the reason I made the motion for a recess was that it was suggested to me that Senators on the other side desire to hold a conference this afternoon; and it was to suit their convenience that I made the suggestion. I have no desire to take the Senator from Washington off his feet.

Mr. TURNER. My speech will occupy some time; but I do not desire to interfere with the convenience of Senators on either side. If it be the desire of Senators on this side to have a recess taken at this hour, I will commence my speech on to-morrow or Monday, as may be preferred.

Mr. ALDRICH. The Senator from Washington will be entitled to the floor whenever the Senate meets again for legislative business.

Mr. TURNER. Very well. With that understanding, I will not attempt to go on this afternoon.

Mr. ALDRICH. Two or three Senators about me have asked whether it is desirable to have a session to-morrow. I inquire of the Senator from Ohio [Mr. FORAKER] whether he desires to go on with the Puerto Rican bill to-morrow?

Mr. FORAKER. I should prefer that we should hold a session to-morrow.

The PRESIDENT pro tempore. There has been a notice given by the Senator from Nebraska [Mr. THURSTON] for to-morrow afternoon.

Mr. FORAKER. I think we ought to have a session to-morrow.

Mr. ALDRICH. Then I will make the motion that at 4 o'clock the Senate take a recess until 8 o'clock this evening.

Mr. JONES of Arkansas. Is it with the same understanding as to the evening session that was had yesterday?

Mr. ALDRICH. The same understanding that was before had, that nothing else is to be done except the reading of the bill referred to.

The PRESIDENT pro tempore. The Senator from Rhode Island asks unanimous consent that at 4 o'clock the Senate take a recess until 8 o'clock this evening on the bill known as the Alaskan bill; no amendments to be acted upon and no other business but the reading of the bill to be transacted.

Mr. SPOONER. I should like to ask the Senator from Montana when he thinks the reading of the Alaskan bill will have been accomplished?

Mr. CARTER. On last evening, between the hours of 8 o'clock and half past 11 we read about one-fourth of the bill.

Mr. SPOONER. "We did?"

Mr. CARTER. The Senate, with the aid of the secretaries of the Senate. There was some discussion, however, between the hours named. I presume in two evening sessions we can finish the reading of the bill.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Rhode Island [Mr. ALDRICH]?

Mr. TILLMAN. Mr. President, let me ask, as a matter of inquiry, or in the way of suggestion, why the Senate could not convene at 10 o'clock in the morning and continue the reading of the bill for two hours, instead of having half a dozen men pretend to come here and some Presiding Officer having to sit and nod through four or five hours of reading at an unconscionable hour, when our employees have already been under a strain, and all that kind of thing? Why not let us begin sooner?

Mr. SPOONER. Will the Senator allow me?

Mr. TILLMAN. Certainly.

Mr. SPOONER. Was the Senator present last night?

Mr. TILLMAN. No, I was not; and I am not going to be present to-night.

Mr. SPOONER. How, then, can the Senator know whether Senators nodded or not?

Mr. TILLMAN. Simply because I know the inevitable result of sitting up to half past 11 o'clock at night, reading a bill that nobody has got any particular interest in, except possibly the one or two or three men who were present, and who are obliged to nod.

Mr. BATE. I want to say that every one of us ought to be interested in this bill. It is full of meat, and involves the success and prosperity of Alaska. The bill must be read sooner or later. If it is worth doing at all, it is worth doing well, and doing quickly. That is my judgment.

Mr. TILLMAN. If that be the case, why not have it read in the way I suggest? Let it be read in the regular order of business during business hours.

Mr. BATE. That would suit me exactly.

Mr. ALDRICH. I will move that the Senate take a recess from now until 8 o'clock.

Mr. TILLMAN. For the purpose of reading the Alaska bill and nothing else? Will not the Senator from Tennessee object to that?

Mr. BATE. No; because I have promised to be here.

Mr. TILLMAN. I do not want to obstruct business, but I contend we might as well conduct our business in a reasonable way. We are all paid by the year, and we ought to sit here as long as is necessary to properly attend to the public business. If this is an important measure, as the Senator from Tennessee says, why should we not carry it on as we carry on all other business?

Mr. CARTER. This is a very important measure, as the Senator from Tennessee very aptly suggests, and I am quite confident that the attendance here at half-past 8 o'clock will be quite sufficient to guarantee that the bill will be properly read and thoroughly read, as required by the rules of the Senate.

Mr. TILLMAN. Can the Senate do anything without a quorum?

Mr. CARTER. The reading of the bill is a mere formal reading.

Mr. TILLMAN. I understand that it is to comply with the requirement of the Constitution, that a bill shall be read three times.

Mr. CARTER. Under the unanimous-consent agreement no amendment can be offered, no amendment can be acted upon, and no other business can be transacted. A sufficient number of Senators were present last evening, not only to witness the reading of the bill, but likewise to propound certain interrogatories concerning the merits of the measure. I imagine that this evening we shall have a sufficient attendance for the purpose likewise.

Mr. TURNER. Mr. President, I will announce that in view of the desire to take a recess I shall speak on this question at such hour as I may be able to do on Monday.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Rhode Island? The Chair hears none, and the Senate will take a recess to meet at 8 o'clock this evening.

The Senate accordingly (at 4 o'clock and 5 minutes p. m.) took a recess until 8 o'clock p. m.

EVENING SESSION.

The Senate reassembled at 8 o'clock p. m.

CIVIL GOVERNMENT FOR ALASKA.

The PRESIDING OFFICER (Mr. KEAN in the chair). Under the order of the Senate, the Senate will resume the consideration of Senate bill 3419.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3419) making further provision for a civil government for Alaska, and for other purposes.

Mr. BATE. We read last night up to page 157, the beginning of chapter 32.

The PRESIDING OFFICER. The Secretary will resume the reading of the bill.

The Secretary resumed the reading of the bill at the top of page 157, section 304, and read to page 241, section 519, line 16.

Mr. WARREN. I desire to offer, for the purpose of having printed, a couple of amendments to the pending bill.

Mr. BATE. Let us hear what they are.

Mr. SHOUP. Let them lie on the table.

The PRESIDING OFFICER. The amendments will be printed and lie on the table.

Mr. BATE. There is no objection to having them read, is there? They are not long.

The PRESIDING OFFICER. Does the Senator from Tennessee ask that the amendments be read?

Mr. BATE. Yes; I should like to know what the amendments are.

The PRESIDING OFFICER. The amendments will be read.

The Secretary read as follows:

Amendment intended to be proposed by Mr. WARREN to the bill S. 3419.

Amend section 7 by inserting after the word "court," in line 2, page 8, the words "by the judges thereof."

Amendment intended to be offered by Mr. WARREN to the bill S. 3419.

Amend section 10 by striking out, in line 2, page 11, the word "clerks."

Amend by striking out after the word "President" in line 11, page 12, all of lines 12 to 19, inclusive, and inserting in lieu thereof the words:

"And the President is empowered to remove such clerk from office by an order in writing for that purpose. And upon the presentation of such order, or a copy thereof duly authenticated by the Attorney-General of the United States, to the judge of the court whereof such offender is clerk, such clerk shall thereupon be deemed to be out of office, and shall not exercise the functions thereof. And in case of the death, removal, or inability of the clerk to perform the duties of his office, the judge of the court whereof such person is clerk shall appoint a successor, and the person thus appointed shall be entitled to all the fees and emoluments of the office, and shall give such bond as the court may require."

Mr. BATE. To what section does that apply?

Mr. WARREN. The last amendment applies to section 10. I will say to the Senator that it is merely a matter I want to discuss when the time comes, relative to the appointment of the clerk.

Mr. BATE. I understand the purport of the amendment, but I wanted to know to what section it applies.

The PRESIDING OFFICER. The amendments will be printed and lie on the table. The reading of the bill will be resumed.

The Secretary resumed and continued the reading of the bill to the end of section 734, page 321.

Mr. BATE. Mr. President, the bill has been read a long way to-night; the clerks have read rapidly, and it is now nearly 11 o'clock. If it be agreeable to the chairman of the committee who has charge of the bill, I shall move that the Senate adjourn.

Mr. SHOUP. I have no objection.

Mr. BATE. I move that the Senate adjourn.

The motion was agreed to; and (at 10 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Saturday, March 10, 1900, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate March 9, 1900.

UNITED STATES DISTRICT JUDGE.

George P. Wanty, of Michigan, to be United States district judge for the western district of Michigan, vice Henry F. Severens, whose appointment as United States circuit judge for the Sixth judicial circuit will take effect on March 16, 1900.

APPOINTMENT IN THE VOLUNTEER ARMY.

Thirty-ninth Infantry.

Corp. Frank M. Polk, Company C, Thirty-ninth Infantry, United States Volunteers, to be second lieutenant, March 5, 1900, vice Waugh, deceased.

APPOINTMENT IN THE ARMY.

Cavalry arm.

Private Ferdinand W. Fonda, Troop B, Third United States Cavalry, to be second lieutenant, March 1, 1900.

PROMOTIONS IN THE ARMY—INFANTRY ARM.

To be first lieutenants.

Second Lieut. Louis P. Schindel, Sixth Infantry, October 19, 1899, vice Powell, First Infantry, promoted.

Second Lieut. George B. Pond, Third Infantry, October 20, 1899, vice Sladen, Fourth Infantry, promoted.

Second Lieut. Dana T. Merrill, Twelfth Infantry, November 15, 1899, vice Bandholtz, Seventh Infantry, promoted.

Second Lieut. Alexander M. Wetherill, Sixth Infantry, November 15, 1899, vice Ferguson, Thirteenth Infantry, promoted.

Second Lieut. Charles N. Murphy, Twenty-second Infantry, November 15, 1899, vice Learnard, Fourteenth Infantry, promoted.

Second Lieut. Theodore A. Baldwin, jr., Twenty-fourth Infantry, November 20, 1899, vice Wholley, Twenty-fourth Infantry, promoted.

Second Lieut. George H. Shields, jr., Twelfth Infantry, November 25, 1899, vice Williams, Twelfth Infantry, deceased.

Second Lieut. Eleutheros H. Cooke, Tenth Infantry, November 26, 1899, vice Murray, Twenty-first Infantry, promoted.

Second Lieut. Arthur L. Conger, Eighteenth Infantry, December 2, 1899, vice Wolf, Fourth Infantry, promoted.

Second Lieut. James B. Kemper, Fourteenth Infantry, December 8, 1899, vice Ledyard, Sixth Infantry, killed in action.

Second Lieut. John W. Barnes, Eighteenth Infantry, December 15, 1899, vice Lyon, Twenty-fourth Infantry, promoted.

Second Lieut. Isaac A. Saxton, Fourth Infantry, December 15, 1899, vice Moore, Twenty-third Infantry, promoted.

Second Lieut. George E. Thorne, Twenty-second Infantry, December 18, 1899, vice Uline, Twelfth Infantry, promoted.

Second Lieut. Harry S. Howland, Twenty-third Infantry, December 23, 1899, vice Gose, Thirteenth Infantry, promoted.

Second Lieut. Alfred Aloe, Eighteenth Infantry, December 26, 1899, vice Taylor, Twelfth Infantry, deceased.

Second Lieut. Thomas J. Fealy, Fifth Infantry, January 7, 1900, vice Cheney, Fourth Infantry, killed in action.

Second Lieut. Frank W. Rowell, Second Infantry, January 12, 1900, vice Clark, Fifth Infantry, promoted.

Second Lieut. Hugh A. Drum, Twelfth Infantry, January 15, 1900, vice Caldwell, Twenty-fifth Infantry, promoted.

Second Lieut. John M. Campbell, Twenty-fifth Infantry, January 18, 1900, vice Butts, Fifth Infantry, promoted.

APPOINTMENTS IN THE VOLUNTEER ARMY.

Puerto Rico Regiment.

Capt. William E. Almy, Fifth United States Cavalry, to be major, Puerto Rico Regiment, United States Volunteer Infantry, March 1, 1900, to fill an original vacancy.

To be assistant surgeon with the rank of captain.

José Lugo Vina, of Puerto Rico, acting assistant surgeon, United States Army, March 1, 1900, to fill an original vacancy, Puerto Rico Regiment, United States Volunteer Infantry.

INDIAN AGENTS.

George W. Hayzlett, of Arizona, who was appointed August 10, 1898, during the recess of the Senate, to be agent for the Indians of the Navajo Agency, in New Mexico, vice Maj. Constant Williams, United States Army, relieved from duty as acting Indian agent. The nomination of Mr. Hayzlett, sent to the Senate December 6, 1899, in which he was stated as "of Laporte City, Iowa," is hereby withdrawn.

James H. Monteath, of Butte City, Mont., to be agent for the Indians of the Blackfeet Agency, in Montana, vice William R. Logan, resigned.

POSTMASTER.

John Campbell, to be postmaster at Warren, in the county of Trumbull and State of Ohio, in the place of S. B. Palm, whose commission expired February 13, 1900.

CONSUL.

Max J. Baehr, of Nebraska, recently nominated and confirmed as consul at Santos, Brazil, to be consul of the United States at Magdeburg, Germany, vice Henry W. Diederich, appointed consul at Bremen.

CONFIRMATION.

Executive nomination confirmed by the Senate March 9, 1900.

APPOINTMENT IN THE REVENUE-CUTTER SERVICE.

Harold D. Hinckley, of Massachusetts, to be a third lieutenant in the Revenue-Cutter Service of the United States.

REMOVAL OF INJUNCTION OF SECRECY.

During the consideration of executive business Thursday, February 8, 1900, the following resolution was considered, and agreed to:

Resolved, That whenever the injunction of secrecy shall be removed from any part of the proceedings of the Senate in executive session or secret legislative session, the order of the Senate removing the same shall be entered by the Secretary in the Legislative Journal as well as in the Executive Journal, and shall be published in the RECORD.

THE NICARAGUA CANAL.

During the consideration of executive business Friday, March 9, 1900, the following resolution was considered, and agreed to:

Resolved, That the injunction of secrecy be removed from the amendment this day reported from the Committee on Foreign Relations to the "Convention (Executive M.) between the United States and Great Britain to facilitate the construction of a ship canal to connect the Atlantic and Pacific oceans, and to remove any objection which might arise out of the convention commonly called the Clayton-Bulwer treaty," and from the written report of the Committee on Foreign Relations; also from the views of the minority of the committee, when the same shall be presented.

HOUSE OF REPRESENTATIVES.

FRIDAY, *March 9, 1900.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

ORDER OF BUSINESS.

Mr. SULLOWAY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the purpose of considering bills on the Private Calendar under the rule applying to the second Friday of each month.

The SPEAKER. The gentleman from New Hampshire moves that the House resolve itself into Committee of the Whole in pursuance of the rule adopted yesterday.

The question was taken.

Mr. TALBERT. Mr. Speaker, I demand a division.

The House divided; and there were—ayes 129, noes none.

Mr. TALBERT. Mr. Speaker, I make the point that no quorum is present.

Mr. SULLOWAY. The yeas and nays.

The SPEAKER. The Chair is satisfied that there is no quorum present, and therefore orders the doors to be closed and the yeas and nays taken on the pending motion. Those who are in favor of the motion will, as their names are called, vote "yea," those who are opposed will vote "nay," and those who are present and not voting on either side will answer "present."

The question was taken; and there were—yeas 207, nays 0, answered "present" 17, not voting 126; as follows:

YEAS—207.

Aldrich,	Corliss,	Howell,	Morris,
Alexander,	Cousins,	Hull,	Muller,
Allen, Ky.	Cowherd,	Jack,	Neville,
Allen, Me.	Crawford,	Jenkins,	Newlands,
Allen, Miss.	Crump,	Johnston,	Noonan,
Atwater,	Crumpacker,	Jones, Va.	Otey,
Bailey, Kans.	Curtis,	Jones, Wash.	Otjen,
Bailey, Tex.	Cushman,	Kahn,	Overstreet,
Baker,	Dahle, Wis.	Kerr,	Payne,
Ball,	Davenport, S. A.	Kleberg,	Pearce, Mo.
Bankhead,	De Armond,	Kluttz,	Pierce, Tenn.
Barber,	De Graffenreid,	Knox,	Pearre,
Barney,	De Vries,	Lacey,	Phillips,
Bartlett,	Dick,	Lamb,	Powers,
Bell,	Dolliver,	Landis,	Prince,
Bellamy,	Driggs,	Lanham,	Pugh,
Berry,	Driscoll,	Lawrence,	Ray,
Bishop,	Elliott,	Lentz,	Reeder,
Boutell, Ill.	Esch,	Lester,	Rhea, Ky.
Bowersock,	Faris,	Lewis,	Rhea, Va.
Brantley,	Finley,	Little,	Ridgely,
Breazeale,	Fitzgerald, Mass.	Littlefield,	Rixey,
Brenner,	Fletcher,	Livingston,	Roberts,
Brick,	Gamble,	Lloyd,	Robinson, Nebr.
Bromwell,	Gilbert,	Long,	Rodenberg,
Brown,	Gill,	Lorimer,	Rucker,
Brundidge,	Glynn,	Loudenslager,	Ruppert,
Burke, S. Dak.	Graff,	Lovering,	Russell,
Burke, Tex.	Graham,	McClellan,	Ryan, N. Y.
Burkett,	Griffith,	McCulloch,	Ryan, Pa.
Burleigh,	Griggs,	McDowell,	Shackleford,
Burleson,	Grout,	McPherson,	Shattuc,
Burnett,	Grow,	McRae,	Shelden,
Burton,	Hall,	Maddox,	Sheppard,
Calderhead,	Hamilton,	Mahon,	Sherman,
Caldwell,	Haugen,	Marsh,	Showalter,
Capron,	Hay,	May,	Sibley,
Clark, Mo.	Heatwole,	Mercer,	Sims,
Clarke, N. H.	Henry, Conn.	Mesick,	Slayden,
Clayton, N. Y.	Henry, Miss.	Miller,	Small,
Cochran, Mo.	Henry, Tex.	Minor,	Smith, H. C.
Cochrane, N. Y.	Hepburn,	Mondell,	Smith, Samuel W.
Connell,	Hill,	Moody, Mass.	Snodgrass,
Cooney,	Hoffecker,	Moody, Oreg.	Sperry,
Cooper, Wis.	Hopkins,	Morgan,	Stark,

Stephens, Tex.	Sulzer,	Thayer,	White,
Stevens, Minn.	Sutherland,	Thomas, N. C.	Williams, J. R.
Stewart, N. J.	Swanson,	Underwood,	Wilson, Idaho
Stewart, N. Y.	Talbert,	Van Voorhis,	Young, Va.
Stewart, Wis.	Tawney,	Vreeland,	Zenor.
Stokes,	Tayler, Ohio	Waters,	Ziegler.
Sulloway,	Taylor, Ala.	Weaver,	

NAYS—0.

ANSWERED "PRESENT"—17.

Adamson,	Dinsmore,	Naphen,	Sparkman,
Barham,	Fitzgerald, N. Y.	Needham,	Wilson, N. Y.
Bartholdt,	Gaston,	Riordan,	
Boreing,	Loud,	Robinson, Ind.	
Brownlow,	Mann,	Southard,	

NOT VOTING—123.

Acheson,	Dougherty,	Lane,	Smith, Ill.
Adams,	Dovener,	Latimer,	Smith, Ky.
Babcock,	Eddy,	Levy,	Smith, Wm. Alden
Benton,	Emerson,	Linney,	Spalding,
Bingham,	Fitzpatrick,	Littauer,	Spight,
Boutelle, Me.	Fleming,	Lybrand,	Sprague,
Bradley,	Fordney,	McAleer,	Stallings,
Brewer,	Foss,	McCall,	Steele,
Brosius,	Foster,	McCleary,	Tate,
Broussard,	Fowler,	McLain,	Terry,
Bull,	Fox,	Meekison,	Thomas, Iowa
Butler,	Freer,	Metcalf,	Thropp,
Campbell,	Gaines,	Meyer, La.	Tompkins,
Cannon,	Gardner, Mich.	Miers, Ind.	Tongue,
Carmack,	Gardner, N. J.	Moon,	Turner,
Catchings,	Gayle,	Mudd,	Underhill,
Chanler,	Gibson,	Norton, Ohio	Vandiver,
Clayton, Ala.	Gillet, N. Y.	Norton, S. C.	Wachter,
Cooper, Tex.	Gillett, Mass.	O'Grady,	Wadsworth,
Cox,	Gordon,	Olmsted,	Wanger,
Cromer,	Green, Pa.	Packer, Pa.	Warner,
Crowley,	Greene, Mass.	Parker, N. J.	Watson,
Cummings,	Grosvenor,	Polk,	Weeks,
Cusack,	Hawley,	Quarles,	Weymouth,
Daly, N. J.	Hedge,	Ransdell,	Wheeler, Ky.
Dalzell,	Hemenway,	Reeves,	Williams, W. E.
Davenport, S. W.	Hitt,	Richardson,	Williams, Miss.
Davey,	Howard,	Robb,	Wilson, S. C.
Davidson,	Jett,	Robertson, La.	Wright,
Davis,	Joy,	Salmon,	Young, Pa.
Dayton,	Ketcham,	Scudder,	
Denny,	Kitchin,	Shafroth,	

So the motion to go into Committee of the Whole was agreed to.

The following pairs were announced:

For to-day:

Mr. JOY with Mr. NAPHEN.

Mr. GARDNER of Michigan with Mr. DAVIS.

Mr. PUGH with Mr. QUARLES.

Mr. BINGHAM with Mr. MCALEER.

Mr. EMERSON with Mr. FITZGERALD of New York.

Mr. FREER with Mr. HOWARD.

Mr. LANE with Mr. LATIMER.

Mr. TONGUE with Mr. BENTON.

Mr. BABCOCK with Mr. BRADLEY.

Mr. GROSVENOR with Mr. ROBINSON of Indiana.

Mr. WACHTER with Mr. SCUDDER.

Mr. SMITH of Illinois with Mr. SPIGHT.

Mr. WARNER with Mr. TURNER.

Mr. TOMPKINS with Mr. ROBERTSON of Louisiana.

For Friday and Saturday:

Mr. LYBRAND with Mr. GASTON.

Mr. BUTLER with Mr. VANDIVER.

Mr. SHOWALTER with Mr. GREEN of Pennsylvania.

Mr. HEDGE with Mr. LEVY.

Mr. KETCHAM with Mr. WILSON of New York.

Until March 11:

Mr. GILLET of New York with Mr. GAYLE.

Mr. MUDD with Mr. KITCHIN.

Mr. FOSS with Mr. CUMMINGS.

Until Tuesday:

Mr. DAVIDSON with Mr. FOX.

Mr. LINNEY with Mr. KLUTTZ.

Mr. ADAMS with Mr. SLAYDEN.

Until Wednesday:

Mr. GREENE of Massachusetts with Mr. THAYER.

Mr. OLMSTED with Mr. WILLIAM E. WILLIAMS.

Mr. WATSON with Mr. DALY of New Jersey.

For Wednesday, Thursday, and Friday:

Mr. DOVENER with Mr. CATCHINGS.

For Friday, Saturday, and Monday:

Mr. HILL with Mr. UNDERHILL.

For one week:

Mr. SPALDING with Mr. MOON.

Until further notice:

Mr. BOUTELLE of Maine with Mr. CLAYTON of Alabama.

Mr. BARTHOLDT with Mr. DOUGHERTY.

Mr. SOUTHARD with Mr. NORTON of Ohio.

Mr. HEMENWAY with Mr. MIERS of Indiana.

Mr. WEYMOUTH with Mr. BROUSSARD.

Mr. GIBSON with Mr. TATE.

Mr. VAN VOORHIS with Mr. GORDON.

Mr. LOUDENSLAGER with Mr. STALLINGS.

Mr. HAWLEY with Mr. COOPER of Texas.

Mr. SPRAGUE with Mr. SMITH of Kentucky.

Mr. ACHESON with Mr. SULZER.

Mr. BULL with Mr. DAVEY.

Mr. BOREING with Mr. FITZPATRICK.

Mr. STEELE with Mr. CUSACK.

Mr. CROMER with Mr. GRIFFITH.

Mr. MCCALL with Mr. GAINES.

Mr. STEWART of New York with Mr. RIORDAN.

Mr. DAYTON with Mr. MEYER of Louisiana.

Mr. BARHAM with Mr. BRENNER.

Mr. MANN with Mr. JETT.

For ten days:

Mr. HITT with Mr. CARMACK.

For the session:

Mr. JACK with Mr. FINLEY.

Mr. METCALF with Mr. WHEELER of Kentucky.

Mr. WM. ALDEN SMITH with Mr. WILSON of South Carolina.

Mr. NEEDHAM with Mr. NORTON of South Carolina.

Mr. PACKER of Pennsylvania with Mr. POLK.

Mr. WRIGHT with Mr. HALL.

Mr. REEVES with Mr. SPARKMAN.

Mr. WANGER with Mr. ADAMSON.

Mr. LOUD with Mr. DE VRIES.

Mr. BROMWELL. Mr. Speaker, I notice that my colleague, General GROSVENOR, is not present. He was severely indisposed yesterday, and I presume he is to-day, and I ask that he be excused.

The SPEAKER. The Chair is advised that he is confined to his room.

Mr. ADAMSON. Mr. Speaker, I notice that the gentleman from Pennsylvania, Mr. WANGER, did not vote. I voted "aye" early in the call. While I am sure that the gentleman would vote with me if here, yet as he is absent, I withdraw my vote.

Mr. KLUTTZ. Mr. Speaker, on this roll call I voted "aye." I have a general pair with the gentleman from North Carolina, Mr. LINNEY, but as this is a call to ascertain if a quorum is present and to go into Committee of the Whole, I felt that I had a right to vote. I feel sure that the gentleman from North Carolina, if he were here, would vote in the affirmative.

Mr. ROBINSON of Indiana. Mr. Speaker, I am paired with General GROSVENOR. I voted "aye," but I desire to withdraw my vote and answer "present."

Mr. NAPHEN. Mr. Speaker, I voted "aye," but I wish to withdraw my vote, as I am paired with the gentleman from Missouri, Mr. JOY.

Mr. BARTHOLDT. Mr. Speaker, I voted "aye," but, being paired with the gentleman from Missouri, Mr. DOUGHERTY, I desire to withdraw my vote.

Mr. SLAYDEN. Mr. Speaker, I did not think it necessary to announce my pair with the gentleman from Pennsylvania, Mr. ADAMS, and would not have thought it necessary if I had not observed my pair was called. I am paired with the gentleman on all political matters, but not on a question of this sort, where there is no division.

Mr. RIORDAN. Mr. Speaker, I am paired with the gentleman from New York, Mr. STEWART, and I wish to withdraw my vote of "aye" and vote "present."

Mr. PUGH. Mr. Speaker, I notice that I am paired with the gentleman from Virginia, Mr. QUARLES. I was informed by him that he did not care to oppose pension matters, and therefore I voted "aye." I am paired with him on all political matters, but not on matters pertaining to pensions.

Mr. BOREING. Mr. Speaker, I am paired with Mr. FITZPATRICK. I do not understand that that applies to pension matters, yet I desire to withdraw my vote of "aye" and vote "present."

Mr. BOREING's name was called, and he answered "present," as above recorded.

The SPEAKER. On this question the yeas are 207 and the nays none; present, 17. A quorum is present, the ayes have it, and accordingly the House resolves itself into Committee of the Whole House under the order, and the gentleman from Iowa, Mr. LACEY, will take the chair.

LEAVE OF ABSENCE.

The SPEAKER. Pending the vote to go into Committee of the Whole, the Chair asks unanimous consent to submit the request of a member for leave of absence.

There was no objection.

Mr. JOY, by unanimous consent, obtained leave of absence until Monday next on account of important business.

CONSIDERATION OF PRIVATE PENSION BILLS.

The House then resolved itself into Committee of the Whole for the consideration of private pension bills, Mr. LACEY in the chair.

The CHAIRMAN. If there be no objection, the Clerk will report the rule under which the House acts to-day.

The Clerk read as follows:

Resolved, That during the remainder of this Congress the second and fourth Fridays in each month, after the disposal of such business on the Speaker's table as requires reference only, shall be set apart for the consideration of private pension bills, bills for the removal of political disabilities, and bills removing charges of desertion. The provision herein made shall be in lieu of the evening session provided for by section 2 of Rule XXVI, and section 6 of Rule XXIV and section 1 of Rule XXVI are hereby modified to conform herewith.

MARIA ANDREWS.

The first business on the Private Calendar was the bill (H. R. 6700) to increase the pension of Maria Andrews.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension, subject to the limitations and provisions of the pension laws, of Maria Andrews, widow of George Andrews, late private, Company H, Eighty-fifth Regiment Illinois Volunteers, in the late war of the rebellion, and pay her a pension of $24 per month in lieu of the pension she is now receiving.

The amendments reported by the committee were read, as follows:

Strike out all after the word "directed," in line 4, and insert in place thereof the following: "to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Maria Andrews, widow of George Andrews, late private in Company K, Eighty-fifth Illinois Volunteers, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving."

Amend the title of the bill so as to read: "A bill granting an increase of pension to Maria Andrews;" and when so amended the passage of the bill is recommended.

Mr. SULLOWAY. As an amendment to the pending amendments I offer the amendment which I send to the desk.

The Clerk read as follows:

After line 14, insert:

"*Provided*, That in the event of the death of the helpless son, Willie, the pension of the said Maria Andrews shall continue at the rate of $12 a month only from and after the death of said son."

The amendment to the amendment was agreed to, and the amendment as amended was adopted.

The bill as amended was laid aside to be reported favorably to the House.

JESSE SMITH.

The next business on the Private Calendar was the bill (H. R. 434) granting an increase of pension to Jesse Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place upon the pension roll the name of Jesse Smith, late private in Company K, Ninety-sixth Illinois Volunteer Infantry, and pay him a pension of $30 a month from and after the passage of this act in lieu of the pension he is now receiving under certificate No. 778924.

The amendments reported by the committee were read, and agreed to, as follows:

In line 4, before the word "directed," insert the words "authorized and." In the same line strike out the word "upon" and insert in lieu thereof the word "on." Also, in the same line, after the word "roll," insert the words "subject to the provisions and limitations of the pension laws."

In line 6 strike out all after the word "pension" and insert in place thereof the following: "at the rate of $30 per month in lieu of that he is now receiving."

The bill as amended was laid aside to be reported favorably to the House.

MARIA E. MAILLEY.

The next business on the Private Calendar was the bill (H. R. 5390) granting a pension to Mrs. Maria E. Mailley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Mrs. Maria E. Mailley, widow of Frank E. Mailley, late of Company D, Ninth New Jersey Infantry Volunteers, on the pension roll, and, under the provisions of the act of June 27, 1890, pay her a pension of $8 per month and $2 additional for each child under the age of 16 years.

The amendments reported by the committee were read, and agreed to, as follows:

Strike out all after the word "place," in line 4, and insert in lieu thereof the following: "on the pension roll, subject to the provisions and limitations of the act of June 27, 1890, the name of Maria E. Mailley, widow of Frank E. Mailley, late of Company D, Ninth New Jersey Volunteer Infantry, and pay her a pension at the rate of $8 per month."

Amend the title so as to read: "A bill granting a pension to Maria E. Mailley."

The bill as amended was laid aside to be reported favorably to the House.

ELLA F. SYDNOR.

The next business on the Private Calendar was the bill (H. R. 1763) to pension Ella F. Sydnor.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll of the Government the name of Ella F. Sydnor, a nurse in the hospital of the Army of the United States at Winchester, Va., during the late war of the rebellion, and pay her a pension at the rate of $12 per month.

The amendments reported by the committee were read, and agreed to, as follows:

In lines 4 and 5 strike out the words "of the Government" and insert in place thereof the words "subject to the provisions and limitations of the pension laws."

Amend the title so as to read: "A bill granting a pension to Ella F. Sydnor;" and when so amended the passage of the bill is recommended.

The bill as amended was laid aside to be reported favorably to the House.

CALISTA F. HALL.

The next business on the Private Calendar was the bill (H. R. 2681) granting a pension to Calista F. Hall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Calista F. Hall, widow of Joseph S. Hall, late a lieutenant in Company E, Fifteenth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $17 per month in lieu of that which she is now receiving.

The amendments reported by the committee were read and agreed to, as follows:

In line 6 strike out the word "a" and insert the word "first."

In line 9 strike out the word "which."

Amend the title so as to read: "A bill granting an increase of pension to Calista F. Hall."

The bill as amended was laid aside to be reported favorably to the House.

LOUIS H. GEIN.

The next business on the Private Calendar was the bill (H. R. 2865) to grant increase of pension to Louis H. Gein, Company F, Fifty-fifth New York Volunteers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louis H. Gein, late second lieutenant in Company F, Fifty-fifth New York Volunteers, during the late civil war, and grant him per pension of $30 a month, in lieu of the pension which he is now receiving, for chronic rheumatism and other diseases contracted in the line of duty.

The amendments reported by the committee were read, and agreed to, as follows:

In line 7 strike out the words "Volunteers during the late civil war" and insert in lieu thereof the words "Volunteer Infantry."

Strike out all of lines 8, 9, and 10 and insert in lieu thereof the words "pay him a pension at the rate of $12 per month in lieu of that he is now receiving."

Amend the title so as to read as follows: "A bill granting an increase of pension to Louis H. Gein."

The bill as amended was laid aside to be reported favorably to the House.

SERELDA C. M'GREW.

The next business on the Private Calendar was the bill (H. R. 6701) granting a pension to Serelda C. McGrew.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Serelda C. McGrew, widow of James A. McGrew, deceased, late pilot and seaman on the U. S. ship *Carondelet*, in the late war of rebellion, and to pay her a pension of $12 per month.

The amendments reported by the committee were read, and agreed to, as follows:

In line 6 strike out the word "deceased."

In line 8, after the word "pension," insert "at the rate."

The bill as amended was laid aside to be reported favorably to the House.

ELISHA B. SEAMAN.

The next business on the Private Calendar was the bill (H. R. 3809) granting increase of pension of Elisha B. Seaman, Company A, Sixty-sixth Ohio Volunteer Infantry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Elisha B. Seaman, late a member of Company A, Sixty-sixth Ohio Volunteer Infantry, on the pension roll at the rate of $24 per month, said sum to be paid in lieu of the pension now received by him.

The amendments reported by the committee were read, and agreed to, as follows:

Strike out all after the word "place," in line 4, and insert in lieu thereof the following: "on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elisha B. Seaman, late of Company A, Sixty-sixth Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

Amend the title of the bill so as to read as follows: "A bill granting an increase of pension to Elisha B. Seaman."

The bill as amended was laid aside to be reported favorably to the House.

LUCY S. BANE.

The next business on the Private Calendar was the bill (H. R. 3523) for the relief of Lucy S. Bane.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, directed to grant a pension and pay, out of any funds not otherwise appropriated, $50 per month to Lucy S. Bane, the widow of Moses M. Bane, late colonel of the Fiftieth Illinois Infantry Volunteers.

The amendments reported by the committee were read, as follows:

Strike out all after the word "hereby," in line 3, and insert in place thereof the following: "authorized and directed to place on the pension roll,

subject to the provisions and limitations of the pension laws, the name of Lucy S. Bane, widow of Moses M. Bane, late colonel of the Fiftieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month."

Amend the title so as to read: "A bill granting a pension to Lucy S. Bane."

Mr. LAMB. I move to amend the amendment by striking out "twelve" and inserting "thirty;" so as to give this widow a pension of $30 a month.

Mr. BROMWELL. I would like to hear some reason for this amendment.

Mr. LAMB. I will give an explanation of the reasons in a very few words. This Virginia lady married a general in the Federal Army residing in my district. He died and left her penniless. Following the custom here, I ought to ask in her behalf a pension of $50; but with my experience here in the Fifty-fifth Congress, I scarcely think I could get that amount. Now, this poor widow is entitled, I think, to a pension of at least $30; and I hope every member on the other side will agree to give that amount, as I believe every member on this side is willing to do.

This lady is now in this city, as I have said, penniless. She saw fit to marry this Federal general who had lost an arm at Chickamauga or in some other Western engagement, and who died of injuries received in the service. I think it due this poor woman, as a compensation for the services she rendered in taking care of this old Federal general, that we should give her a pension of $30. I ask this in confidence of my colleagues here. I hope the amendment I have offered will prevail.

Mr. SULLOWAY. I would be glad to be as generous as my colleague, if I could; but this lady married this officer as lately as 1896. If it was a fact that he died from wounds received in the service, then there should be a different rating.

The fact is, that the committee, in the investigation of this matter, allowed all that could be allowed under the law. As a matter of right, nothing more could possibly be allowed in this case, because this widow married the soldier since the act of 1890 was passed.

But, Mr. Chairman, I am not opposing the proposition of the gentleman from Virginia. If the committee wish to do this act, it is entirely in their hands. We have no authority, however, to adopt it as a committee, but content ourselves with stating to the House that we gave in this case all that we could give under the law, and see no reason for the increase.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Virginia.

Mr. LAMB. Mr. Chairman, I want to call the attention of the committee to one or two facts in connection with this matter; and I am satisfied, when I have done so, I shall be able to convince the committee that this increase ought to be given. I know of a number of men myself, in my own experience, who were seriously wounded during the war who seemed apparently to recover from their wounds, and yet in after years, by reason of the dropping of the ball into some delicate part of the system, serious injury resulted. One particular case I have now in mind; I know that ten years after the wound was received the bullet dropped into the lung of one of my own comrades in a regiment in which I served and caused his death in a very short time thereafter.

Now, that is about the case that is presented here. We ask nothing on the score of charity. We ask only as a matter of right this pension for this widow. If other widows, as we all know to be a fact, have been receiving thirty or fifty dollars a month, then we have no hesitation in asking in this case that this widow shall receive at least $30 a month, the amount of the amendment I have suggested. I do not claim it is a matter of generosity, but only a matter of justice. Of course I believe in generosity in these pension matters. But this is not a case where you are asked to be generous, but only just. If the officer, the husband of this woman, rendered the service which it is admitted he did render, she is to-day as much entitled to this pension as any other widow who is now upon the pension rolls; and although we do not ask the same amount that has heretofore been granted in such cases, we should not feel any hesitation in asking that amount if the sense of the House had not shown itself in favor of a reduction to a certain extent of these pensions.

That is all I desired to say. I believe the justice of the claim will commend itself to the members present.

Mr. SULLOWAY. Mr. Speaker, the Committee on Invalid Pensions have given careful consideration to all of the bills which have been presented or reported. They have reported conservatively in all cases.

Mr. LAMB. Will the gentleman yield to me to allow me to read an extract from the report?

Mr. SULLOWAY. Certainly.

Mr. LAMB. Let me read, Mr. Chairman, what the report of the committee says in that case:

In support of said claim she filed the testimony of Dr. Kendall, the former surgeon of the Fiftieth Illinois Volunteers, to the effect that the ball which shattered the right arm and made immediate amputation necessary also penetrated the chest wall between the sixth and seventh ribs, wounding the upper edge of the liver, penetrating the pleural cavity, and wounding the lung structure; that he also had chronic dysentery; that after his return from the Army the officer came under his professional care when he resided in Quincy (up to 1878), and through correspondence when he was in other places; that the soldier suffered from chest or kidney disease, and, in opinion of affiant, such diseases were the pathological results from the wound in the chest, and were caused by the bullet which had lodged in the thorax; never heard what the immediate cause of death was, but believed all the time that the chest trouble would sometime be the primary cause of death.

Mr. SULLOWAY. As to what the gentleman from Virginia has read, of course this may have entered as a factor in the cause of the death of this officer; but the testimony shows he died of pneumonia, and we have given his widow in the committee the full amount that the law allows. If the committee shall see fit, in its wisdom, to give more than we have seen proper to allow, it will not break our hearts; and I content myself simply with saying that the committee have reported in this case all that they felt justified in giving.

Mr. DRIGGS. Mr. Chairman, I desire to corroborate what the chairman of the committee—the gentleman from New Hampshire—has just stated. This bill is unanimously reported from the committee, and reported, as it shows on its face, in favor of $12 a month.

Mr. LAMB. Mr. Chairman, I did not expect to find any opposition to a reasonable request like mine on this side of the House, or on either side, in favor of a proposition so reasonable as that I have suggested.

Now, if the committee will bear with me for a moment longer, there is a point to which I had neglected to call your attention when I took the floor a moment ago. This officer had lost an arm in the service. He was himself a physician. He states clearly and conclusively the conditions under which he was suffering. Now, if you are willing to correct the report in accordance with the facts, as I have suggested them, I imagine that no member of the Committee on Invalid Pensions could properly interpose an objection in a case so worthy and meritorious as this. I know, of course, that this committee have much work to do. I know that they are zealous, active, and careful in their work. But here is a case that must commend itself to the thoughtful consideration of every man who examines the question. I recognize the fact, also, that the committee has to be particular in the examination of these cases, and I dislike very much to interpose an objection to their report. But I feel compelled, Mr. Chairman, in this case to insist upon the adoption of the amendment that I have suggested, and hope the committee will agree with me in that regard.

I am sorry that the gentleman from Tennessee [Mr. GIBSON] is not in his seat. He told me that when I offered this amendment here he would support it. I did not expect any objection or any quasi objection to come from my friend over there [Mr. SULLOWAY], who stood here in the Fifty-fifth Congress and insisted that I should have $50 for the daughter of ex-President Tyler, who was in great distress in this city. Now, I ask the gentleman to withdraw his objection, and give this poor woman, who is suffering here in this town to-day, and who is penniless, $30 a month. Please do it.

The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from Virginia [Mr. LAMB].

The question being taken on a division (demanded by Mr. LAMB), there were—ayes 40, noes 48.

Mr. LAMB. Tellers, Mr. Chairman.

Tellers were ordered, and the Chairman appointed Mr. LAMB and Mr. SULLOWAY.

The committee again divided, and the tellers reported—ayes 47, noes 58.

Accordingly the amendment to the amendment was rejected.

The amendment offered by the committee was agreed to.

The bill as amended was ordered to be laid aside, to be reported to the House with a favorable recommendation.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CURTIS of Kansas having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills and resolutions of the following titles; in which the concurrence of the House was requested:

S. 2871. An act to supplement and amend the act entitled "An act to incorporate the North River Bridge Company and to authorize the construction of a bridge and approaches at New York City across the Hudson River, to regulate commerce in and over such bridge between the States of New York and New Jersey, and to establish such bridge a military and post road," approved July 11, 1899.

Senate concurrent resolution 30:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be authorized and directed to submit a report of survey and estimate for the improvement, straightening, and widening the main ship channel in Sabine Pass, Texas, from a point 1,000 feet north of the United States life-saving station to Sabine Lake, and that said survey and estimate be made in accordance with the provisions of section 22 of the river and harbor act of March 3, 1899.

Senate concurrent resolution 29:

Resolved by the Senate (the House of Representatives concurring), That there be printed for use as a public document 12,500 additional copies of each of the monographs issued by the Bureau of Statistics of Treasury Department, entitled "Commercial China in 1899," "Commercial Japan in 1899," "The Russian Empire and the Siberian Railway," "Commerce of Asia and Oceania," "Commercial Africa in 1899," "American Commerce," "Cuba, Puerto Rico, the Hawaiian, Philippine, and Samoan Islands," and "Colonial Systems of the World," of which number 3,500 copies of each document shall be for use of the Senate, 6,500 copies for use of the House of Representatives, and 2,500 for use of the Bureau of Statistics of the Treasury Department.

Senate concurrent resolution 31:

Resolved by the Senate (the House of Representatives concurring), That there be printed 14,000 copies of the general summary, entitled "Review of the World's Commerce for the year 1899," of which 1,000 shall be for the use of the Senate, 3,000 for the use of the House of Representatives, and 10,000 for the use of the Department of State; and 8,000 copies of "Commercial Relations of the United States for the year 1899," including the general summary, of which 1,000 shall be for the use of the Senate, 2,000 for the use of the House of Representatives, and 5,000 for the use of the Department of State.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 3266) authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Brig. Gen. E. O. C. Ord from Oak Hill Cemetery, District of Columbia, to the United States national cemetery at Arlington, Va.

JOHN LANDEGAN.

The committee resumed its sitting.

The next business on the Private Calendar was the bill (H. R. 6161) for the relief of John Landegon, of Danbury, Conn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of John Landegon, late of Company D, First Connecticut Infantry, and Company C, Second New York Cavalry, and also chief of scouts for Third Cavalry Division and for the Cavalry Corps, Army of the Potomac, and pay him a pension of $30 per month in lieu of that which he is now receiving, said Landegon having received a severe wound as civilian scout under General Kilpatrick in General Sherman's army, for which he has never received a pension.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 4, after the word "roll," add the following: "subject to the provisions and limitations of the pension laws."

In line 5 strike out the word "Landegon" and insert "Landegan;" in the same line, after the word "Connecticut," add "Volunteers."

In line 9, before the word "of," add "at the rate;" in the same line strike out the word "which."

In line 10 strike out all after the word "receiving."

Amend the title of the bill so as to read: "A bill granting an increase of pension to John Landegan."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside, to be reported to the House with a favorable recommendation.

ANGELINE EYESTONE.

The next business on the Private Calendar was the bill (H. R. 2170) granting a pension to Angeline Eyestone.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Angeline Eyestone, mother of George M. Eyestone, late of Company H, One hundred and forty-fourth Regiment Ohio Volunteer Infantry, and pay her a pension of $20 per month.

The following amendment, recommended by the Committee on Invalid Pensions, was read:

In line 8 strike out all after the word "pension" and insert in lieu thereof the following: "at the rate of $12 per month."

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

SARAH CLAGGETT.

The next business on the Private Calendar was the bill (H. R. 3012) granting a pension to Sarah Claggett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah Claggett, formerly the wife of Michael Dye, a private in Company A, of the Seventy-eighth Indiana Infantry Volunteers, and pay her a pension at the rate of $12 a month.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 6, after the word "Dye," insert "late."

In lines 7 and 8 strike out the words "Infantry Volunteers" and insert in place thereof the words "Volunteer Infantry."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

HELEN M. HULL.

The next business on the Private Calendar was the bill (H. R. 1754) for the relief of Mrs. Helen M. Moore.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to restore to the pension roll the name of Helen M. Moore, widow of the late First Lieut. George Moore, Company A, Forty-fifth Illinois Infantry, who afterwards married R. F. Hull, from whom she has since been divorced.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 4 strike out all after the word "to" and insert in place thereof the following: "place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Helen M. Hull, as the former widow of George Moore, late first lieutenant Company A, Forty-fifth Illinois Volunteer Infantry, and pay her a pension at the rate of $17 per month."

Amend the title so as to read: "A bill granting a pension to Helen M. Hull."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

JAMES L. WHIDDEN.

The next business on the Private Calendar was the bill (H. R. 4854) to pension James L. Whidden.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to place on the pension roll the name of James L. Whidden, late of Captain Hooker's company, Florida Seminole Indian war of 1856, 1857, and 1858, and pay him a pension at the rate of $12 per month.

The following amendments, recommended by the Committee on Pensions, were read:

Amend the title so as to read: "A bill granting a pension to James L. Whidden."

In line 8 strike out the word "twelve" and insert in lieu thereof the word "eight," so as to fix the rating at $8 per month.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

THOMAS DUNN.

The next business on the Private Calendar was the bill (H. R. 3206) to correct the naval record of Thomas Dunn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized to remove the charge of desertion now standing on the records of the Navy Department against Thomas Dunn.

The following amendment, recommended by the Committee on Naval Affairs, was read:

In line 5, after the word "Dunn," add:

"*Provided*, That said Dunn shall not by the passage of this act be entitled to any bounty or back pay of any kind."

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

GEORGE W. SHANK.

The next business on the Private Calendar was the bill (H. R. 2465) to grant an honorable discharge to George W. Shank.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to grant an honorable discharge from the Volunteer Navy to George W. Shank, late an acting first assistant engineer, to date October 24, 1864.

The following amendment, recommended by the Committee on Naval Affairs, was read:

Add at the end of the bill the following:

"*Provided*, That said Shank shall not by the passage of this act be entitled to any bounty or back pay of any kind."

The CHAIRMAN. This bill on its face appears to be a bill simply to grant an honorable discharge. On its face it does not appear that it is in order under the rule. Is the gentleman who introduced the bill prepared to state that a charge of desertion is involved?

Mr. VAN VOORHIS. Yes, Mr. Chairman; I can so state.

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

JOSEPH PITT.

The next business on the Private Calendar was the bill (H. R. 1616) to correct the naval record of Joseph Pitt, alias Joseph Marr, and to erase the name of Joseph Marr and substitute the name of Joseph Pitt on the records of the United States Navy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and is hereby, directed to remove from the records of the United States Navy the charge of desertion standing against the record of Joseph Marr, as of October 1, 1865, and substitute for the name of Joseph Marr the true name of the sailor, the name of Joseph Pitt, who served as landsman on the U. S. S. *Princeton* and *Sassacus*.

The following amendment, recommended by the Committee on Naval Affairs, was read:

After the word "*Sassacus*," in line 9, add the words:

"*Provided*, That the said Pitt shall not, by the passage of this act, be entitled to any bounty or back pay of any kind."

Mr. TALBERT. Mr. Chairman, I should like to have the report in that case read or a statement from the chairman of the committee.

The CHAIRMAN. The Clerk will read the report in the time of the gentleman from South Carolina.

The report (by Mr. METCALF) was read, as follows:

The Committee on Naval Affairs, to whom was referred the bill (H. R. 1616) to correct the naval record of Joseph Pitt, alias Joseph Marr, and to erase the name of Joseph Marr and substitute the name of Joseph Pitt on the records of the United States Navy, having given the same careful consideration, recommend its passage with the following amendment:

After the word "Sassacus," in the ninth line of the bill, add the words:

"*Provided*, That the said Pitt shall not by the passage of this act be entitled to any bounty or back pay of any kind."

The facts in this case, as established by the sworn statement of Pitt, corroborated by the affidavits of two credible witnesses who were his shipmates on board the U. S. S. *Sassacus*, are as follows: Pitt enlisted and served from August 19, 1861, to January 17, 1863, in Company A, First Delaware Infantry, and Company C, Fourth Delaware Infantry, respectively, and was discharged from both regiments for hernia of right side. His service was practically continuous; the date of his discharge from the former regiment was August 27, 1862, and the date of his reenlistment was on the 18th of the month following. He subsequently enlisted on the U. S. S. *Sassacus* under the name of Joseph Marr, assuming the maiden name of his mother, for the reason, as he states, that having been discharged from the volunteer military service for disability he might be rejected if he undertook to enlist under his real name.

He served faithfully in the Navy until September, 1865, when the *Sassacus* went into Philadelphia, at the close of the war, and went out of commission. Pitt was placed in the hospital, and when he recovered went away, intending to return. Subsequently he learned that the ship's crew had been discharged and received their pay, but believing that it was then too late for him to return he did not do so. On December 29, 1865, Pitt again enlisted in the United States Army, and served three years on the frontier, receiving his discharge at Fort Fred Steele, Wyo., December 28, 1868. On November 1, 1869, he enlisted in Company H, Twenty-second United States Infantry, from which he was discharged at New Orleans, La., November 1, 1874. He thus served the country as a soldier about thirteen years. It is quite clear that his record of desertion is purely technical, and was not made for the purpose of escaping danger of any kind or for any pecuniary benefit. All of his discharges from the Army note his character as good. The identity of Joseph Pitt and Joseph Marr as one and the same person is well established by affidavits of reputable citizens of Philadelphia.

Mr. TALBERT. Mr. Chairman, it seems that there is no evidence except the statement of this soldier himself in regard to his service. It seems that he deserted and reenlisted, possibly receiving a bounty each time. If I remember correctly, a bill passed the House here some time ago by which these deserters from the Navy could go to the Navy Department and have their records corrected there. It seems to me unnecessary to continue to bring in and consider these bills here and take up the time, when we can be considering more meritorious bills. I move, therefore, that this bill be laid aside to be reported to the House with the recommendation that it lie on the table.

The CHAIRMAN. The question is upon the motion of the gentleman from South Carolina, that the bill be laid aside to be reported to the House with the recommendation that it lie on the table.

The question was taken; and the motion was rejected.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HENRY O. MORSE.

The next business on the Private Calendar was the bill (H. R. 163) for the relief of Henry O. Morse.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to remove the charge of desertion now standing against the name of Henry O. Morse, late of the U. S. ship *Alleghany*, and to issue to said Henry O. Morse a certificate of discharge from the service.

The amendment recommended by the committee was read, as follows:

Insert, after the word "service," the following:

"*Provided*, That said Morse shall not by the passage of this act be entitled to any bounty or back pay of any kind."

Mr. TALBERT. Mr. Chairman, that is an unnecessary amendment to offer. As soon as the charge of desertion is removed from the record of those men they apply at once and get their pension. They intend to do it. I submit that we ought not to be considering these bills here; and I move, therefore, that this bill be laid aside to be reported to the House with the recommendation that it lie on the table.

The question was taken on the motion of Mr. TALBERT; and the Chairman announced that the noes appeared to have it.

Mr. TALBERT. Mr. Chairman, I demand a division.

The committee divided; and there were—ayes 6, noes 51.

Mr. TALBERT. Mr. Chairman, I make the point that no quorum has voted. If you will let that bill be laid aside, I am not opposed to the passage of other bills.

The CHAIRMAN. The Chair overrules the point of order made by the gentleman from South Carolina.

Mr. TALBERT. Mr. Chairman, do I understand that the Chair has overruled the point that no quorum is present?

The CHAIRMAN. That point was not made.

Mr. TALBERT. I make the point that no quorum is present.

The CHAIRMAN. The point that the gentleman made was that no quorum voted.

Mr. TALBERT. I make the point that no quorum is present. I make that in order to combat the idea of pensioning deserters.

The CHAIRMAN. The gentleman makes the point that no quorum is present. The Chair will count. [After counting.] One hundred and twenty-two. A quorum is present, the noes have it, and the motion to report the bill back with the recommendation that it lie on the table is lost.

The question is on agreeing to the amendment recommended by the committee.

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLES L. GREEN.

The next business on the Private Calendar was the bill (S. 1711) granting an increase of pension to Charles L. Green.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles L. Green, late of Company A, Eighteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

Mr. SIMS. Mr. Chairman, I think we ought to have the report read. That is a pretty big pension.

The CHAIRMAN. The gentleman from Tennessee is recognized, and the report will be read in his time.

The Clerk proceeded to read the report.

Mr. SIMS. Mr. Chairman, I have had an explanation made, and I withdraw the demand.

The CHAIRMAN. The gentleman withdraws the demand for the reading of the report, and the question is on laying aside the bill with a favorable recommendation.

The bill was ordered to be laid aside with a favorable recommendation.

ARMINDA D. DAVIS.

The next business on the Private Calendar was the bill (S. 1712) granting a pension to Arminda D. Davis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Arminda D. Davis, widow of Frank M. Davis, late of Company D, Twenty-seventh Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The bill was ordered to be laid aside with a favorable recommendation.

MARY F. HOPKINS.

The next business on the Private Calendar was the bill (S. 2219) granting an increase of pension to Mary F. Hopkins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary F. Hopkins, widow of Stephen M. Hopkins, late first lieutenant Company I, Twelfth Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

Mr. LOUD. Mr. Chairman, I would like to have the report read in that case.

The CHAIRMAN. The gentleman from California is recognized, and the report will be read in his time.

The report (by Mr. SULLOWAY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2219) granting an increase of pension to Mary F. Hopkins, have examined the same and adopt the Senate report thereon and recommend that the bill do pass.

[Senate Report No. 137, Fifty-sixth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 2219) granting an increase of pension to Mary F. Hopkins, have examined the same and report:

A similar bill was introduced in the Senate during the Fifty-fifth Congress, reported favorably, and passed the Senate.

The report was as follows:

"The claimant is the widow of Stephen M. Hopkins, who was severely wounded at Fredericksburg while serving as first lieutenant of Company I, Twelfth Regiment Rhode Island Volunteer Infantry. Soldier died shortly after as a result of his wounds.

"The widow is in receipt of a pension of $17 per month, the maximum rate under the general law. Evidence is presented that she is advanced in years, in very poor health, and with no means of support outside of her pension except what is bestowed upon her by others.

"Your committee recommend the passage of the bill."

The foregoing report is adopted, and the passage of the bill recommended, with the following amendments:

In line 4, after the word "roll," insert the words "subject to the provisions and limitations of the pension laws."

Strike out lines 7 and 8 and substitute therefor the following: "Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving."

Mr. LOUD. Now, Mr. Chairman, I suppose it is useless to endeavor to ask why the Committee on Invalid Pensions have increased the pension of this woman beyond the maximum amount allowed by law. My remarks shall not be directed particularly to this case, because one case, Mr. Chairman, would have very little effect upon the country; but it is the settled policy, so it seems, that where a case gets into the Committee on Invalid Pensions asking for an increase above the amount provided by law, that the committee either grants the full request or compromises somewhere along the line.

Now, first, the committee have reported cases here giving remarried widows a pension of $12 a month, where if they had not remarried they would have only been entitled to $8. The law prohibits granting pensions in those cases. Now, I ask the Pension Committee, and ask the House of Representatives, why we should take up cases that are presented to them and allow pension in excess of the law. If the wisdom of this committee believes it proper that remarried widows should receive a pension of $12 a month, then why not enact such legislation and relieve Congress from the pressure of these individual cases.

Mr. SULLOWAY. Mr. Speaker, can I ask the gentleman a question?

Mr. LOUD. Certainly.

Mr. SULLOWAY. Would you favor such legislation?

Mr. LOUD. I would not, and the gentleman need not have asked the question. But, if I did favor it I would do all in my power to pass such legislation. If the Committee on Invalid Pensions believe that such legislation should be enacted, then it becomes their duty to come out into the open, in the broad light of day, and present a unanimous report, as they delight to roll their tongues around every case that comes from that committee. A unanimous report, Mr. Chairman, means a casual investigation by one member of that committee. Why, this committee, or its members, can report here six or eight or ten cases a day. The Pension Office spends weeks and months in investigation to report against these cases, and yet a member of Congress can dispose of six or eight, or an unlimited number of them, in one day.

Now, let us take the case under consideration. A very brief report says that this woman is the widow of a lieutenant killed in the service or died as the result of his wounds, pensioned under the law at $17 a month. The committee recommend that the widow have $25. Now, if the applicant in this case is entitled to $25 a month, then the widow of every lieutenant who died in the service, or who died as the result of his wounds, is entitled to a similar pension. Nothing is urged, nothing could be urged, in this special case, except that some member of the House or of the Senate introduced the bill, and they have gone to the Committee on Invalid Pensions and it has been granted at the request of some person—special favoritism. It seems to me I heard some one say a short time ago that there were between three and four thousand special cases now before that committee, and when some member asked the chairman of the Committee on Invalid Pensions if pension applicants were not growing less, or if the pension roll was not growing less, he turned his eyes to God and gave utterance to that expression which will live long after he shall have passed away, "I hope not; I hope not." Thirty-five years after the close of the rebellion the gentleman gives utterance to the expression that "I hope the pension roll is not growing less, and that the number of applicants before the Pension Office and Congress is not growing less."

What brief time I have had during a hearing before my committee to-day, I went over some of these reports. I find, in general, the substance of your reports to be that in the case of a widow not entitled to a pension under the law you give her a pension of $12 a month, where if she was entitled to a pension under the law she could only secure $8 a month. In other cases like this, where the woman is receiving the full limit of pension under the law, you increase the pension without giving Congress any excuse. Now, then, if the laws of our Government to-day do not sufficiently regard those who defended this country between 1861 and 1865, then it becomes your simple duty to enact such legislation as will place these people in the position in which you desire to place the particular individuals.

Now, you take these reports from the beginning to the end, and, as a rule, where you give the applicant a pension of $24, $30, or $36 a month it is clearly apparent that the applicant's disability is not the result of his service. Clearly, I say, in granting 50 per cent of your cases, where the man to-day is disabled, it is clearly apparent from the reports that his disability has no connection with his service whatever. Now, let me say to you again, if a man becomes blind, if a man becomes paralyzed, or if any disease shall overtake him in 1899 or 1900, and you think he ought to have a pension of $24 or $36 a month because he may have served in the Army for ninety or one hundred days or six months or a year, then why not be fair and come out and say to the country that we believe and will enact into legislation such a measure as will give every man who was in the Army $24 or $36 a month, if he, perchance, is disabled to-day.

I know very well, Mr. Chairman, that my words are falling upon deaf ears. They have fallen upon deaf ears before. There are motives that push this pension legislation through here which it is unnecessary to discuss. Some members, perhaps, may believe that it will secure their election in the next contest. No man can believe that John Smith or Tom Jones to-day, because he is totally disabled, and not the result of his service, should have a pension beyond $12 a month. If he does, then he must believe that every man should receive it. Now, what condition is confronting this country to-day? We have just gone through another little trouble. Thirty thousand applicants are now before the Pension Office, and, if I am creditably informed, the widow of every officer who died in this late war is now an applicant, and in some cases which have passed the other legislative body they ask for and in many cases receive $10, $15, $20, $25, and $30 a month more than the law gives them. How they are scaled I can not tell. One widow of an officer, a captain, gets $40 a month. What the special incentive, what the special influence may be, God alone, perhaps, knows. Another woman who has lost her husband in the service, a captain, who I will put in the ordinary class, gets along and receives a pension which the law gives her.

Now the brake that has been placed on pension legislation ever since the close of the civil war is removed. Our Southern brethren are criminally implicated now in the pension roll. The late war saw soldiers on the right side from all parts of the country, and I witnessed here a few moments ago the spectacle of every Democrat, I believe, except one voting to increase the pension of a widow from $12, which I think the committee reported, to $36. Perhaps the widow was entitled under the law to $8; as to that I will not say; she was not entitled under the law to more than $8; that everyone knows, because the testimony was before us in the report that the man married this lady in 1896, or about that date—1892, I think. He married her, and in 1896 or 1897, after having been sick four days, he died of pneumonia or influenza—"grip," I believe they style it. Upon such a case the gentleman from Virginia [Mr. LAMB] gets up here and urges—I think the lady is a daughter of somebody that may have lived some time ago—urges that she ought to get $36 a month, and every Democrat here except one—a gentleman who was on the committee—voted for it. I say, therefore, the brake is taken off, and our Southern brethren here are criminally implicated in this pension roll.

Mr. DINSMORE. Did I understand the gentleman from California to say that every Democrat except one voted for that amendment?

Mr. LOUD. That is what I stated.

Mr. DINSMORE. You mean every Democrat here?

Mr. LOUD. Every Democrat that voted; and there were some forty-two or forty-three.

Mr. DRIGGS. Might I be permitted to say that I was the one who voted in the negative; I voted to stand by our committee. There was a unanimous report.

Mr. LOUD. I am perfectly willing to admit what the gentleman says; but I hope he does not seek to excuse himself for voting that way; his language would seem to imply that he voted that way simply because he was on the committee.

Mr. DRIGGS. I voted that way because I thought it was right.

Mr. LOUD. I hope so. Now, thirty years after the war——

Mr. RAY of New York. I would like to interrupt the gentleman from California a moment.

Mr. LOUD. Certainly.

Mr. RAY of New York. I have heard the gentleman state as a proposition of law that the widow of a soldier who married the soldier in 1892, that soldier dying of pneumonia not contracted in the service, is entitled under the law to a pension of $8 a month.

Mr. LOUD. I stated she might be.

Mr. RAY of New York. Such a widow is not entitled to one cent under any law. The widow of a soldier who was married to him subsequently to 1890, unless he dies of disease contracted in the service, is not entitled to any pension at all under any law.

Mr. LOUD. Well, I am very glad that the gentleman has corrected me, although I stated at the time that she "might be." I was not familiar with the exact date of the act to which the gentleman has referred. I knew some legislation of that kind was passed a few years ago, but I did not remember the date.

Mr. RAY of New York. Now, permit me just a moment further.

Mr. LOUD. Certainly.

Mr. RAY of New York. It is certainly detrimental to every old soldier in the country and detrimental to the widow of every old soldier in the country who applies for a pension and is entitled to it under any existing law to have remarks go into the RECORD giving incorrect statements of law, such as I understood the gentleman from California to make, and which would, if uncontradicted, go to the country and be misleading.

The CONGRESSIONAL RECORD is read by more people than gentlemen think. Especially do the old soldiers, widows of old soldiers, and their children watch the proceedings of Congress in regard to pension legislation. If such statements as that which I understood the gentleman from California to make go out uncontradicted—that the widow of a soldier, where the marriage was subsequent to 1890, is entitled to a pension under any law, although the soldier does not die of disease contracted in the service, the conclusion is reached that the Pension Bureau is doing a great injustice to the widows who apply for pensions under the law and are refused. The result is that the parties who feel aggrieved write to their Congressmen, and much labor is required

in explanation. And then all over the country the cry is raised against the Pension Bureau that it is not doing its duty.

If you ask persons who make complaints on this subject for their authority, they say, "Why, it was stated in Congress, and it was not contradicted, that the widow of a soldier, where the marriage took place subsequently to 1890 and the soldier did not die of disease contracted in the service, is entitled to receive a pension of some kind, and the Bureau has denied it." Now, it ought to be understood that under the act of June 27, 1890, the law is that the marriage must have taken place prior to the passage of that act in order that the widow shall receive a pension. Where the marriage has taken place subsequently to that time she can not obtain a pension under that law. Whether that law is just or unjust I do not say, but such is the law.

Mr. SIMS. May I ask the gentleman from New York [Mr. RAY] a question for information?

Mr. RAY of New York. I have not the floor; I am interrupting the gentleman from California [Mr. LOUD].

Mr. LOUD. I yield.

Mr. SIMS. I want to ask the gentleman from New York upon what ground a widow under such circumstances should be pensioned at any rate?

Mr. RAY of New York. I do not know anything about this case; I did not rise for the purpose of throwing any enlightenment on it. I rose simply for the purpose of correcting what it seems, from his statement, the gentleman from California did not say. I did understand him to say, however, that this woman, under the circumstances presented here, would not be entitled to any pension at all.

Mr. LOUD. No; the gentleman misunderstood me. The best I could say in behalf of the report of the committee was that she might have been entitled to a pension, although that was not clearly shown. I was in doubt in that regard.

Mr. SIMS. According to the report of the committee, it is claimed that she is not entitled to a pension at all.

Mr. RAY of New York. I have not undertaken to discuss that branch of the subject. I have not examined this case.

Mr. SULLOWAY. Let me state to the gentleman, before he proceeds, that no bill has ever passed the committee in favor of any one of these pension claims where the pensioner could, under the general law or under existing law, have received a pension at the Pension Office. These cases are only those which do not come strictly within the limit of the law, and they are all, in fact, cases outside of the law and not covered by the law. A bill would not be considered by the committee, and certainly would not receive the indorsement of the committee, if a pension could be obtained at the office.

Mr. SIMS. That was my understanding exactly. And these cases are within the spirit of the law?

Mr. SULLOWAY. Certainly; entirely within the spirit of the law.

Mr. RAY of New York. I do not understand, Mr. Chairman, of course, that the committee has reported to the House in favor of the pensioning of a woman who was married to a soldier subsequent to June 27, 1890. They do not report such a case as being entitled to a pension under any law now on the statute books, unless the husband died of disease or of disability contracted in the service. In such case the widow comes under the general law.

Mr. SULLOWAY. And every member, every person throughout the country, who knows anything whatever about the law, knows that to be a fact, no matter how glibly he may talk upon the proposition with reference to granting pensions.

Mr. RAY of New York. I so understood; but I wanted the matter to be made perfectly clear, because we do not want the country to assume that pensions are denied where, under the law, the applicant is entitled to a pension, and for that reason I interrupted the gentleman from California.

Mr. LOUD. Well, the gentleman interrupted me, it is true, but it was a very little error, if he will pause and reflect for a moment.

Mr. RAY of New York. Mr. Chairman, I do not wish to be understood, in any sense of the word, as criticising the gentleman from California. I only wanted the matter to be placed in such shape that there can be no misunderstanding. We do not want a misunderstanding—in other words, do not want a statement of that kind to go into the RECORD and be circulated throughout the country.

Mr. LOUD. The most I said was that this woman might have been entitled to a pension under existing law, and I trust that the official stenographers got my exact words, so that in view of the statement of the gentleman from New York there can be no possibility of a misunderstanding. But that is not the point to which I have been referring at all.

It is entirely proper, also, for the gentleman from New York to refer to the existing law. We have no difference in that regard. The only trouble is that there seems to be a failure on the part of Congress to obey the law. Gentlemen seem desirous in this discussion to show that in the case where a woman married a soldier subsequent to 1890 she is not entitled to a pension. Now, that is all that I have claimed. The case that I have cited, and to which I have called attention, is that of a widow who married the soldier subsequent to 1890, a woman who was drawing a pension of $12 a month; and my criticism was that our Democratic friends wanted to increase that pension to $36 a month in the face of the law. So that the gentleman will see on reflection that there was no error on my part.

Mr. TALBERT. Mr. Chairman, if the gentleman will allow an interruption, it is dangerous here to obey even the law, because the Republicans want to turn me out for that very thing. [Laughter.]

Mr. LOUD. Well, I think if we stay here long enough, and we have Republican Congresses enough, we may "get your scalp" after all. [Laughter.]

Mr. TALBERT. Well, now, you watch out. Perhaps I may get your scalp before then. [Laughter.]

Mr. LOUD. But, Mr. Chairman, seriously speaking, while I can not commend the course of the gentleman from South Carolina to-day, I do commend it on the Friday night sessions of this body. I believe that thirty-five years after the close of the war the pension legislation of the country—legislation enacted in view of the conditions then existing—is ample to protect at least a great majority of those who are entitled to pensions under that law. For that reason each one of these cases deserves a careful consideration at the hands of the House.

The average member of this body has just about as much work with the committees in the morning, during the sessions of the House in the daytime, and with other work for his constituents all the time, as he can well attend to, and it is not always possible to come here at the night sessions after a member is worn out with the day's work.

Mr. SHATTUC. Mr. Chairman, I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. SHATTUC. I make the point of order, Mr. Chairman, that the gentleman is not discussing "the South Carolina case." [Laughter.]

Mr. LOUD. Well, Mr. Chairman, I had about gotten through anyhow.

Mr. SHATTUC. Well, I am glad to hear it.

Mr. LOUD. The gentleman says he is glad to hear it, and I to know it. [Laughter.]

But, proceeding with the few remarks I desired to make, I think the Committee on Invalid Pensions owes it to the House and to the country to have the reports, at least in these cases, read and spread upon the RECORD. I will say, without fear of successful contradiction outside of this House—but will not guarantee that members on the floor of the House will publicly, although I do undertake to say it without fear of contradiction outside of the House or in the corridors—that 95 per cent of the pension cases reported here for our action never should receive the favorable consideration of any legislative body. These cases have exhausted all of the means which the law provides for their consideration in the first instance, and as the last resort are brought before us to set aside the law and give them a respectful hearing.

They have been reported against time and time again. The Pension Department of the Government, with all of the means at its disposal, with all of the liberality that the law allows, has investigated the cases and reported against them time and time again, and yet we are asked to believe that a Representative on the floor of the House can, by glancing at these papers for a half hour or less, present a question here which we are called upon to accept as logical and proper, which the Department has taken years to determine the other way. Some people say it is unpopular to take this position. Gentlemen, it never is unpopular to pursue the course of right. There are living to-day more than 1,000,000 veterans of the civil war—perhaps two millions and a quarter; I do not know. There are about a million of them and their widows on the pension roll. We had, I think, 200,000 or 250,000 volunteers in the late unpleasantness with Spain.

Mr. TALBERT. Two hundred and seventy-eight thousand.

Mr. LOUD. Two hundred and seventy-eight thousand, the gentleman says. When the youngest man on the floor of this House shall have passed away and his descendants have followed him, Congress, unless it takes a new turn, will be legislating upon these pension cases. It may be surprising to think that we are yet legislating upon cases arising out of the Revolutionary war, which occurred more than a hundred years ago; yet nevertheless it is a fact. No man on the floor of this Congress has ever yet heard me object to a case that has any merit. When I say "merit" I mean this: Because a man is totally disabled to-day, in the year 1900, and may have rendered service to his country from 1861 to 1865, I hold that he is not entitled to more than the amount of pension which the law gives him, $12 a month, and he has no right to come to Congress because of his present disability and

ask and receive twenty-four, thirty-six, fifty, or seventy-two dollars a month for a disability that would have occurred had he never been in the service.

Mr. RAY of New York. May I ask the gentleman a question there?

Mr. LOUD. Why, certainly.

Mr. RAY of New York. Now, I want to ask you as a business man, and as a patriotic man, and as a Republican——

Mr. LOUD. I plead guilty to all those things. [Laughter.]

Mr. RAY of New York. Well, I want to praise you all I can in this matter.

Mr. LOUD. But you can not catch me with any stuff like that, though.

Mr. RAY of New York. Well, let me try. Now, you are talking about this increase of pension business. Here, to illustrate, is the case of a soldier who, when he was a young man, 18, 20, or 24 years of age, went into the civil war. He served four years, lost his arm in the service, his strong right arm. He did not have a chance to get an education after he came out of the service, so as to enter any other walk of life and accumulate a fortune. With the small pension that the law gives him for the loss of his right arm he goes on through life and is able to support himself and his wife and children, if he has any, until he is now 55, 60, or perhaps 65 years of age.

He suddenly becomes blind, through no fault of his and from causes not of service origin, and he is poor. Perhaps he has no children able to support him. Perhaps he has a wife, and perhaps he has not. Assuming that he has a wife; she, too, is poor and old and can not support him. It is simply a question whether the Congress of the United States will increase that pension on account of the blindness and keep him out of the poorhouse, or let him go to the poorhouse. The blindness is not cause for an increase under existing law. I ask the gentleman from California which he would do, let that old soldier, who fought for four years for his country, go to the poorhouse and become a public charge, or would he let the Congress of the United States give a reasonable increase to this one-armed old soldier, and keep him as a man among men?

Mr. LOUD. Is that all your question?

Mr. RAY of New York. That is all the question. Now I want to know what you would do.

Mr. LOUD. Well, I will answer the gentleman. He draws a very pitiful hypothetical case.

Mr. RAY of New York. Oh, there are hundreds and thousands of similar cases all over the country.

Mr. LOUD. Now, let me proceed. The gentleman is a good lawyer and he knows how to strike the public ear. He draws a case that does not exist. We have not had anybody yet who has lost any arms, and if you will go down this list of reports as far as I have gone you will not find anybody, either. The case here under consideration is that of a widow who is entitled under the law to $17 a month. She never lost any arm, and hence is not entitled to the consideration of Congress.

Mr. RAY of New York. Is her husband dead?

Mr. LOUD. Why, of course her husband is dead or she would not be a widow.

Mr. RAY of New York. You say she never lost any arm. I say if she is a widow, if her husband is dead, she has lost two strong arms that might have been hers to support her. [Applause.]

Mr. LOUD. Does the gentleman believe that the widow of every lieutenant should receive $25 a month?

Mr. RAY of New York. If they are poor and old and in needy circumstances, rather than let them go to the poorhouse or suffer I say give them twenty-five or thirty-five or forty dollars a month to take care of them.

Mr. LOUD. Oh, well, the gentleman equivocates all the time. What will he do in this case here, where there is no allegation of poverty or anything else except simply that she is the widow of a lieutenant?

Mr. SULLOWAY. I want to say that the gentleman is not correct when he says that there is no poverty here. She is very poor, and old, too.

Mr. LOUD. I say it is not alleged.

Mr. SULLOWAY. That is a misrepresentation of the facts.

Mr. LOUD. Let me say to the gentleman who brings up this one-armed man here, I have heard him present that case a good many times. Sometimes he takes a man without any arms, and he tries to apply it to a case like one that passed Congress here the last time you had the right of way, a case where a man injured his ankle in 1862 in the service. As a great many soldiers did, he never said anything about it. In 1898 he became paralyzed. Ergo, paralysis is the result of the slight injury to the ankle in 1862.

If the gentleman states a case of that kind, injured to that extent, he would give such a man $40 a month. Now, you are pensioning him because he was poor, I suppose; and if you want to do that kind of business, why do not you enact general legislation? Now, let me say to the House here, I believe when a man goes into the service to defend his country's honor, that the country and the Government owe him what he has lost in such service. It is the proudest recollection of my life that I can feel in 1900 that I have performed some slight service in behalf of that old flag, and that I was not injured in such service. It is rendering service that every man owes his country in time when it is in peril.

Every man who is well and able to perform his duty owes his service to that flag, and should he be injured by such service the Government through taxation should repay him for the loss; but because he has been in the service, and thirty-five or forty years afterwards breaks a leg or an arm or loses an eye or becomes blind or is paralyzed, should he of right be pensioned? Why, my God, men become blind and lose arms and legs and are paralyzed that never entered the service at all. Now, then, he is not entitled to any more consideration, in my humble opinion, by reason of the fact that he had rendered service to the country in time of its need than any other citizen. Now, that is my position.

Mr. SULLOWAY. Mr. Chairman, I hope the Committee on Invalid Pensions will be wiser after listening to the gentleman from California, who has instructed us as to what we ought to do. It is not my purpose to take any time to discuss this general subject. I am proud of the fact, however, that my country pays a greater sum in pensions than all the other nations on the face of the earth. I say I am proud of it, although it may be very annoying to the gentleman from California that this Government takes care of the men who defended the flag on bloody fields of battle. I am proud of the fact, and take back not a word of what I said the other day, which the gentleman quotes, I think correctly, although I did not know that I "looked up." I know I do not usually look up to see him; but if that is so, it is all the same. I say that so long as there are thousands and tens of thousands of old soldiers who stood under the flag when blood ran, who are shivering to-day with cold, who are hungry, who are poor, who are suffering in their bodies, racked with physical pain and mental anguish, I hope the pension roll will increase until their wants are supplied.

What is the bill before the House? It is a bill that has passed the Senate. It may be they are as innocent and uninformed of what this nation desires to do as the Committee on Invalid Pensions and the House are, in the view of the gentleman from California. They have passed this bill; it comes to us. And what is the proposition? Here is an old lady, very poor, in want to-day, whose husband stood on the bloody field of Fredericksburg and gave his life for the flag, sir, under which you sit. She is pensioned at $17 a month. That is not sufficient to keep her from the poorhouse. The Senate said, "We will add $8 to that $17 and make it $25;" and the Committee on Invalid Pensions unanimously favor it, and I believe that the God of Justice, that loves liberality and humanity, also approves of it to-day. That is all there is of it. Yet the gentleman gets up here because he can be recognized to occupy time and criticise the committee.

I want to say that there never was a greater bugaboo, never a cheaper and more deceptive humbug, than that pensions granted by special acts are of any significant importance as a matter of dollars and cents. I hold in my hand, I will state to the gentleman from California, the report of the Commissioner of Pensions for the last year, in which there is a list of 300 special cases passed in the sessions of the Fifty-fifth Congress. If they were all living to-day—and more than a tenth of them are dead, 23 having died while the bills were passing from the House to the Senate or the Senate to the House, and there is scarcely one of them will live ten years—but taking it for granted that they were all living, how much burden do you suppose it is in dollars and cents upon this people? It is $3,765.50 per month, which is less, gentlemen, than those of us at this end of the Capitol and the other end of the Capitol spend in the restaurant for oysters; and that is the great burden! [Applause.]

Mr. SIMS. Mr. Chairman, just one little statement, not very pertinent to the bill under consideration. The gentleman from California said that the Democrats were equally guilty of these excessive pensions by reason of their vote for the amendment offered by the gentleman from Virginia. I voted against the amendment. No doubt the gentleman did not know it, and I did so not because of any want of confidence in the gentleman from Virginia, who as a Democrat is generally right on all general legislation, but I understood the committee had made a unanimous report at $12 a month, and on that committee were the gentleman from Ohio [Mr. NORTON], the gentleman from Indiana [Mr. MIERS], and the gentleman from New York [Mr. DRIGGS]; and I knew that if they agreed to $12 a month that was certainly enough, and therefore I voted to sustain the committee.

Mr. DRIGGS. Mr. Chairman, it has been a source of considerable sorrow to me at the Friday night sessions to witness the acts of the gentleman from South Carolina [Mr. TALBERT], but now I am glad to see and know that the Democratic party is not alone in its opposition to these pension measures, for we find that one

gentleman on the other side of the Chamber has come out and shaken hands with the gentleman from South Carolina, and is opposed to the consideration of these just and meritorious bills. The gentleman from South Carolina, notwithstanding the storms and his ill-health, has had the manhood to come out here at Friday night sessions and object to the consideration of bills and raise the point of no quorum, and stated that he would not go into the Committee of the Whole unless there was a quorum.

Now, I turn to the record of the gentleman from California [Mr. LOUD] and I find that on the 2d day of February, during a roll call at a Friday night session, when the Clerk read the name of the gentleman from California, the echoes of this building took it up and it came back with no response from the gentleman from California. Once again, the following week——

Mr. LOUD. Will the gentleman from New York allow me an interruption?

Mr. DRIGGS. No; I can not be interrupted.

Mr. LOUD. I simply want to say that I have not been here at a Friday night session for two years, and I never would come, and it may save the gentleman some time to know it.

Mr. DRIGGS. I thank the gentleman very much, because now we can get at the inside of what he said this morning. He said his time was valuable, or something to that effect, and he has said that this morning he took up some of the reports from the Committee on Invalid Pensions in the quiet of his committee room and read them over. Why did not the gentleman from California come here at the Friday night sessions and hear the reports read during this Congress and the sessions of the Fifty-fifth Congress? For in the Fifty-fifth Congress the gentleman from South Carolina [Mr. TALBERT] demanded the reading of every report that came here. But no; he picks out bills that in his opinion ought not to be considered, and then comes here and takes the time of the committee at its first session under this new arrangement. It is not fair or just to the worthy claimants who are forced to come to Congress for relief.

I say, Mr. Chairman, that in every case, in every bill that is reported to this House, the Committee on Invalid Pensions has a thorough and full discussion. The way that committee considers these bills is to take the evidence and to discuss it thoroughly. Why can the committee consider and dispose of them more quickly than the Pension Bureau? Simply from the fact that we have the evidence before us, and the Pension Bureau is forced to send for the evidence all over the country. Then, we consider them, discuss them, and submit our reports to the House. So long as I am a member of that committee I propose to deal fairly not only by the soldiers but also by the members of this House, and my constituents, and the country. I believe that every bill that has been reported by that committee has right and justice in it. [Applause.]

The CHAIRMAN. The question is on laying the bill aside with a favorable recommendation.

The bill was laid aside to be reported to the House with a favorable recommendation.

MARY JACKMAN.

The next business on the Private Calendar was the bill (S. 1329) granting a pension to Mary Jackman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Jackman, dependent mother of James M. Jackman, late of Company E, First Regiment Heavy Artillery, New Hampshire Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The bill was laid aside to be reported to the House with a favorable recommendation.

SUSAN STRATTON.

The next business on the Private Calendar was the bill (S. 2367) granting a pension to Susan Stratton.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susan Stratton, dependent mother of Edward P. Stratton, late of Company K, Sixth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $12 per month.

Mr. LOUD. Mr. Chairman, I ask for the reading of the report in that case, in order that the House may see what a strong case it is.

The Clerk read the report (by Mr. SULLOWAY), as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2367) granting a pension to Susan Stratton, the dependent mother of Edward P. Stratton, have examined the same and adopt the Senate report thereon, and recommend that the bill do pass.

[Senate Report No. 79, Fifty-sixth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 2367) granting a pension to Susan Stratton, have examined the same and report:

The beneficiary under this bill, Susan Stratton, of Concord, N. H., is the mother of Edward P. Stratton, who enlisted on the 21st day of October, 1861, in Company K, Sixth Regiment New Hampshire Volunteer Infantry, for the period of three years, and who died in the service January 13, 1862, at Annapolis, Md. The soldier left a wife, who received a pension until she married again, when it was discontinued. For this reason the mother is not pensionable under the general laws, and appeals to Congress for relief. Mrs. Stratton is 87 years old, having been a widow for fifty-two years. She is without means of support other than what she receives from a daughter, who works for a living.

Your committee report the bill back favorably with a recommendation that it pass.

The bill was laid aside to be reported to the House with a favorable recommendation.

LOUISA S. WILSON.

The next business on the Private Calendar was the bill (H. R. 539) granting a pension to Louisa S. Wilson.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louisa S. Wilson, widow of George A. Wilson, late of Company I, Second Regiment Massachusetts Heavy Artillery, and pay her a pension at the rate of $12 per month.

With the following committee amendments:

In line 7 after the word "Massachusetts," insert the word "Volunteer."

In line 8 strike out the word "twelve" and insert in lieu thereof the word "eight."

The amendments recommended by the committee were agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

MARY ELLEN LAURIAT.

The next business on the Private Calendar was the bill (S. 236) granting an increase of pension to Mary Ellen Lauriat.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Ellen Lauriat, widow of George W. Lauriat, late a major of the Thirty-second Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was laid aside to be reported to the House with a favorable recommendation.

CUTLER D. SANBORN.

The next business on the Private Calendar was the bill (S. 237) granting an increase of pension to Cutler D. Sanborn.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cutler D. Sanborn, late of Second Independent Battery Massachusetts Volunteer Light Artillery, and pay him a pension at the rate of $30 a month in lieu of that he is now receiving.

The bill was laid aside to be reported to the House with a favorable recommendation.

JOSEPH M. WADDELL.

The next business on the Private Calendar was the bill (S. 526) granting an increase of pension to Joseph M. Waddell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph M. Waddell, late of Company A, Sixteenth Regiment United States Infantry, war with Mexico, and Companies E, Twelfth Regiment Wisconsin Volunteer Infantry, and F, Third Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments reported by the committee were read and agreed to, as follows:

In line 6 strike out the words "a soldier in" and insert in lieu thereof the word "of."

In line 7 strike out the words "in the Mexican;" also in the same line, after the word "war," add the words "with Mexico."

In line 8, before the word "Infantry," insert the word "Volunteer."

In line 9, after the word "Wisconsin," insert the word "Volunteer;" and in line 11 strike out the words "the pension" and insert in lieu thereof the word "that."

Also amend title of bill so as to read: "A bill granting an increase of pension to Joseph M. Waddell."

The bill as amended was laid aside to be reported favorably to the House.

JOHN F. M'MAHON.

The next business on the Private Calendar was the bill (S. 548) granting an increase of pension to John F. McMahon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John F. McMahon, late colonel Sixteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments reported by the committee were read, and agreed to, as follows:

In line 3, after the word "he," insert the word "is;" also, in the same line, after the word "hereby," strike out the word "is."

In line 4, after the word "roll," insert the words "subject to the provisions and limitations of the pension laws."

In lines 6 and 7 strike out the words "subject to the provisions and limitations of the pension laws."

In line 8 strike out the words "the pension" and insert in lieu thereof the word "that."

The bill as amended was laid aside to be favorably reported to the House.

LOUISA HALE.

The next business on the Private Calendar was the bill (S. 1295) granting a pension to Louisa Hale.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louisa Hale, dependent stepmother of Joseph C. Hale, late a corporal in Company D, Nineteenth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendments reported by the committee were read, and agreed to, as follows:

In line 3, after the word "he," insert the word "is;" also in same line, after the word "hereby," strike out the word "is."

In line 7 strike out the words "a corporal in" and insert in lieu thereof the word "of."

The bill as amended was laid aside to be reported favorably to the House.

SAMUEL HANSON.

The next business on the Private Calendar was the bill (H. R. 5503) granting an increase of pension to Samuel Hanson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Hanson, late sergeant-major Twenty-ninth Maine Infantry Volunteers, at the rate of $30 per month in lieu of the pension which he now receives.

The amendment reported by the committee was read, and agreed to, as follows:

Strike out lines 7 and 8 and in lieu thereof insert the following: "Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

The bill as amended was laid aside to be reported favorably to the House.

JOHN M. MORSE.

The next business on the Private Calendar was the bill (S. 2223) granting an increase of pension to John M. Morse.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John M. Morse, late of Company I, Third Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was laid aside to be reported favorably to the House.

PHILIP P. GETCHELL.

The next business on the Private Calendar was the bill (S. 1469) granting an increase of pension to Philip P. Getchell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Philip P. Getchell, late of Company F, Nineteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

Mr. SIMS. I ask that the report be read, or that some member state the substance of it. This is quite a large pension—$40 a month. I should be glad to hear some explanation of the matter.

The report (by Mr. COCHRANE of New York) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1469) granting an increase of pension to Philip P. Getchell, have examined the same and adopt the Senate report thereon and recommend that the bill do pass.

[Senate Report No. 136, Fifty-sixth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 1469) granting an increase of pension to Philip P. Getchell, have examined the same and report:

This bill proposes to increase the pension of Philip P. Getchell, of Lewiston, Me., late a private in Company F, Nineteenth Maine Volunteer Infantry, from $10 per month to $50 per month.

The military records show that this soldier served from August 6, 1862, to May 31, 1865. He was wounded in action at the Wilderness, Va., May 6, 1864, and he has a hospital record of treatment for catarrh, debility, diarrhea, and gunshot wound of right thigh.

He first made claim to pension February 11, 1879, alleging that he incurred chills and fever and results in September, 1863; that he received an injury to his left foot, permanently flexing the second toe, on the march to Gettysburg in June, 1863, and that he received a gunshot wound of right thigh in action at the Wilderness, Va., May 6, 1864. In June, 1879, he was allowed a pension for these disabilities at the rate of $6 per month. This pension was increased to $10 per month in January, 1883. In March, 1898, he made a claim for increase and additional disability, alleging that about June 29, 1863, near Uniontown, Pa., he received sunstroke, the general effect of which is injury in walk, eyesight, and speech.

This claim was rejected on the ground of no record and claimant's inability after special examination to furnish satisfactory evidence to establish the service origin of the sunstroke.

Charles H. Dodge, hospital steward, testifies that he heard soldier had been sunstruck on the march to Gettysburg and fell from the ranks; on several occasions after that noticed his coming to sick call and that the surgeon treated him for the sunstroke; soon after discharge began to see signs of results that we would expect from sunstroke—his walk became unsteady, his speech slightly indistinct, and he complained of bad feelings in his head, and his sight began to fail; as time went on all these symptoms increased in severity, and he is now a perfect wreck.

Dr. M. C. Wedgewood, a physician of excellent standing, testifies that in 1865, when soldier came home, he was somewhat enfeebled from his service; he had been wounded in right thigh, had received an injury to left foot, and was suffering from malaria; at the same time noticed there was a nervous disorder, not very marked and not noticeable except to a physician; learned he had had a sunstroke in the Army, and that accounted for the nervous disorder; he soon began to develop impairment of speech, his sight became dim, his gait somewhat unsteady, and these symptoms gradually increased and his mental faculties became clouded; the disease has progressed and is progressing, and it is only a question of a very short time, if he lives, when he will become completely helpless; he is now a perfect wreck; his habits have always been excellent.

The continuance and progress of claimant's disabilities are shown by other testimony, lay and medical. Dr. Charles E. Norton, an eye specialist, testifies that he is firmly of the opinion that the condition of claimant's eyes is a result of sunstroke. Examining surgeons, June 22, 1898, describe claimant's several disabilities and state that—

"We think he is suffering from multiple sclerosis of the brain and spinal cord, which may be the result of sunstroke, and he is so disabled from sunstroke and its results as to be incapacitated for performing any manual labor. The several members of this board have been acquainted with this applicant for about twenty years and know that the disability has been progressive in character."

Senator FRYE states that he personally knows most of the claimant's witnesses, that they are reliable men, and that the claimant's word may be depended upon under all circumstances; and the late Congressman Dingley stated that the claimant was both destitute and decrepit.

This soldier served faithfully for nearly three years and is now practically helpless.

Your committee believe that the evidence shows that his present disabilities are the result of his military service, and that his claim might properly have been allowed by the Pension Bureau; and in view of his poverty and the progressive character of his disabilities, which will soon render him permanently helpless, the passage of the bill is recommended with the following amendments:

In line 6 strike out the words "a member."

In line 7 strike out the word "of."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "forty;" also, in same line, strike out the word "the" and insert the word "that."

In line 9 strike out the word "amount."

Mr. SIMS. I would like to ask the chairman of the Committee on Invalid Pensions what have been the precedents in regard to granting pensions to privates; or what is the maximum allowed?

Mr. SULLOWAY. If this man were totally helpless and the Bureau accepted the view that his disability was of service origin, he would be entitled to $72 a month.

Mr. SIMS. That is, if he were totally blind?

Mr. SULLOWAY. If he needed constantly the assistance of another person.

Mr. SIMS. What pension is he now getting?

Mr. SULLOWAY. Only $10 a month, because the Bureau does not accept the view that his present condition is of service origin. The Senate believed that it was; so they split the difference, making the pension $40.

Mr. SIMS. Then the evidence before the Pension Bureau has not convinced the Bureau that this man's disability was due to his army service?

Mr. SULLOWAY. Unfortunately for this poor man, it has not.

Mr. SIMS. Where this has been the case, what have been the precedents of your committee in regard to fixing the amount of pension?

Mr. SULLOWAY. Where the committee believes that the man's disability is of service origin, but he is unable to prove it strictly or technically to the satisfaction of the Bureau—where he is unable to present such evidence as would be required to hang a man—then we allow him, according to the circumstances, only a part of the amount which he would receive if the disability were unquestionably of service origin. This bill originated in the Senate; and that body has fixed the amount of the pension at $40. We recommend that the House concur in granting this amount.

Mr. SIMS. I served on the Committee on Pensions at the last session; and I know that in cases of total blindness, where it could not be shown clearly to be of service origin, we made it a rule not to allow over $20.

Mr. SULLOWAY. We have reported some such cases, I think, at $40.

Mr. SIMS. That differs somewhat from my experience. This is a case in which the evidence has failed to convince the Bureau that the disability was of service origin; but the committee differ with the Bureau. As a compromise, I move to amend by making the amount of the pension $30 instead of $40.

Mr. SULLOWAY. Mr. Chairman, I hope that amendment will not be adopted.

Mr. SIMS. I want to say in behalf of that amendment that I think it ought to prevail, because we are here making a precedent. A private soldier, who is not blind and who has not lost both arms nor both legs, is proposed to be pensioned at four times his pensionable status before the Bureau. I know how the committee are in these things. They are good men, but they have hearts. They are human, and they hear only the side favorable to the soldier. It is all ex parte testimony before the committee, at least that was my experience, and I know that tender-hearted friends come and beg committeemen, and they hear only one side, and hear it so much that it is a wonder to me that they do the taxpayers or the Government justice at all.

I am not criticising the committee, but I know, Mr. Chairman, that in the last session, when officers who fell at Santiago had scarcely been buried, and their widows just pensioned at the highest amount allowable under the law, bills came here to double those pensions, and distinguished men, members of Congress and others, came before us and pleaded with us to double those pensions right away. Well, we frowned it down; that is, we did not double them or increase them at all, and I do not think we ought to make a precedent here of this kind, where there is any doubt about the disability being of service origin. There certainly is doubt where the medical experts of the Bureau can not find it that way. While gentlemen on this committee may not doubt it, yet they are used to hearing this tale of woe on one side only, until they almost have to believe, in order to get rid of the tale of woe. Now, I think $30 a month will be just in this case, and I do not think we ought to make a precedent by giving such a large pension where there is any question whatever.

The fact that the Senate has passed a bill does not weigh one particle with me. In the last Congress the Senate passed a bill and sent it over here to pension the widow of a school-teacher, who never was enlisted, at $50 a month. We killed that bill, and we have never had any trouble about it. I think that $30 is enough in this case, and I hope the amendment will be adopted.

Mr. SULLOWAY. Mr. Chairman, I hope that the amendment will not be adopted. The gentleman from Tennessee talks about a precedent. Why, this pensioning in this way has been done ever since the day Lee surrendered at Appomattox. This man is clearly entitled to $50 a month in any event. As the Senate committee say, he ought to have had that much at the Bureau; and if, as the physicians testify, the condition of his brain and eyes is the result of that sunstroke, he is clearly entitled to $72 a month. But the Senate gives the Government, instead of this poor old soldier, the benefit of the doubt, and reports the bill at only $40. Certainly it is not up to where it should be, and I hope the amendment will not prevail.

If you are going to give this old hero anything, give him enough to keep him out of the poorhouse. This giving him 25 cents a day is of no benefit to him. Here is a man who is blind, a total physical wreck, a man of long service. If you are going to pension him do it in such a way as to help him, and not make a mockery of it and insult him by giving something that will still leave him a pauper after you have done all you intend to do. I hope the amendment will be rejected.

The amendment of Mr. SIMS was rejected.

The bill was laid aside to be reported to the House with a favorable recommendation.

ELLEN NORWOOD.

The next business on the Private Calendar was the bill (H. R. 541) granting a pension to Ellen Norwood.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at $12 per month, subject to the provisions and limitations of the pension laws, the name of Ellen Norwood, as widow of Alfred Norwood, late of Company K, Second Regiment Massachusetts Heavy Artillery Volunteers.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In lines 4 and 5 strike out the words "at $12 per month."

In line 8 strike out all after the word "Massachusetts" and insert in said line 8 the following: "Volunteer Heavy Artillery, and pay her a pension at the rate of $12 per month."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

JOHN BAILEY.

The next business on the Private Calendar was the bill (S. 1058) granting a pension to John Bailey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Bailey, late of Company A, Tenth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $12 per month.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

WILLIAM H. H. NEVITT.

The next business on the Private Calendar was the bill (S. 872) granting an increase of pension to William H. H. Nevitt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. H. Nevitt, late a private in Company F, One hundred and fifty-ninth Regiment of Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

JAMES W. CARMODY.

The next business on the Private Calendar was the bill (H. R. 6031) granting additional pension to James W. Carmody.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of James W. Carmody, late a seaman on the U. S. S. *Wabash*, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 4, after the word "roll," insert the words "subject to the provisions and limitations of the pension laws."

In line 7 strike out the words "seventy-two" and insert in lieu thereof the word "fifty."

Amend title so as to read: "A bill granting an increase of pension to James W. Carmody."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

ELIZABETH C. RICE.

The next business on the Private Calendar was the bill (H. R. 4655) granting pension to Mrs. Elizabeth C. Rice.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of $25 per month, the name of Elizabeth C. Rice, widow of Edward C. Rice, captain, and aid-de-camp on General Humphrey's staff.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 4, after the word "roll," insert the words "subject to the provisions and limitations of the pension laws;" and strike out, in lines 4 and 5, the words "at the rate of $25 per month."

In line 6, after the word "Rice," insert the word "late."

In line 7, after the word "staff," insert the following: "and pay her a pension at the rate of $24 per month."

Amend title so as to read: "A bill granting a pension to Elizabeth C. Rice."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

GEORGE C. SNYDER.

The next business on the Private Calendar was the bill (H. R. 205) to increase the pension of George C. Snyder.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place the name of George C. Snyder, late a member of Company I, One hundred and ninety-ninth Regiment Pennsylvania Infantry Volunteers, upon the pension roll of the United States, subject to the provisions and limitations of the pension laws, and to pay him a pension of $35 dollars per month.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 4, after the word "place," insert the words "on the pension roll, subject to the provisions and limitations of the pension laws."

In line 5 strike out the words "a member" and insert in lieu thereof the words "first lieutenant."

In line 6 strike out all after the word "Pennsylvania" and insert in place thereof the words "Volunteer Infantry, and pay him a pension at the rate of $35 per month in lieu of that he is now receiving."

Amend title so as to read: "A bill granting an increase of pension to George C. Snyder."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

MARGARET A. PORTER.

The next business on the Private Calendar was the bill (H. R. 6144) to increase the pension of Mrs. Margaret A. Porter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Margaret A. Porter, widow of James R. Porter, late colonel One hundred and Thirty-fifth Regiment Pennsylvania Volunteer Infantry, on the pension roll, and pay her a pension of $50 per month in lieu of the pension she is now receiving.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 4, after the word "place," insert the words "on the pension roll, subject to the provisions and limitations."

In line 7 strike out the words "on the pension roll;" and in same line strike out the words "of fifty" and insert in lieu thereof the words "at the rate of twenty-four."

In line 8 strike out the words "the pension" and insert in place thereof the word "that."

Amend title so as to read: "A bill granting an increase of pension to Margaret A. Porter."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

MARY POLLOCK.

The next business on the Private Calendar was the bill (H. R. 3640) granting a pension to Mary Pollock.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Mary

Pollock, a nurse in the One hundredth Pennsylvania Regiment, and pay her the sum of $25 per month.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 4 insert after the word "roll" the following: "subject to the provisions and limitations of the pension laws."
In line 5, before the word "a," insert the word "late."
In line 6, after the word "Regiment," add the words "Volunteer Infantry;" and strike out all after the word "her," in line 6, and add the words "a pension at the rate of $12 per month."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

FREDERICK WEBER.

The next business on the Private Calendar was the bill (H. R. 5949) granting a pension to Frederick Weber.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Frederick Weber, late a private in Company C, Second Potomac Home Brigade, Maryland Volunteer Infantry, at the rate of $30 per month, subject to the conditions and regulations of the pension laws.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 4, after the word "roll," insert the words "subject to the provisions and limitations of the pension laws."
Strike out all after the word "infantry," in line 6, and insert in lieu thereof the following: "and pay him a pension at the rate of $8 per month."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

THOMAS H. COOK.

The next business on the Private Calendar was the bill (H. R. 3167) to grant an increase of pension to Thomas H. Cook, Company I, Seventeenth Illinois Volunteer Infantry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Thomas H. Cook, late a private in Company I, Seventeenth Illinois Volunteer Infantry, at the rate of $72 per month, said sum to be in lieu of the pension now received by him.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 4, after the word "roll," insert the following: "subject to the provisions and limitations of the pension laws."
In line 5 strike out "Seventeenth" and insert "Seventh Regiment."
In line 6 strike out all after the word "Infantry" and insert in lieu thereof the words "and pay him a pension at the rate of twenty-four dollars per month in lieu of that he is now receiving."
Also amend the title so as to read: "A bill granting an increase of pension to Thomas H. Cook."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

JAMES CRAWLEY.

The next business on the Private Calendar was the bill (H. R. 6284) for the relief of James Crawley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of James Crawley, late of Company I, Seventh Illinois Infantry, and pay him at the rate of $24 per month in lieu of the pension he is now receiving.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 4, after the word "roll," insert the words "subject to the provisions and limitations of the pension laws."
In line 5, after the word "Seventh," insert the word "Regiment;" and after the word "Illinois," in the same line, insert "Volunteer."
In line 6, after the word "him," insert the words "a pension;" and in the same line strike out the word "twenty-four" and insert in lieu thereof the word "twenty."
In line 7 strike out the words "the pension" and insert in lieu thereof the word "that."
Also amend the title so as to read: "A bill granting an increase of pension to James Crawley."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

FREDERICK AUER.

The next business on the Private Calendar was the bill (S. 992) granting an increase of pension to Frederick Auer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frederick Auer, late of Company F, Eighty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

ELLIE KEE.

The next business on the Private Calendar was the bill (S. 1771) granting a pension to Ellie Kee.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ellie Kee, widow of Thomas Kee, late of Company F, Seventh Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The bill was laid aside to be reported to the House with a favorable recommendation.

SHERMAN D. PLUES.

The next business on the Private Calendar was the bill (H. R. 7368) for the relief of Sherman D. Plues.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Sherman D. Plues, who served in Company A, Fourth Michigan Infantry, from $17 per month to $30, as a result of disabilities incurred in service.

The amendments recommended by the committee were read, as follows:

Strike out all in line 4 after the word "to" and insert the following: "place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sherman D. Plues, late corporal, Company A, Fourth Regiment of Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

THOMAS ADAMS.

The next business on the Private Calendar was the bill (H. R. 5180) to increase the pension of Thomas Adams.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Thomas Adams, late a private in Company F, Seventh Regiment West Virginia Volunteers, from $12 the amount now received by said Adams, to $25 per month, in lieu of the pension he is now receiving.

The amendments recommended by the committee were read, as follows:

Strike out, in line 4, all after the word "to" and insert in place thereof the words "place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Adams, late of Company F, Seventh Regiment of West Virginia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LUCINDA HAGGARD.

The next business on the Private Calendar was the bill (H. R. 6139) granting a pension to Lucinda Haggard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lucinda Haggard, as widow of Warren Haggard, of Company H, Sixth Regiment of Kentucky Volunteer Cavalry, and pay her a pension at the rate of $8 a month: *Provided, however*, That if said Warren Haggard should at any time be proved to be alive, then thereafter the pension hereby granted shall cease.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "as" after the word "Haggard;" and in the same line, after the word "Haggard," insert the word "late;" and in line 7 strike out the word "of."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN HOUK.

The next business on the Private Calendar was the bill (H. R. 1890) to increase the pension of John Houk.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to increase the pension of John Houk, late a member of Company F, Third Regiment of Tennessee Volunteer Cavalry, to $50 a month, he having lost the sight of both eyes.

The amendments recommended by the committee were read, as follows:

In line 4, after the word "to," insert the following: "place on the pension roll, subject to the provisions and limitations of the pension laws;" strike out, in same line, the words "increase the pension;" and before the word "of," in same line, insert the words "the name."
In line 6 strike out all after the word "Cavalry" and insert in lieu thereof the words "and to pay him a pension at the rate of $40 per month in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN S. PARKER.

The next business on the Private Calendar was the bill (H. R. 7114) granting an increase of pension to John S. Parker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John S. Parker, late of Company G, One hundred and seventh Regiment New York Volunteer Infantry,

and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the words "twenty-four," and when so amended the passage of the bill is recommended.

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES BOTTOMS.

The next business on the Private Calendar was the bill (H. R. 3694) granting an increase of pension to James Bottoms.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Bottoms, late a private in Company E, Eleventh Regiment of Wisconsin Infantry, and pay him a pension of $30 in lieu of the pension he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "regiment," strike out the word "of;" and in the same line, after the word "Wisconsin," insert the word "Volunteer."

Strike out all after the word "pension," in line 8, and insert in place thereof the following: "at the rate of $24 per month in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELI OVERHULTZ.

The next business on the Private Calendar was the bill (H. R. 2382) granting a pension to Eli Overhultz.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Eli Overhultz, Company I, One hundred and first Indiana Volunteers, of Swayzee, Ind.

The amendments recommended by the committee were read, as follows:

In line 4 strike out the word "upon" and insert in lieu thereof the word "on:" after the word "Overhultz," in line 6, add the words "late of," and after the word "first," in line 6, insert the word "Regiment," and strike out all the words in line 7 and insert in place thereof the following: "Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN W. BRISBOIS.

The next business on the Private Calendar was the bill (H. R. 2802) granting an increase of pension to John W. Brisbois.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension roll the name of John W. Brisbois, late private of Company A, Third Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month; and same shall be paid him under the rules of the Pension Office as to mode and times of payment without any deduction or rebate on account of former alleged overpayments or erroneous payments of pension.

The amendments recommended by the committee were read, as follows:

In line 4, after the word "roll," insert the words "subject to the provisions and limitations of the pension laws."

In line 6 strike out the word "twenty" and in line 7 the word "[illegible]" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SAMUEL LYBARGER.

The next business on the Private Calendar was the bill (H. R. 7896) to increase the pension of Samuel Lybarger.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Samuel Lybarger, late a private in Company I, Tenth Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of the pension he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 4, after the word "to," insert the following: "place on the pension roll, subject to the provisions and limitations of the pension laws, the name of."

In line 5, after the word "Tenth," insert "Regiment."

In line 7 strike out the words "the pension" and insert in lieu thereof the word "that."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES R. SAWTELL.

The next business on the Private Calendar was the bill (H. R. 6911) granting an increase of pension to James R. Sawtell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James R. Sawtell, late of Company F, Ninth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM HAMLEY.

The next business on the Private Calendar was the bill (S. 266) granting an increase of pension to William Hamley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Hamley, late private in Company B, Forty-first Wisconsin Volunteers, at the rate of $30 per month in lieu of the pension he is now receiving.

Mr. SIMS. Mr. Chairman, that is a $50 pension. I would like to hear the report.

The CHAIRMAN. The gentleman from Tennessee is recognized. The report will be read in his time.

The report (by Mr. GRAFF) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 266) granting an increase of pension to William Hamley, have examined the same and adopted the Senate report thereon and recommend that the bill do pass.

[Senate Report No. 84, Fifty-sixth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 266) granting an increase of pension to William Hamley, have examined the same and recommend that the bill pass with the following amendment:

In line 7 strike out the word "sixty" and insert in lieu thereof the word "fifty."

A similar bill for the relief of this claimant was favorably reported by your committee, copy of which report is hereto attached, and passed the Senate during the last Congress, but failed to receive favorable action by the Committee on Invalid Pensions in the House of Representatives.

The report is as follows:

"This soldier enlisted as a private in Company D, Forty-first Regiment Wisconsin Volunteers, on the 11th of May, 1864, for one hundred days, and was honorably discharged September 23, 1864.

"He applied for pension under the general laws March 23, 1883, alleging jaundice and rupture, which was allowed at $4 per month. His pension has been increased at intervals, on account of rheumatism, disease of the liver, and piles, to $24 per month, which amount he is now drawing. Claimant made application for increase May 6, 1897, alleging that his disabilities had increased to such an extent that he could not dress or undress himself, and is in perpetual need of another person as attendant. The claim was rejected on the ground that the increased disabilities are due to age and not to pensioned causes. Claimant is 84. The report of the examining surgeon, Dr. W. W. Watson, Moscow, Idaho, dated July 21, 1897, states, after describing disabilities, that the—

"'Claimant requires the frequent and periodical, though not constant, personal aid and attendance of another person, and I can honestly and conscientiously recommend that he be placed under act of July 14, 1892 ($50 per month). He can not live much longer. He has no vicious habits. He is an old minister—acted as chaplain in Army. He can do no work. He requires assistance to dress him and assist him from stool.'

"In view of the extreme helplessness and age of this claimant, your committee believe that his claim is meritorious, and recommend the passage of the bill."

Mr. SIMS. Mr. Chairman, that presents another one of these cases in which the disability is not due to service origin at all. It is not even claimed that it is, and yet the pension is increased from $24 to $50. Now, I do not want to be captious, but I would like to have the chairman make some explanation or some statement why we should increase the pension for disability not due to service origin, but which is clearly due to increase of age. Fifty dollars seems like a large pension for a case where the disabilities are not of service origin.

Mr. SULLOWAY. Mr. Chairman, if the gentleman will read the report carefully, he will see that this man applied for a pension under the general law, March, 1883; that he has been granted $24. Now, he is in reduced circumstances; his condition is such that he is unable to dress or undress himself, and he is as helpless as a child. He is an old man, 84 years of age, and has no means of support.

The Senate recommended and have passed the bill, giving him a pension at the rate of $50 a month. I can not find it in my heart to urge that it be reduced. I think the old man is entitled to that amount, and he ought to have it. He has a just claim against this Government for the services he rendered, and, taking into consideration his condition, I think he is justly entitled to this amount. I know the gentleman from Tennessee does not mean to be captious. Since I have been here we have pensioned privates at $100 a month, and I am glad of it. I would as soon give $100 a month to a private as to a major-general. [Applause.]

Mr. SIMS. Mr. Chairman, it does not seem to me that the gentleman has given any reason for this increase. The Pension Bureau has pensioned this applicant at $4 a month, and on different applications that has been increased to $24 a month. There is nothing to show here that his disability is of service origin. Are we to increase his pension simply because he is helpless.

Mr. SULLOWAY. When the gentleman says that, he asserts that the Bureau is unerring, because they say that the service origin would entitle him to only $24. Now, I am not standing here to-day to say that the Bureau is unerring by any manner of means.

Mr. SIMS. Has the gentleman any evidence to show that these disabilities are due to service origin?

Mr. SULLOWAY. It satisfies me, and the Senate, it seems, were satisfied to a considerable extent. I believe it is so. I may be in error about it, but I do not want the gentleman from Tennessee to argue here that the Bureau of Pensions is as unerring as the decrees of Almighty God.

Mr. SIMS. I do not argue that they are as unerring as Almighty God, neither do I think the Pension Committee is as unerring as Almighty God.

Mr. SULLOWAY. I agree to that.

Mr. SIMS. Therefore I think the House ought to have some evidence furnished to the Bureau or to the committee that these disabilities are of service origin. Now, if we are going to pension persons simply because they are in a bad condition, it seems to me that we are going outside of our duty and that it does not come within the spirit or the equity of the law. Where soldiers lack three or four days of serving the statutory period, I say go ahead and give them a pension. But in this case the gentleman fails to produce one scintilla of evidence that this man's disabilities are due to service origin. While he has a pension of $24 a month, and because he is in a desperate condition, you say that we must give him $50 a month.

Why does not the county in which he lives take care of helpless persons? Shall the General Government supersede all the charitable provisions of the respective States and counties in all such cases as these? Fifty dollars is a big pension; it is a large sum to pay out from the taxpayers' pockets of this country, and if we allow it in this case, which is perhaps as meritorious as any that will come before us, what right have we to refuse $50 in the very next case that is presented? I think the Bureau in this case has erred on the side of mercy. I do not know whether it is infallible or not; I do not believe it is. What is the use of having a Bureau and medical experts, paying them thousands and thousands of dollars for services, and then utterly disregard their findings and sneer at them on this floor?

The gentleman from New Hampshire [Mr. SULLOWAY] has absolutely sneered at the Bureau, and says its decisions are not infallible. He means to cast reproach on it. We certainly can get some honest men that will administer the office according to law and do justice to the soldier, and if the present Commissioner and those under him, including the medical experts, are not doing their duty, there is a remedy by removing them and putting other men in their place, and not keep up the farce of a Bureau and medical experts whose action and decisions have no effect on the House. I move to amend the bill and make it $30 instead of $50.

Mr. SULLOWAY. My friend from Tennessee overlooks one thing. If this man had no disease about him, was "sound as a roach or a rock," as we Yankees say up East, he would be entitled to $12 a month, and if pensioned for disease admitted by the Bureau to be of service origin, at $24 a month. You add the $12 that he would have been entitled to without any disease whatever under the law and you would have $36. The Senate recommended and the committee agreed to give $14 more, making it $50, and that is exactly the situation.

The question was taken on the motion to amend; and on a division (demanded by Mr. SIMS) there were 10 ayes and 44 noes.

So the amendment was disagreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

LOUISE DONATH.

The next business on the Private Calendar was the bill (S. 35) granting a pension to Louise Donath.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louise Donath, permanently helpless and dependent child of John G. Donath, late a hospital steward in the military service of the United States, and pay her a pension at the rate of $12 per month, payable to her legally constituted guardian.

The bill was laid aside to be reported favorably to the House.

SAMUEL C. KRICKBAUM.

The next business on the Private Calendar was the bill (H. R. 4441) for the relief of Samuel C. Krickbaum, of Benton, Pa.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel C. Krickbaum, late of Company B, One hundred and ninety-ninth Regiment Pennsylvania Volunteers, and pay him a pension at the rate of $25 per month.

The amendments reported by the committee were read, as follows:

In line 7, change the word "Volunteers" to "Volunteer" and add after it the word "Infantry."

In line 8 strike out the word "five" and insert "four" in place thereof, and after the word "month," in the same line, add the following: "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Samuel C. Krickbaum."

And when so amended the passage of the bill is recommended.

Mr. TALBERT. I should like to hear the report in this case.

The report (by Mr. GASTON) was read, as follows:

This bill (H. R. 4441) proposes to increase the pension of Samuel C. Krickbaum from $12 to $25 per month.

This soldier, who is now 62 years of age, served in Company E, One hundred and thirty-second Pennsylvania Volunteers, from August 5, 1862, to May 24, 1863, when he was discharged, and again in Company B, One hundred and ninety-ninth Pennsylvania Volunteers, from August 30, 1864, to June 28, 1865. He is now pensioned at $12 per month under the act of June 27, 1890, on account of total inability to earn a support by manual labor, due to facial neuralgia and disease of heart. Records of the War Department show treatment in first service for neuralgia, diarrhea, and debility. He never applied for a pension under the general law.

There has been filed with the committee in the Fifty-fifth Congress a petition signed by several hundred residents of Benton, Pa., to the effect that for nine years last past the soldier had suffered from facial neuralgia of a peculiarly severe and incurable type, and from disease of heart; that he had undergone several operations for neuralgia without relief or effect; that he is now in such a condition as to require constant attention of at least one person; that he is in destitute circumstances and has no income aside from his pension.

Medical testimony has also been filed corroborating the statement of the above-named petitioners as to soldier's physical condition, and testimony of his neighbors as to his destitution.

A petition for the passage of the bill has also been filed with your committee during this session.

The only medical examination in the case, and made nine years ago, found organic disease of heart, then stated by the surgeons to be permanent, and that it may increase, and also found neuralgia of the fifth nerve of right side, the most sensitive spots being the lip, side of temple, and just where the nerve comes out on the cheek, and that he was never free from pain, and for these disabilities the board of surgeons rated him at $12.

In view of the soldier's present physical condition and destitution, your committee recommend that the bill be amended as follows:

In line 7 change the word "Volunteers" to "Volunteer" and add after it the word "Infantry."

In line 8 strike out the word "five" and insert "four" in place thereof; and after the word month in same line add the following: "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Samuel C. Krickbaum."

And when so amended the passage of the bill is recommended.

Mr. TALBERT. I do not say that the statements of fact in this report are not true, but I would like to ask the chairman of the committee what kind of evidence is required by them in these cases. Do they require affidavits?

Mr. SULLOWAY. The same character of evidence is required by the committee that would be required by the Bureau—affidavits.

Mr. TALBERT. I would like to know whether every bill coming before the committee is submitted to a pension expert from the Bureau before action is taken by the committee?

Mr. SULLOWAY. Does the gentleman mean the bill or the evidence?

Mr. TALBERT. The evidence.

Mr. SULLOWAY. When a bill is introduced in behalf of a soldier who has made claim at the Bureau, the evidence offered at the Bureau is brought to our committee room and the expert there makes an abstract of it.

Mr. TALBERT. Then there is regularly certified evidence—affidavits—to substantiate the statements embraced in this report?

Mr. SULLOWAY. I so understand.

The question being taken, the amendments were agreed to; and the bill as amended was laid aside to be reported favorably to the House.

SILAS B. HENSLEY.

The next business on the Private Calendar was the bill (S. 1059) granting a pension to Silas B. Hensley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Silas B. Hensley, late private, Company K, Third North Carolina Mounted Infantry, and pay him a pension at the rate of $20 per month.

The bill was laid aside to be reported favorably to the House.

NANCY ELLEN BESSOM.

The next business on the Private Calendar was the bill (S. 240) granting a pension to Nancy Ellen Bessom.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nancy Ellen Bessom, invalid and dependent daughter of James P. Bessom, deceased, late a private in Company C, Eighth Regiment Massachusetts Infantry Volunteers, and pay her a pension at the rate of $12 per month.

The bill was laid aside to be reported favorably to the House.

EDWARD BOYLE.

The next business on the Private Calendar was the bill (H. R. 2389) granting an increase of pension to Edward Boyle.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward Boyle, late of Company D, Sixth Regiment United States Volunteer Infantry, and pay him a pension of $24 per month in lieu of that he is now receiving.

The amendments reported by the committee were read, and agreed to, as follows:

In line 7 strike out the word "volunteer."

In line 8, before the word "of," insert the words "at the rate."

The bill as amended was laid aside to be reported favorably to the House.

MOSES F. WOODS.

The next business on the Private Calendar was the bill (H. R. 2809) granting a pension to Moses F. Woods.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Moses F. Woods, late of Company E, Phelps County Missouri Volunteer Infantry, at the rate of $30 per month in lieu of the pension he now receives.

The amendments reported by the committee were read, and agreed to, as follows:

In line 4 strike out the word "upon" and insert in lieu thereof the word "on."

In the same line, after the word "roll," insert the words "subject to the provisions and limitations of the pension laws."

In line 5, after the word "County," add the word "Regiment."

Strike out all after the word "Infantry," in line 6, and insert in lieu thereof the following: "and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

Amend the title of the bill so as to read: "A bill granting an increase of pension to Moses F. Woods."

The bill as amended was laid aside to be reported favorably to the House.

HANNAH C. SMITH.

The next business on the Private Calendar was the bill (H. R. 7264) granting pension to Hannah C. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and instructed to place upon the pension roll of the United States the name of Hannah C. Smith, as mother of Edward C. Smith, late of Company G, Sixty-eighth Indiana Infantry, at the rate of $12 per month, under the rules and regulations of the Pension Office.

The amendments reported by the committee were read, and agreed to, as follows:

In line 4 strike out the word "instructed" and insert in place thereof the word "directed." In the same line strike out the word "upon" and insert in lieu thereof the word "on." Also, in the same line, strike out all after the word "roll" and insert the words "subject to the provisions and limitations of the pension laws."

In line 5 strike out the words "as mother" and insert in lieu thereof the word "stepmother."

In line 6 insert after the word "Sixty-eighth" the word "Regiment." In the same line, after the word "Indiana," insert the word "Volunteer;" and again in the same line, after the word "Infantry," insert "and pay her a pension."

In line 7 strike out all after the word "month."

Amend the title of the bill so as to read: "A bill granting a pension to Hannah C. Smith."

The bill as amended was laid aside to be reported favorably to the House.

JOSEPH B. PRESDEE.

The next businesson the Private Calendar was the bill (S. 2158) granting a pension to Joseph B. Presdee.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph B. Presdee, late lieutenant-colonel Second Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $12 per month.

The bill was laid aside to be reported favorably to the House.

JULIA M. JOHNSON.

The next business on the Private Calendar was the bill (S. 1008) granting a pension to Julia M. Johnson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Julia M. Johnson, widow of Richard W. Johnson, late brevet major-general, United States Army, and pay her a pension at the rate of $30 per month.

The bill was laid aside to be reported favorably to the House.

MARY A. DENNIS.

The next business on the Private Calendar was the bill (S. 899) granting an increase of pension to Mary A. Dennis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Dennis, widow of Elias S. Dennis, late brigadier-general and brevet major-general, United States Volunteers, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The bill was laid aside to be reported favorably to the House.

JAMES S. JORDAN.

The next business on the Private Calendar was the bill (H. R. 4047) granting an increase of pension to James S. Jordan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of James S. Jordan, late of Company I, Twentieth New York Volunteers, at the rate of $50 per month in lieu of the pension he is now receiving.

The amendments reported by the committee were read, as follows:

In line 4 strike out the word "upon" and insert the word "on;" in same line, after the word "roll," insert "subject to the provisions and limitations of the pension laws."

In line 5 strike out the word "Twentieth" and insert in place thereof the word "Nineteenth." Before the word "new," in same line, insert the word "Regiment."

In line 6 strike out the word "Volunteers" and insert in place thereof the following: "Volunteer Infantry, and pay him a pension."

In line 7 strike out the words "the pension" and insert in place thereof the word "that."

Mr. TALBERT. I ask for the reading of the report in this case.

The report (by Mr. DRIGGS) was read, as follows:

This bill (H. R. 4047) proposes to increase the pension of James S. Jordan from $17 to $50 per month.

This soldier, now 70 years of age, served as a private in Company E, Thirteenth New York State Militia, from April 27, 1861, to August 6, 1861, when mustered out with his company, and again as a private in Companies I and D, Ninetieth New York Volunteers, from September 30, 1861, to December 10, 1864; and during the last-named service the medical records of the War Department show him to have been under treatment for typhoid fever, pneumonia, intermittent fever, and diarrhea. He has been a pensioner under the old law since February 17, 1886, on account of rheumatism as of service origin, and is now in receipt of a pension of $17 per month on account of same, and the medical officers of the Bureau have held that such atrophy of the right arm as exists was covered by the approval and rating for rheumatism.

His claim on account of malarial poisoning, brain fever, yellow fever, sunstroke, indigestion, and piles stands rejected upon the ground that a pensionable disability from said causes was not shown to exist.

A claim for disease of lungs (asthma), quite probably a result of pneumonia, for which he was treated during service, but not legally so established, has been rejected by the Pension Bureau for the reason that a favorable adjudication of that part of the claim would not entitle the soldier to a higher rating than he is now receiving.

The last medical examination in the case, made April 19, 1899, rated this soldier at $12 for rheumatism, $12 for loss of power of the right arm, $6 for hypertrophy of heart, thus showing a rating of $30 for disabilities accepted as of service origin. It also rated him $6 for asthma, $4 for malaria, $2 for piles, and $17 for general and senile debility, and this board of surgeons stated that—

"This soldier is so disabled from his rheumatism, loss of power in right arm, general and senile debility, and other rated disabilities as to require the frequent and periodical, though not regular and constant, personal aid and attendance of another person, and is entitled to $50 per month. He is unable to dress, undress, and attend to the calls of nature without assistance."

There is testimony in the case showing that the soldier is very poor and in need of help.

The Pension Bureau holds that the soldier's present disabilities are due in a large measure to senility, yet your committee can not hold that the age of this man can have anything to do with the rheumatism and atrophy of the right arm, of accepted service origin, and must hold that the heart disease, found upon medical examination, is also ascribable to rheumatism and not to senility.

Hon. Mr. DRIGGS, a member of this House, has filed the following statement with your committee:

WASHINGTON, D. C., *February 12, 1900.*

MY DEAR MR. CHAIRMAN: In the case of James Jordan, I beg to state that this soldier is over 70 years of age, very poor, and literally a physical wreck, requiring almost constant attention of another person. I have known Jordan personally for several years.

Yours, truly,

EDMUND H. DRIGGS, M. C.,
Third District, New York.

Hon. C. A. SULLOWAY,
Chairman Committee on Invalid Pensions.

In view of all this, your committee recommend that the bill be amended as follows:

In line 4 strike out the word "upon" and insert the word "on." In same line, after the word "roll," insert "subject to the provisions and limitations of the pension laws."

In line 5 strike out the word "Twentieth" and insert in place thereof the word "Nineteenth." Before the word "new," in same line, insert the word "Regiment."

In line 6 strike out the word "Volunteers" and insert in place thereof the following: "Volunteer Infantry, and pay him a pension."

In line 7 strike out the words "the pension" and insert in place thereof the word "that."

And when so amended the passage of the bill is recommended.

Mr. TALBERT. Mr. Chairman——

Mr. DRIGGS. Mr. Chairman, I should like to make a personal statement about this bill, because it is one which I myself introduced. I have known this man Jordan for the past seven or eight years, and I know of no one who is as much a physical wreck as he is. He has been down at my house several times, and each time that he has been there they have had to carry him from the street to my front door, which is about 80 feet. I myself at different times have aided him in getting from the door to the vehicle which brought him. I have visited him at his home. It is a very poor one. He has absolutely nothing, and requires the almost constant attention of another person. I know of no case which we have passed that is more worthy or meritorious of $50 a month than this.

In the last Congress I introduced a similar bill, but did not force it, because I wanted to be satisfied that the man was entitled to $50. During the recess of Congress I made several different visits to him, and found that everything which is stated in the report is literally true. The man is a complete physical wreck.

The Pension Bureau decided that he is not entitled to an increase of pension, because, in their peculiar way of reasoning, they can not find any disability of service origin. I know as good a lawyer as the gentleman from South Carolina [Mr. TALBERT], if he had read the evidence on file before the committee, would have been satisfied to vote for the amount of $50 a month. I trust this statement will satisfy my friend from South Carolina. If not, I will answer any question.

Mr. TALBERT. Did the gentleman say that I was a lawyer?

Mr. DRIGGS. I thought you were a lawyer.

Mr. TALBERT. I am not, sir. Now, Mr. Chairman, I have no opposition to offer to the passage of this bill. I am willing to vote for it, but I think the House is entirely too thin in attendance right now to transact business, and I make the point that there is not a quorum present.

The CHAIRMAN. The question is on agreeing to the amendments offered by the committee.

The question being taken, on a division (demanded by Mr. TALBERT) there were—ayes 74, noes none.

Mr. TALBERT. Now, Mr. Chairman, I make the point that there is no quorum present.

The CHAIRMAN. The gentleman makes the point that there is no quorum present. The Chair will count.

After counting, the Chairman announced 120 members, a quorum of the Committee of the Whole, present.

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

JOHN M. M'CORD.

The next business on the Private Calendar was the bill (H. R. 4298) granting an increase of pension to John M. McCord.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John M. McCord, late a member of Company A, Sixth Regiment Missouri State Militia Cavalry, and also a member of Company A, Thirteenth Regiment Missouri Cavalry Volunteers, and pay him a pension of $25 per month in lieu of the pension he is now receiving.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 8, after the word "Missouri," insert "Volunteer." Strike out in the same line the word "Volunteers."

In line 9 insert, after the word "pension," the words "at the rate." Strike out in the same line the word "twenty-five" and insert in lieu thereof the word "twenty-four."

In line 10 strike out the words "to pension" and insert in lieu thereof the word "that."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

LOUA A. MORGAN.

The next business on the Private Calendar was the bill (H. R. 5544) granting a pension to Lona A. Morgan, dependent son of Alford V. Morgan, deceased.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lona A. Morgan, dependent son of Alford V. Morgan, deceased, late a private in Company I, One hundred and fifty-fifth Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month.

The committee amendments set forth in the report were read.

Mr. TALBERT. Mr. Chairman, I ask for the reading of the report in that case.

The CHAIRMAN. The report will be read in the time of the gentleman from South Carolina.

The report (by Mr. MIERS of Indiana) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5544) granting a pension to Loua A. Morgan, submit the following report:

Alfred V. Morgan, the soldier named in this bill, served as a private in Company D, One hundred and fifty-fifth Indiana Volunteers, from March 20 to August 4, 1865, and is reported on the rolls as present during all of the four and one-half months of service. He never applied for a pension, and died March 19, 1872, of pneumonia. He married the mother of the beneficiary named in the bill on October 1, 1863, and they lived together as husband and wife until the soldier's death.

The mother of the beneficiary remarried three times since the soldier's death, the last marriage taking place January 1, 1887. She applied for a pension under the general law as the widow of soldier, alleging that his fatal pneumonia was ingrafted upon a preexisting disease of the lungs of service origin.

The claim of the former widow was specially examined and rejected by the Pension Bureau November 11, 1897, upon the ground that a thorough special examination of the claim failed to show that the soldier's fatal pneumonia was due to his military service.

The testimony obtained from such special examination showed that the soldier was sound at and prior to enlistment; that as to his condition in the service, however, was conflicting—some comrades testifying that the soldier contracted a cough in camp near Dover, Del., that he spit blood, and was made assistant cook by reason of same, while others testified that he got over the cough, and that the men were not subject to any peculiar hardship or exposure during service.

The proof obtained as to soldier's condition from the time of his discharge until his fatal illness was also conflicting, some parties testifying that he had a hollow cough ever since service, and that he looked jaundiced and in poor health, while others, among them his two brothers and sister, testified that they did not know of any sickness except an attack of fever in November or December, 1865, and that they never knew him to be afflicted with consumption.

Dr. Wilson, who treated this soldier during his last illness, testified that the soldier had an acute attack of pneumonia, and was unable to say whether there had been any chronic lung disease prior to the fatal pneumonia.

On November 15, 1890, the soldier's son, Loua, applied for a pension through a guardian under the provisions of the act of June 27, 1890, alleging that he was born August 5, 1864, and that he had been an idiot soon after birth, and filed proof in support of said claim as to relationship, birth, and idiocy of the son, and that he is incapable of earning a support on account of his mental disability.

This claim was also rejected by the Pension Bureau upon the ground that inasmuch as the son was over the age of 16 years at the time of the passage of the act of June 27, 1890, and had never been on the pension roll, pension under said act could not obtain.

The mother of this son has had the care and maintenance of this helpless boy, not alone while she was the wife of the soldier, but ever since her remarriage.

There has been filed with your committee sworn testimony to the effect that the mother of the soldier, who, by reason of her remarriage, can have no title under the act of June 27, 1890, is not in a financial condition to bear the burden of the support and maintenance of this helpless son, and that this son has never been able to earn a dollar, and a petition, signed by numerous residents of Marshall County, Ind., has also been filed praying for Congressional relief to this helpless son.

Your committee believe that the doubts as to whether the death of the soldier was due to his military service should be resolved in favor of the helpless son of the soldier, and recommend that the bill be amended as follows:

In line 6 strike out the word "Lona" and insert in lieu thereof the word "Loua." In the same line strike out the word "Alford" and insert in its place "Alfred." Also, in same line and line 7 strike out the word "deceased."

In line 8 strike out the word "to."

In line 9, after the word "pension," insert the words "at the rate." Also, in same line, strike out the word "thirty" and insert "twelve." After the word "month," in the same line, add the following: "payable to his legally constituted guardian."

Amend the title of the bill so as to read: "A bill granting a pension to Loua A. Morgan."

And when so amended the passage of the bill is recommended.

Mr. TALBERT. Mr. Chairman, I should like the chairman of Committee on Invalid Pensions to tell us how old that son is and what is his condition. I do not understand whether he is idiotic, or what is his age.

Mr. SULLOWAY. Mr. Chairman, he was born in 1864, as the report shows, and he is a helpless, idiotic child. The reason why he is not on the pension roll is that the father lived until after he, the son, was 16 years of age.

Mr. TALBERT. I did not understand the reading of the report. Did it state that he is idiotic?

Mr. SULLOWAY. Yes; idiotic from birth.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

GEORGE MYERS.

The next business on the Private Calendar was the bill (H. R. 6527) granting a pension to George Myers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Myers, late color sergeant Company E, Ninth Regiment New Jersey Infantry Volunteers, at the rate of $50 per month.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 7, after the word "Jersey," insert "Volunteer." In same line strike out the word "Volunteers." Also, in same line, before the word "at," insert the words "and pay him a pension."

In line 8, after the word "month," add the following: "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to George Myers."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

PETER CUMMINGS.

The next business on the Private Calendar was the bill (H. R. 2792) for the relief of Peter Cummings.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Peter Cummings, late a private in Company D, Eleventh Regiment Pennsylvania Cavalry, and pay him a pension at the rate of $12 per month.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 7, after the word "Pennsylvania," insert the word "Volunteer."

Amend the title so as to read: "A bill granting a pension to Peter Cummings."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

JOHN H. MEEKER.

The next business on the Private Calendar was the bill (H. R. 6028) for the relief of John H. Meeker, late first-class pilot, United States Navy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to reinstate on the United States pension roll the name of John H. Meeker, late first-class pilot, U. S. S. *Oriole* and other vessels, subject to the provisions and limitations of the act of June 27, 1890.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 4, after the word "to," insert the words: "place on the pension roll, subject to the provisions and limitations of the pension laws."

Strike out, in lines 4 and 5, the words "reinstate on the United States pension roll."

In line 6 strike out all after the word "vessels" and insert in lieu thereof the words "and pay him a pension at the rate of $12 per month."

Amend the title so as to read: "A bill granting a pension to John H. Meeker."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

ELI C. WALTON.

The next business on the Private Calendar was the bill (H. R. 1944) granting an increase of pension to Eli C. Walton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eli C. Walton, late of Company B, Fifty-fourth Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month from October 12, 1892, to the date of the passage of this act and $50 per month from the date of the passage of this act.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 7, before the word "Illinois," insert the word "Regiment."

In line 8 strike out all after the word "month" and insert in lieu thereof the words "in lieu of that he is now receiving."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

WILLIAM H. LA COUNT.

The next business on the Private Calendar was the bill (H. R. 1507) for the relief of William H. La Count.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of William H. La Count, of Durango, Colo., late first sergeant in Company K, Twenty-seventh Regiment Wisconsin Infantry Volunteers, and pay him a pension of $24 a month in lieu of the pension he is now receiving.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 4 strike out the word "upon" and insert in lieu thereof the word "on." In the same line, after the word "roll," insert "subject to the provisions and limitations of the pension laws."

In line 5 strike out the words "of Durango, Colo."

In line 7 strike out the word "Volunteers;" and in the same line, before the word "Infantry," insert "Volunteer." Also, in same line, after the word "pension," insert "at the rate."

In line 8 strike out the words "the pension" and insert in lieu thereof the word "that."

Amend the title so as to read: "A bill granting an increase of pension to William H. La Count."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

LAVINIA M. PAYNE.

The next business on the Private Calendar was the bill (H. R. 2303) to increase the pension of Mrs. L. M. Payne.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Lavinia M. Payne, who was a nurse in the medical department of the United States Volunteers, upon the pension roll, and pay her a pension of $24 per month in lieu of that which she now receives.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 4, after the word "place," insert the following: "on the pension roll, subject to the provisions and limitations of the pension laws."

In line 5 strike out the words "who was" and insert the word "late." In the same line, after the word "of," strike out the word "the."

In line 6 strike out the words "upon the pension roll."

In line 8 strike out all after the word "that" and insert in place thereof the words "she is now receiving."

Amend the title of the bill so as to read: "A bill granting an increase of pension to Lavinia M. Payne."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

GEORGE WHITE.

The next business on the Private Calendar was the bill (H. R. 5546) granting a pension to George White.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George White, late a private in Company B, Fifteenth Regiment Indiana Volunteers, and pay to him a pension of $30 per month in lieu of any pension he may now be receiving.

The committee amendments set forth in the report were read.

Mr. TALBERT. Mr. Chairman, I ask for the reading of the report in that case.

The CHAIRMAN. The report will be read in the time of the gentleman from North Carolina.

The report (by Mr. MINOR) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5546) granting a pension to George White, submit the following report:

This soldier, now 58 years of age, served as a private in Company B, Fifteenth Indiana Volunteers, from June 14, 1861, to June 23, 1862, when he was discharged on surgeon's certificate of disability on account of chronic diarrhea and inflammation of the eyes. He is now a pensioner at $17 per month on account of chronic diarrhea and resulting piles and disease of eyes.

Claims for increase of pension filed in 1893, 1896, and 1897 were rejected upon the ground that the disabilities for which he is pensioned did not warrant a higher rating, and the alleged resulting disease of heart and bladder were not shown as such results.

Last medical examination, made January 12, 1898, rated him $10 for diarrhea, $4 for disease of rectum, and $6 for disease of eyes; and also found and rated $6 for disease of heart and $8 for disease of bladder and prostate.

The sworn testimony of three neighbors is filed with the committee, showing that soldier is without any means of support and physically unable to do any labor.

Medical testimony is also filed showing that soldier is disabled from the causes found upon the medical examination quoted above, and by reason of same unable to perform any manual labor.

While your committee is not willing to say that the disease of bladder has any connection with the causes for which this soldier is now pensioned, it does not hesitate to state, however, in view of the fact that the disease of heart found is not of rheumatic origin, that such heart trouble is the natural result of the long-continued diarrhea, hence it recommends that the bill be amended as follows:

In line 7 strike out the word "Volunteers" and insert in place thereof the words "Volunteer Infantry." In the same line strike out the word "of" and insert the words "at the rate of."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four." In the same line strike out all after the word "of" and insert the words "that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to George White."

And when so amended the passage of the bill is recommended.

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

GEORGE W. WEEDEN.

The next business on the Private Calendar was the bill (H. R. 3470) granting an increase of pension to Capt. George W. Weeden, of Olneyville, R. I.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Weeden, late a captain in the Second Regiment Rhode Island Volunteer Infantry, war of the rebellion, and pay him a pension of $30 per month in lieu of the pension he is now receiving.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 6 strike out "a;" in the same line, after the word "captain," insert "Company F;" also, in same line, strike out the words "in the."

In line 7 strike out "war of the rebellion."

In line 8, after the word "pension," insert "at the rate."

In line 9 strike out the words "the pension" and insert the word "that."

Amend the title so as to read: "A bill granting an increase of pension to George W. Weeden."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

REBECCA P. QUINT.

The next business on the Private Calendar was the bill (S. 1796) granting an increase of pension to Rebecca P. Quint.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension rolls, subject to the provisions and limitations of the pension laws, the name of Rebecca P. Quint, widow of Alonzo H. Quint, late chaplain of the Second Regiment Massachusetts Infantry Volunteers, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JANE DYKES.

The next business on the Private Calendar was the bill (H. R. 470) granting a pension to Jane Dykes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jane Dykes, mother of John B. and George Dykes, who were privates of Company B, Third Tennessee Mounted Infantry Volunteers, and grant her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out the words "who were" and insert the word "late."

In line 7, after the word "Third," insert the word "Regiment."

In lines 7 and 8 strike out the words "Mounted Infantry Volunteers" and insert the words "Volunteer Mounted Infantry."

In line 8 strike out the word "grant" and insert the word "pay."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELIZABETH B. NORRIS.

The next business on the Private Calendar was the bill (H. R. 5346) granting a pension to Elizabeth B. Norris.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth B. Norris, widow of John Bradley, deceased, late private, Company H, Eighty-ninth Regiment Indiana Volunteer Infantry.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "deceased."
In line 8, after the word "Infantry," insert the words "and pay her a pension at the rate of $12 per month."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ISAAC D. SMITH.

The next business on the Private Calendar was the bill (H. R. 206) to pension Isaac D. Smith, Company A, Fifteenth Regiment United States Infantry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place upon the pension roll of the United States the name of Isaac D. Smith, Company A, Fifteenth Regiment United States Infantry, at the rate of $35 a month from the passage of this act.

The amendments recommended by the committee were read, as follows:

In line 4 strike out the word "upon" and insert the word "on." In the same line, after the word "roll," insert "subject to the provisions and limitations of the pension laws."
In lines 4 and 5 strike out the words "of the United States."
In line 5, after the word "Smith," insert "late of."
In line 6, after the word "Infantry," add "and pay him a pension."
In line 7 strike out all after the word "dollars" and insert "per month in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARGARET GANGLOFF.

The next business on the Private Calendar was the bill (H. R. 4961) granting an increase of pension to Margaret Gangloff.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Margaret Gangloff, widow of Henry D. Gangloff, deceased, a private of Company B, Third Regiment Missouri Volunteer Cavalry, on the pension roll of the United States, and to pay her a pension of $24 per month in lieu of the pension she now receives.

The amendments recommended by the committee were read, as follows:

In line 4, after the word "place," insert the words "on the pension roll, subject to the provisions and limitations of the pension laws."
In line 5 strike out the word "deceased" and insert the word "late."
In lines 6 and 7 strike out the words "on the pension roll of the United States."
In line 7 strike out the word "to."
In line 8, before the word "of," add the words "at the rate." In same line strike out the words "the pension" and insert the word "that."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DAVID TALMON.

The next business on the Private Calendar was the bill (H. R. 3966) granting an increase of pension to David Talmon, of Wymore, county of Gage, Nebr.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws of the United States, the name of David Talmon, late of Company H, Sixth Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of the amount he is now receiving.

The amendments recommended by the Committee were read, as follows:

In lines 5 and 6 strike out the words "of the United States."
In line 7, after the word "Sixth," insert "Regiment."
In line 8 strike out "thirty" and insert "twenty-four."
In lines 8 and 9 strike out the words "the amount" and insert the word "that."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM G. M'LAIN.

The next business on the Private Calendar was the bill (H. R. 4648) granting a pension to William G. McLain.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to put upon the pension roll the name William G. McLain, late of Company F, Twenty-seventh Regiment of Iowa Infantry Volunteers, at the rate of $72 per month, this sum to be in lieu of the pension that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 4 strike out the words "put upon" and insert in lieu thereof the words "place on." In the same line, after the word "roll," insert "subject to the provisions and limitations of the pension laws." Also, in the same line, after the word "name," insert the word "of."
In line 6 strike out the word "of," also the word "Volunteers." In the same line, after the word "Iowa," insert the word "Volunteer."
Strike out all after the word "Infantry," in line 6, and insert in lieu thereof the words "and pay him a pension at the rate of $50 per month in lieu of that he is now receiving," and when so amended the passage of the bill is recommended.

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

PETER M. HEATON.

The next business on the Private Calendar was the bill (H. R. 7622) granting a pension to Peter M. Heaton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Peter M. Heaton, late a private in Company I, Forty-second Regiment of the Missouri Infantry Volunteers, and pay him a pension of $25 per month in lieu of the pension he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 4, after the word "roll," insert the words "subject to the provisions and limitations of the pension laws."
In line 6 strike out the words "of the" and the word "Volunteers," and after the word "Missouri" insert the word "Volunteer."
In line 7, after the word "pension," insert the words "at the rate." In the same line strike out the word "twenty-five" and insert the word "twelve."
In lines 7 and 8 strike out the words "the pension" and insert the word "that."

Mr. RUCKER. Mr. Chairman, this bill as introduced would give to this soldier $25 a month. The committee have reported it with an amendment striking out $25 and inserting $12, so that he would get $12. The pension that he is now drawing is $6 a month. I would say to the House that this is an old soldier with whom I am personally well acquainted, and have been for twenty years. He is now about 77 years of age, is infirm in health, and very poor, almost in destitution. It is almost impossible, Mr. Chairman, for him to subsist on $12 a month. He is in a helpless condition. He is not able to earn his support, or a part of his support; and therefore I desire to move that the bill reported by the committee be amended by striking out "$12" and inserting "$15." As I am only asking for an increase to be made from $12 to $15, which is $3, I trust the gentleman who kindly reported this bill will not oppose.

The CHAIRMAN. The gentleman moves to strike out $12 and insert $15.

Mr. RUCKER. I believe this old soldier ought to have $20 a month, and I hope the gentleman will not object to that.

Mr. SULLOWAY. Mr. Chairman, as it is such a little one, I do not know that it is worth while to waste time upon it.

The CHAIRMAN. The Chair understood the gentleman to move as an amendment to the amendment to strike out $12 and insert $20.

Mr. SULLOWAY. I did not understand it that way. I understood him to say $15.

Mr. RUCKER. Let me say, Mr. Chairman, that this is the first thing that I have tried to get through this House, and I was modest in drawing it.

Mr. SULLOWAY. My purpose was to accept the amendment of $15.

Mr. RUCKER. This old soldier can not get this relief from the Government very long. He is limited to a very few years; and I hope the gentleman will not hold me to the inadvertence of my first proposition, but will let it go to $20.

Mr. SULLOWAY. I will accept the amendment at $15.

Mr. RUCKER. If I can not get $20, I will accept $15.

The CHAIRMAN. Will the gentleman state how he desires to have his amendment submitted?

Mr. RUCKER. The amendment I offer is to strike out "twelve" in the committee's amendment and insert "fifteen."

The CHAIRMAN. The gentleman from Missouri offers as an amendment to strike out "twelve" and insert "fifteen." The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The CHAIRMAN. There are other committee amendments.

The other amendments of the committee were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SARAH E. CAMPBELL.

The next business on the Private Calendar was the bill (S. 917) granting an increase of pension to Sarah E. Campbell.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah E. Campbell, widow of Charles T. Campbell, late colonel of the First Pennsylvania Artillery Reserve Corps, colonel of the Fifty-seventh Pennsylvania Volunteer Infantry, and brigadier-general of volunteers, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The bill was laid aside to be reported to the House with a favorable recommendation.

WILLIAM ELKERT.

The next bill on the Private Calendar taken up was the bill (H. R. 4177) to correct the military record of William Elkert.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to set aside the findings of the court-martial in the case of William Elkert, late of Company H, Forty-fifth Wisconsin Infantry Volunteers, and to grant to said William Elkert an honorable discharge from said company and regiment: *Provided*, That no pay, bounty, or other emolument shall become due or payable by virtue of the passage of this act.

Mr. TALBERT. Mr. Chairman, I ask that the report be read.

The CHAIRMAN. This bill is not in order at this time.

Mr. BARNEY. Mr. Chairman, I ask unanimous consent that this bill be considered now. I think I can make a statement that will satisfy members that it is a deserving case.

Mr. TALBERT. I understood the Chairman to rule that it was out of order.

Mr. BARNEY. But I ask unanimous consent that the bill be considered at this time. I think I can make a brief statement that will show that it is a deserving case.

Mr. TALBERT. You can not consider it if it is not in order.

Mr. BARNEY. I think we can by unanimous consent.

The CHAIRMAN. The House is in Committee of the Whole to consider certain bills under a special rule, and the Chair does not think by unanimous consent other cases can be taken up.

Mr. BARNEY. Can not the Committee of the Whole by unanimous consent allow other bills to be considered?

Mr. BELL. I hope the gentleman from Wisconsin will not delay other bills with this matter.

Mr. BARNEY. I know this to be a very urgent case and a case that deserves consideration.

The CHAIRMAN. The rule says that such bills only shall be in order, and the Chair can not entertain the request of the gentleman from Wisconsin. The Clerk will report the next bill.

FREDERICK E. VANCE.

The next business on the Private Calendar was the bill (H. R. 7322) granting an increase of pension to Frederick E. Vance, of Clay Center, Kans., late of Company A, First Minnesota Cavalry.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Frederick E. Vance, of Clay Center, Kans., late of Company A, First Minnesota Cavalry, on the pension roll of the United States, and grant him a pension of $50 a month in lieu of the pension which he is now receiving.

The following amendments were recommended by the committee:

In line 4, after the word "place," insert the following: "on the pension roll, subject to the provisions and limitations of the pension laws."

In line 5 strike out the words "of Clay Center, Kans."

In line 6 strike out the words "on the pension roll of the United States;" in the same line strike out the word "grant" and insert the word "pay."

In line 7, after the word "pension," insert the words "at the rate;" in the same line strike out the words "the pension" and insert the word "that."

In line 8 strike out the word "which."

Amend the title so as to read: "A bill granting an increase of pension to Frederick E. Vance."

The committee amendments were agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

JOHN E. WHINNERY.

The next business on the Private Calendar was the bill (H. R. 1458) for the relief of John E. Whinnery.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of John E. Whinnery, of Company A, Fourteenth Regiment Indiana Volunteer Infantry, and pay him a pension of $24 per month from and after the passage of this act, in lieu of the pension he is now receiving.

The following amendments were recommended by the committee:

In line 4 strike out the word "upon" and insert in place thereof the word "on."

In line 6, after the word "Whinnery," insert the word "late."

In line 7 strike out the words "of twenty" and insert in lieu thereof the words "at the rate of."

In line 8 strike out the word "four" and insert in lieu thereof the word "twenty." And in the same line strike out all after the word "month" and insert in place thereof the words "in lieu of that he is now receiving."

Also amend the title so as to read: "A bill granting an increase of pension to John E. Whinnery."

The committee amendments were agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

JAMES M'NUTT.

The next business on the Private Calendar was the bill (H. R. 1201) granting to James McNutt a pension.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place the name of James McNutt, late acting assistant surgeon of the United States Army during the war of the rebellion, upon the pension roll of the United States and to pay him a pension at the rate of $50 per month.

The following amendments were recommended by the committee:

Strike out, in line 4, all after the word "place" and insert in lieu thereof the words "on the pension roll, subject to the provisions and limitations of the pension laws, the name of James McNutt, late acting assistant surgeon, United States Army, and pay him a pension at the rate of $30 per month."

Also amend the title so as to read: "A bill granting a pension to James McNutt."

The committee amendments were agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

MARIE WIERSANG.

The next business on the Private Calendar was the bill (H. R. 1989) for the relief of Marie Wiersang.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place upon the pension roll of the United States, at the rate of $12 per month, the name of Marie Wiersang, widow of the late Erick Wiersang, Company E, First Minnesota Volunteers.

The following amendments were recommended by the committee:

In line 4 strike out the word "upon" and insert in lieu thereof the word "on:" in the same line, after the word "roll," add the words "subject to the provisions and limitations of the pension laws;" in the same line and in line 5 strike out the words "of the United States, at the rate of $12 per month."

In line 6 strike out the words "the late;" in the same line, after the word "Wiersang," insert the words "late of."

In line 7, after the word "First," insert the word "Regiment;" in the same line strike out the word "Volunteers" and insert the words "Volunteer Mounted Rangers, and pay her a pension at the rate of $12 per month."

Amend the title so as to read: "A bill granting a pension to Marie Wiersang."

The committee amendments were agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

ELIZABETH JOHNS.

The next business on the Private Calendar was the bill (H. R. 153) for the relief of Elizabeth Johns, widow of Joseph Johns.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of $12 a month, the name of Elizabeth Johns, widow of Joseph Johns, late a private in the so-called Black Brigade of Cincinnati, which was employed in the defense of that city in the year 1862.

The committee amendments were as follows:

Strike out all after the word "roll," in line 4, and insert the following: "subject to the provisions and limitations of the pension laws, the name of Elizabeth Johns, widow of Joseph Johns, late a member of the so-called Black Brigade of Cincinnati, and pay her a pension at the rate of $12 per month."

Also, amend the title so as to read: "A bill granting a pension to Elizabeth Johns."

The committee amendments were agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

JAMES J. M'MAINS.

The next business on the Private Calendar was the bill (H. R. 126) granting an increase of pension to James J. McMains.

The clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of James J. McMains, late of Company F, Thirty-sixth Ohio Volunteer Infantry, and pay him a pension at the rate of —— dollars per month in lieu of that he is now receiving.

The following amendments were recommended by the committee:

In line 4 strike out the word "upon" and insert the word "on."

In line 6, before the word "Ohio," add the word "Regiment."

In line 8, before the word "dollars," insert the word "fifty."

The committee amendments were agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

ALFRED DYER.

The next business on the Private Calendar was the bill (H. R. 3863) granting a pension to Alfred Dyer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pensions laws, the name of Alfred Dyer, late of Company B, One hundred and fourteenth Ohio Volunteer Infantry, and pay him a pension at the rate of $25 per month.

The amendments reported by the committee were read and agreed to, as follows:

In line 7, after the word "Tenth," insert "Regiment."

In line 8 strike out all after the word "of" and insert in lieu thereof the words "$24 per month in lieu of that he is now receiving."

Also amend the title so as to read: "A bill granting an increase of pension to Alfred Dyer."

The bill as amended was laid aside to be reported favorably to the House.

LOUISA STEARNS.

The next business on the Private Calendar was the bill (H. R. 6092) granting a pension to Louisa Stearns, widow of Lewis Stearns, deceased.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and instructed to place upon the pension roll and grant a pension to Louisa Stearns, widow of Lewis Stearns, deceased, late a private in Company A, Seventh Iowa Volunteer Cavalry, at the rate of $12 per month.

The amendments reported by the committee were read, and agreed to, as follows:

In line 4 strike out the word "upon" and insert the word "on;" in the same line, after the word "roll," insert the words "subject to the provisions and limitations of the pension laws."

Strike out, in line 4, the word "and" and in line 5 the words "granting a pension to" and insert in lieu thereof the words "the name of."

In line 6 strike out the word "deceased;" in the same line, after the word "Seventh," insert the word "Regiment."

In line 7, after the word "Cavalry," insert the words "and pay her a pension:" and after the word "month," in the same line, insert the following: "and $2 per month additional for each of the minor children of the soldier under 16 years of age."

Amend the title so as to read: "A bill granting a pension to Louisa Stearns."

The bill as amended was laid aside to be reported favorably to the House.

JOHN B. FAIRCHILD.

The next business on the Private Calendar was the bill (H. R. 5882) granting an increase of pension to John Fairchild.

The bill was read, as follows:

Be it enacted etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of $25 per month, the name of John Fairchild, of Norwalk, Ohio, late a member of Company C, One hundred and twenty-third Ohio Volunteer Infantry, the same to be in lieu of any pension now drawn by said soldier and subject to all conditions and limitations of the pension laws.

The amendments reported by the committee were read and agreed to, as follows:

Strike out all after the word "roll," in line 4, and in lieu thereof insert the following: "subject to the provisions and limitations of the pension laws, the name of John B. Fairchild, late of Company C, One hundred and twenty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

And when so amended your committee recommend that the bill do pass.

Also amend the title so as to read: "A bill granting an increase of pension to John B. Fairchild."

The bill as amended was laid aside to be reported favorably to the House.

Mr. SULLOWAY. I move that the Committee of the Whole now rise and report to the House the bills which have been acted upon by the Committee of the Whole.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. LACEY reported that the Committee of the Whole House had had under consideration sundry House and Senate bills and had directed him to report the same back with and without amendments, respectively, and to recommend that the same do pass as recommended by the Committee of the Whole.

Senate and House bills of the following titles were respectively taken up, the amendments recommended thereto by the Committee of the Whole adopted and the bills as amended read the third time (or engrossed and read the third time), and passed:

A bill (H. R. 6700) to increase the pension of Maria Andrews (title amended);

A bill (H. R. 434) granting an increase of pension to Jesse Smith;

A bill (H. R. 5390) granting a pension to Mrs. Maria E. Mailley (title amended);

A bill (H. R. 1763) to pension Ella F. Sydnor (title amended);

A bill (H. R. 2681) granting a pension to Calista F. Hall (title amended);

A bill (H. R. 2865) to grant an increase of pension to Louis H. Gein, Company F, Fifty-fifth New York Volunteers (title amended);

A bill (H. R. 6701) granting a pension to Serelda C. McGrew;

A bill (H. R. 3809) granting increase of pension of Elisha B. Seaman, Company A, Sixty-sixth Ohio Volunteers (title amended);

A bill (H. R. 3522) for the relief of Lucy S. Bane (title amended);

A bill (H. R. 6161) for the relief of John Landegon, of Danbury, Conn. (title amended);

A bill (H. R. 2170) granting a pension to Angeline Eyestone;

A bill (H. R. 3012) granting a pension to Sarah Claggett;

A bill (H. R. 1754) for the relief of Mrs. Helen M. Moore (title amended);

A bill (H. R. 4854) to pension James L. Whidden (title amended);

A bill (H. R. 3206) to correct the naval record of Thomas Dunn;

A bill (H. R. 2465) to grant an honorable discharge to George W. Shank;

A bill (H. R. 1616) to correct the naval record of Joseph Pitt, alias Joseph Marr, and erase the name of Joseph Marr and substitute the name of Joseph Pitt on the records of the United States Navy;

A bill (H. R. 163) for the relief of Henry O. Morse;

A bill (H. R. 539) granting a pension to Louisa S. Wilson;

A bill (H. R. 5503) granting an increase of pension to Samuel Hanson;

A bill (H. R. 541) granting a pension to Ellen Norwood;

A bill (H. R. 6384) for the relief of James Crawley (title amended);

A bill (H. R. 3167) to grant increase of pension to Thomas H. Cook, Company I, Seventeenth Illinois Volunteer Infantry (title amended);

A bill (H. R. 5949) granting a pension to Frederick Weber;

A bill (H. R. 3640) granting a pension to Mary Pollock;

A bill (H. R. 6144) to increase pension of Mrs. Margaret A. Porter (title amended);

A bill (H. R. 205) to increase pension of George C. Snyder (title amended);

A bill (H. R. 4655) granting a pension to Mrs. Elizabeth C. Rice (title amended);

A bill (H. R. 6031) granting additional pension to James W. Carmody (title amended);

A bill (H. R. 7368) for the relief of Sherman D. Plues (title amended);

A bill (H. R. 6139) granting a pension to Lucinda Haggard;

A bill (H. R. 1890) to increase the pension of John Houk;

A bill (H. R. 7114) granting an increase of pension to John S. Parker;

A bill (H. R. 3694) granting an increase of pension to James Bottoms;

A bill (H. R. 2382) granting a pension to Eli Overhultz (title amended);

A bill (H. R. 2802) granting an increase of pension to John W. Brisbois;

A bill (H. R. 7896) to increase the pension of Samuel Lybarger (title amended);

A bill (H. R. 4441) for the relief of Samuel C. Krickbaum, of Benton, Pa. (title amended);

A bill (H. R. 2389) granting an increase of pension to Edward Boyle;

A bill (H. R. 2809) granting a pension to Moses F. Woods (title amended);

A bill (H. R. 7264) granting pension to Hannah C. Smith (title amended);

A bill (H. R. 4047) granting an increase of pension to James S. Jordan;

A bill (H. R. 4298) granting an increase of pension to John M. McCord;

A bill (H. R. 5544) granting a pension to Lona A. Morgan, dependent son of Alford V. Morgan, deceased (title amended);

A bill (H. R. 6537) granting a pension to George Myers (title amended);

A bill (H. R. 2792) for the relief of Peter Cummings;

A bill (H. R. 6028) for the relief of John H. Meeker, late first-class pilot, United States Navy (title amended);

A bill (H. R. 1944) granting an increase of pension to Eli C. Walton;

A bill (H. R. 1507) for the relief of William H. La Count (title amended);

A bill (H. R. 2303) to increase the pension of Mrs. L. M. Payne (title amended);

A bill (H. R. 5546) granting a pension to George White (title amended);

A bill (H. R. 3470) granting an increase of pension to Capt. George W. Weeden, of Olneyville, R. I. (title amended);

A bill (H. R. 5346) granting a pension to Elizabeth B. Norris;

A bill (H. R. 206) to pension Isaac D. Smith, Company A, Fifteenth Regiment, United States Infantry (title amended);

A bill (H. R. 4961) granting an increase of pension to Margaret Gangloff;

A bill (H. R. 3966) granting an increase of pension to David Talmon, of Wymore, county of Gage, Nebr. (title amended);

A bill (H. R. 4648) granting a pension to William G. McLain (title amended);

A bill (H. R. 7622) granting a pension to Peter M. Heaton (title amended);

A bill (H. R. 7322) granting an increase of pension to Frederick E. Vance, of Clay Center, Kans., late of Company A, First Minnesota Cavalry (title amended);

A bill (H. R. 1458) for the relief of John E. Whinnery (title amended);

A bill (H. R. 1201) granting to James McNutt a pension (title amended);

A bill (H. R. 1989) for the relief of Marie Wiersang (title amended);

A bill (H. R. 153) for the relief of Elizabeth Johns, widow of Joseph Johns (title amended);

A bill (H. R. 5126) granting an increase of pension to James J. McMains;

A bill (H. R. 3863) granting a pension to Alfred Dyer (title amended);

A bill (H. R. 6092) granting a pension to Louisa Sterns, widow of Lewis Sterns, deceased (title amended);

A bill (H. R. 5882) granting an increase of pension to John Fairchild; and

A bill (H. R. 5180) to increase the pension of Thomas Adams (title amended).

The bill (H. R. 5180) to increase the pension of Thomas Adams was taken up, and the amendments reported from the Committee of the Whole were agreed to.

Mr. SULLOWAY. I desire to offer an additional amendment, which I send to the desk.

The Clerk read as follows:

In line 11, after the word "Cavalry," insert the words "and pay him a pension."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

The amendment to the title, as reported from the Committee of the Whole House, was agreed to.

The following House bills, reported from the Committee of the Whole without amendments, were severally considered, ordered to be engrossed and read a third time, read a third time, and passed:

A bill (H. R. 6911) granting an increase of pension to James R. Sawtelle; and

A bill (H. R. 470) granting a pension to Jane Dykes.

The following Senate bills, reported from the Committee of the Whole, were severally considered, ordered to a third reading, read a third time, and passed:

S. 1711. An act granting an increase of pension to Charles L. Green;

S. 1712. An act granting a pension to Arminda D. Davis;

S. 2219. An act granting an increase of pension to Mary F. Hopkins;

S. 1329. An act granting a pension to Mary Jackman;

S. 2367. An act granting a pension to Susan Stratton;

S. 236. An act granting an increase of pension to Mary Ellen Lauriat;

S. 237. An act granting an increase of pension to Cutler D. Sanborn;

S. 526. An act granting an increase of pension to Joseph Waddell;

S. 548. An act granting an increase of pension to John F. McMahon;

S. 1295. An act granting a pension to Louisa Hale;

S. 2223. An act granting an increase of pension to John M. Morse;

S. 1469. An act granting an increase of pension to Phillip P. Getchell;

S. 1058. An act granting a pension to John Bailey;

S. 872. An act granting an increase of pension to William H. H. Nevitt;

S. 1771. An act granting a pension to Ellie Kee;

S. 992. An act granting an increase of pension to Frederick Auer;

S. 266. An act granting an increase of pension to William Hamley;

S. 35. An act granting a pension to Louise Donath;

S. 1059. An act granting a pension to Silas B. Hensley;

S. 240. An act granting a pension to Nancy Ellen Bessom;

S. 2158. An act granting a pension to Joseph B. Presdee;

S. 1003. An act granting a pension to Julia M. Johnson;

S. 899. An act granting an increase of pension to Mary A. Dennis;

S. 1796. An act granting an increase of pension to Rebecca P. Quint; and

S. 917. An act granting an increase of pension to Sarah E. Campbell.

On motion of Mr. SULLOWAY, a motion to reconsider the votes by which the several bills were passed was laid on the table.

CHANGES OF REFERENCE.

The SPEAKER announced that, in the absence of objection, the following changes of reference would be made, and, there being no objection, they were made:

House Document 215, from the Committee on Appropriations to the Committee on Public Buildings and Grounds.

House Document 191, from the Committee on Appropriations to the Committee on Public Buildings and Grounds.

House Document 385, from the Committee on Appropriations to the Committee on Interstate and Foreign Commerce.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 289. An act granting a pension to John B. Turchin—to the Committee on Invalid Pensions.

S. 995. An act granting an increase of pension to Nelly Young Egbert—to the Committee on Pensions.

S. 3186. An act granting a pension to Margaretha Lippert—to the Committee on Invalid Pensions.

S. 2871. An act to supplement and amend the act entitled "An act to incorporate the North River Bridge Company, and to authorize the construction of a bridge and approaches at New York City across the Hudson River, to regulate commerce in and over such bridge between the States of New York and New Jersey, and to establish such bridge a military and post road," approved July 11, 1890—to the Committee on Interstate and Foreign Commerce.

Senate concurrent resolution 30:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be authorized and directed to submit a report of survey and estimate for the improvement, straightening, and widening the main ship channel in Sabine Pass, Texas, from a point 1,000 feet north of the United States life-saving station to Sabine Lake, and that said survey and estimate be made in accordance with the provisions of section 22 of the river and harbor act of March 3, 1899—

to the Committee on Rivers and Harbors.

Senate concurrent resolution 29:

Resolved by the Senate (the House of Representatives concurring), That there be printed for use as a public document 12,500 additional copies of each of the monographs issued by the Bureau of Statistics of the Treasury Department, entitled "Commercial China in 1899," "Commercial Japan in 1899," "The Russian Empire and the Siberian Railway," "Commerce of Asia and Oceanica," "Commercial Africa in 1899," "American Commerce," "Cuba, Puerto Rico, the Hawaiian, Philippine, and Samoan Islands," and "Colonial System of the World," of which number 3,500 copies of each document shall be for use of the Senate, 6,500 copies for the use of the House of Representatives, and 2,500 for use of the Bureau of Statistics of the Treasury Department—

to the Committee on Printing.

Senate concurrent resolution 31:

Resolved by the Senate (the House of Representatives concurring), That there be printed 14,000 copies of the World's Commerce for the year 1899, of which 1,000 shall be for the use of the Senate, 3,000 for the use of the House of Representatives, and 10,000 for the use of the Department of State; and 8,000 copies of Commercial Relations of the United States for the year 1899, including the general summary, of which 1,000 shall be for the use of the Senate, 2,000 for the use of the House of Representatives, and 5,000 for the use of the Department of State—

to the Committee on Printing.

ENROLLED BILL SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

H. R. 6767. An act to grant an American register to the steamer *Windward*.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BROWNLOW, for one week, on account of sickness.

To Mr. SPIGHT, indefinitely, on account of sickness.

Mr. PAYNE. I move that the House do now adjourn.

Mr. LANHAM. Mr. Speaker, I have a bill here which I should like to secure unanimous consent to consider.

Mr. PAYNE. Is it a pension bill?

Mr. LANHAM. No.

Mr. PAYNE. I think the gentleman had better wait until tomorrow morning. This is a special order, like Friday night, and I do not think we ought to pass any other legislation.

The motion of Mr. PAYNE was agreed to.

Accordingly (at 4 o'clock and 55 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Light-House Board submitting an estimate of appropriation for constructing a light-ship with fog signal at Cape Elizabeth, Maine—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

A letter from the Secretary of the Navy, in response to the resolution of the House, relating to expenditures of the naval service in the Philippines—to the Committee on Insular Affairs, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the case of The Schooner *Margaretta* against the United States—to the Committee on Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. LACEY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 9291) to extend the timber and stone acts to the district of Alaska, reported the same without amendment, accompanied by a report (No. 568);

which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 9296) to amend the homestead laws of the district of Alaska, reported the same without amendment, accompanied by a report (No. 569); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 9294) to limit placer-mining claims in the district of Alaska, and for other purposes, reported the same without amendment, accompanied by a report (No. 570); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 9290) to extend the system of public surveys to the district of Alaska, reported the same without amendment, accompanied by a report (No. 571); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 9295) to prohibit the location of mining claims by power of attorney in the district of Alaska, reported the same without amendment, accompanied by a report (No. 572); which said bill and report were referred to the House Calendar.

Mr. LANHAM, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 9284) to attach the county of Foard, in the State of Texas, to the Fort Worth division of the northern district of Texas, and providing that all process issued against defendants residing in said county shall be returned to Fort Worth, reported the same without amendment, accompanied by a report (No. 573); which said bill and report were referred to the House Calendar.

Mr. UNDERWOOD, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 65) to authorize the holding of a regular term of the district court of the United States for the western district of Virginia in the city of Charlottesville, Va., reported the same without amendment, accompanied by a report (No. 574); which said bill and report were referred to the House Calendar.

Mr. KERR, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 8963) to fix the terms of the district and circuit courts of the western judicial district in the State of Louisiana, reported the same without amendment, accompanied by a report (No. 575); which said bill and report were referred to the House Calendar.

Mr. LITTLEFIELD, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 3018) for the appointment of an additional United States commissioner in the northern judicial district of the Indian Territory, reported the same without amendment, accompanied by a report (No. 576); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. LITTLEFIELD, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 217) granting a deed of quitclaim and release to Lorillard Spencer, his heirs and assigns, of all the right, title, and interest in and to certain land in the city of Newport, R. I., reported the same with amendment, accompanied by a report (No. 577); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HEPBURN: A bill (H. R. 9344) to forbid the transmission by mail or interstate commerce of any picture or description of any prize fight or any of its accessories—to the Committee on the Post-Office and Post-Roads.

By Mr. RIXEY (by request): A bill (H. R. 9345) to provide for the coinage of certain memorial half dollars, for the benefit of the Washington Monument Association, of Alexandria, Va.—to the Committee on Coinage, Weights, and Measures.

By Mr. ROBINSON of Nebraska: A bill (H. R. 9346) granting to the Niobrara, Sioux City and Black Hills Railroad Company right of way through the Santee Indian Reservation and the Ponca Indian Reservation, in the State of Nebraska—to the Committee on Indian Affairs.

By Mr. RIDGELY (by request): A bill (H. R. 9347) to promote agriculture—to the Committee on Agriculture.

By Mr. RAY of New York: A bill (H. R. 9348) to provide for the trial in Oklahoma Territory of cases wherein the United States is a party, and cases in which an Indian under the charge of an Indian agent or superintendent is plaintiff, and for other purposes—to the Committee on the Judiciary.

By Mr. JENKINS: A bill (H. R. 9349) to establish a commission for the promotion of uniform laws in the District of Columbia—to the Committee on the District of Columbia.

By Mr. MOODY of Massachusetts: A bill (H. R. 9350) to revive the grade of lieutenant-general—to the Committee on Military Affairs.

By Mr. PRINCE: A bill (H. R. 9351) to authorize and facilitate the immediate construction of railroads in the island of Puerto Rico—to the Committee on Insular Affairs.

By Mr. RUCKER: A bill (H. R. 9352) to exempt wire, nails, and so forth, from duty—to the Committee on Ways and Means.

By Mr. SHACKLEFORD: A bill (H. R. 9372) to extend the provisions of the act of June 27, 1890, to the Missouri State Militia, the Provisional Missouri Militia, and other companies of militia organized in Missouri—to the Committee on Invalid Pensions.

By Mr. SHERMAN: A resolution (H. Res. 172) directing the Clerk of the House to pay the widow of the late Hon. Charles A. Chickering amount due for stationery allowance at time of his death—to the Committee on Accounts.

By Mr. BAKER: A joint resolution and memorial of the general assembly of the State of Maryland, urging the passage of a bill to reimburse and indemnify the mayor and aldermen of Frederick, Md.—to the Committee on War Claims.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 9353) to grant a pension to Lysander Needham—to the Committee on Invalid Pensions.

By Mr. BURKETT: A bill (H. R. 9354) granting an increase of pension to J. W. Penny—to the Committee on Pensions.

Also, a bill (H. R. 9355) granting an increase of pension to Baltzar Mowan—to the Committee on Pensions.

By Mr. BOUTELL of Illinois: A bill (H. R. 9356) granting an increase of pension to John R. Parker—to the Committee on Invalid Pensions.

By Mr. BAKER: A bill (H. R. 9357) for the relief of heirs of Airhart Winters—to the Committee on War Claims.

By Mr. BROMWELL (by request): A bill (H. R. 9358) for the relief of Nathan J. Harris—to the Committee on War Claims.

By Mr. CUSHMAN: A bill (H. R. 9359) for the relief of George Jennings, alias George Fish—to the Committee on Military Affairs.

By Mr. COOPER of Wisconsin: A bill (H. R. 9360) to remove the charge of desertion now standing against the name of James Donnallan, late private, Company C, Second United States Artillery—to the Committee on Military Affairs.

By Mr. FITZGERALD of Massachusetts: A bill (H. R. 9361) for the relief of Edmund M. Phelan—to the Committee on Claims.

By Mr. HEPBURN: A bill (H. R. 9362) granting a pension to James R. Keary—to the Committee on Pensions.

By Mr. HENRY of Mississippi: A bill (H. R. 9363) for the relief of the estate of James E. Williams, deceased, late of Hinds County, Miss.—to the Committee on War Claims.

By Mr. NEEDHAM: A bill (H. R. 9364) to increase the pension of Abbie W. McFarland—to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 9365) granting a pension to Herbert O. Spaulding—to the Committee on Invalid Pensions.

By Mr. POLK: A bill (H. R. 9366) to correct the military record of Samuel Hardy, of Bloomsburg, Pa.—to the Committee on Military Affairs.

By Mr. RHEA of Kentucky: A bill (H. R. 9367) granting a pension to W. H. Denham—to the Committee on Invalid Pensions.

By Mr. SHATTUC: A bill (H. R. 9368) for the relief of Rebecca P. Tyus, or her heirs—to the Committee on War Claims.

By Mr. SNODGRASS: A bill (H. R. 9369) for relief of the heirs at law of Z. Tolliver, deceased, of Wilson County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 9370) granting a pension to Louis M. Starring, of Rhea County, Tenn.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9371) to increase the pension of John B. Cothran, of Smith County, Tenn.—to the Committee on Invalid Pensions.

By Mr. SHACKLEFORD: A bill (H. R. 9373) for the relief of George Barron—to the Committee on War Claims.

Also, a bill (H. R. 9374) to pension John W. Gibson, of Pulaski County, Mo.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9375) to pension P. B. Pulley, of Dallas County, Mo.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9376) granting a pension to Jacob Kelly, of Dallas County, Mo—to the Committee on Invalid Pensions.

By Mr. SIBLEY: A bill (H. R. 9377) granting an increase of pension to Mary E. Fengar—to the Committee on Pensions.

By Mr. THOMAS of North Carolina: A bill (H. R. 9378) granting a pension to Irving Johnson—to the Committee on Invalid Pensions.

By Mr. ZIEGLER: A bill (H. R. 9379) granting a pension to William Bittenger, Company G, Twelfth Regiment Pennsylvania Reserves—to the Committee on Pensions.

Also, a bill (H. R. 9380) to grant a pension to Mary E. Diehl, widow of George W. Bartle, late of Company M, Seventeenth Pennsylvania Cavalry—to the Committee on Invalid Pensions.

By Mr. CATCHINGS: A bill (H. R. 9381) for the relief of Mrs. C. V. Wilkins, of Warren County, Miss.—to the Committee on War Claims.

By Mr. PAYNE: A bill (H. R. 9382) granting a pension to Adella M. Anthony—to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 9383) for the relief of Edmund Morgan, and to have his name put on the pension roll—to the Committee on Pensions.

Also, a bill (H. R. 9384) confirming the title of James F. Hancock to the south half of the southeast quarter and the south half of the southwest quarter of section 26, township 17 south, range 6 west, in Jefferson County, Ala.—to the Committee on the Public Lands.

By Mr. JAMES R. WILLIAMS: A bill (H. R. 9385) granting a pension to Samuel Laird—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9386) granting a pension to Jacob Beckner—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of John Wise and 25 other citizens of Independence, Iowa, favoring the Grout bill relating to dairy products—to the Committee on Agriculture.

By Mr. ALEXANDER: Petition of J. M. Robinson and others, of Erie County, N. Y., for a law subjecting food and dairy products to the laws of the State or Territory into which they are imported—to the Committee on Interstate and Foreign Commerce.

By Mr. BELL: Petitions of J. W. Smillie, of Eaton, Colo., and O. E. Hobart and other citizens of Claremont, Colo., for the continuation of Government distribution of blackleg vaccine—to the Committee on Agriculture.

Also, petitions of S. R. Rhodes, of Mosca, Colo., and T. Baker, of Meeker, Colo., favoring the Grout bill relating to dairy products—to the Committee on Agriculture.

Also, resolutions of Typographical Union No. 82, of Colorado Springs, and petition of citizens of Routt County, Colo., against the leasing or ceding of public lands, etc.—to the Committee on the Public Lands.

By Mr. BENTON: Protests of W. A. Martin, of Liberal; also petitions of H. E. Smith and McCreary & Heison, of Lamar, State of Missouri, against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BOREING: Resolutions of Grand Army of the Republic post of Somerset, Ky., indorsing the bill to establish a Branch Home for disabled soldiers at or near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. BURKETT: Petition of H. Winnett Orr, publisher, of Lincoln, Nebr., against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Omaha (Nebr.) Building and Trades Council, O. P. Shrum, secretary, opposing the leasing or cession of the unoccupied public lands and demanding that such lands be held for actual settlers—to the Committee on the Public Lands.

By Mr. BURLESON: Protest of A. E. Mitchell and A. W. Hilliard, stockmen and ranchers, of Texas, asking that the Government continue the manufacture and distribution of blackleg vaccine—to the Committee on Agriculture.

Also, resolution of Battery C, First Artillery Battalion, Texas Volunteer Guard, in favor of House bill No. 7936, making an increase in the appropriation for arming and equipping the militia of the States and Territories—to the Committee on the Militia.

By Mr. BURTON: Petition of Robert Bradlow, publisher, of Cleveland, Ohio, against the passage of House bill No. 6071—to the Committee on the Post-Office and Post-Roads.

By Mr. DOLLIVER: Petition of O. J. Olson and 9 citizens of Thor, Iowa, to amend the present law in relation to the sale of oleomargarine—to the Committee on Agriculture.

By Mr. FITZGERALD of Massachusetts: Petition of the Boston Associated Board of Trade, Boston, Mass., favoring the passage of Senate bill No. 738, creating a department of commerce and industries—to the Committee on Interstate and Foreign Commerce.

By Mr. GRAHAM: Resolution of the New York Mercantile Exchange, for a law subjecting food and dairy products to the laws of the State or Territory into which they are imported—to the Committee on Interstate and Foreign Commerce.

Also, protest of P. F. Voight, publisher of the Times, Taretum, Pa., against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petitions of the Sixth United Presbyterian Church, McDonald Woman's Christian Temperance Union, and Beth Eden Baptist Church, all of Allegheny, Pa., favoring the enactment of a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

By Mr. GRIFFITH: Memorial of Dunn Post, No. 480, Grand Army of the Republic, of Hanover, Ind., favoring the passage of a bill to establish a Branch Soldiers' Home in or near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, resolutions of Stonypoint Grange, No. 1733, Patrons of Husbandry, of Jefferson County, Ind., in favor of Senate bill No. 1439, relating to an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Stonypoint Grange, No. 1733, Patrons of Husbandry, of Jefferson County, Ind., asking for the extension of rural free mail delivery service—to the Committee on the Post-Office and Post-Roads.

By Mr. HEPBURN: Protest of H. J. Sargeant and 50 other old soldiers of Wayne County, Iowa, against the passage of the Cullom pension bill, and protesting further against any repeal of the present pension laws favoring biennial examinations of pensioners—to the Committee on Invalid Pensions.

Also, petition of James R. Kean, to accompany House bill granting him a pension—to the Committee on Invalid Pensions.

By Mr. HOWELL: Petition of A. E. Kenney, of North Plainfield, N. J., in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. KERR: Petition of William Loew and other citizens of Bellevue, Ohio, in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

Also, petitions of W. S. Cummings, S. M. McMillen, J. F. Wolfersberger, and C. N. Pond, of the State of Ohio, in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petitions of the Woman's Christian Temperance Union and Christian Endeavor Society of the Congregational Church of Norwalk, Ohio, against prize fights and the transmission of prize-fight pictures and literature—to the Committee on Interstate and Foreign Commerce.

Also, petitions of the Christian Endeavor Society of the Congregational Church, and Woman's Christian Temperance Union of Norwalk, Ohio, for the passage of a bill to limit absolute divorce—to the Committee on the District of Columbia.

By Mr. LACEY: Resolution of the Mississippi Valley Lumbermen's Association, in relation to floating loose logs in Upper Mississippi, St. Croix, and Chippewa rivers—to the Committee on Interstate and Foreign Commerce.

By Mr. LANDIS: Petition of the Friends' Quarterly Meeting, of Westfield, Ind., urging a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

By Mr. METCALF: Resolutions of the city council of Oakland, Cal., in relation to the further deepening and widening of Oakland Harbor—to the Committee on Rivers and Harbors.

By Mr. MOODY of Massachusetts: Petition of Post No. 34, Department of Massachusetts, Grand Army of the Republic, urging the passage of Senate bill No. 1716 and House bill No. 4742, to amend section 1225 of the Revised Statutes, to provide for the detail of active and retired officers of the Army and Navy to assist in military instruction in public schools—to the Committee on the Militia.

Also, resolutions of Phil H. Sheridan Post, Grand Army of the Republic, of Salem, Mass., in favor of House bill No. 7094, for the establishment of a Branch Soldiers' Home at or near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. NEVILLE: Resolutions of the Omaha (Nebr.) Building and Trade Council, against the alienation of public lands by the

United States to any but actual settlers, and also in favor of Government building of reservoirs—to the Committee on the Public Lands.

Also, petitions of P. Lacy and others, of Harrison; A. P. Rosenberg and others, of Adelia; T. P. Moody and others, of Crawford; J. W. Mann and others, of Rushville, and other citizens and stock raisers in the State of Nebraska, favoring Government distribution of blackleg vaccine—to the Committee on Agriculture.

By Mr. OTJEN: Petition of publishers of the Milwaukee Sentinel, Evening Wisconsin Company, and others, of Milwaukee, Wis., urging the passage of House bill No. 5765, known as the Russell bill, relating to the revenue tax on alcohol in manufactures, etc.—to the Committee on Ways and Means.

By Mr. PAYNE: Petition of H. C. Crocker and others, of Sennett, Cayuga County, N. Y., favoring the bill relating to dairy and food products—to the Committee on Agriculture.

By Mr. POLK: Petition of citizens of Columbia County, Pa., regarding the government of Hawaiian Islands—to the Committee on the Territories.

By Mr. PRINCE: Petition of Lucas Amadeo and 9 others, relating to the railroad laws of Puerto Rico—to the Committee on Insular Affairs.

By Mr. ROBINSON of Indiana: Petition of Advance Grange, No. 2100, Patrons of Husbandry, of Fremont, Ind., urging the passage of the pure-food and dairy bill—to the Committee on Agriculture.

By Mr. RUSSELL: Petitions of retail merchants of Norwich, Conn., favoring House bill No. 3717, to amend the present law in relation to the sale of oleomargarine—to the Committee on Agriculture.

Also, resolutions of Francis S. Long Post, No. 30, Grand Army of the Republic, of Willimantic, Conn., in support of House bill No. 7094, entitled "A bill to establish a branch Soldiers' Home at or near Johnson City, Washington County, Tenn."—to the Committee on Military Affairs.

Also, petition of H. J. Baringer and other druggists of Chatham, N. Y., for the repeal of the stamp tax on proprietary medicines, perfumery, etc.—to the Committee on Ways and Means.

By Mr. RYAN of New York: Resolution of the Buffalo Musicians' Protective Association, in favor of the joint resolution against the employment of enlisted men in competition with civilian musicians—to the Committee on Labor.

By Mr. SHATTUC: Paper to accompany House bill for the relief of Rebecca P. Tyus or heirs—to the Committee on War Claims.

Also, papers to accompany House bill No. 3948, granting a pension to Christopher Fagin—to the Committee on Invalid Pensions.

By Mr. SPRAGUE: Resolutions of P. M. Whiting Post, No. 192, and E. R. Piper Post, No. 157, Grand Army of the Republic, of North Attleboro and Walpole, Mass., in favor of House bill No. 7094, to establish a branch Soldiers' Home at or near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. STARK: Petition of Company D, Second Regiment Nebraska National Guard, favoring the passage of House bill No. 7936, increasing the appropriations for arming and equipping the military of the States and Territories—to the Committee on Militia.

Also, resolution of Grand Army of the Republic Post of Brainard, Nebr., favoring the establishment of a branch Soldiers' Home for disabled soldiers at or near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. SUTHERLAND: Petition of Philip H. Smith and 50 other citizens of Sutton, Nebr., urging the enactment of a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

By Mr. WEEKS: Petition of R. P. Steizer, of Detroit, Mich., protesting against the tariff imposed on "listing wood," same being classed as kindling wood under the Dingley tariff act—to the Committee on Ways and Means.

Also, petition of W. H. Marvin, of Utica, Mich., against the passage of House bill No. 6071—to the Committee on the Post-Office and Post-Roads.

Also, petition of William Thompson, of Bad Axe, Mich., to amend the present law in relation to the sale of oleomargarine—to the Committee on Agriculture.

By Mr. JAMES R. WILLIAMS: Petition of Jacob Becker, of Isne, Wayne County, Ill., for pension as a Government scout—to the Committee on Invalid Pensions.

Also, petition of Samuel Laird, of Mount Vernon, Ill., for pension—to the Committee on Invalid Pensions.

By Mr. ZIEGLER: Petition to accompany House bill granting a pension to Mary E. Diehl, widow of George W. Bartle, late of Company M, Seventeenth Pennsylvania Cavalry—to the Committee on Invalid Pensions.

SENATE.

SATURDAY, *March 10, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. HALE, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

SCHOONER WILLIAM AND MARY.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings of the court relating to the schooner *William and Mary*, Benjamin Hilton, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. PERKINS presented a memorial of the Labor Council of San Francisco, Cal., remonstrating against the enactment of legislation to prohibit the issuance of internal-revenue stamps for eighth beer barrels, and also in reference to the employment of enlisted men in competition with local civilians; which was referred to the Committee on Finance.

He also presented a petition of the Chamber of Commerce of San Diego, Cal., and a petition of the Manufacturers and Producers' Association of California, praying for the adoption of certain amendments to the interstate-commerce law; which were referred to the Committee on Interstate Commerce.

He also presented a petition of the Manufacturers and Producers' Association of California, praying for the enactment of legislation to restrict the sale of convict-made goods to the State or Territory in which they are manufactured; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Geological Society of California, praying for the purchase by the Government of the Calaveras big trees for the purposes of a forest reservation; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of sundry citizens of Oakland, Cal., praying that the wives of convert Chinese be allowed to come into this country from China; which was referred to the Committee on Foreign Relations.

He also presented petitions of the Chamber of Commerce of San Diego, the Manufacturers and Producers' Association of California, the Board of Trade of San Francisco, and the Board of Trade of Oakland, all in the State of California, praying for the enactment of legislation to reorganize the consular service; which were referred to the Committee on Foreign Relations.

He also presented petitions of the Board of Trade of San Francisco, the Board of Trade of Oakland, the Merchants' Association of San Francisco, the Merchants' Exchange of San Francisco, the Chamber of Commerce of Los Angeles, and the Manufacturers and Producers' Association of California, all in the State of California, praying that an appropriation be made to continue the work of the Philadelphia Commercial Museum; which were referred to the Committee on Commerce.

Mr. FAIRBANKS presented a petition of Local Union No. 352, United Brotherhood of Carpenters and Joiners, of Anderson, Ind., praying that all the remaining public lands be held for the benefit of the whole people, and that no grants of title to these lands be made to any but actual settlers and home builders; which was referred to the Committee on Public Lands.

He also presented a petition of the Commercial Club of Indianapolis, Ind., and a petition of Advance Grange, No. 2100, Patrons of Husbandry, of Fremont, Ind., praying for the adoption of certain amendments to the interstate-commerce law; which were referred to the Committee on Interstate Commerce.

He also presented a petition of Local Union No. 86, Journeyman Builders' International Union, of Lafayette, Ind., praying for the enactment of legislation to protect free labor from prison competition, and also to limit the hours of daily service of laborers and mechanics employed upon the public works of the United States; which was referred to the Committee on Education and Labor.

Mr. ALLEN presented a petition of Company A, Second Regiment National State Guard of Nebraska, praying that an appropriation be made for the support of the National Guards of the country; which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Knox and Holt counties, Nebr., praying for the continuance of the free distribution by the Department of Agriculture of blackleg vaccine; which was referred to the Committee on Agriculture and Forestry.

He also presented memorials of the Beacon, of Elm Creek; the Svenska Journal, of Omaha; the Police Journal, of Lincoln; the Courier, of Lincoln; the Omaha Mercury, of Omaha; of John Rosicky, and of J. A. Harpodsky, all in the State of Nebraska, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. HALE presented a petition of the Signal Corps of the National State Guard of Maine, praying for the enactment of legislation to improve the armament of the militia; which was referred to the Committee on Military Affairs.

Mr. COCKRELL presented a petition of the Missouri Postmasters' Association, of St. Louis, Mo., praying that an appropriation be made for the maintenance and further extension of rural free mail delivery; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of the Courier, of Clarence; the Statesman, of Arrow Rock, and the Mercantile Adjuster, of St. Louis, all in the State of Missouri, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. DAVIS presented a memorial of the Chamber of Commerce of St. Paul, Minn., remonstrating against the passage of the pending bill providing for the government of Puerto Rico, and praying for the establishment of free trade with that island; which was ordered to lie on the table.

Mr. TELLER presented a memorial of sundry woolgrowers of Huerfano County, Colo., remonstrating against the ratification of the reciprocity treaty with the Argentine Republic; which was referred to the Committee on Foreign Relations.

He also presented a petition of the First Colorado Infantry Association, praying for the enactment of legislation to obtain the money due the volunteers and regular soldiers who served in Manila on and after the 11th day of April, 1899, for travel pay; which was referred to the Committee on Military Affairs.

He also presented the petition of Dr. E. J. Rheinhart, of Colorado, praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

He also presented a memorial of the Pueblo County Medical Society, of Colorado, remonstrating against the enactment of legislation for the further prevention of cruelty to animals in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of Local Lodge No. 47, International Association of Machinists, of Denver, Colo., praying that leave of absence be granted the employees of navy-yards, gun factories, naval stations, and arsenals of the country; which was referred to the Committee on Naval Affairs.

He also presented a petition of the Woman's Club; the Tuesday Musical Club; the Jewish Woman's Council; the North Side Woman's Club; Denver Chapter, Daughters of the American Revolution; General Nelson Chapter, Daughters of the American Revolution; the Scio Club; the Young Ladies' Clio Club; the Monday Literary Club; the West Side Woman's Club; the Fourth Avenue Club, all of Denver; of Zebulon Pike Chapter, Daughters of the American Revolution, of Colorado Springs; the Woman's Club, of Ouray; the Friends in Council, of Canon City, and the Ladies' Club, of Trinidad, all in the State of Colorado, praying for the enactment of legislation to protect the American flag against desecration; which was referred to the Committee on the Judiciary.

He also presented a petition of the Colorado Brewers' Association, praying for the enactment of legislation to abolish the issuance of all revenue stamps of lower denomination than those used for quarter barrels; which was referred to the Committee on Finance.

He also presented a petition of the National Live Stock Association, of Colorado, praying for a reorganization of the Weather Bureau service; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry stock growers of Saguache County, Colo., praying for a continuance of the free distribution by the Department of Agriculture of blackleg vaccine; which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of Local Union No. 42, Journeymen Barbers' International Union, of Colorado Springs; of Local Union No. 55, Brotherhood of Carpenters and Joiners, of Denver, and of the Trades Assembly of Cripple Creek, all in the State of Colorado, praying for the enactment of legislation to protect free labor from prison competition, and also to limit the hours of daily service of laborers and mechanics employed upon the public works of the United States; which were referred to the Committee on Education and Labor.

He also presented sundry petitions of citizens of Weld, Huerfano, Routt, and Rio Blanco counties; of the Board of Trade of Leadville, and of Left Hand Grange, Patrons of Husbandry, of Niwot, all in the State of Colorado, praying that all the remaining public lands be held for the benefit of the whole people, and that no grants of title to these lands be given to any but actual settlers and home builders thereon; which were referred to the Committee on Public Lands.

He also presented petitions of the Federal Labor Union, of Boulder; of Local Union No. 55, Brotherhood of Carpenters and Joiners, of Denver; of Local Union No. 246, Brotherhood of Carpenters and Joiners, of Boulder, and of the Trades and Labor Assembly, of Boulder, all in the State of Colorado, praying for the construction by the Government of storage reservoirs and irrigation works; which were referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also presented petitions of the Woman's Christian Temperance Union of Lamar, of the congregations of the Church of Christ, of Olathe, the Asbury Methodist Episcopal Church of Denver, and the Methodist Episcopal Church of Lamar; of the West Side Woman's Christian Temperance Union of Denver, the Epworth League of Del Norte, the congregation of the Presbyterian Church of Del Norte, the United Baptist congregation of Hygiene, the Woman's Christian Temperance Union of Canon City, and the Woman's Christian Temperance Union of Del Norte, all in the State of Colorado, praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors and the importation and sale of liquor in Hawaii; which were referred to the Committee on Pacific Islands and Puerto Rico.

He also presented a petition of James W. Anderson Post, No. 96, Grand Army of the Republic, Department of Colorado and Wyoming, of Cripple Creek, Colo., praying for the enactment of legislation in reference to the civil service and appointments thereunder; which was referred to the Committee to Examine the Several Branches of the Civil Service.

He also presented a petition of the Chamber of Commerce of Denver, Colo., praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

He also presented petitions of the National State Guard, of Company E, Second Infantry, National State Guard; the First Colorado Infantry Association, of Cripple Creek; Company D, First Regiment Infantry, National State Guard, of Greeley; Company C, First Regiment Infantry, National State Guard; First Regiment, National State Guard; of Dr. C. O. Rice, assistant surgeon, National State Guard; of James M. Kennedy, captain Troop A, First Cavalry, National State Guard; J. B. Macarey, first lieutenant and adjutant, First Infantry, National State Guard; Fred J. White, captain, Signal Corps, National State Guard, and of A. E. Ransom, major, First Infantry, National State Guard, all in the State of Colorado, praying for the enactment of legislation to improve the armament of the militia; which were referred to the Committee on Military Affairs.

He also presented petitions of Local Branch No. 642, National Association of Letter Carriers, of Boulder; of sundry letter carriers of Cripple Creek, Colorado Springs, Pueblo, Denver, and La Plata, all in the State of Colorado, praying for the enactment of legislation to regulate the salaries of letter carriers; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. SPOONER presented the memorial of Ernest Brooks, of Bloomington, Wis., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PENROSE presented a petition of the Trades Assembly of Bedford, Pa., praying for the enactment of legislation to limit the hours of daily service of laborers and mechanics employed upon the public works of the United States, and also to protect free labor from prison competition; which was referred to the Committee on Education and Labor.

He also presented a petition of the Board of Trade of Wilkesbarre, Pa., praying that an appropriation be made to continue the work of the Philadelphia Commercial Museum; which was referred to the Committee on Commerce.

He also presented a petition of the Ministerial Union of Newport, Pa., praying for the enactment of legislation to regulate the laws relating to marriage and divorce in the District of Columbia and the Territories; which was referred to the Committee on the Judiciary.

He also presented a petition of 41 citizens of Pennsylvania, praying for the enactment of legislation to reclassify clerks in the Railway Mail Service; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Local Union No. 321, United Brotherhood of Carpenters and Joiners, of Connellsville, Pa., and a petition of the Trades Labor Assembly of New Castle, Pa., praying that all the remaining public lands of the United States be held for the benefit of the whole people, and that no grants of title to the lands be given to any but actual settlers and home builders; which were referred to the Committee on Public Lands.

He also presented a petition of 235 members of the Methodist

Episcopal Church of Hawley, Pa., praying that the laws now in force relating to bigamy, divorce, prize fights, scientific education, and transmission of gambling matter by mail or interstate commerce be extended to the new possessions until such time as special legislation shall be enacted for the government of these possessions; which was referred to the Committee on Pacific Islands and Puerto Rico.

He also presented petitions of 600 members of the United Presbyterian Church of Allegheny, of 400 members of Beth Eden Baptist Church, and of the McDonald Woman's Christian Temperance Union, all in the State of Pennsylvania, praying for the enactment of legislation to prohibit the importation, manufacture, and sale of intoxicating liquors, opium, etc., in Hawaii; which were referred to the Committee on Pacific Islands and Puerto Rico.

He also presented memorials of the Reformed Church Record, of Reading; the Pennsylvania Railroad Men's News, of Philadelphia; the Lippincott Magazine and the Annals of Surgery, of Philadelphia; the Advocate, of Steelton; the Sun, of Liverpool; the Courier-Herald, of Wilkesbarre; the Democrat, of Somerset County; the Millers' Review, of Philadelphia; the Medical Times and Register, of Philadelphia; the Democrat, of Newcastle; the Valley Herald, of Conyngham; the Free Press Publishing Company, of Mechanicsburg; the Philadelphia Real Estate Record and Builders' Guide; the Cosmopolitan, of Girard; the Pennsylvania School Journal, of Lancaster; the Parks Floral Magazine, of Lebanon; the Dorset Courier, of Pennsylvania; the Snyder County News, of Middleburg; the Christian Standard, of Philadelphia; the Eagle, of Sharon; the Church News, of Pittsburg; the Telegram, of Reading; the Veterinarian Magazine, of Philadelphia; the Weekly Herald, of Beaver Springs; the Volks Zeitung, of Lebanon; the Law Review and the Bankers and Brokers' Times, of Lancaster; the Republican, of Allentown; the Times and Journal, of Reading; the Insurance News, of Philadelphia; the Dispatch, of Galeton; the Democrat, of Montrose; the Sun, of Cornington, and the Star and News, of Mount Joy, all in the State of Pennsylvania, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. FRYE presented a petition of Company D, Second Regiment Infantry, National State Guard of Maine, and a petition of the Signal Corps of the National State Guard of Maine, praying for the enactment of legislation to improve the armament of the militia; which were referred to the Committee on Military Affairs.

INVESTIGATION OF CUBAN AFFAIRS.

Mr. GALLINGER. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably Senate resolution 194, for which I ask immediate consideration.

The resolution submitted yesterday by Mr. PLATT of Connecticut was read, as follows:

Resolved, That the Committee on Relations with Cuba, or any subcommittee thereof, is hereby authorized and empowered to visit the island of Cuba for the purpose of investigating and inquiring into conditions existing there bearing upon the relations of the United States with said island and its duty to the people thereof; and that the expenses of said committee, or subcommittee, including necessary assistance, be paid out of the contingent fund of the Senate upon vouchers signed by the chairman of the committee.

Mr. COCKRELL. I should like to ask before action is had on that resolution whether there is any truth in the statement we see published that one committee of some legislative body in existence somewhere has gone down to Norfolk, Va., to make a personal inspection; that the Committee on Relations with Cuba is to go there, and other committees are to go here, and other committees are to go there, until it appears, if there be any truth in the publications, that almost the entire Senate and House will be on some expedition of that kind making some personal inspection.

Now, I do not want to make any discriminations. I do not believe such investigations are necessary, and at the initiation of the expeditions I desire to enter my protest against them. I prefer, therefore, that the resolution shall lie over.

The PRESIDENT pro tempore. Objection being made, the resolution will go to the Calendar.

Mr. GALLINGER. I desire simply, Mr. President, by unanimous consent, to say to the Senator——

Mr. COCKRELL. Certainly.

Mr. GALLINGER. I have no knowledge of the other expeditions to which he alludes. I think I noticed in the morning paper that there was a suggestion that a committee of a certain other body might go to Cuba, and some mention was made of a Government vessel being placed at their disposal. All I know about it is what I read, and that was a mere suggestion.

This resolution was reported from a standing committee of the Senate by the sanction of the committee, and it is a very conservative committee. I understand they have not fully determined even to send a subcommittee to Cuba, but they thought it might be advisable to do so, and the Committee on Contingent Expenses thought it was their duty to report the resolution back.

Mr. COCKRELL subsequently said: I ask that the resolution reported by the Senator from New Hampshire [Mr. GALLINGER] this morning be taken up now and passed. I have examined it.

The PRESIDING OFFICER (Mr. CARTER in the chair). In the absence of objection, the resolution will be read.

Mr. COCKRELL. It has already been read.

Mr. GALLINGER. It need not be read again. It is simply a report from the Committee to Audit and Control the Contingent Expenses of the Senate.

The resolution was read.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

BILLS INTRODUCED.

Mr. ALLEN introduced a bill (S. 3519) for the relief of John Breitling; which was read twice by its title, and referred to the Committee on Claims.

Mr. PRITCHARD introduced a bill (S. 3520) for the relief of Peter F. Pescud, jr., John S. Pescud, Sue B. Craig, and Mollie I. Pescud, heirs at law of Peter F. Pescud, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3521) granting a pension to William P. Payne; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SPOONER introduced a bill (S. 3522) granting an increase of pension to Eben E. Pushor; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PENROSE introduced a bill (S. 3523) for the relief of Jacob Johnson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 3524) to correct the military record of Samuel G. Stoutzenberger; which was read twice by its title, and referred to the Committee on Military Affairs.

He also (by request) introduced a bill (S. 3525) to increase the efficiency of the United States Navy, for a specially designed cruiser to be built and constructed with Painton's electrical system of multiple screw propellers, and so forth; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 3526) granting an increase of pension to Charles Williams; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. McCUMBER introduced a bill (S. 3527) granting a pension to Edwin M. Farnham; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WARREN introduced a bill (S. 3528) granting a pension to Minnie Haas; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3529) granting a pension to Ida Warren; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FRYE introduced a bill (S. 3530) to fix the compensation of surfmen employed in the Life-Saving Service of the United States; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 3531) to provide for regulations to limit the length and width of tows in United States inland waters; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Commerce.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. McMILLAN submitted an amendment proposing to appropriate $5,000 for paving V street NW. eastwardly from First street, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. SPOONER submitted an amendment directing the Auditor of the Treasury for the Post-Office Department to credit the account of Otto A. Risum, late postmaster at Pulcifer, Wis., $78, in reimbursement for funds stolen from the Money-Order Department of said office, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

SUFFERERS FROM EXPLOSION OF GUN-COTTON FACTORY.

Mr. WETMORE submitted an amendment proposing to appropriate $15,000 for the payment to the heirs and legal representatives of those who were killed at the United States torpedo station on Goat Island, Newport, R. I., by the explosion of the gun-cotton factory, intended to be proposed by him to the bill (S. 1676) for the payment of certain claims; which was referred to the Committee on Claims, and ordered to be printed.

EMPLOYEES OF THE SENATE.

Mr. ALLEN. I submit a resolution and ask for its present consideration.

The resolution was read, as follows:

Resolved, That the Committee on Rules be, and they are hereby, directed to inquire into and report to the Senate why the statement required by the

first subdivision of section 60 of the Revised Statutes has not been made for several years past, as required thereby.

Mr. COCKRELL. Now let us hear an explanation of what that is.

Mr. ALLEN. In response to the request of the Senator from Missouri I will read the first subdivision of that section:

The Secretary of the Senate and the Clerk of the House of Representatives shall prepare and submit to the two Houses, respectively, at the commencement of each session of Congress, the following statements in writing:

First. A statement showing the names of all the clerks and other persons who have been, during the preceding year or any part thereof, employed in their respective offices, and those of the messengers of the respective Houses together with the time that each clerk or other person and each messenger was actually employed, and the sums paid to each. This statement must also show whether such clerks or other persons or such messengers have been usually employed; whether the services of any of them can be dispensed with without detriment to the public service, and whether the removal of any particular persons and the appointment of others in their stead is required for the better dispatch of business.

I am informed that that statement has not been made for several years. It has not been made in this Congress.

While I am on my feet, I think it is due to the Senate and to the country to state that an agreement or an understanding which was had some two or three years ago as between the Senators in this Chamber has recently been violated, and that the Senate force has been rapidly, and without warrant and without authority of law, increased until, barring the Capitol police force and the campus or grounds force, the Senate force proper now amounts, in round numbers, to pretty nearly 350 persons, drawing an aggregate annual salary from the contingent fund of over $510,000.

This matter, Mr. President, is growing very rapidly. The increase in the expenditures, the increase in the number of employees, is becoming alarming. It is the duty, in my judgment, of the Senate to inquire into this matter, to comply with the statute, and see what can be done in the way of economy.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

The resolution was considered by unanimous consent, and agreed to.

WIND RIVER INDIAN RESERVATION LANDS.

Mr. THURSTON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to inform the Senate if any leases have been approved by the Department of the Interior for any coal or mineral lands on the lands embraced in the Wind River Indian Reservation, in the State of Wyoming; and if so, to accompany said information with copies of all such leases.

HEARINGS BEFORE COMMITTEE ON APPROPRIATIONS.

Mr. ALLISON submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Appropriations be, and the same is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such hearings as may be had by the committee or its subcommittees in connection with appropriation bills pending before the committee, and to have the same printed for its use, and that such stenographer be paid out of the contingent fund of the Senate.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. HALE. I ask that the diplomatic and consular appropriation bill be taken up.

Mr. DAVIS. Mr. President——

Mr. HALE. Let me get up the bill, and then I will yield.

Mr. DAVIS. Very well.

The PRESIDENT pro tempore. The Senator from Maine asks that the following bill be laid before the Senate.

The SECRETARY. A bill (H. R. 7941) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1901.

Mr. HALE. Is the bill before the Senate?

The PRESIDENT pro tempore. It is before the Senate.

Mr. HALE. I yield to any further morning business.

[The routine business presented appears under its appropriate heads.]

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7941) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1901, which had been reported from the Committee on Appropriations with amendments.

Mr. HALE. I ask that the formal reading of the bill be dispensed with and that the amendments of the committee be considered as they are reached.

The PRESIDENT pro tempore. The Senator from Maine asks unanimous consent that the formal reading of the bill be dispensed with and that the committee amendments be first acted upon. Is there objection? The Chair hears none. The Secretary will read the bill.

The Secretary proceeded to read the bill. The first amendment of the Committee on Appropriations was, in Schedule A, Salaries of ambassadors and ministers, on page 2, line 9, after the word "Colombia," to insert "Netherlands;" and in line 11, before the word "thousand," to strike out "seventy" and insert "eighty;" so as to make the clause read:

Envoys extraordinary and ministers plenipotentiary to the Argentine Republic, Belgium, Chile, Colombia, Netherlands, Peru, Turkey, and Venezuela, at $10,000 each, $80,000.

The amendment was agreed to.

The next amendment was, on page 2, line 17, after the word "Denmark," to strike out "Netherlands;" and in line 20, before the word "dollars," to strike out "forty-five thousand" and insert "thirty-seven thousand five hundred;" so as to make the clause read:

Envoys extraordinary and ministers plenipotentiary to Denmark, Paraguay and Uruguay, Portugal, Sweden and Norway, and Switzerland, at $7,500 each, $37,500.

The amendment was agreed to.

The next amendment was, on page 2, after line 23, to strike out:

Envoys extraordinary and ministers plenipotentiary to Bolivia, Ecuador, and Haiti, at $5,000 each (and the envoy extraordinary and minister plenipotentiary to Haiti shall also be accredited as chargé d'affaires to Santo Domingo), $15,000.

And in lieu thereof to insert:

Envoys extraordinary and ministers plenipotentiary to Bolivia and Ecuador, at $5,000 each, $10,000.

Envoy extraordinary and minister plenipotentiary to Haiti, to be accredited also as chargé de affaires to Santo Domingo, $5,000.

Mr. HALE. There is a mistake in printing in the amendment inserting lines 6, 7, and 8, on page 3. "Five thousand dollars," in line 8, should be "$7,500." I move that amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was continued to line 15 on page 3.

Mr. BURROWS. I desire to offer the following amendment.

The PRESIDENT pro tempore. By unanimous consent, the committee amendments were first to be acted on.

Mr. BURROWS. I beg pardon.

The PRESIDENT pro tempore. The amendment will lie on the table for the present.

The next amendment of the Committee on Appropriations was, on page 3, line 18, to increase the total appropriation for salaries of ambassadors and ministers from $372,500 to $377,500.

Mr. HALE. I ask that in this case, as in others, the clerks may be directed to correct the totals after the bill is passed.

The PRESIDENT pro tempore. That will be done.

The SECRETARY. In line 18 insert "eighty" before "thousand" in lieu of "seventy-seven."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, under the subhead "Salaries of secretaries of embassies and legations," on page 4, line 16, before the word "dollars," to strike out "and consul-general to Guatemala, two thousand" and insert "one thousand eight hundred;" so as to make the clause read:

Secretary of legation to Guatemala and Honduras, $1,800.

The amendment was agreed to.

The next amendment was, on page 5, line 14, to reduce the total of the appropriation for salaries of secretaries of embassies and legations from $63,400 to $63,200.

The amendment was agreed to.

The next amendment was, under the subhead "Contingent expenses, foreign missions," on page 6, line 18, after the word "San Francisco," to strike out "for inspection of diplomatic and consular offices;" so as to make the clause read:

To enable the President to provide, at the public expense, all such stationery, blanks, records, and other books, seals, presses, flags, and signs as he shall think necessary for the several embassies and legations in the transaction of their business, and also for rent, postage, telegrams, furniture, messenger service, clerk hire, compensation of kavasses, guards, dragomen, and porters, including compensation of interpreter, guards, and Arabic clerk at the consulate at Tangiers, and the compensation of dispatch agents at London, New York, and San Francisco, and for traveling and miscellaneous expenses of embassies and legations, and for printing in the Department of State, and for loss on bills of exchange to and from embassies and legations, $150,000.

The amendment was agreed to.

The next amendment was, on page 7, after line 9, to insert:

REPAIRS OF LEGATION PREMISES AT BANGKOK, SIAM.

For repairing and improvement of legation premises at Bangkok, Siam, the same, with the ground, being the gift of the Government of Siam, $2,000.

The amendment was agreed to.

The next amendment was, under the subhead "International Prison Commission," on page 11, line 1, after the word "commissioner," to insert "including preparation of reports;" so as to make the clause read:

For subscription of the United States as an adhering member of the International Prison Commission, and the expenses of a commissioner, including preparation of reports, $2,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, in Schedule B, "Salaries, consular service," on page 11, line 23, after the word "Montreal," to insert

"Ottawa," and in line 25, before the word "thousand," to strike out "twenty" and insert "twenty-four;" so as to make the clause read:

Consuls-general at Berlin, Montreal, Ottawa, Yokohama, Panama, and Mexico (city), at $4,000 each, $24,000.

The amendment was agreed to.

The next amendment was, on page 12, line 4, after the word "Frankfort," to strike out "Ottawa," and in line 6, before the word "thousand," to strike out "thirty-nine" and insert "thirty-six;" so as to make the clause read:

Consuls-general at Antwerp, Apia, Constantinople, Dresden, Guayaquil, Frankfort, Rome, St. Petersburg, Singapore, Cape Town (Africa), Barcelona, and St. Gall, at $3,000 each; $36,000.

The amendment was agreed to.

The next amendment was, on page 12, after line 9, to insert:

Consul-general at Guatemala, $2,000.

The amendment was agreed to.

The next amendment was, on page 12, line 18, to increase the total appropriation for salaries, consular service, from $112,000 to $115,000.

The amendment was agreed to.

The next amendment was, on page 12, line 20, to increase the appropriation for salaries of consuls, vice-consuls, and commercial agents, from $434,000 to $445,000.

The amendment was agreed to.

The next amendment was, on page 13, after line 4, to insert:

Great Britain and British Dominions:
Consul at Dawson City, British North America.

The amendment was agreed to.

The next amendment was, under "Class III," on page 13, line 18, before the word "Chinkiang," to insert "Chefoo;" so as to read:

China:
Consuls at Cheefoo, Chinkiang, Fuchau, Hankow, and Chung King.

The amendment was agreed to.

The next amendment was, on page 14, line 1, before the word "Manchester," to insert "and;" and in the same line, after the word "Manchester," to strike out "and Dawson City, British North America," so as to make the clause read:

Great Britain and British Dominions:
Consuls at Belfast, Bradford, Demerara, Glasgow, Kingston (Jamaica), and Manchester.

The amendment was agreed to.

The next amendment was, on page 14, after line 6, to insert:

Nicaragua:
Consul at San Juan del Norte.

The amendment was agreed to.

The next amendment was, under "Class IV" on page 14, after line 22, to strike out:

China:
Consul at Chefoo.

The amendment was agreed to.

The next amendment was, on page 15, line 9, before the word "Birmingham," to insert "Barbados;" so as to make the clause read:

Great Britain and British Dominions:
Consuls at Barbadoes, Birmingham, Dundee, Edinburgh, Huddersfield, Nottingham, Sheffield, Southampton, Swansea, Tunstall, Quebec, and Victoria (British Columbia).

The amendment was agreed to.

The next amendment was, on page 15, after line 13, to insert:

Netherlands:
Consul at Rotterdam.

The amendment was agreed to.

The next amendment was, on page 15, after line 15, to strike out:

Nicaragua:
Consul at San Juan del Norte.

The amendment was agreed to.

The next amendment was, on page 15, line 19, before the word "Smyrna," to insert "Beirut;" so as to read:

Turkish Dominions:
Consuls at Beirut, Smyrna, and Jerusalem.

The amendment was agreed to.

The next amendment was, under "Class V," on page 16, line 17, before the word "Bombay," to strike out "Barbados;" and in line 19, after the word "Leeds," to insert "London, (Canada);" so as to make the clause read:

Great Britain and British Dominions:
Consuls at Bombay (India), Cardiff, Chatham, Collingwood, Cork, Dublin, Dunfermline, Newcastle on Tyne, Hamilton (Ontario), Leeds, London (Canada), Nassau (New Providence), Port Louis (Mauritius), St. Thomas (Canada), St. John (New Brunswick), Sherbrooke (Canada), Sydney (New South Wales), Toronto (Canada), Hamilton (Bermuda), Auckland (New Zealand), Trinidad, and Vancouver (British Columbia).

The amendment was agreed to.

The next amendment was, on page 17, line 4, before the word "Palermo," to insert "Genoa, Milan;" so as to read:

Italy:
Consuls at Genoa, Milan, Palermo, and Naples.

The amendment was agreed to.

The next amendment was, on page 17, line 8, before the word "and," to insert "Mazatlan;" so as to read:

Mexico:
Consuls at Acapulco, Ciudad Porfirio Diaz, Mazatlan, and Tampico.

The amendment was agreed to.

The next amendment was, on page 17, line 11, to strike out "Consuls at Rotterdam and" and insert "Consul at;" so as to read:

Netherlands:
Consul at Curaçao.

The amendment was agreed to.

The next amendment was, on page 17, line 23, before the word "and," to insert "Berne;" so as to read:

Switzerland:
Consuls at Aarau, Berne, and Zurich.

The amendment was agreed to.

The next amendment was, on page 17, line 25, before the word "Erzerum," to strike out "Consuls at Beirut and" and insert "Consul at;" so as to read:

Turkish Dominions:
Consul at Erzerum.

The amendment was agreed to.

The next amendment was, under Class VI, on page 18, after line 4, to insert:

Argentine Republic:
Consul at Rosario.

The amendment was agreed to.

The next amendment was, on page 18, after line 8, to insert:

Colombia:
Consul at Cartagena.

The amendment was agreed to.

The next amendment was, on page 18, line 15, after the word "Martinique," to insert "and;" and in the same line, after the word "Nantes," to strike out "and Nice;" so as to make the clause read:

France and French Dominions:
Consuls at Grenoble, Guadeloupe, La Rochelle, Limoges, Martinique, and Nantes.

The amendment was agreed to.

The next amendment was, on page 18, line 25, before the word "Malta," to strike out "London (Canada);" so as to make the clause read:

Great Britain and British Dominions:
Consuls at Aden (Arabia), Amherstburg (Canada), Antigua (West Indies), Belize (British Honduras), Bristol, Brockville (Ontario), Ceylon (India), Charlottetown (Prince Edward Island), Niagara Falls (Canada), Coaticook (Canada), Fort Erie (Canada), Goderich (Canada), Gibraltar, Guelph (Canada), Hull, Kingston (Canada), Malta, etc.

The amendment was agreed to.

The reading of the bill was continued to line 8, on page 19.

Mr. HALE. On page 19, line 7, after "Yarmouth (Nova Scotia)," I move to insert "Windsor (Nova Scotia)."

The amendment was agreed to.

The next amendment was, on page 19, line 10, before the word "Leghorn," to strike out "Genoa;" and in line 11, after the word "Messina," to strike out "Milan;" so as to make the clause read:

Italy:
Consuls at Castellamare, Catania, Florence, Leghorn, Messina, and Venice.

The amendment was agreed to.

The next amendment was, on page 19, line 15, after the word "Matamoras," to strike out "Mazatlan;" so as to make the clause read:

Mexico:
Consuls at Chihuahua, Durango, Matamoras, Nuevo Laredo, Progreso, and Nogales.

The amendment was agreed to.

The next amendment was, on page 19, line 18, before the word "Amsterdam," to strike out "consul at" and insert "consuls at Batavia and;" so as to make the clause read:

Netherlands:
Consuls at Batavia and Amsterdam.

The amendment was agreed to.

The next amendment was, on page 20, line 2, to strike out "Consuls at Geneva and Berne" and insert "Consul at Geneva;" so as to make the clause read:

Switzerland:
Consul at Geneva.

The amendment was agreed to.

The reading of the bill was continued to line 16, on page 20.

Mr. HALE. In line 15, on page 20, I move to strike out "and Windsor (Nova Scotia)," changing "Consuls" to "Consul" at the beginning of the line.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, under Schedule C, Class VII, on page 21, line 2, to strike out "Consul at Ensenada" and insert "Consuls at Ensenada and Saltillo;" so as to make the clause read:

Mexico:
Consuls at Ensenada and Saltillo.

The amendment was agreed to.

The next amendment was, on page 21, after line 2, to strike out:

Netherlands:
Consul at Batavia.

The amendment was agreed to.

The next amendment was, under the subhead "Allowance for clerks at consulates," on page 22, line 3, after the word "Ottawa," to insert "Rotterdam;" and in line 5, before the word "hundred," to strike out "twenty thousand four" and insert "twenty-one thousand six;" so as to make the clause read:

Berlin, Bordeaux, Bremen, Chemnitz, Crefeld, Frankfort, Hamburg, Havre, Hongkong, Yokohama, Lyons, Manchester, Mexico (city), Montreal, Ottawa, Rotterdam, Barmen, and Vienna, at $1,200 each, $21,600.

The amendment was agreed to.

The next amendment was, on page 22, after line 18, to insert:

Naples, $800.

The amendment was agreed to.

The next amendment was, on page 23, line 8, to increase the appropriation for allowance for clerk at the consulate of Prague from $480 to $720.

The amendment was agreed to.

The next amendment was, on page 23, line 10, after the word "Mannheim," to strike out "Naples;" and in line 13, before the word "dollars," to strike out "eight hundred and forty" and insert "three hundred and sixty;" so as to make the clause read:

Berne, Demerara, Florence, Genoa, Malaga, Mannheim, and Stuttgart, at $480 each, $3,360.

The amendment was agreed to.

The next amendment was, on page 23, line 22, to increase the total appropriation for allowance for clerks at consulates from $111,570 to $113,330.

The amendment was agreed to.

The next amendment was, under the subhead "Relief and protection of American seamen," on page 25, line 10, after the word "Alaska," to insert "in the Hawaiian Islands, Cuba, Puerto Rico, and the Philippine Islands;" so as to make the clause read:

Relief and protection of American seamen in foreign countries, and shipwrecked American seamen in the Territory of Alaska, in the Hawaiian Islands, Cuba, Puerto Rico, and the Philippine Islands, or so much thereof as may be necessary, $30,000.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. HALE. Mr. President, I think there are no other amendments to be offered from the Committee on Appropriations, but there are two or three amendments which have been reported from the Committee on Foreign Relations, which will be offered by the Senators who have them in charge.

Mr. FAIRBANKS. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 14, under the subhead "Brazil," in line 21, it is proposed to insert:

Consul at Bahia.

Mr. HALE. That, I understand, is reported from the Committee on Foreign Relations?

Mr. FAIRBANKS. It is reported from the Committee on Foreign Relations.

The amendment was agreed to.

Mr. FAIRBANKS. I offer another amendment, which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 16, line 4, it is proposed to strike out "Consuls at Bahia and" and insert "Consul at;" so as to read:

Consul at Para.

The amendment was agreed to.

Mr. GALLINGER. I have an amendment to which I desire to call the attention of the Senator from Maine [Mr. HALE] in charge of the bill, because I feel sure that, notwithstanding the amendment has not been reported by the Committee on Foreign Relations, he will agree that it ought to go into the bill. It is an amendment increasing the salary of the consul at La Guayra, Venezuela, from $1,500 to $2,000. In the last diplomatic and consular appropriation bill it was inserted at $2,000. I simply want to say that the salary is estimated for at $2,500, but in the bill it is $1,500. I offer an amendment increasing the appropriation to $2,000.

The PRESIDENT pro tempore. The amendment submitted by the Senator from New Hampshire will be stated.

The SECRETARY. After line 25, on page 17, it is proposed to insert:

Venezuela:
Consul at La Guayra.

The amendment was agreed to.

Mr. GALLINGER. It is necessary, in consequence of that amendment, to strike out, on page 20, in line 8, the words "Consuls at La Guayra and" and insert the words "Consul at;" so as to read:

Consul at Puerto Cabello.

The amendment was agreed to.

Mr. BURROWS. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 3 it is proposed to strike out lines 11 and 12 and in lieu thereof to insert:

Minister resident and consul-general to Siam, at $7,500.
Minister resident and consul-general to Persia, $5,000.

The amendment was agreed to.

Mr. BURROWS. In consequence of the adoption of that amendment, it will be necessary to change the footing on page 3, line 19; and so I move to change the total appropriation, so as to make it "$380,000."

The amendment was agreed to.

Mr. SPOONER. I offer an amendment to come in on page 11, in line 24.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 11, line 24, after the name "Panama," it is proposed to insert "Frankfort;" and in line 25 to strike out "$24,000" and insert "$28,000;" so as to read:

Consuls-general at Berlin, Montreal, Ottawa, Yokohama, Panama, Frankfort and Mexico (city), at $4,000 each, $28,000.

The amendments were agreed to.

Mr. HALE. This will require an additional amendment.

Mr. SPOONER. There are additional amendments to be made on the next page. I send the amendments to the desk.

The PRESIDENT pro tempore. The amendments will be stated.

The SECRETARY. On page 12, line 4, after the name "Guayaquil," it is proposed to strike out "Frankfort;" and in line 6 to reduce the total appropriation from "$36,000" to "$33,000."

The amendments were agreed to.

Mr. SPOONER. There is one other amendment to be made in line 18.

The SECRETARY. It is proposed to amend the total of the appropriation, in line 18, on page 12, by increasing the amount from "$115,000" to "$116,000."

The amendment was agreed to.

Mr. PERKINS. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 17, line 9, after the name "Tampico," it is proposed to insert "Nuevo Laredo."

The amendment was agreed to.

Mr. PERKINS. To conform to the amendment just made, I move to strike out the name "Nuevo Laredo" in line 16, on page 19.

The amendment was agreed to.

Mr. DAVIS. I offer an amendment to come in on page 5, line 9.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 5, line 9, after the word "France," it is proposed to insert "Mexico."

Mr. HALE. That is right.

The amendment was agreed to.

Mr. DAVIS. I offer another amendment, which I ask to have read.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 19, line 15, it is proposed to strike out "Chihuahua," and on page 17, line 8, after the name "Acapulco," to insert "Chihuahua."

The amendment was agreed to.

Mr. HOAR. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The Senator from Massachusetts offers an amendment, which will be stated.

The SECRETARY. On page 25, after line 24, it is proposed to insert:

For the payment to Liliuokalani, lately queen of the Hawaiian Islands, upon the warrant of the Secretary of State, from any moneys not otherwise appropriated, the sum of $20,000 for the year ending December 31, 1900, and annually thereafter the sum of $10,000 during her natural life, the said sum to be in full satisfaction and extinguishment of any and all claims which she may have or may pretend to have against the United States or the late republic of Hawaii.

Mr. GALLINGER. I should like to hear some explanation of that amendment.

Mr. COCKRELL. So should I.

Mr. GALLINGER. I certainly shall not vote for it, unless I can be persuaded that there is some justice in it; perhaps there is.

Mr. HOAR. I should like to make a statement. This lady was the proprietor in her own right of some properties which she was

entitled to, but which have passed into the possession of the United States Government as public lands held for the Territory of Hawaii. I suppose they were more valuable than the amount here proposed to be appropriated. It was proposed in the Hawaiian bill to pay her a sum for those lands. The committee, however, thought it ought to come in separately, and not be paid out of the Hawaiian treasury. A larger sum than this—that is, $20,000 a year for her entire life—was agreed to in the treaty negotiated by President Harrison; which was assented to by the majority of the Senate Committee on Foreign Relations who reported it. The treaty was afterwards withdrawn by President Cleveland.

This woman has been the subject of very cruel calumny, which has been generally believed, as to her personal character. I am informed on the authority of a Boston lady of the highest character and standing, who has known the late queen for many years, that she is not only a quiet and excellent lady, of spotless and blameless life, but that she and her husband always lived on the most affectionate terms during his life. She has had a great many calamities in the loss of nearly all of her kindred; she is sick and old, and she has submitted with great propriety to her fate. I understand she has said that it would have been impossible for her people to maintain themselves, and that she is glad, on the whole, that they have come to the United States, the fitting power for their protection and care.

The matter has been not only reported in one form or another and received the approval of President Harrison, but it was approved by the former Committee on Foreign Relations, and is approved by the present Committee on Foreign Relations without dissent, and accepted by the Committee on Appropriations. I hope the amendment will not be contested.

Mr. PLATT of Connecticut. I should like to inquire from the Senator from Massachusetts, or from some Senator who knows, whether in the treaty that was made between this Government and the Hawaiian republic in President Harrison's time, where there was a provision for the payment to Queen Liliuokalani, the clause, which is the last clause in this amendment, was to be found? Will the Secretary again read the last clause of the amendment?

The Secretary read as follows:

> The said sum to be in full satisfaction and extinguishment of any and all claims which she may have or may pretend to have against the United States or the late republic of Hawaii.

Mr. PLATT of Connecticut. Was that in the first treaty that was made with the republic?

Mr. LODGE. The first treaty that was made provided for the payment of $20,000 annually during the term of her natural life, and for the extinguishment of all claims. It did not mention claims to land, but all claims—political claims, I think, being those especially intended.

Mr. PLATT of Connecticut. I move to strike out the last clause from the amendment.

Mr. SPOONER. Let the amendment be again stated.

The PRESIDENT pro tempore. The Secretary will again read the amendment proposed by the Senator from Massachusetts [Mr. HOAR].

The Secretary again read the amendment.

The PRESIDENT pro tempore. The Senator from Connecticut has offered an amendment to the amendment, which will be stated.

The SECRETARY. After the word "life," in line 7 of the amendment, it is proposed to strike out:

> The said sum to be in full satisfaction and extinguishment of any and all claims which she may have or may pretend to have against the United States or the late republic of Hawaii.

Mr. PLATT of Connecticut. Mr. President, I do not think the late queen has any claims against the republic of Hawaii or against the Government of the United States. I may be altogether mistaken about the effect of this clause, but, it seems to me, it is in its language and intent an acknowledgment of the fact that she has some claim against Hawaii, and now that we have taken Hawaii, that she perhaps has some claim against the United States. I am perfectly willing, if that is the sense of the Senate, to make a donation of $20,000 for the first year and $10,000 a year during the remainder of the life of Queen Liliuokalani. I do not myself see any great necessity for that, but if there is a feeling of sympathy for her which impels us to do something for her in the way of a money appropriation I am willing to do that; but I do not understand that she has any claim which we are to buy from her.

Mr. HOAR. The Senator will perhaps remember that the Senator from Wyoming [Mr. CLARK], a member of the Committee on Foreign Relations, who is not now present, made a very earnest appeal to the Senate to pay a larger sum than this when the Hawaiian bill was under consideration, on the ground that, in his judgment, she had a claim on account of our having taken the Crown lands, which that Senator wanted to discharge. That was resisted on the ground that it ought not to be made a charge on the lands out there; but it seems to me it is rather hard to embarrass this poor, sick woman in her old age by a technical suggestion, which she does not raise, requiring that this amount shall be in full of every claim, if there be any. I hope my honorable friend from Connecticut [Mr. PLATT], who is so humane and reasonable, will not feel bound to press his objection and embarrass the matter.

Mr. PLATT of Connecticut. I can not look at it in any other way, Mr. President, than that the queen is making a claim that she has a right to the Crown lands, or that she had, at the time the government passed out of her hands, a personal right to the Crown lands of Hawaii. I do not understand that under any provision of international law, or any other law, she, the person, Liliuokalani, had any right whatever in those lands; but I do understand that the moment the government was changed and the republic was organized those lands became the absolute property of the new government, as, perhaps, they had been the property of the old government. I think that is the law, and I do not want to recognize here a claim——

Mr. HOAR. There is nothing said in the amendment about the lands, or anything of that kind.

Mr. PLATT of Connecticut. But it refers to the lands, I suppose. What other claim has she, except that growing out of the fact that the Crown lands were taken over as a matter of international law by the new republic?

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Connecticut yield?

Mr. TILLMAN. Will the Senator allow me to make a suggestion to him?

Mr. PLATT of Connecticut. Yes.

Mr. TILLMAN. It seems to me that if there is any right attaching by which the United States ought to pay this woman anything it arises from the fact that her government was overthrown by the aid of the marines who were landed at Honolulu, as we have been informed; and it further occurs to me, if the Hawaiian republic or Territory is to have the benefit and use of those Crown lands, as we have legislated and bound ourselves to give them to it, that that republic should bear this charge, and not the United States. I think if the Senator from Massachusetts [Mr. HOAR] will modify his amendment so as to make it a charge on the Territory of Hawaii I shall vote for it; otherwise I do not see why the taxpayers of the United States, after having paid $4,000,000, or assumed a debt of $4,000,000, approximately, by reason of the acquisition of Hawaii as part of our domain, should now, in addition, be charged with the liquidation of the claims of the ex-queen after she has been deprived of her government as well as of her rights by the republic, unless it be on the ground, as I said, that we have assisted in the overthrow of her kingdom.

If that be acknowledged, then, of course, there is some obligation on our part to see that she is reimbursed to some extent; but are we willing to acknowledge as a part of our history that we went there to help to overthrow that kingdom?

Mr. PLATT of Connecticut. Is the Senator through?

Mr. TILLMAN. Yes, I am through, if the Senator is anxious to go on.

Mr. PLATT of Connecticut. I did not intend any disrespect to the Senator.

Mr. TILLMAN. Of course not. I will merely add now that I may have something more to say when the Senator is through.

Mr. PLATT of Connecticut. The suggestion made by the Senator from South Carolina [Mr. TILLMAN] is certainly pertinent. If the Queen has any claims which we are paying her for, they must be claims to the Crown lands, or claims growing out of the fact that she says and maintains that the Government of the United States overthrew her. I do not want to acknowledge either one of those sources upon which a claim can be founded. As I said in the outset, I am willing to make a donation; I am willing to put it on the ground of charity or benevolence or sympathy; but I am not willing to recognize any claim which she has upon this Government, for I do not believe that she has any claim whatever.

Mr. GALLINGER. Mr. President, it seems to me that this is the crudest possible kind of legislation. If there is any basis whatever for this amendment, it ought to receive the most careful consideration of the appropriate committee, which is the Committee on Pacific Islands and Puerto Rico; so that all the facts relating to this matter shall be given careful consideration and a report be made to the Senate before action is taken upon a proposition of this kind.

It is said here that this woman is sick and poor. I do not know that she is either sick or poor. She may or may not be. I do not know whether she needs this money. I am very sure that we are under no obligation to pay it—none whatever—and I for one am indisposed; in fact, I am opposed to making an eleemosynary institution of the Government of the United States.

If we are going to pay claims, let us pay some of the valid claims which exist to-day against this Government; let us take this quarter of a million dollars, more or less, and extinguish some of the French spoliation claims, which are a reproach to the Government of the United States; let us take some of the small claims that our citizens have against our Government, which have been pending here for five, ten, fifteen, twenty, twenty-five, and fifty years, and which we are refusing by inaction to pay.

I think that this is an utterly unjustifiable appropriation; that there is no reason for it in law or in good sense; and, feeling that way, while I shall make no factious opposition to the amendment, I shall feel that I am doing my simple duty as a Senator of the United States by casting my vote against it, even though mine may be the only vote cast against it.

Mr. LODGE. This amendment, Mr. President, is simply an act of grace. The Queen has no claim, in my judgment, against this Government of any sort or kind. I am not aware that she has made any claim.

No doubt the Committee on Pacific Islands and Puerto Rico would have given this matter much better consideration than we gave it in the Committee on Foreign Relations; but the Senator is mistaken in thinking that nobody has considered this subject. The Committee on Foreign Relations has considered it; they are familiar with the facts. The Senator from Wyoming [Mr. CLARK], whose absence I greatly regret, has gone into the whole matter very elaborately. The committee thought they were informed at least, for they acted upon it the other day, and they felt that it came to them with entire propriety, as it was in the form of an amendment to the diplomatic and consular appropriation bill.

It also grows out of a treaty which was made by President Harrison and which was afterwards withdrawn by President Cleveland. I have sent for it, so that we might be sure of just what was provided by the treaty. This is the provision:

The Government of the United States agrees to pay to Liliuokalani, the late queen, within one year from the date of the exchange of the ratifications of this treaty, the sum of $20,000, and annually thereafter a like sum of $20,000 during the term of her natural life, provided she in good faith submits to the authority of the Government of the United States and the local government of the islands.

Mr. COCKRELL. What is that proviso?

Mr. LODGE. I will read it again. It is:

Provided she in good faith submits to the authority of the Government of the United States and the local government of the islands.

The treaty further provides:

And the Government of the United States further agrees to pay to the Princess Kaiulani, within one year from the date of the exchange of the ratifications of this treaty, the gross sum of $150,000, provided she in good faith submits to the authority of the Government of the United States and the local government of the islands.

Mr. President, I wish to say——

Mr. TILLMAN. Mr. President——

Mr. LODGE. I should like to finish my sentence. However, if the Senator from South Carolina wants to take the floor, I am perfectly willing to yield.

Mr. TILLMAN. I am sorry the Senator is so splenetic.

Mr. LODGE. Not in the least. I am perfectly willing to be interrupted. I was, however, in the middle of a sentence, which I should have been glad to finish, but I yield to the Senator from South Carolina.

Mr. TILLMAN. I thought the Senator had just finished reading from the treaty.

Mr. LODGE. But I had started another sentence. I am perfectly willing to yield to the Senator, however.

Mr. TILLMAN. I wish to ask the Senator whether that is a treaty between the United States and the Queen, or a treaty between the United States and the republic of Hawaii? The Senator said "a treaty," and I did not understand what treaty it was.

Mr. LODGE. It was a treaty between the United States of America and the provisional government of Hawaii.

Mr. TILLMAN. Between the United States and the provisional government of Hawaii? Then it was in the nature of a liquidation of the obligations of this Government to the ex-Queen and the princess, who was the claimant to the throne. Is that the ground upon which the proposed amendment is to be passed, that it is an obligation of this Government, or in liquidation of the royal title, so to speak?

Mr. LODGE. Why, Mr. President, of course it is not to be passed upon any such ground. I began by saying that it was a pure act of grace. It is a pure donation, and nothing else. The Queen has no claim against us of any kind. It is an act of charity to a woman who has lost all that she had; who, the committee is satisfied, is very poor; who is said to be suffering from a mortal disease, and who, like every other person who has occupied such a position, has a number of people dependent upon her, and whose resources have all been taken away from her by the course of events. It is not in liquidation of any claim; it is not in liquidation of anything that has been done; it is an act of grace, and nothing else.

Mr. TILLMAN. If that be so, why, then, does the Senator bring in this old treaty with the provisional government, when, as the basis of the argument, he says we should pay it as an act of grace? It can not be an act of justice and an act of grace both.

Mr. LODGE. I never said it was an act based on the treaty. I said it was a provision made before; that it was not new; that the Government had recognized that it would be an act of grace and a decent and proper thing for this Government to do for that woman under the circumstances; that is all.

Mr. TILLMAN. Now I understand the Senator's position. I did not before.

Mr. PLATT of Connecticut. Now, if it be, as the Senator from Massachusetts says, an act of grace, then this clause which I have proposed to eliminate from the amendment certainly ought to go out. The amendment as originally proposed by the senior Senator from Massachusetts was:

For the payment to Liliuokalani, lately Queen of the Hawaiian Islands, upon the warrant of the Secretary of State, from any moneys not otherwise appropriated, the sum of $250,000.

That would have been a pure donation. If it had been adopted, it would have been an act of grace. Now, the rest of it is an amendment proposed by the Committee on Foreign Relations, striking out "$250,000" and inserting "$20,000 for the year ending December 31, 1900, and annually thereafter the sum of $10,000 during her natural life, the said sum to be in full satisfaction and extinguishment of any and all claims which she may have or pretend to have against the United States or the late republic of Hawaii."

If we pass that, how can it be said to be an act of grace? It is a purchase of her claims and a recognition of her claims, and that is why I am opposed to it. I am willing to join with the Committee on Foreign Relations in an act of grace, but I am not willing to admit in doing so that the Queen has claims of any sort upon the republic of Hawaii or the United States.

Now, that was not the original treaty, Mr. President. The provision for payment which was put in the original treaty was not based upon the extinguishment of a claim, but it was based upon an agreement to submit herself to the authority of the United States and the local government of the islands. For the first time in any proposition to pay a sum of money to Queen Liliuokalani, except as it was included in an amendment proposed here to the Hawaiian bill, the Government of the United States is called upon to recognize the fact that she has some claim.

Mr. HOAR. May I interrupt the Senator from Connecticut for a moment?

Mr. PLATT of Connecticut. Certainly.

Mr. HOAR. I will modify the amendment in accordance with the suggestion of the Senator from Connecticut. It will make practically no difference. I am very glad to get his support of the matter in that way.

Mr. THURSTON. Mr. President, I think I would be in favor of the act of grace as proposed by the Senator from Massachusetts, but I object to doing it in the manner proposed. I am willing to vote for a reasonable sum directly and unconditionally appropriated to the ex-Queen, but I must object to putting her on the pension roll of the United States. I do not believe in that form of donation. I earnestly suggest to the Senator having this matter in charge to return to his original proposition of donating a lump sum and closing this transaction out for once and all.

The PRESIDENT pro tempore. The Senator from Massachusetts has modified the amendment offered by him by striking out the clause which has been referred to.

Mr. COCKRELL. Mr. President, I am opposed to it, modified or unmodified. It is a dangerous precedent at this particular time. If all the dethroned, ex-empresses of the thousand islands constituting the Pacific islands are to be pensioned, it will be a handsome roll. We will have the queen of the Sulus, $7,500 annually. We will have the queen of some other one of the islands upon our pension rolls. It will be a handsome roll. It will commence with Liliuokalani, $10,000 a year. It will then go on down to the lower grades of $8,000 and $7,000 and $6,000, and finally down to the widows of the Presidents of the United States, way down at the foot of the list, $5,000.

Mr. MORGAN. What about Aguinaldo?

Mr. COCKRELL. As a matter of course the widow of Aguinaldo will have to come in, and so will all of them. Now, on what theory are we to pay this ex-empress? What is the basis of it? Not a treaty, but what was proposed to be a treaty, has been read, and in that we agreed with the republic of Hawaii, which had dethroned the empress, to assume a certain liability. That assumption was upon the ground of her submission to the establishment of the republic and relinquishment of all rights, as the Senator has read it. What was the result? That treaty never has been ratified and it is no treaty. It is even no agreement, because it was made by only one of the parties to it, the President, and never assented to or ratified by the Senate. It is not, therefore, of any binding obligation. What was the consideration?

Mr. SPOONER. It purports on its face to be the purchase of her allegiance.

Mr. COCKRELL. Did we get it?

Mr. MORGAN. No; not yet.

Mr. COCKRELL. The very moment another President came in the treaty was withdrawn, and the whole power of the Administration backed the Queen in an effort to regain the throne, and that was continued during that term, and she was instrumental in it. Therefore every consideration and every feeling and everything mentioned in that treaty or that proposed purchase have passed away and exist no longer.

Now, I am opposed to pensioning any king or queen whose power may be overthrown by those who believe in the right of the people to govern and of the officers who shall govern, deriving their powers from the people and not deriving them from a head or a king or a throne. Upon this amendment I ask the yeas and nays, that we may know directly how we stand upon the question.

Mr. HOAR. Mr. President, I do not believe there ever was a nation on the face of the earth, republic or otherwise, which had taken the benefits of the overthrow of an existing monarchical government, where under the existing institutions there were crown lands and crown properties from which, according to law, the person reigning was entitled to a support for life, which, if the dethroned monarch behaved himself or herself well in the transaction, would not consider that it was a decent and becoming act of grace to make some proper and small provision for the old age of the person excluded from the throne.

Mr. TILLMAN. Will not the Senator consent to have this charge put upon the islands and the property which we got?

Mr. HOAR. The Senate has rejected that once.

Mr. TILLMAN. It had not been discussed; it was in a different connection; and possibly with the new light thrown upon it there will be a different vote.

Mr. HOAR. I take it all these arguments are to do something else; that they are arguments against the thing proposed to be done.

Mr. TILLMAN. No, sir; I will vote to make it a tax on the islands.

Mr. HOAR. If it is a reasonable thing to do, will not the Senator, in consideration of the fact that a majority of the Senate thought that was not a good way to do it, yield that preference, if it be the best way?

Mr. TILLMAN. I should like to be generous to this woman, but I can not see that there is any generosity to the American taxpayers in making them pay her three or four hundred thousand dollars out of our Treasury.

Mr. HOAR. The American taxpayer, as I know him—and I have known him a good many years—likes to do honest and decent things. He likes to behave like a gentleman, and he likes to have his Government behave like a gentleman, and not set up cheap, demagogic opposition to things that ought to be done.

Mr. WARREN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Wyoming?

Mr. HOAR. Certainly.

Mr. WARREN. Responding to the proposition of the Senator from South Carolina, I will say that I do not see where the difference comes in, whether the United States pays this direct or whether it shall be charged to the islands. If my memory is correct, the United States assumed the indebtedness of Hawaii and is to pay it.

Mr. TILLMAN. Will the Senator allow me right here?

Mr. HOAR. This is a debate with another Senator, and I ask the Senator from South Carolina to allow me to proceed. I think I had better make my statement.

Mr. TILLMAN. Of course, if the Senator objects to my answering a question which was asked me——

Mr. HOAR. I have answered the Senator's question. I do not think I should yield further.

Mr. TILLMAN. I was speaking of the question of the Senator from Wyoming.

Mr. HOAR. I do not think I ought to yield to the Senator to answer.

Mr. TILLMAN. I will do so in my own time later on.

Mr. HOAR. Let us see what this was in the beginning. I understand that a large majority, probably two-thirds of the Senate, were in favor of that treaty which President Harrison negotiated and which was withdrawn by President Cleveland. They thought it was a decent thing. I do not understand, as my highly valued friend the Senator from Wisconsin, if I may use a term so honorable to myself, has said, that it was a purchase of her allegiance. They proposed to do the thing which was to be done as a matter of proper and decent national grace under the circumstances, and they said, as the Committee on Foreign Relations said, in doing that let us at the same time extinguish all possible or pretended claims. They did not want to perform this act of grace and then have the old authority of the queen set up against us afterwards or to have now, in the present case, any other claim or demand set up. They thought that she was not to blame for being queen. A person who is born to a throne, placed upon it by lawful inheritance, whether monarchical governments be wrong or unjust or not, is not a wicked person on that account, and when that condition is changed for the benefit of the people the persons who profit by the change I suppose would always be expected to do what is proposed here.

Mr. President, I think I heard you in open session say to the Senate that the $20,000,000 paid to Spain as a part of the consideration of the cession of the Philippine Islands was no more than a decent or generous government would have paid to her in her calamity without regard to the value of what we attained by it, and that that was the theory on which our Mexican treaty went formerly. I do not affirm that that is so or dissent from it, but it shows how much reason there is. Now, that reason controlled the framers of the old treaty.

I have not the slightest personal interest in this matter. The history of it, so far as I am concerned, is this: I had supposed that the stories which went abroad about this lady had some basis of truth in them when we had the exciting discussions growing out of the revolution, but a lady in my own State, the wife of a business man of large distinction whose name is probably known to every Senator, called upon me the other day and informed me that she was a cousin of the queen's husband; that she had known her for many years; that the queen had lived on the most affectionate terms with her husband, and that the rumors about that which had gone about in the press were utter calumnies; that she was sick and old; that she had submitted cheerfully and gracefully to the change and was of opinion that her people could not have maintained themselves in their national life against the grasp of the powers of the earth, and that it was fortunate for them that they had come under the protection of the United States; that she was a Christian woman; that she had had a series of calamities, losing all her relatives, all who had been near to her, except this one lady; that she was here, and that out of the little scanty remnant of what had been left to her she had been supporting at school the children of some persons who had been dependent on the royal bounty, depriving herself of the comforts and almost the necessaries of life to do it; and I was asked whether I did not think that the old purpose which Congress had in making some decent provision for her would be now carried out. I introduced the amendment and submitted it to the Committee on Foreign Relations, whose members knew all about the matter, and that committee unanimously thought it ought to be done in this moderate fashion.

I have not any interest in this. I hardly knew whether the lady was living or dead, but I do think it is not a mere charity. It is an act of grace, as my colleague so admirably put it, but it is an act of grace required in the propriety of the United States under the particular circumstances of the case, namely, the particular fact that we have acquired the title to that land of which this woman has been dispossessed.

Now, I implore Senators, if they think it ought to be done—I am the last man to set up any opinion of mine that it ought to be done against them—whether, under the circumstances, in respect of this small pittance for the few years that this woman, sick with a mortal disease, has to live on the face of the earth, very likely not more than one or two years, they will not waive the question whether it could not be done after all in a little better way. It seems to me in common humanity, in common mercy, in common propriety, the Government of the United States ought to do this thing. Perhaps I am all wrong.

Mr. TILLMAN. Mr. President, there is a Latin maxim about taste with which all Senators are familiar.

Mr. HOAR. I want to say one thing more, if the Senator will pardon me. We have done the same thing in principle forty times in regard to the heads and chiefs of Indian tribes with whom we have made treaties. We have paid them so much a year, as my honorable friend from Colorado suggests to me, just in this form.

Mr. TILLMAN. I was not proposing to discuss that part of the subject just at this moment. I was going on to say that there is a Latin maxim which declares that there must be no dispute about tastes. I have usually contented myself in this Chamber with letting every man have the liberty of speech and thought, and not imputing wrong motives to him unless he made confession of such things, and I could not help it. The Senator from Massachusetts has seen proper, in his patronizing way, to accuse me almost directly of using a cheap and demagogic argument here in regard to this matter.

Mr. HOAR. The Senator will pardon me. I never had any thought of that. I do not remember to have said anything that referred to the Senator at all.

Mr. TILLMAN. The Senator said this thing was decent and gentlemanly, and that he did not think it ought to be discussed or acted on from any cheap or demagogic standpoint; and as I had

just taken the other side of the question, the inference was inevitable that my argument must be cheap and demagogic.

Mr. HOAR. I had not the slightest thought of that in my mind, I assure the Senator.

Mr. TILLMAN. I am glad the Senator disclaims any personal allusion, because I could not, in the maintenance of my self-respect, interpret his language in any other way. I will go on, therefore, to discuss the matter; and I beg the Senator not to take any of my language to himself now, because while I am going to say some pretty hot things, I do not mean them in that respect at all.

Mr. President, the whole subject resolves itself to my mind in just this way: Either we owe this woman something or we do not. If we owe it to her, how does it arise? It comes from the fact that the marines from one of our war ships were landed in Honolulu when the insurrection against her kingdom arose, and through their instrumentality that kingdom was overthrown and this woman was driven into exile, or, while she was not at that express moment driven into exile, her kingdom was taken away from her, she was practically a prisoner and held there until she left the island. The President then in office made a treaty with the provisional government, the so-called republic, which had overthrown the kingdom, by which he recognized some moral obligations on the part of the United States to give this woman a quid pro quo for the property or the kingdom of which through the instrumentality of the United States she had been robbed. That treaty was not ratified. It has no legal effect. It is here merely as a suggestion to the American people that they are under some obligations, moral or otherwise, to pay this woman something for this action of our Government in helping to overthrow her authority.

Now, the Senator from Massachusetts has accepted the amendment suggested by the Senator from Connecticut striking out the words which said if we pay this money, it is to be paid as in liquidation of a claim. If there is any claim, we ought to say so and liquidate it honestly and without any cant or hypocrisy. If there is no claim, I do not see why the American taxpayers are to be called on to pension this woman, for it is nothing more than a pension. Even if we owe this woman something, the question is whether this Government and this people should be taxed to pay it or whether the islands which themselves are now under the control of their own people or the crown lands, which will be used for the benefit of that government, should not bear this burden.

The Senator from Wyoming has stated that it would not make any difference—that we are under obligations to liquidate all the indebtedness of the Hawaiian Islands. I do not consider that the obligation into which we entered when we annexed the Hawaiian Islands by joint resolution carried with it an agreement that we should continue to increase that debt. I thought the debt then existing was provided for, and that that debt should not exceed the sum of $4,000,000. I do not see how this additional charge can be properly added to the debt which the United States must bear or pay. What I contend for here, and it may be cheap and demagogic—but I am old fashioned in my ways, and I have not been in the habit of seeing many pensions go down in my part of the world, although we pay a good deal which goes for that purpose—is that there is no justice or equity in having the American taxpayer called upon to give this woman $20,000 as a bonus and $10,000 as an annual stipend.

It is said she is very sick now. I have noticed that as soon as a person gets anything like that he or she takes on a new lease of life. "Few die and none resign," to use a quotation not altogether apropos. I saw this woman two or three years ago at a hotel, and she seemed to be very strong and robust; and while she is a Kanaka, and it is said those people are short-lived and she may be doomed and her probabilities of life may be only moderate, not so much as those of white persons, I undertake to say that the burden now proposed to be put upon our Treasury will not be less than $300,000 before we get through with it, and I do not think the American people ought to pay it. I think the Hawaiian government ought to pay it. They have got all her crown lands; they are going to use them for their schools and other governmental uses, and if there is any obligation to pay it at all—and the Senator seems to think so, although he has withdrawn the very just and proper basis of liquidating the claim—it ought to be settled by the Hawaiian republic or the Hawaiian Territory, and not by the American people.

If you leave those words in there, that it is a liquidation of a claim, that we recognize that we overthrew the monarchy, and that we owe her something in lieu of her throne, I can see some sense of justice in it, but I declare, with my old-fashioned ideas of honesty, I do not see it. As far as grace is concerned, the Senator from Massachusetts may outdo me in grace and courtesy to a woman, but I do not think he has any right to claim that until it is proved. If it is acknowledged here that the United States did this woman a wrong, and that therefore we owe her something, and that we are going to buy her right, title, and interest in the Hawaiian Islands or to the crown lands therein, I will vote for that proposition after full consideration, provided you put the burden on the Hawaiian Islands and not on the American people.

Mr. McCUMBER. Mr. President, I should like to ask under what theory of morality or grace I am expected to vote for this amendment. I understand that there is an equitable claim made in this case, and upon the ground of equity and morality we are supposed to grant this pension. If that be true, I should like to ascertain what that ground is.

In the first instance, I understand that these crown lands were pledged, not for the monarch, but for the position; not for the individual, but for the office, and no matter who filled that office, the property, the pledge of these lands, was for the office alone. Now, if that is true, how can there be a personal claim on the part of a deposed monarch for the emoluments of that office?

I had supposed, Mr. President, that it was one of the theories of our Government and one of the moral ideas of our people that no one held a hereditary office by virtue of any legal or moral right; that it was held simply by reason of the sufferance, or, I might say, in some instances, by the suffering of the people; that it was a matter of sufferance only and not a legal right.

If that code of ethics or political morality be correct, then I want to know under what theory a claim can be made to any emoluments of this office. The people, we admit as Americans, have a right at any time to abolish a form of monarchy which they may have, and they have a legal and a moral right, if our theory of government is correct, to change the monarchical government into a republic. If the moral right exists to make that change, then I want to ask under what theory can you say that there is a moral obligation to pay coexistent with the moral right to change?

I know that in my own State, and in many of the other States, we create offices. We fill those offices by election or by appointment and then we change or abolish the office, sometimes in the middle of the term of office of the incumbent. Our courts say that we have a right to do this, and they say that there is no legal or moral obligation to pay for the rest of the time after we have abolished the office.

Then, if that be true, Mr. President, which I think certainly is true, does it not follow in a matter of this kind that there can be no moral obligation to pay where there was no moral obligation of the people to maintain the office and to hold it for its incumbent?

Now, we are asked to go back upon all of our policy in the past, to go back upon our very theory of government, and to admit that there exists a moral obligation to continue a certain character of office, a monarchy, and that if the people themselves, or through our intervention, as might have been stated by the Senator from South Carolina, see fit to abolish that office, there immediately arises a moral right to continue the emoluments notwithstanding.

The learned Senator from Massachusetts speaks about this woman as entitled to support for life, using the word "entitled" in connection with her right to hold that office. Right there we disagree. I do not concede that she was entitled, either morally or legally, to a continuance of that office. Like all other persons who hold a position which may be abolished by the will of the people she must stand. She must stand as any other individual would have stood in the same circumstances and conditions, and must not ask for any support beyond the continuance of the office itself.

I can not, Mr. President, under my theory of what is right, of what is grace, of what is moral, agree that there is any legal obligation or any moral obligation upon my part to vote the money of the people of the United States to pay office emoluments for a deposed monarch.

Mr. HALE. Mr. President, I hope we may have a vote on the amendment. I am aware that the Senator from Nebraska [Mr. THURSTON] has memorial resolutions to present, and that he is desirous of going on at as early a time as possible. I wanted to say something on this proposition myself, but for the sake of getting a vote I will not do so.

Mr. CARTER. I suggest that this amendment be withdrawn, and that it be presented at some time when the proprieties will permit a pretty thorough discussion of the proposition.

Mr. COCKRELL. It does not belong to the diplomatic and consular appropriation bill anyway.

Mr. CARTER. I think it might be disposed of on the sundry civil appropriation bill with quite as good effect. It would be delayed somewhat, it is true; but there is no point of order raised upon its presentation in connection with any appropriation bill.

Mr. HALE. The Senator can reach that end, unless the Senator who proposed the amendment will withdraw it, by moving to lay the amendment on the table. That motion, if carried, would put an end to the discussion.

Mr. CARTER. Well, Mr. President, not venturing to thereby predict what position I may ultimately take with reference to the amendment, for the purpose of present disposition I move that the amendment be laid on the table.

The motion was agreed to.

The PRESIDENT pro tempore. Will the Senator from Montana [Mr. CARTER] take the chair one moment?

Mr. CARTER. Certainly.

Mr. BUTLER. Mr. President——

Mr. FRYE. Will the Senator from North Carolina allow me to offer an amendment?

Mr. BUTLER. Certainly.

Mr. FRYE. On page 16, after line 20, I move to insert:

Port Hope and Orillia (Ontario): *Provided*, That the commercial agencies of the two last-named districts shall be made consular offices.

The amendment was agreed to.

Mr. FRYE. On page 19, line 1, I move to strike out the words "Port Hope (Canada)."

The amendment was agreed to.

Mr. BUTLER. I offer an amendment. On page 22, after the word "Rotterdam," in line 3, I move to insert "Osaka, and Hiogo;" and to amend the total, in line 5, same page, so as to read, "$23,200."

That is estimated for and recommended by the Department.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read the third time.

The bill was read the third time, and passed.

CIVIL GOVERNMENT FOR ALASKA—HOUR OF MEETING ON MONDAY.

Mr. CARTER. I ask unanimous consent that when the Senate adjourn to-day it adjourn to meet at 10 o'clock on Monday, the time between the convening of the Senate at that hour and the hour of 12 o'clock to be entirely devoted to the reading of the bill (S. 3419) making further provision for a civil government for Alaska, and for other purposes.

The PRESIDING OFFICER (Mr. PRITCHARD in the chair). Is there objection to the request of the Senator from Montana?

Mr. PETTUS. Quite a number of Senators will be forced to be absent on committee duty at that time, duty which has been postponed from time to time until it has accumulated very largely, and the chairman is absent. I hope that that part of the morning will not be devoted to legislative business.

Mr. CARTER. I suggest to the Senator from Alabama that the only purpose of meeting at the early hour I named is to proceed with the formal reading of the Alaskan bill, no other business to be transacted.

Mr. CULLOM. Before 12 o'clock.

Mr. CARTER. No other business to be transacted before 12 o'clock.

Mr. PETTUS. I have no objection to that arrangement, if no other business is to be transacted.

Mr. BATE. That motion is made in order to relieve the members of the Committee on Territories, especially from the very severe tax of meeting here at night, which they have done the last two nights, remaining until between 11 and 12 o'clock. This is done to aid the committee in their work. The Constitution requires that the bill shall be read, and we must do it properly if it is to be done at all. The object in meeting on Monday at 10 o'clock is simply to supercede the night work, and I hope the Senate will agree to do it.

The PRESIDING OFFICER. If there is no objection, the order will be made. The Chair hears no objection.

GOVERNMENT OF PUERTO RICO.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Puerto Rico, and for other purposes.

Mr. THURSTON rose.

Mr. FORAKER. Let the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. The unfinished business will be temporarily laid aside.

MEMORIAL ADDRESSES ON THE LATE SENATOR-ELECT HAYWARD.

Mr. THURSTON. Mr. President, I offer the resolutions which I send to the desk.

The PRESIDING OFFICER. The resolutions presented by the Senator from Nebraska will be read to the Senate.

The resolutions were read, as follows:

Resolved, That it is with deep regret and sorrow that the Senate hears the announcement of the death of Hon. MONROE L. HAYWARD, late Senator-elect from the State of Nebraska.

Resolved, That the Senate extends to his family and to the people of the State of Nebraska sincere condolence in their bereavement.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended to enable those who would have been his associates had he lived to take his seat in this body to pay fitting tribute to his high character and distinguished worth.

Resolved, That the Secretary transmit to the family of the deceased and to the governor of the State of Nebraska a copy of these resolutions, with the action of the Senate thereon.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

Resolved, That as an additional mark of respect at the conclusion of these exercises the Senate do adjourn.

The resolutions were considered by unanimous consent, and unanimously agreed to.

Mr. THURSTON. Mr. President, MONROE L. HAYWARD was elected United States Senator from the State of Nebraska for the full term of six years, commencing March 4, 1899. It was the culmination of a worthy ambition, the rounding out of a life replete with achievement.

When the Senate met on the first Monday of December, 1899, Mr. HAYWARD was lying on his deathbed, and was never sworn in as a Senator of this body. So far as I know, his is the first case of this kind in the history of the Senate. For the first time the Senate is asked to listen to eulogies upon the life and character of a Senator-elect. I know there are no precedents for the request, but I have felt justified in making it in the case of a man who was in every sense of the word a Senator of the United States, who was entitled to a seat in this body, whose credentials had been received and accepted, and whose succession has been provided for by appointment by the governor of Nebraska, upon the theory that a vacancy happened by his death.

I knew Mr. HAYWARD long and well, as a practicing attorney, as a practical business man, as a judge, and as a political leader. Our friendship began more than thirty years ago and continued up to the time of his death. In every walk of life he was a true man. Frank, open, conscientious, and honest in all his dealings with his fellow-men, he had and held the universal confidence and respect of the people of his State.

At the breaking out of the war of the rebellion he volunteered as a private in a New York regiment. Only a boy in years, he made for himself a record on the battlefields of his country of which any man might justly be proud. He wore no epaulets and wielded no sword of command, but he carried his musket bravely and gallantly, and his old comrades are loud in their praise of his many acts of valor and daring on desperate fields.

The war over, he completed his education as best he could, and was admitted to the bar about the year 1867; soon after which time he located in Nebraska City, Nebr., and entered upon the practice of his profession. For all that he accomplished he was obliged to work. His is a splendid example of what it is possible for a poor American boy to do. As a youth he toiled by day and pursued his studies by the midnight lamp. His earnest, patient, untiring application to his studies indicate well the sturdy character of the man; the indomitable energy, the courageous persistence, which can not fail of success.

He was a brave man in every sense of the word. Brave in battle, brave in the search of knowledge, brave in the performance of his daily task, brave in the pursuit of honorable preferment, brave in the performance of all official duties, and brave in the living of an earnest Christian life.

Mr. HAYWARD won a high place at the bar of my State and ranked with the foremost of its practitioners. From the first he established himself in the confidence of the courts, without which no lawyer can ever reach the highest measure of success. He served for some years as one of our district judges with great honor and ability, retiring from the bench of his own choice to return to the practice of the law. He was a successful business man, public spirited, and just and generous in all his dealings with his fellow-men. His domestic life was sweet, simple, and serene; his hearthstone was always the altar of his sacred worship.

Judge HAYWARD was a politician in the highest and best sense of the term. He was not an office seeker, and on many occasions refused to accept political preferment voluntarily tendered him by his fellow-citizens. He took a deep interest in all public questions, and always insisted on clean and honest political methods. Although a stalwart partisan, he would not under any circumstances countenance the political success of his party or its candidates if tainted in any way by the faintest suspicion of questionable methods.

In the campaign of 1898 his party called upon him by unanimous voice to head the Republican ticket as its nominee for governor of the State of Nebraska. He neither desired the nomination nor the office, but yielded his own personal wishes to the overwhelming popular demand. He made a vigorous, honorable, able campaign, and reduced a normal fusion majority of 15,000 to less than 3,000. His defeat did not weaken him, but greatly strengthened him in the confidence and esteem of his fellow-Republicans, and so it was that when the legislature of Nebraska met in January, 1899, with a Republican majority, he found himself, without solicitation on his part, the choice of his party for United States Senator. It too frequently happens that the choice of the party is not the choice of the legislature; and for a long time the Senatorial election was held in abeyance by the entry into the field of other candidates whose few but faithful followers

continued for several weeks a Senatorial deadlock. The will of his party, however, finally prevailed, and Mr. HAYWARD was elected Senator, to the great satisfaction of the Republicans of Nebraska. The long struggle wore upon him mentally and physically, and I have no doubt had much to do in bringing on the illness to which he finally succumbed.

At the time of his election he was in the very prime of life; a sturdy, magnificent specimen of manhood; a grand man, robust and intellectual, instinctively pointed out in any assemblage as a master and leader of men. Looking upon him, it seemed as if nature had intended him for long life, and the citizens of his State were happy in the belief that they were to be represented in the Senate of the United States for many years by one certain of distinction and recognition among the ablest statesmanship of the land. How forcibly comes to us who saw him then, wearing the laurels of a people's offering, the lines of the poet:

> Ah! had it been but told us then to mark whose lamp was dim,
> From out yon rank of fresh-lipped men, would we have singled him?

His death came to the people of his State as a shock; to the Republican party of Nebraska as a bitter disappointment. The State lost the services of a man of preeminent ability, certain to render it good service and to win for it recognition and honor. And in addition to this his party lost a seat in the Senate of the United States which had only been won after a stubborn political battle that tested its energies to the uttermost. We know that for him it is well, but for those who loved him—his family, his friends, his party, and his State—the loss is irreparable.

In the contemplation of his untimely death how vain seems human ambition! How futile the strife for fame, the struggle for place! And how often does it happen that in the hour of triumph the victor among men bows to the inevitable summons of the grim messenger.

> Leaves have their time to fall,
> And flowers to wither at the north wind's breath,
> And stars to set; but all,
> Thou hast all seasons for thine own, O Death!

And yet MONROE L. HAYWARD did not live in vain. His whole life is a shining example to those who knew him and those who come after him; and who does not believe that after a life so worthily lived, after a career so honorably rounded, he has but exchanged the perishable laurel of an earthly triumph for the deathless diadem of an immortal crown?

Such a life as MONROE L. HAYWARD lived, such a death as he died, illustrate many homely lessons worthy of our most reverent attention. He rose from the humblest walks of life to the eminence of leadership. There is nothing impossible to the American child, born as he was the inheritor of American character and virtue; surrounded as he was in youth by the purifying influences of a Christian home; blessed as he was with the counsel and care of a true, good mother; surrounded as he was by the opportunities of American life; inspired as he must have been by the study and contemplation of American history. The doors of opportunity still swing open for the American youth. There is no bar to the ambition or success of the poor man's son in this land of equal privileges and splendid possibilities. On the broad highway of American progress the barefoot boy outstrips the golden chariot of ancestral wealth, and the humblest mother in this broad land, as she hushes the weak protests of a baby's lips upon her holy breast, knows that her boy may live to become the President of the Republic.

Mr. HAYWARD'S life teaches us the value of persistent effort. He was a student, earnestly, persistently seeking out the heart of things. Nature gave him a magnificent body topped by a kingly head, but the intellect of the mature man that won for him success and honor and leadership was the product of years of persistent effort. The character, the integrity that brought to him the respect and confidence of all who knew him, was the result of long years of right action. And the good name, which is the richest heritage of his descendants, was his, because day in and day out, through all the years of his life, in public and private affairs, he had so conducted and carried himself as to richly deserve it.

Mr. HAYWARD was a logician and an orator, a trained intellectual debater, winning men to his cause by the irresistible force of plain, simple, logical presentation. There was nothing ornate in his speech. He never talked over the heads of the crowd, and in all his efforts at the bar and in the forum he relied upon the justice of his case rather than upon any oratorical method of presentation. He won men to him through the simplicity, directness, and geniality of his manner. Men turned instinctively to him for leadership, knowing that he would never abandon a cause once espoused or desert a friend in any hour of trial.

He needs no shaft of sculptured marble, no words of praise—his memory is his monument, his character his epitaph.

In conclusion, Mr. President, permit me to reverently express my opinion that the death of MONROE L. HAYWARD was a serious loss to this body and to the country. His sterling integrity, his trained intellect, his great legal acquirements, his profound study of national affairs, his deathless patriotism, fitted him above most men to grapple with and successfully solve the mighty problems that now confront us as a people. There is no dearth of true statesmanship in the United States, no lack of strong, brave men to man the ship of state; but the loss of even one such is to be deeply regretted and deplored.

For the dead I do not mourn. It is the loss to the living that I regret. He has passed into the great beyond. He has solved the problem beyond the vail. He stands face to face with the Great Judge of the Universe, who will deal with him as a father with a child; and he is at rest.

> In the city of surcease
> There is only rest and peace
> From the failings and the wailings 'neath the sun;
> And the wings of the swift years
> Beat but lightly o'er the biers
> Making music to the sleepers, every one.
> There is only peace and rest,
> But to them it seemeth best,
> For they lie at ease and know that life is done.

Mr. President, I ask to have inserted in the RECORD, as a supplement to my remarks, the address delivered at Mr. HAYWARD'S funeral by the Rev. H. L. House.

The PRESIDING OFFICER. Without objection, permission to do so will be granted.

The address referred to is as follows:

Remarks by Rev. H. L. House at the funeral of United States Senator Monroe Leland Hayward, Nebraska City, Nebr., December 7, 1899.

"Each man's life is all men's lesson," says a modern poet. No one closes his earthly career without furnishing in his life and death valuable instruction to those left behind. Vices that blacken, virtues that enoble, mistakes that embitter, successes that make glad, each and all in turn teach lessons we do well to heed. "No man liveth unto himself, and no man dieth unto himself."

Garfield is lying there upon his deathbed. The days of pain have lengthened into weeks of agony while a nation gathers about in prayer and in tears. From across the waters Gladstone sends greeting in these words, "In the name of our common Master I congratulate you upon your Christian fortitude." As nobly in his death as in his life did that noble man give witness to the power that sustained him. A woman in China lies dying. The light of the gospel of the Son of God has but just entered her darkened heart, and now death claims her. What may she do for the ignorant sisters about her before her earthly light goes out? She can not tell them of Jesus; her strength will not permit it. But she has seen many a heathen die; she has witnessed their despair, heard their shrieks of fear. Turning to her friends, she says: "Bear me out into the open air; call to my side friend and neighbor and the chance passerby, that they may see how a Christian dies."

"Mark the perfect man and behold the upright, for the end of that man is peace." Where God would teach us how we ought to live, how we may live, He sent His Son into the world to be born of a woman and to live a sinless life in the flesh, and so God incarnated His thought of manhood, and at the feet of the Christ the world sits to-day in reverent study, learning from the Man how to translate truth into conduct.

The Scriptures therefore justify—nay, they seem to demand—that we pause a moment ere we lay away the sacred dust, to study the life just ended among us. Into the details of that life I shall not enter. The press has already done that. That part of his life in which the great public is specially concerned I may pass by with a brief mention. That service is by right the sad privilege of his associates in public life. It is of Mr. HAYWARD the man I wish to speak, and to voice as best I may the feelings of these friends and neighbors gathered here in such numbers to pay tribute to his worth.

Some homely lessons this man's life has illustrated and still enforces—lessons this generation is prone to forget, upon which it ought often and long to meditate. And first, I notice, true success does not depend upon the accidents of birth or fortune.

The highest gift in the power of the people to bestow is possible to every rank and station. Men of humble birth, whose early years were a battle with circumstances that compelled most rigid economy, have reached among us social and political leadership. The dream of England's gifted poet has more than once been fulfilled on American soil, where some—

> Divinely gifted man
> Whose life in low estate began
> And on a simple village green;
> Who breaks his birth's invidious bars
> And grasps the skirts of happy chance
> And breasts the blows of circumstance
> And grapples with his evil stars;
> Who makes by force his merit known
> And lives to clutch the golden keys,
> To mold a mighty state's decrees
> And shape the whisper of a throne;
> And moving up from high to higher
> Becomes on Fortune's crowning slope
> The pillar of a people's hope,
> The center of a world's desire.

Not in prophecy of what may be, but in description of what actually is under American skies at the dawn of the twentieth century, do we recite these words in the ears of the young men of to-day. Leadership, headship, kingship in social life and statecraft are among the future possibilities of the barefoot lad who swings the bat on the village ball ground. Seventeen dollars in money and a mother's blessings were Garfield's earthly possessions as he entered upon the struggle which lifted him to national honor.

Mr. HAYWARD'S life began in a typical Eastern home of a generation ago. In that home Christian influences dominated, the more manly, robust virtues were inculcated, and the bread eaten was won by honest industry. Out from that home in early manhood Mr. HAYWARD came to make his own way in life, he himself at last becoming a type of that American of whom we are the proudest to-day—the independent, self-made citizen. By birth, by sympathy, he belonged to the people. He was our "Great Commoner." He identified himself with the so-called "masses" period. He gave a ready ear and a helping hand to the needs of the struggling, and had he taken his seat in national council, even there he would have been the champion of the weak and the oppressed. No wonder the people loved him.

I notice, again, that Mr. HAYWARD'S life illustrates the value of industry. I do not understand that our friend was dowered with unusual natural

gifts. You would hardly characterize him as a man of "brilliant parts." His was an intellect trained to keenest, most discriminating thought; but it was an intellect trained. His was a massive brain commensurate with his magnificent physique; but his brain fiber was the product of long years of severest mental discipline. It was his custom from young manhood to grasp present-day problems; to weigh them, ponder them, master them. These problems have grown more subtle, more difficult of mastery, and in trying to keep himself abreast of his age Mr. HAYWARD's brain was kept at its utmost tension. He was a student, a hard worker. He never dawdled. With Lord Derby he could say, "Whether I be happy or unhappy is not my chief concern; what most concerns me is to find my work in life, to recognize it, and to do it." He dignified toil. His life was an apotheosis of the plodder.

But come closer to this man and learn the value of honesty.

I know the opinion prevails in some circles that if a man would be successful in business or in politics he must not have too nice notions of right and wrong; that he must play fast and loose with morals, juggle with conscience, make compromise with sin. In some circles it is the thing to sneer at Puritanism and laud the "smart" man whose shrewdness laughs at the Decalogue. How our friend's life refutes such teachings! What was it one year ago in the brilliant campaign that reduced so greatly the large majority of the two years previous and almost made our friend the chief executive of this State? What was it a little later that elected MONROE LELAND HAYWARD to the Senate of the United States? This one thing, so conceded by all, Mr. HAYWARD's downright honesty. He had lived an upright life. "He locked his lips too tight to tell a lie. He washed his hands too clean to take a bribe." He had a clean record. There was nothing he needed to conceal.

And more than once God has taught this nation this selfsame lesson, aye, written it large, so that the wayfaring man may see it. Look back there some forty years ago. Our country is in turmoil; her very existence threatened. Envy, jealousy, hatred, party greed, sectional bitterness, and over it all the black, ominous cloud of coming war across which the lightnings begin to gleam in dread portent. Is democracy doomed? Can the Union be preserved? Has God abdicated His throne? Is there anywhere a hand that can guide in safety over these swirling waters our ship of state? And now God stretches out His hand to write. A party then hardly known lays hold upon one whose fame but yesterday was limited to his own State and makes him its standard bearer. And now they ring out their rallying cry, at once a protest and a challenge, "Honest Old Abe," and on a wave of popular enthusiasm Abraham Lincoln is lifted to the Presidential chair because the conviction had fastened itself upon the popular heart that here was a man, raised up from among the common people, who could be implicitly trusted.

"A good name is rather to be chosen than great riches," words that God seems to have chiseled in the noble face of our friend now lying in repose before us. How many public men during the past few years have fallen into obscurity because of their connection with some disreputable transaction. How many men of wealth, of great intellectual power, of social standing, never may hold any public office because their names bear the taint of dishonorable dealing. The feeling has taken root and is growing in the heart of the nation, in spite of wickedness in high places, that men of doubtful character shall not represent us before the nations of the earth; that to clean hands and pure hearts shall be committed our great public trusts. Already, other things being equal, the man of blameless life wins the prize that noble ambition covets. The man to-day who would hold high office in our nation would do well to meditate upon Jethro's advice to Moses, "Provide out of all the people able men, such as fear God, men of truth, hating covetousness, and place such to be rulers over you."

But let us draw still closer to this man and learn the value of genuineness.

Our friend was honest in action not simply because "honesty is the best policy." His outward life but conformed itself to an inner principle. He could express himself in no other way. True character has no need of cloaking itself with pretense. Inclination and duty yoke themselves together. Moral integrity characterized Mr. HAYWARD's conduct, because his character was transparently genuine. How he hated shams! How he scorned the hypocrite! How powerless was friend or foe to whip him into any line of action! How he fretted against restraint! And how impolitic he ofttimes was in speech, judged by selfish standards!

He was a man of strong convictions. He saw clearly; he believed firmly; he fought consistently, and as the brave fight. He never could have been a leader in guerrilla warfare. In ambush or in trench he was not at his best. But in an open field, where carnal weapons or opposing principles clashed, there at the forefront would you find him, the bravest of the brave. You might differ with him widely on matters of vital moment, but he always compelled your reluctant confession, "He himself believes what he professes."

He was a born orator. Thought came to him run in the oratorical mold. He could best marshal in ordered ranks every faculty of his being when on his feet and before an expectant audience. And never was he grander than when, in the glow of a public address, under the inspiration of a cause which his heart had espoused, he unmasked and scourged some traitor to that cause. How his eyes flashed! How his words stung! Infamy seemed branded on the craven's brow. No wonder the trickster hated him and the "ring" feared him.

It was this quality in him that made him such a stanch friend and that won for him such warm love. Years ago he became almost passionately attached to the soldier of the Republic, and to the day of his death any man was dear to him who wore the G. A. R. button upon his breast.

Recall that scene in our legislative hall last winter. The long struggle is over, the last ballot is announced, and Mr. HAYWARD is called to the platform for a speech. Briefly, tactfully, he recalls the struggle just ended, forecasts with a prophet's ken the great struggles to come, and then turns, with a voice that chokes, to thank the men who had so loyally supported him—the "Old Guard," as he significantly calls them—promising to do for them anything that may honorably be done by their Senator. It was the heart of the man who then spake, as tender a heart as ever beat in a woman's breast. I am not surprised that strong men stood there with tears running down their faces as they witnessed the scene.

And withal our friend was an unselfish man. There are those who, like the sunglass, catch the rays of fortune and focus their warmth upon a selfish altar beneath. There are others who receive these same rays and, like the prism, send out their beauty upon others. Mr. HAYWARD was of the latter class. He could not shut himself up to narrow, selfish interests. His sympathies were broad. He was public spirited. He gave of himself and of his means to those who made appeal to him. The poor have lost in him a friend; the city one of its most liberal citizens.

For years I have gone in and out of this home where we to-day are gathered because of a friend's privilege freely accorded. I shall not abuse that privilege by lifting the veil love throws over the place where its chief treasures are gathered. Enough for me to say that a most sweet and gracious presence has abided here and that in many respects this has been an ideal home. A tender husband, an indulgent father, a loyal friend, an enterprising citizen, a clean politician, a true patriot has lived his almost three score years among us and to-day is not, for God has taken him. Yes, a true patriot. One day when a great crisis was upon our Commonwealth, and Mr. HAYWARD had done his very best to avert from us what seemed to him a pending ruin, walking the floor, as his custom was when deeply wrought upon, he turned to a loved one and said, with tears in his eyes, "I think I know a little of what John Knox felt when he went alone before God and cried, 'O God, give me Scotland or I die!' for from my heart I can say, 'O God, give me Nebraska or I die!'" That is patriotism, not of the kind that flippantly expresses itself on some public occasion, but patriotism incarnated in the citizen. Would to God we had more of it. Democracy would perish without it. It is the salt of a nation, the political light to lighten a people. Out of it heroes are born, and because of it life itself is willingly laid upon the country's altar.

Some forty years ago or more, while yet in that Eastern home, Mr. HAYWARD professed to receive Jesus Christ as the Son of God and his personal Saviour, and united himself with the church of his early choice. A few months ago, just after election to the Senate of the United States, among the letters of congratulation received was one in which this expression was used: "I hope you love the Lord Jesus Christ." His private secretary brought the letter to him and said, "How shall I answer this?" Mr. HAYWARD read it, paused a moment, his face grew sober, thoughtful, and he gravely replied, "Tell him I do love the Lord Jesus." In his last conscious moments, while struggling with pain, a loved one says, "Ask the Lord to help you." "He is helping me," and a warm pressure of the hand was the instant reply.

And he is gone. Verily "all flesh is grass and all the goodliness thereof as the flower of the field. The grass withereth, the flower fadeth—surely the people is grass." Why he should be taken just now we may not understand. The nation, in the crisis upon it, needs such men to grapple with the questions of the hour and solve them in a way to satisfy the demands of righteousness. Our Commonwealth, our city, mourn his death and may not be reconciled, while friends weep and refuse to be comforted. Life is lonelier to us all since he has been taken away.

> And he is gone who seemed so great—
> Gone; but nothing can bereave him
> Of the force he made his own
> Being here; and we believe him
> Something far advanced in state,
> And that he wears a truer crown
> Than any wreath that man can weave him.
> Speak no more of his renown,
> Lay your earthly fancies down,
> And (upon the Father's bosom) leave him—
> God accept him; Christ receive him.

"All flesh is grass." We who are here to-day are going the way of all the earth. Soon for us the golden bowl will be broken, our presence will be withdrawn, the mortal will disappear, our very names be forgotten for "the things that are seen are temporal." But somewhere in God's wide universe you and I shall still be living, reaping what we have sown, rewarded according as our deeds have been, for "the things that are not seen are eternal." How shall we spend our earthly lives? To what shall we devote our energies? What record shall we leave behind?

"'Tis not all of life to live, nor all of death to die." Beyond the seen lies the unseen; upon the shores of time break the waves of eternity. Out from the shadowy land hands beckon and point upward, and so thin the veil between the mortal and the immortal that the "whispers of God can be heard by the children of men."

Bare and gray would our lives stretch downward to the grave had not God spoken and bidden us look upward and be comforted. Bright and sacred grow these passing moments as faith looks beyond the hills to the land where wrongs are righted, hopes bear fruitage, and growth in all that is noble and passionately longed for here shall know no end.

> And so beside the silent sea
> We wait the muffled oar.
> No harm from Him can come to me
> On ocean or on shore.
>
> I know not where His islands lift
> Their fronded palms in air.
> I only know I can not drift
> Beyond his love and care.

Mr. FAIRBANKS. Mr. President, I rise to pay my brief tribute to the memory of MONROE L. HAYWARD, late a Senator of the United States from the State of Nebraska. My personal acquaintance was not such as to enable me to portray with completeness the interesting and instructive life of one who gave great promise of a successful and useful career in this historic Chamber. Nor is it necessary that I should attempt to do so, for that has been so well and faithfully done by the skillful and master hand of the distinguished Senator from Nebraska.

There was indeed that in the life of Mr. HAYWARD which was ennobling. There was that in his character which was inspiring and elevating, and there was that at the close of his career which was strangely pathetic.

When best prepared to live and best fitted to serve the State, the final summons came. He had wrought his way tediously and persistently up and up until he stood supreme in the confidence of his beloved State. He held the commission of the great State of Nebraska to this the most exalted Chamber of the nation, but the end came before he took his official oath.

His death was in a very especial sense the nation's loss, for he would have brought here a splendid equipment which was the abundant fruit of large experience and much profound reflection. There is, indeed, in this hour of the nation's history, filled with momentous questions which gravely concern the present and the future, need in high place for such as he—lofty in intellect, exalted in purpose, conservative and judicial in judgment.

During my brief acquaintance, when I was permitted to enjoy the hospitality of his home, I was greatly impressed with his singular frankness and directness of purpose. His mental processes were not subtle and circuitous, but were as open and as palpable as the day—the unfailing manifestation of a generous and upright heart. He looked forward to the time when he should take his seat in the Senate with a becoming sense of the great responsibilities which he was to assume, and addressed himself to the consideration of the leading questions which were to engage the attention of the Congress, for he wished to contribute his full share

toward their just and wise decision. He wished to discharge creditably and in full measure his civic duties.

He was ranked as a strong partisan, and such he was, for he believed that through his party was to be accomplished the greatest good to the State. He believed always in clean political methods, and would sanction no attempt to prostitute his party to ignoble ends. His party's aims must always be as pure and exalted as his own. He had for his party and himself the same code of morals.

His career was essentially self-wrought. He was not debtor to merely fortuitous circumstance, but to nature, for generous physical and intellectual endowments and for superior moral courage, the courage to do and dare for conscience's sake. He was a philosopher of the optimistic school and saw before himself perpetually the bow of promise, the assurance of success, if he but pressed on.

His life was spent in the midst of the conflict of the great mass of the common people. It was a strenuous life, a life which he most welcomed. His fiber was virile, and he answered always to duty, which was his imperious commander.

In young manhood, upon the battlefields of his country, at the bar, and upon the bench he met every demand with unflinching courage and with a perfect sense of the responsibilities which devoloved upon him. He was actuated by no sinister motives or unworthy ambitions, but walked the highway of life a candid, sincere man, resolved to leave the world the better for having lived his brief hour.

Mr. SPOONER. Mr. President, the tribute which I rise to pay to the memory of Senator HAYWARD is entirely sincere, albeit entirely unstudied. Many years ago, for a moment only, I met him, looked into his face, felt the grasp of his hand and the welcome of his cheery voice. That moment, fleeting though it was, attached me to him, and I looked forward with pleasure since his election to meeting him after the lapse of years as a member of this body.

The Senator from Nebraska [Mr. THURSTON] has referred to the uniqueness of this ceremonial in that the Senate pauses in its deliberations to pay tribute to one who, while he was clothed by the action of his State with the right to sit here, was never permitted by the God who rules the world and the fate of men to exercise that right. It is quite proper, however, that the Senate should do this, for he had a right to sit here. He had been invested with that right by the solemn action of his State, and by a long life of probity, of lofty aspirations, of earnest endeavor, and of fidelity to duty in every relation of life he had proven himself worthy to be thus honored by Nebraska.

It is always painful, Mr. President, to stand by an open grave. We forget that "it is as natural to die as it is to be born." It is peculiarly sad that this man who, doubtless, for many, many years had toiled for the honor of a seat in this body—I mean not in the way of self-seeking, but by preparation for the discharge of high public duty—should have been stricken at the moment of the fruition of his ambition.

It is sad for us to remember that, although he had a right to come here, he never was permitted to walk to the desk with his colleague and take in our presence the oath of office. He had taken the oath more than once to support the Constitution of the United States. He took before he reached years of manhood the oath to support the Constitution of the United States; and he went, pursuant to that oath, Mr. President, under the flag which floats over this Capitol, the flag of our whole country, on many a field of battle to dare death and all that the fate of battle might bring to him, that the Government might live forever and that that flag might forever float over a reunited and harmonious people.

His life is a fine illustration of what lofty inspiration and honest effort may bring to one living under our institutions, willing to work and ambitious to succeed. He had not the aid of adventitious circumstance, Mr. President. He walked along the pathway almost alone. He relied upon his own efforts and upon the good will of the public among whom he toiled, as he commended himself to their confidence and to their affection.

Before he moved to Nebraska he lived for a time in Wisconsin, and I have been told of him and of his life there that he was a man of study, a young man of great sturdiness of character, one who could not be allured from the "straight way," and that he was a man who brought home from the camp and its distractions and temptations the cleanly heart of a Christian soldier. He carried away from my people to his home in Nebraska their confidence and their respect, and he left behind him in Wisconsin a fragrant memory.

I had occasion once in my professional life to review a brief which he had made in an important cause—the only opportunity which ever came to me to judge of his capacity as a lawyer—and it impressed me much as the argument of an able, thoughtful, strong man, who met in a manly and direct way every contention of his opponents, and I remember that running through it all in a marked degree was that "saving common sense," of greater value always than what the world is accustomed to consider and to call "genius."

We may not know, of course, the dreams which he dreamed of service and triumphs in this body. His ambition to come here was an honorable ambition, and from all there was in the man's life, as testified by the Senator from Nebraska, and as testified by the action of the State which conferred upon him this great honor, we may well know that he looked upon a seat in this body not so much as in itself an honor, but as a conspicuous opportunity to serve in a great forum, by honest and faithful effort, the people, that thereby—and there is no other reward which comes to an honest man in public life—he might, by intelligent service to the public, attention to duty and the courageous discharge of it, add to his reputation, broaden it, and win that fame which an appreciative constituency is always willing and always glad to give to those who serve them faithfully in high places.

Mr. President, he made it very plain by his life that in his death his State sustained a great loss, that in his death the Senate sustained a great loss, and that had he been permitted, in the providence of God, to come among us, his comradeship would have been delightful and his contribution to the labor, the responsibility, and the learning of this body would have been of great value.

The Senate does well, although unfamiliar with his face and although his voice never was heard in this Chamber, to place upon its permanent records this tribute to his memory. He has paid his debt to nature. We here pay ungrudgingly our tribute to him and to his manly character.

Mr. ALLEN. Mr. President, it is proper under the circumstances that I should say a few words before the resolutions shall be put upon their passage and the ceremony closing Congressional notice of the deceased is concluded.

MONROE LELAND HAYWARD was born in Willisboro, Essex County, N. Y., December 22, 1840. In 1861 he enlisted in the Twenty-second New York Volunteer Infantry, but was soon transferred to the Fifth New York Cavalry, and was discharged in 1862 "on account of disabilities brought on by sickness."

He was educated at Fort Edward Institute, graduating in 1866, and read law in that place and in Whitewater, Wis., and in 1867 settled in Nebraska City, Nebr., where he died December 5, 1899, in the presence of his wife and children, his faithful physician, and other devoted personal friends.

June 14, 1870, he was married to Miss Jennie A. Pelton, an estimable lady of Cold Spring, N. Y., and at the date of his death left surviving him his wife, two sons, Dr. Edward P. Hayward and Col. William H. Hayward, and a daughter, Miss Mattie A. Hayward, one of Nebraska's fairest and best young women.

His funeral was largely attended by his neighbors and the prominent men of the State. I was prevented from being present, because I was then engaged in holding a term of court in a distant part of the State, which could not be adjourned. My acquaintance with the dead jurist and statesman was not intimate. He resided fully 150 miles from the place of my residence; and having no business relations with him, and not being his party affiliant, there was nothing but the soldierly tie of comradeship to bring us together. But I frequently conversed with him, and on several occasions listened to him deliver public addresses, and I am sufficiently informed of his personal worth and ability to enable me to speak of him in the highest terms of praise.

Mr. President, I judge men rapidly and, I think, with some degree of accuracy, and I do not hesitate to say that in my judgment Judge HAYWARD was in all respects a good man. He was a devoted husband and loving father, and he reared a family of whom any man might well be proud. He sought the means of promoting the happiness of his wife and children, and accumulated wealth that they might not know want in the event of his death, or of his becoming incapacitated in later life to pursue a gainful occupation.

He was a good lawyer and a just judge, and had the esteem and confidence of the bar and public to the hour of his death. Being positive in his nature, he had enemies, but they were few and unable to do him lasting injury. He was a partisan in politics, and believed he was promoting the welfare of his country by obeying the commands of his party.

He was God-fearing, and recognized the accountability of all mankind to the Supreme Ruler of the Universe. He believed in the essential doctrines of the Christian religion, and sought to lighten the burdens and cheer the drooping spirits of his fellowmen. A distinguished citizen and near neighbor of Judge HAYWARD, who knew him well, wrote me that his strongest characteristic was "his absolute honesty in his home life, in business affairs, and in politics." A greater tribute could not be paid to any man.

Mr. HAYWARD was free from narrowness and envy and cant. He was not a hypocrite or a pretender. He did not permit himself to become jealous of the promotion or good fortune of others, which was in marked contrast with some of his political associates.

The deceased jurist was often honored with high and responsible positions. He was many times made chairman of the Republican State convention, and in 1886 was appointed judge of the district court of the district in which he resided. He was a member of the constitutional convention which framed the present

constitution of Nebraska, and in the various positions he was called to fill he displayed marked ability and aptitude for the duties which devolved upon him.

In his death his family have suffered an irreparable loss, the State has lost a worthy and public-spirited citizen, and the city in which he lived a man of real worth and great merit. Mr. HAYWARD trod life's thorny path with firm step and head erect, and "with malice toward none and charity for all" did his duty as God gave him the vision to see it. He heeded the promptings of his better nature and scattered smiles and sunshine among those with whom his lot was cast. He left the world better than he found it, and by his ability and honesty of purpose added much to its growth and happiness.

The sympathy of this man was genuine, and his almsgiving was just and generous; and many an unfortunate fellow-traveler was helped over the rough places of life by his timely aid. The death of Judge HAYWARD is sincerely mourned by all Nebraskans, and by none more deeply than myself. He had just been elected to a seat in this Chamber and, with his friends, doubtless looked forward to the time when he would be able to leave a permanent record of his opinions on public questions in this great Forum; but God, in His infinite wisdom, called him to eternal repose, and he now peacefully sleeps in the soil of the State he loved so well.

While I do not agree that Death is the king of terrors, when it comes in the natural order of events and according to the course of nature, it is always sad, and doubly so when one's life has not reached the allotted three-score and ten, and his work is unfinished. But, Mr. President—

> Death is another life. We bow our heads
> At going out, we think, and straight
> Another golden chamber of the King's,
> Larger than this we leave, and loveller;
> And then in shadowy glimpses, disconnect,
> The story, flowerlike, closes thus its leaves.
> The will of God is all in all. He makes,
> Destroys, remakes, for His own pleasure all.

Judge HAYWARD had lofty hopes and aspirations. They were commendable in him, for they were pure and calculated to benefit others and were intended to ameliorate the condition of his fellow-men. When he was confined to his bed by his last illness, and heroically struggling for life, I watched the daily report from his home, hoping and praying that his disease would take a change for the better and that he would be restored to his family and country and permitted to serve the term in the Senate to which he had been elected with honor to his State and credit to himself. But it was otherwise written in the Book of Fate, and he has been called to the mysterious land where the millions of earth's inhabitants out of the centuries that have passed and gone have been called, and to which all of us are rapidly hastening.

Mr. President, it would serve no useful purpose for me to discuss at length the virtues and excellent qualities of head and heart of this distinguished citizen of my State. His memory is fresh in the minds of the people of Nebraska. His purity of life, his brilliancy of intellect, and the depths of his splendid nature are too well known to require any encomium at my hands.

It was Job, I think, who, when, after great affliction and in old age, approaching dissolution, exclaimed, "If a man die, shall he live again?" And from that hour to this the nameless millions that have inhabited the earth have in succession asked, "If a man die, shall he live again?"

To me it seems that we need but look at the course of the seasons, the beauty, system, and order of nature, the perfect harmony everywhere prevailing, and remember that the desire of man for immortality is universal in all races, in all climes, and under all conditions, to lead us to the conviction that death is but a door opening from the grave to eternal life. And so when we look upon the cold and pulseless forms of those we knew and loved in life, it is with the assurances that their dear features, beautified and made better by the change we call death, will again be beheld by us in a better land, in which sickness and death are unknown.

Channing said that "immortality is the glorious discovery of Christianity;" and so, "after life's fitful fever" is ended and the struggle of this world is closed, man passes through the gateway of death into an endless and blissful immortality.

Mr. President, what is life but a series of hopes and aspirations and half-rewarded struggles, created and shaped by circumstances over which we exercise no control? We struggle often in vain to mount the heights of knowledge and ambition, but to fall at last, having accomplished nothing. The law of constant struggle and of constant change is written everywhere and on everything. Our children are born and, like half-open flowers, wither and decay; and those who have trodden well life's pathway with us for a time fall into an endless sleep, and we struggle alone to the end.

Is all this struggle and sacrifice to be rewarded by oblivion? No. Man does live after death, and lives eternally. And so to-day, as we are engaged in this solemn ceremony which is to close the history of an earthly career, and as we pay deserved tribute to the life and character of one who was lately of our number, we may do so with the full assurance that—

> 'Tis the divinity that stirs within us;
> 'Tis Heaven itself that points out an hereafter,
> And intimates eternity to man.

The PRESIDING OFFICER (Mr. PETTUS in the chair). By virtue of the resolutions which have been adopted the Senate stands adjourned.

At 2 o'clock and 47 minutes p. m. the Senate adjourned until Monday, March 12, 1900, at 10 o'clock a. m.

HOUSE OF REPRESENTATIVES.

SATURDAY, *March 10, 1900.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

HAWAII.

Mr. KNOX. Mr. Speaker, I ask unanimous consent that it be in order on Tuesday, April 3, after the reading of the Journal, to consider Senate bill 222, Calendar No. 82, an act providing Territorial government for the Territory of Hawaii, to be considered in Committee of the Whole House on the state of the Union; that general debate be limited to Tuesday, April 3, and Wednesday, April 4, and that the committee rise on each day at 5 o'clock; that on Thursday, April 5, the bill be read for amendments and debate under the five-minute rule, continuing until 4 o'clock, when the bill shall be reported to the House, where the previous question shall be considered as ordered on the bill and amendments to its passage.

I would say, if I may be permitted, that there is the most urgent need for this legislation, and it is with great regret that we have concluded to ask for a time so remote. I would also say that the time provided for debate is agreed to by members on both sides of the House, so far as I am advised, and unanimously agreed to by the members of the committee.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that April 3, 4, and 5 be set apart for the consideration of the Senate bill on Hawaii; that the first two days be for general debate, the third day for debate under the five-minute rule; that at 4 o'clock the committee will report the bill and amendments back to the House, the previous question being considered as ordered on the bill and amendments to their passage. Is there objection?

Mr. RICHARDSON. Mr. Speaker, this is the first intimation I have had of any such request. I do not know whether the members of the minority of the committee had made any agreement or not.

Mr. KNOX. I will say to the gentleman from Tennessee that he will remember a few days ago I spoke to him in connection with the gentleman from South Carolina, a member of the committee, and he said that any agreement we would make would be satisfactory to him. The gentleman from South Carolina says it is entirely satisfactory to members of committee on that side.

Mr. RICHARDSON. If the minority of the committee agreed to the proposition submitted to the gentleman from Massachusetts, I have no disposition to interfere with any agreement that they have made.

Mr. FINLEY. I will state for the information of the House that this bill has been under consideration by the Committee on Territories—the House bill and Senate bill—and the statements as made by the chairman, the gentleman from Massachusetts, are correct. I think that the request he makes is a reasonable one, and the minority of the committee join him in this request, which I think is entirely satisfactory.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the order is accordingly made.

CONTESTED-ELECTION CASE—WISE AGAINST YOUNG.

The SPEAKER. The gentleman from Michigan is recognized.

Mr. WEEKS. Mr. Speaker, it has just been agreed between the gentleman from Texas [Mr. BURKE] who is to manage the other side of the case of Wise against Young and myself that the time should be divided equally for debate, and it is also agreed that the half hour I occupied on Thursday afternoon be charged in connection with my time.

Mr. BURKE of Texas. That is correct. I would ask the gentleman from Michigan as to the exact time when the vote is to be taken?

Mr. WEEKS. At half past 2 on Monday.

The SPEAKER. Is it understood that the gentleman from Michigan and the gentleman from Texas control the time?

Mr. WEEKS. It is.

Mr. RICHARDSON. Do I understand the time has been fixed for the vote?

Mr. BURKE of Texas. At half past 2 o'clock on Monday.

Mr. RICHARDSON. I did not hear the announcement.

The SPEAKER. The Chair understands the statement submitted to be that the time is to be equally divided between the gentleman from Michigan and the gentleman from Texas. Without objection, this will be the order.

There was no objection.

Mr. WEEKS. Mr. Speaker, when the House adjourned on Thursday afternoon, principally on account of great pressure of members on the floor, I had just finished the consideration of certain wards in the city of Norfolk, and was about to take up other wards in that city to show the manner in which the election was held.

I stated Thursday, in closing my remarks, that when the other wards from the city of Norfolk were examined it would be found that the Fifth Ward was the keynote to the entire election in that city, and that all the other wards of the city were no better than the Fifth Ward.

I want to refer a moment in passing to the brief of the contestee, used in the argument of the case before the committee, on page 70 and page 71, to show why, and the manner in which, the first and second precincts of the Fifth Ward were conceded to be fraudulent and worthless. The contestee in his brief, speaking of the Fifth Ward, first precinct, said:

> There are other apparent irregularities in the election at this precinct which call for explanation. Knowing, as the contestee does, the high character of the election officers of this precinct, it is impossible to think that these irregularities are the result of fraudulent practices on their part. But pursuant to the theory of this brief, and to give the contestant the benefit of everything he can claim, for argument's sake only, we concede that the returns in this precinct should be thrown out.

And thereupon they threw out, of their own motion, 529 votes for Mr. Young in that precinct. They then proceeded to the second precinct of the Fifth Ward, and this is the language of the brief on page 71:

> Here, again, the aggregate of the vote canvassed for the different counties plus the rejected vote does not equal the total vote returned. Twenty-two ballots seem to be unaccounted for. We do not concede fraud in this precinct, but for argument's sake, say that that precinct should be thrown out.

And thereupon they threw out 407 more votes which had been returned for Young. Five hundred and twenty-nine votes plus 407 make 936 votes, confessed that should be thrown out in two precincts of that city in less than ten lines of their brief.

Now, the secret, Mr. Speaker, of this concession lies in the fact that the frauds perpetrated in that ward were so transparent that it seems impossible that any gentleman could be found to stand before this House and justify the returns from these precincts; and it seems equally plain to me that no gentleman ought to be found who would stand up and defend or justify the returns from the other precincts in that city, to which I will now make a brief reference.

If the contestee was willing to give up the nine hundred and sixty-odd votes in the Fifth Ward, simply on the appearance of the returns, what do you say, gentlemen of the House, and especially gentlemen on the other side of the House, to returns like these from the first precinct of the Second Ward in that city? And those of you who have before you the record, if you will turn to page 978, you will understand better what I am talking about. I allude to the block system of alphabetical voting. That was the trouble in the Fifth Ward.

Now, in this ward, commencing at 125 on the poll list, where the voters are supposed to have walked into the voting place in the usual manner and cast their vote and gone quietly out again, and where the officers of election took down the voters' names as they presented themselves and voted, we find this block system again. Commencing at 278, four men whose names begin with A voted in a group, immediately followed by ten men whose names begin with B in a group; then there were eighteen men whose names begin with C, then two with D, and immediately following the two D's were ten more D's, with one name occurring between, four M's, five G's, four R's, ten W's, thirteen S's, seven T's, four more W's, all in groups.

Then they went back to the top of the alphabet, and there were five gentlemen whose names begin with A, and then six names beginning with B, and then five C's, then five D's and three E's, eight F's, four G's, eighteen H's, five J's, five K's, nineteen M's, four P's, eight R's, running down the alphabet in beautifully assembled groups, in arithmetical precision, according to the alphabet.

Now, if the first and second precincts of the Fifth Ward were to be thrown out and conceded to be fraudulent, why should not this precinct be thrown out?

Take another precinct in the same ward. On page 970 will be found a copy of this list certified by the officers of election, and, beginning at voter 356, you find the same alphabetical groups, or groups in alphabetical order, of voters. And I call attention to the fact that five gentlemen whose names begin with D are found, supposed to have walked up and cast their votes together. Immediately following are three gentlemen whose names begin with R, two with M, six whose names begin with N, three with D, three with H, three with M, three with N, three C's, and seven H's. It seems only necessary to call attention to such a state of things to at once stamp the poll list and the returns from that ward as unworthy of consideration.

Let us go to the first precinct of the Third Ward, and you will find on page 1003 of the record a copy of that poll. On page 1004, beginning with voter No. 233, you will find that six gentlemen whose names began with A marched arm in arm and shoulder to shoulder up to the ballot box to discharge the sacred duty of citizens of Norfolk at that election. And then 22 gentlemen whose names began with B followed. Think how they must have hustled round that ward to find 22 gentlemen whose names began with B to walk up in a group and cast their votes, their "sacred votes," their "secret ballot," which we shall hear more about in the argument of this case. And then there were 7 gentlemen whose names began with J; followed by 3 gentlemen whose names began with D; followed by 3 whose names began with T; then there were two S's, two M's, two L's, two O's, two M's, two P's, three L's, followed by bunches of two and three of the same letter to the end of the poll list.

These precincts present a wonderful mathematical problem; and I want some gentleman on the other side of this case to tell us what kind of a problem it is—whether it is mathematical or geometrical, or what it may be. In order to arrive at a conclusion that this was an honest poll list and an honest election, there must be something in mathematics, something in geometry, to explain this wonderful combination. What are the chances? Once in how many million times could such a thing occur, Mr. Speaker, at an honestly conducted election? And for what purpose under heaven could men assemble thus together in groups because their names began with a similar letter?

But, Mr. Speaker, I want to allude to one other ward or precinct, the record of which is found on page 1065. If these other wards are what they call "birds," this is what I call a "dandy," and it is one that I desire some of the eloquent gentlemen whom I have heard before on the floor of this House to expend their eloquence and ingenuity upon in telling how this state of things could have happened in the city of Norfolk at this election.

In this precinct they did not group 22 men whose names commenced with the same letter; they did not group 18 men whose names began with the same letter; but they attempted to be a little more modest in the number of the alphabetical arrangement. So, commencing with No. 124, you will find three honest citizens of Norfolk marching to vote the ticket together. Thus we find three gentlemen whose names begin with L; they are followed by three gentlemen whose names begin with P, and three others whose names begin with J, and two whose names begin with W, three whose names begin with C, two whose names begin with S, three whose names begin with R, two whose names begin with S, two M's, three more P's, three L's, four M's, three T's, three C's, three I's. Thirty times there were just three voters in a group whose names began with the same letter of the alphabet, who walked up in succession to that ballot box and performed this strange combination in mathematics or geometry that I am anxious to hear explained.

I wish, Mr. Speaker, we could have the attention of the House, because I feel very much like a lawyer who is trying a case before a jury a part of whom have gone to sleep. These gentlemen upon the floor of this House are being appealed to in this case to sit as jurymen in deciding this case, and I regretted very much that as soon as the discussion of the case began last Thursday about nine-tenths of the members of the House suddenly found that they had other engagements elsewhere.

Mr. TALBERT. Do you not think it would have been a good idea at that time to call a quorum?

Mr. WEEKS. It might have been.

Mr. HENRY C. SMITH (to Mr. WEEKS). All those who went out were with you. [Laughter.]

Mr. WEEKS. My colleague suggests that all those who went out were probably with me; but be that as it may——

Mr. TALBERT. That makes it worse; they should have stayed to hear the other side.

Mr. KLUTTZ. I will remind the gentleman from Michigan that there are more of us on this side, I believe, than on that listening to this case.

Mr. WEEKS. I thank the gentleman and hope he is right——

Mr. BARTLETT. Probably those who went away were afraid they might hear something about the case.

Mr. WEEKS. Now I call attention back to the case. I want to explain in the presence of the House how that noble day's work of cheating—that is what I call it—must have brought the sweat of toil to the broad and Jove-like brows of the honest election officials who presided over that election. And how cheerfully the work proceeded. What gibes at the pain of toil must have passed round that board! And how, when the day's work was done—

> Homeward the weary politician took his way,
> And left the world to darkness and to Wise.

[Laughter.]

I respectfully invite our friends on the other side, Mr. Speaker, to give their attention to the plain mathematical problem that I have been discussing up to the present time. I shall insert in this connection a tabulated statement as to who were disfranchised in Norfolk, and to show that there were whole companies of A's, platoons of B's, and regiments of C's and so on, who were disfranchised under the operation of the election officers in that part of the country. But before proceeding further I desire, in connection with the Norfolk vote in this election, to ask the Clerk to read an extract bearing on this election in Norfolk, taken from the Landmark, a paper published in that community—an article dated November 10, 1899, and I ask any gentleman on the floor of the House to deny it if it is not correct.

The Clerk read as follows:

ELECTIONS IN NORFOLK.

To the Editor of the Landmark:

In the discharge of professional duties which fell to my lot in the recent Congressional contest, I gained an insight into the methods of conducting popular elections in this city which, I feel satisfied, very few of the citizens of Norfolk are aware of, and which it is their right to know. My duty to give the people this information seems clear to me; and now that the season of elections has just rolled around, and the popular mind is fresh upon the subject, I feel that a favorable opportunity has arrived for presenting these facts.

That the elections held in this city in recent years have been tainted with a widespread suspicion of corruption goes almost without saying. The evidence submitted below shows how well-founded is this suspicion. And this evidence, let me say, was all duly deposed under oath, certified by a notary, and is now a portion of the record in the contested-election case of Wise vs. Young.

* * * * * * *

This is the way the elections are conducted in Norfolk city. This is the way the votes of her citizens are cast and counted. And still further proof might be given if space permitted. But it is not necessary. If we can put our hands upon ten or fifteen reputable men in a precinct, returned as voters by officers solemnly sworn to tell the truth, and these men come forward and swear positively that they did not vote, how can we ascertain where the fraud begins and where it ends? Why not close the polls and let the men behind the box decide the issues instead of those in front of it? When dead men cast ballots, when nonresidents are voted, when scores of names that are not recorded in the registration books, and that can not be found in the city directory, find their way to the poll books and their votes to the ballot box, when great blocks of names are copied bodily from the registration books and placed in alphabetical order upon the poll books to swell the majority of the dominant party, what other conclusion can be reached than that a vast election fraud has been perpetrated upon the people of Norfolk?

These facts are submitted to the citizens of Norfolk because they are entitled to them, and if their servants have become their masters, it is high time that they should know it. But it is not to be believed for a moment that the mass of the people will tolerate such unblushing fraud. It is not a question of politics, but of common honesty. And for my own part, both as a citizen and as a Democrat, I wish to enter a public protest against such high-handed corruption. The responsibility for it is not far to find. To submit in silence is but to invite still greater boldness on the part of these arch-enemies of municipal purity. When the ballot ceases to be sacred, the very foundation of popular government begins to decay.

I may add that it is not my purpose to do an injustice to any ward or any person by this statement, and if any allegation herein made is not true, I shall be pleased to give the correction as wide circulation as the statement receives.

S. S. LAMBETH, JR.

Mr. WEEKS. Mr. Speaker, I now leave the city of Norfolk and its scandalous frauds for the Democratic side of the House to explain, if they can, and tell us how they expect the House to sustain by its vote the claim of the election of the contestee in this case, an election based, as it would be, upon such iniquitous corruption and unchallenged frauds as we have seen up to the present time.

The SPEAKER pro tempore (Mr. POWERS in the chair). The time of the gentleman from Michigan has expired. But as he controls the entire time for the discussion on that side of the House, if there be no objection, he can resume and conclude his remarks. Is there objection?

There was no objection.

Mr. WEEKS. Mr. Speaker, I desire to occupy but a few minutes' additional time, as I have no desire to prevent other gentlemen who may wish to occupy the floor. I will proceed for a short time, and yield the floor to other gentlemen.

I desire to go through the various precincts in this contested-election district, and ask permission to print in the RECORD what I would have said with reference to these precincts if sufficient time had been at my disposal.

I call the attention of the House to the summary of the vote of the district on page 15 of the report of the committee, which I submit as part of my argument, and which shows a majority for contestant of 2,434. This summary is submitted on the basis, as stated by the committee, of, first, throwing out as unworthy of credit the entire returns from the city of Norfolk; second, giving the contestant the votes he proved at the several precincts in that city, and by a careful analysis of the votes in all the other precincts, uncovering the frauds perpetrated there, and giving the contestant the votes to which he is entitled. I also call the attention of the House to the fact that nowhere is the charge of fraud or evil practice charged against contestant or his friends or his party.

The contestee, all through the case, acted on the defensive. If ever there was a case which demands and deserves the condemnation of the House, it is that of the contestee in this case.

My political education renders it impossible for me to understand how any honest man can hesitate to give his support and his vote to the contestant.

I have taken up the frauds shown in the returns from the different precincts in the city of Norfolk and discussed them briefly at the outset of the argument, because, as I have already stated, all the frauds throughout the district, which we shall hereafter allude to, are patterned after those in Norfolk, and all the evidence in the case seems to demonstrate that they proceeded from a common center of management in Norfolk. It is unnecessary to go into any further detail in figures, as a reference to the brief filed by the contestee in the case is a standing admission of fraud upon fraud.

Take the First Ward, first precinct of Norfolk, and read from the contestee's brief, page 63:

Of course, these were illegal ballots; but what is the effect of proving that in a poll of 423 there were 9 illegal ballots cast? Does it justify the rejection of the entire poll and disfranchise the other 416 voters? In view of the contestee's large majority in this precinct, etc., they can reasonably be deducted from his vote.

In the second precinct of the same ward, after two pages of argument, on page 65:

The returns should be corrected by deducting the illegal votes to the number of 30.

Take the second precinct of the Second Ward, pages 66 and 67. Contestant claims certain illegal votes. Contestee repeats his reply to this charge made by him in reply to the same charges as to First Ward, first precinct: "But this is not sufficient to reject, but only to correct the returns." Thereupon he throws out 13 admittedly illegal votes.

Take the first precinct of the Third Ward. Here, again, 18 illegal votes are deducted, and again the count is corrected.

Take the second precinct of the same ward, page 68, and here the count is corrected by throwing out 11 illegal votes.

Again, the second precinct of the Fourth Ward, pages 69 and 70 of the contestee's brief—18 illegal votes are thrown out.

Then comes the Fifth Ward, first precinct, page 70. Contestee makes this admission:

That there are other apparent irregularities in the conduct of the election at this precinct which are difficult of explanation, and for the sake of argument concedes that the returns in this precinct should be wholly thrown out.

Thus disposing of 529 votes for Young.

On pages 70 and 71, take the second precinct of the same ward. Contestee says:

Here again the aggregate of the vote canvassed for the different candidates, etc., does not equal the total vote returned. Twenty-two votes seem to be unaccounted for, and for the sake of argument the whole precinct should be thrown out.

Thus disposing of 407 more of Young's vote as fraudulent and illegal.

In the Sixth Ward (see page 71 of the brief) again the contestee undertakes to correct the returns from this ward by throwing out 22 illegal votes. Here is an admission that out of 11 voting precincts in the city of Norfolk 8 must be either wholly thrown out as fraudulent or corrected by striking out of Young's count a large number of illegal votes.

Now, contestee deliberately concedes that in the city of Norfolk there must be thrown out 1,049 votes for Young, which can not be sustained or defended. Then he figures up the true count to be, Young, 2,544, whereas the returns gave him 3,604, thus admitting that 33⅓ of the whole Young vote of the city is fraudulent.

Now, I take it that it is not the province of this House to resolve itself into a counting board in this case for the purpose of correcting the returns from this district, unless it should happen to be in a case where an honest mistake has happened; but in a case like this, where every precinct is tainted with fraud, and all on one side, no charge of the kind being made against the other, the House would hardly stop to sift out for the benefit of the defrauding party, the exact number of honest votes he might have received. It would be a very dangerous thing for the House to undertake. On the contrary, I think where the returns from a precinct or a county or a district are almost without exception tainted with fraud the entire vote of the precinct or the county should be thrown out as unworthy of belief.

Right here I would like to call the attention of the House to the manner in which the defense is being conducted. The committee in their report, on page 1, advises the House as follows:

We have reached this conclusion by throwing out as unworthy of credence the whole returns from the city of Norfolk, giving to the contestant the vote he has proved there, and by uncovering the frauds perpetrated in other counties and cities of the district.

That is a proposition eminently fair, and based upon proper legal principles. The minority, in their views of the case, undertake to mislead by quoting a portion of this language of the majority in part, as follows:

The amount of fraud uncovered by the contestant's testimony leaves no doubt in the mind of the committee that he is entitled to his seat by a large majority. We have reached this conclusion by throwing out as unworthy of credence the whole returns from the city of Norfolk—

Leaving out the balance of the proposition as expressed by

the majority. They then make their argument, commencing with a garbled and mutilated statement of the report of the committee.

On page 2 of the views of the minority they state that in each of the precincts in Isle of Wight County the election was fairly held and properly returned, and then proceed to point out in the three precincts of that county—Longview, Courthouse, and Smithfield—31 illegal votes, and propose to correct the returns from that county.

They then take up James City County and proceed to correct the returns from the precinct of Powhatan, frankly admitting that the returns from that precinct are not correct.

They then take up the next precinct, Stone House, and this is the way they dispose of that precinct:

> The contestee admits in this precinct that the vote proved by the contestant, in excess of what was returned for him, is so large in proportion to the whole vote cast that the contestee, Young, should lose this precinct, giving the contestant the number of votes proved, to wit, 84.

They then take up the next precinct, Jamestown, and admit that that precinct was improperly returned, and propose to now count the certificates filed by contestant, making a considerable difference in favor of the contestant.

They next take up Nansemond County, and admit that whereas 130 witnesses swore they voted for Wise, only 114 votes were returned for him. They also admit in the next precinct, Copelands Mill, a discrepancy between the votes cast and those returned.

In the very next precinct, Kilbys Mill, counsel for contestee admit, as stated by the views of the minority, that the contestee should lose his vote as returned in this precinct and the contestant should have the number he proved voted for him, which would give, adding the certificates, Wise, 128; Young, 0.

In the very next precinct discussed by the views, Pauls Branch, the minority admit that the evidence shows that Wise proved 183 votes, whereas the returns gave him only 134, and they proceed to correct the returns from this precinct.

In the next precinct they discuss, Junction, they admit that Wise proved 150 votes, and they proceed to correct the returns from this precinct.

The next precinct they discuss is Yeates. They admit that Wise proved 85 votes, 30 by oral testimony and 55 by certificates, and that only 24 were returned for him, and they proceed to correct the returns from this precinct.

The next precinct they discuss is Chuckatuck, and it is admitted that Wise placed on the witness stand 102 witnesses and proved 99 votes orally, and that there were returned for him only 58 votes. They say of this return:

> We do not think this ought to vitiate the poll, but a correction should be made giving the contestant the excess proved.

The next precinct they discuss is Ebenezer. Here again they admit that Wise was cheated in the return. This was not a very large cheat, but it keeps up the procession.

The next precinct they discuss is Holy Neck. They admit that 52 witnesses swore they voted for Wise at this precinct and that only 43 votes were returned for him, and thereupon they raised Wise's vote from 43 to 72.

The very next precinct they discuss is Summerton. The views admit that Wise proved 117 votes in this precinct; that 80 witnesses were placed upon the stand, and that only 52 votes were returned for him, making a difference of 28 if only the 80 witnesses were counted, and they proceed to correct Summerton precinct.

The very next precinct is Myrtle, and they admit that contestant examined 66 witnesses who swore they voted for him, and there was returned only 39 votes, showing that Wise was cheated out of 25 votes in this precinct, unless all the rejected ballots are deducted from Wise's side of the count.

They then proceed to Princess Anne County, and in the very first precinct, Kempville, the views admit that the return should be corrected; that Wise was cheated out of 15 votes, and say that the election officials at this box were men of honesty and of honorable standing in the community.

The next precinct which they discuss is Court-House precinct, and at the end of their discussion they admit that Wise was cheated the difference between 293 and 341, only a small matter of 48, and they ask the House to correct that return.

At Southampton County, Adams Grove, the views admit that 39 witnesses swore they voted for Wise, and only 16 votes were returned for him; and nearly all of these witnesses declare that they prepared their own ballots, and for that reason 22 of them are to be rejected.

The very next precinct discussed is Pope's, which the views proceed to correct, giving to Wise 4 votes in excess of those returned for him. In this precinct 114 witnesses were examined, and passing the objection that the testimony was inadmissible for any reason, there were only 56 votes returned for Wise; 64 ballots were rejected for some reason not made public, and they endeavor to defend this proceeding. We call attention to the large percentage of the rejected ballots, 64 out of 136—nearly 50 per cent. This is not a unique way of disposing of Wise in this precinct, although it was effectual.

The very next precinct they discuss is Franklin, and I will read the return from this precinct:

> The poll books of this precinct show a smaller number of votes cast than the aggregate for Young, Wise, Holland, and the rejected ballots. This discrepancy disproves the returns and deprives them of their value as evidence. Therefore Young loses his returned vote in this precinct, and Wise is entitled to the number he proved, which is 159.

The next precinct they discuss is Boykins. It is conceded that contestant examined 36 witnesses who swore they voted for him at this box, where but 28 votes were returned for him. A little juggling with the balls, and the views insist that this should stand; that Wise was cheated out of the difference between 24 and 36, which is 12.

The next precinct they discuss is Berlin. Here 105 witnesses were examined who testified that they voted for Wise, whereas only 70 votes were returned for him and 41 were rejected, which would mean 33 per cent of the total vote. Here, again, the device is not unique, as before stated, though effectual.

In the precinct of Ivor 34 votes were examined and only 26 votes returned. Wise cheated again out of the difference between 26 and 34, which is 8.

Thence the views proceed to York County. In the second precinct is Grafton. The views admit that this precinct is doubtful and that the returns should be rejected. This is all of York County.

Going to Portsmouth, it is conceded that in the Third Ward of this city, where contestant examined 121 witnesses who swore they voted for him, the vote returned for him was only 89. Here, too, a large percentage was claimed to be rejected as defective. One-fifth of the vote is evidently thrown out as defective, and the views proceed to correct the return of the vote from this city.

They then proceed to Williamsburg, where Wise examined 112 witnesses who swore they voted for him, whereas the returns gave him only 82, and, again, a very large percentage was thrown out—39 ballots, about one-third of the vote in the precinct.

I have thus gone through with all the voting precincts in this district, and have done so upon the statement of the minority, and in doing so have taken the statement and figures of the minority. And it shows that in almost every precinct in the entire district the returns were either so outrageously rotten as to compel the counsel for the contestee in his brief and the minority in their views to admit that the returns were unreliable and must either be entirely thrown out or corrected upon some theory which they build up as they proceed in their effort to retain the contestee in his seat in this House. There is scarcely a contested precinct that this is not the case. They admit either fraud in the returns or other conduct in the counting that throws a cloud of suspicion over every contested ballot box in the district.

I wish to call the attention of the House especially to the vote cast in many of the States of the South as compared with those in some of our Northern districts, and for the purpose of comparison I will take my own district. In that district 31,790 votes were cast. In the State of Alabama the total number cast was 88,382, or an average of only 9,509 for each member of Congress who occupies a seat upon this floor—very little more than one-fourth the number cast in my own district in Michigan. In the State of Arkansas 27,679 votes were cast, being an average of but 4,613 for each member returned on this floor.

The CHAIRMAN (Mr. POWERS). Does the gentleman yield to the interruption?

Mr. WEEKS. No.

Mr. TERRY. I desire to challenge your statement in reference to the State of Arkansas.

Mr. WEEKS. In the State of Georgia 68,697 votes were cast in the last election, being an average of but 6,869 to each member returned to this floor.

Mr. BARTLETT. If the gentleman will permit me, I want to say to him that there is not a law on the statute books of the State of Georgia to disfranchise a man in that State. Every man has a right to vote under our law.

Mr. WEEKS. Well, Mr. Speaker, that may be entirely true, but as a matter of fact only about 3,000 votes were cast in the district represented by the gentleman who has just spoken, and he got every one of them but three in the entire district. This is rather a remarkable condition of affairs, I confess. It is very different from the elections in my district.

Mr. BARTLETT (interrupting). Then your district ought to send a Congressman here. It has not done so yet.

Mr. WEEKS. Well, we will consider that a little later. Mr. Speaker, I warn the gentlemen on the floor of the House that the people of this country are not going to submit quietly to be disfranchised—to be deprived of their representation—without question, for all time.

The correct disposition of this case is a matter of great public

importance. It concerns the country at large. It is not a mere question as to which of the parties to this contest shall sit and vote in this House, but one that appeals to the highest obligations which we owe to the people of this nation. For over thirty years there has been growing up in certain parts of the United States a political system which is in defiance of the rights of a large class of voters, by processes of disfranchisement so cunningly devised as to defy correction; and the wrong done to the hundreds of thousands of enfranchised colored men, bad as it is, is not half so great an outrage as the disproportion of representation upon this floor, based upon the election methods in many districts of the South.

This matter has progressed to a point where the moral sensibilities and patriotism of the political managers of the Democratic party in many districts has been so debauched that unless this House, having the right and power so to do, stays the hands of these men the whole system of representative government will be disgraced and become a byword; and I may say it has already been disgraced and become a byword. And it is just such performances as the one which took place in the Second Congressional district of Virginia that has brought about this lamentable state of political morals in a large portion of the South. It has reached a point where there will be found gentlemen honorable in every walk of life other than politics who will rise upon this floor and defend outrages upon the rights of Republicans, which we have been describing in this present case.

It seems to be taken for granted that the system of repression, violence, ballot-box stuffing, and cheating must receive the sanction and approval of otherwise honorable members of this House on the Democratic side. How long are the people of the States where honesty in elections is a principle lying at the very foundation of our system expected to consent or submit to these things? To illustrate this proposition I will take my own Congressional district as a fair sample of those where fair elections are held; where everyone entitled to cast his ballot has that right, and where that ballot is honestly counted and returned. The total Congressional vote of the Seventh district of Michigan at the last election was 31,790. The several candidates received as follows: Republican, 18,623; Democrat, 12,888, and Populist, 279.

It is rather startling to turn to some of the Southern States for the purpose of comparison. For instance, in the State of Arkansas, which sends 6 members of Congress to this House, the total Congressional vote of the State was only 27,679, and the average vote for each Congressman was only 4,613. In the State of Louisiana the total Congressional vote of the State was only 31,925, and 6 Congressmen were sent to this House with an average vote of only 5,320. In the State of Mississippi the total Congressional vote was only 26,932, and the average Congressional vote in each district was only 3,833. In South Carolina the total vote of the State was only 28,831, and the average vote for each Congressional district was only 4,805, and 7 Congressmen were elected on that vote.

These figures show that in my district more votes were cast for Congressman than the whole Congressional vote of Mississippi; that more votes were cast for Congressman in my district than the entire vote of Arkansas; that 10,000 more votes were cast in my district than the whole Congressional vote of South Carolina. The facts show further that the votes cast in my district are within 135 of all the Congressional votes cast in Louisiana and within 500 of one-half the entire vote of Georgia, the Empire State of the South, which sends 11 Congressmen to this House.

The people of the North have been growing restive under this state of affairs, and unless the political managers in these Southern States soon recognize the outrage of their system of disfranchisement and fraud there will be, in my judgment, a time of reckoning; and I believe that in the near future there must come a reorganization which will not give or allow to those States of the South this outrageous excess and disproportion of representation on this floor. It is easy for a member to rise and say, "What are you going to do about it?" Other men have asked that question at the height of their apparent success, surrounded by their henchmen, and fat with their ill-gotten plunder, but the people found a way to tell what they would do about it. The people of the North feel most kindly towa d the people of the South in every possible way except upon such a question as this, and I would be the last man to sound a note of discord in the universal anthem which the American people would like to sing together.

We are a united people, especially since the war with Spain, where gallant men of the South fought side by side with gallant men of the North, and where each vied with the other in deeds of heroism and patriotism—a grand and glorious spectacle, one that appeals to the very innermost heart of patriotism and love of country. But you men of the South must not think that in our earnest desire to join hands in forgetting the dreadful past of the civil war and glorying in the recent past of the Spanish war we can heartily join in saying "We are one people" while one section or one-half of the country is cheating and defrauding the other half in the monstrous way which this election in the Second Congressional district of Virginia only serves as an illustrious example. The fact is, the anthem will be less hearty under present conditions than it would be if you men would show a disposition to play fair in the great game of American politics. [Applause on the Republican side.]

I yield the floor to the gentleman from Texas [Mr. BURKE].

Mr. BURKE of Texas. Mr. Speaker, in common with the gentleman who has just taken his seat [Mr. WEEKS], I regret very much that in attempting to discuss the merits of this contested election so few members on either side of the House are present to listen to that discussion.

After reading the report of the committee in this case I was anxious to hear that report defended upon the floor of this House. I expected to hear the gentleman from Michigan in making that attempt defend it in a manner that would appeal to the enlightened intelligence and conscience of the membership of this House. I expected to hear him discuss this case as a lawyer would discuss a case, upon the facts and the law governing it. With all respect to the gentleman, he has done neither.

The report signed by the majority in this case started out from the very beginning with a wholesale denunciation of the people of that unfortunate Congressional district. That denunciation is made without any regard whatever either for the law governing this case or for the facts adduced in evidence before the Committee on Elections, who heard it.

Mr. Speaker, before entering upon an analysis of this vote and upon a discussion of it, I want to refer to some suggestions that the gentleman from Michigan [Mr. WEEKS] has made. He closes his speech by a comparison between the number of votes cast in certain Southern States of this Union and the vote cast in certain districts of the Northern States. He denounces the vote in the Southern States as being too small even to entitle those districts to representation upon the floor of this House.

Why, Mr. Speaker, the chief ground upon which this gentleman seeks to unseat the contestee in this case is the fact alleged in the report that too many votes were cast in the city of Norfolk. Now, I should like to ask the gentleman how we can please him. He denounces certain districts and States in the South for the small number of votes they cast in Congressional elections, and he denounces this case and seeks to unseat the contestee on account of the large number of votes cast. How can we please my friend?

Mr. WEEKS. Oh, I do not care much about that.

Mr. BURKE of Texas. Yes; I am satisfied the gentleman cares nothing about it, as he cared nothing about the facts in this case in discussing it before the House.

He says that it is a matter that he can not comprehend how certain members of this House who are honorable, he says, in everything but politics can come before the membership of this House and defend a case like this.

If I saw fit to retort on the line suggested by the gentleman from Michigan, I might say that I can not see—that it is incomprehensible to me—how gentlemen who are honorable in every walk of life, I take it, can propose to come upon the floor of this House and seek, by their voice and their vote, to disfranchise a whole Congressional district, as the gentleman would do in this case.

Mr. TERRY. Will my friend allow me just a moment or two there?

Mr. BURKE of Texas. Yes.

Mr. TERRY. Mr. Speaker, a few moments ago I asked permission to interrupt the gentleman who was speaking, who had made an assault upon the State of Arkansas, on account of the smallness of its vote in Congressional elections. Now, by looking at the Congressional Directory, he could have seen that in the last Congressional election in my State there was only one district in which there was any opposition to the Democratic nominee. The matter was settled in the primary elections, as between Democrats running, as to who should have the nomination. After that had been determined, if there was no Republican nominee in the Congressional election, there would naturally be a small vote.

Now, just to illustrate right there: If you will take the First district of Arkansas; it has a population of 220,261 people. There was no opposition whatever, and the total vote polled at the Congressional election was 4,103.

In the Second district, with a population of 203,187, there was no opposition, and 3,415 votes were polled. In the Third district of Arkansas, with a population of 190,805, there being no opposition, only 3,866 votes were polled. In the Fourth district, which I have the honor to represent, the smallest in population in the State, there being no opposition, out of a population of 147,806, there was polled a total vote of 3,665.

Now, in the Fifth district, where there are a good many Republicans, there was opposition, and out of a smaller population than a number of the other districts have, there was polled, in round numbers, nearly 10,000 votes, the Republican getting 2,706 and

the Democrat 6,423. That shows the difference between there being no opposition. In districts where they have no hope of electing an anti-Democrat, because they have not the votes, there they run no opposition, except in Presidential years.

They run a man then merely in order to affect the distribution of Federal patronage. In that year they get out votes. In an off year the matter is already settled in the primary of the Democratic party. There is no opposition, no State or local office being voted on at the time, the State election being held in September and the Congressional election in November. There is naturally no large vote; well-informed gentlemen ought to know this.

Mr. BARTLETT. All the older members know it; these are just getting broke in; they will know after a while.

Mr. BURKE of Texas. Mr. Speaker, the gentleman from Michigan declared that this was a matter of great concern to the entire country. I agree with the gentleman. I agree with him most heartily and thoroughly, for I here declare it to be my honest, sincere conviction and judgment, predicated and based upon the facts of this case, that it does involve an issue of great concern to the entire people of this country, and more especially to the people of the Second Congressional district of Virginia.

Now, sir, I am going to make a proposition. I wish the entire membership of this House, on both sides of the House, were present. I would make to the membership of this House this proposition, as fair, candid, honest-thinking men: If I can not show by the facts in this case, in a way that is perfectly conclusive and convincing to the mind of any disinterested honest man, that the contestee is not entitled to his seat, then I ask you to throw him out of this House. That is a fair proposition. If the membership of this House would listen to me, if they were here present, I would make that proposition in a spirit of absolute candor and fairness. Why, gentlemen, this man is as much entitled to his seat under the facts in this case, as the honored Speaker of this House is, as I am, the only difference on the face of the earth being the difference in the majorities cast either for one or the other; and that matter is susceptible of mathematical demonstration as much so as two added to two make four.

My friend from Michigan started out with the cry of fraud; he closed with the cry of fraud. He is a gentleman who, I am told, once occupied a seat upon the judicial bench of his State, and certainly to-day stands here and occupies the position of a judge in this case, and indulges in such wholesale denunciation that I do not believe it commends itself to the fair, intelligent, discriminating mind even of gentlemen upon his own side of the House. Why, sir, to believe the gentleman from Michigan, one-half of the votes that were cast in the city of Norfolk were illegal. Let me tell you, gentlemen, what the facts are. My friend from Michigan did not attempt to do it. We have there a city, so I am informed, of about 40,000 people. I have not been there, but I am reliably informed that it is a city of practically 40,000 inhabitants. How many illegal votes were cast under the facts in this case and under the uncontroverted evidence—how many illegal votes were cast in that city?

Mr. MESICK. Will the gentleman permit me to ask him a question?

Mr. BURKE of Texas. Certainly.

Mr. MESICK. Do you not know, is it not a fact, that it was admitted by the contestee's counsel before the committee that there was fraud in Norfolk?

Mr. BURKE of Texas. I will come to that, I will state to the gentleman from Michigan. I will discuss that before I shall have concluded my remarks.

Mr. MESICK. That does not answer my question.

Mr. BURKE of Texas. I shall come to it in my own way.

Mr. MESICK. All right.

Mr. BURKE of Texas. Certainly the gentleman would not ask me to depart from the line I had marked out in my mind to answer a question that may be suggested by him to me. I will refer to it, and I will answer it.

Now, I say to the membership of this House to-day that in that city of 40,000 people, in that city where there were nearly 6,000 votes cast, there were, according to the facts in this case, 122 illegal votes.

Mr. WEEKS. You conceded 960.

Mr. BURKE of Texas. I am not speaking of those wards. That is what my friend Mr. MESICK was inquiring about. I will come to that in due time. Eliminating those two wards, not controverted in this matter, there were cast in that city, according to the unchallenged testimony before this House, 122 illegal votes.

Now, Mr. Speaker and gentlemen, I wish to be fair, if I know my own heart, and I want to ask the membership of this House, I want to ask the gentlemen upon either side of this House, if by reason of the fact that 122 illegal votes were cast in that city, if by reason of that fact alone, and that is the only thing alleged, should this House disfranchise a city of 40,000 people? Do you believe it is right? Without knowing positively, I venture the assertion, and I do not believe it can be successfully contradicted, that never has there been an election held for a member of Congress in any Congressional district in the United States, from the beginning of this Government up to this good moment, but what there were illegal votes cast in electing a member to his seat in this House, and every honorable man on the floor of this House—Republican, Democrat, or Populist—knows that such is the case. And yet these gentlemen, Mr. Speaker, would have this House disfranchise a city of 40,000 people because, perchance, there were 122 illegal votes cast in that election.

Mr. LINNEY. Will the gentleman permit me an interruption?

Mr. BURKE of Texas. Certainly; I am always ready to answer any question, unlike my friend from Michigan [Mr. WEEKS], for I want to see the absolute truth arrived at in this case, if I know my own feelings.

Mr. LINNEY. Yes; and that is why I want to ask the question.

Mr. BURKE of Texas. Yes.

Mr. LINNEY. Is it true that the official returns from the city of Norfolk gave the contestee 3,604 votes?

Mr. BURKE of Texas. How is that?

Mr. LINNEY. Is it or not true that the returns from the city of Norfolk gave the contestee 3,604 votes? Your tabulation only gives 2,544 votes.

Mr. BURKE of Texas. I will state to the gentleman I see the error into which he has fallen, and it is this: My general tabulation at the close of my report is submitted under four different heads, in which I include the city of Norfolk and I exclude the city of Norfolk; I include votes by certificate and I exclude votes by certificate, and then I give a general tabulation.

Mr. LINNEY. Yes; it is a very lawyer-like report, and the gentleman is entitled to credit for it; but I want to know whether or not the official returns in the city of Norfolk gave the contestee 3,604 votes? It is left in some little doubt here. Your tabulation gives him 2,544 votes, and I want to know how it was, as matter of fact.

Mr. WEEKS. If the gentleman from Texas will excuse me, I want to say that the returns from the city of Norfolk included the vote from the Fifth Ward. Those were conceded, in the argument before the committee, to be fraudulent, and were thrown out.

Mr. LINNEY. That is the point I am at. I want to know what the aggregate official returns were.

Mr. BURKE of Texas. The aggregate official returns were, Young, 2,514 plus his majority in these two wards thrown out, and Wise 487. That is the official return, as I understand it. Now that, plus these two wards thrown out—I have excluded those two wards, and the gentleman from Michigan [Mr. WEEKS] conducting this case on that side of the House has called my attention to these two wards, and I promise to say something about it. I did not intend to do it now, but I will. These two wards were thrown out. They were conceded not to be proper on the returns, and why? Because of the difference between the election returns as made out and the number of names placed upon the poll books. They were irreconcilable.

While that is true, the gentleman from Michigan [Mr. WEEKS] ought to have been fair enough to the House—and I believe he is a fair man, and I take the charitable view that he overlooked it—the gentleman should have been fair enough to this House to have stated the reason of that unprecedentedly large vote in these two wards. It was explained before the Elections Committee in a manner that was considered satisfactory, I believe, to every member of that committee, from the chairman down to myself, the least member of the committee. It was this: These two wards embrace a new addition to that city, and it was sought to extend the water service and the electric-light service out into these two wards or outlying districts of the city, and it could only be done, under the charter of the city, by a vote of the people to be affected by it. These people having become part and parcel recently of the city of Norfolk thought they ought to have these advantages that were enjoyed by other portions of the city, and hence it is that this very large number of votes was cast as was explained before Elections Committee No. 3.

Mr. WEEKS. Will the gentleman permit me?

Mr. BURKE of Texas. Certainly.

Mr. WEEKS. I want to ask him if there is any evidence of that kind in the record?

Mr. BURKE of Texas. No.

Mr. WEEKS. None at all?

Mr. BURKE of Texas. No; but I state it as a fact, and the gentleman from Michigan will not deny that what I have stated is the truth according to the explanation before the committee.

Mr. WEEKS. Does that explain the marshalling of the votes in alphabetical arrangement in certain wards of the city?

Mr. BURKE of Texas. I am glad the gentleman refers to that, because I might have overlooked it. I am discussing this case without any preparation further than it is entirely within my mind.

I have no written notes, and I rarely speak from notes. The gentleman has referred to the fact that there were quite a number of D's, and H's, and M's on the rolls. Why, Mr. Speaker, if he would consult the roll of this House, he will find 32 B's, 42 C's, and 30 M's. Why, sir, the next proposition advanced by the gentleman from Michigan will be to unseat the membership of this House on account of the manner in which the rolls have been padded.

Mr. WEEKS. Will the gentleman yield for a question?

Mr. BURKE of Texas. Yes, sir.

Mr. WEEKS. I want to ask the gentleman whether what he now says explains the arrangement of these voters in alphabetical groups? That is what I want to get at. How it happened that three gentlemen arranged to vote at the polls in a group of A's, and three gentlemen in a group of B's, etc.

Mr. BURKE of Texas. I say that in regard to the two wards to which the gentleman has referred, and which we are perfectly willing to eliminate from this count—and we have eliminated them in our report—I concede that that condition of affairs did exist there. But is the fact that a few men whose names begin with B or a few whose names begin with C or a few men whose names begin with any other letter come together on this list—is that, I submit to the membership of this House—sufficient to disfranchise the whole Congressional district? If in the judgment of this House it be sufficient to disfranchise the city of Norfolk, be it so. Disfranchise the city of Norfolk; throw out every vote cast in that city; eliminate the whole of them; and William A. Young is legally elected to a seat in this House—as much so as the gentleman from Michigan himself.

The gentleman from Michigan in his closing remarks, in his magnificent peroration before this House, spoke of the dumb statue of that great Virginia jurist that has been erected on the west side of this Capitol, and he suggested that if that statue could weep it would weep tears of humiliation and cover its face with shame when one of the men elected as Mr. Young has been sought entrance into the House of Representatives of the American people. Let me suggest to the gentleman that if the statue of that great jurist could know the true situation of the Second Virginia district to-day—if it were possible for that man to cover his head with shame and weep over the condition of affairs in his glorious but unfortunate old State, he would weep at the idea that a native-born son of Virginia should attempt to thrust himself into the membership of this House and with uplifted hand should be sworn in to misrepresent the district that has repudiated him twice at the ballot box. That is the truth, and every man who understands the situation in the Second district of Virginia knows that it is true.

Only a few days ago we saw in that great newspaper published in this city, the Washington Post, one of the greatest newspapers in America to-day—we saw in that paper a picture suggestive to my mind, and in my humble judgment it should be suggestive to the mind of every member of this House, I care not whether he sits upon that side or this. That picture represented the Capitol of this great American nation and a great train of contestants in election cases forcing themselves along into the room of the Committee on Elections, seeking by a partisan vote of this House to receive recognition and the emoluments of the Congressional office after they had been repudiated at the ballot box by those whom they would claim as their constituency.

It was suggestive to my mind of another thing, and I may be pardoned for the slight digression if I mention it. I believe that the law of Congress which gives to each contestant in a contested-election case the sum of $2,000 should be repealed and set aside by the Congress of the United States. It is a premium to men who have been defeated in their efforts to obtain membership in this House—it is a premium offered to them to come before the committee of this House contesting the sitting member's seat for the express purpose in many cases of drawing that $2,000 from the public Treasury. I believe that that law should be repealed by Congress, and with its repeal would go out many of these contemptible, unholy election cases which are bringing disgrace and shame upon the membership of this House.

I have said that if I could not show to the absolute satisfaction of any man who wants to know the facts in this case that Mr. Young was legally, rightfully, and constitutionally elected to a seat in this House, then I want the House to expel him. Now, what are the facts? Let me call them to your attention for a brief time, and in doing so it becomes absolutely necessary for me to weary members, I fear, with a reference to some of the testimony adduced upon the hearing in this case.

Gentlemen, we have here the report in this case, containing 1,230 pages. Most of it is made up of stereotyped questions and stereotyped answers to those questions, made in nineteen cases out of twenty by ignorant negroes, and four-fifths of those negroes have signed their affidavits with their marks.

I think my statement covers a reasonable proportion. In juxtaposition to that I bring before the Republican membership of this House to-day, and thereby before the country, the names of 14 Republicans whose testimony covers every single box challenged in this contest except the box in the city of Norfolk. These Republicans do not make their signature with a mark. Some of them have sat on the floor of this House as Representatives of a free people term after term. Some of them are postmasters; some of them are collectors of internal revenue; one is the ex-commander of the Grand Army of the Republic of Virginia. It is men of that character, men of that stamp, men of that standing whose testimony should challenge the confidence and respect of this House.

It is known to the older membership of this House—to those gentlemen who served in the last Congress—that there has been a factional fight in the Republican party in the Second Congressional district of Virginia covering a period of many years; that those rival factions are ordinarily classed as the Bowden faction and the Wise faction. Bowden is an ex-member of this House, who is to-day clerk of the Federal court in that district, and who is also the member from Virginia on the national Republican committee of the United States. That is the character of the men whom I present to you. I ask you to hear this man's testimony, and that of other men of similar standing, and after you have dispassionately heard this testimony I ask you as Republicans to answer this question, Ought that man to be believed or ought a colored man who makes his signature with a cross-mark to be believed? Which should you believe first?

Is the honorable Speaker of this House to be believed on oath, or is he less to be believed on oath than a colored man, simply because the colored man is a Republican? Why, Bowden is a lifelong Republican, and, as I stated a moment ago, he is the representative from Virginia on the national Republican committee to-day. Now, what does Bowden say? My friend from North Carolina [Mr. LINNEY] is evidently reading this case, and has asked me a question or two about it. I commend to that distinguished gentleman the testimony of Mr. Bowden. He will find it on page 1146 of the record. Gentlemen, there never has been, there never will be, there never can be testimony given that more completely shows the condition of the political affairs in that district than the testimony of Bowden. I hope you will not be wearied if I read a little of it, and I promise you that I will not read much of this testimony.

GEORGE E. BOWDEN, being duly sworn according to law, deposeth as follows:

By D. TUCKER BROOKE, counsel for contestee:

Q. What is your name, age, residence, and occupation?

A. George E. Bowden; 46; Norfolk, Va.; clerk of United States district court of eastern district of Virginia.

Q. Have you any official connection with the party organization, national or State, in the Republican party; and if so, what?

A. I am the member from the State of Virginia of the Republican national committee.

Q. As such member of the Republican national committee do you know whether that committee recognizes as regular the Republican State committee, of which Park Agnew is the chairman?

A. It does; there is no pretense of any other organization in the State.

Q. Do you know whether the national Republican committee recognizes as the working law of the Republican party in Virginia the plan of party organization adopted by the Republican State convention which was held in Staunton in April, 1898?

A. Unquestionably. The regular organization, and the only organization, acts under that plan.

Q. Was the plan in force in November, 1898?

A. It was.

Q. Under that plan was it left to the State committee to determine questions in controversy as to the district organization?

A. I so interpreted, and I believe the State committee has also.

Q. Do you know whether the State committee determined whether the district committee of the Second Congressional district of Virginia, of which S. L. Burroughs was chairman, or that of which S. B. Carney claims to be chairman, was the regular Republican Congressional committee of the Second district of Virginia; and if so, which was so recognized?

A. The State executive committee has always recognized the Burroughs committee as the regular district committee.

Q. If that be so, then it would follow logically, would it not, that the Congressional candidate put in nomination by the Congressional convention called by S. L. Burroughs as the district chairman of the Second Congressional district of Virginia would be the regular nominee for Congress of the Republican party of the Second Congressional district of Virginia; is not that so?

A. Certainly.

Q. Who was that nominee?

A. Mr. William S. Holland, of Isle of Wight County.

I am going to show you the connection that the contestant in this case had with that convention before I conclude. W. S. Holland was the regular Republican nominee of the Second Congressional district of Virginia, and as such was supported by Bowden and all of the regulars in that district. I do not know but before I close I shall have something to say about my distinguished friend from Iowa [Mr. HULL], a member of the national Republican Congressional committee, whom I see sitting in the Hall at this time. He was mixed up in this Second Congressional matter also, and it seems as if Mr. HANNA overshadowed him. What Mr. HULL may have done Mr. HANNA has undone. W. S. Holland was the recognized nominee of the Republican party, or of that wing of the party recognized by MARK HANNA, the chairman of the Republican executive committee of the United States.

Then Mr. Bowden is taken up on cross-examination and his connection with the Lamb factions and the Wise faction is shown. Listen here to what Mr. Bowden says. Gentlemen, just listen to this testimony, because there is not a scintilla of testimony to the contrary:

Mr. HANNA's decision was taken and accepted as final and conclusive, and so far as Mr. Carney's pretensions are concerned, I did not understand that he claimed to be chairman of any committee after Mr. HANNA's decision; indeed, I do not recall the occasion, but I remember distinctly having wired Mr. Wickham to know whether in the decision as rendered by Mr. HANNA Mr. Carney's committee was included or not, and he replied that it was.

He goes on and says that Dr. Wise accepted in full the decision made by Mr. HANNA respecting the Republican contention and controversy in the Second Congressional district of Virginia.

I shall refer presently to a letter written by Dr. Wise to the Republicans of the Second district, urging the Republicans of that district to go into the convention. When they went into the convention they nominated Holland and refused to nominate Wise. He thereupon declared his intention to run independently, and, according to the testimony of one witness here that I shall read, declared that this House would seat him whether he was elected or not. That is the way it goes. Judging the future by the past, I submit that it is a very just criterion by which we can judge. According to the testimony of one witness in this record, Dr. Wise declared that you Republicans would seat him whether he was elected or not. Let us see whether you will do it.

Here is the testimony upon that point of John W. Stebbins:

Q. What is your name, age, residence, and occupation?
A. John W. Stebbins; 51 years; Kempsville precinct, Princess Anne County; mechanical superintendent, Styron & Co., of Norfolk, Va.
Q. What are your politics?
A. I am Republican.
Q. Are you aware of the Republican sentiment or sentiment of Republican voters as between the candidacy of Dr. R. A. Wise and W. S. Holland in Princess Anne County?
A. To a good deal of an extent; yes.
Q. Was the sentiment there pretty equally divided between these two candidates?
(Question objected to on the ground that it is leading.)
A. Dr. Wise had about two-thirds and Mr. Holland about one-third.
Q. Do you know of the existence of any feeling among colored Republicans who voted for Mr. Holland, that they had better not testify that they had so voted in giving their testimony in this contest?
A. Such is the report; yes; and I can give the reason why if you so wish. Dr. Wise is reported in the newspapers—which report, so far as I know, has never been contradicted—as saying that Republicans who did not support him would get few, if any, favors; that he would be counted in whether elected or not. That is the reason.

That is the reason, according to the testimony of a man who has been a Republican in that district all his life.

Gentlemen, here is the testimony of another Republican by the name of Burroughs, who is to-day the chairman of the Republican committee of the Second Congressional district of the State of Virginia. I want you Republicans to hear what this man says. He says that he has been a Republican all of his life and that that is the position which he holds to-day. In the closing part of his testimony, on page 1146, he uses this language:

A. I appear here to tell the truth and to protect my own interest, and I think I am as good a Republican as the so-called Republican candidate, Dr. Wise, having been born and bred a Republican; my father a Union man, the first Republican meeting held in this section being held in my father's house. My father, eight brothers, and myself having always supported the Republican party, and I am not a late come-over.

He was evidently making a suggestion with reference to the contestant Wise.

Gentlemen, the testimony of these fourteen prominent Republicans shows conclusively that the party was split up and divided as between Holland and Wise in the Second Congressional district of Virginia. That controversy continued until the polls closed on election day, and therefore Dr. Wise could not hope to receive the full Republican vote in that district, especially because of the fact that the leading, influential, prominent Republicans in that district were almost to a man opposed to him and voted and worked for Holland. That is the testimony of these seventeen men. It will be found in the record, on pages 1130 to 1168.

Now, gentlemen, I want to read to you some portions of the letter of the contestant, Richard A. Wise, addressed to the Republicans of the Second Congressional district of Virginia on July 21, 1898. Mark you, this convention that nominated Holland was called under the direction of Burroughs and by direction of MARK HANNA, here acquiesced in by Richard A. Wise in a letter in which he asks his friends to join with him to select delegates to go to that convention. When that convention met it did not do as he expected it would do. It nominated W. S. Holland and did not nominate Richard A. Wise. Now let me read some parts of that letter to this House:

To my Republican friends in the Second Congressional district:

The situation of our party in this district demands that I say a few words to you concerning the approaching nomination of a Republican candidate for Congress.

First of all let me thank you for your past support of me and congratulate you that we were able to thwart the attempt of our opponents to falsify the returns. There is no reason why, with loyal cooperation among the Republicans in this district, we can not continue to have a Republican Representative.

A nominating convention has been called. It is called by a number of the chairmen whose authority has not heretofore been recognized or admitted by many of my friends. Still, the question who are the Republican chairmen of the cities and counties composing this district has gone before Mr. HANNA, chairman of the Republican national committee, and he has recognized the parties who have made this call.

Gentlemen, listen to this man, and then say whether or not you believe he ought to be sustained in repudiating the action of the very men whom he asked to go into that convention.

Mr. WEEKS. Will the gentleman allow me to ask him a question?

Mr. BURKE of Texas. Yes; always.

Mr. WEEKS. Do you not know that that letter refers to a previous convention and not to the one which nominated Wise?

Mr. BURKE of Texas. No; I do not say anything about Wise. I say this letter refers to the convention that nominated Holland.

Mr. WEEKS. It was not held under the same call at all.

Mr. BURKE of Texas. It nominated Holland. That is what Bowden says; that is what Burrough says; that is what all the leading Republicans in that district say, and I take that testimony as true. Why, if the gentleman from Michigan [Mr. WEEKS], Republican as he is, were to tell me of a fact that took place in his district I would believe it as much as I would from any other man living. Why are these men to be disbelieved? The gentleman from Michigan [Mr. WEEKS] would have you disbelieve them because they are opposed to Richard A. Wise.

For that and no other reason under the canopy of God's heaven are men who have stood there and been honored and respected by the people, men who occupied places of honor and trusts, men who have had seats on the floor of this House, to be disbelieved and tabooed by the gentleman from Michigan, simply because these men did not believe that Dr. Wise should have run for Congress in 1898—that, and no other reason on this earth, according to this record, and I challenge any man here to controvert it, for there are no other facts outside of it:

Knowing the pitiful minority of Republicans in this district represented by these chairmen, their recognition is naturally provoking to us; but it would be unprofitable to discuss the methods by which they have ingratiated themselves with the national committee.

You see it is unnecessary to discuss the methods by which they "ingratiated themselves with the national committee."

It is reasonably certain that in any conflict challenging their authority they would have the support of the national chairman, and he in turn would be sustained by the national committee.

That is the language of Dr. Wise—Richard A. Wise—the contestant in this case.

It seems folly, therefore, to ignore their call or to persist in any call through the real chairmen. All we could accomplish by such a course would be the division of the party and inevitable defeat.

As a loyal Republican I am unwilling to pursue such a course. In its results it would aid Democracy and put us in the attitude of defying the highest party authority—

"Put us in the attitude of defying the highest authority," the highest Republican authority!—

and committing the same treason which we have so severely denounced in others. To give such a movement strength sufficient to divide the party vote would involve an expense far beyond the value of any result to be hoped for. No party aid could be expected, and everything done would tend to counteract the efforts of the national party organization and place those participating in the effort outside of the party pale, if not as allies of the Democracy.

I am opposed to this. For one I favor submitting to wrong and outrage within my party rather than helping my political adversaries.

And then he goes on, without wearying this House, and calls upon his friends to participate.

Mr. WEEKS. I wish you would read the whole of that.

Mr. BURKE of Texas. I will; and show you right where he says so.

The Republican party is in the majority in this district, and we are a majority of the Republican party. With anything short of outrage we can establish the fact in any meeting of Republicans, by whomsoever called, and the period during which self-constituted guardians can maintain supremacy here is necessarily brief, whatever bolstering they may temporarily secure from outsiders. Let us, then, not be driven into the attitude of bolters.

My advice to all Republicans is to drop all controversy about the authority of these chairmen; to participate in the meetings they have called.

That is what he says.

To drop all controversy about the authority of these chairmen; to participate in the meetings they have called; to attend their conventions, and there to demand their rights.

"To participate in the calls!"

Mr. WEEKS. Is that all of it?

Mr. BURKE of Texas. No; that is all covering the point that you suggest:

To attend their conventions, and there to demand their rights. It will be time enough to discuss our future course if further outrages are attempted. Until they are, let us hope that there will be none. If with self-respect we can secure a united Republican party, let us make every effort to do so, and to that end let us treat what has passed as past.

If I am the nominee of a united party—

Was he?—

I will run again and make another contest for our rights if we are cheated.

There is no question about that. He has run again, making

another contest; and if he is defeated again he would make another contest still, just as we find that there have been three or four contests from another district in Alabama.

I leave it for you to say whether I am entitled to this honor.
RICHARD A. WISE.

WILLIAMSBURG, VA., *July 21, 1898.*

That is all I will state to the gentleman from Michigan. I have read it all, at his suggestion.

Now, Mr. Speaker, the contention upon the part of those who have signed this majority report is that certain boxes in the district outside of the city of Norfolk should be thrown out. Let me say to the membership of this House to-day that there is no other way on God's earth by which this contestant can be seated, unless it be done by the wholesale disfranchisement of the people of that Congressional district. You can run your blue pencil through majorities, just as you can through the majorities that I have and by which I sit here as a Representative from the State of Texas.

I can be deprived of my seat as easily by the aid of the blue pencil striking it through my 15,000 majority as well as William A. Young can be deprived of his seat by striking out his fifty-odd hundred majority. The only difference in the world is in the difference in the amount or majority. But here I was suggesting this committee declares that certain boxes in that district other than the city of Norfolk should be thrown out. Why? Because of fraud perpetrated at the election by which the contestee was awarded his seat in this case. Let us see about that. How? Why, I will not ask this. Most of the membership of this House are lawyers, and the law books declare that fraud is a charge that can be easily made, but with difficulty proven and sustained; and that declaration is as applicable to frauds charged in this kind of an election case as it is charged in any other class of cases known to legal jurisprudence. Under the charge of fraud, the burden is upon them to establish that which they charge. How can it be established? By competent proof, the proof of men who are absolutely knowing to the manner in which these elections have been held.

I say to you, Mr. Speaker, that the facts are—and I will give it to the gentleman who is to follow me, because we have got no fears in this case, if there is a fair adjustment and determination by the membership of this House about it—I have here 36 Democrats and 14 Republicans, and each one of these men declare, with two or three exceptions, that at the very boxes that are challenged by the report of this committee, at those very boxes, the election was absolutely fair.

Not only can I point out 6, but I can point out 36. Mr. Speaker, the brother of the contestant, who is an ex-member and present on the floor of the House, has just made a remark which I regard in the nature of an interruption. I do not recognize the gentleman's authority to challenge my assertion on the floor of this House. He is no member here. His brother is a contestant for this seat, but that gives the gentleman no authority to challenge my assertion, and I protest against it as a member of this House.

Mr. WEEKS. If the gentleman from Texas will permit me, I will say that the gentleman he refers to is an ex-member and has a right to the floor, and that he made the remark to me.

Mr. BURKE of Texas. He has no right to challenge any assertion that I may make here.

Mr. WEEKS. But the remark was addressed to me.

Mr. BURKE of Texas. Well, perhaps I am mistaken; I thought the remark was addressed to me. While the gentleman is entitled, as a matter of courtesy, to the privileges of the floor by permission of the Speaker, he has no authority to stand here and challenge an assertion made by a member of this House.

Mr. TERRY. That is right.

Mr. BURKE of Texas. Now, sir, I say 46 men, 30 Democrats and 16 Republicans, with few exceptions, all testify to the high character of the men who acted as judges and clerks and presiding officers at the ballot boxes, who held these elections in these various precincts challenged by the report of the majority of the committee in this case.

Mr. Speaker, if your standing—and I trust you will overlook the suggestion—if your standing were challenged on the floor of this House in your State of Vermont, where would you get your proof to sustain it? You would go to those people who have known you from boyhood down to this good moment, and show that through all the various years your standing in your county and State and among your people was such as to inspire their confidence and respect. That is what we have done in this case. Here are gentlemen who have been sworn, about 50 of them, Republicans and Democrats, with few exceptions, every one declared that the presiding officers and the clerks of elections at these boxes were honorable, upright, worthy men, men who would not stoop to perpetrate the frauds that the gentleman from Michigan and his associates on this committee have charged against them on the floor of this House.

That is the reputation of these people; that is the testimony by which they have been upheld and sustained by those who have known them from boyhood days to this good moment. Are they to be disbelieved because they are Democrats? Are they to be disbelieved by the Republican membership of this House because 42 of these men are Democrats? By what line or rule is it to be held, Mr. Speaker, that a man's reputation for honesty and probity of character and standing is to be gauged and estimated by a political standard, and that standard, too, sir, erected by a report that to my mind ought never to have been presented to this House by a committee of this House; and those who heard the impassioned appeal of counsel for the contestant in this case and who read the majority report of this committee will easily be able to determine the paternity of the document.

Now, sir, I see that members are getting wearied, and I do not feel disposed, Mr. Speaker, to unnecessarily consume the attention of the House longer. If I had the entire House present listening to me, it might be a pleasure so to do; but, Mr. Speaker, to recapitulate. I ask any Republican member of this House, I ask any Democratic member of this House, to take the report submitted by the minority in this case, take the record from which I have read and investigate it, and you can not upon any hypothesis or standard whatever unseat this contestee unless you do it in a spirit of absolute partisanship. Why do I say it? Take, gentlemen, the tabulations that I made, and if that tabulation does not correspond with the facts as they are sustained in that report and that record, then repudiate that tabulation and do not use it; but if that tabulation does correspond with the facts contained in that record, take it, investigate it from every standpoint, and when you shall have done this, my word for it, if you be fair, and I believe you are, you will have reached this absolute conclusion.

Discard Young's vote entirely in Norfolk city, so that you shall disfranchise the honest people of that city of 40,000 people, and let this House disfranchise them, saying that they are unworthy to have their votes counted for Representative in the Congress of the United States because in that city of 40,000 people there were 122 illegal votes cast, excluding the two wards to which I have once referred—I say do that, and if you can absolutely disfranchise that beautiful city because there were 122 illegal votes cast, do it; but, gentlemen, let me make this suggestion to you, where are you going to draw the line? Where will the Republican majority draw the line? You may not always be in the majority in this House. Heretofore sometimes you have been in the minority. Where are the majority to draw the line? If you disfranchise a city of 40,000 people, you can disfranchise the city from which the gentleman, Mr. WEEKS, comes, that imperial city of Detroit, with its 250,000 inhabitants.

Mr. WEEKS. Three hundred thousand.

Mr. BURKE of Texas. The gentleman says 300,000. I accept it. This same authority, this same right that would permit you, Mr. Speaker, and the majority on this floor, to disfranchise a city with 40,000 inhabitants would permit the other side to disfranchise the city of Detroit, with 300,000 inhabitants. Where are you going to draw the line?

Now, if you are to do that, count every certificate that Wise has introduced in evidence, still Young's majority would be 897. There is no escape from it, disfranchising Norfolk even. Had Wise every single certificate of these ignorant negroes that he has presented to the committee, still Young is elected by 897 majority.

Do not count the certificates and still disfranchise Norfolk, and Young is elected by 1,678 majority. There is absolutely no escape from it. Then, if you include Norfolk for Young, not counting the two wards to which I have referred, but count the certificates for Wise of these negroes who certified that they voted for him, and Young's majority would be 2,954. If you give Young Norfolk city and do not give Wise the certificates that he wants counted for him, Young's majority would be 3,785.

Gentlemen, it is said that "figures won't lie, but liars will sometimes figure." I doubt not that such is the fact. But take this case, take this testimony, take these returns that have been made here by the sworn officers—the very best men in their respective communities—and the conclusions that I have given can not be successfully repudiated by any man that lives.

Mr. Speaker, notwithstanding my experience and observation in contested-election cases in this House, I have not yet lost my confidence in the integrity of the American House of Representatives. I believe it is the intention of the membership of this House to deal fairly and justly with all questions presented to them for their deliberate consideration. I recognize the fact that contested-election cases are grounds for more political excitement and engender more political feeling upon the floor of this House than any other character of cases that I have yet seen come before this body. But while that is so and while I realize the fact that as a general proposition the membership here divide on these cases upon political lines, I ask the membership of this House to take this case upon its merits; take the figures that I have given; investigate this case to the bottom, and I challenge any gentleman to reach any other conclusion than the one which I have reached or attempted to reach here to-day.

The gentleman from Michigan in his closing remarks had something to say about the unfortunate condition of certain Southern States, and, as usual, Mr. Speaker, he connected with those remarks something regarding the colored men of this country. Mr. Speaker, I know the character of the negroes of this land. I was raised among them; they were my playmates in my childhood and early boyhood. I know them, and I say to the membership of this House, knowing that class as I know them and have known them always, that never yet was any people confronted with a graver problem than that which confronted the people of the South immediately after the close of the civil war.

Sir, I will not attempt to refer—it would subserve no good or useful purpose upon this occasion for me to refer—to the condition that confronted my people of those days. It would do no good, would subserve no interest or purpose. But in behalf of those people I want to say to this House that history will attest the fact that never since the dawn of civilization up to this moment has ever a people met and discharged the responsibilities of so grave a character in a manner more fair and just to all concerned than have the people of the Southern States—never. And when I hear gentlemen who are natives of that section of the country denounce the acts of their own people, it makes me hang my head in shame.

Mr. Speaker, the State of Virginia has certainly had the chalice of humiliation applied to her lips in several contested-election cases since I have been a member of this House, that called for my pity. While I know but little personally about that grand old State, the memories and recollections of her are dear to me. In her bosom to-day sleeps one, wrapped in the blanket of the soldier of the South, who sprang from the same loins with myself. I feel an interest, an abiding interest, not only in the people of that grand old Commonwealth, but in the people of any Congressional district seeking to have their Representatives recognized upon the floor of an American Congress. They have expressed themselves at the ballot box in this election; they have repudiated Dr. Richard A. Wise twice at the ballot box.

Once the majority in this House gave him the seat. I have no desire to stir up the embers of that unfortunate contest; but to-day we find that he makes here practically the same claim which has been so emphatically repudiated by the people among whom he has lived from his childhood. Yet, twice placed in that position, he comes before the American Congress and asks you to give him the seat which his constituency have declared they would withhold from him. Will you do it?

Gentlemen, show me in any Congressional district of the United States, in any State of this Federal Union—I care not whether the district be a Republican or a Democratic one—show me by the facts that the man claiming the seat has been defeated at the ballot box by his own people, and as God is my judge he will never get my vote for a seat in this House.

The methods resorted to on behalf of this contestant have been sworn to by as responsible men as any on earth. They have been fully exposed by proof, if there be any merit in human testimony. Gentlemen may smile at the suggestion, but the Good Book tells us that "out of the mouths of three witnesses shall every fact be established." We have gone further; we have established these facts not only out of the mouths of three witnesses, but out of the mouths of 50 witnesses, as good, honorable, upright, responsible men, Republicans and Democrats alike, as live in the State of Virginia to-day. What are you going to do about it? Is a smile or a laugh or a jeering suggestion upon the part of gentlemen conducting this case to overcome the testimony of such men as these? If that be so, then, indeed, have we fallen upon evil times, when it comes to be a fact that testimony is to be ignored and repudiated, that witnesses are to be declared unworthy of confidence and belief, simply because they swear to a state of facts that they know to be true; then, indeed, it were useless to conduct a contested-election case on the floor of this House.

It may be, Mr. Speaker—and I make due allowances for my feelings in this matter—it may be that my views and opinions are warped to a certain extent in this case by reason of the fact that I come from a part of the country where we never hear of these contests. Elections in my State are not called in question, either upon the floor of the National House of Representatives or upon the floor of the State house of representatives. There the ballot box is as free and the right to vote as free and unchallenged as the wind that sweeps across the beautiful prairies of that State. Nothing is ever said there about election contests, because there is no ground for them. I make due allowances for the fact that I may be a little warped in my judgment respecting these election contests by having breathed the air of that magnificent State so long.

But making such allowance, taking the facts as they exist, taking into consideration facts which can not be controverted or challenged by any man on this floor, I submit to this House whether William A. Young has not been legally and constitutionally elected a Representative on the floor of this House from the Second district of Virginia for the Fifty-sixth Congress. Gentlemen, if you will apply to your own consciences the rule of rectitude that you would like to have others apply to yourselves, the contention in this House is easy of solution. Ask yourselves the question what your district would like under circumstances of this kind, and when you answer that question as you should, the contestee in this case will be willing to abide by the decision that you may render here next Monday. I thank you, Mr. Speaker and members of the House, notwithstanding the small number present, for the courteous attention that has been given me.

Before I sit down, Mr. Speaker, permit me to say that one of the gentlemen who were to follow me on this side is sick in bed. I refer to the gentleman from Georgia [Mr. GRIGGS]. I received a note from him this morning notifying me that he is unable to be here this evening, and he does not think he will be able to be here on Monday, although he is not certain. I believe the gentleman from North Carolina [Mr. LINNEY] is to follow on the other side.

Mr. WEEKS. The gentleman from Iowa [Mr. HULL].

Mr. BURKE of Texas. I would ask that after that speech the House stand adjourned until Monday. I have no one on this side to speak this evening. The gentleman from New York [Mr. DRIGGS] was to speak, but he has been unexpectedly called to New York and will be back on Monday morning. The gentleman from Georgia [Mr. GRIGGS] and the gentleman from New York [Mr. DRIGGS] were both to make arguments in this case, and neither one of them can possibly be here this evening.

Mr. WEEKS. I will say to the gentleman from Texas [Mr. BURKE] that we are laboring under the same embarrassment. The gentleman from Ohio [Mr. GROSVENOR] was taken sick this morning. We expected him to occupy an hour this afternoon. I am compelled to substitute others who are perhaps not so thoroughly prepared on the case. So I shall have to object to the arrangement which the gentleman suggests.

Mr. HAY. I suggest to the gentleman that he can take all the time he desires this afternoon, and that the time on Monday be equally divided between the two sides.

Mr. WEEKS. Of course, gentlemen will understand that Monday is District of Columbia day, and if we get to a vote in this case it will be through the courtesy of the chairman of the Committee on the District of Columbia. That was understood when the programme for the case was fixed by the House. I should very much prefer that whatever is to be said by way of debate be said this afternoon.

Mr. BURKE of Texas. That is utterly impossible.

Mr. WEEKS. And that the debate be closed at 5 o'clock.

Mr. BURKE of Texas. That is utterly impossible, Mr. Speaker.

Mr. WEEKS. I can not consent to any other arrangement now.

Mr. BURKE of Texas. Then if the gentleman will not consent to it, I move that the House do now adjourn.

The SPEAKER pro tempore (Mr. POWERS). It is moved that the House do now adjourn.

Mr. WEEKS. I ask for the yeas and nays on that.

The yeas and nays were refused.

The question being taken on the motion that the House do now adjourn, the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WEEKS. I call for a division.

The House divided; and there were—ayes 38, noes 38.

Mr. BURKE of Texas. Let us have tellers, Mr. Speaker.

Tellers were refused; 35 members (not one-fifth of a quorum) rising in support of the demand therefor.

Accordingly the motion to adjourn was rejected.

Mr. WEEKS. Mr. Speaker, I desire to yield to the gentleman from Iowa [Mr. HULL], who is temporarily absent in his committee room. In his absence, I will yield to the gentleman from North Carolina [Mr. LINNEY].

The SPEAKER pro tempore. How much time does the gentleman yield?

Mr. WEEKS. Such time as the gentleman from North Carolina wishes to occupy.

The SPEAKER pro tempore. The gentleman from North Carolina is recognized.

Mr. WEEKS. Mr. Speaker, with the consent of the gentleman from North Carolina, I will now ask that the order of speaking be changed. The gentleman from Iowa [Mr. HULL] is here.

Mr. LINNEY. Of course I will yield to the gentleman from Iowa, having been recognized.

Mr. HULL. Mr. Speaker, I did not expect to get into the discussion of this case, and do not intend now to discuss the election proper. But while the gentleman from Texas [Mr. BURKE] was speaking here a few minutes ago, the action of the national committees of the Republican party, the Congressional committee and the national committee proper, were brought into discussion, and I think the action of those committees was entirely misrepresented. I do not mean by that that the gentleman who addressed the House intentionally misrepresented the thing, but the testimony that he read from misrepresented the situation. I do not know that this will have any bearing upon the settlement of this election contest,

nor do I know why it should have been brought in, but I do want to say that, so far as the official action of the Republican party was concerned in this and some other cases in Virginia, Dr. Wise represents the regular organization of the party in the Second district of Virginia.

A letter was read here in which Dr. Wise agreed to certain propositions. That was true. After that agreement was made, gentlemen assuming to speak for the party in that district entirely changed all the conditions there on which that primary was to have been held. A contest was brought before the Republican Congressional committee two years ago. What happened in 1896 I know nothing of, but in 1898 I happened to have charge of all the contests between the factions of the party in Virginia and several of the other Southern States. A hearing was had before my subcommittee of the Congressional committee, and at that hearing these gentlemen all appeared and by that appearance recognized our jurisdiction. The whole matter was gone into extensively.

As Mr. HANNA has been referred to, I will state that he said we had absolute jurisdiction over the question of 1898. The question of jurisdiction was raised by these gentlemen in one or two districts before hearings were had, but afterwards waived by their appearance. I do not remember whether it was raised in this district or not. After a full hearing of the contention in this district, with all the facts that could be laid before the committee from both sides, going back to the original formation of the district Congressional committee, taking into consideration the party law in Virginia——

Mr. BARTLETT. Will the gentleman allow me to interrupt him?

Mr. HULL. Yes.

Mr. BARTLETT. Is that in this record, or are you making your own statement?

Mr. HULL. I am making my statement. I do not know whether it is in the record or not. A part of the record was read in which it was apparently stated that I had assumed an authority that I did not have, and which Mr. HANNA, as chairman of the national committee proper, had repudiated. That is the way I got into it.

Mr. BARTLETT. I know we do not generally try these cases by the record, but I merely wanted to know about this.

Mr. HULL. I am talking now in answer to this question as to the regularity of the nomination, brought in by the gentleman from Texas [Mr. BURKE], and I will say to my friend from Georgia that so far as I can learn the so-called straight Republican and national organization of the State of Virginia has but one ambition on earth, and that is to keep the party just small enough to hold the Federal offices.

Mr. BARTLETT. I think you are right about that.

Mr. HULL. The investigation we made in this matter showed that they largely represented themselves and the people they had got into office. They not only interfered in this district, but they interfered in every district in the State of Virginia where there was a possibility of electing a Republican, and, I think, did all they could to falsify returns; did what they could to divide the Republican vote. I will tell you that much. In General Walker's district—the whole matter of that is in the record, and I find that in General Walker's district there was no cooperation there on their part with the regular nominee. In another district they brought out a man who lives in Washington, a colored man, to run. They brought that before the Congressional committee.

We decided those questions as they came up, and in the Second district it was decided that Dr. Wise represented the regular party organization. That is not going into the question of the votes. I do not know much about that; but I only know this: That in this contest in the Second district—in General Walker's district, in Mr. Thorp's district—the Congressional committee held that each one represented the regular Congressional organizations, and on this record here I can say to the gentleman from Georgia [Mr. BARTLETT] and others that Mr. HANNA himself, in place of repudiating the action of the Congressional committee, which was indorsed by Mr. BABCOCK, the chairman, and Mr. OVERSTREET, the secretary, and the entire subcommittee—in place of Mr. HANNA's repudiating it, as certain testimony in this record here is quoted as saying, Mr. HANNA indorsed it and said that we had exclusive jurisdiction and could determine that question.

Mr. BURKE of Texas. Will the gentleman from Iowa permit a question?

Mr. HULL. Certainly.

Mr. BURKE of Texas. I would ask the gentleman to read the letter of Mr. HANNA, on page 1135, and there is your letter just above that. Beginning at the bottom, dated "Washington, D. C., January 30, 1898," to "Col. William F. Wickham, city."

Mr. HULL. That letter was before us. I want to say that our understanding and Mr. HANNA's understanding was that we were to determine as to the particular questions between these parties. That letter was written long before the case came before me. Mr. HANNA wrote no letter repudiating our action.

Mr. BURKE of Texas. I believe that the gentleman from Iowa wants to be fair. Of course the gentleman knows as a fact that Mr. HANNA is chairman of the Republican executive committee, which recognized the various factions in this matter.

Mr. HULL. He did not. It was vested in the Congressional committee in 1898 to determine these questions and not in any other committee nor by any other man in authority in the Republican party outside the State of Virginia. There was no conflict of authority between the two committees.

Mr. BURKE of Texas. Did not this letter expressly do it?

Mr. HULL. The hearing was not had in June, it was not had in July; it was had in the latter part of the campaign, in a full hearing, and we had jurisdiction independent of Mr. HANNA, and Mr. HANNA recognized that fact.

Mr. HAY. Will the gentleman from Iowa permit me to ask him a question?

Mr. HULL. Why, certainly.

Mr. HAY. I understand the gentleman from Iowa to say that the regular Republican organization, so called, as he puts it, in the State of Virginia, did all they could to defeat the Republican nominees for Congress.

Mr. HULL. I said it, and I think it is true, as applied to the State committee, because in nearly every case I think they acted in such a way, and a further investigation proved that they had a very small following, and if they had all cast their votes in each district for the opposition it would have had very small result.

Mr. HAY. I will ask the gentlemen the further question: If he does not know the fact that the Republican State committee of Virginia issued what you might call a proclamation, in which they advised that no Republican candidate should be put up in the various districts?

Mr. HULL. They were opposed to nominating candidates or making a fight for the Republican vote, but the Republicans did make a fight, and it resulted in this way, that where the advice of the State committee was not followed they got out opposing candidates.

Mr. HAY. I will ask the gentleman this further question: Is it not a fact that in six districts of the State the Republicans had no nominees at all?

Mr. HULL. That part of it I can not say anything about. We only had jurisdiction where there were contests, and I do not know anything about any other part of the State.

Mr. BURKE of Texas. Will the gentleman permit me to ask him this question?

Mr. HULL. Certainly.

Mr. BURKE of Texas. Is it not a fact that Mr. Bowden is recognized as the distributer of Federal patronage in the State, and received and holds an appointment of the President, and if he did not control the patronage in that district?

Mr. HULL. He was appointed long before this case came up. Whether he still holds or not I do not know, but he received an appointment, and, so far as I know, every member of the State committee in Virginia has an appointment. [Laughter.]

Mr. RICHARDSON. That is what they were there for.

Mr. HAY. Is not Mr. Bowden a member of the national Republican committee?

Mr. HULL. I understand he is and will remain so until the next convention; and if they are to carry the conventions as usual, he will probably be so; but we have nothing to do with that; and as to this matter before the Congressional committee, we had jurisdiction absolutely, and we decided absolutely, so far as Dr. Wise was concerned, he was the regular nominee of the party; just as much so as I was in my district, as any other man on the floor was the nominee in his district.

Mr. WEEKS. Now, Mr. Speaker, this discussion is all outside of a proper consideration of a case. [Laughter.] I mean by that it is not germane to the question as to which of these gentlemen is entitled to the seat. It is explanatory. And now I desire the argument to proceed. I will yield to the gentleman from North Carolina [Mr. LINNEY].

Mr. LINNEY. Mr. Speaker, the very able argument of the gentleman from Texas tended to present the idea that this House is a very uncertain tribunal before which to try contested-election cases, and my most excellent friend, who is a fine lawyer, as we all can see, I believe made use of this or some similar expression, that the contestant may be put in a seat here, though not elected, simply because the majority of the House desired it. Now, my most excellent friend, I think, violated a rule which is recognized by all lawyers—and that he is himself an excellent one I know from the character of that minority report. It is an able, lawyer-like presentation of his side of the case, but, being an honored member of one of the most honorable positions known among men, it seems to me the distinguished gentleman ought not to have made that statement.

Mr. BURKE of Texas. If the gentleman from North Carolina will pardon me——

Mr. LINNEY. Certainly.

Mr. BURKE of Texas. I do not think I said anything that could be distorted into a reflection on the Republican membership of this House. I never intended such a thing, and if I said it I did not mean it; but I do not think that anything I said could be distorted into a reflection.

Mr. LINNEY. I assure the gentleman that my purpose is not to distort anything, but reference was made to the fact that there was so much passion here there was great danger of injustice being done. Now, I would not state that before a judge; neither would my friend. I have heard it stated on this floor that one side wants to keep members in because of their political views, and I have heard that ascribed to both sides of the House. Suppose we were before a court—and this is a court which is the most august tribunal in the Republic. It has exclusive, original jurisdiction, and from its decisions there is no appeal. It is not the case of any other court in the United States, except our Supreme Court, and as lawyers myself and my friend both know, for we have had some practice, judging by the gray hairs in our heads, that an insinuation made before any superior court or court of record in these United States would be promptly met and we should be required to pay a fine or be put in jail.

Therefore, if in the heat of debate I should say anything my brethren on the other side think can possibly be considered unprofessional or from which an unfair inference may be drawn, I assure you that I do not intend it, because as a lawyer of some practice I know it is unprofessional, and I should subject myself to the rule of contempt.

This is a court, the greatest court ever established, to try cases of this sort, and there can be no appeal from the very necessity of the thing. Let me see if I can not show the reason. Our forefathers, the authors of that immortal instrument, in the very first article of the Constitution, section 5, saw the necessity of providing a court for the trial of these cases.

They saw, of course, that it would not do to try them before a jury in the regular course and practice of our superior courts or in any other court that could try the facts from which there was an appeal. Why? If that were done, the appeal itself would delay the case beyond the expiration of the term of Congress to which the parties were respectively elected. Hence these weighty and wise words, and they are as wise as any you will find in the whole Constitution. In the fifth section it said, "Each House shall be the judge of the elections, returns, and qualifications of its own members." There is the foundation of this court embedded in the Constitution, in the first article of the Constitution, and it as clearly sets forth the wisdom of the framers of that instrument as any other idea contained in it, because without this there would be no reasonable possibility of a decision on these cases.

I believe, Mr. Speaker, that the most important matters that can be decided at all are contested-election cases before this House not as a House merely, but this House as a great court, and we should act judicially in the matter. We should argue them as we should argue a case involving property rights or the rights of character before the inferior courts or the courts of record in the United States.

Now, sir, with that view of the law, let us proceed, and what is the issue here? The gentleman from Texas called upon the House to examine the matters in issue from every standpoint, from every point presented in the tabulation of the case. Now, what is the issue? What is the contest? Here are the pleadings. In order to ascertain the issue, I believe I know of no better way to do it than by reading the pleadings.

Here they are. You will find on page 27 of this record a denial, if I caught it aright—and if I am wrong, I will thank the distinguished gentleman to correct me—a denial of each and every allegation contained in the complaint. In other words, every single affirmative allegation contained in that notice is met by a direct and positive denial in this answer. I refer to page 26 of the record, where you will find under the head of "General averments" this language:

> Under the head of "General averments" you make eleven distinct charges. It is apparent that these charges were made in ignorance of the facts or without regard for them, and I unhesitatingly and unqualifiedly deny each and every one of the said charges, and shall prove that the same have no foundation in fact.

Here is a straight-out denial of the allegations of fraud contained in the complaint in this case, and the only matter for us to determine is this: Was the certificate which the contestee obtained of his election true or false; and if false, does that falsity go to the extent of showing that he failed to receive a majority or a plurality of the votes in the Congressional district from which contestee claims to be elected?

Now, my friend from Texas is correct when he says that he who alleges fraud must prove it. He is correct also when he says that an allegation of fraud is easily made and difficult of proof. I will go a step further than the distinguished gentleman from Texas and will say that the accurate statement of the law would have justified him in going a step further in the line of thought he was pursuing.

It is not only necessary for the party alleging fraud to prove it, but the laboring oar, the burden of proof, is on the party alleging fraud until—and in this respect this case is like all other cases—until you reach such a stage in the proceedings in the way of proof as that the law itself gives an artificial force to that proof and shifts the laboring oar. Let me illustrate this. Suppose that A brings suit against B for libel or verbal slander. A makes his allegation. B comes in and makes his denial. Then an issue is raised. The laboring oar is with A. How long? Until he proves the publication by the defendant of the words complained of and proves that they are not true. When that is done of course the laboring oar shifts, and, nothing more appearing, the judge would charge the jury to render a verdict for the plaintiff, leaving only the question of damages to be inquired into.

So in questions of fraud, where a man alleges that fraud has been practiced, he must prove it; but he must prove it in the same way that you prove anything else. Let me illustrate, and if I am wrong I will thank the distinguished gentleman from Texas to correct me upon this question of law, because if the principles of law are wrongly stated the deductions therefrom are always faulty. Suppose a suit should be brought under the statute of XIII Elizabeth by a creditor alleging that a conveyance made by a debtor to some one else was made in fraud of creditors. There, as here, it is easy to make the accusation. There, as here he, who makes it must prove it.

But how far must his proof go before the laboring oar is shifted? Should it turn out in such case that the conveyance was made by A, who was embarrassed with debt, and that it was made in secret; suppose it should turn out that it was made for an inadequate consideration; suppose it should turn out that it was made to a near relative; and suppose, further, that the grantor remained in possession. There is not a court in the United States that would not hold, nothing more than that appearing—no human being knowing anything about the secret purposes and intents of the hearts of the parties to the transaction—there is not, I say, a court in the United States that would not hold that A had made out a prima facie case and that it was the duty of B, the party alleged to have made a fraudulent conveyance, to meet that proof. In other words, the laboring oar is shifted; and if there is no evidence to contradict the proof already submitted, the judge in the performance of his duty under oath would lay down the law as I have stated it and would direct the jury to return a verdict against the validity of the instrument.

Now, if my friend from Texas is disposed to deny what I have thus stated to be the law, I am very anxious to hear upon what principle he will make the denial.

Now, what else? I will go a step further, for I intend to attempt to analyze this case fairly. I believe if the distinguished gentleman from Texas will make an application of the testimony in this case, undisputed as to the plain principles of the law of fraud, he will conclude that this election was a farce and a fraud, and that an intelligent legislative body can not hesitate to so declare after it has fairly investigated the testimony.

Let me go one step further. Suppose that in the case I have put, instead of introducing testimony showing the relation between the parties, showing the secrecy of the transaction, showing the grossly inadequate consideration, showing the embarrassed circumstances of the debtor, the plaintiff should introduce a witness to show that he had heard both parties admit that the conveyance was made for the benefit of the debtor. Then the instrument would be at once, upon that admission, declared fraudulent and void.

But I will go still another step further. Suppose it could be shown that the parties to the transaction admitted that 10 cents—I will put the amount that low—that 10 cents of the consideration was the money of the debtor, and that the purpose of the conveyance was to secure the embarrassed debtor in the sum of 10 cents, the land being in fact worth $1,000; what is then the effect? I appeal to the judicial understanding, the judicial intelligence, the judicial fairness of the distinguished lawyer who drafted this minority report.

Mr. BURKE of Texas. Will the gentleman allow me a moment?

Mr. LINNEY. Certainly.

Mr. BURKE of Texas. With due respect to the gentleman, I think that he is blending or confounding the law as applied to the individual actions of debtor and creditor with the law as applied to the actions of a returning board, to which it has no application.

Mr. LINNEY. I am coming to that. I am now discussing the general principle of the law of fraud.

Mr. BURKE of Texas. I deny the general principle so far as it applies to personal dealings between man and man.

Mr. LINNEY. I understand the gentleman's point. I am presenting a principle that runs through legal jurisprudence—recognized everywhere—upon questions of fraud.

Now, if the conveyance is fraudulent to the extent of 10 cents, what does the law declare? One of the most eminent judges that ever occupied the bench in my State, illustrating this principle, said that any sum, the smallest supposable—I do not know that he used the expression "10 cents" which I have used—that fraud to

the extent of the smallest supposable sum would have the same effect upon the transaction that a drop of poison has upon the human heart or a spoiled egg upon a pudding. [Laughter.] Put one spoiled egg in the pudding and it destroys the pudding, you know. [Laughter.]

I will go further and say it would have the same effect upon the transaction as though you were to throw a dead mouse into a well. It renders it unwholesome. That is a proper illustration of all issues of fraud, whether raised in this high tribunal or any other.

At any rate, Mr. Speaker, I am satisfied that this is a sound proposition: That whenever you force a party in any proceeding to concede fraud, to come in and admit, "Yes, I did steal some votes," that shifts the burden of proof to that party. I do not use this word "steal" in an offensive, personal sense. I combat vicious principles, vicious methods, and not men; I want that understood.

I hope it will be considered in that light. Whenever parties come into court and admit that they fraudulently obtained or that they stole that which did not belong to them, especially in any civil matter, if it is pertinent to the question under consideration, the effect of it is to shift the laboring oar. True, the authorities on election cases do not call it that, but they say whenever you reach a position where the triers are unable to separate the vicious from the virtuous, the defective from that which is sound, then all that you can do is to reject the returns as having been properly assailed and leave the parties to their original rights, to wit, proof aliunde; and if one of the parties fails to put in proof aliunde, then only the party that does prove votes by testimony aliunde is entitled to have them counted.

Now, in this case, to throw out some of the rubbish, the contestee puts in no aliunde proof. A few witnesses are examined on that side, but on the side of the contestant here is a book of 1,200 pages. I believe two or three thousand witnesses were examined on behalf of the contestant. There were 34 Smiths who testified. This testimony was introduced in obedience to this rule of law by which the party must prove the votes that were given for him by proof other than the official returns, the official returns being admitted to have been fraudulent. Notwithstanding that was denied in the pleadings, when they came to try the case it was admitted that the official returns were fraudulent.

Now, let us go a little further and see how that is. In the first place, Mr. Speaker, here is testimony showing that the contestant had no representation in Norfolk city. Now, what does that mean? Here is the testimony of a witness, and I read from page 870:

Q. Was the regular Republican party represented in the election officials in this city?

A. What I regard as being the regular Republican party on the 8th day of November, 1898, as recognized by the National Congressional executive committee, was the party represented by me as chairman. That party had no representative among the judges or clerks of election in the city of Norfolk to my knowledge, notwithstanding the fact that I addressed a respectful letter to the electoral board of the city of Norfolk, naming judges to represent my party and asking them to appoint but one at each precinct in the city. I received no answer from my communication, notwithstanding the fact that it was delivered to the secretary of the electoral board promptly.

* * * * * * *

Q. I understand that you received no reply to your request?

A. None whatever, sir.

Q. And that no judge of election within your knowledge was appointed by the electoral board, either on or off that list, to represent the interest of the regular Republican party at that election?

A. Yes, sir; there was none to my knowledge.

Now, Mr. Speaker, it is also admitted on the cross-examination of the very witness to whom my friend from Texas [Mr. BURKE] alluded a while ago that the contestant here is the regular Republican nominee. This admission is made by that very witness:

Q. Is it not true that, after hearing both sides to that controversy, the national Congressional committee, acting through Mr. HULL, recognized Mr. Carney as the chairman of the Second district?

A. I do not know that he recognized Mr. Carney especially. They supported Dr. Wise's candidacy. They did that which I have never known the national Congressional committee to do before, to interfere before nomination.

Q. Did they not direct Mr. Carney to call the convention?

A. I believe they did direct one to be called, and I expect directed him to do so.

Q. And was Dr. Wise the nominee of that convention?

A. I understand so; such a convention as it was. It was not called within the time limited according to my recollection and the decision of Mr. HANNA, nor do I believe the strongest partisans of Dr. Wise will contend that it was a representative convention.

Q. Didn't Mr. HANNA, after having been notified of the action of the national Congressional committee on this matter, refuse to interfere?

A. I don't know that he did. Mr. HANNA was not in Washington, my recollection is, and I don't think that he was approached on the subject.

Q. Didn't the national Congressional committee through Mr. HULL repudiate Mr. Burroughs's claims and his convention before it met, and did not that committee recognize the Carney convention and Dr. Wise as the nominee of the convention?

A. Well, I don't know just how to reply to the use of the term "repudiate"—your term "repudiate." Mr. HULL did, I believe, direct the call of another convention, which was called by Mr. Carney, and that convention supported Dr. Wise.

So that the cross-examination of the witness, by whom the contestee attempts to prove that Dr. Wise was not the regular nominee, shows that he was the regular nominee under the action of Mr. HULL, representing the regular organization.

But that thing can be put to rest forever from another point of view. Here are the official returns under which Wise gets 5,618 votes and Holland 2,929 votes. It scarcely ever happens that the regular nominee gets less votes than the independent.

Now, it appears, I think, to the satisfaction of anybody, by at least a preponderance of testimony, that Wise was the regular nominee. That being so, the regular nominee did not get any representation at the polls. Why not?

Now let me reason a little about that, and I will have recourse again to the principles recognized in the trial of cases at law, and in equity, too, where a jury trial is ordered, in order to establish what I conceive to be an important contention in this matter.

Suppose that I bring a suit against my friend here, or A brings a suit against B for the recovery of $10. On the trial, when the case comes up, A challenges four men on the jury. I believe in nearly all of the States each party in a civil case is allowed to challenge four. A challenges his four to purify the jury or to have parties who may be prejudiced against him removed. Now, suppose the judge allows those challenges to be granted; but when B's time comes, and B says, "I challenge Mr. C, who is on the jury;" suppose the plaintiff, A, says, "No; you must not challenge him; you have not got sense enough to challenge him; let me do the challenging." There is not a judge on the footstool of the Almighty who would sustain any such proceeding as that. He would say, in substance, "Depart, ye cursed, into everlasting fire, prepared for the devil and his angels, for we never knew you in the administration of justice."

There is not a man who knows anything of justice and fair play who would sustain any such proceeding, and if any judge should sustain any such proceeding there is not a legislature in any State of this Union that would hesitate five minutes about impeaching such a judge.

I will go a step further. There is not an appellate court in any State of the Union but would set aside a verdict on appeal founded upon any such proceeding as that and rendered by a jury so unfairly selected. Why? Because an elementary vital principle, the recognition of which is absolutely essential to justice, has been ruthlessly violated. Therefore no court would allow such a verdict to stand.

Now, how is it here? When you come to Norfolk, here is the testimony of a gentleman who represented the Republican organization, respectfully demanding one representative at the polls, and that was denied him. By analogy to the proceedings in a law court, or a court of equity also, no judge would allow such a verdict to stand; and this court here, gentlemen, the House of Representatives, being in many respects a more august tribunal than that presided over by any man who wears the judicial ermine, is as much bound by the oath which its members take to support the Constitution and laws as is the single judge who occupies any bench in the United States; and as triers of the case, acting judicially, we ought to bow to this principle and act upon it.

Now, having the admission, Mr. Speaker, that here was this unjust tribunal, it seems to me our course is a plain one. And there is a greater necessity for having proper representation at the polls in order to have a fair election than there is in a property contest. Why? Because men can litigate property matters and matters involving even personal character with coolness and deliberation, and treat each other with respect; but on election day, especially in hotly contested elections, a human being, standing in the image of God, has not got much more sense than a horsefly with its head off. [Laughter.] He is driven hither and thither by the waves of party hate, prejudice, and passion, so that if the law does anything in any tribunal for the protection of human rights, if it places anywhere sentinels having in their hands swords that glitter more and that are sharper and that cut in more directions than any other, such a sword should be placed in the hands of sentinels who guard the gateway to the Ark of the Covenant of the patriot's God; because without fair elections, without those sentinels to represent the diversified interests that are concerned, the party which does not have them stands no chance whatever of receiving fair play.

Hence it is that in any particular State in the Union where the law is unjust or each party is not given its share of representation, you hear of contested-election cases; and you always will hear of them.

My friend, the distinguished gentleman from Texas, says: "We are not pestered with them in Texas." No; you are not. Why? Because you have honest election laws in Texas; but if you had laws in Texas like these, or if you had methods in Texas like those, do you suppose that the people of that country would permit that iniquity, wrong, and oppression to go on? Do you suppose they would submit to the grasp of tyranny any quicker than the people of Virginia?

Just shift the conditions; place the proud Texans there, and I will risk the assertion that no one ever heard such squalling as

you would hear. Disorder and passion would perform in Texas, and you would have war there, and you ought to have it. You would do credit to your dignity, you would do credit to your courage, you would do credit to your manhood and your prospects if you did take guns and shoot down tyrants that undertook to rob you of your ballots. [Applause.] No; you have not got them in Texas, thank God, and as a Southerner I glory in the fact that there is a broad country in the South where, up to the present, the corrupting influences and the dishonest influences of a bad party organization have not yet defiled and corrupted the sources of power.

But, Mr. Speaker, having shown that where there is no representation the probabilities are that there is no such thing as fairness, now let me invite your attention for a minute to what has been admitted by the contestee. In his minority report he makes several separate distinct admissions of fraud. Now, I may have possibly stated that a little bit too strongly, but I do not think I have. Having stated it, it is my duty to prove it. Now, I have no right upon this floor to charge in connection with this case that he has made an admission, or that which amounts to it, of fraud unless I can prove it. Then to the proof.

I call your attention to the minority report in this case. First, on page 3. I want to analyze it. I accept the challenge of my friend, the distinguished lawyer from Texas, and I say if he will analyze it with me, with the same force of character, with the same high regard he has for judicial fairness, I will not say I will compel him, but influence him to vote with me to throw this man out.

Now, let us see about it, gentlemen. If my law is correct the conclusion is irresistible. If my law is incorrect, why, then, of course, it is not. On page 3, Stonehouse precinct:

> The contestee admits in this precinct that the vote proven by the contestant in excess of what was returned for him is so large in proportion to the whole vote cast that the contestee should lose this precinct, giving to the contestant the number of votes proven, to wit, 84.

There is one admission.

Mr. BURKE of Texas. Will my friend permit me an interruption?

Mr. LINNEY. Certainly.

Mr. BURKE of Texas. I want to ask the gentleman from North Carolina this question: Do you believe that this House should repudiate the vote of the city of Norfolk because 122 illegal votes were cast in a city of 40,000 inhabitants?

Mr. LINNEY. No; I do not. I expect to show by facts and figures that thousands should be thrown out.

Mr. BURKE of Texas. Suppose that the two wards that we concede are irregular in the poll box and tally sheet, do you believe by reason of the fact of that occurring in those two wards that the whole city should be disfranchised?

Mr. LINNEY. Nothing more appearing, I would not; but hear me through, and then I will hear you for half a dozen questions.

Mr. BURKE of Texas. I did not know that the gentleman objected.

Mr. LINNEY. I do not object; no, sir. I am not afraid to answer in this contest, I assure you, notwithstanding I do not claim to be your superior as a lawyer.

Mr. BURKE of Texas. It has been suggested that the gentleman was afraid.

Mr. LINNEY. It is only the strength of the cause that makes me bold, Mr. Speaker. [Laughter.]

This is what is shown from their own report. How many was it—a hundred or two? You did not state in your report how many. It was a large vote, and I can not state the amount; but you admit that it was a large number, one or two hundred, and whatever it was you consented that these votes go out, notwithstanding you had denied in your answer that these allegations were true. So, out goes that much.

What next? Why, you find in the very next page—I believe it is page 8—another damaging admission. Franklin precinct. It says:

> The poll books of this precinct show a smaller number of votes cast than the aggregate for Young, Wise, Holland, and the rejected ballots. This discrepancy, unexplained, disproves the returns, and deprives them of their value as evidence.

Here is an admission of the contention I make—that when there is an irreconcilable discrepancy between the returns of the officers of the election and the facts that then the laboring oar is shifted. Speaking in law language touching election cases, the returns are discredited, and the parties must proceed by aliunde proof to show how it was. The minority report says:

> The poll books of this precinct show a smaller number of votes cast than the aggregate for Young, Wise, Holland, and the rejected ballots. This discrepancy, unexplained, disproves the returns and deprives them of their value as evidence. Therefore Young loses his returned vote in this precinct and Wise is entitled to the number he has proven, which is 159 votes.

Here is a reversal of the conditions resting upon that which is prima facie true, and to which the law in all tribunals attaches very great importance, to wit, the official returns.

Now, what next? In Joynersville precinct, they say "Contestant examined 17 witnesses at this precinct. The returns show Young 38, Wise 22, and should stand. The returns from Southampton County corrected, as we believe they should be, always in favor of the contestant, should stand thus."

So here are infirmities, defects, finger prints of fraud running through the entire county, to wit, Southampton County, in this Congressional district. What else? Three precincts in one county consisting of 9 precincts, 9 finger prints of fraud, 9 marks, footprints of the beast, 9 irresistible, omnipotent forces overturning the entire county and establishing the principle for which I have contended, that when fraud is proven or admitted, then the parties must prove by aliunde proof how it is.

But why go on? Good gracious! If I should attempt to wade through the sea of fraud, I should want a pair of boots extending to the top of my head and 50 feet above. [Laughter on the Republican side.] From everywhere the most bunglingly executed fraud I ever saw. Surely some people in the grand old State of Virginia have lost their wits; surely some one has abandoned his reason when he sends a case of this sort, covered with fraud, before an intelligent and conscientious tribunal.

But let us go on. Warwick County, Ivy Avenue. The minority report says:

> This is the only contested precinct in this county. At this precinct there were nine names on the poll books that were not in the registration books, and if these nine men voted, their votes were illegal.

If they voted? Is there any doubt about their voting when they are on the list and the Democrats in power? Democratic agency recorded it and the Democrats are estopped from denying what their own agents do. Perhaps under strict law it does not operate as an estoppel, but the moral principle applies that one shall not take advantage of his own wrong. It is a rule founded in equity and good conscience that when things of this sort are done by those who represent you, especially when there is no representative of the other side, you can not in good conscience deny it.

The report goes on and says:

> There is no proof as to how they voted, but in order to relieve the matter of any semblance of fraud we deduct these from Young's vote as returned, which would leave 111 votes for Young and 51 for Wise.

Now, when you show that the returns are false, it matters not whether that falsity consists in putting one drop of poison into these returns or whether you put a hogshead of poison into them, it is impossible to count the returns, and they are just as effectually assailed and overturned by this small amount as though it was ten times larger. It is just as thoroughly established by these witnesses as by the testimony of a thousand witnesses to the exclusion of these votes. Bear that rule in mind, and instead of the contestant having 111, the logic that you have conceded, the conclusions to which you have arrived in the other cases, force the judicial mind to declare that this precinct is in the very same position, and therefore ought to be excluded altogether, leaving the parties to have counted in their favor such votes as the aliunde testimony shows.

Now let me turn to another part of the minority report. Referring to Ivy Avenue precinct, Warwick County, the minority say:

> The returns from the other parts of the county, or the uncontested vote, give Young 173, Wise 101, which, added to the Ivy Avenue box just referred to—Young 111 and Wise 51—would make a total of 284 for Young and 152 for Wise.

The fact is that Young, having introduced no aliunde proof, ought not to have any vote allowed him, nor is Wise entitled to any votes unless he proves them by aliunde testimony. That rule is fair to both sides.

Now let us come to Norfolk city; and here is a chapter the like of which I think has never been written in the history of fraud. If I had it in my power I would wipe this chapter from the history of this country. If I were a Virginian, a son of one of the grandest and noblest States in this Union, "the mother of States and of Presidents"—if I were a Virginian and had it in my power to erase this chapter from the records of my country, I would do it, and consign it to eternal oblivion. I would not allow it to remain a blot upon the history of a State that has been the home of Washington, and of Lee, and of thousands of grand men——

A MEMBER. Patrick Henry.

Mr. LINNEY. Yes, and of Patrick Henry, and of thousands of grand men with whom I marched in the late struggle between the States—I would not allow the proud escutcheon of that State to be tainted, to have the mark of the beast upon it to the extent that this chapter places it there, to remain until the stars fall from their respective stations and the crumbling earth marks the end of time. If 10,000 of such positions as the contestee claims to be entitled to in this case were offered to me at such a price, I could not accept them. We all love office, it is true; but whenever I can only get into office by admitting fraudulent votes to the extent that they must be admitted here to seat the contestee, I will retire from the struggle for political position.

Thank God, whatever the force may be that gives it, I believe I have sufficient moral courage to resist such temptation, strong and overpowering in many cases as it would be.

I now come to the First Ward, second precinct, of Norfolk city. The minority of the committee say:

First Ward, second precinct.—At this box 653 votes were cast, and it is admitted that 30 illegal ballots were cast among these votes. The majority of your committee would have the House throw out this box on account of these 30 illegal votes. Would it not be better to deduct them from the contestee's vote, giving Wise his vote as returned? This would leave Young 455 votes; Wise, 31.

Would it not be best to follow a principle of law and pursue the course which admitted fraud necessarily enforces upon every man? Having found that box tainted with fraud in such a way that you can not separate the vicious from the pure—that you can not purge it, as the books say, because it is impossible to distinguish that which is poison from that which is pure, under the principles of law—throw out the box; and then it is open to both parties to prove their votes aliunde.

But no; you force Dr. Wise to bring up two or three thousand witnesses to face his adversary, to face cunning cross-examination conducted by as able lawyers probably as there are anywhere—because Virginia boasts of such, having at their command every variety of talent and intellectual force known to man—instead of doing that, instead of bringing up your witnesses and letting them face the adversary, and thus purging this district from all these marks of fraud, these evidences of a wonderful falling off of moral force in the district, you sit there in absolute silence, and wrestle with the two or three thousand witnesses produced on the other side without offering a single particle of proof on the part of the contestee, notwithstanding every consideration of patriotism, of fair play, of justice appeals to everyone that has anything to do with this case to do so. No; the only reply is silence, absolute silence, when it was the duty of any man in such circumstances to speak.

What else have we? Let us hear what the minority say about the Second Ward:

Second Ward, first precinct.—Five hundred and seven votes were cast at this box; 11 of these votes were illegal ballots. The majority of the committee seeks to throw out this entire box, thus disfranchising about 500 qualified voters on account of these 11 illegal ballots. We suggest that they be deducted from the contestee's vote, which would then stand: Young, 425; Wise, 15.

Thus the contestee says, "Do not require us to raise the veil in regard to those illegal ballots. Whether the number be 11 or 111, let them stay in the darkness of night, as it were. Do anything else you please, but for God's sake spare us the shame and humiliation of attempting even to explain this dark fraud and iniquity. There it stands."

Let me repeat the language:

Five hundred and seven votes were cast at this box; 11 of these votes were illegal ballots.

The majority of the committee say:

Throw out the entire box.

What do the minority say?

We suggest that they be deducted from the contestee's vote.

Mark you! Every right of the contestant, every principle of law and fair play, has been violated. He has been allowed no representation at the polls; and when he comes here and says that the polls are wholly discredited, and that it is an impossibility from the returns to ascertain the correct vote; when he says, "Introduce your witnesses and I will introduce mine; let the witnesses on both sides be cross-examined;" the contestee answers, "Nay, verily; I would rather risk my case upon the returns that appear upon the paper; that is sufficient for me; I insist only that you take off the 11 illegal votes, and after that deduction follow these returns."

I turn now to the Third Ward, second precinct, in regard to which the minority of the committee say:

Five hundred and eighty-nine votes were cast at this box, 11 of which were illegal ballots, and it is sought to exclude the entire box on account of these 11 illegal votes. We again suggest that they be deducted from Young's vote, and the box would then stand—Young, 441; Wise, 51, as returned.

Well, I might go on and read until I wore myself out. But let me come to something that never happened, I reckon, in the universe before.

Fifth Ward, first precinct.—Seven hundred and nine votes were cast at this box. For the reason that the ballots cast for the different candidates together with the rejected ballots do not aggregate 709 votes, the contestee concedes that this box should be rejected.

What! Seven hundred and nine fraudulent votes in one bunch? Did such a thing ever happen before? I have heard tell of dead niggers being voted three years after they were dead, but not 709 of them in a bunch. Why, it takes long division, almost, to analyze it. And it is admitted in the face of this House that here is a case tainted in one precinct, where the contestant had no representation, by 709 fraudulent votes; and then it is gravely asked by one of the ablest lawyers upon this floor, and, so far as I can see, one of the best men, that this admission shall not prejudice your minds as to any other votes. Even if the gentleman were as great as St. Paul, such performances as this will put him in such a position that an ordinary man can walk up to him and say, "How art thou, my brother?" [Laughter.]

It will not do. You can not defend such iniquity. You can not live under iniquitous laws without their influence being felt upon the people who live under them. Good laws make good men, and bad laws corrupt the heart and produce iniquity.

What else?

Fifth Ward, second precinct.—At this box 528 votes were cast. Here again the aggregate of the vote cast for the different candidates, with the rejected vote, does not equal the total vote returned. Contestant Wise proved 1 vote, which should be accorded to him.

A lawyer wrote that; a man with intelligence and conscience enough to sit as lord chancellor upon the woolsack in England, where, whenever a man or woman approaches, I believe it must be with uncovered head. A great and grand man, a representative of one of the greatest professions on earth, wrote that, and I reckon, his hands not being paralyzed, can write it again.

At this box 528 votes were cast. Here, again, the aggregate of the vote cast for the different candidates, with the rejected vote, does not equal the total vote returned. Contestant Wise proved 1 vote, which should be accorded to him.

Five hundred and twenty-eight votes for the contestee admitted to be fraudulent. Wise, under the circumstances, could only prove 1, and he got 1. That is more than the contestee proved. That is all that the majority of this committee gave him. The circumstances in this case, the mute witnesses which speak with trumpet tones, and the temptation to do wrong must have pressed upon that committee with terrible force, but they stuck to the line exactly, as hewn by law, and only gave the contestant 1 vote.

In the face of an admission that the contestee had stolen—I will retract the word "stolen." It probably is a little bit harsh, and I want to be courteous. I will use the word "appropriated." In the face of the admission that the contestee had, in piety and good conscience, appropriated for the best of purposes 528 votes, yet this committee only gave, upon proof aliunde, 1 vote to the contestant.

But the fairness of that committee is assailed by innuendo, at least; but that instance alone, it seems to me, stands as a vindication that can not be shaken of the integrity and judicial fairness of this committee.

But that is not all.

Sixth Ward.—Three hundred and eighteen votes were cast at this box, 22 being illegal ballots. We still believe that it would be fair and just, both to the candidates and to the people, that these 22 illegal ballots should be deducted from contestee's vote, it being more than probable they were cast for him, rather than to exclude the entire box. This being done would leave Young 225 votes and Wise 45 votes.

Why, he has got no more right to those votes than a wolf has to the mutton which it takes by moonlight. Yet they come before this august tribunal and ask you judicially to determine that they are entitled to them, when in the face of the returns an impossibility appears.

If this were a litigation in a court of law and a complaint had been filed and a demurrer thereto, if the matter were submitted to the judicial fairness of the distinguished gentleman from Texas [Mr. BURKE], he would not hesitate to sustain the demurrer and dismiss that part of the cause of action. There is no question about that. Any judge would have done it.

But that is not half of it, gentlemen, bad as that looks. Let us see. Here, now, is Norfolk city. The distinguished gentleman spoke to this House about the iniquity of disfranchising a whole city. I asked him what the returns showed, and he did not answer me, or at any rate I did not catch his answer. If he answered me, my stupidity probably would not enable me to get it.

But I turn to the record. Here is the record. Once when I was a very young lawyer, and I disputed a statement which my adversary made, Judge Mitchell said to me, "My friend, never dispute what your adversary says unless the record sustains you." That was when I was 24 years old, and that is one lesson I learned in the practice of the law which I will never forget, if God spares me to be a hundred; and I think if I have an opportunity of fighting contested-election cases where there is as much corruption as appears in this case, there will be a strong disposition on the part of some power to extend the brittle thread some twenty or thirty years, I hope.

Now, let me call your attention to the returns from the city. Do not take my statement about it. Here it is. Norfolk city: Young 3,604, Holland 1,000, Wise 560. Now, mark you, here is the tabulation by a great lawyer, who presents it in every shape that the evidence would justify. That is law. Why, when Father Boyle was indicted in North Carolina for a very heinous offense, which was made a capital felony in my State, and was convicted, a new trial was given him and he saved his life by invoking that principle of law, to wit, that a judge in summing up must take all the testimony, collate it, and present it to any legal view of the case that the testimony authorizes. By reason of one of the ablest judges in the State having failed to do that, Father Boyle got a new trial, and his life was saved.

The distinguished gentleman from the State of Texas [Mr. BURKE] has come fully up to that standard and presented this case in every possible phase, and tabulated it, and reached conclusions on every phase that the testimony would justify, under

the principles of law that he readily discovered were applicable to the case and that control his judgment and his conscience.

Here are the figures, gentlemen. Look for yourselves. The returns give the contestee 3,604 votes. Now, take 2,544 from the returns and it involves an admission of 1,060 illegal votes in a city where the aggregate vote for contestee, according to the returns, was 3,604.

Mr. BURKE of Texas. Will the gentleman permit a suggestion?

Mr. LINNEY. Why, certainly.

Mr. BURKE of Texas. In the two wards which in my report I eliminate entirely this difference in the vote is found out by adding the vote of these two wards together. Now, I want to ask the gentleman if, outside of these two wards, there are more than 122 illegal votes shown?

Mr. LINNEY. I think there are.

Mr. BURKE of Texas. Let us go by the record.

Mr. LINNEY. I have examined it, and I think it is something more than that; but I think the gentleman is not far wrong. But the vice of the gentleman's argument is this: The contestee has been relying upon the integrity of the returns, and I am using this argument in that point of view. The returns give him 3,604 votes, and when the minority come to examine those returns you are forced, in the face of the evidence, to reduce that vote by 2,544. I did not know what precinct you threw out, because I have not dived as thoroughly as that into this vast record.

Mr. BURKE of Texas. Does the gentleman believe that the whole city should be disfranchised by reason of that?

Mr. LINNEY. No; I have more sense than to take a position like that. A good educated rabbit would not take any such position as that. [Laughter.] But here is what I say: I say when you admit that so many votes have been stolen, it shows a disposition on the part of the election authorities (I do not say on the part of the contestee, because there is no evidence showing he did it, except that he is the beneficiary of it and insists upon it here)—it shows that the election authorities were rotten at heart somewhere, and it has its natural effect and a very powerful effect in discrediting the whole thing. They admit that these votes should go out. Now as to the proof. Suppose I were to assert that my horse was in Mr. Jones's stable the other night, and it should be proven that I had a horse, and the horse was a yellow horse, and that he was bobtailed, and that he had one glass eye, the other out, and he was a crop-eared horse. I introduce one witness, who says that there was a yellow horse in Jones's stable.

Mr. BURKE of Texas. And spavined.

Mr. LINNEY. And spavined besides, spavined as badly in all his legs as this election case is. You want to bring in proof that it was a yellow horse. That would not entitle me to recover. Here I prove that the horse is a yellow horse, and has a glass eye. That strengthens the matter a little. I prove that it is a yellow horse with one glass eye and the other out; that strengthens me still more. I prove that it is spavined in all four of its legs, and even the gentleman would then admit that there was no further doubt about it. Here is a still stronger case, and why do you not admit that this office does not belong to contestee? [Laughter.]

Now, sir, can any man in his right senses, with an educated conscience, especially if he has been trained in the schools of justice, uphold such a case? For lawyers, in my opinion, are the best people in the world—better than preachers. Not being under bond, more money passes through their hands in the course of their business in fiduciary relations, and not one in ten thousand was ever accused of embezzling a dollar. In every single thing, except election cases, when they get whipped they will shake hands with their opponents and acknowledge it. These things do not pertain in Texas. I exult with the gentleman over it. I glory with him in it. Let us go a little further.

Let me show to you. Here is a book with history in it. It is marked. It looks like an elephant had trampled over it where these marks appear; yet nearly every one of them is correct. Now let me read, and let us see. Here is the first precinct: 2 S's, Stephens and Stephenson; 2 C's, Carlye and Casey; 2 A's, Anderson and Anttolite; 2 B's, Burns and Burnett; and then 2 B's, Blondell and Beck; and then 2 D's, De Pass and Davenport; then 2 F's, Fogarty and Farrell; then 2 G's, Giddins and Grice; then 2 H's, Haley and Hall; 3 J's, Joynt, Janke, and Joynt. Let us analyze this. After the clerk had taken a fine sight on it, you find it goes in regular order, just the same as the order in the list of the House here.

Here are 5 C's; run through the alphabet, A, B, C, and you will find 2 M's, and down 2 N's. Here are a good many more A's and B's; at another place there are Ballentine, Beane, Bunting, Brown, and at another place Beale, Burress, Bynim, Bell. Then you will come to another group—Davis, Daugherty, Dutton, Donalson, Dant. Then you come to another—8 F's—Fisher, Faisen, Foster, Figura, 1 Brown, and then Fonce, Flood, Forbes, and Fisher. They run in alphabetical order. Then, going down into the H's, we have Hardisty, Holloway, Hickey, Hirtz, Harrison, Holloway, Higgins, Hope, Hudson, Hardtke, Hampton, Harrison, Hutchison, Hampton, Harrison, Hanwick, Hendricks, Hoffman.

Then we have 19 C's—Carter, Carter, Creekmore, Campbell, Coleman, Chandler, Chalk, Chamberlain, Cornick, Barcliff, Cooper, Chesseman, and then, with two or three other names intermixed, Campbell, Carter, Crocker, Cole, Cox, Carter, and Carter. And that is the way it goes all through. Good gracious alive, it is just as well regulated as possible! How is it possible for a poll list to be thus honestly constructed? I do not know. It may be that you keep your voters down there in the State of Virginia in pens alphabetically arranged—labeled. It may be you put labels on them down there and vote them in groups. It is almost as regularly arranged as it is here upon the roll of this House, and intelligent gentlemen, it seems to me, make a mistake in claiming that these names can honestly happen on the poll list in this way. That is what I say. It is put here dishonestly, and when we analyze it we find it is copied from the registration books. Gentlemen, you see I have been studying the rascality of the ballot boxes a long time, and I have now got two or three ideas about it.

Mr. BURKE of Texas. I thought the gentleman boasted that his State had honest election laws?

Mr. LINNEY. And even with honest election laws they steal a good many of our votes. How can these things happen? I know nothing about, and my brother knows nothing about, because he hates fraud and dishonesty in elections as much as I do; because he was raised in a healthy atmosphere and has enlarged intellectuality and fairness, growing out of the healthy atmosphere of that country.

I would pray God that the degrading hand of corruption may never visit the grand Commonwealth of Texas, like I fear it will under the provisions of a proposed law in the State of North Carolina, which is as grand a Commonwealth as there is among the States of the Union.

But grand as Texas is, grand as North Carolina is, neither one nor both combined can maintain their purity and their strength in the face of laws that are unequal, in the face of laws that permit the greatest crimes that man is ever called upon to engage in, where one party may have representation and the other may not. My friend, it will cause rivers of blood to run over this land of ours.

But let me call your attention to one thing. Suppose that in the next election North Carolina, grand and glorious as she is, should cast a vote at the polls which gives the electoral college by 11 votes to one man—I will say the present Administration—and by manipulation afterwards by the party organization that has control of the ballot box these electoral votes, by force and fraud, are taken and placed upon the other side; who can tell the result?

What man can draw the picture of the hazard, the great hazard, the start ing condition of affairs, growing out of that? Hence, I am an enthusiast upon this subject. I believe in endeavoring to correct this evil I am doing my people more good than in any other way. I am as modest about it as the gentleman from Texas [Mr. BURKE]. I have fought for it in the face of criticism, sometimes angry criticism, often from the press of my own State and my associates; and yet I have marched with you in an hour that tried men's souls, and I would elevate, dignify, and preserve the lives, the hearts, the consciences, the social excellences of the grand States of the South. We can not do it, my friend, except by purifying and strengthening the head springs of national life and by suppressing every indication and every force that looks toward the poisoning of those head springs.

What else? Let me call your attention to another thing. Here is the final tabulation of the matter, and the distinguished gentleman from Texas [Mr. BURKE], coming up to that legal principle recognized in Father Boyle's case, recognized everywhere where there are lawyers worthy of the name—let me call your attention to it. He presents it in three different aspects in the light of the testimony. What are they? The record starts out on page 1 by showing that the contestee got 5,979 votes more than the contestant; but the minority report says the contestee was not elected by that. What do they say? They say he was elected by one of three different pluralities.

Now, listen, and I address your intelligence and your educated consciences; I address your judicial fairness. According to the very best position that the ingenious gentleman could take is this for the contestee: Counting the certificates, he gives the contestee 10,161 votes and Wise 6,877, a plurality of 3,735, whereas the returns gave the contestee 5,979, an admission of the vast column of 2,240 fraudulent votes. That is more men than assaulted Harpers Ferry during the war. There were only 570 of us, and they had to attack and overcome over 2,000 of the enemy. Were you there, my friend? I was. I witnessed it, and it made my heart glad. Here were three times the force whose cannon and live bayonets overcame 2,000 of as brave men probably as ever lived and caused them to surrender at Harpers Ferry. I say here are three times that number that have the mark of the beast upon them.

What else? There is a principle of law, I believe, that every

presumption is taken against the pleader. You are to look upon the pleadings in the light most unfavorable to the pleader; and if the pleader in the face of the case makes an admission to his detriment, you are to adopt that phase of the case; you are to adopt that admission, rather than the one most favorable to him.

Now, the best showing you can make involves an admission of 2,240 fraudulent votes. The next best involves an admission of 3,020 votes, and the next an admission of 3,301, and, counting the last, involves an admission of 5,080 votes in a total of 5,970 votes; claiming the little, narrow, slender peg of 879 votes upon which they stand. The returns upon which the contestee's case rests gave 5,979 votes plurality. Now, if 5,080 were illegal, I maintain that there can be no hesitancy whatever in saying that these returns have been assailed throughout. It seems to me that this is established beyond controversy.

Mr. DOLLIVER. Will my friend allow me to ask him a question?

Mr. LINNEY. Certainly.

Mr. DOLLIVER. What list was the gentleman reading from?

Mr. LINNEY. The poll list in the city of Norfolk.

Mr. DOLLIVER. A list of the votes that were cast?

Mr. LINNEY. Yes; as they were cast.

Mr. DOLLIVER. All cast in alphabetical order?

Mr. LINNEY. Yes; as I read it, nearly all, and it is morally impossible that that thing could have occurred honestly.

Now, gentlemen, I want to talk just a little while longer; I will not consume much time. I have felt keenly the criticism that has been bestowed upon me by my Southern friends. I am a Southerner myself. I was a Southern soldier. God knows I have had a hard enough struggle to fight the battle of life with even a moderate degree of success. I went into the army uneducated. I came out wounded, with a great roll of flesh cut to the length of 7 inches on my right side by a minie ball. I had to make my struggle not by resort to trickery, but by an endeavor to occupy an honorable position in the legal profession. I love the South. I love North Carolina. I love Texas. I would stop these outrages occurring in some of the Southern States. My Southern brethren show no sympathy for me; they criticise my motives; they assail me grossly and even brutally. I believe that North and South should unite in crushing out the demon that leaves his tracks upon election precincts and election boards.

A few days ago, feeling badly about this matter, I ran over in my mind as I sat in my seat here the names of some of the great men of the South. I thought of old Governor Morehead; I thought of some of the great men of Texas; I thought of that grand family in Georgia, the Bartlett family, from whom Judge BARTLETT, a member of this House, descended. Foremost in my mind came the name of Prentiss—one of the grandest men the South has ever had—a noble representative of Whig ideas. I thought of Prentiss defending the cause of the South with a loyalty greater than that with which the Apostle Peter followed the Nazarene. It did not require the crowing of a cock to remind him of his loyalty. I knew that other distinguished men all over the South looked upon Prentiss as divine.

I decided I would get, if I could, the voice of Prentiss to see whether or not he would sympathize with my humble efforts to correct or cure that disease which I think I have shown obtains in some portions of the South, and obtains probably to the highest degree in that greatest of the States of the South, Virginia. I found great consolation when I stumbled upon the burning eloquence of Prentiss. Words, it is sometimes said, are lifeless; yet at times they become as burning coals; they sometimes burn with a flame that sweeps everything before it and may shake a nation. If the words of anyone can have this power, it is the words of Prentiss. I will repeat them in vindication of the course that I have taken here. I take this language from the Memoirs of Prentiss, written by his brother. Sargent Prentiss sprang from Maine and became afterwards a citizen of Mississippi. Says his biographer:

> He was much concerned "about two perils that menaced the peace and integrity of a State—repudiation and wrongs against the elective franchise. His biographer says his abhorrence of repudiation amounted to a passion so intense and withering that for several years it consumed his peace, sundered old ties, and embittered the very springs of life. To the day of his death the scars of this conflict, as the leader of the Whigs against the policy of Governor McNutt, remained upon his heart."
>
> His abhorrence of wrongs against the elective franchise was even more pronounced.
>
> The elective franchise—

Said this "man divine," as a great Representative from Mississippi spoke to me of him the other day—

> The elective franchise is the promethean spark which imparts life and soul to our whole system, without which all our institutions are but inanimate things, dull, cold, and senseless statues. In your situation even good intentions will not justify error At your hands the American people will require a strict account of the Constitution, of which you are appointed guardians, and over whose most vital part a fatal stab is now impending. You can not respond as did the first fratricide: "Who made me keeper of my brother Abel." To you is intrusted the keeping of the Constitution. See that you rob it not of its richest treasure. No party dares tamper with the elective franchise. No party dares remove a corner stone at the risk of bringing the whole fabric tumbling upon their ears. No party dares place a match to a magazine whose explosion they must know will blow them to atoms. The people must guard with more than Argus vigilance the right of representation, for it has not been long since their fathers fought for it, and woe betide the party which shall attempt to steal from them the Hesperian fruit.

If you assail me, recollect that Prentiss, the sole worshiped hero of Whig politics, has arraigned corruption at the ballot box with much more force than I can ever hope to do. If you laugh at what the living know about these things, you should at least revere the memory of the lion-hearted Prentiss, the crowning glory of whose life was that he struggled for fair elections.

Gentlemen, I recollect that when a boy I delighted in reading Æsop's Fables. I recollect reading of the college over which Xenophon presided and where the philosopher Æsop was trained. On one occasion he was called upon to analyze an important question—something like the contention between our friends here over the headsprings of national life.

The great philosopher on one occasion used this fable: Mr. Frog visited the house of Mr. Rat. He was so well pleased with the conduct of Mr. Rat and the kindness of Mr. Rat that he reciprocated the favor by inviting Mr. Rat to go to his home, and in order to make Mr. Rat perfectly secure in the voyage, he caused the hind legs of the rat to be fastened with twine to his hind legs, and plunging into the surging billows of the ocean, carried Mr. Rat over the turbulent watery highway to the home of the frog. On the way the rat perished, and the frog being held up by the dead body of the rat, an eagle, taking in the situation, swooped down upon the two, and both frog and rat were carried into the air and perished.

Gentlemen of this Congress, citizens of this Republic, there is now a struggle going on over that which is the very foundation of national life and vigor. The hawks of despotism are hovering over us, and at a time when the hands of fraud are placed upon the source of the people's power these black hawks of despotism may swoop down upon us, destroying both those who use these corrupt methods and the victims thereof. Let me ask this House by its judgment to give its solemn condemnation of all such methods, and thereby place an additional sentinel at the gateway of the Ark of the Covenant of the patriot's God. If we fail to do this, even I, old and weak as I am, may live to see the day when not only the States where these vile practices obtain but every part of this matchless Government may be robbed of its majesty and its glory. See to it, gentlemen of the House, that we restrain, as far as we can, this tendency to evil, by rendering a decision that corresponds with legal demands and that will meet the requirements of an enlarged intellectuality and of an educated conscience. [Applause on the Republican side.]

Mr. WEEKS. Mr. Speaker, by agreement with gentlemen on the other side, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 12 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the case of the schooner *William and Mary*, Benjamin Hilton, master, against the United States—to the Committee on Claims, and ordered to be printed.

A letter from the Acting Secretary of War, recommending an appropriation to reimburse the State of Idaho for the use of certain ordnance stores, etc.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of War, transmitting additional claims for damages alleged to have been caused by United States troops in the war with Spain—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. PEARRE, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 9047) to incorporate the Washington Telephone Company, and permit it to install, maintain, and operate a telephone plant and exchanges in the District of Columbia, reported the same with amendment, accompanied by a report (No. 586); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. HOFFECKER, from the Committee on Invalid Pensions,

to which was referred the bill of the House (H. R. 3869) granting a pension to Joseph H. Hamrick, reported the same with amendment, accompanied by a report (No. 578); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6089) to pension Alfred T. Moreland, reported the same with amendment, accompanied by a report (No. 579); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 737) granting a pension to Cyntha A. Middleton, reported the same with amendment, accompanied by a report (No. 580); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8390) granting an increase of pension to Joshua Mitchell, reported the same with amendment, accompanied by a report (No. 581); which said bill and report were referred to the Private Calendar.

Mr. HEDGE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5171) to increase the pension of William R. Wallace, reported the same with amendment, accompanied by a report (No. 582); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 240) granting an increase of pension to George W. Wakefield, of Pawtucket, R. I., reported the same with amendment, accompanied by a report (No. 583); which said bill and report were referred to the Private Calendar.

Mr. NORTON of Ohio, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1946) granting a pension to Jane F. Chalmers, reported the same with amendment, accompanied by a report (No. 584); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 2456) for the relief of the heirs and assignees of Philip McLoskey and John Hagan, reported the same without amendment, accompanied by a report (No. 585); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 6094) granting a pension to William Cromie—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9382) granting a pension to Adella M. Anthony—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. GASTON: A bill (H. R. 9387) to give the Secretary of War authority to furnish certain number of Official War Records to the Senators and Representatives of the Fifty-sixth Congress—to the Committee on Military Affairs.

By Mr. SIBLEY: A bill (H. R. 9388) to provide better facilities for the safe-keeping and disbursement of public moneys in the Philippine Islands and in the islands of Cuba and Puerto Rico—to the Committee on Insular Affairs.

By Mr. BENTON: A bill (H. R. 9389) to authorize the Seneca Telephone Company to construct and maintain lines in the Indian Territory—to the Committee on Indian Affairs.

By Mr. ALDRICH: A bill (H. R. 9390) to require contestees in contested-election cases to give bond to the United States—to the Committee on Elections No. 1.

Also, a bill (H. R. 9391) to punish offenses against the elective franchise—to the Committee on Election of President, Vice-President, and Representatives in Congress.

By Mr. KAHN: A bill (H. R. 9392) to amend sections 2731 and 2732 of the Revised Statutes, so as to increase the salary of the assistant appraisers at San Francisco, Cal., from $2,500 a year to $3,000 a year—to the Committee on Ways and Means.

By Mr. BROMWELL: A bill (H. R. 9393) to extend the uses of the mail service—to the Committee on the Post-Office and Post-Roads.

By Mr. MERCER: A bill (H. R. 9394) to increase subtreasury facilities of the West, and for other purposes—to the Committee on Ways and Means.

By Mr. ROBERTS: A joint resolution (H. J. Res. 199) authorizing the President of the United States to arrange a conference between the United States and nations possessing territory on the American continent for the settlement of boundary disputes—to the Committee on Foreign Affairs.

By Mr. FITZGERALD of Massachusetts: A resolution (H. Res. 173) directing the Secretary of the Navy to furnish information relative to the building of war ships in Government yards of foreign countries—to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BRENNER: A bill (H. R. 9395) granting an increase of pension to Sarah M. Wakenshaw—to the Committee on Invalid Pensions.

By Mr. BINGHAM: A bill (H. R. 9396) to change the name of the steamship *Paris*—to the Committee on the Merchant Marine and Fisheries.

By Mr. CALDWELL (by request): A bill (H. R. 9397) granting an increase of pension to Myrtila J. Waddell—to the Committee on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 9398) granting an increase of pension to G. P. Wood—to the Committee on Invalid Pensions.

By Mr. CATCHINGS: A bill (H. R. 9399) for the relief of Mrs. Harriet Miles, of Warren County, Miss.—to the Committee on War Claims.

By Mr. CURTIS: A bill (H. R. 9400) for the relief of Rebecca Coppinger—to the Committee on Pensions.

By Mr. DE ARMOND: A bill (H. R. 9401) granting an increase of pension to Charles McIntire—to the Committee on Invalid Pensions.

By Mr. HULL: A bill (H. R. 9402) granting a pension to Mary J. Lerew (now Weaver)—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9403) granting a pension to Hezekiah F. McManus—to the Committee on Invalid Pensions.

By Mr. HALL: A bill (H. R. 9404) granting a pension to Elizabeth Hendricks, of Dubois, Pa.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9405) granting a pension to Annie E. Hetherington, of Rimersburg, Pa.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9406) granting an honorable discharge to Alby F. Holes, of Curwensville, Pa.—to the Committee on Military Affairs.

Also, a bill (H. R. 9407) granting an increase of pension to S. H. Griffith, of Axe Mann, Pa.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9408) granting an increase of pension to George W. Gates, of Nittany, Pa.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9409) granting an increase of pension to Oliver P. Alsbach, of Luthersburg, Pa.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9410) granting an increase of pension to John G. Tate, of Frogtown, Pa.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9411) granting an increase of pension to Fannie M. Lorain, of Philipsburg, Pa.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9412) granting an honorable discharge to W. A. Jackson, of Lajose, Clearfield County, Pa.—to the Committee on Military Affairs.

Also, a bill (H. R. 9413) granting an honorable discharge to William J. Miller, of Strattonville, Pa.—to the Committee on Military Affairs.

Also, a bill (H. R. 9414) granting an honorable discharge to J. B. Miller, of Caledonia, Pa.—to the Committee on Military Affairs.

Also, a bill (H. R. 9415) granting an honorable discharge to Godlieb Best, of Church, Clarion County, Pa.—to the Committee on Military Affairs.

By Mr. HAUGEN: A bill (H. R. 9416) to remove the charge of desertion and grant an honorable discharge to Frank Averill—to the Committee on Military Affairs.

By Mr. LENTZ: A bill (H. R. 9417) granting a pension to Anna L. Collins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9418) to correct the muster roll of William F. Barr—to the Committee on Military Affairs.

By Mr. LORIMER: A bill (H. R. 9419) granting a pension to Mrs. H. P. Cotter—to the Committee on Invalid Pensions.

By Mr. MAHON: A bill (H. R. 9420) for the relief of the estate of Maj. Gen. Henry W. Lawton—to the Committee on War Claims.

By Mr. MANN: A bill (H. R. 9421) to amend the record of Capt. Tenodor Ten Eyck—to the Committee on Military Affairs.

By Mr. MESICK: A bill (H. R. 9422) granting an increase of pension to Martin Joy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9423) granting an increase of pension to David Herren—to the Committee on Invalid Pensions.

By Mr. MINOR: A bill (H. R. 9424) granting an increase of pension to George Cronk—to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 9425) for the relief of John Heirick—to the Committee on Military Affairs.

Also, a bill (H. R. 9426) for the relief of Nathan Collins—to the Committee on Military Affairs.

By Mr. NEVILLE: A bill (H. R. 9427) to correct the record of Robert Ellison, deceased, on the records of the War Department—to the Committee on Military Affairs.

By Mr. PEARRE: A bill (H. R. 9428) granting a pension to George E. Henneberger—to the Committee on Invalid Pensions.

By Mr. PEARCE of Missouri: A bill (H. R. 9429) granting a pension to Charles Etzel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9430) to authorize the payment of prize money to the captors of the steamboat *New Era No. 5* and cargo—to the Committee on War Claims.

By Mr. SULLOWAY: A bill (H. R. 9431) granting an increase of pension to Eben H. Meader—to the Committee on Invalid Pensions.

By Mr. SHERMAN: A bill (H. R. 9432) granting a pension to Rufus Thompson—to the Committee on Invalid Pensions.

By Mr. SHAFROTH: A bill (H. R. 9433) granting an increase of pension to George A. Bruce—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9434) granting an increase of pension to Michael McKenzie—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9435) granting a pension to Frances M. Jordan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9436) granting an increase of pension to Pierce McKeough—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9437) granting a pension to Emma J. Cummings—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9438) granting a pension to Amos Marshall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9439) granting an increase of pension to Clark Gray—to the Committee on Invalid Pensions.

By Mr. VREELAND: A bill (H. R. 9440) granting a pension to Caroline M. Tryon, widow of Charles Tryon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9441) granting a pension to George W. Patterson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9442) granting a pension to Elizabeth Bentley, widow of James C. Bentley, late a member of Company G, Sixty-fourth Regiment New York Volunteers—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Company D, Fifty-second Regiment Iowa National Guard, in favor of House bill No. 7936, making an increase in the appropriation for arming and equipping the militia of the States and Territories—to the Committee on the Militia.

Also, petition of John Bruns and 19 other citizens of Bremer County, Ohio, in favor of the Grout bill, taxing oleomargarine—to the Committee on Agriculture.

By Mr. ADAMSON: Petition of R. O. Howard and other druggists, Columbus, Ga., for the repeal of the stamp tax on medicines, etc.—to the Committee on Ways and Means.

By Mr. BELL: Petitions of the Presbyterian Church and members of the high school of Del Norte, Colo., urging the enactment of a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

Also, petition of C. O. Rice, M. D., of Pueblo, Colo., urging the passage of a bill to improve the armament of the militia—to the Committee on the Militia.

Also, petitions of G. E. Blunt, of Sedalia, Colo., and V. W. Eggleston, of Cotopaxi, Colo., favoring the Grout bill, relating to dairy products—to the Committee on Agriculture.

Also, petitions of Fred. O. Roof and other citizens of Walsenburg, Colo., protesting against the ratification of the treaty with Argentina—to the Committee on Foreign Affairs.

Also, petition of H. B. Sager and other citizens of Walsenburg, Colo., against the leasing of public lands—to the Committee on the Public Lands.

By Mr. BURKETT: Petition of Martin Stowell Post, No. 302, Grand Army of the Republic, of Peru, Nebr., favoring the establishment of a Branch Soldiers' Home for disabled soldiers at or near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of H. Thiedemann, B. F. Garner, and others, of Hickman, Nebr., to amend the present law in relation to the sale of oleomargarine—to the Committee on Agriculture.

Also, petition of A. L. Pound, of Lincoln, Nebr., against the passage of House bill No. 6071—to the Committee on the Post-Office and Post-Roads.

Also, petition of Charles L. Coons and 90 other citizens of Peru, Nebr., for the passage of a bill giving prohibition to Hawaii—to the Committee on the Territories.

Also, petition of O. S. Ward and Porter Hedge and several other citizens of Lincoln, Nebr., in support of the House bill No. 4712, to provide for the detail of active and retired officers of the Army and Navy to assist in military education in public schools—to the Committee on Military Affairs.

By Mr. BURTON: Memorial of the Cincinnati Chamber of Commerce, favoring the passage of Senate bill No. 1439, to amend the act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. CAPRON: Statement showing the number of operatives employed in the mills in Woonsocket, R. I., to accompany bill for the erection of a public library in said city—to the Committee on Public Buildings and Grounds.

By Mr. CURTIS: Petition of the Kansas Association of Local Fire Insurance Agents, Salina, Kans., praying for favorable consideration of House bill No. 6247, to substitute a tax on the gross premiums of insurance companies in lieu of the stamp tax—to the Committee on Ways and Means.

Also, petition of C. B. Hypes, of Topeka, Kans., in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of E. C. Johnson Post, No. 336, Grand Army of the Republic, of Atchison, Kans., in favor of House bill No. 7094, for the establishment of a Branch Soldiers' Home at or near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. DALZELL: Petition of Swedish newspapers of McKeesport, Pa., against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of H. J. Barringer and other druggists of Chatham, N. Y., in favor of amendment of war-revenue law—to the Committee on Ways and Means.

By Mr. ESCH: Resolutions of the Mississippi Valley Lumbermen's Association, praying for a modification of the law making it a punishable offense to float or run logs on streams navigable by steamboats—to the Committee on Rivers and Harbors.

By Mr. FITZGERALD of Massachusetts: Petition of the graduate nurses in the State of Massachusetts, favoring the passage of House bill No. 6879, relating to the employment of graduate women nurses in the hospital service of the United States Army—to the Committee on Military Affairs.

Also, petition of William A. Connelly, druggist, of Boston, Mass., for the repeal of the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

Also, petition of the Manufacturing Jewelers' Association of Boston, Mass., against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the National Grain Growers' Cooperative Association, St. Paul, Minn., relating to foreign markets, American ships, Interstate Commerce Commission, Industrial Commission, crop reports, war tax on agricultural products, pure food, and various other subjects—to the Committee on Interstate and Foreign Commerce.

By Mr. GAMBLE: Petition of Dye & Hill, publishers of the Dakota Chief, Gann Valley, S. Dak., in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. GARDNER of New Jersey: Petitions of the Good Citizens' League, Union Methodist Episcopal Church, and Broad Street Methodist Episcopal Church, of Burlington, N. J., favoring the enactment of a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

Also, petition of George L. Forman and other clerks in the post-office at Trenton, N. J., in favor of the passage of House bill No. 4351, for the reclassification of salaries of clerks in post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. GREENE of Massachusetts: Petition of William Logan Rodman Post, No. 1, Grand Army of the Republic, of New Bedford, Mass., in favor of House bill No. 7094, to establish a Branch Soldiers' Home at or near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. GROUT: Resolutions of a meeting of fourth-class postmasters of Addison County, Vt., praying for the passage of the Cummings bill increasing the compensation of postmasters of the fourth-class post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. HALL: Petitions of John W. Geary Post, No. 90, of Phillipsburg, Pa., and Sergeant William I Post, No. 419, of Stormstown, Pa., Grand Army of the Republic, in support of House bill No. 7094, entitled "A bill to establish a Branch Soldiers' Home at or near Johnson City, Washington County, Tenn."—to the Committee on Military Affairs.

By Mr. HULL: Resolutions of Company H, Fifty-first Regiment Iowa National Guard, favoring the passage of House bill No. 7936, increasing the appropriations for arming and equipping the military of the States and Territories—to the Committee on Militia.

Also, petition of the Ministerial Association of Des Moines, Iowa, urging the enactment of a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

By Mr. KNOX: Resolutions of Ladd & Whitney Post, No. 185, Grand Army of the Republic, of Lowell, Mass., in favor of House bill No. 7094, to establish a Branch Soldiers' Home at or near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. LOUDENSLAGER: Petition of the Woman's Christian Temperance Union of Daretown, N. J., urging the enactment of a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

By Mr. LENTZ: Papers to accompany House bill to correct the military record of William F. Barr, of Brice, Ohio—to the Committee on Military Affairs.

By Mr. MANN: Resolutions of the First Cavalry Illinois National Guards, favoring the passage of House bill No. 7936, increasing the appropriations for arming and equipping the military of the States and Territories—to the Committee on Militia.

Also, petition of Smith, Rothermel & Hasbrouck and other insurance firms of Chicago, Ill., in favor of the bill to substitute a tax on the gross premiums of insurance companies in lieu of the stamp tax—to the Committee on Ways and Means.

Also, petition of Jenkin Lloyd Jones, editor of Unity, Chicago, Ill., in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Chicago Typographical Union No. 16, Chicago, Ill., in favor of the passage of House bill No. 6872, to print the label of the Allied Printing Trades on all publications of the Government; also favoring bill 6882, relating to hours of daily service, and bill 5440, to protect free labor from prison labor—to the Committee on Labor.

Also, affidavit of W. H. Smith, to accompany House bill granting a pension to Lucy D. Young—to the Committee on Pensions.

By Mr. MERCER: Protests of R. F. Hodgin, J. A. Helgren, Hugh McIntosh, John Rosick, and John L. Pierce, of Omaha, Nebr., against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, letters of John H. Klinker and J. H. Sullis, of Benson, Nebr., in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

Also, protest of the Omaha (Nebr.) Central Labor Union and the Building Trades Council of Omaha, against the leasing of public lands—to the Committee on the Public Lands.

By Mr. MESICK: Petition of First Methodist Episcopal Church of Reed City, Mich., urging the enactment of a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

By Mr. NEVILLE: Petitions of Reuben Lisco and other citizens of Deuel County, Nebr., and Max Beer and others, of North Platte, Ewing, and Belmont, Nebr., asking that the Government continue the manufacture and distribution of blackleg vaccine—to the Committee on Agriculture.

By Mr. NOONAN: Resolution of the Chicago Board of Trade, in favor of Senate bill No. 1439, relating to an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. PAYNE: Papers to accompany House bill No. 9582, for the relief of Adella M., widow of William Anthony, of U. S. S. *Maine*—to the Committee on Invalid Pensions.

Also, petition of the Woman's Christian Temperance Union of East Auburn, N. Y., for the prohibition of the sale of liquor in Army canteens, etc.—to the Committee on Military Affairs.

By Mr. RIDGELY: Petition of Tapping Post, No. 268, Grand Army of the Republic, of Altamont, Kans., favoring the establishment of a Branch Soldiers' Home for disabled soldiers at or near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. RIXEY: Papers to accompany House bill No. 9230, for the relief of Mrs. Bessie H. Lester, of Culpeper, Va.—to the Committee on Claims.

By Mr. SHATTUC: Resolution of the Chamber of Commerce of Cincinnati, Ohio, favoring the passage of Senate bill No. 1439, to amend the act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. HENRY C. SMITH: Papers to accompany House bill granting a pension to Casper Miller—to the Committee on Invalid Pensions.

Also, statement to accompany House bill for the relief of Mrs. Mary F. Gray—to the Committee on Invalid Pensions.

By Mr. SPRAGUE: Petition of George H. Maintien Post, No. 133, Grand Army of the Republic, of Plainville, Mass., in favor of House bill No. 7094, for the establishment of a Branch Soldiers' Home at or near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. VREELAND: Petitions of T. D. Welch and others, of West Almond; Michael Zister and others, of Allegany; C. Haskell and others, of Freedom; H. D. Palmer and others, of Almond, N. Y., for a law subjecting food and dairy products to the laws of the State or Territory into which they are imported—to the Committee on Interstate and Foreign Commerce.

By Mr. WEAVER: Petition of the Herb Medicine Company, of Springfield, Ohio, for the repeal of the stamp tax on medicines—to the Committee on Ways and Means.

Also, petition of Z. W. Mitchell, of Springfield, Ohio, in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. WEEKS: Petition of the Elysian Manufacturing Company, Detroit, Mich., for the repeal of the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. WILSON of New York: Resolutions of War Veterans and Sons' Association, of Brooklyn, recommending the construction of war vessels in the Brooklyn Navy-Yard—to the Committee on Naval Affairs.

SENATE.

MONDAY, *March 12, 1900.*

The Senate met at 10 o'clock a. m.

Prayer by Rev. STOWELL L. BRYANT, of the city of Washington.

The Secretary proceeded to read the Journal of the proceedings of Saturday last.

Mr. CARTER. I ask that the further reading of the Journal be dispensed with.

Mr. COCKRELL. No; let the Journal be read. It will take only a minute or two.

Mr. CARTER. Very well.

The Secretary resumed and concluded the reading of the Journal, and it was approved.

Mr. COCKRELL. I ask unanimous consent that the morning hour may begin at 12 o'clock to-day.

The PRESIDENT pro tempore. The Senator from Missouri asks unanimous consent that the morning hour may commence to-day at 12 o'clock. Is there objection? The Chair hears none, and it so ordered.

Mr. CARTER. I ask that the order made by unanimous consent be now executed by proceeding to read the remainder of the Alaskan bill.

CIVIL GOVERNMENT FOR ALASKA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3419) making further provision for a civil government for Alaska, and for other purposes.

The Secretary resumed the reading of the bill at section 735, page 321, and read to the end of section 1068, on page 444.

Mr. BATE. The time allowed for the formal reading of the bill this morning has now been concluded.

The PRESIDENT pro tempore. Petitions and memorials are in order.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented memorials of the Telephone Items; Fabrics, Fancy Goods, and Notions, and the Washington County Advertiser, of Fort Edward, all in the State of New York, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post Offices and Post-Roads.

He also presented a petition of Local Lodge No. 196, International Association of Machinists, of Watervliet, N. Y., praying for the enactment of legislation to increase the salary of machinists employed in the Government Printing Office, at Washington, D. C.; which was referred to the Committee on Printing.

He also presented a petition of Local Union No. 715, United Brotherhood of Carpenters and Joiners, of New York City, praying for the enactment of legislation to protect free labor from prison competition, and also to regulate the hours of daily service of laborers and mechanics employed upon the public works of the

United States; which was referred to the Committee on Education and Labor.

He also presented a petition of Cherry Creek Grange, No. 527, Patrons of Husbandry, of Cherry Creek, N. Y., praying for the enactment of legislation to regulate the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

Mr. PENROSE presented a petition of sundry citizens of Sligo, Pa., praying for the adoption of certain amendments to the interstate commerce law; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Commercial Exchange of Philadelphia, Pa., praying for the enactment of legislation to increase American shipping; which was ordered to lie on the table.

He also presented a petition of Valley Grange, No. 52, Patrons of Husbandry, of Millville, Pa., praying that appropriations be made for the extension of the rural free-delivery system; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Trades and Labor Assembly of Newcastle, Pa., praying for the enactment of legislation to protect free labor from prison competition, and also to regulate the hours of daily service of laborers and mechanics employed upon the public works of the United States; which was referred to the Committee on Education and Labor.

He also presented a petition of 48 citizens of Allentown, Pa., and a petition of 79 citizens of Corry, Pa., praying for the establishment of an Army veterinary corps; which were referred to the Committee on Military Affairs.

He also presented a petition of 176 citizens of Reading, Pa., and a petition of the Woman's Christian Temperance Union of Landisville, Pa., praying for the enactment of legislation to prohibit the importation, manufacture, and sale of intoxicating liquors and the importation and sale of opium in Hawaii; which were referred to the Committee on Pacific Islands and Puerto Rico.

He also presented a petition of sundry citizens of Johnstown and Ebensburg, Pa., praying for the enactment of legislation to restrict American traders in the New Hebrides Islands from selling firearms and intoxicating liquors to the natives; which was referred to the Committee on Foreign Relations.

He also presented a petition of 72 railway mail clerks of Pennsylvania praying for the enactment of legislation to provide for the classification of clerks in first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. HEITFELD presented the petition of Ida M. Weaver, president, and Frances M. Wood, secretary, on behalf of the Equal Suffrage Association of Idaho, praying that the word "male" be eliminated from the suffrage clauses of the constitution to be formed for the government of Hawaii, Cuba, Puerto Rico, and other new territories; which was referred to the Committee on Pacific Islands and Puerto Rico.

Mr. ALLEN presented memorials of the Herald, of Juniata; the Platte River Zeitung, of Fremont, and the News-Herald, of Fairfield, all in the State of Nebraska, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Local Union No. 57, International Brotherhood of Bookbinders, of Omaha; of the Commercial Club, of Hastings, and of sundry citizens of Hooker County, all in the State of Nebraska, praying for the construction of irrigation works required for the reclamation and settlement of the arid public lands, and also that all the public lands be held for the benefit of the whole people, and that no grants of title to any of these lands be given to any but actual settlers and home builders thereon; which were referred to the Committee on Irrigation and Reclamation of Arid lands.

Mr. CULBERSON presented the petition of D. F. Sutherland, representative of the Twentieth district in the Texas legislature, praying for the establishment of a national industrial institute for the girls of this country; which was referred to the Committee on Eduction and Labor, and ordered to be printed in the RECORD, as follows:

To the Congress of the United States:

I come to you in the name of 5,000,000 women of these United States, in the name of our mothers, wives, sisters, and daughters, and ask you, the representatives of the greatest nation in the world, for the enactment of a law establishing a national industrial institute for the girls of this our common country.

That such a school is necessary does not need to be argued.

To provide for the common defense Congress has established the Military Academy at West Point and the Naval Academy at Annapolis; of these institutions every American citizen is proud. From these our young men go forth prepared to fight the battles of our country, and to lead our armies on to victory, better educated in the art of scientific killing.

Our greatest battles, the ones which determine the destiny of this nation, are the bloodless ones fought in the home, fought by the wife and the mother. Here the true principles of justice are established, the foundations of domestic tranquillity first laid, the general welfare promoted, and the blessings of liberty to ourselves and our posterity receive their original guaranty.

Congress has power to provide for the general welfare, and who would or could say that the general welfare would not be promoted by the establishing of a national institute where our girls could be better educated in all those things necessary to a well-regulated and well-governed home, which must send forth the future men and women of this country on whom we must depend for the perpetuation of our national honor and glory.

If you will give them this school the time will soon come when its good influence will be felt in every home from one end of this country to the other, and its blessings will permeate every department of our National Government.

Its cost would be but a small item compared to the general good accomplished.

Let Congress say to the women of America, "We are educating our boys at West Point and Annapolis that they may be prepared against the day of battle when the hour of bloody conflict must come, and we will educate our girls that they may be better qualified for the higher and important duties of life and home."

The women of this country want and need an industrial school, and especially is this true of the poorer classes.

Thousands of poor girls in this country would hail with delight the establishing of a school by this Government where they could prepare themselves for a life of usefulness and happiness instead of eking out a mere existence, as they are now compelled to do. Does not this Government owe this to the women of America who have given their husbands and sons to make and execute its laws and their boys to die for its flag?

It matters little to them where this school is located, but that it is located somewhere matters much.

There is a city in Texas where this school could be established, the equal, if not the superior, to any other place for this purpose in the United States. Here the climate is as genial as in sun-kissed Italy, the water as pure as ever gushed from the mountains, a constant breeze which fans the rosy tint to the cheek again, water as healing as the pool of Siloam, the great health emporium of the Southwest, San Antonio. In this city the well stay well and thousands come here and get well. Let the national industrial institute for girls be built, and should it come to Texas and San Antonio, our people will join hands with the United States Government in no uncertain way, and the people of this country shall know that we think that there is nothing too good for American women. For them I plead to you and plead now.

D. F. SUTHERLAND,
Representative Twentieth District in Texas Legislature.

Mr. BURROWS presented the petition of Edward M. Clark and 10 other citizens of Lansing, Mich., and the petition of William C. Markham and 3 other citizens of Charlotte, Mich., praying for the enactment of legislation to provide for the classification of clerks in first and second class post-offices; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of John J. Reynolds and sundry other citizens of Battle Creek, Mich., and the petition of A. S. Burson and sundry other citizens of Kalamazoo, Mich., praying for the enactment of legislation to grade substitute letter carriers; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Michigan Malleable Iron Company, of Detroit; the Aspinwall Manufacturing Company, of Jackson; the Gale Manufacturing Company, of Albion; the Fuller Buggy Company, of Jackson; the T. M. Bissell Plow Company, of Eaton Rapids; the American Harrow Company, of Detroit; the White Lead Works, of Detroit; the Varnish Company, of Detroit; the Steel and Spring Company, of Detroit, and the Acme White Lead and Color Works, of Detroit, all in the State of Michigan, praying that an appropriation be made to provide for the construction of a new fireproof Patent Office building; which were referred to the Committee on Public Buildings and Grounds.

He also presented memorials of the Bay View Magazine, of Flint; the News, of Morenci; the Observer and the Ideal, of Luther; the Banner, of Hastings; the News, of Coral; the Philanthropic Index and Review, of Kalamazoo; the Messenger, of South Haven; the Monitor, of Fife Lake; the Signal, of Springport; the Leader, of Grand Marais; the Visitor, of Bangor; the Sentinel, of Utica; the Herald, of Casnovia; the Le Patriote, of Bay City; the Michigan Volksblatt, of Detroit; the Clarion, of Lapeer; the Banner, of Brown City; the State Republican, of Lansing; the Observer, of Romeo; the Justice, of Detroit; the Michigan Artisan, of Grand Rapids, and the Record, of Watervliet, all in the State of Michigan, remonstrating against the passage of the so-called Loud bill relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. GALLINGER. I present the memorial of Helena Hartned Mitchell, president, and Helen E. Jamison, secretary, of the Junior Equal Suffrage Club of the District of Columbia, remonstrating against the insertion of the word "male" in the suffrage clause of whatever form of government shall be recommended for Hawaii, Cuba, Puerto Rico, or any other newly acquired possessions; and also a letter on the same subject from Susan B. Anthony. I move that the memorial and accompanying letter be referred to the Select Committee on Woman Suffrage.

The motion was agreed to.

Mr. COCKRELL presented a paper to accompany the bill (S. 3125) granting a pension to Emily A. Larimer; which was referred to the Committee on Pensions.

MONEYS DUE THE CHEROKEE INDIANS.

Mr. COCKRELL. I present a petition of the Eastern or Emigrant Cherokees, so called, praying for the payment to them per capita of the fund pledged to them by the ninth article of the treaty of 1846 and found due them by the award of the Executive

Department of the United States, as authorized by the act of Congress of March 3, 1893. Accompanying the petition are certain exhibits which are very important, and I move that the petition and papers be printed as a document, and referred to the Committee on Indian Affairs.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. CARTER, from the Committee on Military Affairs, to whom was referred the bill (S. 3063) for the relief of Charles Hurrle, reported it with an amendment, and submitted a report thereon.

Mr. PERKINS, from the Committee on Fisheries, to whom was referred the bill (S. 3353) to establish a fish hatching and fish station in the State of Indiana, reported it with an amendment, and submitted a report thereon.

Mr. HOAR, from the Committee on the Judiciary, to whom was referred the bill (S. 3254) to amend section 953 of the Revised Statutes of the United States, relating to the signing of a bill of exceptions, reported it without amendment.

Mr. PETTUS, from the Committee on the Judiciary, to whom was referred the bill (S. 1596) to equalize and regulate the duties of the judges of the districts courts of the United States in the State of Alabama, reported it with an amendment, and submitted a report thereon.

Mr. SULLIVAN. I am directed by the Committee on the District of Columbia, to whom the subject was referred, to report a joint resolution and submit a report thereon.

The joint resolution (S. R. 103) providing for the introduction of testimony in behalf of the defendant in all preliminary hearings of a criminal nature was read twice by its title.

JOHN W. GUMMO.

Mr. PENROSE. I move that the Committee on Claims be discharged from the further consideration of the bill (S. 2256) for the relief of John W. Gummo, and that the bill be referred to the Committee on Military Affairs.

The motion was agreed to.

BILLS INTRODUCED.

Mr. PENROSE introduced a bill (S. 3532) to correct the military record of Richard H. Lee; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3533) granting an increase of pension to Michael G. Lawrence; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3534) granting an increase of pension to Helen G. Heiner; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PLATT of New York introduced a bill (S. 3535) for the relief of the Brooklyn Ferry Company, of New York; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. GALLINGER introduced a bill (S. 3536) restoring to the pension roll the name of Mary J. Calvin; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SEWELL introduced a bill (S. 3537) to grant authority to change the name of the steamship *Paris;* which was read twice by its title, and referred to the Committee on Commerce.

Mr. SULLIVAN introduced a bill (S. 3538) for the relief of Lytle A. Rather, administrator of John Oswald, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3539) for the relief of Rachel R. McMullen, administratrix of Thomas J. McMullen; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. MORGAN introduced a bill (S. 3540) for the relief of the estate of Alfred Hambrick, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. MASON introduced a bill (S. 3541) granting an increase of pension to Charles H. Holt; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 3542) to provide for the education of the blind, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 3543) to authorize the President to appoint and retire John B. Jeffery with the rank and grade of major; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3544) to allow the Postmaster-General to grant leave of absence with full pay (in addition to the leave now granted by law) to any letter carrier or employee in a free-delivery post-office; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

He also introduced a bill (S. 3545) for the relief of Mrs. Lavinia M. Payne; which was read twice by its title, and referred to the Committee on Claims.

Mr. TELLER (by request) introduced a bill (S. 3546) to authorize the acquisition of square No. 229, in the city of Washington, D. C., and providing for a hall of records, and for other purposes; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

CIVIL GOVERNMENT FOR ALASKA.

Mr. WARREN submitted four amendments intended to be proposed by him to the bill (S. 3419) making further provision for a civil government for Alaska, and for other purposes; which were ordered to be printed.

ESTATE OF JOHN BIRDSALL, DECEASED.

Mr. PLATT of New York submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of State be, and he is hereby, requested to furnish the Senate with copies of the correspondence between the Department of State and Mrs. Annie Birdsall, administratrix of the estate of John Birdsall, deceased, or her attorney, and also copies of the correspondence between the Department of State and the Attorney-General in regard to the protest and claim of the said administratrix.

INTERVENTION IN SOUTH AFRICAN WAR.

Mr. ALLEN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President be requested, if not incompatible with the public interest, to inform the Senate whether or not any communication has been received by this Government from its consular representative at Pretoria embodying the request of the Presidents of the South African Republics for mediation or intervention with a view to ending the war now in progress between these Republics and Great Britain as reported in the public press; and, if not incompatible with the public interest, to furnish the Senate with copies of such communication or communications.

YELLOWSTONE NATIONAL PARK.

Mr. CARTER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be directed to transmit to the Senate copies of all communications received by the Department from Hiram M. Chittenden, engineer in charge of improvements in the Yellowstone National Park, relative to present condition and appropriate plans for the development of the system of roads in said park.

RAILROAD TRESTLES IN WASHINGTON COUNTY, ME.

The PRESIDENT pro tempore. The morning business is closed.

Mr. RAWLINS. Mr. President——

Mr. HALE. I should like very much to have the Senate take up and pass a local bill.

The PRESIDENT pro tempore. Will the Senator from Utah yield to the Senator from Maine?

Mr. RAWLINS. Yes, sir; I yield for that purpose.

Mr. HALE. I ask the Senate to proceed to the consideration of the bill (S. 2679) declaring certain trestles of the Washington County Railroad Company to be lawful structures.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments.

The first amendment was, in section 1, page 2, line 3, after the word "structures," to strike out the words:

In their present position, condition, and elevation, and shall be so held and taken to be, anything in any law or laws of the United States to the contrary notwithstanding.

And in lieu thereof to insert the following proviso:

Provided, That such modifications are made in their present position, condition, and elevation as the Secretary of War may order in the interests of navigation.

So as to make the section read:

That the trestle on the Eastport Branch of the Washington County Railroad, being the property of the Washington County Railroad Company, and running from the extreme point of land south of Pleasant Point, in the town of Perry, county of Washington and State of Maine, to the extreme northern end of Carlows Island, in the town of Eastport, in said county and State; and a certain other trestle, also the property of said railroad company, in the East Machias River, in said county of Washington and State of Maine, at the extreme end of said river, near the village of East Machias in said county and State, be, and both of said trestles hereby are, declared to be lawful structures: *Provided*, That such modifications are made in their present position, condition, and elevation as the Secretary of War may order in the interests of navigation.

The amendment was agreed to.

The next amendment was to strike out section 2, in the following words:

SEC. 2. That the Washington County Railroad Company, its successors or assigns, is authorized to have and maintain its said trestles at their present site and elevation and in their present condition.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SALES OF INDIAN LANDS IN NEBRASKA AND KANSAS.

Mr. WARREN. I desire to call up for passage the bill (S. 3207) approving a revision and adjustment of certain sales of Otoe and Missouria lands in the States of Nebraska and Kansas.

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Wyoming?

Mr. RAWLINS. I yield to the Senator.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with an amendment, on page 2, line 2, after the word "representatives," to strike out:

According to the provisions of the act of Congress approved March 3, 1893, entitled "An act to provide for the adjustment of certain sales of lands in the late reservation of the confederated Otoe and Missouria tribes of Indians in the States of Nebraska and Kansas."

And to insert:

In the following manner, to wit: The Secretary of the Interior shall cause notice to be given to said purchasers, their heirs and legal representatives, respectively, of the amounts of the deferred payments found to be due and unpaid on their respective purchases under the adjustment hereby confirmed; and within one year thereafter it shall be the duty of such purchasers, their heirs and representatives, respectively, to make full payment in cash of the amounts thus found to be due by them, severally, and in default of such payment within said period of one year the entry of any purchaser so in default shall be forthwith canceled and the lands shall be resold for the benefit of the Indians at not less than the appraised value thereof, and in no case at less than $2.50 per acre, as provided in the act under which they were originally sold. Upon making such complete payment within the time so fixed each purchaser, his heirs or legal representatives, shall be entitled to receive a patent for the lands so purchased.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CONSIDERATION OF PENSION BILLS.

Mr. GALLINGER. The Senator from Utah kindly consents that I may make a request of the Senate.

Mr. President, I rise to request that if at a quarter past 4 this afternoon no Senator shall be occupying the floor in the discussion of any public measure the Senate shall proceed to the consideration of unobjected pension bills on the Calendar, to continue until the hour of 5 o'clock.

The PRESIDENT pro tempore. From what time?

Mr. GALLINGER. From a quarter past 4.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent that at a quarter past 4 this afternoon, if no Senator is occupying or desires to occupy the floor, unobjected pension bills may be considered until 5. Is there objection? The Chair hears none, and it is so ordered.

Mr. TELLER. I did not understand what the request was.

The PRESIDENT pro tempore. That at a quarter past 4 o'clock this afternoon, if no Senator is occupying or desires to occupy the time, unobjected pension bills may be considered.

JOSEPH M'CUNE.

Mr. BURROWS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Michigan?

Mr. RAWLINS. Yes, sir.

Mr. BURROWS. I ask unanimous consent to call up the bill (H. R. 5299) granting an increase of pension to Joseph McCune.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph McCune, late of Company A, Sixth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

INDIANA STATE CLAIMS.

Mr. FAIRBANKS. I should like to have the permission of the Senator from Utah to ask for the present consideration of the joint resolution (S. R. 66) authorizing and directing the Secretary of the Treasury to pay certain claims of the State of Indiana.

Mr. RAWLINS. I yield to the Senator from Indiana.

The PRESIDENT pro tempore. The joint resolution has been read hitherto. Is there objection to its present consideration?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STEAMER THETIS.

Mr. PERKINS. If the Senator from Utah will kindly yield, I will ask unanimous consent to call up the bill (S. 3138) to provide for necessary repairs to the steamer *Thetis* for service as a revenue cutter.

Mr. RAWLINS. I yield to the Senator from California.

Mr. PERKINS. I thank the Senator from Utah.

The PRESIDENT pro tempore. The bill will be read for information.

The Secretary read the bill, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to appropriate $50,000 for the purposes of repairing and equipping the steamer *Thetis* for service as a vessel of the Revenue-Cutter Service.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RELATIONS WITH THE PHILIPPINES.

Mr. SULLIVAN. Mr. President, I give notice that on next Thursday, at the convenience of the Senate, after the routine morning business, I shall submit some remark on the question of our relations with the Philippines.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. H. L. OVERSTREET, one of its clerks, announced that the House had passed the following bills:

A bill (S. 35) granting a pension to Louise Donath;

A bill (S. 236) granting an increase of pension to Mary Ellen Lauriat;

A bill (S. 237) granting an increase of pension to Cutler D. Sanborn;

A bill (S. 240) granting a pension to Nancy Ellen Bessom;

A bill (S. 266) granting an increase of pension to William Hamley;

A bill (S. 526) granting an increase of pension to Joseph M. Waddell;

A bill (S. 548) granting an increase of pension to John F. McMahon;

A bill (S. 872) granting an increase of pension to William H. H. Nevitt;

A bill (S. 899) granting an increase of pension to Mary A. Dennis;

A bill (S. 917) granting an increase of pension to Sarah E. Campbell;

A bill (S. 992) granting an increase of pension to Frederick Auer;

A bill (S. 1003) granting a pension to Julia M. Johnson;

A bill (S. 1058) granting a pension to John Bailey;

A bill (S. 1059) granting a pension to Silas B. Hensley;

A bill (S. 1295) granting a pension to Louisa Hale;

A bill (S. 1326) granting a pension to Mary Jackman;

A bill (S. 1469) granting an increase of pension to Philip P. Getchell;

A bill (S. 1711) granting an increase of pension to Charles L. Green;

A bill (S. 1712) granting a pension to Arminda D. Davis;

A bill (S. 1771) granting a pension to Ellie Kee;

A bill (S. 1796) granting an increase of pension to Rebecca P. Quint;

A bill (S. 2158) granting a pension to Joseph B. Presdee;

A bill (S. 2219) granting an increase of pension to Mary F. Hopkins;

A bill (S. 2223) granting an increase of pension to John M. Morse; and

A bill (S. 2367) granting a pension to Susan Stratton.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 153) for the relief of Elizabeth Johns;

A bill (H. R. 163) for the relief of Henry O. Morse;

A bill (H. R. 205) granting an increase of pension to George C. Snyder;

A bill (H. R. 206) granting a pension to Isaac D. Smith;

A bill (H. R. 434) granting an increase of pension to Jesse Smith;

A bill (H. R. 470) granting a pension to Jane Dykes;

A bill (H. R. 539) granting a pension to Louisa S. Wilson;

A bill (H. R. 541) granting a pension to Ellen Norwood;

A bill (H. R. 1201) granting a pension to James McNutt;

A bill (H. R. 1458) granting an increase of pension to John E. Whinnery;

A bill (H. R. 1507) granting an increase of pension to William H. La Count;

A bill (H. R. 1616) to correct the naval record of Joseph Pitt, alias Joseph Marr, and to erase the name of Joseph Marr and substitute the name of Joseph Pitt on the records of the United States Navy;

A bill (H. R. 1734) granting a pension to Helen M. Hull;

A bill (H. R. 1763) granting a pension to Ella F. Sydnor;

A bill (H. R. 1890) to increase the pension of John Houk;

A bill (H. R. 1944) granting an increase of pension to Eli C. Walton;

A bill (H. R. 1989) granting a pension to Marie Wiersang;

A bill (H. R. 2170) granting a pension to Angeline Eyestone;

A bill (H. R. 2303) granting an increase of pension to Lavinia M. Payne;
A bill (H. R. 2382) granting an increase of pension to Eli Overhultz;
A bill (H. R. 2389) granting an increase of pension to Edward Boyle;
A bill (H. R. 2465) to grant an honorable discharge to George W. Shank;
A bill (H. R. 2681) granting an increase of pension to Calista F. Hall;
A bill (H. R. 2792) granting a pension to Peter Cummings;
A bill (H. R. 2802) granting an increase of pension to John W. Brisbois;
A bill (H. R. 2809) granting an increase of pension to Moses F. Woods;
A bill (H. R. 2865) granting an increase of pension to Louis H. Gein;
A bill (H. R. 3012) granting a pension to Sarah Claggett;
A bill (H. R. 3167) granting an increase of pension to Thomas H. Cook;
A bill (H. R. 3206) to correct the naval record of Thomas Dunn;
A bill (H. R. 3470) granting an increase of pension to George W. Weeden;
A bill (H. R. 3522) granting a pension to Lucy S. Bane;
A bill (H. R. 3640) granting a pension to Mary Pollock;
A bill (H. R. 3694) granting an increase of pension to James Bottoms;
A bill (H. R. 3809) granting increase of pension to Elisha B. Seaman;
A bill (H. R. 3863) granting an increase of pension to Alfred Dyer;
A bill (H. R. 3966) granting an increase of pension to David Talmon;
A bill (H. R. 4047) granting an increase of pension to James S. Jordan;
A bill (H. R. 4298) granting an increase of pension to John M. McCord;
A bill (H. R. 4441) granting an increase of pension to Samuel C. Krickbaum;
A bill (H. R. 4648) granting an increase of pension to William G. McLain;
A bill (H. R. 4655) granting a pension to Elizabeth C. Rice;
A bill (H. R. 4854) granting a pension to James L. Whidden;
A bill (H. R. 4961) granting an increase of pension to Margaret Gangloff;
A bill (H. R. 5126) granting an increase of pension to James J. McMains;
A bill (H. R. 5180) granting an increase of pension to Thomas Adams;
A bill (H. R. 5346) granting a pension to Elizabeth B. Norris;
A bill (H. R. 5390) granting an increase of pension to Maria E. Mailley;
A bill (H. R. 5503) granting an increase of pension to Samuel Hanson;
A bill (H. R. 5544) granting a pension to Loua A. Morgan;
A bill (H. R. 5546) granting an increase of pension to George White;
A bill (H. R. 5882) granting an increase of pension to John B. Fairchild;
A bill (H. R. 5949) granting a pension to Frederick Weber;
A bill (H. R. 6028) granting a pension to John H. Meeker;
A bill (H. R. 6031) granting an increase of pension to James W. Carmody;
A bill (H. R. 6092) granting a pension to Louisa Stearns;
A bill (H. R. 6139) granting a pension to Lucinda Haggard;
A bill (H. R. 6144) granting an increase of pension to Margaret A. Porter;
A bill (H. R. 6161) granting an increase of pension to John Landegan;
A bill (H. R. 6284) granting an increase of pension to James Crawley;
A bill (H. R. 6527) granting an increase of pension to George Myers;
A bill (H. R. 6700) granting an increase of pension to Maria Andrews;
A bill (H. R. 6701) granting a pension to Serelda C. McGrew;
A bill (H. R. 6911) granting an increase of pension to James R. Sawtelle;
A bill (H. R. 7114) granting an increase of pension to John S. Parker;
A bill (H. R. 7264) granting a pension to Hannah C. Smith;
A bill (H. R. 7322) granting an increase of pension to Frederick E. Vance;
A bill (H. R. 7368) granting an increase of pension to Sherman D. Plues;
A bill (H. R. 7622) granting an increase of pension to Peter M. Heaton; and

A bill (H. R. 7896) granting an increase of pension to Samuel Lybarger.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 6767) to grant an American register to the steamer *Windward;* and it was thereupon signed by the President pro tempore.

RELATIONS WITH THE PHILIPPINES.

Mr. RAWLINS. Mr. President, I ask for the reading of the bill introduced by the Senator from Wisconsin [Mr. SPOONER] and favorably reported to the Senate by the Republican majority of the Committee on the Philippines.

The PRESIDENT pro tempore. The Chair lays before the Senate the bill (S. 2355) in relation to the suppression of insurrection in, and to the government of, the Philippine Islands, ceded by Spain to the United States by the treaty concluded at Paris on the 10th day of December, 1898. The bill will be read.

The Secretary read the bill, as follows:

Be it enacted, etc., That when all insurrection against the sovereignty and authority of the United States in the Philippine Islands, acquired from Spain by the treaty concluded at Paris on the 10th day of December, 1898, shall have been completely suppressed by the military and naval forces of the United States, all military, civil, and judicial powers necessary to govern the said islands shall, until otherwise provided by Congress, be vested in such person and persons, and shall be exercised in such manner, as the President of the United States shall direct for maintaining and protecting the inhabitants of said islands in the free enjoyment of their liberty, property, and religion.

Mr. RAWLINS. Mr. President, that is but the "prologue to the swelling act of the imperial theme." I next ask for the reading of the joint resolution introduced by the Senator from Indiana [Mr. BEVERIDGE].

The PRESIDENT pro tempore. The Chair lays before the Senate the joint resolution (S. R. 53) defining the policy of the United States relative to the Philippine Islands. The joint resolution will be read.

The Secretary read the joint resolution, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Philippine Islands are territory belonging to the United States; that it is the intention of the United States to retain them as such and to establish and maintain such governmental control throughout the archipelago as the situation may demand.

Mr. RAWLINS. Mr. President, as a further basis of what I may say, I will read two paragraphs from an English author, Sir Sherston Baker, on international law. He says, on page 60, paragraph 9:

Nevertheless, in order to make such transfer—

Referring to the transfer of territory from one nation to another—

valid, the authority, whether de facto or de jure, must be competent to bind the state; hence the necessity of examining into and ascertaining the powers of the rulers, as the municipal constitutions of different states throw many difficulties in the way of alienations of their public property, and particularly of their territory. Especially in modern times the consent of the governed, express or implied, is necessary before the transfer of their allegiance can regularly take place.

I next read paragraph 12, on page 61. Speaking further upon the same subject, this author says:

But in modern times sales and transfers of national territory to another power can only be made by treaty or some solemn act of the sovereign authority of the state. And such transfers of territory do not include the allegiance of its inhabitants without their consent, express or implied, and a change of sovereignty does not involve any change in the ownership of private property. The new sovereignty, however, acquires the same right of eminent domain as that held by the former.

The same right only as that held by the former.

Mr. President, I next read a paragraph from 1 Kent's Commentaries, on page 178. This great authority uses the following language under the heading of "Territories ceded or acquired:"

With respect to the cession of places or territories by a treaty of peace, though the treaty operates from the making of it, it is a principle of public law that the national character of the place agreed to be surrendered by treaty continues as it was under the character of the ceding country until it be actually transferred.

Mr. President, it has been claimed that the bill introduced by the distinguished Senator from Wisconsin, who is an acute and able lawyer, finds its warrant, at least in its operative parts, as a copy from the act of Congress of 1803, under which what is known as the Louisiana Territory was taken possession of by the United States. In order that we may see precisely to what extent that is true, I ask the Secretary to read in this connection the act of October 31, 1803.

The Secretary read as follows:

CHAPTER I.—An act to enable the President of the United States to take possession of the territories ceded by France to the United States by the treaty concluded at Paris on the 30th of April last, and for the temporary government thereof.

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to take possession of and occupy the territory ceded by France to the United States by the treaty concluded at Paris on the 30th day of April last between the two nations; and that he may for that purpose, and in order to maintain in the said Territories the authority of the United States, employ any part of the Army and Navy of the United States, and of the force

authorized by an act passed the 3d day of March last, entitled "An act directing a detachment from the militia of the United States, and for erecting certain arsenals," which he may deem necessary; and so much of the sum appropriated by the said act as may be necessary is hereby appropriated for the purpose of carrying this act into effect, to be applied under the direction of the President of the United States.

SEC. 2. *And be it further enacted*, That until the expiration of the present session of Congress, unless provision for the temporary government of the said territories be sooner made by Congress, all the military, civil, and judicial powers exercised by the officers of the existing government of the same shall be vested in such person and persons, and shall be exercised in such manner, as the President of the United States shall direct for maintaining and protecting the inhabitants of Louisiana in the free enjoyment of their liberty, property, and religion.

Approved October 31, 1803.

Mr. RAWLINS. Mr. President, it will be perceived that that act, passed in 1803, was to enable the President of the United States to effect the transfer and receive the possession of the territory included within the treaty of cession between France and the United States; that it was to enable him to act pending the period of transition from the time of the making of the treaty until there should be a change in the national character of the territory ceded within the principle laid down in the authorities from Kent which I have cited.

That act was to remain in force by its terms only until the expiration of the session of Congress at which it was passed, if not sooner superseded. It was designed to operate only pending the transfer of possession. It was to cease to operate the moment the authority of the United States became established and its jurisdiction completed by the actual transfer of possession. As a matter of fact, that required only from the 31st day of October, 1803, the date of the passage of the act, until the 1st day of October, 1804, a period of eleven months, when that act ceased to operate.

An act similar in purpose, almost identical in terms, was passed in 1819 by Congress to subserve precisely the same purpose and to enable the President to consummate the change of national character in respect to territory obtained by the cession from Spain of Florida. That act by its terms was also limited in its operation until the expiration of the session of Congress at which it was passed. But it took longer in that case to complete the transfer of possession. Spain, in accordance with her usual dilatory habit, was reluctant to give up possession, and it required four years to complete the transfer. In the end it was only accomplished by the forcible action of a portion of our Army under the command of General Jackson, who was appointed as one of the persons to carry out the authority thus vested in the President to enter the territory and to take possession of it. Thereupon that act ended as soon as the authority and jurisdiction of the United States over the Territory of Florida was established.

The Senator from Massachusetts [Mr. LODGE] affirmed that there had been a similar act in regard to the territory ceded by Mexico to the United States by the treaty of July 4, 1848, the treaty of Guadalupe Hidalgo; but I am satisfied that the Senator, upon further examination, will find that no such act was passed in respect to that territory.

Now, Mr. President, the act to which I have made reference, the act of 1803, differed wholly in its purpose from that which has been introduced, the proposed act which is now under consideration. The bill introduced by the Senator from Wisconsin [Mr. SPOONER] provides "that when all insurrection against the sovereignty and authority of the United States in the Philippine Islands, acquired," etc., "shall have been completely suppressed by the military and naval forces of the United States"—that is, when the jurisdiction and authority of the United States have been completely established everywhere in those islands, when there has been accomplished the actual delivery of the possession of that territory, when the national character of those islands has been fixed under the unqualified sovereignty of the United States—then, and then only, is this proposed act to begin to operate.

It will thus be seen that this act is only to take effect at that point when the act of 1803 and the act of 1819 were to cease to operate. This begins in its operation where their operation ended. Their operation was to continue only during the transitory period; this is to begin after that period is ended and is to operate after the full authority of the United States has been established.

Mr. President, the Senator from Wisconsin, I think, in framing this bill perceived the anomalous situation of our Government in respect to the Philippine Islands. As a matter of fact, those people in those islands have never rendered or acknowledged allegiance to us. They therefore are not in rebellion in the technical sense of that word. To-day and during all the time past, at least since February 4 of last year, they have been a belligerent people, fighting in self-defense against a war of subjugation waged upon them by the authority of the President of the United States, such war never having been directly and expressly declared by Congress.

I take it that the main purpose of this measure is to relieve the situation of that anomaly. I believe its main purpose is to make a declaration or recognition of the existence of a state of war between the United States and the people of the Philippine Islands, because this bill says:

That when all insurrection against the sovereignty and authority of the United States in the Philippine Islands, acquired from Spain by the treaty concluded at Paris on the 10th day of December, 1898, shall have been completely suppressed by the military and naval forces of the United States, etc.

That is a recognition by Congress of the existence of a state of war. It comes to us, it seems to me, in disguise, to subserve that purpose to relieve the Administration from that anomalous position in which it is now found.

Mr. President, the bill introduced by the Senator from Wisconsin [Mr. SPOONER] and the resolution offered by the Senator from Indiana [Mr. BEVERIDGE] constitute, as I understand it, the programme of the Republican party and of the Administration. There have been two notable speeches delivered in the Senate in support of the policy thus outlined. One of those speeches was delivered by the Senator from Indiana [Mr. BEVERIDGE], and the other was delivered last week by the junior Senator from Massachusetts [Mr. LODGE]. Those two speeches were elaborate and carefully prepared, and in elegance of diction and manner of presentation they were all that could be desired. They were heralded to the country with the plaudits of the Administration and its friends. We have a right, I believe, to presume that in those two speeches are found all and the best that can be said in support of carrying out the programme outlined in the bill and in the resolution.

Mr. President, I am opposed to carrying out that programme. No vote of mine will aid in the execution, or rather in the permanent establishment, of this policy. I am opposed to that programme because, as I conceive it, without any disrespect to the opinions of others, I conceive it to be in violation, if carried out, of the fundamental principles on which our free institutions rest. I am opposed to it because it proposes to cut loose from the Constitution of our country. It seems to me not only to be extra-constitutional, but also unconstitutional. It proposes the assumption and exercise of authority and a rule by despotic sway—an authority not conferred by the Constitution or in any grant of power conveyed in the Constitution by the people of the United States.

If this policy is to be carried out, it seems to me it must be by an authority self-assumed and usurped. I am opposed to this programme, because to carry it out, in my judgment, would be unjust, immoral, and a breach of the plighted faith of this nation. I am opposed to it, because, in my judgment, it would be destructive of all the best interests, material, moral, social, and political, both of the people of the United States and of the people of the Philippine Islands. I am opposed to it because it is not growth; it is not progress; it is not expansion; it is reaction and retrogression; it is death to all the highest and best ideals of those who created this Republic.

Mr. President, I am opposed to it because it does not look forward, but carries us back to the old régimes of despotism, to the principles of the Holy Alliance; to the divine right of kings to rule without the consent of the governed; to overthrow republics; to enslave peoples, and do that against which Monroe fulminated the proclamation of 1822. Those who are opposed to the programme which has been outlined for us can console themselves with the reflection that they have behind them and in aid of them morally all the best thought of the great men whose careers have adorned and made illustrious the history of our country.

Mr. President, I always feel more comfortable—and I am entirely sincere in this statement—when I can find a fulcrum for my argument in the great historic State of Massachusetts. Reference has been made to the illustrious names of men who have had the honor of representing that State in the councils of this nation—John Quincy Adams, Daniel Webster, and others. I desire to invite the attention of the Senate to some remarks made by John Quincy Adams on the Fourth of July, 1821, in this city. Speaking upon the mission of America, he said:

She has seen that probably for centuries to come all the contests of that aceldama, the European world, will be contests between inveterate power and emerging right. Wherever the standard of freedom and independence has been or shall be unfurled, there will her heart, her benedictions, and her prayers be. But she goes not abroad in search of monsters to destroy. She is the well-wisher to the freedom and independence of all. She is the champion and vindicator only of her own. She will recommend the general cause by the countenance of her voice and the benignant sympathy of her example. She well knows that by once enlisting under other banners than her own, were they even the banners of foreign independence, she would involve herself beyond the power of extrication in all the wars of interest and intrigue, of individual avarice, envy, and ambition which assume the colors and usurp the standard of freedom. The fundamental maxims of her policy would insensibly change from liberty to force. The frontlet upon her brows would no longer beam with the ineffable splendor of freedom and independence; but in its stead would soon be substituted an imperial diadem, flashing in false and tarnished luster the murky radiance of dominion and power. She might become the dictatress of the world; she would no longer be the ruler of her own spirit.

Mr. BATE. From whom is the Senator reading?

Mr. RAWLINS. From John Quincy Adams.

I may, without impropriety, refer to some words of Daniel Webster, to whom the junior Senator from Massachusetts last week made reference. Speaking in the Senate in 1846, he used this language:

An arbitrary government may have territorial governments in distant possessions, because an arbitrary government may rule its distant territories by different laws and different systems. Russia may govern the Ukraine

and the Caucasus and Kamchatka by different codes or ukases. We can do no such thing. They must be of us, part of us, or else estranged. I think I see, then, in progress what is to disfigure and deform the Constitution. * * * I think I see a course adopted that is likely to turn the Constitution under which we live into a deformed monster, into a curse rather than a blessing, into a great frame of unequal government, not founded on popular representation, but founded in the grossest inequalities; and I think if it go on—for there is a great danger that it will go on—that this Government will be broken up.

Mr. President, it has been insisted that that prophecy has been falsified by experience. But it may not be true. It seems to me that to-day we are standing upon the brink of a precipice, beyond which those words contemplated that disaster would come upon us and upon our free institutions and upon our Republic.

Alaska was ceded to us. Another distinguished Senator from Massachusetts spoke in behalf of the ratification of the treaty by which that transfer was to be effected. Charles Sumner used this language in the Senate, speaking with reference to Alaska:

But there is one other point on which I file my caveat. This treaty must not be a precedent for a system of indiscriminate and costly annexation. Sincerely believing that republican institutions under the primacy of the United States must embrace this whole continent, I can not adopt the sentiment of Jefferson, who, while confessing satisfaction in settlements on the Pacific coast, saw there in the future nothing but "free and independent Americans," bound to the United States only by "by ties of blood and interest," without political unity. Nor am I willing to restrain myself to the principle so tersely expressed by Andrew Jackson in his letter to President Monroe: "Concentrate our population, confine our frontier to proper limits, until our country, to those limits, is filled with a dense population."

But I can not disguise my anxiety that every stage in our predestined future shall be by natural processes, without war, and, I would add, even without purchase. There is no territorial aggrandizement which is worth the price of blood. Only under peculiar circumstances can it become the subject of peculiar contract. Our triumph should be by growth and organic expansion in obedience to "preestablished harmony," recognizing always the will of those who are to become our fellow-citizens. All this must be easy if we are only true to ourselves. Our motto may be that of Goethe, "Without haste, without rest." Let the Republic be assured in tranquil liberty, with all equal before the law, and it will conquer by its sublime example. More happy than Austria, who acquired possessions by marriage, we shall acquire them by the attraction of republican institutions.

Bella gerant alii; tu, felix Austria, nube;
Nam quae Mars aliis, dat tibi regna Venus.

The famous epigram will be just as applicable to us, inasmuch as our acquisitions will be under the sanction of wedlock to the Republic. There may be wedlock of a people as well as of a prince. Meanwhile, our first care should be to improve and elevate the Republic, whose sway will be so comprehensive. Plant it with schools; cover it with churches; fill it with libraries; make it abundant with comfort, so that poverty shall disappear; keep it constant in the assertion of human rights. And here we may fitly recall those words of antiquity, which Cicero quoted from the Greek, and which Webster in our day quoted from Cicero, "You have a Sparta; adorn it."

Mr. President, the Senator from Massachusetts [Mr. LODGE], who spoke last week, entertained the Senate by a masterly piece of eloquence, but he did not take as his text the principle which is found enunciated in the quotations which I have read to the Senate.

I have a right to refer to another distinguished statesman from Massachusetts, who, by long and meritorious and patriotic and honorable service to his country, is entitled to a place in history along with the names of the men to whom I have made reference. That Senator is here; he has spoken for himself, and will no doubt, whenever occasion requires, speak for himself; but the utterances which I have read to the Senate there is no doubt find a full indorsement in his judgment as they have found in his utterances in the Senate.

The junior Senator from Massachusetts last week said that he preferred to "err with Pope than to shine with Pye." He meant to classify himself with Pope and to classify the men who took the view which has been expressed in the utterances of Adams and Webster and Sumner and Hoar in the category of Pye—he, Pope; they, Pye; he, historian, poet, sage, philosopher; he to be a gigantic figure in future history; they to dwindle down, to use his own language, beyond the point of detection of the ken of the antiquarian's microscope.

Mr. President, the Senator from Massachusetts and other Senators have affected to believe that they find warrant for the programme which they have outlined regarding the Philippine Islands—and it now develops that the same programme is to pertain to Puerto Rico—in Jefferson, the author of the Declaration of Independence, the great founder of the Democratic party. The junior Senator from Massachusetts in substance said that the principle or declaration that all just governments derive their powers from the consent of the governed was but an aphorism, a loose, impractical generalization taken from Rousseau by Jefferson and inserted in a revolutionary proclamation to bolster a rickety rebellion against the mother country; which, when it had served that purpose as a makeshift, was in practice here discarded by the very man who had made use of it.

The Senator devoted more than a third of his three hours' speech to what he conceived to be a pulverization of this keystone in the arch of liberty, the consent of the governed. He said that when Jefferson obtained the cession of Louisiana, it was without any regard to the 30,000 people who inhabited it; that that cession utterly ignored and disposed of, without their consent, the Indians who roamed over or had their habitation upon that vast territory. I desire, rather than to let the Senator from Massachusetts speak for Jefferson, to resent this slander upon this great man by reading what he himself said upon that subject.

In his message which referred to this, his message of October 17, 1803, found in Messages and Papers, Volume I, page 357, he referred to the fact that the right of deposit at the port of New Orleans had been suspended as to citizens of the United States. He further referred to the fact as to troubles which would constantly arise there by reason of foreign control of the mouth of that great channel of commerce, the Mississippi River. He then uses this language:

Whilst the property and sovereignty of the Mississippi and its waters secure an independent outlet for the produce of the Western States and an uncontrolled navigation through their whole course, free from collision with other powers and the dangers to our peace from that source, the fertility of the country, its climate, and extent promise in due season important aids to our Treasury, an ample provision for our posterity, and a wide spread for the blessings of freedom and equal laws.

Mr. President, what were to be the rights of the inhabitants under the arrangement which Jefferson made? They were to be given free choice as to the country to which they should render allegiance; they were to be protected in their homes and in all their rights and property. If they continued to reside in the ceded territory, they were to have all the rights, privileges, and immunities accruing to citizens of the United States under the Constitution of our country. Thus there was no possibility of wrong to accrue to any one of those people. They were not made citizens unless they elected to become so by their free consent.

How did Jefferson regard the Indians and how did he propose to deal with them? Let us read his own words upon the subject. On page 358 he says:

With the wisdom of Congress it will rest to take those ulterior measures which may be necessary for the immediate occupation and temporary government of the country—

The original act was to continue in force until the expiration of the session of Congress which passed it—

for its incorporation into our Union, for rendering the change of government a blessing to our newly adopted brethren.

That was the great end for which this territory was acquired. As to the Indians, he says:

For securing to them the rights of conscience and of property; for confirming to the Indian inhabitants their occupancy and self-government, establishing friendly and commercial relations with them, and for ascertaining the geography of the country acquired, etc.

Permit me, Mr. President, to allude to the Indians. The proposition of the Senator from Massachusetts was that they were governed without their consent and disposed of without any regard to their wishes. No Indian tribe ever had any tax imposed upon them. They have never been amenable to the law, civil or criminal, of the United States. They have been left in that regard as free and independent communities, to be subject alone to the laws and customs of the tribe. They had no fixed habitation in that vast territory. They roamed over it; they camped, and hunted the wild beasts that infested it.

Jefferson and those who followed after him and who acted upon his theory and upon his principle never took from them one foot of that land, one iota of that right, vague and uncertain as it was, without their consent obtained by treaties regularly made and ratified. This Government only has interposed to prevent them from committing depredation upon the lives and property of American citizens, acting only as to them in self-defense of its people and its property.

There is, therefore, absolutely no warrant in any contention as to the Indians for the statement that Jefferson abandoned the principle that governments derive their just powers from the consent of the governed. But in this same message Mr. Jefferson, at that time further interpreting his purpose in that regard, said—and I read from page 361:

Separated by a wide ocean from the nations of Europe and from the political interests which entangle them together, with productions and wants which render our commerce and friendship useful to them and theirs to us, it can not be the interest of any to assail us, nor ours to disturb them. We should be most unwise, indeed, were we to cast away the singular blessings of the position in which nature has placed us, the opportunity she has endowed us with of pursuing, at a distance from foreign contentions, the paths of industry, peace, and happiness, of cultivating general friendship, and of bringing collisions of interest to the umpirage of reason rather than of force.

Mr. President, I have already alluded to the fact that Mr. Jefferson's doubt and fear was not that the Constitution did extend to this territory, but that it did not, and that if it did not it could not be held. That was a plain, natural, and logical conclusion, because if the Constitution did not extend by its authority there, Congress could not in virtue of the Constitution extend its arm of control there. To hold that it was outside of the Constitution would be to emasculate the power with respect to it of every governmental agency and department created and owing its existence under and by virtue of the Constitution.

But that was settled at a very early date. By no act of Congress was the Constitution expressly extended to the Louisiana Territory. I refer now to a noted historical incident in the career

of our country after the duel between Hamilton and Aaron Burr, in which the former lost his life. Aaron Burr went West and entered into consultation and conference with Blennerhasset, and finally with Clark, who had his home in New Orleans. In a little time he was charged with having waged war against the United States. The act charged in the indictment was laid in the Territory of New Orleans, a part of the Louisiana purchase. The treason consisted, according to the charge, in levying war against New Orleans for the purpose of setting up at that point an empire to include Mexico. He was arrested and made application for discharge by a writ of habeas corpus, which came before the Supreme Court of the United States.

The unanimous opinion of that court was delivered by our first great Chief Justice. In the course of that opinion Chief Justice Marshall quoted from the Constitution of the United States:

> Treason against the United States shall consist only in levying war against them or in adhering to their enemies, giving them aid and comfort.

Did that provision apply only to the States? It says distinctly:

> Treason against the United States shall consist only in levying war against them.

They did not seek to try Burr under the civil law or under the Code Napoleon for treason defined in that law, which operated in Louisiana, except as it was inconsistent with the Constitution of the United States, but, according to this modern theory, without any regard to consistency with the Constitution of the United States. They proceeded upon the idea that this provision constituted the definition of the crime. It was in virtue of that that Burr was to be prosecuted for the act committed in the Territory of New Orleans, and that the limitations upon this power to prosecute him—the offense as here defined—also pertained to that case and he was entitled to the benefits of those limitations. What are the limitations? I read them:

> Treason against the United States, shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

Burr claimed the benefit of that limitation. What did Marshall say? On page 41 of this volume he says:

> To complete the crime of levying war against the United States there must be an actual assemblage of men for the purpose of executing a treasonable design. In the case now before the court, a design to overturn the Government of the United States in New Orleans by force, would have been unquestionably a design which, if carried into execution, would have been treason, and the assemblage of a body of men for the purpose of carrying it into execution would amount to levying of war against the United States.

The Senator from Ohio [Mr. FORAKER] challenged any authority anywhere prior to about 1850 for the contention that the Constitution operated within outlying territories of the United States. The Senator from Kentucky [Mr. LINDSAY] who made, as he always does, in harmony with his great and well-merited reputation as a lawyer, a very able presentation of the questions involved and their legal phases, if I understood him correctly, took the position that the rights, privileges, and immunities in these territories ceded from France and from Spain and from Mexico to the United States, which had been successfully claimed before the courts by their inhabitants, had all been derived from and were dependent upon the stipulations of the treaties between the governments in those cases. I do not think that contention does credit to the great reputation of the distinguished Senator, with all due respect.

Let us see what follows from that. When these respective governments ceded the territories in question to the United States, they thereby retained no residuary sovereignty or dominion over those territories or their future inhabitants. The inhabitants, or those who might thereafter go into those territories, or be born in those territories within the jurisdiction and sovereignty of the United States, could not be told that their rights, privileges, and immunities were dependent upon the grace of any foreign prince or potentate. That contention is utterly absurd. A citizen of Arizona can not by any treaty stipulation between this country and any foreign prince or potentate have his rights stipulated away. It is not the subject-matter of treaty stipulation.

What did these treaties undertake to deal with? And first as to the treaty with Spain ceding Florida, the territory which had belonged to Spain. It was a legitimate subject of treaty stipulation. Spain ceded her sovereignty and control over it to the United States. That ended that phase of it. What more? There were inhabitants, subjects of the Kingdom of Spain then occupying that land. Their interests and their rights were in a measure involved in that transfer.

Mr. BACON. To which Spanish transfer does the Senator from Utah refer?

Mr. RAWLINS. The treaty in regard to Florida. What should be done with those people; as to those precise inhabitants living upon the territory at the time of cession who were then and had been citizens and subjects of Spain and entitled to her protection? When the territory was ceded, their rights, being a matter of international concern, it was agreed they should be protected by certain guaranties applying personally to them and not to the territories; preserving their rights, securing to them the free exercise of religion, the rights, privileges, and immunities of citizenship, giving them the free choice as to what government they would render allegiance. Beyond that the treaty did not undertake to go. Next as to the treaty with Mexico. What did it provide? I will read the clause. It is found on page 495 of the Public Treaties of the United States:

> Mexicans now established in territories previously belonging to Mexico, and which remain for the future within the limits of the United States, as defined by the present treaty, shall be free to continue where they now reside, or to remove at any time to the Mexican Republic, retaining the property which they possess in the said territories, or disposing thereof, and removing the proceeds wherever they please, without their being subjected, on this account, to any contribution, tax, or charge whatever.
>
> Those who shall prefer to remain in the said territories may either retain the title and rights of Mexican citizens or acquire those of citizens of the United States.

Thus giving them their free choice as to what government they would render their allegiance.

> But they shall be under the obligation to make their election within one year from the date of the exchange of ratifications of this treaty; and those who shall remain in the said territories after the expiration of that year, without having declared their intention to retain the character of Mexicans, shall be considered to have elected to become citizens of the United States.
>
> In the said territories property of every kind now belonging to Mexicans not established there shall be inviolably respected. The present owners, the heirs of these, and all Mexicans who may hereafter acquire said property by contract, shall enjoy with respect to guaranties equally ample as if the same belonged to citizens of the United States.

Now, article 9. Let me read that:

> The Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States, and be admitted at the proper time (to be judged of by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States, according to the principles of the Constitution; and, in the meantime, shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction.

That I may do no injustice to the Senator from Kentucky [Mr. LINDSAY], I will quote exactly what he said upon this subject. I had the honor a week or two ago to ask the Senator from Kentucky a question referring to cases arising in the territory ceded by Mexico to the United States, which I had digested in a speech I delivered something more than a year ago. The Senator from Kentucky undoubtedly refers to that question in this language:

> I was asked the other day how I explained the decisions of the Supreme Court in cases arising in Territories acquired by the treaty with Mexico, to the effect that Congress could not provide for twice punishing a man for the same offense and could not make applicable to that territory a bill of attainder, and could not dispense with the trial by jury in cases at common law involving more than $20, and could not take away from the accused the right to confront the witnesses who may testify against him, and could not put a man on trial without previous information of the nature of the accusation.
>
> My explanation is that the Constitution of the United States protects the citizens of the United States against any one of those abuses of power, and that the inhabitants of the territory acquired from Mexico were made citizens of the United States by the ratification of a treaty which clothed them with American citizenship, and in express and unqualified terms secured to them the enjoyment of the rights of citizens of the United States according to the principles of the Constitution.
>
> Those who represent what they term the anti-imperial sentiment of the country will not, of course, accept the explanation as satisfactory. They propose to look beyond and behind the stipulations contained in the treaties with France, Spain, Mexico, and Russia, and, doing so, to commit the Supreme Court to a rule of decision that will preclude the judiciary department of the Government from recognizing the power of Congress to exercise sound legislative discretion in carrying out so much of the treaty of Paris as provides that—
>
> "The civil and political status of the native inhabitants of the territories ceded to the United States shall be determined by the Congress."

In the numerous cases to which I have made reference arising in the territory ceded by Mexico in 1848—cases which held that the defendant could not be denied the free exercise of religion; cases which held that a defendant in the territory could not be tried except by an impartial jury of twelve men; cases which held that the defendant must be informed of the cause and nature of the accusation; cases which held that in respect of the people in that territory Congress could pass no ex post facto law or bill of attainder; cases maintaining the right of the defendant in an action at common law to a jury trial, etc.—unfortunately for the position and contention of the Senator from Kentucky, in not one of those cases was the defendant in a position to claim any right, privilege, or immunity under the treaty with Mexico. Not one of them was a Mexican or ever had been a Mexican. Every one of them had gone to that territory after it had been acquired from Mexico and while it was under the absolute dominion and control of the United States.

In not one of those cases was any such privilege or immunity set up or claimed by the defendant. In no one of those cases did the Supreme Court allude to the treaty or any treaty as the basis of the privilege set up and claimed by the defendant. Nor did any judge of the Supreme Court of the United States nor the court itself, in any of the cases which have been cited, ever base the decision upon the ground that the Constitution secured the rights claimed by virtue of being extended by an act of Congress, evidently realizing that an act of Congress is an inadequate basis upon which

to rest the Constitution. In every case the Supreme Court of the United States said the power of this Government was restrained in its legislation and in the exercise of power in the Territory by those great principles of constitutional liberty which constitute restriction upon the powers both of the State and the Federal Government; that the citizens, each and every one of them, arraigned and charged, was entitled to the protection of that instrument wherever he might be, whether in a State or Territory, anywhere within the political jurisdiction of the United States. That is the ground upon which all these cases rest.

Mr. President, the cases go back to the very inception. For instance, in 3 Howard there is the case of Pollard vs. Hagan, page 212, and the part of the syllabus bearing upon this question is as follows:

Under the Florida treaty the United States did not succeed to those rights which the King of Spain had held by virtue of his royal prerogative, but possessed the territory subject to the institutions and laws of its own government.

Further in the opinion of the court—and it was a very distinguished and able court, among its members being Mr. Justice Story—page 224, this language is employed:

And all constitutional laws are binding on the people in the new States and the old ones whether they consent to be bound by them or not. Every constitutional act of Congress is passed by the will of the people of the United States, expressed through their representatives, on the subject-matter of the enactment; and when so passed it becomes the supreme law of the land and operates by its own force on the subject-matter in whatever State or Territory it may happen to be. The proposition, therefore, that such a law can not operate upon the subject-matter of its enactment without the express consent of the people of the new State where it may happen to be contains its own refutation and requires no further examination.

Further on, page 225, this language is used:

It can not be admitted—

This is very pertinent to the proposition of the Senator from Kentucky:

It can not be admitted that the King of Spain could, by treaty or otherwise, impart to the United States any of his royal prerogatives, and much less can it be admitted that they have capacity to receive or power to exercise them. Every nation acquiring territory, by treaty or otherwise, must hold it subject to the constitution and laws of its own government and not according to those of the government ceding it.

These are very early cases, long before 1850. In practice the men who framed the Constitution and those who immediately followed them in control of the Government of the United States never had a doubt that Congress only had authority by virtue of the Constitution to legislate at all for the Territories; that when it did legislate it must find its source of power in the people's grant of power—the Constitution; that it must be exercised in the mode which that instrument prescribes; that the act of Congress must have the concurrence of the President; that it must be circumscribed within the limitations which that instrument prescribes for the exercise of Congressional power.

It is a plain and inevitable proposition that you can not go in virtue of the Constitution and leave the Constitution behind you. If you cut loose from it, you have nothing to support your authority. Such was the idea of those who founded this Government, and in all of the early statutes they did not say the Constitution is hereby extended to the Territories, but they said all legislation, national and local, must not be inconsistent with the Constitution of the United States, thus presupposing it to be already there.

But after 1850 there was a question raised whether the Constitution extended, and but for one reason it never would have found lodgment in any human brain within the confines of our country. What was that? The Constitution contained in one of its clauses a recognition of slavery. A party grew up in this country opposed to the further extension of slavery. If the Constitution went by its own inherent force into new territory, it would carry with it the recognition of the right to hold slaves. Benton revolted at the idea. He limited his contention, to use his own words, as quoted by the Senator from Ohio, to that one provision in the Constitution. But he was overruled. The cases to which I have alluded, the Dred Scott case, the decision in regard to the scope of the revenue laws of the United States, and numerous cases to which I referred at the last session of Congress and which have been frequently referred to since, all disposed of that idea.

But, Mr. President, by the thirteenth amendment the reason of the objection to the extension of the Constitution which was made by Benton and those who agreed with him was eliminated, and the reason ceasing to their minds, undoubtedly the principle fell with it, that that provision of the Constitution did not so extend. Why should anyone, against this overwhelming practice, against all the numerous decisions from the foundation of our Government down to the present time, at this time seek to curtail and circumscribe the principles of the Constitution?

Mr. President, the Senator from Kentucky in his speech, great and masterly in statement, but utterly unwarranted in its premises, virtually appeals to the Supreme Court to override all the precedents in order that we may say that people of our own flesh and blood, citizens of this our common country, who may see fit to take up their abodes in some of the distant possessions which it is claimed have come to us, shall not there have their rights conserved by this Constitution of ours. I understand well enough that a court, when it finds that a former decision was erroneous and mistaken will not hesitate, upon sufficient reason, to overrule it; but when it involves a question of constitutional construction or even statutory construction, the court will not overrule it except when it feels constrained to do so in order to carry into effect the great end and purposes for which the Constitution was ordained or the statute enacted.

But now the Senator from Kentucky invites the Supreme Court to ignore the great purpose for which the Constitution was framed, namely, to secure to the people of the United States, the entire body of citizenship, native born or naturalized, to secure to all of them and to their posterity, wherever they might be (and they knew they were a migrating, a progressive, an expanding people, they were State builders), wherever they might go, within the political jurisdiction of this Government, not limiting it to the particular number of square feet of the original thirteen States, the rights and blessings of constitutional liberty.

And in 10 Howard, a very early case, that idea is expressed so potently and so tersely that it seems to me that high authority ought not to be gainsaid. I read from page 95 of 10 Howard:

The Constitution was, in the language of the ordinance—

That is the ordinance of 1787—

adopted by common consent, and the people of the Territories must necessarily be regarded as parties to it—

The people of the Territories must necessarily be regarded as parties to it—

and bound by it, and entitled to its benefits, as well as the people of the then existing States. It became the supreme law throughout the United States. And so far as any obligations of good faith had been previously incurred by the ordinance, they were faithfully carried into execution by the power and authority of the new Government.

Thus, Mr. President, you can not find warrant in our Constitution or structure of government to rule with despotic sway according to an unrestrained, arbitrary will anywhere.

This was one of the things which the framers of the Constitution intended to overthrow for all time and as to all territory.

Now we turn to this last treaty, the treaty with Spain. I have before me Senate Document No. 62, Part 1, and I turn to page 8. This question is dealt with in Articles IX and X of the treaty.

Mr. SPOONER. Will the Senator from Utah allow me to ask him a question?

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Utah yield to the Senator from Wisconsin?

Mr. RAWLINS. I yield to the Senator.

Mr. SPOONER. Is it the Senator's theory that immediately upon the acquisition by the United States of the territory the Constitution proprio vigore extends over it?

Mr. RAWLINS. I will answer that question. I will answer it now if the Senator desires.

Mr. SPOONER. At your leisure. I do not want to interrupt the Senator.

Mr. RAWLINS. I will answer it in more detail as I progress.

Mr. SPOONER. I beg pardon for interrupting the Senator. I do not want to interfere with the line of his argument at all.

Mr. RAWLINS. I will proceed with my argument, if it is the same to the Senator, on the right acquired by treaty.

This Article X first deals with the Spanish subjects, natives of the Peninsula residing in the territory over which Spain, by the present treaty, relinquishes or cedes her sovereignty. It deals with those who were born upon the Peninsula of Spain. It gives them the right of choice as to which Government they shall render their allegiance, protects them in their property and in their homes, and conserves their rights in the same language as in the case of the Florida treaty. Now, that is all; nothing more. That only applies, of course, to those who come within that description. It does not operate to protect and subserve the rights or privileges or immunities of anybody else. Next it deals with another class of cases in the following language:

The civil rights and political status of the native inhabitants of the Territories hereby ceded to the United States shall be determined by the Congress.

Now, that covers only those who come within that description. The native inhabitants of the Philippine Islands are to be dealt with in the language of this treaty. Their civil and political status are to be dealt with by Congress. That does not include Englishmen, Germans, or Frenchmen, or any other of the great variety of nationalities who may be there. They do not come within its terms. It includes no American, of course, for he is not a native of those islands. It does not include any Chinamen, and there are more than 100,000 of them there, as I understand, nor any Japanese. You find, therefore, nothing in this. The Senator from Kentucky [Mr. LINDSAY] bases the entire superstructure of our authority upon this first clause.

Now, that brings me to the question the Senator from Wisconsin [Mr. SPOONER] asked me a while ago. Here are large classes of people who do not come within any of the provisions of any of

these treaties. What is to become of their rights? We can not get any power, arbitrary, despotic, to dispose of the native inhabitants. That is left to Congress in the treaty. By this treaty the King of Spain does not undertake to grant any of his royal prerogatives, any of his autocratic power, if he possess any, to the United States or to Congress or to anybody else to deal with these people. The Supreme Court has said, and it is a very plain proposition (I can not see how anyone would question it), that this Government of ours is incapable of receiving any such grant if the King of Spain or any foreign potentate should undertake to make it; but he does not undertake to make it in this case.

But there are other people who do not come within any of the provisions, to whom it makes no possible reference. What are we to do with them? Well, with respect to any territory ceded, the cession does not change the national character of the territory—so says Chancellor Kent—pending the transitory period from the time of the cession until delivery of possession has actually taken place. What will become of the territory if no disposition of it is made? Of course it must be determined by the authority which is entitled to speak for the United States so far as it concerns the United States. To speak how? To speak by virtue of the authority which it possesses. Derived from what source? From the people of the United States. How? By the Constitution, which constitutes the people's grant of power. What is that authority under the Constitution? When you have answered that, then you have answered the entire inquiry.

It is the Congress which is to speak, with the concurrence of the President, legislating in the method which the Constitution prescribes after the possession of any ceded territory has been actually transferred, has been accepted, and the authority of the constitutional power of this Government is established there. It is established under the Constitution, by virtue of the Constitution, with all the limitations which the Constitution prescribes, and the Constitution is there just as much as it is in the District of Columbia or as it is in any other of the Territories over which the jurisdiction of the United States has become finally and permanently established.

Mr. President, in a sense, of course, the Constitution is in the territory by virtue of an act of Congress. It is in virtue of it, just as the control of a piece of property comes within the dominion of the person to whom it is transferred. He holds it, and certain incidental rights go with it, subject to certain conditions and certain laws. So it is for the proper constitutional authority of the United States to accept territory by formal, solemn act and to assert final dominion. The dominion of other powers over it having come to an end finally, then authority is established there by virtue of the Constitution, and all the inhabitants who live there, citizens of the United States or otherwise, have secured to them all the rights, privileges, and immunities which that instrument accords to citizens anywhere.

Political power, the power to govern and the right to vote, is one thing. The Constitution does not confer that right upon anyone. The right to a trial by jury it does secure to everybody. It makes no reference to the right to go and cast a ballot to hold a particular office. The Constitution confers no such right. Suppose the Constitution is there; no right to anyone is derived in those respects, because that instrument does not purport to confer such rights anywhere. But it is otherwise as to those provisions designed to secure the blessings of liberty, individual liberty, the right to life, liberty, the pursuit of happiness, the free exercise of religion, to be exempt from unreasonable searches and seizures, not to have passed any ex post facto law to operate upon him, or any bill of attainder working corruption of his blood, not to be subject to punishment for treason except within the limitation prescribed by the Constitution, that Congress may not grant any title of nobility anywhere.

These outlying territories, when our authority is once established there, are a part of the land, and they and all the people within them are subject to the supreme law of the land. That is the answer which I make to the Senator from Wisconsin. We do not get any right over the native inhabitants of the Philippine Islands by that treaty. It confers none. May Congress dispose of them? How? What is Congress? Cut loose from the Constitution and ignore it, and tell me, what is Congress? Obliterate it and cast it out of your mind, and answer the question, What is Congress?

How is Congress to exercise its power if you are to ignore the Constitution, if it is so much waste, blank paper? Are we to organize into a mob? Are we to be like the forty tyrants? Are we to become marauders and freebooters, cut loose from the Constitution, which is the only source of authority to act? No; we are the Congress as defined in the Constitution. How are we to act? All revenue bills must originate in the other House. We are to proceed according to the constitutional methods, with the concurrence of the President. In legislating we must not undertake by edict of legislation to take property from one and give it to another without due process of law. That is not legislation.

After our authority is established there, when the laws of war end or the conditions upon which the writ of habeas corpus may be suspended, you can not hang a Filipino without trial. You can not punish him twice for the same offense; you can not cast him down into a dungeon to await the incoming tide to take away his life. Can you? If so, how? Even in war the Supreme Court of the United States has said in the Milliken case (4 Wallace):

> This Constitution of ours operates in war, as well as in peace, in all places, and under all circumstances. It is a law for the rulers as well as for the people; each and every one everywhere within our political jurisdiction is bound by it.

The PRESIDING OFFICER (Mr. KEAN in the chair). The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Puerto Rico, and for other purposes.

Mr. FORAKER. I ask that the unfinished business be temporarily laid aside without prejudice, and that the Senator from Utah may have unanimous consent to conclude his remarks.

The PRESIDING OFFICER. The Senator from Ohio asks unanimous consent that the unfinished business be temporarily laid aside and that the Senator from Utah be allowed to proceed with his remarks. If there is no objection, it will be so ordered. The Senator from Utah will proceed.

Mr. RAWLINS. Mr. President, without further reference to the constitutional question, I next invite the attention of the Senate to some moral phases of the question which pertains to the Philippines.

The Senator from Massachusetts [Mr. LODGE] complained that while the Republican party or the Administration had a simple, clear and well-defined, positive policy in regard to the Philippines, those who were in opposition to that had not presented anything except that which was vague, uncertain, and elusive.

We find in the resolution of the Senator from Indiana [Mr. BEVERIDGE] what seems to be a clear and positive declaration. It is easily understood. So far as I am concerned, and I speak, of course, only for myself, it would be useless for me to outline what I would do under any hypothesis which does not exist. If we propound a policy to-day, we in the opposition are utterly powerless to carry it into execution.

But, Mr. President, the policy is to defeat the purpose of the dominant power so far as it is expressed, if I understand it, in these two measures. That is an affirmative policy of itself. I think I see in your hand a bludgeon, which, if let loose, which, if not stricken from your hand, will work detriment not only to the intended victim, but to yourselves and to ourselves, and I will, if I can, strike it from your hands and prevent you from doing that harm which must be the consequence if you are permitted to go on. Hence, you shall receive no vote of mine in aid of carrying out this programme. But if we defeat the programme, what, then, should you do?

Mr. President, if I should be permitted to speak upon this question, I think it would resolve itself largely into a detail of transportation and an ocean voyage. If those who are in the majority in the Senate ask me what I would advise them to do, I would point them to Spion Kopje, to do what Buller did when he found himself there in an untenable position—to execute a masterly and orderly retreat. I am trying to conform to the dictates of the Constitution, to our moral obligations, and to fulfill the pledges which have been put forth by our people.

The Senator from Massachusetts said that we invite the Republican party to make promises. He says promises and hesitations to the Asiatic or Malay mind simply excite, exasperate those people to a breach of the peace and disturbance, and make them want to kill somebody. When I read that it struck me as a most peculiar proposition. That can not be true of all promises. I think the distinguished Senator must have had in his mind the promises of the Republican party. The thing has gone to that extent where those promises almost have that effect sometimes upon the Anglo-Saxon mind.

Mr. President, it can not be that the gallant young Malay, when he has succeeded in extracting a promise from his sweetheart, straightway goes off and kills somebody. The expectation of fulfillment of the promise presupposes confidence. Without this, human society could not exist, mankind could not be. On these things perhaps more than all else men depend for present and eternal happiness. If there is anything that sweetens life; that elevates the soul from the groveling to the sublime and the God-like; that touches the æolian chords of sympathy, causing them to vibrate in unison with tones of healing to misery, awakening to ecstacy the wretched downcast spirit, it emanates from the purest word distilled into the ear—the sweet promise of an eternity of joy as the reward of a life of virtue.

Mr. President, the Senator proposes to strike promise and hope away from the vocabulary of the Filipino. There is to be for him no rule prescribed in advance to which he may conform his future

conduct. He is not to be permitted to know to-day what his fate will be to-morrow. That proposition, to my mind, is for malevolence, the most diabolical which ever emanated from human lips. The Senator from Massachusetts could not have meant that. He must have meant the promise which turned to perfidy, the perfidious violation of plighted faith, the promise made to the ear and broken to the hope, the bitterness of soul which arises from confidence betrayed and expectations thwarted.

Mr. President, these things tend to excite the human mind and exasperate the human soul and lead to bloodshed and disturbance not only in the Asiatic territory but in the territory inhabited anywhere with people having the motives and aspirations and the characteristics of humanity.

Mr. President, our troubles in the Philippine Islands are not due to the fact that promises were made. Those people were led to believe by the proclamation of the President, issued through Otis, by the proclamation of the President, issued through General Miller, that this great white Republic of ours had spoken to them with a deceptive and a forked tongue. That drove them to exasperation, and to that must be ascribed the waste and the bloodshed and the deaths of our brave soldiers.

Mr. President, the Senator from Massachusetts says that no pledges or promises were made under the authority of the United States to the Filipino people. The Senator says, in the first place—and I invite attention to that proposition—that there were no soldiers in the Philippine Islands in antagonism to the authority of Spain at the time of the declaration of war by the United States against Spain. He says the report that there were 5,000 Filipinos in arms in Luzon turned out to be untrue; that no such thing existed.

Our consul-general at Manila officially reported to the President of the United States that there were 5,000 Filipinos in arms; that the insurrection was going on, and that Spaniards were being killed and were being brought into Manila daily before that declaration of war. That document was sent to us by the sanction and approval of the President, and it is embodied in Senate Document No. 62. Our consul-general at Singapore, Mr. Pratt, officially reported to the President prior to the 1st day of May, about the 28th day of April, just after the declaration of war with Spain, that Aguinaldo was then at Singapore and was directing the operations of the armed insurgents, 5,000 in number, in the island of Luzon, waging war against Spain.

General Anderson was the first to arrive in Luzon. He went there with the expeditionary forces and arrived there about the 2d or 3d day of July. General Anderson refers to this statement and says that it is true. He says this in an article on "Our rule in the Philippines," printed recently in the North American Review. I quote his language:

> On the 1st of July, 1898, I called on Aguinaldo with Admiral Dewey. He asked me at once whether "the United States of the North" either had recognized or would recognize his government—I am not quite sure as to the form of his question, whether it was "had" or "would." In either form it was embarrassing. My orders were, in substance, to effect a landing, establish a base, not to go beyond the zone of naval cooperation, to consult Admiral Dewey, and to wait for Merritt. Aguinaldo had proclaimed his government only a few days before (June 23) and Admiral Dewey had no instructions as to that assumption. The facts as to the situation at that time I believe to be these: Consul Williams states in one of his letters to the State Department that several thousand Tagals were in open insurrection before our declaration of war with Spain. I do not know as to the number, yet I believe the statement has foundation in fact.

So we have the concurrent testimony of Williams and Pratt and General Anderson that this fact is true; and yet against this consensus of authority the Senator from Massachusetts says that it false. He does not give us the benefit of the authority upon which he bases that assertion.

As soon as our war was declared, our consul-general at Singapore had an interview, as he reported to the Administration here, with Aguinaldo in the presence of certain other persons. He says in that report that Aguinaldo was then carrying on the war against Spain independently. He first urged upon him the importance of ceasing such independent warfare against Spain and of cooperating with the United States.

He reports that Aguinaldo said that he was willing to cooperate to subserve the purpose which he then declared to our consul-general, namely, that he would be satisfied with the same treatment which the United States proposed to accord to Cuba. Thereupon our consul-general, our sole representative at that port at that time, said that would be satisfactory, and he telegraphed to Admiral Dewey that Aguinaldo would go at his instance to Hongkong to join the forces of the United States, and that Admiral Dewey telegraphed back: "Tell Aguinaldo to come as soon as possible;" that on the first vessel outgoing from Singapore Aguinaldo took his departure, but arrived in Hongkong too late to go with Dewey's fleet to Manila. Then Mr. Wildman, consul-general of the United States at Hongkong, tells us that a proclamation summoning the Filipino people to arms had been prepared at Hongkong and was carried to Luzon by the American Navy.

What was that proclamation? It summoned the people to arms; declared that the United States and its forces were going there as their liberators, to bring to them that for which they struggled. At the very first conference between Aguinaldo and Pratt at Singapore, on the 26th day of April, Aguinaldo declared the purpose of his cooperation in the war of the Filipino people against Spain was to achieve independence and self-government. These facts were at once communicated, as will appear by an examination of the documents, laid by the sanction of the President before the Senate, to the Administration.

About the 6th of June, after Aguinaldo arrived—Aguinaldo arrived in Luzon on the 19th day of May—the Filipino people flocked to his standard. He began his operations, and in an incredibly short time he had 9,000 Spanish prisoners in his custody. He was in possession before the arrival of the first expeditionary forces of the United States of all of Luzon outside of the city of Manila, and the Spanish army there were his prisoners.

When Anderson arrived, did he carry any message from the Administration repudiating the pledges which had been made by Pratt and by Wildman? General Anderson has told us to the contrary. You must remember now, Mr. President, that the Administration was fully advised prior to the arrival of Anderson, prior to the 1st day of June; that the Secretary of State, and presumably the President, was fully advised of the expectations of the Filipino people and what the nature of their cooperation with the United States was to be. If a man asks the service of another, and that other says to him, "You may have it for a certain price," and the first tells the latter to go to work, and he does so, it is a contract recognized as obligatory in every forum of justice.

This Government, from the President down to the consul-general, knew before Anderson arrived with the first expeditionary force in the Philippine Islands that the object of the services which Aguinaldo and his forces were rendering to the United States was to compass and bring about their independence and self-government.

Let us see what General Anderson says upon that subject. I read from the North American Review. He says:

> Whether Admiral Dewey and Consuls Pratt, Wildman, and Williams did or did not give Aguinaldo assurances that a Filipino government would be recognized, the Filipinos certainly thought so, probably inferring this from their acts rather than from their statements.

The Secretary of State, Mr. Day, knew that they thought so, and he writes to Consul-General Pratt and summarizes the promises which had been made by our sole representative there to those people and to the leaders of those people. Secretary Day says, in substance, "Your reports to us disclose an understanding on the part of Aguinaldo and the Filipino people that our object there, the object of the cooperation between them and us, is to achieve their independence."

A delegation of Filipino people called on Consul-General Pratt, at Singapore, and delivered an address on the 9th of June. In response the consul-general, among other things, presented a flag to those people. In the address which the Filipino spokesman made to our consul-general he said he hoped that this great nation, the American nation, would persevere in its policy of humanity and in confirmation of the arrangement made between Pratt and Aguinaldo on the 26th day of April. Pratt responded, and, among other things, presenting an American flag, he said:

> The red stripes are the emblem of the blood shed by our ancestors for freedom and independence, as you Filipino people are shedding your blood. The white signifies the purity of motive, the blue the azure sky, the stars the equality of the independent States constituting the Republic. Take it and keep it as a souvenir of this occasion.

That was promptly communicated to the Administration, and has been sent to Congress with the sanction of the President of the United States.

General Anderson refers to an incident which is of peculiar significance. I read what he says:

> About the middle of July the insurgent leaders in Cavite invited a number of our Army and Navy officers to a banquet. There was some postprandial speech making, the substance of the Filipino talk being that they wished to be annexed, but not conquered. One of our officers in reply assured them that we had come not to make them slaves, but to make them free men. A singular scene followed. All the Filipinos rose to their feet, and Buencomeno, taking his wineglass in his hand, said: "We wish to be baptized in that sentiment." Then he and the rest poured the wine from their glasses over their heads.

Prior to July 1 these people had made a formal declaration of their independence; they had organized a provisional government; Aguinaldo had issued a proclamation, which Wildman says he helped him to prepare to this end in Hongkong before his departure.

Mr. President, such were the circumstances which General Anderson says gave those people the right to believe, and they did believe, that the end of all this was to be their freedom and independence. It would be unfair to say that the Administration was proceeding in matters of such serious consequence as this without consideration of the facts. It is fair to presume that the Administration knew these things which the consular officers reported officially to the authorities at Washington.

Secretary Day telegraphed both to Pratt and to Wildman not to make unauthorized representations to the Filipinos. That was well enough; but the Filipino people had been relying upon these promises, and it was the duty of the Administration, if it wished to repudiate them, to bring notice to those who were concerned of the repudiation. There was no one more naturally to whom such a notice might be given than the commander of our first expeditionary forces that landed there; and yet Anderson tells us that he had no instructions; that he had no authority to speak one way or the other upon the question. The first question propounded to him by Aguinaldo, he says, was: "Had the United States recognized or would the United States recognize his government?" In either form, he says, it was embarrassing, because he had been given no authority to speak.

General Merritt was invited by Aguinaldo by letter to speak as to what the purposes and intentions of the Government of the United States were. General Merritt, when he arrived in the latter part of July, took control. Why was it that he was not given definite instructions to repudiate the pledges and promises which our consular representatives had made to those people, and which had been officially communicated to the President? But when Aguinaldo and the Filipino people asked Merritt what our purpose was, he says, "I have no authority to speak;" but he went one step farther, and he said, "I think you can rely upon the good faith of the United States."

Let us proceed in this line a little further. We have seen that pledges were made, that their repudiation was never brought home to the Filipino people, or to their leaders. They were permitted to go on sacrificing their lives in a struggle which this nation of ours knew was for the purpose of achieving their own independence and self-government. Manila was captured. Aguinaldo and those acting with him, his associates, obtained possession not only of Luzon, but of all or almost all the other islands of the archipelago. I read what General Anderson says on that subject. He says:

We—

That is, the American forces—

We held Manila and Cavite. The rest of the island was held, not by the Spaniards, but by the Filipinos. On the other islands the Spaniards were confined to two or three fortified towns. At the time referred to we could not claim to hold by purchase, for we had not then received Spain's quit claim deed to the archipelago. Making allowance for difference of time, we took Manila almost to the hour when the peace preliminaries were signed in Washington.

The same thing is corroborated by General Merritt. I next refer to a statement by General Otis. On page 76 of General Otis's report he uses this language:

And thus, in December, 1898, we find in northern and southeastern Luzon, in Mindoro, Simar, Leyte, Panay, and even on the coast of Mindanao and in some of the smaller islands, the aggressive Tagalo, present in person, and, whether civilian or soldier, supreme in authority. The success which attended the political efforts of Aguinaldo and his close associates and gave them such sudden and unexpected power was not calculated to induce them to accept subordinate positions in a reestablished government, and the original premeditated intention to control supremely at least a portion of the Filipino people had become firmly fixed. The cry for liberty and independence was everywhere being raised.

I next refer to page 94 of the same report, where General Otis says:

General Aguinaldo was now at the zenith of his power. He had recently suppressed rebellion which had raised its head in central Luzon. He had assembled a pliant congress, many members of which had been appointed by him to represent far-distant congressional districts, and which had voted him the dictator of the lives and fortunes of all the inhabitants of the Philippines. He dominated Manila, and when he ordered that the birthday of the martyred Rizal should be appropriately observed there, business was paralyzed and not a native dared to pursue his accustomed daily labors. Not a province had the courage to oppose his appointed governors, backed by their Tagalo guards, although a few of those governors had previously suffered martyrdom for the zeal exhibited in collecting money and sequestering private property. The southern islands were obedient.

Thus in this last statement not only Aguinaldo and his government were everywhere, even dominated the city of Manila.

What further occurred? The authority of Spain had been completely destroyed in those islands beyond all possibility of restoration. General Greene said in a report made August 27, 1898—I read from page 374, Senate Document 62—

The Spanish Government is completely demoralized, and Spanish power is dead beyond possibility of resurrection. Spain would be unable to govern these islands if we surrendered them.

General Merritt says in his testimony given before the Peace Commission at Paris, found on page 369, in answer to a question propounded by Mr. Gray. I will first read the question. It is as follows:

Mr. GRAY. Suppose by final treaty with Spain we should abandon Luzon and all the Philippines, exacting such terms and conditions and guaranties as we should think necessary, and abandon them entirely, reserving only a coaling station, perhaps; what do you think they would do about it?

General MERRITT. I think in the island of Luzon they would fight to the bitter end. I have talked with a number of them, intelligent men, who said their lives were nothing to them as compared with the freedom of the country, getting rid of Spanish government.

Mr. DAVIS. Do you think Spain would be able to reduce them?

General MERRITT. No, sir.

I read further from General Merritt. This question was propounded by Mr. DAVIS and is to be found on page 368:

Mr. DAVIS. Suppose the United States, by virtue of a treaty with Spain, should take Luzon, all the Philippines, or a part, by virtue of a treaty, paying no attention to the insurgents, how would that be taken by Aguinaldo?

General MERRITT. I think Aguinaldo and his immediate following would resist it, but whether he could resist to any extent I do not know, because his forces are divided.

Thus, Mr. President, General Merritt informed our peace commissioners at Paris that to do what they afterwards did would necessarily bring war in those islands.

Mr. FRYE, the distinguished presiding officer of the Senate, when he was in Paris, evidently had in mind that there had been an alliance between the United States and the Filipino people in the struggle against Spain. I read from page 488 the following:

Mr. FRYE. I would like to ask just one question in that line. Suppose the United States in the progress of that war found the leader of the present Philippine rebellion an exile from his country in Hongkong and sent for him and brought him to the islands in an American ship, and then furnished him 4,000 or 5,000 stands of arms, and allowed him to purchase as many more stands of arms in Hongkong, and accepted his aid in conquering Luzon, what kind of a nation, in the eyes of the world, would we appear to be to surrender Aguinaldo and his insurgents to Spain to be dealt with as they please?

A. We become responsible for everything he has done; he is our ally, and we are bound to protect him.

Mr. President, I next read from a report made by Major Bell, who is most highly commended by General Merritt, who has rendered very distinguished service in the United States Army in the Philippine Islands, and whose veracity will scarcely be doubted, who made, by official direction, a special investigation of the conditions of the Filipino people immediately after the arrival of the first expeditionary forces, about the 1st of July. He says:

There is not a particle of doubt but what Aguinaldo and his leaders will resist any attempt of any government to reorganize a colonial government here. They are especially bitter toward the Spaniards, but equally determined not to submit any longer to being a colony of any other government.

Mr. President, these are some of the witnesses whom I call, witnesses whose standing and authority can not be questioned, witnesses who were entitled to speak upon this subject, most of them witnesses of the transactions of which they give account. They have official sanction, and they inform us that these things existed, and they can not be disputed.

I desire to render every presumption in favor of right conduct of this Government and all those who may represent it. I do not desire to infer anything which is not reasonable—not inevitable. I would draw no conclusion which does not seem to me to be imperative; but now, in all candor I ask, Mr. President, whether, in looking back over the past transactions for the last two years, we have dealt openly, frankly, honorably, and justly with those people?

I am willing to make all necessary allowances to the President and to any particular officer; the multitude of duties which they have to perform distract their attention. I am willing to concede, for the purposes of what I have to say, that the President of the United States did not become fully conscious of the actual state of affairs across the ocean in that far-distant land. That is not the question which I desire to raise; but I do take an account of those past things—although Senators say we ought not to do so—because it is only by taking into account the things which have passed that we may accurately be able to determine the things of the present and be able to judge what is best to do for the future.

These facts, first, the aspiration and expectation of independent government on the part of the Filipino people, under the leadership of Aguinaldo; second, knowledge of this Government that such was their expectation; third, inducements held out to them, by our representatives, whether directly authorized or not, that that expectation would not be disappointed; fourth, the information which our own officers, after investigation, gave to us officially that to undertake to disappoint that expectation would lead to bloodshed and war, by Bell and Anderson, and reiterated by Otis—while we understood these facts and that such would be the result, we demanded of Spain the cession of absolute sovereignty over a territory of which she had irretrievably lost possession, not a foot of which was under her control.

We demanded the cession of her so-called sovereignty to the United States, for which we paid to her $20,000,000. That fatal step was taken (because it was a fatal step, and no man can dispute it) with the full knowledge of the facts communicated to those who were responsible for it that it meant inevitably a conflict of arms with the Filipinos, who had been led by our representatives across the water to cooperate and aid us in our war against Spain with the expected compensation of being able thereby to achieve their own freedom and establish their own self-government and rule their own destinies.

Those who support the policy of the Administration say we must deal with the present. The proposition of the Senator from Massachusetts is that all-sufficient is the evil of the day. He does not want to grope forward and find more evils by probing into the future. He wants us to take no account of the past, and I

agree with him in a measure that the situation of man as expressed by Burke is the preceptor of his duty, but he can not perform his duty unless he looks around him, behind him, and into the future so far as his limited vision may extend.

Whence did this war come? Where will it end? Whither will it lead, Mr. President? Anderson and Otis tell us why it came. Merritt and Bell told our peace commissioners what would bring it about. Knowing that, we did that which they said would and which did bring it about. Mr. President, it was not a freak of chance, a child of destiny. It was not an act of Providence. When the message was sent across the water to Dewey wanting to know which would be the most valuable of those islands for us to take, the answer came back; and the distinguished Senator from Minnesota [Mr. DAVIS], a member of the commission, asked General Merritt whether, if we would take this and ignore those people, the native inhabitants would fight. Merritt said "They will fight."

Mr. President, every nation is endowed with the power of rational volition, and it must suffer the penalty of the failure to exercise it. I am not prepared to concede the contention, discreditable as it is to the Administration, that the events in the past have been mere freaks of chance, the Executive Mansion of my country, like the kingly palace of George the Third, an irresponsible madhouse. The President is an able man, courteous in all his dealings, and I will do him no injustice. He is able to comprehend facts when they are laid before him. He can trace consequences undoubtedly from causes. He was advised of the situation. He acted deliberately, whether of his own motion or by the power which controlled him. For what he did he is responsible. It is in the essence of our institutions that those elected and placed in important positions in our Government must be responsible. If they do not want to take the responsibility of their official conduct, they should not aspire to positions of responsibility.

This war, Mr. President, came because of our promise, in whatever way it was made, which led those people to have the firm conviction that all their fighting and all their sacrifice of life were to end, through our aid to them, in their independence, and which was turned to ashes upon their lips. That disappointment, which came from the proposition embodied in the proclamation framed by the President and issued on the 9th day of January, was the inception of this war. They responded to it virtually by a declaration of war, as General Otis has told us in his report.

Mr. President, what is the nature of our title? What is the present status of the Philippine Archipelago? I should like some Senators who have viewed this case from the standpoint of the permanent retention of the islands and the theory maintained by the Administration, as I understand it, what they think our status is. Kent says a treaty alone does not operate to transfer sovereignty without actual delivery of possession. An authority upon international law says that sovereignty over a people can not be transferred without the consent of the governed. The same authority says that a treaty of cession—and that, of course, is a self-evident proposition—only operates to transfer just such dominion, and no more, as the ceding power possesses. All official reports say that Spain had nothing; the Filipino people had declared their independence and fought for it and had achieved it. It was a fact accomplished before the 10th day of December, the date of the treaty.

Aguinaldo and his government, whatever it was—and I am not talking about whether it was a government like that of Germany or Russia, or that of the Sultan of Turkey, or of some South American republic—that government, whatever it was, and however inadequate and unjust in our view of things we may say it was, had control of all the islands and dominated even Manila. Spain had lost everything beyond all power of recovery if we had not taken the cession from her, if we are to believe Merritt and Greene and Otis and people who are competent to speak by reason of their knowledge of the situation. On the 10th of December, when the treaty was made, the President himself, in a proclamation which he issued, I believe dated the 23d of December, gave direction to extend the military authority to every part of the islands which we did not have. If possession, actual delivery of cession, is essential to sovereignty over a people, then we have not yet dominion. Spain delivered to us what she had, which would be properly represented by zero. Our sovereignty to that attached, whatever it was.

Nations in their international relations, according to a low standard, expressed by some writers upon international law, are in a state of lawlessness. Then nothing is right which can not be enforced; nothing is wrong which can not be punished. If a nation is strong enough, it can wage war and subjugate and assert its authority over any land and any people, according to its own sweet will. Of course in that sense the United States had the right, according to that debased and sordid standard, although it acquired nothing by purchase and transfer of Spain, because she had nothing to transfer, because we were powerful and those people feeble, to send our Army there in sufficient force to coerce obedience or cause extermination. But when we inaugurated that campaign, not of peace but of war, we inaugurated it upon a basis which in justice and morality can not be defended by any right-thinking man.

I state, in the first place, Mr. President, that these people are not rebels. They have never acknowledged allegiance to the United States, and that is a prerequisite to rebellion. Breach of the solemn pledge made to uphold the laws of a country is involved in the charge of rebellion. They are but a belligerent people, fighting in self-defense against a war of subjugation waged by us against them. When will that war end? I do not know whether the Senator from Wisconsin intends that his bill shall take effect next year or whether he expects it to take effect during our lifetime or three hundred years hence, when all insurrection in those islands is completely destroyed. Then, and then only, is this bill to take effect.

In the argument made by our peace commissioners in Paris to the representatives of Spain in trying to negotiate this treaty it was said that these people had been in continuous rebellion against Spanish authority for more than three hundred years. Spain's commissioners answered by saying, "That is true, and here are the sacrifices which we have made against our own welfare." Men who have been there, distinguished officers whose letters I have read, say that the war is not ended, and that in their opinion it will never end. So, perhaps the Senator from Wisconsin really intends to content himself with recognition that a state of hostilities does exist there, and never expects the bill otherwise to go into operation——

Mr. SPOONER. Will the Senator from Utah permit me?

Mr. RAWLINS. Certainly.

Mr. SPOONER. I think the Senator expressly consented to a state of hostilities over there long, long ago, when he voted, with full knowledge of the purpose, to increase the Army at the last session of Congress, knowing that that increase was for the purpose of enabling the President to send troops to be employed as they have been employed. Am I wrong about that?

Mr. RAWLINS. I stated in the beginning that there had been no direct and express recognition of a state of hostilities. A proposition to relieve temporarily the men whose terms of enlistment had expired was before Congress. They were to be retained there unless their places could be supplied by enlistments made by increase of the Regular Army. We voted for that increase. That, in my judgment, was not any more a declaration of war against the people of the Philippine Islands than it was a declaration of war against the people of Cuba, because a large share of that Army, it was then known, would go to Cuba to aid in the preservation of order. It was no more a war against the Filipino people than it was against any other nation with whom we might be at peace.

Mr. SPOONER. Will the Senator permit me?

Mr. RAWLINS. Certainly.

Mr. SPOONER. The Senator apprehended, did he not, when the Army bill was before Congress and he voted for it, that a large portion of those troops provided for were to be sent to the Philippines? Did he suppose they were to be sent there for a picnic or a fight? They were, of course, to relieve troops whose terms had expired, but the supply of men provided by that bill was vastly in excess of that requirement. Will the Senator say that he did not expect those troops to be employed in military operations in the Philippines? And if it was a vile and outrageous crime against liberty, I do not know how the Senator finds justification for his vote in favor of that bill.

The Senator from Massachusetts, stating here upon the floor in open Senate that those troops were to be employed against the Filipinos and his unwillingness that they should be employed, registered his vote against it. The Senator will permit me, and I only take advantage of this occasion inasmuch as he mentioned me, because I sat before him, but I am unable to discover upon what theory of justice it is that the Senate and House of Representatives can raise an army by solemn vote and then criticise the President for using it as they intended that he should and as they expected he would.

Mr. RAWLINS. The Senator asks me whether I expected the Army would be used for a fight or for a frolic. I do not know what may have operated in my mind in that particular respect; whether I expected the Army would be used for a frolic or a fight or a foot race; but I do remember distinctly the circumstances under which that measure came before Congress. I do remember that the venerable chairman of the Committee on Military Affairs made a statement of the situation, and in that statement—I believe it was in the month of February, just prior to the adjournment—he pointed out the fact that the terms of enlistment of the regulars and of the volunteers proper would expire the moment the ratifications of the treaty with Spain were exchanged, and that the President of the United States, after that event had been proclaimed, would not think for one moment of ordering those volunteers into the trenches; that that army was then in that far-distant land and hostilities had been provoked; that the lives of those volunteers and others in that island, by reason of the acts

which had already taken place, unless sufficient force was maintained there, would be in peril.

We were informed that it was necessary as a matter of self-defense, to save the lives of our volunteers, that men should be sent over there; and I do not know whether I voted for that measure or not, but if I did vote for it I voted for it for that reason. Since I cast that vote I have gone more in detail and have been able to ascertain more fully the facts bearing upon the situation, and I am free to say that I do not regret that I did cast that vote, because in spite of the measure which we then passed, the authority which we gave to the President to raise additional troops, those volunteers were ordered into the trenches after the terms of their enlistment had expired.

The Senator insinuates that I say that those acts over there by the soldiers were unholy and cruel and wicked. I said no such thing.

Mr. SPOONER. I did not say that. I spoke of what you called the war upon that people. I beg the Senator to be just. I did not impute to the Senator any observation or criticism of any act of the soldiers over there. He must know that. My observation was elicited entirely by the question which the Senator put to me as to whether there was not a subtle purpose in a line of this bill to recognize the existence of hostilities over there; and I rose simply to call the attention of the Senator to the fact that the existence of hostilities over there was recognized long ago, not only by Congress but by the Senator when the Army bill was passed. That is all.

Mr. RAWLINS. Whatever implication there might be as to the votes which were cast for that Army bill, I have already sufficiently answered it. The Senator did say and wanted to know how I could cast my vote for that bill if I then believed that those soldiers who were thus to be raised were to be employed in a cruel, ruthless, unholy war. I say that I had no right to believe, had no right to expect, from the information which we then possessed, that the President of the United States would employ any part of this army in a cruel, unwarranted, and remorseless war. I have never yet charged that the President intended to do that. But what I did say is that we demanded the cession of those islands from Spain to the United States—we did not do it; but the President and his commissioners were informed by Merritt, by Bell, and others that the result of that transaction would inevitably mean war, and that as a consequence of that, our troops being over there, war was precipitated.

Whose fault it was I do not care now to inquire. Who fired the first gun I do not care to inquire about. The situation was at the time that bill was before Congress that there was armed conflict between forces over there, and that to save the lives of our men they undoubtedly had to act at that time in self-defense. I did not imply by my action then that this army should be affirmatively and aggressively used for the extermination of that people or to wage a remorseless, unholy, and cruel war. I do not make that charge now, but I did vote, and I would perhaps vote again under similar circumstances, for sending soldiers to any place where American citizens or American soldiers might be, to be employed in defense of their lives.

Mr. President, whatever may come of this war, certain it is that it has made plain to the world the sterling stuff of the American volunteer. No propitious climate invited him to the contest. The jungles did not open to make for him a pathway, nor did the water divide in order that he might pass over dry-shod. He was not faced by a foeman worthy of his steel. He could not have been inspired by the enthusiasm or actuated by the spirit which prompted him to enter the service of his country for the sake of humanity. Never did conditions, moral or physical, more adverse confront human soldiery; and yet these men never faltered. Day after day, hour after hour, both night and day, they added glory to glory, triumph to triumph. The maxim of the soldier is, "My country; may she ever be right; but right or wrong, my country." The maxim which ought to animate statesmen and lawmakers is, "My country; to continue her in the right; but if in the wrong, to help set her right." That is the answer which I make to the statement of the Senator.

Now, Mr. President, this proposition involves another consideration of far-reaching importance. I have said that I am opposed to this programme because, in my opinion, it does not look forward, but carries us backward to the scenes of despotism. When I speak I speak without impugning the motive of anyone. I am an expansionist. I believe in it by natural and peaceful processes. The progress of our people is natural and inevitable. An artificial barrier can not be set to that progress. I make no question of that kind. But here is a question involved which is of very deep and very great importance—the question involved in the sale and transfer of vast numbers of people.

Mr. President, the density of population of the Philippine Archipelago is twice as great as that in Illinois or in Indiana. It is twenty or thirty times as great as the territory west of the Mississippi, between the Mississippi and the Pacific Ocean. It is teeming with people. There is no vacant territory there. There is nothing there upon which Americans can build homes.

On the other hand, upon this side of the shores of the Pacific there are undeveloped resources. There are riches beyond all comprehension which need only the application of capital and the touch of industry to develop. We can well afford to open more tunnels and sink more shafts to touch the inestimable treasures of mineral which lie everywhere throughout that vast section of country. We have but to husband its waters and reclaim the arid wastes and build sugar factories. Those things will give employment to labor and build homes for the American people.

Mr. President, there is no such resource in the Philippine Archipelago. On the contrary, for three hundred years scarcely enough people from other nations have been going there to be worth mentioning. A few thousand and you have told the whole story; 100,000 Chinamen, and the mixture and combination of races which was depicted by the junior Senator from Massachusetts.

But we are repeating history, Mr. President. More than one hundred years ago, just prior to the time when this Government of ours was established, Great Britain set out on a programme somewhat similar to that, and I want to read briefly a description of that policy which is not dissimilar to that which is now presented for our consideration. I read a description of it as given on page 449 of the Works of Edmund Burke, Volume II. Speaking with reference to Great Britain in its relation to India, he said:

> The next sale was that of the whole nation of the Rohillas, which the grand salesman, without a pretense of quarrel, and contrary to his own declared sense of duty and rectitude, sold to the same Sujahlul Dowlah. He sold the people to utter extirpation for the sum of £400,000. Faithfully was the bargain performed on our side. Hafiz Rhamet, the most eminent of their chiefs, one of the bravest men of his time, and as famous throughout the East for the elegance of his literature and the spirit of his poetical compositions (by which he supported the name of Hafiz) as for his courage, was invaded with an army of an hundred thousand men and an English brigade.
>
> This man, at the head of inferior forces, was slain valiantly fighting for his country. His head was cut off and delivered for money to a barbarian. His wife and children, persons of that rank, were seen begging a handful of rice through the English camp. The whole nation, with inconsiderable exceptions, was slaughtered or banished. The country was laid waste with fire and sword; and that land, distinguished above most others by the cheerful face of paternal government and protected labor, the chosen seat of cultivation and plenty, is now almost throughout a dreary desert, covered with rushes, and briers, and jungles full of wild beasts.
>
> The British officer who commanded in the delivery of the people thus sold felt some compunction at his employment. He represented these enormous excesses to the president of Bengal, for which he received a severe reprimand from the civil governor.

Further, other transactions in which people were sold are here given:

> In Bengal, Surajah Dowlah was sold to Mir Jaffier, Mir Jaffier was sold to Mir Cossim, and Mir Cossim was sold to Mir Jaffier again.

And so on, giving a large number.

> All these bargains and sales were regularly attended with the waste and havoc of the country—always by the buyer, and sometimes by the object of the sale.

Mr. President, by reason of these examples, these frightful consequences of undertaking to make the destinies of millions of people depend upon transactions of barter and sale—the frightful consequences flowing over that have, according to the author on international law that I have cited, led in modern times to the well-settled principle founded upon intrinsic justice and sound morality that such things can not lawfully and morally be done in accordance with the principles of international law except with the consent of the governed. We are having repeated now at this, the end of the nineteenth century, the experience which came to Great Britain at the end of the last century, and which has made her rule in India a blight and curse to all its people.

Mr. President, the Senator from Massachusetts claims that, conceding everything else, these islands would be of great benefit to us commercially. He said, as I understood him, that by reason of our possession of those islands our diplomatic officers were enabled to obtain the open door to China, and the Senator paid a glowing eulogy to the present Secretary of State, pointing to that as being a grand consummation of his diplomatic skill.

Mr. President, I can not regard it as does the Senator from Massachusetts. It seems to me to be a triumph of English and not of American diplomacy. The policy of free trade at home and free trade everywhere has been the policy of Great Britain. In the open door in China, Great Britain and Germany and Russia have no sympathy with the myriads of people in that vast Empire. That sovereignty, if it pleases, in accordance with every principle of justice and international law, is entitled to have a tariff barrier around her shores, or she is entitled to tear it down, as in accordance with her own interest she may think proper and best. But what right has Russia, what right has a great trust of nations like Russia, Great Britain, and Germany, to say we will form a conspiracy and say to the Emperor of China and those people: "Obey our behests and tear down your tariff wall?"

It is a precedent to which I can not give my sanction, worthless though that may be. I can not give my sanction that this country shall enter into a combination and conspiracy to dictate to other and feebler nations, as the result of the gigantic power of a

combination or a trust of nations, that their right to control their own affairs and levy their own taxes to subserve their own interests they shall not possess.

Mr. President, this is not the triumph of American policy. This is the triumph of British policy. England and Germany have given us nothing and can give us nothing morally in China. They can not give us freer access to any parts of the markets of that vast number of people. They give us nothing; but if we recognize the Philippine Archipelago as a part of our territory, they have by their combination, their spheres of influence over the diplomatic representatives of the United States, laid down the position that we are to take down our tariff barrier—tear it down to the ocean level.

Mr. President, if we keep the Philippines we are to add the expense of a vast army which for an untold length of time in the future must be kept there on police duty at least. If we are to believe the statements made by the proponents of the policy, which is now under consideration, they are to exercise police patrol, protecting Aguinaldo from Artacho or Artacho from Aguinaldo. The burden of the expense of all this to fall upon the taxpayers of the United States.

Our merchants and our traders and our producers must compete in those islands, and for that market with the traders and merchants and producers of Great Britain, of Russia, of Germany, and of all other countries. They get the benefit and we pay the bill. That is the sum of that transaction, if it is to be carried into effect.

It is similar to that other matchless achievement of the diplomatic skill of our Secretary of State, the Hay-Pauncefote treaty. In that case we are graciously accorded by Great Britain and the European nations the right to construct and maintain that canal at our own expense and principally for the benefit of Great Britain.

Mr. President, these are all departures from the great settled principles and policy and traditions of our Government. I can see nothing, so far as commerce or money making is concerned, to invite us to go on with this policy which is outlined for us. I think it is detrimental and destructive of all our best interests material; I think it is destructive of all our best interests social and political.

The distinguished Senator from Massachusetts likened himself, as did Sir Isaac Newton, another distinguished philosopher whom he did not name, to a little child playing upon the seashore, now and then diverting himself by finding a brighter pebble than ordinary, while the great ocean of truth lay unexplored before him.

Mr. President, when I read over that speech, three hours long, I could not conceive how the Senator thought he was not perfectly familiar with all that is in the air, and all that is upon the land, and all that is in the sea. I believe actually if the Senator should stand upon the seashore and think about the situation, he would come to the conclusion that he could make an improvement upon the handiwork of the Almighty. I think he would conclude that he could dictate and prescribe better laws to control the life of the finny shoals of the mighty deep, and I think he might come to the conclusion that if in prescribing those regulations there should be any disturbance, the explosion of a stick of giant powder in the midst of the finny tribes would calm their fretful, finny souls.

Mr. President, as I read that speech and as I heard part of it, the Senator seemed to me like a man standing upon the housetop ready to hurl a deadly missile into a crowded thoroughfare, reckless of all consequence. He says that certain races have an ineradicable tendency to favor despotism. I believe the Senator takes pride in the fact that a few years ago he was the author of the force bill. More than a third of his speech was devoted to the pulverization of the keystone in the arch of liberty. He wants to cut loose from the Constitution, if I understood him rightly, and govern many millions of people without their consent.

He wants to know where the principle of the consent of the governed begins to operate. He says if it is sacred to all, it must be sacred to one; and he wants to know at what point in the census the principle begins to operate. If it does not operate with one, it can not operate with 30,000. If it can not operate with 30,000, it can not operate as to 10,000,000; and if not as to 10,000,000, then it can not operate as to 100,000,000. Thus he strikes away the foundation upon which our free institutions rest. He goes back to the principle of the Holy Alliance, and by his logic lands dangerously near the divine right of kings to rule people without their consent.

Ah, Mr. President, the Senator says that all born east of Constantinople have an ineradicable, a racial tendency to despotism. If we are to believe what he says, he must have had his birth east of Constantinople. He is a living example of the incorrectness of Buckle's theory that if you catch a Hottentot young enough to put him through a process of education you may make out of him a European.

Mr. President, I can not see how the Anglo-Saxon or the Caucasian has any right to obtrude a despotic sway over the Asiatic or the Malay. No more could I see how some great mogul of Asia could extend, as they attempted to do in the middle ages, a despotic sway over the Caucasian.

Life, says Emerson, has its scale of degrees, but it is difficult to determine any degree that is positive. It is beyond the purview and discretion of mortals to say that any particular degree or condition of life is the proper one, and that all men must conform to it that life may become like the surface of a tranquil ocean. The highest ideal of happiness of one man may, on the contrary, differ from that of another equally intelligent, and how much more is that true of races.

The peasant is pleased to follow the plow; the sailor, to plow the main with his bark; the soldier, to yield obedience to his commander and rush unconsciously upon the pointed steel; the shepherd, to recline upon some eminence and cast his sluggish eyes upon his grazing herds; the smith delights to forge the metal and see it become plastic in his hands; the heathen thinks he can read in puny relics of wood and stone the divine essence of the gods, and delights to supplicate that he may participate in the joys of some blissful realm delineated by the pencil of his own imagination.

Every Christian has his own peculiar ideas concerning present and eternal happiness. The fact is that no two men, no two races, think alike, reason alike, or hope alike. The thoughts and hopes of men are suggested by the scenes they view, the air they breathe, the land they dwell upon.

Mr. President, we can not rule Asiatic peoples to their advantage and without detriment to ourselves. Nature revolts at the idea. Hence I say that to carry out this policy is destructive of the best interests, material, moral, social, and political, of both the people of the United States and the people of the Philippine Islands.

These words may fall on deaf ears. A fatal fascination for power may prevail.

The time flies of imperialism flutter their dilletante wings in in wild delight at every panegyric of power, at every fulsome adulation of those who have gifts to bestow and patronage to dispense. And so it has ever been.

GOVERNMENT OF PUERTO RICO.

Mr. HOAR. Mr. President, I rise to a parliamentary inquiry. What is the attitude of the bill in regard to Puerto Rico?

The PRESIDENT pro tempore. It is the unfinished business.

Mr. HOAR. Is it now before the Senate?

The PRESIDENT pro tempore. It is.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Puerto Rico, and for other purposes.

Mr. HOAR. What is the pending question upon the bill?

The PRESIDENT pro tempore. The amendment proposed by the Senator from Nevada [Mr. STEWART].

Mr. HOAR. I desire to move an amendment to the bill, or if that amendment be not now in order because of another amendment pending, I desire to give notice of an amendment, and I should like to have it read at the desk.

The PRESIDENT pro tempore. The proposed amendment will be read.

The SECRETARY. Amend by inserting, after line 7, page 9, as follows:

That the following articles imported from the United States shall be admitted into Puerto Rico free:

Fish, whether fresh, salted, pickled, or cured, and all preparations thereof; leather and all manufactures thereof; agricultural implements.

The PRESIDENT pro tempore. The proposed amendment will be printed.

Mr. TURNER. Mr. President, on Friday I gave notice that I would make some remarks to-day on the pending Puerto Rican bill, but it would not be possible to finish my remarks before the beginning of the special order fixed by the Senate for a quarter after 4 o'clock this afternoon. Therefore, understanding that the Senate desires to go on with other business, I will now yield the floor and give notice that to-morrow, after the conclusion of the routine morning business, I shall ask the attention of the Senate.

INDIAN LANDS IN UTAH.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 14th ultimo, a letter from the Commissioner of Indian Affairs, containing a statement of the assets of the Confederated Bands of Utes, and showing the share of those residing in Utah; also a report from the Commissioner of the General Land Office, showing that prior to June 30, 1899, the receipts from the sales of their lands in Colorado amounted to $1,419,099.50, etc.; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

LIEUT. COL. H. C. CORBIN.

The PRESIDENT pro tempore laid before the senate a communication from the Secretary of War, transmitting, in response to a resolution of the 3d instant, the official copy of the proceedings of a general court-martial of Lieut. Col. Henry C. Corbin, which convened at Chattanooga, Tenn., February 14, 1865, together with a complete record of all the testimony introduced before the court, the findings of the court, their approval and confirmation, and the general order promulgating the findings; also the report of Col. Thomas J. Morgan, of January 16, 1865, to Maj. S. B. Moe, assistant adjutant-general, First Separate Division, Army of the Cumberland, together with copies of communications of record in the War Department, from officers of the Army with whom Lieut. Col. Henry C. Corbin served, relating to his service with the Fourteenth United States Colored Infantry in 1864 and 1865; which, with the accompanying papers, was ordered to lie on the table and to be printed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 153) for the relief of Elizabeth Johns;

A bill (H. R. 205) granting an increase of pension to George C. Snyder;

A bill (H. R. 206) granting a pension to Isaac D. Smith;

A bill (H. R. 434) granting an increase of pension to Jesse Smith;

A bill (H. R. 470) granting a pension to Jane Dykes;

A bill (H. R. 539) granting a pension to Louisa S. Wilson;

A bill (H. R. 541) granting a pension to Ellen Norwood;

A bill (H. R. 1201) granting a pension to James McNutt;

A bill (H. R. 1458) granting an increase of pension to John E. Whinnery;

A bill (H. R. 1507) granting an increase of pension to William H. La Count;

A bill (H. R. 1754) granting a pension to Helen M. Hull;

A bill (H. R. 1763) granting a pension to Ella F. Sydnor;

A bill (H. R. 1850) to increase the pension of John Houk;

A bill (H. R. 1944) granting an increase of pension to Eli C. Walton;

A bill (H. R. 1989) granting a pension to Marie Wiersaug;

A bill (H. R. 2170) granting a pension to Angeline Eyestone;

A bill (H. R. 2303) granting an increase of pension to Lavinia M. Payne;

A bill (H. R. 2382) granting an increase of pension to Eli Overhultz;

A bill (H. R. 2389) granting an increase of pension to Edward Boyle;

A bill (H. R. 2681) granting an increase of pension to Calista F. Hall;

A bill (H. R. 2792) granting a pension to Peter Cummings;

A bill (H. R. 2802) granting an increase of pension to John W. Brisbois;

A bill (H. R. 2809) granting an increase of pension to Moses F. Woods;

A bill (H. R. 2865) granting an increase of pension to Louis H. Gein;

A bill (H. R. 3012) granting a pension to Sarah Claggett;

A bill (H. R. 3167) granting an increase of pension to Thomas H. Cook;

A bill H. R. 3470) granting an increase of pension to George W. Weeden;

A bill (H. R. 3522) granting a pension to Lucy S. Bane;

A bill (H. R. 3640) granting a pension to Mary Pollock;

A bill (H. R. 3694) granting an increase of pension to James Bottoms;

A bill (H. R. 3809) granting increase of pension of Elisha B. Seaman;

A bill (H. R. 3863) granting an increase of pension to Alfred Dyer;

A bill (H. R. 3966) granting an increase of pension to David Talmon;

A bill (H. R. 4047) granting an increase of pension to James S. Jordan;

A bill (H. R. 4298) granting an increase of pension to John M. McCord;

A bill (H. R. 4441) granting an increase of pension to Samuel C. Krickbaum;

A bill (H. R. 4648) granting an increase of pension to William G. McLain;

A bill (H. R. 4655) granting a pension to Elizabeth C. Rice;

A bill (H. R. 4854) granting a pension to James L. Whidden;

A bill (H. R. 4961) granting an increase of pension to Margaret Gangloff;

A bill (H. R. 5126) granting an increase of pension to James J. McMains;

A bill (H. R. 5180) granting an increase of pension to Thomas Adams;

A bill (H. R. 5346) granting a pension to Elizabeth B. Norris;

A bill (H. R. 5390) granting an increase of pension to Maria E. Mailley;

A bill (H. R. 5303) granting an increase of pension to Samuel Hanson;

A bill (H. R. 5544) granting a pension to Loua A. Morgan;

A bill (H. R. 5546) granting an increase of pension to George White;

A bill (H. R. 5882) granting an increase of pension to John B. Fairchild;

A bill (H. R. 5949) granting a pension to Frederick Weber;

A bill (H. R. 6028) granting a pension to John H. Meeker;

A bill (H. R. 6031) granting an increase of pension to James W. Carmody;

A bill (H. R. 6092) granting a pension to Louisa Stearns;

A bill (H. R. 6139) granting a pension to Lucinda Haggard;

A bill (H. R. 6144) granting an increase of pension to Margaret A. Porter;

A bill (H. R. 6161) granting an increase of pension to John Landegan;

A bill (H. R. 6284) granting an increase of pension to James Crawley;

A bill (H. R. 6527) granting an increase of pension to George Myers;

A bill (H. R. 6700) granting an increase of pension to Maria Andrews;

A bill (H. R. 6701) granting a pension to Serelda C. McGrew;

A bill (H. R. 6911) granting an increase of pension to James R. Sawtelle;

A bill (H. R. 7114) granting an increase of pension to John S. Parker;

A bill (H. R. 7264) granting a pension to Hannah C. Smith;

A bill (H. R. 7322) granting an increase of pension to Frederick E. Vance;

A bill (H. R. 7368) granting an increase of pension to Sherman D. Plues;

A bill (H. R. 7622) granting an increase of pension to Peter M. Heaton; and

A bill (H. R. 7896) granting an increase of pension to Samuel Lybarger.

The following bills were severally read twice by their titles, and referred to the Committee on Naval Affairs:

A bill (H. R. 163) for the relief of Henry O. Morse;

A bill (H. R. 1616) to correct the naval record of Joseph Pitt, alias Joseph Marr, and to erase the name of Joseph Marr and substitute the name of Joseph Pitt on the records of the United States Navy;

A bill (H. R. 2465) to grant an honorable discharge to George W. Shank; and

A bill (H. R. 3206) to correct the naval record of Thomas Dunn.

CONSIDERATION OF PENSION BILLS.

Mr. HALE. I suggest that we go to the Calendar, Mr. President.

The PRESIDENT pro tempore. The Senator from Maine asks that the Senate proceed to the consideration of the Calendar.

Mr. HALE. If the Senator from New Hampshire [Mr. GALLINGER] in charge of the pension bills is ready to go on with those bills, I will withdraw my suggestion and that will give him the rest of the afternoon.

Mr. GALLINGER. I will ask unanimous consent that the order made this morning that the Senate would proceed to the consideration of unobjected pension bills at a quarter past 4 o'clock be amended so that we may proceed with their consideration now.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent that the Senate proceed to the consideration of unobjected pension cases now. Is there objection? The Chair hears none, and the first private pension bill on the Calendar will be stated.

Mr. GALLINGER. I will first yield to the Senator from Washington [Mr. TURNER].

JOSEPH LONGMIRE.

Mr. TURNER. I ask the consent of the chairman of the Committee on Pensions and the consent of the Senate to proceed to the present consideration of the bill (S. 2938) granting an increase of pension to Joseph Longmire. This case is so far back on the Calendar that we can not expect to reach it to-day. The pensioner is a Mexican war veteran, 90 years of age, totally blind, and I am afraid that he may die before we get this bill through unless I am permitted to have it considered now.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Washington?

There being no objection, the Senate, as in Committee of the

Whole, proceeded to consider the bill (S. 2938) granting an increase of pension to Joseph Longmire, which had been reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Longmire, late of Company D, First Regiment Indiana Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NELLIE L. GROSHON.

The bill (S. 712) granting a pension to Nellie L. Groshon was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "a;" in line 7, before the word "Company," to strike out "in;" and in line 8, after the word "Brigade," to insert "and pay her a pension at the rate of $15 per month;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nellie L. Groshon, widow of Thomas C. Groshon, late captain Company G, First Regiment of Mississippi Marine Brigade, and pay her a pension at the rate of $15 per month.

The amendments were agreed to.

Mr. GALLINGER. I move to further amend, in line 7, before the word "Mississippi," by striking out the word "of."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE E. TUTTLE.

The bill (S. 169) granting a pension to George E. Tuttle was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George E. Tuttle, late of Company G, Two hundred and eleventh Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DWIGHT D. WILBER.

The bill (S. 163) granting an increase of pension to Dwight D. Wilber was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Dwight D. Wilber, late of Company G, One hundred and thirty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN H. MORRISON.

The bill (S. 173) granting a pension to John H. Morrison was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John H. Morrison, late first lieutenant Company D, Sixteenth Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to John H. Morrison."

JACOB P. FLETCHER.

The bill (S. 2977) granting an increase of pension to Jacob P. Fletcher was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "lieutenant," to strike out the letter "a;" in the same line, before the word "Company," to strike out "of;" and in line 9, before the word "dollars," to strike out "twenty-four" and insert "seventeen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob P. Fletcher, late lieutenant Company A, One hundred and ninety-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SAMANTHA BARNES.

The bill (S. 1553) granting an increase of pension to Samantha Barnes was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samantha Barnes, widow of Newcomb M. Barnes, late captain Company I, One hundred and first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES G. HARTZELL.

The bill (S. 1441) granting a pension to James G. Hartzell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "Sixty-sixth," to strike out "Illinois Volunteer Infantry, at the rate of $12 per month in lieu of the pension now received," and insert "Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James G. Hartzell, late of Company C, Sixty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to James G. Hartzell."

CHARLES A. HUTCHINGS.

The bill (S. 1460) granting a pension to Charles A. Hutchings was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "Third," to strike out "Wisconsin Cavalry Volunteers, at the rate of $8 per month," and insert "Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $8 per month;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles A. Hutchings, late private, Company H, Third Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ISAIAH MITCHELL.

The bill (S. 1549) increasing the pension of Isaiah Mitchell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the words "United States," to insert "Regiment;" in the same line, after the word "Infantry" to insert "and pay him a pension:" and in line 9, before the word "now," to strike out "the pension," and insert "that;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaiah Mitchell, late of Company G, One hundred and fifteenth Regiment United States Infantry, and pay him a pension at the rate of $48 per month in lieu of that now received.

The amendments were agreed to.

Mr. GALLINGER. I move to further amend, in line 9, by striking out the words "now received" and inserting "he is now receiving."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Isaiah Mitchell."

JOHN G. B. MASTERS.

The bill (S. 1551) granting a pension to John G. B. Masters was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "Kentucky," to insert "Regiment," and in the same line, after the word "Infantry," to insert "and pay him a pension;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John G. B. Masters, late of Company C, Forty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $8 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HELEN L. DENT.

The bill (S. 1552) granting an increase of pension to Helen L. Dent was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Helen L. Dent, widow of Frederick T. Dent, late colonel, United States Army, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE BUNCE.

The bill (S. 61) granting a pension to George Bunce was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 10, before the word "dollars," to strike out "sixteen" and insert "twelve."

The amendment was agreed to.

Mr. GALLINGER. In line 6 let the word "a" be stricken out after the word "late;" let the word "of" be stricken out after the word "private;" let the words "of the" be stricken out after the words "Company A;" in line 7 let the word "of" be stricken out before the word "Illinois;" and in line 8 let it read, "also corporal of Company B, One hundred and fifty-fifth;" and in line 10 let the words "at the rate" be inserted before the word "of."

The PRESIDENT pro tempore. The bill will be read as proposed to be amended.

The SECRETARY. It is proposed to amend the bill so as to read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Bunce, late private, Company A, One hundred and forty-third Regiment Illinois Volunteer Infantry, also corporal, Company B, One hundred and fifty-fifth Illinois Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HENRY B. LAMBE.

The bill (S. 1029) granting a pension to Henry B. Lambe was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry B. Lambe, late a chaplain in the Ninetieth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $20 per month.

Mr. GALLINGER. In line 6 let the bill read, "late chaplain Ninetieth Regiment," etc.

The SECRETARY. It is proposed to amend in line 6, after the word "late," by striking out "a," and in the same line, after the word "chaplain," by striking out "in the;" so as to read:

The name of Henry B. Lambe, late chaplain Ninetieth Regiment United States Colored Volunteer Infantry.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ISAAC H. LYNN.

The bill (S. 2983) granting an increase of pension to Isaac H. Lynn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaac H. Lynn, late of Company D, Fourth Regiment Ohio Volunteer Cavalry, and to pay him a pension of $50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY B. CHRISTOPHER.

The bill (S. 1833) granting a pension to Mary B. Christopher was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "widow," to strike out "formerly" and insert "former;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary B. Christopher, former widow of James Bringhurst, surgeon of the Twenty-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $18 per month.

The amendment was agreed to. The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HENRY H. LEWIS.

The bill (S. 1831) granting a pension to Henry H. Lewis was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry H. Lewis, late of Renwick's battery, Illinois Volunteer Light Artillery, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Henry H. Lewis."

RICHARD L. TITSWORTH.

The bill (S. 1803) granting an increase of pension to Richard L. Titsworth was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "Infantry," to strike out "Volunteer;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Richard L. Titsworth, late of Company C, Fifteenth Regiment United States Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CATHARINE HARRIS.

The bill (S. 1030) granting a pension to Catharine Harris was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Catharine Harris, dependent mother of Mathias Harris, late of Company I, Seventeenth Regiment Ohio Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES B. LOGAN.

The bill (S. 847) granting a pension to James B. Logan was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James B. Logan, late captain Company K, Tenth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to James B. Logan."

BENJAMIN F. TRAPP.

The bill (S. 2777) granting a pension to Benjamin F. Trapp was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations

of the pension laws, the name of Benjamin F. Trapp, late of Company K, Fourteenth Regiment Missouri Home Guards, and pay him a pension at the rate of $20 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MATTHEW REDMOND.

The bill (S. 657) granting a pension to Matthew Redmond was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Matthew Redmond, late of Company C, Eighth Regiment New York Heavy Artillery Volunteers, and to pay him a pension of $12 a month from and after the passage of this act.

Mr. GALLINGER. Let that bill read "and pay him a pension"—striking out the word "to"—"at the rate of $12 per month," and then strike out the remainder of the bill.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. In line 7, after the word "and," it is proposed to strike out the word "to;" in line 8, after the word "pension," to insert "at the rate;" in the same line, before the word "month," to strike out "a" and insert "per;" and after the word "month" to strike out "from and after the passage of this act."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARTHA MADDOCKS.

The bill (S. 649) granting an increase of pension to Martha Maddocks was considered as in Committee of the Whole.

Mr. GALLINGER. I move to strike out all after the enacting clause of that bill and to insert what I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to strike out all after the enacting clause of the bill and to insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha Maddocks, mother of Acton P. Plummer, late of Company F, Eighth Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that which she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SARAH E. FORTIER.

The bill (S. 2020) granting a pension to Sarah E. Fortier was considered as in Committee of the Whole.

Mr. GALLINGER. I move to strike out all after the enacting clause of that bill and to insert what I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to strike out all after the enacting clause and to insert:

That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah E. Fortier, widow of Joseph Fortier, late a member of the Renville Rangers, Minnesota Militia Volunteers, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SARAH ANN FLETCHER.

The bill (S. 950) granting a pension to Sarah Ann Fletcher was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah Ann Fletcher, widow of Archer Fletcher, late of Company C, Seventh Battalion, District of Columbia Volunteer Militia Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MICHAEL LOCHARD.

The bill (S. 2961) granting an increase of pension to Michael Lochard, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Michael Lochard, late of Company H, Third Regiment Ohio Volunteer Cavalry, and to pay him a pension of $12 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM BLADES.

The bill (S. 2962) granting an increase of pension to William Blades was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "Missouri," to insert "Regiment;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Blades, late of Company B, Third Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EDWARD MADDEN.

The bill (S. 2993) granting an increase of pension to Edward Madden was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edward Madden, late private, Company F, Seventh Regiment West Virginia Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LIZZIE BREEN.

The bill (S. 259) granting a pension to Lizzie Breen was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "Infantry," to strike out "New York" and insert "United States;" and in line 8, after the word "Cavalry," to insert "and pay her a pension at the rate of $12 per month;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lizzie Breen, widow of Patrick Breen, late a member of Company A, Twenty-first United States Infantry, and Company G, First United States Cavalry, and pay her a pension at the rate of $12 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JENNIE P. STOVER.

The bill (S. 2451) granting a pension to Jennie P. Stover was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jennie P. Stover, widow of William R. Stover, late of Company A, Twenty-seventh Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HENRY H. BROWN.

The bill (H. R. 4090) granting an increase of pension to Henry H. Brown was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry H. Brown, late a member of Company I, Fifty-ninth Indiana Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MAJ. A. NORTHROP.

The bill (S. 3127) granting an increase of pension to Major A. Northrop was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Maj. A. Northrop, late of Company H, Fifteenth Regiment New Hampshire Volunteer Infantry, and of Company K, Eighteenth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY A. PARKER.

The bill (S. 2881) granting a pension to Mary A. Parker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary A. Parker, widow of Corwin J. Parker, late of Company K, Third Regiment New Hampshire Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES H. STEVENS.

The bill (S. 3004) granting an increase of pension to James H. Stevens was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James H. Stevens, late captain Company C, Eighty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ISAAC PATTERSON.

The bill (S. 474) granting an increase of pension to Isaac Patterson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaac Patterson, late of Company C, Third Regiment Kentucky Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HORATIO N. CORNELL.

The bill (S. 2280) granting a pension to Horatio N. Cornell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty" and insert "twelve:" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Horatio N. Cornell, late a sailor on the U. S. S. *Michigan*, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELEANOR R. SULLIVAN.

The bill (S. 1608) granting a pension to Eleanor R. Sullivan was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eleanor R. Sullivan, former widow of Edwin L. Adams, late of Company F, Fifteenth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELLEN LEDDY.

The bill (S. 2463) granting an increase of pension to Ellen Leddy, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ellen Leddy, widow of Michael Leddy, late second lieutenant, Sixty-ninth New York Volunteer Infantry, and pay her a pension at the rate of $15 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES PERKINS.

The bill (H. R. 4652) granting an increase of pension to Charles Perkins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles Perkins, late of Company H, Sixteenth New York Volunteer Heavy Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUSAN M. BUTTON.

The bill (H. R. 3260) granting a pension to Susan M. Button was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Susan M. Button, widow of Joseph Milliken, late sergeant, Company C, One hundred and forty-first Regiment New York Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN VARS.

The bill (H. R. 232) granting a pension to John Vars was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Vars, the totally blind son of Frank Vars, late master's mate on the U. S. steamer *Reliance*, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH R. HOLT.

The bill (H. R. 2391) granting a pension to Elizabeth R. Holt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth R. Holt, widow of Wesley E. Holt, late private of Company C, First New Hampshire Heavy Artillery Volunteers, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN M. LAUGHLIN.

The bill (H. R. 2666) granting a pension to John M. Laughlin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John M. Laughlin, late a private of Lieut. George Melick's detachment, Twentieth Regiment Ohio Volunteer Infantry, and to pay him a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD A. PARMALEE.

The bill (S. 2543) granting an increase of pension to Edward A. Parmalee was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edward A. Parmalee, late of Company F, Fifth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MATHEW T. JONES.

The bill (S. 751) granting an increase of pension to Mathew T. Jones, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mathew T. Jones, late of Company E, Thirteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SOPHRONIA BAILEY.

The bill (H. R. 1979) granting a pension to Sophronia Bailey was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Sophronia Bailey, dependent mother of Capt. George A. Bailey, late of Company B, Eleventh Regiment (First Artillery) Vermont Volunteers, and to pay her a pension of $20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUSAN GARRISON.

The bill (H. R. 2749) granting a pension to Susan Garrison was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the name "Garrison," to strike out "deceased;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susan Garrison, widow of Goldsbury Garrison, late of Company C, Eighth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

FRANCES C. KIRBY.

The bill (H. R. 5156) granting an increase of pension to Frances C. Kirby was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frances C. Kirby, widow of George B. Kirby, late captain Company I, Forty-seventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of $15 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MATILDA G. HIGBEE.

The bill (H. R. 6575) granting a pension to Matilda G. Higbee was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Matilda G. Higbee, late nurse with the Eighth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ERNST PITSCHNER.

The bill (S. 2159) granting an increase of pension to Ernst Pitschner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ernst Pitschner, late of Company G, Sixteenth Regiment Iowa Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE H. PENNINGTON.

The bill (H. R. 2477) granting an increase of pension to George H. Pennington was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George H. Pennington, late of Company E, Fifty-third Regiment Indiana Volunteer Infantry, and of Company K, Ninety-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MARGARETHE BOMKE.

The bill (H. R. 2526) granting a pension to Margarethe Bomke was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Margarethe Bomke, widow of Edmund Bomke, late quartermaster-sergeant of Eleventh Regiment of New York Militia, and to pay her a pension of $8 per month, and $2 per month additional for each of the two minor children of the soldier.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMMA M. KITT.

The bill (H. R. 438) granting a pension to Emma M. Kitt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Emma M. Kitt, widow of John B. Kitt, of Cooley's Independent Battery, Illinois Light Artillery, and to pay her a pension of $8 a month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the time, and passed.

ANDREW J. DAVIS.

The bill (H. R. 524) granting an increase of pension to Andrew J. Davis was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 4, after the word "place," to strike out "upon" and insert "on;" in line 7, after the word "Connecticut," to strike out "Volunteers" and insert "Volunteer Infantry;" and in line 9, before the word "he," to strike out "pension" and insert "that;" so as to make the bill read:

Be it enacted etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew J. Davis, late of Company I, Twenty-fifth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JOHN J. M'CORMICK.

The bill (H. R. 854) granting an increase of pension to John J. McCormick was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pensions laws, the name of John J. McCormick, late first lieutenant Company F, Second Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

NELSON B. LUTES.

The bill (H. R. 2169) granting an increase of pension to Nelson B. Lutes was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nelson B. Lutes, late a member of Company D, One hundred and eighty-eighth Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PHILIP YOE.

The bill (H. R. 2599) granting pension to Philip Yoe was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Philip Yoe, late of Company C, Third Potomac Home Brigade, Maryland Volunteers, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY GEESEN.

The bill (H. R. 4416) to increase the pension of Henry Geesen was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Geesen, late of Company E, Second Regiment Pennsylvania Volunteer Infantry, war with Mexico, and of Company A, Fourteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Henry Geesen."

SMITH JEWEAL.

The bill (H. R. 5440) granting an increase of pension to Smith Jeweal was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Smith Jeweal, late private in Company H, Fifteenth Regiment Ohio Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he now receives.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT GAMBLE, JR.

The bill (S. 2941) granting an increase of pension to Robert Gamble, jr., was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert Gamble, jr., late major and aid-de-camp to General Call, Florida Volunteers, Seminole Indian war, and to pay him a pension of $25 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELIZABETH OVERBY WILLIAMS.

The bill (S. 2552) granting an increase of pension to Mrs. Elizabeth Overby Williams, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Overby Williams, widow of Charles W. Williams, late colonel and deputy quartermaster-general, United States Army, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Elizabeth Overby Williams."

FANNIE H. RIGGIN.

The bill (H. R. 825) granting an increase of pension to Fannie H. Riggin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Fannie H. Riggin, widow of John Riggin, late colonel and aid-de-camp, United States Volunteers, on staff of General Grant, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM W. WHARTON.

The bill (H. R. 3072) to increase the pension of William W. Wharton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William W. Wharton, late of Company I, Eighty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to William W. Wharton."

JOHN F. NELSON.

The bill (H. R. 3071) granting an increase of pension to John F. Nelson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John F. Nelson, late captain Company H, One hundred and fifty-fourth New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ZADOK C. PERKINS.

The bill (H. R. 5186) granting an increase of pension to Zadok C. Perkins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Zadok C. Perkins, late of Company D, Second Iowa Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID C. DANE.

The bill (H. R. 5188) granting a pension to David C. Dane was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David C. Dane, dependent father of George W. Dane, late private in Company A, Thirty-third Regiment Indiana Volunteer Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM J. WALLACE.

The bill (S. 3033) granting an increase of pension to William J. Wallace was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William J. Wallace, late of Company A, Seventieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES M. KERCHEVAL.

The bill (H. R. 309) granting a pension to James M. Kercheval was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 3, before the word "is," to insert "he;" and in line 4, after the word "roll," to strike out "of the United States of America;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James M. Kercheval, late acting assistant surgeon, United States Army, and pay him a pension at the rate of $12 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

HARVEY GRANT.

The bill (H. R. 1885) granting a pension to Harvey Grant was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Harvey Grant, late of Company B, First Regiment of East Tennessee National Guards, and to pay him a pension of $12 a month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed

MALINDA JONES.

The bill (H. R. 5509) granting a pension to Malinda Jones was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Malinda Jones, mother of Samuel Jones, late of Company I, Eighth Tennessee Volunteer Cavalry, and to pay her a pension of $12 per month.

Mr. GALLINGER. In line 6, I move that the word "dependent" be inserted before the word "mother," so as to read "dependent mother."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

CHARLES W. JEROME.

The bill (H. R. 5710) granting an increase of pension to Charles W. Jerome was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles W. Jerome, late first lieutenant and regimental quartermaster One hundred and fifteenth Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCIS H. STAPLES.

The bill (S. 2863) to restore the pension of Francis H. Staples was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 5, after the word "Eighth," to insert "Regiment," and in line 6, after the word "Vermont," to strike out "Volunteers" and insert "Volunteer Infantry;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension roll the name of Francis H. Staples, late of Company E, Eighth Regiment Vermont Volunteer Infantry, and pay him a pension at such rate as his disabilities, heretofore shown to have originated in the service, may entitle him to.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill restoring to the pension roll the name of Francis H. Staples."

EMILY A. LARIMER.

The bill (S. 3125) granting a pension to Emily A. Larimer was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emily A. Larimer, former widow of Henry J. Hill, late of Company F, Thirty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MELVINA BOTTLES.

The bill (H. R. 3067) granting an increase of pension to Melvina Bottles was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 4, after the word "place," to strike out "upon" and insert "on," and in line 9, after the word "of," to strike out "the pension which she now receives" and insert "that she is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Melvina Bottles, widow of William J. Bottles, late of Company E, Twenty-first Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

EDWARD L. RUBY.

The bill (S. 1954) granting a pension to Edward L. Ruby was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "Cassall," to strike out "who served as" and insert "late;" in line 7, after the word "Kansas," to insert "Volunteer," and in line 9, before the word "dollars," to strike out "of seventy-two" and insert "at the rate of seventeen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward L. Ruby, alias Edward Cassall, late a member of Company F, Nineteenth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $17 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ADELE W. ELMER.

The bill (S. 1242) to increase the pension of Adele W. Elmer was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Adele W. Elmer, widow of Horace Elmer, late commander, United States Navy, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Adele W. Elmer."

LYDIA F. WILEY.

The bill (S. 756) granting a pension to Lydia F. Wiley was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 5, after the word "provisions," to insert "and limitations;" in line 7, before the word "New Jersey," to strike out "of," and in the same line, after the word "Volunteers," to insert "and pay her a pension;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lydia F. Wiley, widow of John Wiley, late surgeon of the Sixth Regiment New Jersey Infantry Volunteers, and pay her a pension at the rate of $30 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARGARET H. KENT.

The bill (S. 2332) granting an increase of pension to Margaret H. Kent was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret H. Kent, mother of David A. Kent, late of Company H, Seventeenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment was agreed to.

Mr. GALLINGER. In line 6 let the word "dependent" be inserted before the word "mother;" so as to read "dependent mother."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELLA COTTON CONRAD.

The bill (S. 1619) granting a pension to Ella Cotton Conrad was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "Infantry," to strike out "Volunteer," and in line 9, after the word "month," to insert "in lieu of the pension she is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ella Cotton Conrad, widow of Casper H. Conrad, late major of the Eighth Regiment United States Infantry, and pay her a pension at the rate of $50 per month in lieu of the pension she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Ella Cotton Conrad."

MARY JANE M'LAUGHLIN.

The bill (S. 244) granting a pension to Mary Jane McLaughlin, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions, with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Jane McLaughlin, invalid and dependent daughter of Michael McLaughlin, late of Company C, Twelfth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CECILIA A. PRICE.

The bill (S. 1909) granting a pension to Cecilia A. Price was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cecilia A. Price, widow of William P. Price, late of Company G, Eleventh Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Cecilia A. Price."

GEORGE W. NEWELL.

The bill (S. 3183) granting a pension to George W. Newell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions

and limitations of the pension laws, the name of George W. Newell, late of Company H, One hundredth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LOUESA MOULTON.

The bill (S. 3294) granting a pension to Louesa Moulton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "widow," to insert "former;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louesa Moulton, former widow of Erastus A. Burnham, late of Company D, Twenty-fourth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

KATE B. WARREN.

The bill (S. 3329) granting a pension to Kate B. Warren was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 10, after the word "month," to insert "in lieu of that she is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Kate B. Warren, widow of Charles E. Warren, late assistant surgeon Ninety-fifth Regiment United States Colored Troops and surgeon Ninetieth Regiment United States Colored Troops, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Kate B. Warren."

EXECUTIVE SESSION.

Mr. GALLINGER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

CIVIL GOVERNMENT FOR ALASKA.

Mr. CARTER. Mr. President, I ask unanimous consent that the Secretary now proceed with the formal reading of the bill (S. 3419) making further provision for a civil government for Alaska, and for other purposes.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Is there objection to the request made by the Senator from Montana?

Mr. COCKRELL. What is the request?

Mr. CARTER. That the Secretary proceed with the formal reading of the Alaskan bill. I will supplement that request by another, to the effect that until adjournment no other business be transacted. While the bill is intensely interesting, and I have no doubt every Senator will desire to hear every word read, it may be possible that some Senator will desire to absent himself, and in consequence of that possibility I suggest that we proceed with the reading until adjournment, and that no other business be done during the remainder of the evening.

Mr. TILLMAN. In other words, that no amendment shall be offered, and there shall be no discussion of the bill.

Mr. CARTER. No discussion of the bill and no amendment offered; nothing beyond the formal reading.

The PRESIDING OFFICER. Is there objection to the request made by the Senator from Montana? The Chair hears none.

Mr. PETTUS. Mr. President, I desire to know whether any other business of any kind will be transacted.

The PRESIDING OFFICER. It was stipulated in the request that no other business would be transacted until adjournment.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3419) making further provision for a civil government for Alaska, and for other purposes.

The Secretary resumed the reading of the bill at page 444, section 1069, and read to the end of chapter 11 of Title III on page 489.

Mr. CARTER. I think we have reached a point in the reading of the bill sufficiently advanced to justify us in believing that the reading can be completed in a two hours' session, which I hope may be held on Wednesday morning. I move that the Senate adjourn. I have not asked unanimous consent for a session on Wednesday morning. That request will be presented to-morrow, and I presume we can rely upon the——

Mr. BATE. Wednesday morning?

Mr. CARTER. I do not now present the request for unanimous consent to meet on that morning, but I will do so to-morrow.

Mr. BATE. If it is proper, I had better put in those amendments of mine at once.

Mr. CARTER. Certainly.

The PRESIDING OFFICER (Mr. SHOUP in the chair). Does the Senator from Montana withdraw his motion?

Mr. CARTER. I withdraw for the time being the motion to adjourn.

Mr. BATE. I ask the Secretary to read the amendments. They are very plain.

Mr. CARTER. I suggest to the Senator from Tennessee that the amendments be printed.

Mr. BATE. Just as the Senator prefers.

Mr. CARTER. It will be more convenient for Senators on the floor to have the amendments printed.

Mr. BATE. I have no objection in the world to their being printed.

Mr. CARTER. I suggest that they be printed and lie on the table.

The PRESIDING OFFICER. The amendments will be printed and lie on the table.

Mr. CARTER. I renew the motion that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 33 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, March 13, 1900, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate March 12, 1900.

ASSISTANT SURGEONS IN MARINE-HOSPITAL SERVICE.

Thomas D. Berry, of Texas, to be an assistant surgeon in the Marine-Hospital Service of the United States.

Baylis H. Earle, of South Carolina, to be an assistant surgeon in the Marine-Hospital Service of the United States.

Mervin W. Glover, of West Virginia, to be an assistant surgeon in the Marine-Hospital Service of the United States.

Bolivar J. Lloyd, of Texas, to be an assistant surgeon in the Marine-Hospital Service of the United States.

John D. Long, of Pennsylvania, to be an assistant surgeon in the Marine-Hospital Service of the United States.

Allan J. McLaughlin, of New Jersey, to be an assistant surgeon in the Marine-Hospital Service of the United States.

POSTMASTER.

Simeon Chapman, to be postmaster at Westerville, in the county of Franklin and State of Ohio, in the place of F. M. Rauck, whose commission expired February 13, 1900.

PROMOTIONS IN THE ARMY.

Ordnance Department.

Lieut. Col. William A. Marye, Ordnance Department, to be colonel, March 5, 1900, vice Whittemore, retired from active service.

Maj. John A. Kress, Ordnance Department, to be lieutenant-colonel, March 5, 1900, vice Marye, promoted.

ASSISTANT SURGEONS IN THE NAVY.

Frank Lester Pleadwell and Dudley Newcomb Carpenter, to be passed assistant surgeons in the Navy, from the 24th day of October, 1899, to fill vacancies existing in that grade.

HOUSE OF REPRESENTATIVES.

MONDAY, *March 12, 1900.*

The House met at 12 o'clock m., and was called to order by the Speaker.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of Saturday last was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. THOMAS of Iowa, indefinitely, on account of sickness.

COMMITTEE APPOINTMENTS.

The SPEAKER announced as members of the Committee on the Library Mr. JAMES T. MCCLEARY of Minnesota, chairman, and Mr. H. HENRY POWERS of Vermont.

UNITED STATES DISTRICT COURT, CHARLOTTESVILLE, VA.

Mr. HAY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 65) to authorize the holding of a regular term of the district court of the United States for the western district of Virginia in the city of Charlottesville, Va.

The SPEAKER. The gentleman from Virginia asks unanimous consent for the present consideration of a bill which the Clerk will report.

The bill was read, as follows:

Be it enacted, etc., That a regular term of the district court of the United States for the western district of Virginia shall be held in each year in the city of Charlottesville, Va., on the second Monday in January.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. PAYNE. I should like to ask if this is reported by the Judiciary Committee?

Mr. HAY. It is.

Mr. PAYNE. Is there a court-house at this place?

Mr. HAY. Oh, yes. This is unanimously reported by the Judiciary Committee, and if the gentleman has any question about it, I will ask the Clerk to read the report.

Mr. PAYNE. Oh, no. I understood the gentleman to say that there is a court-house there.

Mr. HAY. There is.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. HAY, a motion to reconsider the last vote was laid on the table.

PRINTING OF EULOGIES ON THE LATE VICE-PRESIDENT HOBART.

Mr. HEATWOLE. Mr. Speaker, I ask unanimous consent for the present consideration of Senate joint resolution 75, to print 31,000 copies of the eulogies on Garret A. Hobart, late Vice-President of the United States.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there be printed of the eulogies delivered in Congress on Garret A. Hobart, late Vice-President of the United States, 31,000 copies, of which 10,000 copies shall be for the use of the Senate, 20,000 for the use of the House of Representatives, 500 copies for the use of the Department of State, and 500 copies for the use of the family of the late Vice-President; and the Secretary of the Treasury be, and he is hereby, directed to have printed a portrait of the said Garret A. Hobart, to accompany said eulogies; and for the purpose of engraving and printing said portrait the sum of $500, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There was no objection.

Mr. FINLEY. Mr. Speaker, I should like to ask if the copies are to be distributed through the folding room?

Mr. HEATWOLE. Yes; in the usual way.

The joint resolution was ordered to a third reading, and was accordingly read the third time, and passed.

On motion of Mr. HEATWOLE, a motion to reconsider the last vote was laid on the table.

UNITED STATES COURT, FOARD COUNTY, TEX.

Mr. LANHAM. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 9284) to attach the county of Foard, in the State of Texas, to the Fort Worth division of the northern district of Texas, and providing that all process issued against defendants residing in said county shall be returned to Fort Worth.

The bill was read, as follows:

Be it enacted, etc., That the County of Foard, in the State of Texas, be, and the same is hereby, assigned to the Fort Worth division of the northern judicial district of the State of Texas, and that all process issued against defendants residing in the said County of Foard shall be returned to Fort Worth.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. LANHAM, a motion to reconsider the last vote was laid on the table.

BEACH MINING IN ALASKA.

Mr. LACEY. Mr. Speaker, I ask unanimous consent for the present consideration of the following bill. The bill covers six pages, and perhaps a word of explanation before the question of unanimous consent is put would be the easiest way.

Mr. PAYNE. The bill had better be read.

The Clerk read as follows:

A bill (H. R. 9310) extending in the district of Alaska the placer-mining laws to lands reserved from sale in sections 1 and 10 of an act of Congress approved May 14, 1898, entitled "An act extending the homestead laws and providing for right of way for railroads in the district of Alaska, and for other purposes."

Be it enacted, etc., That the laws of the United States relating to placer-mining claims and the rights incident thereto shall, from and after the passage of this act, be extended to the lands reserved from sale by the provisions of sections 1 and 10 of an act of Congress approved May 14, 1898, entitled "An act extending the homestead laws and providing for right of way for railroads in the district of Alaska, and for other purposes," subject to the following limitations and provisos, which limitations and provisos shall be applicable only to those portions of such reserved lands which are designated, respectively, in section 1 of said act as "the shore of any navigable waters within said district" (meaning the lands lying between high and low water mark), and in section 10 of said act as "a roadway 60 feet in width, parallel to the shore line as near as practicable;" *Provided*, That this act shall not apply to any portion of the 60-foot roadway which is or may be embraced in a valid existing claim made under said act of May 14, 1898.

SEC. 2. That the location must be made in person, the locator or locators to be present upon the ground when the location is made. Where the location is made by a corporation it must be made by a duly authorized agent, who, as such agent, must be present in person on the ground when the location is made. The notice of the location must be filed for record in the office of the register and receiver of the United States for the land district within sixty days from the day on which the location was made upon the ground; and the register and receiver are authorized to charge and receive for recording such location the sum of $1 for each location or claim, which shall be accounted for as other public moneys of the United States. Each claim so located shall extend from the line of ordinary high tide across the 60-foot roadway, but no farther, and shall be substantially at right angles thereto, and shall not exceed 25 feet in width along the shore or at any place along the 60-foot roadway: *Provided*, That the miners, not less than 25 in number, in miners' meeting, of which not less than ten days' notice shall be given, in any organized mining district, may increase the width of the claim, but no claim shall exceed 500 feet; and it shall not be lawful for any individual, association of individuals, or corporations to locate, either as an original location or as a relocation, more than one claim within one mile space, and no certificate of miners' rights, as hereinafter provided for, shall embrace more than one claim, and such certificate shall issue in the name of the locator or locators: *Provided*, That the locator or locators of any claim may, upon the filing of the relinquishment of the same with the register and receiver for the land district, locate another claim in lieu thereof. The register and receiver are authorized to charge and receive for the recording of any such relinquishment the sum of $1, which shall be accounted for as other public moneys of the United States.

SEC. 3. That in making the survey the shore line of the survey shall be the shore-meander line, meaning ordinary high-water line, and the survey shall establish within or bounding the claim the lines of the 60-foot roadway, as described in said section 10 of the act of May 14, 1898: *Provided*, That for the purposes of this act the roadway shall be deemed parallel to the meander line of the shore and contiguous thereto.

SEC. 4. That the title granted shall not be a fee, but a miner's right only, which right shall terminate when the lands shall be included in any State, or before that time if it can be satisfactorily shown that the claim no longer contains sufficient mineral to justify its working as a mining claim: *Provided*, That there shall pass to the locator or locators, and continue during the life of the claim, the right to mine, as an easement, the tide lands, should there be such, abutting the claim on the shore or the meander line.

SEC. 5. That the right hereby granted shall be subject, in addition to the provisions in the placer-mining laws not inconsistent herewith, to the following reservation in the said section 10 of the act of May 14, 1898: "That the Secretary of the Interior may grant the use of such reserved lands abutting on the water front to any citizen or association of citizens or to any corporation incorporated under the laws of the United States or under the laws of any State or Territory for landings and wharves, with the provision that the public shall have access to and proper use of such wharves and landings at reasonable rates of toll, to be prescribed by the said Secretary," and subject, further, to the right of way for pipe lines extending from the shore lengthwise through the claim; but when any person in the construction of such pipe line injures or damages the possession of the claimant, the party committing the injury or damage shall be liable to the party injured for such injury or damage: *And provided*, That at all times there shall be kept, free from artificial obstruction, a roadway across each claim of sufficient width for the convenient use of the public as a highway.

SEC. 6. That the grant herein, being a miner's right only, the miners in regular meeting, as provided in section 2 of this act, may make regulations providing that portions of the labor to be performed or improvements to be made, as provided in section 2324 of the Revised Statutes, be performed or expended during stated periods within the year, not, however, to exceed $200 in any one year, $100 whereof to be expended within ninety days of the location; and an expenditure of $200 only will be required in lieu of the $500 required by the placer-mining laws (section 2325, Revised Statutes), and in lieu of the payment of $2.50 per acre required to be paid for the land in a placer-mining claim a payment of $5 for each claim shall be made by the claimant for the right granted, and the receiver's receipt and the register's final certificate of entry shall be issued for a miner's right only; and nothing in this act shall be construed as a right of the claimant to a patent, but in lieu of such patent the Commissioner of the General Land Office will, when all is found regular, issue to the claimant, in the name or names of the locator or locators, a certificate of approval of the right to mine the claim under this act.

SEC. 7. That the act of Congress approved May 14, 1898, entitled "An act extending the homestead laws and providing for right of way for railroads in the district of Alaska, and for other purposes," so far as it conflicts with any of the provisions contained herein, is hereby repealed.

SEC. 8. That this act shall apply only to that part of the coast and shores of Alaska lying between the mouth of Fish River, at the head of Golofnin Bay, and Cape Prince of Wales.

Mr. LACEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill just read.

The SPEAKER. Is there objection to the consideration of the bill just reported?

Mr. LIVINGSTON. I would like to have some explanation about this bill before unanimous consent is given.

Mr. RICHARDSON. I was going to say that as this bill is quite a long one, I hope the gentleman will give us some satisfactory reason why it ought to be considered out of order and not in its regular order.

Mr. LACEY. The question is a very pertinent and very proper one, and I desire to give such an explanation.

Mr. LIVINGSTON. Has this bill been unanimously reported by the committee?

Mr. LACEY. It is unanimously reported by the committee, and the bill, I think, meets the approval of the miners who have been engaged in mining on a portion of these lands lying along the coast.

Mr. BURKE of Texas. I would like to ask the gentleman how much time he thinks it will take to make an explanation and dispose of this bill?

Mr. LACEY. If it is to take any considerable time, I will withdraw it. I would not like to encroach upon the election case, and I think a short explanation will be satisfactory.

Mr. Speaker, in preparing and introducing to the House a bill upon beach mining in the Cape Nome region of Alaska it is necessary to state that under the act of 1898 there is a highway or right of way reserved, and that right operates 60 feet in width as near as practicable on the shores of the sea and streams of Alaska. Upon this 60 feet and upon the tide lands below this reservation were found exceedingly rich mines in the Cape Nome region. Last season the mines were worked by the miners themselves under a general understanding of the miners. Miners' meetings were organized under no law, but by a mutual agreement; and in the approaching season it is expected that the crowd of miners going to the gold regions will be so great that that mere arrangement, unauthorized by law, will not be adequate and that it is necessary to make some law by which mines can be operated, and this bill as now drawn practically relegates the whole matter to miners' meetings.

Mr. RICHARDSON. What is the object of passing this legislation when we have a bill which provides for legislation for Alaska? There is a special bill pending before Congress, and why not put all these things into that bill instead of reporting them by piecemeal?

Mr. LACEY. We have introduced this bill from the committee as a single proposition in relation to Alaska, and as a separate measure, for the simple reason that it could be called up and disposed of and sent to the Senate. If we were to put all these propositions into one bill the result would be that there would be no legislation. Therefore, after careful investigation, the committee deemed it wiser to put the Cape Nome mining proposition into one bill and dispose of it and send it to the Senate for disposition; and we have done the same with reference to the coal lands, and made that a single proposition, so that it could be considered, passed, and sent to the Senate as a separate measure, because the two Houses may not be agreed upon all legislation that will be necessary for Alaska, and by legislating upon one proposition in connection with another entirely different the result would be that no legislation would be enacted at all.

Now, we have framed a bill giving the right to mine within the 60 feet reserved strip as an easement, and the tide land in the same way, limiting the claims to 25 feet. We limit the claims so that they can not be taken up by power of attorney, and only one can be taken within a mile by the same person, and the operation of that will be regulated by the miners' meetings. If it shall be found, in their judgment, that the poverty of the region requires that they should be allowed to take larger claims, they may take additional land up to 300 feet, placing it substantially within the control of the miners' meetings to do legally that which they did without any law last year. A man can under this bill take only one claim within a mile; he must take this in person and must work it, but the miners' meeting may increase the claims to 300 feet.

Mr. LIVINGSTON. What do you mean by extending the law to the reservation of the land under the statute?

Mr. LACEY. At the present, if we were to extend the placer-mining law as it exists to Alaska—the whole of it—that would authorize the taking of 20-acre claims. Now, there are rules and limitations in this law. The claim may not extend beyond the 60 feet reservation and the tide land—that is, those which are not subject to mining under existing law. Instead of making a limitation of 20 acres, as was done under the general placer-mining law, we limit it to 25 feet. Under the ordinary law miners' meetings may reduce claims from 20 acres to a less quantity. But this would be too late after the beach had been occupied with 20-acre claims. Under this bill the opposite proposition is adopted. The claims under the general law are fixed at the small size of 25 feet, and the miners' meetings may increase them if the situation, in their judgment, would warrant it.

It is a very necessary measure. The original bill was sent out to various mining associations along the coast of Washington, Oregon, and California, so they might consider and make such objections as they deemed proper to this proposition; and, so far as I know now, this bill will substantially meet the desires of the miners who were there last season, and who expect to return, and who wish to have the authority of the law to protect them to do that which they did last year without authority.

Mr. RICHARDSON. But you have a substitute to the original bill.

Mr. LACEY. The original bill has been entirely abandoned. The bill just now read is the substitute bill. We have not called up the original bill.

Mr. RICHARDSON. But I understood the gentleman to say that it was the original bill that was sent out.

Mr. LACEY. No; objections were made to the original bill. It provided for mining out under the water, and that has been abandoned. The original bill gave much larger claims, and that provision has been abandoned; we have endeavored to draw this bill in such a way as to give the miners the most complete control of the entire matter. I believe this bill will accomplish the purpose. It will enable the 50,000 people who go in there to handle the mines in their own way and adopt rules and regulations as to the claims on the shore, as they may be located; it prevents the location by power of attorney, and the location of large tracts, limiting the claims to a very small area to begin with.

Mr. COWHERD. May I ask the gentleman from Iowa a question?

The SPEAKER. Does the gentleman from Iowa yield to the gentleman from Missouri?

Mr. LACEY. Certainly.

Mr. COWHERD. In section 5 that provision with regard to the Secretary of the Interior granting the right to citizens and corporations for the use of the front land——

Mr. LACEY. That is under the act of 1898. There are provisions for granting shore rights for landing places, and these rights have many of them already been granted. This bill provides that any claim located under this act will be junior to the rights already granted by the Secretary of the Interior or that may be hereafter granted.

Mr. COWHERD. That is the question that I want to get at.

Mr. LACEY. That refers to the right to establish piers for commerce and matters of that kind.

Mr. COWHERD. I want to know whether under this provision—I am not familiar with the provision of the act referred to—whether under this provision there might not arise a conflict between the miner who locates the claim and the corporation who is acting under a grant from the Secretary of the Interior with reference to these mining lands?

Mr. LACEY. No; the Secretary of the Interior can not make a grant, under the act of 1898, for mining purposes; it is purely for commercial purposes. It was thought best not to locate claims superior to the rights of commerce.

Mr. Speaker, I now yield three minutes to the gentleman from New York [Mr. DRIGGS].

Mr. DRIGGS. Mr. Speaker, I would like to say in support of this measure that it is radically different from the bill originally introduced. The gentleman from Iowa found, after the introduction of that bill, that it did not meet the situation in Alaska. He withdrew that bill and introduced this one to take its place. As I understand, the people interested in Alaska—Governor Brady and others, among whom is James Hamilton Lewis, a former member of this House, a member of the last Congress—say that this is the bill desired by the Alaskan authorities as well as the mining people who are contemplating going to Alaska this year.

Now, under the act passed in 1898 there was no provision made whatever for the beach claims. Then, back of the high tide came the 60-foot strip granted as a right of way, and back of the right of way came what was known as the tundra claims, and it was found on investigation that there might be considerable confusion between the tundra claims and the beach claims. This bill would do away as far as possible with all trouble and riot. It is expected that forty or fifty thousand people will go to Cape Nome this summer; and if we pass this bill, in my opinion, it will obviate any trouble, and every man will have a fair chance. I trust the bill will pass.

Mr. LACEY. Unless there is some other gentleman who desires to ask a question, I now yield to the gentleman from Wyoming [Mr. MONDELL] for the purpose of offering an amendment.

Mr. MONDELL. Mr. Speaker, I move to amend the bill on page 2, section 2, line 15, beginning with the word "where," by striking out the following words: "where the location is made by a corporation it must be made by a duly authorized agent, who, as such agent, must be present in person on the ground when the location is made."

I also move to amend by striking out the words "or corporations" in line 11 of page 3.

The amendments proposed by Mr. MONDELL were read by the Clerk.

Mr. LACEY. I can speak only for myself in regard to this proposition, but I have no objection to it. This particular tract of land has been regarded as a poor man's mining tract or digging. The proposition would prevent any corporation from locating an original claim, but would not, of course, prevent a corporation from buying from anyone who may take a claim there.

Mr. BELL. What is the effect of the amendment?

Mr. LACEY. The effect would be, as I have said, to prevent a corporation from locating originally a claim. Personally I have no objection to the amendment.

Mr. BELL. How does it happen that you permit a corporation to enter these lands at all? Such a thing is not allowed in the United States.

Mr. LACEY. The proposition is to strike out the authority for corporations to locate claims originally. As I have said, I do not object to it.

Mr. BELL. I understand, however, that you propose to allow an agent to locate claims for a corporation.

Mr. LACEY. The motion of the gentleman from Wyoming is to strike that out.

Mr. BELL. But I understand the gentleman from Wyoming proposes to require the agent of the corporation to be there.

Mr. LACEY. No. The motion is to prevent a corporation from making an original location on this strip at all through an agent or in any other way.

Mr. BELL. Do you allow corporations to take up mining claims anywhere in Alaska?

Mr. LACEY. Not under this bill. This bill is limited to the 60-foot right of way—an easement of 60 feet on the reserved strip and upon the tide lands.

Mr. BELL. Why do you not extend the mining laws of the United States to Alaska?

Mr. LACEY. They were so extended about ten or fifteen years ago. That is the reason; and I think it a sufficient answer to the gentleman's question.

Mr. BELL. What change in the law are you making now?

Mr. LACEY. We are only changing the law so as to authorize mining under certain restrictions upon the reserved right of way along the shore and on the tide lands, to which the mining laws heretofore have not applied.

Mr. BELL. And this does not interfere with the general law at all?

Mr. LACEY. It does not.

Mr. RICHARDSON. Mr. Speaker, I submit to the gentleman that the word "person" would include corporations; and if we give persons the right to make these locations we give it to corporations, unless we insert an express prohibition.

Mr. LACEY. That could be readily rectified by a further amendment striking out the words suggested by the gentleman from Wyoming, and a proviso could be added declaring that corporations shall not locate claims originally.

Mr. BELL. Allow me another question. Under the mining laws of the United States, only a citizen of the United States, or one who has regularly declared his intention to become such, can locate a mining claim.

Mr. LACEY. This bill makes no change whatever in that respect. It leaves the law in that respect precisely the same as it would be in Colorado or any other State. A man who could not locate a claim in Colorado could not locate one of these little beach claims in Alaska.

Mr. BELL. How is it that you do not use the same language as is contained in the general law, limiting the right to citizens of the United States and those persons who have regularly declared their intention to become such?

Mr. LACEY. We do not use the same language, because in the first section we extend the placer-mining laws to the lands in question, subject to certain modifications; and the placer-mining laws contain the limitation to which the gentleman refers.

Mr. BELL. Oh, yes.

Mr. LACEY. It is unnecessary to repeat the provision. I must say in this connection that after the committee had agreed upon the general purpose of this bill the rough draft of it was submitted to experts in the Land Office, that they might revise it and put it in such a form as to meet the various technical points as to the construction of the existing law under the rules of that office.

Mr. RICHARDSON. Is the bill recommended by the Commissioner of the Land Office or the Secretary of the Interior? Have you any written evidence that they recommend it?

Mr. LACEY. Oh, no.

Mr. RICHARDSON. Ought there not to be such evidence?

Mr. LACEY. I think not. This is entirely a question of policy for Congress to say whether it desires to open this strip of territory or not. I can, however, say to my friend that the bill was drawn after full consultation with the Commissioner of the Land Office, the details were finished up in his office, and the measure meets with the cordial approval of that office. We have endeavored to meet all the technical requirements in order to apply the existing placer laws to this peculiar condition known as "beach mining," and it was limited from Fish River on Golofnin Bay to Cape Prince of Wales, although it is quite possible that other beaches in Alaska ought also to be covered. It was deemed best not to extend the provisions of the bill beyond that portion of Alaska where beach mining is likely to occur.

Mr. DRIGGS. Will the gentleman yield for a minute?

Mr. LIVINGSTON. I will say that if we can not pass this bill, I want to call for the regular order.

Mr. LACEY. I hope my friend from New York, who I understand is in favor of the bill, will not consume time. We want to pass the bill, so as not to interfere with the consideration of the contested-election case. The gentleman from Wyoming also adds the following proviso to his amendment. That will relieve the difficulty which has been suggested:

In line 23, page 3, insert:

"*Provided*, That no location shall be made by any corporation."

I will print the committee report in connection with my remarks, as the matter is one of considerable public interest:

The Committee on the Public Lands, having had under consideration the bill (H. R. 7572) extending in the district of Alaska the placer-mining laws to lands reserved from sale in sections 1 and 10 of an act of Congress approved May 14, 1898, entitled "An act extending the homestead laws and providing for right of way for railroads in the district of Alaska, and for other purposes," have considered the same and report it back with a substitute, which they recommend do pass.

Under the act of May 14, 1898, there was reserved along the coast and waters of Alaska a highway of 60 feet in width, as near as practicable parallel with the shore line.

Adjacent to this highway lie the tide lands, between high and low tide. Neither the tide lands nor the highway are subject to placer-mining locations, and there is no existing law under which the same can be mined. Last year exceedingly rich deposits of gold were found in these tide lands and in the reserved highway in the vicinity of Cape Nome. There being no law authorizing the location of placer claims on either the tide lands or highway, the miners of the region, by common consent, took and worked claims without any statutory authority under some sort of mining regulations of their own. The miners were enabled last year to work these diggings with but little friction or controversy. The natural equity existing among the miners enabled them to work in harmony and take out a large quantity of gold.

The beach was regarded as the ideal "poor man's diggings," as the claims were all small and easily worked, with but little outlay for machinery. Back of the highway much of the higher ground, or "tundra," has been located under the general placer laws.

It seems desirable that the miners in future may be enabled to do under the law substantially that which, in the last season, they did in the absence of law.

Your committee were of the opinion that the question as to mining this right of way and tide land should be left as far as practicable under the control of the local miners' meetings.

The general law on the subject of placer mining places the size of claims at 20 acres, and there is no limitation as to the number that may be taken; but under the general law miners' meetings may reduce the size, and also may enact rules as to time and amount of work to be done by the locators. In the bill reported by the committee the size of one of these beach claims is placed at 25 feet in width, and miners' meetings may increase the size up to 300 feet.

By making the amount of a claim under the statute so small, and limiting it to one claim in each mile, and giving the miners' meetings the power to enlarge them, practically places the whole matter where it may be lawfully controlled by the local miners' meetings. Where the shore is rich, the miners would not increase the size of the claims, but where it was more barren the claims could be enlarged. Where the claims are so poor as to be only susceptible of profitable mining by machinery, the claims should be large enough to justify that kind of working, and the miners' meetings, in their discretion, could enlarge them up to 300 feet. The right of way and highway not being subject to mineral locations by law, the miners' meetings could not lawfully make any regulations on the subject, as they only have the power, under the law, to make regulations as to mines that may be lawfully worked.

The effect of this bill is to enable the miners to do with full authority of the law practically that which they did by mere good will last season.

In 1899 the number of miners was small, the beach was long, and every man had some chance to work, and but little friction arose. But with a very large rush of newcomers it is important that the rights of all may be lawfully defined. The substituted bill gives but one small claim to each person, and the miners' meeting will define the amount of work to be done each year. The claims must be taken by the locator in person, and powers of attorney are excluded from operation in this beach mining.

As to the tide lands, the peculiar nature of the title is quite fully discussed in Shively *vs.* Bowlby (152 U. S., 1). No direct authority appears anywhere as to the right of the Federal Government to permit the working of placer mines in these tide lands, but we are of the opinion that the subject is clearly within the power of Congress. We do not deem it wise to authorize the acquisition of any right to mine within these tide lands other than as a mere easement, and hence have provided such easement only, limited to such time as the mineral may not be exhausted, and to terminate when the land becomes embraced within any State of the Union.

It has long been the settled policy of the United States Government to hold the tide lands free from settlement in trust for the use of the State when it shall be admitted into the Union. By giving an easement for mining purposes only, and terminable on the admission of Alaska or the incorporation of the land into a State, the policy of the past is in no wise disturbed.

The discovery of gold in these tide lands necessitates the application of the law to a new situation, and by granting an easement for temporary use only we think that the gold may be removed from these shores and at the same time the general policy of the law may remain undisturbed.

Under the act of 1898 a right of way parallel with the shore line, as near as practicable, was reserved. By that reservation it was intended that the highway need not follow exactly parallel to the meanderings of the shore, but that a more direct line might be chosen for that purpose. For the purposes of travel this description was no doubt sufficiently definite. But when a dispute may arise as to soil rich with gold dust the boundaries should be more definite. We have, therefore, provided in this bill that the meander line of the shore shall determine the direction and location of the highway for the purposes of this bill. In controversies as to mineral rights we would therefore have a fixed and visible line—the shore line—to go by.

For the purposes of actual travel a more direct and suitable location might be selected in many localities.

In the immediate Cape Nome region, with reference to which this bill proposes to deal, the shore line and the highway would generally correspond; but inasmuch as in some locations they would not coincide, your committee thought best to define the actual shore line as the one which would control the location of the 60 foot reservation for the purposes of this bill.

The SPEAKER. The gentleman from Wyoming adds to his amendment the following, which the Clerk will report.

The Clerk read as follows:

Page 3, after the word "State," in line 23, add the following: "*Provided*, That no location shall be made by any corporation."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. LACEY, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed with amendments the bill (H. R. 7941) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1901, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had passed the following resolutions:

Resolved, That it is with deep regret and sorrow that the Senate hears the announcement of the death of Hon. MONROE L. HAYWARD, late Senator-elect from the State of Nebraska.

Resolved, That the Senate extends to his family and to the people of the State of Nebraska sincere condolence in their bereavement.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended to enable those who would have been his associates had he lived to take his seat in this body to pay fitting tribute to his high character and distinguished worth.

Resolved, That the Secretary transmit to the family of the deceased and to the governor of the State of Nebraska a copy of these resolutions, with the action of the Senate thereon.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

Resolved, That as an additional mark of respect at the conclusion of these exercises the Senate do adjourn.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, a House bill, with Senate amendments, of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

H. R. 7941. An act making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1901—to the Committee on Foreign Affairs.

PRINTING FOR COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE.

Mr. HEPBURN. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the Committee on Interstate and Foreign Commerce be authorized to have printed and bound such papers and documents for the use of said committee as it may deem necessary in connection with subjects considered or to be considered by said committee during the Fifty-sixth Congress.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

CONTESTED-ELECTION CASE—WISE VS. YOUNG, VIRGINIA.

Mr. BURKE of Texas. Mr. Speaker——

The SPEAKER. The gentleman from Texas calls up the contested-election case of Wise against Young.

Mr. BURKE of Texas. I will state, Mr. Speaker, that the understanding between the gentleman from Michigan [Mr. WEEKS] and myself is that the time between now and half past 2 o'clock, the time at which a vote will be taken in this case, is to be so divided that I shall control all of that time except the last thirty minutes.

Mr. WEEKS. That is right.

Mr. BURKE of Texas. In furtherance of that understanding, I now yield to the gentleman from New York [Mr. DRIGGS] such time as he may desire.

The SPEAKER. The gentleman from New York.

Mr. DRIGGS. Mr. Speaker, during my short term as a member of this House I have sat here and listened, not as a lawyer, for that I am not, but as a layman, to the consideration of many of these contested-election cases, and while I fully recognize the constitutional right of the House of Representatives to be the judge of the qualifications of its own membership, at the same time it seems to me that these cases, brought up as they are, are not given the fair consideration that should be given them by the members of this House—not only of this present House, but of all preceding Congresses.

I have taken some pains to look up the contested-election cases that have been tried here, and whether the Democracy or the opposition has been in control of the House I find that in the great majority of cases a report by a majority of the committee in favor of unseating the sitting member has universally, with one or two exceptions, been followed by the unseating of the holder of the seat and the seating of the contestant.

Now, it seems to me that such consideration of these important cases is not fair, for not only does it bring up the fact of the contestee's election, but it also brings into consideration the sovereign rights of the people of the State that sent him here. I desire to say now that I am not questioning the right or finding fault with the majority, but rather am criticising the whole system of deciding cases here.

Well do I remember a case that was here considered only a few days ago, and I make this bold statement, that if I were a juror, sitting in a jury box, listening to the evidence in such a case as that, I unquestionably would have voted, and I think there would have been no doubt that the other 11 jurors would have voted, that the contestee was entitled to the seat and not the contestant. That is also true of a case that was considered here not long since, when the Democracy had control of this House. It seems that whenever the political majority is very close, then the time arrives for the most partisan construction and consideration of these cases. Justice is thrown to the winds and members vote, irrespective of evidence, along party lines.

Now, in this particular case, we find what? That the contestant was not even the nominee of his own party. I have been through the independent mill in politics, Mr. Speaker. I know what it is to be outside the bailiwick of my own party. I have had five or six years' experience in fighting my own organization at home, and finally I came to the conclusion that there could be but two parties in this country and those the two time-honored parties that have come down almost from the foundation of the Government. I include, of course, the Republican party with the Whig party. I have concluded that these two great parties, the Republican party and the Democratic party, can be the only ones that will control the destinies of this country. All these other parties that come up might be called side shows to the main parties themselves.

Now, we find this to be practically that sort of a case. The regular Republican nominee for Congress against the contestee had made no contest here, but the bolting candidate, the side-show candidate, against the contestee has brought in this contest against the present holder of the seat. Now, does it not stand to reason in the minds of all fair men that under these circumstances the Republican party itself were satisfied that the gentleman from Virginia [Mr. YOUNG] had been honestly and fairly elected to his seat, for the regular Republican nominee absolutely filed no claim of contest, being willing to abide by the will of the majority.

Not only that; in the last Congress the contestee in this case was elected by a majority of five or six thousand votes. It certainly does seem as though the people of this Virginia district thoroughly understood the man whom they desire to have represent them here. I leave it to you as fair-minded men, and understand I am only speaking as a layman and not as a lawyer. If when the contestee in this case went before his own party requesting a nomination again, and that nomination was given him, is it not a fact that by their returning him to this House they vindicated him and practically passed a vote of censure on the opposition for depriving him of his seat.

But you may say that in this case the laws of the State of Virginia are peculiar. I notice in reading the RECORD that there are several other contests from Southern States, because, they claim on the other side, that those States also have peculiar election laws. I contend, Mr. Speaker, that it is the right of every sovereign State in this Union to make such election laws for its own people as it sees fit, and that it is the bounden duty of such States to punish anyone who may cast an illegal vote on election day, thereby themselves preserving the sacredness of the ballot box and the strength of this Union. Why so? Because we, the people of these United States, depend absolutely on the sacredness of the ballot box and the fairness of the vote, and when the legislators of any State pass election laws they are the representatives of their own people making laws not only to protect the ballot box, but also the honor and integrity of the State itself.

In my own State the members of the lower house are called assemblymen and the members of the upper house senators. I do not know whether they are the titles given to similar officers in Virginia, but the members of the two houses of that State were honestly and legally elected to its State legislature, they enacted election law for the conducting of the elections of the State, and these legislators are the voice of the people of the State of Virginia, as we here are the voice of the people in the National House of Representatives.

That being the case, sir, while we may have the constitutional power, we have not the broad right to stand here and criticise the election laws of one of the sovereign States of this Union. It is for the people of Virginia themselves to decide whether or not they want the election laws now in force.

In a speech made a few days ago by the gentleman from Nebraska [Mr. BURKETT], found on pages 2601, 2602 of the CONGRESSIONAL RECORD, an array of figures is presented as to the votes cast in certain of the Southern States, comparing them with the votes cast in other States of the Union. He takes up South Carolina, Arkansas, Georgia, and Mississippi, and quotes certain figures as to votes cast in the elections there, comparing them with three other States, Colorado, Illinois, and New York. I might say, in passing, to account for the tremendous total of votes in the First and Second Congressional districts of Colorado, amounting to, respectively, 80,000 and 61,000 votes, that the gentleman omits to state the fact that in Colorado the women have the right to vote, so that practically they have there universal suffrage, the men and the women voting for Messrs. BELL and SHAFROTH.

That accounts for the 80,000 votes cast for Judge BELL and 60,000 votes cast for Judge SHAFROTH. He then gives two districts from the State of Illinois. I believe the Illinois election laws as near as possible have been modeled upon the laws of New York; or, if you please, you can put it the other way and say that the New York laws have been modeled somewhat after the Illinois election

laws. We have practically very few qualifications in either of the two States. Almost any man 21 years of age or over is allowed to vote, and under certain conditions the blind are also allowed to vote by taking another man into the voting booth with them and allowing this man to make up their ballots.

In Illinois there was one district where there were 60,000 votes cast, and in two districts of our good State of New York there were 59,000 votes cast in one and 50,000 cast in the other. But why, in all fairness, I will ask the gentleman from Nebraska—I know not whether he is in his seat on the other side—did he not take one election district in the city of New York in which there were but 18,000 votes cast?—and the election laws of the State of New York cover that district as well as they do the others. We know he produces these figures to draw invidious comparisons. Remember, Virginia is a strong Democratic State. I notice, Mr. Speaker, that in three Pennsylvania districts, viz, First, Republican vote was 25,665, Democratic vote 8,213; Second district, Republican vote was 19,547, Democratic vote 3,850; Fifth district, 39,239 Republican vote, and only 9,942 Democratic vote. No Democrat ever questions Pennsylvania elections, realizing that its people are overwhelmingly Republican. Is it not fairer to concede the honesty of Democratic majorities in Democratic districts and Republican majorities in Republican districts than to draw comparisons between the election laws of Democratic and Republican States? I believe absolutely in the right of every State to enact such election laws as it desires.

I believe, Mr. Speaker, that the time of this House of Representatives is far too valuable to be consumed in such cases as this. There are many matters of great import and moment to be decided; and only a few moments ago the leader on our side [Mr. RICHARDSON] asked why no legislation for Alaska had been enacted, and the gentleman from Iowa [Mr. LACEY] told him that it had not occurred because thus far there had been no time during the session for its consideration. Why, up in Alaska the people are waiting for laws; but we are consuming the time of this House in contested-election cases. It is not right; it is not just. I do not desire to consume all the time on our side; I simply desired to make these few remarks.

I will say still further, in passing, and make even this bold, broad assertion, that if I chance to be a member of the next House and that House should be Democratic, and our side brings up these contested-election cases, I will vote then, as I have voted before, against their consideration, not because of partisan reasons, but as a layman, for I believe they should be adjudicated in some other manner.

Mr. Speaker, when the gentleman from Michigan [Mr. WEEKS] opened this debate only eleven members were in their seats—not even a jury. In this country we pride ourselves on justice; we pride ourselves on honor, and we pride ourselves on our jury system. Why should not you on the other side now combine all these three, the honor, the justice, and our fair jury system, and, voting with us, bring in a verdict in full accord with the real evidence submitted, thereby establishing the verdict rendered by the people of this Virginia district, who returned the contestee in this case after he had had his seat taken from him in the last House?

Mr. BURKE of Texas. Mr. Speaker, I yield to the gentleman from Virginia such time as he may desire.

Mr. HAY. Mr. Speaker, I know of no more difficult task than speaking in a contested-election case in this House, because nobody seems to have any interest in it save the contestant and the contestee. I do not think that this is the proper time or place to answer the various attacks which have been made by the gentleman from Michigan [Mr. WEEKS] and the gentleman from North Carolina [Mr. LINNEY] upon the modes and methods in which the vote of the people of the South is cast. When the proper time shall come, and when it is necessary to go into that question, it will be time enough for us to answer it, although it has been heretofore formally and successfully and fully answered upon this floor. I, however, desire to call the attention of members of this House to this particular election case, and to the political conditions in the Second Virginia district in the fall of 1898.

I want especially to call attention of my Republican friends to an interview which appeared this morning in the Washington Post from the Hon. George E. Bowden, a member of the national Republican committee and a resident of the Second Congressional district of Virginia, from which this contest comes. I think to any fair-minded man a perusal of this interview will convince him that the Republicans beat themselves in the Second Congressional district in the fall of 1898, and that the contestant in this case has no case whatever, and ought not to come here and ask the members of this House to give him a seat to which he was not fairly elected by the voters of his district.

Now, Mr. Bowden is a gentleman of high standing in the State of Virginia. He is a member of the Republican national committee; he has occupied a seat upon this floor, and here is what he says in answer to the attack, or, rather, to the statement, of the gentleman from Iowa [Mr. HULL]:

> It is the confident belief of all familiar with the facts that but for Mr. HULL thus interfering with us in 1898, this district would now be represented by a Republican of its own choice, and one who would not have found it necessary to contest for his seat and ask Congress to resort to extreme measures.

He says further, in reference to the remarks made by Mr. HULL, of Iowa, concerning Mr. Holland, who was the gentleman named by the Republican convention called by the State Republican authorities of Virginia:

> There is about as much truth in the reference made by Mr. HULL to Mr. Holland as "the negro candidate, claimed to be the regular nominee," as there is in the rest of his attack. Mr. Holland is a highly connected and prominent white citizen, one of the leading lawyers in eastern Virginia, and recognized as such by all, regardless of party. He was nominated by a large, enthusiastic, and representative convention, in which all the Republicans in the district would have participated but for Mr. HULL.

Now, it does seem to me that, such being the conditions in the Second Congressional district of Virginia, the Republicans put up two nominees. I am not here to say which was the regular and which was the irregular nominee, but the dispute continued there from the time these two conventions met until the election, and the vote of the Republican party was divided between these two candidates. And more than that, the Republican State committee of Virginia had advised the Republicans in that State not to go to the polls and vote. So that, taking all these things into consideration and weighing the facts of the situation in that campaign in that district, it does seem to me that every reasonable man must see why the contestant was defeated fairly and squarely at the polls.

As matter of fact, of those who know the conditions which prevailed in that district on that occasion, no one disputes that William A. Young, the contestee, was fairly elected to the seat which he occupies on this floor. I venture the assertion that there is not a Democrat or Republican who is without prejudice who will not say that in that election Mr. Wise was fairly and squarely defeated.

Now, in order to obtain a seat for Wise on this floor the majority of this committee has been obliged to resort to measures and methods of counting which are not paralleled even by what they say took place in the Second Congressional district of Virginia. In order to convert a majority of 6,000 which Young had returned for him into a majority of 1,947, which this committee say Wise received, they have been obliged to throw out 59 precincts, they have been obliged to prove by voters 2,038 votes, and they have been obliged to count 659 certificates.

To gentlemen who are not familiar with these certificates and with these voters and with these precincts I want for a few moments to direct your attention to them. These 659 certificates which are counted for the contestant by the majority of the Elections Committee in this case were certificates which were given by voters who came out of the polling booth, went to some partisan on the outside, and took an oath that they had voted for Wise. They were not placed on the stand as witnesses. They were usually ignorant negroes, who did not know practically whether they had voted for Wise or not. They were composed of a class of men who in this election directed the election judge to prepare their ballots for McKinley and Hobart, thinking they were still candidates before the people at that time. These 659 certificates, not witnesses put upon the stand, but people of the character I have spoken to you of, are counted for Wise. Then they count for him, as near as I can ascertain, 2,038 votes of people who were put upon the stand that swear that they voted for Wise.

Now, Mr. Speaker, these witnesses who were put upon the stand, who testified that they voted for Wise, were people who could neither, in the great majority of cases—I will say four-fifths of the cases—who could neither read nor write. They were people of very little intelligence, and who would give a vote one way or another just as they might be asked to do by their partisan friends. Many of them were men whose votes had been thrown out by election judges because they had prepared defective ballots which could not be counted, and in this way and by these means they undertake to return here a majority of 1,947 votes for the contestant, who, as a matter of fact, was defeated by the contestee by a majority of 6,059 votes, I believe.

I do not propose to enter into an extended discussion in this case. I know it is utterly useless for me to stand here and talk to you about the voters and the precincts and the vote bearing upon these precincts which were thrown out by the majority of the committee, because very few gentlemen pay much attention, if any. I do, however, want to call your attention to the fact that outside of the city of Norfolk twenty-eight precincts are thrown out bodily, and all these precincts, with one or two exceptions, gave a majority to the contestee. It is a curious fact that fraud was charged in all or nearly all the precincts where the contestee had received a majority. It is a curious fact that there were no charges of fraud made against four counties in this district, and it turned out in these four counties the contestant had a majority.

So that it seems precincts have been picked out where the contestee received a majority, and those precincts have been attacked. They have not been successfully attacked. It has not been shown that any fraud was committed in those precincts. There may have been some irregularities; some things may have been done which perhaps would not have been done if the election officers had been careful; but no fraud has been proven in any of these twenty-eight precincts. I say if you throw out the city of Norfolk entirely, which they claim is the place where the most fraud was committed—if you throw out the 3,640 votes cast for the contestee in the city of Norfolk and count the votes which were given to the contestant in that city, the contestee will still have a majority and will still be entitled to a seat upon this floor. I say, therefore, that there is no way by which the sitting member can be deprived of his right here except by the arbitrary exercise of the power of this House.

Now, I have heard a great deal said during the last two years about the good feeling existing between the North and the South. I have heard a great deal said on the other side of the Chamber about this being a united country. I have heard a great deal said about the North and the South fighting under the same flag, and that there ought to be a universal feeling of peace between the two sections. I would like to see some practical demonstration of that on the other side. I would like to see something done by that side of the House to show that in these contested-election cases their minds are not prejudiced, and that they do not intend to throw men out here simply because they happen to come from a Southern State. I would like to see that era of good feeling demonstrated in the case now under consideration. And I believe, if gentlemen will consult their consciences—I believe if gentlemen will undertake to decide this case according to the facts and the law and the evidence—they will be obliged to come to the conclusion that William A. Young is entitled to a seat on this floor.

Mr. BURKE of Texas. I will state, Mr. Speaker, that the gentleman from Georgia [Mr. GRIGGS] who was to address the House in behalf of the contestee this evening informs me that he is absolutely unable physically to do so. This being the case, I will state to the gentleman from Michigan—I do not see him in his seat—I was going to say to him that he might proceed and close the case. The physical condition of the gentleman from Georgia has left us where we can not possibly put in any more time.

After a pause, Mr. WEEKS having appeared on the floor,

The SPEAKER. The gentleman from Michigan [Mr. WEEKS] is recognized.

Mr. WEEKS. Mr. Speaker, I had yielded the remaining time, except half an hour, to the gentleman from Texas——

Mr. BURKE of Texas. While the gentleman was out of the House, I had just stated to the Chair and the House that I was unable to consume any more time to-day. The gentleman on whom we were relying to close the argument on this side, the gentleman from Georgia [Mr. GRIGGS], is not able to make a speech.

Mr. WEEKS. I have not made arrangements to consume any more time than the thirty minutes which I had reserved for this side; I had supposed that the rest of the time would be taken up on the other side.

Mr. BURKE of Texas. Yes; that was the understanding.

A MEMBER. Then let us vote.

Mr. WEEKS. I will arrange the matter. [A pause.] Mr. Speaker, the hour fixed for calling the previous question and taking the vote in this case was half past 2 o'clock to-day. I will, however, if such is the desire of the other side, proceed to close the debate and will call for a vote at half past 2 o'clock.

I have been giving some little attention, Mr. Speaker, to the remarks of gentlemen who have addressed the Chair this morning, and I confess that it has been a great surprise to me to hear announced the doctrines upon which the other side of the House seem to rely in this case. One gentleman from New York announced himself as a layman and not a lawyer, and stated that hereafter, if it should be his good fortune to be a member of this House, he would oppose the hearing of contested-election cases on this floor and would endeavor to relegate them to some other tribunal. He stated that he had looked over the record of the election cases decided on this floor and had found that they generally were decided according to the political complexion of the majority of the House.

I wondered while listening to his argument to what tribunal he would relegate these cases for a hearing. The Constitution of the United States which created this House says that it shall be the sole judge of the elections, returns, and qualifications of its members. But the gentleman from New York not being a lawyer, as he says, would send these contests perhaps into the local courts. This case, for instance, he would perhaps have tried before a local court in Virginia, before a jury made up, we may imagine, as the poll lists were made up, according to the evidence in this case. They would go out and pick up as jurors Mr. Agg and Mr. Bagg and Mr. Cagg and Mr. Dagg and so on; they would proceed to try this election case before a jury alphabetically made up as the poll lists were alphabetically made up in this case. Now, how much weight should be given to such an argument as that?

He speaks of the rights of these people, and I agree with the gentleman from New York [Mr. DRIGGS] that the rights of the people ought to be respected, and the rights of the States ought to be respected in these matters. But is my friend from New York talking about the block of A's and the block of B's and the block of C's that were returned in the poll lists from all the precincts in the Second district of Virginia? Does he call those "the people of Virginia?" Why, Mr. Speaker, none of the people of Virginia, none of those people at least, have been heard of on the floor of this House. Where are Mr. Agg, Mr. Bagg, and Mr. Cagg, and Mr. Dagg, from the city of Norfolk? Are they being heard in this case? These shadowy gentlemen, these imaginary men are not here complaining.

Now, Mr. Speaker, the gentleman from New York [Mr. DRIGGS] also alluded to the previous contest between these two parties. He says that there was a majority for the contestee of several thousand; that he came here with this majority as a vindication of his contest in the previous case. Now, if the gentleman ever read the record in this case, he must have forgotten how these majorities were made up.

The gentleman says that the contestee came here justified and vindicated by the voters of his district. At least I suppose the gentleman means the voters of the district when he says "the people" of his district. The gentleman must have read in vain the record in this case, if he read it at all.

I have already called attention to the manner in which these poll lists were made up, lists of supposed or alleged or imaginary voters who are vindicating Mr. Young, the contestee in this case.

Such a vindication as that, Mr. Speaker, is a great outrage, not only upon the people of the district he hails from, but upon the people of my district. The people of the district represented by the gentleman from New York [Mr. DRIGGS] are outraged equally with the people of the Second district of Virginia, because by this fraudulent process of making up poll lists and returning votes they send a man here to nullify the vote of the gentleman from New York, or the gentleman from Tennessee [Mr. RICHARDSON], the leader on that side of the House. Talk about the people! It is not the people who are complaining in this case at all. The people seem to have been ignored in the conduct of this election.

The gentleman from New York [Mr. DRIGGS] made this proposition, that every sovereign State has the right to make such election laws as it sees fit. Mr. Speaker, I deny that proposition in as broad terms as the gentleman has laid it down. The States of this Union, respectively, have no right to make election laws under which they can send to the floor of this House a membership made up as some of these districts—especially this district of Virginia—is helping to make up this membership.

Mr. BURKE of Texas. Will the gentleman yield for a question?

Mr. WEEKS. I will yield cheerfully.

Mr. BURKE of Texas. I want to ask the gentleman if there is to-day a single State in this Union that has not enacted its own election laws?

Mr. WEEKS. Oh, there is no doubt about that.

Mr. BURKE of Texas. Then the gentleman's proposition is that no State in this Union has the right to make election laws?

Mr. WEEKS. I do not make any such proposition, I will say to the gentleman from Texas.

Mr. BURKE of Texas. That is the way I understood the gentleman.

Mr. WEEKS. Well, the gentleman misunderstood me, as gentlemen on the other side misunderstand a great many propositions. My proposition is that no State in this Union has the right to enact an election law that will be the machinery of fraud in elections, to send members to this House who are not fairly elected; and when such a law is put upon the statute books, if the people of that State can not repeal it and put an honest election law upon the statute books, then it becomes the duty of this House to stand up in its might and authority and say that members elected by these fraudulent processes under such pretended laws shall not be allowed seats in this House.

Why, my friend from New York [Mr. DRIGGS] even went so far as to say that we on this floor have no right even to criticise the election laws of those States. Has it come to that? Is that the Democratic doctrine, that Congress has no right even to criticise the election laws of those States, when those laws are used as the machinery of fraud and misrepresentation, as they are in some localities?

Then the gentleman from Virginia [Mr. HAY] spoke of the attack made by "the gentleman from Michigan" upon the election laws of Virginia and the conduct of this election. Now, I do not at this moment recollect having said anything in my previous remarks about the election laws in Virginia. I did discuss the conduct of the election in this particular district, and I desire to make

a few more remarks in the same direction, in closing this debate to-day.

The gentleman from Virginia [Mr. HAY] went into a discussion of the question raised by a Mr. Bowden. I have not the honor of the acquaintance of Mr. Bowden, but I desire to say here, as I did on Saturday, that the question as to who was the regular nominee of the Republican party in this Second district of Virginia is entirely a matter outside of this issue. The real question is, Were the returns of that election fraudulent or not? Was Mr. Wise elected or was Mr. Young elected? In the consideration of the question by this House, it makes no difference whether he was the regular nominee or whether some other man was the regular nominee.

The gentleman went on to say that in this district the Republicans beat themselves. Why, that is an astonishing proposition, under the evidence in this case. Did the gentleman have in mind these alphabetical blocks of voters? Did the Republicans cast those alphabetical blocks of votes? Did they manufacture those poll lists? That is the way Mr. Wise was beaten in the Second district of Virginia, and not otherwise.

Now, did Mr. Bowden have in his mind these blocks of votes at the time he wrote his letter, or did the gentleman from Virginia [Mr. HAY] have in mind these blocks of alphabetically arranged votes, when he made the astounding proposition that the Republicans in this election in the Second district of Virginia beat themselves?

While the gentleman from Virginia [Mr. HAY] was making his remarks, I had the curiosity—and no other motive than curiosity—to look at the vote in his district and to make a quiet comparison in my own mind with the votes in my district. It is another illustration of the unfairness, if not of the election laws, at least of the conduct of elections under those laws in the State of Virginia.

Mr. HAY. Will the gentleman allow me?

Mr. WEEKS. Not until I finish this proposition; then I will.

The SPEAKER pro tempore (Mr. KAHN). The gentleman declines to yield.

Mr. WEEKS. The total vote cast in the Seventh district of Virginia was 12,872, of which the gentleman who addressed the House received 9,851. Now, compare that with the Seventh district of Michigan. There were cast 31,790 Congressional votes, 19,008 more than were cast in the gentleman's district; and yet, with 19,008 more votes than were cast in the gentleman's district, there is one member on this floor from each of those districts, and according to that ratio we ought to have two and one-half or three members from the Seventh district of Michigan, if membership and representation are to be in the same proportion in that district and in the gentleman's district.

Mr. HAY. Now, will the gentleman permit me?

Mr. WEEKS. Why, yes; if it is anything that relates to this case. Certainly.

Mr. HAY. What the gentleman has said did not relate to this case, but related to my district.

Mr. WEEKS. Well, go ahead.

Mr. HAY. Now, I have no doubt that the gentleman wants to be fair.

Mr. WEEKS. I do. I sincerely desire to be fair.

Mr. HAY. The remarks just made by the gentleman showed how utterly and entirely ignorant he is of the conditions in the State of Virginia.

Mr. WEEKS. Well, what is the trouble?

Mr. HAY. The trouble about it is that in my district the Republican party had no candidate. A Gold Democrat was running as an independent against me, and the Republican party did not send its voters to the polls.

If the gentleman will look at the Congressional Directory for 1896, he will find that over 32,000 votes were cast in my district, which has a population of 155,000 people, which shows about the average to the population as it ought to be, and not a padded vote, as sometimes appears from the part of the country from which the gentleman from Michigan comes.

Mr. WEEKS. I challenge the gentleman here to point his finger to an instance that ever occurred in the history of the State of Michigan when a padded vote was returned for a Congressman sent to this House. I pause for a reply. Will the gentleman name one instance?

Mr. HAY. Why, of course, I can not keep up with everything that is done in the State of Michigan——

Mr. WEEKS. Then do not make such a proposition.

Mr. HAY. Just as you can not keep up with everything that is done in the State of Virginia; and do not you make such a proposition.

Mr. WEEKS. I am referring to your statement, your explanation of the fact that there were only 12,782 votes cast in the Seventh district of Virginia because there was no Republican candidate in that district, and it only emphasizes the argument which I am submitting to this House. It can not be pretended that there are no Republicans in the district. Will the gentleman assert here that there are no Republicans in the Seventh district of Virginia?

Mr. HAY. Does the gentleman want a reply now?

Mr. WEEKS. Yes, I do.

Mr. HAY. Yes, there are many Republicans, and they cast over 14,000 votes for Congressman in 1896, when they had a candidate; but they do not put up a candidate because it is a certain Democratic district.

Mr. WEEKS. That is it.

Mr. HAY. And I defy the gentleman to say that there was ever a contested-election case from that district, or any question as to the action of the election officers or voters, either Democratic or Republican, of that district; and there are just as good Republicans there as the gentleman from Michigan.

Mr. WEEKS. That is the great misfortune of the situation. It emphasizes still more the proposition I submit to the House. Those Republicans do not nominate a candidate. Why? Because it is folly for them to do it. They do not go to the polls. Why? Because they will be counted out if they do.

Mr. HAY. Now, I did not say anything of the sort, and if the gentleman undertakes to say that I said that they did not go to the polls because they would be counted out, he has said something which he knows is not so.

Mr. WEEKS. I did not accuse you of counting them out.

Mr. HAY. What I said was that the election officers of the Seventh Congressional district of Virginia have never been charged with anything improper; but I said that the Republicans are hopelessly in the minority there because they have not got the votes, just as, I presume, the Democrats are hopelessly in the minority in the gentleman's district, because they have not got the votes, and as they are in Vermont, and in many other States, where they have not got the votes.

Mr. WEEKS. That is the unfortunate situation which I am calling attention to. Whenever we nominate a candidate on the part of the Republicans in my district there is always a Democrat nominated to run against him, and if the Populists want to nominate a candidate they have the privilege of nominating him, and we all go to the polls together, not in blocks, not in squadrons of A's and companies of B's and regiments of C's to cast our votes. Not that way. We go as citizens on our way to our stores, our offices, and our shops, and we quietly cast our ballot, one for a Democrat, one for a Republican, or perhaps one for a Populist once in a while, and then we go about our business for the day; and, Mr. Speaker, we have an honest canvassing board, and we do not have to hire men with shotguns to hang around the polls to keep us from depositing our votes. Our ballots are cast and they are counted. It is a very rare occasion that you ever hear of any complaint about the dishonesty of a canvassing board, and the reason for it is because in Michigan every political party is represented on that canvassing board, and that is not the case in this gallant and grand old State of Virginia. They are all Democrats on the election boards down there.

Mr. HAY. Well, does the gentleman make that as a broad statement?

Mr. WEEKS. Well, yes; rather broad.

Mr. HAY. Well, I say that that statement is entirely inaccurate, because there is not a precinct in my district where a Republican is not on the board.

Mr. WEEKS. I make it broadly, from the evidence in this case.

Mr. HAY. Well, you are getting outside of this case and talking about my district. Why do you want to do that? Does the gentleman want to get up some contest in my district for my seat and have me put out? [Laughter.]

Mr. WEEKS. No; I should hate to lose so amiable a gentleman. It would be a personal grief to lose the presence of the pleasant face of the gentleman here.

Mr. CLARK of Missouri. I would like to ask the gentleman a question.

The SPEAKER pro tempore. Does the gentleman yield?

Mr. WEEKS. I do.

Mr. CLARK of Missouri. How many votes did you say were cast in your district in the last election?

Mr. WEEKS. Thirty-one thousand seven hundred.

Mr. CLARK of Missouri. Well, now, you had an opponent?

Mr. WEEKS. Yes.

Mr. CLARK of Missouri. In my district there were over 38,000 votes cast.

Mr. WEEKS. In what district?

Mr. CLARK of Missouri. The Ninth district. I do not know what were cast in 1896; but in 1898 there were somewhere in the neighborhood of 39,000 votes cast. My district has the smallest population of any district in the State. It was rather under the average. In some districts there were 40,000, 45,000, and 50,000 votes cast. The average votes cast in every district in the United States is something like 40,000. Now, I want the gentleman to

explain to the House how it happened that there were only 31,000 cast in his district. What went with the rest of them?

Mr. WEEKS. I do not find that the returns in your district verify what you say.

Mr. CLARK of Missouri. You look at the returns of 1896 and you will find that there were 39,000 votes cast in that district.

Mr. WEEKS. The returns of the last election?

Mr. CLARK of Missouri. Yes.

Mr. WEEKS. I find there were 17,463 votes cast for Clark, 14,449 for the Republican.

Mr. CLARK of Missouri. Now, give the vote of 1896.

Mr. WEEKS. I have not got it here.

Mr. CLARK of Missouri. What I want to get at is this: Apparently you tried to make the unfair point against the district of the gentleman from Virginia [Mr. HAY] that only so many votes were cast. What I want to know is what went with the surplus votes in your district.

Mr. WEEKS. The gentleman from Missouri is entirely in error as to what I am endeavoring to illustrate. I was not making any attack on the district of the gentleman from Virginia [Mr. HAY].

Mr. CLARK of Missouri. Well, I will eliminate that, and ask you what went with the other votes in your district?

Mr. WEEKS. The total vote of the district was cast. Everybody that wanted to vote there voted, and their votes were counted.

Mr. CLARK of Missouri. Oh, the total vote of any Congressional district must amount to nearly, if not quite, 40,000 votes.

Mr. WEEKS. Not necessarily; the gentleman from New York illustrated one case where they only cast 18,000 votes.

Mr. CLARK of Missouri. Well, in Ohio they throw a vote for every three and a half people. That would give a Congressional district nearly 60,000 votes.

Mr. WEEKS. Now, let me ask my good friend and colleague if he ever heard any complaints made about his district casting its vote in consecutive, alphabetical order, in blocks of three and blocks of five, up and down the alphabet, or did he ever hear anything of that kind from the State of Michigan?

Mr. CLARK of Missouri. No; in my district every man goes to the polls who wants to and casts his vote, and his vote is counted.

Mr. WEEKS. Well, that is fair and honest.

Mr. CLARK of Missouri. The only people that I ever heard of voting in blocks is when they voted in blocks of five under Dudley's administration in Indiana. [Laughter on the Democratic side.]

Mr. WEEKS. And over in Philadelphia.

Mr. BURKE of Texas. Will the gentleman from Michigan allow me?

Mr. WHEELER of Kentucky. Mr. Speaker, I would like to call the gentleman's attention——

The SPEAKER pro tempore [Mr. KAHN.] Does the gentleman from Michigan yield to the gentleman from Kentucky?

Mr. WEEKS. I yield to the gentleman from Texas [Mr. BURKE].

Mr. BURKE of Texas and Mr. WHEELER of Kentucky. Mr. Speaker——

Mr. WEEKS. One at a time, gentlemen. [Laughter.]

Mr. BURKE of Texas. I believe the gentleman made a statement on the floor of the House a moment ago, which, on reflection, his good judgment will not sustain. He said something about shotguns around the polls and the ballot box. Now, I want the gentleman from Michigan to tell this House if there is a word of testimony in this case that there was a shotgun around any of the polls or ballot boxes in this Congressional district.

Mr. WEEKS. No; I will agree so far as the testimony in this case shows that I do not recall that shotguns were used around the polls. That statement was made in a general way from the general knowledge that I, and every other gentleman on this floor, have of the methods used in some of the districts in the United States, and I will say in Canada, to make it general. [Laughter on the Republican side.] Now, I will yield to the gentleman from Kentucky [Mr. WHEELER].

Mr. WHEELER of Kentucky. Will the gentleman allow me to call his attention to a statement? In his reply to the gentleman from Missouri [Mr. CLARK], he asked the question if he knew of any contest in Missouri or Michigan where the voters voted in alphabetical order.

Mr. WEEKS. Yes; I asked that question.

Mr. WHEELER of Kentucky. I desire to call the gentleman's attention to the fact that in some of the States, notably in Kentucky, in all cities where registration is required the clerks of election are required to keep alphabetical lists of the voters who have registered and as they vote; the A's are put in one column, the B's in another, and so on down the alphabet, so that all the men who have voted appear in alphabetical blocks. It makes no difference in what order they vote, their names appear upon the lists in alphabetical order.

Mr. WEEKS. That is not this case. Has the gentleman read the poll list of voters in this case?

Mr. WHEELER of Kentucky. I am not attempting to criticise the statement of the gentleman from Michigan with reference to this case, but only with reference to the question that he asked the gentleman from Missouri. The point I want to make is that alphabetical lists may appear and would not of itself be any indicia of fraud.

Mr. WEEKS. Perhaps not in Kentucky, under the Kentucky law. There is no such law in Virginia, and they did not attempt to vote that way there; they simply voted in some precincts three A's, then a voter, and then four B's, then a voter, then five C's, then a voter, and so on. Sometimes eighteen A's together, then a voter, and then there would be twenty-two B's.

Mr. BURKE of Texas. Will the gentleman from Michigan allow me another interruption, and then I will not interrupt him again.

Mr. WEEKS. I will, willingly. I am always willing to be interrupted by my friend from Texas.

Mr. BURKE of Texas. The gentleman has devoted almost his entire argument on Saturday and to-day to the fact that there were certain blocks of voters in alphabetical order, A, B, C, D, etc. Now, I want to ask the gentleman to be fair and candid with the House and say whether or not this occurred anywhere else other than in the city of Norfolk?

Mr. WEEKS. Oh, yes.

Mr. BURKE of Texas. Name the places.

Mr. WEEKS. If I have the time I will. It will be impossible for me to go over all the precincts in the whole district. I did cover that ground in my remarks last Thursday, or attempted to do so, so as to show the condition of the vote in all the precincts of the entire district.

Now it is my purpose, in closing this debate, to pass without further comment many things which have been said in reply to our argument on this side of the case, because they are wholly irrelevant. This talk about the Republicans beating themselves because they were defeated, this talk about who was the "regular nominee" and who was not, are matters of no possible concern in the disposition of this case. The question here is one of fraud in the election returns; and I say to you now frankly, if we do not succeed in demonstrating that the returns from the several precincts contested in this district are fraudulent returns, we will cheerfully accept the verdict of this House against us.

Some matters have been said here perhaps because I am at fault, or because of a misunderstanding of the laws of your Southern States; and some things have been said on the other side because of a misrepresentation of arguments which have been used by me. There is no time for further discussion of that kind. The arraignment of the political methods adopted in some sections of the South was not done on my part through any motive of ill will, but simply for the purpose of illustrating this case. I do not hold up the Seventh district of Virginia with any idea of casting obloquy or opprobrium upon the honorable gentleman who represents that district. So when I spoke of the district represented by my honorable friend on my left, the gentleman from Georgia [Mr. BARTLETT], it was far from my intention to cast any aspersion or any slur upon either him or his district.

Mr. BARTLETT. There has never been a contest in this House from the Sixth district of Georgia.

Mr. WEEKS. So I understand; and when I have alluded to any district in the South I have not done so with any intention of making a personal attack upon the honorable gentleman who represents the district, but it has been for the purpose of illustrating the methods of conducting elections that lead to these troubles and these contests that come before the House.

Mr. CLAYTON of Alabama. Mr. Speaker, I rise to a question of privilege affecting the dignity of this House. I call the attention of the House——

The SPEAKER pro tempore (Mr. KAHN). The gentleman from Michigan has the floor.

Mr. WEEKS. What is the point of order or the question of privilege?

Mr. CLAYTON of Alabama. It is that an ex-member of this House, entitled to the privileges of this floor by reason of being an ex-member, who is now the attorney for the contestant is this case, is using the privilege of this floor as an attorney—is sitting there now, aiding the gentleman from Michigan in his argument. I say it is an abuse of the privileges which have been extended to ex-members.

Mr. WEEKS. I will say to the honorable gentleman from Alabama that I have not exchanged a word——

Mr. CLAYTON of Alabama. I saw him sitting there making memoranda and handing them to you.

Mr. WEEKS. I have not read any memorandum yet.

Mr. WILLIAMS of Mississippi. He did hand you a memorandum.

Mr. WEEKS. He did; but I have not read it yet. I hope

gentlemen will not have any excitement about this matter. I have not read the memorandum. I do not know what it is.

Mr. CLAYTON of Alabama. There is no excitement, but——

The SPEAKER pro tempore. The gentleman from Michigan has the floor.

Mr. CLAYTON of Alabama. I want to state what occurred here the other day on the part of this ex-member.

The SPEAKER pro tempore. The gentleman from Michigan is entitled to the floor.

Mr. RICHARDSON. Upon the point of order the gentleman from Michigan has not the floor.

Mr. CLAYTON of Alabama. I had the floor upon the question of order.

Mr. RICHARDSON. The point of order should be ruled upon.

The SPEAKER pro tempore. The point of order is not well taken. The gentleman from Michigan has the floor.

Mr. RICHARDSON. Then I desire to make a point of order. I desire to renew the point of order; and I beg leave to read one line from the rules of this House upon that point of order—I will read Rule XXXIV for the benefit of the Chair. I make no point against the gentleman from Michigan, but Rule XXXIV provides for admission to the floor; it provides that certain persons shall be entitled to the floor; and one class of persons entitled to this privilege is ex-members of the House.

[At this point the Speaker took the chair.]

Mr. RICHARDSON. Mr. Speaker, a point of order has arisen in the discussion of this case—a point made by the gentleman from Alabama. It is to the effect that an ex-member of the House, who is entitled as such to the privilege of the floor, is abusing that privilege. The question grows out of the appearance of the counsel of the contestant in this case upon the floor, prompting gentlemen in debate and interfering——

Mr. WILLIAMS of Mississippi. Handing memoranda——

Mr. RICHARDSON. Yes, handing a paper and suggesting questions to the gentlemen addressing the House. He interfered with a gentleman on Saturday while he was addressing the House. The gentleman from Michigan now holds in his hand a memorandum handed to him by this ex-member, who came to his seat and interfered with him, and thereupon the gentleman from Alabama made this point of order.

Now, Mr. Speaker, I call the attention of the Chair to what occurred on Saturday, as found on page 2748 of the RECORD. While the gentleman from Texas [Mr. BURKE] was addressing the House this ex-member interfered. I will do the gentleman from Michigan [Mr. WEEKS] the justice to say that he stated that the interference was by addressing the remark to him and not to the gentleman from Texas.

Mr. WEEKS. To me.

Mr. RICHARDSON. To him and not to the gentleman from Texas [Mr. BURKE], who was addressing the House; but the gentleman from Texas [Mr. BURKE] construed the remark as being addressed to him, and resented it on the floor at the moment. It appears on page 2748. I ask the attention of the Chair to it, because the disturbance is renewed this morning. On Saturday, while the gentleman from Texas [Mr. BURKE] was speaking, referring to page 2748 of the RECORD, the Chair will find that the gentleman from Texas used this language:

> Mr. Speaker, the brother of the contestant, who is an ex-member and present on the floor of the House, has just made a remark which I regard in the nature of an interruption. I do not recognize the gentleman's authority to challenge my assertion on the floor of this House. He is no member here. His brother is a contestant for this seat, but that gives the gentleman—

that is, the ex-member—

> no authority to challenge my assertion, and I protest against it as a member of this House.

Then the gentleman from Michigan [Mr. WEEKS] said:

> If the gentleman from Texas will permit me, I will say that the gentleman he refers to is an ex-member and has a right to the floor and that he made the remark to me.

The gentleman from Texas [Mr. BURKE] replied:

> He has no right to challenge any assertion that I may make here.
>
> Mr. WEEKS. But the remark was addressed to me.
>
> Mr. BURKE of Texas. Well, perhaps I am mistaken; I thought the remark was addressed to me. While the gentleman is entitled, as a matter of courtesy, to the privileges of the floor by the permission of the Speaker, he has no authority to stand here and challenge an assertion made by a member of this House.

I say the gentleman from Texas [Mr. BURKE], standing on this side of the House, understood this ex-member as interfering with him and he objected to it. I will not state what occurred afterwards, subsequent to the conclusion of the remarks of the gentleman from Texas [Mr. BURKE].

Mr. WEEKS. The gentleman will understand that I do not know what occurred.

Mr. RICHARDSON. I am not making any point on the gentleman from Michigan. This morning the same ex-member, counsel for his brother, profoundly interested, I take it, in this case, comes upon the floor, prompts members, moves around over the House, and makes suggestions to gentlemen who are speaking and who are to speak.

Mr. WILLIAMS of Mississippi. And hands memoranda to them.

Mr. RICHARDSON. And hands memoranda to them, as I have already stated, while they are speaking upon this question. Mr. Speaker, I will not read all of the rule which covers cases of this kind, but it says, among those who are enumerated as being entitled to the floor, "ex-members of the House of Representatives who are not interested in any claim or directly in any bill pending before Congress" are entitled to the floor.

I submit that while the gentleman may not have a pecuniary consideration, and I do not say that he has in this case, the rule does not mean that he must have a pecuniary consideration in order to disqualify him from admission to the floor. If he is an attorney in the case he may not have a valuable or money consideration, but the consideration of love and affection is just as great in the law and as valid as if it was a money consideration.

I submit, Mr. Speaker, in all kindness and in all decency, that it is not right for counsel to follow a case upon the floor here, to persecute a member, as is being done in this case. I insist upon the point of order made by the gentleman from Alabama as being right. It will not be denied that this ex-member is interested as attorney, and I believe made the argument before the Committee on Elections. I am not sure about that.

Mr. BURKE of Texas. That is correct.

Mr. RICHARDSON. He is the attorney of record in this case. I submit it is bad enough to turn gentlemen out, but that it ought at least to be done fairly, and I know that there are fair-minded gentlemen on that side of the House who will join with me in condemning any such interference by an attorney upon the floor of this House. There are fair-minded men on that side to whom I appeal, and if there is such a gentleman over there who thinks this point of order ought not to be sustained, I for one would be perfectly willing to see the gentleman from Alabama withdraw it. Now, I do not object to counsel pursuing cases legitimately. That is all right. But I do submit that in decency and fairness the prosecution of cases ought to stop at the door of this House.

Mr. WEEKS. Mr. Speaker, there has been a great deal——

The SPEAKER. Before the gentleman proceeds, the Chair would say that he was not in the House at the moment this commenced, but he is advised that the gentleman from Alabama did not make a point of order, but rose to a question of privilege.

Mr. WEEKS. That is right.

Mr. RICHARDSON. The gentleman first stated a question of privilege.

The SPEAKER. And that the question of order was raised by the gentleman from Tennessee. The Chair would like to be correctly advised with regard to that.

Mr. RICHARDSON. The gentleman from Alabama first stated that it was a question of privilege, and then stated a point of order. I do not care how that appears. I make the point of order, if necessary.

The SPEAKER. Very well, that covers that point.

Mr. WEEKS. Will the Chair permit me to make an explanation?

Mr. RICHARDSON. I have no objection.

Mr. WEEKS. A great deal of noise and confusion has arisen about nothing. The incident of last Saturday was explained at the very moment it occurred. I stated to the House that the remark was addressed to me. The gentleman from Texas [Mr. BURKE] was four seats away, in the middle aisle.

Mr. RICHARDSON. But the gentleman will not take issue with me that it interfered with the gentleman from Texas [Mr. BURKE] who was speaking on this side of the House and who supposed it was addressed to him.

Mr. WEEKS. I think the gentleman from Texas was just a little punctilious at that time. Now, to-day a note was handed to me that has no relation whatever to the debate now in progress. I have shown it to my colleague [Mr. HENRY C. SMITH] and he will verify my statement. It relates in no manner to the debate in progress.

Mr. RICHARDSON. Does it not relate to this case? I will say to the gentleman from Michigan that it is very singular that an attorney——

Mr. WEEKS. It is a suggestion, but it has no relation to the debate.

Several MEMBERS (on the Democratic side). Read it.

Mr. RICHARDSON. I do not insist that the gentleman shall read it, but I say that it is not right that this ex-member shall interfere with the gentleman in his speech, and we have a right to infer, if he does so, that it has some connection with this case.

Mr. KLUTTZ. Will the gentleman from Michigan object to reading that memorandum?

Mr. WEEKS. Oh, certainly; it is a private note and has no relevancy to this debate. That ends that chapter. It did not interfere

with me. I make no complaint about it, and I do not know why anyone else should. [Laughter.] Now, Mr. Speaker——

Mr. RICHARDSON. Now, I insist on a ruling on the point of order before the gentleman proceeds.

The SPEAKER. The Chair will hear the gentleman from Michigan on the point of order.

Mr. WEEKS. I supposed that I had just been heard. [Laughter.] I stated to the Speaker that a note was handed to me which had no relevancy to the debate in progress. It gave me no inconvenience and did not disturb me at all. I took no exception to it, and I do not know why anyone else on the floor should do so.

The SPEAKER. Does the gentleman from Michigan concede that Mr. John S. Wise is attorney of record in this case?

Mr. WEEKS. He was before the committee.

The SPEAKER. The Chair will rule on the case. From a hasty examination, and from the recollection of such matters which the Chair has, it is usual to appoint a select committee to ascertain the question of facts. The law, under the rule, is explicit. Among those who are mentioned as entitled to admission to the floor are included the following:

Ex-members of the House of Representatives who are not interested in any claim or directly in any bill pending before Congress.

The Chair thinks that the term "claim" or "bill" would apply to a contested-election case before Congress. He thinks that it is the intention of the rule, and if the record shows a state of facts which a select committee would have to ascertain, the Chair thinks that it would be his duty to act without waiting for the action of a select committee.

The custom has been, the practice has been, to appoint a select committee to investigate such matters and report to the House. But when it appears that an ex-member of Congress is the attorney of record in a case pending before the House, it seems to the Chair that action should be taken at once, especially when the case is pending and up for consideration; and in justice to the House and the dignity of the House and every element of fair play, while the Chair has not been able to find a precedent for the Chair's ruling before the appointment and report of a select committee, still the law does not expect unnecessary things to be done; and as it is conceded on the floor that Mr. John S. Wise is attorney of record, the Chair will hold that he must not occupy a place on this floor, subject to an appeal from this decision by the House. [Applause on the Democratic side.] No appeal being demanded, the Doorkeeper is instructed to exclude Mr. John S. Wise from the floor until this question is disposed of.

Mr. WEEKS. Can I proceed now?

The SPEAKER. The gentleman from Michigan is recognized.

Mr. WEEKS. Mr. Speaker, I will endeavor to resume the thread of my remarks at the point at which I was interrupted. I was about to state, while I entertain the utmost respect for the gentleman from Texas [Mr. BURKE] who has had the management of this case upon the other side, and appreciate his ability and his kindly disposition both in the committee room and on the floor of this House, in anything I have said or may say in this argument I shall be understood as having said it in the spirit of respect and kindly feeling toward the gentleman from Texas, but at the same time I most heartily disagree with the argument which he has made and with the conclusions he has drawn.

Taking up the argument in this spirit, Mr. Speaker, I must first emphatically say, as I have already urged, that the question as to who was the regular candidate of the Republican party in that district in this election can not be decided by arguments in this case. That question has been answered and decided by the chairman of the national Republican Congressional committee, and I ought not to allow it to divert me from the main question to be disposed of at the bar of this House. The contestee's followers had no more right to cheat the Republicans because they were divided at the time of this election than they would have to cheat them if they were united. And that disposes of that question.

Then, again, what relevancy has the argument of the learned and esteemed gentleman from Texas about the $2,000 allowance to the contestant in a case of this kind in this House? Is it credible that a man of the sense and learning of the gentleman from Texas can for a moment believe that the contestant is moved by the desire of the question of this allowance? Look at this record, a record of thousands of pages of testimony, in which, as I understand, not less than 2,000 witnesses were examined from all over the district. In order for the contestant to obtain his rights it must have cost him three times more than the sum to be allowed to him on this contest, and that he paid out in advance.

Now, the gentleman from Texas also knows another fact—that the former contest between these same two candidates or parties from the same district cost the contestant $7,343.11; and the gentleman from Texas was one of the committee that audited that account. So this paltry $2,000 to be allowed the contestant is not the prize he is struggling for at the bar of the House. The gentleman from Texas also said he would be in favor of repealing the law granting a contestant this $2,000. Well, I say to the gentleman that I would be in favor of repealing that law, but I would be in favor of repealing it for the reason that it offers a premium to men in the condition of the contestee in this case, who, without a shadow of right to his seat, as we look at it, has drawn a year's salary and will be paid $2,000 premium for the outrage he has committed, while the lawful incumbent is punished with an expenditure of $4,000 taken out of his salary. I would be in favor of the repeal of that law.

What does the gentleman from Texas mean by saying that the proof of fraud in Norfolk is confined to 131 votes? Was not the return for Young 3,604? Was not the return from the Fifth Ward, first precinct, for Young 529, and that in the Fifth Ward, second precinct, 407—total 936? Has not the contestee confessed that this 936 votes was fraudulent? It is over one-fourth of the whole return for him in Norfolk. It is conceded to be fraudulent by the contestee and the contestee's attorney and in the views of the minority in this case, and yet the honorable gentleman from Texas says that this is all on account of 131 fraudulent votes.

Now, the gentleman says in his argument, leave out these wards and there were only 131 other fradulent votes. I inquire back, why not leave the others out if you leave out the 936; why did you not pick out the 131 and leave those out too? You come here with the return from the city of Norfolk that gives you the benefit of 131 now conceded fraudulent votes out of the mouth of the honorable gentleman from Texas, who spoke for the contestee on this floor. Now, I suppose if we had conceded, if these 131 votes had been conceded out of the case, then there would have been no proof of fraud whatever in the case. Let us look at this a moment. I make the statement that if not only the 131 witnesses examined in the other precincts had been sworn, that the poll books themselves in other precincts in Norfolk than those in the Fifth Ward show on their face fraud committed at the same time and in the same manner as in the Fifth Ward and to a degree far more apparent than in the returns from the wards admitted to be false.

Take, for example, the returns from the first precinct, Second Ward (page 978). Here is a precinct in which the gentleman insists the returns shall stand and be counted, save as to a few witnesses whose names are on the poll book who swear they did not vote, a few voters proved to have been dead or absent, and a few others whose names are not on the registration lists. But can a poll like this be allowed to stand for a moment? The mere fact that these people did not vote is not all that is proved. It is proved by reliable witnesses—Newton (page 867); Waddy (page 869)—that the return of 507 votes cast is a falsehood; that a very small vote was polled, averaging, possibly 15 an hour; that not half as many votes were cast as were returned. When the poll list was examined it was found that blocks of names of people who did not vote had been transferred from the registration lists to the poll book, in alphabetical sequence, in such manner as to show a willful, deliberate conspiracy to defraud and give Young a false return of hundreds from this precinct. Look at the poll book from this precinct, beginning at poll 125. We have 5 voters whose names begin with A, followed with 6 with B, then 5 C's, then 5 D's, then 3 E's, 8 F's, 4 G's, 18 H's, 5 J's, 5 K's, 1 L, 19 M's, 4 P's, 8 R's, 13 S's, 5 T's, 4 W's, and then going back to the beginning of the alphabet it resumes the block system with 4 A's, 10 B's, 18 C's, and so on.

Not only is this remarkable aggregation of voters in groups from A to W in regular sequence incredible, but the juxtaposition of names in the groups stamps them as falsehoods. Take, for example, the names from 224 to 228, inclusive. The poll list purports that after 10 other men whose names began with M and just before 4 others whose names began with P, the 5 following parties voted in sequence: McCahle, McDonald, McDowell, McLean, McManus. Can any man believe this occurred? But concerning another group equally as absurd we have positive proof. From poll 479 to 484, inclusive, we have the following remarkable entry: 479, Isaac Gallumbeck; 480, J. Gallumbeck; 481, James Gallumbeck; 482, B. Gallumbeck; 483, S. Gallumbeck. It would have been remarkable if 5 men of this name had voted together, but we are not left to conjecture about it. J. Gallumbeck (page 1195) and Isaac Gallumbeck (page 1199) swear they were registered and did not vote, and know no others of the name of Gallumbeck in the precinct. So also Howard Moore, polled as voter 427 in a group of 5 M's, swears he did not vote (page 867). So also A. Hoffman (page 1195), who is polled as 184 in a group of 18 H's, swears he did not vote. So also Thomas Whittaker, polled as 414 in a group of 10 W's, swears he did not vote (page 1195). So also J. R. Johnson (page 1195), polled as 433 in a group of 5 J's, swears he did not vote.

The gentleman's argument proposes only to give contestant the benefit of the few individual votes of the five Gallumbecks, Moore, Hoffman, Whittaker, and J. R. Johnson and let this poll stand in other respects, notwithstanding this ruinous proof concerning its verity. By the same reasoning as to other precincts he contends there are but 131 fraudulent votes polled.

Before leaving the subject let us look at the return from contestee's own voting precinct, which the gentleman contends must also stand (page 1003). Contestee voted as No. 26. The poll purports 390 votes cast. Of these, 18 were not in the city directory (Vaughan, 1181); 7 voters on the poll list swore they did not vote and that there were no others of the same name in the precinct.

E. M. Bell (page 1002), S. B. Bell (page 1005), D. W. Bagley (1012), all in a group of 21 B's, swear they did not vote, and in this same group of 21 B's are three names not in the city directory.

M. M. Rennolds (page 1005) polled as 332 in a group of 2 R's, E. S. Ashlin (page 1014) polled as 237 in a group of 6 A's. W. H. Thompson (page 1043) polled 339 with another T. Nimmo Old (page 1176) polled 287 with another O. All swear they did not vote.

Henry Pierce, No. 263, voted between 4 and 5 p. m., not over 20 after him (Parker, page 1039), yet 127 names appear after him on the poll book, nearly all in alphabetical groups.

Yet the gentleman argues we should have retained this poll and only counted 7 illegal votes proved, which he generously offers to deduct from Young if we allow him to retain 238 votes, more than were really cast at the precinct.

These two precincts illustrate the methods pursued at all. The contention of contestee concerning them illustrates his claim as to all. By this method he argues that but 131 fraudulent votes were proved outside the Fifth Ward. You see how the same thing was being done at the same time in the same manner at both, far apart. Just the same thing was going on in the same way all over the city.

Now, about the judges of election in Norfolk. At both these precincts a so-called Republican judge was acting. But they were not judges appointed by Colonel Waddy, the recognized chairman (Waddy, 870). He was ignored. The Democrats chose judges on nomination of the Holland Republicans, or what the gentleman calls the "Bowden faction." A. T. Montgomery was judge first precinct, Second Ward, a nominee of the Bowden faction. Waddy and Newton (pages 869, 867) swore he was a man of no character and not a resident of the ward for six years. Mathwes (972) swore he worked in a negro barroom with the worst crowd in the city, and would not believe him on oath, and that Prince, another judge, had a bad reputation, and contestee took no contradicting proof.

But it was impossible that these returns could have been made by honest judges, independent of this proof. A collusion between them and Young's judges in favor of Young and Holland is shown by the proof from Fourth Ward, first precinct, where but 16 Democratic votes were returned. Langley and Foster (pages 886 and 888) swear the judge marked their tickets wrong. Daniel Jefferson, polled 260 (page 988), swore he voted at 4.55 p. m.; stayed until close, and one or two voted after him. Tom Milton voted (page 991) at 4.50. J. W. Scott voted at 5 p. m. After Jefferson about 10 votes cast. Polls closed after Scott's vote (Scott, page 1028; Johnson, page 997). Yet, 86 names are on the poll book after Scott. Of the 86 thus on the poll book after Scott, 6 were examined and swore they did not vote. Poole (page 989) polled 284, Kemp (page 1017) polled 294, Griggs (page 1020) polled 297, Taylor (page 1018) polled 309, Burk (page 989) polled 322, Liggins (page 988) polled 338, and Thomas Godfrey, polled as 320, was proved to be dead (page 1036).

And from this precinct, the poll book of which is padded all the way through with fictitious names, a return of 197 votes is given for Holland; more votes, perhaps, than were actually cast at the precinct. The reason for this generosity for Holland doubtless was that not over 40 white votes were registered at the precinct, and to give them to Young was impossible. This, as we think, taken in connection with the conduct at other precincts, demonstrates the collusion between the Democratic and so-called Bowden judges against the Republican nominee. They favored Young when Young's vote was strong, and Holland where Young was weak. In the face of such transparently fraudulent poll lists, what an absurd thing it is for the gentleman to talk about our disfranchising a whole community when we throw out these blocks of fictitious voters.

The real voters do not feel aggrieved by this rebuke to a set of corrupt and perjured judges who used the names of real and fictitious people in alphabetical blocks, when they had not in fact voted. What crocodile tears these are about disfranchising people who did not vote. How sad it is to disfranchise 31 H's, following in consecutive order, at the contestee's own precinct, when, although those H's did not vote for him, his judges had taken care to put them on the list. I can imagine the wailing which is now going on through the whole alphabet in Norfolk, for, say what we will about these judges, they were at least impartial to every letter of the alphabet, and even now I see a group of disfranchised K's falling on the necks of a group of Z's, weeping over the destruction of their franchise—a franchise which they did not even have to go to the polls to exercise.

That shows how little attention is given to the facts in these contested-election cases. There is only one excuse for this, and that is the confidence that each side of the House reposes in its respective members of these Election Committees. On the Republican side we know that we have honest members of the Election Committee, and on the other side also I believe we have honest members. I say this not in compliment alone to Judge BURKE. But it has come to this—that members of the House actually show an indifference to the facts in these cases, either from real indifference or because they have this great, overpowering confidence in the justice of the case as presented to them by their representatives on the committee.

I have prepared, Mr. Speaker, a table showing the state of the vote as found by the majority of the committee and incorporated in their report. It gives the vote in every county, exclusive of the county of Surry, about which there was some question; and giving the vote in Norfolk only as proven by the contestant, we figure up that Mr. Young has a vote of 2,668 and Mr. Wise a vote of 4,553.

	Young.	Wise.
1. Norfolk	0	437
2. Isle of Wight	415	426
3. James City	25	287
4. Nansemond	257	1,171
5. Princess Anne	49	426
6. Southampton	527	685
7. Warwick	174	211
8. York	32	375
9. Portsmouth	1,189	418
10. Williamsburg	0	117
	2,668	4,553
Add uncontested returns from counties of Charles City, Elizabeth City, Norfolk County, and city of Newport News	2,148	2,697
	4,816	7,250

Exclusive of the county of Surry, the contestant is entitled to his seat by a majority of 2,434. If the returns from Surry County are allowed to stand as they were made, the contestant's majority of 2,434 would be reduced to 1,947. So that either way a very large majority must be honestly returned for the contestant.

Mr. Speaker, the hour having arrived for moving the previous question, I now do so.

Mr. RICHARDSON rose.

The SPEAKER. Does the gentleman from Michigan move the previous question on the resolution and the substitute?

Mr. RICHARDSON. May I be permitted——

The SPEAKER. The gentleman from Tennessee will wait until the question is stated.

Mr. WEEKS. I call the previous question on the resolution offered by the majority of the committee, that the contestee was not duly elected and that the contestant was.

The SPEAKER. Does the gentleman's motion for the previous question embrace also the substitute submitted by the minority of the committee?

Mr. WEEKS. Yes, sir.

The SPEAKER. The previous question is moved on the resolution of the committee and on the proposed substitute.

Mr. RICHARDSON. My only purpose in rising was to say that as we had interrupted the gentleman from Michigan on the point of order, by which about fifteen minutes had been occupied, we had no disposition to cut him off. We did not intend to deprive him of any of his time. [Laughter.]

The SPEAKER. The question is on ordering the previous question.

The previous question was ordered.

The SPEAKER. The question is now on agreeing to the resolution submitted by the minority of the committee.

Mr. RICHARDSON. On that we would like to have the yeas and nays.

The yeas and nays were ordered.

Mr. BURKE of Texas. I ask that the resolution offered by the minority of the committee be read by the Clerk.

The Clerk read as follows:

Resolved, That William A. Young was duly elected to a seat as Representative from the Second Congressional district of Virginia in the Fifty-sixth Congress of the United States and should retain the same.

The question was taken; and there were—yeas 128, nays 132, answered "present" 12, not voting 79; as follows:

YEAS—128.

Adamson,	Bell,	Burleson,	Cooney,
Allen, Ky.	Bellamy,	Burnett,	Cowherd,
Allen, Miss.	Benton,	Caldwell,	Cox,
Atwater,	Berry,	Campbell,	Crawford,
Bailey, Tex.	Brantley,	Catchings,	Cummings,
Ball,	Brenner,	Clark, Mo.	Daly, N. J.
Bankhead,	Brewer,	Clayton, Ala.	Davenport, S. W.
Barber,	Brundidge,	Clayton, N. Y.	De Armond,
Bartlett,	Burke, Tex.	Cochran, Mo.	De Graffenreid,

De Vries,	Kleberg,	Norton, S. C.	Smith, Ky.
Denny,	Lamb,	Otey,	Snodgrass,
Dinsmore,	Lanham,	Pierce, Tenn.	Sparkman,
Dougherty,	Latimer,	Polk,	Stark,
Driggs,	Lentz,	Quarles,	Stephens, Tex.
Elliott,	Lester,	Ransdell,	Stokes,
Finley,	Levy,	Rhea, Ky.	Sulzer,
Fitzgerald, Mass.	Lewis,	Rhea, Va.	Sutherland,
Fitzgerald, N. Y.	Little,	Ridgely,	Swanson,
Fleming,	Livingston,	Rixey,	Talbert,
Foster,	Lloyd,	Robb,	Taylor, Ala.
Gilbert,	McAleer,	Robinson, Nebr.	Terry,
Glynn,	McClellan,	Rucker,	Thayer,
Green, Pa.	McCulloch,	Ruppert,	Thomas, N. C.
Griggs,	McDowell,	Ryan, N. Y.	Turner,
Hay,	McLain,	Ryan, Pa.	Vandiver,
Henry, Miss.	Maddox,	Salmon,	Wheeler, Ky.
Henry, Tex.	May,	Scudder,	Williams, J. R.
Howard,	Meekison,	Shackleford,	Williams, Miss.
Jett,	Meyer, La.	Sheppard,	Wilson, Idaho
Johnston,	Muller,	Sibley,	Wilson, S. C.
Jones, Va.	Neville,	Sims,	Zenor,
Kitchin,	Noonan,	Small,	Ziegler.

NAYS—132.

Aldrich,	Dahle, Wis.	Ketcham,	Pugh,
Alexander,	Davenport, S. A.	Knox,	Ray,
Allen, Me.	Dayton,	Lacey,	Reeder,
Babcock,	Dick,	Landis,	Reeves,
Bailey, Kans.	Dolliver,	Lane,	Richardson,
Baker,	Dovener,	Lawrence,	Russell,
Barham,	Driscoll,	Littlefield,	Shattuc,
Bartholdt,	Eddy,	Long,	Shelden,
Bingham,	Esch,	Lorimer,	Showalter,
Bishop,	Faris,	Lovering,	Smith, H. C.
Boutell, Ill.	Fletcher,	Lybrand,	Smith, Samuel W.
Bowersock,	Foss,	McCleary,	Smith, Wm. Alden
Brick,	Fowler,	McPherson,	Sperry,
Bromwell,	Freer,	Mann,	Sprague,
Brosius,	Gamble,	Marsh,	Steele,
Brown,	Gardner, Mich.	Mesick,	Stewart, N. J.
Bull,	Gardner, N. J.	Metcalf,	Stewart, N. Y.
Burke, S. Dak.	Gill,	Miller,	Stewart, Wis.
Burkett,	Gillett, Mass.	Minor,	Sulloway,
Burleigh,	Graff,	Moody, Mass.	Tawney,
Burton,	Grout,	Moody, Oreg.	Thropp,
Calderhead,	Hamilton,	Morgan,	Tompkins,
Cannon,	Haugen,	Morris,	Tongue,
Clarke, N. H.	Heatwole,	Needham,	Vreeland,
Cochrane, N. Y.	Hedge,	O'Grady,	Wadsworth,
Connell,	Henry, Conn.	Otjen,	Wanger,
Cooper, Wis.	Hepburn,	Overstreet,	Warner,
Corliss,	Hoffecker,	Packer, Pa.	Waters,
Cousins,	Hull,	Payne,	Weaver,
Crump,	Jack,	Pearce, Mo.	Weeks,
Crumpacker,	Jenkins,	Pearre,	White,
Curtis,	Kahn,	Phillips,	Young, Pa.
Cushman,	Kerr,	Prince,	The Speaker.

ANSWERED "PRESENT"—12.

Barney,	Jones, Wash.	Mercer,	Spalding,
Dalzell,	Kluttz,	Naphen,	Van Voorhis,
Griffith,	Mahon,	Powers,	Wright.

NOT VOTING—79.

Acheson,	Fitzpatrick,	Joy,	Shafroth,
Adams,	Fordney,	Linney,	Sherman,
Boreing,	Fox,	Littauer,	Slayden,
Boutelle, Me.	Gaines,	Loud,	Smith, Ill.
Bradley,	Gaston,	Loudenslager,	Southard,
Breazeale,	Gayle,	McCall,	Spight,
Broussard,	Gibson,	McRae,	Stallings,
Brownlow,	Gillet, N. Y.	Miers, Ind.	Stevens, Minn.
Butler,	Gordon,	Mondell,	Tate,
Capron,	Graham,	Moon,	Tayler, Ohio
Carmack,	Greene, Mass.	Mudd,	Thomas, Iowa
Chanler,	Grosvenor,	Newlands,	Underhill,
Cooper, Tex.	Grow,	Norton, Ohio	Underwood,
Cromer,	Hall,	Olmsted,	Wachter,
Crowley,	Hawley,	Parker, N. J.	Watson,
Cusack,	Hemenway,	Riordan,	Weymouth,
Davey,	Hill,	Roberts,	Williams, W. E.
Davidson,	Hitt,	Robertson, La.	Wilson, N. Y.
Davis,	Hopkins,	Robinson, Ind.	Young, Va.
Emerson,	Howell,	Rodenberg,	

So the substitute was rejected.

Mr. BARTHOLDT. Mr. Speaker, I was paired with my colleague, Mr. DOUGHERTY——

The SPEAKER. The Chair must have order in the House. This is a matter of such importance that members will recognize the necessity for order. All gentlemen will resume their seats and cease conversation.

Mr. BARTHOLDT. Mr. Speaker, I was paired with my colleague, Mr. DOUGHERTY, but that gentleman having returned and having voted, I desire to change my vote from "present" to "no."

The Clerk called Mr. BARTHOLDT's name, and he voted in the negative.

Mr. HENRY of Connecticut. Mr. Speaker, I would like to know how my vote is recorded.

The SPEAKER. The gentleman is recorded in the negative.

Mr. VAN VOORHIS. Mr. Speaker, I am paired with my colleague, Mr. GORDON. I ask to withdraw my vote, having voted in the negative.

The SPEAKER. Without objection, the gentleman will be allowed to withdraw his vote.

Mr. MOODY of Oregon. Mr. Speaker, I should like to know how I am recorded.

The SPEAKER. The gentleman is recorded in the negative.

Mr. TAWNEY. Mr. Speaker, I desire to inquire if the gentleman from North Carolina, Mr. SMALL, voted.

The SPEAKER. The gentleman from North Carolina voted in the affirmative.

Mr. TAWNEY. I desire to state that the gentleman from Michigan, Mr. FORDNEY, before leaving the city last Saturday evening, informed me that he was paired with the gentleman from North Carolina, Mr. SMALL, on all questions and that that pair was not transferable.

Mr. SMALL. I desire to state that I was paired with the gentleman from Michigan [Mr. FORDNEY] upon all questions, but I inquired of different members of the House upon each side as to whether that pair might be transferred and under what conditions it might be transferred, and I was informed that the pair might be transferred provided there was no reservation to the contrary at the time the pair was made; and understanding that such was the custom of the House, and understanding that pairs were so transferred under those conditions, I permitted the transfer, and voted. If that is the custom of the House, I desire to stand by it. If it is not, I desire to withdraw my vote.

The SPEAKER. The Chair will state that the matter of voting on pairs is purely a matter of honor on the part of members. There is no rule that will compel a member to vote otherwise than as he pleases. The Chair will state that the gentleman from Michigan [Mr. FORDNEY], before leaving the city, stated to the Chair that he had a pair with the gentleman from North Carolina [Mr. SMALL] on all questions, which would be binding. The Chair asked him if it was in writing. He said it was not, but that it was not necessary to be, as the Chair understood him. But each member must be his own judge as to whether he votes or not after being paired.

Mr. TAWNEY. Mr. Speaker, I wish to say further that when the gentleman from Michigan [Mr. FORDNEY] made the statement to me——

Mr. WHEELER of Kentucky. A point of order, Mr. Speaker. I submit that this is out of order. The question was properly stated by the Chair.

The SPEAKER. The point of order is well taken. This only proceeds by unanimous consent.

Several MEMBERS. Regular order!

The SPEAKER. Gentlemen will resume their seats. The Clerk will announce the pairs, after which the Chair will order a recapitulation, so that it may be ascertained whether any mistakes have been made.

The Clerk announced the following pairs:

For this Congress:

Mr. WRIGHT with Mr. HALL.

Until further notice:

Mr. MERCER with Mr. GASTON.

Mr. GIBSON with Mr. TATE.

Mr. TAYLER of Ohio with Mr. FOX.

Mr. BROWNLOW with Mr. CARMACK.

Mr. SOUTHARD with Mr. NORTON of Ohio.

Mr. HEMENWAY with Mr. MIERS of Indiana.

Mr. WEYMOUTH with Mr. BROUSSARD.

Mr. VAN VOORHIS with Mr. GORDON.

Mr. LOUDENSLAGER with Mr. STALLINGS.

Mr. HAWLEY with Mr. COOPER of Texas.

Mr. BOREING with Mr. FITZPATRICK.

Mr. CROMER with Mr. GRIFFITH.

Mr. MCCALL with Mr. GAINES.

For one week:

Mr. FORDNEY with Mr. BRADLEY.

Mr. SPALDING with Mr. MOON.

Until March 14:

Mr. OLMSTED with Mr. WILLIAM E. WILLIAMS.

Until Tuesday:

Mr. GROW with Mr. CHANLER.

Mr. ADAMS with Mr. SLAYDEN.

Mr. ROBERTS with Mr. NAPHEN.

Mr. SHERMAN with Mr. RIORDAN.

Until March 11:

Mr. GILLET of New York with Mr. GAYLE.

For this day:

Mr. DAVIDSON with Mr. WILSON of New York.

Mr. GREENE of Massachusetts with Mr. DAVIS.

Mr. BUTLER with Mr. UNDERHILL.

Mr. JONES of Washington with Mr. ROBERTSON of Louisiana.

Mr. GROSVENOR with Mr. ROBINSON of Indiana.

Mr. POWERS with Mr. NEWLANDS.

Mr. LINNEY with Mr. KLUTTZ.

Mr. MAHON with Mr. BREAZEALE.

Mr. STEVENS of Minnesota with Mr. SHAFROTH.

Mr. BARNEY with Mr. MCRAE.

Mr. HOPKINS with Mr. CROWLEY.
Mr. ACHESON with Mr. SPIGHT.
On this case:
Mr. DALZELL with Mr. UNDERWOOD.
On this vote:
Mr. MUDD with Mr. DAVEY.
Mr. JOY with Mr. CUSACK.

Mr. SLAYDEN. Mr. Speaker, I understood the Clerk to read me as being paired with the gentleman from Rhode Island, Mr. CAPRON. I want to state that that is incorrect. I am paired with the gentleman from Pennsylvania, Mr. ADAMS, and I would like to ask if Mr. ADAMS has voted.

The SPEAKER. He has not.

Mr. SLAYDEN. Well, I refrained from voting because of my pair with the gentleman from Pennsylvania, Mr. ADAMS. I wish to make a brief explanation in connection with that. The gentleman from Rhode Island, Mr. CAPRON, came to me before he left and asked me if I would pair with him. I told him that I could not, as I was paired with the gentleman from Pennsylvania, Mr. ADAMS. He informed me that he probably would not be back until Tuesday or Wednesday of this week, and I am somewhat surprised to hear my pair as being with the gentleman from Rhode Island, Mr. CAPRON. If there is any means of doing it, I should like to have it corrected, to show that I have kept my faith with the gentleman from Pennsylvania, Mr. ADAMS.

The SPEAKER. It will appear of record. The Clerk will call my name.

The Clerk called the Speaker, and he voted in the negative.

The SPEAKER. The Clerk will recapitulate. The House must be in order, so that the recapitulation can be heard.

The Clerk recapitulated the names of those voting.

Mr. SNODGRASS. I did not hear my name called in the recapitulation.

The SPEAKER. The gentleman is recorded in the affirmative.

Mr. DALZELL. How am I recorded?

The SPEAKER. The gentleman is recorded as "present."

Mr. DALZELL. That is right.

Mr. MANN. Mr. Speaker, I answered "present" on the roll call. I have a standing pair with my colleague from Illinois, Mr. JETT, who has been away for a few days. I did not know that he was present; but I understand that he is recorded as voting.

The SPEAKER. He is recorded as voting in the affirmative.

Mr. JETT. That is true.

Mr. MANN. I ask whether I am entitled to vote or not?

The SPEAKER. If the gentleman voted "present," he has a right to change his vote.

Mr. MANN. Very well; I ask to vote.

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. MANN, and he voted in the negative.

Mr. SLAYDEN. Mr. Speaker, I would like to inquire of the Clerk, or to get the information, as to whether or not the gentleman from Pennsylvania, Mr. ADAMS, is reported as being paired.

The SPEAKER. He is not reported as paired, and did not vote.

Mr. JETT. I want to say in explanation of the matter which has been referred to by my colleague [Mr. MANN], that I had seen my colleague on the floor all the morning and I supposed he had voted. Therefore when my name was called I voted. I think it is fair that he should have the right to vote.

Mr. MANN. Of course, Mr. Speaker, the gentleman was in no way at fault.

Mr. RICHARDSON. I desire to change my vote from "aye" to "no."

The SPEAKER. The Clerk will call the gentleman from Tennessee.

The Clerk called the name of Mr. RICHARDSON, and he voted "no."

Mr. KLUTTZ. I voted "aye," sir, but I learn that my colleague, Mr. LINNEY, left the city under the impression that I was paired with him. Therefore I ask leave to withdraw my vote and to vote "present."

The SPEAKER. Without objection this will be done.

There was no objection.

The result of the vote was announced as above recorded.

Mr. RICHARDSON. Mr. Speaker, I move to reconsider the vote by which the substitute was rejected.

Mr. WEEKS. I move to lay that motion on the table.

Mr. RICHARDSON. Upon that motion I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 132, nays 129, answered "present" 12, not voting 76; as follows:

YEAS—132.

Aldrich,	Baker,	Boutell, Ill.	Brown,
Alexander,	Barham,	Bowersock,	Bull,
Allen, Me.	Bartholdt,	Brick,	Burke, S. Dak.
Babcock,	Bingham,	Bromwell,	Burkett,
Bailey, Kans.	Bishop,	Brosius,	Burleigh,
Burton,	Gardner, Mich.	Lybrand,	Rodenberg,
Calderhead,	Gardner, N. J.	McCleary,	Russell,
Cannon,	Gill,	McPherson,	Shattuc,
Clarke, N. H.	Gillett, Mass.	Mann,	Shelden,
Cochrane, N. Y.	Graff,	Marsh,	Showalter,
Connell,	Grout,	Mesick,	Smith, H. C.
Cooper, Wis.	Hamilton,	Metcalf,	Smith, Samuel W.
Corliss,	Haugen,	Miller,	Smith, Wm. Alden
Cousins,	Heatwole,	Minor,	Sperry,
Crump,	Hedge,	Mondell,	Sprague,
Crumpacker,	Henry, Conn.	Moody, Mass.	Steele,
Curtis,	Hepburn,	Moody, Oreg.	Stewart, N. J.
Cushman,	Hoffecker,	Morgan,	Stewart, N. Y.
Dahle, Wis.	Hull,	Morris,	Stewart, Wis.
Davenport, S. A.	Jack,	Needham,	Sulloway,
Dayton,	Jenkins,	O'Grady,	Tawney,
Dick,	Kahn,	Otjen,	Thropp,
Dolliver,	Kerr,	Overstreet,	Tompkins,
Dovener,	Ketcham,	Packer, Pa.	Tongue,
Driscoll,	Knox,	Payne,	Vreeland,
Eddy,	Lacey,	Pearce, Mo.	Wadsworth,
Esch,	Landis,	Pearre,	Wanger,
Faris,	Lane,	Phillips,	Warner,
Fletcher,	Lawrence,	Prince,	Waters,
Foss,	Littlefield,	Pugh,	Weaver,
Fowler,	Long,	Ray,	Weeks,
Freer,	Lorimer,	Reeder,	White,
Gamble,	Lovering,	Reeves,	Young.

NAYS—129.

Adamson,	Davenport, S. W.	Lewis,	Salmon,
Allen, Ky.	De Armond,	Little,	Scudder,
Allen, Miss.	De Graffenreid,	Livingston,	Shackleford,
Atwater,	Denny,	Lloyd,	Sheppard,
Bailey, Tex.	Dinsmore,	McAleer,	Sibley,
Ball,	Dougherty,	McClellan,	Sims,
Bankhead,	Driggs,	McCulloch,	Small,
Barber,	Elliott,	McDowell,	Smith, Ky.
Ba tlett,	Finley,	McLain,	Snodgrass,
Bell,	Fitzgerald, Mass.	Maddox,	Sparkman,
Bellamy,	Fitzgerald, N. Y.	May,	Stark,
Benton,	Fleming,	Meekison,	Stephens, Tex.
Berry,	Foster,	Meyer, La.	Stokes,
Brantley,	Gilbert,	Muller,	Sulzer,
Brenner,	Glynn,	Neville,	Sutherland,
Brewer,	Green, Pa.	Noonan,	Swanson,
Brundidge,	Griffith,	Norton, S. C.	Talbert,
Burke, Tex.	Griggs,	Otey,	Taylor, Ala.
Burleson,	Hay,	Pierce, Tenn.	Terry,
Burnett,	Henry, Miss.	Polk,	Thayer,
Caldwell,	Henry, Tex.	Quarles,	Thomas, N. C.
Campbell,	Howard,	Ransdell,	Turner,
Catchings,	Jett,	Rhea, Ky.	Vandiver,
Clark, Mo.	Johnston,	Rhea, Va.	Wheeler, Ky.
Clayton, Ala.	Jones, Va.	Richardson,	Williams, J. R.
Clayton, N. Y.	Kitchin,	Ridgely,	Williams, Miss.
Cochran, Mo.	Kleberg,	Rixey,	Wilson, Idaho
Cooney,	Lamb,	Robb,	Wilson, S. C.
Cowherd,	Lanham,	Robinson, Nebr.	Zenor,
Cox,	Latimer,	Rucker,	Ziegler.
Crawford,	Lentz,	Ruppert,	
Cummings,	Lester,	Ryan, N. Y.	
Daly, N. J.	Levy,	Ryan, Pa.	

ANSWERED "PRESENT"—12.

Barney,	Jones, Wash.	Mercer,	Spalding,
Dalzell,	Joy,	Naphen,	Van Voorhis,
De Vries,	Mahon,	Powers,	Wright.

NOT VOTING—76.

Acheson,	Emerson,	Hopkins,	Robinson, Ind.
Adams,	Fitzpatrick,	Howell,	Shafroth,
Boreing,	Forney,	Kluttz,	Sherman,
Boutelle, Me.	Fox,	Linney,	Slayden,
Bradley,	Gaines,	Littauer,	Smith, Ill.
Breazeale,	Gaston,	Loud,	Southard,
Broussard,	Gayle,	Loudenslager,	Spight,
Brownlow,	Gibson,	McCall,	Stallings,
Butler,	Gillet, N. Y.	McRae,	Stevens, Minn.
Capron,	Gordon,	Miers, Ind.	Tate,
Carmack,	Graham,	Moon,	Tayler, Ohio
Chanler,	Greene, Mass.	Mudd,	Thomas, Iowa
Cooper, Tex.	Grosvenor,	Newlands,	Underhill,
Cromer,	Grow,	Norton, Ohio	Underwood,
Crowley,	Hall,	Olmsted,	Wachter,
Cusack,	Hawley,	Parker, N. J.	Watson,
Davey,	Hemenway,	Riordan,	Weymouth,
Davidson,	Hill,	Roberts,	Williams, W. E.
Davis,	Hitt,	Robertson, La.	Wilson, N. Y.

So the motion to lay the motion to reconsider on the table was agreed to.

Mr. SIBLEY. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman present and listening to hear his name when it should have been called.

Mr. SIBLEY. I think I was listening; I was here purposely.

The SPEAKER. Trying to hear your name when it was called?

Mr. SIBLEY. I was trying to hear my name, and supposed I could. I did not notice the gentlemen ahead of me, and I did not hear my name called. I was right here in front of the Speaker's desk.

The SPEAKER. Attending to the call of the roll?

Mr. SIBLEY. I do not know that I had any other business besides that; I was present, listening to the roll call.

The SPEAKER. If the gentleman says he was listening to hear his name called, he is entitled to vote.

Mr. SIBLEY. That was my object. I was right here.

The name of Mr. SIBLEY was called, and he voted as above recorded.

The following additional pair was announced:

Mr. LOUD with Mr. DE VRIES, for the remainder of the session.

Mr. SMALL. Mr. Speaker, I desire to make a statement.

The SPEAKER. Without objection the gentleman will be heard, but not as a matter of right.

Mr. SMALL. In reference to the pair between the gentleman from Michigan [Mr. FORDNEY] and myself, I desire to say that on Thursday of last week the gentleman said to me that if he——

Mr. STEELE. Mr. Speaker, I rise to the point of order that the House is not in order, and I desire order so that we can hear the gentleman's statement.

The SPEAKER. The House will be in order.

Mr. SMALL. Mr. Speaker, the gentleman from Michigan [Mr. FORDNEY] spoke to me on Thursday of last week, saying that he might be compelled to leave the city, and if he did leave he desired to know if he could make a pair with me. I told him he could. On Saturday he sent me a note to the effect that he should leave the city and would desire to make a pair on all questions for this week. This morning some gentlemen on our side of the House came to me and asked me to transfer the pair. I declined to do so. They said it was the custom of the House to do so. I held the matter under consideration until I could advise with some of the older members of the House.

I spoke to the gentleman from Missouri [Mr. DE ARMOND], the gentleman from Texas [Mr. BURKE], the gentleman from Colorado [Mr. BELL], the gentleman from Arkansas [Mr. DINSMORE], and several others whose names I do not now recall, and a Republican member, whom I have not been able to see and therefore have not permission to mention his name, and they all stated that unless at the time the pair was made there was a distinct stipulation that it was not transferable I had a perfect right to transfer it. It was also stated to me that it was the custom of the Senate to transfer pairs unless there was an understanding to the contrary. There was no mention made between the gentleman from Michigan and myself of the question of transfer, and there was no understanding as to whether it should or should not be transferred. Having taken that advice, having acted in everything with a view to all the proprieties of the House and in entire good faith, I think I have done right and kept the contract I made.

The result of the vote was then announced as above recorded.

The SPEAKER. The question now is on agreeing to the resolution reported by the committee.

Mr. RICHARDSON. I would like to have the resolution reported, if you please.

The SPEAKER. The question is on agreeing to the resolution reported by the committee, and which the Clerk will report, if there be no objection.

There was no objection.

The Clerk read as follows:

Resolved, That William A. Young was not elected a member of the Fifty-sixth Congress from the Second Congressional district of Virginia and is not entitled to a seat therein.

Resolved, That Richard A. Wise was duly elected a member of the Fifty-sixth Congress from the Second Congressional district of Virginia and is entitled to a seat therein.

Mr. RICHARDSON. I demand a division of this proposition. It contains two substantive propositions; and I ask to have a division of the question, under the rule.

The SPEAKER. The gentleman asks for a division of the proposition. The Chair thinks the gentleman is entitled to his demand, and the Clerk will report the first resolution.

The Clerk read as follows:

Resolved, That William A. Young was not elected a member of the Fifty-sixth Congress from the Second Congressional district of Virginia and is not entitled to a seat therein.

Mr. RICHARDSON. On that I demand the yeas and nays.

Mr. MORRIS. Mr. Speaker, I would like to inquire what the resolution is. I thought we voted on that resolution.

The SPEAKER. The resolutions that have been voted on were those reported as an amendment by the minority. The House is now considering the majority resolutions. The yeas and nays are demanded on the first resolution.

The yeas and nays were ordered.

Mr. WEEKS. I desire the Chair to state the question, so that we will understand how to vote.

The SPEAKER. The question has been reported a second time, but without objection, it will be again reported. The Chair hears no objection.

The resolution was again reported.

The question was taken; and there were—yeas 132, nays 127, answering "present" 12, not voting 79; as follows:

YEAS—132.

Aldrich,	Bingham,	Bull,	Cochrane, N. Y.
Alexander,	Bishop,	Burke, S. Dak.	Connell,
Allen, Me.	Boutell, Ill.	Burkett,	Cooper, Wis.
Babcock,	Bowersock,	Burleigh,	Corliss,
Bailey, Kans.	Brick,	Burton,	Cousins,
Baker,	Bromwell,	Calderhead,	Crump,
Barham,	Brosius,	Cannon,	Crumpacker,
Bartholdt,	Brown,	Clarke, N. H.	Curtis,
Cushman,	Hedge,	Metcalf,	Shelden,
Dahle, Wis.	Henry, Conn.	Miller,	Showalter,
Davenport, S. A.	Hepburn,	Minor,	Smith, H. C.
Dayton,	Hoffecker,	Mondell,	Smith, Samuel W.
Dick,	Hull,	Moody, Mass.	Smith, Wm. Alden
Dolliver,	Jack,	Moody, Oreg.	Sperry,
Dovener,	Jenkins,	Morgan,	Sprague,
Driscoll,	Kahn,	Morris,	Steele,
Eddy,	Kerr,	Needham,	Stewart, N. J.
Esch,	Ketcham,	O'Grady,	Stewart, N. Y.
Faris,	Knox,	Otjen,	Stewart, Wis.
Fletcher,	Lacey,	Overstreet,	Sulloway,
Foss,	Landis,	Packer, Pa.	Tawney,
Fowler,	Lane,	Payne,	Thropp,
Freer,	Lawrence,	Pearce, Mo.	Tompkins,
Gamble,	Littlefield,	Pearre,	Tongue,
Gardner, Mich.	Long.	Phillips,	Vreeland,
Gardner, N. J.	Lorimer,	Prince,	Wadsworth,
Gill,	Lovering,	Pugh,	Wanger,
Gillett, Mass.	Lybrand,	Ray,	Warner,
Graff,	McCleary,	Reeder,	Waters,
Grout,	McPherson,	Reeves,	Weaver,
Hamilton,	Mann,	Rodenberg,	Weeks,
Haugen,	Marsh,	Russell,	White,
Heatwole,	Mesick,	Shattuc,	Young, Pa.

NAYS—127.

Adamson,	Daly, N. J.	Levy,	Ryan, N. Y.
Allen, Ky.	Davenport, S. W.	Lewis,	Ryan, Pa.
Allen, Miss.	De Armond,	Little,	Salmon,
Atwater,	De Graffenreid,	Livingston,	Scudder.
Bailey, Tex.	Denny,	Lloyd,	Shackleford,
Ball,	Dinsmore.	McAleer,	Sheppard,
Bankhead,	Dougherty,	McClellan,	Sibley,
Barber,	Driggs,	McCulloch,	Sims,
Bartlett,	Elliott,	McDowell,	Small,
Bell,	Finley,	McLain,	Smith, Ky.
Bellamy,	Fitzgerald, Mass.	Maddox,	Snodgrass,
Benton,	Fitzgerald, N. Y.	May,	Sparkman,
Berry,	Fleming,	Meekison,	Stark.
Brantley,	Foster,	Meyer, La.	Stephens, Tex.
Brenner,	Gilbert,	Muller,	Stokes,
Brewer,	Glynn,	Neville,	Sulzer.
Brundidge,	Green, Pa.	Noonan,	Sutherland,
Burke, Tex.	Griggs,	Norton, S. C.	Swanson,
Burleson,	Hay,	Otey,	Talbert,
Burnett,	Henry, Miss.	Pierce, Tenn.	Taylor, Ala.
Caldwell,	Henry, Tex.	Polk.	Terry,
Campbell,	Howard,	Quarles,	Thayer,
Catchings,	Jett,	Randsdell,	Thomas, N. C.
Clark, Mo.	Johnston,	Rhea, Ky.	Turner,
Clayton, Ala.	Jones, Va.	Rhea, Va.	Wheeler, Ky.
Clayton, N. Y.	Kitchin,	Richardson,	Williams, J. R.
Cochran, Mo.	Kleberg,	Ridgely,	Williams, Miss.
Cooney,	Lamb,	Rixey,	Wilson, Idaho
Cowherd,	Lanham,	Robb,	Wilson, S. C.
Cox,	Latimer,	Robinson, Nebr.	Zenor,
Crawford,	Lentz,	Rucker,	Ziegler.
Cummings,	Lester,	Ruppert,	

ANSWERED "PRESENT"—12.

Barney,	Griffith,	Mahon,	Powers,
Dalzell,	Jones, Wash.	Mercer,	Van Voorhis,
De Vries,	Joy,	Naphen,	Wright.

NOT VOTING—79.

Acheson,	Fitzpatrick,	Klutz,	Slayden,
Adams,	Fordney,	Linney,	Smith, Ill.
Boreing,	Fox,	Littauer,	Southard,
Boutelle, Me.	Gaines,	Loud,	Spalding,
Bradley,	Gaston,	Loudenslager,	Spight,
Breazeale,	Gayle,	McCall,	Stallings,
Broussard,	Gibson,	McRae,	Stevens, Minn.
Brownlow,	Gillet, N. Y.	Miers, Ind.	Tate,
Butler,	Gordon,	Moon,	Tayler, Ohio
Capron,	Graham,	Mudd,	Thomas, Iowa
Carmack,	Greene, Mass.	Newlands,	Underhill,
Chanler,	Grosvenor,	Norton, Ohio	Underwood,
Cooper, Tex.	Grow,	Olmsted,	Vandiver,
Cromer,	Hall,	Parker, N. J.	Wachter,
Crowley,	Hawley,	Riordan,	Watson,
Cusack,	Hemenway,	Roberts,	Weymouth,
Davey,	Hill,	Robertson, La.	Williams, W. E.
Davidson,	Hitt,	Robinson, Ind.	Wilson, N. Y.
Davis,	Hopkins,	Shafroth,	Young, Va.
Emerson,	Howell,	Sherman,	

So the resolution was agreed to.

The result of the vote was then announced as above recorded.

The SPEAKER. The question now is on agreeing to the second resolution, which the Clerk will read.

The Clerk read as follows:

Resolved, That Richard A. Wise was duly elected a member of the Fifty-sixth Congress from the Second Congressional district of Virginia and is entitled to a seat therein.

Mr. RICHARDSON. And on that, Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 131, nays 125, answered "present" 11, not voting 82; as follows:

YEAS—131.

Aldrich,	Bishop,	Burkett,	Corliss,
Alexander,	Boutell, Ill.	Burleigh,	Cousins,
Allen, Me.	Bowersock,	Burton,	Crump,
Babcock,	Brick,	Calderhead,	Crumpacker,
Bailey, Kans.	Bromwell,	Cannon,	Curtis,
Baker,	Brosius,	Clarke, N. H.	Cushman,
Barham,	Brown,	Cochrane, N. Y.	Dahle, Wis.
Bartholdt,	Bull,	Connell,	Davenport, S. A.
Bingham,	Burke, S. Dak.	Cooper, Wis.	Dayton,

Dick,	Hoffecker,	Mondell,	Smith, H. C.
Dolliver,	Hull,	Moody, Mass.	Smith, Samuel W.
Dovener,	Jack,	Moody, Oreg.	Smith, Wm. Alden
Driscoll,	Jenkins,	Morgan,	Sperry,
Eddy,	Kahn,	Morris,	Sprague,
Esch,	Kerr,	Needham,	Steele,
Faris,	Ketcham,	O'Grady,	Stewart, N. J.
Fletcher,	Lacey,	Otjen,	Stewart, N. Y.
Foss,	Landis,	Overstreet,	Stewart, Wis.
Fowler,	Lane,	Packer, Pa.	Sullaway,
Freer,	Lawrence,	Payne,	Tawney,
Gamble,	Littlefield,	Pearce, Mo.	Thropp,
Gardner, Mich.	Long,	Pearre,	Tompkins,
Gardner, N. J.	Lorimer,	Phillips,	Tongue,
Gill,	Lovering,	Prince,	Vreeland,
Gillett, Mass.	Lybrand,	Pugh,	Wadsworth,
Graff,	McCleary,	Ray,	Wanger,
Grout,	McPherson,	Reeder,	Warner,
Hamilton,	Mann,	Reeves,	Waters,
Haugen,	Marsh,	Rodenberg,	Weaver,
Heatwole,	Mesick,	Russell,	Weeks,
Hedge,	Metcalf,	Shattuc,	White,
Henry, Conn.	Miller,	Shelden,	Young, Pa.
Hepburn,	Minor,	Showalter,	

NAYS—125.

Adamson,	Davenport, S. W.	Lewis,	Salmon,
Allen, Ky.	De Armond,	Little,	Scudder,
Allen, Miss.	De Graffenreid,	Livingston,	Shackleford,
Atwater,	Denny,	Lloyd,	Sheppard,
Bailey, Tex.	Dinsmore,	McAleer,	Sibley,
Ball,	Dougherty,	McClellan,	Sims,
Bankhead,	Driggs,	McCulloch,	Small,
Barber,	Elliott,	McDowell,	Smith, Ky.
Bartlett,	Finley,	McLain,	Snodgrass,
Bell,	Fitzgerald, Mass.	Maddox,	Sparkman,
Bellamy,	Fitzgerald, N. Y.	May,	Stark,
Benton,	Fleming,	Meekison,	Stephens, Tex.
Berry,	Foster,	Meyer, La.	Stokes,
Brantley,	Gilbert,	Muller,	Sulzer,
Brenner,	Glynn,	Neville,	Swanson,
Brewer,	Green, Pa.	Noonan,	Talbert,
Brundidge,	Griffith,	Norton, S. C.	Taylor, Ala.
Burke, Tex.	Griggs,	Otey,	Terry,
Burleson,	Hay,	Pierce, Tenn.	Thayer,
Burnett,	Henry, Miss.	Polk,	Thomas, N. C.
Caldwell,	Henry, Tex.	Quarles,	Turner,
Catchings,	Howard,	Ransdell,	Vandiver,
Clark, Mo.	Jett,	Rhea, Ky.	Wheeler, Ky.
Clayton, Ala.	Johnston,	Rhea, Va.	Williams, J. R.
Clayton, N. Y.	Jones, Va.	Richardson,	Williams, Miss.
Cochran, Mo.	Kitchin,	Ridgely,	Wilson, Idaho
Cooney,	Kleberg,	Rixey,	Wilson, S. C.
Cowherd,	Lamb,	Robb,	Zenor,
Cox,	Lanham,	Rucker,	Ziegler.
Crawford,	Latimer,	Ruppert,	
Cummings,	Lester,	Ryan, N. Y.	
Daly, N. J.	Levy,	Ryan, Pa.	

ANSWERED "PRESENT"—11.

Barney,	Jones, Wash.	Mercer,	Spalding,
Dalzell,	Joy,	Naphen,	Wright.
De Vries,	Mahon,	Powers,	

NOT VOTING—82.

Acheson,	Fitzpatrick,	Knox,	Sherman,
Adams,	Fordney,	Lentz,	Slayden,
Boreing,	Fox,	Linney,	Smith, Ill.
Boutelle, Me.	Gaines,	Littauer,	Southard,
Bradley,	Gaston,	Loud,	Spight,
Breazeale,	Gayle,	Loudenslager,	Stallings,
Broussard,	Gibson,	McCall,	Stevens, Minn.
Brownlow,	Gillet, N. Y.	McRae,	Sutherland,
Butler,	Gordon,	Miers, Ind.	Tate,
Campbell,	Graham,	Moon,	Tayler, Ohio
Capron,	Greene, Mass.	Mudd,	Thomas, Iowa
Carmack,	Grosvenor,	Newlands,	Underhill,
Chanler,	Grow,	Norton, Ohio	Underwood,
Cooper, Tex.	Hall,	Olmsted,	Van Voorhis,
Cromer,	Hawley,	Parker, N. J.	Wachter,
Crowley,	Hemenway,	Riordan,	Watson,
Cusack,	Hill,	Roberts,	Weymouth,
Davey,	Hitt,	Robertson, La.	Williams, W. E.
Davidson,	Hopkins,	Robinson, Ind.	Wilson, N. Y.
Davis,	Howell,	Robinson, Nebr.	
Emerson,	Klutts,	Shafroth,	

So the resolution was agreed to.

The following additional pair was announced:

For this day:

Mr. KNOX with Mr. CAMPBELL.

Mr. RICHARDSON. Mr. Speaker, we would like to have the vote recapitulated, if it is very close.

The SPEAKER. It is not very close.

Mr. RICHARDSON. It is an important vote, Mr. Speaker, taking a member's seat, and we would like to have it recapitulated. In the confusion of the roll call there are liable to be mistakes.

The SPEAKER. There is a difference of 7.

Mr. RICHARDSON. Well, if it is not closer than that, we will not ask for a recapitulation.

The result of the vote was then announced as above recorded.

Mr. WEEKS. Mr. Speaker, I ask that Mr. Wise appear at the bar of the House and be sworn in.

The SPEAKER. The gentleman will step forward.

Mr. Wise came to the bar of the House, and the Speaker administered the oath of office to him.

URGENT DEFICIENCY BILL.

Mr. CANNON. I ask unanimous consent that the urgent deficiency bill, carrying appropriations to the amount of one million and a quarter of dollars, may be considered in the House as in Committee of the Whole under the five-minute rule.

Mr. RICHARDSON. I think we had better have the bill considered in Committee of the Whole. I do not like to object, especially if the gentleman's request expresses the wish of the committee; but I think all these appropriation bills should in general be considered in Committee of the Whole.

Mr. CANNON. I am anxious to complete the consideration of the bill to-day, because it is necessary, so far as the Government Printing Office is concerned, that the bill should be passed at once.

Mr. RICHARDSON. Well, we have frittered away considerable time to-day——

Mr. CANNON. If my friend will advise with the members of the Appropriations Committee on his own side, I think he will ascertain that there is no objection to the bill.

Mr. RICHARDSON. I have stated that I am reluctant to object. I have not had time to confer with the members of the committee on our side. But it is a bad practice, as the gentleman knows—and I have seen him very often insist on following the regular rule—to consider appropriation bills first in the House.

Mr. CANNON. The report of the committee is unanimous.

Mr. RICHARDSON. How much time is to be allowed for debate?

Mr. CANNON. I apprehend there is no desire for general debate.

Mr. RICHARDSON. Have the minority members of the committee agreed that they do not desire general debate?

Mr. CANNON. None of them have notified me that they desire it. They are present.

Mr. RICHARDSON. I am informed there has been no agreement on the part of the minority.

Mr. CANNON. Oh, undoubtedly there has been no agreement on the part of the minority.

Mr. RICHARDSON. I think there ought to be when we change a rule.

Mr. CANNON. Well, if the gentleman objects——

Mr. RICHARDSON. I do object.

Mr. CANNON. Then I move that the House resolve itself into Committee of the Whole for the purpose of considering the urgent deficiency bill.

Mr. KLUTTZ. I hope before that motion is agreed to I may be allowed a moment upon a question of personal privilege.

Mr. CANNON. My friend can present that afterwards.

The question being taken on the motion of Mr. CANNON, it was agreed to; and the House resolved itself into Committee of the Whole (Mr. DALZELL in the chair) and proceeded to the consideration of the bill (H. R. 9279) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1900, and for prior years, and for other purposes.

Mr. CANNON. I ask unanimous consent to dispense with the first reading of the bill.

There was no objection; and the first reading of the bill was dispensed with.

Mr. CANNON. I now ask unanimous consent that the bill may be read under the five-minute rule.

The CHAIRMAN. Is there objection?

Mr. RICHARDSON. I should be very glad to have some statement about this bill before we give that consent.

Mr. CANNON. I will make a statement if the gentleman desires it. This bill carries appropriations amounting in the aggregate to $1,439,580. The report is No. 552. I will state the items in the bill. First, for mint at Philadelphia, $145,000—a deficiency for wages of workmen and corresponding expenses growing out of increased coinage.

Next, repairs of public buildings, $50,000, absolutely necessary in consequence of the increased number of public buildings.

Next, heating apparatus, public buildings, $30,000, necessary to be made available so that public buildings may be placed in condition for heating at the beginning of the next season. If we wait beyond the present before this work is commenced, there will not be sufficient time to do this work so that the buildings may be utilized.

Fourth, safes and locks, public buildings, $7,500. The appropriation is wholly exhausted, and this is urgently required.

Then there is an appropriation for the naval establishment, general expenses, $585,000. The items embraced in this general appropriation are—

To meet unforeseen contingencies constantly arising, to be expended at the discretion of the President, $125,000.

For the purchase of a water boat for the purpose of supplying ships of the Navy with water, $25,000.

For the purchase of coal barges for supplying coal to ships of the Navy, $150,000.

At Cavite there is a small establishment which the Spaniards had, and of which our people have now possession. This is for some additional boilers and other equipments absolutely necessary, and necessary at once.

For general maintenance of yards and docks, $50,000.
For repairs and preservation at navy-yards and stations, $50,000.
For contingent expenses that may arise at navy-yards and stations, $10,000.
For reconstructing building No. 7, replacing furniture, mathematical and engineering instruments and stationery, and providing temporary offices, rendered necessary by fire on February 11, 1909, $60,000.

Gentlemen will remember that there was a fire lately at the navy-yard at New York.

For Bureau of Medicine and Surgery in the Navy, $10,000.
For surgeons' necessaries for vessels in commission, navy-yards, naval stations, Marine Corps, and Coast Survey, and for the civil establishment at the several naval hospitals, navy-yards, naval laboratory, and department of instructions, museum of hygiene, and Naval Academy, $10,000.
For Bureau of Construction and Repairs, $100,000.

These estimates were carefully gone over by the subcommittee, considered by the full committee, recommitted to the subcommittee, and again carefully examined, reported again to the full committee, and reported to the House by the unanimous vote of the full committee.

In addition to that there is an item of $2,000 for the House of Representatives, for furniture, the Clerk, after inquiry, stating that it is absolutely necessary.

For miscellaneous items and expenses of special and select committees, $20,000. That covers the contingent fund expenses, the funerals, the expenses of special committees, and I believe there are one or more pretty expensive investigations now running. The money is exhausted and it is necessary.

For public printing and binding——

Mr. RICHARDSON. If it does not interrupt the gentleman, I think that is a very large item.

Mr. CANNON. Which one?

Mr. RICHARDSON. For public printing and binding.

Mr. CANNON. Yes.

Mr. RICHARDSON. Four hundred and eighty-seven thousand dollars.

Mr. CANNON. Yes.

Mr. RICHARDSON. That is a very large deficiency, is it not, I submit to the gentleman.

Mr. CANNON. Yes; it is a very large deficiency; it is $450,000.

Mr. RICHARDSON. Four hundred and eighty-seven thousand in the report I have.

Mr. CANNON. There is $33,000 of this four hundred and eighty-seven for leave of absence of employees. You know the employees of the Printing Office were given thirty days' leave of absence, and we fell over each other on that side of the House and on this side of the House to give those employees that thirty days' leave of absence. We were of one accord. That leave of absence is with full pay. Now we owe them $33,000 that ought to have been paid, $18,000 of it last year and $15,000 of it for the current year.

Mr. RICHARDSON. Will the gentleman pardon me? He means that we voted for thirty days leave, but that they do not get thirty days' leave. They only get twenty-six days' leave. If there were an opportunity to amend this law now I should be glad to do it, so as to give them thirty days.

Mr. CANNON. Why not give them sixty days, I will say to my friend?

Mr. RICHARDSON. No; I submit to my friend from Illinois that if he will take the other Departments, take the Department of State, the War and Navy Departments, the employees in those Departments, every one of them, get thirty days' leave, and when you say thirty days' leave you mean it; but when you come to the Printing Office you mean twenty-six days when you say thirty days, according to the construction put upon it, and the employees in the Government Printing Office only get twenty-six days' leave with pay.

Mr. CANNON. Well, if my friend is correct——

Mr. RICHARDSON. That is correct.

Mr. CANNON. We take the estimate under the law as we find it, and we owe them this $33,000, without regard to whether the law is sufficiently liberal or otherwise. This is an appropriation to pay that which we owe.

Now, the other items of printing are:

For the public printing, for the public binding, and for paper for the public printing, including the cost of printing the debates and proceedings of Congress in the CONGRESSIONAL RECORD, and for lithographing, mapping, and engraving for both Houses of Congress, the Supreme Court of the United States, the supreme court of the District of Columbia, the Court of Claims, the Library of Congress, the Executive Office, and the Departments, including salaries or compensation of all necessary clerks and employees, for labor (by the day, piece, or contract), and for rents, books of reference, and all the necessary materials which may be needed in the prosecution of the work, $450,000.
For printing and binding for the Department of Justice, $4,000.

I want to explain that item.

Mr. RICHARDSON. It is a very large item.

Mr. CANNON. It is a very, very large item, but this is a very, very large House, with 357 members, with the power upon our part to have bound, outside of our calf-bound set, a complete set of all public documents printed by order of the Government, at the expense of the Government; power to have envelopes furnished to us free—20,000, 50,000, 500,000 envelopes, with our names artistically printed upon each envelope, with a frank, and with a nice little printed memorandum on the corner:

"Speech of the Hon. John Simpkins, of the State of Somewhere;" the State of Illinois, if he is from Illinois, on this, that, or the other subject, with a little bit of a quotation that we stick on, and so on. Well, now, we are doing a good deal of that kind of thing. We are making great lots of speeches in the House and great lots of speeches in the Senate, and we are printing them by the cord, and we send them down there, and this Public Printer comes up and says, "There is so much of printing, the Government has got to be so large, the reports are so numerous, there is an advance in material of 30, 40, and in some cases 50 per cent, and I have to buy the paper, and the money that we supposed would be sufficient for this work—and that was sufficient in former years—is not sufficient now. The law says I shall print, and it comes in upon me, and I can not print without money."

Now, that is a very large amount. In addition to all that, we increased wages down there 25 per cent, you know. Pretty much everything has increased, and by specific law we increased the wages over and above last year, in round numbers, 25 per cent. Well, there it is, and my friend, with his watchfulness, as he always is watchful, says that this is a very large sum. I agree with him, but nevertheless it is necessary, or the Printing Office will have to stop.

Mr. RICHARDSON. Will the gentleman yield?

Mr. CANNON. With great pleasure.

Mr. RICHARDSON. The chairman of the Committee on Appropriations brought in the bill which made the appropriation for the Printing Office. I think it is carried in the legislative, executive, and judicial appropriation bill, is it not—the annual appropriation?

Mr. CANNON. In the sundry civil.

Mr. RICHARDSON. It seems to me that the gentleman ought to make a closer guess at the amount that is necessary to run the office than $487,000 out of the way.

Mr. CANNON. If my friend will allow me——

Mr. RICHARDSON. I hope my friend, this year, will make a better guess at the amount that is necessary, and not reduce the appropriation $450,000 below the amount that will be actually required. I call his attention now so that he may be certain to get enough in the regular appropriation bill.

Mr. CANNON. Mark how plain a tale shall put that intimation down. Since the appropriation was made for the current year, that side of the House and this side of the House fell over each other and wept, and increased the pay of labor in the Government Printing Office 25 per cent after the bill was passed. My friend recollects that, and now my friend says that they ought to have four days more leave of absence. I think probably he is quite right about that. Then the gentleman says I ought to make a closer guess.

Mr. RICHARDSON. Yes.

Mr. CANNON. There is so great prosperity throughout the country, everybody is so busy all over the country, that all materials have gone up from 25 to 50 per cent. Now, if I knew some way to mandamus people that sell materials and compel them to sell at a lower price, I probably could make a closer guess.

Mr. RICHARDSON. Will the gentleman pardon me?

Mr. CANNON. Yes, certainly.

Mr. RICHARDSON. The contracts for this material were made more than a year ago, and they can not raise the price upon those contracts.

Mr. CANNON. Oh, well, they are desiring to make contracts——

Mr. RICHARDSON. The contracts were made a year ago last January.

Mr. CANNON. Oh, my friend, this money is to be utilized for the making in part of additional contracts, where it is necessary to make them.

Now, if there is any further information that anybody desires, I will give it, so far as I am able.

Mr. RICHARDSON. I would like to have the gentleman turn to page 3.

Mr. CANNON. Yes.

Mr. RICHARDSON. The first item reads:

To meet unforeseen contingencies constantly arising, to be expended at the discretion of the President, $125,000.

Mr. CANNON. Yes.

Mr. RICHARDSON. If it is not incompatible with the public service, or if there is not something that diplomatically would be in the way, we should like to know something about what that item covers.

Mr. CANNON. Certainly; I will take great pleasure in informing my friend.

In the last fiscal year there was an appropriation of a million dollars to meet unforeseen contingencies. There was expended, under the direction of the President, for the naval service, less

than $500,000 of that million. This fiscal year there was $500,000 appropriated in the same language of this proposition to appropriate this $125,000—a reappropriation out of the unexpended balance. In the first six months of the year that $500,000 was substantially expended. Now, this $125,000 is recommended because the expenditure can not be specified; not that there is any secrecy about it, but it is to meet emergencies of the service from day to day that can not be specified.

I might state further that this purchase of a water boat and various other items included here would have been paid from this appropriation if it had not been exhausted. It was the desire of the Secretary of the Navy to specify everything that could be specified; but, after full inquiry, we cut the amount down to $125,000. My friend will understand that with an army of 65,000 or 70,000 in the Philippines, with a navy larger than any we have ever had and in service all over the world, especially in the way of the newly acquired territory, with an insurrection existing there, with an archipelago that is probably 1,000 or 1,200 miles in length and the breadth I really do not know, it is impossible to state by estimate in every case what expenditure may be necessary. So that this appropriation of $125,000, in the terms in which it is proposed, explains itself.

We make the appropriation in the language that is expressed—"to meet unforeseen contingencies constantly arising, to be expended"—how? "At the discretion of the President." So that before it can be expended, in practice, the contingency must arise; it must be presented by the Navy, meet the approval of the officer of the Navy, meet the approval of the Secretary, and then meet the approval of the President. If there is any further information desired, I will be pleased to give it.

Mr. RICHARDSON. Does the gentleman intend to conclude this bill this afternoon?

Mr. CANNON. I hope to, because it is absolutely necessary that it should be concluded so far as the Government Printing Office is concerned. I would have called it up several days ago, when it was reported; but the gentleman knows we have been proceeding under orders, so that it was not practicable for me to do so.

Mr. LLOYD. In reference to the last clause of the bill, I want to ask the gentleman whether that is new legislation or not?

Mr. CANNON. Yes, that is; and I am very glad my friend called attention to it, and I ask his attention and that of the gentleman from Tennessee.

Hereafter there shall be advanced to the Public Printer, from time to time, as the public service may require it, and under such rules as the Secretary of the Treasury may prescribe, a sum of money not exceeding at any time the penalty of his official bond to enable him to pay for work and material.

The bond is $100,000. He can only draw $80,000 under the bond. The result is that he is making requisitions from two to three times a week. It begets much unnecessary bookkeeping, and he represents that if he can draw the full $100,000 he probably would not have to make more than one or, at the outside, two requisitions a week. The bond covers $100,000, and there is no danger of the Government meeting any loss by the proposed provision, because the Dockery accounting act is in full force, and the committee was unanimous in recommending that provision.

Mr. LLOYD. Under the present law he is authorized to draw 80 per cent of the amount of the bond?

Mr. CANNON. Eighty per cent.

Mr. LLOYD. And this provides that he may draw 100 per cent?

Mr. CANNON. Yes; it provides that he may draw the full penalty of the bond.

Mr. RICHARDSON. I think, Mr. Chairman, that that is proper——

Mr. CANNON. I want to add further to the gentleman that when one advance is made another can not be made until there is an accounting. The vouchers are filed under the Dockery Act, and there is no more chance of a loss under the 100 per cent than there is under the 80 per cent.

Mr. RICHARDSON. I will state to the gentleman that under the printing act passed March 12, 1895, the amount was increased from $75,000 to $80,000. It was thought that that would be sufficient. I do not know how that is. If it is necessary to draw $100,000, it may be a question of whether it repeals these words in the act of 1895.

Mr. CANNON. I will say to the gentleman that this clause was drawn at the Printing Office.

Mr. RICHARDSON. If it does not expressly repeal that portion of the act of 1895, it repeals it by implication. In respect to the debate, I want a few moments myself, and several other gentlemen have spoken to me for some time.

Mr. CANNON. How much time does the gentleman want? Other bills—the District bill comes within a day or two, I think on Wednesday, and the Army bill is on the Calendar, and there will be opportunity for general debate I do hope, as this is an urgent bill, that we may not have any debate except on the exact bill. I say that not because I am opposed to debate, but because the necessities of the Printing Office are such that the bill should be passed at once.

Mr. RICHARDSON. I did not intend to submit any remarks this evening myself, but I would like about five minutes.

Mr. CANNON. I will yield five minutes to the gentleman.

Mr. WM. ALDEN SMITH. I would like to ask the gentleman from Illinois a question, Mr. Chairman.

Mr. RICHARDSON. I will yield for that purpose.

Mr. WM. ALDEN SMITH. I notice an item in line 10 for the mint at Philadelphia "for wages of workmen and adjusters, $100,000." I would like to ask the chairman of the committee whether that represents an unusual coinage of either gold or silver at that mint?

Mr. CANNON. It represents increased work.

Mr. WM. ALDEN SMITH. Increased coinage?

Mr. CANNON. Yes.

Mr. WM. ALDEN SMITH. How much, if the gentleman knows?

Mr. CANNON. I can not say, but about 25 per cent increase, I am informed, over the past year, gold and minor coinage. I believe silver dollars are not coined in the Philadelphia mint. Now, Mr. Chairman, I yield five minutes to the gentleman from Tennessee [Mr. RICHARDSON].

Mr. RICHARDSON. The remarks I desire to make, Mr. Chairman, come more appropriately in general debate on a bill where I could have more latitude than I can have on this bill. It is a discussion of the trust question. I will refer to it now, however, because of its relation to printing and printing material.

I have introduced a number of bills which I think gives Congress a remedy for the regulation of trusts. I tried to draw the bills in accordance with the decision of the Supreme Court of the United States in the Addiston Pipe case, which has been printed for the benefit of Congress since we met in December, and the Knight case, as it is called, which relates to the sugar trust. The bills which I have introduced turn over to the Interstate Commerce Commission the question of the regulation of the transportation of these products of trusts.

The reason why I refer to it now, Mr. Chairman, is that one of these bills relates to the product of what is known as the paper trust, wood pulp, and other matters which enter into the composition of paper, the manufacture of paper. It is absolutely necessary, it seems to me, that Congress should take some step, some practical step, for the control of these combinations or trusts.

I hold in my hand a statement which I wish to put in the RECORD to show the effect of the paper trust in this country and which bears directly on some items of this bill. I do not undertake to say that it affects so much the appropriation in the pending bill, because this bill carries a deficiency, as I understand it, for the fiscal year which ends June 30, 1900. The supplies under that appropriation carried in the sundry civil bill for this fiscal year for the Government Printing Office are not affected by this increase in prices, but the increase to which I refer has been caused by reason of the formation of the paper trust, as I believe.

What I wish to say and emphasize here, Mr. Chairman, relates to the effect of the paper trust, but it is only typical of the other great trusts in this country. The first effect of the trust is to reduce competition, and the next effect is to put up the prices of the article affected or controlled by the trust. As evidence of it, take the bids for supplying the paper for the Government Printing Office for the next fiscal year. I have long served on the Committee on Printing, and speak from my experience as to bids for supplying paper to the Government Printing Office. I assert that the bids averaged from forty-five to fifty in number from contractors, of paper dealers, and manufacturers annually to supply the Government Printing Office with the necessary paper product. There were forty-five to fifty bidders at every letting of paper contracts.

Now, I assert that this year, in February, when the gentlemen of the Joint Committee on Printing met, they found that there were only 30 bidders, a falling off in the number of bidders from nearly 50 down to 30. This is nearly 50 per cent decline in the number of persons who come to bid for this opportunity of supplying material to the Government Printing Office. What else do we find? While the number of bidders is reduced 50 per cent, the price is 50 per cent higher from these 30 bidders. I have the statement of the Public Printer which shows that.

Mr. PAYNE. Will the gentleman allow me a question?

Mr. RICHARDSON. Certainly.

Mr. PAYNE. Did the gentleman inquire further to ascertain how much wood pulp and soda ash and other ingredients used in making paper have advanced?

Mr. RICHARDSON. Does not the gentleman admit that the trust has increased the price?

Mr. PAYNE. I think the gentleman should have found some other cause for this increase.

Mr. RICHARDSON. The cause just stated by the gentleman from New York certainly would not make a decline of 50 per cent in the number of bidders.

Mr. PAYNE. In the first place, according to this statement, there was not a decline of 50 per cent, but about 30 per cent, in the number of bidders; and it would seem that with 30 bidders we ought to get down pretty near to the lowest price. There must be considerable competition with that number of bidders.

Mr. RICHARDSON. I have introduced bills for the regulation of these trusts and have had them referred to the committee over which my friend from New York [Mr. PAYNE] presides with so much ability, although we allow him to change his mind right along whenever he sees fit to do so. I hope he will help us see whether we can not find a remedy for the existing condition of things.

Mr. PAYNE. The gentleman from Tennessee knows I can not change my mind quite as rapidly as he did on the appropriation bill for the benefit of Puerto Rico.

[Here the hammer fell, and Mr. RICHARDSON's time was extended for five minutes.]

Mr. RICHARDSON. The decline in the number of bidders was nearly 50 per cent. By referring to the table I have here it appears it was about 40 per cent. I will print the exact figures. There were 46 bids a year ago from paper manufacturers to supply material for the Government Printing Office. The statement which I have before me shows the percentage of increase in the cost of the principal classes of paper used in that office under contract let by the Committee on Printing in January last, as compared with those under similar contract let in January, 1899. The machine-finished printing paper increased in price 50 per cent. These 30 bidders raised the price 50 per cent above what the Government had to pay a year ago for the same material.

Mr. STEELE. Will the gentleman allow me one suggestion?

Mr. RICHARDSON. Yes, sir.

Mr. STEELE. I have received a great many letters from newspaper men in my part of the country asking me to do what I could to secure a reduction of the tariff on wood pulp because the price of paper is so high. It has gone up, I believe, from about $20 a ton to $36 a ton; and the tariff is about $3 a ton. Now, then, the newspaper men ought to discover that the tariff had very little effect in this advance of $16 a ton.

Mr. RICHARDSON. The gentleman will not deny that putting these products on the free list would help somewhat in securing cheaper printing materials. Will he not join with myself and others on this side in putting them on the free list, and let us see whether that will not give some benefit to paper consumers, including the Government itself?

Mr. STEELE. I would rather be at the mercy of American manufacturers than at the mercy of Canadian manufacturers.

Mr. WILLIAMS of Mississippi. Does the gentleman from Indiana know whether there is any importation of wood pulp at all under the present tariff?

Mr. STEELE. Undoubtedly a great deal is imported.

Mr. RICHARDSON. Why should we destroy our own forests instead of getting the material elsewhere, from Canada, etc.——

A MEMBER. We get the wood elsewhere and manufacture the paper in our own mills.

Mr. RICHARDSON. The newspaper men believe, according to the petitions which they have sent in here in large numbers, that if we put these products upon the free list it will benefit them, and I believe it will.

Now, take the article of sized and supercalendered printing paper. The Government has had to pay 56 per cent more for this class of paper under the contracts made for the next year than it has paid for the last year. There were only 30 bidders, a falling off from 46, and there was an increase in the price of 56 per cent.

Mr. McCLEARY. Gold seems to be depreciating.

Mr. RICHARDSON. I believe this is largely because these things are controlled by the paper trust.

On first-class ledger paper there is an increase of only 6 per cent. On second-class ledger paper there is an increase of 12 per cent. These facts I got in a letter from the Public Printer, sent to me at my request, in order that I may have the benefit of the exact figures. Mr. Palmer's letter is as follows:

GOVERNMENT PRINTING OFFICE,
OFFICE OF THE PUBLIC PRINTER,
Washington, D. C., February 27, 1900.

SIR: In reply to your verbal inquiry, I have to say that there were 46 bidders for furnishing paper for the public printing and binding for the year ending February 28, 1900, and 30 bidders for the year ending February 28, 1901.

The following statement shows the percentage of increase in the cost of the principal classes of paper used in this office under contracts let by the Joint Committee on Printing in January last over those under similar contracts let in January, 1899:

	Per cent.
Machine-finish printing paper	50
Sized and supercalendered printing paper	56
Writing paper	19
First-class ledger paper	6
Second-class ledger paper	12

Respectfully,

F. W. PALMER, *Public Printer.*

Hon. JAMES D. RICHARDSON,
House of Representatives.

Now, I submit, Mr. Chairman, this being only a part of what I intended to say later, that it is appropriate to the contents of this bill to say it now, because this bill relates to supplies for the Government Printing Office. The remedy, it seems to me, is to put these products on the free list. Two gentlemen of the Ways and Means Committee, the chairman and the honorable gentleman from Indiana [Mr. STEELE], I infer from their statements, will join with the minority in the effort to put these articles upon the free list. I may be mistaken, but I think I read it——

Mr. STEELE. You are decidedly mistaken, in so far as I am concerned.

Mr. RICHARDSON. The gentleman declines to do it. I am very sorry. I thought I saw an indication of weakness on the part of the gentleman along the line——

Mr. McCLEARY. That would be an indication of weakness!

Mr. STEELE. If I have ever shown any weakness, it is not on that subject.

Mr. RICHARDSON. Weakness on the protective idea; a sign of virtue in legislation. That was what I had in mind. Now, if that can not be done——

Mr. LENTZ. Will the gentleman allow me to ask him a question?

Mr. RICHARDSON. Yes; in one minute. If that can not be done, I submit that we ought to pass some of the bills which I have introduced, which, when these manufacturers enter trusts, turn them over to the Interstate Commerce Commission, under the decisions of the Supreme Court, that these products may be controlled. Now I will yield to the gentleman from Ohio.

Mr. LENTZ. I want to ask the gentleman from Tennessee whether he considers free trade in paper a plain duty? [Laughter.]

Mr. RICHARDSON. I think it is. But then gentlemen on the other side pay no attention to plain duty.

Mr. STEELE. I never heard the gentleman from Ohio [Mr. LENTZ] speak in such a modest tone of voice before, and I should like the House to hear what he said.

Mr. RICHARDSON. The gentleman asks if it is not a plain duty to put paper on the free list.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. CANNON. Now I will yield to the gentleman from Indiana [Mr. STEELE] a minute.

Mr. STEELE. I merely want to say to the gentleman from Tennessee [Mr. RICHARDSON] that I will join with him, or any other man, or any set of men, in enacting a law that will properly control trusts. I am in on that. But with reference to the fact that there are only about 40 bidders for printing material where a year ago that there were 50——

Mr. RICHARDSON. The gentleman misunderstood me. There are only 30 this year, against 46 last year.

Mr. STEELE. The gentleman states the number, and I will accept his statement.

Mr. RICHARDSON. That is right.

Mr. STEELE. There is nothing remarkable about that, because at the Soldiers' Home at Marion, Ind., there were advertisements for the construction of seven different buildings. Whereas before, in the last ten years, whenever there has been any construction advertised for at that Home we have had from ten to twenty bidders; this year we only had one bid for each one of these buildings, all by one man, and every bid so high that we have to come to Congress for an additional appropriation. I thought there was something wrong about it somewhere, and so I wrote personal letters to the contractors, to know why they did not bid on these buildings, as usual. They said: "We are doing business this year, and we do not have to take Government work and work only eight hours a day." [Applause on the Republican side.]

Mr. RICHARDSON. I do not know anything about the facts in that case, but I imagine——

Mr. STEELE. I am telling you the facts.

Mr. RICHARDSON. The gentleman's statement only emphasizes what I said. He could get only one bidder. It may be that, as in the Addison pipe case, you could only get one bidder because the trust controlled bidders, as the Supreme Court said the other pipe companies, in the case mentioned, were in a trust and could not bid under their agreement.

Mr. STEELE. Oh, the bid would have been within the appropriation if there had been anything of that kind.

Mr. CANNON. Now a word, and then I will ask to dispose of the bill.

I wish I knew some provision that would give every farmer, whether he raises corn, cotton, wheat, or what not, and every laborer, skilled and unskilled, every American citizen who is striving to make a living, all the money he is now getting, and twice as much more, permanently, for his work and for his products, and at the same time furnish the proceeds of his labor, whether it be cotton or what not, to every other citizen for less money than

he now has or heretofore has had to pay for the same. If somebody will tell me how that can be done, I shall be very glad to assist in that legislation. But cotton going from 6 cents a pound to 9½ and 10 cents a pound, I believe, in the last twelve or fifteen months, unfortunately, the price of everything into which cotton enters is inclined to go up.

And so it is with other things, whether iron or steel, or what not; but I beg of this House, I implore this House not to interfere with one trust which is concerned in this bill, so far as the printing is concerned, and that is the Congressional trust, which concerns you and me, the object being to enlighten all the people touching our legislation, and to make our calling and election sure next November. [Laughter.] Do not interfere with this trust, gentlemen. Let us walk up and vote this money.

Now, having said that much, I will ask that I may offer an amendment, and then that the bill may be reported back to the House. I will ask to dispense with the reading. It is getting late, and I want to report and pass the bill.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to dispense with the reading of the bill. Is there objection?

Mr. FITZGERALD of Massachusetts. I reserve the right to object until I hear what that amendment is.

Mr. CANNON. Oh, certainly; and then I will invite objection, if my friend thinks there ought to be one on account of this amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

On page 8, after line 4, insert:
"For printing and binding for the Navy Department, $25,000."

Mr. CANNON. Now, I will state to the gentleman that that amendment is necessary. The estimate was not sent in at the time that we reported this bill to the House. It has come in since that time, and we are informed that it is absolutely necessary. The expenditure for printing for the Navy Department, so far as it is appropriated for this year, is less than it was last year, and it is an item that can not wait without injuring the public service. That is the reason why we have not waited until the regular deficiency bill is reported, which will come in May.

Mr. FITZGERALD of Massachusetts. I reserved the right to object without any intention to object to the amendment introduced, but in order to preserve my rights, so as to offer an amendment which will give to the employees of the Government Printing Office the thirty days' leave of absence which I think it was the intention of Congress to give them, instead of the twenty-six days which they are now allowed. Inasmuch as it calls for a very slight modification, I trust that the gentleman will have no objection to the incorporation of this amendment.

Mr. CANNON. I do not know about that matter.

Mr. FITZGERALD of Massachusetts. Is there any objection to it?

Mr. CANNON. It can come in later upon some bill which is in order or on a report from the Committee on Printing.

Mr. FITZGERALD of Massachusetts. What objection is there to considering it now? It only takes two lines.

Mr. CANNON. Simply because I am not informed touching it. I will say to my friend that I will meet him fairly. That is what the gentleman wants me to do. The gentleman has not offered the amendment. It is not in order upon the bill. This is an urgent deficiency bill, and the item in it, so far as this appropriation of $38,000 is concerned, is to pay them what is already due them under existing law. Let us pass the bill rather than delay it by proposed new legislation.

Mr. FITZGERALD of Massachusetts. The amendment I desire to introduce would perfect legislation which is upon the statute books; and I can see no objection in having the amendment adopted which states that it was the intention of Congress that these employees should have thirty days' leave. The reason why I ask this is because the gentleman from Illinois made a point of order a year ago which deprived the employees of the Agricultural Department of any vacation, on the ground, made at the time the amendment was introduced, that it was new legislation.

If it is a fact that it was the intention of Congress to give thirty days' leave of absence to the employees of the Public Printing Office, and it is found upon construction of the law, as interpreted by that office, that they shall only be allowed twenty-six days, I think that the first opportunity offered to Congress to correct that defect in the law ought to be taken advantage of. Believing this to be the proper time, I submit a short amendment which will not take a minute to read, and as we have been kind enough to allow the gentleman to press his bill to passage, I hope he will accept the amendment.

Mr. CANNON. If the gentleman wants to offer it he can do so.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois that the reading of the bill be dispensed with? [After a pause.] The Chair hears none. The question now is on the amendment offered by the gentleman from Illinois, which the Clerk will read.

The Clerk read as follows:

On page 8, after line 4, insert:
"For printing and binding of the Navy Department, $25,000."

The amendment was agreed to.

Mr. FITZGERALD of Massachusetts. I ask that the amendment just offered by me be read by the Clerk.

The Clerk read as follows:

And it is hereby declared to be the intention of Congress that all employees of the Government Printing Office shall receive thirty days' leave of absence in each year exclusive of Sundays.

Mr. CANNON. Now, I make the point of order, not knowing what the law is, that it is new legislation, and that it is not in order upon this bill. The gentleman understood that I should do so; and I will say to him that I will perform my duty, if I know it.

The CHAIRMAN. Does the gentleman make the point of order that it is new legislation?

Mr. CANNON. I do; and not in order upon a general appropriation bill; and the gentleman knew it was not in order.

Mr. FITZGERALD of Massachusetts. Well, Mr. Chairman, I think I can show very clearly that legislation similar to this has been passed upon appropriation bills year in and year out.

The CHAIRMAN. The Chair is ready to rule.

Mr. FITZGERALD of Massachusetts. In the last District appropriation bill there was a provision added:

It is hereby declared to be the intention of Congress not to appropriate money for sectarian purposes.

The same provision was incorporated in the Indian appropriation bill, and in this very Congress the gentleman from Arkansas [Mr. LITTLE] made the point of order that inasmuch as this declaration had been incorporated in the Indian appropriation bill of the previous Congress on the subject of contract schools, it was not in order, and the point of order was sustained by the Chair. I do not see what point of order can be made against this amendment. It is directly in line with amendments made in every appropriation bill year after year, and inasmuch as it declares what Congress understands to be the law granting thirty days' leave of absence, I do not see where there is any new legislation in it. It is to clear up a defect, if any exists, in the law, and undertakes to point out to the Printing Office just what Congress proposed to do. Congress intended that the employees of this department should receive the same consideration as other Government employees in Washington, and I feel certain that the gentleman from Illinois is willing to agree to have the intention of Congress carried out. I await the decision of the Chair.

The CHAIRMAN. Unless it is a change of existing law, it seems to the Chair that it is a useless amendment. The Chair is disposed to and does sustain the point of order.

Mr. FITZGERALD of Massachusetts. Well, Mr. Chairman, do I understand the Chair to hold that the law is now perfect and that each employee is entitled to receive thirty days' leave of absence, exclusive of Sundays?

The CHAIRMAN. The Chair expresses no opinion upon that subject.

Mr. FITZGERALD of Massachusetts. Will the Chair be kind enough to state in what sense it is new legislation? I want the ruling of the Chair on that point made clear.

Mr. CANNON. I move, Mr. Chairman, that the committee rise.

Mr. FITZGERALD of Massachusetts. I want this matter cleared up. I thought the Chair ruled the point of order well taken on the ground that the law at the present time gave the employees of the Government Printing Office thirty days' leave of absence, exclusive of Sundays.

Mr. CANNON. I move that the committee rise and report the bill back to the House with a favorable recommendation.

Mr. FITZGERALD of Massachusetts. I would like, as a matter of privilege, to have the decision of the Chair upon this point made clear.

The CHAIRMAN. The Chair has already ruled.

Mr. FITZGERALD of Massachusetts. On what ground?

The CHAIRMAN. On the ground that any legislation construing existing law is new legislation.

Mr. FITZGERALD of Massachusetts. That it is new legislation?

The CHAIRMAN. Yes.

The motion that the committee rise was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. DALZELL, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the bill (H. R. 9279) and had instructed

him to report the same back with an amendment, and with the recommendation that as amended the bill do pass.

Mr. CANNON. I desire to yield just a moment to the gentleman from Iowa.

Mr. LACEY. Mr. Speaker, I ask unanimous consent to print with my remarks this morning which I made on the Cape Nome bill the report of the committee.

The SPEAKER. The gentleman from Iowa asks unanimous consent that he may incorporate in his remarks made this morning on the Cape Nome bill the report of the committee. Is there objection? [After a pause.] The Chair hears none.

Mr. CANNON. Now, Mr. Speaker, I ask that the bill may be passed with the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was read the third time, and passed.

On motion of Mr. CANNON, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. BABCOCK. Mr. Speaker, this has been District of Columbia day under the rule. Privileged matters have been in order, and have taken all the time. I now ask that next Monday may be set aside for District matters, and that it may be in order to bring up business from the Committee on the District of Columbia on that day.

The SPEAKER. Unanimous consent is asked that next Monday, or so much of it as may be necessary, be set aside for the consideration of bills from the Committee on the District of Columbia. Is there objection? [After a pause.] The Chair hears none, and that order is made.

Mr. CANNON. Mr. Speaker, I move that the House do now adjourn.

ENROLLED BILLS SIGNED.

The SPEAKER. Pending that, the Chair will submit a report from the Committee on Enrolled Bills.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 236. An act granting an increase of pension to Mary Ellen Lauriat;

S. 526. An act granting an increase of pension to Joseph M. Waddell;

S. 266. An act granting an increase of pension to William Hamley;

S. 240. An act granting a pension to Nancy Ellen Bessom;

S. 237. An act granting an increase of pension to Cutler D. Sanborn;

S. 1771. An act granting a pension to Ellie Kee;

S. 1713. An act granting a pension to Arminda D. Davis;

S. 1295. An act granting a pension to Louisa Hale;

S. 872. An act granting an increase of pension to William H. H. Nevitt;

S. 1711. An act granting an increase of pension to Charles L. Green;

S. 1329. An act granting a pension to Mary Jackman;

S. 1796. An act granting an increase of pension to Rebecca P. Quint;

S. 548. An act granting an increase of pension to John F. McMahon;

S. 2158. An act granting a pension to Joseph B. Presdee;

S. 35. An act granting a pension to Louise Donath;

S. 2367. An act granting a pension to Susan Stratton;

S. 2223. An act granting an increase of pension to John M. Morse;

S. 1469. An act granting an increase of pension to Philip P. Getchell;

S. 1059. An act granting a pension to Silas B. Hensley;

S. 1058. An act granting a pension to John Bailey;

S. 1003. An act granting a pension to Julia M. Johnson;

S. 992. An act granting an increase of pension to Frederick Auer;

S. 917. An act granting an increase of pension to Sarah E. Campbell;

S. 2219. An act granting an increase of pension to Mary F. Hopkins; and

S. 899. An act granting an increase of pension to Mary A. Dennis.

CHANGE OF REFERENCE.

The SPEAKER. The Chair will also submit the following change of reference.

The Clerk read as follows:

The bill (H. R. 8877) granting extra pay to officers of the Spanish-American war not having received any benefit from previous acts passed for this purpose—from the Committee on War Claims to Committee on Military Affairs.

The SPEAKER. Without objection, the change will be made. There was no objection.

LEAVE TO WITHDRAW PAPERS.

Leave was granted to Mr. CLAYTON of New York to withdraw from the files of the House, without leaving copies, the papers in the case of James W. Jackson, Fifty-fifth Congress, no adverse report having been made thereon.

The motion of Mr. CANNON was then agreed to; and accordingly (at 5 o'clock and 34 minutes p. m.) the House adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the case of the sloop *Sidney*, Jared Bartholomew, master, against the United States—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of State submitting an estimate of appropriation for deficiences in appropriation for contingent expenses, stationery, etc.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an amended estimate of appropriation for preparing report of the mineral resources of the United States—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Light-House Board submitting an estimate of appropriation for construction of a steam tender for the Eleventh light-house district—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

A letter from the Acting Secretary of War, relating to a further credit in the accounts of Maj. H. M. Adams, United States Army—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. KLEBERG, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 1175) to grant lands to the State of Alabama for the use of the Agricultural and Mechanical College of Alabama, for negroes, and the State Normal College, at Florence, Ala., reported the same without amendment, accompanied by a report (No. 587); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FLYNN, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 8668) approving a revision and adjustment of certain sales of Otoe and Missouria lands in the States of Nebraska and Kansas, reported the same with amendment, accompanied by a report (No. 588); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 8997) granting a pension to Mary E. Vishion—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 9354) granting an increase of pension to J. W. Penny—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 9383) for the relief of Edmund Morgan and to have his name put on the pension roll—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 9379) granting a pension to William Bittenger, Company G, Twelfth Regiment Pennsylvania Reserves—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 9336) to grant a pension to Isabella Armiger, mother of John M. Armiger, late of Company A, Eleventh Regiment Maryland Infantry Volunteers, etc.—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. THOMAS of North Carolina: A bill (H. R. 9443) authorizing and directing the Secretary of War to cause a survey to be made of the Upper Cape Fear River, North Carolina—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 9444) authorizing and directing the Secretary of War to cause a survey to be made of Neuse River, North Carolina—to the Committee on Rivers and Harbors.

By Mr. CUMMINGS: A bill (H. R. 9445) to provide an American register for the barge *Davidson*—to the Committee on the Merchant Marine and Fisheries.

By Mr. WEEKS: A bill (H. R. 9446) to provide for additional compensation for deputy collectors and inspectors of customs for the district of Huron, Mich., and so forth—to the Committee on Ways and Means.

By Mr. PRINCE: A bill (H. R. 9447) to authorize and facilitate the immediate construction of railroads in the island of Puerto Rico—to the Committee on Insular Affairs.

By Mr. BARTHOLDT: A bill (H. R. 9448) for the improvement of the Missouri River at and near the city of New Haven, Franklin County, Mo.—to the Committee on Rivers and Harbors.

By Mr. MILLER: A bill (H. R. 9449) to encourage silk culture, and for other purposes—to the Committee on Agriculture.

By Mr. LITTLE: A bill (H. R. 9492) levying certain taxes for the education of noncitizen children in the Indian Territory, and for other purposes—to the Committee on Indian Affairs.

By Mr. SHERMAN: A bill (H. R. 9493) relating to certain railway corporations owning or operating street railways in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BULL (by request): A bill (H. R. 9494) to amend section 4965, chapter 3, Title LX, of the Revised Statutes of the United States, relating to copyrights—to the Committee on Patents.

By Mr. SPARKMAN: A bill (H. R. 9495) increasing the cost of a public building to be erected at Tampa, Fla.—to the Committee on Public Buildings and Grounds.

By Mr. SPALDING: A bill (H. R. 9496) to provide for the disposal of the Fort Buford abandoned military reservation, in the States of North Dakota and Montana—to the Committee on the Public Lands.

By Mr. ALLEN of Maine: A bill (H. R. 9497) to amend an act providing for the construction of a light-ship to be located near Cape Elizabeth, Maine—to the Committee on Interstate and Foreign Commerce.

By Mr. JENKINS: A joint resolution (H. J. Res. 200) authorizing the appointment of a commission to investigate and report upon the principal colleges of commerce of Europe, their methods and results, with a view to promoting an increase of our foreign commerce—to the Committee on Foreign Affairs.

By Mr. OVERSTREET: A joint resolution (H. J. Res. 201) donating a condemned cannon to the Commandery in Chief of the Sons of Veterans, United States of America—to the Committee on Naval Affairs.

By Mr. SULZER: A resolution (H. Res. 175) directing the Secretary of War to inform the House of Representatives relative to fortifications being erected by Great Britain along the northern frontier of the United States—to the Committee on Military Affairs.

By Mr. WEEKS: A concurrent resolution of the legislature of the State of Michigan, relative to treatment of the Finnish people by the Government of Russia—to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALLEN of Kentucky: A bill (H. R. 9450) for the relief of the estate of Mary H. S. Robertson—to the Committee on War Claims.

Also, a bill (H. R. 9451) to increase the pension of William H. Castlen, a Mexican war veteran, now a pensioner under certificate No. 338—to the Committee on Invalid Pensions.

By Mr. ADAMS: A bill (H. R. 9452) to remove the charge of desertion from the record of Dennis O'Brien—to the Committee on Naval Affairs.

By Mr. BOWERSOCK: A bill (H. R. 9453) for the relief of Harry Hume Ainsworth—to the Committee on Military Affairs.

Also, a bill (H. R. 9454) granting an increase of pension to William F. Nichols—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9455) to carry out the findings of the Court of Claims in the case of the estate of John A. Huff, deceased—to the Committee on War Claims.

By Mr. CATCHINGS: A bill (H. R. 9456) for the relief of the estate of Mary F. Birdsong, deceased, late of Warren County, Miss.—to the Committee on War Claims.

By Mr. FLETCHER: A bill (H. R. 9457) granting an increase of pension to Roger Fenton—to the Committee on Invalid Pensions.

By Mr. FOWLER: A bill (H. R. 9458) granting a pension to Gottlieb Miller, of Elizabeth, N. J.—to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 9459) for the relief of Opequon Presbyterian Church, situated in Frederick County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 9460) for the relief of the estate of Isaac M. Hollingsworth, deceased, late of Frederick County, Va.—to the Committee on War Claims.

By Mr. HENRY of Mississippi: A bill (H. R. 9461) for the relief of L. A. Whitehead, of Rankin County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 9462) for the relief of J. E. Whittington, of Rankin County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 9463) for the relief of J. C. Winters, of Hinds County, Miss.—to the Committee on War Claims.

By Mr. KNOX: A bill (H. R. 9464) to remove the charge of desertion now standing against Joseph S. Clark—to the Committee on Military Affairs.

By Mr. LANE: A bill (H. R. 9465) granting an increase of pension to Elias Longman—to the Committee on Invalid Pensions.

By Mr. LITTLEFIELD: A bill (H. R. 9466) to remove the charge of desertion from the military record of Joshua C. Mayo—to the Committee on Military Affairs.

By Mr. MORGAN: A bill (H. R. 9467) granting an increase of pension to George F. Hixon, Waterloo, Ohio—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9468) to increase the pension of William J. Wallace, of Winchester, Ohio—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9469) to correct the military record of Stephen Thompson, Gallipolis, Ohio—to the Committee on Military Affairs.

Also, a bill (H. R. 9470) granting a pension to Mary A. Clark, of Portsmouth, Ohio—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9471) granting an increase of pension to Eli Potts, of Waverly, Ohio—to the Committee on Pensions.

Also, a bill (H. R. 9472) to correct the military record of John Daniels—to the Committee on Military Affairs.

Also, a bill (H. R. 9473) for the relief of Thomas McCall—to the Committee on Military Affairs.

Also, a bill (H. R. 9474) for the relief of Darius Atkinson—to the Committee on Military Affairs.

By Mr. POLK: A bill (H. R. 9475) granting a pension to George W. McCollin, of Watsontown, Pa.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9476) granting a pension to Thomas E. Geddis, of Bloomsburg, Pa.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9477) granting a pension to Hiram G. Hoke, of Treverton, Northumberland County, Pa.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9478) granting a pension to John C. Lloyd, of Northumberland, Pa.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9479) granting a pension to Henry Small, of Nordmont, Pa.—to the Committee on Invalid Pensions.

By Mr. PEARCE of Missouri: A bill (H. R. 9480) granting a pension to Mrs. Caroline Flad—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9481) granting an increase of pension to James Anderson—to the Committee on Invalid Pensions.

By Mr. RUPPERT: A bill (H. R. 9482) to remove the charge of desertion against William Wall—to the Committee on Military Affairs.

By Mr. SNODGRASS: A bill (H. R. 9483) for the relief of the heirs of J. W. Cloyd, deceased, of Wilson County, Tenn.—to the Committee on War Claims.

By Mr. SOUTHARD: A bill (H. R. 9484) granting an increase of pension to William Geyser—to the Committee on Invalid Pensions.

By Mr. THOMAS of North Carolina: A bill (H. R. 9485) granting a pension to Emsley Kinsauls—to the Committee on Invalid Pensions.

By Mr. TONGUE: A bill (H. R. 9486) for the relief of Joseph E. Wright—to the Committee on Military Affairs.

By Mr. VAN VOORHIS: A bill (H. R. 9487) granting a pension to Caroline Moore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9488) granting a pension to Aaron Haines—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9489) granting a pension to Lewis H. Mathews—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9490) to correct the military record of George C. Shiplett—to the Committee on Military Affairs.

By Mr. JAMES R. WILLIAMS: A bill (H. R. 9491) granting a pension to W. D. Belt—to the Committee on Invalid Pensions.

By Mr. BINGHAM: A bill (H. R. 9498) for the relief of the heirs of Joseph B. Hull, late commodore, United States Navy, retired—to the Committee on Naval Affairs.

By Mr. FITZGERALD of New York: A bill (H. R. 9499) for the relief of the Brooklyn Ferry Company, of New York, owner of the steam ferryboat *New York*—to the Committee on Claims.

By Mr. RIDGELY: A bill (H. R. 9500) granting an increase of pension to Martin V. B. Winkler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9501) to remove the charge of desertion against W. F. Tweedy—to the Committee on Military Affairs.

Also, a bill (H. R. 9502) granting a pension to Phoebe A. La Mott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9503) granting an increase of pension to Samuel Baughman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9504) to remove charge of desertion against Thomas Todd—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9505) to remove charge of desertion against Francis M. Terry—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of the publisher of the Creamery Journal, Waterloo, Iowa, against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petitions of Fred Kurt, Thomas Kingsley, and others, of Cascade, Iowa, and F. L. Patton, of Hampton, Iowa, to amend the present law in relation to the sale of oleomargarine—to the Committee on Agriculture.

By Mr. ADAMS: Petition of the Commercial Exchange of Philadelphia, Pa., praying for legislation to build up the merchant marine of the United States—to the Committee on the Merchant Marine and Fisheries.

Also, paper relating to House bill No. 5765, upon the subject of the tax on alcohol used in the arts—to the Committee on Ways and Means.

By Mr. ALLEN of Kentucky (by request): Petition of J. A. Head, of Owensboro, Ky., for the repeal of the stamp tax on medicines—to the Committee on Ways and Means.

Also, paper to accompany House bill for the relief of the estate of Mary H. S. Robertson—to the Committee on War Claims.

Also, papers to accompany House bill granting an increase of pension to William H. Castlein—to the Committee on Invalid Pensions.

By Mr. BABCOCK: Petition of the Junior Equal Suffrage Club of the District of Columbia, in favor of a constitutional amendment giving the right of franchise to women—to the Committee on the Judiciary.

By Mr. BARNEY: Petition of A. P. Abel and other dairy farmers of Washington County, Wis., in favor of the bill to tax oleomargarine—to the Committee on Agriculture.

By Mr. BINGHAM: Resolutions of Ellis Post, No. 6, Grand Army of the Republic, of Philadelphia, in favor of House bill No. 7094, for the establishment of a Branch Soldiers' Home at or near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, resolutions of the Commercial Exchange of Philadelphia, Pa., with reference to the bill for the encouragement of the American merchant marine—to the Committee on the Merchant Marine and Fisheries.

By Mr. BOWERSOCK: Petition of Saunders Post, No. 254, of Moran, Kans., Grand Army of the Republic, in support of House bill No. 7094, entitled "A bill to establish a Branch Soldiers' Home at or near Johnson City, Washington County, Tenn."—to the Committee on Military Affairs.

Also, petitions of W. C. Markham, of Baldwin, Kans., and McClure & Dallas, of Blue Mound, Kans., against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BRENNER: Petition of C. J. Needham and others, of Dayton, Ohio, against the passage of House bill No. 6071—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Dayton (Ohio) Druggists' Association; also of the Hamilton Druggists' Association, relating to the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

Also, petition of J. C. Beeghly and other citizens of Trotwood, Jacksonboro, and Pittonville, Ohio, to amend the present law in relation to the sale of oleomargarine—to the Committee on Agriculture.

By Mr. BROMWELL: Petition of the Chamber of Commerce of Cincinnati, Ohio, relative to House bill No. 7097, providing for a reorganization of the consular service—to the Committee on Foreign Affairs.

Also, remonstrance of the Cincinnati Retail Grocers' Association, against a parcel-post system—to the Committee on the Post-Office and Post-Roads.

By Mr. BROSIUS: Petition of Jonas Ely, Levi Fisher, and others, of Gap, Pa., to amend the present law in relation to the sale of oleomargarine—to the Committee on Agriculture.

Also, protests of the Pennsylvania School Journal and the Law Review, of Lancaster, Pa., against the passage of House bill No. 6071—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of John M. Good Post, No. 502, of Elizabethtown, Pa., and George H. Thomas Post, No. 84, of Lancaster, Pa., Grand Army of the Republic, in favor of House bill No. 7094, for the establishment of a Branch Soldiers' Home at or near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, resolutions of the Woman's Christian Temperance Union of Landisville, Pa., regarding the government of Puerto Rico—to the Committee on Insular Affairs.

By Mr. BURKETT: Petition of W. H. Cook and other citizens of Hickman, Nebr., in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

Also, resolution of Hastings Commercial Club, of Hastings, Nebr., and Local Union No. 57, International Brotherhood of Bookbinders, of Omaha, Nebr., with reference to arid and public lands—to the Committee on the Public Lands.

By Mr. BURTON: Petition of the Chamber of Commerce of Cincinnati, Ohio, relative to House bill No. 7097, providing for a reorganization of the consular service—to the Committee on Foreign Affairs.

By Mr. BUTLER: Memorial of Gen. George A. McCall Post, No. 31, Grand Army of the Republic, Department of Pennsylvania, favoring the passage of a bill to establish a Branch Soldiers' Home in or near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. CLARKE of New Hampshire: Petition of J. W. Farr and others, of Littleton, N. H., in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

Also, petitions of E. E. Sturtevant Post, No. 2, of Concord, N. H., and A. Goodell Post, No. 67, of Monroe, N. H., Grand Army of the Republic, favoring the establishment of a Branch Soldiers' Home for disabled soldiers at or near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. CURTIS: Petition of C. O. Griffin and others, of Madison, Kans., urging the passage of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

By Mr. DALZELL: Resolutions of the Dayton Druggists' Association, of Dayton, Ohio, for the repeal of the stamp tax on proprietary medicines, perfumery, etc.—to the Committee on Ways and Means.

Also, resolutions of the Christian Endeavor Society of the Third United Presbyterian Church of Pittsburg, Pa., for the passage of a bill to limit absolute divorce—to the Committee on the Judiciary.

By Mr. DOLLIVER: Petition of A. Gilmour and ten other citizens of Hobart, Iowa, in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

By Mr. EMERSON: Petition of Patrick Reynolds and others, of Fay, N. Y., favoring the Grout bill relating to oleomargarine—to the Committee on Agriculture.

By Mr. FITZGERALD of Massachusetts: Petition of George T. Angell, for the Massachusetts Society for the Prevention of Cruelty to Animals, Boston, Mass., against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Wendell Phillips and Crispus Attucks clubs, in behalf of the Baker family, recommending that the pension be increased to $25 per month—to the Committee on the Post-Office and Post-Roads.

By Mr. FITZGERALD of New York: Resolutions of War Veterans and Sons' Association, of Brooklyn, N. Y., also resolutions adopted at a mass meeting under the auspices of the employees of the Brooklyn Navy-Yard, favoring movement to have vessels built at navy-yard at Brooklyn, N. Y.—to the Committee on Naval Affairs.

Also, resolutions of the New York Produce Exchange, favoring free trade with Puerto Rico—to the Committee on Insular Affairs.

By Mr. FLETCHER: Papers to accompany House bill granting a pension to Roger Fenton, of St. Paul, Minn.—to the Committee on Invalid Pensions.

By Mr. FOSS: Petition of the Chicago Federation of Musicians,

against the alienation of public lands by the United States to any but actual settlers, and also in favor of Government building of reservoirs—to the Committee on the Public Lands.

Also, petition of John A. Mertes, for the repeal of the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. FOSTER: Petition of F. M. Fox, of Chicago, Ill., for the repeal of the stamp tax on medicines, etc.—to the Committee on Ways and Means.

By Mr. GAMBLE: Resolution of the Sioux Falls (S. Dak.) Typographical Union, No. 218, in favor of the passage of House bill No. 6872, to print the label of the Allied Printing Trades on all publications of the Government—to the Committee on Printing.

Also, petition of the members and patrons of Alsen Cooperative Creamery, of Alsen, S. Dak., favoring the Grout bill relating to dairy products, etc.—to the Committee on Agriculture.

By Mr. GREEN of Pennsylvania: Petition of Herbert Pyle and 175 others, of Reading, Pa., urging the enactment of a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

By Mr. HAY: Papers to accompany House bill for the relief of the Opequon Presbyterian Church, of Frederick County, Va.—to the Committee on War Claims.

By Mr. HENRY of Connecticut: Petition of John T. Baker and others, of New Britain, Conn., against the passage of House bill No. 6071—to the Committee on the Post-Office and Post-Roads.

By Mr. KERR: Petition of the Congregational Church of Oberlin, Ohio, urging a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

Also, petitions of Ed. Palmer, of Danville, Ohio, and L. C. Cook and others, of Fulton, Ohio, in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition W. L. Kohn and others, of Ashland, Ohio, favoring House bill No. 3717, to amend the present law in relation to the sale of oleomargarine—to the Committee on Agriculture.

By Mr. KETCHAM: Petitions of Kate E. Lawton and B. C. Ellsworth, of Port Ewen, N. Y., to amend the present law in relation to the sale of oleomargarine—to the Committee on Agriculture.

Also, petition of the Friends Church of Clintondale, N. Y., for the prohibition of the sale of liquor in Army canteens, etc.—to the Committee on Military Affairs.

Also, petition of the Friends Church of Clintondale, N. Y., for the suppression of gambling by telegraph, etc.—to the Committee on the District of Columbia.

By Mr. LACEY: Resolutions of Company G, Fiftieth Iowa National Guard, favoring the passage of House bill No. 7936, increasing the appropriations for arming and equipping the military of the States and Territories—to the Committee on Militia.

By Mr. LORIMER: Petition of the Political Equality League of Chicago, Ill., favoring a sixteenth amendment to the Constitution granting suffrage to women—to the Committee on the Judiciary.

By Mr. LOUDENSLAGER: Petition of the Improved Order of Red Men of Pittsgrove, N. J., to forbid the sale of liquor in canteens—to the Committee on Alcoholic Liquor Traffic.

By Mr. McALEER: Petition of the Chicago Federation of Labor against public-land grants to any but actual settlers—to the Committee on the Public Lands.

Also, petitions of S. W. Green, of New York; H. Frysinger, Chester, Pa., and the Central News Company, of Philadelphia, against the passage of House bill No. 6071, known as the Loud bill—to the Committee on the Post-Office and Post-Roads.

Also, petitions of the A. M. Collins Manufacturing Company, of Philadelphia, Pa., for the improvement of Trinity River from the Gulf of Mexico to the city of Dallas, Tex.—to the Committee on Rivers and Harbors.

Also, petition of Austin, Nichols & Co., of New York City, in favor of Senate bill No. 1439, relating to an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Commercial Exchange, of Philadelphia, Pa., with reference to the bill for the encouragement of the American merchant marine—to the Committee on the Merchant Marine and Fisheries.

By Mr. MANN: Petitions of Rand, McNally & Co., Laird & Lee, of Chicago, and W. B. Conkey Company, of Hammond, Ind., against the passage of House bill No. 6071—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the Mississippi Valley Lumbermen's Association, in relation to floating loose logs in Upper Mississippi, St. Croix, and Chippewa rivers—to the Committee on Interstate and Foreign Commerce.

Also, letter of C. U. Gordon, postmaster, of Chicago, Ill., to accompany House bill No. 1051, relating to substitute letter carriers, etc.—to the Committee on the Post-Office and Post-Roads.

By Mr. MERCER: Petition of W. E. Riddell, of Omaha, Nebr., protesting against the passage of House bill No. 8754, imposing a 2 cent tax on process butter and establishing licenses for manufactures, etc.—to the Committee on Ways and Means.

By Mr. MOODY of Massachusetts: Resolutions of Gen. James Appleton Post, No. 128, of Ipswich, Mass.; Charles Sumner Post, No. 101, of Groveland, Mass., and A. W. Bartlett Post, No. 49, of Newburyport, Mass., Grand Army of the Republic, in support of House bill No. 7094, entitled "A bill to establish a Branch Soldiers' Home at or near Johnson City, Washington County, Tenn."—to the Committee on Military Affairs.

By Mr. NEVILLE: Resolutions of the International Brotherhood of Bookbinders' Local Union No. 57, of Omaha, Nebr., against the alienation of public lands by the United States to any but actual settlers, and also in favor of Government building of reservoirs—to the Committee on the Public Lands.

Also, petition of C. H. Jeffords and officials and citizens of Custer County, Nebr., to accompany House bill to correct the military record of Robert Ellison—to the Committee on Military Affairs.

Also, resolutions of Company A, Nebraska National Guards, of Kearney, Nebr., favoring the passage of House bill No. 7936, increasing the appropriations for arming and equipping the military of the States and Territories—to the Committee on Militia.

By Mr. NOONAN: Petition of William Gray and other druggists, Chicago, Ill., for the repeal of the stamp tax on medicines, etc.—to the Committee on Ways and Means.

By Mr. OVERSTREET: Petition of I. N. Heims and 41 other druggists of Indianapolis, Ind., for the repeal of the stamp tax on proprietary medicines, perfumery, etc.—to the Committee on Ways and Means.

Also, petition of the Political Equality Association of Indianapolis, Ind., in favor of woman suffrage in the constitutions of Hawaii, Cuba, Puerto Rico, and the Philippines—to the Committee on Insular Affairs.

By Mr. POLK: Petition of Sullivan Post, No. 388, Grand Army of the Republic, of Dushore, Pa., in favor of House bill No. 7094, to establish a Branch Soldiers' Home at or near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. QUARLES: Petition of the heirs of James S. Kincaid, deceased, late of Alleghany County, Va., for reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of the heirs of Samuel Kincaid, deceased, late of Alleghany County, Va., to refer claim to the Court of Claims—to the Committee on War Claims.

Also, petition of the heirs of William Trent, deceased, late of Appomattox County, Va., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. ROBERTS: Resolutions of Camp J. P. Gould Post, No. 75, Grand Army of the Republic, of Stoneham, Mass., in favor of House bill No. 7094, for the establishment of a Branch Soldiers' Home at or near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. RUSSELL: Petition of W. W. Perkins Post, No. 47, Grand Army of the Republic, of New London, Conn., in support of House bill No. 7094, entitled "A bill to establish a Branch Soldiers' Home at or near Johnson City, Washington County, Tenn."—to the Committee on Military Affairs.

By Mr. SHAFROTH: Petitions of North Side Woman's Christian Temperance Union, West Side Woman's Christian Temperance Union, Asbury Methodist Episcopal Church, and Smith's Chapel, United Brethren Church, of Denver; United Brethren Church of Hygiene, Colo., favoring the enactment of a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

By Mr. SHERMAN: Petition of C. E. Sittig and others, of Utica, N. Y., in favor of the bill to tax oleomargarine—to the Committee on Agriculture.

Also, protest of Charles Webb and others, of Roane, N. Y., in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. SHOWALTER: Petition of A. L. North and others, of Slippery Rocks, Pa., favoring the passage of the Grout oleomargarine bill—to the Committee on Agriculture.

Also, petition of A. T. Shallenberger and other retail druggists of Beaver County, Pa., for the repeal of the stamp tax on medicines, etc.—to the Committee on Ways and Means.

Also, petition of Sharon Post, No. 254, Grand Army of the Republic, of Sharon, Pa., favoring the establishment of a Branch Soldiers' Home for disabled soldiers at or near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. SOUTHARD: Petition of George L. Seeley and other citizens of Ottawa County, Ohio, for an appropriation to improve the Portage River by deepening the channels from Port Clinton to Oak Harbor—to the Committee on Rivers and Harbors.

By Mr. SPRAGUE: Memorial of Post No. 22, Grand Army of the Republic, of Massachusetts, favoring the passage of a bill to establish a Branch Soldiers' Home in or near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. STARK: Petition of E. J. Hunter and 22 citizens of Hamilton County, Nebr., urging the enactment of a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

By Mr. SULZER: Resolutions of the New York Produce Exchange, favoring free trade with Puerto Rico—to the Committee on Insular Affairs.

Also, resolutions of the municipal assembly of the city of New York, for the construction of gunboats and cruisers in the several navy-yards of the Government—to the Committee on Naval Affairs.

Also, petition of the Business Publishing Company, New York City, against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. THOMAS of North Carolina: Petition of J. L. Mathias and other citizens of Magnolia, N. C., in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. VAN VOORHIS: Papers to accompany House bill granting a pension to Lewis H. Mathews—to the Committee on Invalid Pensions.

Also, papers to accompany House bill for the relief of Aaron Haines—to the Committee on Invalid Pensions.

By Mr. WADSWORTH: Petition of E. S. Sterling and 78 farmers, of Orleans County, N. Y., in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

By Mr. WEEKS: Petition of the Farmers' Club of Columbus and citizens of Marlette, Mich., favoring the passage of House bill No. 3717, amending the oleomargarine law—to the Committee on Agriculture.

Also, petition of Miss Maud Ward and other citizens of Port Huron, Mich., in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, memorial of the Port Huron Guards, of Port Huron, Mich., favoring the passage of House bill No. 7936, increasing the appropriations for arming and equipping the military of the States and Territories—to the Committee on Militia.

Also, memorial of the Trades and Labor Council of Port Huron, Mich., urging the passage of House bill No. 4728, relating to leave of absence with pay to certain employees of the Government; also, relative to public lands—to the Committee on Naval Affairs.

Also, memorial of the Chicago Federation of Labor, against the leasing of public lands, etc.—to the Committee on the Public Lands.

Also, memorial of the Michigan State Farmers' Institute Agricultural College, urging the passage of the pure-food and dairy bill, etc.—to the Committee on Agriculture.

Also, petition of the Detroit Typographical Union, No. 18, favoring the passage of House bill No. 6882, relating to hours of labor on public works, and House bill No. 5450, for the protection of free labor against prison labor—to the Committee on Labor.

By Mr. WEYMOUTH: Paper in support of bill for the relief of K. H. Beshgetour—to the Committee on Claims.

Also, petition of General Wadsworth Post, No. 63, Grand Army of the Republic, of Natick, Mass., in favor of House bill No. 7094, to establish a Branch Soldiers' Home at or near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. JAMES R. WILLIAMS: Petition of G. A. Farleigh and others, of Jeffersonville, Ill., in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. WILSON of Idaho: Petition of the Equal Suffrage Association of Idaho, favoring the sixteenth amendment to the Constitution, granting suffrage to women—to the Committee on the Judiciary.

By Mr. YOUNG of Pennsylvania: Petitions of J. B. Lippincott & Co., the Central News Company, of Philadelphia, Pa., and William B. Wilson, of West Philadelphia, Pa., against the passage of House bill No. 6071—to the Committee on the Post-Office and Post-Roads.

Also, petitions of the Union Dairy Company, of Cleveland, Ohio, and Isaac W. Davis & Co., of Philadelphia, Pa., favoring House bill No. 3717, to amend the present law in relation to the sale of oleomargarine—to the Committee on Agriculture.

SENATE.

TUESDAY, *March 13, 1900.*

The Senate met at 12 o'clock m.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

On motion of Mr. ALLEN, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

SLOOP SIDNEY.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel sloop *Sidney*, Jared Bartholomew, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

CLAIMS OF LETTER CARRIERS.

The PRESIDENT pro tempore laid before the Senate a communication from the Acting Attorney-General, transmitting, in response to a resolution of December 18, 1899, a list showing the amounts which have been reported by the commissioners of the Court of Claims as representing services actually performed by letter carriers in excess of eight hours per day under the act of May 4, 1888, etc.; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

LEASING OF INDIAN LANDS FOR GRAZING PURPOSES.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of December 19, 1899, the documents, correspondence, reports, and papers relating to the leasing of grazing lands in the Ponca, Otoe, and Missouria Indian reservations, in the Territory of Oklahoma, since the commencement of the year 1897; which, on motion of Mr. PETTIGREW, was, with the accompanying papers, referred to the Committee on Indian Affairs, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. H. L. OVERSTREET, one of its clerks, announced that the House had passed the joint resolution (S. R. 75) to print 31,000 copies of the eulogies on Garret A. Hobart, late Vice-President of the United States.

The message also announced that the House had passed a bill (H. R. 9279) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1900, and for prior years, and for other purposes; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 35) granting a pension to Louise Donath;

A bill (S. 236) granting an increase of pension to Mary Ellen Lauriat;

A bill (S. 237) granting an increase of pension to Cutler D. Sanborn;

A bill (S. 240) granting a pension to Nancy Ellen Bessom;

A bill (S. 266) granting an increase of pension to William Hamley;

A bill (S. 526) granting an increase of pension to Joseph M. Waddell;

A bill (S. 548) granting an increase of pension to John F. McMahon;

A bill (S. 872) granting an increase of pension to William H. H. Nevitt;

A bill (S. 899) granting an increase of pension to Mary A. Dennis;

A bill (S. 917) granting an increase of pension to Sarah E. Campbell;

A bill (S. 902) granting an increase of pension to Frederick Auer;

A bill (S. 1003) granting a pension to Julia M. Johnson;

A bill (S. 1058) granting a pension to John Bailey;

A bill (S. 1059) granting a pension to Silas B. Hensley;

A bill (S. 1295) granting a pension to Louisa Hale;

A bill (S. 1329) granting a pension to Mary Jackman;

A bill (S. 1469) granting an increase of pension to Philip P. Getchell;

A bill (S. 1711) granting an increase of pension to Charles L. Green;

A bill (S. 1712) granting a pension to Arminda D. Davis;

A bill (S. 1771) granting a pension to Ellie Kee;

A bill (S. 1796) granting an increase of pension to Rebecca P. Quint;

A bill (S. 2158) granting a pension to Joseph B. Presdee;

A bill (S. 2219) granting an increase of pension to Mary F. Hopkins;

A bill (S. 2223) granting an increase of pension to John M. Morse; and

A bill (S. 2367) granting a pension to Susan Stratton.

PETITIONS AND MEMORIALS.

Mr. HOAR. Mr. President, I present the memorial of O. M. Atwood, M. D., and other citizens of the United States—I suppose colored citizens—complaining of the language used in regard to their race on the floor of the Senate by the Senator from South Carolina [Mr. TILLMAN], and praying that the Senate will turn back the tide of lawlessness now weakening, as the memorialists say, the respect of the people for law and order and undermining the Constitution.

The memorial is accompanied by a letter asking me to make some remarks in the Senate on the subject when it is presented. I suppose that the rules of the Senate prohibit such remarks at the time of presenting a petition or memorial, and I have some doubt whether a memorial complaining of language used upon the floor of the Senate would be admissible under our rule were it not, as in this case, accompanied by a prayer for legislative relief.

I move the reference of the memorial to the Committee on Privileges and Elections, and it seems to me that when the committee report, either by any form of proposed legislation or by denying the prayer of the petitioners, then will be the proper time for debate.

I desire, however, to call the attention of the senior Senator from South Carolina to the memorial, and I shall ask that, as the memorial is very brief, it may be printed in the RECORD.

There being no objection, the memorial was referred to the Committee on Privileges and Elections, and ordered to be printed in the RECORD.

Mr. HOAR subsequently said: Mr. President, I presented a memorial this morning, calling attention to the general nature of its contents and to the request that I should discuss it, and stating the reason why I could not do that upon its presentation. I asked that the memorial might be printed in the RECORD. I observe, on looking at it more carefully, that there are some sentences in it which are, I think, contrary to the parliamentary rule, and I ask that the order that the memorial be printed in the RECORD be rescinded.

The PRESIDENT pro tempore. Is there objection to rescinding the order? The Chair hears none. It is rescinded.

Mr. HOAR. The reference to the Committee on Privileges and Elections remains.

Mr. CULLOM presented memorials of the David C. Cody Publishing Company, the Polish Publishing Company, the Forreston Herald, the Saybrook Independent, the Swedish Courier, the Litchfield Herald, the Howard and Wilson Publishing Company, the Home Beautiful, the Poultry Chum, the Ivesdale News, the Batavia Weekly News, the Dental Digest, and the National Harness Review, all in the State of Illinois, and a memorial of the Republican, of Watonga, Okla., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of Local Union No. 14, Cigar Makers' International Union, of Chicago, Ill., remonstrating against any reduction being made in the tariff on cigars exported from Puerto Rico; which was ordered to lie on the table.

He also presented a petition of Branch 3, Glass Bottle Blowers' Association, of Streator, Ill., praying for the enactment of legislation to increase the pay of letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the executive committee of the Deep Waterways Convention, of Peoria, Ill., praying for the development of an adequate waterway between Lake Michigan, at Chicago, and the Mississippi River, at or near St. Louis, by way of the sanitary or ship canal of Chicago and the Des Plaines and Illinois rivers; which was referred to the Committee on Commerce.

He also presented the petition of E. N. Crawford and sundry other citizens of Chicago, Ill., praying that the act to provide ways and means to meet war expenditures, and for other purposes, be amended so far as it relates to stamps placed upon policies of insurance; which was referred to the Committee on Finance.

He also presented the petition of G. R. Smith and 8 other citizens of Streator, Ill., praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

He also presented petitions of Company H, Sixth Illinois National State Guard, of Monmouth; of the First Cavalry, National State Guard of Illinois, and of Company I, Sixth Illinois National State Guard, of Morrison, all in the State of Illinois, praying for the enactment of legislation to improve the armament of the militia; which were referred to the Committee on Military Affairs.

He also presented petitions of Local Union No. 972, United Mine Workers, of Streator; of the Trades and Labor Council of Edwardsville; of Local Union No. 784, United Mine Workers, of Narissa; of Typographical Union No. 288, of Galesburg, and of Local Union No. 337, International Association of Machinists, of Chicago, all in the State of Illinois, praying for the enactment of legislation to protect free labor from prison competition, and also to limit the hours of daily service of laborers and workmen employed upon the public works of the United States; which were referred to the Committee on Education and Labor.

He also presented petitions of sundry citizens of Chicago and Marion County, Ill.; of the Board of Trade of Mankato, Minn.; of the Chamber of Commerce and Board of Trade of Denver, Colo.; of the transportation committee of the Chamber of Commerce of Cincinnati, and of the Board of Trade of Columbus, Ohio, praying for the adoption of certain amendments to the interstate-commerce law; which were referred to the Committee on Interstate Commerce.

He also presented the memorial of Julia Holmes Smith, president, and Elizabeth H. Bull, vice-president, on behalf of the Political Equality Club of Chicago, Ill., remonstrating against the insertion of the word "male" in the suffrage clauses of the constitution to be framed for the government of Hawaii, Cuba, Puerto Rico, and the Philippines; which was referred to the Select Committee on Woman Suffrage.

Mr. McMILLAN presented a petition of sundry citizens of Addison, Mich., praying that until provision be made by Congress, the prevailing laws in the United States relative to bigamy, divorce, prize fights, scientific temperance education, and the transmission of obscene and gambling matter by mail and interstate commerce be extended to the islands of Puerto Rico, Hawaii, and the Philippines; which was ordered to lie on the table.

Mr. PLATT of New York presented a petition of Kerbs, Wertheim & Schiffer, of New York City, and a petition of Local Grange No. 338, Patrons of Husbandry, of Williamson, N. Y., praying for the adoption of certain amendments to the interstate-commerce law; which were referred to the Committee on Interstate Commerce.

He also presented a memorial of Local Union No. 68, Cigar Makers' International Union, of Albany, N. Y., remonstrating against the enactment of legislation admitting cigars from Puerto Rico free of duty; which was ordered to lie on the table.

He also presented a petition of the Produce Exchange of New York, praying for the enactment of legislation admitting the products of Puerto Rico free of duty; which was ordered to lie on the table.

He also presented memorials of the Greater Buffalo Publishing Company, of Buffalo; the Christian Press Publishing Association, of New York City; the Truth Seeker, of New York City; the American Clothier, of New York City; the Evening Star, of Nyack; the Business Publishing Company, of New York City, and the Family Story Paper, all in the State of New York, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Pulaski, N. Y., praying that Ira Doane be granted a pension; which was referred to the Committee on Pensions.

He also presented a petition of the Trades Assembly of Utica, N. Y., praying for the enactment of legislation to protect free labor from prison competition, and also to limit the hours of daily service of laborers and mechanics upon the public works of the United States; which was referred to the Committee on Education and Labor.

He also presented the petition of Joseph Cooper, of Perry Center, N. Y., praying for the enactment of legislation giving the State authority over all importations of oleomargarine into the State; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Chemung County Pharmaceutical Association, of New York, praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

He also presented a petition of the War Veterans and Sons' Association of Brooklyn, N. Y., praying that the work of the building of the proposed new gunboats and cruisers be done at the New York Navy-Yard; which was referred to the Committee on Naval Affairs.

He also presented a petition of Manhattan Lodge, No. 402, International Association of Machinists, of New York City, praying

for the enactment of legislation to increase the salaries of machinists employed in the Government Printing Office, at Washington, D. C.; which was referred to the Committee on Printing.

He also presented a petition of the Political Equality Club of Jamestown, N. Y., praying for the adoption of a sixteenth amendment to the Constitution prohibiting the disfranchisement of United States citizens on account of sex; which was referred to the Select Committee on Woman Suffrage.

He also presented a memorial of the Humane Society of Rochester, N. Y., remonstrating against the enactment of legislation relative to the transportation of animals from one State to another; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the International Typographical Union, of Indianapolis, Ind., praying for the enactment of legislation authorizing the Public Printer to print the label of the Allied Printing Trades on all publications of the Government; which was referred to the Committee on Printing.

Mr. KENNEY presented the petition of Martha S. Cranston, president, and May Price Phillips, secretary, on behalf of the Woman Suffrage Association of Delaware, praying for the adoption of a sixteenth amendment to the Constitution prohibiting the disfranchisement of United States citizens on account of sex; which was referred to the Select Committee on Woman Suffrage.

Mr. ALLEN presented a memorial of the Weekly Reporter, of Indianola, Nebr., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. COCKRELL. I present a petition of sundry citizens of the Eighth Congressional district of Missouri, praying for the passage of Senate bill No. 3109, introduced by the junior Senator from New York [Mr. DEPEW], relative to the establishment of a school of mines and mining. I move that the petition be referred to the Committee on Mines and Mining.

The motion was agreed to.

Mr. COCKRELL presented memorials of the Democrat-Leader, of Fayette; of the Post, of Graham; and of the Missourian, of Richmond, all in the State of Missouri, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Christian Church Board, of Kingsville, Mo., praying for the enactment of legislation to prohibit the importation, manufacture, and sale of intoxicating liquors and opium in Hawaii; which was referred to the Committee on the Pacific Islands and Puerto Rico.

He also presented a memorial of the Commercial Club, of Kansas City, Mo., remonstrating against the enactment of legislation imposing a tax upon and regulating the manufacture, sale, and importation and exportation of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

Mr. DAVIS presented a petition of Local Union No. 232, Iron Molders' Union, of St. Paul, Minn., praying for the adoption of certain amendments to the postal savings bank bill; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. GEAR presented the petition of Evelyn Belden, president, and Ina Light Taylor, secretary, on behalf of the Equal Suffrage Association of Iowa, praying that political equality be granted to the women of Hawaii and the other new island possessions; which was referred to the Select Committee on Woman Suffrage.

Mr. BURROWS presented petitions of Williams, Davis, Brooks & Hinchman Sons, and 44 other individuals and firms manufacturing perfumes, toilet articles, and proprietary medicines, of Detroit; D. E. Prall & Co., and 23 other citizens of Saginaw; the Jennings Flavoring Extract Company, of Grand Rapids, and of Foote & Jenks, of Jackson, all in the State of Michigan, praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which were referred to the Committee on Finance.

He also presented the petitions of G. W. Dumphy, State veterinarian of Michigan; Dr. J. R. Knauf, of Cadillac; John Herford, of Whittemore, and Dr. Charles H. Clark, of Caledonia, all in the State of Michigan, praying for the establishment of an Army veterinary corps; which were referred to the Committee on Military Affairs.

He also presented petitions of the Woman's Christian Temperance Union of Adrian, Mich., and a petition of the congregation of the Methodist Episcopal Church and of 18 citizens of Reed City, Mich., praying for the enactment of legislation to prohibit the importation, manufacture, and sale of intoxicating liquors and opium in Hawaii; which were referred to the Committee on Pacific Islands and Puerto Rico.

He also presented memorials of the Herald, of Lyons; the American, of Owosso; the Sun, of Midland, and the Daily Resorter and the Independent Democrat, of Petoskey, all in the State of Michigan, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. MCBRIDE presented a memorial of the Stockmen's Union, of Wasco County, Oreg., remonstrating against the enactment of legislation authorizing the leasing of public lands; which was referred to the Committee on Public Lands.

Mr. TELLER presented a petition of the Humane Society of El Paso County, Colo., praying for the enactment of legislation to protect live stock in transit from one State to another; which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry stock growers of Egeria Park, Colo., praying for a continuance of the free distribution by the Department of Agriculture of blackleg vaccine; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Western Slope Stock Association of Colorado, praying that all the remaining public lands be held for the benefit of the whole people, etc.; which was referred to the Committee on Public Lands.

He also presented a petition of Sunflower Grange, Patrons of Husbandry, of Lamar, Colo., praying for the extension of the rural free mail delivery system; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Federal Labor Union, No. 1, of Pueblo, Colo., praying for the enactment of legislation to increase the armament of the militia; which was referred to the Committee on Military Affairs.

He also presented a petition of the Chamber of Commerce of Denver, Colo., praying for the reorganization of the consular service; which was referred to the Committee on Foreign Relations.

He also presented memorials of sundry citizens of Lupton, of the congregations of the Methodist Episcopal Church of Grand Junction, the Presbyterian and Christian churches of Grand Junction, and of the First Baptist Church of Grand Junction, all in the State of Colorado, remonstrating against the importation and sale of intoxicating liquors and opium in Hawaii; which were referred to the Committee on Pacific Islands and Puerto Rico.

Mr. CARTER. I present sundry memorials, numerously signed by citizens of the State of Montana, and from 18 labor unions of Great Falls, Mont., remonstrating against the passage of House bill No. 1947, which contemplates leasing public lands in the West. I move that the memorials be referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. CARTER presented a petition of the Farmers' Institute of Gallatin County, Mont., praying for the enactment of legislation to regulate the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of Park County, Mont., praying that an appropriation be made for the construction of a wagon road through the Yellowstone National Park from Gardiner to Cooke City; which was referred to the Committee on Military Affairs.

Mr. THURSTON presented a petition of the Clearing House Association of Omaha, Nebr., praying for the establishment of a subtreasury at that city; which was referred to the Committee on Finance.

He also presented a petition of the Building Trades Council of Omaha, Nebr., praying that the public domain be held for bona fide settlers, and also that the Government build reservoirs for irrigating purposes; which was referred to the Committee on Public Lands.

He also presented a petition of sundry citizens of South Omaha, Nebr., praying for the establishment of an Army veterinary corps; which was referred to the Committee on Military Affairs.

He also presented a petition of Company A, Second Regiment, National State Guard of Nebraska, praying for the enactment of legislation to increase the National Guard of the country; which was referred to the Committee on Military Affairs.

He also presented memorials of the News, of Norfolk; the Mercury, of Omaha; the Times-Tribune, of Norfolk; the Weekly Reporter, of Indianola; the News, of Nebraska City; the Herald, of Juniata; the Farmer and Breeder, of Red Cloud, and the Svenska Journalen, of Omaha, all in the State of Nebraska, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Helena, Mont., praying for the establishment of an Army veterinary corps; which was referred to the Committee on Military Affairs.

Mr. PENROSE presented a memorial of the Medical Society of Allegheny County, Pa., remonstrating against the enactment of legislation for the further prevention of cruelty to animals in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a memorial of the Central Labor Union of Meadville, Pa., remonstrating against any modification of the existing tariff laws whereby the products of Puerto Rico, etc., may be admitted to the United States under any lower duties than those now imposed; which was ordered to lie on the table.

He also presented memorials of the Democrat, of Delaware County; the Democrat, of Johnstown; the Daily Courier, of Blairsville, and the Keystone Pythian and Knights of the Golden Eagle, of Philadelphia, all in the State of Pennsylvania, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Local Union No. 808, United Mine Workers, of Scranton, Pa., praying for the enactment of legislation to protect free labor from prison competition, and also to regulate the hours of daily service of laborers and mechanics employed upon the public works of the United States; which was referred to the Committee on Education and Labor.

Mr. FRYE presented a petition of the Board of Trade of Biddeford, Me., praying for the enactment of legislation to promote the commerce and increase the foreign trade of the United States, and to provide auxiliary cruisers, transports, and seamen for Government use when necessary; which was ordered to lie on the table.

He also presented a petition of the Board of Trade of Biddeford, Me., praying for the establishment of a department of commerce and industries; which was referred to the Committee on Commerce.

He also presented the memorial of M. N. Rich, of Portland, Me., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of G. M. Elliott, assistant surgeon First Regiment Infantry, National State Guard of Maine; of Maj. W. O. Peterson, First Infantry, National State Guard of Maine; of Maj. Charles Collins, First Regiment Infantry, National State Guard; of Company G, Second Regiment Infantry, National State Guard, and of Company M, First Regiment Infantry, National State Guard, all in the State of Maine, praying for the enactment of legislation to improve the armament of the militia; which were referred to the Committee on Military Affairs.

He also presented a petition of the congregation of the Fairview Methodist Episcopal Church, of Rowe, Colo., praying for the enactment of legislation to prohibit the sale of intoxicating liquors and opium in Hawaii; which was referred to the Committee on Pacific Islands and Puerto Rico.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 1918) granting an increase of pension to John F. Higgins; and

A bill (H. R. 5390) granting an increase of pension to Maria E. Mailley.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 2651) granting a pension to Henry Hill, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5180) granting an increase of pension to Thomas Adams;

A bill (H. R. 541) granting a pension to Ellen Norwood;

A bill (H. R. 539) granting a pension to Louisa S. Wilson;

A bill (H. R. 4648) granting an increase of pension to William G. McLain; and

A bill (H. R. 2389) granting an increase of pension to Edward Boyle.

Mr. KYLE, from the Committee on Pensions, to whom was referred the bill (S. 1804) granting an increase of pension to Rida B. Haskell, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1578) granting a pension to George W. Campbell, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 930) granting an increase of pension to Eli C. Walton, reported it with an amendment, and submitted a report thereon.

Mr. ALLEN, from the Committee on Pensions, to whom was referred the bill (S. 1246) granting a pension to Charles A. Perkins, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1245) granting a pension to Oliver Domon, reported it without amendment, and submitted a report thereon.

Mr. PLATT of New York, from the Committee on Naval Affairs, to whom was referred the bill (S. 3249) to remove the charge of desertion from the naval record of Charles C. Lee, reported it without amendment, and submitted a report thereon.

Mr. BAKER, from the Committee on Pensions, to whom was referred the bill (S. 2290) granting a pension to James Richardson, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 2753) granting an increase of pension to David H. Morey; and

A bill (H. R. 3538) granting an increase of pension to Charles Ross.

Mr. QUARLES, from the Committee on Pensions, to whom was recommitted the bill (H. R. 2597) granting an increase of pension to Charles Kauffung, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1601) granting an increase of pension to John Thorton, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1603) granting an increase of pension to John W. Kaump, reported it with amendments, and submitted a report thereon.

Mr. SHOUP, from the Committee on Pensions, to whom was referred the bill (S. 3078) granting a pension to Charles Weitfle, reported it with an amendment, and submitted a report thereon.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (H. R. 8566) authorizing certain suits in the Court of Claims, and for other purposes, asked to be discharged from its further consideration and that it be referred to the Committee on Indian Affairs; which was agreed to.

He also, from the Committee on Military Affairs, to whom was referred the bill (S. 615) to correct the military record of Reese P. Peoples, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. DEBOE, from the Committee on Pensions, to whom was referred the bill (S. 2539) granting an increase of pension to Capt. Milton H. Daniels, reported it without amendment, and submitted a report thereon.

Mr. McMILLAN. I am directed by the Committee on the District of Columbia, to whom were referred the bills (H. R. 7150) for the relief of Francesco Perna and (H. R. 459) for the relief of Christiana Dengler, to report them adversely, these parties being provided for in the bill (H. R. 5139) for the relief of Joseph Pacigaluppi, favorably reported from the Committee on the District of Columbia and now on the Calendar. I move that the bills 7150 and 459 be postponed indefinitely.

The motion was agreed to.

Mr. PERKINS, from the Committee on Naval Affairs, to whom was referred the bill (S. 3077) authorizing the President to appoint Lieut. Robert Platt, United States Navy, to the rank of commander, reported it with an amendment, and submitted a report thereon.

Mr. HALE, from the Committee on Naval Affairs, to whom was referred the bill (S. 3441) for the relief of Louis A. Yorke, reported it without amendment, and submitted a report thereon.

Mr. CULLOM. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 8347) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1901, and for other purposes, to report it with amendments, and to submit a report thereon.

I desire to state that I shall ask for the consideration of the bill to-morrow morning immediately after the morning business, if I can have an opportunity to call it up.

Mr. TELLER. I desire simply to say that I wish to submit some remarks on the Puerto Rican bill, which I will do to-day if the opportunity is presented. If not, I shall ask the Senate to allow me to take the floor to-morrow morning immediately after the close of the routine business, inasmuch as I shall be absent from the Senate after to-morrow.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

Mr. THURSTON, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 7433) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes, for the fiscal year ended June 30, 1901, and for other purposes, reported it with amendments, and submitted a report thereon.

REPORT ON INVESTIGATION OF WAR DEPARTMENT.

Mr. PLATT of New York, from the Committee on Printing, reported the following order; which was considered by unanimous consent, and agreed to:

Ordered, That the usual number of copies of the report of the commission appointed by the President to investigate the conduct of the War Department in the war with Spain, be printed for the use of Congress.

BILLS INTRODUCED.

Mr. DAVIS introduced a bill (S. 3547) granting a pension to Carrie B. Diggles; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 3548) granting a pension to Helen A. Wills; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. QUARLES introduced a bill (S. 3549) granting a pension to W. A. Keyes; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WELLINGTON introduced a bill (S. 3550) for the relief of the Columbian Iron Works and Dry Dock Company, of Maryland; which was read twice by its title, and referred to the Committee on Claims.

Mr. FOSTER introduced a bill (S. 3551) authorizing the construction and operation by the United States of telegraphic cables between the Pacific coast, in the State of Washington, and the district of Alaska, and to promote commerce, and for other purposes; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 3552) granting an increase of pension to Hamlin B. Williams; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALLEN introduced a bill (S. 3553) providing a mode of service in special cases wherein the circuit courts of the United States are granted jurisdiction by chapter 290, 28 Statutes at Large, page 305, under an act entitled "An act making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1895, and for other purposes," approved August 15, 1894; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the Judiciary.

Mr. CULBERSON introduced a bill (S. 3554) for the relief of W. T. Scott and others; which was read twice by its title, and referred to the Committee on Claims.

Mr. BAKER introduced a bill (S. 3555) for the relief of Daniel M. Frost; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. MCMILLAN introduced a bill (S. 3556) to establish a board of plumbing in the District of Columbia, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 3557) to amend an act approved July 9, 1888, entitled "An act to incorporate the Reform School for Girls of the District of Columbia;" which was read twice by its title, and, with the accompanying papers, referred to the Committee on the District of Columbia.

He also introduced a bill (S. 3558) to amend an act entitled "An act to change the proceedings for admission to the Government Hospital for the Insane in certain cases, and for other purposes," approved January 31, 1899; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PLATT of New York introduced a bill (S. 3559) for relief of Henry Doane; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. PETTIGREW introduced a bill (S. 3560) to provide an American register for the steamship *Saga;* which was read twice by its title, and referred to the Committee on Commerce.

Mr. TELLER introduced a bill (S. 3561) for the relief of Thomas Smith; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3562) granting an honorable discharge to Thomas B. Hanoum; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 3563) granting an increase of pension to Warren W. Whipple; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. JONES of Arkansas (by request) introduced a bill (S. 3564) for the relief of Jacob P. Stroope; which was read twice by its title, and referred to the Committee on Claims.

Mr. THURSTON introduced a bill (S. 3565) to establish a quartermaster's depot at Omaha, Nebr., and for other purposes; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3566) providing for restoration to the active list of officers of the Navy heretofore retired for disabilities incurred in line of duty; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. MORGAN introduced a bill (S. 3567) for the relief of Mrs. L. J. Harvill; which was read twice by its title, and referred to the Committee on Claims.

Mr. KYLE introduced a bill (S. 3568) to remove the charge of desertion from the military record of George Weisel; which was read twice by its title, and referred to the Committee on Military Affairs.

GOVERNMENT OF PUERTO RICO.

Mr. PROCTOR submitted an amendment intended to be proposed by him to the bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Puerto Rico, and for other purposes; which was referred to the Committee on Pacific Islands and Puerto Rico, and ordered to be printed.

SURPLUS BOOKS IN SENATE LIBRARY.

Mr. PLATT of New York submitted the following resolution; which was referred to the Committee on the Library:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to make an arrangement with the Librarian of Congress for suitable space in the Library of Congress in which to place in proper order the surplus Government publications belonging to the Senate library, not required for the current use of the Senate, the said documents to remain under the control of the Secretary of the Senate; and

That the expense of carrying out the foregoing resolution be paid out of the contingent fund of the Senate upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

CIVIL SERVICE EXAMINATIONS.

Mr. KYLE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President of the Civil Service Commission is directed to send to the Senate copies of all lists of questions used in the examinations of the several classes of applicants during the year ending March 1, 1900.

COMMITTEE SERVICE.

Mr. KEAN was, on his own motion, excused from further service upon the Committee on Public Lands.

Mr. THURSTON was, on his own motion, excused from further service upon the Committee on Railroads.

Mr. SIMON was, on his own motion, excused from further service on the Select Committee to Investigate the Condition of the Potomac River Front at Washington.

Mr. FOSTER was, on his own motion, excused from further service upon the Select Committee on Woman Suffrage.

Mr. PERKINS. I ask unanimous consent that the President pro tempore appoint the Senator from California [Mr. BARD] to fill the vacancy upon the Committee on Public Lands, occasioned by the resignation of the Senator from New Jersey; upon the Committee on Railroads, to fill the place made vacant by the resignation of the Senator from Nebraska; upon the Select Committee on Woman Suffrage, to fill the place made vacant by the resignation of the Senator from Washington; and upon the Select Committee to Investigate the Condition of the Potomac River Front at Washington, to fill the place made vacant by the resignation of the Senator from Oregon.

The PRESIDENT pro tempore. Is there objection to the request of the senior Senator from California?

Mr. ALDRICH. In behalf of my colleague [Mr. WETMORE] I ask that he may be relieved from further service upon the Committee on Manufactures.

The PRESIDENT pro tempore. The Senator from Rhode Island asks that his colleague be relieved from further service upon the Committee on Manufactures. Is there objection? The Chair hears none, and he is relieved.

Mr. PERKINS. I ask unanimous consent that the Chair appoint the Senator from California [Mr. BARD] to fill the vacancy occasioned by the resignation of the Senator from Rhode Island [Mr. WETMORE].

The PRESIDENT pro tempore. The Chair hears no objection. The Chair appoints the junior Senator from California upon the Committee on Public Lands, the Committee on Railroads, the Select Committee on the Condition of the Potomac River Front at Washington, the Select Committee on Woman Suffrage, and the Committee on Manufactures.

HOUSE BILL REFERRED.

The bill (H. R. 9279) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1900, and for prior years, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

GOVERNMENT FOR PUERTO RICO.

Mr. TURNER. I ask that the bill for the government of Puerto Rico may be laid before the Senate.

The PRESIDENT pro tempore. The Chair lays the bill before the Senate. Does the Senator from Washington desire to have it read?

Mr. TURNER. No, sir.

The SECRETARY. A bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Puerto Rico, and for other purposes.

Mr. TURNER. I yield the floor to the Senator from Nebraska [Mr. ALLEN] who desires to make a personal explanation.

PERSONAL EXPLANATION—THE FINANCIAL BILL.

Mr. ALLEN. Mr. President, it is not very often that I ask the privilege of making a personal statement. I would not consume the time of the Senate this morning were it not for the fact that recently, I think on the 7th of this month, the Washington correspondent of the New York Times sent to his paper, and through it broadcast to the country, the assertion that I had ceased to be

an advocate of the free and unlimited coinage of silver and gold at the ratio of 16 to 1. If there is anything upon which I am tender it is upon that subject, for I have so long been an advocate of that doctrine and have been such a firm believer in it that I supposed no one would have the temerity to charge me with having receded from the faith.

I would not notice it now but for the fact that this statement seems to have been put in circulation in my own State. The Omaha Bee, the most prominent Republican paper in the State of Nebraska, and I must say the fairest paper of its faith in the State, in an editorial in its issue of March 11, says:

When the conference report on the financial bill—

Referring to the currency bill recently before the Senate—

When the conference report on the financial bill was before the Senate last Tuesday there occurred a debate of which the regular press reports said very little, but which was interesting for the admissions made by two Populist Senators—ALLEN of Nebraska and BUTLER of North Carolina.

Passing over much of what the editorial contains, I read the conclusion:

It is needless to say that ALLEN and BUTLER will continue to support Mr. Bryan, who has not abated one jot of his zeal in behalf of free silver and who will insist that the financial plank of the Chicago platform shall be retained, but none the less the admissions of those Senators show that the experience of the last few years has not been altogether without an educating effect upon them. In view of these Populist admissions can there be any doubt that the free-silver cause is waning.

The editor, I suppose, thought that the Washington correspondent of the New York Times was telling the truth, and did not look into the CONGRESSIONAL RECORD, which is the ultimate, final test of what a man says in this body.

There was nothing said by me in the discussion of the currency bill which by any kind of torture or twisting of the English language could be construed into a lack of faith in the platform of my party, which declares in favor of the free and unlimited coinage of gold and silver at the ratio of 16 to 1, and there never has been a moment of my life since I first gave my adherence to that doctrine that I have doubted its soundness.

The correspondent of the New York Times, whoever he may be, has been careful heretofore not to report to his journal any portion of the repeated remarks I have made in favor of this doctrine. In my first speech on the late currency bill I declared myself expressly respecting the free and unlimited coinage of silver, and I will trouble the Senate a moment by reading a brief paragraph. At that time, February 7, I said:

I am an adherent of silver and gold at the ratio of 16 to 1. If there be those who have heretofore advocated the free and unlimited coinage of silver at the ratio of 16 to 1 who have receded from it, I do not know them and I am not of them. If the doctrine was good in 1893, it has been good every hour and every day from that time to the present and it will continue to be good throughout the ages; and no mere change in commercial or industrial conditions—ephemeral, false, and deceptive as they are—can change the conviction of the American people on the subject of the relation of gold and silver. No such fleeting change will ever close the eyes of the American people to the act that there has been a studied, constant, and sustained effort on the part of those charged with administering the affairs of the Government to discredit silver and to injure the industries and the industrial classes of our country, thereby to promote the interests of gold and the interests of the advocates of the gold standard.

Again, I said at the same time:

Mr. President, permit me to say that I am not an advocate of silver because I believe silver to be better money than gold. I believe it to be equally as good, but I advocate the use of both gold and silver. I am not the advocate of either gold or silver because I believe either of them to be better than paper money, for I believe a well-regulated and limited volume of full legal-tender paper money to be as good as either or both.

I utterly repudiate the idea that there is any such thing as commercial value in money as money; but I will not discuss that question. That has passed into a conviction with me long ago. It is not open to debate any longer in my mind. I believe it is as well established as is any other established fact, yet I realize that a great many men hold to the barbarous doctrine—the monstrous doctrine, I may say; the illogical doctrine—that we can not properly use anything as money unless the material upon which it is stamped has a distinct commercial value equivalent to the value of money itself.

In my remarks later along on the bill, when it came back from the committee of conference, and on the 6th of the present month, I had a colloquial discussion with the senior Senator from Rhode Island [Mr. ALDRICH], the chairman of the Committee on Finance. I want to put the whole of that colloquial discussion in the RECORD, for it is from the language there used that the Washington correspondent of the New York Times reached his conclusion.

Mr. ALDRICH. What RECORD is it in?

Mr. ALLEN. It is in the RECORD of March 8. The speech was delivered on the 6th. I say it is from those remarks and those alone that the Washington correspondent of the New York Times reached the conclusion that I had abandoned the doctrine of free silver. I will read it; it is brief.

I was speaking when this question was broached upon the evident desire of the senior Senator from Rhode Island and the senior Senator from Indiana [Mr. FAIRBANKS] to sidetrack the real issue presented by the currency bill and drift the discussion on to some immaterial issue.

Mr. FAIRBANKS. What page is the Senator reading from, if he will permit me to inquire?

Mr. ALLEN. I am reading from page 2585 of the RECORD of March 8. The Senator from North Carolina [Mr. BUTLER] interrupted me and said:

Will the Senator from Nebraska pardon me?

Mr. ALLEN. Yes, sir.

Mr. BUTLER. I ask the Senator from Nebraska, Will it not be the result of the inflation of bank currency which will come under this bill, and which it is made profitable to the banks to circulate; that gold will go abroad, and that when gold goes abroad under this bill the Treasury will be called upon to sell bonds to get more gold, and if that will not necessarily and inevitably increase the national debt through the endless chain that will be started?

Mr. ALLEN. There is not the slightest doubt of it, Mr. President. I do not see how any man can deny it.

Mr. BUTLER. That refutes the statement of the Senator from Indiana.

Mr. ALLEN. But, of course, in arguing the question the Senator from Indiana and the Senator from Rhode Island will say it is not true. They want their ipse dixit to be taken in lieu of every logical deduction that can be made, and the contents of the bill itself.

Mr. ALDRICH. Will the Senator allow me?

Mr. ALLEN. Certainly.

Mr. ALDRICH. I understand it to be——

Mr. ALLEN. I hope the Senator does not contemplate cutting me short.

Mr. ALDRICH. No; not seriously. I wanted to find out whether the concurring opinion of the two distinguished statesmen——

Mr. ALLEN. Leave out "distinguished," please.

Mr. ALDRICH. The two statesmen——

Mr. ALLEN. All the "distinguished gentlemen" are gold-standard men.

Mr. ALDRICH. That a depreciated currency drives gold out of the country.

Mr. ALLEN. How is that?

Mr. ALDRICH. I understand that you concur with the Senator from North Carolina that a depreciated currency drives gold out of the country.

Mr. ALLEN. I do not know what the Senator from North Carolina believes in that respect.

Mr. ALDRICH. I understood him to say so.

Mr. ALLEN. I do not know of any such thing as depreciated money where all money is full legal tender, but I can understand that the qualities of money could be so withdrawn from a thing in circulation that it would have that effect.

Mr. ALDRICH. I submit that is hardly a fair answer to my question.

Mr. ALLEN. The Senator wants to get me back, I suppose, to the Gresham law and he wants to discuss that for a time. I never did think the Gresham law itself had any force in this country.

Mr. ALDRICH. I understood the Senator from North Carolina to add his distinguished authority to that of the Senator from Nebraska.

Mr. ALLEN. Not "distinguished;" I beg the Senator's pardon.

Mr. ALDRICH. I understood the Senator from North Carolina to concur in the opinion which Mr. Gresham gave many years ago.

Mr. ALLEN. We were not talking about that. That is in keeping with the Senator's comprehension of the whole situation. Nothing of the kind was under discussion at all. I do not propose to discuss the Gresham law or anything pertaining to it, because, Mr. President, the principle of what is known as the Gresham law has no application to any condition ever presented in the United States of America.

Mr. ALDRICH. If I misunderstood the Senator from North Carolina, it was my fault. I understood the Senator from North Carolina to say that the issue of national-bank currency, creating an inflation, would drive gold out of this country.

Mr. ALLEN. He said it might, and I said I thought it would.

Mr. ALDRICH. I understood both the Senators to agree to that proposition.

Mr. ALLEN. I did not say anything about a depreciated currency, unless Senators want to follow——

Mr. ALDRICH. If not by depreciated currency, by what process would gold go out by inflation so as to bring about depreciation in national-bank notes?

Mr. ALLEN. Mr. President, it is quite evident that the filling of the channels now occupied by our different forms of money by an excessive issue of national-bank notes would, temporarily at least, have the effect of retiring and probably sending abroad to new fields a portion of the gold of this country.

Mr. ALDRICH. Would the excessive issue or coinage of silver have the same effect?

Mr. ALLEN. Does the Senator desire to take me away from the hideous and monstrous features of this bill and carry me off on some side issue that is not at all germane to the question?

Mr. ALDRICH. No; I was trying to see whether the Senator from Nebraska concurred with his friend from North Carolina.

Mr. ALLEN. It is not important whether I do or not.

Mr. ALDRICH. I was trying to carry the Senator back to the doctrine which I understood him to argue on this floor with great force and eloquence at various times.

Mr. ALLEN. I do not think I have ever been inconsistent. I may have been, but I hope I have not been.

Mr. President, that is all that was said at that time or at any other, from which this correspondent has seen fit to formulate and send abroad the statement that I had receded from the doctrine of free silver.

There are some respects in which I am not a coward. I am not afraid to announce my opinions and my convictions at all times and under all circumstances and on all proper occasions. I submit there is not one word in all I said—and I said much—from which any fair-minded and honest man can draw the conclusion that there was the slightest intention upon my part to express any hesitancy in the conviction of the soundness of free silver. And yet, Mr. President, it is in keeping, I may be permitted to say, with a certain class of journals to obscure everything a man belonging to my party may say, unless it be something which, in their judgment, may amount to an eccentricity or to a vagary, when it is sent out broadcast.

I want to repeat, Mr. President—and I want the Public Printer to put it in black type, so that it may stand as a permanent record for all time—that I am a firm believer, and have always been, in the doctrine of the free and unlimited coinage of gold and silver at the ratio of 16 to 1 in this country, and by this country alone, not waiting for the aid of any other nation. I hope no man hereafter will ever question my position on that subject.

I said in my remarks that the Gresham law had no application to this country. That was true and is true. There never was a

condition presented here where the Gresham law would be applicable to it. We have never had a debased coin here. Our silver and our gold have always been practically pure.

The report of Sir Thomas Gresham to Queen Elizabeth was a report that pure silver coin of the realm—they had no gold in those days—had been driven out of circulation by clipped coin and by debased coin, by undertaking to mingle silver and brass and silver and copper into debased coin to take the place of silver. That was all there was about the Gresham law. Sir Thomas Gresham held that the clipped and debased coin had the effect of driving the pure coin out of circulation.

Mr. President, I did say during my remarks, and I repeat it at this time, that the swelling of the bank currency of this country to an abnormal point by permitting the banking institutions to do business on their credit rather than upon their cash, quite likely would have the effect of taking not alone gold, but gold and silver, and putting them into new channels and taking them practically out of circulation.

Mr. TURNER. Mr. President, I do hope the Senator will confine himself to his personal explanation, for which I yield, and not for a discussion of the money question.

Mr. ALLEN. I beg the Senator's pardon. I will quit right here.

Mr. BUTLER. I would not ask the Senator from Washington [Mr. TURNER] to yield to me now, for I understand that he is desirous of proceeding with his speech, were it not that my silence under the circumstances might be misunderstood. So I ask the Senator from Washington to yield to me for a moment or two.

Mr. TURNER. I yield to the Senator.

Mr. BUTLER. Mr. President, I noticed the inaccuracy of the Associated Press report the next morning after my colloquy with the Senator from Rhode Island [Mr. ALDRICH], but I did not think it was necessary to make a personal statement in the Senate, inasmuch as the CONGRESSIONAL RECORD contained a correct report of what I did say.

Only one newspaper in my State has been so unfair and base as to attempt to misrepresent my position after seeing the CONGRESSIONAL RECORD, and a paper that is so contemptible I can afford to ignore.

But, Mr. President, since the Senator from Nebraska has brought this matter up, I will briefly state what I did say. I send to the Clerk's desk the Associated Press report referred to and ask that it be read.

The PRESIDENT pro tempore. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

At this point an interesting colloquy occurred between Mr. ALDRICH and Mr. BUTLER of North Carolina. The Rhode Island Senator asked Mr. BUTLER if he and the party he represented were in favor of the free coinage of silver at the ratio of 16 to 1. Mr. BUTLER evaded a direct answer, preferring, he said, to answer the question in his own way. Mr. ALDRICH, after vainly pressing for a categorical reply, said he had watched with interest the decadence of the free-silver issue, but he expressed some surprise that Mr. BUTLER, who was the representative of a great party, should practically acknowledge that he and his party had abandoned the free coinage of silver. Mr. BUTLER protested against this version of his remarks, but did not further reply.

Mr. BUTLER. Mr. President, that report, as the CONGRESSIONAL RECORD shows, is grossly incorrect. The Associated Press is usually correct and fair in its reports of proceedings in this body as far as it reports them, and I will not charge now that that report was intentionally sent out incorrectly; but the fact is that the Official Reporters of the CONGRESSIONAL RECORD took down my remarks, and their report, as their notes will show and as the RECORD shows, is different from that of the Associated Press. The official record reports me correctly as answering the question of the Senator from Rhode Island, and answering it in the affirmative.

What are the facts? The Senator from Rhode Island [Mr. ALDRICH] attempted to state the position of the People's Party on the money question. I at once arose and protested that his statement of the position of the party was wholly incorrect. I then proceeded, with his permission, to state what the position of the party on the money question was; and that statement is found in the CONGRESSIONAL RECORD of March 6, beginning on page 2586 and ending on the top of page 2588. That statement is correct. It is my position on the money question, and it is the position of my party, as I understand it.

While I was making that statement, which I wanted to make as clear, as compact, and as complete as possible, the Senator from Rhode Island persisted in interrupting me at the end of almost every sentence. He persisted in asking me if I favored the free coinage of silver. The Senator knew very well that I was and am for free coinage. A few days ago I offered a free-coinage amendment to the pending bill. But he evidently wanted to divert me to a discussion of parity and ratios and other such phrases which are used by the Goldites to try to mystify the public about a great but single question. The silver question is but one part of the money question.

I was stating the position of my party on the whole money question, and wanted to do it as logically and consecutively as I could. Therefore I declined to be interrupted by the Senator till I had finished my statement. Very briefly, that statement was to the effect that the People's Party favored a dollar of unchangeable purchasing and debt-paying power, and that this was the only honest dollar. That the only way to keep the purchasing power of the dollar always the same, and therefore to maintain a practical stable price level and to preserve the value of contracts, so that their value at maturity would be the same as when made, was by regulating the quantity of the units or dollars in circulation. That every dollar of money, gold, silver, and paper, should be issued by the Government and should be a full legal tender and that the number of these dollars in circulation should not be left to accident, but should be increased each year in proportion to the increase of population and business, and no more and no less. That a less increase than this in the volume of money each year would mean contraction, and that a larger increase would mean inflation. That the quantity of gold and silver that come from the mines fluctuated very largely and that the new gold and silver money when insufficient in quantity should be supplemented by a quantity of greenbacks according to the above rule. That it was barely possible that the output of gold and silver might become so abnormal and enormous that no paper money would be needed, or that the coinage of the metals might have to be limited.

After stating fully the quantitative principle which, in my opinion, must underlie and control any honest financial system, regardless of the material of which the dollars are coined, I then turned and answered the Senator from Rhode Island by saying that I was for free coinage of silver as one of the means of furnishing the quantity of money needed. This is what I said; I read the exact words from the RECORD:

But I think to-day—to answer the Senator—that the United States can open its mints to the free coinage of silver and absorb all the silver that will come to us, and still not increase the circulating medium to an amount larger than the business needs of the country require.

Mr. President, that is my answer in the CONGRESSIONAL RECORD, and it speaks for itself. I not only answered the Senator's question, but I gave my reasons for my answer. If there are any who can not understand that language, then I will repeat that I am for the free and unlimited coinage of silver and for the reasons stated in the RECORD of last Tuesday. I trust nobody can misunderstand that.

Mr. TURNER. Mr. President——

Mr. ALDRICH. Will the Senator yield to me for a question?

Mr. TURNER. Yes, sir.

Mr. ALDRICH. I anticipated that the Senator from North Carolina [Mr. BUTLER], representing, as he does, a great political party, would, upon further reflection, conclude that he was in favor of the free coinage of silver by the United States alone at the ratio of 16 to 1.

Mr. BUTLER. It is not fair for the Senator to say that when he knows what I said.

Mr. ALDRICH. I am very glad the Senator has made his statements explicitly——

Mr. BUTLER. I have said to-day what I said last Tuesday, and nothing more and nothing less.

Mr. ALDRICH. I did ask the Senator on that occasion ten or twelve times whether he was or was not in favor of the free coinage of silver; but at that time he was so much involved in other things that he was not able to give me a direct answer.

I think the Associated Press report was a very fair, correct, and conservative statement of what the Senator said.

Mr. BUTLER. I call the Senator's attention to the fact that the CONGRESSIONAL RECORD proves that his statement is not correct, and he should not make it. It is not fair for the Senator to say that I have now corrected my statement, and furthermore it is not true.

Mr. ALDRICH. The statement the Senator has read does not say in any part of it that he is in favor of the free coinage of silver. He can not find that in the RECORD.

Mr. BUTLER. I have read the language contained in the RECORD, and I will let it speak for itself. I not only stated that I was for free coinage of silver, as the RECORD shows, but I also gave my reasons.

Mr. TURNER. Mr. President, I am afraid I shall have to cut off this colloquy.

The PRESIDENT pro tempore. The Senator from Washington is entitled to the floor on the unfinished business.

GOVERNMENT OF PUERTO RICO.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Puerto Rico, and for other purposes.

Mr. TURNER. Mr. President, we have a bantling here in the shape of this bill, an unfortunate nullius filius, so revolting in form and features that no person in the Republican party, from the President down, is willing to admit to its paternity. Yet for some

reason or other it has been determined to give it the legitimating effects of adoption and to recognize it as one of the offspring of the Republican household. I do not wonder that the gorges of some of our friends on the other side rise in protest at such a prospect. But they should remember that they were warned of what the consequences and the results would be when they started out on the world-wide career of land grabbing and body snatching in which the Republican party has been engaged for the last year and a half. They were then warned that that career could have only one of two results—that it would either result in debauching the labor, the trade, and the citizenship of the country, or that it would result in debauching the Constitution of the country.

The bill which we have before us is an attempt to avert the first of these evils by yielding to and bringing about the latter of them. We on this side of the Chamber take no responsibility to ourselves for the causes which have made this choice of evils necessary to the minds of our Republican friends. And when it shall be charged, as it will be charged, if not on this floor, then on the stump, that the minority in Congress were in favor of admitting the labor and the products of the labor of the underpaid and underfed people of the Philippine Islands to this country to compete with the intelligent, self-respecting, and highly paid labor of the nation, those who would fix the responsibility where it properly belongs should remember that we on this side consistently opposed the acquisition of these islands from the beginning on the ground that it would bring about the very results which our Republican friends have now apparently awakened to for the first time and which they are endeavoring to guard against. Let them remember also that in now opposing the abrogation of the Constitution we do so in the light of the fact that there is another alternative course which may be pursued to avert the evils to which I have referred besides that of abrogating and debauching the Constitution of the country. We have consistently held that alternative out to our friends, and are willing to join them now or at any other time in its adoption. It is plain and simple, and both prudence and honor concur in urging its adoption. Let the Filipinos go in peace. Give them now such assurances as will immediately result in a cessation of hostilities. Maintain orderly government in the islands until the people themselves have been enabled to establish a stable and orderly government there. Then serve notice on the world that their liberties and their independence are under our protection and withdraw from the islands, reserving such portions of them as may be necessary for naval, coaling, and military stations in that quarter of the globe. And if the commercial interest must have its pound of flesh, make such treaties of peace and amity and commercial relations with them as their sense of gratitude will prompt them to make with us, which will secure to us all the commercial advantages of annexation, without any of its political burdens and responsibilities.

Mr. President, if we do that it will not be necessary to either violate the Constitution of our country, as this bill proposes to do, or to amend it, as is proposed by the junior Senator from the State of Massachusetts [Mr. LODGE].

The fact urged by the Senator from Ohio [Mr. FORAKER] as one reason why it is desirable to pass this bill, that we will thereby obtain a speedy adjudication concerning its validity, is evidence that there is a very strong suspicion, in some quarters at least, that the bill is unconstitutional. The further admission made by him that if the bill be declared unconstitutional it will be necessary to pursue some course toward the Philippines other than that heretofore contemplated by the Administration, by which I understood him to mean that it would be necessary to let those islands go in peace, is, to my mind, in view of the fact that this bill is clearly unconstitutional and will be so declared, an admission that we have already sacrificed 10,000 American lives and two hundred millions of American money as the result of a vicious and criminal blunder of the present Republican Administration. This bill is in truth and in fact an attempt to shoulder upon the people of Puerto Rico vicariously these Republican sins. Nobody pretends seriously to say that those people are not a good people, or that they or their products will materially interfere with trade or labor conditions in this country. But in dealing with them it has been found necessary to make a vicious and tyrannical precedent toward them, which will hereafter bar out the labor and the products of the Philippine Islands. This is a very poor return to the people of Puerto Rico for their ready and willing and generous acceptance of our rule and our institutions, and no amount of sugar-coating can disguise its evil smell or its nauseating taste.

The proposition to return to the treasury of Puerto Rico the exactions which we may impose upon that people for the liberty of trading with the balance of their fellow-citizens in this country, and the further proposition to return to them the exactions already illegally required from them is no more than a thin and demagogic attempt to mask, under the cloak of philanthropy and benevolence, a desperate and vicious assault upon their liberties as American citizens and upon those free institutions which govern and protect the liberties of all the balance of the American people. It matters but very little to the man who is starving how much money there may be in the treasury of the State; and it has remained for the distinguished Senator from Ohio to discover and announce that the one just and generous and humane way of raising up a prostrate and helpless and starving people is to require them to pay a discriminating and arbitrary tax for the privilege of dealing with the balance of their fellow-citizens.

Mr. President, this is a most amazing proposition. In my judgment, the proposition of power which is here involved is the most preposterous and unheard-of ever submitted to an American Congress. The people of Puerto Rico, now that they have been made citizens of the Republic, are to be compelled to submit to a tariff tax upon everything that they sell to the other citizens of the Republic and upon everything they purchase from them as well. Having been deprived of freedom of trade with Spain and her colonies and dependencies by annexation to the United States, the proposition now is to deprive them of the freedom of trade with the entire world, ourselves included. Spain in all her history never enforced upon them or any other people so unjust and so arbitrary a rule. Such an assertion of power is so odious and tyrannical, so much beyond the iniquities of the mother country against which we ourselves rebelled, and so completely stultifies our entire political history, that one stands amazed at the character of American statesmanship which can gravely propose it and gravely defend it. In view of the fact that it is gravely proposed and that it now appears to have the sanction of the President of the United States, thoughtful and patriotic American citizens may well ask themselves whether we are not now brought face to face with organic changes of momentous import, against which the voices of the past have consistently warned us, but which have been hitherto considered too remote and improbable to require more than casual consideration.

We all know what the answer of any Anglo-Saxon community would be to such an assertion and such an exercise of power. Is it the part of Republican statesmanship to further embroil us with our new possessions in order that the Republican party may pose as the defender of the flag and the heritor of the blood of our citizen soldiery? Or is this bill now proposed with the certain knowledge that its impotency will be hereafter authoritatively declared, and that in the meantime, pending present political exigencies, it will serve to reassure the Republic concerning other evil conditions with which the blundering incapacity of Republican statesmanship has threatened it? Either purpose would be criminal enough, but either purpose would be the sublimated essence of patriotism beside that which logically appears on the face of this bill, namely, the purpose to abrogate and break down, in part at least, the constitutional system of government inherited by us from the fathers, under which we have lived so happily and prospered so marvelously during the hundred and twenty-three years of our national existence.

Mr. President, the theory of governmental power which this bill logically carries on its face, and which its advocates assert in terms, has never been acted on in this nation, is without countenance in the teachings of the fathers or those who followed them in the administration of the Government, is contrary to the letter and the spirit of the Constitution, and is not only without judicial support, but is absolutely repugnant to every expression of opinion on the subject by the Supreme Court of the United States. That theory of government is that it is consonant with our free institutions to maintain and administer on this continent and elsewhere arbitrary government for millions of human beings who have no lot or part therein save that of acquiescence, the mainspring of which is and shall be the material profit of the American people. Shades of Washington and Adams, of Hamilton, Madison, and Jefferson, look down on us this day and shed abroad in this Capitol the spirit of 1776, that we may be spared the shame and the humiliation and, above all, the fruits of this monumental folly, this insult to the memories of our ancestors, this crime against all the hopes of our and their posterity! There is nothing in our national make-up or in the mental or moral characteristics of our people which leads to the hope that we can administer such a government for such a purpose any better than similar governments have been administered by other peoples with baleful results during the ages since civilization first began. And in view of the teachings of history it is impious and presumptuous and betrays a reckless and vainglorious spirit to assume that such a government maintained by us for alien peoples will not react on the theory and practice of the government maintained by us for ourselves, and in the end result in the destruction of our own liberties.

Mr. President, I have as much confidence in the good sense, the public spirit, the martial valor, and the liberty-loving instincts of the American people as any man in public life. But one of our sages has admonished us that eternal vigilance is the price of

liberty, and the proposition seems too plain to require more than simple statement that the only sure way of preserving the blessings of liberty to ourselves and to our posterity is to maintain in their entirety and unimpaired, both in theory and practice, those constitutional safeguards devised by the wisdom of the fathers under which and by reason of which we have attained to that growth in population, in wealth, in power, and in influence which has been the wonder of the nineteenth century. The liberties of the Roman people were splendid and the martial spirit of the Roman people incomparable, but their conquered provinces sowed the seeds of dissolution in their governmental structure, and, long before the empire had sunk beneath the forces which it had chained to itself, Roman citizenship had become weak and paltry and contemptible, and the sport of every military satrap who sought supreme and irresponsible power.

Mr. President, the proposition that we can maintain government for any people at any time, at any place, independent of the Constitution of the United States and contrary to its mandates, is opposed to a long line of decisions by the Supreme Court of the United States expounding and applying the Constitution in almost every phase of its application to the Territories, which to a mind capable of understanding the force of words and of sufficient integrity to admit their force when understood is simply overwhelming. I make the statement thus broadly because it can be abundantly sustained; and notwithstanding that the Senator from Ohio [Mr. FORAKER] says we have passed the law-book stage, I propose to ask the Senate to bear with me while I make such an examination of the adjudged cases as will show the truth of the assertion which I have made. I do not agree with the Senator from Ohio that we have passed the law-book stage. Indeed, in view of some of the remarkable assertions of constitutional law which I have heard that Senator urge here from day to day during this debate, I am satisfied that we have not passed the law-book stage, or that if we have, we ought not to have done so. If that Senator's mind be impervious to the light of reason as it has fallen from the lips of the sages of the law from the very foundation of the Government, almost, down to the present time, as he indicated, I am certain that I will find open and ingenuous minds among the remainder of the members of this great body—great not only in the intellect and the learning of its members, but great in the possession of a moral force which compels it to accede to and to act on and follow the truth when the truth is made plain to its apprehension. But before entering upon this examination of the authorities I wish to state that I am not a slavish follower of precedents. Unless they commend themselves to my judgment as sound in reason I have but little respect for them. But there comes a time occasionally when principles of law and principles of government have been so long and so firmly established by judicial decisions and by the acquiescence of the other departments of the Government that the highest duty of the citizen and the legislator is that of acquiescence. The establishment of such a principle of government by the highest court in the land, by a long series of continuous decisions, acquiesced in by the other departments of the Government, running back for almost a century, certainly presents such a case of duty to the American Congress now and here in the consideration of this bill.

Senators may rise in their places in the Senate and, with the appearance of great learning, talk about the Constitution not applying ex proprio vigore to the Territories, may announce the absurdity that the Constitution can only be applied to the Territories by legislative enactment, or that it can be so applied at all, may wrench from their context isolated expressions in the adjudications of the courts and build up elaborate theories of government thereon, but an examination of the books themselves will confute and confound them, and show that their theories of government are so toploftical that they would fall of their own weight if not bolstered up with the reputation of great names and the persuasive force of the moving eloquence of those who advocate them.

Without further preface I propose to examine some of the adjudications bearing upon this question of governmental power, and the first line of decision to which I shall refer are those concerning the equality and uniformity of taxes, duties, excises, and imposts required by the Constitution of the United States. The first of these cases is the famous case of Loughborough *vs.* Blake, reported in 5 Wheaton, at page 317. The next one is Fleming and others *vs.* Page, reported in 9 Howard, page 613, and then the case of Cross and others against Harrison, reported in 16 Howard, page 164.

The first and the last of these cases to which I shall refer are directly in point as showing the absolute and utter conflict of the taxation clauses of this bill with the Constitution of the United States. The second of the cases I refer to because it has been supposed that it carries with it an implication in favor of the power which it is sought to exercise in this bill, and I shall read it and explain its terms as I understand them for the purpose of showing that it does not carry any such implication. The case of Loughborough against Blake was decided when Marshall, Story, and Bushrod Washington were on the bench, and the opinion was written by Chief Justice Marshall himself. He states the point under consideration thus:

> This case presents to the consideration of the court a single question. It is this: Has Congress a right to impose a direct tax on the District of Columbia?

Passing by some observations that the Chief Justice makes in reference to other features, I come now to the ground upon which he answers this question. He says:

> The eighth section of the first article gives to Congress the "power to lay and collect taxes, duties, imposts and excises," for the purposes thereinafter mentioned. This grant is general, without limitation as to place. It consequently extends to all places over which the Government extends. If this could be doubted, the doubt is removed by the subsequent words which modify the grant. These words are, "but all duties, imposts and excises shall be uniform throughout the United States." It will not be contended that the modification of the power extends to places to which the power itself does not extend. The power, then, to lay and collect duties, imposts, and excises may be exercised and must be exercised, throughout the United States. Does this term designate the whole or any particular portion of the American empire?
>
> Certainly this question can admit of but one answer. It is the name given to our great Republic, which is composed of States and Territories. The District of Columbia, or the territory west of the Missouri, is not less within the United States than Maryland or Pennsylvania; and it is not less necessary, on the principles of our Constitution, that uniformity in the imposition of imposts, duties, and excises should be observed in the one than in the other. Since, then, the power to lay and collect taxes, which includes direct taxes, is obviously coextensive with the power to lay and collect duties, imposts, and excises, and since the latter extends throughout the United States, it follows that the power to impose direct taxes also extends throughout the United States.

I should like some gentleman on the other side, if he wants to, to rise at this moment and point out why these expressions of the learned Chief Justice are not in point, and why, if he thinks so, they are dictum. I have myself examined the case carefully for some reason which might point to the opinion here expressed as dictum, but have been utterly and absolutely unable to find it.

I have heard it urged, of course, that this decision was not necessary, because the Constitution had already applied to the territory composing the District of Columbia when it was part of the States of Maryland and Virginia. I shall address myself to that in a few moments. But is there any other reason why this is dictum? It is true that the Chief Justice said in another part of his opinion that if there was any doubt about the Constitution applying to the District of Columbia, thereby giving Congress the right to lay direct taxes, the right might be predicated on the ground that the Constitution had reposed in Congress the exclusive power to legislate for the District. That is simply another ground why the exercise of power in that case was valid and just. I do not understand, because a court is able to reach a conclusion upon two different grounds, that each or either of the grounds which it may have had in mind and which it solemnly adjudicated is not a binding conclusion or that it partakes in the slightest degree of dictum. If both are dicta, there was no decision. If only one, which was dictum and which decision?

The next case to which I wish to refer is that of Fleming *vs.* Page (9 How.). An importer had imported into this country during the Mexican war, from Tampico, in Mexico, certain goods, wares, and merchandise while the American forces held that city, and he took the position, after paying the duties, that by reason of the military occupation of that city by the American forces it was not a foreign city within the meaning of the tariff laws, and therefore that the goods were entitled to come into this country free of duty. That was the question which was presented to the Supreme Court in this case. The only thing that the court decided in the case was that Tampico, in Mexico, was not a portion of the territories of the United States by virtue of military occupation of it by our forces, so that the tariff laws would not apply to goods, wares, and merchandise imported therefrom.

Chief Justice Taney, who wrote this opinion, then went on to make some irrelevant observations concerning what had been the executive practice about goods imported from newly acquired territories, in which he stated that it had not been the practice of the administrative department of the Government to consider newly acquired territories as a part of our domain for the purposes of the coasting laws until Congress had extended those laws over them; and he went on then to say that the administrative department of the Government followed that course in the case of Florida, and also in the case of Louisiana, citing certain supposed facts with reference to each of those Territories.

I refer to this case for the purpose of saying that no implication concerning this constitutional question can arise from this dictum of the Chief Justice concerning the necessity of extending our customs laws in order to authorize coastwise trade between newly acquired territories and our former territory; further, for the purpose of showing that in the next case, when this precise question was directly brought before the court and was directly adjudicated by the court, this dictum of the Chief Justice not only received no countenance, but was distinctly repudiated by the court, the Chief Justice himself then being a member and not making

any dissent. The case I refer to is that of Cross *vs.* Harrison, reported in 16 Howard. This is a most important case, because it is strictly in point and the principles decided were necessary to the determination of the case. Importers of foreign goods into the Territory of California during and after the Mexican war had brought suit against the collector of the port of San Francisco to recover back certain tariff duties paid. These duties were paid to a collector appointed by the military government of California and were paid under two distinct tariff systems. The tariff system enforced up to the period of the cession of California was one prescribed and put in force by the military authorities. After the cession the tariff system enforced was that declared by the general laws of the United States, and the duties exacted were those prescribed by those laws. The duties collected under the later laws were, for the purposes of the case, divided into two classes: First, those paid after the cession of the country but before the establishment of a collection district in California and before there had been any legislation extending our tariff system over that country; second, those collected after Congress had legislated extending our tariff system and making California a collection district, but before the customs officers appointed by the President had arrived there and entered on the execution of the duties of their offices.

It was contended by the importers that all these collections were illegally exacted, on the following grounds:

First, that the military authorities had no right to prescribe and collect tariff duties while holding the country as conquered territory and before its cession to the United States. This contention was overruled on the ground that the collection of tariff duties under a military tariff, in an enemy's country was a valid exercise of the war power.

Second. That even if the tariff laws of the United States applied after the cession of the territory, they could not be enforced by the government erected by the military authorities. This contention was overruled on the ground that so long as the military government was not withdrawn by the President or superseded by Congress it was the only valid government there, and that it must be presumed that it was the intention of the legislative and executive branches of the Government to leave it in existence and in operation.

Third. That the laws of the United States relating to tariff duties did not apply to California until extended by the legislation of Congress, and that, however it might be as to duties collected by the military government after the extension of such laws, those collected after the cession and before such extension were certainly illegally exacted. But the court overruled this contention, holding that California was a part of the United States from the moment that it was ceded to us and that the general tariff laws of the country became applicable to it instantly, and that to hold it exempt would be in violation of the Constitution of the United States.

This last holding answers fully and completely every contention taken by the advocates of this bill. It is especially strong because it holds that the Constitution and laws of the United States apply to newly acquired territory, even while the territory is governed by a provisional military government. Unless it has been overruled, which nobody can successfully maintain, or unless the Republican majority in Congress has become as revolutionary as it contended the Democratic party had become because it condemned the income-tax decision of the Supreme Court, it must bow assent to that decision and confess that its colonization programme is over and above and beyond and in disregard of the Constitution of the United States. The opinion in this case was rendered by Mr. Justice Wayne and was concurred in by all the justices of the court.

Here is the decision of the court to which I have referred and I ask careful attention to it. I commence reading at page 902 of this volume:

It was urged that our revenue laws covered only so much of the territory of the United States as has been divided into collection districts, and that out of them no authority had been given to prevent the landing of foreign goods, or to charge duties upon them, though such landing had been made within the territorial limits of the United States. To this it may be successfully replied that collection districts and ports of entry are no more than designated localities within and at which Congress had extended a liberty of commerce in the United States, and that so much of its territory as was not within any collection district must be considered as having been withheld from that liberty.

It is very well understood to be a part of the laws of nations that each nation may designate upon its own terms the ports and places within its territory for foreign commerce, and that any attempt to introduce foreign goods elsewhere within its jurisdiction is a violation of its sovereignty. It is not necessary that such should be declared in terms or by any decree or enactment, the expressed allowances being the limit of the liberty given to foreigners to trade with such nation. Upon this principle the plaintiffs had no right of trade with California with foreign goods, excepting from the permission given by the United States under the civil government and war tariff which had been established there. And when the country was ceded as a conquest by a treaty of peace no larger liberty to trade resulted. *By the ratifications of the treaty California became a part of the United States. And as there is nothing differently stipulated in the treaty with respect to commerce, it became instantly bound and privileged by the laws which Congress had passed to raise a revenue from duties on imports and tonnage.*

Further:

It has been sufficiently shown that the plaintiffs had no right to land their foreign goods in California at the times when their ships arrived with them, except by a compliance with the regulations which the civil government was authorized to enforce, first, under a war tariff, and afterwards, under the existing tariff act of the United States. By the last, foreign goods, as they are enumerated, are made dutiable—they are not so because they are brought into a collection district, but because they are imported into the United States.

The tariff act of 1846 prescribes what that duty shall be. Can any reason be given for the exemption of foreign goods from duty because they have not been entered and collected at a port of delivery? The last become a part of the consumption of the country as well as the others. They may be carried from the point of landing into collection districts within which duties have been paid upon the same kinds of goods, thus entering, by the retail sale of them, into competition with such goods, and with our own manufactures, and the products of our own farmers and planters. *The right claimed to land foreign goods within the United States at any place out of a collection district, if allowed, would be a violation of that provision in the Constitution which enjoins that all duties, imposts, and excises shall be uniform throughout the United States.*

Indeed, it must be very clear that no such right exists, and that there was nothing in the condition of California to exempt importers of foreign goods into it from the payment of the same duties which were chargeable in the other ports of the United States. As to the denial of the authority of the President to prevent the landing of foreign goods in the United States out of a collection district, it can only be necessary to say if he did not do so it would be a neglect of his constitutional obligation "to take care that the laws be faithfully executed."

We will here briefly notice those objections which preceded that which has been discussed. The first of them, rather an assertion than an argument—that there was neither treaty nor law permitting the collection of duties—has been answered, *it having been shown that the ratification of the treaty made California a part of the United States, and that as soon as it became so the territory became subject to the acts which were in force to regulate foreign commerce with the United States, after those had ceased which had been instituted for its regulation as a belligerent right.*

Then the court goes on at some length to notice the proposition which Chief Justice Taney had made in the prior case of Fleming against Page, that it was the administrative practice not to consider newly acquired territories as a part of the United States for customs purposes until the customs laws had been extended over them, and it shows that no such practice prevailed either in Florida or in the province of Orleans. I do not know but that I had better read what the court says on that subject to make it plain:

In respect to the suggestion that it has not been the practice of the United States to collect duties upon importations of foreign goods into a ceded territory until Congress had passed an act for that purpose counsel cited the cases of Louisiana and Florida. The reply is that the facts in respect to both have not been recollected. There was no forbearance in either instance in respect to duties upon imports until Congress had acted. Louisiana was ceded by a treaty bearing the date of the 30th of April, 1803, but the possession of it by the United States depended upon the terms of final ratifications by the parties to it and upon the delivery of it by a commissioner to be appointed by the French Government to receive the transfer from Spain to France, and by him to be immediately transferred to the United States.

The court then shows that the instances noted by counsel, and which are the same instances noted by Chief Justice Taney in the case of Fleming against Page, were cases where goods had been imported into Louisiana between the date of cession and that of delivery, and hence that those cases did not militate against its decision. The learned justice then said with reference to the Florida importations:

It is only necessary to say as to Florida, that the treaty of the 22d February, 1819, was not ratified by the United States until the 19th February, 1821. In a few days afterwards the act was passed extending our revenue system to it, subject to the stipulation in the fifteenth article of the treaty in favor of Spanish vessels and their cargoes. There was, then, no interval in either instance where duties were not collected upon foreign importations, because Congress had not legislated for it to be done.

Here is a solemn adjudication of the court, without dissent by any member of the court, in which it has been held that the Constitution and laws of the United States applied to a territory from the moment of its cession to the United States. What becomes of the absurd proposition that it is necessary to legislate in order to apply the Constitution of our country to one of our newly acquired territories in view of this decision? I hope that Senators will not consider me ill-natured because I call this contention an absurdity, because it seems to me that it can not be characterized in any other manner. Those maintaining that contention first say that the Constitution is intended to give Congress plenary power to legislate for the Territories, and then they say in the same breath that Congress can amend the Constitution in that respect by dispossessing itself of that plenary power by extending the Constitution by statutory enactment.

It is an absurdity. It can not be done. The lawmaking power can not alone and unaided amend the Constitution of the United States. If the clause of the Constitution which says that Congress shall have power to make all needful rules and regulations for the government of Territories was meant to vest unlimited power in Congress then Congress can not part with that power by an act of Congress any more than a State legislature could divest it of that power by an act of State legislation. This seems to me to be too plain for argument, too plain for contention. It involves the assertion that Congress unaided and alone can amend the Constitution of the United States. Of course, nobody on this side will contend that Congress can not grant statutory rights to the people of the Territories, and it can embrace in its statutes the rights declared in the Constitution if it wants to; but they are not constitutional

rights; they are statutory rights, and nothing else. Congress having granted them by statute may withdraw them by statute whenever it pleases.

Now, the Senator from Ohio, in his speech and also in his elaborate report made on this bill, goes at great length into the organic acts of the several Territories and quotes from them, and he shows, as he says, that Congress had never undertaken to apply the Constitution to the Territories by act of Congress until 1850; that prior to that time nothing had been said on the subject in the organic acts of the Territories; but since that time it has been the uniform practice of Congress to extend the Constitution and the laws of the United States to all of the organized Territories. I do not understand exactly what inferences he draws from that fact, however. If, from the fact that Congress since 1850 has extended the Constitution, any inference is to be drawn of an opinion upon the part of the lawmaking power of the country that that could be done or was necessary to be done, certainly the unbroken practice of fifty years prior thereto which the Senator refers to is an equally strong implication of legislative view that the Constitution applied to the Territories without any act of Congress on the subject.

As a matter of fact this attempt to deduce an argument from the fact that Congress has or has not acted on some subject in a particular way is one of the weakest which has ever been presented on a question of constitutional construction. The Supreme Court of the United States has never had any difficulty in disposing of such an argument by saying that no doubt the language was employed by Congress out of excess of caution, and I think an excess of caution in this case was probably wise. I have lived in the Territories and I have lived in the States, and I know that you can never tell what position some chuckleheaded lawyer is going to take if left to his unaided mental processes, or what some stupid judge is going to decide under the same circumstances.

Before proceeding to an examination of the remainder of the authorities which I wish to notice, there are a couple of other positions to which I will address myself for a few minutes. It was discovered last summer during the discussion of the question of our power over the Philippines, by some of our bookmen who never tried a lawsuit in their lives, that the Constitution of the United States had been effective over the Territory composing the District of Columbia when that Territory was a part of the States of Maryland and Virginia, and they immediately claimed that the territory did not lose the protection of the Constitution when it became severed from Maryland and Virginia, and hence that the line of decisions which hold that the Constitution applies to the District of Columbia and was intended to apply there are dicta, because the court might equally as well have held that the Constitution applied because it had been in operation in the District while it formed a part of the States of Maryland and Virginia, and that it did not lose it when it ceased to be a part of those States.

These same bookmen have discovered another proposition which neither the bar of this country nor the courts of the country had ever discovered during the more than century that these propositions have been before the Supreme Court of the United States. They have discovered that the treaty with France and with Mexico applying to territory concerning which all these Supreme Court decisions have been made gave to the aliens inhabiting those territories at the time of the cession the rights, privileges, and immunities of citizens of the United States, and they say, therefore, that the Constitution applied there by virtue of these treaties and that the court might have so found in its decisions; but since it did not so find, by some process of ratiocination which I can not very clearly understand, they say that what the courts did decide on the subject was dictum.

Now, I want to notice each one of these propositions for a few moments. They were elaborated by the junior Senator from Vermont [Mr. ROSS] in the speech which he delivered here some time ago, and they were toyed with by the Senator from Ohio [Mr. FORAKER] in his several speeches, and were again elaborated on last Friday by the Senator from Kentucky [Mr. LINDSAY] in his speech made on this subject. I have the speech of the Senator from Kentucky here, and I want to quote from it in order that we may see what the claim is about these matters. Here is the claim made as to the District of Columbia:

> Of the District of Columbia it is enough to say that it was carved out of the States of Maryland and Virginia after the Constitution had been adopted and after it had been made the supreme law of the land in every portion of each of those States. The creation of the Federal District was not intended to withdraw and there was no power to withdraw from the people of that territory the constitutional guaranties, or to deprive them of the constitutional protection they were enjoying as citizens of Maryland and Virginia at the time the District was established.

Now, I will notice this first contention. What property is it which attached to the soil of the District of Columbia when it formed a part of the States of Maryland and Virginia, and which became so firmly attached that it remained after it had become severed from those States? Was it some corporeal property that attached to the soil, inhered in it, and remained with it wherever it went? Certainly nobody will contend anything of that kind. The Constitution carries no corporeal property with it anywhere.

Do the advocates of this position then mean to contend that the strength of the Constitution, so to speak, entered into the bodies of those who were inhabiting the District at the time it formed a part of Maryland and Virginia, and endowed them with strength by remaining in it to hold the Constitution down over the District after the District became severed from those States? If that is what they mean, then if all the inhabitants had left the District after the cession to the United States by Maryland and Virginia they would have carried the Constitution with them, and the District would not have been under the protective ægis of the Constitution. It can not be admitted that the absence or presence of the Constitution here can depend on any such accidental circumstance. It follows also, if that contention be true, that there are two ways of extending the Constitution to one of our unorganized territories, one of them by act of legislation, as claimed by the distinguished Senator from Ohio, the other by the act of a peripatetic individual, as claimed by the distinguished Senator from Vermont and the distinguished Senator from Kentucky. It is quite evident that in starting out to hunt for reasons to sustain their anomalous position our friends on the other side were not very fastidious. Having started out to hunt for them and not finding them as thick as blackberries, they concluded that any old reason would do. They were like the Georgia cracker who was seen industriously digging for a gopher. When asked whether he thought he would get the gopher, he said: "Will I get it? I am bound to get it. I am out of meat."

Now, Mr. President, let us see if we can not find what it is that our friends on the other side contend for in order that we may see whether this exception to their contention which they make in favor of the District of Columbia has any validity, whether it will stand the test of reason and logic. Their position is that the Constitution was not intended to have application to any territory of the United States other than that embraced within the several States. If this be so, it is so because the Constitution was intended to apply to the sovereign jurisdiction of the several States and to all of the people within that jurisdiction, and not to any particular area of soil; it was so, not because the framers of the Constitution thought it desirable to give any particular area of soil the benefit of the provisions of the Constitution, but because they were desirous of binding and favoring the inhabitants of certain political municipalities, and the intention was, upon the theory of our friends on the other side—of course I do not take any stock in their theory at all—the intention was that those only should enjoy the Constitution who were under the jurisdiction of the political entities called States.

If this position be correct, then if a State takes on new territory manifestly that territory and the people within it enjoy the benefits of the Constitution, and, on the other hand, if it sloughs off old territory, that territory a fortiori loses the benefit of the Constitution. The Constitution was not made for land and soil, but it was made to protect the States and the inhabitants of the States residing therein, and it was intended to be coextensive with the sovereign jurisdiction of the several States and nothing else. It is pretty hard to state the untenable proposition of somebody else, but I think if our friends had ever analyzed their own proposition they could not state it differently. To say then, Mr. President, that because the District of Columbia enjoyed the Constitution when it was a part of the States of Maryland and Virginia, that it must still continue to enjoy it is about as complete a non sequitur as a lawyer could be guilty of. After all, this question must be determined as one of intention. If it was the intention of the Constitution that the District of Columbia when ceded to the National Government should not enjoy the Constitution, then the accidental circumstance that it had enjoyed it while part of Virginia and Maryland could not be permitted to overcome the constitutional intention. If it was the intention that it should enjoy the Constitution, then that answers the entire contention, and the effort to put its enjoyment upon some other ground is a useless and meaningless and a mischievous work of supererogation.

Now, I wish to notice the other contention, that concerning the application of the treaties to the Territories. The Senator from Kentucky [Mr. LINDSAY] explained it thus:

> I was asked the other day how I explained the decisions of the Supreme Court in cases arising in Territories acquired by the treaty with Mexico, to the effect that Congress could not provide for twice punishing a man for the same offense, and could not make applicable to that territory a bill of attainder, and could not dispense with the trial by jury in cases at common law involving more than $20, and could not take away from the accused the right to confront the witnesses who may testify against him, and could not put a man on trial without previous information of the nature of the accusation.
>
> My explanation is that the Constitution of the United States protects the citizens of the United States against any one of those abuses of power, and that the inhabitants of the territory acquired from Mexico were made citizens of the United States by the ratification of a treaty which clothed them with American citizenship, and in express and unqualified terms secured to them the enjoyment of the rights of citizens of the United States according to the principles of the Constitution.

Mr. President, in this contention our friends on the other side have been very quick, also, to jump to conclusions. I do not understand that so long as the Territories remained in a Territorial condition it was intended or attempted, either under the treaty with France or the treaty with Mexico, to secure to the aliens residing there the rights of citizens of the United States. That was attempted in the treaty with Spain whereby we acquired Florida, but the language of the other treaties is materially different from that employed in the case of Florida. I think a reading of the language of the French and Mexican treaties will show that it was not attempted in those treaties to give the aliens residing in Louisiana or in the Territories acquired from Mexico the rights of citizens of the United States prior to the admission of the States into the Union.

I find those treaties quoted in the speech of the Senator from Vermont [Mr. ROSS]. Here is what the treaty which we made with France for the acquisition of Louisiana provided with reference to that; and the treaty with Mexico is, in substance, the same:

> The inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States; *and in the meantime they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess.*

Until admitted into the Union as States, whereby they were to enjoy all the rights, privileges, and immunities of citizens of the United States, they were simply to be protected in the enjoyment of their liberty, property, and religion, and, I think, in view of this, that our friends have, without any very serious examination, jumped at unwarranted conclusions. They have probably done this because of what Chief Justice Marshall said in the famous Canter case concerning the obligation of the treaty which we made with Spain for the acquisition of Florida.

But, Mr. President, suppose we assume that the French treaty was intended to secure to the inhabitants of the territory of Louisiana, and that the Mexican treaty was intended to secure to the inhabitants of the territory ceded by Mexico, all of the rights, privileges, and immunities of citizens of the United States in those territories from the moment of cession, can it be said that the obligation to pay tariff taxes is a right, privilege, or immunity under the Constitution of the United States? Yet the Supreme Court of the United States, in 16 Howard, in the case of Cross *vs.* Harrison, says that the obligation to pay tariff taxes devolved upon the people of California from the very moment of the cession of that territory to us by Mexico. Tariff taxes are a burden, a very onerous burden, but I assume that no person can be found who will claim that they are a right, privilege, or immunity within the meaning of the Constitution of the United States. So we see that the Supreme Court of the United States has enforced the Constitution with reference to the Territory of California in respects other and different from that which pertains to the rights, privileges, and immunities of citizens of the United States in that Territory.

In considering this attempt to break the force of the decision of the Supreme Court of the United States it should not be lost sight of that the only effect of the treaty argument is to furnish an additional ground upon which to predicate the correctness of those decisions. That argument does not break down the ground on which the decisions actually proceeded, which was that the Constitution obtained in the Territories by virtue of its own force. It should not be lost sight of, either, in considering the treaty argument, that some of the cases now assailed declared laws of Congress made for the Territories invalid because in conflict with the Constitution. If the Constitution was in the Territories by virtue of the treaties alone, the cases could not have so declared. The effect of a conflict between a treaty and an act of Congress is well understood. In such case the treaty gives way, and not the act of Congress. So that if the Constitution was in the Territories only by virtue of treaty stipulations, the decisions of the Supreme Court in the cases referred to would not have been that the laws of Congress in conflict with the Constitution were invalid, but that the treaty stipulations extending the Constitution there, to the extent that they were in conflict with the laws of Congress, had been abrogated and destroyed. The Senator from Kentucky thinks that these treaties have been fully executed, and hence that they are beyond abrogation by act of Congress. It is true that they have been fully executed by the ceding nation, but some of the considerations have not been fully executed by us. A stipulation to accord the inhabitants of the ceded Territories the benefit of the Constitution during Territorial condition would be executory at all times, and I can not conceive of any reason why that stipulation may not, within the principle of the cases on the subject, be abrogated by Congress if it chooses to do so. Nor has the Senator from Kentucky shown any such reason.

But, Mr. President, this whole contention, it seems to me, defeats itself. If the Spanish, French, and Mexican citizens in the territory ceded to us became entitled to exercise the rights, privileges, and immunities of citizens of the United States in those Territories by reason of the treaty, then it was because citizens of the United States were entitled to exercise the rights, privileges, and immunities of citizens of the United States there. The alien inhabitants acquired no greater rights in those Territories than the native inhabitants of the United States. They acquired there the rights, privileges, and immunities of citizens of the United States. To insist, then, that these treaty clauses extended the Constitution over the foreigners residing in those Territories is to insist that the Constitution was there already, because they could only take such rights as American citizens already had there under the Constitution of the United States. It seems to me that our friends in this contention have emerged from the same identical hole that they went in at. It would be more accurate, probably, to say they have gone into their hole and pulled the hole in after them.

Mr. President, before passing on to a consideration of the other cases bearing on this subject, I wish to notice one further contention made by the Senator from Kentucky [Mr. LINDSAY]. He seems to make this whole matter of the application of the Constitution to hinge on the question of citizenship. Here is the position that he took on that subject. I quote from his speech on page 2876 of the CONGRESSIONAL RECORD of March 9:

> The national status of the masses of the people residing in any country gives character to its political relations with the rest of the world. If the United States elect to treat a people as foreigners, the country they inhabit, so far as we are concerned, must be deemed a foreign state or territory. If they be treated as subject to the sovereign authority of the United States, but at the same time the inhabitants of a territory held under our temporary control, their country may be treated as an American dependency. But with 800,000 American citizens inhabiting, to the practical exclusion of everyone else, an American island less than 4,000 square miles in extent, it seems preposterous to deny that their country is an integral part of the United States, and being so, we must tax and govern them in accordance with the Federal Constitution, which affords equal protection to the civil rights of all the citizens of the United States, whether residents of American States or American Territories.

These views, which are elaborated in other parts of the Senator's speech, are not in entire accord with other positions taken by him, but they form, if I have judged his utterances correctly, the backbone of his argument. Since, according to this view, it is only territory held under our temporary control which may be treated as an American dependency, and therefore presumably deprived of the light of the Constitution, the view of the Senator in its entirety might be admitted and not militate against the position of those who insist that the Constitution of the country follows the flag of the country, because their contention is that the Constitution goes where the flag goes permanently or where the flag goes with the intention that it shall remain permanently. But if we have not acquired Puerto Rico and the Philippines with the intention of holding them permanently, that presents another question. Who is there, however, who can say that we acquired those islands for the purposes of temporary control? What becomes of the President's question, intended to paralyze opposition with a phrase, when he said:

> That flag was planted by American valor. Who is there that will haul it down?

If the Senator is right in his implication—and it should be noted that no person on that side ever deals in anything else than implication when referring to the President's policy, not even the President himself—if the Senator is right, I say, let both sides in Congress unite in a declaration to the effect that we are holding the Philippines temporarily and with a view to permitting the inhabitants to exercise the God-given right of forming their own government, let the President sign that declaration, and then we will have eliminated this question from discussion and will have solved in a safe, prudent, just, and honorable manner the most dangerous problem submitted to the American people since the question of human slavery was solved by the arbitrament of the sword. Moreover, we will immediately put an end to a harassing war in the Philippines, costing us largely in blood and treasure and inflicting misery and suffering and loss of life and property beyond computation on the unhappy people of that desolated country.

But the Senator from Kentucky is singular in his belief, if he in fact entertains such belief, that we have acquired the Philippines for purposes of temporary control. Those with whom he is acting on this question, and to whose purposes he is lending his great name and all the powers of his acute and well-trained intellect, maintain that we have acquired the Philippines to hold them permanently, and that we may, nevertheless, govern them wholly outside the Constitution. I should like to have heard a discussion of that distinctive proposition by the Senator from Kentucky. What would be the influence of citizenship or no citizenship on such a territorial possession? I do not doubt that as to aliens coming to us with such a possession we can withhold the right of citizenship the same as we can withhold it from aliens in other portions of the Republic, unless we have disabled ourselves by treaty, and we could do it even then if we cared to take the consequences of abrogating the treaty.

But are the principles of constitutional government which were laid down by our fathers dependent on the citizenship of all or any part of the people of territory covered by our flag? If so, how many native or naturalized Americans must go to such territory

before it is covered with the protecting mantle of the Constitution? Would not one be as effective for that purpose as a million? I respectfully submit that the Constitution does not depend for its effect on the peripatetic tendencies of the American people. While it was made primarily for the American people and their posterity, it embraces and covers and protects all people without regard to nationality who are residing temporarily or permanently under the shadow of the American flag. This proposition has been determined so lately and so authoritatively that I need not refer to the cases establishing it. The Senator from Kentucky, like everybody else who maintains his side of this question, persistently confuses political rights, which belong to the citizen alone, with those constitutional safeguards for personal right and equal governmental burdens, which belong, under our Constitution, to everybody within the territorial dominion of the United States. What political rights, if any, the inhabitants of Territories shall enjoy, and what the form of government through which they shall be enjoyed, whether it shall be simple and arbitrary, like that devised originally for Louisiana, or complex and liberal, like that lately adopted for Hawaii, is absolutely within the discretion of Congress.

The decisions on the subject are too many and too positive to permit the proposition to be doubted; and it is in this sense that the Supreme Court has been speaking in every case where it has declared the power of Congress over the Territories to be plenary and unlimited. But on the subject of those governmental burdens which the genius of our institutions require to be equal everywhere, and the withholding of which led to the establishment of our Republic, and on the subject of life, liberty, and property and the full and perfect enjoyment thereof, Congress, in legislating for the Territories, is subject to all the limitations of the Constitution. The decisions on this subject are likewise too many and too positive to permit the proposition to be doubted, save by those who, "having eyes, see not, and having ears, hear not." It was these latter rights that Chief Justice Marshall was speaking of in Canter's case when he used the following language, quoted by the Senator from Kentucky:

> This treaty is the law of the land, and admits the inhabitants of Florida to the enjoyment of the privileges, rights, and immunities of citizens of the United States. It is unnecessary to inquire whether this is or not their condition independent of stipulation.

This would have been conclusively shown if the Senator had continued his quotation one paragraph further, because the Chief Justice said in that paragraph:

> They do not, however, participate in political power; they do not share in the Government until Florida becomes a State.

The constitutional guaranties for life, liberty, and property and for equality of governmental burdens might well be spoken of in that day, as they may be equally well spoken of in this day, as rights, privileges, and immunities of citizens of the United States, because while everyone within the jurisdiction of the flag enjoys them equally with citizens, they were declared primarily for the benefit of American citizens. Having declared that the government of the Territory of Florida, so far as its forms and the right of the inhabitants to participate therein were concerned, was subject to the discretion of Congress, what possible rights could Chief Justice Marshall have had in mind when he used the language quoted besides those of which I have been speaking? And if former Spanish subjects took such rights in the Territory of Florida by virtue of the treaty giving them "the enjoyment of the privileges, rights, and immunities of citizens of the United States," how can we escape the conclusion that this was so because and only because American citizens were entitled to enjoy such rights there, and hence that it was the opinion of the great Chief Justice that the Constitution obtained there ex proprio vigore the moment the territory was ceded to the United States? The reservation made by the Chief Justice, that it was unnecessary to inquire whether the right to enjoy such privileges was not the condition of the newly acquired population independent of treaty stipulation, was probably suggested by the idea, since definitely decided by the court, that as to such rights the Constitution protected everybody under the flag, whether citizens or aliens.

Mr. President, the next case to which I call the attention of the Senate—and I feel compelled to go through all of these cases, one by one, because, while most of them are familiar to members of the Senate, such positive contentions have been indulged in here concerning their effect that I feel it important that somebody should spread them in their entirety before the Senate and the country, at least so far as may be necessary for a complete understanding of the questions decided by them—the next case to which I refer is that of Webster *vs.* Reid, reported in 11 Howard, page 459.

A statute of the Territory of Iowa had authorized judgment in a certain action on constructive service and without the intervention of a jury. The court in this case, speaking through Mr. Justice McLean, held that the action in question was in personam and that constructive service was not due process of law; and further, that it was not in consonance with the Constitution of the United States to deny any person within the Territory of Iowa the protection of a jury trial. The extract from the opinion of the court which I shall read is very short. It is as follows:

> By the act under which the suits were instituted no other designation of the defendants was required than "Owners of the half-breed lands lying in Lee County." These suits were not a proceeding in rem against the land, but were in personam against the owners of it. Whether they all resided within the Territory or not does not appear, nor is it a matter of any importance. No person is required to answer in a suit on whom process has not been served, or whose property has not been attached. In this case there was no personal notice nor an attachment or other proceeding against the land until after the judgment. The judgments, therefore, are nullities, and did not authorize the executions on which the land was sold.
>
> By the seventh article of the amendments of the Constitution it is declared: "In suits at common law where the value in controversy shall exceed $20 the right of trial by jury shall be preserved." The organic law of the Territory of Iowa, by express provision and by reference, extended the laws of the United States, including the ordinance of 1787, over the Territory, so far as they are applicable.
>
> The act under which the above proceeding was had prohibited the trial by jury in matters of fact on which the suits were founded. In this respect the act was void.

I should like somebody to tell me where the dictum is in this decision of the Supreme Court of the United States? It is true that the ordinance of 1787 provided for a jury trial in the Territories of the United States, and that the Supreme Court of the United States referred to the fact that the ordinance of 1787 was extended to the Territory of Iowa; but they say also that the Constitution of the United States was applicable to the Territory of Iowa, and that it was not competent for the legislature of Iowa to provide a mode of trial other than that provided by the Constitution of the United States.

The next case to which I call the attention of the Senate is the celebrated case of Dred Scott *vs.* Sandford, in 19 Howard, at page 393. The case occupies 250 pages in this book, and of course I shall touch very sparingly of its contents.

This case has been discredited in the public estimation by reason of the fact that it was decided just before the outbreak of the civil war and is supposed to have had much to do with bringing on the war. It has been said that it was overruled by shot and shell and saber stroke. Nevertheless, it is a monument of learning and as fine an example of lucid reasoning as can be found in the English language, and it is not true that it has been overruled in its entirety, either by later decisions or by the arbitrament of war. There were two things about which there was disagreement among the members of the court, concerning which it has been settled by the good sense of the American people and by the arbitrament of the sword, that the majority of the court was wrong and the minority was right. These were the determinations: First, that citizenship of the several States and of the nation, under the Constitution, was confined to persons of the Caucasian race; second, that slaves were property in the same sense that a horse was property, and that Congress could not forbid the slaveholder to take his slave property into the Territories without depriving him of a right guaranteed by the Constitution of the United States. The minority of the court did not controvert this position of the majority on the ground that the Constitution did not apply to the Territories, but on the ground that at common law the condition of slavery was a status fixed and determined by the sovereignty having jurisdiction over a country, and that since Congress exercised sovereignty over the Territories, it had the same right to declare that the status of slavery should not obtain there that the government of a State had to declare the same thing with reference to its own territory; in other words, that the question of slavery or no slavery was a question of public policy, an exercise of police power, which every sovereignty determined for itself and which the United States as sovereign of the Territories might determine for itself.

I call the attention of the Senate to the fact that on two propositions there was no disagreement between the majority and the minority of the court, namely:

First. That there was no power in the nation to acquire territory by any method except for the purpose ultimately of erecting it into States, and that the right of Congress to govern such territory, whether derived from necessary implication or from the grant conferred by the third section of Article IV of the Constitution, must be exercised with a view to the initiation of statehood.

Second. That the power to govern Territories is not plenary, but must be exercised subject to the limitations of the Federal Constitution. The members of the court were unanimous on these two last propositions, and their decision with respect to them has never been overruled or limited, either in whole or in part. On the contrary, we shall see as we go on that both propositions have been affirmed again and again by their successors in that great court.

Take the opinion of the majority of the court. I shall do no more than read two of the headnotes, the third and fourth subdivisions of headnote No. 3:

> 3. The United States under the present Constitution can not acquire territory to be held as a colony, to be governed at its will and pleasure. But it may acquire territory which, at the time, has not a population that fits it to become a State, and may govern it as a Territory until it has a population

which, in the judgment of Congress, entitles it to be admitted as a State of the Union.

4. During the time it remains a Territory Congress may legislate over it within the scope of its constitutional powers in relation to citizens of the United States and may establish a Territorial government, and the form of this local government must be regulated by the discretion of Congress, but with powers not exceeding those which Congress itself by the Constitution is authorized to exercise over citizens of the United States in respect to their rights of persons or rights of property.

This was the language of Chief Justice Taney, who wrote and delivered the principal majority opinion in the case; and this language, Mr. President, was concurred in by every member of that court, whether joining with the majority in the rendition of the opinion or rendering separate dissenting opinions. As showing this, I wish to read from Mr. Justice McLean's dissenting opinion at page 542, as follows:

Did Chief Justice Marshall, in saying that Congress governed a Territory by exercising the combined powers of the Federal and State governments, refer to unlimited discretion? A government which can make white men slaves? Surely such a remark in the argument must have been inadvertently uttered. On the contrary, there is no power in the Constitution by which Congress can make either white or black men slaves. In organizing the government of a Territory Congress is limited to means appropriate to the attainment of the constitutional object.

No powers can be exercised which are prohibited by the Constitution, or which are contrary to its spirit. So that, whether the object may be the protection of the persons and property of purchasers of the public lands or of communities which have been annexed to the Union by conquest or purchase, they are initiatory to the establishment of State governments, and no more power can be claimed or exercised than is necessary to the attainment of the end. This is the limitation of all the Federal powers.

But Congress has no power to regulate the internal concerns of a State, as of a Territory. Consequently, in providing for the government of a Territory, to some extent the combined powers of the Federal and State governments are necessarily exercised.

And further, at page 546:

The sovereignty of the Federal Government extends to the entire limits of our territory. Should any foreign power invade our jurisdiction it would be repelled. There is a law of Congress to punish our citizens for crimes committed in districts of country where there is no organized government. Criminals are brought to certain Territories or States, designated in the law, for punishment. Death has been inflicted in Arkansas and in Missouri, on individuals, for murders committed beyond the limit of any organized Territory or State; and no one doubts that such a jurisdiction was rightfully exercised.

If there be a right to acquire territory, there necessarily must be an implied power to govern it. When the military force of the Union shall conquer a country, may not Congress provide for the government of such country? This would be an implied power essential to the acquisition of new territory. This power has been exercised, without doubt of its constitutionality, over territory acquired by conquest and purchase.

And when there is a large district of country within the United States, and not within any State government, if it be necessary to establish a temporary government to carry out a power expressly vested in Congress—as the disposition of the public lands—may not such government be instituted by Congress? How do we read the Constitution? Is it not a practical instrument?

In such cases no implication of a power can arise which is inhibited by the Constitution, or which may be against the theory of its construction. As my opinion rests on the third section, these remarks are made as an intimation that the power to establish a temporary government may arise; also, ont he other two grounds stated in the opinion of the court in the insurance case without weakening the third section.

Now, I wish to quote very briefly what Mr. Justice Curtis said upon this proposition in his dissenting opinion, reading from page 614 of this volume:

If, then, this clause does contain a power to legislate respecting the territory, what are the limits of that power?

To this I answer that, in common with all the other legislative powers of Congress, it finds limits in the express prohibitions on Congress not to do certain things; that, in the exercise of the legislative power, Congress can not pass an ex post facto law or bill of attainder; and so in respect to each of the other prohibitions contained in the Constitution.

Besides this, the rules and regulations must be needful. But undoubtedly the question whether a particular rule or regulation be needful must be finally determined by Congress itself. Whether a law be needful is a legislative or political, not a judicial question. Whatever Congress deems needful is so under the grant of power.

Nor am I aware that it has ever been questioned that laws providing for the temporary government of the settlers on the public lands are needful, not only to prepare them for admission to the Union as States, but even to enable the United States to dispose of the lands.

Without government and social order there can be no property; for without law, its ownership, its use, and the power of disposing of it cease to exist in the sense in which those words are used and understood in all civilized States.

Since, then, this power was manifestly conferred to enable the United States to dispose of its public lands to settlers, and to admit them into the Union of States, when in the judgment of Congress they should be fitted therefor, since these were the needs provided for, since it is confessed that government is indispensable to provide for those needs, and the power is to make *all needful* rules and regulations respecting the territory, I can not doubt that this is a power to govern the inhabitants of the territory by such laws as Congress deems needful until they obtain admission as States.

Further on, at page 623:

Before I proceed further to notice some other grounds of supposed objection to this power of Congress, I desire to say that if it were not for my anxiety to insist upon what I deem a correct exposition of the Constitution, if I looked only to the purposes of the argument, the source of the power of Congress asserted in the opinion of the majority of the court would answer those purposes equally well. For they admit that Congress has power to organize and govern the Territories until they arrive at a suitable condition for admission to the Union; they admit also that the kind of government which shall thus exist should be regulated by the condition and wants of each Territory, and that it is necessarily committed to the discretion of Congress to enact such laws for that purpose as that discretion may dictate; *and no limit to that discretion has been shown or even suggested save those positive prohibitions to legislate which are found in the Constitution.*

It may be said that what the court here declared concerning the power to acquire territory for purposes other than those of statehood was dictum, but what they said concerning the application of the Constitution of the United States to the Territories can not be claimed to be dictum because the question at issue was whether the Missouri compromise of 1820, whereby slavery had been prohibited in the Territories beyond a certain line of latitude, was constitutional or otherwise, and both the majority and the minority of the court were pursuing that direct question in the decisions which they handed down, and the very first step necessary for both the majority and the minority to determine was whether the Constitution did or did not apply in the Territories. And they all of them unanimously, without a single exception, in this case, a case which in this respect has never been overruled or limited, held that the limitations of the Constitution of the United States upon governmental power did apply to all the Territories of the United States.

The next case to which I call the attention of the Senate is Reynolds *vs.* United States (98 U. S., page 145). This was an indictment for bigamy under the laws of the Territory of Utah. The opinion was by Chief Justice Waite, and it held that three provisions of the Constitution of the United States applied to the Territory of Utah: First, the guaranty of trial by an impartial jury; second, the guaranty of the right of the accused person to be confronted by the witnesses against him; third, the inhibition of power in Congress to pass laws prohibiting the free exercise of religion. The failure of the Territorial laws to secure to the defendant all of these rights or of the Territorial court to enforce them was assigned as error, and the Supreme Court, passing on the alleged errors, was necessarily required to determine whether the rights did in fact exist in the Territory of Utah; because if it determined that they did not in fact exist, that answered and determined fully and negatively all of the assignments of error.

On the first point, as to the confrontation of the accused person by witnesses, the Chief Justice said:

As to the admission of evidence to prove what was sworn to by Amelia Jane Schofield on a former trial of the accused for the same offense, but under a different indictment:

The Constitution gives the accused the right to a trial at which he should be confronted with the witnesses against him; but if a witness is absent by his own wrongful procurement, he can not complain if competent evidence is admitted to supply the place of that which he has kept away. The Constitution does not guarantee an accused person against the legitimate consequences of his own wrongful acts.

After deciding that this clause of the Constitution gave the defendant this right in Utah, they then proceeded to hold that under the peculiar circumstances of the case the right had not been violated by the act of the court. On the subject of the right of Congress to prohibit the free exercise of religion, Chief Justice Waite says, in this opinion, at page 162:

Congress can not pass a law for the government of the Territories which shall prohibit the free exercise of religion. The first amendment to the Constitution expressly forbids such legislation. Religious freedom is guaranteed everywhere throughout the United States, so far as Congressional interference is concerned. The question to be determined is whether the law now under consideration comes within this prohibition.

On the subject of the right of a citizen of the Territory of Utah to a jury trial, the Chief Justice says, at page 154, of this opinion:

By the Constitution of the United States the accused was entitled to a trial by an impartial jury.

And he goes on to examine the assignment of errors to see whether the defendant had been deprived of this constitutional right by the action of the Territorial court, and finds that he had not been. Our friends who are so ingenious in discovering dictum in judicial opinions will have a very hard time of it when they undertake to show that the expressions to which I have just referred were outside the case presented to the court.

The next case to which I wish to refer is Murphy *vs.* Ramsay (114 U. S., page 44). The act of Congress depriving bigamists and polygamists of suffrage in Utah was attacked as unconstitutional. Under such an attack the very first thing to be determined in the ordinary sequence of decision would be whether the Constitution applied in the Territory. This is what the court did. To say that its decision in that respect was a mere dictum betrays a remarkable lack of logical perception. This opinion was delivered by Mr. Justice Matthews, and at page 44, discussing this constitutional question, he says:

The people of the United States, as sovereign owners of the national Territories, have supreme power over them and their inhabitants. In the exercise of this sovereign dominion, they are represented by the Government of the United States, to whom all the powers of government over that subject have been delegated, subject only to such restrictions as are expressed in the Constitution, or are necessarily implied in its terms, or in the purposes and objects of the power itself; for it may well be admitted in respect to this, as to every other power of society over its members, that it is not absolute and unlimited.

And further:

The personal and civil rights of the inhabitants of the Territories are secured by them, as to other citizens, by the principles of constitutional liberty which restrain all the agencies of government, State and national. Their political rights are franchises which they hold as privileges in the legislative discretion of the Congress of the United States. This doctrine was fully and forcibly declared by the Chief Justice delivering the opinion of the court in National Bank *vs.* County of Yankton (101 U. S., 130). See also American

Insurance Company *vs.* Canter (1 Pet., 511); United States *vs.* Gratiot (14 Pet., 526); Cross *vs.* Harrison (16 How., 164); Dred Scott *vs.* Sandford (19 How., 393).

Mr. President, the next case to which I refer is that of Callan *vs.* Wilson (127 United States, page 550). The direct question in this case was whether the conviction of a defendant in one of the courts of the District of Columbia without a jury was in contravention of the third article of the Constitution of the United States, guaranteeing a jury trial in all criminal cases. The court held that it was in contravention of that provision of the Constitution, holding that the Constitution protected the residents of the District of Columbia and of all the Territories of the United States.

Our friends on the other side will have a hard time of it when they come to this decision and undertake to demonstrate that it is dictum, either on the theory that the Constitution had once been applied over the District when a part of Maryland and Virginia or upon any other theory which the ingenuity of man can devise. The defendant in this case had been convicted without a jury trial, over his protest. The case found its way to the Supreme Court of the United States, and that great court, speaking through Mr. Justice Harlan, who still graces the bench with his presence, still sits there a monument of learning to give his powers of mind and his genius to the service of his country, said of this contention:

The contention of the Government is that the Constitution does not require that the right of trial by jury shall be secured to the people of the District of Columbia; that the original provision, that when a crime was not committed within any State "the trial shall be at such place or places as the Congress may by law have directed," had, probably, reference only to offenses committed on the high seas; that in adopting the sixth amendment the people of the States were solicitous about trial by jury in the States and nowhere else, leaving it entirely to Congress to declare in what way persons should be tried who might be accused of crime on the high seas and in the District of Columbia and in places to be thereafter ceded for the purposes, respectively, of a seat of government, forts, magazines, arsenals, and dock-yards; and, consequently, that that amendment should be deemed to have superseded so much of the third article of the Constitution as relates to the trial of crimes by jury.

Upon a careful examination of this position, we are of opinion that it can not be sustained without violence to the letter and spirit of the Constitution.

The opinion, after considering that phase of the question, then proceeds:

And as the guaranty of a trial by jury, in the third article, implied a trial in that mode and according to the settled rules of the common law, the enumeration, in the sixth amendment, of the rights of the accused in criminal prosecutions, is to be taken as a declaration of what those rules were, and is to be referred to the anxiety of the people of the States to have in the supreme law of the land, and so far as the agencies of the General Government were concerned, a full and distinct recognition of those rules, as involving the fundamental rights of life, liberty, and property.

This recognition was demanded and secured for the benefit of all the people of the United States, as well those permanently or temporarily residing in the District of Columbia as those residing or being in the several States. There is nothing in the history of the Constitution or of the original amendments to justify the assertion that the people of this District may be lawfully deprived of the benefit of any of the constitutional guaranties of life, liberty, and property—especially of the privilege of trial by jury in criminal cases. In the draft of a constitution, reported by the committee of five on the 6th of August, 1787, in the Convention which framed the Constitution, the 4th section of Article XI read that "The trial of all criminal offenses (except in cases of impeachment) shall be in the States where they shall be committed, and shall be by jury." (1 Elliott's Debates, second edition, 229.)

But that article was, by unanimous vote, amended so as to read: "The trial of all crimes (except in cases of impeachment) shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, then the trial shall be at such place or places as the legislature may direct." (Id., 270.) The object of thus amending the section, Mr. Madison says, was "to provide for trial by jury of offenses committed out of any State." (3 Madison Papers, 144.)

In Reynolds *vs.* United States (98 U. S., 145, 154) it was taken for granted that the sixth amendment of the Constitution secured to the people of the Territories the right of trial by jury in criminal prosecutions; and it had been previously held in Webster *vs.* Reid (11 How., 437, 460) that the seventh amendment secured to them a like right in civil actions at common law. We can not think that the people of this District have, in that regard, less rights than those accorded to the people of the Territories of the United States.

Mr. BURROWS. Will the Senator from Washington yield for a brief executive session?

Mr. TURNER. What is the request?

Mr. BURROWS. I desire that a brief executive session may be held, and if it will not discompose the Senator and he would prefer to go on to-morrow I should be very glad if he would yield.

Mr. TURNER. I should like very well, indeed, to be permitted to go on to-morrow instead of concluding this afternoon, and I will yield, retaining the floor.

EXECUTIVE SESSION.

Mr. BURROWS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at 3 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, March 14, 1900, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate March 13, 1900.

JUSTICE OF THE PEACE.

John H. O'Donnell, of the District of Columbia, to be a justice of the peace in the District of Columbia (assigned to the city of Washington), his present term expiring April 16, 1900.

PAY INSPECTOR IN THE NAVY.

Paymaster Josiah R. Stanton, to be a pay inspector in the Navy from the 20th day of January, 1900, vice Pay Inspector Daniel A. Smith, promoted.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 13, 1900.

CONSUL.

Max J. Baehr, of Nebraska, recently nominated and confirmed as consul at Santos, Brazil, to be consul of the United States at Magdeburg, Germany.

DISTRICT JUDGES.

Melville C. Brown, of Wyoming, to be United States district judge for the district of Alaska.

George P. Wanty, of Michigan, to be United States district judge for the western district of Michigan.

SURVEYORS OF CUSTOMS.

Joshua L. Chamberlain, of Maine, to be surveyor of customs for the port of Portland, in the State of Maine.

William Vincent, of Illinois, to be surveyor of customs for the port of Galena, in the State of Illinois.

POSTMASTERS.

William H. Leitner, to be postmaster at Huntington, in the county of Baker and State of Oregon.

Adam C. Reinoehl, to be postmaster at Lancaster, in the county of Lancaster and State of Pennsylvania.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March 13, 1900.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read.

CORRECTION.

Mr. TALBERT. Mr. Speaker, I rise to a question of personal privilege——

Mr. HILL. Mr. Speaker, I was obliged to go home on Friday morning, and I was paired for Friday, Saturday, and Monday with the gentleman from New York, Mr. UNDERHILL. I find by the RECORD that the pair was transferred to some one else, and I was left unpaired and not voting. The gentleman in charge of the pairs was notified of the pair, it was consented to by Mr. UNDERHILL and myself for Friday, Saturday, and Monday. I make no criticism of the action of anybody in making the change. I simply state the fact.

The SPEAKER. The gentleman's statement will go into the RECORD. Without objection, the Journal will stand approved.

There was no objection.

PERSONAL EXPLANATION.

The SPEAKER. The gentleman from South Carolina [Mr. TALBERT] will now state his question of personal privilege.

Mr. TALBERT. Mr. Speaker, ordinarily I ignore newspaper criticism, but the article which I am about to bring to the attention of the House is printed over the signature of the writer, who is a well-known member of this House, and therefore I make an exception in this case. I send to the Clerk's desk to be read a copy of a letter which appeared in last Sunday's Post.

The Clerk read as follows:

House night school—Refractory pupils brought to book by Professor TALBERT—Compulsory attendance issue—Number of members who "play hookey" has been growing, session after session, and the South Carolinian now insists that there must be a reform—There will be no school at night hereafter unless a quorum is present. [Copyright, 1900, by AMOS J. CUMMINGS.]

Mr. PAYNE (interrupting the reading). Mr. Speaker, is it desired to have that whole letter read?

The SPEAKER. The Chair is of opinion that this is not privileged matter; it does not come within the provisions of the rule.

Mr. TALBERT. I ask unanimous consent to have the letter printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina that this letter be printed in the RECORD?

Mr. PAYNE. I object.

LIGHT AND FOG SIGNAL, BUFFALO, N. Y.

Mr. SHERMAN. I ask unanimous consent for the present consideration of the bill which I ask the Clerk to read.

The Clerk read as follows:

A bill (H. R. 4008) to establish a light and fog signal to mark the main southern entrance of the new breakwater at Buffalo, N. Y.

Be it enacted, etc., That there be established, to mark the main southern entrance of the new breakwater at Buffalo, N. Y., suitable light and fog signal stations, at a cost not to exceed $45,000.

Mr. RICHARDSON. Has this bill been reported by any committee?

Mr. SHERMAN. This bill, Mr. Speaker, was prepared in conformity with the request of the Light-House Board by the gentleman from New York [Mr. ALEXANDER]. It was thereafter submitted to the War Department for report thereon; and a report was returned favorable to the bill, after which it was unanimously reported by the Committee on Interstate and Foreign Commerce.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. SHERMAN. The committee reported an amendment to the title of the bill.

The amendment was read, as follows:

Amend the title so as to read: "A bill to establish light and fog stations to mark the main southern entrance of the new breakwater at Buffalo, N. Y."

The SPEAKER. In the absence of objection, the title will be amended as proposed by the committee.

There was no objection.

On motion of Mr. SHERMAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

HEIRS, ETC., OF PHILIP M'LOSKEY AND JOHN HAGAN.

Mr. TAYLOR of Alabama. I ask the present consideration of the bill which I send to the desk.

The bill (H. R. 2456) for the relief of the heirs and assignees of Philip McLoskey and John Hagan was read, as follows:

Be it enacted, etc., That the title of the heirs of Philip McLoskey and John Hagan, late of Mobile, Ala., deceased, or of such person or persons as by assignment, transfer, or conveyance from, through, or under the said Philip McLoskey and John Hagan may have claims thereto, to that certain property in the city of Mobile, Ala., particularly described as follows, to wit: Beginning at the northeast corner of Royal and Conti streets and running north 74° 30′ east a distance of 112 feet 8 inches to a fence, thence north 18° west a distance of 113 feet 6 inches to a stake, thence south 74° 30′ west a distance of 108 feet 9 inches to the east side of Royal street, thence south 16° 30′ east a distance of 113 feet 6 inches to the place of beginning be, and the same is hereby, confirmed, respectively, to the heirs of the said Philip McLoskey and John Hagan, or to their assignees or grantees to whom they may have conveyed the same or any part thereof during their lives, according to the rights which the said heirs, assignees, transferees, or grantees may have thereto from, through, or under the said Philip McLoskey and John Hagan: *Provided*, That this confirmation shall only extend to the relinquishment of any title which the United States may have to said land.

Mr. PAYNE. Reserving the right to object, I should like to hear an explanation of this bill.

Mr. TAYLOR of Alabama. Mr. Speaker, this bill was referred to the Committee on Public Lands, and after careful investigation it was discovered that in 1828 an act was passed authorizing the purchase of a site for a custom-house in the city of Mobile. Three separate lots of land were offered for sale to the Government for that purpose. A conveyance was made of this lot by the owners, McLoskey and Hagan, in 1830. The Government declined to receive the conveyance on account of a defect in the title to the property; but the conveyance made by the owners was recorded in the probate office of Mobile County, and remains of record still.

The Government thereafter purchased another of the three lots on which the custom-house, as it now stands, was erected.

The conveyance of this lot, made by the owners in 1830 to the Government, being of record, remains as a cloud upon the title in the hands of the present owners. The sole object of this bill is to remove the cloud upon that title. The report of the committee is unanimous in favor of the passage of the bill.

Mr. LACEY. As I understand, the Secretary of the Treasury caused a search of the records to be made and ascertained that the Government had never paid anything for this property.

Mr. TAYLOR of Alabama. Yes, and so reported to the committee.

There being no objection, the House proceeded to the consideration of the bill, which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

PERSONAL EXPLANATION.

Mr. GROW. I ask unanimous consent to correct a newspaper statement.

The SPEAKER. The gentleman from Pennsylvania asks permission to make a brief personal statement. Is there objection? The Chair hears none.

Mr. GROW. Mr. Speaker, some of the newspapers have stated that I said in an interview that the Puerto Rican tariff bill was an outrage and a robbery on the people of Puerto Rico. I voted for that tariff bill as it passed the House, and the only objection I had to it was that it imposed duties at 15 per cent of the present rates instead of 25 or more.

Mr. RICHARDSON. We would like to hear what the gentleman is saying.

Mr. GROW. I am only correcting a newspaper statement.

Mr. RICHARDSON. But we want to hear you.

Mr. GROW. All right. I will speak a little louder.

Mr. RICHARDSON. We are always delighted to hear the gentleman.

Mr. GROW. Thank you.

Mr. Speaker, in some of the newspapers it was stated that I had said in an interview that the Puerto Rican tariff bill was an outrage and robbery on the people of Puerto Rico. I voted for that bill and should have voted for it if the duty imposed had been 25 per cent of the Dingley rates instead of 15; and I think it ought to be still higher, as the best and wisest mode to relieve the people of that island and enable them to restore their prostrate industries.

Now, by permission of the House, I desire to correct one other statement published in some of the newspapers in Pennsylvania, which statement was that I had voted to admit Brigham H. Roberts as a Representative from Utah. Before Congress assembled, in an interview which was correctly published in the Washington papers, I stated that whatever was a good and sufficient reason for expelling a member from a seat in the House was a good and sufficient reason for excluding him from taking a seat, and I voted in that way.

That newspaper reporters should make inaccurate statements is something that I never should trouble myself about, for in getting general information afloat everybody is liable to that; but when a statement is made which is exactly the opposite of the real facts and record in a case I think it proper to correct it.

Mr. RICHARDSON. If any gentlemen desire to make any apologies for their votes on the Puerto Rican bill, I hope they may be heard.

Mr. PAYNE. I ask unanimous consent that the gentleman from Tennessee [Mr. RICHARDSON] be allowed to explain why he changed front on the appropriation bill for Puerto Rico in forty minutes.

Mr. RICHARDSON. I am entirely satisfied with my course on that occasion.

THE FINANCIAL BILL.

Mr. OVERSTREET. Mr. Speaker——

The SPEAKER. The gentleman from Indiana [Mr. OVERSTREET] calls up the special order, which the Clerk will report.

The Clerk read as follows:

On motion of Mr. OVERSTREET, by unanimous consent, it was ordered that on Tuesday next, March 13, immediately after the reading of the Journal, the House shall proceed to the consideration of the conference report on H. R. 1, "A bill to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, and for other purposes," and at 4.30 o'clock p. m. a vote shall be taken on the adoption of the report. (Order made March 8.)

Mr. OVERSTREET. Mr. Speaker——

The SPEAKER. The Chair will call the attention of the gentlemen from Indiana to the fact that the statement of the House conferees was read and that the reading of the conference report on the financial bill was waived.

Mr. OVERSTREET. I merely wish to say at the outset, Mr. Speaker, that I assume that the time is to be equally divided, one-half to be controlled by myself and the other half by the gentleman from Tennessee [Mr. RICHARDSON], although that was not a part of the order.

The SPEAKER. The gentleman from Indiana [Mr. OVERSTREET] asks unanimous consent that the time be equally divided between himself and the gentleman from Tennessee. Is there objection? The Chair hears none, and that order is made.

The gentleman from Indiana.

Mr. OVERSTREET. Mr. Speaker, in order to bring properly before the House any differences which may exist between the bill as it originally passed this House and the bill as reported by the conference committee, I desire to present them for the full information of the House in such form as will be readily understood.

In explaining the provisions of the original House bill at the time the debate thereon was begun, on December 11, 1899, I submitted an analysis of the bill in the following language:

SUMMARY.

The bill is drawn in eleven sections. Sections 1, 2, 3, and 4 provide for the establishment and maintenance of the gold standard.

Sections 5 and 6 provide for the coinage of subsidiary coin and worn and uncurrent coins, and the repeal of the statute limiting the issue of subsidiary coin and fractional currency to $50,000,000.

Section 7 provides for the issue of United States notes and Treasury notes in such denominations, not less than $1, as the Secretary of the Treasury may prescribe, and also for the issue of silver certificates in denominations only of $1, $2, and $5.

Sections 8 and 9 provide for the issue of national-bank note circulation to the par value of the bonds deposited for their security.

Section 10 provides for the repeal of the tax upon national-bank note circulation and the substitution of a tax of one-fifth of 1 per cent upon the franchises of national banks as measured by their capital, surplus, and undivided profits.

Section 11 authorizes the organization of national banks with a capital stock of $25,000 in towns having a population of 2,000 inhabitants or less.

I am pleased to inform the House that all of the principles enumerated in the foregoing summary have been fully preserved in the bill as agreed upon by the conferees, with the single exception of section 10, which provides for the repeal of the tax upon national bank note circulation and the substitution of a tax of one-fifth of 1 per cent upon the franchises of national banks, as measured by their capital, surplus, and undivided profits.

In order to permit direct comparison between the summary made of the original House bill and the provisions contained in

the bill as finally agreed upon by the conference committee, I submit the following analysis of the bill as so agreed upon, following the language of the summary in the original bill so far as the same is applicable:

SUMMARY.

The bill is drawn in fourteen sections.

Sections 1, 2, 3, and 4 provide for the establishment and maintenance of the gold standard.

Section 5 provides for the cancellation of Treasury notes and the issue of silver certificates in their stead against silver dollars as coined.

Section 6 authorizes the issue of gold certificates and repeals the statute relative to the issue of currency certificates.

Section 7 provides for the issue of United States notes in denominations of $10 and upward, as the Secretary of the Treasury may prescribe, and also for the issue of silver certificates in denominations of $10 and under, except discretion is given the Secretary of the Treasury to issue not exceeding in the aggregate 10 per cent of the total volume of silver certificates in denominations of $20, $50, and $100.

Sections 8 and 9 provide for the coinage of subsidiary coins and worn and uncurrent coins, and limits the issue of subsidiary coin and fractional currency to $100,000,000.

Section 10 authorizes the organization of national banks with a capital stock of $25,000 in towns having a population of 3,000 inhabitants or less.

Section 11 authorizes the refunding of the outstanding bonds of the United States payable in 1904, 1907, and 1908 into 2 per cent gold-bearing bonds payable after thirty years.

Section 12 provides that any national banking association depositing the 2 per cent bonds provided for by this act as security for their circulating notes shall be entitled to increase their circulating notes to the par value of bonds so deposited, not exceeding, however, the amount of their capital stock actually paid in.

Section 13 provides that every national banking association using the said 2 per cent bonds as security for their circulating notes shall pay a tax of one-fourth of 1 per cent each half year in lieu of the existing tax of one-half of 1 per cent each half year upon the average amount of such of its notes in circulation as are based upon said bonds.

Section 14 provides that this act is not intended "to preclude the accomplishment of international bimetallism whenever conditions shall make it expedient and practicable to secure the same by concurrent action of the leading commercial nations of the world and at a ratio which shall insure permanence of relative value between gold and silver."

Mr. Speaker, these two summaries demonstrate that every principle which was contained in the original House bill has been preserved except the single provision relative to the taxation upon national-bank franchises. There is a difference, of course, in the numbers of the sections, and some immaterial changes have been made, which do not go to the root of the measure as it originally passed the House.

On that same occasion I used this language:

To firmly fix gold as the standard of value in unequivocal terms, made fully operative by all proper safeguards, and dispel all lingering doubt from the mind of the public relative to its monetary standard, is the object of the legislation proposed.

I am pleased to say to the members of this side of the Chamber at least that that object therein recited has not been lost sight of, and is to-day the essential and paramount object of the bill reported by the conference committee.

On that occasion I said, "The first and most important feature of the proposed bill, as contained in the first four sections, is the establishment of the gold standard in law." That statement is equally applicable to the bill under consideration at the present hour.

It is true, Mr. Speaker, that the conferees, in an effort to amalgamate the best parts in both the measures as passed by their respective Houses, have, by change of arrangement in the bill, brought into closer relation those provisions which we thought should be brought into closer relation, without thought of pride of authorship and with an eye single to the purpose of fixing a well-arranged, properly safeguarded gold-standard measure, which should become the base rock for the business of this country and dispel from the public mind all further doubt relative to the standard of value.

I report through this committee these differences thus briefly outlined, to show, first, that the conferees on the part of the House, confronted by able gentlemen representing the other side of Congress, have been able thus to save those principles which we originally advocated in the House bill. It is true there are certain provisions in this bill not originally in the House bill, but not one in this bill which is out of harmony or out of accord with the proposition to establish the gold standard in law.

Mr. SHAFROTH. Mr. Speaker, I should like to ask the gentleman a question.

The SPEAKER. Does the gentleman yield?

Mr. OVERSTREET. Yes; I yield.

Mr. SHAFROTH. I should like to know this, as a matter of information: You claiming that you retain the features of the House bill in this conference report, do you think, under the bill as it is now reported by the conferees, that the Secretary of the Treasury has the power to redeem the silver dollars in gold?

Mr. OVERSTREET. He has not the power to redeem silver dollars in gold under this bill, and he never had it under the House bill.

Mr. SHAFROTH. Well, I differ with the gentleman on that.

Mr. OVERSTREET. Under the House bill, as I will be able to show clearly, he had the discretionary power to exchange gold for silver in order to maintain the parity.

Mr. SHAFROTH. Well, now, will the gentleman state whether this bill gives the same power to exchange silver for gold and gold for silver?

Mr. OVERSTREET. I am pleased to say that the House conferees were able to make that not a discretionary power, but a mandatory duty upon the Secretary of the Treasury to maintain the parity of these two metals in any way necessary to maintain that parity.

Mr. Speaker, I am glad that that inquiry was made, for the reason that it enables me to demonstrate the necessity of the change in the first section of the bill. The original House bill gave a mere definition of the standard, while in the new bill we coupled with the definition of the standard the mandatory duty on the Secretary of the Treasury to maintain the parity of all forms of money with the standard. He is enabled under a subsequent section of the bill to utilize the greenbacks when once they have been redeemed for the purpose of maintaining the parity.

Under the House bill, as under this bill, the greenbacks and Treasury notes are redeemed in gold, while the same provision that now obtains relative to the reissue of greenbacks is authorized in this bill. But under the stipulations of this bill, when the greenbacks have once been redeemed, they can not be again reissued except in exchange for gold or, as the language of the bill recites, "for any other lawful purpose the public interest may require," except the greenbacks when once redeemed can not be used for the payment of current expenses.

Mr. SNODGRASS. Does the gentleman understand that this provision providing for the refunding of the public debt is to escape the consequence of making debts, public and private, immediately convertible into gold in consequence of the House bill?

Mr. OVERSTREET. The second section of the House bill contained a provision that all public and private debts should be paid in conformity with the gold standard. That provision is omitted from the present bill, and it is omitted for two reasons. It was not an essential feature, as I had stated in opening the debate on the House bill.

First, because there is a question of law whether or not such a provision would not be retroactive, and therefore not sound law; the second reason is that, having fixed the gold standard, the Government having so recognized it, and provided for the conversion of all outstanding bonds into gold-bearing bonds under that standard, there would be no necessity for a specific law relative to the payment of private obligations under the standard, for the reason that private obligations invariably reflect Government obligations, and if the gold standard is fixed so far as the Government is concerned, private obligations hereafter entered into would naturally follow the standard of the Government.

Mr. SNODGRASS. I want to ask the gentleman another question.

Mr. OVERSTREET. I object. I would not like to answer at this time any question on the refunding of the debt.

Mr. SNODGRASS. My only object is to be informed about this matter, and I would like the gentleman's opinion.

Mr. OVERSTREET. Make your question short.

Mr. SNODGRASS. Does the gentleman understand the purpose of this bill is to make all debts and obligations of the Government payable in gold?

Mr. OVERSTREET. The specific recital of this bill is that the standard unit of value shall be the gold dollar, and then we reconvert the bonded obligations of the Government into gold bonds, which makes the Government obligations payable in gold so far as the bonded debt is concerned.

Mr. JAMES R. WILLIAMS. Will the gentleman allow me to ask him a question?

Mr. OVERSTREET. I decline to yield to any further questions. I do not want to be drawn into the question of the refunding of the debt at this time.

Mr. SNODGRASS. I am pursuing the same inquiry. Will you allow me another question?

Mr. OVERSTREET. I can not yield now.

Now, Mr. Speaker, section 2 of the original House bill, in addition to the provision for the redemption of the greenbacks and the Treasury notes in gold, made provision for a reserve fund to guarantee such redemption, and the amount of that gold fund was fixed at one-fourth of the outstanding greenbacks and Treasury notes. The conferees have thought best to fix a specific sum instead of an uncertain sum, and have made the reserve fund $150,000,000 in place of fixing a sliding scale governed by the outstanding greenbacks and Treasury notes.

The purpose of the reserve fund is solely for the redemption of the greenbacks and Treasury notes, and the method of maintaining the reserve fund under this bill is quite similar to the method provided in the original House bill. We make it, however, more direct and more specific, leaving no doubt whatever of the purpose of the reserve fund. For it does provide that greenbacks once redeemed can not be reissued except in exchange for gold.

Mr. NEVILLE. Will the gentleman permit a question there?

Mr. OVERSTREET. I will.

Mr. NEVILLE. What contingency do you expect to arise that will cause any person holding the gold to take it to the counter and ask for greenbacks in exchange or silver in exchange for it?

Mr. OVERSTREET. The gentleman is uninformed as to the recent history of the Treasury Department, where a great volume of gold was presented for greenbacks in order to obtain money for greater convenience.

Mr. BROSIUS. Over twenty millions last year.

Mr. OVERSTREET. Yes; over twenty millions.

Mr. NEVILLE. That applies to silver.

Mr. OVERSTREET. It applies to both. Under this provision, where we make the provision that the Secretary of the Treasury may in his discretion use said notes in exchange for gold or to purchase or redeem any bonds of the United States, we also permit him to use the greenbacks in order to redeem or liquidate the public debt, and also for any other lawful purpose the public interest may require. This would permit the use of greenbacks for the maintenance of parity between gold and other forms of money, except—this bill provides a specific exception—except that they shall not be used to meet deficiencies in the current revenue. The further stipulation is put there, in order that the endless chain may be certainly broken, providing the reissue shall be only in exchange for gold, and then that they shall under no conditions be used for the payment of the current expenses.

In the period during the Cleveland Administration, when the revenues were far below the expenditures, the reserve fund was drawn upon by presentation of greenbacks, and in that way the current expenses were defrayed. Under this bill that occasion can never again arise, because the current expenses would necessarily be met in some other way.

Mr. JAMES R. WILLIAMS. Will the gentleman allow me an interruption?

Mr. OVERSTREET. Certainly.

Mr. JAMES R. WILLIAMS. Do I understand that the Secretary of the Treasury will have the right under this bill to use the reserve fund to exchange for silver dollars when presented?

Mr. OVERSTREET. He will not.

Mr. JAMES R. WILLIAMS. He has the right to redeem greenbacks or Treasury notes?

Mr. OVERSTREET. The sole purpose of the reserve fund is for the redemption of greenbacks and Treasury notes. Under the fifth section of the bill the Treasury notes are canceled when received into the Treasury, so that in time it will result that the redemption fund will be used solely for the redemption of greenbacks.

Mr. JAMES R. WILLIAMS. Are the greenbacks canceled?

Mr. OVERSTREET. No; they are reissued, but they can not be used for current expenses.

Mr. JAMES R. WILLIAMS. But they can be used for any other purposes?

Mr. OVERSTREET. They can be used to exchange for gold. In the event that the parity was questioned a silver dollar could not be presented for redemption, as my friend from Colorado says, but a silver certificate could be exchanged for a greenback before redemption, and that could be used to draw upon the reserve fund.

So that with the limitation provided in the bill, if the question of parity between gold and silver should be raised, the silver certificates could be presented there in exchange for greenbacks so long as the greenback had not been once redeemed, and that greenback could be presented for gold, which would make the gold reserve an indirect support to the parity.

Mr. JAMES R. WILLIAMS. Now, one other question right there.

Mr. OVERSTREET. Yes; if it is a question in that line.

Mr. JAMES R. WILLIAMS. It is. If I did not misunderstand the gentleman, he said that this bill agreed upon now required the Secretary of the Treasury—that is, commanded him—to exchange gold for silver coin when presented.

Mr. OVERSTREET. Oh, the gentleman misunderstood me. I said nothing of the kind.

Mr. JAMES R. WILLIAMS. Is it discretionary with him?

Mr. OVERSTREET. It is not. I said that we make it the mandatory duty of the Secretary of the Treasury to maintain such parity.

Mr. JAMES R. WILLIAMS. How?

Mr. OVERSTREET. I will say to my friend from Illinois that a wise Secretary of the Treasury, if it became necessary, would exchange gold for silver if that was the only alternative.

Mr. JAMES R. WILLIAMS. Then ought you not to give him some way to raise the gold to make the exchange?

Mr. OVERSTREET. He has the power to raise the gold by issuing bonds.

Mr. JAMES R. WILLIAMS. He could not use the reserve fund?

Mr. OVERSTREET. No; the reserve fund is sacred.

Mr. GRIGGS. Will the gentleman from Indiana permit me a question?

Mr. OVERSTREET. Yes, if it is upon this point.

Mr. GRIGGS. It is exactly on this point. I understood the gentleman to say that under this bill you exchange greenbacks for gold.

Mr. OVERSTREET. Certainly.

Mr. GRIGGS. He would not have the right to exchange the silver certificates for gold, but he would have a right to exchange the silver certificates for greenbacks?

Mr. OVERSTREET. Not where the greenback has been once redeemed.

Mr. GRIGGS. I understand, therefore, that this makes the silver certificate equal to the greenback.

Mr. OVERSTREET. It ought to be wherever we undertake to give a parity to all forms of money.

Mr. GRIGGS. And the greenback is equal to gold.

Mr. OVERSTREET. That is right.

Mr. GRIGGS. But the silver certificate is not equal to gold; in other words, things equal to the same thing are not equal to each other.

Mr. OVERSTREET. The silver certificate is not redeemable in gold. There is no difference in the purchasing power or debt-paying power of any of the forms of money where the parity is absolutely maintained.

Mr. SNODGRASS rose.

Mr. OVERSTREET. I must decline to yield further. In the original House bill section 2 contained the provision that none of the provisions of the bill should affect the legal-tender quality of any of the forms of money now given legal-tender power. The committee have thought it best to place that provision in a separate section; hence section 3 embodies specifically that provision—that nothing in this act shall affect the legal-tender quality as now provided for the different forms of money.

Section 4 of this bill corresponds to section 3 of the House bill, which segregates the various trust funds in the Treasury, which are held there for the redemption of outstanding certificates, and specifies that those trust funds shall be held sacred for that purpose and used in no other way.

Section 5 is a new section. It is in the exact terms of the Senate bill, and provides that Treasury notes, when received at the Treasury, shall be canceled. We make the Treasury note equal to a gold dollar, and then we cancel it and issue in its stead silver dollars, or certificates based upon that dollar, as rapidly as the silver bullion, which was purchased under the Sherman law that gave creation to the Treasury notes, is coined. In that way one form of money will eventually be obliterated, and the Treasury notes, having first been made equal to gold certificates, will be retired.

Mr. SNODGRASS. Does the gentleman know the amount of the seigniorage now in the Treasury?

Mr. OVERSTREET. Treasury notes?

Mr. SNODGRASS. Can the gentleman state the amount of the silver seigniorage now in the Treasury in consequence of the purchase of silver bullion under the act to which he has just referred?

Mr. OVERSTREET. The amount of the Treasury notes now outstanding is about $88,000,000, I think. I have not the figures at hand.

Section 6 is a new section and is a modification of a section contained in the Senate bill. It authorizes the issue of gold certificates. At present these are issued under a clouded provision of law which specifies that they may not be reissued when the gold in the reserve fund falls below $100,000,000. It is thought best to make a specific statute of this provision; and hence authority is given providing that these certificates may be issued in denominations not less than $20, but shall not be issued when the gold reserve falls below $100,000,000.

The statute authorizing the issue of the currency certificates is repealed. The function now performed by the currency certificate in settlement of large balances will be performed by the gold certificate in the future, permission being given by this section to issue, at the discretion of the Secretary of the Treasury, gold certificates in denominations of $10,000, that being the denomination of the present currency certificate.

Section 7 is a modification of both the House and Senate bill relative to the denominations of the silver certificates and greenbacks. Under this provision greenbacks will hereafter be reissued only in denominations of $10 and upward, and silver certificates in denominations of $10 and under, the transfer between the two forms being made as nearly simultaneous as possible, so as not to affect the general volume of any form of such certificates outstanding.

In other words, as rapidly as silver certificates of the denomination of $10 and upward are canceled and certificates of $10 and under reissued, a corresponding volume of greenbacks of denominations under $10 shall be reissued in denominations of $10 and upward. This carries out the principle of the original House bill, giving the field of small trade and everyday business to the silver coin and certificates.

Sections 8 and 9 correspond to sections 5 and 6 of the original

House bill, providing for the coinage of subsidiary coin out of the bullion purchased under the law of 1890 and the recoinage of worn and uncurrent coins. But instead of repealing the statute limiting such issue to $50,000,000, as the House bill provided, we herein limit that issue to $100,000,000, and make the other provisions in these two sections exactly the same as the corresponding sections numbered 5 and 6 in the House bill.

Section 10 corresponds exactly to section 11 of the House bill, except that national banks of $25,000 capital are authorized in towns having a population of 3,000 or less instead of 2,000 or less, as was provided in the House bill. In other words, the House fixed the limitation of inhabitants at 2,000, the Senate bill fixed it at 4,000, and the compromise is 3,000.

Sections 11, 12, and 13 make provision for the refunding of the bonds of 1904, 1907, and 1908 into 2 per cent gold-bearing bonds payable after thirty years, and providing further for the increase of bank-note circulation to the par value of the bonds held by the banks, provided such bonds shall be 2 per cent bonds authorized by this act, and it reduces the tax upon such circulation from 1 per cent annually to one-half of 1 per cent annually.

Mr. CALDWELL. May I ask the gentleman a question?

Mr. OVERSTREET. Yes, sir.

Mr. CALDWELL. Will the gentleman give us the reason for increasing the circulation of the national banks from 90 per cent of the amount of their bonds to 100 per cent, as provided in this report?

Mr. OVERSTREET. Why, Mr. Speaker, this provision has been contained in a number of bills presented by members of both political parties and advocated by them; has been recommended by many Comptrollers of the Currency, Secretaries of the Treasury, and Presidents of the United States. The bill that passed the House contained that same provision, and it is incorporated in this bill under the limitations of the provisions of the refunding proposition.

Mr. WILSON of South Carolina. Mr. Speaker——

The SPEAKER. Does the gentleman from Indiana yield to the gentleman from South Carolina?

Mr. OVERSTREET. I yield, if it is just for a question.

Mr. WILSON of South Carolina. As the bill left the House the taxation was on the assets, on the franchises.

Mr. OVERSTREET. That, I have stated, has been omitted.

Mr. WILSON of South Carolina. Will the gentleman explain to the House why that omission has occurred?

Mr. OVERSTREET. That has been omitted for the reason that it could not properly or wisely be made a part of the provisions governing the refunding plan, and the plan which I was just about to outline will explain that in full, and I will take it up at this point.

Under this provision all of the outstanding bonds payable in 1904, 1907, and 1908, drawing respectively 5, 4, and 3 per cent interest, are refunded into gold-bearing 2 per cent bonds payable after thirty years. It has been the universal policy of this Government to refund its national debt into lower interest-bearing bonds whenever the conditions would permit it.

In 1870 the Government authorized the issue of $1,500,000,000 in bonds, $500,000,000 of which drew 5 per cent interest, payable $200,000,000 after ten years and $300,000,000 after fifteen years, and $1,000,000,000, in 4 per cent bonds, payable after thirty years.

The proposition here to refund the national debt is in complete harmony with the policy which this Government has ever followed, and is made possible by establishing a standard of value which shall be unequivocal in its terms and about which there can be no question of doubt. I say that if it were not for the provision fixing beyond dispute the gold standard in law it would not, in my judgment, be possible at this time to refund the public debt on a 2 per cent basis.

The amounts respectively of the outstanding 3 per cent, 4 per cent, and 5 per cent bonds which may be refunded, together with the dates of issue and maturity of the same, outstanding February 1, 1900, are as follows:

Three percents, mature after August 1, 1908	$198,791,440
Four percents, mature July 1, 1907	545,345,350
Five percents, mature February 1, 1904	95,009,700
Total	839,146,490

Amounts outstanding of bonds not subject to refunding:

Extended 2 percents, option of the United States	$25,364,500
Four percents of 1925, mature February 1, 1925	162,315,400
Total	187,679,900

The total bonded debt of the Government now being $1,026,826,390.

The reason why the extended 2 per cent bonds are not refunded is that it certainly is not good business policy to trade a thirty-year 2 per cent bond for a 2 per cent bond payable on demand.

Mr. NOONAN. And why are not the 4 percents which mature in 1925 to be refunded?

Mr. OVERSTREET. The reason why the 4 percents of 1925 are not made refundable is that the premium, now ranging nearly $1.38, is too high for the Government to make a draft upon the sinking fund for the purpose of anticipating that interest, and therefore these extended fours of 1925 are not given the privilege of being refunded.

Mr. JAMES R. WILLIAMS. Before the gentleman passes from this section I should like to ask him a question.

The SPEAKER. Does the gentleman yield?

Mr. OVERSTREET. Just a moment.

Mr. JAMES R. WILLIAMS. There is a provision in this bill, as I understand, in favor of international bimetallism.

Mr. OVERSTREET. I will reach that.

Mr. JAMES R. WILLIAMS. I want to refer to the question the gentleman is now discussing. Of course we have no right to doubt the sincerity of that statement.

Mr. OVERSTREET. I will say to the gentleman that that question is not pertinent to this point. I will reach that in due time.

Mr. JAMES R. WILLIAMS. It is on this question of refunding. Now, what I want to say is this——

Mr. OVERSTREET. Say it quick.

Mr. JAMES R. WILLIAMS. We have until half past 4 o'clock.

The SPEAKER. The Chair understands the gentleman to decline to yield further.

Mr. OVERSTREET. I yield to the gentleman for a question.

Mr. JAMES R. WILLIAMS. And I will frame the question. If these bonds are refunded and made payable in gold, and the Republican party should continue in power and should in a few years secure international bimetallism, then these bonds could not be paid in silver coined under that kind of bimetallism.

Mr. OVERSTREET. Unquestionably not.

Mr. JAMES R. WILLIAMS. Does the refunding of these bonds, according to the provisions of this bill, encourage bimetallism in the United States?

Mr. OVERSTREET. There is absolutely nothing in this bill that gives the slightest hope for international bimetallism under present conditions. [Applause on the Republican side.]

Mr. JAMES R. WILLIAMS. Very well.

Mr. OVERSTREET. We hold out no encouragement for that, and I will say frankly to the gentleman that the provisions of this bill make it practically and absolutely impossible for this Government ever to have international bimetallism or the free coinage of silver at the ratio of 16 to 1. [Applause on the Republican side.]

Mr. WILLIAMS of Mississippi. Who is that clause intended to fool?

Mr. NOONAN. I should like to ask the gentleman one question on this point.

Mr. OVERSTREET. Now, Mr. Speaker, I can not yield any further. I am infringing on the time of others who are entitled to be heard.

Mr. SHAFROTH. Why was that clause placed in the conference report?

The SPEAKER. The gentleman declines to yield.

Mr. OVERSTREET. Under that provision, Mr. Speaker, it is possible to have the refunding of those $839,000,000 of outstanding bonds into 2 per cent bonds on the 1st day of April, 1900, at an expense to the Government of $84,547,591. The provision limits the exchange of these three classes of bonds to the basis of 2½ per cent interest. Therefore at whatever premium these three classes of bonds may be quoted it is impossible for the exchange to be made upon a basis in excess of 2½ per cent to the investor.

The amount of interest which the Government would pay up to the maturity of these three classes of bonds would exceed $226,000,000. At 2 per cent interest, up to the maturity of the bonds, the Government would pay $119,000,000 and upward, making a saving to the Government of over $106,000,000.

Deducting from that $106,000,000 in saving of interest the $84,000,000 necessary for the anticipation of interest, or, if you please, for the purchase of the bonds, that would leave a net saving of interest upon these three classes of bonds of $22,019,553, so that as a question of economy the refunding proposition is wise and sound in finance. This saving is clearly set forth in the following table:

The total expense and saving to the Government if all outstanding bonds of 1904, 1907, and 1908 were refunded into the new twos, on 2½ per cent basis, April 1, 1900:

Bonds outstanding, February 1, 1900.	
Fours of 1907	$545,345,350
Fives of 1904	95,009,700
Threes of 1908	198,791,440
Total	839,146,490
Premium paid upon basis of 2½ per cent.	
Fours of 1907, at 111.6765	$83,677,250
Fives of 1904, at 110.0727	9,570,042
Threes of 1908, at 105.6845	11,300,299
Total expense	84,547,591

Saving in interest to maturity of bonds.

Bonds.	Interest to maturity.		
	At present rate.	At 2 per cent.	Saving.
Fours of 1907	$158,150,151.50	$79,075,075.75	$79,075,075.75
Fives of 1904	18,210,192.50	7,284,077.00	10,926,115.50
Threes of 1908	49,697,860.00	33,131,906.67	16,565,953.33
Total	226,058,204.00	119,491,059.42	106,567,144.58

Net saving.

Fours of 1907	$15,397,826
Fives of 1904	1,356,073
Threes of 1908	5,265,654
Total saving	22,019,553

Mr. SNODGRASS. Does the gentleman except——

Mr. OVERSTREET. But, Mr. Speaker, another provision contained in the bill which makes it more nearly possible for speedy refunding is this: The national banks which exchange bonds for the new 2 per cent bonds are permitted to increase their circulation to the par value of the bonds. The national banks have before been called upon to aid the Government in the placement of its bonds.

There was held by the national banks, of these three classes of bonds, for the security of national bank note circulation, $203,493,270, on the 28th day of February last. There is now held by the banks, of these three classes of bonds, for the security of public moneys, $77,275,830. In other words, the banks to-day hold in these three classes of bonds $280,769,100.

These bonds may be exchanged at the Treasury for 2 per cent gold-bearing bonds, payable after thirty years upon a basis not exceeding 2¼ per cent in the exchange. The policy of this act will be to give the banks which will take the opportunity to make such an exchange the power and privilege to increase their note circulation to the par value of the bonds deposited, not exceeding, however, the total amount of the capital stock paid in. In addition to that, a second privilege is given the bank, namely, the tax upon outstanding circulating notes will be reduced to one-half of the present tax, the same now being 1 per cent annually.

Mr. WILSON of South Carolina. Why have the conferees receded from the provision as it passed the House?

Mr. OVERSTREET. In order to make it easier and, in our judgment, feasible and expedient to refund these $839,000,000 of bonds into 2 per cent bonds, we must make a field for such bonds. We make a field through the national banks, an avenue which is not a stranger to this method of finance. National banks will hasten to make exchange of those high interest rate bonds, permitting the Government to be relieved from them at once, effecting a saving of over $22,000,000 to the Government.

Now, that proposition would not admit of a tax upon the bank franchise, because a tax upon the bank franchise would not be an inducement for the refunding of the present outstanding bonds bearing 3, 4, and 5 per cent interest.

Mr. BOUTELL of Illinois. Has the gentleman considered whether the receipts of the Government from the tax on the national banks under this bill would be in excess of the present receipts from that source?

Mr. OVERSTREET. In the judgment of the committee the receipts from the tax upon bank-note circulation would be substantially the same under this provision as under the old, because while the rate is decreased, the volume of national bank note circulation will be increased. The banks upon the bonds now held by them will be permitted to enlarge their circulation about $26,000,000 without depositing any other bonds.

The provision for the establishment of small banks of $25,000 capital stock will unquestionably encourage the establishment of a very large number of banks of that character, which will in all probability issue note circulation to the full par value of their bonds. That will increase the bank-note circulation and bring a large volume of tax from that source.

Mr. SNODGRASS. Will the gentleman permit me to ask him a question right there?

Mr. OVERSTREET. I said in my original remarks upon the House bill that under the standard——

The SPEAKER. The gentleman will suspend for a moment. When a gentleman desires to ask a question of a gentleman having the floor, he must first address the Chair. If the speaker says he declines to yield further, there is no use pressing a question. When he does not take that position, the Chair will gladly submit a request of any member if the gentleman desires. The gentleman from Indiana says he does not desire to be interrupted, yet himself has yielded to the gentleman from Illinois. So that the remarks of the Chair apply equally to the gentleman addressing the House as to a gentleman desiring to ask a question.

Mr. OVERSTREET. I have yielded to so many gentlemen on the other side of the aisle, that I felt justified in yielding to one on this side.

As I have said, there is no provision in this bill not in accord with the bill as it passed the House. The refunding principle of this bill is made possible by the establishment of the gold standard in law.

I stated in the opening debate upon the House bill that "when the standard shall be permanently established, and all doubt of its stability removed, the parity of all our money will be fully recognized, and the kind of money in which payment shall be made will rarely, if ever, be the subject of dispute. When certainty shall take the place of doubt, and the integrity of our credit be as fixed as the honor of the nation, the national debt can be readily refunded at lower interest rates and future loans negotiated with ease upon better terms than ever before." The plan of refunding the debt is made feasible and practicable with the establishment of the gold standard in law.

Mr. Speaker, that brings me to the last section of the bill, which is a provision that this act is "not intended to preclude the accomplishment of international bimetallism whenever conditions shall make it expedient and practicable to secure the same by concurrent action of the leading commercial nations of the world and at a ratio which shall insure permanence of relative value between gold and silver."

Mr. Speaker, this provision contains no legislative effect not now provided for by the act of 1897, under which the last effort for international bimetallism was made. This provision does not interfere with the operation of the act providing either for the gold standard or the refunding of the public debt. This provision will give no encouragement nor hope for the independent action of this Government in establishing free silver coinage at a ratio of 16 to 1. The only terms under which it will be possible will be under the concurrent action of the leading commercial nations of the world and at a ratio which shall make permanent the relative value of the two metals.

I say, Mr. Speaker, this provision in effect merely says that the act of 1897 has not been repealed; it says not only that this act does not foreclose a future effort, but, sir, it goes even further. It says in terms that while it does not foreclose nor repeal the provisions of the act of 1897, the accomplishment of such an international agreement can be had only when conditions shall make it expedient and practicable, and then only when it can be concurred in by the leading commercial nations of the world. And if conditions should change, and the leading commercial nations of the world should concur, it can then be made possible only by making that ratio in conformity with the relative values of the two metals.

It has been thought advisable to insert this, in order that it would put at rest any further controversy as to the methods and plans which might be pursued for such an agreement. I repeat, it gives neither hope nor encouragement to the free coinage of silver at the ratio of 16 to 1, because that ratio is out of proportion to the relative values of the two metals. It puts the last nail in the coffin of that party which seeks an independent action on the part of the American Government. It says in explicit terms that conditions which exist in this country, as well as in others, shall be considered to disclose whether it is expedient and practical even to make such an effort.

Mr. SHAFROTH. Will the gentleman allow me a question?

Mr. OVERSTREET. I will permit a question from the gentleman from Colorado, because I told him a while ago that when I reached this point I would yield.

Mr. SHAFROTH. I wish to know whether the gentleman regards the conditions as they are now, or as they are likely soon to occur, when international bimetallism can become practicable?

Mr. OVERSTREET. I do not.

Mr. SHAFROTH. That is all; I am much obliged.

Mr. OVERSTREET. I say that persons who have had experience in legislation know that they can not always obtain what they desire. I have no patience with this proposition, but I yielded, as is necessary and wise in many cases, in order to reach an amicable settlement of differences in legislation. It is sometimes best that one should surrender his personal preference for the public good.

While this provision has no legislative effect, and while it does, in my judgment, give no encouragement to those who seek that very thing, and especially no hope for an independent action on the part of this Government, I would rather take the measure even with that blemish upon it than to have no gold-standard legislation at all. [Applause on the Republican side.]

Mr. Speaker, it has been our aim to establish firmly the principle of the gold standard, made fully operative, and it is the belief of the conferees that this measure does it. In my judgment, this legislation is of greater importance and more far-reaching in its benefits than even we ourselves are prepared to appreciate.

Great successes move with the least disturbance, and while

beneficent principles give little occasion for noise, they move forward by progressive steps; and this, in my judgment, is one of those pieces of legislation which will occasion little alarm in the country and little dispute among the people. Underlying the principles governing the management of the business of the people of this nation will rest this ted rock, solid in its terms, unequivocal in its provisions, and certain in its operation. [Applause on the Republican side.]

Mr. McRAE. Mr. Speaker, I want to ask unanimous consent to change the leave that was given me on the 18th of last December. I was then given authority to print remarks on House bill No. 1, with an appendix showing an analysis of coinage currency then. I will now deliver the speech, and I desire to print the appendix of it as of this date.

The SPEAKER pro tempore (Mr. CANNON). The gentleman asks leave to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. McRAE. Mr. Speaker, this is the old fight of the national-bank circulation against legal tender Government paper money which began nearly forty years ago. The greenbacks were issued under the acts approved February 25, 1862, July 11, 1862, and March 3, 1863. As soon as it became evident to the bankers that the Government intended to issue its own paper money, they set to work to check it and to have such money funded and the bonds issued therefor used as a basis for national-bank notes.

Before $100,000,000 of them had been issued a bill was introduced in Congress to create national banks, which had the indorsement of the then Secretary of the Treasury and President. That legislation came as the result of the demand made by the English and American bankers, as is shown by the following general order No. 1, issued by them in 1862. It said:

The great debt that capital will see to is made out of this war must be used as the means to control the volume of money. To accomplish this the money must be bonded and the bonds must be used as the banking basis.

We are now waiting to get the Secretary of the Treasury to make the recommendation to Congress. It will not do to allow the greenbacks to circulate as money for any length of time, for we can not control them; but we can control the bonds, and through them the bank issues.

Knowing that they could not control the greenbacks for any length of time, they at once set to work to get national banks of issue. The fight between national-bank currency and greenbacks went on until the banks supposed then, as they do now, that they were masters of the situation, and in December, 1865, boldly demanded the retirement of all legal-tender paper money. The Republican Congress passed the following resolution, which declared the Republican policy:

Resolved, That this House cordially concurs in the views of the Secretary of the Treasury in relation to the necessity of a contraction of the currency, with a view to as early a resumption of specie payments as the business interests of the country will permit; and we hereby pledge cooperative action to this end as speedily as possible.

The ruinous work of contraction immediately began and was prosecuted "as speedily as possible," with the view of retiring the greenbacks.

The national-bank act was passed February 25, 1863, was amended June 3, 1864, and the charters were extended July 12, 1882.

In 1866 there were $1,863,409,216 of United States notes and bonds, of which $1,289,967,442 were interest-bearing obligations.

The funding act of April 12, 1866, authorized the Secretary of the Treasury to call in these interest-bearing notes and fund them into 5-20 6 per cent bonds, and to call in and destroy $4,000,000 of greenbacks each month. From the date of this act to June 30, 1869, bonds to the amount of $1,095,162,000 had been issued, $77,018,837 of greenbacks destroyed, and the circulation contracted to $691,028,377.

The contract recited on the bonds declared them payable in lawful money, which at that time was gold, silver, and paper money.

An act was passed March 18, 1869, known as the "public credit strengthening act," which declared these bonds payable in coin. This act changed the contract of the public debt from lawful money to coin, as this bill changes it from coin to gold. The act of July 14, 1870, refunded this debt into ten, fifteen, and thirty year bonds, bearing 5, 4½, and 4 per cent, respectively, payable in coin. The act of February 12, 1873, stopped the coinage of the standard silver dollar, and the act of June 22, 1874, demonetized it.

The resumption act passed January 14, 1875, and provided that specie payments should be resumed January 1, 1879, and made further provision for the retirement of a certain amount of legal-tender notes.

On this record made by Republican Congresses the Democrats swept the country in 1874 and elected a large majority in the House of Representatives and stopped the further contraction of the currency. The great fight of 1876 showed a majority of 250,000 against the Republican policy.

The country is familiar with the decision of 8 to 7 by which the Democratic Presidential candidate was robbed of the office to which he had been fairly elected.

Then it was that the bankers began to realize and understand the temper of an aroused, outraged, free people, and how much they were opposed to national-bank circulation, and so they issued General Order No. 2, calling upon each of their friends to see their members of Congress at once and engage him to support their interest that they might control legislation. That order was as follows:

Withhold patronage or favors from all applicants who are not willing to oppose the greenback Government issue of money. Let the Government issue the coin and the banks issue the paper money of the country, for then we can better protect each other. To repeal the law creating national banks or to restore to circulation the Government issue of money will be to provide the people with money, and will therefore seriously affect your individual profit as banker and lender. See your member of Congress at once and engage him to support our interest, that we may control legislation.

After several failures to secure the concurrence of the Senate in a bill for the free coinage of silver the Democratic House, as a compromise, agreed to the act of February 28, 1878, known as the Bland-Allison Act, which required the Secretary of the Treasury to purchase and coin not less than two nor more than four millions of silver dollars each month, and on March 31, 1878, secured the passage of the act to prohibit the further retiring of greenbacks. Since that time the amount of that kind of currency has remained at $346,681,016.

The Bland-Allison Act modified the demonetization act of February 12, 1873, by restoring the legal-tender quality of the standard silver dollar, but this modification has been measurably nullified by Treasury discretion, and yet almost every section of this bill overflows with it. Beginning with Secretary Foster, every Secretary of the Treasury since has surrendered the right of the Government to make redemption of the public obligations in silver and allowed the holders thereof the right to demand payment in gold.

On July 14, 1890, the Sherman Act was passed, providing for the purchase of 4,500,000 ounces of silver each month, to be paid for in Treasury notes. The purchasing clause of the Sherman Act was repealed November 1, 1893.

Continuing the fight, the panic of 1893 was produced by the Eastern banks to further discredit silver and greenbacks. The national banks encouraged the hoarding of money, refused loans without regard to the security, and in many cases even declined to pay the checks of their depositors. The following is a copy of General Order No. 3, issued by them in 1893:

The interests of national bankers require immediate financial legislation by Congress. Silver, silver certificates, and Treasury notes must be retired and the national-bank notes, upon a gold basis, made the only money. This will require the authorization of from $500,000,000 to $1,000,000,000 of new bonds as a basis of circulation. You will at once retire one-third of your circulation and call in one-half of your loans. Be careful to make a money stringency felt among your patrons, especially among influential business men.

Advocate an extra session of Congress for the repeal of the purchase clause of the Sherman law, and act with the other banks of your city in securing a petition to Congress for its unconditional repeal, per accompanying form. Use personal influence with Congressmen, and particularly let your wishes be known to your Senators. The future life of national banks as fixed and safe investments depends upon immediate action, as there is an increasing sentiment in favor of Government legal-tender and silver coinage.

These orders were strictly carried out and the purchase clause of the Sherman law, the only remaining link that held silver to our coinage laws, was repealed. Enough Congressmen and Senators betrayed the Democracy at that time to make this wrong possible.

The National Bankers' Association has become the closest and most compact organization known anywhere. It is day by day becoming more defiant and aggressive. One of the leading members of it, and president of the New York Bankers' Association, said, a few years ago:

It is time to tear off disguise. International bimetallism is a traitor in the camp. It is a false fraud.

And yet the pending bill after declaring unequivocally for the gold standard says that it is not intended to preclude the accomplishment of such "false fraud," or, to use the exact language of the bill, international bimetallism. I want to say to gentlemen who support this bill that the last section is a confession that the first section is wrong, and its presence here is a false pretense and an attempt to deceive. It is to the credit of the gentleman in charge of this bill that he refuses to become a party to such a sham and frankly says that the provisions of this bill make it practically and absolutely impossible for this Government ever to have international bimetallism or the free coinage of silver at the ratio of 16 to 1, and I regret my inability to deny the truth of his statement. And in closing his remarkable speech this national banker declared:

It is time for aggressive action.

The banker has a large influence. He is a confidential adviser of thousands and thousands of business men. The laboring element comes closely in contact with these business men. A new sentiment would blaze from one end of the land to the other; a sentiment which once established would mean quick legislation in the right direction and a satisfactory settlement of the currency question in the United States for all time. The politician, high or low, who to-day turns from the straight course of sound money and the gold standard stabs dead once for all his every chance for political success, especially if he wants to be President.

Certainly the action of the House was quick enough. This threat made in 1895 to defeat any man who would not support the gold standard and national banks was not an idle one. In pursuance of it Mr. Bryan was defeated in 1896 by methods that should

disgrace any party. The man who has the courage to stand up for the rights of his constituents may safely calculate on the secret and substantial if not the open opposition of the national banks. If the district he represents is safely Democratic, some popular, ambitious man who is in some way under the influence of some national banker is put up, and by all the methods, both foul and fair, known to this organization is aided, and it may be without any pledge from the candidate; but at the proper time he is made to understand who furnished the sinews of war to nominate him, and having accepted favors, can not refuse their demands without being called an ingrate. I speak of the national bankers generally and do not intend, of course, to include them all in what I have said and will say about them. Many of them are in favor of both silver and greenbacks, and are good Chicago platform Democrats; but they are the exception to the general rule.

Those who have supported this bill counted on the new issues growing out of the Spanish war to absorb the attention of the people, at least until after the bill has been put in operation.

Here is what the Bankers' Magazine said in September, 1898:

The excitement of the war has drawn the minds of politicians to issues more full of interest than the financial question. With a period before the meeting of the next Congress for reflection, it is not beyond hope that when the banking bill comes before Congress it will go through without being made a political issue.

In this prediction and hope they have been greatly disappointed. Instead of getting it through without being made a political issue, they have found it stubbornly resisted at every step. Mr. Bryan on the stump and Democrats in and out of Congress have exposed the scheme. So the bank association had to resort to vigorous work, and accordingly, in November, 1899, the following General Order No. 4, was issued preparatory to the final attack:

The present session of Congress is a critical point with our movement. The House will deal with the gold-standard bill almost immediately. The tremendous importance of the successful outcome of this effort on the part of the caucus committee of the Republicans of the House can hardly be told. The great opportunity will be offered.

The Republican party is pledged to legislation for the gold standard and the parity of all our moneys. The caucus bill covers it well.

If the business men now take up the subject with their Representatives in Congress and unceasingly demand the fulfillment of their party's pledge, the bill will pass the House.

If the House acts courageously, the Senate will be greatly influenced thereby. The sound-money members of the Senate Finance Committee will present a plan to the Republican Senators and it will be as comprehensive as the House bill.

If you press the subject unrelentingly from now on, the first great step in the right direction in sound-money legislation will be taken early in the session. Please give us your vigorous support.

This order, read in the light of what has been done since then, is remarkable for the absolute certainty with which it spoke of the Republican pledges and as to when the bill would be taken up; but, sir, if we are to believe it, this bill is only the first great step in what they are pleased to call the right direction in sound-money legislation. The Lord only knows what the next step will be!

This is a brief history of the financial legislation of the last forty years. All of these laws except three were enacted when the Republican party had control of every department of the Government. The Bland-Allison law was a compromise for a free-coinage bill, and was forced upon the country by a Republican Senate. The act to prevent the retiring of greenbacks originated in a Democratic House. The bill for the repeal of the purchase clause of the Sherman law originated in a Democratic Congress, but it met the approval of a very large majority of the Republicans in both the House and Senate, and was passed over the votes and protests of a majority of the Democrats in both Houses.

The track of this and other contemporaneous Republican legislation since 1860 is marked by about 250,000 business failures, representing liabilities equal to one-tenth of the assessed value of all the property in the United States. When it began the farmers owned over one-half of the wealth of all the country. Now they own less than 20 per cent. When it began we had but few, if any, millionaires and the wealth of the country was fairly distributed among the people. Now 26,000 persons own one-half of the wealth and three-tenths of the people own 70 per cent of it. When it commenced there were no trusts.

Now, there are hundreds of them, with a capitalization of $40,000,000,000, chief among which is the Standard Oil trust. Since the organization of these concerns there has been more fraud in elections and bribery in legislation than ever heard of before. They have been extended to almost all kinds of business. The individual business man can not compete with them, and so the organizers and promoters of them are fast getting control of our markets. The result is that almost every article necessary to farmers and laboring men has been greatly increased in price, and the energy and manhood of our people are fast being undermined.

When it began, the sense of propriety among legislators was so high that none of them would think of voting for a proposition in which they were interested, either directly or indirectly. Now the commercial idea has become so fixed in the policy of the Republican party that the officers of and stockholders in national banks seek nominations for Congress for the purpose of securing the passage of laws for their benefit. Many of them believe this to be the best way to serve their business interests. There can be no stronger illustration of the ruinous tendency of such a policy than this bill, which could not be passed without the votes of those in this body who are personally interested in national banks.

When it began we had no national banks. Now there are 3,595 of them, with outstanding loans on the 1st of last September amounting to $2,496,751,257, and of the $168,000,000 of the funds of the Treasury they have on deposit, free of interest, $111,000,000. Yet they demand, as a reward for favors to the Republican party in 1896, the passage of this gold-standard, bank, bond bill. By all this special legislation in the interest of the favored few a condition has been produced in this country not unlike that created by the Tory legislation in England under the Stuarts, which was appropriately described by Sir Joseph Colepepper in a speech he made in Parliament.

It is—

He said—

a nest of wasps, a swarm of vermin, which have overcrept the land. I mean the monopolies and pollers of the people. These, like the frogs of Egypt, have gotten possession of our dwellings, and we have scarce a room free from them. They sup in our cup; they dip in our dish; they sit by our fire. We find them in the dye vat, washbowl, and powdering tub. They have marked and sealed us from head to foot. We may not buy our clothes without their brokerage; they are the leeches that have sucked the commonwealth until it has become almost hectical. Some of them are ashamed of their names. They shelter themselves under the name of a corporation. They make by-laws which serve them to squeeze us and fill their purses.

[Applause.]

By it the gold dollar is made the standard unit of value, and all money issued or coined must be maintained at a parity with gold, and the Secretary is given unlimited power to issue bonds to do this, and yet there is no provision in this bill nor in any existing law for the coinage of this standard unit of value. All obligations of the Government, including greenbacks and Sherman notes, making an aggregate of $1,500,000,000, every dollar of which is now payable in coin, are made payable in gold. All other public and private obligations, amounting to $35,000,000,000, the most of which is payable in lawful money, while not expressly changed to gold contracts, must be performed in conformity to the gold standard, for the reason that, as stated by the gentleman from Indiana [Mr. OVERSTREET], private obligations invariably reflect Government obligations, and the gold standard is fixed so far as the Government is concerned. That is correct at least so far as future contracts are concerned. All of our money except silver will be redeemable in gold under this bill. And that is practically so, for if the question of parity is made against silver the holder can get a silver certificate for the coin, which certificate is exchangeable for unredeemed greenbacks, and they are redeemable in gold.

Why this change in our public obligations? The political party now in power never promised it in their platform. The record of the candidate for President in 1896 was against such a change. To the debtors it means more labor to pay their debts, and necessarily harder times. It benefits only the creditor class—those who own United States bonds, gold mines, or have fixed incomes; and I think I have shown that it was proposed by and is now pressed for their benefit. It can not fail to injuriously affect the Government that must pay the bonds that have been issued and that will be issued under this law.

The gold reserve is now $100,000,000. This bill increases it to $150,000,000. Why this large increase in the reserve by the impounding of gold, when the present sum is sufficient if not too large? The bill requires the redemption of greenbacks and Sherman notes in gold and prohibits their reissue except in the discretion of the Secretary, and then only in exchange for gold, for the purchase of bonds, or for any lawful purpose, but prohibits the use of them to meet deficiencies which now exist or that may hereafter exist. These notes of course will not be exchanged for gold, because the owner of gold by refusing to make the exchange can get a gold bond. To make this redemption and maintain this reserve, 3 per cent nontaxable long-time gold bonds may be issued under this bill when it passes, without limit as to the amount. This will enable the rich who seek investments for their money where there is no risk to get such bonds whenever they so desire.

Of the silver bullion in the Treasury there may be coined a sufficient amount of subsidiary silver coin to make an aggregate of $100,000,000, but an amount of Treasury notes equal to the cost of the bullion contained in such coin must be canceled and not reissued. It also provides that as fast as standard silver dollars are coined under the Sherman law an equal amount of Treasury notes shall be retired. This indicates what is the real purpose of the national banks, to reduce silver from the position of redemption money to that of credit money and subsidiary coin.

It provides for the storage of gold in the Treasury for private account in order to give the national banks complete control over all the money of the United States, for by this bill one-fourth of the certificates may be in denominations of $50 and the other three-fourths in denominations of $10,000 and the latter payable to order, which will of course take gold out of use as money, for

everybody knows that paper, in large or small denominations, payable to order can not be used for such a purpose.

Under this provision the banks can easily accumulate and deposit gold not needed for the reserve fund and thus make the only money of final payment dear to those who may need it. They could then flood the country with their bank credit money whenever they wanted to make times flush and create a panic at any time it suited their purpose by withdrawing their notes. Gold being the only legal standard of payment and being held on storage for these private concerns, the only way the people who might want it to pay debts and taxes could get it would be to borrow it upon such terms as might be dictated by the money trust that will be created under this bill if passed, for they can easily control the gold coin certificates.

It authorizes the refunding of $839,146,490 of the interest-bearing debt, now payable in coin, into 2 per cent gold bonds, and agrees to pay in cash the sum of $84,000,000, being the difference in the alleged value of the two kinds of bonds. The total bonded debt at this time is $1,026,826,390, but the 2 per cent thirty-year bonds and the 4 percents due in 1925 are not to be refunded under this bill. That makes it almost certain that the national debt will be continued indefinitely and increased year after year. No one in this Congress will ever see it paid.

It permits the issue of notes to the national banks to the par value of bonds deposited, which at the present capitalization may reach $605,772,970, and at the same time reduces the tax on the average circulation of these banks from 1 per cent to one-half of 1 per cent, if the new bonds are used as a basis for circulation, and of course they will be. In short, we are to have only gold as money of final payment and bank notes as a circulating medium. We delegate to private corporations the right to issue the paper money for the people and pay them 1¼ per cent to do what the Government ought to do. It is hardly possible to correctly characterize party leaders who boast of our new territorial possessions and demand the expansion of our trade among silver-using countries while their Administration in two years has increased the interest-bearing debt nearly $200,000,000 and the annual taxes $150,000,000, and yet they deny the necessity for more money of final payment. If we have more taxes and debts to pay, more territory and people to govern, more commerce and trade to carry on, then it follows of course that we need more real money.

After an experience of fifteen years in this House I do not hesitate to say that this is the most unjustifiable and outrageous piece of financial legislation that I have ever known to be proposed in Congress. For unblushing audacity on the part of the national banks and the money trust and the cowardly betrayal of the people on the part of the majority of this House, who in 1896 claimed to be the only real bimetallists in the United States, there is nothing like it in the history of this Republic. The party that passes it is bound to go down in any fair election by the people. The men who originated it deserve, and I think will receive, the condemnation of every freeman of intelligence. [Applause.]

If free government shall ever pass from this continent and the oil, sugar, and money trusts and other syndicated interests should determine to erect a monument to commemorate the triumph of money over man, then the most appropriate place for its erection will be on that spot on the Jersey coast where this bill was first prepared, that spot of all others in the United States nearest to that country from which the present Administration draws its gold-standard ideas, but farthest from the body of American bimetallists, every one of whom will swear by the sacred memories of the founders of this once bimetallic Republic and that faith which is due the people under the Constitution that in this fight against plutocracy they will tread no backward step. [Applause.]

It seems eminently proper that this ad interim caucus committee should have met in the State of all others where trusts are organized and fostered for revenue. If the meeting had been elsewhere, the assemblage might have been dispersed as an unlawful one.

Come what may, let the contest be long or short, the prospects bright or dark, the Democrats will not lower their flag to gold-standard England nor consent that the mail of American officers may be opened by English censors, nor ask the consent of England to own, construct, and defend any canal the Government may wish to build. To prevent any further surrender to English ideas and bank-trust domination our party must become a compact organization, and all opposition to modern Republicanism must become united, for we will be confronted next November by unscrupulous organizers. There will be no part of our record they will not misrepresent, no fraud they will not perpetrate, no combination they will not be willing to make, no crime they will not condone. United let us and all parties opposed to present tendencies and who love our institutions stand guard and meet them at every point. Our appeal should not be to force and intimidation, but to the sound common sense, the interest, the intelligence, and patriotism of the American people. [Applause on the Democratic side.]

APPENDIX.

ANALYSIS OF VOTES ON COINAGE AND CURRENCY LEGISLATION.

By THOMAS C. MCRAE, of Arkansas.

NATIONAL-BANK ACT OF FEBRUARY 25, 1863.

In the Senate, February 12, 1863.

[Journal, third session Thirty-seventh Congress, page 240.]

On the question, Shall the bill (S. 486) pass? it was determined in the affirmative.

YEAS—23.

Anthony,	Foster,	Lane, Kans.	Ten Eyck,
Arnold,	Harding,	Morrill,	Wade,
Chandler,	Harlan,	Nesmith,	Wilkinson,
Clark,	Harris,	Pomeroy,	Wilmot,
Doolittle,	Howard,	Sherman,	Wilson, Mass.
Fessenden,	Howe,	Sumner,	

2 Democrats, 21 Republicans.

NAYS—21.

Carlile,	Grimes,	McDougall,	Turpie,
Collamer,	Henderson,	Powell,	Wall,
Cowan,	Hicks,	Rice,	Wilson, Mo.
Davis,	Kennedy,	Richardson,	
Dixon,	King,	Saulsbury,	
Foot,	Latham,	Trumbull,	

12 Democrats, 9 Republicans.

In the House, Friday, February 20, 1863.

[Journal, third session Thirty-seventh Congress, pages 442, 443.]

Bill of the Senate S. 486.

The question being, Shall the bill pass? it was decided in the affirmative.

YEAS—78.

Aldrich,	Dunn,	Lansing,	Segar,
Alley,	Edgerton,	Leary,	Shanks,
Ashley,	Eliot,	Lovejoy,	Shellabarger,
Babbitt,	Ely,	Low,	Sherman,
Beaman,	Fenton,	McIndoe,	Sloan,
Bingham,	Fessenden, S. C.	McKean,	Spaulding,
Blair,	Fessenden, T. A. D.	McPherson,	Stevens,
Blake,	Fisher,	Marston,	Trimble,
Buffinton,	Frank,	Maynard,	Trowbridge,
Calvert,	Goodwin,	Moorhead,	Van Horn,
Campbell,	Granger,	Morrill, A. P.	Van Wyck,
Casey,	Hahn,	Noell,	Verree,
Chamberlain,	Haight,	Olin,	Wall,
Clements,	Hickman,	Patton,	Wallace,
Colfax,	Hooper,	Phelps,	Washburne,
Conway,	Hutchins,	Potter,	White, A. S.
Covode,	Julian,	Rice, A. H.	Windom,
Cutler,	Kelley,	Rice, J. H.	Worcester.
Davis,	Kellogg, F. W.	Sargent,	
Delano,	Kellogg, William	Sedgwick,	

3 Democrats, 75 Republicans.

NAYS—64.

Allen,	Grider,	Morrill, J. S.	Shiel,
Ancona,	Gurley,	Morris,	Steele, J. B.
Baily,	Hall,	Nixon,	Steele, W. G.
Baker,	Harding,	Noble,	Stiles,
Baxter,	Harrison,	Norton,	Stratton,
Biddle,	Holman,	Nugen,	Thomas, B. F.
Cobb,	Horton,	Odell,	Thomas, F.
Conkling, F. A.	Johnson,	Pendleton,	Vallandigham,
Conkling, Roscoe	Kerrigan,	Perry,	Wadsworth,
Cox,	Knapp,	Pike,	Wheeler,
Cravens,	Law,	Pomeroy,	Whaley,
Crittenden,	Lazear,	Porter,	White, C. A.
Dawes,	Loomis,	Price,	Wickliffe,
Edwards,	Mallory,	Robinson,	Wilson,
English,	May,	Rollins,	Woodruff,
Gooch,	Menzies,	Sheffield,	Wright.

42 Democrats, 22 Republicans.

SUPPLEMENTAL NATIONAL-BANK ACT OF JUNE 3, 1864.

In the House, April 13, 1864.

[Journal, first session Thirty-eighth Congress, pages 544, 545.]

On the question of its passage (bill H. R. 395), it was decided in the affirmative.

YEAS—80.

Alley,	Davis,	Kasson,	Price,
Allison,	Dawes,	Kelley,	Randall, W. H.
Ames,	Deming,	Kellogg, F. W.	Rice,
Anderson,	Donnelly,	Kellogg, Orlando	Rollins,
Arnold,	Driggs,	Loan,	Shannon,
Ashley,	Dumont,	Longyear,	Sloan,
Baldwin, J. D.	Eckley,	Marvin,	Smith,
Baxter,	Farnsworth,	McBride,	Stevens,
Beaman,	Fenton,	McClurg,	Thayer,
Blaine,	Frank,	McIndoe,	Tracy,
Blair, J. B.	Garfield,	Miller, S. F.	Upson,
Boutwell,	Gooch,	Moorhead,	Van Valkenburg,
Boyd,	Grinnell,	Morrill,	Washburne, E. B.
Broomall,	Higby,	Morris, D.	Washburn, W. B.
Brown,	Hooker,	Myers,	Webster,
Clark, A. W.	Hotchkiss,	Norton,	Williams,
Clarke, Freeman	Hubbard, A. H.	O'Neill,	Wilder,
Cobb,	Hubbard, J. H.	Orth,	Wilson,
Cole,	Jenckes,	Patterson,	Windom,
Creswell,	Julian,	Perham,	Woodbridge.

All Republicans.

NAYS—66.

Allen, J. C.	Blair, F. P., jr.	Coffroth,	Eldridge,
Allen, Wm. J.	Bliss,	Cravens,	Finck, Wm. E.
Ancona,	Brooks,	Dawson,	Ganson,
Baily,	Chanler,	Denison,	Grider,
Baldwin, A. C.	Clay,	Eden,	Griswold,

Hall,	Law,	Noble,	Stiles,
Harding,	Lazear,	Odell,	Strouse,
Harrington,	Long,	Pendleton,	Stuart,
Harris, B. G.	Mallory,	Pruyn,	Thomas,
Harris, C. M.	Marcy,	Radford,	Wheeler,
Herrick,	McDowell,	Randall, S. J.	White, C. A.
Holman,	McKinney,	Robinson,	White, J. W.
Hutchins,	Middleton,	Rogers,	Winfield,
Johnson,	Miller, W. H.	Ross,	Wood,
Kernan,	Morris, J. R.	Scott,	Yeaman.
King,	Morrison,	Steele, J. B.	
Knapp,	Nelson,	Steele, W. G.	

65 Democrats, 1 Republican.

In the Senate, May 10, 1864.

[Journal, first session Thirty-eighth Congress, page 426.]

On the question, Shall the bill (H. R. 395) pass? it was determined in the affirmative.

YEAS—30.

Anthony,	Foot,	Lane, Kans.	Ten Eyck,
Chandler,	Foster,	Morgan,	Trumbull,
Clark,	Hale,	Morrill,	Van Winkle,
Collamer,	Harlan,	Pomeroy,	Wilkinson,
Conness,	Howard,	Ramsey,	Willey,
Dixon,	Howe,	Sherman,	Wilson.
Doolittle,	Johnson,	Sprague,	
Fessenden,	Lane, Ind.	Sumner,	

All Republicans.

NAYS—9.

Buckalew,	Grimes,	Powell,	Riddle,
Cowan,	Henderson,	Richardson,	Saulsbury.
Davis,			

6 Democrats, 3 Republicans.

TO TAX GOVERNMENT BONDS.

In the House, June 23, 1864.

[Journal, first session Thirty-eighth Congress, page 930.]

The bill of the House H. R. 540.

Mr. Holman moved to amend the same by adding thereto the following, viz: "*Provided*, That nothing in this act shall impair the right of the States to tax the bonds, notes, and other obligations issued under this act as other personal property shall be taxed."

And the question being put, it was decided in the negative.

YEAS—71.

Allen,	Grider,	Mallory,	Ross,
Ancona,	Griswold,	Marcy,	Steele, J. B.
Bliss,	Harding,	McDowell,	Steele, W. G.
Brooks,	Harrington,	McKinney,	Stiles,
Brown, J. S.	Harris,	Middleton,	Strouse,
Chanler,	Herrick,	Miller, S. F.	Stuart,
Coffroth,	Holman,	Miller, W. H.	Sweat,
Cox,	Hotchkiss,	Morris,	Thomas,
Cravens,	Hutchins,	Morrison,	Tracy,
Dawes,	Johnson, Philip	Noble,	Van Valkenburgh,
Dawson,	Johnson, William	O'Neill, John	Wadsworth,
Denison,	Kalbfleisch,	Pendleton,	Ward,
Eden,	Kernan,	Perry,	Whaley,
Edgerton,	Knapp,	Pomeroy,	Wheeler,
Eldridge,	Law,	Pruyn,	White, C. A.
English,	Lazear,	Radford,	White, J. W.
Finck,	Le Blond,	Randall,	Winfield.
Ganson,	Long,	Robinson,	

63 Democrats, 8 Republicans.

NAYS—77.

Alley,	Deming,	Kellogg, Orlando	Schenck,
Allison,	Dixon,	Littlejohn,	Scofield,
Ames,	Donnelly,	Loan,	Shannon,
Anderson,	Driggs,	Longyear,	Sloan,
Arnold,	Eckley,	Marvin,	Smith,
Baldwin,	Eliot,	McBride,	Smithers,
Baxter,	Fenton,	McClurg,	Spalding,
Beaman,	Garfield,	McIndoe,	Stevens,
Blaine,	Gooch,	Moorhead,	Thayer,
Blair,	Hale,	Morris,	Upson,
Blow,	Higby,	Myers, Amos	Washburne, E. B.
Boutwell,	Hooper,	Myers, Leonard	Washburn, W. B.
Boyd,	Hubbard, A. W.	Norton,	Webster,
Broomall,	Hubbard, J. H.	O'Neill, Charles	Williams,
Brown, W. G.	Hurlburd, C. T.	Orth,	Wilder,
Cobb,	Ingersoll,	Perham,	Wilson,
Cole,	Jenckes,	Pike,	Windom.
Creswell,	Julian,	Rice, A. H.	
Davis, H. W.	Kelley,	Rice, J. H.	
Davis, T. T.	Kellogg, F. W.	Rollins,	

All Republicans.

In the House, March 29, 1869.

[Journal, first session Forty-first Congress, pages 134, 135.]

Mr. Morgan submitted the following resolution, viz:

"*Resolved*, That as a means of relief to the people and in some degree to equalize taxation, the Committee on Ways and Means be, and said committee is hereby, instructed to report a bill, first, to exempt salt, tea, coffee, sugar, matches, and tobacco from every species of taxation for Federal purposes; second, to impose a tax of 2½ per cent in gold on all bonds heretofore issued, or which may hereafter be issued, by the Government of the United States."

Pending which, Mr. Samuel Hooper moved that the resolution be laid on the table.

And the question being put, it was decided in the affirmative.

YEAS—104.

Allison,	Asper,	Bennett,	Buffinton,
Ambler,	Bailey,	Bingham,	Burdett,
Ames,	Banks,	Blair,	Cessna,
Armstrong,	Beaman,	Boles,	Churchill,
Arnell,	Beatty,	Bowen,	Clarke,
Cobb,	Jenckes,	Negley,	Stevenson,
Coburn,	Judd,	O'Neill,	Stokes,
Conger,	Julian,	Orth,	Stoughton,
Cowles,	Kelley,	Packard,	Strickland,
Dawes,	Kelsey,	Paine,	Taffe,
Dixon,	Ketcham,	Palmer,	Tanner,
Donley,	Knapp,	Peters,	Tillman,
Duval,	Laflin,	Poland,	Twichell,
Farnsworth,	Lash,	Pomeroy,	Tyner,
Ferriss,	Lawrence,	Prosser,	Upson,
Finkelnburg,	Logan,	Roots,	Van Horn,
Fisher,	Lynch,	Sanford,	Washburn, C. C.
Fitch,	Maynard,	Sargent,	Washburn, W. B.
Garfield,	McCarthy,	Sawyer,	Welker,
Gilfillan,	McCrary,	Schenck,	Wheeler,
Hale,	McGrew,	Scofield,	Whittemore,
Hawley,	Mercur,	Shanks,	Wilkinson,
Hoar,	Moore, E. H.	Sheldon,	Willard,
Hooper,	Moore, William	Smith, J. A.	Williams,
Hopkins,	Morrell, D. J.	Smith, W. C.	Wilson,
Hotchkiss,	Morrill, S. P.	Smyth, William	Winans.

All Republicans.

NAYS—40.

Archer,	Fox,	McNeely,	Swann,
Axtell,	Golladay,	Morgan,	Sweeney,
Beck,	Griswold,	Mungen,	Trimble,
Biggs,	Haight,	Niblack,	Van Auken,
Bird,	Holman,	Potter,	Van Trump,
Burr,	Johnson,	Reading,	Voorhees,
Crebs,	Jones,	Reeves,	Wells,
Deweese,	Marshall,	Rice,	Wilson,
Dickinson,	Mayham,	Rogers,	Wood,
Eldridge,	McCormick,	Schumaker,	Woodward.

39 Democrats, 1 Republican.

TO SUBSTITUTE GREENBACKS FOR BANK NOTES.

In the House, January 17, 1870.

[Journal, second session Forty-first Congress, page 151.]

The question being put, it was decided in the negative.

YEAS—56.

Adams,	Eldridge,	Kerr,	Sherrod,
Archer,	Getz,	Knott,	Smith, J. S.
Axtell,	Golladay,	Marshall,	Stiles,
Beck,	Green,	Mayham,	Strader,
Biggs,	Griswold,	McCormick,	Swann,
Bird,	Haight,	McNeely,	Trimble,
Brooks, James	Haldeman,	Morgan,	Van Auken,
Burr,	Hambleton, Sam'l	Mungen,	Van Trump,
Butler,	Hamill,	Niblack,	Voorhees,
Calkin,	Hawkins,	Randall,	Wells,
Cox,	Hay,	Reading,	Wilson, E. M.
Crebs,	Holman,	Reeves,	Winchester,
Dickinson,	Johnson,	Rogers,	Wood,
Dox,	Jones,	Schumaker,	Woodward.

53 Democrats, 3 Republicans.

NAYS—114.

Ambler,	Conger,	Knapp,	Sawyer,
Ames,	Cowles,	Lash,	Scofield,
Armstrong,	Dawes,	Lawrence,	Sheldon, L. A.
Asper,	Deweese,	Logan,	Sheldon, P.
Bailey,	Dickey,	Lynch,	Smith, J. A.
Banks,	Dixon,	McCarthy,	Smith, W. J.
Barnum,	Donley,	McCrary,	Smith, W. C.
Beaman,	Duval,	McGrew,	Starkweather,
Beatty,	Dyer,	Mercur,	Stevens,
Benjamin,	Ferriss,	Moore, E. H.	Stokes,
Benton,	Finkelnburg,	Moore, J. H.	Stoughton,
Bingham,	Fisher,	Moore, W.	Strong,
Blair,	Garfield,	Morrell,	Taffe,
Boles,	Gilfillan,	Myers,	Tanner,
Bowen,	Hale,	Negley,	Tillman,
Boyd,	Hamilton, C. M.	O'Neill,	Townsend,
Brooks, G. M.	Hawley,	Orth,	Twichell,
Buck,	Heaton,	Packard,	Tyner,
Buckley,	Heflin,	Packer,	Upson,
Buffinton,	Hill,	Paine,	Washburn, C. C.
Burchard,	Hoar,	Palmer,	Washburn, W. B.
Burdett,	Hooper,	Peters,	Welker,
Cake,	Jenckes,	Phelps,	Wheeler,
Cessna,	Judd,	Poland,	Wilkinson,
Clarke, Sidney	Julian,	Pomeroy,	Willard,
Cobb, Amasa	Kelley,	Potter,	Williams,
Cobb, C. L.	Kellogg,	Prosser,	Wilson, J. T.
Coburn,	Kelsey,	Roots,	
Cook,	Ketcham,	Sargent,	

112 Republicans, 2 Democrats.

BILL DESTRUCTIVE OF NATIONAL BANKING SYSTEM.

In the House, January 19, 1881.

[Journal, third session Forty-sixth Congress, page 211.]

On the question, Shall the bill (H. R. 4592) pass? it was decided in the affirmative.

YEAS—135.

Acklen,	Carlisle,	Deuster,	Henkle,
Atherton,	Chalmers,	Dibrell,	Henry,
Atkins,	Clardy,	Dickey,	Herbert,
Bachman,	Clark, J. B.	Dunn,	Hill,
Barber,	Clements,	Dunnell,	Hooker,
Beale,	Clymer,	Elam,	Hostetler,
Berry,	Coffroth,	Evins,	House,
Bicknell,	Converse,	Felton,	Hull,
Blackburn	Cook,	Forney,	Hunton,
Bliss,	Covert,	Frost,	Hurd,
Blount,	Cox,	Geddes,	Hutchins,
Bouck,	Cravens,	Goode,	Johnston,
Bragg,	Culberson,	Gunter,	Kelley,
Bouckner,	Davidson,	Hammond, N. J.	Kenna,
Cabell,	Davis, J. J.	Harris, J. T.	Ketcham,
Caldwell,	Davis, L. H.	Hatch,	Kimmel,

King,	Muldrow,	Scoville,	Turner, T.
Kitchin,	Muller,	Shelley,	Updegraff, T.
Klotz,	New,	Simonton,	Upson,
Knott,	Nicholls,	Singleton, J. W.	Vance,
Le Fevre,	O'Connor,	Singleton, O. R.	Waddill,
Lounsbery,	Persons,	Slemons,	Warner,
Manning,	Philips,	Smith, A. H.	Washburn,
Marsh,	Phister,	Smith, H. B.	Wellborn,
Martin, B. F.	Pochler,	Smith, W. E.	Wells,
Martin, E. L.	Reagan,	Sparks,	White,
McKenzie,	Richardson, J. S.	Springer,	Whiteaker,
McLain,	Richmond,	Steele,	Whitthorne,
McMahon,	Ross,	Talbott,	Williams, T.
McMillin,	Rothwell,	Taylor, R. L.	Willis,
Miles,	Russell, D. L.	Thompson, jr., P. B.	Wilson,
Mills,	Samford,	Tillman,	Wise,
Money,	Sawyer,	Townshend, R. W.	Wood, F.
Morrison,	Scales,	Tucker,	

125 Democrats, 9 Republicans, 1 Greenbacker.

NAYS—125.

Aiken,	De La Matyr,	Killinger,	Russell, W. A.
Aldrich, N. W.	Deering,	Lapham,	Ryan, T.
Aldrich, W.	Dick,	Lindsey,	Ryon, J. W.
Anderson,	Dwight,	Loring,	Sapp,
Bailey,	Einstein,	Lowe,	Shallenberger,
Baker,	Ellis,	Mason,	Sherwin,
Ballou,	Errett,	McCold,	Speer,
Belford,	Ferdon,	McCook,	Stevenson,
Beltzhoover	Field,	McGowan,	Stone,
Bingham,	Fisher,	McKinley,	Taylor, E. B.
Blake,	Ford,	Miller,	Thomas,
Bland,	Forsythe,	Mitchell,	Thompson, W. G.
Bowman,	Fort,	Monroe,	Townsend, A.
Boyd,	Frye,	Morse,	Tyler,
Brewer,	Gillette,	Morton,	Updegraff, J. T.
Briggs,	Godshalk,	Murch,	Urner,
Brigham,	Hall,	Neal,	Valentine,
Burrows,	Hammond, John	Newberry,	Van Aerman,
Butterworth,	Harmer,	Norcross,	Voorhis,
Calkins,	Harris, B. W.	O'Neill,	Wait,
Camp,	Haskell,	Overton,	Ward,
Cannon,	Hawley,	Pacheco,	Weaver,
Carpenter,	Hayes,	Page,	Wilber,
Caswell,	Hazelton,	Phelps,	Williams, C. G.
Claflin,	Heilman,	Pound,	Willits,
Colerick,	Henderson,	Prescott,	Wood, W. A.
Conger,	Hiscock,	Price,	Wright,
Cowgill,	Horr,	Reed,	Yocum,
Crapo,	Hubbell,	Rice,	Young, T. L.
Daggett,	Humphrey,	Richardson, D. P.	
Davis, G. R.	Jones,	Robertson,	
Davis, H.	Keifer,	Robinson,	

8 Democrats, 109 Republicans, 8 Greenbackers.

In the Senate, February 13, 1881.

[Journal, third session Forty-sixth Congress, page 283.]

On the question, Shall the bill (H. R. 4502) pass? it was determined in the affirmative.

YEAS—43.

Bailey,	Farley,	Kernan,	Slater,
Bayard,	Garland,	Lamar,	Thurman,
Beck,	Groome,	McDonald,	Vance,
Booth,	Grover,	McPherson,	Vest,
Brown,	Hampton,	Maxey,	Voorhees,
Butler,	Harris,	Morgan,	Walker,
Call,	Hereford,	Pendleton,	Wallace,
Cockrell,	Hill, Ga.	Plumb,	Whyte,
Coke,	Ingalls,	Pugh,	Williams,
Davis, Ill.	Johnston,	Saulsbury,	Withers.
Eaton,	Jonas,	Saunders,	

38 Democrats, 5 Republicans.

NAYS—30.

Allison,	Cameron, Wis.	Hoar,	Paddock,
Anthony,	Dawes,	Kirkwood,	Platt,
Baldwin,	Ferry,	Logan,	Rollins,
Blair,	Hamlin,	McMillan,	Teller,
Burnside,	Hill, Colo.	Morrill,	Windom.

All Republicans.

PRESIDENT HAYES'S VETO OF THE BILL.

In the House, March 3, 1881.

[Journal, third session Forty-sixth Congress, page 585.]

The Speaker laid before the House the message received from the President of the United States vetoing H. R. 4502.

"*To the House of Representatives:*

"Having considered the bill entitled 'An act to facilitate the refunding of the national debt,' I am constrained to return it to the House of Representatives, in which it originated, with the following statement of my objections to its passage:

* * * * * * *

"I should not deem it my duty to interpose my constitutional objection to the passage of the present bill if it did not contain in its fifth section provisions which, in my judgment, seriously impair the value and tend to the destruction of the present national banking system of the country.

* * * * * * *

"Under this section it is obvious that no additional banks will hereafter be organized, except possibly in a few cities or localities where the prevailing rates of interest in ordinary business are extremely low. No new banks can be organized and no increase of the capital of existing banks can be obtained except by the purchase and deposit of 3 per cent bonds. No other bonds of the United States can be used for the purpose. The one thousand millions of other bonds recently issued by the United States and bearing a higher rate of interest than 3 per cent, and therefore a better security for the bill holder, can not, after the 1st of July next, be received as security for bank circulation. This is a radical change in the banking law. It takes from the banks the right they have heretofore had under the law to purchase and deposit as security for their circulation any of the bonds issued by the United States, and deprives the bill holder of the best security which the banks are able to give by requiring them to deposit bonds having the least value of any bonds issued by the Government.

* * * * * * *

"RUTHERFORD B. HAYES.

"EXECUTIVE MANSION, *March 3, 1881.*"

EXTENSION OF BANK CHARTERS.

In the House, May 19, 1882.

[Journal, first session Forty-seventh Congress, page 967.]

On the question, Shall the bill (H. R. 4167) pass? it was decided in the affirmative.

YEAS—125.

Aldrich,	Evins,	McKinley,	Shelley,
Barr,	Farwell, S. S.	Miles,	Shultz,
Bayne,	Flower,	Miller,	Skinner,
Beach,	Garrison,	Moore,	Smith, A. H.
Belmont,	George,	Morey,	Smith, D. C.
Bingham,	Godshalk,	Mutchler,	Smith, J. H.
Biss,	Grout,	Neal,	Spaulding,
Briggs,	Guenther,	Norcross,	Spooner,
Buck,	Hall,	O'Neill,	Stone,
Burrows, J. C.	Hammond, J.	Orth,	Strait,
Butterworth,	Hardenbergh,	Parker,	Thomas,
Calkins,	Harris, B. W.	Payson,	Thompson, W. G.
Campbell,	Harris, H. S.	Peelle,	Tillman,
Candler,	Haskell,	Pierce,	Townsend, A.
Cannon,	Heilman,	Pettibone,	Tyler,
Carpenter,	Henderson,	Phelps,	Updegraff, J. T.
Caswell,	Hiscock,	Pound,	Updegraff, T.
Chace,	Hoblitzell,	Prescott,	Urner,
Covington,	Houk,	Ranney,	Van Aernam,
Crapo,	Humphrey,	Ray,	Wait,
Cullen,	Hutchins,	Rice, J. B.	Ward,
Davis, G. R.	Jacobs,	Rice, W. W.	Watson,
Dawes,	Jadwin,	Rich,	Webber,
Deering,	Kelley,	Richardson, D. P.	West,
De Motte,	Klotz,	Richardson, J. S.	White,
Deuster,	Lewis,	Ritchie,	Williams, C. G.
Dibble,	Lord,	Robeson,	Willits,
Dingley,	Lynch,	Robinson, G. D.	Wood, W. A.
Dunnell,	Mason,	Robinson, J. S.	Young.
Dwight,	McClure,	Ross,	
Ellis,	McCord,	Russell,	
Ermentrout,	McCook,	Ryan,	

103 Republicans, 22 Democrats.

NAYS—67.

Aiken,	Cook,	Jones, G. W.	Shackelford,
Anderson,	Cravens,	Jones, J. K.	Simonton,
Atkins,	Culberson,	Kenna,	Singleton, J. W.
Beltshoover,	Cutts,	Knott,	Singleton, O. R.
Bland,	Davis, L. H.	Ladd,	Sparks,
Blount,	Dunn,	Le Fevre,	Springer,
Brumm,	Finley,	Marsh,	Stockslager,
Burrows, J. H.	Ford,	Matson,	Thompson, P. B.
Cabell,	Forney,	McKenzie,	Turner, H. G.
Caldwell,	Geddes,	McMillin,	Turner, O.
Cassidy,	Gunter,	Money,	Vance,
Clardy,	Hammond, N. J.	Morrison,	Warner,
Clark,	Haseltine,	Muldrow,	Wellborn,
Clements,	Hatch,	Murch,	Whitthorne,
Cobb,	Hoge,	Randall,	Williams, T.
Colerick,	Holman,	Reagan,	Wilson.
Converse,	House.	Rice, T. M.	

57 Democrats, 2 Republicans, 8 Greenbackers.

In Senate.

[Bill H. R. 4167. Journal, page 865.]

On the question, Shall the bill pass? it was decided in the affirmative.

YEAS—34.

Aldrich,	Frye,	Lapham,	Rollins,
Allison,	Gorman,	Logan,	Saunders,
Blair,	Groome,	McMillan,	Sawyer,
Call,	Hampton,	Mahone,	Sewell,
Chilcott,	Harrison,	Miller, Cal.	Sherman,
Conger,	Hawley,	Miller, N. Y.	Van Wyck,
Davis, W. Va.	Hill, Colo.	Morgan,	Windom.
Dawes,	Hoar,	Morrill,	
Ferry,	Jonas,	Ransom,	

26 Republicans, 8 Democrats.

NAYS—13.

Brown,	George,	Pugh,	Williams.
Cockrell,	Grover,	Vance,	
Coke,	Jones, Nev.	Voorhees,	
Farley,	Maxey,	Walker,	

12 Democrats, 1 Republican.

CONFERENCE REPORT ADOPTED.

In the House, July 10, 1882.

[Journal, page 1612.]

The report of the conference committee that the House recede from its position and agree to the amendment of the Senate was adopted.

YEAS—110.

Aiken,	Carpenter,	George,	Kasson,
Aldrich, W.	Caswell,	Gibson,	Kelley,
Barr,	Chase,	Godshalk,	Ketcham,
Bayne,	Crapo,	Hammond, J.	Lacey,
Bisbee,	Cutts,	Hardenbergh,	Lord,
Brewer, J. H.	Darrall,	Harris, B. W.	Lynch,
Briggs,	Dawes,	Haskell,	Mackey,
Browne,	Deering,	Hazleton, G. C.	McCook,
Buck,	De Motte,	Hepburn,	McKinley,
Buckner,	Dingley,	Hiscock,	McLane,
Burrows, J. C.	Dunnell,	Hoblitzell,	Miles,
Butterworth,	Dwight,	Horr,	Moore,
Campbell,	Ermentrout,	Houk,	Morey,
Candler,	Errell,	Hubbell,	Morse,
Cannon,	Farwell, S. S.	Jadwin,	Mutchler,

Neal,	Ray,	Smith, D. C.	Valentine,
Norcross,	Reed,	Spaulding,	Van Aerman,
Oates,	Rice, J. B.	Spooner,	Wadsworth,
O'Neill,	Rice, W. W.	Stone, E. F.	Wait,
Orth,	Rich,	Strait,	Walker,
Pacheco,	Ritchie,	Talbott,	Ward,
Parker,	Robinson, G. D.	Taylor, E. B.	Washburn,
Payson,	Robinson, J. S.	Thompson, W. G.	Webber,
Peelle,	Scranton,	Townsend, A.	White, J. D.
Peirce,	Shallenberger,	Tyler,	Williams, C. G.
Pound,	Shelley,	Updegraff, J. T.	Willitts.
Prescott,	Shultz,	Updegraff, T.	
Ranney,	Smith, A. H.	Urner,	

99 Republicans, 11 Democrats.

NAYS—79.

Anderson,	Culberson,	Jones, G. W.	Scales,
Armfield,	Davidson,	Kenna,	Simonton,
Atkins,	Dibrell,	Klotz,	Singleton, O. R.
Belford,	Dowd,	Knott,	Speer,
Beltzhoover,	Dugro,	Ladd,	Springer,
Berry,	Dunn,	Latham,	Thompson, P. B., jr.
Blount,	Evins,	Lowe,	Tillman,
Brumm,	Food,	Matson,	Townshend, R. W.
Buchanan,	Frost,	McKenzie,	Tucker,
Caldwell, J. W.	Fulkerson,	McMillan,	Turner, H. G.
Cassidy,	Geddis,	Mills,	Turner, O.
Chapman,	Hammond, N. J.	Morrison,	Upson,
Clardy,	Hardy,	Moulton,	Vance,
Cobb,	Hazeltine, J. S.	Page,	Warner, R.
Converse,	Hatch,	Paul,	Wellborn.
Cook,	Hewitt, G. W.	Phelps,	Williams, T.
Cox, S. S.	Hoge,	Phister,	Wilson,
Cox, W. R.	Holman,	Randall,	Wise, G. D.
Covington,	Hooker,	Reagan,	Wise, M. R.
Cravens,	House,	Rosecrans,	

69 Democrats, 2 Republicans, 6 Greenbackers, 2 Readjusters.

STANLEY MATTHEWS'S RESOLUTION.

Be it resolved by the Senate (the House of Representatives concurring therein), That all the bonds of the United States issued or authorized to be issued under the said acts of Congress hereinbefore recited are payable, principal and interest, at the option of the Government of the United States in silver dollars of the coinage of the United States, containing 412½ grains each of standard silver; and that to restore to its coinage such silver coins as a legal tender in payment of said bonds, principal and interest, is not in violation of the public faith nor in derogation of the rights of the public creditor.

In the Senate, January 25, 1878.

[Congressional Record, volume 27, page 561.]

On the passage of the resolution the question was decided in the affirmative.

YEAS—43.

Allison,	Davis, Ill.	Jones, Fla.	Plumb,
Armstrong,	Davis, W. Va.	Jones, Nev.	Ransom,
Bailey,	Dennis,	Kirkwood,	Saulsbury,
Beck,	Dorsey,	McCreery.	Saunders,
Booth,	Eustis,	McDonald,	Spencer,
Bruce,	Ferry,	McMillan,	Teller,
Cameron, Pa.	Gordon,	Matthews,	Thurman,
Cameron, Wis.	Grover,	Maxey,	Voorhees,
Chaffee,	Hereford,	Merrimon,	Wallace,
Coke,	Howe,	Morgan,	Withers.
Conover,	Johnston,	Oglesby,	

23 Democrats, 20 Republicans.

NAYS—22.

Anthony,	Conkling,	Lamar,	Rollins,
Barnum,	Dawes,	McPherson,	Sargent,
Bayard,	Eaton,	Mitchell,	Wadleigh,
Blaine,	Edmunds,	Morrill,	Windom.
Burnside,	Hamlin,	Paddock,	
Christiancy,	Kernan,	Randolph,	

7 Democrats, 15 Republicans.

THE SAME RESOLUTION.

In the House, January 23, 1878.

[Record, volume 27, page 628.]

On the question, Shall the resolution pass? it was decided in the affirmative.

YEAS—189.

Aiken,	Cannon,	Evins, John H.	Hewitt, G. W.
Aldrich,	Carlisle,	Ewing,	Hooker,
Atkins,	Caswell,	Felton,	House,
Baker, John H.	Chalmers,	Finley,	Hubbell,
Banning,	Clarke, Ky.	Forney,	Humphrey,
Bayne,	Clark, Mo.	Fort,	Hunter,
Bell,	Clark, Rush,	Foster,	Hunton,
Bicknell,	Clymer,	Franklin,	Ittner,
Blackburn,	Cobb,	Fuller,	Jones, James T.
Blount,	Collins,	Gardner,	Jones, John S.
Bouck	Conger,	Garth,	Keifer,
Boyd,	Cox, Jacob D.	Gause,	Keightley,
Bragg,	Cox, Samuel S.	Giddings,	Kelley,
Brentane,	Cravens,	Glover,	Kenna,
Brewer,	Crittenden,	Goode,	Killinger,
Bridges,	Culberson,	Gunter,	Kimmel,
Bright,	Cummings,	Hanna,	Knapp,
Brogden,	Cutler,	Harris, Henry R.	Knott,
Browne,	Davidson,	Harrison,	Lathrop,
Buckner,	Davis, Joseph J.	Hartridge,	Ligon,
Burchard,	Deering,	Hartzell,	Luttrell,
Burdick,	Dibrell,	Haskell,	Lynde,
Butler,	Dickey,	Hatcher,	Mackey,
Cabell,	Dunnell,	Hayes,	Manning,
Cain,	Durham,	Hazelton,	Marsh,
Caldwell, Jno. W.	Elam,	Henderson,	Martin,
Caldwell, W. P.	Ellis,	Henkle,	Mayham,
Calkins,	Errett,	Henry,	McKenzie,
Candler,	Evans, James L.	Herbert,	McKinley,
McMahon,	Randolph,	Smalls,	Van Voorhes,
Metcalfe,	Rea,	Smith, Wm. E.	Waddell,
Mills,	Reagan,	Sparks,	Walsh,
Money,	Reilly,	Springer,	Welch,
Morgan,	Rice, Americus V.	Steele,	White, Harry
Morrison,	Riddle,	Stephens,	White, Michael D.
Muldrow,	Robbins,	Stone, John W.	Whitthorne,
Neal,	Roberts,	Stone, Jos. C.	Williams, C. G.
Oliver,	Robertson	Strait,	Williams, Jere N.
Pacheco,	Robinson, Milton S.	Thompson,	Willis, Albert S.
Page,	Ryan,	Thornburgh,	Willits,
Patterson, T. M.	Sampson,	Throckmorton,	Wilson,
Patterson, G. W.	Sapp,	Tipton.	Wren,
Phelps,	Sayler,	Townsend, Amos	Wright,
Phillips,	Scales,	Townshend, R. W	Yeates,
Pollard,	Sexton,	Tucker,	Young.
Pound,	Shallenberger,	Turner,	
Price,	Shelley,	Turney,	
Pridemore,	Siemons,	Vance,	

113 Democrats, 77 Republicans.

NAYS—79.

Bacon,	Eames,	Ketcham,	Rice, Wm. W.
Bagley,	Eickhoff,	Landers,	Robinson, Geo. D.
Baker, Wm. H.	Ellsworth,	Lapham,	Schleicher,
Ballou,	Evans, I. Newton	Leonard,	Sinnickson,
Banks,	Field,	Lindsey,	Smith, A. Herr
Beebe,	Freeman,	Lockwood,	Starin,
Bisbee,	Frye,	Loring,	Stenger,
Blair,	Garfield,	McCook,	Stewart,
Briggs,	Hale,	Morse,	Swann,
Bundy,	Hardenbergh,	Muller,	Veeder,
Campbell,	Harmer,	Norcross,	Wait,
Chittenden,	Harris, Benj. W.	O'Neill,	Warner,
Claflin,	Hart,	Overton,	Watson,
Clark, Alvah A.	Hendee,	Peddie,	Williams, A. S.
Cole,	Hewitt, Abram S.	Potter,	Williams, Andrew
Covert,	Hungerford,	Powers,	Williams, James
Crapo,	James.	Pugh,	Williams, Richard
Davis, Horace	Jones, Frank	Quinn,	Willis, Benj. A.
Denison,	Jorgensen,	Rainey,	Wood.
Dwight,	Joyce,	Reed,	

22 Democrats, 57 Republicans.

FUNDING NATIONAL DEBT.

In Senate, March 11, 1870.

[Journal, second session Forty-first Congress, pages 361-364.]

On the question, Shall the bill (S. 380) pass? it was determined in the affirmative.

YEAS—32.

Chandler,	Harlan,	Pomeroy,	Sherman,
Cole,	Harris,	Pratt,	Stewart,
Conkling,	Howard,	Ramsey,	Sumner,
Edmunds,	Howell,	Revels,	Thayer,
Fenton,	Kellogg,	Rice,	Tipton,
Ferry,	Morrill, Vt.	Sawyer,	Warner,
Fowler,	Morton,	Schurz,	Williams,
Gilbert,	Osborn,	Scott,	Wilson.

All Republicans.

NAYS—10.

Bayard,	Casserly,	McDonald,	Thurman.
Boreman,	Corbett,	Sprague,	
Buckingham,	McCreery,	Stockton,	

5 Democrats and 5 Republicans.

In the House, July 13, 1870.

[Journal, second session Forty-first Congress, page 1242.]

On conference report to bill S. 380.

On the question, Will the House agree to the report? it was decided in the affirmative.

YEAS—139.

Allison,	Cowles,	Knapp,	Sargent,
Ambler,	Cullom,	Laflin,	Sawyer,
Ames,	Darrall,	Lash,	Schenck,
Armstrong,	Davis,	Lawrence,	Shanks,
Arnell,	Dawes,	Logan,	Sheldon, L. A.
Asper,	Degener,	Loughridge,	Sheldon, P.
Atwood,	Dickey,	Lynch,	Smith, J. A.
Ayer,	Dixon,	Maynard,	Smith, W. J.
Bailey,	Donley,	McCarthy,	Smith, W. O.
Banks,	Duval,	McCrary,	Smyth, W.
Barry,	Ela,	McGrew,	Stevens,
Benjamin,	Farnsworth,	Mercur.	Stokes,
Bennett,	Ferriss,	Moore, E. H.	Stoughton,
Benton,	Ferry,	Moore, J. H.	Strickland,
Bingham,	Finkelnburg,	Moore, W.	Taffe.
Blair,	Fisher,	Morphis,	Tanner,
Boles,	Fitch,	Morrell,	Taylor,
Boyd,	Garfield,	Myers,	Tillman,
Brooks, G. M.	Gilfillan,	Negley,	Townsend,
Buck,	Hamilton, C. M.	O'Neill,	Twichell,
Buckley,	Harris,	Orth,	Tyner,
Buffinton,	Hawley,	Packard,	Upson.
Burchard,	Hays, Charles	Packer,	Van Horn,
Burdett,	Heflin,	Paine,	Van Wyck,
Butler,	Hill,	Palmer,	Ward,
Cake,	Hoar,	Peck,	Washburn,
Cessna,	Hooper,	Perce,	Welker,
Churchill,	Hotchkiss,	Peters,	Wheeler.
Clark, W. T.	Jenckes,	Phelps,	Whitmore,
Clarke, Sidney	Judd,	Poland,	Wilkinson,
Cobb,	Julian,	Porter,	Willard,
Coburn,	Kelley,	Prosser,	Williams,
Cook,	Kellogg.	Rogers,	Wilson, J. T.
Conger,	Kelsey,	Roots,	Witcher.
Covode,	Ketcham,	Sanford,	

All Republicans.

NAYS—55.

Adams,	Dickinson,	Marshall,	Stone,
Archer,	Eldridge,	Mayham,	Swann,
Axtell,	Getz,	McCormick,	Sweeny,
Barnum,	Griswold,	McKenzie,	Trimble,
Beatty,	Haight,	Morgan,	Van Trump,
Beck,	Hambleton, Sam'l	Potter,	Voorhees,
Biggs,	Hamill,	Randall,	Wells,
Bird,	Hay, J. B.	Reeves,	Wilson, E. M.
Brooks, Jas.	Holman,	Rice,	Winchester,
Burr,	Johnson,	Schumaker,	Wood,
Calkin,	Jones,	Sherrod,	Woodward.
Cleveland,	Kerr,	Slocum,	
Cox,	Knott,	Smith, J. S.	
Crebs,	Lewis,	Stiles,	

51 Democrats, 2 Republicans.

THE ACT OF MARCH 18, 1869, TO STRENGTHEN THE PUBLIC CREDIT.

In the House, March 12, 1869.

[House Journal, first session Forty-first Congress, pages 31 to 36.]

On the question, Shall the bill (H. R. 7) pass? it was decided in the affirmative.

YEAS—97.

Allison,	Dawes,	Lash,	Sheldon,
Ambler,	Donley,	Lawrence,	Smith, J. A.
Ames,	Duval,	Lynch,	Smith, W. C.
Armstrong,	Dyer,	Maynard,	Smyth, William
Arnell,	Farnsworth,	McCrary,	Stokes,
Asper,	Ferris,	McGrew,	Stoughton,
Axtell,	Ferry,	Mercur,	Strickland,
Bailey,	Finkelnburg,	Moore, J. H.	Tanner,
Banks,	Fisher,	Moore, William	Tillman,
Beaman,	Fitch.	Morrill,	Twichel,
Benjamin,	Gilfillan,	Negley,	Upson,
Bennett,	Hale,	O'Neil,	Van Horn,
Bingham,	Hawley,	Packard,	Ward,
Blair,	Heaton,	Paine,	Washburn, C. C.
Boles,	Hoar,	Palmer,	Washburn, W. B.
Boyd,	Hooper,	Phelps,	Welker,
Buffington,	Hotchkiss,	Poland,	Wheeler,
Burdett,	Jenckes,	Pomeroy,	Whittemore,
Cessna,	Jones, A. H.	Prosser,	Wilkinson,
Churchill,	Judd,	Roots,	Willard,
Cobb, C. L.	Julian,	Sanford,	Williams, William
Cook,	Kelsey,	Sargent,	Winans, J. J.
Conger,	Ketcham,	Sawyer,	
Cowles,	Knapp,	Schenck,	
Cullom,	Laflin,	Scofield,	

96 Republicans, 1 Democrat.

NAYS—47.

Archer,	Dickinson,	Mayham,	Stiles,
Beatty,	Eldridge,	McCormick,	Stone,
Beck,	Getz,	McNeely,	Strader,
Biggs,	Golladay,	Moffet,	Sweeney,
Bird,	Hawkins,	Mungen,	Taffe,
Burr,	Holman,	Niblack,	Trimble,
Butler, B. F.	Hopkins,	Orth,	Tyner,
Butler, R. R.	Johnson,	Reading,	Van Trump,
Cobb, Amasa	Jones,	Reeves,	Wilson,
Coburn,	Kerr,	Rice,	Winchester,
Crebs,	Knott,	Shanks,	Woodward.
Deweese,	Marshall,	Smith, J. S.	

35 Democrats, 12 Republicans.

In the Senate, March 15, 1869.

[Journal, first session Forty-first Congress, page 45.]

On the question, Shall the bill (H. R. 7) pass? it was determined in the affirmative.

YEAS—42.

Abbott,	Edmunds,	Nye,	Sumner,
Anthony,	Fenton,	Patterson,	Thayer,
Boreman,	Ferry,	Pool,	Tipton,
Brownlow,	Fessenden,	Pratt,	Trumbull,
Cameron,	Gilbert,	Ramsey,	Warner,
Cattell,	Grimes,	Robertson,	Willey,
Chandler,	Harris,	Sawyer,	Williams,
Conkling,	Howard,	Schurz,	Wilson,
Corbett,	Kellogg,	Scott,	Yates.
Cragin,	McDonald,	Sherman,	
Drake,	Morrill,	Steward,	

All Republicans.

NAYS—13.

Bayard,	Davis,	Ross,	Vickers.
Carpenter,	Morton,	Spencer,	
Casserly,	Osborn,	Stockton,	
Cole,	Rice,	Thurman,	

7 Republicans, 6 Democrats.

THE ACT OF JANUARY 14, 1875, TO PROVIDE FOR THE RESUMPTION OF SPECIE PAYMENT.

In the Senate, December 22, 1874.

[Journal, second session Forty-third Congress, page 66.]

On the question, Shall the bill (S. 1044) pass? it was determined in the affirmative.

YEAS—32.

Allison,	Fenton,	Logan,	Sargent,
Anthony,	Ferry, Mich.	Morrill, Me.	Schurz,
Boutwell,	Flanagan,	Morton,	Scott,
Carpenter,	Frelinghuysen,	Oglesby,	Sherman,
Chandler,	Hamlin,	Patterson,	Spencer,
Clayton,	Harvey,	Pease,	Washburn,
Cragin,	Howe,	Pratt,	West,
Edmunds,	Ingalls,	Ramsey,	Wright.

All Republicans.

NAYS—14.

Bogy,	Goldthwaite,	Merrimon,	Thurman,
Cooper,	Hager,	Ransom,	Tipton.
Davis,	Hamilton, Tex.	Sprague,	
Dennis,	Johnston,	Stevenson,	

11 Democrats, 1 Republican, and 2 Independents.

In the House, January 7, 1875.

[Journal, second session Forty-third Congress, pages 136, 137.]

On the question, Shall the bill (S. 1044) pass? it was decided in the affirmative.

YEAS—136.

Albert,	Garfield,	McKee,	Shoemaker,
Averill,	Gunckel,	McNulta,	Small,
Barber,	Hale,	Merriam,	Smart,
Barrere,	Harmer,	Monroe,	Smith, A. H.
Barry,	Harrison,	Moore,	Smith, H. B.
Bass,	Hathorn,	Myers,	Smith, J. A.
Begole,	Hawley,	Negley, J. S.	Smith, J. Q.
Biery, J. S.	Hays,	O'Neill,	Sprague,
Bradley,	Hazelton, C. W.	Orr,	Stanard,
Burchard,	Hazelton, J. W.	Orth,	Starkweather,
Burleigh,	Hendee,	Packard,	St. John,
Burrows,	Hodges,	Packer,	Strawbridge,
Butler,	Hooper,	Page,	Taylor,
Cain,	Hoskins,	Parsons,	Thomas, C. R.
Carpenter,	Houghton,	Pelham,	Thomas, C. Y.
Carson,	Howe,	Pendleton,	Thompson,
Cessna,	Hunter,	Pike,	Thornburgh,
Chittenden,	Haynes,	Platt,	Todd,
Clayton,	Kasson,	Poland,	Tremain,
Clements,	Kellogg,	Pratt,	Tyner,
Cobb,	Killinger,	Purman,	Waldron,
Corwin,	Lamport,	Ray,	Wallace,
Cotton,	Lansing,	Richmond,	Ward, J. D.
Crooke,	Lawrence,	Roberts,	Ward, M. L.
Crounse,	Loughridge,	Robinson,	Wheeler,
Curtis,	Lowe,	Rusk,	White,
Danford,	Lowndes,	Sawyer,	Whiteley,
Dobbins,	Lynch,	Sayler,	Wilber,
Donnan,	Martin,	Scofield,	Willard, George
Duell,	Maynard,	Scudder,	Williams, J. M. S.
Eames,	McCrary,	Sener,	Williams, William
Farwell,	McDill, A. S.	Sessions,	Williams, W. B.
Freeman,	McDill, J. W.	Shanks,	Wilson, James
Frye,	MacDougall,	Sheats,	Wilson, J. M.

All Republicans.

NAYS—98.

Adams,	Dawes,	Knapp,	Sherwood,
Archer,	De Witt,	Lamar,	Sloss,
Arthur,	Eldredge,	Lamison,	Smith, W. A.
Ashe,	Field,	Lawson,	Southard,
Atkins,	Finck,	Leach,	Stephens,
Banning,	Giddings,	Magee,	Stone,
Beck,	Glover,	Marshall,	Storm,
Bell,	Gooch,	McLean,	Swan,
Berry, John	Gunter,	Milliken,	Townsend,
Blount,	Hagans,	Mills,	Vance,
Bowen,	Hamilton,	Morrison,	Waddell,
Bright,	Hancock,	Neal,	Wells,
Bromberg,	Harris, B. W.	Nesmith,	Whitehead,
Brown,	Harris, H. R.	Niblack,	Whitehouse,
Buffinton,	Harris, J. T.	Niles,	Whitthorne,
Caldwell,	Hatcher,	Parker, H. W.	Willard, C. W.
Clark, jr., J. B.	Havens,	Parker, I. C.	Willie,
Clarke, Freeman	Hawley,	Perry,	Wilson, E. K.
Clymer,	Hereford,	Pierce,	Wolfe,
Comingo,	Herndon,	Randall,	Wood,
Cook,	Hoar, E. R.	Read,	Woodworth,
Cox,	Hoar, G. F.	Robbins,	Young, J. D.
Crittenden,	Holman,	Sayler,	Young, P. M. B.
Crossland,	Hunton,	Schell,	
Crutchfield,	Kelley,	Scudder,	

71 Democrats, 27 Republicans.

BILL TO REPEAL THE RESUMPTION ACT.

In the House, August 5, 1876.

[Journal, first session Forty-fourth Congress, page 1302.]

On the question, Shall the bill (H. R. 4064) pass? it was decided in the affirmative.

YEAS—106.

Ainsworth,	Durham,	Lane,	Slemons,
Anderson,	Eden,	Lawrence,	Smith,
Atkins,	Evans,	Lewis,	Southard,
Banning,	Faulkner,	Lynde,	Springer,
Bland,	Felton,	Mackey,	Stenger,
Boone,	Finley,	Maish,	Stevenson,
Bradford,	Forney,	McFarland,	Stone,
Bright,	Fort,	McMahon,	Teese,
Brown, J. Y.	Franklin,	Milliken,	Thomas,
Brown, W. R.	Gause,	Mills,	Throckmorton,
Cabell,	Goode,	Morgan,	Tucker,
Caldwell, J. H.	Goodin,	Mutchler,	Turner,
Caldwell, W. P.	Gunter,	Neal,	Van Vorhes,
Campbell,	Harrison,	New,	Vance,
Cannon,	Hartzell,	Payne,	Waddell,
Cason,	Haymond,	Phelps,	Walker, G. C.
Cate,	Henkle,	Poppleton,	Walsh,
Caulfield,	Hereford,	Randall,	Wells,
Clarke, J. B.	Holman,	Rea,	Whitthorne,
Clark, jr., J. B.	Hooker,	Reagan,	Williams, J. D.
Clymer,	Hopkins,	Reilly,	Williams, J. N.
Cochrane,	House,	Rice,	Wilshire,
Collins,	Hubbell,	Riddle,	Wilson, Benjamin
Cook,	Hunton,	Robinson,	Yeates,
Cox,	Hurd,	Savage,	Young.
Dibrell,	Jones,	Sheakley,	
Douglas,	Landers,	Singleton.	

96 Democrats, 10 Republicans.

NAYS—86.

Abbott,	Frye,	Metcalfe,	Sinnickson,
Adams,	Gibson,	Miller,	Smalls,
Bagby,	Hale,	Monroe,	Smith, A. H.
Bagley, G. A.	Hancock,	Morrison,	Strait,
Bagley, jr., J. H.	Hardenbergh,	Nash,	Stowell,
Baker,	Harris,	Norton,	Thompson,
Ballou,	Henderson,	O'Brien,	Thornburgh,
Banks,	Hewett,	Odell,	Townsend,
Bell,	Hoar,	O'Neill,	Tufts,
Blair,	Hoge,	Packer,	Wait,
Burchard,	Hyman,	Page,	Walker, C. C. B.
Caswell,	Joyce,	Pierce,	Ward,
Chittenden,	Kasson,	Piper,	Warren,
Conger,	Kehr,	Platt,	Wells,
Crounse,	Kimball,	Potter,	White,
Cutler,	Lamar,	Powell,	Whiting,
Danford,	Lapham,	Pratt,	Williams, A. S.
Davy,	Levy,	Rainey,	Willis,
Durand,	Lynch,	Ross,	Wilson, James
Eames,	McDougall,	Rusk,	Woodburn.
Ely,	McCrary,	Sampson,	
Freeman,	Meade,	Schleicher,	

27 Democrats, 59 Republicans.

This bill was never considered in the Senate.

ANOTHER BILL TO REPEAL THE RESUMPTION ACT.

In the House, November 23, 1877.

[Journal, first session Forty-fifth Congress, pages 264, 265.]

On the question, Shall the bill (H. R. 805) as amended pass? it was decided in the affirmative.

YEAS—133.

Atkins,	Eden,	Hunton,	Sapp,
Baker,	Elam,	Humphrey,	Sayler,
Banning,	Errett,	Jones, J. T.	Scales,
Bayne,	Evins, J. H.	Jones, J. S.	Shelley,
Bell,	Ewing,	Kelley,	Singleton,
Blackburn,	Felton,	Kenna,	Slemons,
Bland,	Finley,	Killinger,	Smith,
Boone,	Forney,	Knapp,	Sparks,
Bragg,	Fort,	Knott,	Springer,
Brogden,	Franklin,	Ligon,	Steele,
Browne,	Fuller,	Mackey,	Thompson,
Buckner,	Gardner,	Maish,	Throckmorton,
Cabell,	Garth,	Manning,	Tipton,
Caldwell, J. W.	Giddings,	Marsh,	Townshend, R. W.
Caldwell, W. P.	Glover,	Martin,	Tucker,
Calkins,	Goode,	McKenzie,	Turner,
Cannon,	Gunter,	McMahon,	Turney,
Carlisle,	Hamilton,	Mills,	Vance,
Chalmers,	Hanna,	Morgan,	Van Vorhes,
Clarke, J. B.	Harris, H. R.	Muldrow,	Waddell,
Clarke, J. B., jr.	Harris, J. T.	Oliver,	Walker,
Clymer, H.	Harrison,	Phelps,	Walsh,
Cobb,	Hartridge,	Phillips,	White, H.
Collins,	Hartzell,	Pridemore,	White, M. D.
Cook,	Haskell,	Rea,	Whitthorne,
Cravens,	Hatcher,	Reagan,	Williams, J. N.
Crittenden,	Hayes,	Reilly,	Willis, A. S.
Culberson,	Henkle,	Rice, A. V.	Wilson,
Davidson,	Henry,	Riddle,	Wright,
Davis, J. J.	Hewitt, G. W.	Robbins,	Yeates,
Dibrell,	Herbert,	Roberts,	Young.
Dickey,	Hooker,	Robertson, E. W.	
Douglas,	House,	Robinson,	
Durham,	Hunter,	Ryan,	

109 Democrats, 24 Republicans.

NAYS—120.

Aldrich,	Danford,	Keightley,	Price,
Bacon,	Davis, H.	Kimmel,	Pugh,
Bagley,	Deering,	Landers,	Quinn,
Baker,	Denison,	Lapham,	Rainey,
Ballou,	Dunnell,	Lathrop,	Randolph,
Banks,	Dwight,	Leonard,	Reed,
Beebe,	Eames,	Lindsey,	Rice, W. W.
Benedict,	Eickhoff,	Lockwood,	Robinson, G. D.
Bisbee, jr.	Ellsworth,	Loring,	Ross,
Blair,	Evans, I. N.	Luttrell,	Sampson,
Boyd,	Foster,	Mayham,	Schleicher,
Brentano,	Freeman,	McCook,	Shallenberger,
Brewer,	Frye,	McGowan,	Sinnickson,
Briggs,	Garfield,	McKinley,	Stenger,
Burchard,	Gibson,	Metcalfe,	Stewart,
Burdick,	Hale,	Mitchell,	Stone,
Cain,	Hardenbergh,	Monroe,	Thornburgh,
Camp,	Harmer,	Morrison,	Townsend,
Campbell,	Harris, B. W.	Morse,	Wait,
Chittenden,	Hart,	Muller,	Warner,
Claflin,	Hendee,	Norcross,	Watson,
Clark, A. A.	Henderson,	O'Neill,	Welch,
Clark, R.	Hewitt, A. S.	Overton,	Williams, A. S.
Cole,	Hubbell,	Pacheco,	Williams, A.
Conger,	Hungerford,	Page,	Williams, C. G.
Covert,	Ittner,	Patterson,	Williams, R.
Cox,	James,	Peddie,	Willis, B. A.
Crapo,	Jones, F.	Potter,	Willits,
Cummings,	Jorgensen,	Pound,	Wood,
Cutler,	Joyce,	Powers,	Wren.

28 Democrats, 92 Republicans.

This bill was never considered in the Senate.

ACT OF MAY 31, 1878, TO FORBID THE FURTHER RETIREMENT OF LEGAL-TENDER NOTES.

In the House, April 29, 1878.

[Journal, second session Forty-fifth Congress, page 969.]

(Bill H. R. 4063.)

On the question, Shall the rules be suspended and the bill passed? it was decided in the affirmative.

YEAS—177.

Acklen,	Cummings,	Jones, J. T.	Robbins,
Aiken,	Cutler,	Jones, J. S.	Robertson, E. W.
Aldrich,	Danford,	Jorgensen,	Robinson, M. S.
Atkins,	Davidson,	Keifer,	Ryan,
Baker,	Dean,	Keightley,	Sampson,
Banning,	Deering,	Kelley,	Sapp,
Bayne,	Dibrell,	Knapp,	Sayler,
Beebe,	Douglas,	Knott,	Shelley,
Bell,	Dunnell,	Landers,	Singleton,
Benedict,	Durham,	Lathrop,	Slemons,
Bicknell,	Eden,	Ligon,	Smalls,
Blackburn,	Elam,	Lockwood,	Smith, W. E.
Blount,	Errett,	Luttrell,	Southard,
Boone,	Ewing,	Lynde,	Sparks,
Bouck,	Felton,	Mackey,	Springer,
Boyd,	Finley,	Maish,	Steele, W. L.
Bragg,	Forney,	Manning,	Stephens,
Bridges,	Fort,	Marsh,	Stone, J. W.
Brogden,	Foster,	Martin,	Stone, J. C.
Browne,	Franklin,	Mayham,	Strait,
Buckner,	Fuller,	McGowan,	Swann,
Bundy,	Gardner,	McKenzie,	Thompson,
Burchard,	Garth,	McKinley,	Thornburgh,
Burdick,	Giddings,	McMahon,	Tipton,
Cabell,	Glover,	Metcalfe,	Townsend, A.
Cain,	Gunter,	Mills,	Townshend, R. W.
Caldwell, J. W.	Hale,	Mitchell,	Tucker,
Caldwell, W. P.	Hamilton,	Morgan,	Vance,
Campbell,	Hanna,	Morrison,	Walker,
Candler,	Hardenbergh,	Muldrow,	Walsh,
Cannon,	Harris, H. R.	Neal,	Warner,
Caswell,	Harris, J. T.	Oliver,	Welch,
Chalmers,	Hartridge,	Overton,	White, H.
Clark, A. A.	Hartzell,	Page,	White, M. D.
Clarke, J. B.	Haskell,	Patterson, G. W.	Wigginton,
Clark, R.	Hatcher,	Patterson, T. M.	Williams, C. G.
Clymer,	Hayes,	Phillips,	Williams, J. N.
Cobb,	Hazelton,	Pollard,	Willis, A. S.
Cole,	Henderson,	Pound,	Willits,
Conger,	Hewitt,	Price,	Wilson,
Cook,	Herbert,	Rainey,	Wren,
Cox,	House,	Randolph,	Wright.
Cravens,	Hunter,	Rea,	
Crittenden,	Humphrey,	Reagan,	
Culberson,	Ittner,	Rice, A. V.	

106 Democrats, 71 Republicans.

NAYS—35.

Bacon,	Davis,	Joyce,	Robinson, G. D.
Baker,	Eames,	Ketcham,	Sinnickson,
Blair,	Eickhoff,	Lapham,	Smith, A. H.
Briggs,	Frye,	Loring,	Stenger,
Camp,	Garfield,	Monroe,	Ward,
Chittenden,	Gibson,	Norcross,	Williams, Richard
Claflin,	Hendee,	Potter,	Willis, B. A.
Covert,	Hiscock,	Pugh,	Wood.
Crapo,	Hungerford,	Rice, W. W.	

7 Democrats, 28 Republicans.

In the Senate, May 28, 1878.

[Journal, second session Forty-fifth Congress, pages 581, 582.]

On the question, Shall the bill (H. R. 4633) pass? it was determined in the affirmative.

YEAS—41.

Allison,	Dennis,	Kirkwood,	Saunders,
Armstrong,	Ferry,	McCreery,	Spencer,
Bailey,	Gordon,	McDonald,	Teller,
Beck,	Grover,	McMillan,	Thurman,
Blaine,	Harris,	Matthews,	Voorhees,
Cameron, Pa.	Hereford,	Maxey,	Wallace,
Cameron, Wis.	Hill,	Merrimon,	Windom,
Cockrell,	Ingalls,	Morgan,	Withers.
Coke,	Johnston,	Oglesby,	
Conover,	Jones, Fla.	Paddock,	
Davis, Ill.	Kellogg,	Ransom,	

22 Democrats, 19 Republicans.

NAYS—18.

Anthony,	Christiancy,	Kernan,	Saulsbury,
Barnum,	Conkling,	Mitchell,	Wadleigh,
Bayard,	Eaton,	Morrill,	Whyte.
Burnside,	Hoar,	Randolph,	
Butler,	Howe,	Rollins,	

8 Democrats, 10 Republicans.

TO MAKE GREENBACKS RECEIVABLE FOR IMPORT DUTIES.

In the House, January 17, 1879.

[Journal, third session Forty-fifth Congress, pages 191-195.]

On the question, Shall the bill (H. R. 5548) pass? it was decided in the affirmative.

YEAS—153.

Acklen,	Burdick,	Davis, J. J.	Harris, H. R.
Aiken,	Butler,	Deering,	Harris, J. T.
Aldrich,	Cain,	Dibrell,	Harrison,
Atkins,	Caldwell, J. W.	Dunnell,	Hartzell,
Bagley,	Caldwell, W. P.	Durham,	Haskell,
Banning,	Campbell,	Eden,	Hatcher,
Bayne,	Candler,	Ellis,	Hayes,
Bicknell,	Cannon,	Evans, J. L.	Hazelton,
Blackburn,	Clark,	Evins, J. H.	Henderson,
Blount,	Clymer,	Ewing,	Hewett,
Boone,	Cobb,	Felton,	Herbert,
Bouck,	Collins,	Forney,	House,
Bragg,	Conger,	Fort,	Hunter,
Brewer,	Cook,	Franklin,	Humphrey,
Bridges,	Cravens,	Garth,	Ittner,
Bright,	Culberson,	Gibson,	James,
Brogden,	Cummings,	Goode,	Keifer,
Browne,	Cutler,	Gunter,	Keightley,
Buckner,	Danford,	Hamilton,	Kelley,
Burchard,	Davis, Horace	Hanna,	Kenna,

Killinger,	Neal,	Sampson,	Turney,
Kimmel,	Overton, jr.	Sapp,	Vance,
Knapp,	Page,	Sayler,	Warner,
Knott,	Patterson, G. W.	Sexton,	White, Harry
Landers,	Patterson, T. M.	Shallenberger,	White, M. D.
Lapham,	Peddie,	Singleton,	Whitthorne,
Ligon,	Phillips,	Sinnickson,	Wigginton,
Luttrell,	Pound,	Slemons,	Williams, C. G.
Lynde,	Price,	Smalls,	Williams, J. N.
Mackey,	Pridemore,	Southard,	Willis, A. S.
Maish,	Pugh,	Springer,	Willits,
Marsh,	Rainey,	Steele,	Wilson,
Martin,	Randolph,	Stone,	Wood,
McMahon,	Rea,	Strait,	Wright,
Metcalfe,	Reagan,	Tipton,	Yeates,
Mills,	Rice,	Townsend, Amos	Young.
Mitchell,	Robbins,	Townshend, R. W.	
Morrison,	Roberts,	Tucker,	
Muldrow,	Ross,	Turner,	

107 Democrats, 46 Republicans.

NAYS—43.

Bacon,	Covert,	Hewitt, A. S.	O'Neill,
Ballou,	Cox,	Hungerford,	Reed,
Banks,	Dean,	Jones, Frank	Robinson,
Benedict,	Denison,	Jones, J. S.	Smith,
Blair,	Dwight,	Joyce,	Starin,
Bliss,	Eames,	Ketcham,	Stewart,
Briggs,	Foster,	Lathrop,	Ward,
Camp,	Garfield,	McCook,	Williams, Andrew
Chittenden,	Hardenbergh,	Monroe,	Williams, James
Claflin,	Hart,	Morse,	Willis, B. A.
Cole,	Henry,	Norcross,	

12 Democrats, 31 Republicans.

WEAVER'S RESOLUTION.

In the House, April 5, 1880.

[Journal, second session Forty-sixth Congress, pages 950, 951.]

Mr. Weaver moved that the rules be suspended so as to enable him to submit, and the House to agree to, the following resolutions, viz:

"*Resolved*, That it is the sense of this House that all currency, whether metallic or paper, necessary for the use and convenience of the people, should be issued and its volume controlled by the Government, and not by or through the bank corporations of the country; and when so issued should be a full legal tender in payment of all debts, public and private.

"*Resolved*, That, in the judgment of this House, that portion of the interest-bearing debt of the United States which shall become redeemable in the year 1881, or prior thereto, being in amount $782,000,000, should not be refunded beyond the power of the Government to call in said obligations and pay them at any time, but should be paid as rapidly as possible, and according to contract. To enable the Government to meet these obligations, the mints of the United States should be operated to their full capacity in the coinage of standard silver dollars, and such other coinage as the business interests of the country may require."

On the question, Shall the rules be suspended? it was decided in the negative.

YEAS—85.

Armfield,	Dibrell,	Lowe,	Singleton, O. R.
Atherton,	Dickey,	Manning,	Slemons,
Atkins,	Dunn,	McKenzie,	Smith, W. E.
Beale,	Elam,	McMillin,	Sparks,
Belford,	Ewing,	Mills,	Speer,
Berry,	Felton,	Muldrow,	Steele,
Bicknell,	Finley,	Murch,	Stevenson,
Blackburn,	Ford,	Myers,	Taylor,
Bland,	Forney,	New,	Tillman,
Cabell,	Forsythe,	Nicholls,	Turner, Oscar
Claflin,	Frost,	Persons,	Turner, Thomas
Clark, J. B.	Geddes,	Phelps,	Vance,
Cobb,	Gillette,	Philips,	Waddill,
Coffroth,	Gunter,	Reagan,	Weaver,
Colerick,	Harris, J. T.	Richmond,	Wellborn,
Cook,	Hatch,	Robertson,	Whitthorne,
Cox,	House,	Rothwell,	Williams, Thomas
Culberson,	Hull,	Russell, D. L.	Willis,
Davidson,	Jones,	Ryon, J. W.	Wilson.
Davis, J. J.	Kelley,	Sawyer,	
Davis, L. H.	Kenna,	Scales,	
De La Matyr,	Ladd,	Singleton, J. W.	

73 Democrats, 1 Republican, 11 Greenbackers.

NAYS—117.

Aldrich, N. W.	Davis, Horace	Johnston,	Reed,
Aldrich, William	Deering,	Joyce,	Robinson,
Anderson,	Deuster,	Keifer,	Ross,
Bachman,	Dunnell,	Kimmel,	Russell, W. A.
Baker,	Errett,	Lapham,	Ryan, Thomas
Barber,	Evins,	Lewis,	Samford,
Bayne,	Farr,	Lindsey,	Shallenberger,
Beltzhoover,	Ferdon,	Lounsbery,	Shelley,
Blake,	Field,	Mason,	Smith, A. H.
Boyd,	Fisher,	McCold,	Stone,
Brewer,	Frye,	McGowan,	Thomas,
Briggs,	Garfield,	McLane,	Thompson, jr., P. B.
Brigham,	Goode,	Mitchell,	Thompson, W. G.
Browne,	Hall,	Money,	Townsend, Amos
Buckner,	Harris, B. W.	Monroe,	Tucker,
Burrows,	Haskell,	Morrison,	Tyler,
Butterworth,	Hawk,	Morse,	Updegraff, J. T.
Calkins,	Hawley,	Morton,	Updegraff, Thomas
Cannon,	Hayes,	Neil,	Upson,
Carlisle,	Hazelton,	Newberry,	Valentine,
Carpenter,	Henderson,	Norcross,	Van Aernam,
Caswell,	Herbert,	O'Neill,	Voorhis,
Chittenden,	Herndon,	O'Reilly,	Wait,
Clymer,	Hiscock,	Overton,	Washburn,
Conger,	Houk,	Page,	White,
Covert,	Hubbell,	Phister,	Wilber,
Crapo,	Humphrey,	Pierce,	Williams, C. G.
Cravens,	Hunton,	Pound,	
Daggett,	Hurd,	Prescott,	
Davis, G. R.	James,	Price,	

27 Democrats, 90 Republicans.

SILVER LEGISLATION—FREE COINAGE BILL.

In the House, December 13, 1876.

[Journal, second session Forty-fourth Congress, pages 71, 72.]

On the question, Shall the bill (H. R. 4189) pass? it was decided in the affirmative.

YEAS—168.

Ainsworth,	Durham,	Leavenworth,	Sparks,
Anderson,	Ellis,	Lewis,	Spencer,
Ashe,	Evans,	Luttrell,	Springer,
Atkins,	Faulkner,	Lynde,	Stanton,
Bagby,	Felton,	Mackey,	Strait,
Bagley, jr., J. H.	Finley,	Magoon,	Stenger,
Baker, J. H.	Forney,	McCrary,	Stevenson,
Banning,	Fort,	McDill,	Stone,
Bland,	Foster,	McFarland,	Stowell,
Blount,	Franklin,	Milliken,	Swann,
Boone,	Fuller,	Mills,	Teese,
Bradford,	Glover,	Money,	Terry,
Bradley,	Goode,	Monroe,	Thornburgh,
Bright,	Gunter,	Morgan,	Throckmorton,
Brown, J. Y.	Hamilton, A. H.	Mutchler,	Townsend,
Brown, W. R.	Hamilton, Robt.	Neal,	Tufts,
Buckner,	Hancock,	Odell,	Turney,
Burchard, H. C.	Hardenbergh,	Oliver,	Van Vorhes,
Burchard, S. D.	Harris, H. R.	Page,	Vance, J. L.
Cabell,	Harris, J. T.	Payne,	Vance, R. B.
Caldwell, J. H.	Harrison,	Phillips,	Waddell,
Caldwell, W. P.	Hartridge,	Piper,	Waldron,
Campbell,	Hartzell,	Poppleton,	Walker,
Cannon,	Hatcher,	Powell,	Wallace, A. S.
Carr,	Hathorn,	Rea,	Wallace, J. W.
Cason,	Haymond,	Reagan,	Walsh,
Caswell,	Henderson,	Reilly, John	Watterson,
Cate,	Henkle,	Reilly, J. B.	Wells, Erastus
Caulfield,	Hereford,	Rice,	Wells, G. W.
Clarke,	Hewitt, G. W.	Riddle,	White,
Clark, jr., J. B.	Holman,	Robbins, John	Whiting,
Clymer,	Hooker,	Robbins, W. M.	Whitthorne,
Collins,	Humphreys,	Roberts,	Willard,
Conger,	Hunter,	Rusk,	Williams, A.
Cook,	Hunton,	Sampson,	Williams, C. G.
Cowan,	Kelley,	Savage,	Williams, J. N.
Cox,	Kimball,	Scales,	Williams, W. B.
Crounse,	Knott,	Sheakley,	Wilson, Benjamin
Culberson,	Lamar,	Singleton,	Wilson, James
Cutler,	Landers, Franklin	Slemons,	Woodworth,
Davis,	Landers, G. M.	Smith, William	Yeates,
Dibrell,	Lane,	Southard,	Young.

124 Democrats, 44 Republicans.

NAYS—53.

Adams,	Frye,	Lynch,	Schumaker,
Bagley, G. A.	Garfield,	Maish,	Seelye,
Baker, W. H.	Gibson,	MacDougall,	Sinnickson,
Ballou,	Hale,	Metcalfe,	Smith, A. H.
Bell,	Haralson,	Miller,	Tarbox,
Blair,	Harris, B. W.	Nash,	Wait,
Burleigh,	Hewitt, A. S.	Norton,	Warren,
Candler,	Hoar,	O'Brien,	Williams, A. S.
Chittenden,	Hoskins,	O'Neill,	Willis,
Davy,	Hurd,	Packer,	Wood, jr., Alan
Denison,	Jones,	Pierce,	Wood, Fernando.
Eames,	Kasson,	Plaisted,	
Flye,	Kehr,	Platt,	
Freeman,	Levy,	Potter,	

17 Democrats, 36 Republicans.

There was no action on this bill in the Senate.

ANOTHER FREE COINAGE BILL.

In the House, November 5, 1877.

[Journal, first session Forty-fifth Congress, pages 143, 144.]

On the question being put, Shall the bill (H. R. 1003) pass? it was decided in the affirmative.

YEAS—164.

Aiken,	Cummings,	Hooker,	Phillips,
Aldrich,	Cutler,	House,	Pollard,
Atkins,	Danford,	Hubbell,	Pound,
Baker,	Darrall,	Hunter,	Price,
Banning,	Davis, J. J.	Hunton,	Pridemore,
Bell,	Deering,	Humphrey,	Rainey,
Bicknell,	Dibrell,	Ittner,	Randolph,
Bland,	Dickey,	Jones, J. T.	Rea,
Blount,	Dunnell,	Jones, J. S.	Reagan,
Boone,	Eden,	Keifer,	Rice, A. V.
Bouck,	Elam,	Keightley,	Riddle,
Brentano,	Ellis,	Kelley,	Robbins,
Bridges,	Ellsworth,	Kenna,	Robertson,
Brogden,	Evins,	Knapp,	Robinson,
Browne,	Ewing,	Knott,	Sampson,
Buckner,	Felton,	Lathrop,	Sapp,
Bundy,	Finley,	Ligon,	Sayler,
Burdick,	Forney,	Luttrell,	Scales,
Cabell,	Foster,	Lynde,	Sexton,
Cain,	Franklin,	Mackey,	Shelley,
Caldwell, J. W.	Fuller,	Maish,	Singleton,
Caldwell, W. P.	Gardner,	Manning,	Slemons,
Calkins,	Garth,	Marsh,	Smith,
Candler,	Giddings,	Martin,	Sparks,
Cannon,	Glover,	McKenzie,	Springer,
Carlisle,	Goode,	McKinley,	Steele,
Caswell,	Hamilton,	McMahon,	Stewart,
Chalmers,	Harris,	Mills,	Stone, J. W.
Clarke, J. B.	Harrison,	Money,	Stone, J. C.
Clark, J. B., jr.	Hartridge,	Monroe,	Strait,
Clark, Rush	Hartzell,	Morgan,	Thornburgh,
Conger,	Haskell,	Morrison,	Throckmorton,
Cook,	Hatcher,	Muldrow,	Tipton,
Cox, J. D.	Hayes,	Neal,	Townsend, Amos
Cox, S. S.	Hazelton,	Oliver,	Townshend, R. W.
Cravens,	Henderson,	Pacheco,	Turner,
Crittenden,	Hewitt, G. W.	Page,	Vance,
Culberson,	Herbert,	Patterson,	Van Vorhes,

Waddell,	Willets,	Williams, Richard	Wright,
Welch,	Williams, C. G.	Willis,	Yeates,
White,	Williams, J. N.	Wren,	Young.

97 Democrats, 67 Republicans.

NAYS—34.

Bacon,	Davis, Horace	Hewitt, A. S.	Reed,
Ballou,	Denison,	Joyce,	Rice, W. W.
Blair,	Eames,	Leonard,	Schleicher,
Brewer,	Field,	Lindsey,	Stephens,
Briggs,	Frye,	McGowan,	Swann,
Chittenden,	Gibson,	Morse,	Ward,
Claflin,	Hardenbergh,	Norcross,	Wood.
Cole,	Hart,	Peddie,	
Covert,	Hendee,	Powers,	

10 Democrats, 24 Republicans.

In the Senate, February 15, 1878.

[Journal, second session Forty-fifth Congress, page 209.]

On the question, Shall the bill (H. R. 1093) pass? it was determined in the affirmative.

YEAS—43.

Allison,	Davis, Ill.	Johnston,	Oglesby,
Armstrong,	Davis, W. Va.	Jones, Fla.	Paddock,
Bailey,	Dennis,	Jones, Nev.	Plumb,
Beck,	Dorsey,	Kellogg,	Saulsbury,
Booth,	Eustis,	Kirkwood,	Saunders,
Bruce,	Ferry,	McCreery,	Spencer,
Cameron, Pa.	Garland,	McDonald,	Teller,
Cameron, Wis.	Gordon,	McMillan,	Thurman,
Chaffee,	Grover,	Matthews,	Voorhees,
Cockrell,	Hereford,	Maxey,	Wallace,
Coke,	Howe,	Merrimon,	Windom,
Conover,	Ingalls,	Morgan,	Withers.

25 Democrats, 23 Republicans.

NAYS—21.

Anthony,	Conkling,	Lamar,	Sargent,
Barnum,	Dawes,	McPherson,	Wadleigh,
Bayard,	Edmunds,	Mitchell,	Whyte.
Blaine,	Hamlin,	Morrill,	
Burnside,	Hoar,	Randolph,	
Christiancy,	Kernan,	Rollins,	

7 Democrats, 14 Republicans.

So it was

Resolved, That the bill pass, and that the title be amended to read: "An act to authorize the coinage of the standard silver dollar, and to restore its legal-tender character."

PASSED OVER PRESIDENT'S VETO.

In the House, February 23, 1878.

[Journal, second session Forty-fifth Congress, pages 546-549.]

On the bill H. R. 1093.

And the question being put, it was decided in the affirmative.

YEAS—196.

Aiken,	Cutler,	Ittner,	Ryan,
Aldrich,	Danford,	Jones, J. T.	Sampson,
Atkins,	Davidson,	Jones, J. S.	Sapp,
Baker, J. H.	Davis, J. J.	Keightley,	Sayler,
Banning,	Deering,	Kelley,	Scales,
Bayne,	Dibrell,	Kenna,	Sexton,
Bell,	Dickey,	Knapp,	Shallenberger,
Benedict,	Dunnell,	Knott,	Shelley,
Bicknell,	Durham,	Landers,	Singleton,
Blackburn,	Eden,	Lathrop,	Slemons,
Bland,	Elam,	Ligon,	Smalls,
Blount,	Ellis,	Luttrell,	Smith, W. E.
Boone,	Errett,	Lynde,	Sparks,
Bouck,	Evans, J. L.	Mackey,	Springer,
Boyd,	Evins, J. H.	Manning,	Steele,
Bragg,	Ewing,	Marsh,	Stephens,
Brentano,	Felton,	Mayham,	Stone, J. W.
Brewer,	Finley,	McGowan,	Stone, J. C.
Bridges,	Forney,	McKenzie,	Strait,
Bright,	Fort,	McKinley,	Thompson,
Brogden,	Foster,	McMahon,	Thornburgh,
Browne,	Franklin,	Metcalfe,	Throckmorton,
Buckner,	Fuller,	Mills,	Tipton,
Bundy,	Garth,	Mitchell,	Townsend, Amos
Burchard,	Giddings,	Money,	Townsend, M. I.
Burdick,	Glover,	Monroe,	Townshend, R. W.
Butler,	Goode,	Morgan,	Tucker,
Caldwell, J. W.	Gunter,	Muldrow,	Turner,
Caldwell, W. P.	Hamilton,	Neal,	Turney,
Calkins,	Hanna,	Oliver,	Vance,
Candler,	Harris, H. R.	Page,	Van Vorhes,
Cannon,	Harris, J. T.	Patterson, G. W.	Waddell,
Carlisle,	Harrison,	Patterson, T. M.	Walker,
Caswell,	Hartridge,	Phelps,	Walsh,
Chalmers,	Hartsell,	Phillips,	Welch,
Clarke, J. B.	Haskell,	Pollard,	White, Harry
Clark, J. B., jr.	Hatcher,	Pound,	White, M. D.
Clark, Rush.	Hayes,	Price,	Whitthorne,
Clymer,	Hazelton,	Pridemore,	Wigginton,
Cobb,	Henderson,	Rainey,	Williams, C. G.
Cole,	Henry,	Randolph,	Williams, J. N.
Conger,	Hewitt,	Rea,	Williams, Richard
Cook,	Herbert,	Reagan,	Willis, A. S.
Cox, J. D.	Hooker,	Rice, A. V.	Willits,
Cox, S. S.	House,	Riddle,	Wilson,
Cravens,	Hubbell,	Robbins,	Wren,
Crittenden,	Hunter,	Roberts,	Wright,
Culberson,	Hunton,	Robertson, E. W.	Yeates,
Cummings,	Humphrey,	Robinson, M. S.	Young.

122 Democrats, 74 Republicans.

NAYS—73.

Bacon,	Dwight,	Jones, Frank	Ross,
Bagley,	Eames,	Joyce,	Schleicher,
Baker, W. H.	Eickhoff,	Ketcham,	Sinnickson,
Ballou,	Ellsworth,	Lapham,	Smith, A. H.
Banks,	Field,	Lindsey,	Starin,
Beebe,	Freeman,	Lockwood,	Stenger,
Bisbee,	Frye,	Loring,	Stewart,
Blair,	Garfield,	McCook,	Veeder,
Bliss,	Gibson,	Morse,	Ward,
Briggs,	Hale,	Muller,	Warner,
Cain,	Hardenbergh,	Norcross,	Watson,
Camp,	Harmer,	O'Neill,	Williams, A. S.
Campbell,	Harris, B. W.	Overton,	Williams, Andrew
Chittenden,	Hart,	Potter,	Williams, James
Claflin,	Hendee,	Powers,	Willis, B. A.
Covert,	Hewitt, A. S.	Pugh,	Wood.
Crapo,	Hiscock,	Reed,	
Davis, Horace	Hungerford,	Rice, W. W.	
Denison,	James,	Robinson, G. D.	

21 Democrats, 52 Republicans.

In the Senate, February 28, 1878.

[Journal, second session Forty-fifth Congress, page 252.]

The President pro tempore stated the question before the Senate to be, Shall the bill pass on reconsideration? and it was determined in the affirmative.

YEAS—46.

Allison,	Eustis,	Jones, Nev.	Plumb,
Bailey,	Ferry,	Kellogg,	Saulsbury,
Beck,	Garland,	Kirkwood,	Saunders,
Bruce,	Gordon,	McCreery,	Spencer,
Chaffee,	Grover,	McDonald,	Teller,
Cockrell,	Harris,	McMillan,	Thurman,
Coke,	Hereford,	Matthews,	Voorhees,
Conover,	Hill,	Maxey,	Wallace,
Davis, Ill.	Howe,	Merrimon,	Windom,
Davis, W. Va.	Ingalls,	Morgan,	Withers.
Dennis,	Johnston,	Paddock,	
Dorsey,	Jones, Fla.	Patterson,	

25 Democrats, 21 Republicans.

NAYS—19.

Barnum,	Dawes,	Lamar,	Rollins,
Bayard,	Eaton,	McPherson,	Sargent,
Blaine,	Hamlin,	Mitchell,	Wadleigh,
Butler,	Hoar,	Morrill,	Whyte.
Conkling,	Kernan,	Randolph,	

9 Democrats, 10 Republicans.

REFUSED TO SUSPEND COINAGE.

In the House of Representatives, April 8, 1886.

[House Journal, first session Forty-ninth Congress, pages 1192 to 1195, inclusive.]

Bill (H. R. 5690) for the free coinage of silver, and for other purposes.

Mr. Dibble submitted the following amendment in the nature of a substitute, namely:

Strike out all after the enacting clause and insert in lieu thereof the following, namely:

"That unless meantime, through concurrent action of the nations of Europe with the United States, silver be remonetized prior to July 1, 1889, that then and thereafter so much of the act of February 28, 1878, entitled 'An act to authorize the coinage of the standard silver dollar and to restore its legal-tender character' as authorizes and directs the Secretary of the Treasury to purchase silver bullion and cause the same to be coined, shall be suspended until further action by Congress."

The question upon the amendment submitted by Mr. Dibble was decided in the negative—yeas 84, nays 201, not voting 38.

YEAS—84.

Adams, G. E.	Dingley,	Ketcham,	Rockwell,
Allen, C. H.	Dowdney,	Lehlbach,	Sawyer,
Arnot,	Dunham,	Lindsey,	Scott,
Atkinson,	Ely,	Long,	Scranton,
Baker,	Ermentrout,	Mahoney,	Seymour,
Bayne,	Evans,	McAdoo,	Shaw,
Beach,	Everhart,	McComas,	Sowden,
Belmont,	Farquhar,	Merriman,	Spooner,
Bingham,	Findlay,	Millard,	Spriggs,
Bliss,	Gallinger,	Milliken,	Stahlnecker,
Bound,	Gibson, C. H.	Mitchell,	Stewart, J. W.
Boutelle,	Green, R. S.	Muller,	Stone, E. F.
Bunnell,	Grout,	O'Neill, Charles	Storm,
Burleigh,	Harmer,	Parker,	Strait,
Campbell, Felix	Haynes,	Payne,	Swope,
Campbell, T. J.	Hemphill,	Phelps,	Viele,
Cole,	Hewitt,	Pindar,	Wadsworth,
Collins,	Heistand,	Pulitzer,	Wait,
Davenport,	Hires,	Randall,	Weber,
Davis,	James,	Ranney,	West,
Dibble,	Johnson, A.	Reed, T. B.	Whiting.

33 Democrats, 51 Republicans.

NAYS—201.

Anderson, C. M.	Brumm,	Conger,	Dunn,
Anderson, J. A.	Buchanan,	Cooper,	Eden,
Ballentine,	Burnes,	Cowles,	Eldredge,
Barbour,	Burrows,	Cox,	Ellsberry,
Barksdale,	Butterworth,	Crain,	Felton,
Barnes,	Bynum,	Crisp,	Fisher,
Barry,	Cabell,	Croxton,	Fleeger,
Bennett,	Caldwell,	Culberson,	Foran,
Blanchard,	Campbell,	Curtin,	Ford,
Bland,	Candler,	Cutcheon,	Forney,
Blount,	Cannon,	Daniel,	Frederick,
Boyle,	Carleton,	Davidson, A. C.	Fuller,
Brady,	Catchings,	Davidson, R. H. M.	Funston,
Breckinridge, Ark.	Clardy,	Dawson,	Gay,
Breckinridge, Ky.	Clements,	Dockery,	Geddes,
Brown, W. W.	Cobb,	Dorsey,	Gilfillan,
Browne, T. M.	Comstock,	Dougherty,	Glass,

Glover,	La Follette,	O'Neill, J. J.	Tarsney,
Goff,	Laird,	Osborne,	Taulbee,
Green, W. J.	Landes,	Outhwaite,	Taylor, E. B.
Grosvenor,	Lanham,	Owen,	Taylor, J. M.
Guenther,	Lawler,	Payson,	Taylor, Zach.
Hale,	Le Fevre,	Peel,	Thomas, O. B.
Hall,	Little,	Perkins,	Thompson,
Halsell,	Lore,	Perry,	Throckmorton,
Hammond,	Louttit,	Peters,	Tillman,
Hanback,	Lovering,	Plumb,	Trigg,
Harris,	Lowry,	Price,	Tucker,
Hatch,	Lyman,	Reagan,	Turner,
Heard,	Markham,	Reid, J. W.	Van Eaton,
Henderson, D. B.	Martin,	Richardson,	Wade,
Henderson, J. S.	Matson,	Robertson,	Wakefield,
Henderson, T. J.	Maybury,	Rogers,	Ward, J. H.
Henley,	McCreary,	Romeis,	Warner, A. J.
Hepburn,	McKenna,	Rowell,	Warner, Wm.
Herbert,	McKinley,	Ryan,	Weaver, A. J.
Herman,	McMillin,	Sayers,	Weaver, J. B.
Hill,	McRae,	Seney,	Wellborn,
Hitt,	Miller,	Sessions,	Wheeler,
Holman,	Moffatt,	Singleton,	White, A. C.
Holmes,	Morgan,	Skinner,	White, Milo
Hopkins,	Morrill,	Smalls,	Wilkins,
Houk,	Morrison,	Snyder,	Willis,
Howard,	Morrow,	Springer,	Wilson,
Irion,	Murphy,	Steele,	Wise,
Johnson, J. T.	Neal,	Stephenson,	Wolford,
Johnson, T. D.	Neece,	Stewart, Chas.	Woodburn,
Jones, J. H.	Oates,	St. Martin,	Worthington.
King,	O'Donnell,	Stone, W. J., Mo.	
Kleiner,	O'Ferrall,	Struble,	
Laffoon,	O'Hara,	Symes,	

130 Democrats, 71 Republicans.

FREE COINAGE BILL.

Upon the question of the engrossment and third reading of the bill, it was decided in the negative.

YEAS—126.

Anderson, J. A.	Forney,	Lowry,	Sessions,
Ballentine,	Frederick,	Markham,	Singleton,
Barksdale,	Funston,	Matson,	Skinner,
Barnes,	Glass,	Maybury,	Snyder,
Barry,	Goff,	McMillin,	Springer,
Bennett,	Green, W. J.	McRae,	Stewart, C.
Bland,	Hale,	Miller,	St. Martin,
Brady,	Halsell,	Morrill,	Stone, W. J., Mo.
Breckinridge, Ark.	Hammond,	Morrow,	Symes,
Brumm,	Hanback,	Neal,	Tarsney,
Burnes,	Harris,	Neece,	Taulbee,
Bynum,	Hatch,	O'Ferrall,	Taylor, J. M.
Cabell,	Heard,	O'Hara,	Taylor, Z.
Caldwell,	Henderson, T. J.	O'Neill, J. J.	Throckmorton,
Candler,	Henley,	Owen,	Tillman,
Carleton,	Hermann,	Payson,	Trigg,
Clardy,	Hill,	Peel,	Van Eaton,
Clements,	Holman,	Perkins,	Wade,
Cobb,	Houk,	Perry,	Warner, A. J.
Comstock,	Howard,	Peters,	Warner, W.
Cowles,	Irion,	Plumb,	Weaver, A. J.
Crisp,	Johnston, J. T.	Price,	Weaver, J. B.
Croxton,	Johnston, T. D.	Reagan,	Wellborn,
Culberson,	Jones, J. H.	Reid, J. W.	Wheeler,
Curtin,	King,	Reese,	White, A. C.
Daniel,	Kleiner,	Richardson,	Wilkins,
Dawson,	Laffoon,	Riggs,	Wise,
Dockery,	Landes,	Robertson,	Wolford,
Dunn,	Lanham,	Rogers,	Woodburn,
Eldredge,	Lawler,	Ryan,	Worthington.
Ellsberry,	Le Fevre,	Sayers,	
Ford.	Louttit,	Seney,	

96 Democrats, 30 Republicans.

NAYS—163.

Adams, G. E.	Davidson, A. C.	Herbert,	O'Neill, Charles
Allen, C. H.	Davidson, R. H. M.	Hewitt,	Osborne,
Anderson, C. M.	Davis,	Hiestand,	Outhwaite,
Arnot,	Dibble,	Hires,	Parker,
Atkinson,	Dingley,	Hitt,	Payne,
Baker,	Dorsey,	Holmes,	Phelps,
Barbour,	Dougherty,	Hopkins,	Pindar,
Bayne,	Dowdney.	James,	Pulitzer,
Beach,	Dunham,	Johnson, F. A.	Randall,
Belmont,	Eden,	Ketcham,	Ranney,
Bingham,	Ely,	La Follette,	Reed, T. B.
Blanchard,	Ermentrout,	Laird,	Rockwell,
Bliss,	Evans,	Lehlbach,	Romeis,
Blount,	Everhart,	Lindsley,	Rowell,
Bound.	Farquhar,	Little,	Sawyer,
Boutelle,	Felton,	Long,	Scott.
Boyle,	Findlay,	Lore,	Scranton,
Breckinridge, Ky.	Fisher,	Lovering,	Seymour,
Brown, W. W.	Fleeger,	Lyman,	Shaw,
Browne, T. M.	Foran,	Mahoney,	Smalls,
Buchanan,	Fuller,	Martin,	Sowden,
Bunnell,	Gallinger,	McAdoo,	Spooner,
Burleigh,	Gay,	McComas,	Spriggs,
Burrows,	Geddes,	McCreary,	Stahlnecker,
Butterworth,	Gibson, C. H.	McKenna,	Steele,
Campbell,	Gilfillan,	McKinley,	Stephenson,
Campbell, J. E.	Glover,	Merriam,	Stewart, J. W.
Campbell, T. J.	Green, R. S.	Millard,	Stone, E. F.
Cannon,	Grosvenor,	Millikin,	Storm,
Catchings,	Grout.	Mitchell,	Strait,
Cole,	Guenther,	Moffatt,	Struble,
Collins,	Hall,	Morgan,	Swinburne,
Conger,	Harmer,	Morrison,	Swope,
Cooper,	Haynes,	Muller,	Taylor, E. B.
Cox,	Hemphill,	Murphy,	Thomas, O. B.
Crain,	Henderson, D. B.	Norwood,	Thompson,
Cutcheon,	Henderson, J. S.	Oates,	Tucker,
Davenport,	Hepburn,	O'Donnell,	Turner,
Viele,	Wakefield,	West,	Willis,
Wadsworth,	Ward, J. H.	White, Milo	Wilson.
Wait,	Weber,	Whiting,	

70 Democrats, 93 Republicans.

THE SILVER-BULLION (SHERMAN) BILL.

Motion to recommit with instructions to report a bill (H. R. 5381) for free coinage.

House of Representatives, Saturday, June 7, 1890.

[Journal, first session Fifty-first Congress. pages 714, 715.]

Mr. BLAND. I now offer the resolution which I send to the desk.

The Clerk read as follows:

"*Resolved*, That the bill be recommitted to the Committee on Coinage, Weights, and Measures, with instructions to report back a bill for the free coinage of silver.

The SPEAKER. The question is upon agreeing to the motion to recommit with instructions.

YEAS—116.

Abbott.	Cooper, Ind.	Lane,	Robertson,
Alderson,	Cothran,	Lanham,	Rogers,
Allen, Mich.	Cowles,	Lee,	Rowland,
Allen, Miss.	Crain,	Lester, Ga.	Sayers,
Anderson,	Crisp,	Lester, Va.	Seney,
Bankhead,	Culberson, Tex.	Lewis,	Shively,
Barnes,	Davidson,	Mansur,	Skinner,
Bartine,	De Haven,	Martin, Ind.	Springer,
Barwig,	Dockery,	McClammy,	Stewart, Tex.
Biggs,	Edmunds,	McClellan,	Stockdale,
Blanchard,	Ellis,	McCreary,	Stone, Ky.
Bland,	Enloe,	McRae,	Stone, Mo.
Blount,	Featherston,	Montgomery,	Tarsney,
Breckinridge, Ark.	Forney,	Moore, Tex.	Tillman,
Breckinridge, Ky.	Fowler,	Morgan,	Townsend, Colo.
Brickner,	Funston,	Morrow,	Tucker,
Brookshire,	Gibson,	Oates,	Turner, Ga.
Buchanan, Va.	Goodnight,	O'Ferrall,	Turner, Kans.
Bullock,	Grimes,	O'Neall, Ind.	Vandever,
Bynum,	Hatch,	Outhwaite,	Walker, Mo.
Candler, Ga.	Hayes,	Owens, Ohio	Washington,
Carter,	Haynes,	Parrett,	Wheeler, Ala.
Caruth,	Heard,	Peel,	Whitthorne,
Catchings,	Henderson, N. C.	Penington,	Wike,
Chipman,	Herbert,	Perkins,	Wilkinson,
Clancy,	Hermann,	Perry,	Williams, Ill.
Clarke, Ala.	Holman,	Pierce,	Wilson, Mo.
Cobb,	Kelley,	Reilly,	Wilson, W. Va.
Connell,	Kilgore,	Richardson,	Yoder.

101 Democrats, 14 Republicans, 1 Wheeler.

NAYS—140.

Adams,	Dingley,	Lacey,	Rife,
Arnold,	Dolliver,	La Follette,	Rockwell,
Atkinson, Pa.	Dorsey,	Laidlaw,	Rowell,
Atkinson, W. Va.	Dunnell,	Laws,	Russell,
Baker,	Dunphy,	Lind,	Sanford,
Banks,	Elliott,	Lodge,	Sawyer,
Bayne,	Evans,	Maish,	Scranton,
Beckwith,	Ewart,	Mason,	Scull,
Belden,	Farquhar,	McComas,	Sherman,
Belknap,	Finley,	McCord,	Simonds,
Bergen,	Flick,	McCormick,	Smith, W. Va.
Bingham,	Flood,	McDuffie,	Smyser,
Boothman,	Flower,	McKinley,	Snider,
Boutelle,	Frank,	Miles,	Stephenson,
Bowden,	Gear,	Moffitt,	Stivers,
Brewer,	Geissenhainer,	Moore, N. H.	Stockbridge,
Brosius,	Gest,	Morey,	Struble,
Brower,	Gifford,	Morrill,	Sweney,
Browne, Va.	Greenhalge,	Morse,	Taylor, E. B.
Buchanan, N. J.	Grosvenor,	Mudd.	Taylor, Ill.
Burrows,	Hall,	Mutchler,	Taylor, Tenn.
Burton,	Hansbrough,	Nute,	Thomas,
Butterworth,	Harmer,	O'Donnell,	Tracey,
Caldwell,	Haugen,	O'Neil, Mass.	Van Schaick,
Cannon,	Hemphill,	O'Neill, Pa.	Venable,
Caswell,	Henderson, Ill.	Payne,	Wade,
Cheadle,	Henderson, Iowa	Payson,	Walker, Mass.
Clark, Wis.	Hill,	Pickler,	Wallace, N. Y.
Cogswell,	Hitt,	Pugsley,	Wickham,
Coleman,	Hopkins,	Quackenbush,	Wiley,
Comstock,	Houk,	Quinn,	Williams, Ohio
Conger,	Kennedy,	Raines,	Wilson, Ky.
Craig,	Kerr, Iowa	Ray,	Wilson, Wash.
Dalzell,	Ketcham,	Reed, Iowa	Wright,
Dargan,	Kinsey,	Reyburn,	Yardley.

127 Republicans, 13 Democrats.

So the motion to recommit with instructions to report back a bill for free coinage was rejected.

PASSED THE HOUSE.

On the question of the passage of the bill as amended, it was decided in the affirmative.

YEAS—135.

Adams,	Buchanan, N. J.	Dunnell,	Henderson, Iowa,
Allen, Mich.	Burrows,	Evans,	Hermann,
Arnold,	Burton,	Ewart,	Hill,
Atkinson, Pa.	Butterworth,	Farquhar,	Hitt,
Atkinson, W. Va.	Caldwell,	Featherston,	Hopkins,
Baker,	Cannon,	Finley,	Houk,
Banks,	Caswell,	Flick,	Kennedy,
Bayne,	Cheadle,	Flood,	Kerr, Iowa,
Beckwith,	Clark, Wis.	Frank,	Ketchem,
Belden,	Cogswell,	Funston,	Kinsey,
Belknap,	Coleman,	Gear,	Lacey,
Bergen,	Comstock,	Gest,	La Follette,
Bingham,	Conger,	Gifford,	Laidlaw,
Boothman,	Connell,	Greenhalge,	Laws,
Boutelle,	Craig,	Grosvenor,	Lind,
Bowden,	Dalzell,	Hall,	Lodge,
Brewer,	De Haven,	Hansbrough,	Mason,
Brosius,	Dingley,	Harmer,	McComas,
Brower,	Dolliver,	Haugen,	McCord,
Browne, Va.	Dorsey,	Henderson, Ill.	McCormick,

McDuffie,	Payson,	Scranton,	Taylor, Tenn.
McKinley,	Perkins,	Scull,	Thomas,
Miles,	Pickler,	Sherman,	Vandever,
Moffitt,	Pugsley,	Simonds,	Van Schaick,
Moore, N. H.	Quackenbush,	Smith, W. Va.	Wade,
Morey,	Raines,	Smyser,	Walker, Mass.
Morrill,	Ray,	Snider,	Wallace, N. Y.
Morrow,	Reed, Iowa,	Stephenson,	Wickham,
Morse,	Reyburn,	Stivers,	Williams, Ohio.
Mudd,	Rife,	Stockbridge,	Wilson, Ky.
Nute,	Rowell,	Struble,	Wilson, Wash.
O'Donnell,	Russell,	Sweney,	Wright,
O'Neill, Pa.	Sanford,	Taylor, E. B.	Yardley.
Payne,	Sawyer,	Taylor, Ill.	

134 Republicans, 1 Wheeler.

NAYS—119.

Abbott,	Crain,	Lester, Ga.	Rogers,
Alderson,	Crisp,	Lester, Va.	Rowland,
Allen, Miss.	Culberson, Tex.	Lewis,	Sayers,
Anderson, Kans.	Dargan,	Maish, J.	Seney,
Bankhead,	Davidson,	Mansur,	Shively,
Barnes,	Dockery,	Martin, Ind.	Skinner,
Bartine,	Dunphy,	McClammy,	Springer.
Barwig,	Edmunds,	McClellan,	Stewart, Tex.
Biggs,	Elliott,	McCreary,	Stockdale,
Blanchard,	Ellis,	McRae,	Stone, Ky.
Bland,	Enloe,	Montgomery,	Tarsney,
Blount,	Flower,	Moore, Tex.	Tillman,
Breckinridge, Ark.	Forney,	Morgan,	Towusend, Colo.
Breckinridge, Ky.	Fowler,	Mutchler,	Tracey,
Brickner,	Geissenhainer,	Oates,	Tucker,
Brookshire,	Gibson,	O'Ferrall,	Turner, Ga.
Buchanan, Va.	Goodnight,	O'Neall, Ind.	Turner, Kans.
Bullock,	Grimes,	O'Neil, Mass.	Venable,
Bynum,	Hatch,	Outhwaite,	Walker, Mo.
Candler, Ga.	Hayes,	Owens, Ohio	Washington,
Carter,	Haynes,	Parrett,	Wheeler, Ala.
Caruth,	Heard,	Peel,	Whitthorne,
Catchings,	Henderson, N. C.	Penington,	Wike,
Chipman,	Herbert,	Perry,	Wiley,
Clancy,	Holman,	Pierce,	Wilkinson,
Clarke, Ala.	Kelley,	Quinn,	Williams, Ill.
Cobb,	Kilgore,	Reilly,	Wilson, Mo.
Cooper, Ind.	Lane,	Richardson,	Wilson, W. Va.
Cothran,	Lanham,	Robertson,	Yoder.
Cowles,	Lee,	Rockwell,	

112 Democrats, 7 Republicans.

SILVER-BULLION BILL.

In the Senate, Tuesday, June 17, 1890.

[Journal, first session Fifty-first Congress, page 377.]

On the question, Shall the bill (H. R. 5381) pass? it was decided in the affirmative.

YEAS—42.

Bate,	George,	Morgan,	Squire,
Berry,	Gorman,	Paddock,	Stewart,
Blodgett,	Harris,	Pasco,	Teller,
Butler,	Hearst,	Payne,	Turpie,
Call,	Ingalls,	Pierce,	Vance,
Cameron,	Jones, Ark.	Plumb,	Vest,
Cockrell,	Jones, Nev.	Power,	Voorhees,
Coke,	Kenna,	Pugh,	Walthall,
Colquitt,	Manderson,	Ransom,	Wolcott.
Daniel,	Mitchell,	Reagan,	
Eustis,	Moody,	Sanders,	

27 Democrats, 15 Republicans.

NAYS—25.

Aldrich,	Dawes,	Hiscock,	Spooner.
Allen,	Edmunds,	Hoar,	Stockbridge,
Allison,	Evarts,	McPherson,	Washburn.
Blair,	Frye,	Morrill,	Wilson, Md.
Casey,	Gray,	Platt,	
Chandler,	Hale,	Sawyer,	
Cullom,	Hawley,	Sherman,	

22 Republicans, 3 Democrats.

VOTE TO CONCUR IN FREE-SILVER AMENDMENT.

House of Representatives, Wednesday, June 25, 1890.

[Journal, first session Fifty-first Congress, page 785.]

The question of concurring in the Senate amendment to the bill H. R. 5381 was decided in the negative.

YEAS—135.

Abbott,	Clarke, Ala.	Grimes,	Mills,
Alderson,	Clements,	Hare,	Montgomery,
Allen, Miss.	Cobb,	Hatch,	Moore, Tex.
Anderson, Kans.	Connell,	Haynes,	Morrill,
Anderson, Miss.	Cooper, Ind.	Heard,	Morrow,
Bankhead,	Cothran,	Hemphill,	Norton,
Barnes,	Cowles,	Henderson, N. C.	Oates,
Bartine,	Crain,	Herbert,	O'Ferrall,
Blanchard,	Crisp,	Hermann,	O'Neall,
Bland,	Culberson, Tex.	Holman,	Owen, Ind.
Blount,	Cummings,	Kelley,	Owens, Ohio
Boatner,	Davidson,	Kerr, Pa.	Parrett,
Breckinridge, Ark.	De Haven,	Kilgore,	Paynter,
Breckinridge, Ky.	Dockery,	Lane,	Peel,
Brickner,	Dorsey,	Lanham,	Penington,
Brookshire,	Edmunds,	Laws,	Perkins,
Brown, J. B.	Elliott,	Lee,	Perry,
Brunner,	Ellis,	Lester, Ga.	Peters,
Buchanan, Va.	Enloe,	Lester, Va.	Pierce,
Bullock,	Featherston,	Lewis,	Post,
Bunn,	Fithian,	Magner,	Reilly,
Bynum,	Forman,	Mansur,	Richardson,
Candler, Ga.	Forney,	Martin, Ind.	Robertson,
Carlton,	Fowler,	McClammy,	Rowland,
Carter,	Funston,	McClellan,	Sayers,
Caruth,	Gibson,	McCreary,	Shively,
Catchings,	Gifford,	McMillin,	Skinner,
Chipman,	Goodnight,	McRae,	Smith, Ill.
Springer,	Tarsney,	Venable,	Wilkinson.
Stewart, Ga.	Tillman,	Wade,	Williams, Ill.
Stewart, Tex.	Townsend, Colo.	Washington,	Williams, Ohio
Stockdale,	Tucker,	Wheeler, Ala.	Wilson, Mo.
Stone, Ky.	Turner, Ga.	Whiting,	Wilson, W. Va.
Stone, Mo.	Turner, Kans.	Whitthorne,	

112 Democrats, 22 Republicans, 1 Wheeler.

NAYS—152.

Adams,	Craig,	La Follette,	Sanford,
Allen, Mich.	Culberston, Pa.	Laidlaw,	Sawyer,
Andrew,	Cutcheon,	Lansing,	Scranton,
Arnold,	Dargan,	Lehlbach,	Scull,
Atkinson, Pa.	Darlington,	Lind,	Sherman,
Baker,	De Lano,	Lodge,	Simonds,
Banks,	Dingley,	Maish,	Smith, W. Va.
Bayne,	Dolliver,	Mason,	Smyser,
Beckwith,	Dunnell,	McAdoo,	Snider,
Belden,	Dunphy,	McComas,	Spinola,
Belknap,	Evans,	McCord,	Spooner,
Bergen,	Farquhar,	McDuffie,	Stephenson,
Bingham,	Finley,	McKenna,	Stewart, Vt.
Bliss,	Flick,	McKinley,	Stivers,
Boothman,	Flood,	Miles,	Stockbridge,
Boutelle,	Flower,	Milliken,	Struble,
Bowden,	Frank,	Moffitt,	Stump,
Brewer,	Gear,	Moore, N. H.	Sweney,
Brosius,	Geissenhainer,	Morey,	Taylor, E. B.
Brower,	Gest,	Morse,	Taylor, Ill.
Browne, Va.	Greenhalge,	Mudd,	Taylor, Tenn.
Buckalew,	Grout,	Mutchler,	Thomas,
Burrows,	Hall,	Niedringhaus,	Townsend, Pa.
Burton,	Hansbrough,	O'Donnell,	Tracey,
Butterworth,	Harmer,	O'Neil, Mass.	Turner, N. Y.
Caldwell,	Haugen,	O'Neill, Pa.	Vandever,
Campbell,	Henderson, Ill.	Payne,	Van Schaick,
Candler, Mass.	Henderson, Iowa	Payson,	Vaux,
Cannon,	Hill,	Pugsley,	Waddill,
Caswell,	Hitt,	Quackenbush,	Wallace, Mass.
Cheadle,	Hopkins,	Quinn,	Wallace, N. Y.
Cheatham,	Houk,	Raines,	Watson,
Clancy,	Kennedy,	Reed, Iowa	Wiley,
Cogswell,	Kerr, Iowa	Reyburn,	Wilcox,
Coleman,	Ketcham,	Rife,	Wilson, Ky.
Comstock,	Kinsey,	Rowell,	Wilson, Wash.
Conger,	Knapp,	Rusk,	Wright,
Covert,	Lacey,	Russell,	Yardley.

130 Republicans, 22 Democrats.

In the House, July 12, 1890.

On the question of agreeing to the report of the conference committee it was decided in the affirmative.

YEAS—122.

Adams,	Dalzell,	Laidlaw,	Rowell,
Allen, Mich.	Darlington,	Laws,	Russell,
Anderson, Kans.	Dingley,	Lehlbach,	Scull,
Atkinson, Pa.	Dolliver,	McComas,	Simonds,
Atkinson, W. Va.	Dorsey,	McCord,	Smith, Ill.
Baker,	Dunnell,	McCormick,	Smith, W. Va.
Banks,	Farquhar,	McDuffie,	Snider,
Bartine,	Featherston,	McKenna,	Spooner,
Bayne,	Finley,	Moffitt,	Stephenson,
Beckwith,	Flick,	Morey,	Stewart, Vt.
Belknap,	Flood,	Morrill,	Stivers,
Bergen,	Frank,	Morrow,	Stockbridge,
Bliss,	Funston,	Morse,	Sweney,
Bowden,	Gear,	Mudd,	Taylor, E. B.
Brewer,	Gest,	Niedringhaus,	Taylor, Ill.
Brosius,	Gifford,	O'Neill, Pa.	Taylor, J. D.
Brower,	Grosvenor,	Osborne,	Thomas,
Buchanan, N. J.	Haugen,	Owen, Ind.	Thompson,
Burton,	Henderson, Ill.	Payne,	Townsend, Colo.
Caldwell,	Henderson, Iowa	Payson,	Townsend, Pa.
Cannon,	Hermann,	Perkins,	Vandever,
Carter,	Hill,	Peters,	Van Schaick,
Caswell,	Hitt,	Pickler,	Walker, Mass.
Cheadle,	Hopkins,	Post,	Wallace, N. Y.
Cogswell,	Houk,	Quackenbush,	Williams, Ohio
Coleman,	Kelley,	Raines,	Wilson, Ky.
Comstock,	Kennedy,	Ray,	Wilson, Wash.
Conger,	Ketcham,	Reed, Iowa	Wright,
Connell,	Kinsey,	Reyburn,	Yardley.
Cooper, Ohio	Lacey,	Rife,	
Cutcheon,	La Follette,	Rockwell.	

121 Republicans and Mr. Featherston.

NAYS—90.

Abbott,	Cothran,	Lester, Va.	Quinn,
Allen, Miss.	Crain,	Lewis,	Reilly,
Anderson, Miss.	Crisp,	Maish,	Robertson,
Bankhead,	Culberson, Tex.	Martin, Ind.	Rogers,
Barwig,	Davidson,	Martin, Tex.	Rusk,
Bland,	Dibble,	McAdoo,	Sayers,
Blount,	Dockery,	McClammy,	Shively,
Boatner,	Dunphy,	McClellan,	Stewart, Tex.
Breckinridge, Ark.	Elliott,	McCreary,	Stockdale,
Breckinridge, Ky.	Ellis,	McMillin,	Stone, Ky.
Brickner,	Enloe,	McRae,	Stone, Mo.
Brookshire,	Forman,	Mutchler,	Tillman,
Brunner,	Forney,	Norton,	Tracey,
Buchanan, Va.	Goodnight,	Oates,	Venable,
Bullock,	Hayes,	O'Neall, Ind.	Wheeler, Ala.
Bynum,	Heard,	O'Neil, Mass.	Whitthorne,
Candler, Ga.	Hemphill,	Owens, Ohio	Wike,
Carlton,	Henderson, N. C.	Parrett,	Willcox,
Catchings,	Holman,	Paynter,	Williams, Ill.
Chipman,	Hooker,	Peel,	Wilson, W. Va.
Clancy,	Kerr, Pa.	Penington,	Yoder.
Clunie,	Lanham,	Pierce,	
Cooper, Ind.	Lawler,	Price,	

All Democrats.

In the Senate, Tuesday, July 10, 1890.

[Journal, first session Fifty-first Congress, page 421.]

[Bill H. R. 5381.]

On the question of concurring in the report, it was decided in the affirmative.

YEAS—30.

Aldrich,	Edmunds,	McMillan,	Sanders,
Allen,	Evarts,	Manderson,	Sawyer,
Allison,	Farwell,	Mitchell,	Sherman,
Blair,	Frye,	Moody,	Spooner,
Casey,	Hawley,	Pettigrew,	Squire,
Cullom,	Higgins,	Pierce,	Stewart,
Davis,	Hiscock,	Platt,	Stockbridge,
Dawes,	Hoar,	Plumb,	Washburn,
Dixon,	Ingalls,	Power,	Wolcott.
Dolph,	Jones, Nev.	Quay,	

All Republicans.

NAYS—26.

Barbour,	Colquitt,	Jones, Ark.	Turpie,
Bate,	Daniel,	Kenna,	Vance,
Blackburn,	Faulkner,	McPherson,	Vest,
Call,	Gibson,	Pasco,	Voorhees,
Carlisle,	Gorman,	Pugh,	Walthall.
Cockrell,	Hampton,	Ransom,	
Coke,	Harris,	Reagan,	

All Democrats.

MOTION TO TABLE FREE COINAGE BILL.

In the House, March 24, 1892.

Mr. BURROWS moved to lay the bill on the table.

And the question being put, Shall the bill (H. R. 4426) lie on the table? it was decided in the negative.

YEAS—148.

Amerman,	Craig, Pa.	Huff,	Powers,
Andrew,	Crosby,	Hull,	Quackenbush,
Atkinson,	Cummings,	Johnson, Ind.	Raines,
Bacon,	Curtis,	Johnson, N. Dak.	Randall,
Barwig,	Cutting,	Ketcham,	Ray,
Belden,	Dalzell,	Kribbs,	Rayner,
Belknap,	Daniell,	Lagan,	Reed,
Beltzhoover,	De Forest,	Lapham,	Reyburn,
Bentley,	Dingley,	Lind,	Rife,
Bergen,	Doan,	Little,	Robinson, Pa.
Bingham,	Dolliver,	Lockwood,	Russell,
Boutelle,	Dunphy,	Lodge,	Scull,
Bowman,	English,	Loud,	Seerley,
Brawley,	Fellows,	Lynch,	Shonk,
Brickner,	Fitch,	Magner,	Smith,
Brosius,	Flick,	McAleer,	Sperry,
Brunner,	Geary,	McDonald,	Stephenson,
Buchanan, N. J.	Geissenhainer,	McGann,	Stevens,
Bunting,	Gillespie,	McKaig,	Stone, C. W.
Burrows,	Greenleaf,	McKenna,	Storer,
Bushnell,	Griswold,	McKinney,	Stout,
Cable,	Grout,	Meyer,	Stump,
Cadmus,	Hall,	Miller,	Taylor, Ill.
Caldwell,	Hallowell,	Milliken,	Taylor, J. D.
Castle,	Hamilton,	Mitchell,	Tracey,
Causey,	Harmer,	Mutchler,	Walker,
Chapin,	Harter,	Newberry,	Warner,
Chipman,	Haugen,	O'Donnell,	Waugh,
Clancy,	Hayes, Iowa	O'Neill, Mass.	Wever.
Cobb, Mo.	Haynes, Ohio	O'Neill, Pa.	Wheeler, Mich.
Coburn,	Henderson, Iowa	Outhwaite,	Willcox,
Cockran,	Hitt,	Page, R. I.	Williams, Mass.
Cogswell,	Hoar,	Page, Md.	Wilson, Ky.
Coolidge,	Hooker, N. Y.	Pattison, Ohio	Wilson, Wash.
Coombs,	Hopkins, Pa.	Payne,	Wilson, W. Va.
Covert,	Hopkins, Ill.	Perkins,	Wolverton,
Cox, N. Y.	Houk, Tenn.	Post,	Wright.

81 Democrats, 67 Republicans.

NAYS—149.

Abbott,	Crain, Tex.	Lanham,	Rockwell,
Alderson,	Crawford,	Lawson, Ga.	Sayers,
Alexander,	Culberson,	Lawson, Va.	Scott,
Allen,	Davis,	Layton,	Shell,
Arnold,	De Armond,	Lester, Ga.	Shively,
Babbitt,	Dickerson,	Lewis,	Simpson,
Bailey,	Dixon,	Livingston,	Snodgrass,
Baker,	Dockery,	Long,	Snow,
Bankhead,	Dungan,	Mallory,	Stackhouse,
Bartine,	Edmunds,	Mansur,	Steward, Ill.
Beeman,	Ellis,	Martin,	Stewart, Tex.
Blanchard,	Epes,	McClellan,	Stockdale,
Bland,	Everett,	McCreary,	Stone, Ky.
Blount,	Fithian,	McKeighan,	Sweet,
Bowers,	Forney,	McMillin,	Taylor, V. A.
Branch,	Fowler,	McRae,	Terry,
Breckinridge, Ark.	Funston,	Meredith,	Tillman,
Breckinridge, Ky.	Fyan,	Mills,	Townsend,
Bretz,	Gantz,	Montgomery,	Tucker,
Broderick,	Goodnight,	Moore,	Turner,
Brookshire,	Gorman,	Moses,	Turpin,
Bryan,	Grady,	Norton,	Warwick,
Buchanan, Va.	Halvorson,	O'Ferrall,	Washington,
Bullock,	Hare,	O'Neill, Mo.	Watson,
Bunn,	Harries,	Otis,	Weadock,
Busey,	Hatch,	Owens,	Wheeler, Ala.
Butler,	Heard,	Parrett,	White,
Bynum,	Hemphill,	Patterson, Tenn.	Whiting,
Byrns,	Henderson, N. C.	Patton,	Williams, N. C.
Caminetti,	Hermann,	Paynter,	Williams, Ill.
Capehart,	Holman,	Pearson,	Wilson, Mo.
Caruth,	Houk, Ohio	Pendleton,	Winn,
Cate,	Johnson, Ohio	Pickler,	Wise,
Clark, Wyo.	Jolley,	Pierce,	Youmans,
Clarke, Ala.	Kem,	Price,	The Speaker.
Cobb, Ala.	Kilgore,	Reilly,	
Cowles,	Kyle,	Richardson,	
Cox, Tenn.	Lane,	Robertson, La.	

130 Democrats, 11 Republicans, 8 People's Party.

FREE COINAGE OF SILVER.

In the Senate, July 1, 1892.

[Record, volume 23, page 5719. Bill S. 51.]

On the question of the bill as amended, it was decided in the affirmative.

YEAS—29.

Allen,	Dubois,	Mills,	Stewart,
Bate,	Faulkner,	Mitchell,	Teller,
Berry,	George,	Morgan,	Turpie,
Blackburn,	Harris,	Peffer,	Vest.
Blodgett,	Hill,	Ransom,	Wolcott.
Butler.	Jones, Nev.	Sanders,	
Cameron,	Kenna,	Shoup,	
Cockrell,	Kyle,	Squire,	

19 Democrats, 8 Republicans, 3 Populists.

NAYS—25.

Allison,	Dixon,	Hawley,	Stockbridge,
Brice,	Dolph,	McPherson,	Warren,
Carey,	Felton,	Manderson,	Washburn,
Carlisle,	Gallinger,	Palmer,	White.
Cullom,	Gorman,	Perkins,	
Davis,	Gray,	Proctor,	
Dawes,	Hale,	Sawyer,	

7 Democrats, 18 Republicans.

In House, July 13, 1892.

[Record, volume 23, page 6133. Bill S. 51.]

On the question of passing resolution to consider free-coinage bill, it was decided in the negative.

YEAS—136.

Abbott,	Crain, Tex.	Kem,	Price,
Alexander,	Crawford,	Kendall,	Robertson, La.
Arnold,	Crisp,	Kilgore,	Sayers,
Babbitt,	Culberson,	Kyle,	Seerley,
Bailey,	Davis,	Lane,	Shell,
Baker.	De Armond,	Lanham,	Shively,
Bankhead,	Dixon,	Lawson, Va.	Simpson,
Bartine,	Dockery,	Lawson, Ga.	Snodgrass,
Beeman,	Donovan,	Layton,	Stewart, Tex.
Blanchard,	Dungan,	Lester, Va.	Stone, Ky.
Bland,	Edmunds,	Lester, Ga.	Sweet,
Blount,	Ellis,	Lewis,	Tarsney,
Bowers,	Enloe,	Livingston,	Terry,
Bowman,	Epes,	Long,	Tillman,
Branch,	Everett,	Mallory,	Townsend,
Bretz,	Fithian,	Mansur,	Tucker,
Brookshire,	Forney,	Martin,	Turner,
Brown,	Fyan,	McCreary,	Turpin,
Bryan,	Gantz,	McKeighan,	Warwick,
Buchanan, Va.	Goodnight,	McMillin,	Washington,
Bullock,	Gorman,	McRae,	Watson,
Bunn,	Grady,	Montgomery,	Weadock,
Butler,	Halvorson,	Moore,	Wheeler, Ala.
Byrns,	Hare,	Moses,	White,
Caminetti,	Harries,	O'Ferrall,	Whiting,
Capehart,	Hatch,	O'Neill, Mo.	Williams, N. C.
Catchings,	Heard,	Otis,	Williams, Ill.
Cate,	Hemphill,	Owens,	Wilson, Mo.
Cheatham.	Henderson, N. C.	Parrett,	Winn,
Clark, Wyo.	Holman,	Patton,	Wise.
Clover,	Hooker, Miss.	Paynter,	Youmans,
Cobb, Ala.	Johnson, Ind.	Pearson,	The Speaker.
Cooper,	Johnstone, S. C.	Pendleton,	
Cowles,	Jolley,	Pierce,	
Cox, Tenn.	Jones,	Post,	

121 Democrats, 10 Republicans, 7 Populists.

NAYS—154.

Amerman,	Cox, N. Y.	Hopkins, Ill.	Reilly,
Andrew,	Crosby,	Houk, Ohio.	Reyburn,
Atkinson,	Cummings,	Houk, Tenn.	Rife.
Barwig,	Curtis,	Huff,	Robinson, Pa.
Belden,	Cutting,	Hull,	Rusk,
Beltzhoover,	Dalzell,	Johnson, N. Dak.	Russell,
Bentley,	Daniell,	Ketcham,	Scott,
Bergen,	De Forest,	Kribbs,	Scull,
Bingham,	Dickerson,	Lagan,	Shonk,
Brawley,	Dingley,	Lapham,	Smith,
Breckinridge, Ark.	Doan,	Little,	Snow,
Breckinridge, Ky.	Dolliver,	Lockwood,	Sperry,
Brickner,	Dunphy,	Lodge,	Stephenson,
Brosius,	Durborow,	Loud,	Stevens,
Brunner,	English,	Lynch,	Steward, Ill.
Buchanan, N. J.	Enochs,	McAleer,	Stone, C. W.
Bunting,	Fellows,	McClellan,	Stone, W. A.
Burrows,	Fitch,	McDonald,	Storer,
Busey,	Flick,	McGann,	Stout,
Bushnell,	Forman,	McKinney,	Stump,
Cable,	Fowler,	Meyer,	Taylor, Ill.
Cadmus,	Funston,	Miller,	Taylor, Tenn.
Caldwell,	Geissenhainer,	Mitchell,	Taylor, J. D.
Campbell,	Gillespie,	Mutchler,	Tracey,
Caruth,	Greenleaf,	O'Neill, Mass.	Van Horn,
Castle,	Grout,	O'Neill, Pa.	Wadsworth,
Causey,	Hall,	Outhwaite,	Walker,
Chapin,	Hallowell,	Page, R. I.	Warner,
Chipman,	Hamilton,	Page, Md.	Waugh,
Clancy,	Harmer,	Patterson, Tenn.	Wheeler, Mich.
Clarke, Ala.	Harter,	Payne,	Wike,
Cobb, Mo.	Hayes, Iowa	Perkins,	Willcox,
Coburn,	Haynes, Ohio	Powers,	Williams, Mass.
Cockran,	Henderson, Iowa	Quackenbush,	Wilson, Wash.
Cogswell,	Henderson, Ill.	Raines,	Wilson, W. Va.
Compton,	Herbert,	Randall.	Wolverton,
Coolidge,	Hitt,	Ray,	Wright.
Coombs,	Hoar,	Rayner,	
Covert,	Hooker, N. Y.	Reed,	

94 Democrats, 60 Republicans.

UNCONDITIONAL REPEAL OF PURCHASE CLAUSE OF SHERMAN LAW.

In the House, November 1, 1893.

[Record, volume 25, pages 3066, 3067. Bill H. R. 1.]

On the question of agreeing to the motion to adopt the conference report, which adopts the Senate amendment, and passing the bill, it was decided in the affirmative.

YEAS—194.

Adams,	Curtis, N. Y.	Lapham,	Reed,
Alderson,	Daniels,	Layton,	Reilly,
Aldrich,	Davey,	Lefever,	Reyburn,
Apsley,	De Forest,	Lilly,	Richards, Ohio,
Avery,	Dingley,	Linton,	Richardson, Mich.
Babcock,	Donovan,	Lisle,	Ritchie,
Baker, N. H.	Draper,	Lockwood,	Rusk,
Baldwin,	Dunn,	Loudenslager,	Russell, Conn.
Barnes,	Dunphy,	Lynch,	Ryan,
Bartlett,	Durborow,	Magner,	Schermerhorn,
Barwig,	Edmunds,	Mahon,	Scranton,
Belden,	English,	Marshall,	Settle,
Beltzhoover,	Erdman,	Martin, Ind.	Shaw,
Berry,	Everett,	Marvin, N. Y.	Sherman,
Bingham,	Fellows,	McAleer,	Sickles,
Black, Ga.	Fielder,	McCall,	Sipe,
Black, Ill.	Fitch,	McCleary, Minn.	Somers,
Blair,	Fletcher,	McCreary, Ky.	Sperry,
Brawley,	Forman,	McDannold,	Springer,
Breckinridge, Ark.	Gardner,	McDowell,	Stevens,
Bretz,	Geary,	McEttrick,	Stone, C. W.
Brickner,	Geissenhainer,	McGann,	Stone, W. A.
Brookshire,	Gillet, N. Y.	McKaig,	Stone, Ky.
Brosius,	Goldzier,	McNagny,	Storer,
Brown,	Gorman,	Mercer,	Swanson,
Bunn,	Gresham,	Meredith,	Talbott, Md.
Bynum,	Grout,	Meyer,	Taylor, Ind.
Cabaniss,	Haines,	Milliken,	Thomas,
Cadmus,	Hall, Minn.	Montgomery,	Tracey,
Caldwell,	Hammond,	Moon,	Tucker,
Campbell,	Harmer,	Morse,	Turner,
Cannon, Cal.	Harter,	Mutchler,	Turpin,
Caruth,	Haugen,	Oates,	Tyler,
Catchings,	Henderson, Iowa	O'Neil, Mass.	Van Voorhis, N. Y.
Causey,	Hendrix,	Outhwaite,	Wanger,
Chickering,	Hines,	Paschal,	Warner,
Clancy,	Hitt,	Patterson,	Washington,
Cobb, Mo.	Holman,	Payne,	Waugh,
Cochran,	Hooker, N. Y.	Paynter,	Weadock,
Cogswell,	Hopkins, Ill.	Pearson,	Wells,
Compton,	Houk, Ohio	Pendleton, W. Va.	Wheeler, Ill.
Coombs,	Houk, Tenn.	Phillips,	White,
Cooper, Fla.	Hunter,	Pigott,	Whiting,
Cooper, Ind.	Johnson, Ind.	Post,	Wilson, W. Va.
Cooper, Wis.	Johnson, N. Dak.	Powers,	Wolverton,
Cornish,	Johnson, Ohio	Price,	Woomer,
Covert,	Joy,	Randall,	Wright, Pa.
Crain,	Kiefer,	Ray,	
Cummings,	Kribbs,	Rayner,	

123 Democrats, 71 Republicans.

NAYS—94.

Aitken,	Cox,	Hopkins, Pa.	Moses,
Alexander,	Crawford,	Hudson,	Pence,
Allen,	Culberson,	Hutcheson,	Richardson, Tenn.
Arnold,	Curtis, Kans.	Ikirt,	Robbins,
Bailey,	Davis,	Jones,	Robertson, La.
Baker, Kans.	De Armond,	Kem,	Sayers,
Bankhead,	Denson,	Kilgore,	Shell,
Bell, Colo.	Dinsmore,	Kyle,	Sibley,
Bell, Tex.	Dockery,	Lane,	Smith,
Blanchard,	Doolittle,	Latimer,	Snodgrass,
Bland,	Ellis, Oreg.	Livingston,	Stallings,
Boatner,	Epes,	Lucas,	Stockdale,
Boen,	Fithian,	Maddox,	Strait,
Bower, N. C.	Funston,	Maguire,	Sweet,
Branch,	Fyan,	Mallory,	Talbert, S. C.
Broderick,	Grady,	Marsh,	Tarsney,
Bryan,	Hainer,	McCulloch,	Tate,
Burnes,	Hall, Mo.	McDearmon,	Terry,
Cannon, Ill.	Harris,	McKeighan,	Wheeler, Ala.
Capehart,	Hartman,	McLaurin,	Williams, Ill.
Clark, Mo.	Heard,	McRae,	Williams, Miss.
Cobb, Ala.	Henderson, N. C.	Meiklejohn,	Wilson, Wash.
Cockrell,	Hermann,	Money,	
Cooper, Tex.	Hilborn,	Morgan,	

72 Democrats, 17 Republicans, 5 Populists.

In the Senate.

[Record, volume 25, page 2958. Bill H. R. 1.]

On the question of agreeing to the conference report and passing the bill, it was decided in the affirmative.

YEAS—43.

Aldrich,	Gallinger,	Lodge,	Ransom,
Brice,	Gibson,	McMillan,	Sherman,
Caffery,	Gorman,	McPherson,	Smith,
Camden,	Gray,	Manderson,	Squire,
Carey,	Hale,	Mills,	Stockbridge,
Cullom,	Hawley,	Mitchell, Wis.	Turpie,
Davis,	Higgins,	Morrill,	Vilas,
Dixon,	Hill,	Murphy,	Voorhees,
Dolph,	Hoar,	Platt,	Washburn,
Faulkner,	Hunton,	Proctor,	White, La.
Frye,	Lindsay,	Quay,	

20 Democrats, 23 Republicans.

NAYS—32.

Allen,	Coke,	Kyle,	Roach,
Bate,	Daniel,	Martin,	Shoup,
Berry,	Dubois,	Pasco,	Stewart,
Blackburn,	George,	Peffer,	Teller,
Butler,	Harris,	Perkins,	Vance,
Call,	Irby,	Pettigrew,	Vest,
Cameron,	Jones, Ark.	Power,	Walthall,
Cockrell,	Jones, Nev.	Pugh,	Wolcott.

21 Democrats, 9 Republicans, 2 Populists.

TO SUBJECT NATIONAL-BANK NOTES AND GREENBACKS TO STATE TAXES.

In the House, July 6, 1894.

[Record, volume 26, page 7182. Bill H. R. 4326.]

On the passage of the bill it was decided in the affirmative.

YEAS—173.

Abbott,	Cox,	Jones,	Pickler,
Aitken,	Crawford,	Kem,	Post,
Alderson,	Curtis, Kans.	Kiefer,	Powers,
Alexander,	Daniels,	Kilgore,	Price,
Allen,	Davis,	Kribbs,	Richards, Ohio
Arnold,	De Armond,	Kyle,	Ritchie,
Bailey,	Denson,	Lacey,	Robbins,
Baker, Kans.	Dockery,	Lane,	Robertson, La.
Baker, N. H.	Dolliver,	Lapham,	Sayers,
Baldwin,	Donovan,	Latimer,	Shell,
Bartholdt,	Draper,	Layton,	Snodgrass,
Barwig,	Dunn,	Lester,	Sorg,
Bell, Colo.	Durborow,	Linton,	Sperry,
Bell, Tex.	Ellis, Ky.	Lucas,	Stone, Ky.
Berry,	Ellis, Oreg.	Lynch,	Strait,
Black, Ga.	English, Cal.	Maguire,	Strong,
Black, Ill.	Epes,	Mallory,	Swanson,
Boatner,	Erdman,	Marsh,	Sweet,
Boen,	Fithian,	Marshall,	Talbert, S. C.
Bower, N. C.	Fyan,	Martin, Ind.	Talbott, Md.
Bretz,	Geary,	McCreary, Ky.	Tarsney,
Brickner,	Goldzier,	McCulloch,	Tate,
Broderick,	Gorman,	McDannold,	Tawney,
Brookshire,	Grady,	McDearmon,	Taylor, Ind.
Bryan,	Gresham,	McEttrick,	Terry,
Bynum,	Griffin,	McGann,	Turner, Ga.
Cabaniss,	Grosvenor,	McKeighan,	Turner, Va.
Caminetti,	Hager,	McMillin,	Tyler,
Cannon, Cal.	Hall, Minn.	McNagny,	Updegraff,
Cannon, Ill.	Hall, Mo.	McRae,	Van Voorhis, Ohio
Capehart,	Hare,	Meyer,	Warner,
Caruth,	Hayes,	Money,	Washington,
Catchings,	Heard,	Moon,	Waugh,
Clark, Mo.	Henderson, N. C.	Morgan,	Weadock,
Clarke, Ala.	Hepburn,	Ogden,	Wells,
Cobb, Ala.	Hermann,	O'Neill, Mo.	Wheeler, Ala.
Cockrell,	Hitt,	Outhwaite,	Williams, Ill.
Coffeen,	Hooker, Miss.	Page,	Williams, Miss.
Conn,	Hopkins, Ill.	Paschal,	Wilson, Ohio
Cooper, Fla.	Hudson,	Patterson,	Wise,
Cooper, Ind.	Hunter,	Paynter,	Wolverton.
Cooper, Tex.	Hutcheson,	Pearson,	
Cooper, Wis.	Izlar,	Pendleton, Tex.	
Cousins,	Johnson, N. Dak.	Pendleton, W. Va.	

147 Democrats, 25 Republicans, 1 Populist.

NAYS—41.

Adams, Pa.	Doolittle,	Hooker, N. Y.	Quigg,
Bartlett,	English, N. J.	Hulick,	Ray,
Bingham,	Fletcher,	Johnson, Ohio	Reilly,
Blair,	Gear,	Loud,	Ryan,
Bowers, Cal.	Grow,	Loudenslager,	Stone, C. W.
Brosius,	Hainer,	Mahon,	Stone, W. A.
Bundy,	Haines,	McAleer,	Wanger,
Covert,	Harmer,	McCall,	Wright, Mass.
Cummings,	Haugen,	Mutchler,	
Dalzell,	Henderson, Ill.	Northway,	
De Forest,	Hicks,	Pigott,	

8 Democrats, 33 Republicans.

TO COIN SILVER SEIGNIORAGE.

In the House, March 1, 1894.

[Record, volume 26, part 3, page 2524. Bill H. R. 4056.]

On the question of the passage of the bill, it was decided in the affirmative

YEAS—168.

Abbott,	Crawford,	Kilgore,	Pickler,
Aitken,	Culberson,	Kribbs,	Post,
Alderson,	Curtis, Kans.	Kyle,	Price,
Alexander,	Davey,	Lacey,	Reilly,
Arnold,	Davis,	Lane,	Richards, Ohio
Bailey,	De Armond,	Latimer,	Richardson, Mich.
Baker, Kans.	Denson,	Layton,	Richardson, Tenn.
Bankhead,	Dinsmore,	Lester,	Ritchie,
Bell, Colo.	Dockery,	Lisle,	Robbins,
Bell, Tex.	Donovan,	Livingston,	Russell, Ga.
Berry,	Doolittle,	Lucas,	Sayers,
Black, Ga.	Durborow,	Maddox,	Settle,
Black, Ill.	Edmunds,	Maguire,	Shell,
Bland,	Ellis, Ky.	Mallory,	Sibley,
Boatner,	Ellis, Oreg.	Marsh,	Simpson,
Boen,	Enloe,	Marshall,	Snodgrass,
Bowers, Cal.	Epes,	Martin, Ind.	Springer,
Branch,	Fithian,	McCleary, Minn.	Stallings,
Breckinridge, Ark.	Forman,	McCreary, Ky.	Stockdale,
Breckinridge, Ky.	Funston,	McCulloch,	Stone, Ky.
Bretz,	Fyan,	McDannold,	Strait,
Broderick,	Geary,	McDearmon,	Swanson,
Brookshire,	Goodnight,	McGann,	Sweet,
Brown,	Gorman,	McKeighan,	Talbert, S. C.
Bryan,	Grady,	McMillin,	Tate,
Bunn,	Gresham,	McNagny,	Taylor, Ind.
Bynum,	Hall, Mo.	McRae,	Terry,
Cabaniss,	Hammond,	Meredith,	Tucker,
Caminetti,	Hare,	Money,	Turner, Ga.
Cannon, Cal.	Hartman,	Montgomery,	Turner, Va.
Caruth,	Hatch,	Morgan,	Turpin,
Catchings,	Heard,	Moses,	Tyler,
Clark, Mo.	Henderson, N. C.	Murray,	Weadock,
Clarke, Ala.	Hepburn,	Neill,	Wheeler, Ala.
Cobb, Ala.	Hermann,	Newlands,	White,
Cockrell,	Holman,	Paschal,	Whiting,
Coffeen,	Hooker, Miss.	Patterson,	Williams, Ill.
Conn,	Hudson,	Paynter,	Williams, Miss.
Cooper, Fla.	Hunter,	Pearson,	Wilson, Wash.
Cooper, Ind.	Hutcheson,	Pence,	Wise,
Cooper, Tex.	Jones,	Pendleton, Tex.	Woodard,
Cox,	Kem,	Pendleton, W. Va.	The Speaker.

144 Democrats, 14 Republicans, 9 Populists, 1 Silverite.

NAYS—129.

Adams, Ky.	De Forest,	Johnson, N. Dak.	Schermerhorn,
Aldrich,	Dingley,	Johnson, Ohio	Scranton,
Apsley,	Dolliver,	Joy,	Shaw,
Avery,	Draper,	Kiefer,	Sherman,
Babcock,	Dunphy,	Lapham,	Sickles,
Baker, N. H.	Erdman,	Lockwood,	Somers,
Barnes,	Everett,	Loud,	Sperry,
Barwig,	Fielder,	Loudenslager,	Stephenson,
Belden,	Fletcher,	Lynch,	Stephens,
Beltzhoover,	Funk,	Magner,	Stone, C. W.
Blair,	Gardner,	Mahon,	Stone, W. A.
Boutelle,	Gear,	McAleer,	Storer,
Brickner,	Geissenhainer,	McCall,	Straus,
Brosius,	Gillet, N. Y.	McEttrick,	Strong,
Burrows,	Goldzier,	McKaig,	Talbott, Md.
Cadmus,	Griffin,	Meiklejohn,	Tawney,
Caldwell,	Grout,	Mercer,	Tracey,
Campbell,	Hager,	Meyer,	Updegraff,
Cannon, Ill.	Hainer,	Mutchler,	Van Voorhis, Ohio
Causey,	Haines,	O'Neil,	Wadsworth,
Chickering,	Harmer,	Outhwaite,	Walker,
Clancy,	Harter,	Page,	Wanger,
Cobb, Mo.	Haugen,	Payne,	Warner,
Cogswell,	Hayes,	Perkins,	Waugh,
Compton,	Heiner,	Phillips,	Wells,
Coombs,	Henderson, Ill.	Pigott,	Wever,
Cooper, Wis.	Hitt,	Quigg,	Wheeler, Ill.
Cornish,	Hooker, N. Y.	Randall,	Wilson, Ohio
Cousins,	Hopkins, Ill.	Ray,	Woomer,
Covert,	Hopkins, Pa.	Reed,	Wright, Mass.
Cummings,	Hulick,	Reyburn,	
Curtis, N. Y.	Hull,	Robinson, Pa.	
Daniels,	Johnson, Ind.	Ryan,	

15 Democrats, 114 Republicans.

In the Senate March 15, 1894.

[Record, volume 26, page 2981. Bill H. R. 4956.]

On the question of the passage of the bill it was decided in the affirmative:

YEAS—44.

Allen,	Dubois,	McLaurin,	Quay,
Bate,	Faulkner,	Martin,	Ransom,
Berry,	George,	Mills,	Roach,
Blackburn,	Gordon,	Mitchell, Oreg.	Shoup,
Blanchard,	Hansbrough,	Morgan,	Stewart,
Butler,	Harris,	Pasco,	Teller,
Call,	Hunton,	Peffer,	Turpie,
Cockrell,	Irby,	Perkins,	Vest,
Coke,	Jones, Ark.	Pettigrew,	Voorhees,
Colquitt,	Kyle,	Power,	White,
Daniel,	Lindsay,	Pugh,	Wolcott.

31 Democrats, 11 Republicans, 2 Populists.

NAYS—31.

Aldrich,	Dolph,	Lodge,	Platt,
Allison,	Frye,	McMillan,	Proctor,
Brice,	Gallinger,	McPherson,	Smith,
Caffery,	Gibson,	Manderson,	Stockbridge,
Carey,	Gorman,	Mitchell, Wis.	Vilas,
Chandler,	Hale,	Morrill,	Washburn,
Cullom,	Hawley,	Murphy,	Wilson.
Davis,	Higgins,	Palmer,	

10 Democrats, 21 Republicans.

VOTE TO PASS SEIGNIORAGE BILL OVER VETO OF THE PRESIDENT.

In the House, April 4, 1894.

[Record, volume 26, page 3460. Bill H. R. 4956.]

On the question of passing the bill notwithstanding the objections of the President, it was decided in the negative (two-thirds not having voted therefor).

YEAS—144.

Aitken,	Cox,	Lane,	Pickler,
Alderson,	Crawford,	Latimer,	Post,
Alexander,	Culberson,	Lawson,	Richards, Ohio
Allen,	Curtis, Kans.	Layton,	Richardson, Mich.
Arnold,	Davis,	Lester,	Richardson, Tenn.
Bailey,	De Armond,	Livingston,	Ritchie,
Baker, Kans.	Dinsmore,	Maguire,	Robbins,
Bankhead,	Dockery,	Mallory,	Russell, Ga.
Bell, Colo.	Doolittle,	Marsh,	Sayers,
Bell, Tex.	Edmunds,	Marshall,	Shell,
Black, Ga.	Ellis, Oreg.	Martin, Ind.	Sibley,
Bland,	Enloe,	McCleary, Minn.	Simpson,
Boatner,	Epes,	McCreary, Ky.	Snodgrass,
Boen,	Funston,	McCulloch,	Springer,
Bower, N. C.	Geary,	McDannold,	Stallings,
Bowers, Cal.	Grady,	McDearmon,	Stockdale,
Branch,	Gresham,	McGann,	Stone, Ky.
Breckinridge, Ark.	Hall, Mo.	McLaurin,	Strait,
Bretz,	Hammond,	McMillin,	Sweet,
Broderick,	Hare,	McNagny,	Talbert, S. C.
Brookshire,	Harris,	McRae,	Tate,
Brown,	Hartman,	Meredith,	Taylor, Ind.
Cabaniss,	Hatch,	Money,	Terry,
Caminetti,	Henderson, N. C.	Montgomery,	Tucker,
Cannon, Cal.	Hepburn,	Moon,	Turner, Ga.
Capehart,	Hermann,	Morgan,	Turner, Va.
Catchings,	Holman,	Moses,	Tyler,
Clark, Mo.	Hooker, Miss.	Neill,	Washington,
Clarke, Ala.	Hudson,	Oates,	Wheeler, Ala.
Cobb, Ala.	Hunter,	O'Neill, Mo.	Whiting,
Cockrell,	Hutcheson,	Paschal,	Williams, Ill.
Coffeen,	Ikirt,	Patterson,	Williams, Miss.
Conn,	Jones,	Paynter,	Wilson, Wash.
Cooper, Fla.	Kilgore,	Pence,	Wise,
Cooper, Ind.	Kyle,	Pendleton, Tex.	Woodard,
Cooper, Tex.	Lacey,	Pendleton, W. Va.	The Speaker.

119 Democrats, 18 Republicans, 7 Populists.

NAYS—114.

Adams, Pa.	Cummings,	Hitt,	Ray,
Apsley,	Curtis, N. Y.	Hopkins, Ill.	Rayner,
Avery,	Davey,	Hulick,	Reed,
Babcock,	De Forest,	Hull,	Reyburn,
Baker, N. H.	Dingley,	Johnson, N. Dak.	Russell, Conn.
Baldwin,	Dunn,	Kiefer,	Ryan,
Bartlett,	Dunphy,	Kribbs,	Schermerhorn,
Barwig,	English, N. J.	Lefever,	Sherman,
Belden,	Erdman,	Lockwood,	Sickles,
Berry,	Everett,	Loudenslager,	Smith,
Blair,	Fletcher,	Lynch,	Stephenson,
Brickner,	Funk,	Marvin, N. Y.	Stone, C. W.
Brosius,	Gardner,	McAleer,	Straus,
Burrows,	Gear,	McEttrick,	Talbott, Md.
Bynum,	Geissenhainer,	McKaig,	Tawney,
Cadmus,	Goldzier,	Meiklejohn,	Thomas,
Campbell,	Gorman,	Mercer,	Tracey,
Cannon, Ill.	Grout,	Meyer,	Turpin,
Caruth,	Grow,	Milliken,	Updegraff,
Causey,	Hager,	Morse,	Walker,
Chickering,	Hainer,	Mutchler,	Wanger,
Childs,	Haines,	Northway,	Warner,
Clancy,	Hall, Minn.	O'Neil, Mass.	Wells,
Cobb, Mo.	Harter,	Outhwaite,	Wever,
Cockran,	Hayes,	Payne,	Wilson, Ohio
Coombs,	Henderson, Ill.	Perkins,	Wolverton,
Cornish,	Hendrix,	Phillips,	Wright, Mass.
Cousins,	Hicks,	Pigott,	
Covert,	Hines,	Quigg,	

59 Democrats, 55 Republicans.

BILL TO AUTHORIZE GOLD BONDS.

In the House, February 7, 1895.

[Record, volume 27, page 1926. Bill H. R. 8705.]

On the question of the passage of the bill, it was decided in the negative.

YEAS—135.

Adams, Pa.	De Forest,	Kribbs,	Ryan,
Aldrich,	Dingley,	Lapham,	Schermerhorn,
Babcock,	Draper,	Lefever,	Scranton,
Baldwin,	Dunphy,	Lockwood,	Sickles,
Barnes,	Durborow,	Lynch,	Sipe,
Bartlett,	English, Cal.	Mahon,	Smith,
Barwig,	Erdman,	Marvin, N. Y.	Somers,
Beckner,	Everett,	McAleer,	Sorg,
Beltzhoover,	Fielder,	McDannold,	Sperry,
Berry,	Fletcher,	McGann,	Stevens,
Bingham,	Forman,	McKaig,	Stone, C. W.
Boutelle,	Gardner,	Meyer,	Stone, W. A.
Brickner,	Geary,	Montgomery,	Stone, Ky.
Brosius,	Geissenhainer,	Mutchler,	Storer,
Bynum,	Gillett, Mass.	O'Neil, Mass.	Straus,
Cadmus,	Goldzier,	O'Neill, Mo.	Talbott, Md.
Caminetti,	Gorman,	Outhwaite,	Tarsney,
Campbell,	Gresham,	Page,	Tracey,
Caruth,	Griffin, Mich.	Paschal,	Turner, Ga.
Causey,	Griffin, Wis.	Patterson,	Turner, Va.
Chickering,	Grout,	Payne,	Turpin,
Clancy,	Haines,	Pearson,	Updegraff,
Clarke, Ala.	Hall, Minn.	Pendleton, W. Va.	Van Voorhis, N. Y.
Cobb, Mo.	Hammond,	Pigott,	Wadsworth,
Coffin, Md.	Harmer,	Powers,	Wanger,
Coombs,	Harrison,	Quigg,	Warner,
Cooper, Fla.	Haugen,	Randall,	Washington,
Cooper, Ind.	Hayes,	Ray,	Wells,
Cornish,	Hendrix,	Reed,	Wilson, W. Va.
Covert,	Henry,	Reilly,	Wise,
Crain,	Hicks,	Reyburn,	Wolverton,
Dalzell,	Hines,	Richards,	Woomer,
Daniels,	Hooker, N. Y.	Ritchie,	Wright.
Davey,	Kiefer,	Russell, Conn.	

89 Democrats, 46 Republicans.

NAYS—162.

Adams, Ky.	Crawford,	Hulick,	Moon,
Aitken,	Curtis, Kans.	Hull,	Moore,
Alderson,	Davis,	Hunter,	Morgan,
Alexander,	De Armond,	Hutcheson,	Moses,
Arnold,	Denson,	Ikirt,	Neill,
Avery,	Dinsmore,	Izlar,	Newlands,
Baker, Kans.	Dockery,	Johnson, N. Dak.	Northway,
Baker, N. H.	Dolliver,	Kem,	Ogden,
Bankhead,	Donovan,	Kyle,	Pendleton, Tex.
Bell, Colo.	Doolittle,	Lacey,	Perkins,
Black, Ga.	Ellis, Ky.	Lane,	Pickler,
Blair,	Ellis, Oreg.	Latimer,	Richardson, Mich.
Bland,	Enloe,	Lawson,	Richardson, Tenn.
Boatner,	Epes,	Layton,	Robbins,
Boen,	Fithian.	Lester,	Robertson, La.
Bower, N. C.	Fyan,	Little,	Russell, Ga.
Bowers, Cal.	Goodnight,	Livingston,	Sayers,
Branch,	Grady,	Loud,	Settle,
Breckinridge,	Grosvenor,	Loudenslager,	Shell,
Bretz,	Grow,	Lucas,	Sibley,
Broderick,	Hager,	Maddox,	Simpson,
Bromwell,	Hainer, Nebr.	Maguire,	Snodgrass,
Brookshire,	Hall, Mo.	Mallory,	Springer,
Brown,	Harris,	Marsh,	Stallings,
Bryan,	Hartman,	Marshall,	Stephenson,
Bundy,	Hatch,	McCleary, Minn.	Stockdale,
Cabaniss,	Heard,	McCreary, Ky.	Strait,
Cannon, Cal.	Henderson, Ill.	McCulloch,	Strong,
Cannon, Ill.	Henderson, Iowa	McDowell,	Swanson,
Childs,	Henderson, N. C.	McKeighan,	Talbert, S. C.
Clark, Mo.	Hepburn,	McLaurin,	Tate,
Cobb, Ala.	Hermann,	McMillin,	Tawney,
Cockrell,	Hitt,	McNagny,	Taylor, Ind.
Coffeen, Wyo.	Holman,	McRae,	Taylor, Tenn.
Conn,	Hooker, Miss.	Meiklejohn,	Terry,
Cooper, Wis.	Hopkins, Ill.	Mercer,	Thomas,
Cousins,	Hopkins, Pa.	Meredith,	Tyler,
Cox,	Hudson,	Money,	Van Voorhis, Ohio

Walker,	Wheeler, Ill.	Williams, Ill.	Woodard.
Waugh,	White,	Williams, Miss.	
Wheeler, Ala.	Whiting,	Wilson, Ohio	

95 Democrats, 58 Republicans, 9 Populists.

JOINT RESOLUTION TO AUTHORIZE GOLD BONDS.

[Record, volume 27, page 2201. H. Res. 275.]

On the question, Shall the resolution pass? it was decided in the negative.

YEAS—120.

Adams, Pa.	Curtis, N. Y.	Kribbs,	Richards,
Aldrich,	Daniels,	Lapham,	Robinson, Pa.
Apsley,	Davey,	Lefever,	Russell, Conn.
Babcock,	De Forest,	Lockwood,	Ryan,
Baldwin,	Dingley,	Lynch,	Schermerhorn,
Barnes,	Draper,	Martin, Ind.	Sickles,
Bartholdt,	Dunn,	Marvin, N. Y.	Sorg,
Barwig,	Durborow,	McCreary, Ky.	Sperry,
Beckner,	English, Cal.	McGann,	Springer,
Beltzhoover,	Erdman,	McKaig,	Stevens,
Berry,	Everett,	Meyer,	Stone, C. W.
Breckinridge,	Fielder,	Montgomery,	Stone, W. A.
Brickner,	Forman,	Morse,	Stone, Ky.
Brosius,	Geary,	Mutchler,	Storer,
Bynum,	Geissenhainer,	O'Neil, Mass.	Straus,
Cadmus,	Gillet, N. Y.	O'Neill, Mo.	Tarsney,
Campbell,	Gillett, Mass.	Page,	Tracey,
Caruth,	Goldzier,	Paschal,	Turner, Ga.
Catchings,	Gorman,	Patterson,	Turpin,
Causey,	Graham,	Payne,	Updegraff,
Chickering,	Gresham,	Pearson,	Wadsworth,
Clancy,	Griffin, Mich.	Pendleton, W. Va.	Wanger,
Clarke, Ala.	Grout,	Pigott,	Warner,
Cobb, Mo.	Haines,	Powers,	Washington,
Coombs,	Hall, Minn.	Price,	Wells,
Cooper, Fla.	Hammond,	Quigg,	Wilson, W. Va.
Cooper, Ind.	Harrison,	Ray,	Wise,
Cornish,	Hayes,	Reed,	Wolverton,
Covert,	Hendrix,	Reilly,	Woomer,
Crain,	Henry,	Reyburn,	Wright.

85 Democrats, 35 Republicans.

NAYS—167.

Adams, Ky.	Denson,	Izlar,	Perkins,
Aitken,	Dinsmore.	Johnson, N. Dak.	Pickler,
Alderson,	Dockery,	Kem,	Randall,
Alexander,	Dolliver,	Kiefer,	Richardson, Mich.
Allen,	Donovan,	Kyle,	Richardson, Tenn.
Arnold,	Doolittle,	Lacey,	Ritchie,
Avery,	Edmunds,	Lane,	Robbins,
Bailey,	Ellis, Ky.	Latimer,	Robertson, La.
Baker, Kans.	Ellis, Oreg.	Lawson,	Russell, Ga.
Baker, N. H.	Enloe,	Layton,	Sayers,
Bankhead,	Epes,	Lester,	Settle,
Bell, Colo.	Fletcher,	Linton,	Shell,
Bell, Tex.	Funk,	Little,	Sibley,
Black,	Fyan,	Livingston,	Simpson,
Blair.	Goodnight,	Loud,	Smith,
Bland.	Grady,	Loudenslager,	Snodgrass,
Boatner,	Griffin, Wis.	Lucas,	Stallings,
Boen,	Grosvenor,	Maddox,	Stephenson,
Bowers, Cal.	Grow,	Maguire,	Stockdale,
Bretz,	Hager,	Mahon,	Strait,
Broderick,	Hainer,	Mallory,	Strong,
Bromwell,	Hall, Mo.	Marsh,	Swanson,
Brookshire,	Haro,	McCleary, Minn.	Talbert, S. C.
Brown,	Harris,	McCulloch,	Tate,
Bryan,	Hartman,	McDearmon,	Tawney,
Bundy,	Hatch,	McKeighan,	Taylor, Ind.
Bunn,	Haugen,	McLaurin,	Terry,
Caminetti,	Heard,	McMillin,	Thomas,
Cannon, Cal.	Henderson, Ill.	McNagny,	Tyler,
Cannon, Ill.	Henderson, Iowa,	McRae,	Van Voorhis, N. Y.
Capehart,	Hepburn,	Meiklejohn,	Van Voorhis, Ohio
Clark, Mo.	Hermann,	Mercer,	Walker,
Cobb, Ala.	Hitt,	Meredith,	Waugh,
Cockrell,	Hooker, Miss.	Money,	Weadock,
Coffeen, Wyo.	Hopkins, Ill.	Moore,	Wheeler, Ala.
Coffin, Md.	Hopkins, Pa.	Morgan,	Wheeler, Ill.
Cooper, Wis.	Hudson,	Moses,	Whiting,
Cox,	Hulick,	Neill,	Williams, Ill.
Crawford,	Hull,	Northway,	Williams, Miss.
Curtis, Kans.	Hunter,	Ogden,	Wilson, Ohio
Davis,	Hutcheson,	Pence.	Wilson, Wash.
De Armond,	Ikirt,	Pendleton, Tex.	

96 Democrats, 63 Republicans, 8 Populists.

AMENDMENT TO AUTHORIZE THE COINAGE OF THE SILVER IN THE TREASURY TO MEET TEMPORARY DEFICIENCIES OF REVENUE.

In the House, February 14, 1896.

[Record, volume 28, page 1735. Bill H. R. 2904.]

On the question of agreeing to the said Senate amendment it was decided in the negative.

YEAS—90.

Abbott,	Culberson,	Layton,	Money,
Aitken,	Curtis, Kans.	Lester,	Moses,
Allen, Miss.	De Armond,	Linney,	Neill,
Allen, Utah	Dinsmore,	Little,	Newlands,
Bailey,	Dockery,	Livingston,	Ogden,
Baker, Kans.	Doolittle,	Lockhart,	Otey,
Bankhead,	Downing,	Loud.	Pearson,
Barham,	Ellis,	Maddox,	Richardson,
Bartlett, Ga.	Gamble,	Maguire,	Robbins,
Bell, Colo.	Hartman,	Marsh,	Robertson, La.
Bell, Tex.	Hermann,	McClure,	Sayers,
Black, Ga.	Hilborn,	McCulloch,	Shafroth,
Bowers,	Hutcheson,	McKenney,	Shaw,
Broderick,	Hyde,	McLachlan,	Shuford,
Clardy,	Johnson, Cal.	McLaurin,	Skinner,
Cockrell,	Jones,	McMillin,	Spencer,
Cooper, Tex.	Kem,	McRae,	Stokes,
Cox,	Kendall,	Meredith,	Strait,
Crisp,	Latimer,	Mondell,	Strowd, N. C.
Swanson,	Towne,	Wheeler,	Woodard,
Talbert,	Tyler,	Williams,	Yoakum.
Tate,	Underwood,	Wilson, Idaho	
Terry,	Walker, Va.	Wilson, S. C.	

58 Democrats, 27 Republicans, 5 Populists.

NAYS—215.

Acheson,	Denny,	Johnson, Ind.	Sauerhering,
Aldrich,	De Witt,	Johnson, N. Dak.	Scranton,
Andrews,	Dingley,	Joy,	Settle,
Apsley,	Dolliver,	Kerr,	Shannon,
Arnold, R. I.	Dovener,	Kiefer,	Sherman,
Atwood,	Draper,	Knox,	Simpkins,
Avery,	Elliott, S. C.	Kulp,	Smith, Ill.
Babcock,	Erdman,	Lacey,	Smith, Mich.
Baker, Md.	Evans,	Lawson,	Snover,
Baker, N. H.	Fairchild,	Lefever,	Sorg,
Barney,	Faris,	Leighty,	Southard,
Bartholdt,	Fenton,	Leisenring,	Southwick,
Bartlett, N. Y.	Fischer,	Lewis,	Spalding,
Beach,	Fletcher,	Long,	Sperry,
Bennett,	Fowler,	Loudenslager,	Stahle,
Berry,	Gardner,	Low,	Steele,
Bingham,	Gibson,	Mahany,	Stephenson,
Bishop,	Gillet, N. Y.	Mahon,	Stewart, N. J.
Blue,	Gillett, Mass.	McCall, Mass.	Stewart, Wis.
Boatner,	Graff,	McCall, Tenn.	Stone, C. W.
Boutelle,	Griffin,	McCleary, Minn.	Stone, W. A.
Brewster,	Grosvenor,	McClellan,	Strode, Nebr.
Bromwell,	Grout,	McCormick,	Strong.
Brosius,	Grow,	McCreary, Ky.	Sulloway,
Brown,	Hadley,	Mercer,	Sulzer,
Brumm,	Hager,	Meyer,	Taft,
Bull,	Hall,	Miles,	Tarsney,
Burrell,	Halterman,	Miller, W. Va.	Tawney,
Burton, Mo.	Hardy,	Minor, Wis.	Tayler,
Burton, Ohio	Harmer,	Moody,	Thomas,
Calderhead,	Harris,	Murphy,	Tracewell,
Cannon,	Harrison,	Noonan,	Tracey,
Catchings,	Hart,	Northway,	Treloar,
Chickering,	Hatch,	Odell,	Tucker,
Clark, Iowa	Heatwole,	Otjen,	Turner, Ga.
Clark, Mo.	Heiner, Pa.	Overstreet,	Turner, Va.
Cobb, Mo.	Hemenway,	Owens,	Updegraff,
Codding,	Henderson,	Parker,	Van Voorhis,
Coffin,	Hendrick,	Patterson,	Wadsworth,
Coison,	Henry, Conn.	Payne,	Walker, Mass.
Connolly,	Hepburn,	Perkins,	Walsh,
Cook, Wis.	Hicks,	Phillips,	Wanger,
Cooke, Ill.	Hill,	Pitney,	Warner,
Cooper, Fla.	Hitt,	Poole,	Washington,
Cooper, Wis.	Hooker,	Price,	Watson, Ind.
Corliss,	Hopkins,	Prince,	Watson, Ohio
Cousins,	Howe,	Pugh,	Wellington,
Crowther,	Howell,	Quigg,	White,
Crump,	Hubbard,	Ray,	Wilber,
Curtis, Iowa	Hulick,	Reeves,	Willis,
Curtis, N. Y.	Huling,	Reyburn,	Wilson, Ohio
Dalzell,	Hull,	Royse,	Wood,
Danford,	Hurley,	Rusk,	Wright.
Daniels,	Jenkins,	Russell, Ga.	

31 Democrats, 184 Republicans.

THE STANLEY MATTHEWS RESOLUTION, REINTRODUCED BY SENATOR TELLER, DECLARING BONDS PAYABLE IN SILVER.

In the Senate, January 29, 1898.

[Record, volume 31, page 1173.]

On passage, the vote was:

YEAS—47.

Allen,	Daniel,	Martin,	Shoup,
Bacon,	Gray,	Mills,	Smith.
Bate,	Harris,	Mitchell,	Stewart,
Berry,	Heitfeld,	Money,	Teller,
Butler,	Jones, Ark.	Morgan,	Tillman,
Cannon,	Kenney,	Murphy,	Turner,
Carter,	Kyle,	Pasco,	Turpie,
Chandler,	Lindsay,	Pettigrew,	Vest,
Chilton,	McEnery,	Pettus,	Warren,
Clark,	McLaurin,	Pritchard,	White,
Clay,	Mallory,	Rawlins,	Wolcott.
Cockrell,	Mantle,	Roach,	

29 Democrats, 13 Republicans, 5 Populists.

NAYS—32.

Aldrich,	Foraker,	Lodge,	Platt, Conn.
Allison,	Gallinger,	McBride,	Platt, N. Y.
Baker,	Gear,	McMillan,	Quay,
Burrows,	Hale,	Mason,	Sewell,
Caffery,	Hanna,	Morrill,	Thurston,
Cullom,	Hansbrough,	Nelson,	Wellington,
Davis,	Hawley,	Penrose,	Wetmore,
Fairbanks,	Hoar,	Perkins,	Wilson.

1 Democrat, 31 Republicans.

THE MATHEWS-TELLER RESOLUTION.

In the House, January 31, 1898.

[Record, volume 31, page 1309.]

On the question of the passage of the resolution, it was decided in the negative.

YEAS—133.

Allen,	Bland,	Catchings,	Davis,
Bailey,	Bodine,	Clardy,	De Armond,
Baird,	Botkin,	Clark, Mo.	De Graffenreid,
Baker, Ill.	Brantley,	Clayton,	De Vries,
Ball,	Brenner, Ohio	Cochran, Mo.	Dinsmore,
Barlow,	Brewer,	Cooney,	Dockery,
Bartlett,	Broussard,	Cooper, Tex.	Epes,
Bell,	Brucker,	Cowherd,	Ermentrout,
Benner, Pa.	Brundidge,	Cox,	Fitzgerald,
Benton,	Burke,	Cranford,	Fitzpatrick,
Berry,	Castle,	Cummings,	Fleming,

Fowler, N. C.	Lentz,	Norton, Ohio	Stark,
Fox,	Lester,	Osborne,	Stephens, Tex.
Gaines,	Lewis, Ga.	Otey,	Strait,
Greene,	Linney,	Peters,	Strowd, N. C.
Griggs,	Little,	Pierce, Tenn.	Sullivan,
Gunn,	Livingston,	Plowman,	Sulzer,
Handy,	Lloyd,	Rhea,	Sutherland,
Hay,	Love,	Richardson,	Swanson,
Henry, Miss.	McClellan,	Ridgely,	Talbert,
Henry, Tex.	McCormick,	Rixey,	Tate,
Hinrichsen,	McCulloch,	Robb,	Taylor, Ala.
Howard, Ala.	McDowell,	Robertson, La.	Terry,
Howard, Ga.	McRae,	Robinson, Ind.	Todd,
Hunter,	Maddox,	Sayers,	Underwood,
Jones, Va.	Maguire,	Settle,	Vincent,
Jones, Wash.	Marshall,	Shafroth,	Wheeler, Ky.
Kelley,	Martin,	Shuford,	Williams, Miss.
King,	Maxwell,	Simpson,	Wilson,
Kitchin,	Meekison,	Sims,	Young, Va.
Kleberg,	Meyer, La.	Skinner,	Zenor.
Knowles,	Miers, Ind.	Slayden,	
Lamb,	Moon,	Smith, Ky.	
Lanham,	Newlands,	Stallings,	

106 Democrats, 4 Republicans, 23 Populists.

NAYS—181.

Adams,	Davison, Ky.	Johnson, Ind.	Ray,
Alexander,	Dayton,	Johnson, N. Dak.	Robbins,
Babcock,	Dingley,	Joy,	Royse,
Baker, Md.	Dolliver,	Kerr,	Russell,
Barber,	Dorr,	Ketcham,	Sauerhering,
Barham,	Dovener,	Kirkpatrick,	Shannon,
Barrows,	Eddy,	Knox,	Shattuc,
Bartholdt,	Elliott,	Kulp,	Shelden,
Beach,	Ellis,	Lacey,	Showalter,
Belden,	Evans,	Landis,	Simpkins,
Belford,	Faris,	Lawrence,	Smith, Ill.
Belknap,	Fenton,	Littauer,	Smith, S. W.
Bennett,	Fischer,	Lorimer,	Smith, Wm. Alden
Bishop,	Fletcher,	Loud,	Snover,
Booze,	Foote,	Lybrand,	Southard,
Boutell, Ill.	Foss,	McAleer,	Southwick,
Boutelle, Me.	Fowler, N. J.	McCall,	Spalding,
Brewster,	Gardner,	McCleary,	Sperry,
Broderick,	Gibson,	McDonald,	Sprague,
Bromwell,	Gillet, N. Y.	McIntire,	Steele,
Brosius,	Gillett, Mass.	Mahany,	Stewart, N. J.
Brown,	Graff,	Mahon,	Stewart, Wis.
Brownlow,	Griffin,	Marsh,	Stone, C. W.
Brumm,	Grosvenor,	Mercer,	Stone, W. A.
Bull,	Grout,	Mesick,	Strode, Nebr.
Burleigh,	Grow,	Miller,	Sturtevant,
Burton,	Hager,	Mills,	Sulloway,
Butler,	Hamilton,	Minor,	Tawney,
Cannon,	Harmer,	Mitchell,	Tayler, Ohio
Capron,	Hawley,	Moody,	Tongue,
Clark, Iowa	Heatwole,	Morris,	Updegraff,
Clarke, N. H.	Hemenway,	Northway,	Van Voorhis,
Cochrane, N. Y.	Henderson,	Odell,	Walker, Mass.
Colson,	Henry, Conn.	Olmsted,	Walker, Va.
Connell,	Henry, Ind.	Otjen,	Wanger,
Connolly,	Hepburn,	Packer, Pa.	Ward,
Cooper, Wis.	Hilborn,	Parker, N. J.	Warner,
Corliss,	Hill,	Payne,	Weaver,
Cousins,	Hitt,	Pearce, Mo.	Weymouth,
Crump,	Hooker,	Pearson,	Williams, Pa.
Crumpacker,	Hopkins,	Perkins,	Yost,
Curtis, Iowa	Howe,	Pitney,	Young, Pa.
Dalzell,	Howell,	Powers,	The Speaker.
Danford,	Hull,	Prince,	
Davenport,	Hurley,	Pugh,	
Davidson, Wis.	Jenkins,	Quigg,	

2 Democrats, 179 Republicans.

TO INCORPORATE INTERNATIONAL BANK.

In the Senate, June 17, 1898.

[Record, volume 31, page 6076. Bill S. 3414.]

On the question of the passage of the bill, it was decided in the affirmative.

YEAS—23.

Allison,	Elkins,	Hawley,	Platt, Conn.
Baker,	Fairbanks,	Hoar,	Shoup,
Burrows,	Foraker,	Lodge,	Warren,
Caffery,	Frye,	McMillan,	Wellington,
Cullom,	Gallinger,	Morgan,	Wilson.
Davis,	Hanna,	Morrill,	
Deboe,	Hansbrough,	Perkins,	

2 Democrats, 24 Republicans.

NAYS—23.

Bacon,	Heitfeld,	Mills,	Sullivan,
Bate,	Jones, Ark.	Mitchell,	Teller,
Chilton,	Kyle,	Pasco,	Turner,
Cockrell,	McEnery,	Pettigrew,	Turpie,
Daniel,	Mallory,	Pettus,	White.
Faulkner,	Mantle,	Rawlins,	

17 Democrats, 4 Republicans, 2 Populists.

In the House, December 16, 1898.

[Record, volume 32, page 265.]

On the question of the passage of the bill it was decided in the negative:

YEAS—103.

Acheson,	Brown,	Codding,	Dolliver,
Alexander,	Brownlow,	Connell,	Dorr,
Barham,	Brumm,	Cooper, Wis.	Eddy,
Barrows,	Bull,	Corliss,	Ellis,
Bartholdt	Burleigh,	Crump,	Faris,
Belford,	Burton,	Crumpacker,	Fletcher,
Bingham,	Butler,	Dalzell,	Gardner,
Booze,	Capron,	Davenport,	Gibson,
Bromwell,	Clark, Iowa	Dick,	Gillet, N. Y.
Brosius,	Clarke, N. H.	Dingley,	Gillett, Mass.
Graff,	Lacey,	Pitney,	Stone,
Graham,	Landis,	Powers,	Sturtevant,
Greene, Mass.	Lawrence,	Ray,	Sulloway,
Grout,	Littauer,	Robbins,	Tayler, Ohio
Grow,	Low,	Russell,	Tongue,
Hager,	Lybrand,	Shattuc,	Updegraff,
Hamilton,	McDonald,	Shelden,	Van Voorhis,
Henry, Conn.	McIntire,	Sherman,	Walker, Va.
Henry, Ind.	Mitchell,	Showalter,	Wanger,
Hicks,	Morris,	Smith, S. W.	Ward,
Hilborn,	Mudd,	Snover,	Weaver,
Hill,	Otjen,	Southwick,	Weymouth,
Hitt,	Overstreet,	Spalding,	Williams, Pa.
Kerr,	Payne,	Sperry,	Yost,
Ketcham,	Pearson,	Steele,	Young.
Knox,	Perkins,	Stevens, Minn.	

All Republicans.

NAYS—149.

Adamson,	Cox,	Lentz,	Rixey,
Aldrich,	Cranford,	Lester,	Robb,
Bailey,	Curtis, Iowa	Lewis, Ga.	Robertson, La.
Baird,	Davey,	Linney,	Robinson, Ind.
Baker, Ill.	Davidson, Wis.	Little,	Sauerhering,
Ball,	Davis,	Livingston,	Sayers,
Bankhead,	De Armond,	Lloyd,	Shafroth,
Barney,	De Graffenreid,	Lorimer,	Shuford,
Barrett,	Dinsmore,	Loudenslager,	Sims,
Bartlett,	Dockery,	McCall,	Skinner,
Beach,	Driggs,	McClellan,	Slayden,
Bell,	Elliott,	McCormick,	Smith, Ill.
Benner, Pa.	Fleming,	McCulloch,	Sparkman,
Benton,	Fowler, N. C.	McDowell,	Spight,
Berry,	Gaines,	McLain,	Stallings,
Bishop,	Greene, Nebr.	McMillin,	Stark,
Bland,	Griffith,	McRae,	Stephens, Tex.
Bodine,	Griggs,	Maxwell,	Stewart, N. J.
Botkin,	Hartman,	Meekison,	Stewart, Wis.
Bradley,	Hay,	Mesick,	Stokes,
Brantley,	Henderson,	Meyer, La.	Sulzer,
Brenner, Ohio	Henry, Miss.	Miers, Ind.	Sutherland,
Brewer,	Henry, Tex.	Miller,	Swanson,
Broderick,	Hinrichsen,	Mills,	Talbert,
Broussard,	Howard, Ga.	Moon,	Tate,
Brucker,	Howell,	Newlands,	Tawney,
Brundidge,	Jenkins,	Norton, Ohio	Taylor, Ala.
Burke,	Jett,	Norton, S. C.	Terry,
Carmack,	Jones, Va.	Ogden,	Todd,
Catchings,	Jones, Wash.	Osborne,	Underwood,
Clardy,	Kelley,	Parker, N. J.	Vandiver,
Clark, Mo.	King,	Pearce, Mo.	Vincent,
Clayton,	Kitchin,	Peters,	Williams, Miss.
Cochran, Mo.	Kleberg,	Pierce, Tenn.	Wilson,
Connolly,	Knowles,	Pugh,	Zenor.
Cooney,	Lamb,	Rhea,	
Cooper, Tex.	Lanham,	Richardson,	
Cowherd,	Latimer,	Ridgely,	

103 Democrats, 28 Republicans, 18 Populists.

GOLD STANDARD BOND BANK BILL.

In the House, December 13, 1899.

On the question, Shall the bill (H. R. 1) pass? it was decided in the affirmative.

YEAS—190.

Acheson,	Dick,	Lacey,	Reeves,
Adams,	Dolliver,	Landis,	Roberts, Mass.
Alexander,	Dovener,	Lane,	Rodenberg,
Allen, Me.	Driggs,	Lawrence,	Ruppert,
Babcock,	Driscoll,	Levy,	Russell,
Bailey, Kans.	Eddy,	Linney,	Scudder,
Baker,	Emerson,	Littauer,	Shattuc,
Barham,	Esch,	Littlefield,	Shelden,
Barney,	Faris,	Long,	Sherman,
Bartholdt,	Fitzgerald, N. Y.	Lorimer,	Showalter,
Bingham,	Fletcher,	Loud,	Smith, Ill.
Boreing,	Fordney,	Loudenslager,	Smith, H. C.
Boutell, Ill.	Foss,	Lovering,	Smith, Samuel W.
Boutelle, Me.	Fowler,	Lybrand,	Smith, Wm. Alden
Bowersock,	Freer,	McAleer,	Southard,
Brick,	Gamble,	McCall,	Spalding,
Bromwell,	Gardner, Mich.	McCleary,	Sperry,
Brosius,	Gardner, N. J.	McPherson,	Sprague,
Brown,	Gibson,	Mahon,	Steele,
Brownlow,	Gill,	Mann,	Stevens, Minn.
Bull,	Gillett, Mass.	Marsh,	Stewart, N. J.
Burke, S. Dak.	Graff,	Mercer,	Stewart, N. Y.
Burkett,	Graham,	Mesick,	Stewart, Wis.
Burleigh,	Greene, Mass.	Metcalf,	Sulloway,
Burton,	Grosvenor,	Miller,	Tawney,
Butler,	Grout,	Minor,	Tayler, Ohio
Calderhead,	Grow,	Mondell,	Thayer,
Cannon,	Hamilton,	Moody, Mass.	Thomas, Iowa
Capron,	Haugen,	Moody, Oreg.	Thropp,
Chickering,	Hawley,	Morgan,	Tompkins,
Clarke, N. H.	Heatwole,	Morris,	Tongue,
Clayton, N. Y.	Hedge,	Mudd,	Underhill,
Cochrane, N. Y.	Hemenway,	Needham,	Van Voorhis,
Connell,	Henry, Conn.	O'Grady,	Wachter,
Cooper, Wis.	Hepburn,	Olmsted,	Wadsworth,
Corliss,	Hill,	Otjen,	Wanger,
Cousins,	Hitt,	Overstreet,	Warner,
Cromer,	Hoffecker,	Packer, Pa.	Waters,
Crump,	Hopkins,	Parker, N. J.	Watson,
Crumpacker,	Howell,	Payne,	Weaver,
Curtis,	Hull,	Pearce, Mo.	Weeks,
Cushman,	Jack,	Pearre,	Weymouth,
Dahle, Wis.	Jenkins,	Phillips,	White,
Dalzell,	Jones, Wash.	Powers,	Wilson, N. Y.
Davenport, S. A.	Kahn,	Prince,	Wright,
Davidson,	Kerr,	Pugh,	Young, Pa.
Dayton,	Ketcham,	Ray,	
Denny,	Knox,	Reeder,	

11 Democrats, 179 Republicans.

NAYS—150.

Adamson,	De Armond,	Little,	Ryan, Pa.
Allen, Ky.	De Graffenreid,	Livingston,	Salmon,
Allen, Miss.	De Vries,	Lloyd,	Shackleford,
Atwater,	Dinsmore,	McClellan,	Shafroth,
Bailey, Tex.	Dougherty,	McCulloch,	Sheppard,
Ball,	Elliott,	McDowell,	Sibley,
Bankhead,	Epes,	McLain,	Sims,
Barber,	Finley,	McRae,	Slayden,
Bartlett,	Fitzgerald, Mass.	Maddox,	Small,
Bell,	Fitzpatrick,	May,	Smith, Ky.
Benton,	Fleming,	Meekison,	Snodgrass,
Berry,	Foster	Meyer, La.	Sparkman,
Bradley,	Fox,	Miers, Ind.	Spight,
Brantley,	Gaines,	Moon,	Stark,
Breazeale,	Gaston,	Muller,	Stephens, Tex.
Brenner,	Gilbert,	Naphen,	Stokes,
Brewer,	Glynn,	Neville,	Sulzer.
Brundidge,	Gordon,	Newlands,	Sutherland,
Burke, Tex.	Green, Pa.	Noonan,	Swanson,
Burleson,	Griffith,	Norton, Ohio	Talbert,
Burnett,	Griggs,	Norton, S. C.	Tate,
Caldwell,	Hall,	Otey,	Taylor, Ala.
Carmack,	Hay,	Pierce, Tenn.	Terry,
Chanler,	Henry, Miss.	Polk,	Thomas, N. C
Clark, Mo.	Henry, Tex.	Quarles,	Turner,
Clayton, Ala.	Howard,	Ransdell,	Underwood,
Cochran, Mo.	Jett,	Rhea, Ky.	Vandiver,
Cooney,	Johnston,	Rhea, Va.	Wheeler, Ky.
Cooper, Tex.	Jones, Va.	Richardson,	Williams, J. R.
Cowherd,	Kitchin,	Ridgely,	Williams, W. E.
Cox,	Kleberg,	Riordan,	Williams, Miss.
Crawford,	Kluttz,	Rixey,	Wilson, Idaho
Crowley,	Lamb,	Robb,	Wilson, S. C.
Cummings,	Lanham,	Robbins,	Young, Va.
Cusack,	Latimer,	Robinson, Ind.	Zenor,
Daly, N. J.	Lentz,	Robinson, Nebr.	Ziegler.
Davenport, S. W.	Lester,	Rucker,	
Davis,	Lewis,	Ryan, N. Y.	

142 Democrats, 5 Populists, 3 Silverites.

SAME BILL.

In the Senate, February 15, 1900.

On the question shall the bill (H. R. 1) pass, it was decided in the affirmative.

YEAS—46.

Aldrich,	Fairbanks,	Lodge,	Quarles,
Allison,	Foraker,	McBride,	Ross,
Beveridge,	Foster,	McComas,	Scott,
Burrows,	Frye,	McCumber,	Sewell,
Caffery,	Gear,	McMillan,	Shoup,
Carter,	Hale,	Mason,	Simon,
Clark, Wyo.	Hanna,	Nelson,	Spooner,
Cullom,	Hansbrough,	Penrose,	Thurston,
Davis,	Hawley,	Perkins,	Wetmore,
Deboe,	Hoar,	Platt, Conn.	Wolcott.
Depew,	Kean,	Platt, N. Y.	
Elkins,	Lindsay,	Pritchard,	

2 Gold Democrats, 44 Republicans.

NAYS—29.

Bate,	Culberson,	McLaurin,	Taliaferro,
Berry,	Daniel,	Martin,	Teller,
Butler,	Harris,	Money,	Tillman,
Chandler,	Heitfeld,	Morgan,	Turley,
Chilton,	Jones, Ark.	Pettus,	Vest.
Clark, Mont.	Jones, Nev.	Rawlins,	
Clay,	Kenney,	Stewart,	
Cockrell,	McEnery,	Sullivan,	

23 Democrats, 1 Republican, 3 Silverites, 2 Populists.

CONFERENCE REPORT ON SAME BILL.

In the Senate, March 6, 1900.

On the question of agreeing to the report and passing the bill (H. R. 1) it was decided in the affirmative.

YEAS—44.

Aldrich,	Elkins,	Hoar,	Platt, Conn.
Allison,	Fairbanks,	Lindsay,	Platt, N. Y.
Baker,	Foraker,	Lodge,	Proctor,
Bard,	Foster,	McBride,	Quarles,
Beveridge,	Frye,	McComas,	Ross,
Burrows,	Gallinger,	McCumber,	Scott,
Carter,	Gear,	McMillan,	Shoup,
Clark, Wyo.	Hale,	Mason,	Simon,
Cullom,	Hanna,	Nelson,	Thurston,
Davis,	Hansbrough,	Penrose,	Wellington,
Depew,	Hawley,	Perkins,	Wetmore.

1 Democrat, 43 Republicans.

NAYS—26.

Allen,	Clay,	Kenney,	Sullivan,
Bacon,	Cockrell,	McLaurin,	Taliaferro,
Bate,	Culberson,	Martin,	Teller,
Butler,	Harris,	Morgan,	Tillman,
Chandler,	Heitfeld,	Pettigrew,	Turner.
Chilton,	Jones, Ark.	Pettus,	
Clark, Mont.	Jones, Nev.	Rawlins,	

21 Democrats, 1 Republican, 2 Silverites, 2 Populists.

In the House, March 13, 1900.

On the question, Shall the conference report on the bill H. R. 1 be adopted? it was decided in the affirmative.

YEAS—166.

Acheson,	Barney,	Brown,	Clarke, N. H.
Adams,	Bartholdt,	Bull,	Clayton, N. Y.
Aldrich,	Bingham,	Burke, S. Dak.	Cochrane, N. Y.
Alexander,	Bishop,	Burkett,	Connell,
Allen, Me.	Boutell, Ill.	Burleigh,	Corliss,
Babcock,	Bowersock,	Burton,	Cousins,
Bailey, Kans.	Brick,	Butler,	Crump,
Baker,	Bromwell,	Calderhead,	Crumpacker,
Barham,	Brosius,	Cannon,	Curtis,
Dahle, Wis.	Hedge,	Marsh,	Sherman,
Dalzell,	Henry, Conn.	Mercer,	Showalter,
Davenport, S. A.	Hepburn,	Mesick,	Smith, H. C.
Davidson,	Hill,	Metcalf,	Smith, S. W.
Dayton,	Hoffecker,	Miller,	Smith, Wm. Alden
Denny,	Howell,	Minor,	Spalding,
Dick,	Hull,	Mondell,	Sperry,
Dolliver,	Jack,	Moody, Mass.	Sprague,
Dovener,	Jenkins,	Moody, Oreg.	Stevens, Minn.
Driggs,	Jones, Wash.	Morgan,	Stewart, N. J.
Driscoll,	Joy,	Mudd,	Stewart, N. Y.
Eddy,	Kahn,	Needham,	Stewart, Wis.
Esch,	Kerr,	O'Grady,	Sulloway,
Faris,	Ketcham,	Otjen,	Tawney,
Fitzgerald, N. Y.	Knox,	Overstreet,	Thayer,
Fletcher,	Lacey,	Packer, Pa.	Thropp,
Foss,	Landis,	Parker, N. J.	Tompkins,
Fowler,	Lane,	Payne,	Tongue,
Freer,	Lawrence,	Pearce, Mo.	Underhill,
Gamble,	Levy,	Pearre,	Vreeland,
Gardner, Mich.	Linney,	Phillips,	Wadsworth,
Gardner, N. J.	Littauer,	Powers,	Wanger,
Gill,	Littlefield,	Prince,	Warner,
Gillet, N. Y.	Long,	Pugh,	Waters,
Gillett, Mass.	Lorimer,	Ray,	Watson,
Graff,	Loudenslager,	Reeder,	Weaver,
Graham,	Lovering,	Reeves,	Weeks,
Grout,	Lybrand,	Rodenberg,	White,
Grow,	McAleer,	Ruppert,	Wilson, N. Y.
Hamilton,	McCleary,	Russell,	Wise,
Haugen,	McPherson,	Scudder,	Young.
Hawley,	Mahon,	Shattuc,	
Heatwole,	Mann,	Shelden,	

9 Democrats, 157 Republicans.

NAYS—120.

Adamson,	Davenport, S. W.	Lewis,	Ryan, N. Y.
Allen, Ky.	De Armond,	Little,	Ryan, Pa.
Allen, Miss.	De Graffenreid,	Livingston,	Salmon,
Atwater,	De Vries,	Lloyd,	Shafroth,
Bailey, Tex.	Dinsmore,	McClellan,	Sheppard,
Ball,	Dougherty,	McCulloch,	Sims,
Bankhead,	Elliott,	McDowell,	Slayden,
Barber,	Finley,	McRae,	Smith, Ky.
Bartlett,	Fitzgerald, Mass.	Maddox,	Snodgrass,
Bell,	Fleming,	May,	Sparkman,
Bellamy,	Foster,	Meekison,	Stark,
Benton,	Gaston,	Meyer, La.	Stephens, Tex.
Berry,	Gilbert,	Moon,	Stokes,
Brenner,	Glynn,	Muller,	Sulzer.
Brewer,	Green, Pa.	Naphen,	Sutherland,
Brundidge,	Griggs,	Neville,	Swanson,
Burleson,	Hay,	Noonan,	Talbert,
Burnett,	Henry, Miss.	Norton, S. C.	Taylor, Ala.
Caldwell,	Henry, Tex.	Otey,	Terry,
Campbell,	Howard,	Pierce, Tenn.	Thomas, N. C.
Catchings,	Jett,	Polk,	Turner,
Chanler,	Johnston,	Quarles,	Underwood,
Clark, Mo.	Kitchin,	Ransdell,	Vandiver,
Clayton, Ala.	Kleberg,	Rhea, Ky.	Wheeler, Ky.
Cochran, Mo.	Kluttz,	Rhea, Va.	Williams, J. R.
Cooney,	Lamb,	Richardson,	Williams, Miss.
Cowherd,	Lanham,	Rixey,	Wilson, Idaho.
Cox,	Latimer,	Robb,	Wilson, S. C.
Crawford,	Lentz,	Robinson, Nebr.	Zenor,
Daly, N. J.	Lester,	Rucker,	Ziegler.

114 Democrats, 4 Populists, 2 Silverites.

Mr. RICHARDSON. I yield twenty minutes to the gentleman from Georgia [Mr. LEWIS].

Mr. LEWIS. Mr. Speaker, in this bill the committees of the two Houses have reached a most happy solution of our financial difficulties. We have here two bills in one. The House has virtually agreed to the Senate bill, and the Senate has virtually agreed to the House bill. The bill now presented to us has six distinct features. I shall give the House credit for three of them and the Senate credit for three. The Senate, always ambitious and anxious to be original, was determined to do as much on this currency bill as the House. Consequently this bill may be divided into six sections, giving each body credit for three. In the first section the House declares for a single gold standard. The second gives authority to the Secretary of the Treasury to issue bonds at any and all times, that he may protect gold balances in the Treasury. The third is the division of issue and redemption, a separate division in the Treasury Department.

Now, for the Senate features of the bill. The Senate, anxious to do something that would be, possibly I may term it extreme, has presented these special features: First, the funding of the public debt; second, the delegating of all power of issuing money to the national banks, and third, the comedy of declaring always a willingness to accept international bimetallism.

Mr. Speaker, when we go to one of our theaters to see a tragedy, we see, first, the star actor sadly enter; then we see the villain come in; then follow other characters calculated to add to the gloom; but finally, when we begin to find ourselves between sadness and madness, to even up the play and relieve the tension upon the feelings of the audience the comedian comes out to put them into a more cheerful mood.

Now this bill reminds me very much of such a proceeding, because after this serious, this far-reaching measure, this, I might almost say, tragedy of which the American people have been the victims, the Senate at last brings out the comedian in the clause declaring for international bimetallism. This is indeed a comedy;

it is a farce. It would have been better, it seems to me, instead of putting this provision into the body of the bill, that they should have rolled the bill up and then placed a label on the outside, saying, This clause for the declaration of international bimetallism is our vote-catcher. Or, rather, it might have been better for them to have waited for the national convention at Philadelphia and there have embodied this provision in their platform as one of the burning and living issues.

Mr. Speaker, I was very much amused this morning in listening to the gentleman from Indiana. He ignored the bimetallic clause; he said, in substance, that it means nothing. Then a great body like the United States Senate has put into this bill something that is absolutely meaningless.

Now, I wish to refer to a remark of the gentleman from Iowa [Mr. DOLLIVER], a remark which impressed me very much at the time, because I thought that the gentleman was speaking with too much enthusiasm. As the House is aware, this gentleman is one whom our Republican friends are in the habit of putting forward to close their debates, especially when we have a serious question before us.

I was very much impressed with the statement I am about to read; it has been dwelling in my mind ever since, because I know the gentleman to be always enthusiastic for his party, whatever it may do. Now, this strong declaration which the gentleman made in favor of a single gold standard was made at the time most enthusiastically. I want to quote what the gentleman said, and then I want to surmise, if I can, what he would now say if he would speak on this bill.

> Mr. SIMS. May I ask the gentleman a question?
> Mr. DOLLIVER. Certainly.
> Mr. SIMS. With your present light and information before you, are you now in favor of opening the doors of the mints to the free coinage of silver by international agreement?
> Mr. DOLLIVER. No, sir; I am not. I have joined in the last experiment with silver, on an international basis or otherwise. [Applause on the Republican side.] I have been humbugged as long as I calculate to be, if I know it.

Mr. DOLLIVER has been "humbugged" long enough; but the Senate now proposes to "humbug" its members and to go out and continue to "humbug" the American people.

Mr. BROSIUS. Will the gentleman allow me to correct a statement which I know he makes inadvertently?

Mr. LEWIS. Certainly.

Mr. BROSIUS. The gentleman from Iowa [Mr. DOLLIVER] in the speech to which my friend refers did not use the word "humbugged." If the gentleman will refer to the RECORD he will find that the language of the gentleman from Iowa was that he had had his last whirl with silver.

Mr. LEWIS. I beg the gentleman's pardon. I know he wants to be fair and right; but what I have read was copied from the CONGRESSIONAL RECORD.

Mr. BROSIUS. I state my recollection of the language used by the gentleman from Iowa, for I heard it.

Mr. LEWIS. If I had the time I would look the matter up; but at present I must insist that I am correct, because what I have read has been copied word for word from the RECORD, and if the gentleman will look it up he will find it there.

Mr. BROSIUS. Well, I am not able to say from recollection what was in the RECORD. My recollection is of the words as they fell from the lips of the gentleman from Iowa [Mr. DOLLIVER]. I sat within 3 feet of him, and I recollect what he said.

Mr. LEWIS. I have taken the words exactly from the RECORD.

Mr. BROSIUS. The matter can be looked up, and my friend can correct it if he is wrong. If not, it will stand.

Mr. LEWIS. We must come to the conclusion, then, that this section is evidently meaningless.

Now, I do not propose to discuss the House measure to any great extent, as I have already spoken upon it, as have many other members of this House; but I do say now, as I said in December, that this new department in the Treasury, known as the issue and redemption department, is useless. It reminds me of a weak vessel on a calm sea, which can sail beautifully when everything is smooth, but let the storms come and the weakened vessel will sink. It is the same way with this new division. It is meaningless and amounts to nothing in time of financial storms and panics. In that sense it means nothing, but it means a great deal in another.

It requires under this bill $150,000,000 of gold to be at all times in the Treasury, when heretofore we have only required $100,000,000 in gold, which we have found to be ample to meet all business purposes and to protect us at all times. Having this new department designed to protect the Treasury Department in its gold balances, because the bill says that all money is redeemed in gold, therefore when any person takes the national-bank notes and the Treasury notes and presents them to the Treasury Department for exchange in gold, the Treasury Department must furnish the gold for those notes, and the only way to get that gold is by this section, which permits the Secretary of the Treasury to sell United States bonds at any and all times to purchase gold.

By this bill you are given no more authority than the authority to do what Secretary Carlisle did when, in 1893 and 1894, in that great panic, he sold $262,000,000 worth of bonds, for which the country condemned him, he being condemned not only by the Democratic party but by our Republican friends joining in that condemnation of Secretary Carlisle's action. There is a slight difference, and that is this, that Secretary Carlisle sold those bonds to private bankers in New York, while under this bill you propose to sell them only to the national bankers of the United States.

I will not touch upon all the features of the bill. I expect to confine myself virtually to the six principal provisions. But I do say this in general terms, that the bill gives the Secretary of the Treasury too much power. It gives him power to impound this money, to hold up the United States notes and other money. But I will pass from that and speak of the main features of the bill.

Now, why did the Senate place in this bill this section declaring for the funding of the United States interest-bearing debt? There are about $850,000,000 of United States bonds that do not mature until 1904, 1905, and, I believe, 1907 or 1908. Here is a debt that is not due until from five to eight years hence, and yet the Senate places in a currency bill a provision to pay this debt a long time before its maturity. It reminds me of the old adage which, I believe, human experience has demonstrated to be true, that there are two bad paymasters, one who never pays his debts at all and one who pays them too soon. [Applause on the Democratic side.] We occupy the position of the bad paymaster who pays his debts too soon.

There are many reasons why this was inserted in the Senate bill. One is to give the national banks indefinite power—in other words, to extend their power for at least thirty years.

Another is to place a debt upon the people that can not be repaid under thirty years. In one sense it seems to me a good omen, because I have become enthusiastic recently in behalf of the Democratic party. Things are growing brighter and brighter each day for that party, and this tells me that the wise Senators over at the other end of the Capitol smell danger ahead, and so they have said, "We will fix these national banks and this bonded indebtedness upon the people so that it can not be changed for the next thirty years." It is unreasonable to go four or five years ahead and pay off a debt before its maturity. Why not follow in the footsteps of the past?

In 1881, when Congress, after considerable discussion, failed to pass an act refunding the public debt then due, Secretary Windom met the situation by issuing all the surplus funds he had to retire bonds, and then offered to continue the residue bearing 6 per cent interest, at 3½ per cent, payable at the pleasure of the Government. Thus the Secretary was able to continue at 3½ per cent about $178,000,000, leaving only $24,000,000 to be paid off out of surplus revenues. The Secretary then applied the same method to the 5 percents with equal success. There is no apparent reason why this precedent should not furnish a practical rule of action for the existing situation.

That is a suggestion taken from a banker's magazine, a paper which is in favor of the national banks and yet which must condemn the action of this body in passing this funding bill at this time.

I congratulate the Republican party to-day upon the opportunity which is presented to them, and I am astonished that they do not take advantage of it. They have, by this bill, legislated sixty million to seventy million dollars profit to the owners of these bonds. They should herald to the country the wealth that has been brought to the United States by this act of legislation.

I say you have given $60,000,000 to $70,000,000 profit on these bonds. I find to-day that these 2 per cent bonds, which are not now issued, have advanced offers for them at 6 per cent premium. Where does this great profit of from sixty to seventy million dollars go? The Government will not get any return in taxation or anything of that kind. The Treasury will receive no return from it, because it goes to the owners of the United States interest-bearing bonds. Who owns these interest-bearing bonds? A very small percentage of the American people. Indeed, the corporations own most of these bonds, and by far the larger part of them are owned by the national banks. It is to them that the great profit goes.

Evidently this section of the Senate bill declaring for the refunding of the debt was "daddied" by very conspicuous parties. I have heard so much in this House about who is the father of this bill and who is the father of that bill, that when I see a bill coming in here I become suspicious at once. I say to myself, "Who has drawn that bill, in whose interest is it drawn?" and I am suspicious at all times. While I make no charge, it seems to me almost certain that the national banks had a great deal to do in the drawing up of this bill before us. My reason for saying that is because of this new issue of bonds, amounting to at least $850,000,000, which can not be paid off in thirty years.

The bonds bear a low rate of interest it is true, and I say that they are made for the national banks for this reason. Individuals do not want 2 per cent bonds when they are at a 6 per cent

premium. These bonds to-day would cost $1.06, and no private individual would want to put his money into 2 per cent bonds when he would have to wait three years before he could draw any interest from them at all. Therefore he would be slow to pay this 6 per cent premium on them. But the national banks are glad to get them. That is only a side issue, a mere incident with them, because there are so many revenues coming from them that they do not place much importance upon the interest paid upon these bonds.

Under this new law they are relieved of taxes largely. Heretofore they have paid one-half of 1 per cent semiannually. Now they pay one-quarter of 1 per cent semiannually on the money issued upon the strength of the bonds on the circulation. Therefore the national banks will draw 1½ per cent interest in this indirect way, provided they issue circulation up to the amount of the holding of their bonds. That is the first profit which the national banker gets, which is merely incidental. The second profit he gets in this way: The Government permits him to issue the full face value of the bonds in the bank's own currency.

The bank is able to loan out this currency at market rates of interest. That is the second profit; but here is the greatest profit of all. On account of owning these bonds they can come here to the Treasury and secure from the Treasury Government deposits equal to the amount of the bonds deposited, which they can use in their own business. That is the third profit that the national banks get. Consequently they will be able to take these bonds, and I dare say would be glad to take them without any interest at all, for the purpose of securing circulation and for the purpose of securing United States deposits.

I will state to my friend from Pennsylvania [Mr. BROSIUS] that I read a transcript from the RECORD a few moments ago, but let me read from the RECORD, kindly handed me by a friend, I know we want to be together.

Mr. BROSIUS. That is right.

Mr. LEWIS (reading)—

Mr. SIMS. May I ask the gentleman a question?

Mr. DOLLIVER. Certainly.

Mr. SIMS. With your present lights and information before you, are you now in favor of opening the doors of the mints to the free coinage of silver by international agreement?

Mr. DOLLIVER. No, sir; I am not. I have joined in the last experiment with silver, on an international basis or otherwise. [Applause on the Republican side.] I have been humbugged as long as I calculate to be, if I know it.

Mr. BROSIUS. Mr. Speaker, it turns out on investigation that my friend was right and I was in error. I desire to apologize to him for the interruption.

Mr. LEWIS. You need not apologize, because I know my friend only desired to be right about the matter.

Mr. BROSIUS. I should not have interrupted you if I had not thought I was right.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RICHARDSON. I yield the gentleman five minutes additional time.

The SPEAKER pro tempore (Mr. BOUTELL of Illinois). The gentleman is recognized for five minutes.

Mr. LEWIS. It seems surprising to me, and is a fact we ought to realize, that one-half of the money, one-half of the balance of money of the United States, is now deposited in the national banks of this country. We have on hand about $300,000,000. Half of that is deposited now in the national banks, which are using it free, without any interest; and yet I was surprised to read the New York bank statement, which comes out on Friday, which showed that the banks of that city had only $5,000,000 over and above the legal requirements, and still they were using all this money of the Government. I was surprised to read how closely they have this money loaned up. Here is the statement from the Secretary of the Treasury, as it appeared in the Washington Post:

NEW FINANCIAL BILL—SECRETARY GAGE OUTLINES HIS PLAN FOR CARRYING IT INTO EFFECT.

WASHINGTON, *March 9, 1900.*

At the Cabinet meeting to-day Secretary Gage outlined his plan for carrying into effect the new financial bill, which, it is expected, will pass the House next Tuesday and be approved by the President soon thereafter. The Secretary explained that in all probability from 35 to 45 per cent of the outstanding bonds, which may be refunded under the new law, will be presented for exchange within a comparatively short time. This would involve cash payments as premiums to the holders of the old bonds, amounting to from $30,000,000 to $35,000,000.

The Secretary's purpose, as stated to the Cabinet, is to create as little financial disturbance as possible in the settlement of premium accounts.

The question whether the cash to be paid as premium shall come from the Treasury, the depository banks, or both, depends for its solution largely upon conditions which can not now be foretold. The new bonds will be dated April 1, and the amount of premium to be paid on the old bonds will be calculated from that date, the rate in amounts being the same. These plans meet with general approval.

He says that it will require $30,000,000 or $35,000,000 to pay unaccrued interest on the funded bonds due five to eight years hence. Where shall we take it from? Out of the deposits which are made with the national banks or out of the Treasury. The Secretary says that he does not want to interfere with the financial condition of the country, and consequently he will divide it up and take part of it out of the Treasury and part of it out of the national banks.

It is a fact that he to-day would not dare to take this money out of the national banks. We can not afford to-day to have a panic, and if you were to draw $50,000,000 from the banks in order to pay that interest you would have a panic in the country; and while Mr. Gage hesitates to take the money out of the banks to pay this interest, I am surprised to read such lines as these under those circumstances. Listen. I quote the Financial News, from the great financial center, New York City:

AMERICAN MONEY FOR BRITISH WAR BONDS—SUBSCRIPTIONS IN THIS CITY UP TO THE CLOSE OF BUSINESS YESTERDAY AGGREGATED $50,000,000—FINANCIERS IN SYMPATHY—NEW YORK CAPITALISTS WILL SEIZE THE OPPORTUNITY TO MANIFEST THEIR FRIENDLINESS TO ENGLAND—THIS CITY THE FINANCIAL CENTER—IT IS UNDERSTOOD THAT OFFERS HAVE BEEN RECEIVED FROM THE UNITED STATES TO TAKE UP THE WHOLE ISSUE, WHICH IT IS EXPECTED WILL BE COVERED TEN TO TWENTY TIMES.

Great Britain's big war loan will be many times over subscribed. It is expected now that one-half of the total amount of the loan will be subscribed in this country.

It is not expected, however, that anything like that amount of allotments will be received in this country. It is said to be the intention of the Bank of England to distribute the bonds as far at possible among the English people, both at home and in the colonies. The loan will be more than taken in Lombard street.

Subscriptions up to the close of business yesterday had aggregated $50,000,000 in this city; that amount had been accounted for by J. P. Morgan & Co. A fair quantity of these subscriptions were from patriotic Englishmen outside of the city; many of them came by mail from Boston, Baltimore, Philadelphia, and other Eastern cities.

It is expected that many of the local financial institutions will subscribe for the purpose of emphasizing the friendliness which they feel toward England in a business way. The finances of the two countries were never more closely allied than at the present time.

Foreign bankers and exchange authorities say that it is yet too early to talk about the possible effect upon the foreign exchange market of American subscription to the British war loan of £30,000,000. Everything depends, they say, upon what proportion of the loan is allotted here, and the consensus of opinion seems to be that it will be comparatively small. But even should the allotment be £5,000,000 or more, it is not believed that it would have any perceptible effect upon the exchange market aside from the stiffening of rates a little.

Vice-President Hepburn, of the Chase National Bank, said yesterday:

"I have not heard of any large subscriptions to the British war loan so far beyond the Mutual Life Insurance Company's bid, but expect that a fairly large amount of the bonds will be taken here. We probably shall subscribe ourselves, but there is no immediate hurry. The effect of the subscriptions undoubtedly will be a tendency toward higher local money rates, but not to a serious extent. The payments, in my judgment, are more likely to be reflected in the foreign exchange market."

And again another loan by the beneficiaries of the Treasury deposits. I quote from the American Banker of recent date:

An interesting incident of the week was the announcement of the negotiation of a Russian Government loan in New York City. The facts are that a syndicate of banks and insurance companies have agreed to advance the Russian Government $25,000,000 on a railway mortgage bearing 4 per cent interest. J. Pierpont Morgan & Co., the National City Bank, the New York Security and Trust Company, and the New York Life Insurance Company are said to be the principals concerned in this transaction.

Here, then, we see, Mr. Speaker, that the Secretary of the Treasury is afraid and fearful about drawing money from the national banks, and they are subscribing to British war bonds and making Russian railroad loans. Is it not a strange condition of affairs that we may not draw the money from the national banks to pay the interest, the unaccrued interest, on these bonds, and yet these same men are sending our money into foreign countries and loaning it to them?

I make the statement here boldly that the last panic, or nearly a panic—yes, indeed a panic, because of the large amount of money that had to be paid out—was brought about by the national banks of this country, and I charge the Administration with being coerced into placing this money with these banks that they might loan it out.

They intended to bring on a boom, and they were placing this money among the trusts and combines, many of which had no substantial backing to them, and if the stocks had gone up on which the banks had loaned their money and the money they had gotten from the Treasury they would have made a great deal of money; but when the banks saw that all the money they had and the Treasury Department had furnished was in danger, they got the Treasury to come to the rescue, because they said, "If you do not we will have a tremendous panic," and the Secretary of the Treasury did go to their rescue by buying $22,000,000 unmatured bonds and by anticipating the interest payable on the 1st day of January on all United States bonds, which amounted to many millions of dollars.

I do not criticise Secretary Gage for it. I think it was right; I think it was his duty to save the country from a panic, but I desire to criticise the condition that this country has got in that we have got to go to the rescue of the banks to save the country. [Loud applause on the Democratic side].

Mr. FITZGERALD of Massachusetts. Mr. Speaker, I will use the time allotted me by the House to dwell upon the national

banking feature of the present bill, particularly the so-called refunding section. When the bill passed the House no mention of any such provision was included, and these sections, which give millions of the money of the people of the United States to those fortunate enough to hold Government bonds, as well as increase the power of the national banks, were added in the Senate. Regarding this feature of the bill I wish to quote the opinion of the financial writer of the New York Sun, Matthew Marshall. Neither Mr. Marshall nor the New York Sun are accused of Democratic tendencies nowadays. Speaking of this feature of the currency bill he said, on February 16:

None of the considerations just mentioned apply, however, to the scheme, now under consideration by the United States Senate, of offering a bonus of $85,000,000 to the present holders of $850,000,000 of the national debt for the privilege of extending that debt thirty years at 2 per cent per annum. The scheme is for the benefit neither of the present creditors of the Government nor of the people. On the contrary, it is avowedly intended to aid the national banks in perpetuating their usurpation of the function of supplying, for their own profit, the paper money of the country.

If adopted, it will give them 2 per cent per annum, less a tax of one-half per cent for issuing circulating notes, which the Government is both directly and indirectly to guarantee, when it might just as easily issue the notes itself, and thus avoid paying the banks for the service of 1½ per cent per annum on $850,000,000, or $12,750,000 a year. It is the advocacy of such measures that helps to make the banks unpopular with the community. Their legitimate business of lending money is not calculated to create friends for them, since the debtor always regards his creditor as more or less his enemy, but when in addition they invade the domain of the Government and attempt to control the supply of the country's circulating medium, they render themselves odious to all citizens without distinction.

What reason in the world exists for this favoritism to the bondholders and national banks, and why should the Government attempt to refund millions of dollars for its bonds at this time by anticipating interest? I saw in one of the New York papers the other day that the new 3 percents were already quoted at 107. The people of this country have an opportunity to witness another practical illustration of the hold the national banks have on the present Administration.

Consider for a moment, Mr. Speaker, the development of the past few months, showing the intimacy of the national banks of the country with the Treasury Department, and then wonder if you will at the cry of indignation rising in all parts of the country. Mr. Stillman, president of the National City Bank, under date of April 8, writes Secretary Gage:

As you have doubtless noticed in the press, the money market there has been quite unsettled the past week. We have loaned very liberally, but at such rates as would tend to force a liquidation in highly speculative securities. I trust this has been accomplished and the declines which have taken place will have a wholesome effect.

At the time this letter was written the bank, acting as a national depository, had more than ten millions of United States money in its vaults, by the use of which, although paying no interest to the Government, it forced a liquidation which ruined hundreds of men and business houses, and brought ruin and destruction to many a home. By the use of the same tactics, only a short while ago in the city of Boston, this bank, through its agencies in that city, forced a decline in copper and other securities which has paralyzed business in a great many branches. This National City Bank is known as the Standard Oil bank, and to show why the Attorney-General of the United States, sworn to perform the duties of his office, refuses to enforce the provision of the anti-trust law against this corporation, I quote the letter which passed between Mr. Hepburn, its vice-president, and Secretary Gage:

THE NATIONAL CITY BANK OF NEW YORK,
New York, June 5, 1897.

MY DEAR MR. GAGE: The National City Bank of this city, of which I recently became vice-president through the consolidation of the business of the Third National with it, is one of the banks designated as a United States depository, and I write to request that in any changes which may be made under the Administration we may not be disturbed in this respect.

We should like to remain a United States depository as at present. Of course the bank is very strong, and if you will take the pains to look at our list of directors you will see that we also have very great political claims in view of what was done during the canvass last year.

Yours, very truly,

A. B. HEPBURN.

HON. LYMAN J. GAGE,
United States Treasury, Washington, D. C.

Who can expect any action against the Standard Oil on the part of this Administration in the face of evidence like this? Is there a man in the House, Republican or Democrat, that can view this condition of affairs with contentment? Three months ago the Standard Oil declared a quarterly dividend of $12,000,000, or forty-eight million a year, on a capitalization of one hundred million. This tribute from the people did not satisfy them, and about the first of the present year every poor family in the land was taxed an additional sum of 3 cents per gallon—kerosene oil going from 9 to 12 cents a gallon—with the result that a short time afterwards a quarterly dividend of $20,000,000 was declared, and the stock, whose par is $100, sold for over $550.

How long can any government exist on conditions like these? You will never be able to destroy this power until you take away the control of the money of the people from the banks. Why give banks this enormous power to increase or decrease in circulation, the power to make money cheap or make it dear?

What greater responsibility rests upon those legislating for the people than to see that the money of the nation, the very lifeblood of business and trade, is surrounded with proper safeguards? People ought to control money channels, not banks. Recent disclosures in Boston indicate the positive danger of this method of doing business. Three national banks have either failed or suspended, carrying many reputable business houses to the wall in that city during the past six months. The president of one of these banks has recently been indicted on 25 counts, involving stealing of more than $1,000,000.

These thefts, consisting of false entries and misapplication of funds, continued for months, during which time the bank affairs had been examined by the bank examiner and nothing found wrong, and if it were not for the fact that it was during the examination of another bank that the matter developed nobody can tell how far the stealings would have gone and how much more money would have been misappropriated.

I think it proper at this time, when the great benefits of our national banking system are being extolled, to speak the truth concerning conditions as we find them. What protection has the average depositor under the present system of supervision? Is it not a well-established fact that the deposits of the national banks are used by its officers to raise or depress the stock market?

Does not every member of this House know that the directors use a great deal of favoritism in granting loans? I venture the assertion if the true history of the national banks, the loans they have made, and the character of the securities upon which loans have been negotiated were known to the people of this country, the national banking system would soon disappear, condemned by all classes of people.

Mr. Speaker, I think the national banks have too much power already, and the sooner the American people appreciate this fact by electing to power a party which will transfer to the Government the function of issuing the money of the people the better for this country. [Applause.]

Mr. HILL. Mr. Speaker, I desire to offer for convenient reference by the members of the House a few tables, collated and prepared from the report of the Director of the Mint for 1899, and other sources.

Table No. 1 shows the monetary systems and approximate stocks of money in the principal countries of the world on January 1, 1899.

Table No. 2 shows the approximate stocks of money and the per capita in the thirteen principal commercial countries in 1873, and a similar showing of the same countries on January 1, 1899.

Table No. 3 shows the changes in the monetary stock of these same thirteen countries.

[For Tables Nos. 1, 2, and 3, see pages 4, 5, 6, and 7.]

I find nothing by which I can make a comparison with reference to all the countries included in Table No. 1, but the footings of Nos. 2 and 3 show that in the thirteen countries named therein there has been since 1873 and to January 1, 1899, a net increase of monetary stock of $2,596,700,000.

Second. This increase has been much greater than the increase of population, the per capita stock on January 1, 1899, being $16.32, against $14.54 in 1873.

Third. These countries had in 1873—

Gold	$1,209,800,000
Silver	1,057,700,000
Total specie	2,267,500,000
Uncovered paper	2,322,500,000
Counting gold and silver both as "ultimate-redemption" money, both together in 1873 were 49.04 per cent of the whole monetary stock, but on January 1, 1899, these same countries had, of gold	4,182,100,000
Silver	1,774,900,000
Uncovered paper	1,229,700,000
Total	3,004,600,000

and gold alone constituted over 58 per cent of the whole stock.

In view of these facts, no one can deny that these countries were better able to maintain the gold standard on January 1, 1899, than they were a double standard prior to 1873.

Surprising as these changes have been among the commercial nations of the world, the comparative financial situation of the United States is still more striking.

Here we can bring the comparison down to one year later, January 1, 1900.

In 1873 we had—

Gold	$135,000,000
Silver	6,150,000
Total	141,150,000
Uncovered paper	749,445,000

So that silver and gold together were 15.8 per cent of the whole stock. On January 1, 1900, we had—

Gold	$1,016,009,857
Silver	$644,165,342
Uncovered paper	339,617,000
Total	983,782,342

[From report of the Director of the Mint, 1899.]

TABLE No. 1.—*Monetary systems and approximate stocks of money in the aggregate and per capita in the principal countries of the world on January 1, 1899.*

Countries.	Monetary system.	Ratio between gold and full legal-tender silver.	Ratio between gold and limited-tender silver.	Population.	Stock of gold.	Stock of silver.			Uncovered paper.	Per capita.			
						Full tender.	Limited tender.	Total.		Gold.	Silver.	Paper.	Total.
United States	Gold and silver	1 to 15.98	1 to 14.95	75,300,000	$945,800,000	$563,700,000	$75,300,00	$639,000,000	$329,700,000	$12.56	$8.48	$4.38	$25.42
United Kingdom	Gold		1 to 14.28	40,200,000	a402,300,000		111,900,000	a111,900,000	a111,600,000	11.50	2.78	2.77	17.05
France	Gold and silver	1 to 15½	1 to 14.38	38,500,000	a810,600,000	a336,100,000	a54,000,000	420,100,000	a161,100,000	21.05	10.92	4.18	36.15
Germany	Gold		1 to 13.957	52,300,000	b672,800,000	b88,700,000	b119,500,000	208,200,000	a155,700,000	12.86	3.98	3.00	19.84
Belgium	Gold and silver	1 to 15½	1 to 14.38	6,600,000	b30,000,000	b40,000,000	b5,000,000	45,000,000	a82,500,000	4.54	6.82	12.50	23.86
Italy	do	1 to 15½	1 to 14.33	31,700,000	a98,000,000	b16,000,000	b27,900,000	a43,900,000	a174,900,000	3.09	1.38	5.52	9.99
Switzerland	do	1 to 15½	1 to 14.38	3,100,000	d24,000,000		d10,700,000	10,700,000	a17,400,000	7.74	3.45	5.61	16.80
Greece	do	1 to 15½	1 to 14.38	2,460,000	b500,000	b500,000	b1,000,000	1,500,000	a20,100,000	.21	.62	12.12	12.95
Spain	do	1 to 15½	1 to 14.38	18,300,000	g53,400,000		37,800,000	g37,800,000	g187,500,000	2.92	2.08	10.24	15.22
Portugal	Gold		1 to 14.08	5,100,000	a5,200,000		9,600,000	g9,650,000	a75,200,000	1.02	1.88	14.74	17.64
Roumania	Gold and silver			5,400,000	ag13,100,000		7,100,000	ag7,100,000	g20,250,000	2.42	1.31	3.75	7.48
Servia	do			2,400,000	g1,000,000		1,800,000	g1,800,000	g3,600,000	.41	.75	1.50	2.66
Austria-Hungary	Gold		1 to 13.69	45,900,000	a221,400,000	b50,000,000	b97,300,000	a147,300,000	a103,000,000	4.82	3.21	2.24	10.27
Netherlands	Gold and silver	1 to 15½	1 to 15	5,000,000	a30,200,000	a52,900,000	3,500,000	56,400,000	a47,200,000	6.04	11.28	9.44	26.76
Norway	Gold		1 to 14.88	2,100,000	a8,600,000		2,300,000	a2,300,000	a5,100,000	4.10	1.09	2.43	7.62
Sweden	do		1 to 14.88	5,000,000	a13,000,000		6,500,000	a6,500,000	a29,500,000	2.60	1.30	5.90	9.80
Denmark	do		1 to 14.88	2,300,000	a16,900,000		5,400,000	a5,400,000	a5,900,000	7.35	2.35	2.56	12.26
Russia	do		1 to 23.24+	130,000,000	a740,400,000		a81,900,000	81,900,000		5.69	.63		6.32
Turkey	Gold and silver	1 to 15½	1 to 15½	24,100,000	b50,000,000	b30,000,000	b10,000,000	40,000,000		2.07	1.66		3.73
Australasia	Gold		1 to 14.28	5,100,000	a132,100,000		a7,000,000	7,000,000	a22,500,000	25.90	1.37	4.41	31.68
Egypt	do		1 to 15.68	9,800,000	b30,000,000		a6,400,000	6,400,000		3.06	.65		3.71
Mexico	Silver	1 to 16½		13,000,000	b8,600,000	106,000,000		106,000,000	a4,000,000	.66	8.15	.81	9.12
Central American States.	do			3,400,000	a1,000,000	a11,400,000		a11,400,000	a18,100,000	.30	3.35	5.32	8.97
South American States.	do	1 to 15½		38,000,000	a72,700,000	b10,000,000	b10,000,000	a20,000,000	a1,159,300,000	1.91	.70	30.51	33.18
Japan	Gold		1 to 32.36	45,000,000	a54,000,000		25,300,000	a25,300,000		1.20	.55		1.75
India	Silver	1 to 15		296,900,000		568,400,000		a568,400,000	a47,400,000		1.91	.16	2.07
China	do			383,500,000		b750,000,000		750,000,000			1.96		1.96
Straits Settlements. *f*	do			4,500,000		b240,000,000	b2,000,000	242,000,000			53.82		53.82
Canada	Gold		1 to 14.28	5,400,000	ab20,000,000		a5,000,000	5,000,000	a40,500,000	3.70	.93	7.50	12.13
Cuba	Gold and silver	1 to 15½		1,800,000	b2,000,000		b1,500,000	1,500,000		1.11	.83		1.94
Haiti	do	1 to 15½		1,000,000	a1,200,000	b2,000,000	b1,500,000	a3,500,000	a3,700,000	1.20	3.50	3.70	8.40
Bulgaria	do	1 to 15½	1 to 14.39	3,300,000	b1,000,000	b3,400,000	b3,400,000	6,800,000		.30	2.06		2.36
Siam	Silver			5,000,000	a20,000,000	193,400,000		a193,400,000		4.00	38.68		42.68
Hawaii	Gold and silver	1 to 15.98	1 to 14.95	100,000	a4,000,000	1,000,000		a1,000,000		40.00	10.00		50.00
Cape Colony	Gold		1 to 14.28	2,100,000	c37,000,000		1,000,000	c1,000,000		17.86	.47		18.33
South African Republic.	do		1 to 14.28	1,100,000	c29,200,000		1,200,000	c1,200,000		26.54	1.09		27.64
Finland	do		1 to 15½	2,600,000	g4,100,000		500,000	g500,000	g10,800,000	1.58	.19	4.15	5.92
Total				1,317,300,000	4,614,600,000	3,102,500,000	733,300,000	3,835,800,000	2,846,500,000	3.50	2.91	2.16	8.57

a Information furnished through United States Representatives.
b Estimate, Bureau of the Mint.
c Money and prices, State Department, United States.
d C. Cramer Frey.
e Except Venezuela, Chile, and Peru.
f Includes Aden, Perim, Ceylon, Hongkong, Labuan, and Straits Settlements.
g Bulletin de Statistique, Paris, January, 1899.

[Prepared from report of the Director of the Mint, 1899.]

TABLE No. 2.—*Approximate stocks of money in the aggregate and per capita in thirteen principal countries of the world, 1873.*

Countries.	Population.	Stock of gold.	Stock of silver.	Uncovered paper.	Per capita.			
					Gold.	Silver.	Paper.	Total.
United States	41,700,000	$135,000,000	$6,150,000	$749,445,000	$3.24	$0.15	$17.97	$21.36
Great Britain	31,800,000	160,000,000	95,000,000	59,800,000	5.03	2.99	1.88	9.90
France	36,100,000	450,000,000	500,000,000	385,300,000	12.47	13.85	10.67	36.99
Germany	41,000,000	160,200,000	306,235,000	90,800,000	3.91	7.47	2.21	13.59
Russia	82,200,000	149,100,000	18,000,000	618,400,000	1.81	.23	7.52	9.56
Italy	26,800,000	20,000,000	23,000,000	87,800,000	.75	.86	3.27	4.88
Belgium	5,200,000	25,000,000	15,000,000	35,100,000	4.81	2.88	6.75	14.44
Netherlands	3,900,000	12,000,000	37,300,000	15,300,000	3.08	9.56	3.92	16.56
Austria-Hungary	35,900,000	35,030,000	40,000,000	265,800,000	.98	1.11	7.40	9.49
Australasia	2,600,000	50,000,000	3,000,000		19.23	1.15		20.38
Denmark	1,800,000	4,100,000	7,500,000	6,500,000	2.28	4.16	3.61	10.05
Sweden	4,403,000	1,800,000	4,300,000	6,000,000	.41	.98	1.36	2.75
Norway	1,800,000	7,600,000	1,600,000	2,300,000	4.22	.89	1.28	6.39
Total	315,200,000	1,209,800,000	1,057,685,000	2,322,545,000	3.83	3.25	7.36	14.54

THE SAME COUNTRIES SHOW ON JANUARY 1, 1899.

United States	75,300,000	$945,300,000	$639,000,000	$329,700,000	$12.56	$8.48	$4.38	$25.42
Great Britain	40,200,000	462,300,000	111,900,000	111,600,000	11.50	2.78	2.77	17.05
France	38,500,000	810,600,000	420,100,000	161,100,000	21.05	10.92	4.18	36.15
Germany	52,300,000	672,800,000	208,200,000	156,700,000	12.86	3.98	3.00	19.84
Russia	130,000,000	740,400,000	81,900,000		5.69	.63		6.32
Italy	31,700,000	98,000,000	43,900,000	174,900,000	3.09	1.38	5.52	9.99
Belgium	6,600,000	30,000,000	45,000,000	82,500,000	4.54	6.82	12.50	23.86
Netherlands	5,000,000	30,200,000	56,400,000	47,200,000	6.04	11.28	9.44	26.76
Austria-Hungary	45,900,000	221,400,000	147,300,000	103,000,000	4.82	3.21	2.24	10.27
Australasia	5,100,000	132,100,000	7,000,000	22,500,000	25.90	1.37	4.41	31.68
Denmark	2,300,000	16,900,000	5,400,000	5,900,000	7.35	2.35	2.56	12.26
Sweden	5,000,000	13,000,000	6,500,000	29,500,000	2.60	1.30	5.90	9.80
Norway	2,100,000	8,600,000	2,300,000	5,100,000	4.10	1.09	2.43	7.62
Total	440,000,000	4,182,100,000	1,774,900,000	1,229,700,000	9.50	4.03	2.79	16.32

[Prepared from Report of Director of the Mint for 1899.]

TABLE No. 3.—*Approximate stock of gold, silver, and uncovered paper in the thirteen principal countries of the world in 1873 and January 1, 1899, and changes between those dates, expressed in millions.*

Countries.	Population, 1899.	Gold.			Silver.			Uncovered paper.			Total per capita, 1873.	Total per capita January 1, 1899.
		1873.	1899.	Increase.	1873.	1899.	Increase (+) or decrease (—).	1873.	1899.	Increase (+) or decrease (—).		
United States	75,300,000	$135	$945.8	$810.8	$6.2	$639	+$632.8	$749.4	$329.7	— $419.7	$21.36	$25.42
Great Britain	40,200,000	100	402.3	302.3	95	111.9	+ 16.9	59.8	111.6	+ 51.8	9.90	17.05
France	38,500,000	450	810.6	360.6	500	420.1	— 79.9	385.3	161.1	— 224.2	36.99	36.15
Germany	52,300,000	160.2	672.8	512.6	306.2	208.2	— 98	90.8	156.7	+ 65.9	13.59	19.84
Russia	130,000,000	149.1	740.4	591.3	18.6	81.9	+ 63.3	618.4	----------	— 618.4	9.56	6.32
Italy	31,700,000	20	98	78	23	43.9	+ 20.9	87.8	174.9	+ 87.1	4.88	9.99
Belgium	6,600,000	25	30	5	15	45	+ 30	35.1	82.5	+ 47.4	14.44	23.86
Netherlands	5,000,000	12	30.2	18.2	37.3	56.4	+ 19.1	15.3	47.2	+ 31.9	16.56	26.76
Austria-Hungary	45,000,900	35	221.4	186.4	40	147.3	+ 107.3	265.8	103	— 162.8	9.49	10.27
Australasia	5,100,000	50	132.1	82.1	3	7	+ 4	----------	22.5	+ 22.5	20.38	31.68
Denmark	2,300,000	4.1	16.9	12.8	7.5	5.4	— 2.1	6.5	5.9	— .6	10.05	12.26
Sweden	5,000,000	1.8	13	11.2	4.3	6.5	+ 2.2	6	29.5	+ 23.5	2.75	9.80
Norway	2,100,000	7.6	8.6	1	1.6	2.3	+ .7	2.3	5.1	+ 2.8	6.30	7.62
Total	440,000,000	1,209.8	4,182.1	2,972.3	1,057.7	1,774.9	+ 717.2	2,322.5	1,229.7	—1,092.8	14.54	----------

Net monetary increase	$2,596,700,000
Increase of gold	2,972,300,000
Increase of silver	717,200,000

And instead of our monetary stock having less than 16 per cent of it gold, as in 1873, it now has nearly 51 per cent of it in gold, as the only money of "ultimate redemption" under the single gold standard.

But, notwithstanding these facts, the advocate of the free coinage of silver repudiates them all, and denying the effect of the enormous increase of gold, either in the aggregate or in excess of the increase of population, now puts forward the claim that it is not sufficient to conveniently provide for the greatly expanded commerce of this and other nations.

It is unfair to the free-coinage advocate to make a comparison of specie and the volume of trade in 1873 and 1899, for in 1873 we were not on a specie basis. It is equally unfair to the gold-standard advocate to compare conditions in 1860 with the present, for we now have a thousand millions of paper admissible as lawful money reserve against bank deposits, but believers in the gold standard can accept even these enormous odds and still maintain their contention.

The loans and discounts of all commercial banks in this country in 1860 were $706,333,272.22, and the specie held (both gold and silver) was $82,638,510.09, or 11.6 per cent.

The loans and discounts of all national banks on December 2, 1899, were $2,479,819,494, and the gold held was $274,687,240, or 11.07 per cent, being substantially the same percentage as in 1860.

But, conclusive as these figures are that gold alone is a better basis now for our financial system than gold and silver together have been at any time since 1860, at least, there is one other fact which settles the question beyond dispute. Since 1873 it has been the standard of value. Since resumption in 1879 it has been the redeemer for all other kinds of money; for while direct exchanges of gold for silver certificates and silver dollars have rarely been made at the subtreasuries, both have been regularly received for all public dues, and the Government itself has paid its bonds and the interest thereon in gold or its equivalent, and yet with the single gold standard practically maintained since 1879, interest rates have steadily fallen, and the advantages of the system have been daily manifested to every debtor in the land.

No one can deny that the borrower of to-day is paying from a third to a half less interest than the same loan cost in 1873, or, what is the same thing, that he can now have the use of 50 to 100 per cent more money at the cost of the lesser sum twenty-seven years ago.

While this has proven an inestimable advantage to every farmer whose acres are mortgaged and to every mechanic struggling to pay for a home, the Government itself has greatly benefited by the reduction of interest rates upon its bonds from 5 and 6 per cent to 2, 3, 4, and 5 per cent.

I quote the price of Government bonds in the New York market on November 29, 1899, and the rate of interest which they returned to the investor on that day:

Bonds.	Net price.	Return.
		Per cent.
Fives of 1904	$111.4375	2.220
Fours of 1907	112.7284	2.176
Fours of 1925	132.5057	2.206
Threes of 1918	109.5217	2.568
Threes of 1908		1.810

This is the splendid record of twenty-seven years of the free coinage of gold, with silver coined on Government account only. In my judgment, now is the time not only to declare that this shall continue to be our policy, but to correct the mistakes of the past, to stop forever the "endless chain" of greenbacks, and to so legislate that our excessive volume of legal-tender silver shall cease to be a menace to the gold reserve.

Assuming that the statements made heretofore are based on facts, no one, not even the bimetallist—no one but the believer in a pure fiat paper currency—can justify any other course, for the "endless chain" of greenback redemption would be just as dangerous with both metals as with one, and the experience of other nations shows that on silver alone it works far more rapidly.

There is neither reason nor sense in this Government saying to all mankind, as it practically has been doing, that it will hold itself ready to furnish gold or silver to whoever may want it and to any amount, without any power to control the demand by interest rate or brokerage charge, as a bank would do and as the banks of all Europe always have done, and then to issue its bonds to buy back the specie with which to repeat the process. Gradual retirement of greenbacks by final redemption as the supply of gold increases, or impounding them and so practically changing them into a gold certificate, are the only sure and safe remedies.

As the best possible evidence that this is feasible I submit the following table, showing the world's production of gold for the past one hundred years:

Period.	Annual average.		Total for period.	
	Fine ounces.	Value.	Fine ounces.	Value.
1800	571,948	$11,823,000	571,948	$11,823,000
1801–1810	571,563	11,815,000	5,715,627	118,152,000
1811–1820	367,957	7,606,000	3,679,568	76,063,000
1821–1830	457,044	9,448,000	4,570,444	94,479,000
1831–1840	652,291	13,484,000	6,522,913	134,841,000
1841–1850	1,760,502	36,393,000	17,605,018	363,928,000
1851–1855	6,410,324	132,513,000	32,051,621	662,565,000
1856–1860	6,486,262	134,083,000	32,431,312	670,415,000
1861–1865	5,949,589	122,989,000	29,747,913	614,944,000
1866–1870	6,270,086	129,614,000	31,350,430	648,071,000
1871–1875	5,591,014	115,577,000	27,955,068	577,883,000
1876–1880	5,543,110	114,586,000	27,715,550	572,931,000
1881–1885	4,794,755	99,116,000	23,973,773	495,582,000
1886	5,135,679	106,163,900	5,135,679	106,163,900
1887	5,116,861	105,774,900	5,116,861	105,774,900
1888	5,330,775	110,196,900	5,330,775	110,196,900
1889	5,973,790	123,489,200	5,973,790	123,489,200
1890	5,749,306	118,848,700	5,749,306	118,848,700
1891	6,320,194	130,650,000	6,320,194	130,650,000
1892	7,094,200	146,651,500	7,094,200	146,651,500
1893	7,618,811	157,494,800	7,618,811	157,494,800
1894	8,783,342	181,567,800	8,783,342	181,567,800
1895	9,694,640	200,406,000	9,694,640	200,406,000
1896	9,783,914	202,251,600	9,783,914	202,251,600
1897	11,552,532	238,812,000	11,552,532	238,812,000
1898	13,904,363	287,428,600	13,904,363	287,428,600
1899*	----------	315,000,000	----------	315,000,000
Total for 100 years	----------	----------	----------	7,406,413,900

*Estimated by the Director of the Mint.

I call attention to the fact that the year 1800 showed a product of $11,823,000, and 1899 $315,000,000, and that with slight variations the increase has been steady. With the improved processes now in use in every branch of gold production there is no reasonable doubt but that in 1900 and succeeding years a proportionate increase will occur.

In the face of this last column of figures showing nearly seven and one-half billion dollars' worth of an imperishable money metal added in a single century to the world's ever-increasing supply, the arguments of the advocates of the necessity of a double standard become utterly ineffective.

The fact is that the world has reached a point where each nation may choose for itself, as individuals always have done, the standard of value most convenient for itself and best adapted to its own commercial conditions and the character of its civilization.

Under these circumstances, for the United States to select the inferior, with the best not only attainable but literally forcing itself upon us, would be financial suicide.

The pending bill aims to enact into law that which the course of events has demonstrated as an existing fact—namely, that gold is the foundation upon which our commercial structure is built.

It starts out with the clear, clean-cut declaration that the dollar consisting of 25.8 grains of gold, 0.9 fine, shall be the standard unit of value.

It brushes aside the disputed question of the present standard by striking out the words "as now" from the House bill and "continue to be" from the Senate bill, and boldly declares that in future, no matter what it may have been in the past, the standard "shall be" gold, and that all forms of money issued or coined by the United States shall be maintained at a parity with gold.

This means that every dollar of gold, silver, paper, nickel, or bronze shall be the equivalent of every other, and, if need be, shall be interchangable with each other, for it is made the specific duty of the Secretary of the Treasury to maintain such parity, and to this end the bond power of the United States is at his disposal "as the public interests may require."

The promissory notes of the Government, which now by statute are payable in coin, are hereafter to be redeemed in coin of standard gold.

To make this sure and certain, instead of one hundred millions being nominally held to secure redemption a hundred and fifty million dollars in gold is actually set apart, and the entire financial resources of the nation are made available to keep this fund intact, either by exchange of notes for gold or by direct purchase of gold or by the issue of bonds for gold.

Profiting by the experience of the past, neither the fund itself nor any of the instruments for its maintenance can be diverted to meet deficiencies in current revenues, but it is to be held in trust for this specific purpose and for this only, and the Treasury accounts of issue and redemption are hereafter to be separated from the current fiscal transactions to plainly show that it is so kept.

That this separate showing of the current receipts and expenditures of the Government should be thus made, I think will be admitted by everyone, no matter what his financial views may be, to be a wise and prudent course.

While the working of the endless chain is not entirely stopped, and in my judgment can not be as long as the demand notes of the Government remain in circulation, it is made discretionary with the Secretary of the Treasury to block its operations by holding fifty millions of them, when once redeemed in gold, until the gold shall be returned or the notes exchanged for gold.

The issue of gold certificates is authorized and the present law for currency certificates repealed.

So much for the gold provisions.

The silver dollar retains its present legal-tender quality, and the bullion in the Treasury is to be coined as rapidly as possible, about twenty-five millions of it into subsidiary coin and the remainder into silver dollars.

The Treasury notes are to be concurrently retired and silver certificates issued in lieu thereof.

With the retirement of the Treasury notes and the reissue of greenbacks in denominations of $10 and upward, it is hoped and believed by some that our present excessive volume of silver can be kept in circulation either as coin or certificates in denominations of $10 or less, thus making it the change money of the people.

In my opinion, the disturbing element in this problem is the permission given to the national banks to continue one-third of their note issues as five-dollar bills.

If the volume of bank notes is largely increased, as many believe it will be, the five-dollar bank bill will surely drive the five-dollar silver certificate back into the Treasury to the detriment of the Government.

I am of the opinion that bank notes, under present conditions, should be commercial instruments only, and not used by the people as change money.

The Government has the right to the exclusive use of this entire field.

So much for the silver legislation in the bill.

What are the banking provisions?

The Government has now outstanding, and all due within the next eight years, eight hundred and forty millions of 3, 4, and 5 per cent bonds payable in coin.

The last Senate and House differed as to the meaning of the word "coin."

This bill removes that doubt and authorizes the refunding of these bonds into thirty-year 2 per cent bonds, payable in gold, the Government taking up the outstanding bonds on a basis of 2½ per cent interest, paying the difference in cash and issuing in exchange a new bond at 2 per cent interest.

That this can be done in whole or in part is clearly apparent, and if it is successful, it will put the credit of the United States higher than that of any other nation on earth, and be a lasting honor to the name of Lyman J. Gage, the author of the plan.

As in the original issues of Government bonds in 1864, the national banking system is again made the instrumentality by which the refunding scheme is to be worked out.

Note issues are authorized to par of the bonds held and to the full amount of capital paid in, instead of 90 per cent of each, as now.

The tax on circulation, which is now 1 per cent, is reduced to one-half of 1 per cent on notes secured by the new bonds, and the organization of banks of $25,000 capital permitted in towns of less than 3,000 population.

The saving to the Government on the refunding of these bonds will be more than $22,000,000, and there is no question but that the banking facilities of the country will be largely increased and the rates for discount ultimately materially decreased thereby. There are other minor provisions of the bill, only tending to render these principal ones effective.

The following statement of method of computing saving is furnished by the Government actuary:

Upon February 1, 1900, present worth to yield an income of 2½ per cent per annum, for the—

Fours of 1907	111.9232
Fives of 1904	110.4913
Threes of 1908	105.7877

The difference between their present worth, computed as provided in the bill, and their par value for the entire amount of these bonds outstanding is $86,495,821.

That is to say, if these bonds were paid off February 1, 1900, under the terms of the bill, they would require $86,495,821 more than their face value; if they run to maturity, interest being paid in the meantime, the total payment would be $1,070,626,034 ($231,479,544 interest and $839,146,490 principal).

By the refunding plan the Government would pay $22,095,500 less in principal and interest and premium than will be necessary if these bonds run to maturity as they stand.

JOS. S. McCOY, *Government Actuary.*

This, then, is the plan:

Gold as the basis; silver certificates, kept at par with gold, for change money.

Bank notes as commercial instruments.

With prosperity abounding throughout the land, with exports far outreaching our purchases from abroad, with a gold production exceeding that of any period in our history, not only in this country but in the world, with every prospect of an early peace and a large reduction of our expenses, when could there be a better time to put this law in operation? [Applause on the Republican side.]

I submit from the report of the Comptroller of the Currency tables giving full information concerning the loanable funds of the various States and how distributed:

Population of the States and Territories on June 1, 1899; the aggregate capital, surplus, undivided profits, and individual deposits of national banks, etc., on or about June 30, 1899; the average of these items per capita, and the per capita averages in each class of banks and in all banks.

States, etc.	Population June 1, 1899.	All banks.		Average per capita.				
		Capital, etc.	Average per capita.	National banks.	State banks.	Loan and trust companies.	Savings banks.	Private banks.
Maine	694,000	$109,658,043	$158.00	$49.62	.....	$13.45	394.93	.....
New Hampshire	398,000	76,104,861	182.34	46.43	$4.35	.....	142.63	.....
Vermont	337,000	58,971,631	174.99	58.17	.....	.....	116.82	.....
Massachusetts	2,745,000	1,054,225,483	384.05	136.13	.....	50.79	197.53	.....
Rhode Island	418,000	151,771,262	363.09	115.59	4.38	65.76	177.36	.....
Connecticut	875,000	270,490,712	309.13	87.21	11.97	11.23	198.72	.....
Total New England States	5,465,000	1,721,281,992	314.96	104.40	2.57	33.84	174.15	.....
New York	7,175,000	2,664,243,526	371.32	118.95	44.76	78.67	128.65	90.29
New Jersey	1,890,000	292,736,505	167.26	50.50	6.19	20.28	30.29	.....
Pennsylvania	6,115,000	887,857,875	145.20	77.49	13.83	34.83	17.45	1.60
Delaware	188,000	21,765,375	115.77	48.21	11.88	27.77	27.91	.....
Maryland	1,275,000	146,228,944	114.69	55.72	6.99	5.95	45.62	.41
District of Columbia	300,000	41,195,757	137.32	83.34	.....	53.98	.....	.....
Total Eastern States	16,943,000	3,984,025,982	233.96	90.18	25.30	49.86	67.89	.73

Population of the States and Territories on June 1, 1899, etc.—Continued.

States, etc.	Population June 1, 1899.	All banks. Capital, etc.	All banks. Average per capita.	Average per capita. National banks.	State banks.	Loan and trust companies.	Savings banks.	Private banks.
Virginia	1,780,000	$56,329,550	$31.65	$14.89	$10.76	.....	.....	.....
West Virginia	965,000	37,185,867	38.54	16.91	21.28	.....	$0.35	.....
North Carolina	1,855,000	20,851,149	11.24	6.20	4.31	.....	.73	.....
South Carolina	1,535,000	12,497,271	9.36	6.08	.54	.....	1.81	$0.93
Georgia	2,240,000	48,156,150	21.50	6.54	14.96	.....	.....	.....
Florida	520,000	11,012,541	21.18	14.82	6.36	.....	.....	.....
Alabama	1,730,000	17,005,905	9.83	7.88	1.95	.....	.....	.....
Mississippi	1,540,000	19,295,042	12.53	2.93	9.60	.....	.....	.....
Louisiana	1,310,000	45,275,932	34.56	19.96	11.67	.....	2.93	.....
Texas	2,985,000	76,014,773	25.47	24.02	.....	.....	.....	1.45
Arkansas	1,435,000	9,646,688	6.73	2.95	3.78	.....	.....	.....
Kentucky	2,220,000	89,713,611	40.41	17.69	22.72	.....	.....	.....
Tennessee	1,950,000	45,044,833	23.10	15.82	5.56	.....	1.72	.....
Total Southern States	21,865,000	488,029,300	22.20	12.58	8.85	.....	.52	.25
Ohio	4,500,000	343,643,894	76.36	45.08	19.25	$1.32	9.33	1.38
Indiana	2,635,000	110,270,208	41.85	27.27	7.84	1.99	2.24	2.51
Illinois	4,785,000	423,149,794	88.43	47.67	38.38	.....	.....	2.38
Michigan	2,385,000	177,831,974	74.56	26.39	46.48	.....	.....	1.69
Wisconsin	2,150,040	131,956,063	61.37	32.57	23.83	.....	.20	4.77
Minnesota	1,850,000	112,571,677	61.07	31.67	18.33	2.56	6.44	2.07
Iowa	2,212,000	167,867,750	75.66	26.09	18.22	.....	26.14	5.21
Missouri	3,339,000	203,227,674	61.21	27.57	31.42	.....	.....	2.22
Total Middle States	23,837,000	1,670,419,043	70.08	35.39	26.50	.67	4.95	2.57
North Dakota	258,000	13,378,203	51.85	26.17	25.68	.....	.....	.....
South Dakota	405,000	16,938,348	41.75	17.43	24.32	.....	.....	.....
Nebraska	1,410,000	70,421,445	49.94	28.75	21.19	.....	.....	.....
Kansas	1,380,000	66,930,891	48.50	25.02	23.48	.....	.....	.....
Montana	240,000	19,207,397	80.03	60.94	19.09	.....	.....	.....
Wyoming	91,000	5,832,200	64.09	43.25	6.83	.....	.....	14.01
Colorado	527,000	54,187,208	102.82	87.23	15.03	.....	.....	.56
New Mexico	230,000	5,157,827	22.43	16.04	6.39	.....	.....	.....
Oklahoma	285,000	5,554,248	19.49	5.76	13.73	.....	.....	.....
Indian Territory	215,000	3,304,498	15.37	13.88	.....	.....	.....	1.49
Total Western States	5,041,000	260,882,255	51.75	32.08	19.30	.....	.....	.37
Washington	475,000	28,990,655	61.03	45.87	15.16	.....	.....	.....
Oregon	455,000	18,955,002	41.66	33.24	8.42	.....	.....	.....
California	1,555,000	333,107,881	214.22	30.59	78.90	.....	103.11	1.62
Idaho	180,000	4,679,756	26.00	21.94	4.06	.....	.....	.....
Utah	282,000	15,543,933	55.12	22.90	21.90	.....	10.32	.....
Nevada	45,000	1,915,422	42.57	11.57	31.00	.....	.....	.....
Arizona	83,000	4,351,877	52.43	32.51	19.92	.....	.....	.....
Alaska	40,000	117,004	2.92	2.92	.....	.....	.....	.....
Total Pacific States	3,115,000	407,661,530	130.87	31.54	46.12	.....	52.40	.81
Total United States	76,266,000	8,512,900,108	111.61	45.59	19.81	13.71	31.40	1.10

Aggregate resources, expressed in millions of dollars, of national banks on June 30, 1899, and State, savings, private banks, and loan and trust companies at date of latest returns to this bureau.

States, etc.	National banks.	State banks.	Loan and trust companies.	Savings banks.	Private banks.	Total.
Maine	42.0	.....	10.0	65.9	.....	117.9
New Hampshire	24.5	1.9	.....	59.7	.....	86.1
Vermont	24.3	.....	.....	39.4	.....	63.7
Massachusetts	488.3	.....	138.4	543.0	.....	1,169.7
Rhode Island	58.5	1.9	28.6	74.2	.....	163.2
Connecticut	91.3	10.8	10.0	173.9	.....	286.0
Total New England States	728.9	14.6	187.0	956.1	.....	1,886.6
New York	1,316.7	381.7	579.2	923.4	2.1	3,203.1
New Jersey	106.8	12.1	30.8	57.4	.....	216.1
Pennsylvania	597.6	86.1	219.2	106.7	10.0	1,019.6
Delaware	10.3	2.2	5.2	5.2	.....	22.9
Maryland	92.9	9.1	7.6	58.2	.5	168.3
District of Columbia	27.3	.....	16.7	.....	.....	44.0
Total Eastern States	2,151.6	491.2	867.7	1,150.9	12.6	4,674.0
Virginia	33.3	31.2	.....	.....	.....	64.5
West Virginia	19.2	21.3	.....	.3	.....	40.8
North Carolina	13.4	8.6	.....	1.4	1.4	24.8
South Carolina	10.0	.8	.....	2.4	.....	13.2
Georgia	17.2	37.6	.....	.....	.....	54.8
Florida	8.9	3.4	.....	.....	.....	12.3
Alabama	15.5	3.8	.....	.....	.....	19.3
Mississippi	5.0	15.8	.....	.....	.....	20.8
Louisiana	30.5	15.9	.....	3.8	.....	50.2
Texas	83.9	.....	.....	.....	6.7	90.6
Arkansas	4.8	5.7	.....	.....	.....	10.5

Aggregate resources, expressed in millions of dollars, of national banks on June 30, 1899, etc.—Continued.

States, etc.	National banks.	State banks.	Loan and trust companies.	Savings banks.	Private banks.	Total.
Kentucky	57.3	54.8	.....	.....	.....	112.1
Tennessee	38.1	11.1	.....	3.4	.....	52.6
Total Southern States	367.1	210.0	.....	11.3	8.1	596.5
Ohio	263.2	87.8	6.0	42.0	6.3	405.3
Indiana	86.5	20.9	5.2	5.9	6.7	125.2
Illinois	349.8	198.7	.....	.....	11.5	560.0
Michigan	79.0	114.9	.....	.....	4.0	197.9
Wisconsin	82.9	51.4	.....	.4	10.4	145.1
Minnesota	74.4	36.9	5.5	12.0	3.9	132.7
Iowa	79.0	40.8	.....	57.9	11.7	189.4
Missouri	156.8	110.5	.....	.....	8.1	275.4
Total Middle States	1,171.6	661.9	16.7	118.2	62.6	2,031.0
North Dakota	7.4	6.9	.....	.....	.....	14.3
South Dakota	8.2	10.2	.....	.....	.....	18.4
Nebraska	58.3	30.1	.....	.....	.....	88.4
Kansas	40.0	33.0	.....	.....	.....	73.0
Montana	16.4	6.6	.....	.....	.....	23.0
Wyoming	4.3	.6	.....	.....	1.3	6.2
Colorado	58.4	7.9	.....	.....	.3	66.6
New Mexico	4.6	1.5	.....	.....	.....	6.1
Oklahoma	1.8	3.9	.....	.....	.....	5.7
Indian Territory	3.2	.....	.....	.....	.3	3.5
Total Western States	202.6	100.7	.....	.....	1.9	305.2
Washington	24.8	7.6	.....	.....	.....	32.4
Oregon	18.9	3.9	.....	.....	.....	22.8
California	57.3	136.0	.....	161.3	2.6	357.2
Idaho	4.3	.7	.....	.....	.....	5.0
Utah	8.0	6.3	.....	2.9	.....	17.2
Nevada	.5	1.4	.....	.....	.....	1.9
Arizona	2.9	1.7	.....	.....	.....	4.6
Alaska	.1	.....	.....	.....	.....	.1
Total Pacific States	116.8	157.6	.....	164.2	2.6	441.2
Total United States	4,708.6	1,636.0	1,071.4	2,400.7	87.8	9,904.5

The last Democratic platform declared that—

Congress alone has power to coin and issue money. We therefore demand that the power to issue notes to circulate as money be taken from the national banks and that all paper money shall be issued directly by the Treasury Department.

By a strange inconsistency practically the solid Democratic vote in the Senate has at this session been cast for the free coinage of silver on private account, as well as for the repeal of the restrictions on State-bank issues.

I now call the attention of the Democratic members of the House to these two tables, Nos. 16 and 17, and ask them to note the fact that in all parts of the country where banking legislation is needed most the representatives of those sections will vote against it, and where needed least it will be most strongly supported.

Massachusetts, with a banking power of $384 per capita; Rhode Island, with $363, and Connecticut, with $309, do not need more banks; but South Carolina, with $9, and Alabama, with $8, do need them.

Since this bill has been pending in this House applications for 274 new national banks have been filed in the Comptroller's Office with an aggregate capitalization of $10,885,000. Of that number 161 are for banks of $25,000 capital, and all of these are now awaiting our action. Only six of them are from New England, 13 from the Eastern States, 21 from the Southern States, 67 from the Middle States, 47 from the Western States, and 7 from the Pacific States. During the same period 15 banks have gone into liquidation, with a capitalization of $3,674,950.

I submit a showing, by States, of applications now pending for the information of members who contemplate voting against this measure.

Number of national-bank applications for $25,000 and $50,000 or more capital filed from December 1, 1899, to March 12, 1900.

States.	Number of $25,000 banks.	$50,000 or over. Number.	$50,000 or over. Capital.
Maine	1	.....	.....
New Hampshire	2	2	$100,000
Massachusetts	3	1	200,000
Connecticut	.....	3	250,000
Total	6	6	.....
New York	4	2	150,000
New Jersey	1	1	100,000

Number of national-bank applications for $25,000 and $50,000 or more capital filed from December 1, 1899, to March 12, 1900—Continued.

States.	Number of $25,000 banks.	$50,000 or over.	
		Number.	Capital.
Pennsylvania	8	8	$550,000
Maryland	.....	2	150,000
Total	13	13	.....
Virginia	3	3	150,000
West Virginia	3	3	200,000
North Carolina	8	.....	.....
South Carolina	.....	1	60,000
Georgia	.....	1	50,000
Florida	.....	1	50,000
Alabama	1	2	110,000
Mississippi	1	.....	.....
Louisiana	1	.....	.....
Texas	7	5	300,000
Kentucky	2	3	150,000
Tennessee	.....	1	50,000
Total	21	20	.....
Ohio	6	7	400,000
Indiana	6	6	300,000
Illinois	11	6	400,000
Michigan	5	.....	.....
Wisconsin	5	2	100,000
Minnesota	10	6	300,000
Iowa	18	9	450,000
Missouri	6	4	450,000
Total	67	40	.....
North Dakota	11	1	50,000
South Dakota	2	.....	.....
Nebraska	13	4	200,000
Kansas	8	4	200,000
Wyoming	1	2	100,000
Colorado	1	6	350,000
New Mexico	.....	1	50,000
Oklahoma	8	6	300,000
Indian Territory	3	5	250,000
Total	47	29	.....
Washington	3	1	50,000
Oregon	1	.....	.....
California	.....	3	150,000
Idaho	1	1	100,000
Utah	1	.....	.....
Arizona	1	.....	.....
Total	7	5	.....
Total of United States	*161	113	6,880,000

*Capital, $3,075,000.

I also ask leave to print as a part of my remarks a brief synopsis of the "Report on the adoption of the gold standard in Japan."

Report on the Adoption of the Gold Standard in Japan, by Count Matsukata Masayoshi, His Imperial Japanese Majesty's minister of state for finance, is the title of a volume issued by the Japanese Government which has just reached the Treasury Bureau of Statistics. It discusses in great detail the history of the currency in Japan, and closes with a chapter entitled "Effect of coinage reform upon the economic condition of our country." In this chapter the writer, Count Matsukata, discussing the effect of the new law, which went into operation October 1, 1897, says:

"Since the adoption of the gold standard our currency has been freed from constant fluctuation in its exchange rate to which it was subject before. Owing to this latter fact, moreover, the relations between the claims of the creditor and the liabilities of the debtor become less subject to sudden and unexpected changes; business transactions were made safe; an improvement in credit took place in the community at large; prices became more constant; in a word, the way was now opened for the steady and orderly growth of our commerce and industry.

"Leaving out of account in this section the questions concerning the effect of the coinage reform on the foreign trade of the country, it can be very clearly seen that since October, 1897, the prices of commodities have kept comparatively even; that while there have been some changes, yet, when compared with the sudden and great changes which used to occur formerly, we must say that the fluctuations were remarkably small. Besides, these small changes in the price of commodities can be amply explained by referring to the partial failure of rice crops, to the sudden expansion of industry, and then to its as sudden depression, to a stringency in the money market, as well as to some other causes.

"These changes in the price of commodities were due, therefore, to the natural working of the economic law of supply and demand in the commodities themselves. If we notice the fact, moreover, that the amount of checks and bills cleared at the clearing houses in Tokio and Osaka has remarkably increased during these recent months, notwithstanding the fact that during this very time there prevailed much business stagnation everywhere, we can not but conclude that business transactions on credit have come to prevail more widely and freely than before.

"The beneficial result of the coinage reform is seen in another direction. Since now, that the capitalists of the gold-standard countries have become assured that they will no longer be in constant danger of suffering unexpected losses from investments made in this country on account of fluctuations in the price of silver, they seem to show a growing tendency to make such investments at low rates of interest. This tendency, if encouraged, will doubtless bring about a closer connection between this country and the central money markets of the world—a state of things which I believe we shall be able to see realized, more and more fully, as years go on.

"So far as our trade with gold-standard countries is concerned, our adoption of the gold standard, which made us use the same standard of value as those countries, has proved to be a source of great benefit. This may be inferred from the fact that changes which have since taken place in the rate of foreign exchange have been but very slight, and these all traceable to changes in the condition of the foreign trade of the country and not all traceable, as formerly, to sudden changes in the price of silver.

For this reason there was eliminated from our foreign trade much of that speculative element which was caused by constant changes in the value of our currency; so that the way was at last opened for the steady and natural development of the foreign trade of the country. Again, concerning our commerce with silver-standard countries, contrary to the gloomy prospects indulged in by some critics, our trade with those countries has not ceased to make a steady growth, and this in the face of certain events occurring in the interior of China, our greatest customer among the silver countries, events, such as natural calamities and disturbances, which have greatly hindered the commercial activity of that country.

Since our coinage reform enabled us to avoid all the evil effects of fluctuations in the price of silver, we stand now no longer, as formerly was the case, under the necessity of making plans for financial matters with the currency constantly changing in value, and sometimes suffering unexpected losses and evils in times when those fluctuations are unusually violent. All those fears of miscalculation and losses have now become things of the past. Most particularly in the last few years when national expenditures for things bought abroad, such as war ships, etc., have greatly increased in amount, we have doubtless been able to avoid, on account of our coinage reform, great losses on the part of the National Treasury. Besides, since our adoption of the gold standard our Government bonds have been sold in no small amount in the European market, so that their names appear regularly in the price list of the London stock exchange. This fact at once converted our bonds into an international commodity, and will no doubt lead to a closer relationship between our home and the foreign money markets.

The discussion also quotes a report of the higher commission on agriculture, commerce, and industry, which, after an elaborate discussion of the effect of the monetary system, closes by saying, "We believe that the beneficial effect of our coinage reform on our foreign trade has already been great, and we do not notice any material evil in connection with it. Besides, our adoption of the gold standard has made it easier for our country to enter into the economic community of the world at large, so that henceforth it will become practicable for us to invite capital from other countries where it is plentiful to be invested in our country. This will doubtless be another of the benefits conferred upon the country by our coinage reform. We conclude, therefore, that the effect of the coinage reform upon our foreign trade has been beneficial, without a trace of evil."

Also two calculations made by the actuary of the Treasury, showing actual profit on national-bank circulation under different conditions of the bond market.

Profit on national-bank circulation, with bonds at exchange price, under the terms of the bill.

If upon April 1, 1900, the outstanding bonds were purchased, threes of 1900, at 105.6851; fours of 1907, at 111.6765; fives of 1904, at 110.0751 (prices upon a 2½ per cent basis), and exchanged for 2 per cent bonds of new issue, the profit on circulation will be as follows:

Capital invested		$100,000.00
Par value of bonds purchased		100,000.00
Circulation		100,000.00
Receipts:		
Interest on circulation, less 5 per cent redemption fund, 4 per cent	$3,800.00	
Interest on bonds deposited	2,000.00	
Gross receipts		5,800.00
Deductions:		
Tax	500.00	
Expenses	62.50	
Total deductions		562.50
Net receipts		5,237.50
Interest on capital invested, 4 per cent		4,000.00
Profit on circulation:		
Amount		1,237.50
Per cent		1.237

Profit on national-bank circulation with bonds at an assumed high price.

If, upon April 1, 1900, the bonds were purchased and exchanged for 2 per cent bonds of new issue, threes of 1908, at 111.6851; fours of 1907, at 117.6765; fives of 1904, at 116.0751, the profit on circulation will be as follows:

Capital invested		$100,000.00
Par value of bonds purchased		100,000.00
Circulation		100,000.00
Receipts:		
Interest on circulation, less 5 per cent redemption fund, 4 per cent	$3,800.00	
Interest on bonds deposited	2,000.00	
Gross receipts		5,800.00
Deductions:		
Tax	500.00	
Expenses	62.50	
Sinking fund	104.33	
Total deductions		666.83
Net receipts		5,133.17
Interest on capital invested, 4 per cent		4,240.00
Profit on circulation:		
Amount		893.17
Per cent		0.893

I submit these tables and statements, not in defense of the bill, for it needs no defense, but as a means of easy reference to the existing conditions under which it is put in operation.

Mr. Speaker, this bill will soon be enacted into law. Concerning it, Mr. W. J. Bryan said a few days ago, in the city of Bridgeport, Conn.:

We want the law that opened the mints to the coinage of gold and silver at the present ratio of 16 to 1 without waiting for the aid or consent of any other nation on earth.

And later in the same speech added:

You tell me we must drop the silver question. I do not know what the opinion of others may be, but God forbid that I should ever cease to demand and argue for the restoration of bimetallism.

Over against that statement I put this bill and with it this comment, made by an officer of one of the largest labor organizations in the country, at the close of the debate when this measure was first considered. Said he:

When the boys have earned a dollar they want a good one, and they know what that is. You stick to the gold standard.

Mr. Speaker, I am content to abide by the decision of the American people as to the continuance of this law. [Applause on the Republican side.]

Mr. OVERSTREET. I hope the gentleman from Tennessee will now occupy some of his time.

Mr. RICHARDSON. I understand there is only one speaker remaining on the other side?

Mr. OVERSTREET. Only one that I know of now.

Mr. RICHARDSON. Then, Mr. Speaker, I yield twenty minutes to the gentleman from Georgia [Mr. MADDOX].

Mr. MADDOX. Mr. Speaker, the gentleman from Connecticut, in his closing remarks, read an extract from Mr. Bryan's speech in regard to the free coinage of silver, and one would think from hearing his speech to-day and the speeches from that side of the House the silver question was settled finally and forever.

Mr. FOWLER. And so it is.

Mr. MADDOX. Now, he proposes to put one statement over against the statement of Mr. Bryan in his argument as to the death of silver, and I want to read a section of this bill which he has not referred to and put that against his statement. It is as follows:

SEC. 14. That the provisions of this act are not intended to preclude the accomplishment of international bimetallism whenever conditions shall make it expedient and practicable to secure the same by concurrent action of the leading commercial nations of the world and at a ratio which shall insure permanence of relative value between gold and silver.

Now, it seems, Mr. Speaker, that notwithstanding all this talk about the gold standard that the Republican party are not willing to abandon this question of bimetallism. But I do desire to say that the gentleman from Indiana [Mr. OVERSTREET] in his remarks has been candid enough to make an admission of a fact which I intended to bring out in the few minutes that I had to discuss this bill—that it practically had no effect or any place in this bill; that is, the section I have just read. In other words, the bill itself, when it is put into operation, will absolutely, if not effectually, prevent the very thing proposed in that section. When the holders of the outstanding indebtedness of the Government have refunded their debt into gold-bearing bonds it will fasten that system effectually upon the people.

Now, this bill reminds me of the nigger's fish trap. You have it set to catch them going and coming; one end of it you have set to catch the earnings of the taxpayers of this country and the other end to catch the suckers next fall at the election. [Laughter on the Democratic side.] That is just the object of it; it means that—no more, no less. But, Mr. Speaker, is not it true that in the acts regulating the currency, this question has not been dealt with in any act in a candid manner? They carry deceit and fraud in every act since the war. [Applause on the Democratic side.]

Every one; and yet when this bill first had its origin in this House you gentlemen on the other side came boldly to the front and simply demanded what you wanted. It was then unencumbered by anything of this sort, and when it was sent over to the other branch possibly you began to hear something from the country. It became necessary again for political purposes for you to incorporate another promise which you never intend to keep—another deception. This blowing both hot and cold at the same time is on a par with all your acts in this Congress. To be consistent you had to put this section at the tail end of the bill in order to catch suckers next fall. [Laughter.]

Now, when the purchasing clause of the Sherman Act was repealed, what was the pledge made? Then the country was pledged to return to bimetallism. How was silver demonetized? By fraud and deceit. Now, you propose to pass what you say is a gold-standard bill, and yet at the same time you put in a section that you may use when the time comes next fall, on the stump, to catch some suckers that you hope to make believe you are going to bring about international bimetallism. You certainly can not make anybody on earth believe you are honest in this matter, but you have gulled the people so often you are encouraged to believe that you can do it all the time.

Now, so much for that. Mr. Speaker, the national banking system in this country is based on the bonds of the people supported and sustained by an unjust and unequal taxation. Without bonds no national banks could exist. There is nothing more important in the consideration of this act than in the consideration of the bonds that form the basis of the banks.

Now, my distinguished friend from Connecticut [Mr. HILL] has told us what a beautiful system this gold standard is, and what beneficial results it has produced, but there is one feature, my friend, you have not referred to, and which I propose to show, and also submit tables tabulated by the Treasury Department for the consideration of the American people, bearing upon the cost of maintaining these bonds. Why, gentlemen, this bond question, when it is understood, has proven up to this date a national curse, a means by which the holders thereof may grind the taxpayers at their sweet will. The more the people pay the more the debt grows; and you gentlemen, by this bill, propose to perpetuate this system. Without bonds these banks could not exist. If this bill becomes a law, you propose to fasten this curse on the taxpayers for the benefit of a few people who are interested in national banks. As a proof of the statements and conclusions that I have come to, I call attention to the different Treasury reports which go to support these statements; and I propose to let the country know exactly what the bond question and the national debt has done for the American people, and what you propose to perpetuate on this country.

Now, let us see what has been done.

It is impossible to arrive at all the details of the cost to the Government of creating and carrying its public debt. There are so many items connected with it which of necessity must be charged to ordinary expenses that any estimate based upon Treasury figures as to the cost of the public debt must be less than the actual cost.

The Treasury books show that for the last forty years, which includes all expenditures for the civil war, and for the Spanish and Philippine wars, the receipts of the Government, outside of the receipts from bonds and other evidences of indebtedness, have been $13,015,448,573.01.

The expenditures of the Government for the same period, outside of the expenditures directly on account of the national debt, have been $11,222,157,481.13. If we had borrowed no money we would have paid all expenses of government that have been incurred, and would have had a clear net balance in the Treasury of $1,793,291,091.88. Or, in other words, during the past forty years we have collected an average of $45,000,000 annually more than was necessary to run the Government.

These figures, which are taken from the Treasury books, show conclusively that there never was a dollar needed; that the ordinary receipts could have paid all of the expenditures and left an enormous surplus in the United States Treasury.

Year.	RECEIPTS.				EXPENDITURES.				
	Premiums.	Receipts from loans and Treasury notes.	Gross receipts.	Net ordinary receipts.	Net ordinary expenditures.	Premiums.	Interest.	Public debt.	Gross expenditures.
1861	$33,630.90	$41,861,709.74	$63,371,640.13	$41,476,299.49	$62,616,055.78		$4,034,157.30	$18,737,100.00	$85,387,313.08
1862	68,400.00	529,692,460.50	581,680,121.59	51,919,361.09	456,379,896.81		13,190,344.84	96,097,322.09	565,667,563.74
1863	902,345.44	776,682,261.57	889,379,052.52	112,694,945.51	694,004,575.50		24,729,700.62	181,081,635.07	899,815,911.25
1864	21,174,101.01	1,128,873,945.36	1,393,461,017.57	243,412,971.20	811,283,679.14		53,685,421.69	430,572,014.03	1,295,541,114.86
1865	11,083,446.80	1,472,224,740.85	1,805,939,345.93	322,631,158.19	1,217,704,109.28	$1,717,909.11	77,305,060.30	609,616,141.68	1,906,433,331.37
1866	38,083,055.66	712,851,553.05	1,270,884,173.11	519,949,564.38	385,964,731.43	58,476.51	133,067,624.91	620,263,249.10	1,139,344,081.95
Outstanding warrants					5,152,771,550.43 4,481,506.24	7,611,003.56	502,680,519.27 2,888.48	2,374,677,103.12 100.31	8,037,740,176.38 54,481,555.03
					5,157,253,116.67	7,611,003.56	502,692,407.75	2,374,677,203.43	8,042,233,731.41
1867	27,787,330.35	640,426,910.29	1,131,000,920.56	462,846,679.92	202,947,733.87	10,813,349.38	143,781,591.91	735,536,980.15	1,093,079,655.27
1868	29,203,629.50	625,111,433.20	1,030,749,516.52	376,434,453.82	229,915,088.11	7,001,151.04	140,424,045.71	602,549,685.88	1,089,889,970.74
1869	13,755,491.12	338,678,081.06	609,621,928.27	257,188,256.09	190,496,354.95	1,674,680.05	130,694,242.80	261,912,718.31	584,777,996.11
1870	15,295,043.76	295,474,490.00	606,729,973.63	295,959,533.87	164,421,507.15	15,906,555.60	129,235,498.00	393,254,282.13	702,907,842.88
1871	8,892,839.95	268,768,523.47	652,092,468.30	374,431,104.94	157,583,827.58	9,016,794.74	125,576,565.93	399,503,670.65	691,680,858.90
1872	9,412,657.65	305,047,054.00	679,153,921.56	364,694,229.91	153,201,856.19	6,958,206.76	117,357,890.72	405,007,307.54	682,525,270.21
1873	11,560,530.89	214,931,017.00	548,909,221.67	322,177,673.78	180,488,636.90	5,105,919.99	104,750,088.44	233,699,352.58	524,044,507.91
1874	5,037,665.22	439,272,535.46	744,251,291.53	299,941,090.84	194,118,985.00	1,395,073.55	107,119,815.21	422,065,060.23	724,698,933.99
1875	3,979,279.69	387,971,556.00	675,971,607.10	284,020,771.41	171,529,848.27		103,093,544.57	407,377,492.48	682,000,885.32
1876	4,029,280.58	397,455,808.00	691,551,673.28	290,066,584.70	164,857,813.36		100,243,271.23	449,345,272.80	714,446,357.39

Year.	RECEIPTS. Premiums.	Receipts from loans and Treasury notes.	Gross receipts.	Net ordinary receipts.	EXPENDITURES. Net ordinary expenditures.	Premiums.	Interest.	Public debt.	Gross expenditures.
1877	$405,776.58	$348,871,749.00	$630,278,167.58	$281,000,642.00	$144,209,963.28	.....	$97,124,511.58	$323,965,424.05	$565,299,898.91
1878	317,102.30	404,581,201.00	662,345,079.70	257,446,776.40	134,463,452.15	.....	102,500,874.65	353,676,944.90	590,641,271.70
1879	1,505,947.63	792,807,643.00	1,066,634,827.46	272,322,136.83	161,619,934.53	.....	105,327,949.00	699,445,809.16	966,393,692.69
1880	110.00	211,814,103.00	545,340,713.98	333,526,500.98	169,090,062.25	$2,795,320.42	95,757,575.11	432,590,280.41	700,233,238.19
1881	.....	113,750,534.00	474,532,826.57	360,782,292.57	177,142,897.63	1,061,248.78	82,508,741.18	165,152,335.05	425,865,222.64
1882	.....	120,945,724.00	524,470,974.28	403,525,250.28	186,904,232.78	.....	71,077,206.79	271,646,299.55	529,627,739.12
1883	.....	555,942,564.00	954,230,145.95	398,287,581.95	206,248,006.29	.....	59,160,131.25	590,083,329.96	855,491,967.50
1884	.....	206,827,886.00	555,307,755.92	348,519,869.92	189,547,865.85	.....	54,578,378.48	260,520,690.50	504,646,934.83
1885	.....	245,196,303.00	568,887,009.38	323,690,706.38	208,840,678.64	.....	51,386,256.47	211,760,353.43	471,987,288.54
1886	.....	116,314,850.00	452,754,577.06	336,439,727.06	191,902,992.53	.....	50,580,145.97	205,216,709.36	447,699,847.86
1887	.....	154,440,900.00	525,844,177.66	371,403,277.66	220,190,602.72	.....	47,741,577.25	271,901,321.15	539,833,501.12
1888	.....	285,016,650.00	664,282,724.76	379,266,074.76	214,938,951.20	8,270,842.46	44,715,007.47	249,760,258.05	517,685,059.18
1889	.....	245,111,350.00	632,161,408.84	387,050,058.84	240,995,131.31	17,292,362.65	41,001,484.29	318,922,412.35	618,211,390.60
1890	.....	245,293,650.00	648,374,632.63	403,080,982.63	261,637,202.55	20,304,224.06	36,099,284.05	312,206,367.50	630,247,078.16
1891	.....	378,208,857.75	765,821,305.06	392,612,447.31	317,825,549.37	10,401,220.61	37,547,135.37	365,332,470.87	731,126,376.22
1892	.....	381,463,512.00	736,401,296.24	354,937,784.24	321,645,214.35	.....	23,378,116.23	338,995,958.98	684,019,289.56
1893	.....	347,051,586.00	732,871,214.78	385,819,628.78	356,213,502.31	.....	27,264,392.18	389,530,044.50	773,007,938.99
1894	8,633,295.71	417,651,223.50	724,006,538.46	297,722,019.25	339,683,874.19	.....	27,841,405.64	341,383,272.95	698,908,552.78
1895	11,339,344.62	395,787,205.50	720,516,625.23	313,390,075.11	325,217,268.08	.....	30,978,030.21	354,276,858.93	710,472,157.22
1896	11,165,246.41	482,710,363.50	820,852,810.29	326,976,200.38	316,794,417.15	.....	35,385,028.93	396,190,023.35	748,369,469.43
1897	.....	389,930,220.00	737,651,925.16	347,721,705.16	327,983,049.09	.....	37,791,110.48	353,180,877.50	718,955,037.07
1898	.....	333,227,920.00	738,549,255.20	405,321,335.20	405,783,526.57	.....	37,585,056.23	384,219,542.00	827,588,124.80
1899	.....	522,490,720.00	1,038,451,340.18	515,960,620.18	565,175,254.83	.....	39,896,925.02	341,149,968.98	946,222,148.83
Total	243,966,231.88	16,155,811,870.80	29,407,425,705.69	13,015,448,573.01	11,222,157,481.13	119,863,386.71	2,691,605,778.01	13,679,147,338.15	28,565,709,294.91

The above Treasury tables show that there has been received during the past forty years from bonds and other evidences of indebtedness, aside from the cost of issuing the same, the sum of $17,343,641,793.78. We have expended upon these bonds more than we have received from the bonds—the sum of $951,664,661.10. We have practically paid none of the indebtedness, although we have paid out $1,000,000,000 more than we have received.

It would cost us to-day as much money to redeem our indebtedness as it would have cost us in 1866, when our indebtedness was at its highest point. We owe as much as we did then, when the cost of redeeming the bonds is considered, and yet we have already paid 50 per cent more than the entire original debt.

The following tables, taken from the books of the Treasury Department, give a history of the bond transactions of the United States Government:

Loan.	Amount at which sold.	Amount issued.	Amount outstanding.
Treasury notes of 1861	Par to 1.27 per cent premium.	$35,364,450.00	$2,450.00
Oregon war debt	Par	1,090,850.00	2,500.00
Loan of July and August, 1861.	....do	189,321,350.00	29,550.00
Old demand notes	....do	*60,000,000.00	53,847.50
Seven-thirties of 1861	Average premium of 0.165.	139,999,750.00	9,400.00
Five-twenties of 1862	Average premium of 0.355.	514,771,600.00	215,850.00
Legal-tender notes	Par	.....	364,681,016.00
Temporary loan	....do	*716,099,274.16	2,850.00
Certificates of indebtedness.	....do	561,755,241.65	3,000.00
Fractional currency	....do	*368,720,079.51	6,881,408.66
Loan of 1863	Average premium of 4.553.	75,000,000.00	7,100.00
One-year notes of 1863	Par	44,520,000.00	31,585.00
Two-year notes of 1863	....do	166,480,000.00	27,200.00
Compound-interest notes	....do	266,595,440.00	167,330.00
Ten-forties of 1864	Par to 7 per cent.	196,118,300.00	20,050.00
Five-twenties of 1864	Average premium of 2.521.	125,561,300.00	15,900.00
Seven-thirties of 1864 and 1865.	Average premium of 2.56.	*829,992,500.00	123,450.00
Five-twenties of 1865	Average premium of 3.547.	203,327,250.00	21,850.00
Consols of 1865	Average premium of 1.691.	332,998,950.00	75,050.00
Consols of 1867	Average premium of 0.062.	379,618,000.00	123,100.00
Consols of 1868	Average premium of 0.045.	42,539,350.00	11,250.00
Three per cent certificates	Par	*85,155,000.00	5,000.00
Five per cent loan of 1881	....do	517,994,150.00	28,250.00
Four and one-half per cent loan of 1891 (refunding).	....do	180,000,000.00	112,850.00
Four and one-half per cent loan of 1891 (resumption).	Par to 1½ per cent premium.	65,000,000.00	112,850.00
Four per cent loan of 1907 (refunding).	Par to ¼ per cent premium.	710,887,100.00	559,652,300.00
Four per cent loan of 1907 (resumption).	Par	30,500,000.00	559,652,300.00
Certificates of deposit	....do	64,780,000.00	21,325,000.00
Gold certificates	....do	.....	34,297,819.00
Refunding certificates	....do	40,012,750.00	37,830.00
Funded loan of 1881, continued at 2 per cent.	....do	25,364,500.00	25,364,500.00
Loan of 1904	117.223 117.077	100,000,000.00	100,000,000.00
Loan of 1925	104.4946 111.66	162,315,400.00	162,315,400.00
Ten-twenty loan of 1898	Par	198,678,720.00	198,678,720.00
Treasury notes of 1890	.....	155,931,002.00	93,518,280.00
Total	.....	8,593,500,280.32	2,127,606,836.16

*Including reissues.

Year ended June 30—	Principal redeemed.	Premium paid.
1869	$8,691,000.00	$1,374,850.67
1870	28,151,900.00	3,747,053.68
1871	29,936,250.00	2,542,631.20
1872	32,618,450.00	3,935,050.34
1873	28,678,000.00	3,671,258.17
1874	12,996,450.00	1,305,073.55
1875	25,170,400.00	.....
1876	13,444,050.00	.....
1877	447,500.00	.....
1878	73,950.00	.....
1879	18,500.00	.....
1880	73,652,900.00	2,795,320.42
1881	74,371,350.00	1,061,248.78
1882	60,079,150.00	.....
1883	44,850,700.00	.....
1884	46,769,600.00	.....
1885	45,588,150.00	.....
1886	44,531,350.00	.....
1887	47,894,200.00	.....
1888	43,725,150.00	2,852,015.88
1889	39,056,150.00	8,517,140.30
1890	39,840,400.00	8,246,725.16
1891	44,001,750.00	3,860,086.28
1892	24,310,800.00	.....
1893	601,175.00	.....
1894	214,900.00	.....
1895	119,550.00	.....
1896	67,600.00	.....
1897	245,900.00	.....
1898	35,200.00	.....
1899	27,050.00	.....
Total	815,139,475.00	43,998,454.43

The following table shows the amount of bonds sold for greenbacks and afterwards redeemed in gold, with the price in gold at the time of the sale of the bonds, together with the amount the bonds yielded in gold at the periods when they were issued:

Loan.	Amount sold.	Price in gold.	Amount yielded in gold.
		Cents.	
Temporary loan (act of February 25, 1862)	$716,099,247.16	81	$580,040,390.20
Five-twenties of 1862	514,771,600.00	81	416,994,996.00
Fractional currency (act of July 17, 1862)	368,720,079.51	81	298,603,264.40
Seven-thirties of 1864 and 1865	100,000,000.00	42.8	42,800,000.00
Consols of 1865	85,155,000.00	72.4	61,652,220.00
Total	2,117,744,876.67	.....	1,612,908,232.80

Secretary Gage says in his report for 1899 that the cost of issuing bonds averages 1 per cent. He says:

Under the provisions of the act one-tenth of 1 per cent of the amount of the bonds authorized was allowed "to pay the expense of preparing, advertising, and shipping the same." The records show an average cost to the Government of 1 per cent as the expense of negotiating and distributing securities in the past. The experiment proves that the allowance of one-tenth for expenses in connection with the late issue was inadequate. Instead of one-tenth, or two-twentieths, of 1 per cent, the total cost rose to nearly eighteen hundredths of 1 per cent, distributed as follows:

Compensation of temporary clerks, messengers, etc	$166,965.96
Engraving and plate printing	88,356.30
Paper for bonds	16,376.61
Stationery and printing blank forms	12,813.37
Typewriting machines, purchase and rent of	1,202.45
Electric fans, electric lighting, wiring, etc., in new city post-office building	2,056.43
Tables and chairs bought and rented	1,154.69
Miscellaneous	3,943.08
Total	292,959.98

The express charges for carrying the bonds, it is estimated, will amount to $65,000, bills aggregating some $22,000 already having been audited and approved, but which do not appear in the above total.

If this is correct, and there is no reason to doubt it, there has been charged up to the ordinary expenses of the Government $85,935,092, which should have been charged to the expenses of the public debt. This must be added to the $551,000,000 named above. This shows by the face of the Treasury books that the excess of payments and the face of the indebtedness now outstanding is $3,025,594,099.02 more than we ever received from our bonded debt or other evidences of indebtedness.

The books of the Treasury Department show that $2,117,744,876 of bonds were sold for greenbacks which were worth at that time $1,612,908,202, and were subsequently redeemed in gold. This reduces the amount actually received for the bonds by the sum of $504,836,673. This must be added to the cost of the loans, which makes the net loss up to date over and above the amount received from the bonds and other evidences of indebtedness amount to $3,530,430,772.02. I have figured from the following table, which is official, the cost of redeeming the present outstanding indebtedness of the Government:

[Quotation Supplement, Commercial and Financial Chronicle, January 6, 1900.]

United States Government securities.

United States bonds.	Sale prices in December, 1899.		Range for year 1899.	
	Lowest.	Highest.	Lowest.	Highest.
Twos, registered (optional).	102, Dec. 2	102, Dec. 2	99, Feb. 3	102, Dec. 2
Threes, registered, ten-twenties (1918).	109½, Dec. 2	110½, Dec. 21	106½, Jan. —	110½, Dec. 21
Threes, coupon, ten-twenties (1918).	109, Dec. 18	110½, Dec. 21	106½, Feb. 23	110½, Dec. 21
Threes, coupon, small (1918).	109½, Dec. 6	110½, Dec. 23	106½, Jan. 5	110½, Dec. 23
Fours, registered (1907).	112½, Dec. 1	115, Dec. 22	111, Mar. 2	115, Dec. 22
Fours, coupon (1907)	113½, Dec. 1	115½, Dec. 21	112, Mar. 22	115½, Dec. 27
Fours, registered (1925)	132½, Dec. 2	134½, Dec. 8	128, Feb. 16	134½, Dec. 8
Fours, coupon (1925)	133½, Dec. —	134½, Dec. 12	128, Feb. 10	134½, Dec. 12
Fives, registered (1904)	112½, Dec. 20	113½, Dec. 20	110½, Oct. 31	115½, Apr. 8
Fives, coupon (1904)	111½, Dec. 30	113½, Dec. 23	110½, Nov. 31	113½, Apr. 3

To close its outstanding bond account would cost the Government a premium of $195,000,000, according to the state of the market. The quotations show that the credit of the Government is constantly being speculated with. Bonds are high one day and low next day. The value of the bonds depends upon the credit of the Government, and the brokers are willing, whenever they can make a dollar by doing so, to cast discredit upon their Government and "bear" the bonds in the market.

The average interest-bearing debt of the United States since 1860 has been $1,383,036,620. The expenses of premiums, interest, and issuing the bonds have been $3,402,190,840, an average annually of $87,235,662. Hence, although the Government had borrowed money at as low a rate as 2 per cent, and the 2 per cent bonds now command a premium in the market, showing that its bonds will float at that rate of interest, yet the average cost of carrying the indebtedness of the Government has been for the past thirty-nine years 6.3 per cent.

The interest-bearing debt of the United States in 1892 had been reduced to $583,029,330. The noninterest-bearing debt at that time was $1,000,648,939. During the past eight years the interest-bearing debt has been increased to $1,045,048,750. The noninterest-bearing debt has been decreased to $389,914,640. We are less in debt than we were eight years ago by $150,000,000, and yet our annual interest charge has been increased from $22,000,000 to $40,000,000. Our noninterest-bearing debt has been decreased $610,734,299. Our interest-bearing debt has been increased $461,019,420.

These figures, taken from the Treasury reports, show conclusively that the revenues of the United States have at all times been more than sufficient to meet the expenditures of the United States, and have, in fact, more than met the expenditures of the United States, and yet the interest-bearing debt of the nation has been constantly increased. The Treasury figures show that the policy of the Government is, and, for some time past, has been to collect as much from taxation as possible from the people for the exclusive benefit of the bondholders. Appended hereto are the tables illustrating this analysis of the operations of the Treasury as to bonded indebtedness.

Analysis of the principal of the public debt of the United States from July 1, 1856, to July 1, 1899.

Year.	3 percents.	3½ percents.	4 percents.	4½ percents.	5 percents.	6 percents.	7.3 percents.	Total interest-bearing debt.
1856—July 1					$3,032,000.00	$28,130,761.77		$31,762,761.77
1857					3,489,000.00	24,971,958.93		28,460,958.93
1858					23,538,000.00	21,162,838.11		44,700,838.11
1859					37,127,800.00	21,162,938.11		58,290,738.11
1860					43,476,300.00	21,164,538.11		64,640,838.11
1861					33,022,200.00	57,358,673.95		90,380,873.95
1862			$67,926,116.57		30,483,000.00	154,313,225.01	$122,582,485.34	505,304,826.92
1863			105,039,385.30		50,483,000.00	431,444,813.83	120,974,435.34	707,531,634.47
1864			77,547,096.07		300,213,480.00	842,882,652.09	139,286,935.34	1,359,930,763.50
1865			90,496,930.74		245,709,420.63	1,213,495,109.90	671,610,397.02	2,221,311,918.29
1865—August 31			618,127.98		269,175,727.65	1,281,736,439.33	830,000,000.00	2,381,530,294.96
1866—July 1			121,341,879.62		201,982,665.01	1,195,546,041.02	813,402,021.95	2,332,331,207.60
1867			17,737,025.68		198,533,435.01	1,543,452,080.02	488,344,846.95	2,248,067,387.66
1868	$64,000,000.00		891,361.23		221,586,185.01	1,678,303,984.50	37,397,196.95	2,202,088,727.69
1869	66,125,000.00				221,588,300.00	1,874,347,222.39		2,162,060,522.39
1870	59,550,000.00				221,588,300.00	1,765,317,422.39		2,046,455,722.39
1871	45,885,000.00		678,000.00		274,236,450.00	1,613,897,300.00		1,934,696,750.00
1872	24,065,000.00		678,000.00		414,567,300.00	1,374,883,800.00		1,814,794,100.00
1873	14,000,000.00		678,000.00		414,567,300.00	1,281,238,650.00		1,710,483,950.00
1874	14,000,000.00		678,000.00		510,628,050.00	1,213,624,700.00		1,738,930,750.00
1875	14,000,000.00		678,000.00		607,132,750.00	1,100,865,550.00		1,722,676,300.00
1876	14,000,000.00				711,685,800.00	984,999,650.00		1,710,685,450.00
1877	14,000,000.00			$140,000,000.00	703,266,650.00	854,021,850.00		1,711,888,500.00
1878	14,000,000.00		98,850,000.00	240,000,000.00	708,266,650.00	738,619,000.00		1,794,735,650.00
1879	14,000,000.00		741,522,000.00	250,000,000.00	508,440,350.00	283,681,350.00		1,797,643,700.00
1880	14,000,000.00		730,347,800.00	250,000,000.00	484,864,900.00	235,780,400.00		1,723,993,100.00
1881	14,000,000.00		730,347,800.00	250,000,000.00	459,841,350.00	196,378,600.00		1,650,567,750.00
1882	14,000,000.00	$460,461,050.00	739,349,350.00	250,000,000.00				1,463,810,400.00
1883	318,204,350.00	32,082,600.00	737,942,200.00	250,000,000.00				1,338,229,150.00
1884	238,612,150.00		737,951,700.00	250,000,000.00				1,226,563,850.00
1885	208,190,500.00		737,980,450.00	250,000,000.00				1,196,150,950.00
1886	158,046,600.00		737,987,500.00	250,000,000.00				1,146,014,100.00
1887	33,716,500.00		737,975,850.00	250,000,000.00				1,021,692,350.00
1888	14,000,000.00		714,315,450.00	222,207,050.00				950,522,500.00
1889	14,000,000.00		676,214,900.00	139,639,000.00				829,853,900.00
1890	14,000,000.00		602,297,360.00	109,015,750.00				725,313,110.00
1891			559,659,920.00	50,899,200.00				610,529,120.00
1892			559,664,830.00	* 25,364,500.00				585,029,330.00
1893			559,672,600.00	* 25,364,500.00				585,037,100.00
1894			559,677,390.00	* 25,364,500.00	50,000,000.00			635,041,890.00
1895			590,837,560.00	* 25,364,500.00	100,000,000.00			716,202,060.00
1896			721,999,380.00	* 25,364,500.00	100,000,000.00			847,363,880.00
1897			722,000,630.00	* 25,364,500.00	100,000,000.00			847,365,130.00
1898			722,002,970.00	* 25,364,500.00	100,000,000.00			847,367,470.00
1899	198,678,720.00		722,005,530.00	* 25,364,500.00	100,000,000.00			1,046,048,750.00

Year.	Debt on which interest has ceased.	Debt bearing no interest.	Outstanding principal.	Cash in the Treasury July 1.	Total debt less cash in Treasury.	Annual interest charge.
1856—July 1	$299,776.13		$31,972,537.90	$21,006,584.89	$10,965,953.01	$1,869,445.70
1857	286,872.92		28,699,831.85	18,701,210.00	9,998,621.76	1,672,767.53
1858	211,042.92		44,911,881.03	7,011,689.31	37,900,191.72	2,446,670.28
1859	206,090.77		58,496,837.88	5,091,603.60	53,405,234.19	3,126,166.28

* Continued at 2 per cent.

Analysis of the principal of the public debt of the United States from July 1, 1856, to July 1, 1899—Continued.

Year.	Debt on which interest has ceased.	Debt bearing no interest.	Outstanding principal.	Cash in the Treasury July 1.	Total debt less cash in Treasury.	Annual interest charged.
1860	$201,449.77		$64,842,287.88	$4,877,885.87	$59,964,402.01	$3,445,687.29
1861	199,999.77		90,580,873.72	2,802,212.92	87,718,660.80	5,092,630.43
1862	280,195.21	$158,591,390.00	524,176,412.13	18,863,859.96	505,312,752.17	22,048,569.59
1863	473,048.16	411,767,456.00	1,119,772,138.63	8,421,401.22	1,111,350,737.41	41,854,148.01
1864	416,335.86	455,437,271.21	1,815,784,370.57	106,352,093.53	1,709,432,277.04	78,853,487.24
1865	1,245,771.20	458,000,180.25	2,080,647,899.74	5,832,012.98	2,074,815,886.76	137,742,617.43
1865—August 31	1,563,020.09	461,616,311.51	2,844,049,020.50	88,218,055.13	2,756,451,571.43	150,977,697.87
1866—July 1	935,032.05	439,949,874.04	2,773,236,173.69	137,240,009.85	2,635,996,163.84	146,068,195.29
1867	1,840,615.01	428,218,101.20	2,678,125,103.87	109,974,892.18	2,568,151,211.69	138,892,451.39
1868	1,197,340.89	403,401,782.61	2,611,687,851.19	130,834,437.96	2,480,853,413.23	128,459,598.14
1869	5,200,181.00	421,131,510.55	2,588,452,213.94	155,680,240.85	2,432,771,873.09	125,523,998.34
1870	3,708,641.00	430,508,004.42	2,480,672,427.81	149,502,471.60	2,331,169,956.21	118,784,960.34
1871	1,948,962.26	416,505,660.06	2,353,211,332.32	105,217,293.65	2,246,994,038.67	111,949,330.50
1872	7,926,797.26	430,530,431.52	2,253,251,328.78	103,470,708.43	2,149,780,620.35	105,988,453.00
1873	51,929,710.26	472,009,332.94	2,234,482,993.20	129,020,932.45	2,105,462,060.75	98,049,804.00
1874	3,216,590.26	509,543,128.17	2,251,630,468.43	147,541,314.74	2,104,149,153.69	98,703,009.50
1875	11,425,820.26	498,182,411.60	2,232,284,531.95	142,243,361.82	2,090,041,170.13	96,855,699.50
1876	3,902,420.26	465,807,196.89	2,180,395,067.15	119,469,726.70	2,060,925,340.45	93,104,269.00
1877	16,648,860.26	476,704,031.84	2,205,701,302.10	186,025,960.73	2,019,275,431.37	93,160,643.50
1878	5,594,560.26	455,875,682.27	2,256,205,892.53	256,823,612.08	1,999,382,280.45	94,654,472.50
1879	37,015,630.26	410,825,741.78	2,245,495,072.04	249,080,107.01	1,996,414,965.03	83,773,578.50
1880	7,621,455.26	388,809,815.37	2,120,415,370.63	201,088,622.88	1,919,326,747.75	79,633,981.00
1881	6,729,865.26	422,721,954.32	2,069,013,589.58	249,363,415.35	1,819,650,174.23	75,018,695.50
1882	16,200,805.26	438,241,788.77	1,918,312,994.09	243,289,519.78	1,675,023,474.25	57,300,110.75
1883	7,831,415.26	538,111,162.81	1,884,171,728.07	345,389,902.92	1,538,781,825.15	51,436,709.50
1884	19,656,205.26	584,308,868.31	1,850,528,923.57	391,985,928.18	1,458,542,995.39	47,925,432.50
1885	4,100,595.26	665,712,927.88	1,863,964,873.14	488,612,429.23	1,375,352,443.91	47,014,133.00
1886	9,704,445.26	619,344,468.52	1,775,063,013.78	492,917,173.34	1,282,145,840.44	45,510,088.00
1887	6,115,165.26	622,795,077.37	1,657,602,592.63	482,433,917.21	1,175,168,675.42	41,780,529.50
1888	2,490,095.26	739,840,389.32	1,692,858,984.58	629,854,089.85	1,063,004,894.73	38,901,945.25
1889	1,911,485.26	787,287,446.97	1,619,052,922.23	646,113,172.01	975,939,750.22	33,752,354.00
1890	1,815,805.26	825,011,289.47	1,552,140,204.73	661,355,834.20	890,784,370.53	29,417,693.15
1891	1,614,705.26	933,852,766.35	1,545,995,501.61	694,083,839.83	851,912,751.78	23,615,738.80
1892	2,785,875.26	1,000,648,939.37	1,588,464,144.63	746,937,681.03	841,526,463.60	22,893,883.20
1893	2,094,060.26	958,854,525.87	1,545,985,684.13	707,016,210.38	838,969,473.75	22,894,194.00
1894	1,851,240.26	995,360,508.42	1,632,253,636.68	732,940,256.13	899,313,380.55	25,394,385.00
1895	1,721,500.26	958,197,382.99	1,676,120,983.25	774,448,016.51	901,672,966.74	29,140,792.40
1896	1,636,890.26	920,839,543.14	1,769,840,323.40	814,543,069.70	955,297,253.70	34,387,265.60
1897	1,346,880.26	908,909,655.64	1,817,672,695.90	831,016,579.76	986,656,080.14	34,387,315.20
1898	1,262,680.26	947,901,845.64	1,790,531,995.90	769,446,503.76	1,021,085,492.14	34,387,408.80
1899	1,218,300.26	944,689,256.66	1,991,927,306.93	836,607,071.73	1,155,320,235.19	40,347,872.89

NOTE 1.—Annual interest charge computed on amount of outstanding principal at close of fiscal year, and is exclusive of interest charge on Pacific Railway bonds.

NOTE 2.—The figures for July 1, 1879, were made up assuming pending funding operations to have been completed.

NOTE 3.—The temporary loan per act of July 11, 1862, is included in the 4 percents from 1862 to 1868, inclusive, with the exception of the amount outstanding August 31, 1865, this being the date at which the public debt reached its highest point. This loan bore interest from 4 per cent to 6 per cent, and was redeemable on ten days' notice after thirty days; but being constantly changing, it has been considered more equitable to include the whole amount outstanding as bearing 4 per cent interest on an average for the year.

The last official statement, January 31, 1900, was:

Interest-bearing debt	$1,020,803,050.00
Debt on which interest has ceased since maturity	1,208,410.26
Debt bearing no interest	390,055,740.16
Aggregate of interest and noninterest bearing debt	1,418,127,200.42
Certificates and Treasury notes offset by an equal amount of cash in the Treasury	716,048,603.00
Aggregate of debt, including certificates and Treasury notes	2,134,175,803.42

The following is a statement of the average relative values of gold and United States paper currency in the New York market from the suspension to the resumption of specie payments, during the period of seventeen years from 1862 to 1878, both inclusive:

[Prepared by the United States Treasury Department.]

CURRENCY VALUE OF GOLD.

Table showing the average value in currency of $100 in gold in the New York market, by months, quarter years, half years, calendar years, and fiscal years, from January 1, 1862, to December 31, 1878, both inclusive.

Period.	1862.	1863.	1864.	1865.	1866.	1867.	1868.	1869.	1870.	1871.	1872.	1873.	1874.	1875.	1876.	1877.	1878.
January	102.5	145.1	155.5	216.2	140.1	134.6	138.5	135.6	121.3	110.7	109.1	112.7	111.4	112.5	112.8	108.3	102.1
February	103.5	160.5	158.6	206.5	138.4	137.4	141.4	134.4	119.5	111.5	110.3	114.1	112.3	114.5	113.4	105.4	102
March	101.8	154.5	162.9	173.8	130.5	135	139.5	131.3	112.6	111	110.1	115.5	112.1	115.5	114.3	104.8	101.2
April	101.5	151.5	172.7	148.5	127.3	135.6	138.7	132.9	113.1	110.6	111.1	117.8	113.4	114.8	113	103.2	100.6
May	103.3	148.9	176.3	135.6	131.8	137	139.6	130.2	114.7	111.5	113.7	117.7	112.4	115.8	112.6	103.9	100.7
June	106.5	144.5	210.7	140.1	148.7	137.5	140.1	128.1	112.9	112.4	113.9	116.5	111.5	117	112.5	105.4	100.8
July	115.5	130.6	258.1	142.1	151.6	139.4	142.7	126.1	116.8	112.4	114.3	115.7	110	114.8	111.9	105.4	100.5
August	114.5	125.8	254.1	143.5	148.7	140.8	145.5	124.2	117.9	112.4	114.4	115.4	109.7	113.5	111.2	105	100.6
September	118.5	134.2	222.5	143.9	145.5	143.4	143.6	126.8	114.8	114.5	113.5	112.7	109.7	115.8	110	103.3	100.4
October	128.5	147.7	207.2	145.5	148.3	143.5	137.1	130.2	112.8	113.2	113.2	108.9	110	116.4	109.7	102.8	100.6
November	131.1	148	230.5	147	143.8	139.6	134.4	126.2	111.4	111.2	112.9	108.6	110.9	114.7	109.1	102.8	100.2
December	132.3	151.1	227.5	146.2	136.7	134.8	135.2	121.5	110.7	109.3	112.2	110	111.7	113.9	107.9	102.8	100.1
First quarter year	102.6	153.4	159	198.5	136.3	135.7	139.8	133.8	117.8	111.1	109.8	114.1	111.9	114.2	113.5	105.5	101.7
Second quarter year	103.3	148.3	186.6	141.4	135.9	136.7	139.5	130.7	113.6	111.5	112.9	117.3	112.4	115.9	112.7	103.2	100.7
Third quarter year	116.2	130.2	244.9	143.2	148.6	141.2	143.9	125.7	116.5	113.1	114.1	114.6	109.8	114.7	111	104.6	100.5
Fourth quarter year	130.6	148.9	222.7	146.2	142.9	139.3	135.6	126	111.6	111.2	112.8	109.2	110.9	115	108.9	102.8	100.5
First half year	103.2	150.8	172.8	169.9	136.1	136.2	139.6	132.3	115.7	111.3	111.4	115.7	112.2	115.1	113.1	105.9	101.2
Second half year	123.4	139.6	233.8	144.7	145.8	140.3	139.8	126.6	114	112.1	113.4	111.9	110.3	114.8	109.9	103.7	100.4
Calendar year	113.3	145.2	205.3	157.3	140.9	138.2	139.7	133	114.9	111.7	112.4	113.8	111.2	114.9	111.5	104.8	100.8
Fiscal year ended June 30	.....	137.1	156.2	201.9	140.4	141	139.9	137.5	123.3	112.7	111.8	114.6	112	112.7	113.9	107.9	102.5

GOLD VALUE OF CURRENCY.

Table showing the average value in gold of $100 in currency in the New York market, by months, quarter years, half years, calendar years, and fiscal years, from January 1, 1862, to December 31, 1878, both inclusive.

Period.	1862.	1863.	1864.	1865.	1866.	1867.	1868.	1869.	1870.	1871.	1872.	1873.	1874.	1875.	1876.	1877.	1878.
January	97.6	68.9	64.3	46.3	71.4	74.3	72.2	73.7	82.4	90.3	91.7	88.7	89.7	88.9	88.6	94	97.9
February	96.6	62.3	63.1	48.7	72.3	72.8	70.7	74.4	83.7	89.7	90.7	87.6	99.1	87.3	88.2	94.8	98
March	98.2	64.7	61.4	57.5	76.6	74.1	71.7	76.2	88.8	90.1	90.8	86.6	89.2	86.6	87.5	91.4	98.8

Table showing the average value in gold of $100 in currency in the New York market, by months, etc.—Continued.

Period.	1862.	1863.	1864.	1865.	1866.	1867.	1868.	1869.	1870.	1871.	1872.	1873.	1874.	1875.	1876.	1877.	1878.
April	98.5	66	57.9	67.3	78.6	73.7	72.1	75.2	88.4	90.4	90	84.9	88.2	87.1	88.5	94.2	99.4
May	96.8	67.2	56.7	73.7	75.9	73	71.6	71.8	87.2	89.7	88	85	89.9	86.3	88.8	83.5	99.3
June	93.9	69.2	47.5	71.4	67.2	72.7	71.4	72.4	88.6	89	87.8	85.8	90	85.4	88.9	94.9	99.2
July	86.6	76.6	38.7	70.4	66	71.7	70.1	73.5	85.6	89	87.5	86.4	91	87.2	89.4	94.8	99.5
August	87.3	79.5	39.4	69.7	67.2	71	68.7	74.5	84.8	89	87.4	86.7	91.2	88.1	89.9	95.2	99.5
September	84.4	74.5	44.9	69.5	68.7	69.7	69.6	73.1	87.1	87.3	88.1	88.7	91.2	86.4	90.9	96.8	99.6
October	77.8	67.7	48.3	68.7	67.4	69.7	72.9	76.8	88.7	88.3	88.3	91.8	91	85.9	91.2	97.3	99.5
November	76.3	67.6	42.8	68	69.5	71.6	74.4	79.2	89.8	89.9	88.6	92.1	90.2	87.2	91.7	97.3	99.8
December	75.6	66.2	44	68.4	73.2	74.2	74	82.3	90.3	91.5	89.1	90.9	89.6	87.8	92.6	97.3	99.9
First quarter year	97.5	65.2	62.9	50.4	73.3	73.7	71.5	74.7	84.9	90	91	87.6	89.3	87.6	88.1	94.8	98.3
Second quarter year	96.3	67.4	53.6	70.7	73.6	73.2	71.7	73.2	88	89.7	88.6	85.3	89	86.3	88.7	94.2	99.3
Third quarter year	86.1	76.8	40.8	69.8	67.2	70.8	69.5	73.7	85.8	88.4	87.6	87.3	91.1	87.2	90.1	95.6	99.5
Fourth quarter year	76.6	67.2	44.9	68.4	70	71.8	73.7	79.4	89.6	90	88.7	91.6	90.2	86.9	91.8	97.3	99.7
First half year	96.9	66.3	57.9	58.9	73.5	73.4	71.6	73.9	86.4	89.8	89.8	86.4	89.2	86.9	88.4	94.4	98.8
Second half year	81	71.6	42.8	69.1	68.6	71.3	71.5	76.5	87.7	89.2	88.2	89.4	90.7	87.1	90.9	96.4	99.6
Calendar year	88.3	68.9	49.2	63.6	71	72.4	71.6	75.2	87	89.5	89	87.9	89.9	87	89.8	95.4	99.2
Fiscal year ended June 30	.....	72.9	64	49.5	71.2	70.9	71.5	72.7	81.1	88.7	89.4	87.3	89.3	88.8	87.8	92.7	97.6

Another thing that I want to impress upon your minds is that these gentlemen in manipulating this public debt have managed to decrease the noninterest-bearing debt more than half a billion dollars and at the same time increase the interest-bearing debt to about the same amount. All the time, at every turn, at every point, they are taxing the people of this country in order to support this banking system which they have inaugurated.

Now, there is just one sovereign remedy, and that is the equalization of taxation in this country. If such a system existed to-day, you could not pass this bill to save your lives. When the day comes that the National Government shall levy and collect its taxes like the States, like the counties, like the municipalities—when national taxation shall be based upon a rule that every man should pay taxes on what he is worth—then you will see that instead of such measures as this and others of like character which are forcing themselves upon Congress—instead of these bondholders, these lobbyists, thronging the corridors of this Capitol, subsidizing newspapers and by every other possible means trying to extort taxes from the people of this country to satisfy their greed—you will find they will be the first men here to oppose this class of legislation and to stop it. [Applause.]

Is it not so in the States? Is it not so in the counties? Is it not so in the municipalities? Upon what basis this equalization will be brought about I do not know, but I am confident this is the coming issue. There is no question about it. The time has come when the people of this country will not longer submit to the unjust taxation that is now put upon them. Your railroads that are worth their billions, your trusts that are organized with their billions, and various other combinations, they drink no whisky, smoke no cigars, wear no clothes—in fact, consume nothing, scarcely, upon which they pay tax—while the man who delves in the coal mines or plows in the field pays as much tax, or nearly as much, as Mr. Carnegie, whose income is reported to be $28,000,000 a year. He can only eat, drink, and wear clothes, as other people, and yet under the national system of taxation he only pays on what he consumes.

A MEMBER. Forty million.

Mr. MADDOX. Forty million, you say, and yet this vast wealth, equal to that of a whole State, has been extorted from the people under and by virtue of the Republican protective tariff system, which was framed for the sole purpose of allowing one section of the country to rob the other. This sort of taxation is the basis of all legislation such as we have before us. Just as long as that class of men can come to Congress and have legislation passed for their interest, banking laws and other measures operating to tax the people of the country for their benefit without bearing any of the burdens themselves, just so long shall we have this sort of legislation, not only in this bill but in countless other measures to come. [Applause.]

[Mr. NOONAN addressed the House. See Appendix.]

[Mr. SHAFROTH addressed the House. See Appendix.]

Mr. RICHARDSON. I yield five minutes to the gentleman from Arkansas [Mr. LITTLE].

Mr. LITTLE. Mr. Speaker, I realize that the passage of this bill is a foregone conclusion. The present Administration has capitulated to the money trusts of England and the United States. The bravest heart on the Republican side of this Chamber dare not raise a protest against the infamies of this bill. They are dumb before their masters and are deaf to the protests of the unbought millions of our outraged people. [Applause.] This bill, Mr. Speaker, is the consummation of the conspiracy formed in England and America that has existed for more than thirty years against the money of the country and in favor of the Bank of England and the national banks of the United States. By stealth, deceit, fraud, and corruption this conspiracy has forced its slimy course along the pathway of legislation, until now we are to witness in the light of day its triumph over a nation of free people. [Applause.]

The day that President McKinley signs this bill, which he will do, for he has no power to resist, will witness the transfer of the sovereign power of the Government to control the circulating medium of the country to the national banks.

It is the surrender of the functions of the Government intended to be exercised for the benefit of all the people to private corporations for their own benefit, and which they can exercise to the great injury of the people and the Government. [Applause.]

It will mark the blackest page in our legislative history, and will be a living monument to the perfidy of the Republican party, in its complete surrender to the trust influences of the country. [Applause.]

Their money placed you in power in 1896. You mortgaged the integrity of your party to secure their boodle, and this bill represents their judgment of foreclosure against you, and humanity must pay the enormous penalty. There is no immediate necessity for the passing of this bill, even from your own standpoint. And by its immediate passage you only seek to put up the bars against the Democratic party, which will take charge of the governmental affairs on the 4th day of next March. And you only hope to tie their hands and forestall legislation in favor of the people.

I warn you that you have reached the limit of your excesses. Already the evidences of your overthrow are multiplying thick and fast. Disintegration has set up in your party. Your own people are rebelling against you, and the notes of their discontent can be heard all over the land. [Applause.] The forces that are determined to overthrow the trusts and the national banks and restore the Government to the people are already preparing for the conflict. Their camp fires are burning upon every hill and in every valley. The patriotic citizen, industrious husbandman and strong-armed and brave-hearted mechanic and laboring man have determined to overthrow those who have bartered away their rights and privileges. [Applause.] They have selected their leader in advance of the convention, which will be ratified in Kansas City on the 4th day of July, and with that leader, the incorruptible, invincible, and fearless tribune of the people, William Jennings Bryan, they will drive you and the cohorts of corruption from place and power forever. [Loud applause on the Democratic side.]

The SPEAKER. The gentleman from Tennessee [Mr. RICHARDSON] has two minutes remaining.

Mr. RICHARDSON. I will reserve that time.

Mr. OVERSTREET. I yield the balance of my time to the gentleman from Pennsylvania [Mr. BROSIUS].

Mr. BROSIUS. Mr. Speaker, I confess that the closing speech on the other side of the Chamber was quite a spirited rally.

Mr. TERRY. There will be a more spirited rally later on. [Laughter on the Democratic side.]

Mr. BROSIUS. I have not the least idea what my friend from Arkansas [Mr. TERRY] has just said; but I know it was something that did not relate to the debate. My friend, as I have observed on many occasions, has a volcanic mind, and it is liable to be in a state of eruption at almost any time.

Before entering upon some brief general reflections in the way of a closing exhortation, I want to say a word in reply to my friend from Arkansas [Mr. LITTLE] who has just preceded me, and that will be all the politics that I shall introduce into my desultory remarks.

I want to say to my friend from Arkansas that the ascendancy of the Republican party to-day is due, I have no doubt, largely to two assurances in the last Republican national platform. One was that we would revise the tariff on protection lines and collect revenue enough to defray the expenses of the Government without resorting to the issue of bonds in time of peace. The other was that we would establish the gold standard. The people

took us at our word. They believed these assurances would be fulfilled. Our promises derived credit from former ones redeemed, and William McKinley became President of the United States. With as much promptitude as the nature of the case would admit we carried out our assurances—in the first place, by the enactment of the Dingley tariff law. The second has been fully redeemed by the practice of the Government, and is now about to be permanently secured for the future by placing upon the statute books this gold-standard bill. [Applause.]

This triumph of American credit, honor, and honesty has been achieved despite the strenuous opposition of a great majority of our Democratic friends. [Applause on the Democratic side.] On the strength of this measure, if for no other reason, I give you notice, my friends, in reply to my honorable friend from Arkansas [Mr. TERRY], that at the national election of 1900 we will make merry music at your funeral and dance upon your political grave. [Applause and laughter on the Republican side.] Of course the last observation is metaphorical. [Derisive laughter on the Democratic side.]

Mr. NOONAN. Yes; entirely so.

Mr. BROSIUS. Mr. Speaker——

Mr. ROBB. I should like to ask the gentleman a question. I should like to know if all his observations are not largely imaginative?

Mr. BROSIUS. I desire to make some general observations in the way of concluding this debate, and in addition to that I should like to submit some careful and deliberate reflections—the result of some study and research—upon the broad question of the attitude of the United States toward the free coinage of silver at the ratio of 16 to 1 and their responsibility for the depreciation of the white metal. It does not seem suitable to go into a discussion of a subject so profound, tedious, and dry at this hour of the day, and I should be glad to spare our friends on the other side of the Chamber that infliction if they will have the goodness to indulge me in the request to extend my remarks in the RECORD in that direction.

Mr. Speaker, I should like now to ask unanimous consent to extend my remarks in the RECORD for the purpose of submitting some serious economic and historical suggestions upon the question to which I have referred.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that he may extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. HILL. I should like to make a similar request.

The SPEAKER. The same request is made by the gentleman from Connecticut. Without objection that request will be granted.

There was no objection.

Mr. BROSIUS. Mr. Speaker, I think that Congress and the country are to be congratulated upon the approaching realization of hopes that have been fondly cherished by a great majority of the people of the United States for many years. We are about giving the vitality of law to those declarations of financial policy which from time to time in Republican national platforms have stimulated the expectation and inspired the hope of the people that our monetary standard would be definitively established in accordance with that of the great commercial nations with which a vast preponderance of our international dealings are carried on.

This bill as agreed upon in conference establishes the gold standard and removes forever from the field of controversy the vexatious question of the character of the basis of our financial system. I am sure that this consummation will remove doubts and allay anxieties which have been incident to the uncertainties which have clouded our financial system, and will give us in the future a clear sky and a pure and invigorating atmosphere that will inspire confidence and stimulate business in all sections of our Union.

This must be so, Mr. Speaker, for, if our expectations in relation to this measure are not disappointed, it will guarantee equality of value in the hands of the people of every dollar, of all kinds of money and currency, and keep in unhampered circulation sufficient quantities to transact the business of the country. At the same time, it will demonstrate the financial orthodoxy of the Republican party by holding fast to the five points of monetary Calvinism, stability, uniformity, safety, convertibility, and elasticity. In short, this measure absolutely settles the money and currency question and establishes our financial system on a sound and impregnable basis, conformable with sound economic principles, in harmony with the wishes of the people, and promotive of the common interests of all.

THE NATIONAL DEBT.

Mr. Speaker, there are two features of this bill which we may say are new, because they were not in the bill when it was considered by the House. Upon these features some observations have been submitted on the other side of this Chamber which invite some concluding reflections from this side. There has been some apprehension expressed that the refunding of our debt would lead to the perpetuation of that debt. I want to say to my anxious friends that in my opinion that apprehension is wholly groundless. It is contrary to our history and our habit. We are the greatest debt-paying nation on the earth. We have contracted debt more rapidly and discharged it with greater alacrity than any other nation under the sun.

In the compass of five years, under the compulsion of a patriotic necessity, we contracted a debt of almost three thousand millions of dollars. You will remember that our annual interest charge was $150,000,000. In the space of thirty years we paid of that enormous pile over two thousand millions of the principal, two thousand five hundred millions of interest, and one hundred and eighteen millions of premium, making a total of four thousand five hundred millions of dollars that we paid in the space of thirty years, or at the rate of $150,000,000 a year.

Mr. TERRY. Will the gentleman permit me right there?

Mr. BROSIUS. If it is on this subject.

Mr. TERRY. You have stated some historical facts, but is there not danger that in these days when we are copying after the English so closely in our present system, we may come to the belief that a national debt is a national blessing?

Mr. BROSIUS. Well, that is a reflection very natural to a man who is afflicted with the malady of Anglophobia, but it never troubles the mind of an independent patriotic American.

Mr. ADAMSON. Or of an Anglomaniac.

Mr. TERRY. It is my Americanism that makes me protest.

Mr. BROSIUS. Now, I do not care to be interrupted by any further observations.

The SPEAKER. The gentleman from Arkansas is out of order. The gentleman from Pennsylvania declines to yield.

Mr. BROSIUS. You will agree with me on all hands that this was debt paying on the most stupendous scale ever known in human history, and it extorted the wonder and admiration of the civilized world.

After we had gone but a little way in this phenominal experience in debt paying, twelve years after the war, Gladstone said, in some reflections upon the financial sequel to our great conflict, that England after sixty-three years from the Napoleonic wars had reduced the huge total of her fabulous debt by only five hundred millions, while the United States in twelve years had paid $750,000,000, doing each twelve months what it required eight years for England to do; and he added, "American self-denial and forethought are at least eight-fold ours." That, Mr. Speaker, was the homage Gladstone paid to a country that he described as the most unmitigated democracy known to the annals of the world.

As Americans our breasts swell with pride at the splendid preeminence we have achieved in this among the other manifold triumphs which have shed upon our history a glory whose luster can only be dimmed by the misfortune, which God forbid, of the necessity or the habit of increasing instead of diminishing our national debt, becoming inveterate or of settling down into English indifference to the payment of our national obligations and shifting the burden upon posterity, with the idea which prevails in England that a great debt is an eminently respectable institution and one of the blessings of a perfect constitution.

No, Mr. Speaker, there is no danger of perpetuating unnecessarily our national debt. It is contrary to all our traditions, principles, and habits. You need not be troubled, my friends, about that. But if we succeed in refunding our debt in a 2 per cent bond, we will do something exceeding in glory anything we have ever done or that the world has ever done in a financial way in all the ages. It will establish our credit as that of no other country was ever established. It will be a masterpiece of statesmanship, rivaling in importance and splendor the stupendous achievements which on other lines have given the United States a just and deserved preeminence among the front-rank nations of the world.

THE BIMETALLIC DECLARATION.

Now, Mr. Speaker, I must say a word about a provision in this bill which has agitated our friends on the other side. It is called the bimetallic provision. In saying what I am about to say, I speak for myself alone, because I can not undertake to express the thought or conviction of others upon a matter of this kind. This provision expresses with absolute truth the attitude of the Republican party of this country toward so-called bimetallism. Whether it was worth while to put into a statute a declaration of intention or belief is a question upon which honest men may hold different opinions. It is not a legislative proposition. But, unhappily, Mr. Speaker, the American Congress have an inveterate habit of incorporating in legislation declarations of belief and purpose, and the habit is hard to break. In this instance it is wholly harmless, can deceive no one, because it is absolutely true. In my opinion, it might well have been omitted, because there is no existing reason for making any declaration on the subject. In 1896 the Republican platform was specific in its declaration. There was a reason for doing so at that time, but events have

superseded the necessity of inviting public attention to the question at this time.

The President of the United States made an honest and sincere effort to carry out the purposes of the Republican party in 1896. It was not attended with success; and, moreover, it demonstrated the absolute unacceptability of the proposition to the leading commercial nations of Europe, and rendered impracticable and undesirable any further proposal on our part, for the time at least, looking to international unity of action on the silver question.

GOVERNMENT AND CURRENCY.

I desire now to direct attention to the fact that this measure works the necessary reform in our monetary affairs in accordance with the principles of sound monetary science. It recognizes the incontestible truth that paper currency, to be kept at a parity with standard money, must be convertible into it directly or indirectly. Daniel Webster declared that something must be discovered that has hitherto escaped the observation of mankind before you can give to paper intended for circulation the value of a metallic currency any longer than it is convertible into it at the will of the holder.

Another sound doctrine underlying the measure is that the circulating medium of a commercial country should be for most obvious reasons that which is the circulating medium of other commercial countries, or be capable of being converted into that medium without loss. With all the leading commercial nations on the gold standard it is necessary for the United States to maintain that standard also in order to escape great inconveniences and losses to which we would be subject if the par of exchange between ours and the countries with which we deal should be broken.

This measure also recognizes the salutary and constitutional principle that it is the duty of the Federal Government to control the circulating medium of the country and provide for the maintenance of its parity with the standard money. It has been frequently asserted that the need of a uniform and stable system of national currency, safeguarded by the Government, so it would be current all over the country, was the chief object of the first Bank of the United States, and one of the considerations that led to the Federal Convention of 1787 to draft a Constitution. Washington foresaw, some writers say, that the confidence reposed in the United States under the Constitution would impart to whatever currency was authorized by Congress greater authority and value than could attach to anything emanating from any State.

Webster said that the fathers who made the Constitution foresaw that paper currency bearing the mark of the Union, the American eagle, would command universal confidence throughout the country. There were more reasons, said he, for the prosperity of the national bank than the utilities it was so well calculated to perform. There was something that touched men's sentiments as well as their understandings. There was a cause which carried the credit of the new-born bank as on the wings of the wind to every quarter of the country. There was a charm which created trust and faith and reliance, not only in the great marts of commerce, but in every corner into which money could penetrate. That cause was its national character. It had the broad seal of the Union to its charter. It was the institution of the nation.

If paper is to circulate as subsidiary to coin or as performing in any degree the functions of coin, its regulation naturally belongs to the hands which hold the power over the coinage.

The power and the duty of the Federal Government to regulate the currency is now very generally conceded. The power over it is derived from the power to regulate commerce. Webster insisted that the actual circulating medium of the country was an instrument and means of commerce and the General Government is bound to take care of it and see that it is safe. He declared that:

> It is the constitutional duty of the Government to see that a proper currency, suitable to the circumstances of the time and to the wants of trade and business be maintained and preserved. If the currency is not to be preserved by the Government of the United States, I know not how it is to be guarded against constantly occurring disorders and derangements.

The fathers never questioned it. Martin Van Buren was the first President who turned his back upon this doctrine. He said in his first message to Congress:

> If, therefore, I refrain from suggesting to Congress any specific plan for regulating the currency, it is from a conviction that such is not within the constitutional province of the General Government.

No statesman of repute had ever taken that position before. Madison, after the war of 1812, said:

> It is essential that the benefits of a uniform national currency should be restored to the community.

After the second United States Bank was incorporated Madison said:

> For the interest of the country at large it is essential that the nation shall possess a currency of equal value and credit wherever it may circulate. The Constitution has intrusted Congress with the power to regulate such a currency.

DANGER OF INFLATION.

Some have expressed apprehension of an inflation of the currency. It must be admitted there are evils connected with a redundant currency. They are dangerous evils, because not seen until mischief is done. Some evils are seen as soon as they are dangerous, for they come in no questionable shape. They announce their own approach, as some one has observed, and the general security is preserved by the general alarm. This can not be said of the evils of an inflated currency, for they come in a most insinuating and seductive manner in the disguise of facilities and accommodations, holding out false hopes which lure the enterprising into unproductive ventures to their ruin. They lull to sleep industry, frugality, and economy, and foster extravagance, speculation, and overtrading, which are invariably followed by reactions and revulsions, for which no better name has yet been found than "crises." Banks can not be depended upon to limit their issues to the real necessities of the community, for they are not guided by principles of public utility so much as by their own interests, and will put out all they can profitably and safely and leave the borrower to judge for himself the ventures in which he will put his money. The discretion of banks in deciding the amount of their discounts is not always a reliable security against overtrading. Facility in obtaining bank credit fosters the spirit of speculation.

Then again, an inflated bank currency is liable to drive gold out of circulation. It has done so in our history. Webster once pointed out how during the war with England the banks everywhere south of New England suspended specie payments and filled the country with their own degraded paper. The State banks drove coin out of circulation by the issue of their own paper and then degraded their issues by refusing to redeem them. "The Government of the United States had no participation in this," said the Secretary of the Treasury, "and yet the effect of it was to overthrow the standard and place the country on a paper basis." This has happened often enough in our history to demonstrate the insecurity of allowing banks unrestricted freedom of issue.

CHECKS ON EXCESSIVE ISSUES.

There has been much conjecture on the results of the operation of this measure. Those who know least about it have said the most. So do men darken counsel with words without knowledge. A man so well informed as Frederick D. Tappen, president of the Gallatin National Bank and, I think, president of the Clearing House Association of New York, declined to express an opinion upon the subject, because no man knows what the result will be. Some have prophesied an enormous increase of bank circulation, even to the extent of $500,000,000. The more conservative believe there will be a gradual increase in circulation as the requirements of trade increase, but dissent entirely from the view that there will be a sudden and great increase in bank issues.

There are three natural checks upon excessive issues of bank currency. First, in the operation of redemption, any considerable inflation of bank notes would cause them to be sent in for redemption to the Treasury in large amounts, and the issuing banks would have to put up the lawful money for the purpose, which would deplete their reserves. These notes are not legal tender and can not be held as reserves, and unless banks can keep them in circulation they are entirely useless. In the second place, the demand for bonds to exchange for the 2 percents would advance the price beyond the limit which would make it profitable to use them for banking purposes, in which case banks would quite likely sell bonds to make the profit rather than take out circulation.

In the third place, the limit upon the retirement of currency of $3,000,000 a month will make banks very cautious about taking out more circulation than they will be able to keep out profitably, for once out it might have to remain out for some time before it could be retired. These several checks will operate automatically to restrain excessive issues of bank currency under the pending measure. It may be assumed that the 10 per cent authorized to be issued on bonds deposited will be put out. That will amount to some $24,000,000, in round numbers, which is scarcely more than 1 per cent of the volume of our circulation, and will produce no marked effect.

That a number of small banks will be organized there is no doubt. The number of applications to the Comptroller already on file indicate what we have to expect in that direction. There is no reason to believe, however, that new banks will exceed the existing need for additional facilities in the South and West, where great inconvenience has been suffered for lack of banks.

If the public deposits should be withdrawn, it is not unlikely there will be a corresponding increase of bank issues to take the place of the withdrawn funds. This operation, however, will take place not suddenly, but slowly, without disturbing financial conditions. As the exchange of bonds proceeds the premiums will be paid from the public funds in the banks, so that the latter will still have the use of the money to that extent. No one believes that

more than half the outstanding exchangeable bonds will be refunded at an early day. This will call for only about $43,000,000 in premiums, which would reduce the public deposits to about $68,000,000. It is more than likely that this amount will remain in the banks for some time, and when withdrawn it will be so gradually as not to cause any disturbance. If there is a real pressure for currency, the bonds released, amounting to the sum of the premiums paid, may be used as a basis of circulation.

It is suggested by the Secretary of the Treasury that the exchange of bonds will begin not earlier than the 1st of April, and at that date it is estimated that on the basis of exchange provided in the law the value of the old fours will be $111.6785; of the fives, $110.0751; and of the threes, $105.6351. These values will fall from day to day, making, according to an estimate I have seen, the values on April 15 for the fours, $111.6194; for the fives, $109.9761; and for the threes, $105.6607.

In making the exchanges the difference in amount will be paid by check mailed to those sending in the old bonds.

If the premium on the new twos should go to a figure that would offer an inducement for persons to purchase the old bonds to exchange for the new for the purpose of selling them at a high premium for the profit, the Secretary would no doubt modify the Government rate of exchange so as to discourage this traffic in bonds for gain. He is not bound by this bill to make the exchange of the old bonds for the new at as high a return to the investor as 2½ per cent, but is only limited to a valuation not greater than that. He would be at liberty, it is maintained, to change the rate of exchange at any time on the ground of the high rates at which the new bonds are being quoted on the market. The operation of refunding, it must be remembered, is an option, not an obligation, on the part of the Secretary of the Treasury.

ENDLESS CHAIN.

There is also an utterly groundless criticism that this measure keeps the endless chain in operation. Nothing could be farther from the truth. It is not possible, in case of the depletion of the gold reserve to such an extent as to make a loan necessary, for a dollar of the greenbacks which passed from the reserve to the general fund of the Treasury to go back into circulation without being covered by gold or its equivalent in bonds, which are always worth their face in gold.

AN APPEAL TO PATRIOTISM.

I would like to make an appeal to the patriotism of my brethren on the other side of the aisle for some votes to support this splendid measure. Oh, it is not "casting pearls before swine." Not at all. No appeal was ever made in vain to the patriotism of any class of American citizens. Are you not also patriots before you are partisans? Though your brains may soften before the logic of the situation, your hearts will certainly not harden to the sentiment of patriotism. You still love your country, and honor and reverence its increasing glory. I see the faces of some of my most loved friends on that side of the aisle lighting up, and I see a nod of assent to that proposition, denoting that they are not behind the rest of us in appreciation of the sentiment of patriotism. But patriotism must live in the soul before it can move the heart to love or nerve the arm to strike in defense of the country.

Dr. Lyman Abbott says when Jenny Lind was in this country he heard her in the oratorio of the Messiah. As he sat in his seat there came in and sat by him an old weather-beaten sea captain. When she sang "Come unto Me all ye that labor and are heavy laden"—

It seemed to me—

He said—

I could hear the voice of the Master singing down through the years. The hall was hushed and silent when she took her seat. Then I heard a noise and turned around, and the poor old sea captain was sound asleep and snoring.

Said the doctor:

Why did he not hear what I heard? Because there was no music in his soul to respond to the music of the organ and of the singer.

So perhaps we must have patriotism in the soul before we can respond to the call of our country. When but the other day those great waves of the music of patriotism were sweeping over the land, thrilling the souls of men, swelling from the harp of a thousand strings in the great heart of the American people, there were a few sound asleep and snoring, because they had no patriotism in their souls to respond to the strains that touched and stirred the loyal hearts of all true Americans.

Mr. FOSTER. What is your definition of patriotism?

Mr. BROSIUS. Why, my friend, I will tell you what patriotism is. It is not a mere ephemeral passion that lives a minute and expires. Patriotism is an enduring emotion, an eternal ray that kindles the soul of the patriot into the glory of service and sacrifice for country.

Mr. FOSTER. And your party has lost it.

Mr. BROSIUS. Now, my friend will pardon me. It is a happiness to know that the Americans who are dead to love of country are few in number and feeble in influence, and that the great body of citizens of all parties can, in the last hour, be kindled into action by sparks from the glowing altar of patriotism.

A LONG STEP IN ADVANCE.

This appeal to patriotism would perhaps be unsuitable but for the fact that this measure appeals to the patriotism of Congress. I believe it is a long step in our upward march toward the splendid preeminence we are achieving among the great world powers. Our financial independence of the Old World is practically achieved. Great and surprising things have come to pass in the last twelve months. American credits in Europe are changing the face of the great questions of finance the world over. A portion of the recent British war loan sought American takers and found them eager to invest. This came swiftly upon the heels of the financing of a Russian loan of $25,000,000, likely to be increased by as much more; and we will supply all this money, as we supplied the $20,000,000 to pay our debt to Spain, without shipping one dollar of gold. Trade balances are so heavily in our favor that we could pay for all the European bonds we desired to buy by the machinery of foreign exchange representing our credits on the other side of the sea.

I tell you, my friends, these are momentous transactions, and they have a stupendous significance. They denote the marvelous development of American enterprise and the amazing growth of the capabilities of the United States to command the markets and control the finances of the world. So you see, my friends, that financial empire is coming our way. We are advancing rapidly toward the position of a creditor nation. In the financial world power and domination follow in the track of commerce and manufactures, and the scepter of power is passing from the Old to the New World. Ere long, Mr. Speaker, New York will have supplanted London as the clearing house of the world.

I hail the alluring prospect, and I entertain the fervent hope that the representatives of the American people will rise to the level of this new occasion that teaches new duties. This measure is a part of the great forward movement leading upward to the gateway of our great opportunity. It is one terrace in the heights of destiny we are climbing. The gates of the East and the South are open, and the immeasurable possibilities of world commerce invite us. A merchant marine commensurate with our resources, our power, and empire will soon be among our achievements. A naval armament worthy a nation capable of deeds of such unrivaled splendor on the sea as shed undying luster on our naval heroes in our recent war will soon be among our possessions. This Republic is rising into prominence as a coequal with the great world powers, and will be a conspicuous factor in the world problems which loom in the near future.

Now, Mr. Speaker, who is not inspired with the thought that a great and noble destiny solicits our country? We must either go forward to meet it and achieve the primacy among nations or turn our backs upon it and fall to that second rank to which our isolation and lack of spirit must assign us. And when we do that, Mr. Speaker, the patriot who turns his eyes toward the figure that surmounts this Capitol will see America standing with averted face weeping Columbia's shame. Let us then enact this measure into law in the true spirit of American progress, that spirit which will make us equal to our great opportunities and worthy our manifest destiny. [Prolonged applause on the Republican side.]

THE UNITED STATES AND SILVER.

Mr. Speaker, I desire now, with some care and deliberation, to consider the attitude of the United States toward the question of the free coinage of silver at the ratio of 16 to 1, and their responsibility for the depreciation of silver and the consequences ensuing therefrom. The question of coinage in its true character is an economic rather than a political question, but it is a branch of the money question which the patriotic efforts of statesmen have not been able to keep out of politics.

In one or another of its forms it has engrossed the attention of the American people for many years. In 1896 our quadrennial inquisition on our political affairs took up the specific question of the free and unlimited coinage of silver at the ratio of 16 to 1, and after elaborate, thorough, and painstaking discussion, reaching perhaps more nearly than ever before in our history every fireside in the land, determined the matter adversely to the free-silver propaganda and declared for the existing standard until by international cooperation the free coinage of silver could be attained without peril to our national interests and honor. From that decision an appeal is pending. In 1900 a retrial will occur, and the court of last resort in our political system, the people themselves in their sovereign capacity, will review their former decision, affirming or reversing it as in their patriotic judgment the honor and interest of the country demand.

No mightier issue ever appealed to human judgment. No controversy in the arena of American politics since the war has affected vaster interests or had more far-reaching consequences to all the people. Never has popular solicitude been greater; never have the claims of sound judgment and patriotic action

pressed with greater urgency; never were political and economic vagaries more menacing, and never the promise of beneficial results from right action more inviting than in this impending battle royal. In such a situation it gives us hope and courage to realize that in such formidable exigencies true Americans, the unselfish and heroic, instinctively feel that their country is greater than their party; that they ought to be patriots before they are partisans, and will therefore yield to the solicitations of duty and rise sublimely to the highest outlook of patriotism.

The reargumemt is already on. Distinguished advocates of the free coinage of silver have already in this Chamber and elsewhere invoked the considerate judgment of the American people in behalf of their cause by as good reasons and as sound arguments as their intellectual limitations and the inherent difficulties of their task will admit. If their contention betrays a lack of wisdom it is fully compensated by excess of zeal and amplitude of assurance.

Of the integrity of their purpose no question is permissible. The ardor of their exertions demonstrates the sincerity of their convictions. Whatever we may think of their conclusions, we must make to their advocacy the concession which Peter made to Paul when he observed that "according to the understanding given him our brother Paul hath spoken unto you."

My purpose is to submit to the House and the country some reflections with a view to correcting some of the error into which the uninformed as well as the misinformed may have fallen and to expose some of the fallacies in the logic of those who have undertaken the arduous task of demonstrating the wisdom of the free coinage of silver at the ratio of 16 to 1 by the United States alone. In this discussion it is to be noted that the figures used cover a period of twenty years prior to 1873 and a similar period thereafter.

The fundamental postulates of the free-silver advocates may be thus stated:

First. That the alleged demonetization of silver by legislation in the leading commercial nations deprived that metal of its monetary function, cut in two the volume of the world's money of ultimate redemption, throwing a double burden on gold, causing its appreciation, the depreciation of silver, and the fall of prices generally.

Second. That the United States by the act of 1873 had an agency in and a corresponding responsibility for the results which ensued upon the general movement of the world against silver, and that the only way to atone for her wrongful act and right the alleged wrong to the American people is to repeal the act of 1873 and restore the freedom of the mints to silver at the ratio of 16 to 1.

Third. That the reestablishment of free coinage at the ratio of 16 to 1 by the United States alone would restore the commercial parity of the two metals at that ratio.

It is susceptible of easy demonstration that every one of the assumptions embodied in these propositions is entirely destitute of warrant and without the support of a single well-authenticated fact or of a single conclusion on grounds of general reasoning in which there is any conspicuous concurrence of scientific opinion.

To bring into distinct view the propositions which I desire to argue, and the establishment of which will effect the complete overthrow of the assumptions to which I have alluded, I assert:

First. That the alleged demonetization of silver did not deprive it of its monetary function and did not cause its depreciation and the general fall in prices except to a very limited extent in connection with other causes.

Second. That the United States had no agency in and no responsibility for the results, whatever they were, of the general movement of the commercial world against the free coinage of silver, but, on the contrary, those results transpired in spite of the most strenuous and heroic exertions on the part of this country to uphold the price of silver.

Third. The United States having no responsibility for the conditions alleged to exist on account of the demonetization of silver and, could not prevent them by the most herculean exertions she could oppose to them in their inception, she is under no duty at the peril of her own interests to open her mints to the free coinage of silver at 16 to 1, and if she did so it could not avail to restore the commercial parity of the two metals, but would only result in placing this country upon a silver basis.

Now, can the first of my propositions be maintained, namely, that the demonetization of silver and the restriction and limitations imposed upon its coinage were not the cause of its depreciation?

To have had that effect the alleged cause must have operated in one or other or in both of two ways, either by diminishing the demand, the supply remaining the same, or by increasing the supply, the demand remaining the same, or by concurrently diminishing demand and increasing supply. Our first inquiry will be to ascertain to what extent the treatment of silver by the world's legislation since 1870 has operated in either of the ways named. Before starting upon this quest, however, it may be pertinent to observe the distinction between the demonetization of silver coins—that is, the destruction of their monetary character—and the restrictions imposed upon the coinage of the bullion.

The demonetization of coined silver by Germany and the Scandinavian countries destroyed the monetary character of all the full legal-tender coin so treated. It converted coin into commodity, and to whatever extent this occurred it manifestly increased the supply and lessened the demand for silver. Restriction on the coinage of silver to whatever extent it was carried likewise lessened the demand for that metal, but to the extent it left untouched the existing coins it did not increase the supply. As far as it goes, this observation is a concession to the contention of our adversaries. But it must be kept in mind that the gist of the matter is not a mere theoretic tendency, but a sensible effect sufficient to have a title to be reckoned with in the general treatment. In economics, as in law, trifles are omitted from consideration.

What, then, has been the extent of actual demonetization since 1870? The countries which demonetized their silver coins from 1871 to 1879 are Germany, Norway, Sweden, Denmark, and Roumania. The amount sold by each country was as follows:

Germany	$149,423,965
Scandinavian countries	9,331,500
Roumania	4,675,000
Total	163,430,465

This is the sum total of silver coin that was actually demonetized in the period referred to, an amount much less than the production of any single year since 1890, an amount scarcely exceeding 5 per cent of the world's product during the twenty-four years from 1873 to 1897, which is estimated at $3,116,000,000; or, putting it in another form, if we divide the total production in the twenty-four years into annual quotas and distribute the amount of demonetized coin over the entire period, it would result in an addition to what was extracted from the mines to be charged to demonetization of an amount each year equal to 5 per cent of the annual product of the world. It remains, however, to be said that these sales of silver were made prior to 1879, and whatever effect they had was exhausted by that time. There is a fact, moreover, in this connection which must not be overlooked. Simultaneously with the sale of silver by Germany and the Scandinavian states, the Latin Union coined from 1873 to 1878, in 5-franc pieces alone, $142,000,000 of silver, almost enough to offset the amount demonetized.

Now, taking into view the $4,000,000,000 of silver money supposed to be in use in the world and the trifling effect upon the monetary relations of this stupendous total the loss of so small a sum as I have shown to have been demonetized could by any possibility have exerted, I submit with great confidence that the proposition that the actual demonetization of the world's silver money, giving it its utmost effect, free from the modifying influence of the countervailing circumstances of enormous additions to the coinage of the world and the high ratio of increase in the world's silver production, has had any considerable agency in the decline of silver overtaxes the credulity of the average mind.

RESTRICTION UPON COINAGE.

It is a well-known fact that the great bulk of silver money in use throughout the world in 1871, either as standard or token money, continued to be so used after that date and is so used at this time. For example, Germany has 400,000,000 marks in silver thalers. France and other States of the Latin Union have about 3,000,000,000 francs in 5-franc pieces. Holland has kept all her legal-tender silver, and likewise Austria-Hungary. In the light of this fact let us consider the extent of the effect of coinage restriction upon the volume of the world's silver money during the period from 1873 to 1893. Students of the subject are of course familiar with the enormous increase in the silver coinage of the world in the latter period as compared with the corresponding period prior to 1873. In the four great commercial countries—Great Britain, Germany, France, and the United States—there was double the amount of silver coined in the later than in the earlier period. The following statement exhibits the interesting and instructive fact relating to the countries named:

Statement of the silver coinage in the countries named from 1851 to 1870.

Great Britain	$31,243,217
France	163,307,957
Germany (from 1857 to 1872)	107,805,000
United States	63,254,676
Total	365,610,850

Statement of the silver coinage in the countries named from 1870 to 1890.

England	$82,306,352
France	70,578,588
Germany	107,692,000
United States	485,889,912
Total	746,466,852

Giving the comparison a wide range, we obtain the following results:

Statement of the total and annual silver coinage in the principal countries in the world in the periods named.

Period.	Total coinage.	Average annual coinage.
1853 to 1872	$864,332,224	$43,216,611
1873 to 1892	1,377,140,390	68,857,030

Thus is the astounding and profoundly significant fact by these figures made clear that in the twenty years subsequent to 1873 the world's coinage of silver was well-nigh double that of the corresponding period prior to that date. In the face of this overwhelming demonstration it is difficult to comprehend how any mind to any extent tutored can be deluded by the oft iterated and reiterated contention that the monetary function of silver was destroyed or that there was, in the period named, any considerable diminution in the demand for silver for monetary uses that could have caused so rapid and continuous a decline in price; yet some men claiming to be honest and honest men claiming to be sane declare that hostile legislation has halved the money of the world and brought upon us all the consequences of the economic disturbances of the last quarter of a century.

I now pass to a third consideration and propose to show the stupendous antecedent improbability that the contention I am disputing can be true because of the enormous increase in the production of the money metals, especially of silver, and the high ratio of increase in the total monetary volume of the world in the twenty years after the act of 1873 as compared with the twenty years prior to that date.

In the United States the monetary volume increased at an unexampled rate from 1873 to 1893. At the former date our total circulation of all kinds was $775,445,610, while in 1893 it was $2,323,402,392, an increase of 200 per cent, giving a per capita circulation at the two dates, respectively, of $18 and $24.

STOCK OF GOLD AND SILVER.

The stock of gold and silver money in the thirteen leading commercial nations, namely, United States, Great Britain, France, Germany, Russia, Italy, Belgium, Netherlands, Austria-Hungary, Australasia, Denmark, Sweden, and Norway, in 1873 was $2,267,485,000, while in 1897 it was $5,529,500,000, an increase of nearly 150 per cent in twenty-four years. (Last Report on Precious Metals.)

The metallic money of Germany, says Dr. Lexis, doubled from 1873 to 1894, while the population increased only one-fourth. In France the metallic circulation increased $357,000,000 in the period named, while her population scarcely increased at all. In the United States the difference is much greater. In 1873 our total coin and bullion gold and silver was $141,149,395, while in 1893 it was $1,213,559,169, an increase of almost 900 per cent in twenty years. These figures are all verifiable by reference to the last report of the Director of the Mint.

WORLD'S PRODUCTION OF GOLD.

Let us now vary the view and look at the enormous production of the precious metals throughout the world in recent years. Up to 1830 the world had produced double as much silver as gold. The world was saturated with silver and was thirsty for gold to meet the needs of advancing civilization. In 1850 a refreshing shower came from the mines of California and Australia. This was rapidly absorbed, with not more than 15 per cent depreciation in the metal according to the best opinion. From 1853 to 1872 the world produced $2,383,900,000. From 1873 to 1894 the product reached $2,494,800,000. In the latter years of this period the increase was extremely rapid. For example, it was in—

1891	$130,650,000
1892	146,297,600
1893	157,228,110
1894	180,000,000
1895	200,0 0,000
1896	220,000,000
1897	240,000,000

In 1873 the annual gold product of the world was $96,200,000, while in 1895 it reached $200,000,000, more than doubling in twenty years. The world's product in 1895 exceeded the combined product of gold and silver in 1873.

WORLD'S PRODUCTION OF SILVER.

Then look at the world's silver development. The world's product from 1853 to 1872 was $943,100,000, or 40 per cent of the gold product for the same period. From 1873 to 1892 the silver product was $2,347,000,000, or about 109 per cent of the gold product for the same period and an increase of 150 per cent in the latter twenty years as compared with the previous twenty. In 1873 the silver product of the world was $81,800,000, while in 1895 it was $220,000,000, nearly three times as much.

The figures given by the New York Journal of Commerce show that in 1870 the value of the world's production of silver was 43 per cent of that of gold; that during the five years ending with 1874 that ratio of production had risen to 68 per cent; that during the next five years it rose to 81 per cent; that for the five years 1880-1884 it was 104 per cent; that during the period 1885-1889 it averaged 119 per cent; and that during the next five years, 1890-1894, it stood at 132 per cent.

In the last report on the precious metals in the United States it is stated that the production of silver from 1871, the date of the first legislative measure passed in Germany looking to the demonetization of silver, to January 1, 1897, was $4,503,294,192, coinage value, while the total production from 1492 to 1871—that is, from the discovery of America to the inception of anti-silver legislation—was $7,107,773,468. That is to say, to put it in the most graphic form, the silver mines of the world during the last twenty-six years produced within a trifle of one-half the product during three hundred and seventy-eight years prior to 1871.

To state it in still another form, the annual product of the mines of the world in the last twenty-six years has been seven times as great as the average annual product in the centuries preceding that date. And, furthermore, the product in all the countries of the world in 1896 was 260 per cent more than in 1873, and the silver coinage of the world from 1873 to 1896, both inclusive, was the enormous sum of $3,031,428,974, only $800,000,000 less than the gold coinage for the same period. (Report on Gold and Silver Production for 1896.)

Presenting it in a different form, the average annual production of silver in the world from 1841 to 1850 was $32,440,000 at its coinage value. From 1866 to 1870 it was $45,772,000. From 1871 to 1875 it was $81,864,000. From 1876 to 1880 it was $101,851,000. Thus the product had more than trebled since the period between 1840 and 1850, although the commercial value had fallen enormously. Since 1893 the annual production is more than six times that of the 1840-1850 period, although silver had lost from 40 to 60 per cent of its commercial value.

SILVER IN THE UNITED STATES.

Take the product of our own country and the situation is accentuated still more strongly. From 1792 to 1844 our total silver product was $250,000. From 1844 to 1860 it was $50,000 annually. From 1860 to 1872 it was $12,000,000 annually, and from 1872 to 1894, $50,000,000 annually. In 1892 the silver product of the United States exceeded that of the world in 1873.

GOLD COINAGE.

Now, look for a moment at the growth of gold coinage in the world. This glimpse throws additional light upon the inquiry. From 1873 to 1892 the world coined $4,304,000,000 of gold. The ratio of increase in later years has been marked. In 1891 the world's coinage of gold was $119,534,122; in 1892 the world's coinage of gold was $172,473,124; in 1893 the world's coinage of gold was $232,485,668; in 1894 the world's coinage of gold was $237,921,022. In the United States also gold coinage kept in touch with the total of the world. From 1792 to 1853 we coined $259,936,567; from 1853 to 1872 we coined $558,302,800; from 1872 to 1894 we coined $937,460,633—a total for the entire period from 1792 to 1894 of $1,755,700,000.

SILVER COINAGE.

The world's coinage of silver tells the same story. The following figures show the rate of increase in the periods named: In 1873 the world's coinage of silver was $131,500,000; in 1878 the world's coinage of silver was $161,191,000; in 1887 the world's coinage of silver was $163,411,397; in 1892 the world's coinage of silver was $155,500,000.

From 1873 to 1893 the silver coinage in Europe and America, excluding Mexican dollars exported to Asia, was, in round numbers, $1,000,000,000 more than was sold by Germany and the Scandinavian States. In other words, says Dr. Lexis, in these countries the new silver coined into money from 1873 to 1893 was not less than an annual average of $47,600,000, an amount greatly in excess of any previous annual coinage out of new silver. Making the statement more inclusive, there were coined in Europe, the United States, and India from 1851 to 1860 an annual average of $38,794,000. During the decade from 1861 to 1870 the annual average reached $80,000,000, and in the years 1887 to 1891 the average was $113,000,000.

In no period of the world's history was so much silver coined as in the recent years I have named. The aggregate coinage during the sixteen years from 1876 to 1891, the period in which the greatest depreciation of silver occurred, amounted to $1,560,000,000, while the production during the same period, according to Soetbeer, was $2,109,394,000. The coinage was thus 74 per cent of the production. So far, therefore, from silver having lost its occupation after the alleged demonetization, it was employed more largely than ever before.

I have compiled these figures to show such a progressive increase in the products of the mines and mints of the world in corresponding periods before and after the alleged demonetization as to dispel

entirely the idea that there has been since 1873 such a lessening of the volume of the world's money as to seriously affect prices, as well as to accentuate the stupendous improbability that in the face of the steadily increasing product and mintage of gold coincidently with a relatively diminishing demand for it, incident to the advancement of civilization and the multiplication of credit facilities to supersede the use of coin, there could have been any considerable appreciation in the value of the metal.

With these facts in view and rightly understood, that any well-informed person can believe that the volume of the world's money has been so curtailed as to have produced the results which have so signally marked the last quarter of a century presents an intellectual paradox inexplicable, it seems to me, except upon the hypothesis that the human mind is like the pupil of the eye—the more light you throw on it the more it contracts.

Then, to sum up the argument as far as I have gone, there is no evidence sufficient to establish the contention that the demonetization or disuse of silver was the effective cause of its decline in price. That the anti-silver legislation and diminished use of silver for monetary purposes may have accelerated the downward movement of that metal no one disputes, though it would be quite impossible to determine the extent of that influence; but that they had any agency in giving original direction to the movement is incapable of demonstration and is contradicted by all the facts of the case as well as by the consideration, which is never to be overlooked, that there are obvious ordinary and natural reasons for all the phenomena connected with the movement of silver, without resorting to extraordinary and strained theories to account for them. I am convinced that the strongest reason and the weightiest authorities sustain the contention that the cause we are seeking is on the side of commodities rather than on the side of money, though there is such a contrariety of opinion among well-informed students of our economic history as to dispel all hope of reaching a conclusion on which all can rest with satisfaction.

Perhaps no better equipped mind has ever grappled with the vexatious subject than that of Dr. W. Lexis, of the University of Göttingen, who was a member of the Berlin Silver Commission of 1894. His mastery of the facts, the soundness of his reasoning, and the validity of his conclusions appeal to me with irresistible force, and I will conclude this part of my argument with a brief statement of his conclusions extracted from a paper read by him before the Pesth Agricultural Congress in 1896, and reproduced in the last report on the Production of Gold and Silver in the United States:

(1) *The depreciation of silver.*—Its cause lies, on the one hand, in the enormous increase of the production of that metal, and on the other in the national psychologic fact—a very real and universal one that makes itself felt everywhere—that, in the present state of economic development, the countries most advanced in civilization, especially France, consider silver a less fit medium of circulation than gold. There was no real demonetization of silver before November 1, 1893, when the Sherman Act was repealed in the United States, for in the twenty years preceding that date there was more silver coined or used as a covering for notes than ever before in a period of equal length.

(2) *The appreciation of gold.*—The supply and the production of gold has doubled within the last ten years, while the demand for and employment of it in wholesale trade has been more and more decreased by the clearing-house system. The great central banks have a gold stock larger than was ever before believed possible; the rate of discount in recent years has been so low as to point to anything rather than to a scarcity of gold. Although the production of gold has been vastly increased, the steady fall of the price of commodities has not been arrested thereby. This fact is the best refutation that can be given of the bimetallic contention that there is a connection between the quantity of gold and the height of prices. The change of the ratio of the value between the two metals can therefore have been caused solely by the fall in the value of silver, and not at all by the rise in the intrinsic value of gold.

(3) *The price of wheat.*—As there has been no scarcity of and no rise in the value of gold, neither the scarcity nor the appreciation of that metal can account for the decline of prices. The fall of prices of the various kinds of commodities has not been uniform, and hence must have been produced by very different causes; but the gold standard is not one of those causes.

If the United States were so unwise as to introduce the free coinage of silver, independently of all other nations, it would go through such frightful and deterrent experiences that all other States would probably entirely lose the inclination to engage in similar international experiments.

To this I will add the conclusions of the Hon. R. E. Preston, Director of the Mint, in his last Report on the Production of Gold and Silver. He says in substance:

A sufficient cause of the decline of silver since 1873 is the enormous increase in its annual production. Contributing causes are the demonetization of silver by Germany, Norway, Sweden, Denmark, and Roumania and the suspension of its coinage into full legal-tender coins on private account by almost every civilized government. The latter, however, or the contributory causes, do not of themselves account for the rapid and continuous depreciation of the metal because the aggregate of actually demonetized silver by all nations did not equal the silver product of any single year since 1893, and because there has been incomparably more silver coined since 1873 than in any period of equal length prior to that date.

Now I invite the attention of the committee to another proposition. I want to disillusion the minds of as many good people as I can reach who have become inoculated with the idea that the United States had a conspicuous agency in bringing about the downfall of silver and ought at once to engage in the task of its restoration. In the interest of historic truth, I want to find out what dimensions the demonetization of silver had in reality in our own country prior to 1893. The mind of the average American citizen is not suffering either from the feebleness of childhood or the decrepitude of age; it is neither in the cradle nor on crutches; and there is no reason why we should make shadows on the wall with our hands and then take fright at the horrid pictures. I want to vindicate my country against the aspersion cast upon her by her own citizens, that she is responsible by reason of her legislation for the demonetization of silver, the fall in prices, and the general monetary dislocation of a few years ago. With a knowledge of the facts none but the untutored mind can fail to see that she is free from delinquency on this score and has fairly earned the credit the world has given her for her heroic efforts to uphold silver against the force of economic gravity augmented slightly by the action of European countries.

The most harmless and inconsequential of all the acts in the checkered history of silver in the last third of a century was our famous act of 1873, miscalled "A demonetization act." It had no more effect upon the silver situation in its world aspects than would have had an act to forbid the coinage of aluminum, for there were no silver dollars to speak of in circulation and scarcely any had been coined for a quarter of a century, for the very sufficient reason that silver was worth more in bullion than in coined dollars and could not be coined without a loss.

This being the case, we are without responsibility for any of the consequences which have befallen silver; and as we were unable, with the herculean exertions we made, to as much as retard the fall of silver, much less arrest it, even in the beginning of its downward movement, it requires a hardy and daring adventurer to volunteer the services of this country alone to lift silver from its present low estate to the height from which it fell. With a knowledge of the facts you can not fail to believe with me that our country is free from delinquency on this score and has fairly earned all the credit the world gives her for her heroic efforts to sustain silver as a money metal.

What actually occurred in 1873 was to drop the silver dollar from our coinage. It is difficult to see how a circulation could be impaired by excluding from it a coin that had not been in use for many years. Prof. Simon Newcomb wrote in 1879:

It is probably safe to assert that one-half of the citizens of our country born since 1840 have never seen a silver dollar. But if it had been a current coin in 1873, as the gold dollar was in 1891, to drop it from the coinage was in no real sense a demonetization of silver more than was the dropping of the gold dollar in 1891 a demonetization of gold, looking at these two similar acts of legislation dropping two coins from our system, one because it was too small and the other because it was too large. Apart from all else, it does not appear to one of medium faculty that one was in any real sense more effective than the other in causing the demonetization of the respective metals.

But for the act of 1853, which effected demonetization to a much larger extent than that of 1873, there would have been a very small fraction of our silver money in any way disturbed. From 1853 to 1873 we purchased and coined $62,723,695 of demonetized silver; that is, silver money not of ultimate redemption.

The following is a statement of the several denominations of silver coined in that period:

Silver dollars coined from 1792 to 1853	$2,505,886
Half dollars coined from 1792 to 1853	66,321,636
Quarter dollars coined from 1792 to 1853	3,964,125
Dimes coined from 1792 to 1853	3,902,213
Half dimes coined from 1792 to 1853	1,824,623

All of this silver, except the dollars, was demonetized in 1853; that is, $76,012,597 was demonetized, leaving only $2,505,886 retaining the full legal-tender quality, which all the silver possessed prior to 1853.

In the period from 1853 to 1873 we coined under free coinage 5,524,350 silver dollars, and during the same period we coined $611,810,808 of gold. To say that the two metals entered the mints during those twenty years arm in arm suggests the picture of an infant arm in arm with a California giant.

But this is not the full strength of the argument; that requires a view of the total coinage of denominations under a dollar from 1792 to 1893, and here it is:

Total silver coinage under the dollar from 1792 to 1893.

Half dollars	$128,391,220
Quarters	45,949,731
Twenty-cent pieces	271,000
Dimes	28,405,071
Half dimes	4,880,219
Total	207,897,231

This entire sum was demonetized by the act of 1853 and made token money, while the total amount of dollars coined from 1792 to 1873, which it is claimed was demonetized by the act of 1873, was a little over $8,000,000.

After the alleged act of demonetizing we began the policy of monetizing silver, and continued doing so from 1878 to 1893 at a more rapid rate than was ever known before in the history of the world. We purchased for monetary uses about 500,000,000 ounces (496,984,889) of fine silver at a cost of over $500,000,000 ($508,933,975), and coined about 420,000,000 silver legal-tender dollars—more than fifty times as many silver dollars coined in fifteen years

after demonetization as in the eighty prior years. Is it not, therefor, as clear as demonstration itself that no other nation ever made such heroic exertions to uphold any form of money as the United States made for twenty years to maintain the honor and value of silver? Not only our own but the lips of other countries have generously praised our long-continued and persevering struggle to hold up the arms of the white metal. Mr. Montefiore Levi, the distinguished Belgian financier, who presided over the Brussels Monetary Conference, alluded in the kindest terms to the efforts we had made to avert the fall of silver. Bertram Currie, one of the delegates to the Brussels conference from Great Britain, said:

We have witnessed the heroic labors of the United States to sustain silver.

Sir Rivers Wilson, another delegate from Great Britain, said:

It is doubtful whether the United States can possibly continue indefinitely the gigantic efforts which it has made without effect for so many years to maintain and to raise the price of silver.

Dr. E. B. Andrews, one of our own delegates, in reply to an intimation that the United States was to blame for the monetary situation, aptly said:

To make such a charge is like indicting for murder a man who has bravely tried to save his fellow bent upon committing suicide. But we can not carry this fraternal effort much further. We shall not forever pursue alone the task of sustaining the price of silver.

Mr. Boissevain, a delegate from the Netherlands, said:

It seems to me unjust and contrary to historical facts to lay the burden of responsibility for the present situation upon the United States.

Senator JONES, another of our delegates, said to the conference:

The fact is, the price of silver has been maintained by the aid of the United States. It has the same value to-day it had when it had unrestricted access to the mints. Its purchasing power, its control over commodities, has not declined.

These are testimonies which effectually repel the imputation that the United States has been delinquent in not making proper exertions to uphold the price of silver, and they are all borne out by the figures I have already produced showing the enormous increase in the use of silver in the United States since the passage of the act of 1873.

Does it not appear, then, to right-minded men that so far as the United States is concerned in responsibility for the demonetization of silver and the monetary disturbances of the past years on account of the fall in silver, it is a monstrous kilabaroo?

A friend of mine tells a story more suitable as an illustration in this connection than anything I can recall from history, fiction, or fable. A wag carried about a queer looking box to scare people with. He pretended there was a terrible animal in it that would eat people alive. He had it in New York on one occasion. The beholders asked him what it was. "A kilabaroo," he replied. "Where did it come from?" "It came from Africa." "What is its color?" "Green as jealousy." "What does it live on?" "It lives on snakes." "Where do you get the snakes." "I get them from my brother-in-law here in New York." "Where does he get them?" "Well, he gets them out of his imagination when he has delirium tremens." "Oh, then they are imaginary snakes?" "Oh, yes; it is an imaginary kilabaroo. There is nothing in the box, but it scares a great many people."

The SPEAKER. The question is on the adoption of the conference report.

Mr. OVERSTREET. On that question, Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Those in favor of the adoption of the report will, when their names are called, vote "aye," and those opposed will vote "no." The House will please be in order so that the responses may be heard by the Clerk. All gentlemen will take their seats and cease conversation. The Clerk will call the roll.

The question was taken; and there were—yeas 166, nays 120, answered "present" 10, not voting 54; as follows:

YEAS—166.

Acheson,	Burton,	Driscoll,	Hedge,
Adams,	Butler,	Eddy,	Henry, Conn.
Aldrich,	Calderhead,	Esch,	Hepburn,
Alexander,	Cannon,	Faris,	Hill,
Allen, Me.	Clarke, N. H.	Fitzgerald, N. Y.	Hoffecker,
Babcock,	Clayton, N. Y.	Fletcher,	Howell,
Bailey, Kans.	Cochrane, N. Y.	Foss,	Hull,
Baker,	Connell,	Fowler,	Jack,
Barham,	Corliss,	Freer,	Jenkins,
Barney,	Cousins,	Gamble,	Jones, Wash.
Bartholdt,	Crump,	Gardner, Mich.	Joy,
Bingham,	Crumpacker,	Gardner, N. J.	Kahn,
Bishop,	Curtis,	Gill,	Kerr,
Boutell, Ill.	Dahle, Wis.	Gillet, N. Y.	Ketcham,
Bowersock,	Dalzell,	Gillett, Mass.	Knox,
Brick,	Davenport, S. A.	Graff,	Lacey,
Bromwell,	Davidson,	Graham,	Landis,
Brosius,	Dayton,	Grout,	Lane,
Brown,	Denny,	Grow,	Lawrence,
Bull,	Dick,	Hamilton,	Levy,
Burke, S. Dak.	Dolliver,	Haugen,	Linney,
Burkett,	Dovener,	Hawley,	Littauer,
Burleigh,	Driggs,	Heatwole,	Littlefield,
Long,	Morgan,	Ruppert,	Thayer,
Lorimer,	Mudd,	Russell,	Thropp,
Loudenslager,	Needham,	Scudder,	Tompkins,
Lovering,	O'Grady,	Shattuc,	Tongue,
Lybrand,	Otjen,	Shelden,	Underhill,
McAleer,	Overstreet,	Sherman,	Vreeland,
McCleary,	Packer, Pa.	Showalter,	Wadsworth,
McPherson,	Parker, N. J.	Smith, H. C.	Wanger,
Mahon,	Payne,	Smith, S. W.	Warner,
Mann,	Pearce, Mo.	Smith, Wm. Alden	Waters,
Marsh,	Pearre,	Spalding,	Watson,
Mercer,	Phillips,	Sperry,	Weaver,
Mesick,	Powers,	Sprague,	Weeks,
Metcalf,	Prince,	Stevens, Minn.	White,
Miller,	Pugh,	Stewart, N. J.	Wilson, N. Y.
Minor,	Ray,	Stewart, N. Y.	Wise,
Mondell,	Reeder,	Stewart, Wis.	Young.
Moody, Mass.	Reeves,	Sulloway,	
Moody, Oreg.	Rodenberg,	Tawney,	

NAYS—120.

Adamson,	Davenport, S. W.	Lewis,	Ryan, N. Y.
Allen, Ky.	De Armond,	Little,	Ryan, Pa.
Allen, Miss.	De Graffenreid,	Livingston,	Salmon,
Atwater,	De Vries,	Lloyd,	Shafroth,
Bailey, Tex.	Dinsmore,	McClellan,	Sheppard,
Ball,	Dougherty,	McCulloch,	Sims,
Bankhead,	Elliott,	McDowell,	Slayden,
Barber,	Finley,	McRae,	Smith, Ky.
Bartlett,	Fitzgerald, Mass.	Maddox,	Snodgrass,
Bell,	Fleming,	May,	Sparkman,
Bellamy,	Foster,	Meekison,	Stark,
Benton,	Gaston,	Meyer, La.	Stephens, Tex.
Berry,	Gilbert,	Moon,	Stokes,
Brenner,	Glynn,	Muller,	Sulzer,
Brewer,	Green, Pa.	Naphen,	Sutherland,
Brundidge,	Griggs,	Neville,	Swanson,
Burleson,	Hay,	Noonan,	Talbert,
Burnett,	Henry, Miss.	Norton, S. C.	Taylor, Ala.
Caldwell,	Henry, Tex.	Otey,	Terry,
Campbell,	Howard,	Pierce, Tenn.	Thomas, N. C.
Catchings,	Jett,	Polk,	Turner,
Chanler,	Johnston,	Quarles,	Underwood,
Clark, Mo.	Kitchin,	Ransdell,	Vandiver,
Clayton, Ala.	Kleberg,	Rhea, Ky.	Wheeler, Ky.
Cochran, Mo.	Kluttz,	Rhea, Va.	Williams, J. R.
Cooney,	Lamb,	Richardson,	Williams, Miss.
Cowherd,	Lanham,	Rixey,	Wilson, Idaho
Cox,	Latimer,	Robb,	Wilson, S. C.
Crawford,	Lentz,	Robinson, Nebr.	Zenor,
Daly, N. J.	Lester,	Rucker,	Ziegler.

ANSWERED "PRESENT"—10.

Boreing,	Olmsted,	Small,	Wright.
Griffith,	Roberts,	Steele,	
Hemenway,	Sibley,	Van Voorhis,	

NOT VOTING—54.

Boutelle, Me.	Cusack,	Hall,	Robinson, Ind.
Bradley,	Cushman,	Hitt,	Shackleford,
Brantley,	Davey,	Hopkins,	Smith, Ill.
Breazeale,	Davis,	Jones, Va.	Southard,
Broussard,	Emerson,	Loud,	Spight,
Brownlow,	Fitzpatrick,	McCall,	Stallings,
Burke, Tex.	Fordney,	McLain,	Tate,
Capron,	Fox,	Miers, Ind.	Tayler, Ohio
Carmack,	Gaines,	Morris,	Thomas, Iowa
Cooper, Tex.	Gayle,	Newlands,	Wachter,
Cooper, Wis.	Gibson,	Norton, Ohio	Weymouth,
Cromer,	Gordon,	Ridgely,	Williams, W. E.
Crowley,	Greene, Mass.	Riordan,	
Cummings,	Grosvenor,	Robertson, La.	

So the report of the committee of conference was adopted.

Mr. OLMSTED. I wish to inquire whether the gentleman from Illinois, Mr. WILLIAM E. WILLIAMS, voted on this question?

The SPEAKER. He has not voted.

Mr. OLMSTED. Then I desire to withdraw my vote, which was cast in the affirmative, and to be recorded as "present," as I am paired with him.

Mr. BARTLETT. I desire to say that my colleague, Mr. BRANTLEY, is confined to his room by sickness. If he were present, he would vote "no."

Mr. HEMENWAY. I wish to inquire whether my colleague from Indiana, Mr. MIERS, voted?

The SPEAKER. He did not.

Mr. HEMENWAY. I have a pair with him, and therefore desire to withdraw my vote. If he were present, I should vote in the affirmative.

Mr. MCCALL. I am paired with the gentleman from Tennessee, Mr. GAINES. If he were present, I should vote "aye."

Mr. VAN VOORHIS. My colleague, Mr. GROSVENOR, is confined to his room by sickness. If he were present, he would vote "aye." I wish to say also that I have a general pair with my colleague, Mr. GORDON, who expected to be here to-day; and I ask that my vote be withdrawn. I voted in the affirmative.

Mr. GRIFFITH. Mr. Speaker, I am opposed to this bill, and on the roll call voted "no;" but I am now reminded that I am paired with my colleague, Mr. CROMER. I desire, therefore, to withdraw my vote and be recorded "present."

Mr. HENRY of Mississippi. My colleague, Mr. MCLAIN, is detained at his residence by reason of the very serious illness of his wife. Were he present, he would vote "no." Another of my colleagues, Mr. SPIGHT, is absent on account of sickness. Were he present, he would vote "no."

Mr. FINLEY. Mr. Speaker, the gentleman from Kansas, Mr. RIDGELY, is confined to his bed by sickness. He has requested me to announce that fact and to say that if present he would vote "no."

Mr. TERRY. Mr. Speaker, am I recorded?

The SPEAKER. The gentleman is recorded in the negative.

Mr. TERRY. You will remember this some other day. [Laughter.]

The following pairs were announced:

For this session of Congress:

Mr. WRIGHT with Mr. HALL.

Mr. WANGER with Mr. ADAMSON.

Until further notice:

Mr. GROSVENOR with Mr. ROBINSON of Indiana.

Mr. GREENE of Massachusetts with Mr. DAVEY.

Mr. FORDNEY with Mr. SMALL.

Mr. WEYMOUTH with Mr. BROUSSARD.

Mr. VAN VOORHIS with Mr. GORDON.

Mr. BOREING with Mr. FITZPATRICK.

Mr. CROMER with Mr. GRIFFITH.

Mr. MCCALL with Mr. GAINES.

Mr. GIBSON with Mr. TATE.

Mr. TAYLER of Ohio with Mr. FOX.

Mr. BROWNLOW with Mr. CARMACK.

Mr. SOUTHARD with Mr. NORTON of Ohio.

Mr. HEMENWAY with Mr. MIERS of Indiana.

Mr. STEELE with Mr. ROBERTSON of Louisiana.

Until March 14:

Mr. OLMSTED with Mr. WILLIAM E. WILLIAMS.

Until Tuesday next:

Mr. COOPER of Wisconsin with Mr. JONES of Virginia.

Mr. ROBERTS with Mr. BURKE of Texas.

For this day:

Mr. MORRIS with Mr. COOPER of Texas.

Mr. CUSHMAN with Mr. MCLAIN.

Mr. EMERSON with Mr. RIORDAN.

Mr. WACHTER with Mr. BRANTLEY.

Mr. THOMAS of Iowa with Mr. SHACKLEFORD.

Mr. HOPKINS with Mr. CROWLEY.

Mr. CAPRON with Mr. BREAZEALE.

Mr. BOUTELLE of Maine with Mr. NEWLANDS.

Mr. SMITH of Illinois with Mr. GAYLE.

Mr. HITT with Mr. CUSACK.

Mr. RICHARDSON. My colleagues, Mr. GAINES and Mr. CARMACK, are both detained from the House on important business. If present, they would have voted "no."

Mr. STEELE. I was not aware until this minute that the gentleman from Louisiana, Mr. ROBERTSON, was not cared for in the matter of his pair. I agreed to take care of him during his absence, and therefore wish to withdraw my vote, and to be announced as paired with the gentleman from Louisiana, Mr. ROBERTSON.

The SPEAKER. Without objection, this will be done.

Mr. STEELE. And I change my vote from "aye" to "present."

The result of the vote was announced as above recorded.

The announcement of the result was received with applause on the Republican side.

On motion of Mr. OVERSTREET, a motion to reconsider the last vote was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. MAHON, for ten days, on account of important business.

ENROLLED BILL SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 1. An act to determine and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes.

COMMITTEE RESIGNATIONS AND APPOINTMENTS.

The SPEAKER laid before the House the following communication:

HOUSE OF REPRESENTATIVES,
Washington, March 8, 1900.

SIR: I hereby tender my resignation as a member of the Judiciary Committee.

Respectfully,

O. W. UNDERWOOD.

Hon. DAVID B. HENDERSON,
Speaker of House of Representatives.

The SPEAKER. As many as are in favor of agreeing to this request will say "aye;" those opposed, "no."

The resignation was accepted.

The SPEAKER also laid before the House the following communication:

HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., March 13, 1900.

Mr. SPEAKER: I hereby resign from the Committee on Insular Affairs.

Respectfully,

HENRY D. CLAYTON.

The question being taken on accepting the resignation, it was accepted.

The SPEAKER announced the following committee appointments:

To the Committee on Insular Affairs, Mr. WILLIS BREWER of Alabama.

To the Committee on the Judiciary, Mr. HENRY D. CLAYTON of Alabama.

To the Committee on Militia, Mr. R. K. POLK of Pennsylvania.

CHANGE OF REFERENCE.

The SPEAKER. In the absence of objection, the reference of the bill S. 207, which has been before the Committee on Invalid Pensions, will be changed to the Committee on Pensions.

There was no objection.

EULOGIES ON THE LATE SENATOR-ELECT HAYWARD.

Mr. BURKETT. Mr. Speaker, I ask unanimous consent that next Saturday, after 1 o'clock, be set apart for eulogies upon the late Senator-elect HAYWARD, of Nebraska.

The SPEAKER. The gentleman from Nebraska asks unanimous consent of the House that next Saturday, after the hour of 1 o'clock, be set apart for eulogies on the life, death, and character of the late Senator-elect HAYWARD. Is there objection?

There was no objection.

PRINTING OF REPORT ON CAPE NOME DISTRICT, ALASKA.

Mr. HEATWOLE. Mr. Speaker, I am directed by the Committee on Printing to ask for the present consideration of Senate concurrent resolution No. 25.

The SPEAKER. The gentleman from Minnesota, chairman of the Committee on Printing, offers the following privileged report for immediate consideration.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 12,500 extra copies of the report of the Director of the Geological Survey submitted to the Secretary of the Interior, relating to the Cape Nome district, in Alaska, with maps accompanying the same, 2,500 copies for the use of the Senate, 5,000 copies for the use of the House of Representatives, and 5,000 copies for distribution by the Geological Survey.

Mr. CANNON. Mr. Speaker, I ask the gentleman from Minnesota to yield to allow me to offer a substitute for that resolution.

The SPEAKER. Does the gentleman from Minnesota yield for the purpose of allowing the gentleman from Illinois to offer an amendment?

Mr. HEATWOLE. I do.

The SPEAKER. The gentleman from Illinois offers the following amendment.

Mr. RICHARDSON. What is the amendment offered by the gentleman?

Mr. CANNON. It is in the shape of a substitute.

The SPEAKER. It is about to be reported.

Mr. RICHARDSON. Is it an amendment to this proposition?

Mr. CANNON. Yes.

Mr. RICHARDSON. Mr. Speaker, while I am not opposing this proposition, I want to make the point of order that it is not a privileged matter.

Mr. STEELE. Unanimous consent is asked.

Mr. RICHARDSON. I do not object to granting unanimous consent, but I do object to its being considered privileged.

Mr. HEATWOLE. I suggest that I asked unanimous consent.

Mr. RICHARDSON. I simply want to prevent the making of a precedent that this is privileged.

The SPEAKER. The gentleman from Tennessee is correct. The gentleman from Minnesota asks unanimous consent for the present consideration of the concurrent Senate resolution. Is there objection?

There was no objection.

The SPEAKER. The gent'eman from Illinois offers an amendment, which will now be reported by the Clerk.

The Clerk read as follows:

Amend the resolution so that it will read as follows:

"*Resolved by the Senate (the House of Representatives concurring)*, That there be printed 25,000 extra copies of the report of the Director of the Geological Survey submitted to the Secretary of the Interior relating to the Cape Nome district, in Alaska, with maps accompanying the same, 5,000 copies for the use of the Senate, 10,000 copies for the use of the House of Representatives, and 10,000 copies for distribution by the Geological Survey."

Mr. CANNON. It simply doubles the number.

Mr. HEATWOLE. I will accept that amendment.

The amendment was agreed to.

The resolution as amended was agreed to.

On motion of Mr. HEATWOLE, a motion to reconsider the last vote was laid on the table.

REPRINT OF A BILL.

Mr. FITZGERALD of Massachusetts. Mr. Speaker, I ask unanimous consent for a reprint of the bill H. R. 8782, a bill amending the acts creating the office and defining the duties of the superintendent of the harbor of New York.

The SPEAKER. The gentleman from Massachusetts asks for a reprint of the bill H. R. 8782. Is there a report with it?

Mr. FITZGERALD of Massachusetts. I believe not.

Mr. STEELE. What is the bill?

Mr. FITZGERALD of Massachusetts. The bill gives certain powers to the superintendent of New York Harbor, and inasmuch as it involves interests in other parts of the country, and as it affects the method of towing in New York Harbor, all parts of the Atlantic coast are interested. I have had a great many requests from Boston for copies of the bill. The Boston merchants tow barges and vessels around from Boston to New York, and there is a question about the length of the tows and as to whether the regulations regarding the same shall be intrusted to the superintendent of New York Harbor. Speaking for myself and the interests of Boston, I will oppose this bill. A hearing is to be had before the Committee on the Merchant Marine and Fisheries on this matter Thursday morning. I am a member of that committee, and we wish to have copies of the bill before us. This is a most important matter, and additional copies of the bill should be printed at once.

Mr. STEELE. I am very glad to favor anything that will give Boston any information which she seems to desire.

The SPEAKER. The Chair did not understand the remark of the gentleman from Indiana.

Mr. STEELE. I think this is a wise provision, and I do not object.

The SPEAKER. Is there objection?

There was no objection.

CONSIDERATION OF PRIVATE BILLS.

Mr. GRAFF. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the present consideration of a resolution which the Clerk will report.

The Clerk read as follows:

Resolved, That during the remainder of this Congress, after the approval of the Journal, the first Friday of each month shall be set apart for the consideration of private bills from the Committee on War Claims, and the third Friday shall be set apart for consideration of private bills from the Committee on Claims.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. GRAFF. I desire to say in explanation of the resolution——

Mr. PAYNE. Does that resolution change the rule so that appropriation bills can not be considered on those days?

The SPEAKER. This would not cut off the right of way that appropriation bills have under the rule.

Mr. LACEY. I should like to call attention to one defect in that resolution which perhaps can be remedied.

Mr. PAYNE. I see the language of the resolution sets these days apart.

Mr. MAHON. Well, we are entitled to those two days anyway.

Mr. PAYNE. I do not propose to have an iron-clad rule which will prevent the consideration of appropriation bills. I notice that the language of the resolution is that those days be "set apart." It is the same language that is used in the making of special orders.

The SPEAKER. The Chair is clear, however, that that would not interfere with the right of way so far as appropriation bills are concerned.

Mr. LACEY. The second and fourth Fridays are now set apart for pension bills. The other two Fridays are to be set apart for these two committees. I should like to ask what becomes of the other private bills? The Fridays will be all gone, and there are a great many other private bills that come from other committees.

Mr. SHERMAN. There is another Friday in the month, once in a while. [Laughter.]

Mr. LACEY. If there is to be provision for the consideration of other private bills, I shall not object.

The SPEAKER. Is there objection?

There was no objection.

Mr. LACEY. I should like to see an amendment of the kind which I suggest.

The SPEAKER. The gentleman from Iowa.

Mr. LACEY. Provided that this shall not interfere with the bringing up of other private bills on any Friday.

Mr. MAHON. Bring them up on any Friday.

Mr. LACEY. Provided that this order shall not prevent the bringing up of other private bills upon the Private Calendar on the first and third Fridays.

The SPEAKER. The gentleman from Iowa offers the following amendment, which the Clerk will report.

Mr. LACEY. I will state that there are some bills from the Committee on Public Lands, and some private bills from other committees—the Military and Naval Committees.

The Clerk read as follows:

Provided, That this order shall not prevent the consideration of other bills on the Private Calendar on said days when reached.

Mr. GRAFF. I have no objection to that.

The SPEAKER. The Chair would suggest to the gentleman from Iowa that there might be private pension bills that it would interfere with on that day.

Mr. LACEY. Not to interfere with private pension bills or bills to remove the charge of desertion.

Mr. RICHARDSON. Mr. Speaker, I would like to make an inquiry. I could not hear all that was said. I would like to inquire what becomes of the fifth Friday of the month. We have disposed of the first and third, and the second and fourth. Now, in a month that has five Fridays, what are we going to do with that Friday?

Mr. PAYNE. We would leave that as it is now—divided between two or three committees.

Mr. RICHARDSON. I think we are drawing this resolution rather hastily, and I suggest, after what has been said, that it lie over until to-morrow morning, and gentlemen can draw the resolution as they think necessary. I merely make this as a suggestion.

The SPEAKER. The gentleman from Tennessee asks that this resolution lie over until morning. Is there objection? [After a pause.] The Chair hears none.

Mr. RICHARDSON. They ought to keep that Friday for claims.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 12 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for improving military reservation at Fort St. Philip, La.—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Acting Secretary of War, transmitting papers relating to the account of the Chicago, Rock Island and Pacific Railway Company for transporting supplies to Indian prisoners—to the Committee on Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 1212) to authorize the Secretary of War to cause to be investigated and to provide for the payment of all claims presented on behalf of churches, schools, libraries, hospitals, and establishments conducted for the benefit of churches, or for charitable purposes, arising from the occupation and use of the buildings, grounds, and other property of various kinds occupied, used, taken away, injured, consumed, or destroyed by the United States or its Army during the civil war, or for its benefit in any way, reported the same with amendment, accompanied by a report (No. 597); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHACKLEFORD, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 2279) declaring Cuivre River to be not a navigable stream, reported the same without amendment, accompanied by a report (No. 599); which said bill and report were referred to the House Calendar.

Mr. HULL, from the Committee on Military Affairs, to which was referred the joint resolution of the House (H. J. Res. 163) to provide for the erection of barracks and quarters for artillery in

connection with the project adopted for seacoast defense, reported the same without amendment, accompanied by a report (No. 605); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BROWNLOW, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 3363) to establish a national military park at the battlefield of Stones River, reported the same with amendment, accompanied by a report (No. 606); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HAWLEY, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 7669) authorizing and directing the Secretary of the Treasury to move the life-saving station at Sabine Pass, Tex., from its present location, reported the same without amendment, accompanied by a report (No. 610); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. McPHERSON, from the Committee on the Post-Office and Post-Roads, to which was referred the resolution of the House (H. Res. 35) giving power to the Committee on the Post-Office and Post-Roads to send for persons and papers and examine witnesses in relation to Federal appointees John C. Graham and Orson Smith, postmasters, respectively, at Provo City, Utah, and Logan, Utah, submitted a report (No. 611); which said report was referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 9420) for the relief of the estate of Maj. Gen. Henry W. Lawton, reported the same without amendment, accompanied by a report (No. 589); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1934) for the relief of the Globe Works, of Boston, Mass., reported the same without amendment, accompanied by a report (No. 590); which said bill and report were referred to the Private Calendar.

Mr. SOUTHARD, from the Committee on Claims, to which was referred the bill of the Senate (S. 392) to pay the General Marine Insurance Company of Dresden the sum of $1,434.12 for certain coupons detached from United State bonds, which said coupons were lost on the Cunard steamship *Oregon*, sunk at sea March 14, 1886, reported the same without amendment, accompanied by a report (No. 591); which said bill and report were referred to the Private Calendar.

Mr. OTEY, from the Committee on Claims, to which was referred the bill of the House (H. R. 568) for the relief of W. T. Fitzpatrick, Bedford City, Va., reported the same without amendment, accompanied by a report (No. 592); which said bill and report were referred to the Private Calendar.

Mr. ROBB, from the Committee on Claims, to which was referred the bill of the House (H. R. 4453) for the relief of Miss Eliza A. White, reported the same without amendment, accompanied by a report (No. 593); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 3274) for the relief of Julius E. Mugge, of San Antonio, Tex., reported the same with amendment, accompanied by a report (No. 594); which said bill and report were referred to the Private Calendar.

Mr. OTEY, from the Committee on Claims, to which was referred the bill of the House (H. R. 6204) for the relief of Olivia M. Clifford, reported the same without amendment, accompanied by a report (No. 595); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on War Claims, to which was referred House bill 8887, reported in lieu thereof a bill (H. R. 9506) to amend the act entitled "An act to provide for the settlement of the claims of officers and enlisted men of the Army for losses of private property destroyed in the military service of the United States," approved March 3, 1885, accompanied by a report (No. 598); which said bill and report were referred to the Private Calendar.

Mr. BAILEY of Kansas, from the Committee on Claims, to which was referred the bill of the Senate (S. 76) for the relief of the University of Kansas, reported the same without amendment, accompanied by a report (No. 600); which said bill and report were referred to the Private Calendar.

Mr. SPALDING, from the Committee on War Claims, to which was referred the bill of the Senate (S. 426) for the relief of Ezra S. Havens, reported the same without amendment, accompanied by a report (No. 601); which said bill and report were referred to the Private Calendar.

Mr. HENRY of Mississippi, from the Committee on War Claims, to which was referred the bill of the House H. R. 2010, reported in lieu thereof a resolution (H. Res. 177) for the relief of Mrs. C. N. Graves, accompanied by a report (No. 602); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 422) for the relief of George A. Orr, reported the same without amendment, accompanied by a report (No. 603); which said bill and report were referred to the Private Calendar.

Mr. MONDELL, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 195) for the relief of Louis Miller, reported the same without amendment, accompanied by a report (No. 607); which said bill and report were referred to the Private Calendar.

Mr. HULL, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 1938) to place Henry Biederbick, Julius R. Frederick, Francis Long, and Maurice Connell on the retired list of enlisted men of the Army, reported the same without amendment, accompanied by a report (No. 608); which said bill and report were referred to the Private Calendar.

Mr. ESCH, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 6344) to remove the charges of desertion from the records of the War Department against Frederick Mehring, reported the same with amendment, accompanied by a report (No. 609); which said bill and report were referred to the Private Calendar.

Mr. MARSH, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 427) for the relief of A. F. Fleet, superintendent of the Missouri Military Academy, Mexico, Mo., reported the same without amendment, accompanied by a report (No. 612); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. BRENNER, from the Committee on Claims, to which was referred the bill of the House (H. R. 8611) for the relief of Joseph S. Gillon, reported the same adversely, accompanied by a report (No. 596); which said bill and report were ordered to lie on the table.

Mr. SPALDING, from the Committee on War Claims, to which was referred the bill of the House (H. R. 6067) to pay certain employees of the United States Government, during the civil war, wages illegally withheld from them, reported the same adversely, accompanied by a report (No. 604); which said bill and report were ordered to lie on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 7579) for the relief of John Holbrooks, of Connellsville, Perry County, Ky.—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 9066) granting a pension to Margaret Bapst—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. GIBSON, from the Committee on War Claims: A bill (H. R. 9506) to amend the act entitled "An act to provide for the settlement of the claims of officers and enlisted men of the Army for loss of private property destroyed in the military service of the United States," approved March 3, 1885—to the Private Calendar.

By Mr. ALDRICH: A bill (H. R. 9507) to amend section 4711 of the Revised Statutes by adding a proviso—to the Committee on Invalid Pensions.

By Mr. RAY of New York: A bill (H. R. 9508) to increase the grade and pay of officers of the Navy on the retired list prior to March 3, 1899—to the Committee on Naval Affairs.

Also, a bill (H. R. 9509) to control corporations and associations organized or conducting business for the purpose of controlling or monopolizing manufacturing and trade, and increasing

the cost to the consumer of articles of general use—to the Committee on the Judiciary.

By Mr. MARSH: A bill (H. R. 9510) to amend section 1 of the act of Congress approved February 12, 1887, entitled "An act to amend section 1661 of the Revised Statutes, making an annual appropriation to provide arms and equipments for the militia"—to the Committee on Militia.

By Mr. BINGHAM: A bill (H. R. 9511) to amend the act approved March 2, 1867, and sections 4756 and 4757 of the Revised Statutes of the United States, so as to confer the benefits thereof upon clerks to pay officers of the Navy—to the Committee on Naval Affairs.

By Mr. WISE: A bill (H. R. 9547) providing for the retirement of wagon masters—to the Committee on Military Affairs.

By Mr. JENKINS: A bill (H. R. 9548) to amend sections 8 and 15 of chapter 90 of the laws of the Forty-fourth Congress, first session, approved May 3, 1876, entitled "An act revising and amending the various acts establishing and relating to the Reform School in the District of Columbia"—to the Committee on the District of Columbia.

Also, a bill (H. R. 9549) amending an act approved July 9, 1888, entitled "An act to incorporate the Reform School for Girls of the District of Columbia"—to the Committee on the District of Columbia.

By Mr. McCLEARY: A bill (H. R. 9558) for the establishment of a national park and cemetery at Fort Ridgely, in the State of Minnesota—to the Committee on Military Affairs.

By Mr. DRIGGS: A concurrent resolution (H. C. Res. 27) relative to the printing of the debates on the adoption of the Federal Constitution, by J. Elliott—to the Committee on Printing.

By Mr. SULZER: A resolution (H. Res. 178) directing the Secretary of State to send to the House of Representatives letters on file in the Department of State from citizens of the United States resident in the South African Republic—to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ATWATER (by request): A bill (H. R. 9512) for the relief of W. Dallas Haywood, of Raleigh, N. C.—to the Committee on War Claims.

By Mr. ACHESON: A bill (H. R. 9513) to correct the military record of Miller Dunaway—to the Committee on Military Affairs.

Also, a bill (H. R. 9514) granting a pension to Charles Forrest—to the Committee on Pensions.

Also, a bill (H. R. 9515) granting an increase of pension to John O'Rourke—to the Committee on Invalid Pensions.

By Mr. BELLAMY: A bill (H. R. 9516) for the relief of Eli Smith, of Richmond County, N. C.—to the Committee on War Claims.

By Mr. BURNETT: A bill (H. R. 9517) granting a pension to John W. O'Kelley, of Company C, Sixteenth Kentucky Volunteer Cavalry—to the Committee on Invalid Pensions.

By Mr. BOWERSOCK: A bill (H. R. 9518) granting an increase of pension to Allen A. Cameron—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9519) for the relief of Levi Maxted, of Lawrence, Kans.—to the Committee on Military Affairs.

By Mr. CARMACK: A bill (H. R. 9520) for the relief of Julia Rebecca Holt, of Florence, Ala.—to the Committee on War Claims.

By Mr. CHANLER: A bill (H. R. 9521) granting an increase of pension to Mrs. Martha del'Banco Cunningham—to the Committee of Pensions.

Also, a bill (H. R. 9522) granting a pension to Michael McAndrew—to the Committee on Pensions.

By Mr. DALY of New Jersey: A bill (H. R. 9523) to increase the pension of Lizzie B. Green—to the Committee on Invalid Pensions.

By Mr. FREER: A bill (H. R. 9524) for the relief of John Forbush, late of Company B, Ninth West Virginia Infantry—to the Committee on Military Affairs.

By Mr. GILBERT: A bill (H. R. 9525) for the relief of John H. McBrayer—to the Committee on War Claims.

By Mr. GILLETT of Massachusetts: A bill (H. R. 9526) granting a pension to Mrs. N. Marietta Chapman—to the Committee on Invalid Pensions.

By Mr. GROUT: A bill (H. R. 9527) granting a pension to Samuel F. Aldrich—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: A bill (H. R. 9528) granting an increase of pension to David Beyer—to the Committee on Invalid Pensions.

By Mr. LAMB: A bill (H. R. 9529) for the relief of J. B. Chandler and D. B. Cox, of Virginia—to the Committee on War Claims.

By Mr. MAHON: A bill (H. R. 9530) granting a pension to Christian R. Pisle—to the Committee on Invalid Pensions.

By Mr. NEVILLE: A bill (H. R. 9531) granting an increase of pension to Hiram S. Kingsley—to the Committee on Invalid Pensions.

By Mr. NEEDHAM: A bill (H. R. 9532) to increase the pension of John Williams—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 9533) for the relief of Rowan White, of Garrett County, Md.—to the Committee on War Claims.

By Mr. RIXEY: A bill (H. R. 9534) for the relief of Miss Attie Lewis—to the Committee on Claims.

By Mr. RHEA of Kentucky: A bill (H. R. 9535) granting a pension to John A. London—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9536) to pension Sarah Carter, now Sarah Hastings—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9537) for the relief of T. R. Mason—to the Committee on Claims.

By Mr. SPARKMAN: A bill (H. R. 9538) granting an increase of pension to Bethany Simmons—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9539) granting an increase of pension to Ella V. Coston—to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: A bill (H. R. 9540) granting an increase of pension to Emery Stone—to the Committee on Pensions.

By Mr. SWANSON: A bill (H. R. 9541) for the relief of William A. Brown and Frederick R. Brown and John R. Brown, surviving partner of himself and Frederick R. Brown—to the Committee on the Judiciary.

By Mr. TAYLOR of Alabama: A bill (H. R. 9542) to amend an act granting to the Muscle Shoals Power Company right to erect and construct canal and power station at Muscle Shoals, Alabama—to the Committee on Rivers and Harbors.

By Mr. UNDERHILL: A bill (H. H. 9543) for the relief of George Frey—to the Committee on Military Affairs.

By Mr. WHITE: A bill (H. R. 9544) for the relief of Jesse Flythe, of Northampton County, N. C.—to the Committee on War Claims.

By Mr. ZIEGLER: A bill (H. R. 9545) for the relief of Daniel Thrush, of Shippensburg, Pa.—to the Committee on War Claims.

Also, a bill (H. R. 9546) authorizing and directing the Secretary of the Interior to place the children of Zenas Macomber, a Revolutionary soldier, on the pension list and to grant them a pension—to the Committee on Pensions.

By Mr. BELL: A bill (H. R. 9550) granting a pension to Ellen C. Haines, widow of Charles Haines, late lieutenant, Company F, Third Colorado Cavalry—to the Committee on Invalid Pensions.

By Mr. JONES of Washington: A bill (H. R. 9551) for the relief of James C. Drake—to the Committee on Claims.

By Mr. MANN (by request): A bill (H. R. 9552) to authorize the President to appoint and retire John B. Jeffery with the rank and grade of major—to the Committee on Military Affairs.

By Mr. TOMPKINS: A bill (H. R. 9553) for the relief of Isaac D. Knickerbocker—to the Committee on Military Affairs.

By Mr. WISE: A bill (H. R. 9554) for the relief of Charles Candy—to the Committee on War Claims.

Also, a bill (H. R. 9555) granting an increase of pension to Nicholas Briggeman—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 9556) granting a pension to Mrs. Mary A. Smith, widow of the late Mahlon P. Smith, late of Company I, Third Wisconsin Infantry, and Company C, Third United States Artillery—to the Committee on Invalid Pensions.

By Mr. LLOYD: A bill (H. R. 9557) granting a pension to Henry Hanes, of Millard, Mo.—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of N. Lanning, of Independence, Iowa, against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. ACHESON: Petition of the Erie County Pharmaceutical Association, Pennsylvania, for the repeal of the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

Also, resolution of William F. Temple Post, No. 120, of Washington, Pa., Grand Army of the Republic, in support of House bill No. 7094, entitled "A bill to establish a Branch Soldiers' Home at or near Johnson City, Washington County, Tenn."—to the Committee on Military Affairs.

By Mr. ADAMSON: Petition of Eugene Row, of Lenora, Ga., in opposition to the passage of House bill No. 6071, relating to

second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BAKER: Petition of David Powell and other citizens of Baltimore, Md., against the passage of House bill No. 6071—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Burns Post, No. 13, of Northeast; L. A. C. Gerry Post, No. 72, of Port Deposit, and Wingate Post, No. 9, Grand Army of the Republic, Department of Maryland, in favor of House bill No. 7094, for the establishment of a Branch Soldiers' Home at or near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. BELL: Petitions of the Presbyterian, Christian, Baptist, and Methodist Episcopal churches of Grand Junction, Colo., and citizens of Lupton, Colo., urging the enactment of a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

Also, petitions of R. H. Andrews, of Gunnison; J. W. Wallace, of Hermosa; W. A. Richards, of Landsman, and A. F. Boyle, of Durango, Colo., in relation to the free distribution of blackleg vaccine by the Department of Agriculture—to the Committee on Agriculture.

Also, petitions of J. D. Best & Sons, of Denver, and W. R. Knowles, of Roswell, Colo., to amend the present law in relation to the sale of oleomargarine—to the Committee on Agriculture.

By Mr. BOUTELL of Illinois: Petition of the Political Equality League of Chicago, Ill., in favor of woman suffrage in the constitutions of Hawaii, Cuba, Puerto Rico, and the Philippines—to the Committee on the Territories.

By Mr. BOWERSOCK: Petition of C. M. Ott and others, of Olathe, and D. A. Mackey and others of Welda, Kans, in favor of Senate bill No. 1439, to regulate commerce—to the Commtittee on Interstate and Foreign Commerce.

Also, petitions of Jewell Post, No. 3, of Pleasanton, and Osterhaus Post, No. 485, of Prescott, Grand Army of the Republic, Department of Kansas, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at or near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. BRENNER: Petition of F. W. Miller and others, of Clayton, and Mrs. H. Wiefenbach, of Dayton, Ohio, favoring the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BROSIUS: Petition of Lilie B. Stauffer and others, of Lancaster, Pa., against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Christian Endeavor Society of St. Paul's Reformed Church, of Manheim, Pa., in relation to the government of our insular possessions—to the Committee on Insular Affairs.

By Mr. BURKETT: Petition of Grand Army of the Republic Post No. 165, of Table Rock, Nebr., for the establishment of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. COUSINS: Petition of pensioners in the Iowa Soldiers' Home, for the enactment of a law to direct States to pay over money appropriated by the United States Government for Soldiers' Homes to worthy inmates of said Homes who have families to support—to the Committee on Invalid Pensions.

By Mr. DOLLIVER: Petition of George E. Bailey and 11 citizens of Lehigh, Iowa, for the repeal of the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

Also, petition of Robert H. Nichol, of Forest City, Iowa, against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petitions of Renner Brothers and others, of Grand Junction, and J. P. Sexton and others, of Manning, Iowa, urging the passage of the pure-food and dairy bill—to the Committee on Agriculture.

By Mr. FITZGERALD of Massachusetts: Petition of Mrs. Winthrop Cowdin, chairman of a committee, and others, urging the passage of House bill No. 6879, relating to the employment of graduate women nurses in the hospital service of the United States Army—to the Committee on Military Affairs.

Also, resolutions of a meeting of citizens of Boston, Mass., for the construction of gunboats and cruisers in the Charlestown Navy-Yard—to the Committee on Naval Affairs.

By Mr. FLETCHER: Petition of C. A. Smith Lumber Company and others, of Minneapolis, Minn., for a modification of the river and harbor act of 1899—to the Committee on Rivers and Harbors.

By Mr. GASTON: Petition of James A. Henderson and others, of Greenfield, Pa., to amend the present law in relation to the sale of oleomargarine—to the Committee on Agriculture.

Also, resolutions of Corry Post, No. 70; Lieutenant W. J. Gleason Post, No. 96, and Proudfit Post, No. 416, Grand Army of the Republic, Department of Pennsylvania, in support of House bill No. 7094, entitled "A bill to establish a Branch Soldiers' Home at or near Johnson City, Washington County, Tenn."—to the Committee on Military Affairs.

By Mr. GRAHAM: Resolutions of General Thomas A. Rowley Post, No. 495, Grand Army of the Republic, of Natrona, Pa., in favor of House bill No. 7094, for the establishment of a Branch Soldiers' Home at or near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, resolutions of the National Association of Retail Grocers, Cleveland, Ohio, recommending the passage of House bill No. 4618, for the creation of a department of agriculture and food bureau, and the adoption of section 6 of House bill No. 2561—to the Committee on Agriculture.

By Mr. GROSVENOR: Petition of W. G. Dawson and other citizens of Laurelville, Ohio, for the repeal of the stamp tax on medicines—to the Committee on Ways and Means.

By Mr. GROUT: Resolutions of the Vermont Maple Sugar Makers' Association, Victor I. Spear, president, praying for the passage of a pure-food law for the protection of producers and consumers of pure maple sugar and sirup—to the Committee on Interstate and Foreign Commerce.

Also, testimony in the matter of granting a pension to Samuel F. Aldrich—to the Committee on Invalid Pensions.

By Mr. HENRY of Connecticut: Petition of the Connecticut Magazine Company, against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. JACK: Resolution of Maj. A. J. Bolar Post, No. 533, Grand Army of the Republic, of Homer City, Pa., favoring the establishment of a Branch Soldiers' Home for disabled soldiers at or near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. KETCHAM: Petition of L. R. Traver and others, of Shunpike, N. Y., in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

By Mr. KNOX: Petition of Burbank Post, No. 83, Grand Army of the Republic, of Woburn, Mass., in favor of House bill No. 7094, to establish a Branch Soldiers' Home at or near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. LAMB: Paper to accompany House bill for the relief of J. B. Chandler—to the Committee on War Claims.

By Mr. LATIMER: Petition of W. R. Ilet and others, of Greenwood, S. C., in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. LONG: Resolutions of Stevenson Post, No. 255, of Sedgwick, Kans., Grand Army of the Republic, in support of House bill No. 7094, entitled "A bill to establish a Branch Soldiers' Home at or near Johnson City, Washington County, Tenn."—to the Committee on Military Affairs.

Also, petition of W. H. Nott, of Syracuse, Kans., relating to the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. McCLEARY: Protests of H. M. Langland, F. E. Parsons, and other citizens of Marshall, Minn., against the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of Andrew J. Eckstein and other retail druggists of New Ulm, Minn., for the repeal of the stamp tax on medicines, etc.—to the Committee on Ways and Means.

By Mr. MAHON: Paper to accompany House bill for the relief of R. Pisle—to the Committee on Invalid Pensions.

By Mr. MERCER: Resolutions of the Commercial Club of Hastings, Nebr., and Local Union No. 57, International Brotherhood of Bookbinders, Omaha, Nebr., favoring the retaining of the public lands for the benefit of the whole people and for homestead settlers, and in favor of reclaiming the arid lands by irrigation inaugurated by the General Government—to the Committee on the Public Lands.

Also, petition of W. H. Clemmons, of Fremont, Nebr., against the passage of House bill No. 6071—to the Committee on the Post-Office and Post-Roads.

By Mr. MILLER: Petitions of Thomas Doan Post, No. 314; Gen. Francis Marion Post, No. 202; Virgil Post, No. 277, and Barnhill Post, No. 274, Grand Army of the Republic, Department of Kansas, in support of House bill No. 7094, entitled "A bill to establish a Branch Soldiers' Home at or near Johnson City, Washington County, Tenn."—to the Committee on Military Affairs.

By Mr. MOODY of Massachusetts: Resolutions of E. P. Wallace Post, No. 122, Grand Army of the Republic, of Amesbury, Mass., in favor of House bill No. 7094, for the establishment of a Branch Soldiers' Home at or near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. NEVILLE: Resolutions of the Douglas Grove Farmers' Club, Custer County, Nebr., and petition of citizens of Paxton, Nebr., favoring Government distribution of vaccine, etc.—to the Committee on Agriculture.

By Mr. NORTON of Ohio: Resolutions of the Druggists' Association of Dayton, Ohio, favoring amendment of the war-revenue bill—to the Committee on Ways and Means.

Also, petitions of the publishers of the Toledo Commercial and the Evening News, of Toledo, Ohio, urging the passage of House bill No. 5765, known as the Russell bill, relating to the revenue tax on alcohol in manufactures, etc.—to the Committee on Ways and Means.

Also, resolution of Coopers' Union No. 11, of Sandusky, Ohio; C. Zimmerman, Michel Brothers, Louis Ritter, and August Brumm, of Sandusky, Ohio, protesting against the passage of a bill for the abolishment of one-sixteenth and one-eighth packages of beer—to the Committee on Ways and Means.

Also, petition of Cigar Makers' Union, No. 79, of Sandusky, Ohio, praying for the passage of a bill to protect free labor from prison competition—to the Committee on Labor.

Resolutions of Company B, Company E, and of the Sixth Regiment Ohio National Guard, favoring the passage of House bill No. 7936, increasing the appropriations for arming and equipping the military of the States and Territories—to the Committee on Militia.

Also, petitions of L. G. Reed, of New Washington; J. Everingham, of Avery; J. G. Speller and J. E. Wickert, of Fremont, and F. X. Hoffman, of Millersville, Ohio, favoring the passage of the Grout oleomargarine bill—to the Committee on Agriculture.

Also, protests of C. O. Probst, secretary Ohio State board of health; T. W. Bookmyer, of Sandusky; A. C. Gorsuch, of Woodville; George R. Curtis and the American Publishing Company, of Columbus, Ohio; Mrs. C. B. Fox and other citizens of Fostoria; M. Heiser and 10 others, of Crestline, Ohio, in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of W. E Parker and 4 other clerks in the post-office at Marion, Ohio, in favor of the passage of House bill No. 4351, for the reclassification of salaries of clerks in post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. NORTON of South Carolina: Resolution of the board of health of the city of Charleston, S. C., favoring the passage of Senate bill No. 1440 and House bill No. 6618, for the creation of a national health department—to the Committee on Interstate and Foreign Commerce.

By Mr. OTEY: Petition of C. D. Kenney and others, of Roanoke, Va., against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. PAYNE: Petition of Charles Knapp and other citizens, of East Homer, N. Y., favoring the bill relating to dairy and food products and their transportation—to the Committee on Agriculture.

Also, protests of Mrs. John Huey and others, of Barnes and vicinity; George Finn and others, of Cortland, and A. E. Wilson and others, of Canandaigua, against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. PEARRE: Papers to accompany House bill, from citizens of Oakland and vicinity, in favor of the Rowan White claim—to the Committee on War Claims.

By Mr. POLK: Petition of Howard Lyons and others, of Pine Summit, Pa., in favor of the bill to tax oleomargarine—to the Committee on Agriculture.

By Mr. POWERS: Petition of Elmer Peck and other citizens of Clarendon Springs, Vt., favoring the bill relating to dairy and food products—to the Committee on Agriculture.

Also, resolutions of Castleton Post, No. 108, Grand Army of the Republic, of Castleton, Vt., in favor of House bill No. 7094, to establish a Branch Soldiers' Home at or near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. RAY of New York: Petition of D. O. Evans and other citizens of Ithaca; Mrs. W. S. Davis and others, of Binghamton, Davenport, and Owego, N. Y., against the passage of House bill No. 6071—to the Committee on the Post-Office and Post-Roads.

By Mr. RUPPERT: Resolutions of the New York Produce Exchange, in opposition to the Puerto Rico tariff bill—to the Committee on Insular Affairs.

By Mr. RUSSELL: Petition of M. E. Babcock and others, of Chestnut Hill, Conn., against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of C. S. Noyes and others, of Stonington, Conn., to amend the present law in relation to the sale of oleomargarine—to the Committee on Agriculture.

By Mr. SHATTUC: Petition of the Chamber of Commerce of Cincinnati, Ohio, relative to House bill No. 7097, providing for a reorganization of the consular service—to the Committee on Foreign Affairs.

By Mr. SHOWALTER: Memorial of James Harvey Post, No. 514, Grand Army of the Republic, of Butler County, Pa., favoring the passage of a bill to establish a Branch Soldiers' Home in or near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. SAMUEL W. SMITH: Protest of C. W. Rose and others, of Fowlerville, Mich., in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. SPRAGUE: Petition of Thomas G. Stevenson Post, No. 26, of Roxbury, Mass., Grand Army of the Republic, favoring the establishment of a Branch Soldiers' Home for disabled soldiers at or near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. STEVENS of Minnesota: Protests of M. E. Murray and E. L. De Lestry, of St. Paul, Minn., against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Crocus Hill Mothers' Club, of St. Paul, Minn., and many women of Minneapolis, Minn., in favor of the national park for northern Minnesota—to the Committee on the Public Lands.

Also, resolution of the Chamber of Commerce of St. Paul, Minn., protesting against the passage of the so-called Cullom bill, to make certain changes in the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Chamber of Commerce of St. Paul, Minn., against a tariff on Puerto Rico—to the Committee on Ways and Means.

Also, petitions of city councils of Stillwater, Minn.; C. Gotgain and others, of St. Paul; Theo. Hamm Brewing Company and others, and lumber dealers in Minneapolis, Minn., for a modification of the river and harbor act of 1899—to the Committee on Rivers and Harbors.

Also, protests of citizens of St. Croix Falls and Taylors Falls, Minn., against the modification of the river and harbor act—to the Committee on Rivers and Harbors.

Also, petition of Emory Stone, United States Soldiers' Home, Washington, D. C., for an increase of pension—to the Committee on Pensions.

Also, petition of W. B. Dean, of St. Paul, Minn., praying for a modification of the law making it a punishable offense to float or run logs on streams navigable by steamboats—to the Committee on Rivers and Harbors.

By Mr. SUTHERLAND: Resolution of the Commercial Club of Hastings, Nebr., in opposition to the leasing of grazing lands west of the ninety-ninth meridian—to the Committee on the Public Lands.

Also, protests of J. N. Purvis, of McCook, Nebr.; S. R. Smith, of Indianola; G. A. Hobson, of Fairfield, and J. H. Rickel, of Juniata, Nebr., against the passage of House bill No. 6071—to the Committee on the Post-Office and Post-Roads.

By Mr. THOMAS of North Carolina: Petition of M. C. Giddens and others, of Faisons, N. C., in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. TONGUE: Petition of J. H. Grieder and others, of the State of Oregon, against the leasing of public lands—to the Committee on the Public Lands.

By Mr. WEAVER: Petition of Orin L. Pettigrew and others clerks of Springfield, Ohio, post-office, asking for the passage of House bill No. 4351, for the classification of clerks in first and second class post-offices—to the Committee on the Post-Office and Post-Roads.

Also, petition of James Ward and other citizens of Pickaway County, Ohio, favoring the passage of the Grout oleomargarine bill—to the Committee on Agriculture.

By Mr. WEEKS (by request): Petition of the First Congregational Church, Methodist Episcopal Church, Epworth League, and Woman's Christian Temperance Union, of Memphis, Mich., urging a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

Also, petition of David M. Howard and others, of Marlette, Mich., in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

By Mr. WEYMOUTH: Petition of Charles C. Colby and 16 citizens of Hubbardston, Mass., in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

By Mr. WHITE: Petition of M. E. Perkins and others, of Roanoke Rapids, N. C., in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of C. C. Roach and 57 citizens of North Carolina, in relation to the amount due depositors from the failure of the Freedman's Savings Bank and Trust Company—to the Committee on Claims.

By Mr. WILSON of New York: Resolutions of the New York Produce Exchange, against the Puerto Rico tariff bill—to the Committee on Insular Affairs.

SENATE.

WEDNESDAY, *March 14, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. STEWART, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

PRINTING AND BINDING FOR WAR DEPARTMENT.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War submitting an estimate of deficiency in the appropriation for printing and binding, War Department, for the fiscal year 1900, amounting to $10,000; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

OFFICE OF AUDITOR FOR WAR DEPARTMENT.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Auditor for the War Department relative to the reduction he has been compelled to make in the clerical force of his office under the appropriation made by the act of February 24, 1899, for the purpose of restoring and repairing the worn-out and defaced rolls and vouchers in his office, owing to the fact that the appropriation is exhausted; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

CHARLES O. SPENCER.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the findings filed by the court in the cause of Charles O. Spencer *vs.* The United States; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1) to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes.

The message also announced that the House had passed with amendments the concurrent resolution of the Senate to print 12,500 copies of the report of the Director of the Geological Survey, relating to the Cape Nome district, in Alaska; in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 65) to authorize the holding of a regular term of the district court of the United States for the western district of Virginia in the city of Charlottesville, Va.;

A bill (H. R. 2456) for the relief of the heirs and assignees of Philip McLoskey and John Hagan;

A bill (H. R. 4008) to establish light and fog-signal stations to mark the main southern entrance of the new breakwater at Buffalo, N. Y.;

A bill (H. R. 9284) to attach the county of Foard, in the State of Texas, to the Fort Worth division of the western district of Texas, and providing that all process issued against defendants residing in said county shall be returned to Fort Worth; and

A bill (H. R. 9310) extending in the district of Alaska the placer-mining laws to lands reserved from sale in sections 1 and 10 of an act of Congress approved May 14, 1898, entitled "An act extending the homestead laws and providing for right of way for railroads in the district of Alaska, and for other purposes."

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 1) to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes; and it was thereupon signed by the President pro tempore.

PETITIONS AND MEMORIALS.

Mr. SEWELL presented a petition of the congregation of the Presbyterian Church of Daretown, N. J., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in canteens and in all Government buildings; which was referred to the Committee on Public Buildings and Grounds.

Mr. SCOTT presented a memorial of the Kanawha Valley Democrat, of Charleston, W. Va., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. HOAR. I present the memorial of William Klein, president, and Thomas O'Dea, secretary, on behalf of the Bricklayers and Masons' International Union of America, representing 60,000 members, remonstrating against the insertion of the word "male" in the suffrage clause of any form of government recommended to Hawaii, Cuba, Puerto Rico, or any other newly acquired possessions.

I do not know to which of the various committees the memorial should be referred. Let it go to the committee of the largest acquisition. I leave that to the discretion of the Chair.

The PRESIDENT pro tempore. The memorial will be referred to the Select Committee on Woman Suffrage.

Mr. ALLEN presented a memorial of the Saunders County Journal, of Ashland, Nebr., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of Local Union No. 1563, Knights of Labor, of New York City, remonstrating against the imposition of a tariff on the products of Puerto Rico; which was referred to the Committee on Pacific Islands and Puerto Rico.

He also presented a petition of Local Union No. 1563, Knights of Labor, of New York City, praying for the construction of the Nicaraguan Canal; which was referred to the Committee on Interoceanic Canals.

He also presented a memorial of Local Union No. 1563, Knights of Labor, of New York City, remonstrating against the issuance of gold certificates, only, whenever silver certificates, greenbacks, or Treasury notes are presented for redemption, etc.; which was referred to the Committee on Finance.

Mr. PENROSE presented a petition of the Drug Exchange of Philadelphia, praying that an appropriation be made to continue the work of the Philadelphia Commercial Museum; which was referred to the Committee on Commerce.

He also presented a petition of Local Lodge No. 210, International Association of Machinists, of Wilkesbarre, Pa., praying that all the remaining public lands be held for the benefit of the whole people, etc.; which was referred to the Committee on Public Lands.

He also presented a petition of the Christian Endeavor Society of St. Paul's Church of Manheim, Pa., praying that all the acts of Congress now in force in our Territories relating to bigamy, divorce, prize fights, transmission of obscene and gambling matter by mail and interstate commerce be extended to the new possessions of the United States until such time as special legislation shall be enacted for their government; which was referred to the Committee on Pacific Islands and Puerto Rico.

He also presented a petition of Pomona Grange, No. 23, Patrons of Husbandry, of Pennsylvania, and a petition of Pomona Grange, No. 6, Patrons of Husbandry, of Huntingdon County, Pa., praying for the adoption of certain amendments to the interstate-commerce law; which were referred to the Committee on Interstate Commerce.

He also presented memorials of the Evening Courier, of Titusville; the Svenska Veckobladet, of McKeesport; the Faith and Works, of Philadelphia; the News, of Carrolltown; the Public Opinion, of Chambersburg; the Times, of Howley; the Columbian, of Bloomsburg; the Tobacco World Publishing Company; the Miner, of McKean County; the Christian Instructor, of Philadelphia; the Gazette, of Driftwood; the Bulletin, of Dillsburg, and the Poultry Item, of Fricks, all in the State of Pennsylvania, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Firemen's Association of Pennsylvania, remonstrating against the enactment of legislation to establish a division in the Treasury Department for the regulation of insurance among the several States, and for other purposes; which was referred to the Committee on Interstate Commerce.

Mr. PLATT of New York presented the memorial of Ruth H. Clayson, of Wayland, N. Y., and a memorial of the Vicks Illustrated Monthly Magazine, of Rochester, N. Y., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Local Union No. 4, Typographical Union, of Albany, N. Y., praying that the Public Printer be authorized to print the label of the Allied Printing Trades on all publications of the Government; which was referred to the Committee on Printing.

Mr. PROCTOR presented the petition of Dr. M. P. Stanley and 49 other citizens of Vermont, and the petition of Charles H. Darling and 44 other citizens of Vermont, praying for the establishment of an Army veterinary corps; which were referred to the Committee on Military Affairs.

Mr. COCKRELL presented a memorial of the Advance, of Sheridan, Mo., and a memorial of the St. Louis and Canadian Photographer, of St. Louis, Mo., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also (for Mr. VEST) presented memorials of the St. Louis and Canadian Photographer, of St. Louis; the Advance, of Sheridan; the Democrat-Leader, of Fayette; the Statesman, of Arrow Rock; the Missourian, of Richmond; the Post, of Graham; the Bohemian Literary Society, of St. Louis; the Jerico Spring Optic; the Marble Hill Press; the Review, of Clarksburg; the Star, of Bonne Terre; the Mercantile Adjuster, of St. Louis; the Republican, of Lamar; the Enterprise, of Liberal; the Herald, of Lathrop; the Commercial Lawyer Publishing Company, of St. Louis; the National Land List, of Green Ridge; the Democrat, of Dearborn; the Democrat, of Lamar; the Democrat, of Monroe City; the Chief, of Cowgill; the Citizen, of Macon, and the Reflector, of Holt, all in the State of Missouri, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. BEVERIDGE presented the petition of Bertha G. Wade, president, and Alice Wheeler Peirce, secretary, on behalf of the Woman Suffrage Association of Indiana, praying for the adoption of a sixteenth amendment to the Constitution, prohibiting the disfranchisement of United States citizens on account of sex; which was referred to the Select Committee on Woman Suffrage.

He also presented petitions of sundry railway mail clerks of Columbus, Vincennes, Frankfort, Kokomo, Anderson, and Logansport, all in the State of Indiana, praying for the enactment of legislation to provide for the classification of clerks in first and second class post-offices; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of the Union, of Indianapolis; the American, of Rushville; the News, of Hebron; the Indiana Dental Journal; the Monthly, of Upland, and the Weekly Economist, of Evansville, all in the State of Indiana, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. CULLOM presented a petition of the Red River Millers' Club, representing the merchant mills of North Dakota and northwestern Minnesota, praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. GEAR presented a petition of sundry manufacturers of pearl buttons in the State of Iowa, praying for the enactment of legislation to protect the fresh-water mussels in the rivers of the United States; which was ordered to lie on the table.

Mr. KENNEY presented a petition of Fruitland Grange, No. 16, Patrons of Husbandry, of Camden, Del., praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. SULLIVAN presented a petition of sundry railway mail clerks of Jackson, Miss., praying for the enactment of legislation to provide for the classification of clerks in first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of Fiedecia Speak, of Vicksburg, the Delta Light-House, of Greenville, the Greene County Herald, of Leakesville, the Colored Visitor, of Crystal Springs, and of N. J. Harris, of Jackson, all in the State of Mississippi, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

REPORTS OF COMMITTEES.

Mr. STEWART, from the Committee on Mines and Mining, to whom was referred the bill (S. 1997) to provide for the repayment of unexpended moneys deposited to cover costs of surveys and of platting and office work in connection with mining claims, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3313) extending the mining laws to saline lands, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. 2866) permitting citizens of the United States, bona fide residents of the States of California, Oregon, and Washington, to fell and remove, for building, agricultural, mining, and other domestic purposes, timber growing or being upon the mineral lands of the United States in the States aforesaid, reported it with amendments.

Mr. ALLEN, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 72) for the relief of the heirs of Lawrence D. Bailey;

A bill (S. 33) for the relief of Elias E. Barnes; and

A bill (S. 2974) for the relief of Oliver H. Perry, administrator of the estate of Mary Scott, deceased.

Mr. WARREN, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 1080) for the relief of the legal representatives of George M. Clapp, of the Washington Iron Works; and

A bill (S. 2946) for the relief of William H. Wanamaker.

Mr. GALLINGER (for Mr. SHOUP), from the Committee on Pensions, to whom was referred the bill (S. 258) granting a pension to Coryden Bevans, reported it with amendments, and submitted a report thereon.

Mr. TALIAFERRO, from the Committee on Claims, to whom was referred the bill (S. 223) for the relief of Charles Speare, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the Committee on Pensions, to whom was referred the bill (H. R. 4854) granting a pension to James L. Whidden, reported it without amendment, and submitted a report thereon.

Mr. DEPEW, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2471) for the relief of Olivia M. Clifford; and

A bill (S. 3535) for the relief of the Brooklyn Ferry Company, of New York.

Mr. KEAN, from the Committee on Claims, to whom was referred the bill (S. 1620) for the relief of Hannah E. Boardman, administratrix of William Boardman, deceased, surviving partner of the firm of Boardman, Holbrook & Co., of the Neptune Works, reported it without amendment, and submitted a report thereon.

Mr. SEWELL, from the Committee on Military Affairs, to whom was referred the bill (S. 2934) providing for the transfer to the Adjutant-General's Department or the Inspector-General's Department of the Regular Army of officers of the line serving in the Volunteer Army, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. PLATT of Connecticut, from the Committee on the Judiciary, to whom was referred the bill (S. 3106) relating to the accounts of United States marshals and the clerks of the district courts for the Territory of Utah, reported it with an amendment.

Mr. KYLE. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 1944) granting an increase of pension to Eli C. Walton, to report it without amendment.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

Mr. KYLE. I move that the bill (S. 930) granting an increase of pension to Eli C. Walton, being Order of Business 591 on the Calendar, be postponed indefinitely and that the House bill just reported by me be given the place of the Senate bill on the Calendar.

The motion was agreed to.

Mr. CLARK of Wyoming, from the Committee on Public Lands, to whom was referred the bill (S. 323) granting homesteaders on abandoned military reservations the right to enter one-quarter section of public land on said reservations as pasture or grazing land, reported it with amendments.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 3470) granting an increase of pension to George W. Weeden, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER. From the Committee on Pensions, to whom was referred the bill (S. 2500) for the repeal of section 4716 of the Revised Statutes, I report it with an amendment, and submit a report thereon.

I call the attention of the Senator from South Carolina [Mr. TILLMAN] to the report just made on the bill that he presented to Congress for the repeal of section 4716 of the Revised Statutes, with an amendment. The Senator will find it in print on the desk.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

ESTATE OF JOHN AVERY, DECEASED.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (S. 2733) for the relief of the legal representative of John Avery, deceased, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 2733) entitled "A bill for the relief of the legal representative of John Avery, deceased," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

ESTATE OF LINDSAY RIDGWAY, DECEASED.

Mr. ALLEN, from the Committee on Claims, to whom was referred the bill (S. 2691) for the relief of the heirs and legal representatives of Lindsay Ridgway, deceased, submitted a report

thereon, accompanied by the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 2691) for the relief of the heirs and legal representatives of Lindsay Ridgway, deceased, now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

GEORGE S. AYRE.

Mr. MARTIN, from the Committee on Claims, to whom was referred the bill (S. 788) for the relief of George S. Ayre, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 788) for the relief of George S. Ayre, now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

JOHN A. SIGUR AND OTHERS.

Mr. WARREN, from the Committee on Claims, to whom were referred the following bills:

A bill (S. 592) for the relief of John A. Sigur;

A bill (S. 1517) for the relief of the estate of John Shelton, deceased;

A bill (S. 1522) for the relief of Thomas Kergon;

A bill (S. 1528) for the relief of the estate of Margaret E. Woodward, deceased; and

A bill (S. 2401) for the relief of Anna M. Anderson and Charles Y. G. Anderson, executors of George W. Anderson, deceased,

reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the following bills (S. 592, 1517, 1522, 1528, and 2401) for the relief of John A. Sigur, the estate of John Shelton, Thomas Kergon, the estate of Margaret E. Woodward, and Anna M. Anderson and Charles Y. G. Anderson, executors of George W. Anderson, now pending in the Senate, together with all the accompanying papers, be, and the same are hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

BILLS INTRODUCED.

Mr. BAKER introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Military Affairs:

A bill (S. 3569) for the relief of Amaziah Chamberlain, alias John Brown;

A bill (S. 3570) for the relief of Elijah G. Steely;

A bill (S. 3571) for the relief of Edward Minter; and

A bill (S. 3572) for the relief of Henry C. Rhoades.

Mr. BAKER introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 3573) granting an increase of pension to Hugh Irwin;

A bill (S. 3574) granting a pension to Julia Van Wicklen;

A bill (S. 3575) granting a pension to Mary Ann Brenner; and

A bill (S. 3576) granting an increase of pension to Harry Planter.

Mr. PENROSE introduced a bill (S. 3577) authorizing the erection of a monument in the national cemetery at Arlington, Va., to commemorate the services of the army nurses of the civil war; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. WOLCOTT introduced a bill (S. 3578) granting an increase of pension to George W. Neely; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TELLER introduced a bill (S. 3579) granting an increase of pension to Dr. Edward Palmer; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 3580) granting an increase of pension to Theron Johnson; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3581) for the relief of the heirs of Jacob R. Davis; which was read twice by its title, and referred to the Committee on Claims.

Mr. DEBOE introduced a bill (S. 3582) for the relief of G. H. Sowder; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. PLATT of New York introduced a bill (S. 3583) for the relief of James Bigler; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3584) for the relief of James J. Cox; which was read twice by its title, and referred to the Committee on Claims.

Mr. TURLEY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3585) for the relief of the estate of Mrs. M. A. Walker, deceased;

A bill (S. 3586) for the relief of the estate of William Pepper, deceased (with accompanying papers);

A bill (S. 3587) for the relief of the estate of O. P. Newby, deceased (with accompanying papers);

A bill (S. 3588) for the relief of the estate of David S. Greer (with accompanying papers);

A bill (S. 3589) for the relief of the Methodist Episcopal Church at Saulsbury, Tenn. (with accompanying papers);

A bill (S. 3590) for the relief of the First Baptist Church, of Memphis, Tenn. (with accompanying papers);

A bill (S. 3591) for the relief of the Cumberland Presbyterian Church, of Tullahoma, Tenn. (with accompanying papers); and

A bill (S. 3592) for the relief of the estate of Susan H. Knight, deceased (with accompanying papers).

Mr. MORGAN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3593) for the relief of H. W. Jones;

A bill (S. 3594) for the relief of William J. Wilcoxson;

A bill (S. 3595) for the relief of the estate of Rev. Edward McMeans, deceased;

A bill (S. 3596) for the relief of Josiah Jackson; and

A bill (S. 3597) for the relief of Josiah J. Jones.

Mr. PETTUS introduced a bill (S. 3598) to amend an act granting to the Muscle Shoals Power Company right to erect and construct canal and power stations at Muscle Shoals, Alabama; which was read twice by its title, and referred to the Committee on Commerce.

Mr. KEAN introduced a bill (S. 3599) for the relief of the legal administrators of Daniel McLeod, deceased, of the South Brooklyn Works; which was read twice by its title, and referred to the Committee on Claims.

Mr. BEVERIDGE introduced a bill (S. 3600) for the relief of the estate of Maj. Gen. Henry W. Lawton; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. MARTIN introduced a bill (S. 3601) for the relief of the trustees of Enon Baptist Church, Chesterfield County, Va.; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3602) for the relief of A. O. Tucker; which was read twice by its title, and referred to the Committee on Claims.

Mr. CULLOM introduced a bill (S. 3603) granting an increase of pension to William F. Tait; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3604) to amend an act to promote the safety of employees, and so forth, by requiring common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes, and so forth, approved March 2, 1893; which was read twice by its title, and referred to the Committee on Interstate Commerce.

Mr. FRYE introduced a bill (S. 3605) to correct the military record of Albert S. Austin; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. GEAR introduced a bill (S. 3606) removing charge of desertion from John H. Jaques, member Company K, Seventh Regiment Iowa Infantry Volunteers; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3607) granting a pension to Sarah C. Connell; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 3608) granting a pension to Maria Jones; which was read twice by its title, and referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 3609) amending section 6, chapter 119, United States Statutes at Large, relating to the Indian Territory; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also (by request) introduced a bill (S. 3610) for the relief of certain Indians in the Indian Territory who desire to sell their lands and improvements and emigrate elsewhere; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. HOAR introduced a bill (S. 3611) for the relief of the estate of Stephen Barton; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3612) for the relief of Samuel R. Barton; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. TELLER submitted an amendment proposing to substitute the name of Mrs. Sarah R. Dresser for the name of George

Dresser in the act ratifying the agreement by the confederated bands of Ute Indians in Colorado, and directing the Secretary of the Treasury to pay her $200 per annum during her life, intended to be proposed by him to the Indian appropriation bill; which was ordered to lie on the table and be printed.

He also submitted an amendment providing for the continuation of the pension of $500 per annum awarded to Mrs. Arivella D. Meeker for the period of her natural life to be paid out of the annuities of the confederated bands of Ute Indians, intended to be proposed by him to the Indian appropriation bill; which was ordered to lie on the table and be printed.

Mr. ELKINS submitted an amendment proposing to appropriate $10,000 for the printing in book form of so much of the Report of the Committee on Awards of the World's Columbian Commission as is contained in the special reports upon special subjects or groups, intended to be proposed by him to the urgent deficiency appropriation bill; which was referred to the Committee on Printing, and ordered to be printed.

REPORT ON OPERATIONS OF THE ARMY.

Mr. SEWELL. I submit a concurrent resolution, which I ask be referred to the Committee on Printing, with the accompanying memorandum.

The concurrent resolution was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 7,000 copies of the Annual Report of the Major-General Commanding the Army for 1899, with accompanying documents, of which 2,000 copies shall be for the use of the Senate, 4,000 copies for the use of the House of Representatives, and 1,000 copies for the use of the War Department and Headquarters of the Army.

Memorandum to accompany concurrent resolution for authorizing the printing of 7,000 copies of the Annual Report of the Major-General Commanding the Army for 1899:

Under the law only 1,000 copies of this report can be printed without the authority of Congress. The regular distribution list at Headquarters of the Army will use 683 copies, leaving only a balance of 317 for general distribution—not enough to supply each Senator and Member of the House of Representatives with one copy. As there seems to be an unusual demand for the report this year, covering, as it does, the operations in the Philippine Islands, Cuba, Puerto Rico, and Alaska, it can easily be seen that the number of copies asked for in this resolution are not more than will be used.

Mr. SEWELL. I will state to the Committee on Printing that this report is one of the most valuable that we have had for years. It is on the line of the work that is now being published in relation to the war of the rebellion. It gives everything in connection with the military in Cuba, Puerto Rico, and the Philippines. The present number allowed by law is only 1,000 copies, 650 of which go to the War Department, leaving only the balance for distribution among members of Congress—not enough to give one to each member.

I know of no work that has been or will be published this year of equal interest to all the families and friends of soldiers in the country. It goes into the details of the different troops, companies, and regiments, their work, their gallantry, and everything connected with the Army. I commend the resolution to the favorable consideration of the Committee on Printing.

The PRESIDENT pro tempore. The concurrent resolution will be referred, with the accompanying paper, to the Committee on Printing.

BULLETINS OF BUREAU OF AMERICAN ETHNOLOGY.

Mr. PENROSE. I submit a concurrent resolution proposing to print 8,000 copies of bulletins of the Bureau of American Ethnology. It is a resolution which has been recommended by the Department, and I commend it to the favorable consideration of the Committee on Printing.

The concurrent resolution was read, and referred to the Committee on Printing, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed at the Government Printing Office 8,000 copies of any matter furnished by the Director of the Bureau of American Ethnology relating to researches and discoveries connected with the study of the American aborigines, the same to be issued as bulletins uniform with the annual reports: 1,500 of which shall be for the use of the Senate, 3,000 for the use of the House of Representatives, and 3,500 for distribution by the Bureau.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. 65) to authorize the holding of a regular term of the district court of the United States for the western district of Virginia in the city of Charlottesville, Va.; and

A bill (H. R. 9284) to attach the county of Foard, in the State of Texas, to the Fort Worth division of the northern district of Texas, and providing that all process issued against defendants residing in said county shall be returned to Fort Worth.

The bill (H. R. 2456) for the relief of the heirs and assignees of Philip McLoskey and John Hagan was read twice by its title, and referred to the Committee on Claims.

The bill (H. R. 4008) to establish light and fog-signal stations to mark the main southern entrance of the new breakwater at Buffalo, N. Y., was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. 9310) extending in the district of Alaska the placer-mining laws to lands reserved from sale in sections 1 and 10 of an act of Congress approved May 14, 1898, entitled "An act extending the homestead laws and providing for right of way for railroads in the district of Alaska, and for other purposes," was read twice by its title, and referred to the Committee on Public Lands.

SENATOR FROM PENNSYLVANIA.

The PRESIDENT pro tempore. The morning business is closed, and the Calendar under Rule VIII is in order.

Mr. TURNER. Mr. President——

Mr. PENROSE rose.

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Pennsylvania?

Mr. TURNER. Certainly.

Mr. PENROSE. I understand that when the Senate adjourned yesterday afternoon the Senator from Washington had the floor, and that he is entitled to go on this morning in continuation of his remarks. I ask his consent, however, to permit me to call up the Pennsylvania matter, so that it may be before the Senate, and, if time permits, may be reached to-day; if not reached to-day, that it may be reached to-morrow. I do not desire to interfere with the Senator's remarks, but I simply ask this permission, so that the matter may be before the Senate.

Mr. LODGE. How is that to be done?

Mr. PENROSE. With the consent of the Senator who has the floor.

The PRESIDENT pro tempore. By unanimous consent.

Mr. LODGE. But what does the Senator mean by calling up the Quay case? We have the unfinished business; and if the Senator from Washington concludes before the morning hour expires, of course the Senator has the privilege of calling it up then or at any time.

Mr. PENROSE. I ask this privilege with the consent of the Senator from Washington.

Mr. TURNER. I do not object to the case being called up for that purpose.

The PRESIDENT pro tempore. No objection being made, it is so ordered. The Senator from Washington calls up the Puerto Rican bill for the purpose of concluding his remarks thereon.

GOVERNMENT OF PUERTO RICO.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Puerto Rico, and for other purposes.

Mr. TURNER. While I am very desirous of concluding my remarks as early as possible, the Senator from Colorado, who is to go away to-day and does not expect to return before a vote on this bill, has appealed to me to give way to him for some remarks on his part upon the bill. If it may be understood that I may have the floor after he concludes, I am willing to yield for that purpose.

The PRESIDENT pro tempore. The Chair thinks no objection will be made to the Senator from Washington resuming the floor under the circumstances. The Senator from Colorado will proceed.

Mr. TELLER. Mr. President, inasmuch as I shall be absent from the Senate for some days executing an order of the Senate, I desire, by the courtesy of the Senator from Washington, to submit very briefly some views upon the Puerto Rican bill.

I had anticipated taking up and discussing the legal phases of the bill. The constitutional questions presented here have been very thoroughly elaborated and discussed, but they seem to me to be of sufficient importance to be further considered. But inasmuch as I shall intrude upon the time of the Senator from Washington, I have concluded not to address myself to the constitutional questions, except in a general way to say that I have no doubt as to the power of the General Government over these new possessions. I can find an abundance of authority for legislation which I myself do not believe we derive from any constitutional provision. I am simply now announcing my opinion without intending to discuss it. I do not believe that the Constitution of the United States is in force in any of these new possessions.

Mr. MASON. Would it interrupt the Senator if I should ask him a question there?

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Illinois?

Mr. TELLER. I will yield to the Senator, but I will not agree to answer the Senator until I know what it is.

Mr. MASON. I do not want to interrupt you; I will wait.

Mr. TELLER. I am speaking in the time of the Senator from Washington. I do not propose to be drawn into any colloquy about this question. There will be plenty of opportunity for the Senator before the question is disposed of to interrogate me, if he chooses, on the legal phases of it. I am not going to attempt to

make a declaration and then back it up by authorities to-day. I am only seeking here to put my views before the Senate simply to put myself right with reference to the vote I am going to cast on this bill.

Mr. MASON. I was only going to ask——

Mr. TELLER. I will hear the Senator's question.

Mr. MASON. I wanted the Senator to state his position. I have great respect for his judgment as a lawyer. My question is whether Congress has power to enact laws governing the newly acquired territory that conflict with any of the provisions of the Constitution?

Mr. TELLER. Oh, Mr. President, that is a proposition different from what I was enunciating, and I must therefore answer the Senator at another time.

The question is simply one of power. We say that the Government of the United States has limited jurisdiction, limited so far as the States are concerned, limited so far as legislation touching domestic affairs is concerned, supreme when we come to other legislation touching, for instance, our relations with foreign powers, supreme as to our control over these territories. When I say that the Government of the United States is supreme I do not go to the extent of saying that there is no restriction put upon the Government of the United States in its legislation for these territories.

Mr. SPOONER. We do not have to do that.

Mr. TELLER. We do not have to do that. We are supreme so far as is necessary to legislate concerning these territories, and we are bound in our legislation, whether it is for Territories or for States, by certain great fundamental principles that underlie free government.

I have heard it asked on the floor of the Senate since the debate has been going on, "Does the Senator mean to say that you could hang a man without trial?" Mr. President, you do not refrain from hanging men without trial because there is a constitutional inhibition. You refrain from hanging men without trial because there is no authority ever given to any nation in the world to do that. I believe the great fundamental principles of the Constitution that secure life, liberty, the pursuit of happiness, independence of thought, the right to entertain the religious ideas that the citizen chooses, are not given to us by the Constitution of the United States. They existed long anterior to the Constitution. They are the fundamental, basic principles of a free government. They are the common law of a free government; and it is not any answer to the declaration that we have power to legislate concerning these territories to suggest that if we have that power we may do these horrible and wicked things that are sometimes done by autocratic powers.

We are restrained, Mr. President, not by the Constitution from doing many things that a monarchical government will do. There is a common law of nations. We call it international law. The rule to be applied to a monarchical government is one thing under that law, and the rule to be applied to a Government like ours is another thing under that law. We speak about kingly prerogatives and we speak about the prerogatives of sovereignty. They are very different when exercised by a Government like ours from what they are when exercised by a Government like Russia.

So, Mr. President, I am going to leave that question. I am not going to take the time to discuss it, except to say that there has been a great deal of what I call misunderstanding of the decisions of the courts on this question. We have to-day the decision of the court where they, touching Utah, for instance, and the court lays down a rule and says the Territorial legislature of Utah is governed by the Constitution. The Constitution is put in force there. It was practically put in force so far as these great principles are concerned all over this country. From time to time in the Northwest Territory we required that the officials should take an oath to maintain the Constitution of the United States; that is, to observe all those great principles that are applicable to a people not a State. That was a wise way of putting it.

Mr. President, I will not be tempted into a general discussion of the constitutional phase, except to say that, in my judgment, after a careful examination of the authorities—the decisions of the Supreme Court—there can be found but one single case that will support the doctrine that the Constitution goes of its own vigor and force into the Territories, and that is the Dred Scott case.

The Senator from Wisconsin [Mr. SPOONER] calls my attention to a provision of the statutes that I should have read if I had gone into any extensive discussion of it, which is in point, and I will read the provision. Section 1891 of the Statutes of the United States provides that—

> The Constitution and all laws of the United States which are not locally inapplicable shall have the same force and effect within all the organized Territories and in every Territory hereafter organized as elsewhere within the United States.

In the Territory in which I lived the organic act of the Territory contained the provision that the Constitution was in force. The same was in force in Utah, and, as I said, where they did not put it specifically in force it required the officials holding positions to take an oath to obey the Constitution of the United States. It must have been understood, I suppose, that they were not to violate those great fundamental principles of which I have spoken.

Mr. President, before we get through with this question of the power of the United States and what ought to be its policy there will be ample time, I know, for me to discuss it, and I will go directly to the bill, so that I may shorten my remarks within a proper time, in view of the fact that the Senator from Washington has yielded the floor to me for a few moments.

In dealing with these new possessions, my theory is that we may make them a part of the United States if we see fit. Now, if we conclude that we do not want to make them a part of the United States, I believe we have the same power to hold them, in a different relation, that Great Britain has. I have listened to all the discussion that has gone on here, and I can conceive of no reason why the sovereignty of the United States is limited to territory that they must make a part of the United States. They will be a part of the United States in one sense undoubtedly if we exercise a protectorate over them. They will be a dependency; and they will have a different relation to us from what the other Territories organized as incipient States have. If we choose, we can provide that the territory of Puerto Rico—I am speaking now of the geographical territory—shall be under the control and sovereignty of the United States, that the people of that island may make all the laws that we say they may make. We may give them absolute self-control, or, in my opinion, we may reserve the right to say to them, "There are certain things you can not be allowed to do; and if you do certain things, we will intervene and nullify your action."

Mr. President, from my standpoint, then, there is no difficulty in dealing with these possessions, and it becomes simply a question of policy. In this I am speaking for myself only. I do not represent any political organization, and I am not bound by any caucus or by any influences of that character. So far as I am concerned, I do not want to make Puerto Rico nor do I want to make the Philippines an integral part of the United States; I do not want to make their people citizens of the United States, with all the rights that citizenship of the United States ought to carry with it.

The relation that I would establish for those people is absolutely consistent with every tradition of our Government and our people from the time we organized the Government of the United States up to the present hour. If I had time, I could show historically that the fathers of this Republic contemplated that we should some day have colonies. It may be that it is not good policy to have colonies. That is another question. It may be—although I do not believe it—that it would be wise for us to get rid of Puerto Rico and return it to Spain, or to give it to the people of the island themselves. It may be that it would be wise for us to turn over the Philippine Islands to the anarchy and confusion which I believe would follow the withdrawal of the American troops from those islands at the present time. But I do not believe it.

I will admit that there will be some difficulties in dealing with those people. I foresaw that in the beginning, and I see it more clearly now than I did a year ago, as I believe everybody else does. But, as I said a long time since in this body, the American people will deal with this question in a spirit of fairness and in a spirit of courage. They are not going to be frightened by a contemplation of the fact that there are difficulties in front of them. If anybody can show a better way out of the difficulty than for us to hold those possessions, I am prepared to consider it. I am now considering, first, what is the duty that we owe, not to the Filipinos, not to the Puerto Ricans, but to the people of the United States? That is the paramount question. I believe we can deal with those people without doing any injustice to them or any injustice to ourselves. But we must have a policy; we must lay down a rule and follow it. What I complain of in the party in power is that it has not a policy, as it seems to me, on this question.

I do not know whether we are to have a colonial system or whether we are to make those people part and parcel of the United States. One or the other we must do. I regard the latter as infinitely more dangerous than the former. I would a great deal rather make Puerto Rico a colony than to make her a State; I would a great deal rather make the Philippine Islands a colony, a province, a dependency, or whatever you may choose to call it, than to make those islands into a State or to make their inhabitants citizens of the United States, with all the rights and privileges which follow, and which must ultimately mean, if they become citizens of the United States, that they shall stand before the law on an equality with all other citizens of the United States. If you make Puerto Rico a Territory, an incipient State, its people will have a right some day to expect to become a State of the Union; but if you hold them in tutelage and pupilage for an indefinite period as citizens of the United States, they will have a right to complain.

Mr. President, Puerto Rico is not a part of the United States to-day, neither are the Philippine Islands. In all the acquisitions of territorial property heretofore, we have had, before we acquired it, some relations established by treaty, or otherwise, with the people that we took under our control. When we took in Louisiana, we stipulated with France that we would make the people of that Territory citizens of the United States, entitled to all the rights, privileges, and immunities of citizens; when we took in Florida, we did the same with Spain; when we took in a portion of Mexico, we did the same with Mexico; and when we took in Alaska, we did the same with Russia. When we acquired our new possessions, the commission that went over to Paris very wisely said that their political status should be as Congress should determine.

In an early day, when Louisiana was taken in as a part of the United States, it was questioned in the House of Representatives, and even here, whether by the treaty-making power alone that could be done. In my judgment, it could, because otherwise there would be a restriction upon the treaty-making power, which I think would be inconsistent with sovereignty. But here we have no question. The people in these possessions are not citizens to-day. The Filipinos are not citizens nor are the Puerto Ricans. The bill now pending before the Senate makes citizens of the inhabitants of Puerto Rico of the United States ex industria. That feature alone, if there were no other in it, would compel me to vote against the bill. I do not want those people made citizens of the United States. I want to extend to them all the privileges which are consistent with their relations to this Government, save that of citizenship. I would extend to those territories all the privileges, all the blessings which the Constitution of the United States is, by some, supposed to have conferred, but which I say are not conferred, but inherited, inhering in a free government. I would not establish a relationship which would enable them to participate with us in the election of a President and to have their representatives on this floor or in the other House.

I am told by some Senators here that this bill does make citizens of the people of Puerto Rico, but does not make Puerto Rico a part and parcel of the United States. If it is possible by language in a statute to make Puerto Rico a part of the United States, it is so made by this bill. In the first place, the people there are made citizens, their ports are made ports of the United States, and the writs of their courts run in the name of the people of the United States; we extend the internal-revenue laws over them, the postal laws, and almost all other laws over them, except simply the laws as to the collection of duty on imports. We provide that their products coming into our ports shall pay duty.

Mr. President, if those people are to be a part and parcel of the United States, as they will be if this bill shall be enacted into law as it now stands, and as they will be if a considerable part of it should be stricken out, as I hear vague rumors that it may be, they will have such a relation, in my judgment, to the people of the United States that some of the provisions of this act will be absolutely indefensible and can not be maintained in any case.

Mr. President, I am not going to waste time in speaking about the provision which puts a duty upon goods going into Puerto Rico. I think that was pretty well exploded here the other day, and I understand that it is liable to be abandoned. But the other question presents itself whether we have a right to put a duty on goods coming from Puerto Rico into the United States. In my judgment that whole question must be solved by what is their relation to the people of the United States. If they are a part of the United States, if their people are citizens of the United States, you have no right to put a duty upon their goods. If they are not citizens of the United States, then it is a question of policy and not a question of justice; but what right have the Puerto Ricans to insist now that they shall have free trade with us if they are not part and parcel of the United States?

Mr. President, we are told that there is a great sugar interest and a great tobacco interest, or something of that kind, demanding that this duty shall be put on those people. I know nothing about that, and I do not care to consider it. It is not a question to be considered in determining this matter as to what influences are back of it. The question is, What is justice? If they are citizens, as they will be under this bill, you have not any right to impose duties upon them, and it would be an act of gross injustice and one which can not be legally maintained. If they are not citizens, you have as much right to put a duty upon them as you have to put it on English subjects who send their goods here from London.

A great number of people now in Puerto Rico who are clamoring for free trade with us are not citizens of that country at all, and the large sugar interests there are held by people who are not connected by any ties of citizenship with that country. English capitalists and other foreign capitalists are the owners of the sugar plantations. If we should accept the newspaper accounts we might suppose that every man in Puerto Rico, poverty-stricken as many of them are, was engaged in shipping sugar and tobacco into the United States. There is not 2 per cent of the people of Puerto Rico who have any interest in shipping sugar here, and there is not 2 per cent of them who have any interest in shipping tobacco here. That is done by a few capitalists, and it is those who are interested in this subject. If you let them bring their sugar here at 15 per cent of the regular tariff which the Cubans, for instance, must pay, the sugar and tobacco planters of Puerto Rico will make a great profit; and, with a two years' accumulation of sugar in the hands of those rich people, they will be the ones who will be still more enriched and not the poverty-stricken people of that island. As suggested to me by the Senator from Wisconsin [Mr. SPOONER], the sugar people pay labor such wages as Americans would starve upon.

Mr. BACON. I ask the Senator how it is in Hawaii, where there is a great deal more sugar raised by a still cheaper labor than in Puerto Rico?

Mr. TELLER. I am not to be drawn by the Senator from Georgia into a discussion on Hawaii now. That is an entirely different proposition.

Mr. BACON. The Senator will pardon me. I probably misunderstood him. I understood the Senator to be talking about Puerto Rico. Was I correct?

Mr. TELLER. Certainly.

Mr. BACON. Then I do not think, while the Senator was speaking of Puerto Rico and the threatened competition of sugar made by labor at low prices in Puerto Rico, that it was an inapplicable question as to what relation a similar condition bore when it existed in Hawaii, where labor is still cheaper.

Mr. TELLER. The Senator ought to know that there is no analogy between the two. The Hawaiian Islands, by a solemn act of Congress and of the President of the United States, became an integral part of the United States, rightfully or wrongfully. We deliberately brought them in, and nobody raised any question about their relation to us. I think perhaps the Senator did not vote for it, but because we did one thing that was wrong, that has no relation to the question which I am trying to discuss. As is suggested to me, we have already organized the people of Hawaii into a Territory and given them privileges such as we never gave to any Territory heretofore in the history of our legislation.

Mr. President, I am not discussing either the question about whether we ought to have a duty of 10 per cent or 15 per cent or any other per cent. I am simply discussing what is our authority in this matter. I do not think that free trade with Puerto Rico would seriously endanger the financial or economic conditions of the people of the United States. But it is said that it is an act of gross injustice; it is a great outrage which is proposed to be put upon the people of Puerto Rico, and that they have a right to demand free trade with us. If the people of Puerto Rico have that right, so have all the world, so have all mankind.

It is said that we are about to establish a relation with them. When we establish that relation that will determine their rights; but it is not yet established; and I am insisting that such a relation shall not be established as shall preclude us, if we see fit, from putting a duty on their imports.

Mr. President, I proposed an amendment to the pending bill which I knew would not pass. I shall probably not be here even to present it to the Senate, and so I suppose it will receive no attention from any hand; but it indicates how I would deal with these new possessions. I do not mean to say that I would deal with the Philippine Islands just as I would deal with Puerto Rico. I have no patience with any Senator who says, "If you do this for Puerto Rico, you must do it for the Philippine Islands." I trust that Congress has enough independence to deal with each section of the world that we may be dealing with as our interests and their interests together shall require. No precedent can be invoked because we have given free trade to Puerto Rico or because we have denied it that we shall do the same thing as to the Philippine Islands, or that if we have established a government of one character there, we must establish the same kind of government in the other place.

The great question to be considered all the time is, How can we treat these islands consistently with the traditions of the American people? How can we do justice to them and justice to ourselves at the same time? If we give to them practically self-government, they have no right to ask us for participation in the affairs of the General Government; and anything that we may do for them, bad as this bill is—and I think it violates some of our traditions as it is—but, bad as it is, is it not better than anything that those people ever heretofore had or anything that they had any hope of having two years ago?

If we keep steadily in view the idea that if these people are capable of self-government, they shall have it—and I have no doubt of their ability to manage their own internal and domestic affairs practically without our supervision, although some Senators say that is not the fact—if we yield that to them, we have not violated any principle of free government and of a free people; and

all of this repeated newspaper clamor that we are about to do something extremely bad if we deny to those people full citizenship, it seems to me, is without any foundation whatever.

Mr. President, I had intended, as I said before, to go into very many phases of this case, and to touch upon even our relations with our Asiatic possessions; but I shall not do so now. I shall content myself with saying practically now what I have said—that this bill seems to me to be incongruous and unsatisfactory from any standpoint; I do not care whether it be from that of making Puerto Rico a part of the United States or making it a colony.

In any phase of the question this is not a useful bill. I have no hope that it will be materially improved; and I think it would have to be reformed from its enacting line to its close so as to secure my vote. If I had expected to be here and to vote upon it, perhaps I should not have felt compelled to say this morning, under the circumstances, what I have said. I now yield to the Senator from Washington [Mr. TURNER].

Mr. MASON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Illinois?

Mr. TELLER. Certainly.

Mr. MASON. I was going to ask the Senator who has the privilege of the floor to yield me five minutes to make a suggestion.

The PRESIDENT pro tempore. The Senator from Washington [Mr. TURNER], who yielded the floor to the Senator from Colorado [Mr. TELLER], does not seem to be in his seat at present.

Mr. JONES of Arkansas. The Senator from Washington is in the cloakroom.

Mr. TURNER entered the Chamber.

Mr. TELLER. Mr. President, I felt constrained to make a few remarks on this bill, and I felt constrained to make them in great haste and rather unsatisfactorily, because I thought that I ought not to keep the Senator from Washington from the floor. Now I will yield to the Senator from Washington, and he can yield to the Senator from Illinois if he sees fit to do so.

The PRESIDENT pro tempore. The Senator from Washington [Mr. TURNER] is entitled to the floor.

Mr. MASON. I desire about five minutes, with the consent of the Senator from Washington, to make a suggestion in connection with a question which I asked the Senator from Colorado, if that be agreeable.

Mr. TURNER. If the Senator does not wish more than five minutes, I shall not object.

Mr. MASON. I can wait, but I only desire to occupy a short time. I shall not take five minutes.

Mr. TURNER (to Mr. MASON). Go on.

Mr. MASON. Before the Senator from Washington makes his speech upon his proposition, I wanted to call the attention of the Senator who introduced the bill, which looks substantially to the permanent acquisition of the Philippine Islands, to a part of the opinion of Chief Justice Marshall which, so far as I remember, has not been called to the attention of the Senate. The opinion has been quoted, but I want to call the attention of the Senator from Colorado [Mr. TELLER], who just sat down, to the question whether or not the right to levy impost duties can be made different in different parts of the United States.

Mr. TELLER. I thought I had explained that.

Mr. MASON. You have answered it from your standpoint; you have said that those possessions are not a part of the United States, but that we have a right to govern them. Now, I want to call your attention——

Mr. TELLER. I want to say to the Senator, if I did not make myself clearly understood, that what I intended to say was that if those possessions are a part of the United States, we have no right to tax their products coming into the United States.

Mr. MASON. What I want to add is that if they are not a part of the United States, we make them a part of the United States when we attempt to govern them; and the provision of the Constitution which provides that imposts shall be uniform applies in every place that we govern, regardless of whether it is a territory, organized or unorganized.

Mr. TELLER. I am thoroughly familiar with the opinion the Senator is citing. I have read it and reread it, and, I believe, every other opinion that touches upon this subject, and I do not agree with the Senator that by simply attempting to govern the people of a territory we make them a part of the United States.

Mr. MASON. Very well. Then, I want to read the Senator just one line. Gentlemen contend that we can govern territory, and, following the opinion of Chief Justice Marshall, they say in the case where he passes upon the right as to uniformity of taxation, that it applies only to the District of Columbia, and when we have called attention to the term "United States," the Chief Justice says this:

> Does this term—
>
> The United States—
>
> designate the whole or any particular portion of the American empire? Certainly this question can admit of but one answer. It is the name given to our great Republic, which is composed of States and Territories. The District of Columbia or the territory west of the Missouri, is not less within the United States than Maryland or Pennsylvania, and it is not less necessary, on the principles of our Constitution, that uniformity in the imposition of imposts, duties, and excises, should be observed in the one than in the other.

When we call attention to that situation they say, "Yes; but that refers to the District of Columbia; that refers to the Territories which are organized, and to which we have extended the Constitution." That is the answer you give us. Now, I call your attention to this statement, that whether the territory is organized or unorganized, the moment we take possession of any place, the limitations of the Constitution apply by the very language of Chief Justice Marshall. This is the language:

> The eighth section of the first article gives to Congress the power to "lay and collect taxes, duties, imposts and excises," for the purposes thereinafter mentioned. This grant is general, without limitation as to place. It consequently extends to all places over which the Government extends.

Is Puerto Rico a place? Are we to govern it? If so, then the Government of the United States extends there, and, according to this very opinion of Chief Justice Marshall, the moment we take possession of it and claim to govern it, that moment this particular language in the Constitution, which says that imposts shall be uniform, extends to every place where the Government extends.

I hope the distinguished Senator from Wisconsin [Mr. SPOONER] who has introduced a bill on this subject will have his attention directed to that proposition and answer it. If Chief Justice Marshall is right, when we take any place, any territory, organized or unorganized, wherever the Government extends, then this rule of uniformity of taxation must extend to it.

Mr. TURNER. Mr. President, I shall proceed as rapidly as possible with the task which I have prescribed for myself, regretting to be compelled to occupy so much of the attention of the Senate in a discussion which some may consider of little utility. But I do not so consider it. In my judgment no one can perform a more valuable service to-day than to spread before the country in connected and intelligent form the adjudications of the Supreme Court of the United States concerning the principles involved in this measure, in order that it may be seen how utterly destitute of legal or judicial support are those who are insisting on its passage. Before I get through I shall have shown, I think, that the decisions of the Supreme Court of the United States are all one way; that there is no conflict of authority in those decisions which can reasonably lead to the belief in any mind that this bill in its taxing features will not be declared unconstitutional by the Supreme Court of the United States, and that such cases as have been quoted or cited by our friends on the other side as establishing at least a conflict of authority have been wholly misapprehended and their effect and purport misrepresented. I shall not insist, of course, that any Senator has intentionally misrepresented.

I shall not insist, of course, that any Senator has intentionally misrepresented the effect of cases referred to by him, but I regret to be compelled to say that some of the authorities employed by our friends on the other side have been so utterly and absolutely and inconceivably misconstrued that this concession to their moral integrity, which I cheerfully make, must be made and can only be made at the expense of their intellectual processes.

The next case to which I wish to call attention in the ordinary sequence of the cases is that of the Mormon Church against The United States, reported at page 144 of 136 U. S. This case presents these facts: The Congress of the United States, conceiving that the Mormon Church was a menace to the morals of the country, passed an act disincorporating that church in the Territory of Utah, providing for the winding up of its affairs and the sequestration of its property. Proceedings were instituted by the United States under and by virtue of that act of Congress for the purpose of carrying out its provisions, and those proceedings, of course, were assailed by those representing the church as contrary to the Constitution of the United States. The case finally found its way to the Supreme Court of the United States, and that court carefully examined the several constitutional provisions urged as showing the invalidity of the legislation of Congress, and a majority of the court decided that the legislation was not in conflict with the Constitution of the United States. Nobody decided that the Constitution of the United States was not in force in the Territory of Utah by virtue of its own terms.

Mr. Justice Bradley, delivering the opinion of the majority in that case, while holding that the constitutional provisions were in force in the Territory, indicated his own personal opinion that it was rather by virtue of the spirit of the Constitution and of our institutions than by virtue of the positive provisions of the Constitution. I call attention to the fact that this is the only intimation in all the long line of decisions by the Supreme Court of the United States to that effect. On the other hand, Chief Justice Fuller, who delivered a dissenting opinion on behalf of himself and two of the other justices, stated that in his and their judgment the Constitution with all its provisions was operative in the Territory of Utah; and he then proceeded to show that the act of Congress which was then assailed was in violation of the

Constitution in the respects claimed by the attorneys in that case. Mr. Justice Bradley's language was this:

Doubtless Congress, in legislating for the Territories, would be subject to those fundamental limitations in favor of personal rights which are formulated in the Constitution and its amendments; but these limitations would exist rather by inference and the general spirit of the Constitution, from which Congress derives all its powers, than by any express and direct application of its provisions.

But the justice, in the course of his opinion, went on to examine the provisions of the act of Congress then in question before the court to determine whether they were or were not in conflict with the positive provisions of the Constitution of the United States. Chief Justice Fuller spoke for himself and Justices Field and Lamar in dissenting from the conclusion that this act was not in conflict with the Constitution, and he said on that subject:

In my opinion Congress is restrained not merely by the limitations expressed in the Constitution, but also by the absence of any grant of power, express or implied, in that instrument. And no such power as that involved in the act of Congress under consideration is conferred by the Constitution, nor is any clause pointed out as its legitimate source. I regard it of vital consequence that absolute power should never be conceded as belonging under our system of government to any one of its departments. The legislative power of Congress is delegated and not inherent, and is therefore limited.

I agree that the power to make needful rules and regulations for the Territories necessarily comprehends the power to suppress crime; and it is immaterial even though that crime assumes the form of a religious belief or creed. Congress has the power to extirpate polygamy in any of the Territories by the enactment of a criminal code directed to that end: but it is not authorized under the cover of that power to seize and confiscate the property of persons, individuals, or corporations, without office found, because they may have been guilty of criminal practices.

This eminent man who expressed this opinion and who, for aught that appears in the opinion, spoke for all the judges of the court concerning the application of the limitations of the Constitution to the Territories is yet at the head of the Supreme Bench of the country, giving his unrivaled powers of mind to the business and the affairs of his country as they are presented in that great court.

I refer now, Mr. President, to the case of Shively *vs.* Bowlby (152 U. S., page 1), not so much for the purpose of any expression which may be found in that opinion that the Constitution of the United States applies of its own force to the Territories, as because of its reaffirmation of the fact declared by Chief Justice Taney in the Dred Scott case and afterwards again declared by Mr. Justice Matthews in the case of Murphy *vs.* Ramsay, and now reaffirmed in this case, that the acquisition of territories and the holding of territories by the United States, whether by discovery or cession from other powers, was for the purpose of fitting those territories ultimately for statehood in the Union of States.

If that position be correct, then I imagine nobody will claim that it was the intention of the Constitution that these Territories thus held for such purpose could be governed by the arbitrary will of Congress. The question in the case of Shively *vs.* Bowlby was whether the grant by the Government of lands bounded by the Columbia River, made while Oregon was a Territory, conveyed title below the line of high water. This raised the question of the power of Congress over the Territories and incidentally the policy which governed Congress in disposing of lands in navigable waters between high and low water mark.

It was held that it was the policy of Congress not to grant away such lands, because it was essential to the rights of the new State that title to and control of such lands should accrue and vest in it, and as the groundwork and base on which that policy was founded, it was held and decided that all territories acquired by the nation were held by it with the object of being admitted into the Union as a State or States of the Union. I read first from page 49 of this volume, as follows:

As observed by Mr. Justice Curtis, "This soil is held by the State, not only subject to, but in some sense in trust for, the enjoyment of certain public rights." (Smith *vs.* Maryland, 18 How., 71, 74.) "The title to the shore and lands under this tide water," said Mr. Justice Bradley, "is regarded as incidental to the sovereignty of the State—a portion of the royalties belonging thereto, and held in trust for the public purposes of navigation and fishery." (Hardin *vs.* Jordan, 140 U. S., 371, 381.)

And the Territories acquired by Congress, whether by deed of cession from the original States or by treaty with a foreign country, are held with the object, as soon as their population and condition justify it, of being admitted into the Union as States upon an equal footing with the original States in all respects; and the title and dominion of the tide waters and the lands under them are held by the United States for the benefit of the whole people, and, as this court has often said, in cases above cited, "in trust for the future States." (Pollard *vs.* Hagan, 3 How., 212, 221, 222; Weber *vs.* Harbor Commissioners, 18 Wall., 57, 65; Knight *vs.* United States Land Association, 142 U. S., 161, 183.)

And further, at page 58 of this volume, as follows:

The United States, while they hold the country as a Territory, having all the powers both of national and of municipal government, may grant, for appropriate purposes, titles or rights in the soil below high-water mark of tide waters. But they have never done so by general laws, and unless in some case of international duty or public exigency have acted upon the policy, as most in accordance with the interest of the people and with the object for which the Territories were acquired, of leaving the administration and disposition of the sovereign rights in navigable waters and in the soil under them to the control of the States, respectively, when organized and admitted into the Union.

I am referring to these cases in the order of their determination by the Supreme Court of the United States.

The next case is that of Springville *vs.* Thomas (166 U. S., page 707). It was decided in this case that an act of Congress authorizing the Territory of Utah to provide for a verdict by a less number than all the members of a petit jury would be in conflict with the seventh amendment to the Constitution, and therefore that the act in question could not confer such power nor be treated as attempting to confer it. This decision is by Chief Justice Fuller.

In these three cases judgments were entered on verdicts returned by less than the whole number of jurors by which they were tried. It has been decided by this court that the Territorial act of March 10, 1892, permitting this to be done (Laws Utah, 1892, page 46) was invalid because in contravention of the seventh amendment to the Constitution and the act of Congress of April 7, 1874, 18 Statutes, 27, chapter 80 (American Publishing Company *vs.* Fisher, ante, 464).

Exceptions to the course pursued were sufficiently preserved and the judgments must be reversed if this court has jurisdiction.

The amounts in controversy in each instance were not sufficient to give jurisdiction, and the inquiry is whether the validity of any statute of or authority exercised under the United States was drawn in question before the courts below. (Act March 3, 1885, 23 Stat., 443, chapter 355, page 2.)

The supreme court of the Territory held, in Hess *vs.* White (9 Utah, 61)—and the decision was followed in these cases—that the act of Congress of September 9, 1850 (9 Statutes, 453, chapter 51, paragraph 6), the organic act of the Territory, vested in the Territorial legislature such unlimited legislative power as enabled it to provide that unanimity of action on the part of jurors in civil cases was not necessary to a valid verdict. But defendants contended that the act of Congress as thus interpreted was in violation of the seventh amendment, and the validity of the act was in that way drawn in question.

In the view which the supreme court took of the act it was obliged to subject it to the test of the Constitution, and accordingly in deciding that the seventh amendment did not require unanimity of action the court held in effect that the act of Congress was constitutional, although it empowered the Territorial legislature to provide for verdicts by less than the whole number of jurors. The question involved was not matter of construction of the Territorial act, but the court discussed its validity, and this depended on the validity of the act of Congress giving it the scope which the court attributed to it.

In this there was error. In our opinion the seventh amendment secured unanimity in finding a verdict as an essential feature of trial by jury in common-law cases, and the act of Congress could not impart the power to change the constitutional rule and could not be treated as attempting to do so.

In the former case of the American Publishing Company *vs.* Fisher, published in the same volume, Justice Brewer predicated the invalidity of the statute on its variance from the organic act of the Territory, saying that there might be some dispute whether the Constitution applied ex proprio vigore. This is the only reservation in any of the cases on this branch of the subject, and it may or may not indicate a doubt in the mind of the justice writing the opinion, but it decides nothing contrary to the many decisive holdings on the same point which preceded it or which would call for remark or dissent from the other judges participating in the decision of the case.

The next case in order of time is Thompson *vs.* Utah (170 U. S., page 343), an opinion by Mr. Justice Harlan. It was essential in this case to determine whether, at the time the crime was committed in the Territory of Utah, the defendant was entitled to a trial by a jury of twelve persons. The court held that he was so entitled by the Constitution of the United States; and since the constitution of Utah, when that State was admitted into the Union, provided for a trial by a less number of jurors than twelve, the State constitution as to the defendant was ex post facto. It is hard to conceive of a ruling which has less of the character of dictum in it.

I read from page 346 of this opinion—and this is the last case of the series of cases to which I wish to call the attention of the Senate as establishing the proposition for which I contend—that any territory acquired by us in any manner for the purpose of being permanently governed by the United States is entitled at once, from the moment that it comes into our possession, to all of the guaranties of the Constitution of the United States in favor of private right and in favor of the equality of governmental burdens:

That the provisions of the Constitution of the United States—

Say the court—

relating to the right of trial by jury in suits at common law apply to the Territories of the United States is no longer an open question. (Webster *vs.* Reid, 11 How., 437, 460; American Publishing Company *vs.* Fisher, 166 U. S., 464, 468; Springville *vs.* Thomas, 166 U. S., 707.) In the last-named case it was claimed that the Territorial legislature of Utah was empowered by the organic act of the Territory of September 9, 1850 (9 Stat., 453, chapter 51, section 6), to provide that unanimity of action on the part of jurors in civil cases was not necessary to a valid verdict. This court said:

"In our opinion the seventh amendment secured unanimity in finding a verdict as an essential feature of trial by jury in common-law cases, and the act of Congress could not impart the power to change the constitutional rule, and could not be treated as attempting to do so."

It is equally beyond question that the provisions of the national Constitution relating to trials by jury for crimes and to criminal prosecutions apply to the Territories of the United States.

The judgment of this court in Reynolds *vs.* United States (98 U. S., 145, 154), which was a criminal prosecution in the Territory of Utah, assumed that the sixth amendment applied to criminal prosecutions in that Territory.

The opinion is long and very instructive, but I shall not undertake to read all of it because of the want of time. The court say further, at page 350:

We are of opinion that the State did not acquire upon its admission into the Union the power to provide, in respect of felonies committed within its

limits while it was a Territory, that they should be tried otherwise than by a jury such as is provided by the Constitution of the United States. When Thompson's crime was committed it was his constitutional right to demand that his liberty should not be taken from him except by the joint action of the court and the unanimous verdict of a jury of twelve persons. To hold that a State could deprive him of his liberty by the concurrent action of a court and eight jurors would recognize the power of the State not only to do what the United States in respect of Thompson's crime could not at any time have done by legislation, but to take from the accused a substantial right belonging to him when the offense was committed.

Mr. President, this line of decisions is so positive, applies the Constitution to the Territories in so many aspects of its application to them, that it is incomprehensible to me how anybody reading these cases understandingly can take the position that any territory acquired by us permanently may be governed other than in the manner pointed out by the Constitution and subject to all of its limitations. I have listened to or read all the debates in this Chamber and elsewhere, and I have read the reports made upon this bill, and I have heard no Senator, and I have read the speech of no Senator, referring to any case by the Supreme Court of the United States in which it has been held that the Constitution of the United States did not extend ex proprio vigore to the Territories. I have not heard of one. I should like any Senator to rise now and state one, if he has one in mind, which says that identical thing or anything which by any process of ratiocination can be construed as saying it. I do not believe that there is any such case, and certainly when we come to look at the arguments of those who have attempted to sustain that position by a citation of authorities we do not find any cases of that character.

The junior Senator from Vermont [Mr. ROSS] made a very able speech here two or three weeks ago upon this subject. He spent most of his time in attempting to dispose of the line of cases which I have read with the contention that the Constitution was applied to the District of Columbia by reason of the District before that having been part of the States of Maryland and Virginia, and with the further contention that it was applied to the Territories concerning which this line of decisions had been made by virtue of the treaties under which we acquired those Territories.

I have already examined these contentions as fully as I care to do. Then, after making his contention, the Senator went on to array the cases which, in his judgment, sustained the proposition that all Territories were without the light of the Constitution unless it was conferred upon them by treaty like those made with Spain, France, and Mexico. He referred first to the case of In re Ross, in 140 U. S., at page 453, and said:

It was held that the American vessel—

In this case a homicide had been committed on an American vessel in one of the ports of Japan—

It was held that the American vessel, though on the high seas, common to all nations, was American territory, and under the treaty the consular court had jurisdiction to try him, and his conviction was lawful. I can see no escape from the conclusion that this decision establishes that Congress has plenary power, unrestricted by the Constitution, in legislating for outside territories.

The Senator puts this case in the forefront of the cases found by him as holding that the Territories were outside of the provisions of the Constitution. It seems to me that a very plain story will put this contention down. The crime for which Ross was convicted was committed in one of the ports of Japan, as I have said. The court simply held that that port was within the territorial jurisdiction of Japan, that the Constitution of the United States did not apply to another country, and since Japan by treaty had conceded his right to be tried by the consular courts of the United States, his rights were to be measured by the treaty and not by the Constitution. Here is what the court say on that subject, reading first from page 471:

The provisions conferring jurisdiction in capital cases upon the consuls in Japan, when the offense is committed in that country, are embodied in the Revised Statutes, with the provisions as to the jurisdiction of domestic tribunals over such offenses committed on the high seas; and those statutes were reenacted together, and as reenacted went into operation at the same time. To both effect must be given in proper cases, where they are applicable. We do not adopt the limitation stated by counsel to the jurisdiction of the consular tribunal, that it extends only to offenses committed on land.

Neither the treaty nor the Revised Statutes to carry them into effect contain any such limitation. The latter speak of offenses committed in the country of Japan—meaning within the territorial jurisdiction of that country—which includes its ports and navigable waters as well as its lands.

Again, at page 463:

The treaty-making power vested in our Government extends to all proper subjects of negotiation with foreign governments. It can, equally with any of the former or present governments of Europe, make treaties providing for the exercise of judicial authority in other countries by its officers appointed to reside therein.

We do not understand that any question is made by counsel as to its power in this respect. His objection is to the legislation by which such treaties are carried out, contending that so far as crimes of a felonious character are concerned, the same protection and guaranty against an undue accusation or an unfair trial, secured by the Constitution to citizens of the United States at home, should be enjoyed by them abroad.

In none of the laws which have been passed by Congress to give effect to treaties of the kind has there been any attempt to require indictment by a grand jury before one can be called upon to answer for a public offense of that grade committed in those countries, or to secure a jury on the trial of the offense. Yet the laws on that subject have been passed without objection to their constitutionality. Indeed, objection on that ground was never raised in any quarter, so far as we are informed, until a recent period.

It is now, however, earnestly pressed by counsel for the petitioner, but we do not think it tenable. By the Constitution a government is ordained and established "for the United States of America," and not for countries outside of their limits. The guaranties it affords against accusation of capital or infamous crimes, except by indictment or presentment by a grand jury, and for an impartial trial by a jury when thus accused, apply only to citizens and others within the United States or who are brought there for trial for alleged offenses committed elsewhere, and not to residents or temporary sojourners abroad. (Cook vs. United States, 138 U. S., 157, 181.)

The Constitution can have no operation in another country. When, therefore, the representatives or officers of our Government are permitted to exercise authority of any kind in another country, it must be on such conditions as the two countries may agree, the laws of neither one being obligatory upon the other.

So it would seem that this case certainly can not have the influence claimed for it by the distinguished Senator from Vermont [Mr. ROSS].

The next case referred to by the Senator as sustaining the contention of the other side is the celebrated case of Insurance Company *vs.* Canter, reported in 1 Peters, 511. The question in that case was whether a court organized by the Territorial legislature of Florida could exercise admiralty jurisdiction in that Territory. The contention was that it could not do so, because that was a part of the jurisdiction conferred by the Constitution on the courts of the United States, and since the jurisdiction was exclusive in such courts it could not be exercised by any court in Florida other than that organized under the legislation of Congress. The Supreme Court in its decision overruled this contention because, and only because, the courts organized in Florida were not constitutional courts, and since Congress had not undertaken to give them exclusive jurisdiction the legislature of Florida might lawfully assert and vest concurrent jurisdiction in admiralty causes in courts of its own creation. The Supreme Court in its opinion says that these courts are not constitutional courts because the terms of the judges as provided for them were of limited tenure, which could not be the case if they were constitutional courts. The court was invited by Mr. Webster to hold that the Constitution did not apply to a Territory, but it strenuously avoided any such holding. On that point they either meant to reserve that question or to hold that the Constitution, so far as it fixed the rights, privileges, and immunities of citizens of the United States, did apply there. The court says:

On the 2d of February, 1819, Spain ceded Florida to the United States. The sixth article of the treaty of cession contains the following provision:

"The inhabitants of the territories which His Catholic Majesty cedes to the United States by this treaty shall be incorporated in the Union of the United States as soon as may be consistent with the principles of the Federal Constitution and admitted to the enjoyment of the privileges, rights, and immunities of the citizens of the United States."

This treaty is the law of the land, and admits the inhabitants of Florida to the enjoyment of the privileges, rights, and immunities of the citizens of the United States. It is unnecessary to inquire whether this is not their condition, independent of stipulation. They do not, however, participate in political power; they do not share in the Government till Florida shall become a State. In the meantime Florida continues to be a Territory of the United States, governed by virtue of that clause of the Constitution which empowers Congress "to make all needful rules and regulations respecting the territory or other property belonging to the United States."

Now, where the Chief Justice says here that it is unnecessary to inquire whether that condition does not obtain so far as the newly acquired inhabitants are concerned, without reference to treaty stipulations, it may be said that he meant to reserve the question presented by Mr. Webster in his argument. He certainly did so mean if the rights, privileges, and immunities referred to by him were such as are secured to citizens by the Constitution of the United States.

But another view of this case, which I presented on yesterday, would be that the great Chief Justice intended to hold by this language that the Constitution did in fact apply in the Territory of Florida. It is very hard to resist that conclusion, because the only rights, privileges, and immunities which a citizen of the United States enjoys, that I know of, are those which, he gets from the Constitution. Judicial opinions referring to them speak of them as rights, privileges, and immunities of citizens under the Constitution. If, then, the native inhabitants of that Territory took those rights, privileges, and immunities the moment they were ceded to us by virtue of the clause in the treaty, which gave them all the rights, privileges, and immunities of citizens of the United States, it must have been because citizens of the United States residing there already had those rights, privileges, and immunities; and hence, that the native inhabitants took them the same as the citizens of the United States there residing already had them.

The concluding paragraph in this opinion of Chief Justice Marshall has been much commented on, but it does not mean anything contrary to what I have said. The paragraph is as follows:

In legislating for them—

That is, the Territories—

Congress exercises the combined powers of the General and of the State government.

It was shown by Mr. Justice McLean in his dissenting opinion in the Dred Scott case and by Chief Justice Taney in the majority

opinion in that case that this language of Chief Justice Marshall referred wholly and entirely to political power and to nothing else, the power of regulating the kind and character of government that should be there, and the extent to which the inhabitants of the Territory should enjoy the political privilege of participating in that government; that that, and that alone, was all that the Chief Justice meant when he said that in legislating for Territories Congress exercised the combined powers of the National Government and of the State governments.

Mr. SPOONER. Mr. President, will it disturb the Senator if I ask him a question?

Mr. TURNER. No, sir.

Mr. SPOONER. It is not for the purpose of discussion at all. The Senator is quite familiar with that case, of course. It is my recollection that the Chief Justice said in that opinion that an admiralty case was not a case arising under the Constitution of the United States, and that the admiralty jurisdiction mentioned in the second section referred only to the States.

Mr. TURNER. I wish the Senator would state his question again, so that I may understand him.

Mr. SPOONER. I only ask if I am wrong in my recollection that in that opinion the Chief Justice declared that an admiralty case was not a case arising under the Constitution of the United States?

Mr. TURNER. He did so hold.

Mr. SPOONER. And that the provision in relation to admiralty jurisdiction in the second section, I think, of Article I only referred to the admiralty jurisdiction in the States, and precluded the vesting of admiralty jurisdiction in the States in other than a Federal court?

Mr. TURNER. I do not understand that he held anything of that kind.

Mr. SPOONER. Does he not say so there?

Mr. TURNER. I do not understand it so. He held that admiralty jurisdiction was not meant to be included in that clause of the Constitution vesting jurisdiction in the courts of the United States in cases arising under the Constitution and laws of the United States, but that it was extended under that particular clause of the Constitution expressly vesting admiralty jurisdiction in the courts of the United States.

He held then not that such jurisdiction could only be exercised in the States, but that it might be exercised by Territorial courts, and that it might be exercised even by courts created by the Territorial legislatures themselves. He held that admiralty causes were not cognizable as causes arising under the Constitution and laws of the United States within the meaning of the statute vesting jurisdiction in the district court of Kentucky, which statute had been extended to the courts of Florida and which it was claimed would prevent the exercise of admiralty jurisdiction by any courts in Florida other than those vested by act of Congress with the jurisdiction of the district court of Kentucky.

He got around the whole contention by saying that the Territorial courts were not courts of the United States, and therefore did not necessarily take exclusive admiralty jurisdiction under the Constitution, nor did they take it under the statute conferring jurisdiction on the Kentucky court, and therefore that jurisdiction conferred by the United States on the Territorial courts might be supplemented by the Territorial legislature vesting in courts of its own creation concurrent admiralty jurisdiction. It has been some time since I have had occasion to digest the Canter case, but I think I have correctly stated the holding of the court on the point inquired about by the Senator from Wisconsin.

The Senator from Vermont [Mr. ROSS] referred to the argument of Daniel Webster in this case as an authority of weight with Congress in considering this legislation. This brings me to an observation which I wish to make concerning Mr. Webster's argument and also concerning an expression of Mr. Benton in his work, Thirty Years in the Senate, to the effect that the proper constitutional construction on this question was that claimed by our friends on the other side. The argument of Daniel Webster in the Canter case afterwards resulted in a suggestion to the same effect in a debate in the Senate of the United States, and those are the only declarations which can be found by our public men from the time of the institution of the Government down to the present time which sustains the position taken on the other side, that the Territories are orphans within the meaning of the Constitution of the United States. I wish to say, with reference to Mr. Benton's declaration in his memoirs, that Mr. Benton was not a great constitutional lawyer. While the contemporary of Clay and Calhoun and Webster, he was not in their class at all. While I fully admit that the statement made by him in his work is as claimed by our friends on the other side, I do not consider it a very strong authority. Daniel Webster was a great constitutional lawyer, and any contention which he made is worthy of consideration at any time. I have as much respect for Daniel Webster, I presume, as any man in this Chamber, but I do not consider him infallible, nor do I suppose any other Senator considers him infallible.

In considering the argument which he made it should be remembered that it was made in a lawsuit and that it is considered within the ethics of the profession and proper for an advocate to press upon the court arguments which may seem plausible to him and which he may think will have weight with the court, whether they accord with his own private opinions as to the correctness of that proposition or not, because an attorney in presenting an argument to the court is the advocate and not the judge, and it is not for him to decide whether a plausible proposition is or is not the law. If he were to fail to press such a proposition, he might lose the cause when otherwise he would have gained it and when he ought to have gained it in equity and good conscience, because the court might have considered the proposition a valid and just one and decided the cause in his favor, notwithstanding his own opinion to the contrary.

Having taken the position in the argument in this Canter case, nothing was more natural than that Mr. Webster, when involved in a debate in the Senate a great many years afterwards, should make the same point again. But it does not appear from the records of the Senate that that was more than a casual suggestion of his, or that he had given the question any consideration between the time he made the point in the Supreme Court of the United States and the time of this expression of opinion in the Senate, nor was the position argued at any length, nor were any authorities cited by him in the debate in the Senate to support and maintain it. If Daniel Webster were here to-day, whatever might have been his opinion at that time, he would be found too great a lawyer and too profound a patriot, in view of the fixed and settled line of decisions by the Supreme Court of the United States on this point, to expect to overturn them by the ipse dixit of any individual, no matter how eminent he may have been in his profession. So much for the Canter case.

The Senator from Vermont next refers to the cases by the Supreme Court of the United States on the subject of the citizenship of children born of alien parents in this country and with reference to the citizenship of Indians born in this country, and he thinks that those cases sustain the power of Congress to legislate for Territories unrestricted by the limitations of the Constitution.

Since the Supreme Court (in In re Wang Ark Kim, 169 U. S., 649) decided that a Chinaman born in the State of California was a citizen of the United States under and by virtue of the fourteenth amendment to the Constitution of the United States, and decided in United States *vs.* Kagama (118 U. S., 375), and in other cases, that Indians born on Indian reservations were not citizens, the Senator thinks the decisions must proceed on the theory that the fourteenth amendment has operation in the States, but no operation outside of them, and he finds in these decisions support for his contention.

Here is what he says on that subject:

> It is difficult to discover any satisfactory reason distinguishing this case from In re Wang Ark Kim, except that the latter was born within a State, and therefore within the operation of the fourteenth amendment of the Constitution, and Kagama on an Indian reservation, over which the State within whose limits the reservation was had no jurisdiction, and therefore was outside of the operation of that amendment.

Mr. President, the wonders of intellectual aberration, the eccentricities of ratiocination, become more striking the further we go in this remarkable argument. The Supreme Court of the United States say over and over again in the Chinese case, if they say anything at all, that the fourteenth amendment makes persons born anywhere in territory subject to the jurisdiction of the United States citizens. They say that that amendment is simply declaratory of the common law of England which we brought with us from the mother country, under which persons born not only in the Kingdom of England, but anywhere within her colonies or dependencies, become citizens. The case is too long to read, and one would be compelled to read too much of it to exhibit the true grounds on which it proceeded, but I venture the assertion that no lawyer after reading it will give it a meaning different from that which I have given it. As to the Indian decisions, the grounds on which they have proceeded are too well known to make it necessary that I should read from them to this body. No provision of the Constitution applies to them. They are members of independent tribes, having no political connection with the Government, having such a status of independence that they make treaties with it, and therefore, as the Supreme Court decided, not within the class of persons who are citizens from birth, because not subject to the jurisdiction of the nation.

The Senator makes only one other contention which he supports with authorities, and I shall now refer to that. He refers to the decisions of the Supreme Court of the United States, holding that the Constitution does not give the Federal courts jurisdiction in suits instituted by citizens of Territories; and he says with reference to those decisions:

> These cases establish, if they establish anything, that the term "State" in the Constitution means one of the States of the Union and no other municipality. By parity of reasoning United States, when used in that instrument, should mean the States united and nothing more, unless clearly asserted, as in the thirteenth amendment.

Because the Supreme Court of the United States were unable to construe the term "citizen of a State" as including the citizen of a Territory, the Senator from Vermont thinks that the reverse of that proposition must be upheld, and that by parity of reasoning the use of the term "United States" should mean the States united and nothing else. This is the last contention upon which the Senator hinges the proposition that the Constitution of the United States was made for the States alone and does not include the people who have the misfortune to live in the Territories. It seems to me that it is hard to imagine a more complete non sequitur. I have now noticed all the cases the Senator from Vermont, with his thirty years upon the bench, has been able to find sustaining, in his opinion, the proposition that the Constitution of the United States does not apply to the Territories.

The Senator from Ohio [Mr. FORAKER] has not referred in his speeches to any of these cases. He frankly says that he thinks this argument has passed the law-book stage, and confesses that there is not any line of decisions which could shake the opinion he has formed on the subject. But he must have been at the law-book stage some time before he made up his mind on this subject, and I presume it was while he was examining the authorities for the purpose of making his report upon this bill. I have that report here. In it the Senator examines some of these authorities. He examines and cites and quotes from other authorities which he says sustain his position. I want to examine that report for a few moments to see whether he comes any nearer the mark, is any more successful in producing decisions by the Supreme Court of the United States to sustain his contention, than the Senator from Vermont. To the proposition that the power to acquire, hold, and govern territory is unlimited, the Senator from Ohio, in his report to the Senate, cites Story on the Constitution, and he does what the advocates of this bill and of the theory of governmental power which it implies do throughout; he takes an isolated expression from the book, general in terms, and employs it for the purpose of sustaining his contention. He says, quoting Story:

> The Constitution confers on the Government of the Union the power of making war and of making treaties; and it seems, consequently, to possess the power of acquiring territory either by conquest or treaty. (Story on Constitution, section 1287.)
>
> * * * * * * *
>
> As the General Government possesses the right to acquire territory either by conquest or treaty, it would seem to follow as an inevitable consequence that it possesses the power to govern it. (Story on Constitution, section 1324.)

Nobody, of course, can take issue with either one of these general observations made by Mr. Story in his great work on the Constitution, but the inference which the Senator seeks to draw from the language employed in these quotations is that they sustain the proposition that the power to acquire, hold, and govern territory is unqualified. Now, I propose to show that Mr. Story never intended to hold out any such implication by the use of the language quoted. Judge Story, in a note to one of the sections of his work on the Constitution, had occasion to refer to the case of Ex parte Bollman and Swartout (4 Cranch, 75 to 136), and to refer to some observations made upon the decision in that case by Mr. Jefferson after he had left the Presidential office. Bollman and Swartout had been brought here for trial for offenses which it was alleged had been committed in the Territory of Louisiana; and the Supreme Court of the United States turned them loose on habeas corpus because they were entitled, as the court said, to a trial in the courts of Louisiana and could not be taken elsewhere for trial.

The court did not state explicitly whether that was because of a constitutional provision or a statutory provision. This case of Ex parte Bollman and Swartout has been referred to frequently as a decision by the Supreme Court of the United States; that it was the constitutional right of the petitioners to be tried in the district where the crime was said to have been committed; but, without reference to that, Mr. Story, in discussing that case and the contention of Mr. Jefferson, takes the position in his work that there had been a breach of the Constitution in the conduct of the Federal powers toward the petitioners in another respect; and it is to that I want to call the attention of the Senate as showing that any general expressions in his work had no meaning such as that which the Senator from Ohio has drawn from it. In a note to section 1902 of the second volume of Judge Story's work on the Constitution, he uses this language:

> Mr. Jefferson has entered into an elaborate defense of the right and duty of public officers to disregard in certain cases the injunctions of the law, in a letter addressed to Mr. Colvin in 1810. On that occasion he justified a very gross violation of this very article by General Wilkinson—

The article he was here speaking of was that article designed to secure the rights of personal security, personal liberty, and private property, one of the amendments to the Constitution.

> On that occasion he justified a very gross violation of this very article by General Wilkinson (if, indeed, he did not authorize it) in the seizure of two American citizens by military force on account of supposed treasonable conspiracies against the United States, and transporting them, without any warrant or order of any civil authority, from New Orleans to Washington for trial. They were both discharged from custody at Washington by the Supreme Court upon a full hearing of the case.
>
> Mr. Jefferson reasons out the whole case, and assumes, without the slightest hesitation, the positive guilt of the parties. His language is: "Under these circumstances was he (General Wilkinson) justifiable (1) in seizing notorious conspirators? On this there can be but two opinions—one of the guilty and their accomplices; the other that of all honest men. (2) In sending them to the seat of government when the written law gave them a right to trial by jury. The danger of their rescue, of their continuing their machinations, the tardiness and weakness of the law, apathy of the judges, active patronage of the whole tribe of lawyers, unknown disposition of the juries, an hourly expectation of the enemy, salvation of the city and of the Union itself, which would have been convulsed to its center had that conspiracy succeeded—all these constituted a law of necessity and self-preservation and rendered the salus populi supreme over the written law."

This is Mr. Jefferson talking. Then Judge Story says:

> Thus the Constitution is to be wholly disregarded because Mr. Jefferson has no confidence in judges or juries or laws. He first assumes the guilt of the parties, and then denounces every person connected with the courts of justice as unworthy of trust. Without any warrant or lawful authority, citizens are dragged from their homes under military force and exposed to the perils of a long voyage, against the plain language of this very article; and yet three years after they are discharged by the Supreme Court Mr. Jefferson uses this strong language.

To return now to the report prepared by the Senator from Ohio, the Senator says in that report:

> In other words, the Constitution and laws of the United States do not, ex proprio vigore, extend to territory acquired by the United States, but only by Congressional action. And so long as Congress may see fit to withhold the operation of the Constitution from a territory it is not bound in legislating for that territory except by its positive prohibitions. It is not bound, for instance, to require trial by jury in criminal cases. (Twitchell *vs.* Commonwealth, 7 Wallace, 326.)

One would naturally suppose from the language which preceded this citation that the case was one holding that Congress was not bound to extend the right of trial by jury to citizens of Territories; yet, when we come to examine the case, we find that it proceeds on the well-known principle that the provisions of the Constitution in respect to jury trials were not intended as limitations on the States, but as limitations on the Federal Government. The case of Twitchell *vs.* Commonwealth was an attempt to apply to the State these Federal constitutional provisions. The Supreme Court, of course, held that this could not be done, and I do not need to read any more than the head note:

> The fifth and sixth amendments to the Constitution of the United States (relating to criminal prosecutions) were not designed as limits upon the State governments in reference to their own citizens, but exclusively as restrictions upon Federal power; Baron *vs.* The City of Baltimore (7 Peters, 243), Fox *vs.* Ohio (5 Howard, 434), and other cases to the same point with them being herein concurred in.

Following the citation of the Twitchell case, this report proceeds:

> Nor (it is not bound to require trial by jury) in civil suits at common law where the value in controversy shall exceed $20. (Walker *vs.* Sawnet, 92 U. S., 90.)

This last case likewise came up from a State court, where it was claimed that one of the litigants had been deprived of the right of trial by jury, and the Supreme Court disposed of the complaint by saying, as it had said in twenty cases before, that the Federal constitutional provision was not a limitation on the power of the States, but was a limitation on the power of the Federal Government. Neither one of these cases have the remotest connection with the power of the Federal Government over the Territories, and it is remarkable that they should be cited in a great State paper in that connection.

The next case referred to by the Senator in his report as holding that the power to govern the Territories is unqualified, is that of the Mormon Church case, reported in 136 U. S. I have heretofore had occasion to examine that case as establishing our side of this proposition, and need only say concerning it that the Senator has selected an isolated expression out of that case which happened to have suited the purposes of this report, and has passed over the distinct and explicit determination of the court, that the limitations of the Constitution did apply to the Territories and governed laws made with reference to them.

It will be remembered that Judge Bradley held in that case that the Constitution did so apply, although probably, as he said, by virtue of its spirit rather than its positive provisions, and that Chief Justice Fuller, in his dissenting opinion, held that it applied both in letter and spirit.

The next case referred to by the Senator in his report is that of Serè *vs.* Pitot (6 Cranch, 336), and the Senator quotes from the language of Chief Justice Marshall in that case as follows:

> The power of governing and of legislating for a Territory is the inevitable consequence of the right to acquire and hold territory; * * * hence we find Congress possessing and exercising the absolute and unqualified power of governing and legislating for the Territory of Orleans.

I note in reading this case that the court did not employ the language which the Senator has here used. It employed very

different language from that. No doubt in quoting the language an innocent mistake has been made, but the court did not say "absolute and unqualified power." The Senator, in his report, makes the court say that "We find Congress possessing and exercising the absolute and *unqualified* power of governing and legislating for the Territory of Orleans," whereas the court said it exercised "absolute and undisputed power," not "unqualified power." The two terms are quite different.

Mr. FORAKER. If the Senator will allow me, I have not the text of the case before me, but I do not think he imagines that I would make any change in the text knowingly. I will say it was copied out for me from some remarks I had made.

Mr. TURNER. Of course I have no idea the Senator intended to misquote.

Mr. FORAKER. What is it the court said?

Mr. TURNER. It is the case of Serè *vs.* Pitot, in 6 Cranch.

Mr. FORAKER. That is to say, the court used the words "absolute and undisputed" instead of "absolute and unqualified."

Mr. TURNER. Yes, sir; "absolute and undisputed" instead of "absolute and unqualified." Of course I did not mean to intimate that the Senator had knowingly changed the language of the court in this quotation.

Mr. FORAKER. I wish the Senator would give me the page.

Mr. TURNER. The Senator will find the language at page 337 of the decision. I will read it to the Senator. It is in Curtis's edition of the Decisions of the Supreme Court of the United States, marginal page 337.

> Accordingly we find Congress possessing and exercising the absolute and undisputed power of governing and legislating for the Territory of Orleans.

Of course there is a very material difference between "undisputed power" and "unqualified power." This is a case in which the court, not having the precise point before it of the extent to which the Constitution went to the Territories, was unguarded in the language it used. It was deciding an entirely different point, one which did not require its attention to this particular controversy, and it might very well use the expression that in legislating for the Territory of Orleans Congress exercised "absolute and undisputed power." The employment of such unguarded expressions, not necessary to the decision of the case before the court, has never been reprobated more strongly than by the great judge who wrote this opinion.

The Senator next cites the case of Murphy *vs.* Ramsay (114 U. S., page 44), which I have already had occasion to examine, and in which Associate Justice Matthews, speaking for all the members of the court, held that the Constitution and all of its limitations in favor of the rights of citizens did apply to the Territory of Utah.

I should like to know what is to be gained by selecting isolated expressions out of cases which hold directly to the contrary of what they are cited for, and quoting those isolated expressions, when an examination of the cases themselves show the entire misapplication of such expressions?

The Senator also quotes an expression from the case of Shively *vs.* Bowlby, in 152 U. S. I have noticed this case myself, and, instead of sustaining the point to which the expression is quoted, the case itself, as I have shown, holds directly to the contrary.

The next case the Senator refers to is that of Benner *vs.* Porter (9 Howard, page 242). The quotation from that case is as follows:

> They (Territories) are not organized under the Constitution, nor subject to its complex distribution of the powers of government as the organic law, but are the creations exclusively of the legislative department, and subject to its supervision and control.

Mr. President, this case of Benner *vs.* Porter is one which simply follows the decisions of Chief Justice Marshall in the Canter case in 1 Peters. After the admission of Florida into the Union, but before a district court of the United States had been organized, an action in admiralty was commenced in the Territorial court, which remained in existence and continued to exercise judicial power after the admission of the State into the Union. The question in this case was whether the Territorial court had not ceased to exist as a repository of Federal jurisdiction after the admission of the State into the Union, and it was held that it had so ceased to exist.

It was only necessary to affirm the decision in Insurance Company *vs.* Canter to determine that question, and that is what the court did, with some amplification. But it is apparent that it had no purpose of laying down any doctrine in excess of that in Insurance Company *vs.* Canter. The ratio decidendi was that the Territorial courts were destroyed and displaced immediately on the organization of the State government, because no court could exercise jurisdiction in a State except one organized under the Constitution and exercising the jurisdiction conferred by that instrument, and that a Territorial court did not and could not possess either characteristic. The court expressly reserved the question which we are now discussing.

If the Senator had pursued the quotation which he made from this case, the reservation upon this point would have been disclosed in his quotation. This opinion was by Mr. Justice Nelson. He said:

> They—

Meaning the Territorial courts—

> are not organized under the Constitution, nor subject to its complex distribution of the powers of government, as the organic law; but are the creations, exclusively, of the legislative department, and subject to its supervision and control. Whether or not there are provisions in that instrument which extend to and act upon these Territorial governments, it is not now material to examine.

This language follows the identical language quoted by the Senator from Ohio in his report upon the Puerto Rican bill. Why was it necessary to stop here with a quotation intended to bolster up the power which the Senator is claiming, when the very next paragraph in the opinion shows that the Supreme Court did not intend to make any such holding?

Mr. FORAKER. That is simply the Senator's opinion. I gave my opinion of the decision, and the Senator is at liberty to give his.

Mr. TURNER. The paragraph following the quotation the Senator made says that—

> Whether or not there are provisions in that instrument—

That is, in the Constitution—

> Whether or not there are provisions in that instrument which extend to and act upon these Territorial governments it is not now material to examine.

Showing that the court did not intend to express the opinion which the Senator quotes its language as showing, and this reservation must certainly have come under the observation of the Senator.

Mr. FORAKER. Where is the Senator reading from, if I may inquire?

Mr. TURNER. I am reading the case of Benner *vs.* Porter, in 9 Howard.

Mr. FORAKER. I have not that case before me.

Mr. TURNER. It is at page 242. I have the book here if the Senator wants to see it.

Mr. FORAKER. I remember the case very well. I thought it was another case. I do not wish to interrupt the Senator now.

Mr. TURNER. I am merely referring to these cases for the purpose of showing the kind of cases and the only kind of cases it has been possible for our friends on the other side to find when they go to running down the decisions of the Supreme Court of the United States to bolster up their extraordinary position.

The next case which the Senator refers to in his report is the case of the Bank *vs.* Yankton, in 101 U. S., at page 132, and this is what the Senator quotes from that case:

> All territory within the jurisdiction of the United States not included in any State must necessarily be governed by or under the authority of Congress. The Territories are but political subdivisions of the outlying dominion of the United States. Their relation to the General Government is much the same as that which counties bear to the respective States, and Congress may legislate for them as a State does for its municipal organizations.

The opinion in this case was by Chief Justice Waite. The Senator quotes from it for the purpose of showing that the Supreme Court in that case did not believe that the Constitution applied to Territories, yet when we come to examine that case we find the explicit statement by Chief Justice Waite that the Constitution did apply to the Territories. This is shown by the second head note, which is as follows:

> 2. Subject to the limitations expressly or by implication imposed by the Constitution, Congress has full and complete authority over a Territory, and may directly legislate for the government thereof. It may declare a valid enactment of the Territorial legislature void or a void enactment valid, although it reserved in the organic act no such power.

And, going to the body of the decision, here is what Chief Justice Waite says upon that subject:

> Their relation—

That is the Territories—

> Their relation to the General Government is much the same as that which counties bear to the respective States, and Congress may legislate for them as a State does for its municipal organizations. The organic law of a Territory takes the place of a constitution as the fundamental law of the local government. It is obligatory on and binds the Territorial authorities; but—

Now, mark this language—

> but Congress is supreme, and for the purposes of this department of its governmental authority has all the powers of the people of the United States, *except such as have been expressly or by implication reserved in the prohibitions of the Constitution.*

The next case which the Senator refers to is The United States *vs.* Gratiot, in 14 Peters, at page 537. The question here was one of the power of the President of the United States, under an act of Congress, to lease lead mines on the public domain; whether such leasing was a disposal within the meaning of section 3, Article IV of the Constitution. The language quoted was employed in upholding this power as proper and legitimate under that article of the Constitution. Nothing was further from the mind of the court than the question whether the provisions of the Constitution securing the rights of citizens and securing equality

of taxation extended to the Territories. The court had no such question in mind and intended to pass upon no such question in that case. It seems to me to be an idle work to select a stray expression from an opinion of this kind, which obviously was a thousand miles from any idea which the court really had in mind, and to attempt to use it for the purpose of bolstering up such an exercise of power as it is intended to exert by the passage of this bill.

The Senator from Ohio also cites in this report some cases from 86 Federal Reporter, by district judges of the United States, which I shall not stop to examine in this connection. I do not consider them of sufficiently high authority to be used in a discussion of this proposition in the Senate of the United States. The Senator concludes his examination of the cases by a quotation from American Insurance Company *vs.* Canter, which I have had occasion to refer to a number of times, and that is all; absolutely all the cases he has been able to find.

No Senators have endeavored to array the authorities upon the other side on this question except the Senator from Vermont [Mr. ROSS] and the Senator from Ohio [Mr. FORAKER], and I assume that their learning and their industry have been such as to enable them to gather up and present to the Senate all of the cases which can be found upon their side of this discussion. We have seen, when we come to look into the cases, that they do not maintain and sustain the positions to which they were cited at all.

I want to say again before I close this branch of the discussion that I should like for some Senator to rise now in his place in the Senate and refer to some decision by the Supreme Court of the United States which holds that it is necessary to apply the Constitution to the Territories by legislation, or which holds that the Constitution does not extend ex proprio vigore to the Territories. Certainly none of the cases cited by the Senator from Ohio or by the Senator from Vermont sustains any such contention.

Mr. President, I think that I have established, beyond the power of successful refutation, that Congress may not, in legislating for our territorial possessions, legislate as it pleases; but, on the contrary, that it is bound by all of the limitations of the Constitution concerning the status of citizenship, the equality of governmental burdens, and the right of every person under the flag of the country to enjoy life, liberty, property, and the pursuit of happiness. If so, then this bill is manifestly unconstitutional. But, without reference to the Constitution, it is un-Democratic, un-Republican, and un-American. It is an arbitrary, an iniquitous, and a tyrannical exercise of power against a part of the people of the American Republic. The people of Puerto Rico are to be made to feel its first effects; but its lasting effects, if the bill be passed, will be felt by the people of the entire United States so long as the framework of our Government shall continue to exist.

Mr. President, experience has demonstrated that nations, like individuals, have their infancy, their growth to maturity, a period during which they remain at the zenith of strength and power, and then—decay and death. But, unlike poor mortality, decay and death are not the inexorable heritage of nations. A nation, if it live well, may live forever. But since no nation has ever had the virtue to curb its own inclinations, those of the past have all succumbed to the apparently universal lot, and some of the present, all-powerful in their day, are visibly hastening in the same direction. The crumbling ruins of cities fallen into decay, the fragments of more than one splendid literature locked up in dead languages, the evidences of a civil and political polity which once ruled the world now extinct forever or living only in scattered seed, all warn us against the exhibition of a vain and boastful pride, and admonish us to find such lessons as we may in the history of those who have lived and ruled before us and whose works of hand and brain are now but as crumbling dust or an echoing memory.

I say, then, to those who are charged with the trust of government, beware lest you betray the hopes of the future in the exigencies of the present. It may be that the mutations of time and the weakness of all human prevision will set our efforts at naught and leave nothing of our free institutions to remote posterity save a splendid and fadeless memory. But it is not ours to hasten that hour. The Constitution was formed to secure, among other things, the blessings of liberty to ourselves and our posterity. Posterity is the coheir with every generation which enjoys the blessings of that great instrument, and every generation is the trustee for all the generations which may follow it. It is the duty of American statesmanship, then, to look as much, if not more, to the future than to the present. Present evils may be borne, present errors corrected; but if we wound our organic structure, we injure those not in being and possibly weaken them beyond the power of resistance when they shall come on the stage of action.

We want no weaklings in the trust devolved by Almighty God on the American people. A thousand years hence our Republic will be stable and strong if our people preserve the strength and the fiber and the grain of their ancestors and their high and lofty ideals. If not, if they permit themselves and their institutions to become effeminated by the ever-increasing refinements of life, the ever-changing conditions of society, it will remain for some poet of that day to speak of their decadence as a great poet of the past lamented the decay of the spirit of liberty in Europe:

> Can tyrants but by tyrants conquered be,
> And Freedom find no champion and no child
> Such as Columbia saw arise when she
> Sprung forth a Pallas, armed and undefiled?
> Or must such minds be nourished in the wild,
> Deep in the unpruned forest, 'midst the roar
> Of cataracts, where nursing Nature smiled
> On infant Washington? Has earth no more
> Such seeds within her breast, or Europe no such shore?

[Applause in the galleries.]

Mr. FORAKER. I move that the Senate adjourn.

The motion was agreed to; and (at 2 o'clock and 53 minutes p. m.) the Senate adjourned until to-morrow, Thursday, March 15, 1900, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March 14, 1900.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. MCLAIN, indefinitely, on account of the death of his wife.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills and joint resolutions of the following titles; in which the concurrence of the House of Representatives was requested:

S. 2679. An act declaring certain trestles of the Washington County Railroad Company to be lawful structures;

S. 3207. An act approving a revision and adjustment of certain sales of Otoe and Missouria lands in the States of Nebraska and Kansas;

S. R. 66. Joint resolution authorizing and directing the Secretary of the Treasury to pay certain claims of the State of Indiana;

S. 3138. An act to provide for necessary repairs to the steamer *Thetis* for service as a revenue cutter;

S. 3125. An act granting a pension to Emily A. Larimer;

S. 2938. An act granting an increase of pension to Joseph Longmire;

S. 712. An act granting a pension to Nellie L. Groshon;

S. 169. An act granting a pension to George E. Tuttle;

S. 163. An act granting an increase of pension to Dwight D. Wilber;

S. 173. An act granting a pension to John H. Morrison;

S. 2977. An act granting an increase of pension to Jacob P. Fletcher;

S. 1553. An act granting an increase of pension to Samantha Barnes;

S. 1441. An act granting a pension to James G. Hartzell;

S. 1460. An act granting a pension to Charles A. Hutchings;

S. 1549. An act increasing the pension of Isaiah Mitchell;

S. 1551. An act granting a pension to John G. B. Masters;

S. 1552. An act granting an increase of pension to Helen L. Dent;

S. 61. An act granting a pension to George Bunce;

S. 1029. An act granting a pension to Harry B. Lambe;

S. 2983. An act granting an increase of pension to Isaac H. Lynn;

S. 1833. An act granting a pension to Mary B. Christopher;

S. 1831. An act granting a pension to Harry H. Lewis;

S. 1803. An act granting an increase of pension to Richard L. Titsworth;

S. 1030. An act granting a pension to Catharine Harris;

S. 847. An act granting a pension to James B. Logan;

S. 2777. An act granting a pension to Benjamin F. Trapp;

S. 657. An act granting a pension to Matthew Redmond;

S. 649. An act granting an increase of pension to Martha Maddocks;

S. 2020. An act granting a pension to Sarah E. Fortier;

S. 950. An act granting a pension to Sarah Ann Fletcher;

S. 2961. An act granting an increase of pension to Michael Lochard;

S. 2962. An act granting an increase of pension to William Blades;

S. 2993. An act granting an increase of pension to Edward Madden;

S. 259. An act granting a pension to Lizzie Breen;

S. 2451. An act granting a pension to Jennie P. Stover;

S. 3127. An act granting an increase of pension to Maj. A. Northrop;

S. 2881. An act granting a pension to Mary A. Parker;
S. 3004. An act granting an increase of pension to James B. Stevens;
S. 474. An act granting an increase of pension to Isaac Patterson;
S. 2280. An act granting a pension to Horatio N. Cornell;
S. 1608. An act granting a pension to Eleanor R. Sullivan;
S. 2463. An act granting an increase of pension to Ellen Leddy;
S. 2543. An act granting an increase of pension to Edward A. Parmalee;
S. 751. An act granting an increase of pension to Mathew T. Jones;
S. 2159. An act granting an increase of pension to Ernst Pitschner.
S. 2941. An act granting an increase of pension to Robert Gamble, jr.;
S. 2552. An act granting an increase of pension to Mrs. Elizabeth Overby Williams;
S. 3033. An act granting a pension to Emily A. Larimer;
S. 1954. An act granting a pension to Edward L. Ruby;
S. 1242. An act to increase the pension of Adele W. Elmer;
S. 756. An act granting a pension to Lydia F. Wiley;
S. 2332. An act granting an increase of pension to Margaret H. Kent;
S. 1619. An act granting a pension to Ella Cotton Conrad;
S. 244. An act granting a pension to Mary Jane McLaughlin;
S. 1909. An act granting a pension to Cecilia A. Price;
S. 3183. An act granting a pension to George W. Newell;
S. 3294. An act granting a pension to Louesa Moulton;
S. 3329. An act granting a pension to Kate B. Warren; and
S. 2863. An act restoring to the pension roll the name of Francis H. Staples.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 5710. An act granting an increase of pension to Charles W. Jerome;
H. R. 1885. An act granting a pension to Harvey Grant;
H. R. 5188. An act granting a pension to David C. Dane;
H. R. 5186. An act granting an increase of pension to Zadok C. Perkins;
H. R. 825. An act granting an increase of pension to Fannie H. Riggin;
H. R. 5440. An act granting an increase of pension to Smith Jeweal;
H. R. 2599. An act granting a pension to Philip Yoe;
H. R. 2169. An act granting an increase of pension to Nelson B. Lutes;
H. R. 438. An act granting a pension to Emma M. Kitt;
H. R. 2526. An act granting a pension to Margarethe Bomke;
H. R. 1979. An act granting a pension to Sophronia Bailey;
H. R. 2666. An act granting a pension to John M. Laughlin;
H. R. 2391. An act granting a pension to Elizabeth R. Holt;
H. R. 232. An act granting a pension to John Vars;
H. R. 3260. An act granting a pension to Susan M. Button;
H. R. 4652. An act granting an increase of pension to Charles Perkins; and
H. R. 4090. An act granting an increase of pension to Henry H. Brown.

The message also announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House was requested:

H. R. 5299. An act granting an increase of pension to Joseph McCune;
H. R. 2749. An act granting a pension to Susan Garrison;
H. R. 5156. An act granting an increase of pension to Frances C. Kirby;
H. R. 6575. An act granting a pension to Matilda G. Higbee;
H. R. 2477. An act granting an increase of pension to George H. Pennington;
H. R. 524. An act granting an increase of pension to Andrew J. Davis;
H. R. 854. An act granting an increase of pension to John J. McCormick;
H. R. 4416. An act to increase the pension of Henry Geesen;
H. R. 3072. An act to increase the pension of William W. Wharton;
H. R. 3071. An act granting an increase of pension to John F. Nelson;
H. R. 309. An act granting a pension to James M. Kercheval;
H. R. 5509. An act granting a pension to Malinda Jones; and
H. R. 3067. An act granting an increase of pension to Melvina Bottles.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 2679. An act declaring certain trestles of the Washington County Railroad Company to be lawful structures—to the Committee on Interstate and Foreign Commerce.
S. 3207. An act approving a revision and adjustment of certain sales of Otoe and Missouria lands in the States of Nebraska and Kansas—to the Committee on Indian Affairs.
S. R. 66. Joint resolution authorizing and directing the Secretary of the Treasury to pay certain claims of the State of Indiana—to the Committee on War Claims.
S. 3138. An act to provide for necessary repairs to the steamer *Thetis* for service as a revenue cutter—to the Committee on Appropriations.
S. 2938. An act granting an increase of pension to Joseph Longmire—to the Committee on Pensions.
S. 712. An act granting a pension to Nellie L. Groshon—to the Committee on Invalid Pensions.
S. 169. An act granting a pension to George E. Tuttle—to the Committee on Invalid Pensions.
S. 163. An act granting an increase of pension to Dwight D. Wilber—to the Committee on Invalid Pensions.
S. 173. An act granting a pension to John H. Morrison—to the Committee on Invalid Pensions.
S. 2977. An act granting an increase of pension to Jacob P. Fletcher—to the Committee on Invalid Pensions.
S. 1553. An act granting an increase of pension to Samantha Barnes—to the Committee on Invalid Pensions.
S. 1441. An act granting a pension to James G. Hartzell—to the Committee on Invalid Pensions.
S. 1460. An act granting a pension to Charles A. Hutchings—to the Committee on Invalid Pensions.
S. 1549. An act increasing the pension of Isaiah Mitchell—to the Committee on Invalid Pensions.
S. 1551. An act granting a pension to John G. B. Masters—to the Committee on Invalid Pensions.
S. 61. An act granting a pension to George Bunce—to the Committee on Invalid Pensions.
S. 1029. An act granting a pension to Harry B. Lambe—to the Committee on Invalid Pensions.
S. 2983. An act granting an increase of pension to Isaac H. Lynn—to the Committee on Invalid Pensions.
S. 1833. An act granting a pension to Mary B. Christopher—to the Committee on Invalid Pensions.
S. 1831. An act granting a pension to Harry H. Lewis—to the Committee on Invalid Pensions.
S. 1030. An act granting a pension to Catharine Harris—to the Committee on Invalid Pensions.
S. 847. An act granting a pension to James B. Logan—to the Committee on Invalid Pensions.
S. 2777. An act granting a pension to Benjamin F. Trapp—to the Committee on Invalid Pensions.
S. 657. An act granting a pension to Matthew Redmond—to the Committee on Invalid Pensions.
S. 649. An act granting an increase of pension to Martha Maddocks—to the Committee on Invalid Pensions.
S. 2961. An act granting an increase of pension to Michael Lochard—to the Committee on Invalid Pensions.
S. 2962. An act granting an increase of pension to William Blades—to the Committee on Invalid Pensions.
S. 2993. An act granting an increase of pension to Edward Madden—to the Committee on Invalid Pensions.
S. 2451. An act granting a pension to Jennie P. Stover—to the Committee on Invalid Pensions.
S. 3127. An act granting an increase of pension to Maj. A. Northrop—to the Committee on Invalid Pensions.
S. 2881. An act granting a pension to Mary A. Parker—to the Committee on Invalid Pensions.
S. 3004. An act granting an increase of pension to James B. Stevens—to the Committee on Invalid Pensions.
S. 474. An act granting an increase of pension to Isaac Patterson—to the Committee on Pensions.
S. 1608. An act granting a pension to Eleanor R. Sullivan—to the Committee on Invalid Pensions.
S. 2463. An act granting an increase of pension to Ellen Leddy—to the Committee on Invalid Pensions.
S. 2543. An act granting an increase of pension to Edward A. Parmalee—to the Committee on Invalid Pensions.
S. 751. An act granting an increase of pension to Mathew T. Jones—to the Committee on Invalid Pensions.
S. 2159. An act granting an increase of pension to Ernst Pitschner—to the Committee on Invalid Pensions.
S. 2941. An act granting an increase of pension to Robert Gamble, jr.—to the Committee on Pensions.
S. 3033. An act granting a pension to Emily A. Larimer—to the Committee on Invalid Pensions.
S. 1954. An act granting a pension to Edward L. Ruby—to the Committee on Invalid Pensions.
S. 756. An act granting a pension to Lydia F. Wiley—to the Committee on Invalid Pensions.

S. 2332. An act granting an increase of pension to Margaret H. Kent—to the Committee on Invalid Pensions.

S. 244. An act granting a pension to Mary Jane McLaughlin—to the Committee on Invalid Pensions.

S. 1909. An act granting a pension to Cecilia A. Price—to the Committee on Invalid Pensions.

S. 3183. An act granting a pension to George W. Newell—to the Committee on Invalid Pensions.

S. 3294. An act granting a pension to Louesa Moulton—to the Committee on Invalid Pensions.

S. 3329. An act granting a pension to Kate B. Warren—to the Committee on Invalid Pensions.

S. 2863. An act restoring to the pension roll the name of Francis H. Staples—to the Committee on Invalid Pensions.

S. 3125. An act granting a pension to Emily A. Larimer—to the Committee on Invalid Pensions.

CONSIDERATION OF PRIVATE BILLS.

Mr. GRAFF. Mr. Speaker, I ask unanimous consent that the resolution which I offered last evening and the amendment offered to it may be withdrawn, and the resolution which I send to the Clerk's desk may be considered.

The SPEAKER. The gentleman from Illinois, calling up the unfinished business of last night, asks unanimous consent to substitute for the proposition then pending the proposition which will now be reported by the Clerk.

The Clerk read as follows:

Resolved, That on all Fridays for the remainder of this Congress, except the second and fourth of each month, it shall be the order, the House having proceeded to the consideration of private business according to the provisions of section 6 of Rule XXIV and section 1 of Rule XXVI, to take up, in the Committee of the Whole House, bills on the Private Calendar under the following conditions: On the next Friday which the House may devote to private business, and on every alternate Friday thereafter which may be devoted to private business, bills reported from the Committee on Claims shall have priority over those reported from the Committee on War Claims; and on the remaining alternate Fridays devoted to private bills, those reported from the Committee on War Claims shall have priority over those from the Committee on Claims.

The SPEAKER. Is there objection to the substitution? [After a pause.] The Chair hears none.

The question is on agreeing to the resolution.

The question was taken; and the resolution was agreed to.

On motion of Mr. GRAFF, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

ACCUMULATION OF BOOKS, DOCUMENTS, BILLS, AND REPORTS.

Mr. DALZELL. Mr. Speaker, I offer the following privileged report.

The Clerk read as follows:

The Committee on Rules, to whom was referred House resolution No. 168, have considered the same and would respectfully report the following in lieu thereof:

Resolved, That there be appointed a select committee of three members, whose duty it shall be to examine the accumulated documents, bills, and reports in the House and the Clerk's document rooms and the rooms in which they are stored, and report, by resolution or otherwise, as soon as possible, what disposition shall be made of the accumulated books, documents, bills, and reports, and what measures shall be taken for the better preservation and care of those remaining after such disposition.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

THOMAS PAUL.

Mr. JONES of Washington. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 2000) for the relief of Thomas Paul.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, directed to sell the following-described tract of land, to wit: Lot 6, section 34; lot 7, section 34; the northeast quarter of the southeast quarter of section 34; lot 6, section 35; lot 7, section 35; all in township 8 north, of range 35 east of the Willamette meridian, aggregating 132.15 acres, to Thomas Paul for the sum of $1.25 per acre.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time; and being engrossed, was read the third time, and passed.

On motion of Mr. JONES of Washington, a motion to reconsider the last vote was laid on the table.

TITLE TO REAL ESTATE IN SANTA FE, N. MEX.

Mr. PEREA. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5049) to settle the title to real estate in the city of Santa Fe, N. Mex.

The Clerk read the bill, as follows:

Be it enacted, etc., That the United States of America hereby releases and quitclaims unto the city of Santa Fe, N. Mex., and its successors, all right, claim, or interest which the United States may have in or to any and all of the lands embraced within the present survey of the Santa Fe grant as the same appears on file in the General Land Office in Washington and in the office of the surveyor-general for the district of New Mexico, and approved by H. M. Atkinson, surveyor-general, and the Commissioner of the General Land Office, being a tract containing four square Spanish leagues, having for the center thereof the soldiers' monument in the center of the plaza of said city, and extending one Spanish league therefrom to each of the cardinal points of the compass, and patent from the United States shall issue therefor; this said grant and quitclaim to the city of Santa Fe being to it as a municipal corporation for all parks, streets, alleys, vacant unoccupied lands, or other public places now existing within said limits, and to the said city in trust for the benefit of all persons claiming title to their individual holdings of real estate within such limits by actual possession or under color of title for the period of ten years prior to the passage of this act: *Provided*, That there is expressly reserved from this grant and quitclaim all lands and buildings now occupied or claimed by the United States for its Federal building, national cemetery, the Fort Marcy Reservation, and Indian schools; and also reserving therefrom any private land grants that may have been, or may hereafter be confirmed by the Court of Private Land Claims or other authority of the United States.

SEC. 2. That it is hereby made the duty of the mayor and clerk of said city, and of their successors in office, to execute proper deeds of quitclaim to the persons entitled thereto under this act for their respective holdings of real estate upon such claimants applying therefor and presenting proper deeds for the signatures of such officers, without any expense to the said applicants, and such deeds when executed shall be taken in all courts and places as a relinquishment of any claim or title to the lands therein described on the part of the United States.

SEC. 3. That this act shall take effect and be in force from and after its passage.

Mr. PAYNE. Mr. Speaker, I think there ought to be some explanation of this bill.

Mr. PEREA. This bill was unanimously reported by the Committee on the Public Lands.

Mr. PAYNE. If the report is not too long, I would like to have it read.

Mr. PEREA. The report is quite short.

Mr. PAYNE. Let the report be read.

The SPEAKER. The Clerk will read the report.

The Clerk read the report (by Mr. LACEY), as follows:

The Committee on the Public Lands, to whom was referred the bill (H. R. 5049) to settle the title to real estate in the city of Santa Fe, N. Mex., having fully considered said bill, report the same back without amendment and recommend that said bill be passed.

In accordance with the provisions of the law of Congress creating the Court of Private Land Claims, approved March 3, 1891, the confirmation of the grant of 4 square leagues to the city of Santa Fe was sought before the said Court of Private Land Claims. The case was subsequently appealed from that court to the Supreme Court of the United States, and by the latter court decided against the claims of the city and the grant was rejected. That decision of the Supreme Court is to be found in 165 United States Supreme Court Reports, page 675. We quote from the decision of the Supreme Court, page 676, as follows:

"It is conceded or shown that prior to 1680 there existed a Spanish town, known as La Villa de Santa Fe, which was the seat of government of the Spanish province of New Mexico, and that there was also prior to that date the official mechanism required by the Spanish law to direct the affairs of a Spanish villa or town. The origin of the town or villa is obscure, but the record indicates that as early as 1543 the settlement was made by deserters from the Spanish military force under Coronado, who refused to accompany their commander on his return to Mexico, and settled at Santa Fe. In 1680 the Spaniards were driven out by an Indian insurrection and Santa Fe was destroyed, and the Spaniards retreated to Paso del Norte, where they remained until 1692, when Diego de Vargas reconquered the country. In 1693 De Vargas reestablished Santa Fe.

"From that time to the American occupation—although the record does not fix the precise character of the municipal government—there is no doubt that there was a settlement on the site of the old villa of Santa Fe, and that it was also the capital of the province. In 1851 Santa Fe was incorporated and its boundaries defined by act of the Territorial legislature of New Mexico. (Laws of New Mexico, 1851-52, Kearney's Code, 112.) The municipal charter granted in 1851 was shortly thereafter repealed, and the probate judge of the county became, by operation of law, the custodian of the records of the corporation and was a trustee to wind up its affairs. (Laws of New Mexico, 1851-52, Kearney's Code, 272.) No municipal body existed from this time until the year 1891, when Santa Fe was again organized pursuant to the laws of New Mexico."

We make this quotation to show that for more than three hundred years Santa Fe has been recognized as a town, and while the court rejects its claim to the usual 4 leagues granted for town purposes under the Spanish and Mexican laws, yet later in its opinion it intimates that the grant having been rejected the case is a proper one for Congressional action. This bill, therefore, is intended simply to vest, by act of Congress, in the city of Santa Fe the title to this 4 leagues as trustee for the benefit of the private owners of lots and pieces of land within the said 4 leagues. At present, the original grant having been rejected, the owners of private property within said 4 leagues (much of it highly improved and which has been owned in private ownership for more than one hundred years) have no title, but are simply squatters on the public domain. It is therefore manifestly just and proper, as contemplated by this decision of the Supreme Court, that relief should be extended to the owners of real estate within the said 4 leagues.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Mr. RICHARDSON. Mr. Speaker, I rise to ask what committee has reported the bill?

Mr. SHAFROTH. The Committee on Public Lands approved it by a unanimous report.

Mr. RICHARDSON. As I listened to the reading of the report there seems to be no reason why the bill should pass.

Mr. SHAFROTH. The reason is this: The people of that city have improved the land, built houses upon it, under the supposition that they owned it. They have been in occupation of it for over a hundred years, and when it comes to the question of the original grant it seems that it was defective. Although they occupied it, and have been paying taxes on it for years and years, it was held in the Court of Private Land Claims that the title did not pass. Now, the Government does not want to take that land from anybody. It is not right that the Government should take it from these people, and consequently this bill was prepared in the interests of the people who live there. It seems to me it is eminently just and right.

Mr. CANNON. How extensive are the Government reservations there?

Mr. SHAFROTH. In the city of Santa Fe? I do not know; I have never been in Santa Fe. Will the gentleman from New Mexico [Mr. PEREA] answer the gentleman from Illinois?

Mr. PEREA. I did not hear the question.

Mr. CANNON. When we make this grant I want to see if we are granting any property that the Government has possession of or that it ought to have possession of. In other words, are we granting something here that we ought not to grant?

Mr. SHAFROTH. No; I think not. I have never been in Santa Fe, and I can not state what the reservations are.

Mr. PEREA. Will the gentleman from Illinois repeat his question?

Mr. CANNON. This bill grants 4 leagues of land to the city of Santa Fe?

Mr. PEREA. Yes.

Mr. CANNON. Has the Government possession of any property in granted territory?

Mr. PEREA. Yes; but the bill explicitly reserves that to the Government. The Government has there a Federal building, a national cemetery, the Fort Marcy Reservation, and Indian schools. Those are all reserved in the bill.

Mr. CANNON. Does it reserve all that the United States is in possession of?

Mr. PEREA. The bill itself reserves it all.

Mr. PAYNE. As I gathered from the reading of the bill, that was the intention, although it did not seem to be very clearly expressed.

Mr. PEREA. We would like to have the Fort Marcy Reservation, but we do not expect it under the bill.

Mr. SHAFROTH. I will read the provision in the bill. It is as follows:

Provided, That there is expressly reserved from this grant and quitclaim all lands and buildings now occupied or claimed by the United States for its Federal building, national cemetery, the Fort Marcy Reservation, and Indian schools; and also reserving therefrom any private land grants that may have been, or may hereafter be, confirmed by the Court of Private Land Claims or other authority of the United States.

Mr. CANNON. Will the gentleman from Colorado read that provision again?

Mr. SHAFROTH again read the provision.

Mr. DALZELL. This is a bill simply to acquire title?

Mr. SHAFROTH. That is all.

Mr. SNODGRASS. It seems to me that there should be added to that reservation, "or other lands that the Government has not heretofore assumed to part with."

Mr. PEREA. That covers it, because it reserves all the land belonging to the United States. The United States is well protected by this bill, and it is the unanimous report of this committee. Everybody's rights are protected. Provision is made for the protection of other grants that may hereafter be confirmed or may have been confirmed. The reason for inserting this clause is that there are some small grants which may conflict with this. We do not want to come here asking Congress to adjudicate those titles.

Mr. SNODGRASS. May not this include also some other lands which the Government has not heretofore assumed to part with?

Mr. PEREA. No; it does not include any such. I know all about these grants. Although I do not live in Santa Fe, I visit there once or twice a month when at home.

Mr. DENNY. With reference to the ten-year limitation, I observe in the bill the following language:

By actual possession or under color of title for the period of ten years prior to the passage of this act.

What is the reason for this limitation of ten years?

Mr. PEREA. That is for the purpose of complying with the present laws of New Mexico. The limitation in question follows those laws as they exist to-day. In many cases where titles are lost people come up and make claims, just as when parties and witnesses are dead, unfounded claims are often presented. The object of this limitation is to meet claims which might be improperly presented after a lapse of time. The provision conforms, as I have said, exactly to the laws of New Mexico.

Mr. DENNY. I observe the language is "under color of title." Why should there not have been a provision inserted in regard to "adverse possession," so as not to affect the titles of infants or others that may have accrued within that time?

Mr. PEREA. I would not see any objection to including the words "adverse possession;" but, I repeat, the provision of the bill corresponds exactly with the laws of New Mexico.

Mr. SHAFROTH. The provision in the statute of New Mexico is somewhat similar to the provision of the statute of my own State and many others of the Western States, where the law is that you may acquire title either under adverse possession or under color of title and by payment of taxes for a certain period of time. In my State that period is five years; in Illinois, seven years; in New Mexico, I believe, ten years. Now, as I understand, the purpose of this bill is solely to give to persons who would have title under the laws of New Mexico the sanction of this Government, so that they may have under the United States law the same rights that they have under the laws of the Territory.

Mr. PEREA. According to my understanding (although I am not a lawyer), the limitation never runs against minors or persons under guardianship; it does not operate until they become of age. Such is the case in New Mexico, according to the decisions of the courts.

Let me add that this bill has been pending for a long time. I have sent copies of it to all persons who I supposed might be interested; and, so far as I know, there is not a single objection to the bill from anybody in Santa Fe.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

INDEX OF PRIVATE CLAIMS.

Mr. JOY. I desire to call up a privileged report from the Committee on Accounts.

The following resolution (introduced by Mr. LACEY January 8, 1900) was read;

Resolved, That the Clerk of the House is hereby directed to continue the preparation of a digested summary and alphabetical list of the private claims presented to the House of Representatives from the Fifty-second Congress to the Fifty-sixth Congress, inclusive, and to employ three persons to perform said work, at the rate of $6 per diem each, to be paid out of the contingent fund of the House until payment is otherwise provided for by law. And the Committee on Appropriations is hereby directed to provide for the annual salaries of such persons in legislative, executive, and judicial appropriation bill for the fiscal year ending June 30, 1901, at the same compensation formerly paid for preparing said work.

Mr. CANNON. Where does this report come from?

Mr. JOY. It is the unanimous report of the Committee on Accounts. The resolution simply follows the custom which has prevailed once in every five Congresses, of indexing private claims so that not only clerks of the House, but members of committees, may trace back these claims, many of which come in session after session, and may see their condition, how and when they were reported, and all the papers connected with them. These claims have been indexed every five Congresses, and it is now asked that these indexes be continued so that the claims and the papers connected therewith may be readily found at any time by members of committees or by clerks of the House.

Mr. CANNON. I am curious to know if my friend is informed that anybody at any time ever saw or consulted this valuable work.

Mr. JOY. I am told by the chairman of the Committee on War Claims, the gentleman from Pennsylvania [Mr. MAHON], who has looked into the matter very carefully—I think, perhaps, at the request of the Speaker—that it is a very valuable thing and ought to be done. It is a custom that has prevailed since the First Congress. These claims have all been indexed up to within the last ten years—and the custom has been every ten years to index them—and the same salary is provided for in this resolution that was provided in the Forty-seventh Congress. They have been indexed up to and including the Fifty-first Congress.

Mr. STEELE. I desire to ask one question.

The SPEAKER. Does the gentleman from Missouri yield to the gentleman from Indiana?

Mr. JOY. I do.

Mr. STEELE. I want to know whether it is possible for three men to do this work.

Mr. JOY. The time of their employment is not fixed. Of course the Committee on Accounts can only employ them for a certain time out of the contingent fund.

Mr. STEELE. If three men are to be employed at this stupendous task, why are they not allowed ten or fifteen dollars a day apiece? Would not that amount be just as proper as the one which is reported?

Mr. JOY. Six dollars a day is the same compensation which they were allowed the last time.

Mr. STEELE. That makes $18 per day for the preparation of a document that is probably not consulted by half a dozen members of the House, and those who do consult it might get the same information through their clerks, who are employed at $6 a day.

Mr. JOY. It would be practically impossible, when a claim comes into this House, to run it back to the origin of that claim, in several days' work.

Mr. STEELE. If this is a matter of privilege, I can not object; otherwise I shall object.

The SPEAKER. It is a privileged report.

Mr. JOY. It is unanimously reported from the Committee on Accounts.

Mr. CANNON. I will ask the gentleman to modify his resolution so that it will come exclusively within the jurisdiction of the Committee on Accounts. That is the committee which has control of the contingent fund. I must confess that I have a good

deal of doubt as to the value of this work, except to the parties who get the money for doing it, and I submit that that part of the resolution which goes beyond the contingent fund is not a matter of privilege.

Mr. JOY. Well, I will state with reference to that——

Mr. CANNON. And inasmuch as a portion of the resolution is not privileged, therefore that vitiates the whole of it, it seems to me, as a matter of privilege.

Mr. JOY. It will be practically impossible to put these men to work and have them accomplish anything in the little time during which they can be paid out of the contingent fund. I submit that I should much prefer to withdraw the resolution, rather than to make that amendment, as it will defeat the whole purpose of the resolution, and will practically prevent this work being done, a work which, in the opinion of all gentlemen who consulted it, is a proper, valuable, and necessary work. It is one that has always been done, and even in the Forty-seventh Congress the same salary was provided for.

Mr. LOUD. How long did they continue then and how much did it cost?

Mr. JOY. They continued, as I am informed, a little more than a year and a half, or about a year and a half.

Mr. LOUD. This would involve an expenditure of $8,570 a year, and I do not think you will ever get rid of it.

Mr. CANNON. Suppose the gentleman withdraws his resolution, as it is clearly not privileged, until we have an opportunity to look into the matter.

Mr. LOUD. The Speaker has held that it is privileged.

Mr. CANNON. I did not so understand the Chair.

The SPEAKER. No point of order has been made, and the matter has been under debate. It is too late to make the point of order, but the gentleman from Missouri [Mr. JOY] indicated his willingness to withdraw the resolution.

Mr. CANNON. I think the point of order was made. I intended to do so. I called attention to it.

The SPEAKER. Not until after debate had proceeded.

Mr. CANNON. I supposed that my statement was equivalent to a point of order.

Mr. JOY. I will state, Mr. Speaker, that while the committee have no possible interest in this except to facilitate the work of the Clerk of this House and the work of the committees before whom these matters come, yet inasmuch as the record has been kept, and inasmuch as it is said by those in charge of these bills, members of the Committee on Claims and on War Claims and other committees having claims before them, to be necessary, we think the resolution ought to prevail. It was very fully discussed and examined into, and then I consulted with the Speaker about it, and I presume that he examined into it. We think it is a very desirable resolution to pass. Therefore I do not feel disposed to withdraw it, as there is a unanimous report upon it.

Mr. CANNON. I will ask the gentleman to withdraw it and bring it up at another time. I do not want to insist on the point of order at this time, unless I am compelled to.

The SPEAKER. Since the gentleman from Missouri [Mr. JOY] has referred to the Speaker, which is not a proper thing to do, the Speaker feels warranted in saying that he has had very great doubt about this resolution, and has long resisted entertaining it.

The question is on agreeing to the resolution.

Mr. CANNON. I think I made what was equivalent to a point of order against the resolution.

The SPEAKER. The Chair thinks it is too late to make the point of order. The matter has been debated.

Mr. STEELE. It is not too late to vote the resolution down.

The SPEAKER. The Chair thinks the matter is within the power of the House. The question is on agreeing to the resolution.

The question being taken, the Speaker announced that the noes seemed to have it.

Mr. JOY. I ask for a division, Mr. Speaker.

The House divided, and there were ayes 47, noes 63.

Accordingly the resolution was rejected.

CHOCTAW, OKLAHOMA AND GULF RAILROAD COMPANY.

Mr. CURTIS. I desire to present a conference report on the bill (S. 2354) enlarging the powers of the Choctaw, Oklahoma and Gulf Railroad Company.

The SPEAKER. The gentleman from Kansas submits the following conference report, which the Clerk will read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2354) entitled "An act enlarging the powers of the Choctaw, Oklahoma and Gulf Railroad Company," having met, and after full and free conference, have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with amendments as follows:

Insert the word "franchises" before the word "railroad," at the beginning of line 13, page 6, and insert the words "either preferred or common, or both," after the word "stock," at the end of line 23, page 8.

That the House agree to the said amendments.

J. S. SHERMAN,
CHAS. CURTIS,
JOHN S. LITTLE,
Managers on the part of the House.

JNO. M. THURSTON,
O. H. PLATT,
JAMES K. JONES,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

Statement of the managers of the conference on the part of the House on Senate act No. 2354, enlarging the powers of the Choctaw, Oklahoma and Gulf Railroad Company.

The Senate recedes from its disagreement to the amendment of the House, and agrees to the same with two amendments, which are simply to make the intent of the act more clear.

The conference report was agreed to.

On motion of Mr. CURTIS, a motion to reconsider the last vote was laid on the table.

PRINTING OF PROCEEDINGS ON ACCEPTING THE WEBSTER STATUE.

Mr. HEATWOLE. Mr. Speaker, I am directed by the Committee on Printing to ask unanimous consent for the present consideration of Senate concurrent resolution No. 22.

The SPEAKER. The gentleman from Minnesota [Mr. HEATWOLE] asks unanimous consent, by instruction of the Committee on Printing, for the consideration of the following concurrent resolution, which the Clerk will read:

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed for immediate use as a public document 11,000 copies of the proceedings in connection with the reception of the Webster statue on January 18, 1900, as reported by the committee of arrangements, of which 1,000 shall be for the use of Mr. Stilson Hutchins, 4,000 for the use of the Senate, and 6,000 for the use of the House of Representatives; also 10,000 copies in the form prescribed by law for printing eulogies, of which, in cloth binding, 1,000 shall be for the use of Mr. Hutchins, 3,000 delivered to the Senators and Representatives of the States of New Hampshire and Massachusetts, 2,000 for the use of the Senate, and 4,000 for the use of the House of Representatives.

The following amendment, recommended by the Committee on Printing, was read:

Amend the resolution so as to read:

"That there be printed for immediate use as a public document, in the form prescribed by law for printing eulogies, 12,500 copies, in cloth binding, of the proceedings in connection with the receipt of the Webster statue on January 18, 1900, as reported by the committee of arrangements, of which 500 shall be for the use of Mr. Stilson Hutchins, 6,000 delivered to the Senators and Representatives of the States of New Hampshire and Massachusetts, to be divided equally between them, 2,000 for the use of the Senate, and 4,000 for the use of the House of Representatives."

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The amendment recommended by the committee was agreed to.

The resolution as amended was agreed to.

On motion of Mr. HEATWOLE, a motion to reconsider the last vote was laid on the table.

EXPLANATION.

Mr. SPARKMAN. Mr. Speaker, I wish to make a word of explanation on behalf of my colleague, Mr. DAVIS, who was absent and has been absent for several days. When the bill H. R. No. 1 came up yesterday, I supposed he was paired. During the roll calls which had proceeded some two or three days ago he had been paired, and I supposed that pair had been continued during the roll call yesterday. But this morning, on examining the RECORD—and I was not here when the Journal was approved—I found the pair had been transferred to another party without my knowledge or his consent, leaving him unpaired. If he had been present yesterday, he would have voted "nay."

SELECT COMMITTEE.

The SPEAKER. The Chair submits the following committee, as directed by the resolution adopted this morning: Mr. ROBERTS of Massachusetts; Mr. HEATWOLE of Minnesota, and Mr. DRIGGS of New York.

EXPLANATION.

Mr. STEELE. Mr. Speaker, I desire to state that on Monday last, when the Wise election case was considered, I was called at my hotel to know if the gentleman from Iowa, Mr. THOMAS, should come up here and vote. He was very ill in bed, and was very much distressed because he could not respond. I told him that I had a pair; that I would get it transferred and vote, and transfer the pair to him. I came to the pair clerk and suggested that that be done. He informed me that he was already paired; whereupon I voted. It seems, afterwards, by some person not authorized by me, the pair was revoked that I had come to make for the gentleman from Iowa, and left him sick in bed and without a pair. I want to make that explanation as due to a gentleman who is still sick and unable to be present. Who revoked the pair I do not know.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GROUT. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the District appropriation bill.

Mr. MUDD. I desire to reserve all points of order on the bill.

The SPEAKER. That has been done already by the gentleman from Tennessee [Mr. RICHARDSON].

The question was taken, and the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. SHERMAN in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the appropriation bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 9133) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1901, and for other purposes.

Mr. GROUT. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Vermont asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

Mr. RICHARDSON. Mr. Chairman, I do not see the gentleman from Mississippi here. I would suggest that we come to some understanding about the length of debate. A number of gentlemen——

The CHAIRMAN. Is there objection to dispensing with the first reading of the bill?

Mr. RICHARDSON. I want to reserve that until we can agree about the time, if we can. A number of gentlemen want to be heard on this side, and have communicated that fact to me. I do not know whether they have spoken to the gentleman from Mississippi [Mr. ALLEN] also.

Mr. GROUT. On matters contained in the bill, let me ask the gentleman from Tennessee?

Mr. RICHARDSON. This is a general appropriation bill. No; I do not understand that they all want to speak on the bill. This is a general appropriation bill, and, under the rules of the House, they desire to avail themselves of the opportunity to make speeches.

Mr. GROUT. Mr. Speaker, I hope that there will be no demand for general rambling political debate on this bill, it being a bill in which there is no politics. It is simply a matter of providing for the expenses of the government of the District of Columbia. Now, I had hoped that there would be no call for general debate on this bill.

Mr. RICHARDSON. In reply to the gentleman from Vermont, permit me to say that under the rules there is no way by which gentlemen can avail themselves of the opportunity for debate except when the House is in Committee of the Whole on the state of the Union on appropriation bills, and therefore they insist that that opportunity be afforded them and that they may be permitted to avail themselves of it.

Mr. GROUT. Now, Mr. Chairman, if the gentleman will allow me to suggest, I will say that this bill on the Calendar takes the place of the Army appropriation bill, which is already on the Calendar. We have taken this bill up on a direct motion, and when that bill comes up there will be opportunity for general debate and political speeches may be made. I appeal to gentlemen, for considerations which I do not care to state on the floor, that they do not ask for time for a general discussion and to make political speeches on this bill. There will be ample opportunity when those other bills are reached, every one of which goes to the very questions gentlemen want to discuss. It would be wholly irrelevant on this bill, and I can not see how any gentleman on the other side can feel at home making a political speech on this bill, which simply appropriates money for the expenses of the District government. Can you not contain yourselves until the other bills come up?

Mr. RICHARDSON. They can not do it, I am told. [Laughter.]

Mr. GROUT. Well, how little time can you get along with?

Mr. RICHARDSON. At least six gentlemen have spoken to me. I do not know how many have spoken to the gentleman from Mississippi. I do not see how we could get along without a day and a half of general debate.

Mr. LIVINGSTON. Make it two and a half.

Mr. GROUT. Let me ask the gentleman from Tennessee if he will consent to the reading of the bill by paragraphs, to be commenced to-morrow immediately after the reading of the Journal? Then those gentlemen who do not get in can revise their speeches a little more against the consideration of the other bills.

Mr. RICHARDSON. If the gentleman will make it 2 o'clock to-morrow we will agree.

Mr. GROUT. Call it after the reading of the Journal.

Mr. RICHARDSON. No; that is equivalent to making general debate end to-day. I want to meet the gentleman halfway. If the gentleman will fix it at 1 o'clock there will be no difficulty in concluding the bill to-morrow.

Mr. GROUT. I am not certain about that, Mr. Chairman, because almost every member thinks he knows a good deal about the affairs of the District. This is a bill on which there is generally a good deal of discussion, and for certain reasons I want to be sure to conclude the consideration of the bill to-morrow.

Mr. RICHARDSON. I think you can do that by yielding this much for general debate. I think there will not be much discussion under the five-minute rule.

Mr. GROUT. Mr. Chairman, I do not want to appear unreasonable about this matter, but it does seem to me that these political debates are altogether more suitable on other bills. Why can you not agree to take up this bill immediately after the reading of the Journal, by paragraphs, which seems to me is really a liberal proposition, and thus use the whole of to-day in general debate?

Mr. RICHARDSON. If the gentleman does not want to use an hour himself, if he will say that the debate shall continue until 1 o'clock, he could have it. All we want is to get one hour longer.

Mr. MOODY of Massachusetts. Does the gentleman from Tennessee mean that all the time is to be taken on that side?

Mr. RICHARDSON. Oh, no; the time to be divided equally.

Mr. GROUT. Let me say to the gentleman from Tennessee that if he will consent that this bill may be taken up to-morrow immediately after the reading of the Journal, I think we will be able to lend him some time to-day from this side. I do not speak authoritatively, for I have not conferred with members on this side, but I believe we will be able to lend him some time. I have not had a request for a single hour.

Mr. MOODY of Massachusetts. Mr. Chairman, if I can be recognized as a member of the committee in general debate for one hour to-day, I will yield it to the gentleman from Tennessee.

Mr. RICHARDSON. With that understanding, Mr. Chairman, if the committee will make that agreement, I have no further objection.

Mr. GROUT. I will say further, Mr. Chairman, that if we are not able to lend the time to the gentleman to-day to let off the steam on that side, so it will be entirely safe [laughter], I will agree to an hour to-morrow for general debate.

The CHAIRMAN. The gentleman from Vermont asks consent to dispense with the first reading of the bill. Is there objection? [After a pause.] The Chair hears none. The gentleman from Vermont asks unanimous consent that general debate be closed to-day, and that the bill be taken up under the five-minute rule immediately after the reading of the Journal to-morrow.

Mr. RICHARDSON. I agree to that, if we get an hour for general debate from the other side to-day.

Mr. GROUT. Mr. Chairman, I will take but a moment in submitting the features of this bill. It carries $6,742,519.31. It is the largest bill, Mr. Chairman, that ever came from the Committee on Appropriations to the House making appropriations for the District. The bill reported last year was then the largest bill, but this is some over $400,000 larger. I state this so that the people of the District, who have no vote nor voice in this business, may understand that provision is being made, in a prudent manner we hope, for the increase of the city, for the additional demand for the use of money that springs up through increased population.

This bill is, of course, considerably less than the estimates. The estimates, exclusive of the water department, were $7,744,250.48. It is also somewhat less than what is called current law; less than the bill for the present year. It is, to be exact, $99,016.40 less; but when this bill has gone through another place, which we are not at liberty to name, it is always made more and never less. So if there is a disposition on the part of the members of the House to be more liberal still than is provided for in this bill, they will undoubtedly have that opportunity later by concurring in what is certain enough to be done elsewhere.

I wish to call attention, Mr. Chairman, to one thing which has been gradually accomplished in the different District bills within the last ten years. I refer to electric lighting in the city. The electric lighting in 1890 cost $219 each for arc lights from sunset to sunrise. The price was fixed for arc lights by the last bill, or the bill now applicable, at $72 per annum, from fifteen minutes after sunset to forty-five minutes before sunrise, a somewhat different schedule, but after all not so very different, but a little shorter in time.

This reduction has been made from $219 to $72 gradually, and, as we believe, on evidence now which is abundant, that the electric-light companies, or the electric-light company, as they are now consolidated, is making a fair profit on this service. I want to state that fact at this time before the House, for that question may come up for consideration before we are through with this bill. It was a burning question in the last House, when it was reduced from $91.25, through the action of this committee, to $72.

Mr. SAMUEL W. SMITH. Has the gentleman some proof filed in the committee that refers to the prices of $72?

Mr. GROUT. Whether or not it is remunerative to the company, does the gentleman mean?

Mr. SAMUEL W. SMITH. Yes; whether or not it is a fair price.

Mr. GROUT. Not recently filed. On the contrary, we have a statement filed by the electric-light company complaining that it is not remunerative, that they are losing money. But we have at the same time a statement on which we based our action made in 1897, which satisfied the committee that there must be some mistake in the arithmetic of the company somewhere, or a certain well-informed gentleman was very much mistaken in the ground he took then before this committee when he presented himself here asking to have a rival company admitted to the privilege of lighting, and to which the committee extended that right.

That was Mr. Crosby, president of the Potomac Electric Lighting Company, who wanted some chance at the public lighting. I will read what he then said. As a basis of what I am about to read, he said that he could furnish electric lights for $100 a lamp and make a good profit on the service. We were then paying $146 for arc lights, and he said that if he were allowed the privilege of competing for the lighting, he would do it for $100 a lamp, and could make money on it—not a large profit, but a living profit—and he gave these as among his reasons:

Mr. CROSBY. In the last two or three years the conditions for producing electricity have been very much better. The machinery even which was made in the last two or three years as compared with several years ago is more economical. Then, again, the location which is chosen by one company or another largely affects the economy of grinding out this current—that is, if a plant should be located where coal must be hauled instead of taken from the railroad car or flatboats, that expense is larger in the one case than in the other. If one station can not get water for condensing purposes, that causes failure to make economy.

Then, again, in regard to the engines, etc., where formerly it took 6 pounds of coal to the horsepower per hour we are guaranteed by Cramps Company 1.35 to the horsepower per hour. Then the other market in regard to electric machinery is as low almost in the same proportion as the change in the cost of coal, and whereas in the United States Company's station there will be about forty dynamos for supplying about 4,300-horsepower capacity, there would be in a modern institution four or five dynamos with a corresponding number of engines for a similar output, and the contingencies upon this machinery are less than upon a corresponding output largely in the old-fashioned engines. The machinery made in those days was the best they were enabled to make.

I have had a large experience in the manufacturing side of this business, and whereas the machinery is improving, and what we may have in the future in the way of radical changes we do not know, but at any rate, at the present time we have machinery we feel is the best for some time possibly and will be good machinery for the next ten or fifteen years, and when we take into consideration all these, the price of material itself entering into this, which advantage the United States Company gets as well as anybody else, so that the price that was right two years ago is another thing in regard to lighting prices to-day, and it becomes possible that we should be able to make something at $100 a year.

The committee, acting upon this statement, opened the door to competition after a rugged fight, not only in the House, but at the other end of the Capitol and in conference, and we then fixed as a basis of compromise for that year $91.25 per light.

Now, these companies have consolidated, Mr. Crosby's company buying out the other company, and every word that was true then as said by Mr. Crosby of his company is true to-day, and perhaps more so.

We are satisfied that the lighting can be done at the figure we have fixed; and so, notwithstanding the president of this company filed a protest and a strong argument—the parties interested did not present the matter orally, but appeared on paper protesting that it could not be done without loss—the committee left the price as fixed in the last Congress, $72 per arc light.

Mr. SAMUEL W. SMITH. Is 10 cents per kilowatt per hour a fair price for electric lighting?

Mr. GROUT. From the information before the committee they think it is a fair price. They think there is a better margin on that compensation than there is on the arc light at $72 per annum.

Mr. SAMUEL W. SMITH. Can not electricity be produced for 2 cents per kilowatt per hour?

Mr. GROUT. I am unable to state about that. Our investigations were not specific upon that branch of the case in this bill; and as the matter is not fresh in my mind, I will not undertake to recall what has been stated heretofore before the committee. Very likely there is evidence on which to base the gentleman's question, and it might call for an affirmative response; but I do not feel able to furnish it. I simply say I do not know with reference to that point.

Now, Mr. Chairman, I believe, with these remarks, I am ready to submit the bill.

Mr. HEPBURN. I wish to ask the gentleman whether there is in this bill any provision for continuing the improvement of what is known as the Eastern Branch—the reclamation of that waste and overflowed land?

Mr. GROUT. Not specifically. If the gentleman refers to the improvement of the branch in the original acceptation of the term——

Mr. HEPBURN. Yes, sir.

Mr. GROUT. That would be an appropriate provision for the river and harbor bill.

Probably the gentleman refers to some sewers provided for in the last bill.

Mr. HEPBURN. No; I refer to the general improvement or reclamation of the waste and overflowed lands on the margin of that stream. I think it is not a matter for the River and Harbor Committee.

Mr. GROUT. It is pending before that committee; it was not presented to our committee.

Mr. BOUTELL of Illinois. I should like to know whether this increased appropriation contemplates any improvement in the water supply of this city.

Mr. GROUT. To what particular improvement does the gentleman refer?

Mr. BOUTELL of Illinois. My reference was especially to the fact that our friends who live in Washington or who have the pleasure of sojourning here and who enjoy using water as a beverage and also for bathing, and who find the water now furnished in this District fit only for irrigation and fertilization, would like to see some improvement in the character of the water supplied. The question in my mind was whether an increased appropriation was necessary for this purpose. If it could be done, I should favor some method of purifying this water at the source of supply. I think it could be done and would favor any appropriation necessary to accomplish this purpose.

Mr. GROUT. I will say for the information of the gentleman that there is no appropriation in this bill looking directly to that, but I will state further for his information that there was an appropriation made, I think in the last bill or the last but one, providing for an investigation by the Engineer Department as to methods for filtering the water, which would probably furnish the cure for the trouble that the gentleman has in mind. That investigation, I think, is completed. I have not seen the report. It has not come to my knowledge. It was not submitted in any form for consideration in this bill.

Mr. BINGHAM. Or in the Book of Estimates.

Mr. GROUT. When that report is made public and comes to the knowledge of the Department, and is brought to the attention of our committee, as it doubtless will be in due time—for this water supply is in charge of our committee—I have no doubt that it will have full and fair consideration.

Mr. BOUTELL of Illinois. Just one other question. I for one am in favor of whatever appropriations are necessary to make our capital city the model city of the world, as in many respects it now is the most beautiful and attractive city; but the water supply is one great defect.

Mr. GROUT. Now, if the gentleman will allow me right here, I ought to have stated that there is an appropriation here for the completion of the Howard University reservoir, which will accomplish incidentally to a certain extent this very object, by a more complete sedimentation of the water than has heretofore been possible in the reservoir above; but of course that will extend only to such users of the water as take their supply from the Howard University reservoir. The gentleman will remember that in the last two bills we appropriated about $1,000,000, I think, in the aggregate, or a little more than that, for the completion of the tunnel and the other necessary expenditures to bring the water into the Howard University reservoir.

Mr. BOUTELL of Illinois. I hope that the result of the investigations of this committee will be that we shall have pure, clean water.

Now, the other point that I was going to mention was this: One feature that is most noticeable in this city is the dust and dirt blown from the streets. We have here as good pavements as they have in Paris or Berlin, and they are kept as clean as sweeping will make them, but we do lack the sand and the sprinkling which the streets of those well-kept cities have.

I have inquired why it was that the streets of Washington were not sprinkled, and have been told that it was because the appropriations were not sufficient for that purpose. The question that I would ask is whether that is a fact, whether increased appropriations are needed for the additional care of the streets of the city?

Mr. GROUT. I will state that there is no appropriation for sprinkling by itself. There never has been one carried by the bill. The bill does carry an appropriation for sprinkling and sweeping; and for the purpose of sweeping, whatever sprinkling is necessary or thought advisable has been performed by the persons sweeping the streets.

Mr. BINGHAM. The bill appropriates for sprinkling and sweeping, and it is the duty of the department to see that the sprinkling is done. That is a matter of administration.

Mr. GROUT. I think if there is any trouble, it must be on the administrative side of the affair. I have not learned that the money for sprinkling purposes has been too little. No such complaint has come to the knowledge of the committee. If there had been I am sure I should have remembered it, and it would have been very likely to have received attention.

Mr. BOUTELL of Illinois. I think it is very noticeable to every one here that on windy days we suffer from the dust that is blown from these streets. If we could secure the proper sprinkling of

the streets of Washington, we would have the approval of all those who believe that cleanliness is next to godliness and the blessings of all housekeepers in the city.

Mr. GROUT. Yes, Mr. Chairman; but here is the reason for it: The streets are so wide here, and there are so few people in the streets comparatively that it gives the wind a great chance to play, a hundredfold more than in the narrow streets of some other cities which have high buildings on each side, the streets themselves being filled with vehicles and the sidewalks packed with pedestrians. So while we aim to have everything as nearly right as we can, I am afraid we shall not succeed in keeping all the dust out of everyone's eyes in the District.

The CHAIRMAN. Does any gentleman desire to occupy the floor? If not, the Clerk will read.

Mr. ALLEN of Mississippi. Mr. Chairman, I wish to state that in the make-up of this bill there has been no partisanship. It is purely a nonpartisan bill, and while it appears to carry a large appropriation, yet we have had to deny a great many requests which would have made it much larger. I think it is a very good bill. I have nothing to add to what the chairman or the gentleman in charge of the bill has had to say, and I now yield such time as he may desire, not to exceed an hour, to the gentleman from Georgia [Mr. ADAMSON].

Mr. ADAMSON. Mr. Chairman, I have no disposition to reply to the gentleman from Vermont, nor would I avail myself of this opportunity to say what I am about to say were any other occasion afforded except the debate on general appropriation bills in Committee of the Whole House on the state of the Union.

The committee of which I have the honor to be a member and of which the Chairman of the Committee of the Whole [Mr. SHERMAN] is a distinguished and shining light, has for several years had under consideration the question of the construction of an isthmian canal to connect the waters of the two oceans.

It would be at once tedious and unprofitable to discuss at length the details of the Nicaragua Canal project, such as altitude, distance, cost of construction, and the work and time necessary for the completion of an enterprise of such magnitude. It will be sufficient for the present purpose to attempt a general glance at the subject with some reference to its physical, historical, and political phases. I shall not contribute to the guesswork already so largely indulged by those who speculate about commercial results.

The research of four hundred years, involving surveys and estimates by experts and their review by numberless commissions and financial boards, covering all Isthmian coast lines, depressions in mountain ranges, and water supplies, has resulted in the conclusion that the mean summit level is 110 feet above the ocean; the estimated cost between $25,000,000 and $155,000,000, according to the capacity of the canal; that there will be stupendous commercial benefits, but differing in degree about in the same proportion as the variance in the estimates of cost. The Nicaragua route is favored to the exclusion of all others as the most feasible and practicable, and the cost—whether $150,000,000 or $300,000,000—is conceded to be not out of proportion to the resultant benefit if the canal is constructed on the principles of the Hepburn bill. It is not denied that the advantages of such a canal to our Government, rounding out as it will and fortifying our coast lines and facilitating our military and naval operations, will more than compensate in strength and glory for all the expenditure, while it is confidently believed from the estimates that the additional use of the canal by commerce will go far to reimburse us for its construction.

The discovery of America's extent from north to south was followed by long and confident search for a passage severing the continent and connecting the oceans, America itself not being regarded as of intrinsic value, but only interesting as an incident of the coveted route to the East, for which maritime nations had long sought. They had no thought of new land, but only wished expeditious communication with eastern countries, where they might secure gold and slaves to feed their commerce. Little gold had been found in America, and the aboriginal inhabitants made very unsatisfactory slaves. The character of the population, however, as well as the world's views about gold, has since then undergone some change. It has been found easier and more profitable to convert the masses into slaves through the chains of unequal finance and tax laws than to own and provide for them through the forms of physical slavery, this latter handicapping to some extent the moral pharisee who wants to harp on the foibles of others without taking into account or disclosing his own disreputable method of securing riches.

When it was at last determined that there was no break in the land, but instead, one continuous continent reaching from the remote north to Cape Horn, the interest of nations began, as early as the sixteenth century, to canvass the possibility and practicability of severing the Central American isthmus with a ship canal. At different times eight different routes have been exploited. Spain first manifested her interest in the enterprise, but was soon joined—or, more properly speaking, opposed—by the competition of various other maritime nations, England, France, and the Netherlands, being among the most notable.

Of course most of that occurred before the birth of this Republic and before anyone entertained a dream of independence in Central and South America. It would be as unentertaining as unnecessary to recount here the various stages in the rivalry between those different governments, which, gradually realizing the value of the discoveries in the New World, strained every nerve to acquire territory and increase their commerce. The distinction between canals built by governments and by private enterprise could have no place in the discussions of and between autocratic governments which recognized no difference among their holding—whether of lands, canals, commerce, or their own subject citizens.

As this contest for supremacy in Central America and for the control of the desired transit to the East waxed fiercer, there arose, for obvious reasons, a general tendency to provide for the neutralization of the proposed canal and the distribution of its benefits to all the nations concerned. Fear of ultimate exclusion through the possible supremacy of another reconciled each power to the idea of foregoing sole dominion and of consenting to common use. The general plan was for private capital to construct a canal under governmental guaranties of neutrality and common use, all the participating governments being thousands of miles removed from the locality involved, and there not being at that time a single independent government in all the Western World. Though successive examinations had crystallized attention around the Nicaragua route, causing that to be accepted by the world as the most feasible and practicable, yet difficulties of diplomacy, continuous and almost interminable wars, and the cowardice of capital combined to prevent progress in the work of locating and constructing the canal.

When, following the establishment of this Government, the countries south of us rapidly achieved their independence and increased their population and wealth, the whole scheme became invested with an entirely new aspect. Old conditions had been swept away; and instead of the original hope of a new pathway to enable European nations to rob, destroy, or appropriate the devoted Orient, the canal assumed the far more practical and important aspect of an instrumentality to develop the boundless resources of Central and South America, to terminate their broils and revolutions, to compose their differences, to disseminate enlightenment and fraternity by the interchange of commerce, to spread throughout the whole region the benign reign of peace and prosperity under the perpetuation of free institutions, and at the same time, by affording quick and profitable communication between the eastern and western shores of our own great country, to bring together in brotherhood, trade, and business activity the growing millions of our restless population. More than all the idle dreams of empire, more than all foolish and criminal aggression about expensive and troublesome islands, more than all our proposed participation in the dismemberment and robbery of eastern kingdoms—yea, a thousand times more than all of these, even if realized to the most extravagant tint of the brightest dream, the scheme promised to augment the domestic and foreign trade, the prosperity, peace, unity, and happiness of this the greatest republic and the strongest government the world ever saw.

The responsibilities, duties, and benefits connected with the proposed canal were logically and rightly transferred to the Governments of the New World; but, dazed by the sudden progress of liberty, the monarchs clung to their traditional notions of empire, hesitating to accord final recognition of the fact that their scepters had forever departed from the New World. It may be that in their quarrels were found safety and protection for the young western republics. The most insidious and persistent, however, of all the Old World powers in her effort to perpetuate her influence and interest has been England, who, recognizing in us her only possible rival and dangerous competitor, has never failed to embarrass us at every opportunity, and whose most conspicuous successes in this connection have, it is sad to reflect, been due to the weakness and incompetency of our statesmen.

Whether England really possesses her boasted power to direct our course through financial compulsion, or whether she and we are alike the puppets and playthings of the same money trust dominating the world, a campaign of eighty-four years of unremitting and unscrupulous activity has resulted in our adoption of the single gold standard with the English banking oligarchy attachment to facilitate the manipulation of the world's trade. And now, after eighty years of varying manifestation of contempt for the Monroe doctrine—the shield and bulwark of American institutions and the only hope of an Isthmian canal—during which her chief source of aid has been in the blundering of our own people, she believes she has at last succeeded in making us the instrument of our own undoing by our practical contradiction and abandonment of that doctrine, which we have indicated

by entering upon a policy of conquest and colonization in the East and by our invitation to the nations of Europe to take charge of our affairs by participation in the Isthmian canal.

No blame can attach to Nicaragua or any other Central American State for our truckling to Great Britain and thus confusing the question and postponing the construction of the canal. Ever since 1825 those countries have exhibited a liberal disposition whenever encouraged by any show of sincerity on our part. When Great Britain had seized a foothold on the Mosquito coast, and was seeking, through coercion of Honduras, to secure the proposed western end of a canal, and was using all the power of her diplomacy and the terror of her arms to break our influence with the Central American countries, those plucky little States adhered squarely to us, conceded all we asked, incurred the fury of Great Britain, and were perfidiously betrayed by us through our base repudiation of the work accomplished by Mr. Squier in Nicaragua and Honduras when a weak and truckling Administration negotiated the Clayton-Bulwer treaty. That treaty contemplated the immediate construction of a commercial canal to which both English and American capital would contribute, and which obligated both England and America to refrain from colonizing or fortifying in the vicinity.

In other words, our Government bought a humiliating peace, which has been worse than war for fifty years. When we were busy with the Mexican war, England, thinking to utilize an opportunity afforded by our distress, appropriated some land in the vicinity of the canal and planted her guns upon it. Our Administration was afraid to make the issue with her then, and at the same time was tempted by the alluring prospect of English capital to help build the canal; so instead of notifying her to move off, trusting to the resources of our own hemisphere to construct the canal and work out our own destiny, the Administration negotiated the most abject and embarrassing treaty that had ever crippled our progress or compromised our honor.

But we have no right to complain of England. She extinguishes weak governments and appropriates their survivors and territory through her settled policy of aggrandizement, scorning to stop and blush for any of her conduct. Her Government is constituted and equipped for aggression and vassalage. She asks a strong power for what she wants, and if the other party is foolish enough to concede it, she takes it. If she overreaches or intimidates her equals, she can not be blamed.

I am alike exempt from Anglophobia and immune against Anglomania. We resemble her in a great many respects. Both administrations proceed on the Plymouth Rock doctrine, "Look out for the behavior of other people and allow no discussion of your own conduct, however reprehensible." We are both loud in our professions in favor of international arbitration and the preservation of the world's peace; at the same time refusing to arbitrate with those we think we can whip, while we seize upon the most transparent pretexts to wage bloody and atrocious wars against liberty solely for political and commercial advantage. If no miraculous accident or blunder prevent unavoidable success we can both outblow old Boreas, sometimes making the welkin ring with professions of devotion to patriotism and the flag to divert popular attention from incompetence, wrong, and jobbery. We are much alike in our disinterested friendship and aid to the Almighty, in whose name and for the spread of whose gospel and kingdom all outrages are professedly committed. The English pretend to believe that in all their atrocities they are the vicegerents of Jehovah. No less vehemently and devoutly do some of our patriots proclaim their belief that Hannaism is a divine agency to extend the reign of trusts, corruption, and carpetbag government over the benighted islands of the sea.

If England and her devotees among us would allow it, we ought to treat her as we do all other nations, which should be with fairness, candor, and friendship. There exists no reason why we should indulge in official partiality to her. The plea of kinship furnishes no such reason. She pays no regard to that herself, and no more do we. She wrongs Anglo-Saxons as heartily as Africans whenever it serves her greed and ambition; and in like manner some people in this country prate of love for Anglo-Saxons 3,000 miles away, while hating, slandering, and robbing the noblest and purest Anglo-Saxons who ever honored the race right here at their doors and in their own country. Under the progress of enlightenment, which can alone destroy sectionalism and promote fraternity, this class is diminishing in numbers as rapidly as in respectability. Its utter extinction, while blessing the entire country, will redound to the benefit of no locality more than to its own.

The fiercest wars in England and America have been fratricidal. If blood is thicker than water, greed for gold and power is stronger than blood. We ought to decide ourselves and then inform England once and forever that while we love her we expect this continent to manage its own affairs.

Though often suggested, General Grant was among the first to commend to the American people a distinctively American canal, to be built, owned, and controlled by us. While the blunt old soldier was not statesman enough always to make clear distinctions between public funds and private capital to pay for construction, nor to draw the line between neutral commercial use and military governmental use, yet there is no doubt that, with all the patriotism of Blaine or Frelinghuysen, he resented the officious suggestion that European assurances of neutrality were necessary, and rested proudly in the belief that American guaranties alone should and would sufficiently protect all the uses and purposes of an Isthmian canal.

As we realized our strength and necessities, our sentiment united and crystallized into a stronger and more patriotic view of the subject for the last half of the present century, justifying the hope of our people for a ship canal piercing the Isthmus through Lake Nicaragua, a fresh-water lake sufficient to flush locks and canal, on the expansive bosom of which our ships without number could ride at our will, meanwhile preserving and cleaning their own bottoms without trouble and expense of docking, ready at a moment's notice to pass out of the canal and crush an enemy in either ocean. At the same time we might derive revenue from incidental accommodation of commerce and navies of other nations; for, owning and operating our canal, we could take profit from such fair tolls as we thought proper to exact from the shipping of all the world.

I have participated in that dream, or rather in the wish for its realization, because I believe our Government would find the canal useful for military and naval purposes, and its patronage by merchantmen and war ships would doubtless render large income, and for the further reason that I am fully persuaded that private and corporate capital is too selfish and narrow-minded ever to venture so colossal an enterprise. It is, therefore, obvious that if ever constructed it must be done by the treasury of some powerful government. As it is not now pretended that any European country can, will, or should build it, it must be constructed by our Government or remain a dream. Distinctions ought not, however, to be lost sight of nor terms confused.

A commercial canal, neutral and open to the world alike for pay, is one thing; a canal built by the Government, like a battle ship or fort, for its own use, in the control of which nobody else participates, is quite another thing. We love our commerce and would like to see its smoke and sails on every sea, bringing to our people riches from all lands. I regret that commerce is not honest and brave enough to put up its own money and promote its own interests without looking to the paternalistic favoritism of the Government for its support and profits. If commercial interests would furnish the money and construct the canal without relying on governmental aid, it would be proper to maintain its neutrality under the guaranties of our own and the Central and South American Governments, and make profits from the tolls of all mankind "that go down to the sea in ships."

I believe with Mr. Blaine, however, that no guaranty even in that case would be necessary from any but the American governments, nor could any other be tolerated. As such an institution the Suez Canal was professedly intended; but dominated, fortified, and manipulated by England it is practically a governmental canal, and will so prove whenever it shall become necessary to England, provided she maintain sufficient naval strength to enforce her desires. A neutral commercial canal, such as just described, constructed through Central America would remain so only until its appropriation should in time of war appear necessary to some power able to seize and hold it. But it is useless for our Government to contemplate the possibilities of such a canal. If such were built, she could pay tolls and use it like other patrons. If she builds a Government canal, she may use it and determine who else may use it, prescribing terms.

Our Government being designed for the sole purpose of governing the people, and not intended as the general agent and promoter of commerce, has no constitutional power to construct a commercial canal; neither has it constitutional warrant to form an alliance or partnership with any European power to construct any sort of a canal, as has been proposed. To do either would be a misappropriation of public funds, unworthy of honorable representatives and officials. The only canal our Government desires, can get, or could afford to construct is one exclusively owned, controlled, fortified, and defended by us. Unless we held strong fortified possession, we would stand in danger of dislodgment and exclusion whenever a superior sea power would covet the canal. A canal designed for a war instrumentality to supplement our land and sea forces we could constitutionally provide, but a commercial canal for the common use of the world's ships, including men-of-war, possibly operated by our enemies against us, is not only repugnant to our Constitution but contrary to common sense and business principles.

Having finished and fortified the canal for the primary use of the Army and Navy, we could with profit both to the Government and the people accommodate the commerce of the world

and all battle ships except our enemies'. With that exception alone we could maintain perfect neutrality and universal patronage. While promoting those ends, we would secure our own safety by remaining the sole guarantor as well as creator of those conditions. Neutral and common use is desirable, but not through humiliating entanglements with European powers. Without equal and fair terms to all men the canal would not only become a mockery to our hopes, but also another instrument of robbery in the hands of the classes to appropriate the earnings of the masses.

It has already been suggested that through the canal we should encourage our shipping by discrimination against the foreign carrying trade. If we were sure this would be resorted to alone, in lieu of all other schemes, it might be preferable to some other propositions, on the idea of some wrongs being less damaging than others. But can we believe it will be substituted? Would the advocates of greed not merely add it to the other schemes of class aggrandizement? Would not the scandalous ship-subsidy bill be also enacted? Would not the power and profit of its beneficiaries be further increased by such discriminating favors in the use of the canal as would result in a close monopoly? I confess that the ardent support of the canal in some quarters inspires misgivings.

I fear, from the known character of certain professional upholders of the flag and custodians of our entire stock of patriotism, that they scent spoliation in the enterprise, and their pretense of patriotic fervor for the Government's honor and integrity in controlling the canal may disguise their expectation that it will be managed to enrich them and their friends, to the detriment of common trade and the common people. When I reflect on the uses to which class legislation has subjected the Federal Government, I blush for my country, while trembling with apprehension at any suggestion to increase or multiply instrumentalities to be prostituted. With our resources, territory, multiform advantages, character of productive and instructed citizenship, we ought to stand a model of general thrift, universal prosperity, aggregate wealth and happiness, as well as national strength and character among the powers.

One thing that has prevented this has been the cowardly and selfish policy of restriction, repression, and robbery, falsely called protection. What success we have achieved has been, despite this incubus and others, through our boundless capacity, indomitable energy, and matchless advantages, ruthlessly crippled in behalf of greed. When you compel your neighbor to trade with you it is necessarily through preventing his trading with anybody else and cutting off other people from trading with him. Of course other people will not buy where they can not reciprocally sell. Under your system all you can sell other people is your surplus after supplying your neighbors who are forced to buy from you, and remain poor because you can not or will not pay fair prices for all that they have to sell. Then in trying to sell your surplus to other countries you are compelled to sell in competition with all other countries; consequently you sell at a price so low as to convict you of having robbed your neighbors.

Of course the general effect is a great reduction in the mass of commerce and the destruction of profit to the masses. The special effect is to reduce the bulk of trade, but augment the relative profits of the beneficiaries. While the few favored grow rich, the many producers wax poorer. True, the favorites respond handsomely in contributions to the campaign fund, which is useful to the Republican party in muddling voters and fuddling election managers on strictly business principles to secure extension of power for the further benefit of their favorites the aforesaid robbers and contributors. Similar modus operandi and like results distinguish the Federal financial system, just appropriated from the English practice by the great bimetallic Republican party.

Conspiring and cooperating under governmental partiality, which permits control of the currency necessary to move products and effect exchanges and utterly excludes direct trade with other countries to convert commodities into cash and merchandise, the favored classes, by affording the only possible market, control both the volume and price of produce. In consequence the entire product is surrendered without reservation for even an inadequate supply of other commodities, or to pay for those already used, leaving the producer absolutely destitute. Then to find for them a market for the surplus, both of acquired products and manufactured goods, the favorites demand that the Government send commissions and agents, and even armies and navies, to secure by negotiation or force of arms avenues of trade which, but for our own suicidal policy of exclusion, would have voluntarily stood open to tempt the enterprise of our whole people.

The recent conduct and declarations of Republican statesmen at last clearly indicate that, however specious the pretext under which avowed, the cry of expansion by this Administration means no more than to dominate other people against whom to discriminate, and govern more territory to curse with syndicates, patronage, and inequality. If the favorites would consent to fair and equal conditions at home, so as to enable producers to realize just returns for products, the people would be able to reserve for themselves some part thereof, either in kind or in merchandise taken in exchange.

The classes would find that fair conditions would not impoverish them. Liberal conditions which disseminated general prosperity would promote their own gain, and their popularity would increase as their exactions diminished. When crops are confiscated by the operations of unjust conditions, the producers save nothing for themselves and, of course, can not buy. When cotton sells at 5 cents the planters surrender it all and their families go wanting for the common articles of cotton goods. When the planter realizes 8 or 10 cents he buys everything else he wants, pays his debts, lays up a little money, and his family buy more cotton goods than would be bought by a hundred Chinamen or a thousand Filipinos. When wheat sells at 50 cents a bushel the producers part with it all and forego the commonest comforts of life.

Subsidized prevaricators survey the scene and unblushingly cry out "overproduction." Honesty among ourselves would enable Americans to use ten times as much of their raw materials and finished products as they now use and produce a corresponding stimulation in price and activity. If fair conditions were restored, so the price of cotton could remain high enough for producers to have necessary cotton goods, as well as other articles they need, and if the price of wheat and pork could continually range as high as HANNA fixed them when, by producing short crops and long famines throughout the world, he restored the confidence of the West in the Republican party, more liberal, lasting, and profitable markets could be found in the South and West than can ever be furnished by competitive intrusion on China or opened by subjugating and colonizing all the islands in all the oceans.

If the canal is to be made the instrument of further inequality, its construction will be a great misfortune. The proposition to subsidize our shipping by this or any other scheme is fraught with danger. To take from the pockets and trade of the people by operation of law money and transfer it to the pockets of a few shipowners will not conserve the general welfare. It will unsettle general prosperity and destroy good morals. In order to secure revenues to the Government we want the largest possible use of the canal consistent with the demands of military and naval operations.

In order to enjoy the largest and most profitable commerce, benefit the people of the whole country, fill our waters with ships of trade, and make all our coast towns busy marts of commerce, we want the shippers and tradesmen of all the world to measure arms and skill with us in the competition for traffic and wealth. Preferential rates for our ships would exclude all others from that part of the trade, not only restricting it to that extent but subjecting our people to the power of subsidized favorites. Freight rates and trade conditions would become so intolerable under monopoly that our impoverished and maddened people would curse the canal and curse the Government which maintained the injustice.

Political economists know that a protective policy is not favorable to general production and distribution of wealth, but, on the contrary, concentrates wealth and spreads poverty among the people. So knowing Republican statesmen support it for that reason. They not only favor class aggrandizement, but insist on sectional discrimination. Their policy cuts the cotton growers off from the markets of the world, and then grinding them year by year through the restrictive mills of forced and stagnant trade in utterly insufficient markets, they had about fixed the ruling price of cotton at starvation figures, and, as they fondly believed, fixed the status of the grower at hopeless poverty and political impotency. But, lo, a miracle! Through long suffering in silent self-denial, living hard, buying nothing, eating and wearing as little as necessary, by slow degrees getting out of debt, and slowly building their own cotton mills in the cotton fields, where God and nature intended them to be, people of the cotton belt were able to surprise the marplots.

A short crop was known to exist, but persistently, venally, and maliciously was misrepresented. The Southern mills proceeded to fill their own warehouses, not hesitating to raise the price, in spite of New York and Liverpool, to a figure which netted a slight profit to the grower. In fact, the people were beginning to give promise of reaching that stage of independence where they could not be hurt by an appreciating single gold standard, because they did not owe the dollars, nor be robbed through protected goods which they did not buy, when lo, another miracle, or, more properly, a miraculous piece of heterophemy! The apostles of class and greed, baffled in their schemes and maddened at any degree of thrift, hastened to cry aloud, "Glory be to HANNA; the South, too, has been made prosperous through Hannaism!" She ought to be rich. She is a goodly land by nature. Her pure and noble population is capable of all development and excellence. She ought to flow with the milk of enterprise and the honey of prosperity. Her people would be the richest and happiest on earth if treated with decency and fairness, but under governmental discrimination

they are expected to produce for others, and when, in spite of inequality and discrimination, through industry and economy, we escape debt and poverty and get $5 ahead at a time, it is so unexpected to governmental favorites that they call it prosperity. They have known for years that under fair economic conditions we would grow rich as Golconda; therefore their restrictive policy as to finance and trade.

They are now seeking to go further by seriously entertaining the monstrous proposition to override the decrees of Heaven, nullify the advantages which nature has given us by invading the internal affairs of States, to regulate hours of labor, rates of wages, and style and cost of living, in the hope of depriving us of manifest natural advantages and preventing ascendency as inevitable as the continued shining of the stars. Will the canal be used to enrich a class of shippers to the injury of all the toiling producers from the Atlantic to the Pacific? If so, perish the project now! The false and hypocritical rant about protecting American industries encourages the brazen effrontery which unblushingly demands a bonus on everything done or produced because it is domestic.

It is natural to love our neighbors if they will just love us, and good neighbors will trade with a neighbor naturally and without compulsion if the neighbor is only honest and fair in his dealings; and when I learn that American manufacturers and ship builders and owners are offering to pay more for our wheat and cotton and corn and cattle and other commodities, because produced in America, than Europe pays, then I will stop and listen more patiently to their claims for a bonus. People of the United States wish to trade with the world, and are skillful enough to produce anything as well and sell it as cheaply as anybody else on earth can afford to do. We should invite the trade of the world to our shores and encourage our ships to go throughout all their coasts without doubting our ability to sustain our interests.

The commonest understanding can realize, however, that when we exclude other people they are justified in excluding us. Then the Administration, pretending to recoup lost advantage, arranges reciprocity treaties, so called, designed for the sole benefit of its favored classes without any expectation of relief to the suffering masses. We frequently hear the familiar and dogmatic falsehood used as a specific to answer this kind of argument that this sort of talk arouses prejudice of class against class. The masses certainly have a right to complain when they are imposed upon by class legislation. If the favored few do not enjoy their self-selected position of standing arrayed against the profit, well-being, and happiness of the masses, just let them consent to change the conditions and suspend their robbery. Justice and fair treatment will succeed the present unjust conditions, and in general prosperity, smiling over all, there will be peace and happiness and the very fullness of brotherly love.

The leading advocates of subsidizing American ships know that it will not build up American shipping. People whose ships are discriminated against by us will boycott our trade and our ships. The canal will be deprived of its revenue, and the people of the South and West, disappointed in their expectations, will be impoverished by the exactions of subsidized monopoly. The number of ships and the expense of their operation will be reduced, but the profits of the owners will be increased by diverting money from the pockets of the people to the enrichment of the shipowners. If we prefer our ships, other people will prefer their own ships to the extent of trading with and patronizing no others. Besides, other ships would not and could not use the canal in competition with our ships passing free, which would be left without a rival and unbridled in their exactions. For all these reasons, well understood by them, the prophets of cupidity desire discrimination in favor of our ships.

If the canal is ever built and the policy here foreshadowed is adopted, there will come a time when the wildest enthusiast will turn back and indorse these remarks, however much he may now dissent. It is desirable that a canal be built, fortified by this Government; but in the name of commerce, in the name of suffering humanity, in the interest of civilization, in the interest of our own great people, unmatched on earth, who should and would prosper if permitted by legislative and administrative conditions, let this Government, in so far as it opens the canal to commerce, make it fair and common, on equal terms to all who trade or travel.

It is probable that general anxiety to have this Government assume the burden is so great that other nations would offer no objections to our exclusive proceeding in the matter, but for the fact that our own folly and vacillation encourage them to interfere, inspiring the opinion that we will submit to terms and construct at all hazards. But decent self-respect and our own business interests demand that we call a halt to such a policy. The only way to proceed with honor and safety is to make a final stand here and now, announce that we are going to build for ourselves a canal, in our own way, to be controlled, fortified, and defended as we wish, open to our own and the world's commerce, on our terms, invitation, and guaranty, without regarding or consulting any powers except the Central and South American States, who will participate in the benefits of the enterprise on such fair, liberal, and honorable terms as shall be agreed upon between them and us; but having it fully understood that neither the "concert of Europe" nor the discord of Europe, nor any European power nor powers, shall dictate terms nor policy about it.

But for the fatal mistake of the Clayton-Bulwer treaty the enterprise might have long since been finished. Our haste to remove or placate competition and intimidation but wove around us a web of confusion and delay. I have already referred to our diplomats of that day whose fears of British aggression south of us may have suggested that a weak people might obviate by contract apprehended dangers which might not be otherwise averted. I have also taken into consideration the eagerness of a young and growing republic whose people boasted a merchant marine second only to that of the English people. So anxious were they to reach and develop the markets of the East as well as their own Western borders that they accepted the alluring offer of a rich and powerful empire to participate in the immediate construction of a waterway, so herculean in conception and costly in execution as to exceed their own financial ability.

Contracts, public and private, should be observed with scrupulous fidelity, whether wise or foolish, but does anyone construe the Clayton-Bulwer treaty to provide that no canal should ever be constructed? Nay, verily. Immediate construction was contemplated, and with English help, the concurrent benefit or immunity contracted for therein being the prevention of colonization and fortification by England in Central America. England treated the terms of the contract as transposed and reversed. She forthwith planted colonies, occupied territory, and multiplied her fortifications. Then she not only omitted to help construct the canal, but having secured her desired route to the east by acquiring control of the Suez Canal without asking our advice or partnership, naturally abated her interest in the isthmian canal, her need therefor having been removed.

Neither she nor her people have offered to assume any part of the burden, nor should we desire nor permit it if offered. She does not wish us to build it unless we recognize her as a controlling factor at least to the extent of renouncing its peculiar advantage to us. To the end that she may either prevent the canal or turn it to political profit she seeks to resurrect and parade the grewsome remains of the obsolete Clayton-Bulwer treaty, long since dead from nonuser, dead from misuser, dead from England's own willful violation, and defunct from an entire change of all the circumstances which induced its negotiation. For forty years both England and America have either ignored or violated it in negotiating with Central American countries, especially Nicaragua and Colombia. The condition of that treaty was exhaustively considered by the Senate Committee on Foreign Affairs during the Fifty-first Congress, and I quote from their report as follows:

"We think it can be justly affirmed that the convention of 1850 has become obsolete, for the convention was based upon the idea of an immediate prosecution of the enterprise of creating this great international highway, and that neither government would be found, so far as it regarded the particular question, apart from other considerations, to consider its stipulations as longer binding."

The committee further argued that the construction of the Suez Canal, with Great Britain as its dominant and controlling proprietor, was a fact to be taken into consideration, as rendering inapplicable the declarations and engagements of the treaty of 1850 and justly entitling the United States to give its separate aid and encouragement to the construction of a canal. Great stress was laid also upon the fact that Great Britain violated one of the express provisions of the treaty when the Honduras settlement was converted into a colony of the British Crown. Upon this point the committee said, with great emphasis:

"If these proceedings of Her Majesty's Government in respect of one of the most important subjects of the convention and in absolute opposition to it do not discharge the United States from all and every of their declarations and engagements stated in that convention, it is impossible to conceive what could.

"In view of all these considerations the committee is of opinion that the United States is at present under no obligation, measured either by the terms of the convention, the principles of public law, or good morals, to refrain from promoting, in any way that it may deem best for its just interests, the construction of this canal without regard to anything contained in the convention of 1850."

There was nothing, therefore, in 1891, either in the treaty or in law or in morals, to interfere with the construction of the interoceanic canal by the United States without regard to any other nation on earth.

If that report was true then, it is true yet. That treaty was a sad mistake. But England being the only party concerned with us, it might have been worse if extended to other signatory powers who could have embarrassed the situation by intermeddling with us. Either England's violation of its terms or a total change of conditions moving to contract would have justified us in giving notice of its forfeiture or abrogation, to be regarded only as terminated and ourselves as absolved from all its obligations. We should have done that long ago. We should do so now. American courage and candor are all we need. They answered the purpose when we invited Napoleon to quit Mexico. They only will serve to clear the political and diplomatic situation and

satisfy Europe that there is a subsisting Monroe doctrine that shall be respected.

It would be suicidal for us to revive or recognize the Clayton-Bulwer cadaver as a living entity or rivet anew upon ourselves worse manacles, as some people advise, by the conditions of a new compact, more monstrous and humiliating, to exasperate and complicate the situation, not only by inviting England to take her place as a dictator in the affairs of the Western Hemisphere, but also consenting that other nations participate in managing our canal, inevitably resulting in their managing and undoing us. Committing ourselves to such a self-destructive bargain would again prevent the building of the canal, for we could not devote our credit and treasure to such a shameful enterprise.

A more complete obstacle could not be devised by the resourceful but apparently vanquished opponents of the project. Before committing our Treasury to the enterprise we must know beyond peradventure that the institution will be ours exclusively and fortified impregnably. We must know that European participation is forever prohibited in the law which authorizes construction. It has been argued that we can protect the canal even if it be unfortified, and that in spite of compacts international law would authorize us to follow and protect our property anywhere; that a mighty navy in both oceans will guard the entrances against all interference. Honest people contract as they expect to perform, and our chief inducement to build the canal is economy in naval operations.

We wish to utilize Lake Nicaragua, the most notable and commanding strategic point on earth, in order to dispense with half the cost of our navy. Battle ships occupying the lake, ready on occasion to descend to either ocean, would be equivalent to twice their number divided equally between the two oceans. For instance, they could quickly meet and destroy an equal number on the Atlantic, then passing through our canal under our fortifications, they could destroy another equal number in the Pacific. But after incurring the expense of the canal we do not propose in addition to invest a like sum in maintaining a mighty navy in each ocean to protect the canal. That would make the canal an element of weakness as well as expense, rather than the desired instrument of strength and profit.

But in this day of unselfish "devotion to humanity," "benevolent assimilation," and lending to the Lord our arts, skill, money, and Army to evangelize or depopulate the weak portions of humanity, we would be soothed and sustained by the comforting reflection that we were generously devoting to the world's governments a free canal in which we claimed no peculiar interest or right except that of paying the bills. Can a proud and sensible people brook such an arrangement? Above all, can Representatives consent to such a scheme and justly escape censure for incompetency or perfidy? We are not criticising particular stipulations, but deprecating the proposition to consult European nations at all. They should not participate in stipulations, nor do we need their assurances to provide neutral and universal use.

We should act without their advice or consent. If through our instrumentality the canal ever unites the two oceans, let it strengthen our arms in war and stimulate and enrich our commerce in peace. Let it be a mighty and enduring monument to American genius, independence, patriotism, and valor. Let it not endure to mock posterity as the grave of American liberty and greatness. Our institutions could not long survive the shame and subserviency of our constructing and operating under European espionage and control, for the benefit of other governments in peace and in war. Far better to postpone the enterprise forever than to rend in twain the continent to erect an everlasting monument to our shame and degradation. [Loud applause on the Democratic side.]

Mr. COWHERD. Mr. Chairman, I should like to be recognized.

The CHAIRMAN. The Chair will recognize the gentleman from Missouri in his own right.

Mr. COWHERD. Mr. Chairman, I do not know that any apology is needed for addressing this House under general debate and talking from the text instead of upon it. I am inclined to think that more apology is due to the House from one who attempts to discuss any phase of the Philippine situation, after it has been talked over so long and so frequently both here and elsewhere. But there is one part of that proposition to which I desire to call the attention of this House. It has been very frequently stated by Democrats, here and elsewhere, who have concluded to follow the President in his policy of imperialism—and, thank heaven, their numbers are few—that they were simply following Democratic precedents. Not unfrequently our Republican friends have taunted us with the statement that the Philippine policy of permanent annexation was the policy that was inaugurated by Thomas Jefferson.

I desire, Mr. Chairman, to consider for a few minutes the question of expansion under Democratic Presidents and compare the motives that influenced their action with those influencing the acts of the party now in power. Because it must be remembered, and is everywhere conceded, that it is the intent which fixes the character of an act, and makes it either criminal or praiseworthy.

Now, what are the motives influencing the party in power to-day with reference to annexation? I submit that in their last analysis they are two, and two only. The one is an appeal to the military spirit and the other the question of commercial advantage. It is to the military spirit that the President appeals when he adopts the language of the gentleman from Ohio [Mr. GROSVENOR] and asks, "Who will pull down the flag?"

It is to the military spirit gentlemen on that side of the Chamber appeal when they talk about "taking our place among the nations of the earth; doing our duty in policing the world." What I want to call their attention to is that in appealing to this spirit they are by that very appeal admitting the fact that it is a policy which if it does not keep us continually at war compels us to be continuously preparing for it. It is to the commercial spirit that you appeal when you tell us of the richness of the soil of the Philippines, of their beds of coal, of the sands of the river teeming with gold, and all the wonderful future of oriental trade; but when you contend that in this appeal you are following the Jefferson policy, let me remind you, Mr. Chairman, you are proposing to increase your commerce by battle ships instead of merchantmen; you are proposing to open markets, not on the quality of your goods, but on the quality of your guns; and these, I submit, are the two motives, and the only two worthy of consideration, that are influencing the action of the present Administration.

I admit that I leave out of consideration the minister of the gospel who talks about the opportunity for evangelization. I leave out of consideration that "organized hypocrisy" that prates about civilization. It is useless to argue with religious fanatics who believe the doctrines of Jesus Christ can be carried on the points of bayonets, or to talk with the political hypocrite who wishes to civilize by extermination. The fact is that two motives only influence you; really, only one, and that is commercial greed, and the other is an appeal to the military spirit made to cover your real purpose. I admit that a just commercial advantage is a proper object for administrative action. I admit that an appeal to the military spirit, if not proper, is always a powerful appeal to people of Anglo-Saxon origin. But what I wish to call your attention to is that, appealing to this spirit as actuating your motives, you have no right whatever to talk about Democratic precedents and pretend you are following Jefferson himself.

Now, what was the policy that influenced Jefferson in the Louisiana purchase? If, in arguing this question, I am compelled to travel over the points made by the gentleman from Illinois [Mr. BOUTELL] in his very interesting discussion the other day, I want to offer to the House, as my excuse, that any word of Jefferson is of sufficient weight to warrant frequent repetition, and that the gentleman from Illinois, in using part of the language I shall quote, was intending to prove the annexation of Louisiana was involuntary so far as Jefferson was concerned. That, in large part, was true. The fact is that Jefferson, realizing a divided control of the Mississippi, which was then the highway of our commerce, would, after years of continual bickering, end in getting us into war with European powers, determined to obtain, if possible, full rights of navigation of the river and a place of deposit at its mouth.

The first was the thing that he started to obtain; and I propose to prove that the motive that influenced Jefferson was to make our course that of a pacific nation. I propose to show that he was endeavoring to lay the foundation for perpetual peace, as you are preparing to-day, in maintaining possessions in the Orient, to lay foundations for perpetual war. I propose to show the motive influencing Jefferson was to remove occasion for bickerings with European neighbors that would embroil us in European difficulties, while you, taking, as you are, possessions in the Orient, and those possessions next door to European and Asiatic powers, compel us hereafter to take a hand in every war on either hemisphere; and yet you are contending that, notwithstanding that, you are following Jeffersonian precedents.

Now, Mr. Chairman, I find as early as 1801, in writing to Monroe, Mr. Jefferson says:

> There is considerable reason to apprehend that Spain cedes Louisiana and Florida to France. It is a very unwise policy in both and very ominous to us.

Ominous because it threatened the peace of the nation, as is conclusively proven by his letter of April 18, 1802, written to Livingston, who was then our envoy to France. In that letter Jefferson says:

> The cession of Louisiana and the Floridas by Spain to France works most sorely on the United States. * * * There is on the globe one single spot the possessor of which is our natural and habitual enemy. It is New Orleans, through which the produce of three-eighths of our territory must pass to market, and from its fertility it will ere long yield more than half of our whole produce and contain more than half of our inhabitants. France, placing herself in that door, assumes to us the attitude of defiance.

There, then, is the Jeffersonian principle, the motive that actuated him in attempting to obtain rights beyond the Mississippi and the purchase of Louisiana.

Mr. BOUTELL of Illinois. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from Illinois?

Mr. COWHERD. Yes.

Mr. BOUTELL of Illinois. Would it interfere with the current of the gentleman's remarks to state further along in that letter the process by which Mr. Jefferson proposed to secure the right of deposit if he did not get it by peaceful treaty?

Mr. COWHERD. I propose to show that not only Jefferson, but the Congress of the United States, considered it so absolutely necessary to the welfare of the nation at that time that they should have the right to the free navigation of the Mississippi, considered it so absolutely necessary to the peace of the United States that they should remove the continual cause of bickerings from it, that they proposed and intended to have it by conquest if they could not get it by purchase.

Mr. BOUTELL of Illinois. And not only by conquest, but conquest brought about through an alliance with Great Britain.

Mr. COWHERD. I propose to show that, too, and I propose to show that Mr. Jefferson said that when you entered into European alliances and broils you would render the people so much the less happy and prosperous, and yet that is the very policy you are openly advocating to-day, and saying that you are following Jeffersonian principles.

In his letter, in 1803, to Monroe, in which he says he intends to appoint him envoy extraordinary to France, Mr. Jefferson says:

I have but a moment to inform you that the fever into which the Western mind is thrown by the affair at New Orleans, stimulated by the mercantile and generally the Federal interest, threatens to overbear our peace.

I read that to show, as I read the other quotations to show, that it was the problem of maintaining peace that Jefferson was attempting to solve, and, if you choose to put it that way, that he proposed to have peace if we had to fight for it.

Mr. BOUTELL of Illinois. That is it.

Mr. COWHERD. You are proposing to put the country into a position where we must fight. That is the proposition that I want to draw attention distinctly to. And yet you pretend you are following Jeffersonian policies by annexing land in the Orient. You must admit that when you appeal to the military spirit and say you must take your part in policing the world, when you say that we must take our place among the nations of the earth, among the great powers; that you propose to have a hand hereafter in every European and Asiatic war; and you pretend to say that is Jeffersonian policy.

Now, Jefferson says in his letter to Monroe a day or two after, on January 13, 1803:

If we can not by purchase of the country insure to ourselves a course of perpetual peace and friendship with all nations, then, as war can not be distant, it behooves us immediately to be preparing for that war without, however, hastening it, and it may be necessary (on your failure on the Continent) to cross the channel. We shall get entangled in European politics, and, figuring more, be much less happy and prosperous.

And yet gentlemen, both on that side of the Chamber and on this, contend that the position we have taken in the Orient, which they admit will entangle us in European and Asiatic politics, are Jeffersonian policies, when Jefferson stated that he would take that position only in case he was driven to it, and if it was pursued it would render us so much the less happy and prosperous. Later, in his letter to Livingston, Jefferson says again, and I read this to show that it was his motive to make peace perpetual as far as possible in the United States:

We are satisfied nothing else will secure us against a war at no distant period, and we can not press this reason without beginning those arrangements which will be necessary if war is hereafter to result.

Mr. BOUTELL of Illinois. What was the reason that Jefferson feared war in case Florida and the mouths of the Mississippi River went to France?

Mr. COWHERD. I will read you——

Mr. BOUTELL of Illinois. Was it not because the navigation of the Mississippi, the Pearl, and the Apalachicola would likely be denied by France to us, and that made it necessary for us to fight to protect our commerce?

Mr. COWHERD. That was only true in part; but Jefferson says in a quotation I am about to read that the divided possession of these waters render bickering with foreign powers continually likely to occur, but the very thing, and what the gentleman failed to state the other day when he said the Florida resolutions were a Democratic precedent of imperialism, the hope of removing opportunity for trouble is one of the things that influenced us in the purchase of both of these territories.

Now, to show conclusively that that was Mr. Jefferson's idea, I read from his letter to John Dickinson, written from Monticello August 9, 1803, after the successful negotiation of the purchase of Louisiana:

DEAR SIR: Your friendly favor of the 1st instant is received with that welcome which always accompanies the approbation of the wise and good. The acquisition of New Orleans would of itself have been a great thing, as it would have insured to our Western brethren the means of exporting their produce; but that of Louisiana is inappreciable, because, giving us the sole dominion of the Mississippi, it excludes those bickerings with foreign powers which we know of a certainty would have put us at war with France immediately; and it secures to us the course of a peaceable nation.

There, then, is the Jeffersonian idea of expansion. First, the purchase of contiguous territory, the possession of which is necessary to the full enjoyment of the territory we already own; the removal of a cause of constant bickerings with foreign nations, which in the end must necessarily result in the disturbance of our peace; and last, the entire removal from proximity with us of a European power that in the end, he feared, would embroil us in European wars. Now, compare that with the policy you follow. You propose to take territory 7,000 miles away, which our citizens can not inhabit and which is no earthly use to us. You propose to take that territory, as you state, for the very purpose in part of taking a hand in European policies and Asiatic diplomacy; and you propose to take it with full admission of the fact that instead of securing to us the course of a peaceful nation it will compel us hereafter to take part in all the wars of both the hemispheres.

Yet you set up a Jeffersonian precedent for such a policy. Except for the fact that there is in both an expansion of our territory, there is absolutely no similarity between them. Why, sir, the assassin who lurks behind a corner of the fence to shoot down his victim for the purpose of robbery might just as well cite as a precedent the soldier who stands to defend his hearth and kills to protect his country. Both are killing—one for a noble motive, the other for a criminal purpose. Possessing the criminal purpose, you cite the man who is actuated by the noble one as a precedent for your conduct. [Applause.]

Mr. BOUTELL of Illinois. Will it interrupt the gentleman——

Mr. COWHERD. I am glad to yield to the gentleman.

Mr. BOUTELL of Illinois. I should like to ask the gentleman the same question which I have asked several on his side who have discussed the practical solution of the Philippine problem, Whether he would favor the immediate withdrawal of our army and navy from the Philippines and leave the people there at once to their own devices?

Mr. COWHERD. I will say to the gentleman I believe that had we done for the Filipino what we did for the Cuban; had we announced to him at the conclusion of the war with Spain, or upon the surrender of Manila, that we proposed to give him a free and independent government, controlled by himself, we never would have had to send another soldier there, nor would any question of withdrawal have arisen. [Applause.] Now, his party having brought on the difficulty by the methods they pursued, the gentlemen want to know what we would do to get them out of it. When Manila fell there was in Luzon a government, republican in form, and, if our own officers are to be believed, performing satisfactorily to the people all the functions of government. In the first place I would have recognized that government. Now I would make amends by notifying them fully, freely, and widely that we propose to give them free and independent government at the very first moment possible. That is the policy I would advocate. I do not know what my party's policy may be; they have not declared it.

Now, we do not need to take the word of Jefferson alone as to what was Democratic policy in regard to annexation. I hold here the Annals of the Seventh Congress, and I refer to a report rendered by a special committee of the House. It will be found on page 371 of this volume. That special committee was composed of distinguished men—Mr. Nicholson, Mr. Eustis, Mr. Bayard, Mr. Dickson, Mr. Lowndes, Mr. Thompson, and Mr. Gregg. I shall read only some short extracts from this report to show that the idea of Congress as well as Mr. Jefferson was, as I stated a while ago, that it was a matter of imperious necessity that we should have the right of the navigation of the Mississippi; that, if necessary, we would have to fight for it, because it meant war in the end, and that it was better to acquire it by peaceable means than to go to war for it. Gentlemen here are upholding the waging of a war which is for but one purpose, and that is the extending of our commerce; not to give our commerce access to markets, but to compel markets for it by control of dependent people. This report reads:

The free and unmolested navigation of the river Mississippi is a point to which the attention of the General Government has been directed ever since the peace of 1783, by which our independence as a nation was finally acknowledged.

* * * * * * *

From the foregoing view of facts it must be seen that the possession of New Orleans and the Floridas will not only be required for the convenience of the United States, but will be demanded by their most imperious necessities. * * *

The great question, then, which presents itself is, Shall we at this time lay the foundation for future peace—

Not for war, but for peace—

by offering a fair and equivalent consideration, or shall we hereafter incur the hazards and the horrors of war? The Government of the United States is differently organized from any in the world. Its object is the happiness of man; its policy and its interest, to pursue right by right means.

That sounds a little singular in this year of our Lord 1900, when

we are sending our armies out to conquer a people fighting for their liberty.

War is the great scourge of the human race and should never be resorted to but in cases of the most imperious necessity. A wise government will avoid it when its views can be attained by peaceful measures.

In all nations the people bear the burden of war. In the United States the people rule.

Concluding, this report says:

In another point of view perhaps it would be preferable to make the purchase, as it is believed that a smaller sum would be required for this subject than would necessarily be expended if we should attempt to take possession by force, the expenses of a war being, indeed, almost incalculable.

Now, that, Mr. Chairman, as I take it, is a fair exposition of the purposes actuating that great Democratic Administration in our first acquisition of territory. And, as I have said, I challenge any gentleman on that side of the Chamber to show where, in any way, a parallel can be drawn between that conduct and the motives that actuate you in holding onto the Philippine Islands.

The next great acquisition was the purchase of Florida, and the distinguished gentleman from Illinois [Mr. BOUTELL], as I said a few moments ago, read the secret resolutions passed by Congress and signed by the President and gave them, as he said, as something which indicated imperialistic tendencies in the Democratic party.

I do not think the gentleman was entirely fair in his presentation of that subject. Had he been, he should have said that when our commissioners were sent there under these resolutions to take temporary possession of that country, which we proposed to hold subject to future negotiations, they were sent there with instructions that they should not use force, except there arose the strong suspicion that some other government was preparing to take possession of the territory. What government was that?

This, you will remember, was in 1811, just prior to the war of 1812 with Great Britain, and it is a fact that at that time Great Britain was negotiating for the Florida forts. It is a fact that at that time she was preparing to establish a line of military posts along our entire Southern border, from which she could successfully and easily wage war upon our citizens, and these resolutions were passed to protect us from Great Britain. They contemplated a military necessity.

Why, it is a fact that Great Britain did take possession of those Florida posts; that from the shelter of those Florida forts she organized the Indian bands to commit their depredations upon American civilization; that at the mouth of one of the Florida rivers she built a fort and garrisoned it with British arms, providing a place for the refugee slaves of the South and for the hostile Indians, and from that place, for years, war was waged upon our Southern country.

It is a fact that the weak hand of Spain was no longer able to govern the Floridas, no longer able to control the freebooters who had made their rendezvous along her southern borders, no longer able to drive away the pirates who had taken possession of the islands, no longer able to control the Indians, as she was by treaty bound to do, from issuing out to make their forays upon us or to punish them when they returned.

These were the facts that led to the passage of the resolutions that the gentleman from Illinois [Mr. BOUTELL] read the other day; and this House will remember that Florida was not acquired under those resolutions, but that afterwards, when the Seminoles, issuing from the Florida Everglades, waged war upon the United States, we followed them there, and General Jackson took possession of Florida in order to successfully prosecute that war, and afterwards we purchased it. Purchased it—why? For the very same reason we purchased Louisiana; to eliminate forever the bickerings that were arising about the navigation of the rivers rising in the United States and debouching through Spanish territory into the Gulf; purchased it to remove a European neighbor whose troubles were sure, sooner or later, to embroil us in European war; purchased it because it was necessary for the peace and the defense of the United States. Again, no parallel can be drawn between that conduct and the conduct of the present Administration in holding forever the Philippine Islands and holding them in subjection. For I want you to remember, gentlemen of the House, that not only in the treaty with France was inserted the provision that every inhabitant of that Territory should be entitled to all the privileges and immunities of an American citizen, and that the country itself should, in the fullness of time, be admitted to its rights as a State in the American Union, but in every other cession under a Democratic President.

Now if, as the gentleman from Illinois [Mr. BOUTELL] said, Talleyrand and Napoleon put that clause in the treaty with Jefferson, there was no Talleyrand and no Napoleon to put that clause in the treaty with Spain. Not only in the treaty for the purchase of Louisiana, but in the treaty for the purchase of Florida and in every other negotiation that was ever made under a Democratic Administration, it was provided that every inhabitant of the Territory should become a citizen of the United States; that the Constitution as well as the flag should follow us into that Territory and govern those people. It was provided in the Florida purchase, it was provided in the cession from Mexico, it was provided in the Gadsden purchase.

Compare that with the policy of this Administration, that not only holds 10,000,000 people in territory belonging, as they say, to the United States, not only holds them without any present pledge of citizenship or guaranty of liberty, but holds them without daring to make a promise for the future. And yet you claim a Democratic precedent.

The annexation of Texas, of course, was the union of two sovereignties. Texas had won her independence and maintained it, as I remember, for about eight years. It was far more probable that Texas would conquer Mexico than that Mexico would ever reconquer Texas, as we know from the trend of subsequent events.

Of course, out of that arose the war with Mexico, and out of the war with Mexico arose the cession of territory in 1848. I shall not go to any very great extent into the causes governing that cession of territory. Of course, the slavery question was largely a part of it, also the question of the disputed boundary between Texas and Mexico, Texas claiming that her limits extended to the mouth of the Rio Grande. Again, we demanded an indemnity, which Mexico could only pay in land. Also, the condition of California very largely influenced it; because, you will remember again, gentlemen, history tells us that the British were negotiating for possession of the California ports.

California had won her independence three times since 1832, and permitted Mexico again to establish her authority over them. She was practically in the throes of another revolution, and the "Bear" flag was floating above her soil when Fremont first landed there. The Americans in that territory at the conclusion of that war numbered between twelve and fifteen thousand, an equal if not a greater number than the Mexican inhabitants. Great Britain had been making arrangements for another revolution. An appeal was to be made to her for protection from Mexico, and arrangements were being made to take possession of the territory. It was a race between Commodore Sloat and the British officer which should first raise their flag. Undoubtedly we took it also because we wanted the Pacific coast. We wanted the California ports. We wanted to extend our territory from ocean to ocean. We wanted to extend it from natural boundary to natural boundary—give it as far as possible natural frontiers. It was contiguous territory. It was not peopled by an alien race. It involved not a single one of the principles involved in the annexation and permanent retention of the Philippine Islands.

And permit me to say here that if you build the Nicaraguan Canal, about which the gentleman from Georgia [Mr. ADAMSON] was just speaking, it is possible that some day you must extend your southern boundaries to take it in. You might then claim some Democratic precedent, because you would have contiguous territory where white men can live and where we can extend the doctrines of the Constitution.

But I submit, gentlemen, that in no annexation heretofore of any land under Democratic Presidents has there arisen a single one of the dangerous principles that now confront us, nor have they been actuated by the motives controlling that side of this Chamber.

And yet, notwithstanding these numerous good reasons for the cession of the territory from Mexico, I call you to remember the fact that immediately after that cession there was an election and the party that had waged the most successful war in all our history, that had acquired this immense and valuable tract of land, that party went down to defeat, largely because the American people were impressed with the idea that that war was not a just one.

Now, Mr. Chairman, what are the facts confronting the Administration to-day? Puerto Rico comes to us with open arms. The ports and markets which she had heretofore entered are shut off by that fact. She appeals to us for aid, and you respond with a tax. Why? Not because you do not sympathize with the Puerto Rican; not because you do not recognize his cause as just. You respond with a tax because you wish to establish a precedent for use in the Philippine Islands. It is openly admitted that if the products of the Philippines are to be admitted free into the United States; if their labor is to compete on equal terms with ours; if their millions of Chinese inhabitants are to be given free access to our country, you can not sustain yourselves before the American people. So, before finally committing yourselves to this proposition, you propose to experiment with Puerto Rico to test the will of the people and the justice of the courts. You wish to know before proceeding further, whether, for the sake of commercial gain, the people are willing to surrender the spirit of liberty and the courts for political advantage; are ready to construe the Constitution out of existence.

Why, Mr. Chairman, there was a time once when Englishmen coming to America contended that the English constitution, the

Bill of Rights, Magna Charta, and everything it guaranteed followed them to any colony. But we contend to-day that the American Constitution is good only for those citizens who can reach the Capitol without wetting their feet; that it is a dry-land document and loses its force the moment it reaches the sea. There was a time when the Constitution was the compass that guided our conduct, the touchstone by which we tested legislation; but to-day, under your construction of the Puerto Rican bill, the Constitution no longer guides us nor guards them; it no longer hinders the hand of the sovereign nor shelters the head of the subject; and that is the proposition which you are desiring to enact into law in order that you may have a precedent for the control of the Philippine Islands. The President says empire is impossible; yet what must be the feeling of a subject compelled to live under laws in whose enactment he has no voice, when he sees the dominant race preaching one system of law for him and practicing another for themselves.

Look, too, what a ridiculous attitude it puts distinguished gentlemen in when they attempt to support it. Why, the other day I heard the distinguished gentleman from Iowa [Mr. DOLLIVER], "The Henry of Navarre" of protection, whose plume has lead every charge on free trade in this Chamber for a dozen years, proudly boast that we propose to make the Philippine ports "open doors" to the commerce of the world. Mr. Chairman, if free trade is good for the Philippine Islands, why is protection such a blessing for the United States; if protection is good for our infant industries, why is it not also good for an agricultural people where manufactures are yet to be established? If protection is good for us and good for them, then I ask you how you answer to your conscience when you are legislating for a people unrepresented in this Chamber for your benefit and to their damage. If this be not empire, it lacks naught but the name. Ah, Mr. Chairman, there was a time when we said that taxation without representation was tyranny, and we made good our legal construction with flintlocks and saber; but to-day you are announcing to Puerto Rico that taxation without representation is liberty, and you propose to prove it by battle ships and Gatling guns.

Mr. Chairman, the other day there was a still more remarkable proposition advanced at the other end of this Capitol; and I notice by the morning paper that it was discussed, and favorably discussed, last night in a caucus of Republican Senators. What was that proposition? To open the ports of Puerto Rico free to the products of the United States and tax the products of Puerto Rico seeking entrance to the ports of the United States. I do not believe that proposition could at present pass any further than the stage of honorable mention. I do not believe the American idea of fair play will permit you to enact that kind of legislation into law at this time. But so sure as we propose to legislate for a subject race, so sure as we propose to pass laws for unrepresented people, just so sure will exactions of that kind some day find their way into our statute books. The time will come yet when such laws will be enacted; the time will come when the desire for gain will dull our sense of justice; the time will come when the itching palm will still our troubled conscience; and when that time comes, we will do as a dominant race has ever done that has legislated for a subject, an inferior one, we will be prepared to take all the benefits of the legislation and give them all the burdens of it.

Mr. Chairman, if we would know what is the opinion of the fathers upon this waging war solely for commerce, as you have been doing in the Philippine Islands, a war that we may control oriental trade according to your own admissions, let me read to you the response that Benjamin Franklin made to Lord Howe when he came as a peace commissioner to our shores, just as we sent our peace commissioners to announce to the Philippine people that all we wanted was their trade and we would give them in due time such a government as in our opinion they ought to have. This was what Lord Howe said, that all that England wanted was control of the trade and commerce of the United States, and Franklin responded:

> To me it seems that neither the obtaining nor retaining of any trade, how valuable soever, is an object for which men may justly spill each others blood; that the true and sure means of extending and securing commerce is the goodness and cheapness of commodities, and that the profit of no trade can ever be equal to the expense of compelling it and holding it by fleets or armies. And I am persuaded that cool, dispassionate posterity will condemn to infamy those who advise it, and that even success will not save from some degree of dishonor those who voluntarily engage in it.

There is the opinion of the most far-sighted, long-headed statesman of the Revolution, the man who embodied in his own personality both the wit and wisdom of the age. There is his opinion in regard to a war levied for the purpose of controlling the commerce of a subject people. I commend it to the careful consideration of the Republican party.

Mr. Chairman, there was a time when we boasted, not of the money, but the laws we made; not that yonder flag carried trade in its wake, but that it carried liberty. To-day its proud boast is that the trade follows the flag.

The other day when General French rode into Kimberly to the relief of that beleagured city, the newspapers tell us the citizens held a reception for the English officers, and Cecil Rhodes, the very incarnation of the land-lusting, the land-grabbing spirit of the age, the man who might also have said, as was said the other day in the other end of the Capitol, "These are all the islands left to grab;" Cecil Rhodes said in response to a toast, "that the people of Kimberly had done their part in preserving for the world the greatest commercial asset of the age, the English flag."

Mr. Chairman, I hope the day will never come when any man can rise in any land and point to yonder banner as a commercial asset. [Applause.] I trust, sir, that something still will survive of the spirit of those days when that banner floated above Washington and his barefooted patriots at Valley Forge; I trust something still will live of the spirit that animated the men that upheld that banner when they stood with stubborn old Andrew Jackson at New Orleans. I trust something of that love of liberty still permeates this nation as it permeated the followers of yonder flag when they marched with Grant on his stubborn advance to Richmond.

And, Mr. Chairman, if the day ever comes when that banner is nothing but a commercial asset, then, sir, every stripe of white upon its folds should be dyed in the blood of the men we kill to conquer, and from yonder ground of blue you should take every star that represents an independent State. [Prolonged applause on the Democratic side.]

Now, Mr. Chairman, I yield back to the gentleman any time that I have remaining.

Mr. BENTON. Mr. Chairman, I yield so much of one hour as he may desire to the gentleman from Georgia [Mr. HOWARD].

Mr. HOWARD. Mr. Chairman, we are now, perhaps, well beyond the sentimental stage of our victory over Spain, and thoughtful people are no longer willing to solve the problems that confront us as the legacy of that war by the patriotic exclamation, "Who will haul down the flag?" nor will they accept as an accurate measurement of our responsibilities the mystical solution that it is "destiny."

Whether the inhabitants of Puerto Rico and the Philippine Islands are citizens of the United States, or whether the Constitution guarantees to them a republican form of government, or whether the tariff and excise tax laws apply equally to all the territory of the United States, or whether these islands may be held perpetually as colonies, without the right of statehood, and many other problems not yet suggested by this new and strange relation, alien to the spirit of 1776 and repugnant to the Declaration of Independence and unprovided for in the Constitution, are questions too vital, too momentous, to be solved with phrases.

The decision to go to war with Spain was suddenly made, notwithstanding the long-continued existence of the causes which we proclaimed as justifying hostilities, and the public mind was as little prepared for the ready comprehension of the consequences of victory as was our Government for the conflict; and it was, therefore, but natural that the hysteria of our exultation should be prolonged by mysticism on the part of those who conceived that the golden opportunity was present to convert a war begun for humanity into one of conquest for commercial gain. The change of purpose was as radical as it was sudden, and involved our plighted faith to the world and with each other.

No matter that Europe was not deceived, we ourselves believed that our motives were honorable, and that we fought to restore peace and establish liberty where despotism was reveling in a carnival of death. In July, when the blood of our heroes was yet wet on San Juan Hill, we spurned the suggestion of indemnity as a taint upon our honor, and in December at Paris we were stifling the protest of our prostrate foe with a bribe of gold that Europe might not hear her cries while we stripped her of the Philippines. It is no wonder, then, that the succeeding chapter in our history was written in the Delphic phrases, "Who will haul down the flag?" "It is our destiny," "God has given them to us."

It is not my purpose to enter at this time into a discussion of any of the problems which the permanent retention of Puerto Rico and the Philippines involve, except that of commercial expansion. There are now many people in the United States who believe they see in the annexation of Cuba and the permanent retention of Puerto Rico and the Philippines vast opportunities for the expansion of our commerce, and who for the sake of this supposed advantage will justify and defend a policy which results in the permanent retention of these islands.

Waiving all considerations of right and wrong involved in the policy of retention, and passing the question of the constitutional power to maintain a colonial system and of the resultant effect on our republican form of government of a colonial system, I shall discuss the question of commercial expansion involved in this new condition from a purely commercial standpoint of profit and loss. Whether it is desirable that grave questions of constitutional government should ever be considered from the standpoint of commercial gain, the fact is that every male citizen in the United States, not legally disqualified, is by virtue of his power to vote a

lawmaker, and whether he will preserve existing institutions or overturn them is a matter of his own will, and those who would overturn settled policies must be met at the threshold of such a controversy on their own ground, though they choose it in the lower levels of selfishness and greed.

If this Government is to remain a Republic, the people will be responsible for it; if it is to be converted into an empire, the people will be responsible for that; and this being so, it is the part of wisdom to talk about the things some of the people are thinking about. It is safe to say that if the commerce with the Philippine Islands was the limit of the possibilities for commercial expansion in the East, the question of their permanent retention would have been settled long ago against such a policy. The average annual aggregate of the imports and exports of the islands for a period of ten years, ending with the year 1898, is $33,000,000. If every dollar of this commerce was with the United States and every dollar of it was profit, it would not pay the expenses of a civil and orderly government in the islands.

It will be remembered that the argument which finally won a majority for the annexation of the Sandwich Islands was that it would aid in the extension of our commerce in the East. The undisguised truth is that our commercial ambition aims at commercial conquest in Asia, and the Philippines are regarded as of secondary importance in themselves, but as a necessary foothold from which to cast our commercial lines into the supposed stagnant pools of China. The problem, when considered from existing commercial and political conditions, is easy of solution.

Three views may be taken of the commercial aspect of Cuba, Puerto Rico, and the Philippines: First, our imports from them; second, our exports to them, and, third, the loss to us from maintaining government for them and the loss to our own industries and labor from their unrestricted competition. We import annually about $250,000,000 of tropical products, chiefly sugar, coffee, tropical fruits, nuts, rubber, fibers, spices, and cabinet woods, and it is supposed that these islands are capable of supplying most of them. All of these islands produce cane sugar, tobacco, cabinet woods, coffee, and tropical fruits. The Philippines produce hemp. The total commerce of these islands for the years in which their commerce reached its highest point is as follows:

Commerce of Cuba, Puerto Rico, Hawaiian Islands, and Philippine Islands, and share of United States therein.

Country.	Year.	Imports.		
		Total.	From United States.	Per cent of United States.
Cuba	1892	$52,101,683	$17,180,303	33.04
Puerto Rico*	1896	3,656,578	794,774	21.74
Hawaiian Islands	1898	11,650,890	8,695,591	74.65
Philippine Islands	1896	28,815,075	†162,446	.55
Total		96,224,225	26,833,173	

Country.	Year.	Exports.		
		Total.	To United States.	Per cent of United States.
Cuba	1892	$83,018,228	$77,931,671	93.90
Puerto Rico*	1896	3,698,351	510,485	13.92
Hawaiian Islands	1898	17,346,744	17,256,084	99.44
Philippine Islands	1896	33,491,484	†4,982,857	14.90
Total		137,514,807	100,681,097	

Country.	Year.	Total imports and exports.		
		Total.	Part of United States.	Per cent of United States.
Cuba	1892	$135,119,910	$95,112,033	70.45
Puerto Rico*	1896	7,324,929	1,305,259	17.82
Hawaiian Islands	1898	28,997,634	25,951,678	92.35
Philippine Islands	1896	62,206,559	5,145,303	8.30
Total		233,739,032	127,514,273	

*From Almanach de Gotha. †From United States reports.

And their total purchases were $96,224,225, of which amount we sold them $26,833,173. For the same years they sold products amounting to $137,514,807, and of this amount we took $100,681,097, showing a balance of trade against us of $73,847,924. The exports of these islands, especially from Cuba and the Philippines, may be largely increased and their imports also increased, and the proportion of imports from the United States should from the new conditions be largely increased.

It is also true that they can produce much more of the tropical produce which we consume, but it must be borne in mind that if we get all our tropical supplies from these islands, dropping the other tropical markets in which we now purchase more than half of the total, to the extent that commerce is reciprocal, we shall lose a large part of our sales to the countries from which we no longer buy. But if we stimulate an increased production of sugar and tobacco in these islands, we are thereby competing with the production of beet and cane sugar and tobacco in the States and with little advantage to the natives, because on the sugar and coffee estates of these islands the labor is not all done by the natives, but by the Portuguese, Italian, Chinese, and Japanese laborers imported to these islands as laborers.

In all these purely tropical islands in the Atlantic and the Pacific the native labor is unreliable and incapable of meeting the requirements of successful industry, agricultural and mechanical, and importations to supply their defects only increase their poverty by supplanting them with the laboring classes of other countries. It has been for years the settled policy of the United States to restrict and in some instances prohibit the importation into our own States of this class of labor in order to protect our common labor.

If this is wise for us, just to our laboring element, a contrary policy is unwise and unjust to the people of these islands, and in its last analysis the competition is that of the coolie contract labor with the free labor of the States in the production of sugar and tobacco. It is no reply to say that the island tobacco, being better than ours, does not really compete with it. Their best tobacco is better than ours and hence does not compete, but they now raise and will raise still more of a grade of tobacco which is not better than ours that will compete with us.

Nor will it do to say that the cane and beet sugar industry of the States yields so small a per cent of the total consumed that our industries will not be affected; the price for our sugar is fixed by the price of theirs; besides the beet-sugar industry in the United States promises in the future to supply our home market. Germany and France not only supply their home market, but export largely of beet sugar. The fact is that beet sugar supplies two-thirds of the sugar consumed in the world, and the adaptability of sections of the West and the South to its production promises some relief from the unprofitable production of cotton and wheat.

Cotton was formerly grown in the Philippines and may be grown there again, and while you add this industry to those existing in the islands you increase the production of a staple the price of which, when a normal crop is made in the United States, is below the cost of production, bringing distress and want to many of the people now dependent upon that branch of agriculture. The consuming power of these islands is estimated at about one hundred millions, but generally stated, they will consume as much as they can pay for.

Now, it is well known that sugar and coffee are being sold at prices so low as to leave no margin of profit to the producers. In 1893 Brazilian coffee brought 14 cents per pound, and in 1899, 7 cents. In 1878 sugar sold for 5 cents per pound, and in 1897 for 2 cents. The sugar of these islands is cane and not beet sugar, and except where cane sugar is produced under exceptionally favorable conditions of high cultivation, cheap and reliable labor, and expensive machinery, it is not profitable. Hemp from Manila is produced in competition with sisal hemp from Yucatan, in the south of Mexico, the Bahamas, and other tropical places within 500 miles of our coast.

Indian jute is a strong competitor with hemp. It is, therefore, plain that sugar and coffee, the largest natural products of these islands, will not yield such returns as make their production generally profitable, and the result will be that the inhabitants of these islands, depending on these staples for their support, will derive but a meager subsistence from them and can not become large consumers of imported goods. Puerto Rico buys as much as she sells. If every dollar she exported was profit, it would not meet the demands of the island for governmental expenses deemed necessary to a proper administration of her affairs.

An important item for which our taxes must pay will be the increased Army and Navy fortifications, coaling stations, civil establishment, submarine cables, the loss of full or partial duties on the importations from the islands into the United States, amounting to many million dollars. This duty lost in one way must be made up in another, and as the loss falls on our Treasury it must be replenished from our pockets. We have not been long enough in the business to have an itemized record of expenses, but in time that will be forthcoming, when no man need be in doubt as to the mistake we will make from the financial standpoint.

It is the history of all the colonial possessions of the world that only about 40 per cent of their imports and exports are with the mother countries. English colonies in the Atlantic are in more or less distress because of the low prices their products bring. Dutch colonies in the Pacific are in distress from the same causes. Spanish colonies in the Atlantic and Pacific were in distress and

revolt, and British India is more flourishing in Bombay and Calcutta than in the rural districts of India.

The fact is that agriculture throughout the world is depressed and unremunerative. The producer of raw products of any kind everywhere is deriving from his labor only a scanty living. And with this depression in these islands—depression from inevitably low prices and the depression added by the ravages of war—their rehabilitation under any form of government is a task not only involving us in difficulty but expense. As a business proposition it is cheaper to buy from these and other countries what we need of their sugar, coffee, and tobacco at such price as the market fixes and leave their government and condition to themselves. They will buy all the cotton goods and provisions and iron and steel and machinery from us that they are able to pay for, because we can sell and transport them cheaper than any other country.

That a few individuals or corporations may secure franchises and monopolize a few lines of industry will in no wise compensate the masses of taxpayers for their outlay in maintaining government in and for these islands. The probabilities are that we should be able to buy hemp from Mexico cheaper than from an American colony, where the product was monopolized by a trust. Certainly the freight rates from Mexico would be less than the rate from Manila.

Before entering into the discussion of the extent and character of the Asiatic commerce of the United States and the possibilities of its extension, it might be well to state the aggregate of the domestic exports of the United States for the last three years, during which they have reached the highest point in the history of our country, in order to see more clearly what the relative value of the Asiatic market is. In 1897 our domestic exports reached $1,032,007,603, and in 1898 they exceeded the preceding year by $178,284,310, and in 1899 they reached the enormous aggregate of $1,252,903,987.

Of the export business of 1899, agriculture constituted 62.42 per cent of the whole; manufactures, 30.39 per cent; products of the mine, 2.66 per cent; products of the forest, 3.80 per cent; fisheries, 0.45 per cent; and miscellaneous, 0.28 per cent. A closer analysis of this export trade will be highly instructive and to my purpose. We sold to Europe, $959,234,520; to North America, $168,854,567; to South America, $37,421,700; to Africa, $18,602,394; to Oceania, $37,542,936; and to Asia, including China, $53,843,554.

Inasmuch as the inquiry is directed to the maintenance and extension of our commerce in the East, I shall drop at this point all other data except that relating to Asia and Oceania, as comprising the field of Pacific or eastern commerce, for no one will pretend that it is either desirable or necessary to retain the Philippines in order to maintain or extend our commerce with British North America, Mexico, Central and South America, Europe, or Africa, and as the inquiry narrows geographically it should be enlarged commercially and politically, or, what is the same thing, it should become more minute and specific in detail as to eastern commerce and eastern political conditions. There can be but one apology for inflicting the House with this mass of detail, and that is to be found in the supreme importance of the question involved.

Shall we change from a Republic to an empire for the trade of the Orient? Shall we quadruple our standing Army? Shall we build a navy adequate to the task of defending a trans-Pacific dependency? Shall we add to the annual burden of governmental expense $200,000,000 for the sake of extending our trade in the East? Roughly speaking, these are some of the consequences involved in the step proposed to be taken by the permanent retention of the Philippine Islands, and to whomsoever it should seem that it is more agreeable to take the risk than to examine the facts, to such an one I confess my argument can not be made entertaining.

As commerce in the comprehensive sense is composed of imports as well as exports, I shall adduce the imports into and the exports from Asia and Oceania in their more minute geographical and political divisions and for the years of 1897, 1898, and 1899, because these years mark the highest point of our export trade, and hence afford a fairer and broader basis from which to make deductions.

Country.	Imports from Asia and Oceania.			Exports to Asia and Oceania.		
	1897.	1898.	1899.	1897.	1898.	1899.
ASIA.						
Aden	$1,050,389	$2,334,306	$1,052,948	$627,463	$744,542	$1,417,685
China	23,087,740	17,388,462	24,196,476	11,276,289	12,258,620	15,225,294
China:						
British			4,709			
German						29,302
Russian						194,183
East Indies:						
British	23,540,536	29,108,838	38,386,007	4,451,896	4,079,147	4,510,346
Dutch	12,836,278	18,418,827	32,308,633	1,412,895	1,222,282	1,652,604
French			4	164,643	86,646	100,563
Portuguese			9			
Hongkong	$939,054	$992,714	$2,399,943	$5,737,763	$6,699,514	$7,787,719
Japan	28,085,123	23,259,486	34,203,587	16,009,471	19,710,165	20,604,774
Korea			408	68,074	170,108	128,099
Russia, Asiatic	111,050	113,537	57	454,640	1,390,558	1,856,355
Turkey in Asia	3,581,307	2,574,326	3,580,120	148,132	241,334	181,211
All other Asia	75,273	60,006	130,871	311,893	353,682	155,519
Total Asia	93,896,750	94,310,501	136,863,919	40,663,150	46,956,598	53,843,554
OCEANIA.						
Auckland, Fiji, etc		206,119	1,630,373	5,197	10,635	12,549
British Australasia	5,858,613	5,671,110	3,527,228	15,412,408	17,653,277	24,142,591
French Oceania	367,976	205,974	348,668	320,721	267,118	330,347
German Oceania	4,594			9,442	26,169	15,190
Guam	13,858		10,694	4,070	6,883	
Tonga, Samoa, etc	78,946	53,848	47,492	42,356	41,387	73,465
Hawaiian Islands	15,311,685	16,587,317	22,188,206	5,478,224	6,827,848	11,305,581
Philippine Islands	4,352,181	4,099,525	4,903,467	69,459	147,846	1,663,213
Total Oceania	25,987,853	26,883,893	32,656,083	21,341,877	24,981,163	37,542,936

Aggregating the imports from Asia for these three years, they show a total of $325,071,170; and aggregating the total imports from Oceania, they show a total of $141,463,311, and from both Asia and Oceania a total of $466,534,481, which we paid to these countries for their commodities. For the same period it appears that we sold to Asia $141,463,311, and to Oceania $83,865,976, and to both $225,329,287, making a balance of trade against us of $241,205,194.

This volume of commerce is the result of existing conditions, conditions of peace, conditions uninfluenced by the Spanish war or the Philippine war or any change in the policy of our own Government, and may, therefore, be fairly taken as an index of our normal commercial possibilities. And it is this condition which it is sought to improve, to expand, and, if need be, by the permanent retention of the Philippines under some form of dominion by us, by some called a colonial or imperial system, by others a territorial system.

My argument has nothing to do with the name by which the fact and form of retention shall be known. I am dealing with the motive that underlies the fact, the motive of commercial gain, commercial expansion, in the accomplishment of which retention is conceived to be a necessary step. Is it necessary? It is common to hear our objective spoken of here and to see it alluded to in all forms of print as "the East," "the Orient," "the Pacific," indicating a vague and uncertain notion of the specific thing aimed at. A considerable portion of Asia and Australasia can not be affected one way or the other, whether we hold or release the Philippines, and for proof of this assertion these facts are relevant.

England controls British India, Aden and Perim, Ceylon, Hongkong, Labuan, and the Straits Settlements in Asia; Fiji, New Guinea, New South Wales, New Zealand, Queensland, Australia, Tasmania in Australasia. France controls in Asia 197 square miles of India, Annam, Cambodia, Cochin China, and Tonking; and Germany controls in the Pacific Kaiser Wilhelmland, Bismarck Archipelago, Solomon Islands, and the Marshall Islands. The Netherlands controls Java, Sumatra, parts of Borneo, and other islands of Oceania. Portugal controls in Asia, Goa in India, Diu, Indian Archipelago, and Macao in China.

No man will contend that anything we might do with the Philippines will alter the political or commercial status of any of these dependencies I have named of England, of France, of Germany, of the Netherlands, or Portugal. We will continue to buy jute buts and sell kerosene oil in India on the terms England lays down, and we must consult the Dutch tariffs for Java before we land our sewing machines or load their coffee. The political map of these countries is as fixed as their geographical position, and to change it we must whip somebody, and on this line it would be well to remember that we can whip no European power without the consent of Europe.

In the case of Spain we had their tacit consent, but it applied only to that occasion and nation. We should not adopt it carelessly as a European precedent applicable to any future predatory excursion we might desire to make.

Inasmuch as our trade with these European colonies must depend in the future, as in the past, on laws which will not be affected by our setting up shop in the Philippines, they are necessarily withdrawn from the further calculation of our trade relations with China.

There are conditions surrounding China which may seem to justify our expectation of benefit from them, and that the Philippines, held permanently under our control, will materially enhance our opportunity to convert them to our advantage. This phase

of the question demands, therefore, candid investigation and it will vitalize the statistics by enumerating the chief articles of import and export between the two countries.

Imports into the United States from China for the years 1897, 1898, and 1899.

Silk, raw and manufactured	$19,537,266
Tea	17,912,923
Wool	4,270,326
Hides and skins	3,374,097
Opium	2,697,393
Rice	1,639,398
Hats, bonnets	1,179,479
Sugar	787,126
Firecrackers	784,262
Matting	718,835
Furs	629,638
Spices, etc	540,333
Bristles	345,943
Vegetables and essential oils	318,957
Coffee	316,851
Chemicals and drugs	251,208
Cabinet ware	200,449
Pickles and sauces	155,786
Earthenware	95,260
Palmleaf fans	87,368
Fish	83,540
Wearing apparel	75,798
Distilled spirits	68,017
Paper, and manufactures of	66,427
Drugs	58,941
Total	52,476,314

And as many as 100 other articles of merchandise imported in small amounts and valued at $6,873,252, making the total importation of $59,349,566. Compared with the total imports into the United States from all countries for the same period, the China importations constitute barely 3 per cent of the whole.

I shall give the principal lines and amounts of exports from the United States to China for the same three-year period:

Manufactures of cotton	$22,457,301
Illuminating and lubricating oils	8,053,597
Iron and steel and manufactures of	2,172,050
Tobacco and manufactures of	880,930
Raw cotton	512,146
Wooden ware, sash, doors, and blinds	476,023
Total breadstuffs	321,545
Provisions, including meat and dairy products	215,283
Malt and malt liquor	153,140
Chemicals, drugs, and medicines	152,885
Carriages, cars, vehicles	113,592
Fruits and nuts	73,695
Instruments and apparatus for scientific purposes	71,147
Clocks and watches	66,445
Books, maps, engravings	61,804
Paper and manufactures of	58,246
Other manufactures of cotton	51,669
Leather and manufactures of	41,761
Naval stores	31,369
Gunpowder and other explosives	24,378
Agricultural implements	5,319
Total	35,994,295

The remaining articles of export, covering numerous small shipments, aggregate $352,085, making the total exports $36,346,380, which is a small fraction over 1 per cent of the total export trade of the United States for the same period. In brief, China sells to us less than 3 per cent of our foreign purchases and buys about 1 per cent of our foreign sales.

The expansion of our trade with China may be accomplished, first, by partially or wholly driving our rivals out of the Chinese market by the law of cheaper prices; second, by China increasing her demands for all imports, we supplying our proportionate share of this increased demand; third, following the example of European nations, acquire a sphere of commercial influence in China and monopolize the trade it affords.

The probability is that such expansion as we may experience will result in part from each of the first two methods indicated, and it becomes profitable to study the special lines in which we have either equal or superior advantages compared with our rivals. What, therefore, are the chief articles of importation into China? What countries now supply them? In what proportion and what advantages do these countries enjoy in comparison with each other in the production and transportation of these articles? The total value of imported merchandise into China, distinguishing principal countries whence imported, in 1898, is:

	Haikwan taels.
United Kingdom	34,902,000
Hongkong	97,214,000
India	19,136,000
Straits Settlements	2,620,000
Australia and New Zealand	221,000
South Africa and Mauritius	
British North America	1,985,000
Total British Empire	156,118,000
United States	17,163,000
Continent of Europe	10,853,000
Russian Manchuria	250,000
Japan	27,376,000
Macao	3,348,000
Philippine Islands	14,000
Cochin China, Tonquin, etc	923,000
Siam	206,000
Java and Sumatra	1,445,000
Other countries	1,000,000
Total (Haikwan taels.)	209,579,000
Total (Dollars)	146,077,000

And as trade is sometimes reciprocal, and where quality and prices are fairly well balanced habits and customs play an important part in maintaining established relations, I deem it important to show to what countries China sold her exports in 1898 and the value of them:

	Haikwan taels.
United Kingdom	10,716,000
Hongkong	62,084,000
India	1,324,000
Straits Settlements	2,152,000
Australia and New Zealand	914,000
South Africa and Mauritius	286,000
British North America	368,000
Total British Empire	77,844,000
United States	11,987,000
Continent of Europe (except Russia)	25,929,000
Russia in Europe	5,005,000
Russia in Asia	9,796,000
Russian Manchuria	2,997,000
Japan	16,003,000
Macao	5,382,000
Philippine Islands	86,000
Cochin China, Tonquin, etc	781,000
Siam	699,000
Java and Sumatra	347,000
Turkey in Asia, Persia, Egypt, Algeria, Aden, etc	2,092,000
Total (Haikwan taels.)	159,037,000
Total (dollars)	110,849,000

It is of interest to further specialize these tables by treating in detail the trade in cotton, iron, steel, machinery, and oil.

Imports into China during the year 1898.

[Figures of the Chinese customs authorities.]

Articles.	Value.	Per cent of total imports.
Cotton, raw and manufactures	$59,539,338	38.4
Iron and steel, and manufactures of	3,915,647	2.25
All other metals, and manufactures of	3,758,189	2.42
Machinery and millwork	1,301,375	.84
Kerosene oil	8,816,877	5.7

In computing Chinese values 1 haikwan tael was taken, equals 74 cents.

Exports to China of cotton, iron, metals, machinery, and oil from the principal countries.

Country.	Cotton, raw and manufactures.		Iron and steel, and manufactures of.		All other metals, and manufactures of.		Machinery and mill work.		Kerosene oil.	
	Value.	Per cent of total.	Value.	Per cent of total.	Value.	Per cent of total.	Value.	Per cent of total.	Value.	Per cent of total.
United Kingdom, year ending Dec. 31, 1898	$17,524,977	37.8	$2,128,826	33.9	$379,226	18.7	$863,293	42.4		
United States, year ending June 30, 1899	9,976,299	21.5	409,336	6.5	1,314	.1	975,186	47.9	*$5,030,462	57.1
British India, year ending Mar. 31, 1898	9,186,210	19.8			32					
Japan, year ending Dec. 31, 1898	7,504,394	16.2	10,507	.2	674,507	33.2				
Germany, year ending Dec. 31, 1897	228,004	.5	2,345,014	37.4	862,036	42.5	80,444	3.9		
France, year ending Dec. 31, 1898	13,468		94		1,592	.1	37,006	1.8		
Russia, year ending Dec. 31, 1897	1,781,249	3.9	60,163	1	67,598	3.3	3,108	.2	*1,629,661	18.5
Belgium, year ending Dec. 31, 1898	88,008	.2	1,318,000	21	42,297	2.1	78,165	3.8		
Sumatra, year ending Dec. 31, 1898									*2,156,754	24.4
Total	46,302,609	100	6,271,948	100	2,028,632	100	2,037,202	100	*8,816,877	100

*Data of the Chinese customs authorities.

This analysis reveals the relation of each of the rivals to the trade of China, and, taking for a moment the view that political and commercial conditions remain in China what they now are, we appear to enjoy natural advantages over all of our rivals that should enable us to drive them out of China with our cotton, raw and manufactured, our iron and steel manufactures, breadstuffs, and provisions. In American oil the race is closer, for the field of production of our rivals, Russia and Sumatra, is geographically nearer the market than our own.

But the mastery in commerce naturally lies with that country having the clear advantage in cotton, iron and steel, breadstuffs, and provisions; and if we do not conquer, it is our own fault—the want of commercial enterprise and business sagacity. For true it is, as man now uses nature, we have in iron, coal, wheat, and cotton the weapons with which to conquer. These seem to be axioms: If England, France, Germany, Belgium, and Japan buy our raw cotton and manufacture and sell it to China at a profit, we should be able to manufacture and sell cotton to China more cheaply.

The ocean freight rate is cheaper from New York to Hongkong and Shanghai than from Liverpool for cotton goods and machinery. A committee appointed to inquire into the condition of British trade in Hongkong reported on June 6, 1896, stating, among other things:

> In this connection the committee wishes to make special reference to the advantages conferred on American cotton piece goods in the China market by the rate of freight charged by the conference steamers from New York to Hongkong and Shanghai, which averages from 25 shillings to 30 shillings ($6 to $7.30) per ton, as compared with 57 shillings 6 pence (nearly $14) from London and Liverpool outward.

The same remarks apply to the shipment of machinery from the United States to China, the freight for which is about 40 per cent lower than that from British ports.

I take it for granted that we make or can buy machinery for manufacturing cotton equal to that of any of our rivals. We save the freight on raw material, which they must pay; and if they have any advantage over us that we can not overcome, it must be in the labor cost in the manufacture. If our labor cost is too great to permit us to compete with our European and Asiatic rivals, and we will not consent to reduce wages to a level with theirs, then we have no right to complain that we do not control the Chinese market by underselling our rivals.

If our real difficulty is the cost of American labor and the high level of it is a barrier to our successful command of the Chinese markets, will some one explain how this trouble is to be overcome by owning the Philippines? One solution suggests itself. The Filipinos are near akin to the Asiatics; they are near neighbors, and I assume they live as cheaply and work as cheaply and are as skillful as the Chinese or other Asiatics, and we can transfer our manufacturing plants to these islands and employ the skill and cheaper labor of these people in the manufacture of our raw cotton, iron, and steel, and thus compete with Europe and Japan in the Chinese markets.

And in order to do this capital must be safe, and to insure this the Government must be stable, and to this end the United States must set up and maintain the government, not for the good, primarily, of the native Filipino, but for the protection of capital there to be employed. Is this a rational explanation? Does this speak the real truth about what is intended? If so, to hold these islands for such purposes will be a blow at American labor, will depreciate American industry, and will tax the American people the added cost of maintaining a government over a people who thereby become the cheap competitors and destroyers of our labor, and at the expense of the class who are injured.

What says New England, already alarmed by the longer hours of labor and the cheaper wages paid in Southern mills? What says the South, just awakening, after a sleep of a century, to the importance, the necessity, of manufacturing in the fields the cotton she produces? What say these sections to the wisdom of establishing and maintaining a government in the Philippines intended to rob them of the industry by which the one section has in part grown rich and the other now hopes to grow rich?

The agricultural classes of the United States have for thirty years borne the grievous burden of a protective tariff that infant industries should be built up and the American laborer paid wages which would not only compensate but dignify him; and now, forsooth, the agriculturist and the laborer are to pay the cost of their betrayal to the pauper wages of Malay rivals. The capital invested in manufacturing saves itself, for it removes to the new field and leaves the high home labor idle. Will capital hesitate to do this?

Already New England capital is being transferred from New England to the building of new mills in the South, where conditions are supposed to be more favorable to earning dividends. What will prevent the transfer of capital to the Philippines for like reasons? If the mill is being moved to the cotton field to save cost of transportation, why should not the mill be moved to the labor field to save cost of labor? Whether this will be done depends solely on two questions: Will the capital be as secure in the Philippines as in the United States? Is the labor cost in the Philippines sufficiently less to increase the profits? "Security" and "profit" are the only two words in the vocabulary of capital. But I am told that, compared with the total industrial population, only a small per cent will be affected, etc.; that they will be readily absorbed in other occupations, more gainful perhaps, and compared with the great loss to capital in cotton mills, unless this change is made, the sacrifice of labor is trifling.

For the sake of the argument, admit this to be true as to New England. How is it true of the South? The South does not own all of the capital now employed in her mills. She has just begun manufacturing. She is not yet rich, and money is dear. These Southern mills are a greater boon to labor than they are to capital, because they afford an opportunity to relieve the congestion of white labor on the farm. Farming has become profitless.

Crops sell below the cost of production because of excessive production and the single gold standard. To withdraw from the Southern farmer this opportunity for diversified labor is to strike a more serious blow to the farmer than to the class who are investing their capital in milling enterprises. The laboring white man in the South is being driven to the wall because labor and cotton are too cheap.

The negro at his elbow, like the dark-skin race all over the earth, will work cheaper because he can live cheaper than his white neighbor, and the industrial development which has now so hopefully begun in the South offers some escape for the laboring white man from the competition of the laboring black man. It will place the white man in the factory and workshop and leave the negro in the field. It will give an opportunity for the greater natural intelligence of the white man to lay its hand on the machine and the less intelligence of the black man to keep his on the plow.

The American labor engaged in agriculture has never derived any benefit from the tariff laws of either political party, except it was engaged in the production of sugar or rice, and all that has ever been said and done to secure by tariff legislation an improvement of the condition of American labor does not apply to American farm labor, and in the nature of things can not apply to it. The benefits to labor from any form of tariff, if there be such benefit, applies to the labor engaged in mechanical and not agricultural pursuits.

In a different connection I shall show that the competition of Asiatic cheap labor does not stop at the mill, but will extend to the field, and if Asia fixes the cost for manufacturing a pound of cotton she will also fix the cost of producing a pound of cotton, and if the white farmer of the South is to be shut out from the mills by Asiatic competition the black farmer of the South will be driven from the fields by Asiatic competition, and that the conflict thus produced is irreconcilable between the interests of capital to earn large dividends and the interests of the laborer to earn remunerative wages. The wages of labor engaged in agriculture in the Southern States is less than in any other industry in the country, and the wages of similar labor in India, China, and Egypt is five to ten times less than that.

To whatever extent this conflict is mitigated by mutual concession in a common country governed by the same laws, no mitigation becomes possible where the conditions tend to the immediate divorce of capital and labor. The conditions existing in the Hawaiian Islands, where the capital engaged in the production of sugar and coffee ignores the native and imports by thousands contract Asiatic labor, and similar conditions which will obtain in Puerto Rico, in the Philippines, and in Cuba, all prove too conclusively that capital will not share its benefits with labor voluntarily whenever it can with impunity defy its demands. We have but to reflect that even in the United States at times labor protects itself with a strike and capital protects itself with the Gatling gun.

The discussion of another phase of this question more appropriately admits greater elaboration of this view. Japan furnishes some important lessons on the value of our Asiatic commerce and foreshadows the effect of Asiatic industrial competition and clearly points out the effect of transferring American capital to the Philippines to obtain there cheaper labor as a factor in our commercial expansion.

In 1890 we exported raw cotton to Japan of the value of $85,211 and in 1898, $7,435,526, and in 1899, $5,775,784. In 1897 we exported $141,264 of cotton cloth to Japan and in 1899 only $33,828. Why this decrease in cotton cloth? It is found in the fact that at the end of 1898 Japan had in operation 1,108,404 spindles, an increase of 200 per cent in six years, and the rate of daily wages to males in her mills ranged from 7 cents to 35 cents, and the daily wages for females in the mills was from 6 cents to 17 cents, and while our sales of raw cotton fell off in 1899 about thirteen and a quarter million dollars, the sales of raw cotton by British India to Japan more than trebled since 1895.

The raw cotton imported into Japan during the year 1897

amounted to 306,485,892 pounds, valued at $21,810,107, of which we sold her $3,636,611; British India, $12,865,189, and China, $4,817,988. It has been our habit to imagine that China and India grew not much besides heathens whom we should Christianize, but the statistics show they raise and export some cotton also. The four principal islands of the group known as Japan comprise an area about equal to that of the State of California, with a population of 43,228,863, or an average of 292.7 per square mile.

They produce and export rice, silk, and tea, and in minerals they have an abundance of coal, iron, and copper. Our trade with Japan shows a gratifying increase. In 1881 it was 6 per cent of her total importations, while in 1898 it is 15 per cent of the total importations, and in 1899 it reached a total of $17,158,970. Of this, raw cotton was the largest item and the next largest tobacco; illuminating oil, breadstuffs, and distilled spirits; iron and steel and their manufactures amounting to $3,000,000, the great preponderance of our exports being raw material.

It is worthy of observation that raw material sells itself, and is dependent almost wholly on first cost and transportation charges, and a trade composed largely of it offers little to the manufacturing interests of the exporting country. It will be remembered that a few years ago, when the industrial development of Japan was first attracting the attention of the world, we became especially alarmed in the United States lest her cheap labor and adoption of modern methods and machinery would not flood our own markets with products of her manufactures.

The late Mr. Dingley made a report to Congress on the subject of Japanese competition, from which I quote the following remedy:

> In the meantime our defense against the competition of the lower wage labor of Japan and other oriental countries, which have introduced or shall introduce machinery and factory methods of production, whatever may have caused this low wage, a competition which will in part be offset by the inevitable rise of wages in Japan must be the same defense as that which, from 1861 to 1893, proved so effective against the competition of the products of the lower wage labor of Europe, viz, protective duties, or, if need be, the same as is employed to ward off the competition of imported products of convict labor, viz, prohibition of their importation.

In other words, whenever any people manufacture cheaper than we do, their products shall be prohibited from importation. This policy on our part calls forth the law of retaliation by the country whose products we exclude, and since Mr. Dingley penned this report, in June, 1897, Japan has gone to the gold standard and a high protective tariff, in imitation of our example, with the certain result that she will take nothing from us which she can herself produce, and, while she keeps us out of her market, she is free with her cheaper labor to invade successfully those markets which we both strive to supply.

But if the Philippines are to be governed by us as a colony, with laws different from those applicable to the United States, if the doors of the United States are to remain shut, but those of her colony open, the cheap labor of the Philippines, together with a low tariff or open-door policy, will be a decided discrimination in favor of that American capital which prefers to employ itself there and is rendered secure by the taxes of the people of the United States, who are permitted no such opportunities or advantages. This system of colonial government places a premium on expatriation.

But what Mr. Dingley said of Japan applies with equal force to China itself, whose industrial development I shall consider in its relation to our commerce and agriculture.

The view we have had of commercial China for 1899 is the very exact one of a balance sheet of trade, but in reckoning the future of that Empire we should take into account political conditions and their probable consequences, geograpical situation, and the incidents of climate and soil, growth and production, ethnological conditions, as they import the traits, tendencies, and capabilities of a race, and more particularly the industrial potentiality of the Kingdom. The area of China within the wall, which extends some 1,600 miles from the Gulf of Pechili to the Desert of Turkestan, is 60 per cent of that of the United States and her population is five times as great.

She traces her history through forty centuries and boasts a civilization older than the Egyptian dynasties. Nearly four centuries ago Confucius, her greatest philosopher, taught:

> Wealth gotten by improper ways will take its departure by the same.

And a century later Mencius, his successor, said:

> I like life and I also like righteousness, but if I can not keep the two together I will let life go and choose righteousness.

And another wise man of China of this generation reminded an American audience in 1899 that—

> Civilization did not mean the possession of superior force and ample supply of offensive and defensive weapons. A civilized nation should respect the rights of another nation, and in such a nation a man should respect the rights of his neighbor.

A people who have taught and practiced such precepts through forty centuries are not to be despised as uncivilized.

Lying between the twentieth and fiftieth parallels of north latitude, extending some higher north and farther south than the United States, she has in her northern provinces the climate of our Northern States, and in her southern provinces the milder and semitropical climate of our South Atlantic and Gulf States. Her eastern shores are tempered with the warmer currents of the Pacific, and her northern and western borders are rimmed in by the lofty Himalayas and the Altai Mountains. Vast rivers, navigable for great distances, winding through alluvial plains, flow on to the sea.

China presents all the variety of climate and fertility of soil to be found in the United States. Cotton, rice, sugar, tobacco, tea, and silk are produced and exported. Coal, iron, gold, silver, copper, and mineral oil are found in quantities sufficient for her own consumption and for export, when developed. It is safe to say that in any resource of mineral wealth and vegetable productions China is as rich as the United States. The present and prospective condition of the market for cotton and cotton goods in China is well stated in the report of the British commission which traveled through central and southern China during 1896 and 1897, and made to the British Parliament in 1898, Mr. F. S. A. Bourne being the head of the commission:

> In regard to wages, employers in China are at a great advantage. The truth is that a man of good physical and intellectual qualities, regarded merely as an economical factor, is turned out cheaper by the Chinese than by any other race. In the humbler moral qualities of patience, mental and physical, and perseverance in labor he is unrivaled. It seems probable that under the leadership of skilled European managers and foremen of character and temper, firm, just, and reasonable, the Chinese cooly and his wife will make excellent textile factory hands. These millions of patient, reasonable workers are only wanting leaders to make them producers on a gigantic scale, and leaders they will most certainly find.
>
> All Western employers and overseers of Chinese agree that they excel in lightness and deftness, and they are well suited in physique and intelligence for work in cotton mills. They show extraordinary powers of endurance. Boys in the Hankow mill work through the whole night without leaving the mill, with only a little rice congee by way of food. In regard to land the lower Yangtze Valley is as perfect a site for manufacturing industries as can anywhere be found, with coal and iron in easy reach, a temperate climate, and good means of communication by water. Broadly speaking, China derives her supply of cotton from the Yangtze Plain—i. e., 100 miles on either side of that river from Ichang to the sea.
>
> The Yangtze-Kiang is the most important river of China, and for the past year has been open to trade for a distance of 2,000 miles, and penetrates the most densely populated and wealthiest sections of the Empire, and in size and commercial importance rivals the Mississippi. In the Yangtze Valley waterways are numerous, and a number of steamship companies are running steamers regularly as far up as Ichang.

The Germans and the French have investigated the conditions of commerce and manufacture in China, obtaining and reporting information similar to that obtained by the British commission. These commissions report that China is rich in copper, iron, lead, silver-bearing lead ores, tin, zinc, native silver, and oils, and has immense deposits of coal. The commission sees a great agricultural future in store for Tonkin, Cambodia, and Cochin China; that the exceedingly rich soil is capable of producing incalculable quantities of cotton, rice, silk, and coffee. The commission recommends the establishment of mills and factories in China, cooperation with Chinese in the opening and management of mines, and the development of certain lines of agriculture.

Lest these opinions be thought partial to European interests, I quote from the report of United States Consul-General Jernigan to the State Department. Writing from Shanghai, he says:

> The energy and skill of the American laborer fear no rival in his home markets, but a new civilization is lighting up China, and competition in Chinese markets for our manufactures will be one of the consequences. I have not failed to consider that civilization will increase the wants of the Chinese, but their progress may enable them to supply their wants. It is, therefore, competition in Chinese markets that is first to be feared.
>
> The success which has attended the cotton mills of Shanghai within a few years past has stimulated the formation of companies for similar enterprises elsewhere in China. The chief markets for American cotton manufactures in China are Manchuria and the three northern provinces of Tientsin, Newchwang, and Chefoo, which consume 90 per cent of our cotton exports to China.
>
> In the south, where cotton is grown more extensively and more attention is given to its manufacture, the Chinese are less willing to purchase the foreign manufacture. There is now a valuable demand in the markets of China for the products of British and American looms; but when the desired quality of cotton goods at present imported from Great Britain and the United States can be manufactured in China from the products of her soil, it is unreasonable to expect the importation from foreign countries to continue in such large quantities, and when the products can be produced in necessary quantity on the soil of China and at a far cheaper price, as well as manufactured in China at a far cheaper price, it is no longer a question that cotton grown and manufactured in China will supply the demand of Chinese for cotton goods. The soil of China is fertile, and Chinese are industrious and frugal, peaceably disposed, and natural business men.

From the facts it seems inevitable that European countries, which import their raw cotton and manufacture and ship to China, will be the first to avail themselves of the natural skill and industry and cheaper wages of the Chinese by investing their cheap capital in cotton mills in China, and undertake in that way to insure to capital the profits of manufacture. That English, French, German, Japanese, and even American capital will invest in mills located in China is not a matter of prophecy, but an accomplished fact.

A large per cent of the mills in Japan were erected and owned by foreign capital, and in the respective spheres of commercial privilege granted by China to Russia, England, Germany, France, and Japan a steady flow of capital will pour, with what result to

the labor at home, consequently deprived of employment, remains to be seen. It will be noted that our chief exports to China in the order of their importance are cotton, oil, iron and steel manufactures, and tobacco. The opinions quoted show clearly that China will in the course of time supply her demands for cotton from her own production.

Now let us examine the future of oil. American oil in China must compete with Russian oil, Sumatran oil, and later with oil of Chinese and Siberian production. This large item of export will increase or diminish according to the supply of the original fields of production and the cost of transportation, this being one of the products of nature so little affected by art that the condition of supply and transportation will control its distribution. The following table shows the total amount of oil imported into China for each of the years named and gives the history of American oil in China:

Kerosene oil shipped into China from 1888 to 1898.

Year.	American.	Russian.	Sumatran.
	Gallons.	*Gallons.*	*Gallons.*
1888	16,613,000		
1889	14,999,942	5,655,471	
1890	23,591,113	7,237,611	
1891	39,348,477	10,000,902	
1892	31,884,013	8,649,318	
1893	36,720,382	13,286,198	
1894	51,670,853	17,500,283	534,280
1895	23,055,940	26,586,979	2,396,035
1896	33,520,649	28,285,000	5,151,873
1897	48,212,505	36,924,125	14,212,278
1898	50,084,015	19,920,246	26,871,865

In 1899 American oil has dropped to 23,000,000 gallons, while Sumatran is known to have increased; but figures are not yet obtainable for Russian and Sumatran oil. The Russian and Sumatran oil supply is nearer to China than the American, and while the quality of American oil is superior to that of its rivals, the transportation rates give the advantage to them. New oil supplies have been discovered in Siberia, which will find an outlet into China by Russia's great Siberian Railroad, and discoveries have been made in China of extensive oil fields, from which it would seem that the future of American oil in China, in Asia, and Australasia is by no means bright.

Consul Bedloe, of Canton, says, in Consular Reports for 1898:

> Very rich petroleum wells have been found near Chungking, which suggest endless possibilities in this line alone. These oil wells are said to be far superior to those discovered in Kyaochau, and more important than any yet worked by native methods; but they need foreign capital and management, with which, it is thought, they will yield colossal quantities of oil. Of course what would be required to place the product on a sound commercial basis would be a big oil refinery.
>
> This discovery is very important, and, in view of the oil wells in the Japanese island of Formosa, and of other oil wells near the German possession of Kyaochau, in the province of Shantung, our trade in American kerosene is bound to be affected unless prompt efforts are made to control the output and, if possible, the trade in the Chinese product.

Iron and steel is being produced in larger quantities and more cheaply in the United States than any country in the world. In 1899 we produced thirteen and a half million tons of pig iron; England followed with nine and one-third million; Germany next, with eight and one-tenth million, and France next, with two and three-quarters million tons. And that country which leads in the production of iron and steel, economically, will control the export trade in these lines.

Whatever the wealth of China may be in coal and iron ore, the fact is fixed that the means of transportation are lacking to make her supply available, and however rich her resources in other minerals, her transportation facilities must be practically complete and adequate before the economical handling of her own resources of this kind is practicable.

More than this, the industries which are dependent on iron and steel require highly skilled and expensive labor, intricate processes of manufacture and expensive machinery, and, as a result, China's demand for steel rails, locomotives, steam and electrical milling and mining machinery will have to be drawn from those countries where the supply is greatest and products cheapest until her own resources are in a condition of economical development. The immediate demand of China for iron and steel products will be enormous.

Let us look at the figures. Four hundred million people of China are now served by 350 miles of railroad, or less than 1 mile for each million people, whereas the United States, only 40 per cent greater in area than China proper and with 75,000,000 people, had in operation in 1897 184,603 miles, or 1 mile for each 406 of her population, representing $11,233,592,588. Contracts are either now let or concessions granted by the Chinese Government for the construction of 10,000 miles of railroad, and taking it that these roads may be constructed and equipped as cheaply on the average as American railways, and you will have an outlay of $625,060,000 for material, skilled and ordinary labor, of which total sum the United States should get a fair share.

In 1887 we built in the United States 12,878 miles of railway, and for the five years following an average of 4,500 per annum. In 1882 we built 11,569, and in 1881, 9,847 miles. There is no reason, then, why this prospective mileage may not be constructed within five years in China, for the population is already at hand, through every portion of the Empire, to construct and operate and use the lines, and no climatic conditions prevail to hinder rapid construction.

The construction of these 10,000 miles will only hasten the construction of more, and as the first lines built will penetrate China's known stores of coal, iron, etc., such local development as follows railway construction will proceed by leaps and bounds. Imagination will outrun my suggestions, for thought is, on such a theme, impatient of the hindrance of giving it expression.

But in a few years the riot and rush of development will begin to localize itself, to feed on its own resources.

Study the effect and it will probably be revealed that China is becoming independent of our iron and steel, our cotton and oil, our flour and tobacco. The demand for these products is being supplied in the home market. We shall always have commerce with China.

It is impossible to conceive of a time when an empire of 400,000,000 people will or can supply all of their wants from or by their own industry or ingenuity, but very certain it is that our exports will not be very largely of those things which China herself produces in abundance, and equally certain is it that whatever shall comprise our export list, cotton, raw and manufactured, oil, refined, and the coarser and staple products of iron and steel will not figure largely in it once China has fairly developed her own resources in these items.

But it may be suggested that the conservatism of the Chinaman will not hasten him to such activity as soon to threaten us. If the matter rested with the Chinaman I would agree with this view; but, unfortunately for us, the Englishman, the German, the Frenchman, the American has each carried and is carrying his money, his brains, his experience, his energy, his inventions, his machinery, his skill, his science into the very heart of China, and only asks the Chinese to permit him to set up shop and to permit him to have the profits of his labor, while he borrows the hands and feet and eyes of a few of the inhabitants to assist him. Listen to these names. Are any of them familiar in the history of American enterprise?

The Railway Age recently gave the names of the Americans most prominently connected with an important railway enterprise in China as Hugh J. Grant, Samuel Thomas, Thurlow Weed Barnes, of New York; George J. Bippers, of Indiana, and the Carnegie Steel Company, of Pennsylvania. The sum to be advanced by this company is said to be $20,000,000 for the Canton-Hankow road, and $25,000,000 for the Hankow-Pekin road, and yet these only cover about 1,000 of the 10,000 miles under concession. It was known that at the time of the death of the late Senator Calvin Brice he was the head of a company said to control $100,000,000 of capital for operation in China, to make no mention of Russia, English, German, and French capitalists now operating in China.

Who doubts that the Standard Oil Company will get its hands on all the oil wells sunk in Asia? What is improbable about it? Cecil Rhodes is building a line of railway from Cape Town to Cairo, from north to south of the continent of Africa, a distance of 5,000 miles, through a country filled with savages, and some Frenchmen are projecting a line from the east coast of Africa to the west to intersect it. In Africa the country must first be civilized, then cultivated, then populated, to furnish business for the roads. The Chinese have been civilized four thousand years, their country is diligently and extensively, if not intelligently, cultivated; they find a ready-made population of 400,000,000.

To convert the Chinaman to Christianity may be the work of another century, but the mission of capital being to realize profit, it will deal with the Chinaman's country and his physical rather than his spiritual nature. No money will be spent there in enterprises that are not based on his physical wants. The sudden transformation of China has a history which it would be well for us to understand, because then we shall comprehend the nature and extent of it.

This history will show that our relation to the Philippines has had nothing to do with conditions in China, and whether the commercial or political future of China can be affected by any relation we may hereafter sustain to the Philippines is of vital importance in determining wisely for ourselves what that relation should be. China built around herself on the land side a literal wall, through which no entrance could be made for any purpose without her consent; on the ocean side her ports remained closed to the ships or people or commerce of all the nations of the earth for centuries, and this condition of isolation and policy of exclusion was first disrupted by Great Britain, as the result of her war

with China, known as the opium war, which was terminated in 1842 by a treaty of peace in which it was agreed that British subjects should be permitted to reside at the ports of Canton, Shanghai, Amoy, Foochoo, and Ningpo, all located on the eastern coast, and that they might trade with whatever persons they pleased.

In 1844 Caleb Cushing was sent by President Tyler to negotiate with the Chinese a treaty of amity and commerce, which was soon accomplished, thereby giving to American citizens the same rights as to trade enjoyed by the British at the five treaty ports just mentioned. A few months later a similar treaty was made with France, and the ports thus opened to commerce became known as treaty ports, which name has been applied to other ports, many of them far inland, opened from time to time by other treaties, until the whole number now reaches 30. Great as was this awakening of China, the real impulse of its present development was received from the treaty of Shimonoseki, made between China and Japan in 1895, in conclusion of the war of that year between the two nations and followed by a treaty of commerce in 1896.

The important features of these treaties were that they opened the waters of the principal rivers and canals to citizens of other nations, giving foreigners the right to purchase goods or produce in the interior of China, to rent warehouses without the payment of special taxes or exactions, and to engage freely in all kinds of manufacturing industries in the treaty ports; also to import all kinds of machinery, paying only the stipulated import duties thereon and upon products manufactured by them in China, paying only such inland transit dues as are leviable on imported merchandise.

The privileges and benefits of this Chino-Japanese treaty inured to the benefit of the subjects of all other nations having full treaty relations with China, under the most-favored-nation clause of their treaties. The prompt result of this was the movement from all ports of the business world in the direction of China and the establishment of business and manufacturing industries, not only in the old treaty ports, but the new ones which were opened by the Japanese treaty and by subsequent action of the Chinese Government. This was followed by other evidences of a disposition to adopt modern methods.

The railroad from Pekin to Tientsin was quickly completed by the Chinese Government and agreements made looking to the construction by foreign capital of other lines, thousands of miles in length; telegraphs were extended, electric roads, electric lights, and telephones introduced in the principal cities, mining and manufacturing concessions freely granted, and steamers under foreign control were given permission to penetrate to the interior limits of navigation on all the rivers of the provinces containing treaty ports.

As the result of this, factories and business houses have been and are being constructed, railroads are being built and projected, steam navigation lines are being multiplied and mines opened in the sections where iron and coal deposits are said to be the greatest in the known world. The Portuguese have controlled the island of Macao, near Canton, since 1537, and the British secured Hongkong by the treaty of 1842. In the treaty with Japan it was stipulated that Japan should have the island of Formosa, off the central coast of China, and certain territory of the peninsula of Liaotong.

To this Russia, France, and Germany objected, and Japan was choked off Liaotung and accepted a money indemnity from China instead. In November, 1897, Germany seized the port of Kiao-Chou, on the northeastern coast of China, under pretext of obtaining satisfaction for the murder of German missionaries by Chinamen a short while before. This port she held with a part of her navy until China, yielding to the coercion, leased her by a treaty this port and adjacent territory for ninety-nine years, with the right to occupy, fortify, and quarter troops and establish a naval and coaling station.

A month later Russia obtained permission for its naval squadron to winter at Port Arthur, and in March, 1898, China agreed to lease to Russia for twenty-five years Port Arthur and Talien-Wan and 800 square miles of adjacent territory for the exclusive use of Russian and Chinese men-of-war. Russia was also granted the right to build a branch of her Siberian road through the dependency of Manchuria to Port Arthur and Talien-Wan and to quarter soldiers in the territory it traversed for its protection. This gave Russia the control of the entrance to the Gulf of Pechili, the gateway to Pekin, the capital of China.

England, who has become accustomed to watching Russia at Khyber Pass, on the 2d of April following, secured a lease from China of the port of Wei-Hai-Wei, which is on the opposite (south) side of the Gulf of Pechili, England to remain in possession, including a strip of adjacent coast 10 miles in extent, so long as Russia occupied the Liaotung Peninsula, with the right to fortify, quarter troops, and do whatever Russia might be authorized to do.

In June England also secured a lease for ninety-nine years of 200 square miles of the mainland opposite her island of Hongkong. Stimulated by these concessions, France, in April, 1898, secured a lease for ninety-nine years of the harbor of Kwang-Chau-Wan, in the Leichau Peninsula, on the southeastern coast, near the French possession of Tonkin, with the right to use the leased port as a French naval station and to connect the French territory of Tonkin with the Chinese province of Yunnan.

The lease carries exclusive mining privileges in the territory through which the proposed railroad is to be constructed, and by this agreement with France, England claimed the right to extend her Burmese railroad into the province of Yunnan, through an agreement made with China in 1896, by which all privileges granted to France or Great Britian in the province of Yunnan and Szechuan should be given to both countries. In March, 1899, Italy demanded similar concessions to be made to her in the port of San Mun, and in April Japan demanded similar concession on the coast opposite Formosa.

The countries obtaining these concessions have announced that a portion of each of these ports shall be freely open to the commerce of all nations. The Russian bear lies on the Liatung Peninsula, on the north coast of the Empire, and the British lion lies facing him at Weihaiwei. The German eagle is perched on Kiao Chou, the dragon of Japan at Formosa, the lion having a retreat at Hongkong and the tricolor flies at Kwang Chau Wan. The opium war opened five ports to a limited commerce and let in one foreign power, Great Britain, at Hongkong.

The Japanese war let in five European powers and opened treaty ports, making the aggregate thirty, and made commerce free to the commercial powers of the world. Japan conquered an empire and got an island, and England, Russia, France, and Germany hold the Empire in trust for ninety-nine years. Whose shall the Empire be in the one hundredth year? Shall the American eagle, now resting in his flight on Luzon, fly on to Cathay? This, then, is in brief the opening of the door in China. Shall it remain open? That is one branch of the Eastern question, as known to European diplomacy.

If treaty obligations are observed, the door will remain open and all the nations may go in or out at will. If treaty obligations are broken, the door will shut. Then who can, who will, open it? It is to aid in answering this last question that we are attempting the benevolent assimilation of the Filipinos. Who does not see it is blind? Who will not see it is foolish. It will be seen from the character of the treaties between China and the European powers that the sovereignty of China over the leased territory is in no instance parted with nor has the Empire surrendered in this territory entire political control, the exclusive rights granted being confined to naval and military occupation by the lessees and to railroad and mining privileges.

China professes that in no concession has she impaired the essential commercial rights of any nation with whom she has treaty relations containing the most-favored nation clause, and that the lessees take their privileges in each instance subject to these rights of all other treaty powers. So that so far as China's interpretation goes, it is her intention that each treaty nation have equal commercial privileges within her borders with every other nation with which she has a treaty of amity and commerce.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BENTON. I yield such further time as the gentleman desires to conclude his speech.

Mr. HOWARD. It further seems that England, Russia, Germany, France, and Japan are disposed to treat their special treaty privileges as exclusive only in those respects in which they were expressly intended so to be, and that in all commercial matters nations not parties to them may enjoy commercial privileges on equal terms with themselves. This is the open-door policy for which England has contended in the East. It is the maintenance of the full treaty rights of the United States with China which the press reports indicate our State Department has lately been endeavoring to secure by having the several powers who have acquired lease privileges in China to acknowledge and confirm them.

If treaties were never abrogated, if nations, as parties to them, regarded them always as sacred and binding, if changed conditions never arose to prompt their violation, the existing conditions in China would bode no ill to American interests, and we might go forward in our commercial career with confidence in the permanence and security of our rights.

But that Russia should garrison her troops and harbor her fleet for a quarter of a century in Manchuria and the Liatung Peninsula, construct and operate her transcontinental railway with a Pacific terminus at Port Arthur, and not thereby so emphasize Russian power and prowess in that portion of China's provinces and dependencies as to establish a dominent influence in trade as well as in politics, is to tax the credulity of men.

Immediately south of Russia comes Great Britain, and south of her, Germany. Who can doubt what the effect of a century of military supremacy asserted by the Slav, the Saxon, and the Teuton over the Mongolian will bring forth? Their commercial interests, sheltered by military power, will charge China in solid phalanx, as infantry rush to attack under the cover of batteries. Great

Britain and France hem in the south, while doughty Japan guards the center.

The interior is gridironed with railroads built by the capital of the nations, and millions of their capital is burrowing the earth for mineral wealth. It must result that as China permits Europe to develop her resources under the protection of European armies quartered on her soil she will lose her power of resistance, and inch by inch of what she gives up is absorbed by the stronger power within her borders; and by this process political control will naturally fall to the lot of those who have the power to enforce their will.

England went into India and Africa and Egypt with a peddler's pack on her back, and to-day her Queen sits on the throne of the Mogul Empire as Empress of India and gathers the taxes in the Valley of the Nile, as did the Pharaohs, while in Africa she is blotting the only republic from her path with libations of British blood.

And France and Italy have crossed the Mediterranean into Africa, into Asia, and the islands of the sea, and the German Empire extends beyond the seas.

What is the commercial policy of England and France and Germany and Italy and Russia, both at home and in their colonies? England is free trade; the British Empire has a revenue tariff in Australia, India, and Africa, a protective and discriminative tariff in Canada; France, a protective tariff at home and a discriminating and protective tariff in the colonies; Germany, a protective tariff at home and a discriminative tariff in her colonies; Russia, a protective tariff, discriminating by reciprocity. Europe holds and governs colonies for commercial advantage to the parent country. Philanthropy, civilization, are incidents of their control; profit is the object.

If these observations accurately read current history, then return to the situation in China and ask why are Russia and England and Germany and France in China under century leases, protected with their armies and navies? To propound the question is to answer it. The sphere of influence of each in China will become absolute first within the territory protected by their military power; next to this their influence will become paramount in the adjacent territory in the direction of the least resistance.

Russia will spread over Manchuria and north and east of the great wall and down toward India. Siberia and the Siberian railway guarantee this. France and England will grind against each other like Alpine glaciers in southwestern China, England moving with greater rapidity as she reaches the freer zone of the Yangtze Valley. Hongkong stands like Gibraltar for strategy. Germany will cross the Grand Canal and press toward central China till she meets the resistance of England's approach from the south; and with regular gradation you may derive from the sphere of physical power the sphere of political power, then the sphere of commercial power, which to become absolute must be exclusive.

But for the present, for to-day, all is peace. "Behold how beautiful and how pleasant it is for brethren to dwell together in unity." How long will the door of China remain open to the commerce of the United States? This depends immediately on this question, How long will the powers now in China be content with their present situation? How long will the conditions under which they entered remain unchanged? Will they be as harmonious after getting in as they were while going in? Are they naturally historically friendly, or are there rivalries amongst them?

Has Russia designs on England's Indian empire, and is England for this reason watchful, even suspicious, of her? Has France forgiven Germany for Alsace-Lorraine and England for St. Helena? If so, why do they each maintain their magnificent armies? Are France and England traditional enemies? Is Germany England's rival in commerce, her rival for supremacy on the seas? History shows that these nations within China's gates are not friends. And to this chronic jealousy add the daily recurring irritation of commercial rivalry, and a future of peace is not a hopeful prospect.

As long as the door remains open American commerce will enter freely and win all the rewards which quality and price will justify, and without cost to us as a government and without the aid of the Philippines. If, unhappily, the European powers concerned should close the door by any device whatever, then we shall be shut out; and how will we remedy the matter? Our relation to the Philippines, I repeat, in no way contributed to the door being opened. Could we force it open if we permanently retained these islands? For if the islands are not worth retaining for themselves and are not necessary to maintain free commerce with China or Asia, it follows that we should not burden ourselves with their permanent government.

If the powers in China act in concert in excluding all commerce except their own, the question is fairly presented whether we are sufficiently powerful to overcome their resistance by owning the Philippines. I take it that in our generation no American government would inaugurate a war in a large sense offensive against England, Germany, Russia, and France. The question will not admit of argument. In that contingency we would discover honor and prosperity in peace.

Let me now assume that the greater probability is from the relation between these powers that they may quarrel amongst themselves; and if we were in possession of the Philippines, we should have an opportunity to be drawn into the quarrel on more favorable terms than those just supposed, and with the fortunes of war more evenly balanced we could better afford its risks, and in this more hopeful view we keep the Philippine Islands; we will fortify and garrison the best harbors, build dry docks, equip coaling stations, build repair shops, and keep a fleet of war ships about our Asiatic station.

American money is invested in China; American citizens have large interests there. The critical moment arrives, the diplomatic triggers are set, we scan the situation, make choice of sides, with whom or in what particular combination the emergency will determine. If we win, we shall have a port, a sphere of influence, of our own. The prize is a rich one; we are eager for it; we pile coal in Luzon as high as the volcano of Taal; the triggers are sprung; war is on; Luzon is the base of American operations, and whatever the combination we are in, whoever our allies may be, sooner or later our base is an object of attack; to resist successfully it must prove stronger than the assault.

Should our base be destroyed, we are at least crippled. It may lead to defeat; if so, we withdraw gracefully, pay the indemnity, and console ourselves as best we may, and curse the hour we took the Philippines. If we win, a port of China is the reward. We select a port and whatever more may be agreed on. We fortify and garrison the port and garrison the territory taken; the Asiatic fleet must be enlarged; our new dependency governed. We are a world power now. We must aid in maintaining peace, if peace be profitable, or in waging more war, if war promises the greater advantage. We have attained to national manhood. We have at last overtaken our destiny.

The Philippines were only the stepping-stone in the march. Our ships must outnumber our factories, if we would be respectable in the company we keep, and our soldiers outnumber our voters, if we would not have trouble with our republican institutions. The taxes are burdensome, the civil list extravagant, the pension list the most liberal in the world. We renew a career of peace on a war footing. The Government is stronger than ever, because to govern others without their consent requires something more of concentrated power than is required in a homogeneous republic.

Our Army is larger than ever; the White Squadron is to be seen in every sea, our flag in every zone. What have we accomplished for our commerce? We have added Puerto Rico, Cuba, Philippine Islands, a province or more in China, and if it was Russia that succumbed in the conflict, we will take some of her Siberian territory; or if it was England, we shall add islands in Australasia; or if it was France, we shall take some of her possessions, preferably in Africa, and should Germany be the unfortunate one, we will despoil her in the Pacific. This, then, is our gain for commerce, for our surplus wheat, cotton, oil, iron and steel, and their manufactures.

But the wheat fields of China and Siberia are nearer than our great Western plains, and they are tilled by Asiatic labor, with whose low wages our wheat growers would starve. The cotton fields of China are white with Asiatic staple, and the cotton of India is nearer than that of America, and by the law of cheaper products and cheaper transportation keeps American cotton out. When you have cut the Nicaragua Canal, Indian cotton is still cheaper in your new possessions in China than American.

The coal and iron of China, developed by European and American money and skill, is supplying the demand for iron and steel in our new domain, and Russian, Siberian, Sumatran, and Chinese oil is still in the hands of the old, or a new, Standard Oil Company, who find it cheaper to plug up American wells and supply China from Chinese and other nearby wells. And now for the first time the American farmer, the American miner, and the American factory hand learns that trade does not follow the flag, but that capital does, and leaves dear labor at home to pay the tax as best it can to fly the flag in a foreign land.

Where is the imperialist now? He has gone where he can practice imperialism, where labor is cheap, raw material abundant, and men must work, but shall not vote. The great valley of the Mississippi is listless and the plains of the great West seem bare. But they will reduce the acreage in wheat and seed to the sugar beet. For what? To compete with the contract coolie labor of tropical Hawaii, Puerto Rico, Cuba, and the Philippines. The South may reduce her acreage of cotton and sow to tobacco. For what? To compete with Cuban and Philippine tobacco.

Congress, like Parliament, will authorize a commission to investigate and report upon the condition of agriculture in the States and the cause of distress amongst the agricultural classes, as Great Britain has done, as Germany has done, as France has done. The commission will report that prevailing prices will not pay the

cost of production, and they recommend a bounty from the Federal Treasury. This for a time may hush the cry of hunger and will call for heavier taxes. Bounties paid from taxes raised on consumption is sucking blood from the fingers to replenish the heart.

What, then, does the balance sheet show? The total import and export trade of China for a year does not exceed $250,000,000. Now, if the United States absorbed every dollar of this commerce, driving every rival from her market and every dollar of this trade was profit, how does the account stand?

For the year 1901 recommended appropriations for our Army are $128,000,000, and for our Navy $75,000,000, a total of $203,000,000, taking no account of pensions incident to the Spanish and Philippine war. Add to this sum the past cost of the war, $250,000,000, and allow for the commerce of the Philippines and Puerto Rico $30,000,000, which counts every dollar of their trade as profit, and the sheet is balanced against us by $175,000,000.

But the Army is to be permanently increased, and the Navy is to be built to proportions commensurate with the responsibilities of our new obligations. If you double the existing Navy, which will make us then only a fourth-rate naval power, you double, at least, the present appropriation and double the present Army, and you at least double the present appropriation to $400,000,000.

In other words, an army and navy adequate for the requirements, with the attendant increase of pensions, civil government, and unforeseen expenses, will add to the cost of running this Government $500,000,000, or twice what it cost us in 1897, before the war with Spain, or twice as much as the aggregate of all the commerce of China, the Philippines, Puerto Rico, and Hawaii, if every dollar of their commerce was with us to the exclusion of every other commercial power in the world, and if every dollar of that commerce went into the pockets of American citizens as profit.

Contrast the old way with the new, and how stupendous is the folly of it all. During a century of peace, leading the national life planned for us by our fathers, our export trade has reached $1,252,903,987, at a maximum expense for government of $500,000,000, $150,000,000 of which is paid in pensions and purchases no service for the Government, and now it is proposed to abandon the ways of peace and conquer trade with force, and we increase the expense of Government from $500,000,000 to $1,000,000,000 for the sake of the opportunity to conquer the commerce of China, Puerto Rico, and the Philippines. [Applause.]

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and Mr. ALLEN of Maine having taken the chair as Speaker pro tempore, a message from the President of the United States was communicated to the House of Representatives, by Mr. PRUDEN, one of his secretaries, who also informed the House that the President had approved and signed bills and joint resolution of the following titles:

On March 10, 1900:

H. R. 6493. An act for the relief of John Anderson, a Pottawatomie Indian, and his adult children; and

H. R. 7737. An act to change the name of the Potomac Insurance Company, of Georgetown, and for other purposes.

On March 12, 1900:

H. J. Res. 119. A joint resolution to amend an act entitled "An act to extend Rhode Island avenue," approved February 10, 1899.

On March 14, 1900:

H. R. 1. An act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The committee resumed its sitting.

Mr. ALDRICH. Mr. Chairman, in the early part of this century an Indian outbreak took place in central Alabama. The inhabitants of that sparsely settled community were unable to suppress the savages, and in their distress they sent to Tennessee for help. Gen. Andrew Jackson responded with a volunteer company, and after traveling 800 miles through the trackless forest, enduring hardships of all kinds, arrived at the scene of disturbance, met the savages, and fought the battle of Talladega. The Andrew Jackson Chapter of the Daughters of the Revolution have prepared a memorial to Congress, asking that some monument of some kind be erected to commemorate the battle and death of some twenty of the brave Tennesseans who came to the relief of these settlers. And in connection with the memorial, a historical account of the battle has been prepared, although it has never been published, gathered from authentic histories, and I ask permission at this time to extend this memorial and this historical sketch as a part of my remarks in the RECORD.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that he may extend his remarks in the RECORD as indicated. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The memorial is as follows:

MEMORIAL TO CONGRESS.

To the Senate and House of Representatives of the United States of America in Congress assembled:

The executive committee of the Andrew Jackson Chapter of the Daughters of the American Revolution, of Talladega, Ala., appointed at a regular meeting on the 20th day of October last, under one of the resolutions unanimously adopted, were charged with the duty of preparing and presenting to the Congress of the United States a memorial embodying the action of said chapter, accompanied with such statistics and information as the committee might deem expedient.

The chapter which committed this grave duty to your memorialists is one representing in an unusual degree the intellectual and patriotic women of the country, who, greatly desiring to commemorate the fortitude and courage of such men as the long-neglected heroes of the battle of Talladega, met and considered the importance of perpetuating the memory of these brave men by the erection of a suitable monument at Talladega, Ala., and all gave utterance to the sentiment that an appeal for an appropriation should be presented to the Congress of the United States.

Doubtless a review of the terrible tragedy enacted upon the site of the present town of Talladega, Ala., November 9, 1813, one of the most sanguinary engagements of the long and bloody drama known as the Creek war, will recall to your minds events which have become historical. Aroused by the great Indian orator, Tecumseh, the Muscogees or Creeks entered the powerful savage league instigated by the British. With the intrepid chieftain, Weatherford, as their leader, after committing several murders and ravages upon the Anglo-American pioneers in Alabama, they began the war in earnest on August 13 with the horrible massacre of Fort Mims. The distressing tidings of this wanton destruction of the courageous settlers of this territory spread rapidly abroad. Filled with wrath, several thousand brave men responded promptly to the call to arms issued by the governors of Tennessee, Georgia, and Mississippi Territories, many sympathetic volunteers from other States and Territories who were within their borders joining them.

The gallant Tennesseans, with General Jackson in command, were the first to enter Alabama Territory, after experiencing many difficulties in collecting supplies and crossing the broad mountain plateaus near the Tennessee River. Accompanied by the valiant Generals Coffee, Hall, Carroll, Dyer, and Roberts, early in November he reached a point on the Coosa River about 30 miles from the Indian village called Talladega, or Bordertown. At this point he built a fort he called Fort Strother. While here the noted friendly warrior, Jim Fife, by the characteristic strategem that is well known in history, escaped from Fort Lashley, in Talladega town, enveloped in an immense hog skin, and came to notify General Jackson that a few friendly Indians and, some authorities say, white people also, were beleaguered in Fort Lashley, and would certainly be butchered next day if they were not rescued by Jackson's men.

Before sunrise next morning, November 9, Jackson surrounded the Creek encampment. The infantry, under Generals Hull and Roberts, were stationed on the northwest, with Jackson on the north. The mounted riflemen took a position on the southeast, the cavalry being placed on the south. The Indians, about 1,100 in number, were concealed among the cane and willows along the stream and encamped about the large spring near the fort. At 8 o'clock Jackson discharged a heavy fire into this encampment and the carnage began. The redmen made their first attack upon Hall and Roberts's position. The diabolical screams of the painted savages first caused some of the militia to give way, but the breach was soon filled by the intrepid leaders. No quarter was asked, and none was given. After a brief but brave resistance the Creeks retreated. The retreat became a rout, and in their flight about 300 warriors were cut down and as many were slain upon the battle ground. They refused to surrender and would listen to no terms of peace, but endeavored to escape into the recesses of the forest. Jackson knew their intractable nature, and realized that escape meant reinforced danger to the white population and that war to extermination alone would save them.

Fifteen brave men lost their lives in the battle of Talladega and 85 were wounded, 3 of whom died on the march to Fort Strother and were brought back to Talladega for burial. Among these was the gallant Lieutenant Barton. The dead were all laid in one grave, with a limestone masonry built around them supporting a wooden roof above. These have gradually fallen away, and the desolate grave, alone in a field bordering upon the property of an iron furnace, is in danger of being buried beneath the slag and débris accumulating near it. Of the 82 wounded soldiers who left the battlefield of Talladega about 26 or 30 died and were buried near the sight of what was Fort Williams, on Coosa River.

Such was the battle of Talladega. Several fierce encounters followed and the famous Creek war was ended by the battle of Horseshoe Bend, by Jackson and his gallant soldiers, who had about exterminated the Creek tribe and secured the safety of the Anglo-Americans in this section of the United States, and yet, left to the mercy of the elements, their resting place is fast losing its identity, and the graves of such courageous men—

"Though slain in fight they be,
Have left their country safe and their people free."

The Andrew Jackson Chapter has started a fund which they are increasing as fast as the circumstances will allow to their continued and constant efforts. They look with horror and indignation upon the fact that these noble sons of America who, while protecting the women and children of the brave pioneers of Alabama from the merciless scalping knife and their homes from the flames at the hands of the treacherous savage in 1813, lost their lives in the brave struggle with the savage foe, lie buried, 17 in number, in one lonely grave, with only a few rude stones to mark their honored resting place, which in no way befits the graves of heroes nor encourages the bravery of our youths, who witness this disregard of valor, to jeopardize their lives in battle for the prospect of such wanton neglect, which is a shame on this the grandest of all governments to allow.

The ladies of the Andrew Jackson Chapter of the Daughters of the American Revolution with earnest zeal discussed and with unanimity reached the conclusion embodied in the resolution adopted by them in their regular meeting October 20, 1899, and which it now becomes the duty of your memorialists to urge upon the National Legislature, that they make a suitable appropriation of an amount sufficient to purchase a lot or lots in the Talladega cemetery and remove the bones of these soldiers buried near Talladega and Fort Williams thereto, and to erect a fitting monument in the city of Talladega to these worthy dead, and thus rescue their graves from the desecration and oblivion which will soon be their fate unless a donation by your honorable body preserve them.

The aid asked for and the benefits sought to be received through this liberal action of the Government will be supplemented by the effort of the ladies and by private subscriptions, and the funds donated made to do as much honor as possible to the ashes of Andrew Jackson's men, who represented many States in this Union, and will add luster to the crown of "Justice" in America. In this noble achievement, which is not alone to influence and instruct the citizens of the present to love of their country, nor for the near

future, but which must reach a distant and eventful future, for which it is the business of statesmen to prepare. A compliance with our reasonable request will be recognized by every State in the Union, as these were the soldiers of this nation, and a refusal will be the neglect of duty that every State and Territory must condemn.

And now we ask, Can there be a more propitious time for the National Legislature to recognize the value and importance of this work?

With the greatest respect,

MARGARET McDONELL CRUIKSHANK-STONE,
NELLIE GUILD HALL JOHNSON,
Mrs. SOPHIA LANSON THORNTON, *Chapter Regent, Committee.*

Miss VIVIAN MAY, *Secretary.*

THE BATTLE OF TALLADEGA.

In the eastern part of Alabama is a beautiful valley, encircled with picturesque mountains, the fertile soil, carpeted with flowers and grassy meadows, traversed with pure, sparkling streams. In this highly favored valley is situated Talladega.

This region is signalized as having been the battle ground of a severe conflict between Gen. Andrew Jackson and his brave but undisciplined Tennessee riflemen and the Indians during the Creek Indian war, occurring November 9, 1813.

Talladega is also memorable in the early annals of Southern history as being among the portions of Alabama through which the intrepid and valiant De Soto marched, with his cavaliers of the noblest blood of Spain and Portugal, in 1540. Both he and his gallant troops were so charmed with this far-famed region, the beauty and fertility of which were well known to all of the natives, even upon the seashore, that they lingered for some days, reluctant to leave the pleasant climate "abounding in fine meadows, luscious wild fruits and grapes," bringing to these wanderers the memory of their own sunny Spain.

A history of the battle of Talladega would be incomplete if the events that led to it were unknown, and to do so it is necessary to unroll the panorama of the past three centuries and retrospect in a cursory way leading events from those early times when De Soto and his Spanish knights made their triumphal march through the primeval forests of Alabama.

The invasion of De Soto in 1540 resulted in the destruction of a large population of the natives, in many bloody battles, wherever they disputed his right of way. The Muskogees or Creeks, a numerous and powerful tribe of Indians living in Ohio, heard of the atrocities and desolation committed in the territory of Alabama by the Spanish invaders, after a long lapse of time, about which history is silent, migrated, and, uniting with the resident tribes, became possessors of the country. It may be of interest to note that this tribe of Indians called the Muskogees came originally from Mexico, being driven out by Cortez and his band of adventurers. Nearly two centuries afterwards the descendants of this people waged a merciless warfare against the white settlers, called the Creek Indian war.

The territory, now the State of Alabama, was then a trackless forest. The Spaniards held by right of conquest the few frontier towns and garrisoned the forts on the coast and rivers. There were both English and American trading posts located here and there, many miles apart, where resided many intelligent and wealthy people of mixed blood, white and Indian. Wherever there was an Indian town were seen adventurers and fearless traders, attracted by the hope or prospect of gain in some form or way, who risked life, endured hardships, scorned privation and dangers to obtain the object they pursued. From this courageous stock sprung many of the best people of the Commonwealth of Alabama.

As time advanced more settlers flocked in, and consequently troubles and difficulties arose with the Indians that tended to fully arouse the savage nature, and on their part led to frequent depredations and murders. The settlers made vigorous reprisals on them, and soon was inaugurated an almost constant border warfare, in which the Indians were aided and abetted, by both Spanish and English allies, until the year 1811, when the United States and England were upon the verge of war. Then British agents sought to procure the cooperation of the whole Southwestern Indian nations. The Creeks, the most powerful both in numbers and prowess, were particularly urged to unite with the British.

The prime cause for the intense hostility of the Indians toward the whites, which manifested itself in scalpings, murders, and massacres, was owing to a grant being made by a number of their chiefs for a public road, which was made by a party of American soldiers through the heart of their grounds. This thoroughfare, called the Federal Road, ran from Mims Ferry, on the Alabama River, to the Chattahoochee, in Georgia, and was constantly filled with a stream of immigrants going to the western part of the Territory. These sagacious and fierce Creeks foresaw that they would eventually be hemmed in by the Georgians on one side and the people on the west. Some of these savages intended the expulsion of the latter the first good opportunity that favored their design.

The Spaniards also hated the immigrants, who had continued to drive them inch by inch from the soil they claimed as first discoverers. With both Spaniards and Indians the British agents made secret allies of one and open ones of the others. But the most dangerous and powerful British ally was the Indian Tecumseh, who entertained the most relentless hatred toward the whites, and who sought to unite the Indians into one vast empire, putting himself at their head, to stay the progress of the whites. He came of the Shawnees, one of the most energetic and warlike of all the Indian tribes. Tecumseh possessed uncommon and extraordinary powers of mind. He was a shrewd diplomat, a great commander, a persuasive orator, a statesman, a man of indomitable patience, endurance, and courage. His influence over his people was unbounded, and by his eloquence succeeded in arousing the animosity and fury of the Creeks to such a degree of vengeance that wherever he appeared devastation and havoc quickly followed.

Although, owing to the energetic measures of the Federal Government, the Spanish owned not a foot of Alabama soil, still their innate treachery manifested itself in the secret emissaries that remained behind, skulking about among the Indians, who continued in various ways to aid and abet them in their efforts to exterminate the Americans, in which all, including the English, were united in a common cause. Everything foreboded a horrible war, but there were a number of chiefs and their warriers, who, from various reasons, did not join the hostile faction. They were called friendly Indians.

The belligerent spirit increased at a fearful rate and the whole country was soon involved in quarrels, fights, murders, and robberies. Alarmed at this state of affairs, the chiefs friendly to the Americans frequently dispatched messengers to the Federal agent and in every way they could endeavored to apprise the settlers of their impending danger. Some of these messengers paid dearly for their friendship by being murdered when caught on these expeditions.

During the summer of 1813 the hostile Indians made the most active preparations for a total extermination of the whites throughout Alabama, who were the most isolated and defenseless people imaginable. Determined, however, to protect themselves in the best way possible, they hastily constructed rude defenses, as forts and stockades, in which poured these unfortunate people, their families, and in many instances the friendly Indians, against whom there was as much hostility as toward the settlers, as they were regarded as traitors.

In the meantime the alarm and consternation became general throughout the Territory; the militia were ordered out and increased in numbers, but not sufficient to contend with this powerful band of savages, who were liberally provided arms and ammunition by their friends and allies, the Spanish and English. Several conflicts ensued between the parties, but the most horrible event in the annals of this warfare was the massacre at Fort Mems, on the Alabama River. In this fort were crowded some 553 souls, consisting of white settlers and their families, officers, soldiers, friendly Indians, and negroes. The fort was attacked by 1,000 savages, and the inmates were destroyed in the most horrible manner. The Indians spared neither age, sex, nor color, and only desisted when their vengeance was reeked on every living soul within range of the rifle, the deadly tomahawk, and the scalping knife, leaving the fort a holocust of savage fury. About 20 only managed to escape. This massacre occurred on the 30th of August, 1813. The thirst for blood, now fully aroused, seemed insatiable, and horror after horror was perpetrated. Then it was found expedient to appeal for help or the entire white population of middle Alabama would have been exterminated.

In October the arrival of an express in Nashville, with letters from the United States agent of Alabama, Mr. G. L. Gaines, to General Jackson and the governor, conveying the distressing intelligence of the massacre at Fort Mems, imploring their aid, created the most intense excitement. The Tennesseans quickly volunteered their services, and General Jackson, in command of a large force of men, stout, able-bodied, and in the prime of life, both infantry and cavalry, began a long and perilous march to the Territory of Alabama. Cutting his way over rugged and steep mountains, traversing for the first time a primeval wilderness, where lurked the very shadow of death in various forms, fording and swimming unknown and dangerous streams, Jackson and his army of riflemen, after three weeks of hard marching, encamped and established a fort called Fort Deposit, in Madison County. From there he sent out foraging parties to obtain provisions, as his army was, in a manner, destitute of food. The contractors had entirely failed to comply with their engagements, and the men had been for some days marching weary and hungry, with hardly enough food to sustain life.

As an inside view of history of that period Mr. Benton states in his Thirty Years in the Senate that the Government twice refused to appoint Jackson a brigadier-general in the United States Regular Army, and passed him by to give preference to two others in the West and he was omitted in all of the lists of military nominations. He was, however, at last appointed major-general, not through the favor of politicians, but by the chance of one vote, which elected him a major-general of Tennessee. Congress having passed an act authorizing the President to accept organized corps of volunteers, Jackson therefore issued a call for volunteers, raised a corps, "and with this corps and some militia he defeated the Creek Indians and gained the reputation which forced his appointment in the Regular Army." It was the prompt response to Jackson's call at this interesting period that gave Tennessee the sobriquet of the "Volunteer State." Given the opportunity in the field of action, he did the rest in spite of having been twice rejected by the Government.

After a rest of a few days the men and horses were sufficiently recruited to again resume their tedious march. Arriving at Ten Islands, on the Coosa River, St. Clair County, they constructed a second fort for supplies, which was well protected by strong picketing and blockhouses, which was called Fort Strother.

In what is now Talladega town was Fort Lashley, a rude, primitive kind of fortress, made of logs, surrounded by a stockade, such as was usually constructed in those days of border warfare both by whites and Indians. This fort was situated about half a mile in a southwesterly direction. In it had taken refuge the friendly Indians that had allied themselves with the whites, their chief, Chinnebee, and his son, Selocto.

The hostiles were under command of Pushamataha and Taleofadaga, a brother of the famous and eloquent warrior, Tecumseh. From him tradition says the battle took the name of "The battle of Taleofadaga;" it was afterwards called Talladega. They were encamped around a spring not far from the fort, and watched it and its inmates so effectually that not a solitary one could escape, without detection and danger of capture, to convey to Jackson the intelligence of their critical condition. They had tried to force these friendly Indians to join with them against the whites, but failing to shake their fidelity, had resolved to attack the fort and massacre them.

Two days before the intended attack Selocto, by means of an Indian stratagem, managed to elude the watchfulness of the enemy and fled with the fleetness of a deer to the camp of Jackson, who immediately determined to protect this people. At the hour of midnight the commander in chief aroused his sleeping men and, issuing orders, began at once the line of march, leaving a small guard to protect the fort and the disabled, crossing at that place the Coosa River (some 600 yards wide, with a rocky, uneven bottom) by daylight next morning, the mounted men each carrying behind him the men on foot until the entire army was safely over.

After a rapid march, piloted by the faithful Selocto, they arrived about sunset at a partially open space of ground, now known as the Estell place, some two miles and a half from Fort Lashley. There they bivouacked on the night of November 8. Soon the camp fires blazed brightly, and sentinels were placed around the encampment to keep watch for any dusky form seen or heard lurking without in the dark forest. An attack then would have been disastrous to these half-fed, weary men. Scouts were sent out to reconnoiter the situation and number of the hostile party. They reported that the enemy seemingly numbered more than a thousand and were well provided with arms and were encamped near the fort.

On the next morning, the 9th, at the early hour of 3 o'clock, General Jackson gave the command, "Forward, march!" and by 4 o'clock, before the gray dawn began to break in the east, the entire army halted at and around the town spring, and with soldierly order parted ranks, awaiting orders from Jackson for the coming conflict. With his force of 1,200 infantry and 200 cavalry, he ordered his men to make a wide circuit and surround the enemy. The infantry were divided into three brigades. The first, under command of General Roberts, was ordered to take position on the hill west of the enemy, where the colored college now stands; the second, commanded by Colonel Hall, on what is now the northeast corner of North and Spring streets, extending eastward to the public square. The third, comprising mounted riflemen and cavalry under Colonels Allen and Cannon, were in position south and east of the others, forming an irregular circle. The reserves, commanded by Colonel Dyer, were in position south of General Roberts's division and somewhat in the rear. West of the Indian encampment, between the fort and General Roberts's command, was a company of 60 men, commanded by Colonel Pillow, detailed to advance toward the enemy and open fire upon them, this being the signal for the several divisions to close up and bring on a general engagement.

About 8 o'clock they received a heavy discharge from the advance troops under Colonel Pillow on the west side. Screaming and yelling the warwhoop, the Indians rushed in every direction, a number going toward General Roberts's division, a few companies of which gave way at the first fire from the Indians. Jackson, mounted on his little black pony, commanded in person the

troops placed in this part of the battle ground, and ordered Colonel Bradley to fill up the chasm with his regiment, which had not advanced in a line with the others; but that officer failing to obey the order, Colonel Dyer's reserves dismounted and met the approaching enemy firm and unyielding. The retreating party of the troops seeing their places so promptly filled, recovered their former position and displayed much bravery. The battle now became general along the line. At first the Indians fought courageously, but they soon gave away and began fleeing toward the east.

Owing to the mounted riflemen and cavalry having taken too wide a circuit, a gap was made through which many of the Indians escaped to the mountains. Still, numbers were killed and wounded and the ground seemed covered with dead savages. Pushamataha and Taleofadaga were so fortunate as to escape. The greatest carnage seems to have been done in the southern part of the battlefield, extending west in the direction of the fort. For so long as twenty years afterwards in that region was found an immense number of bones, even some entire skeletons lying, not a single bone missing. Terribly defeated, the surviving warriors escaped through a gap in a line of Jackson's army in the southwest, fleeing in that direction about 4 miles, where they crossed Talladega Creek, at a strong Indian settlement. They continued their flight southeasterly, through the slate hills south of that stream, along an old trail, traces of which are still to be seen, and passed through Blue Mountain at a pass now known as Porters Gap; thence they continued their retreat to a populous Indian settlement on the clear and sparkling waters of the Tallapoosa.

At the battle of Talladega the Indian loss could not be accurately ascertained. However, 300 bodies were counted on the main battlefield. Seventeen Americans were killed and 85 wounded. Colonel Pillow, of the infantry; Colonel Lauderdale, of the cavalry; Major Boyd, of the mounted riflemen, and Lieutenant Barton were wounded, the last mortally. General Jackson remained only long enough to bury the dead, and before leaving he nailed the flagstaff of the Stars and Stripes to a large tree that overshadowed the one common grave of the fallen in battle. Three of the wounded men died and their bodies were sent back, making in all 20, and buried with the others. This large grave, where rests the dust of the killed in the battle of Talladega, is about 1¼ miles west of the city of Talladega, on the old Hogan place, the first owner of the ground, an ex-soldier of the battle. This grave was once marked by a covering or rude rock work, but is now almost crumbled to ruin. The wounded were conveyed to Fort Strother on litters of rawhides from the horses slain in battle.

Fort Lasjly contained 160 friendly warriors, with their wives and children, besides others of mixed blood, who would no doubt have been massacred the very day they were rescued by Jackson and his soldiers. The commander in chief, after performing the last sad rites to the dead, marched rapidly with his little army back to Fort Strother. It is said that the day the battle was fought they had no food and subsisted for several days on acorns and hickory nuts. On arriving there he was deeply mortified to find none for his hungry and wounded men. Selocto, the trusty Indian guide, continued with the army, sharing privations and hardships, an intelligent and sagacious pilot during the subsequent marches and the conflicts with the hostile Indians, a brave warrior and leader in battle.

On January 16, 1814, General Jackson marched again through the late battlefield of Taleofadega, his army now reduced to about 100 men. Here he was joined by 200 Cherokees and Creeks, for whose relief he had fought the battle, and in this second expedition followed up the hostile Indians to their retreat. On this march he encamped at Jemison's Mills for a day and night, and continuing the march, encamped the next night near their stronghold; the day after fought the battle of Emuckfaw, and dispersed them in less important contests. Finally he engaged them at the Horseshoe, on the Tallapoosa, where he crushed and forever destroyed the power of the brave and powerful Muscogees, under the head of the noble, courageous, and renowned chieftain, Weatherford, or Red Eagle; and thus Talladega was the beginning, as the Horseshoe was the ending, of a victorious Indian war.

Nearly a century has passed away, and in no way have these heroic and sturdy riflemen been honored by their country. Their names live in family history and tradition, but to them Alabama owes a debt of gratitude. The warfare they voluntarily gave their services and lives for, without thought of fame or expectation of reward, was by far the most terrible and merciless in the annals of Indian warfare in the South. The red man fully realized the encroachments of the white race, and fought most desperately for his hunting grounds, which were as dear to his heart as the fireside to his antagonist. He seemed to feel by some unerring instinct the hand of doom, and it intensified his vengeance and aroused fully his savage and cruel nature to destroy with all of his might and strength every white man that he considered as invader of the soil, which he deemed his own by right of ownership and inheritance.

"A people which take no pride in the noble achievements of ancestors will never achieve anything worthy to be remembered by remote descendants."

Mr. BENTON. Mr. Chairman, I now yield twenty minutes to my colleague from Missouri [Mr. RUCKER].

Mr. RUCKER. Mr. Chairman, a majority of the Committee on the Election of President, Vice-President, and Representatives has submitted a joint resolution, which, if ratified, will authorize each State to provide its own system for the election of United States Senators.

The minority of that committee has reported a substitute which provides for a uniform system of election of Senators in all the States.

Article V of the Constitution of the United States provides, among other things:

> The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress.

Thus, it will be seen, the framers of the Federal Constitution not only anticipated that conditions requiring a change might arise, but they went further and provided the way by which amendments could be made. The suggestion of necessary amendments to the Constitution does no discredit or dishonor to the memory of the distinguished statesmen whose handiwork it is and whose unrivaled genius, matchless patriotism, and profound wisdom gave to us the most splendid Magna Charta of human liberty the mind of man can devise.

Indeed, the contrary is true. To make these changes, when proper and necessary, not only does not reflect upon their greatness but is a high testimonial to the keen foresight and prophetic wisdom of those great men who were enabled to "pierce the veil of dim futurity," and looking even beyond the sweep of a century, observe the changed condition of affairs which would justify, yes, imperatively demand that changes be made.

I desire to emphasize the fact that two methods are provided for securing constitutional amendments. "Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments." This is one way in which it may be done. This way is exclusive and independent of affirmative action by the people. This method clothes the representatives of the people with full power and imposes upon them the duty of action. I marvel that the loyal, patriotic sages of Revolutionary fame and glory, whose noble deeds will live forever in the minds and hearts of the American people, did not deem this provision enough.

But they did not stop here. They turned on the search light of reason and experience, and under its penetrating rays studied the nature and environments of man, and had the outlines of future conditions revealed to them. To more carefully guard and protect the welfare and interests of the people, through all the years to come, they wrote in the Constitution another way by which amendments may be secured. "Congress, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments" to the Constitution.

Mr. Chairman, your committee is unanimously of opinion that the Constitution ought to be so amended as to authorize the election of United States Senators by a direct vote of the people. The majority report a resolution which creates a sort of "local option" in each State to continue to elect Senators by the legislature, as now, or to provide by State constitutional provision or legislative enactment for election by popular vote.

I am opposed to this plan. While this resolution bears the outward appearance of being responsive to the expressed wish of the people and of enlarging their powers, it really does not do so. It does not respond to the demand that comes here from all parts of the country. The logical consequence of such an amendment as that proposed in the majority report would be to make "confusion worse confounded." If one legislature may provide for popular election, the next legislature could repeal the law, thus bringing about a chaotic condition of unrest and uncertainty that should not exist in matters of such supreme importance. No political prognosticator could tell how the next United States Senator of a given State would be chosen—whether by the legislature or by popular vote.

The subject now under discussion was first debated in the Convention which framed our Federal Constitution in 1787. In the course of that debate Mr. Madison, of Virginia, said he "thought the great fabric to be raised would be more stable and durable if it should rest on the solid foundation of the people themselves than if it should stand merely on the pillars of the legislatures" of the several States. Mr. Wilson, of Pennsylvania, said:

> I am in favor of raising the Federal pyramid to a considerable altitude, and for that reason I wish to give it as broad a base as possible. No government can long subsist without the confidence of the people.

Whatever considerations may have led the founders of the Constitution, in their wisdom, to provide for the election of Senators by the legislatures, those considerations no longer appeal to us.

Every gentleman on this floor must be impressed with the thought, and should be stimulated to action by an abiding conviction that, in obedience to popular will, we ought now to remove the temporary and insecure "pillars of the legislatures," which recent events fresh in our minds have proven can no longer be relied upon to offer safe and certain resistance to the dangers of temptation which gather about them, and place this mighty Republic upon the permanent, enduring, and "solid foundation of the people themselves."

The long term of office given Senators, which is not disturbed by the amendment proposed, is sufficient protection against sudden and radical changes in conditions and sentiment and a sufficient guarantee and safeguard against the supposed passion of this branch of Congress, and the apprehended exercise of undue influence by the Chief Executive of the nation.

We should heed the voice of warning and admonition that comes thundering down from the memorable discussion of 1787, and by our votes proclaim our belief in the eternal truth of the great principle—"no government can long subsist without the confidence of the people."

The first resolution looking in the direction of this reform was introduced in the Senate by Mr. Mitchell, of Oregon, in the Fiftieth Congress. The resolution went to the appropriate committee, but was heard of no more. Mr. Mitchell renewed the resolution in the Fifty-first Congress, and on April 22, 1890, he delivered in the

Senate the first speech ever made in either House of Congress in support of the proposed amendment. It was again referred to the committee and there remained.

In the Fifty-second Congress three similar amendments were proposed in the Senate and seventeen in the House, and on January 16, 1893, one of these, proposing a uniform method of election, passed the House by more than a two-thirds vote, but no action was taken upon it in the Senate.

In the Fifty-third Congress three similar amendments were again presented in the Senate, and twelve in the House, and on July 21, 1894, one of these proposed amendments providing for a uniform election law passed the House by a vote of 141 yeas to 50 nays; but still the Senate took no action.

In the Fifty-fifth Congress a number of similar amendments were presented in the Senate and in the House, and again one of them, proposing a uniform mode of electing Senators, passed the House by a vote of 185 yeas to 11 nays. The Senate still failed to act.

The growth of public sentiment in the recent past in favor of electing Senators by popular vote is phenomenal. I find in the report of the gentleman from Michigan, chairman of the Committee on Election of President, Vice-President, and Representatives in Congress, filed in the Fifty-fifth Congress, on January 12, 1898, these words:

> In more recent times the policy of popular election of Senators by the people of the States has met with very general sanction and even with legislative approval. Up to this date eight States have, through their legislatures, instructed in favor of such amendments.

In his report filed in this Congress on January 22, 1900, two years later, we find that twenty-seven States have, "through their legislatures, instructed in favor of such amendment." And yet the gentleman in his report overlooked or ignored the great States of Georgia, Missouri, Texas, Tennessee and Virginia, which have adopted similar resolutions, making thirty-two sovereign States that are now appealing to this Congress for relief.

Mr. Chairman, public sentiment has crystallized around this important question. Like the rivulet that springs from the mountain cleft and goes leaping and bounding in its meanderings down the rugged slope, gaining volume and power with its every bound, until finally a mighty torrent reaches the valley below and irresistibly pursues its onward course to the "great father of waters," so this tide of public sentiment and popular demand will continue to flow, submerging every locality, ignoring party lines, heeding no obstruction, yielding to no opposition, until it bears in triumph upon its crest the palm of victory.

I think the difference of views held by your committee may be attributed to views of expediency. Some gentlemen seem to be possessed of some fear or apprehension that while the Senate might concur in a kind of "local option" resolution, it would oppose a measure providing a uniform plan of election. I do not share in this alarm or entertain such opinion. The thought, it seems to me, reflects upon the distinguished gentlemen who compose the Senate of the United States. Would any Senator there hold the honorable position he occupies in opposition to the will of the majority of the dominant party in his State? Would he hesitate to submit his fate to the people of his State, whose intelligence and judgment and wisdom are relied upon in the election of county officers, State officers, the judiciary, and their Representatives in Congress? If the people can not be trusted, why clothe them with this great power?

If they can be trusted, and I insist with all the emphasis I possess that they can, why close our ears to their reasonable demand that the fetters be torn from them and they be allowed to vote directly for the man who is to represent them and their State in the United States Senate? To longer deny this right is an insult to the intelligence and patriotism of the people of our country which I will neither indorse nor palliate. I have the utmost confidence in the wisdom of the masses.

I believe that every officeholder, even a United States Senator, ought to feel and know that his election is due to the people; that he owes his allegiance to them and not to combinations among politicians or to the influence of wealth, sometimes resorted to and used, that public will may be trampled upon, the people ignored, and legislatures and conventions deadlocked until high positions can be "knocked off" to the highest bidder for cash.

Gentlemen who fear the fate of this resolution in the Senate overlook the constitutional provision that "Congress, on the application of two-thirds of the several States, shall call a convention for proposing amendments." Senators are sworn to support this provision of the Constitution; there is no escape. Nor can they hide behind the technical legal proposition that the resolutions adopted by the States are not in form applications for a constitutional convention. They express the will of the people, and we must obey.

The people of Arkansas, California, Colorado, Florida, Georgia, Idaho, Indiana, Illinois, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Texas, Tennessee, Utah, Virginia, Washington, Wisconsin, and Wyoming, through their legislatures, have made application. This appeal can not longer be ignored or disregarded. To-day the voice of the people of all these States, more than two-thirds of the States of the Union, is clamoring at the doors of this Capitol and is being echoed through its corridors.

Who will close his ear to it? Have Senators been so engrossed with Senatorial investigations that they have failed to hear from their people? Who in that Chamber is so daring and so reckless as to place himself in the pathway of this great avalanche of public demand that broke from its moorings in 1890, and, moving slowly and imperceptibly for a time, but getting faster and faster, has gained force and power and momentum with each succeeding year, until, like the avalanche of the mountain peak, it laughs at obstacles, defies resistance, and threatens the complete annihilation and ruin of whoever obstructs its course. He who attempts its resistance will be overwhelmed with its power.

I dare not speak with the tongue of prophecy, but I venture the suggestion that if any gentleman undertakes to arrest this mighty movement, it would be better for him "that a millstone were hanged about his neck and that he were cast into the sea."

I trust the House will adopt the minority substitute and send it to the Senate.

Even United States Senators will sooner or later recognize the fact that the sovereign will of the people is supreme; it must and will be respected. [Loud applause on the Democratic side.]

Before Mr. RUCKER had concluded his remarks the hammer fell, when

Mr. CORLISS said: I ask unanimous consent that the gentleman have leave to finish his remarks.

The CHAIRMAN. The gentleman from Missouri [Mr. BENTON] controls the time.

Mr. BENTON. I yield to the gentleman five minutes more.

Mr. RUCKER then resumed and concluded his remarks.

Mr. GROUT. I yield twenty minutes to the gentleman from Illinois [Mr. BOUTELL].

Mr. BOUTELL of Illinois. Mr. Chairman, all those of us who had the pleasure of listening to the gentleman from Missouri [Mr. COWHERD], who a short time ago addressed the House, were deeply impressed by the research, the learning, and the eloquence of his arguments. In fact, all his arguments were so skillfully constructed and so strongly buttressed that the conclusions which he drew seemed to be almost inevitable.

But as those conclusions were very largely drawn from the opinions expressed by Jefferson and the other great statesmen who took part in the events that led to our early acquisitions of territory, and as the gentleman drew from those opinions conclusions so different from my own, I feel constrained to say a few words in explanation of my position in reference to the application of the lessons of those early acquisitions to the problems which we have to face to-day.

The gentleman from Missouri, as well as the gentleman from Tennessee who opened the debate on the Puerto Rican measure, has referred to all our territorial acquisitions as taking place, as it were, naturally, imperceptibly—almost like the silent unfolding of the corolla of a beautiful flower. Now, I have endeavored to show on two occasions that the method of the acquisition of territory pursued under numerous Democratic Administrations differs very materially from this natural and imperceptible method of acquiring territory.

In the first place, I endeavored to show that in the acquisition of the greater part of the Territory of Louisiana and in the acquisition of the territory which we held at the close of the Mexican war, we acquired territory in a method that might be called involuntary, inasmuch as the territory was taken by us, in the first instance, not because we wanted it, but in order to get other territory that we did want, and in the second instance as an incident of war, and that there was an analogy between these acquisitions and the retention of the islands which we acquired as an incident of the war with Spain.

At the time that Jefferson wrote the letters, to which the gentleman from Missouri has referred, to Monroe and Livingston, they had already been given their instructions in reference to the purchase of Louisiana; and subsequently to those letters he wrote his famous letter to Dupont de Nemours, in which he described the territory which he desired to purchase, referring to it as a sand barren 600 miles long and 30 to 50 miles wide; and at that time Congress had appropriated only $2,000,000 for making that purchase in case they could not purchase what they preferred—a renewal of the right of deposit.

Mr. COWHERD. Was it not Jefferson's idea to purchase, if possible, New Orleans? And was not the proposition to purchase that barren island to be pressed only in case he could not get what he wanted?

Mr. BOUTELL of Illinois. Yes; that is what I intended to state—that the purchase of this extent of territory, 600 miles long and 50 wide, was an alternative in case he could not purchase simply the right of deposit by acquiring New Orleans.

So when his emissaries to France found that they could not acquire New Orleans, could not acquire simply the tract 600 miles by 50, but must take all of the province of Louisiana, and pay $15,000,000 for it, I submit, simply from the evidence of contemporary correspondence and documents, that the portion of Louisiana north of the thirty-first parallel was territory acquired, as we may say, involuntarily.

Now, this idea was carried out in the laws organizing the province into two Territories when a separate government was formed for all the territory north of the thirty-first parallel; and it was made a crime for citizens of the United States to settle in the Territory of Louisiana or the territory north of that parallel.

So I say, New Mexico, Arizona, Utah, and that part of California which fell into our hands at the close of the war with Mexico was also territory that we acquired involuntarily or as an incident of war. We did not go to war for the purpose of acquiring that territory; and I referred to this acquisition especially to show that the same state of things existed in the territory so acquired at the close of the Mexican war that now exists in the Philippines; that the same charges of imperialism were made against President Polk in his government of that territory that have been made against President McKinley in his dealing with the Filipinos, and that President Polk answered those charges fully and most satisfactorily, in the most broad and statesmanlike way, by saying that while we were in possession of territory which we had conquered, and even while we were in possession of territory the title of which was in dispute, it was his duty to maintain law and order through the military authorities as Commander in Chief of the military and naval forces of the United States. There is to my mind an exact parallel in the position in which President McKinley is now placed in the Philippine Islands, and he ought to have the undivided support of the American people. Those islands became ours by right of conquest.

I have often heard that statement contradicted in this House. I repeat that the Philippines were ours by conquest, through our holding of Manila, through our destruction of the only government that existed at that time in the island, and there was exactly a parallel case in the conquest of California. And I like to allude to it as one of the most brilliant chapters in our naval history. Commodore Stockton was on the Pacific Ocean at the time that war was declared with Mexico.

Mr. JAMES R. WILLIAMS. Will it interrupt my colleague if I ask him a question there?

Mr. BOUTELL of Illinois. Certainly not.

Mr. JAMES R. WILLIAMS. At what time did the Philippine Islands become ours by conquest? Will my colleague give the date?

Mr. BOUTELL of Illinois. About the 1st of May, 1898. [Applause on the Republican side.] And I was just going to say that they became ours by conquest, just as we acquired two other tracts of territory in our history of territorial acquisition by the same kind of conquest. Under the law of nations, in order to hold territory by right of conquest, it is not necessary to harry the whole land and put all the inhabitants into captivity. Let me call to your minds two instances of conquest in our national history.

When war with Mexico was declared Commodore Stockton was in the Pacific Ocean. As soon as he heard that war had been declared he, with his marines and naval forces, took Monterey and Los Angelos, and the other naval officers in command there seized the forts at San Francisco and Sacramento. So when peace was declared, to the everlasting credit of the American Navy, the holding of these fortified places alone in that great tract was held to be the conquest of the entire territory.

Mr. VANDIVER. Will the gentleman allow a question?

Mr. BOUTELL of Illinois. Certainly.

Mr. VANDIVER. When the gentleman speaks of the parallel between the purchase of the Louisiana territory and the conquest of the other territories in the great Southwest on the one hand and the acquisition of the Philippine Islands by conquest on the other, does he mean to imply that that parallel extends to the point of securing to the Philippine Islands the same rights and privileges that were secured in the other case by the treaty which provided, as in the case of the Louisiana purchase, that the provisions of the Constitution of the United States guaranteeing the rights of citizenship and all privileges of American citizenship to the inhabitants of that territory should be granted?

Mr. BOUTELL of Illinois. Not at all. I had no such thought in mind. I was simply trying to show that, according to the principles of international law and the laws of war, we held the Philippine Islands by conquest by holding the important forts there, just as we conquered the whole vast extent of California, New Mexico, Arizona, and Utah by holding a few fortified points on the Pacific Ocean.

And there is another illustration of the same kind, where, according to international law and the laws of war, we held a vast tract of territory by holding only three forts. That was the great expansion that took place when we formed our first treaty with Great Britain.

It was through the prowess, the intrepidity, and the foresight of Col. George Rogers Clark, of Virginia, who marched through the wilderness and held the forts at Kaskaskia, Vincennes, and Detroit, alone we were able to assert at the conclusion of the war that we held by conquest the Northwest Territory. Col. George Rogers Clark, in occupying and holding those three forts, may be said to have given to this Union the five great States that were carved out of the Northwest Territory. [Applause on the Republican side.] And according to the same rules of international law and the same principles of the laws of war, we held the Philippine Islands. But this, Mr. Chairman, is simply a digression.

Mr. SNODGRASS. Will the gentleman now allow me to ask him a question?

Mr. BOUTELL of Illinois. Certainly.

Mr. SNODGRASS. I understand from the gentleman's remarks that when we occupy a territory belonging to an alien country to such an extent that they submit to our laws, that is our territory by conquest. Is that true?

Mr. BOUTELL of Illinois. That is a conquest; yes.

Mr. SNODGRASS. Does it require any assistance of Congress after such occupation to make that our territory absolutely, or does the mere fact of occupation vest us with title?

Mr. BOUTELL of Illinois. The mere fact of occupation vests in us the absolute control of the property, to do with it as we see fit, in accordance with the principles and spirit of our laws and institutions.

Mr. SNODGRASS. Then a single withdrawal of our forces would turn the property back to that foreign country, would it not?

Mr. BOUTELL of Illinois. No, I think not. After we have once destroyed the sovereignty of another country, and have absolute control of the conquered territory, if we withdraw from it without conditions, it leaves the country to the people who inhabit it.

Mr. SNODGRASS. It remains our property. Now, does the same condition obtain when we have annexed a territory by treaty?

Mr. BOUTELL of Illinois. I do not understand the gentleman's question.

Mr. SNODGRASS. If, indeed, the Philippine Islands have been annexed by treaty, and the United States should withdraw its forces, would that relegate the title back to the Filipinos or to Spain?

Mr. BOUTELL of Illinois. Relegate it back to the inhabitants of the country.

Mr. SNODGRASS. And it would not remain territory of the United States?

Mr. BOUTELL of Illinois. No.

Mr. SNODGRASS. That is your position?

Mr. BOUTELL of Illinois. That is my position; yes. Now, the other point in the history of our acquisition of territory to which the gentleman from Missouri [Mr. COWHERD] alluded, and drew a conclusion entirely different from that drawn, it seems to me, by the historians of our Republic, and a conclusion entirely different from that which I drew simply from the historical records of the time, was the acquisition of Florida.

Now, I submit, Mr. Chairman, that in the acquisition of Florida there is nothing that we can look back to with pride. Away back in the beginning of our national history our statesmen looked upon the acquisition of Florida as necessary to our commercial needs.

Mr. CLARK of Missouri. Will the gentleman allow me to ask him one question, if it will not interrupt him?

Mr. BOUTELL of Illinois. I am always very glad to be helped out by my friend from Missouri.

Mr. CLARK of Missouri. Is it not true, as a matter of historic fact, that up until the time that we added the Sandwich Islands, all of the territory that we annexed, by purchase, treaty, or conquest, was annexed largely for the purpose of getting a natural frontier; and is there any parallel case whatever between those acquisitions and the necessity for them and the the necessity for annexing the Philippine Islands? Now, that is a practical question.

Mr. BOUTELL of Illinois. Yes; it is a very practical question, and I will give just as practical an answer, if I can. The acquisitions of territory, so far as they were voluntary on our part—and the acquisition of Florida was a most voluntary acquisition; there was a great exercise of will power and force there—I say that the territory which we acquired voluntarily was not only for the purpose of giving ourselves a natural frontier, but for the purpose of giving to the United States free navigation of the rivers which flowed through this foreign territory which we acquired.

But I submit in this connection that the Mississippi was as good a natural frontier as the St. Lawrence, and the Sabine was as good a natural frontier as the Rio Grande.

Now, I repeat that the acquisition of Florida is something that we can never look back to with pride, and something the like of which I trust will never happen again in the history of our Republic.

Florida had belonged immemorially to Spain? Florida belonged to Spain when our treaty of peace was made with Great Britain. As soon as we had organized as a nation, our statesmen saw the necessity of our getting either the free navigation of the rivers that emptied into the Gulf or of acquiring the territory through which they flowed. Trough the treaty with Spain, in 1795, we were assured the right of free navigation of the Mississippi, the Apalachicola, the Pearl, and the other rivers running through the Territory of Louisiana and the Territory of Florida. That treaty was in force at the time that Jefferson wrote to his friends that he looked forward to the time when Florida could be annexed to the United States, but he thought that the time for that would come when Spain was at war.

In 1811 and 1812 Congress passed secret resolutions authorizing the President to send an armed force into this Spanish territory. Spain was a friendly power. There was no dispute as to her ownership, her sovereignty, and her occupation of that territory; but just because we needed it and, as the gentleman from Missouri [Mr. COWHERD] states, as an excuse, because Spain was weak we sent our forces into that territory for the purpose, as expressed in those secret resolutions, of holding the territory subject to future negotiation.

If that was not imperialism I do not know what imperialism is. And connected with that occupation of Florida by our forces in 1811 and 1812 we must also consider the foray made into Florida in 1818 by General Jackson, when he hung, shot, and otherwise executed the leaders of the Indian mutiny, of every nationality—Indians, Spanish, French, and English.

We must take into consideration in that connection also the attitude of Jackson after the cession of Florida, his incarceration of the Spanish commander in chief and those arbitrary measures which secured for him among the Spanish the sobriquet of Don Andrew. I say, Mr. Chairman, that Spain was harassed and hammered and bullied and browbeaten into ceding Florida to the United States. If that is not imperialism I do not know what the word means.

And still further, in connection with that cession of Florida, which as I say might be called a military conquest, there was that other disposition of territory which no man on the other side of the House seems disposed to discuss. You maintain that where we acquire territory it becomes at once incorporated into the Union; that the inhabitants become citizens of the United States; that their civil status is fixed by the Constitution; and if that is so, that was the condition of the Territory of Texas after the purchase of the Louisiana province in which it was included.

That was the status of the inhabitants of Texas; but notwithstanding that, under the treaty of 1819, we sold to the Spanish monarchy the Territory of Texas, and the inhabitants thereof passed, despite their protest, from out of citizenship of the United States into a condition of subjection to Spain. That is the only instance in the history of our Republic where a Territory incorporated into the Union has been sold and disposed of by treaty. That was done by a Democratic President and a Democratic Congress.

Now, I have asked several gentlemen on that side of the House, in discussing the question of our treatment of the Philippine Islands, what plan of action they would advise. It is very easy to tear down the construction and to impede the work of another; it is altogether a different and more difficult matter to bring forward a constructive principle of action. So far I have received no answer from any gentleman on that side of the House to the question whether he would immediately withdraw our troops and our naval forces from the Philippine Islands.

The Hon. George S. Boutwell, president of the Anti-Imperialistic League, says that we ought at once to withdraw our troops and leave the islands to their own devices. I say, Mr. Chairman, in the light of our past history, in the light of the past events, and so far as we can look into the future, such a course would be an act of cowardice on our part, and an act of the grossest injustice to the people of those islands which have come under our control and to whom we owe a certain responsibility.

In the same way, in reference to this matter of raising revenue for the benefit of the Puerto Ricans, gentlemen on the other side have nothing to say except to attack our plan. It is not denied that the Puerto Ricans need immediate revenue, but, so far as I know, no suggestion has been made upon that side of the House to meet this emergency. We have heard a great deal lately about this tariff law that has passed the House being a hardship to these people.

In what way can it be a hardship to these people? Their goods that come into this country will have a monopoly to the entire extent of their products, inasmuch as they have 85 per cent less duty to pay than the products of other countries. So far as our goods going into Puerto Rico are concerned, a 15 per cent tariff is so nominal that it can not in any way affect the people of Puerto Rico. Take the one item of flour. The tax under this bill would be 15 cents a barrel. At 196 pounds to the barrel, the rate would be about three-quarters of a mill per pound or about half a mill on a loaf of bread.

All through the list of articles that would go from this country into Puerto Rico a similar ratio would prevail. The tax is so small, so inappreciable, that it never could be felt by the people of Puerto Rico, but would fall on the importer and middleman.

Mr. FITZGERALD of Massachusetts. Will the gentleman allow me to ask him a question?

Mr. BOUTELL of Illinois. Certainly.

Mr. FITZGERALD of Massachusetts. In the report of the Secretary of War, issued a few days ago, in summing up the armies of the United States, I noticed that there were two battalions of cavalry, I think it was, made up of Puerto Rican soldiers. How do you reconcile the fact that a part of the Army of the United States should be made up of these Puerto Rican soldiers, who are to defend the flag of the country, and yet you do not give them the same rights and privileges as given to those of our own country?

Mr. BOUTELL of Illinois. I know nothing about it. I have not seen the report. It would be perfectly proper to enlist Puerto Ricans in the service to do the general police duty, which is all that our soldiers are required to do on that island.

Mr. FITZGERALD of Massachusetts. You make them fight for the country and tax them differently from what you tax our own people. That may be pretty good Republican doctrine.

Mr. BOUTELL of Illinois. They are not fighting for this country or for their own country, and they are very glad, I dare say, of the employment. We have often employed Indians in the same way.

Mr. FITZGERALD of Massachusetts. But the Indians are not extra taxed.

Mr. BOUTELL of Illinois. If all the taxes paid by the Puerto Ricans were taxes paid under this bill, they would be more lightly taxed than any civilized people in the world. But why do you not suggest some fairer, easier way of raising the small revenue that these people need while we are arranging for their permanent government?

We hear no positive ideas or plans from that side of the Chamber. We must have a constructive policy. We have a duty given to us. It will not do simply to stand still. It is our duty to help the Administration in this emergency, and we ourselves can not escape the burden placed upon us.

Have the Puerto Ricans any plan to offer? As they are the parties most largely interested, I submit that it would be wise to have their views. From newspapers lately received from Puerto Rico it would appear that the Puerto Ricans consider this bill a good measure for their interests.

Now, the gentleman from Missouri included all the members on this side of the House in his sweeping denunciation of those who believed in the acquisition of territory simply for military glory or on account of commercial advantages to be derived therefrom.

For one, Mr. Chairman, I want to stand outside of that denunciation. Any argument in favor of the acquisition of territory, whether it is Puerto Rico, the Philippines, or any other land, based upon advancing our military glory or increasing the splendor of our arms on land or sea, is repugnant to every fiber of my being. I want to see our beloved country a nation of peace and the strongest and most potent factor through its example and its influence in securing the peace of the world. [Loud applause.]

Again, Mr. Chairman, the argument for the retention of any piece of property which we hold as the result of this war based on supposed commercial advantages is almost as repugnant to me as that based on military glory. Mr. Chairman, we are now facing problems the solution of which will affect our descendants to the remotest generation.

We are facing problems that are more important than we ourselves realize. They should be wrought out in the calm and quiet of statesmanship and not in the noise and confusion of politics. It would be glory enough for one lifetime to have participated in the successful settlement of these problems. Their solution demands the combined wisdom of both political parties. We should discuss them in a national and not in a partisan spirit.

I for one would like to see the inevitable results of this war dealt with in the same nonpartisan spirit with which we entered into the war. If the retention of any of this territory is to redound to the glory of those who effected its retention and provided the government for it, let that glory and let that honor come to all

the country; let it be an American achievement and not a party achievement. But let military glory and the greed for gold have no place in our settlement of these questions.

When the walls of Jericho fell before the trumpets of the Israelites, the word of the Almighty went forth that all the gold and silver should be consecrated to the Lord, and if any of the treasure was found in possession of one of the children of Israel he and all who belonged to him should be accursed. The accursed thing was found in the tents of Achan, and when the children of Israel went up against the people of Ai they were smitten hip and thigh, and defeated by the anger of the Lord.

Mr. Chairman, it is my hope and prayer that we, as a nation, in dealing with these problems that now face us after our victory, will not be found with the accursed thing in our tents. If our course is directed by selfish motives, we shall not have the favor and the blessing of the God of Nations. But if we face these problems with the single purpose of maintaining our national honor unstained by any desire for military glory or selfish greed, doing the best we can for these people without injury to our own, then we shall have the blessings of the God of Nations, the approval of all civilized people, and the proud acclaims of our posterity.

For right is right; since God is God,
The right the day must win;
To doubt would be disloyalty,
To falter would be sin.

Let us go forward in this spirit, approach these questions without party differences, and we can not fail. [Prolonged applause.]

Mr. GROUT. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SHERMAN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration House bill 9139, "making appropriations for the support of the government of the District of Columbia for the fiscal year ending June 30, 1901," and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 4652. An act granting an increase of pension to Charles Perkins;

H. R. 232. An act granting a pension to John Vars;

H. R. 5186. An act granting an increase of pension to Zadoc C. Perkins;

H. R. 5440. An act granting an increase of pension to Smith Jeweal;

H. R. 825. An act granting an increase of pension to Fannie H. Riggin;

H. R. 2169. An act granting an increase of pension to Nelson B. Lutes;

H. R. 2391. An act granting a pension to Elizabeth R. Holt;

H. R. 4090. An act granting an increase of pension to Henry H. Brown;

H. R. 3260. An act granting a pension to Susan M. Button;

H. R. 2666. An act granting a pension to John M. Laughlin;

H. R. 1979. An act granting a pension to Sophronia Bailey;

H. R. 438. An act granting a pension to Emma M. Kitt;

H. R. 2590. An act granting pension to Philip Yoe;

H. R. 5710. An act granting an increase of pension to Charles W. Jerome;

H. R. 5188. An act granting a pension to David C. Dane;

H. R. 1885. An act granting a pension to Harvey Grant; and

H. R. 2526. An act granting a pension to Margaretha Bourke.

The SPEAKER announced his signature to an enrolled joint resolution of the following title:

S. R. 75. Joint resolution to print 31,000 copies of the eulogies on Garret A. Hobart, late Vice-President of the United States.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. PEARCE of Missouri, for ten days, on account of important business.

To Mr. KNOX, for one week, on account of important business.

Mr. GROUT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 50 minutes p. m.) the House adjourned until 12 o'clock to-morrow.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of War, transmitting a copy of a communication from the Chief of Engineers concerning certain disallowances in the accounts of Maj. Thomas L. Casey, was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. PAYNE, from the Committee on Ways and Means, to which was referred the bill of the Senate (S. 359) to extend the privilege of immediate transportation of dutiable goods to the port of Astoria, Oreg., reported the same without amendment, accompanied by a report (No. 657); which said bill and report were referred to the House Calendar.

Mr. JENKINS, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 8366) to amend section 953 of the Revised Statutes, reported the same without amendment, accompanied by a report (No. 658); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. DRIGGS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3268) granting an increase of pension to James W. Kessler, reported the same with amendment, accompanied by a report (No. 613); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 4828) to place on the pension roll the name of Susie E. Johnson, reported the same with amendment, accompanied by a report (No. 614); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8079) granting a pension to Bertha M. Jordan, reported the same without amendment, accompanied by a report (No. 615); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6304) to increase the pension of James J. Lyon, reported the same with amendment, accompanied by a report (No. 616); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 1677) granting an increase of pension to Missouri B. Ross, reported the same with amendment, accompanied by a report (No. 617); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8669) granting an increase of pension to Eliza A. Lake, reported the same with amendment, accompanied by a report (No. 618); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8083) granting an increase of pension to James Winnie, reported the same with amendment, accompanied by a report (No. 619); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3563) to grant a pension to T. Gilbert Floyd, reported the same with amendment, accompanied by a report (No. 620); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8800) granting an increase of pension to Libbie Fries, reported the same with amendment, accompanied by a report (No. 621); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 5211) granting a pension to Lizzie M. Dixon, reported the same with amendment, accompanied by a report (No. 622); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 3635) granting an increase of pension to Timothy B. Eastman, reported the same with amendment, accompanied by a report (No. 623); which said bill and report were referred to the Private Calendar.

Mr. GASTON, from the Committee on Invalid Pensions, to

which was referred the bill of the House (H. R. 4657) granting a pension to Mrs. Laura S. Pontious, of Dayton, Pa., reported the same with amendment, accompanied by a report (No. 624); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7767) to pension Alice D. Roatch, reported the same with amendment, accompanied by a report (No. 625); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8339) granting an increase of pension to Charles H. Gates, reported the same with amendment, accompanied by a report (No. 626); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6019) granting a pension to Mrs. Therese W. Hard, reported the same with amendment, accompanied by a report (No. 627); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6375) granting an increase of pension to Chester Willis, reported the same with amendment, accompanied by a report (No. 628); which said bill and report were referred to the Private Calendar.

Mr. HOFFECKER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3225) granting a pension to Elizabeth Bent Cooper, of Yorktown, Va., reported the same with amendment, accompanied by a report (No. 629); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 9070) granting an increase of pension to Daniel H. Kent, reported the same without amendment, accompanied by a report (No. 630); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4267) granting an increase of pension to Ezra A. Bennett, of Basin, in the State of Nebraska, reported the same with amendment, accompanied by a report (No. 631); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 5110) to increase the pension of Edward T. Kennedy, reported the same with amendment, accompanied by a report (No. 632); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 3454) granting a pension to Joseph E. Baldwin, of Topeka, Kans., reported the same with amendment, accompanied by a report (No. 633); which said bill and report were referred to the Private Calendar.

Mr. NORTON of Ohio, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4675) to recognize the rank and rerate the pension of Robert H. Jones, reported the same with amendment, accompanied by a report (No. 634); which said bill and report were referred to the Private Calendar.

Mr. MINOR, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1737) granting a pension to Cora I. Cromwell, reported the same with amendment, accompanied by a report (No. 635); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 1801) granting a pension to Elijah Biddle, reported the same with amendment, accompanied by a report (No. 636); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3655) granting a pension to Mrs. Margaret Burns, as widow of Peter Burns, late of Company F, Twenty-third Regiment Illinois Volunteer Infantry, in the war of the rebellion, reported the same with amendment, accompanied by a report (No. 637); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 1943) granting an increase of pension to Simon Price, reported the same with amendment, accompanied by a report (No. 638); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1251) granting an increase of pension to Celia A. Jeffers, reported the same without amendment, accompanied by a report (No. 639); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2875) granting a pension to Mary A. Russell, reported the same without amendment, accompanied by a report (No. 640); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 320) granting an increase of pension to Allen Buckner, reported the same without amendment, accompanied by a report (No. 641); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2209) granting an increase of pension to Frederick Higgins, reported the same without amendment, accompanied by a report (No. 642); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 645) granting an increase of pension to David Hunter, reported the same without amendment, accompanied by a report (No. 643); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1265) granting a pension to Elender Herring, reported the same without amendment, accompanied by a report (No. 644); which said bill and report were referred to the Private Calendar.

Mr. HEDGE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1194) granting an increase of pension to John B. Ritzman, reported the same without amendment, accompanied by a report (No. 645); which said bill and report were referred to the Private Calendar.

Mr. GASTON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 994) granting an increase of pension to Casper Miller, jr., reported the same without amendment, accompanied by a report (No. 646); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 819) granting an increase of pension to Benjamin F. Bourne, reported the same without amendment, accompanied by a report (No. 647); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 239) granting an increase of pension to Rhoda A. Foster, reported the same without amendment, accompanied by a report (No. 648); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1419) granting an increase of pension to Annie B. Goodrich, reported the same without amendment, accompanied by a report (No. 649); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2167) granting an increase of pension to Franklin C. Plantz, reported the same without amendment, accompanied by a report (No. 650); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 62) granting an increase of pension to Robert Black, reported the same without amendment, accompanied by a report (No. 651); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 241) granting a pension to Patrick Layhee, reported the same without amendment, accompanied by a report (No. 652); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1331) granting an increase of pension to Ellen C. Abbott, reported the same without amendment, accompanied by a report (No. 653); which said bill and report were referred to the Private Calendar.

Mr. FITZGERALD of New York, from the Committee on Claims, to which was referred the bill of the House (H. R. 7830) for the relief of Leonard Wilson, reported the same with amendment, accompanied by a report (No. 656); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 3490) granting a pension to Freeman H. Farr; and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BURKE of South Dakota: A bill (H. R. 9559) to provide for the construction of a bridge by the Duluth, Pierre and

Black Hills Railroad Company across the Missouri River at Pierre, S. Dak.—to the Committee on Interstate and Foreign Commerce.

By Mr. HENRY C. SMITH: A bill (H. R. 9560) to amend an act regulating proof of death in certain pension cases, approved March 13, 1896—to the Committee on Invalid Pensions.

By Mr. SMITH of Kentucky: A bill (H. R. 9561) for the erection of a public building at Bardstown, Nelson County, Ky.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 9562) for the erection of a public building at Lebanon, Marion County, Ky.—to the Committee on Public Buildings and Grounds.

By Mr. WEEKS: A bill (H. R. 9563) to authorize the expenditure of certain unexpended appropriations for the improvement of the Clinton River, Michigan, above the Market Street bridge in the city of Mount Clemens, Mich.—to the Committee on Rivers and Harbors.

By Mr. WISE: A bill (H. R. 9564) to encourage the organization of industrial schools for the benefit of freedmen in the South—to the Committee on Education.

By Mr. BOUTELL of Illinois (by request): A bill (H. R. 9565) for the retirement of Government employees in the classified civil service—to the Committee on Reform in the Civil Service.

By Mr. BINGHAM: A bill (H. R. 9566) authorizing the establishment of a light and fog signal on the new breakwater, harbor of refuge, Delaware Bay—to the Committee on Interstate and Foreign Commerce.

By Mr. COX: A bill (H. R. 9567) establishing the Franklin Military National Park—to the Committee on Military Affairs.

Also, a bill (H. R. 9568) to erect a public building at Columbia, Maury County, Tenn.—to the Committee on Public Buildings and Grounds.

By Mr. HAWLEY: A bill (H. R. 9595) to authorize the purchase of a steam launch for use in the customs collection district of Galveston, Tex.—to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALLEN of Kentucky: A bill (H. R. 9569) to grant a pension to G. B. Lynch, of Patesville, Ky.—to the Committee on Invalid Pensions.

By Mr. ALLEN of Maine: A bill (H. R. 9570) granting an increase of pension to Henry F. Rice—to the Committee on Invalid Pensions.

By Mr. BALL: A bill (H. R. 9571) for the relief of William W. Armstrong—to the Committee on Military Affairs.

By Mr. BROMWELL: A bill (H. R. 9572) to provide for the muster of Granville Pollock—to the Committee on Military Affairs.

By Mr. BURTON: A bill (H. R. 9573) granting a pension to Joseph Dunn—to the Committee on Invalid Pensions.

By Mr. COX: A bill (H. R. 9574) to increase pension of Catharine Brown, widow of Frank Brown—to the Committee on Invalid Pensions.

By Mr. CURTIS: A bill (H. R. 9575) granting a pension to Eunice I. Godfrey, of Madison, Kans.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9576) granting a pension to Martin Fassnacht—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9577) granting pension to Nehemiah Gunn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9578) granting an increase of pension to Mary Y. Stewart—to the Committee on Pensions.

Also, a bill (H. R. 9579) granting pension to George M. Hall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9580) granting a pension to Susannah M. Weymouth—to the Committee on Invalid Pensions.

By Mr. DENNY: A bill (H. R. 9581) granting a pension to Mary L. Martin—to the Committee on Pensions.

By Mr. GARDNER of Michigan: A bill (H. R. 9582) to correct the military record of William H. Smith—to the Committee on Military Affairs.

By Mr. HITT: A bill (H. R. 9583) authorizing Commander James W. Miller, United States Navy, Surg. Oliver D. Norton, United States Navy, and Mr. Edwin V. Morgan to accept testimonials presented to them by the Emperor of Germany—to the Committee on Foreign Affairs.

By Mr. KERR: A bill (H. R. 9584) granting an increase of pension to Samuel F. Bell—to the Committee on Invalid Pensions.

By Mr. LACEY: A bill (H. R. 9585) to increase the pension of William Winpigler—to the Committee on Invalid Pensions.

By Mr. LORIMER: A bill (H. R. 9586) to correct the military record of Patrick Foley, late of Company A, Eleventh Connecticut Infantry—to the Committee on Military Affairs.

Also, a bill (H. R. 9587) granting a pension to Mrs. Catherine Roe, widow of Exra Roe—to the Committee on Invalid Pensions.

By Mr. PHILLIPS: A bill (H. R. 9588) for the relief of the heirs of John Byrnes—to the Committee on Claims.

By Mr. HENRY C. SMITH: A bill (H. R. 9589) granting a pension to Christiana Steiger, widow of John Steiger, late of Company B, First Michigan Volunteer Infantry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9590) granting an increase of pension to Louis M. Webster, late lieutenant, Company A, Eighth Michigan Volunteer Infantry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9591) granting a pension to Mercy L. Cottrell, helpless daughter of George T. Cottrell, late of Company K, Thirty-eighth Ohio Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. SUTHERLAND: A bill (H. R. 9592) granting an increase of pension to Robert H. Quiggle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9593) granting an increase of pension to George W. Howard—to the Committee on Invalid Pensions.

By Mr. WISE: A bill (H. R. 9594) granting an increase of pension to Mrs. J. McD. Armistead—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petitions of A. W. Rea and 31 citizens of Colesburg, C. W. Richards and 28 citizens of Chapin, Robert H. McNally and 39 citizens of Hudson, Patrick Carter and 9 citizens of Cascade, Iowa, favoring the passage of House bill No. 3717, to amend the present law in relation to the sale of oleomargarine—to the Committee on Agriculture.

Also, communication of Col. Clifford D. Ham, of the Dubuque Herald, relating to House bill No. 5765, upon the subject of the tax on alcohol used in the arts—to the Committee on Ways and Means.

Also, petition of H. C. Clock & Sons, of Geneva, Iowa, against the parcel-post bill—to the Committee on the Post-Office and Post-Roads.

Also, memorial of Robert Olmstead Post, No. 243, Grand Army of the Republic, of New Hartford, Iowa, favoring the passage of a bill to establish a Branch Soldiers' Home in or near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, protest of Bronson & Carr, of Manchester, Iowa, against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. ACHESON: Petitions of J. S. Junk and others, of Uniontown, Pa., and R. B. Cochran, of Canonsburg, Pa., in favor of the passage of House bill No. 3717, to amend the present law in relation to the sale of oleomargarine—to the Committee on Agriculture.

Also, resolutions of Colonel S. W. Black Post, No. 59, Cumberland Post, No. 265, and Jesse Taylor Post, No. 450, Grand Army of the Republic, Department of Pennsylvania, for the establishment of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. ADAMS: Petition of Collins & Co., Philadelphia, Pa., against the passage of House bill No. 6017, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. ADAMSON: Petitions of Charles P. Pitchford, of Columbus, Ga.; E. E. Huguley, of Westpoint, Ga.; George W. Morgan, Hogansville, Ga.; R. W. Massey, P. M. Waltom, and others, and G. A. Smith and others, of Macon; J. J. Thomasson, G. W. Morgan, and Eugene Row, against the passage of House bill No. 6071—to the Committee on the Post-Office and Post-Roads.

By Mr. ALEXANDER: Petition of the Christian Endeavor Society of Emanuel Baptist Church, of Buffalo, N. Y., for the prohibition of the sale of liquors in Soldiers' Homes, etc.—to the Committee on Military Affairs.

Also, petition of the Christian Endeavor Society of Emanuel Baptist Church, of Buffalo, N. Y., for a constitutional amendment disqualifying polygamists for election as Senators or Representatives in Congress—to the Committee on the Judiciary.

By Mr. ALLEN of Kentucky: Papers to accompany House bill granting a pension to G. B. Lynch—to the Committee on Invalid Pensions.

By Mr. BOUTELLE of Maine: Petitions of Minnie E. Bailey and others, of Gilman, and H. C. Woodman and others, of South Grange, Me., against the passage of the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. BRENNER: Protests of F. W. Miller and others, of Clayton, and Mrs. H. Wiefenbach, of Dayton, Ohio, against the

passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BULL: Resolutions of Typographical Union of Providence, R. I., in favor of the passage of House bill No. 6872, to print the label of the Allied Printing Trades on all publications of the Government; also favoring bill 6882, relating to hours of daily service, and bill 5440, to protect free labor from prison labor—to the Committee on Printing.

Also, petition of Capt. Lemuel A. Dodge and others, of Block Island, R. I., for the improvement of Block Island Harbor—to the Committee on Rivers and Harbors.

Also, resolution of Kickemnit Grange, No. 24, of Warren, R. I., favoring the passage of Senate bill No. 1439, to amend the act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

Also, petition of A. A. Jackson, of Providence, R. I., against the passage of the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. CANNON: Petition of Mrs. Will Berns, of Chebanse, Ill., against the passage of House bill No. 6071, known as the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. CURTIS: Resolutions of Lewis Post, No. 294, of Dodge City; J. R. Fulton Post, No. 257, of Garden City, and L. E. King Post, No. 105, Grand Army of the Republic, Department of Kansas, in favor of the resolution to investigate the management of the Pension Bureau—to the Committee on Rules.

Also, resolutions of Black Eagle Post, No. 445, of Horton, and Corning Post, No, 259, of Corning, Grand Army of the Republic, Department of Kansas, favoring the establishment of a Branch Soldiers' Home for disabled soldiers at or near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of Charles P. Adams and others, of Topeka, Kans., against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. DALZELL: Petition of the Mount Washington Baptist Church and sundry other churches in the city of Pittsburg, Pa., urging the enactment of a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

By Mr. DENNY: Petition of the Woman's Christian Temperance Union of Maryland, for the prohibition of the sale of liquor in Army canteens, etc.—to the Committee on Military Affairs.

By Mr. DOLLIVER: Petition of H. H. Cummings and other citizens of Burnside, Iowa; F. C. Christensen and 10 citizens of Britt, Iowa, favoring the passage of the Grout bill amending the oleomargarine law of 1896—to the Committee on Agriculture.

Also, petition of the Equal Suffrage Association of Iowa, asking that perfect equality of rights, civil and political, be secured to the women of Hawaii, etc.—to the Committee on Insular Affairs.

By Mr. EMERSON: Protest of Fred Buffer and others, of Cassayuna, N. Y., against the passage of House bill No. 6071—to the Committee on the Post-Office and Post-Roads.

By Mr. GRAHAM: Petition of the Michigan State Millers' Association of Lansing, Mich., urging certain amendments to the interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

By Mr. GREEN of Pennsylvania: Petition of George H. Pflumm and others, of Reading, Pa., William F. Schlechter, C. Frank Haines, and Leader Publishing Company, of Allentown, Pa., against the passage of House bill No. 6071—to the Committee on the Post-Office and Post-Roads.

Also, petition of J. Kuhns and others, of Wescosville, Pa., to amend the present law in relation to the sale of oleomargarine—to the Committee on Agriculture.

Also, memorials of Keim Post, No. 76, of Reading, and McLean Post, No. 16, of Reading, Pa., Grand Army of the Republic, favoring the passage of a bill to establish a Branch Soldiers' Home in or near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. GREENE of Massachusetts: Petitions of Thomas M. Gardner Post, No. 207, of Nantucket, Mass., and C. M. Wheaton Post, No. 182, of Somerset, Grand Army of the Republic, Department of Massachusetts, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at or near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. GRIFFITH: Petition of Mrs. Mary L. Denpree and 15 citizens of Columbus, Ind., against the passage of the Loud bill relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HENRY of Connecticut: Petition of Mrs. Annette M. Royce, of Stafford Springs, Conn., in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HOFFECKER: Resolutions of Evan S. Watson Post, No. 5, Grand Army of the Republic, of Newcastle, Del., in favor of House bill No. 7094, for the establishment of a Branch Soldiers' Home at or near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. JACK: Petition of F. C. Wray and others, of Scottdale, Pa., in favor of the Grout bill taxing oleomargarine—to the Committee on Ways and Means.

By Mr. KERR: Petition of Ben E. Delamater, of Norwalk, Ohio, against the passage of House bill No. 6071—to the Committee on the Post-Office and Post-Roads.

By Mr. KETCHAM: Petition of Mrs. Lydia Van Wart and others, of Glasco and vicinity, New York, in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. KITCHIN: Petitions of North Carolina Pharmaceutical Association and Durham Retail Druggists' Association for the repeal of the stamp tax on medicines—to the Committee on Ways and Means.

By Mr. LACEY: Petition of Green & Bentley Drug Company and others, of Oskaloosa, Iowa, in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, papers to accompany House bill granting an increase of pension to William Winpigler, of Colfax, Iowa—to the Committee on Invalid Pensions.

By Mr. LITTAUER: Petition of F. A. Rockwell and others, of Gloversville, N. Y., in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. LLOYD: Papers to accompany House bill granting a pension to Henry Hanes—to the Committee on Invalid Pensions.

By Mr. LONG: Petition of W. S. Amos and 5 others, of Dodge City, Kans., for the repeal of the stamp tax on proprietary medicines, perfumery, etc.—to the Committee on Ways and Means.

Also, petitions of A. E. Duvall, of Inman, and L. G. Miller, of Hennessey, Okla., in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Lewis Post, No. 294, of Dodge City; Eagle Post, No. 224, of Chase; La Crosse Post, No. 222, of La Crosse; James Faar Post, No. 162, of Brownell; S. A. Gilbert Post, No. 354, of Mount Hope; Larned Post, No. 8, of Larned, and Perryville Post, No. 242, of Arlington, Department of Kansas, Grand Army of the Republic, in favor of House bill No. 7094, for the establishment of a Branch Soldiers' Home at or near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. LORIMER: Petition of August Jackson and others, of Chicago, Ill., for the repeal of the stamp tax on proprietary medicines, perfumery, etc.—to the Committee on Ways and Means.

Also, paper to accompany House bill granting a pension to Eliza Roe—to the Committee on Invalid Pensions.

By Mr. LOUDENSLAGER: Petition of the Presbyterian Church of Daretown, N. J., asking for the passage of the bill to forbid the sale of intoxicating beverages in all Government buildings and in canteens—to the Committee on Alcoholic Liquor Traffic.

By Mr. LYBRAND: Petition of Dr. J. R. Skidmore and 50 citizens of Logan County, Ohio, favoring the Grout bill relating to oleomargarine—to the Committee on Agriculture.

By Mr. McCLEARY: Resolutions of the Mankato (Minn.) Board of Trade, in favor of Senate bill No. 1439, relating to an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

Also, resolution of Mrs. Ladusky J. Taylor, of Le Sueur, Minn., and other officers of the State Woman's Relief Corps, favoring a national sanitarium for sick and disabled soldiers at Hot Springs, S. Dak.—to the Committee on Military Affairs.

By Mr. NAPHEN: Resolutions of Wendell Phillips and Crispus Attucks clubs, of Boston, Mass., to provide money for the support of the Baker family—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Boston Associated Board of Trade, in favor of the establishment of the department of commerce and industries—to the Committee on Interstate and Foreign Commerce.

By Mr. POLK: Petition of J. R. Jones Post, No. 436, of Forksville, Pa., Grand Army of the Republic, favoring the establishment of a Branch Soldiers' Home for disabled soldiers at or near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. POWERS: Memorial of Arpa P. Noyes Post, No. 116, Grand Army of the Republic, of Chittenden, Vt., favoring the passage of a bill to establish a Branch Soldiers' Home in or near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of James Kemp and other citizens of Enosburg, Vt., urging the passage of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

Also, remonstrances of J. M. Armstrong and others, of Dorset; F. S. Morgan, of Milton; Frank Thompson, Lenora Kent, Jennie F. Smith and others, of Bennington, against the passage of the

Loud bill, No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. ROBINSON of Indiana: Resolutions of Meade Post, No. 44, of Butler, Ind., Grand Army of the Republic, in support of House bill No. 7094, entitled "A bill to establish a Branch Soldiers' Home at or near Johnson City, Washington County, Tenn."—to the Committee on Military Affairs.

By Mr. ROBINSON of Nebraska: Petition of Post No. 34, Department of Nebraska, Grand Army of the Republic, urging the passage of Senate bill No. 1716 and House bill No. 4742, to amend section 1225 of the Revised Statutes, to provide for the detail of active and retired officers of the Army and Navy to assist in military instruction in public schools—to the Committee on Military Affairs.

Also, papers to accompany House bill No. 5402, granting an increase of pension to Robert Moran—to the Committee on Invalid Pensions.

By Mr. RUSSELL: Petition of A. G. Lester and other citizens of Center Groton and New London, Conn., against the passage of House bill No. 6071, known as the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. SHATTUC: Resolution of Pork Packers and Provision Dealers' Association of Cincinnati, Ohio, in favor of Senate bill No. 1439, relating to an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. SHERMAN: Petition of F. H. Christman and others, of Ilion, N. Y., and Laura B. Trowbridge and others, of Clinton, N. Y., in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. SMITH of Kentucky (by request): Petitions of Murray Post, No. 19; Preston Morton Post, No. 4, and Post No. 35, Grand Army of the Republic, Department of Kentucky, in support of House bill No. 7094, entitled "A bill to establish a Branch Soldiers' Home at or near Johnson City, Washington County, Tenn."—to the Committee on Military Affairs.

By Mr. STARK: Resolution of General Ricketts Post, No. 253, of Arborville, Grand Army of the Republic, Department of Nebraska, in favor of House bill No. 7094, for the establishment of a Branch Soldiers' Home at or near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of S. C. Bishop and 50 other citizens of Garrison, Nebr., urging a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

Also, resolutions of the International Brotherhood of Bookbinders' Local Union No. 57, of Omaha, Nebr., against the alienation of public lands by the United States to any but actual settlers, and also in favor of Government building of reservoirs—to the Committee on the Public Lands.

Also, petition of J. R. La Chapelle, of Ashland, Nebr., in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. STEVENS of Minnesota: Petition of Charles Christodore and others in the State of Minnesota, in favor of the proposed national park in northern Minnesota—to the Committee on the Public Lands.

By Mr. STEWART of Wisconsin: Resolutions of Colonel J. H. Knight Post, No. 5, Grand Army of the Republic, favoring the passage of the bills relating to pensions introduced at the request of the national pension committee of the Grand Army of the Republic—to the Committee on Invalid Pensions.

Also, resolution of Joseph Ledergerber Post, No. 261, Department of Wisconsin, Grand Army of the Republic, urging the passage of House bill No. 2583 and Senate bill No. 283—to the Committee on Reform in the Civil Service.

Also, protest of Frank E. Noyes, of Marinette, Wis., against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. SUTHERLAND: Resolution of Oak Post, No. 290, and Richardson Post, No. 60, Grand Army of the Republic, Department of Nebraska, in support of House bill No. 7094, entitled "A bill to establish a Branch Soldiers' Home at or near Johnson City, Washington County, Tenn."—to the Committee on Military Affairs.

Also, petitions of H. S. Miller, A. C. Hosmer, Hattie M. Nelson, and 8 citizens of Minden, Nebr., against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. WEAVER: Petition of Thomas J. Casper, of Springfield, Ohio, for the repeal of the stamp tax on medicines, perfumery and cosmetics—to the Committee on Ways and Means.

Also, petition of Mrs. Dora B. Watt and other citizens of Commercial Point and Matville, Ohio, against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. WEEKS: Petitions of the State board of health of Michigan, Francis Stocks and citizens of Battle Run and Imlay City, Mich., in opposition to the passage of the House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. WRIGHT: Resolutions of the Methodist Episcopal Church at Hawley, Pa., concerning laws for Puerto Rico, Hawaii, Philippines, etc., in regard to liquor selling, opium, and bigamy—to the Committee on Insular Affairs.

SENATE.

THURSDAY, *March 15, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2354) enlarging the powers of the Choctaw, Oklahoma and Gulf Railroad Company.

The message also announced that the House had passed with an amendment the concurrent resolution of the Senate providing for the printing of the proceedings in connection with the reception of the statue of Daniel Webster on January 18, 1900, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 2000) for the relief of Thomas Paul; and

A bill (H. R. 5049) to settle the title to real estate in the city of Santa Fe, N. Mex.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President pro tempore:

A bill (H. R. 232) granting a pension to John Vars;

A bill (H. R. 438) granting a pension to Emma M. Kitt;

A bill (H. R. 825) granting an increase of pension to Fannie H. Riggin;

A bill (H. R. 1885) granting a pension to Harvey Grant;

A bill (H. R. 1979) granting a pension to Sophronia Bailey;

A bill (H. R. 2169) granting an increase of pension to Nelson B. Sutes;

A bill (H. R. 2391) granting a pension to Elizabeth R. Holt;

A bill (H. R. 2526) granting a pension to Margarethe Bomke;

A bill (H. R. 2599) granting a pension to Philip Yoe;

A bill (H. R. 2666) granting a pension to John M. Laughlin;

A bill (H. R. 3260) granting a pension to Susan M. Button;

A bill (H. R. 4090) granting an increase of pension to Henry H. Brown;

A bill (H. R. 4652) granting an increase of pension to Charles Perkins;

A bill (H. R. 5186) granting an increase of pension to Zadoc C. Perkins,

A bill (H. R. 5188) granting a pension to David C. Dane;

A bill (H. R. 5440) granting an increase of pension to Smith Jewear;

A bill (H. R. 5710) granting an increase of pension to Charles W. Jerome; and

A joint resolution (S. R. 75) to print 31,000 copies of the eulogies on Garret A. Hobart, late Vice-President of the United States.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented a petition of Local Union No. 62, Typographical Union, of Utica, N. Y., praying that the Public Printer be authorized to print the label of the Allied Printing Trades on all publications of the Government; which was referred to the Committee on Printing.

He also presented a petition of the Central Labor Union of Binghamton, N. Y., praying for the enactment of legislation to increase the salaries of machinists employed at the Government Printing Office, at Washington, D. C.; which was referred to the Committee on Printing.

He also presented a memorial of the Spectator, of Albany, N. Y., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Garland City Lodge, No. 194, International Association of Machinists, of Watertown, N. Y., praying for the enactment of legislation to provide leaves of absence to certain employees of the Government, to protect free labor from prison competition, and also to limit the hours of daily service of workmen and mechanics employed upon the public works of the United States; which was referred to the Committee on Naval Affairs.

He also presented petitions of the Cooperative Foundry Company and the Sill Stove Works, of Rochester; McFarlan & Co. and Henry C. McElwain, of Amsterdam; A. G. Reeve, the Cliff Paper Company, the Niagara Falls Hydraulic Power and Manufacturing Company, and the Union Carbine Company, of Niagara Falls; the Hunter Arms Company, of Fulton; Crandal, Stone & Co., of Binghamton; G. Stanford & Co., of Ithaca, and D. L. Burrell & Co., of Little Falls, all in the State of New York, praying for the construction of a new fireproof Patent Office building; which were referred to the Committee on Public Buildings and Grounds.

Mr. SCOTT presented a memorial of the West Virginia Argus, of Kingwood, W. Va., and the memorial of J. C. and L. C. Montgomery, of Montgomery, W. Va., remonstrating againt the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. WETMORE presented a petition of Kickemuit Grange, No. 24, Patrons of Husbandry, of Warren, R. I., and a petition of Aquidneck Grange, No. 33, Patrons of Husbandry, of Middletown, R. I., praying for the adoption of certain amendments to the interstate-commerce law; which were referred to the Committee on Interstate Commerce.

Mr. FAIRBANKS presented the petitions of Mrs. E. C. Atkins and J. R. Barnard, of Indianapolis, Ind., and the petition of Britton & Gray, of Washington, D. C., praying for the employment of women nurses in the military hospitals of the Army; which were referred to the Committee on Military Affairs.

He also presented petitions of the Board of Trade of Indianapolis; the Mayflower Mills, of Fort Wayne; S. Bash & Co., of Fort Wayne; W. L. Kidder & Son, of Terre Haute; E. H. Grieger, of Hanna; the Blish Milling Company, of Seymour, and the Indiana Pulp and Paper Company, of Marion, all in the State of Indiana, praying for the adoption of certain amendments to the interstate-commerce law; which were referred to the Committee on Interstate Commerce.

He also presented the memorials of D. R. Best, of Angola; the Allison-Enos Company, of Indianapolis; Stony Point Grange, No. 1733, Patrons of Husbandry, of Madison; G. L. Bailey, of Ridgeville; O. E. Fulghum, of Richmond; the International Dental Journal, of Indianapolis; the Weekly Economist, of Evansville; the Chronicle, of Kempton; the Star, of Wabash; the American, of Ridgeville; the Upland Monitor, of Upland; and the Union, of Indianapolis, all in the State of Indiana, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. COCKRELL presented memorials of the Commercial, of Rocheport; the New Era, of Rolla, and the Times, of Waverley, all in the State of Missouri, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. PENROSE presented a petition of the Young People's Society of Christian Endeavor of the Third United Presbyterian Church of Pittsburg, Pa., praying for the enactment of legislation regulating divorces in the District of Columbia and the Territories; which was referred to the Committee on the Judiciary.

He also presented a petition of Local Lodge No. 407, International Association of Machinists, of Pittsburg, Pa., praying for the enactment of legislation providing leaves of absence to certain employees of the Government; which was referred to the Committee on Naval Affairs.

He also presented a petition of sundry citizens of York, Pa., praying for the enactment of legislation to provide for the classification of clerks in first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the congregation of the Eighth United Presbyterian Church of Allegheny, Pa., and a petition of the congregation of the United Presbyterian Church, and of the Methodist Preachers' Meeting, of Pittsburg, Pa., praying for the enactment of legislation to prohibit the importation, manufacture, and sale of intoxicating liquors and opium in Hawaii; which were referred to the Committee on Pacific Islands and Puerto Rico.

Mr. WELLINGTON presented a petition of the Woman's Christian Temperance Union of Maryland, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in canteens and all Government buildings; which was referred to the Committee on Military Affairs.

He also presented a petition of the Woman's Christian Temperance Union of Maryland, praying for the enactment of legislation to prohibit the importation, manufacture, and sale of intoxicating liquors and opium in Hawaii; which was referred to the Committee on Pacific Islands and Puerto Rico.

Mr. SHOUP presented the petition of Ida M. Weaver, president, and Frances M. Wood, secretary, on behalf of the Equal Suffrage Association of Idaho, praying for the adoption of the sixteenth amendment to the Constitution, prohibiting the disfranchisement of United States citizens on account of sex; which was referred to the Select Committee on Woman Suffrage.

Mr. SEWELL presented the memorial of August Koehler, publisher of the Orange Sonntag Blatte, of Orange, N. J., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of S. B. Goff and 26 other druggists of Camden, N. J., praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

Mr. PRITCHARD presented a petition of the W. H. King Drug Company and 10 other druggists of Raleigh, N. C., praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

He also presented a petition of the Chamber of Commerce of Charlotte, N. C., praying that an appropriation be made to continue the work of the Philadelphia Commercial Museum; which was referred to the Committee on Commerce.

Mr. TALIAFERRO presented a petition of sundry railway mail clerks of Jacksonville, Fla., praying for the enactment of legislation to provide for the classification of clerks in first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Beresford, Fla., and a petition of sundry citizens of Florida, praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which were referred to the Committee on Finance.

He also presented a petition of sundry citizens of Orange City, Fla., praying for the enactment of legislation to define legal marriages and to provide for the punishment of polygamy, etc.; which was referred to the Committee on the Judiciary.

Mr. MASON presented a memorial of the Tribune-Citizen, of Harvey, Ill., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Woman's Christian Temperance Union of Elgin, Ill., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors and opium in Hawaii; which was referred to the Committee on Pacific Islands and Puerto Rico.

Mr. HOAR presented a petition of the Appalachian Mountain Club, of Boston, Mass., and New England, praying for the establishment of a national forest and mountain preserve in the southern Alleghenies, to be known as the National Appalachian Park; which was referred to the Committee on Agriculture and Forestry.

Mr. ALLEN presented a paper in support of the bill (S. 3115) granting a pension to Robert Moran; which was referred to the Committee on Pensions.

He also presented a memorial of the Nebraska State Democrat, of Lincoln, Nebr., and a memorial of the Buffalo County Pilot, of Kearney, Nebr., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. FRYE presented a petition of Company K, First Infantry, National State Guard of Maine, praying for the enactment of legislation to improve the armament of the militia; which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Plattskill, N. Y., and a petition of the Woman's Christian Temperance Union of Plattskill, N. Y., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Soldiers' Homes; which were referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Plattskill, N. Y., and a petition of the Woman's Christian Temperance Union of Plattskill, N. Y., praying for the enactment of legislation to prohibit gambling in the District of Columbia and the Territories under the jurisdiction of the United States; which were referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. GALLINGER. I am directed by the Committee on Commerce, to whom was referred the bill (S. 2882) to authorize the Cambridge Bridge Commission to construct a drawless bridge across the Charles River, in the State of Massachusetts, to report it with an amendment. I beg to suggest that to-morrow or in the near future I shall file a written report in support of the bill.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 7114) granting an increase of pension to John S. Parker, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 7896) granting an increase of pension to Samuel Lybarger, reported it without amendment, and submitted a report thereon.

Mr. PETTUS, from the Committee on Military Affairs, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 1962) for the relief of Lucy A. Hopkins; and

A bill (S. 696) to remove the charge of desertion from the name of James Plymate.

Mr. PETTUS, from the Committee on Claims, to whom was referred the bill (H. R. 2456) for the relief of the heirs and assignees of Philip McLoskey and John Hagan, asked to be discharged from its further consideration and that it be referred to the Committee on Public Lands; which was agreed to.

Mr. PROCTOR, from the Committee on Military Affairs, to whom were referred the following bills, reported adversely thereon; and the bills were postponed indefinitely:

A bill (S. 1366) to remove the charge of desertion from the record of William Cruse; and

A bill (S. 2842) correcting the military record of James A. Scull.

Mr. WETMORE, from the Committee on the Library, to whom was referred the bill (S. 2859) to incorporate the National Society United States Daughters 1812, reported it with amendments, and submitted a report thereon.

Mr. BURROWS, from the Committee on Military Affairs, to whom was referred the bill (S. 1339) to place James W. Long, late a captain in the United States Army, upon the retired list of the Army, reported it without amendment, and submitted a report thereon.

Mr. ELKINS, from the Committee on Commerce, to whom was referred the bill (H. R. 8063) to legalize and maintain the iron bridge across Pearl River at Rockport, Miss., reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3257) to legalize and maintain the iron bridge across Pearl River at Rockport, Miss., reported adversely thereon; and the bill was postponed indefinitely.

Mr. ELKINS. I am directed by the Committee on Claims, to whom was referred the bill (S. 1864) for the relief of the heirs of Benjamin Wilson, to ask to be discharged from its further consideration, and that it be referred to the Committee on Revolutionary Claims. I ask for this change of reference with the consent of the Senator having the bill in charge.

The PRESIDENT pro tempore. Without objection, it will be so ordered.

Mr. MASON, from the Committee on Claims, to whom was referred the bill (S. 3384) for the relief of Recknagel & Co., reported it without amendment, and submitted a report thereon.

JOHN H. EGGBORN.

Mr. MASON, from the Committee on Claims, to whom was referred the bill (S. 781) for the relief of John H. Eggborn, of Culpeper County, Va., reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 781) entitled "A bill for the relief of John H. Eggborn, of Culpeper County, Va.," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

BILLS INTRODUCED.

Mr. McMILLAN introduced a bill (S. 3613) granting an increase of pension to John R. Eggeman; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3614) for the relief of the heirs of William A. Burt, deceased; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 3615) to provide a library building for Manila, Philippine Islands; which was read twice by its title, and referred to the Committee on the Philippines.

Mr. WARREN introduced a bill (S. 3616) to authorize the payment of traveling allowances to enlisted men of the regular and volunteer forces when discharged by order of the Secretary of War and stated by him as entitled to travel pay; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3617) to correct the military record of George A. Erdman; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PROCTOR (by request) introduced a bill (S. 3618) for preventing the adulteration, misbranding, and imitation of foods, beverages, candies, drugs, and condiments in the District of Columbia and the Territories, and for regulating interstate traffic therein, and for other purposes; which was read twice by its title, and referred to the Committee on Agriculture and Forestry.

Mr. BURROWS introduced a bill (S. 3619) granting a pension to Mary A. Colhoun; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MASON introduced a bill (S. 3620) granting an increase of pension to George Gaylord; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. BERRY introduced a bill (S. 3621) for the relief of S. N. Caughey; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3622) for the relief of the estate of James M. Barker, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3623) granting a pension to L. A. Sirwell;

A bill (S. 3624) granting a pension to Henry K. Davis (with accompanying papers); and

A bill (S. 3625) granting a pension to Thomas Chase.

Mr. PENROSE introduced a bill (S. 3626) authorizing the erection or rental of a suitable building for use as a library in the city of Manila, Philippine Islands, and for other purposes; which was read twice by its title, and referred to the Committee on the Philippines.

He also introduced a bill (S. 3627) appropriating $25,000 to the Franklin Institute, of Philadelphia, and the Purdue University, of Lafayette, Ind., for the purpose of determining the quantity of the so-called "hammer blows," "centrifugal lift, and tangential throw" of locomotive driving wheels in use on American railroads; which was read twice by its title, and referred to the Committee on Appropriations.

Mr. ALLEN introduced a bill (S. 3628) to remove the charge of desertion from the name of Peter Coyle; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HAWLEY introduced a joint resolution (S. R. 104) to amend the joint resolution permitting Anson Mills, colonel of Third Regiment United States Cavalry, to accept and exercise the functions of boundary commissioner on the part of the United States, approved December 12, 1893; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

AMENDMENTS TO BILLS.

Mr. McMILLAN submitted an amendment intended to be proposed by him to the joint resolution (S. R. 98) authorizing the Secretary of the Navy to cause to be struck bronze medals commemorating the naval engagements on the Cuban coast, and to distribute such medals to the officers and men of the ships of the North Atlantic Squadron of the United States; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. TURLEY submitted an amendment intended to be proposed by him to the bill (H. R. 8620) amendatory of sections 3339 and 3341 of the Revised Statutes of the United States, relative to internal-revenue tax on fermented liquors; which was referred to the Committee on Finance, and ordered to be printed.

Mr. PLATT of New York submitted an amendment proposing to appropriate $12,000 for the purchase of lot 12, block 8, in Commissioners' subdivision of Washington Heights, for the improvement of the public park on Eighteenth street extended, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. HAWLEY, it was

Ordered, That leave be granted for the withdrawal from the files of the Senate the papers relating to the case of A. H. Goodloe (S. 450, first session Fifty-fifth Congress), no adverse report having been made thereon.

REPORT ON MILITARY OPERATIONS.

Mr. HAWLEY. I submit a concurrent resolution for reference to the Committee on Printing. Only 1,000 copies of the document are printed under the regular order.

The concurrent resolution, with the accompanying paper, was read, and referred to the Committee on Printing, as follows:

Resolved by the Senate (the House of Representatives concurring), That there shall be printed 7,000 copies of the annual report of the Major-General Commanding the Army to the Secretary of War, for the year 1899, with accompanying papers and documents, of which 2,000 copies shall be for the use of the Senate, 4,000 copies for the use of the House of Representatives, and 1,000 copies for the use of the War Department and the headquarters of the Army.

TOWN-SITE COMMISSIONS IN INDIAN TERRITORY.

Mr. JONES of Arkansas submitted the following resolution; which was considered by unanimous consent, and agreed to:

Whereas frequent complaints are being made from many sections of the Indian Territory that the town-site commissions are incompetent, inattentive to their duties, and are not discharging the duties incumbent upon them:

Resolved, That the Committee on Indian Affairs be directed to inquire into the truth of these allegations and to report to the Senate.

CAPE NOME DISTRICT, ALASKA.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the concurrent resolution of the Senate to print the report of the Director of the Geological Survey relating to the Cape Nome district, in Alaska.

The amendments were, in line 2, to strike out "twelve thousand five hundred" and insert "twenty-five thousand;" in line 7, to strike out "twenty-five hundred" and insert "five thousand;" in line 8, to strike out "five thousand" and insert "ten thousand;" in line 9, to strike out "five thousand" and insert "ten thousand."

Mr. COCKRELL. Now let the concurrent resolution be read as it will be as amended.

The concurrent resolution was read as amended by the House of Representatives, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 25,000 extra copies of the report of the Director of the Geological Survey submitted to the Secretary of the Interior, relating to the Cape Nome district, in Alaska, with maps accompanying the same, 5,000 copies for the use of the Senate, 10,000 copies for the use of the House of Representatives, and 10,000 copies for distribution by the Geological Survey.

Mr. PLATT of New York. On behalf of the Committee on Printing, I move that the Senate concur in the amendments of the House.

The amendments were concurred in.

INTERVENTION IN SOUTH AFRICAN WAR.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate of the United States:

In response to the resolution of the Senate of March 12, 1900, calling for the correspondence touching the request of the Governments of the South African Republics for my intervention with a view to the cessation of hostilities, I transmit herewith a report of the Secretary of State furnishing the requested papers.

WILLIAM McKINLEY.

EXECUTIVE MANSION, *March 15, 1900.*

HOUSE BILL REFERRED.

The bill (H. R. 5049) to settle the title to real estate in the city of Santa Fe, N. Mex., was read twice by its title, and referred to the Committee on Public Lands.

WILLIAM G. M'LAIN.

Mr. GALLINGER. I ask for the present consideration of the bill (H. R. 4648) granting an increase of pension to William G. McLain. It is a bill in behalf of a soldier who is at the present time very sick. I ask unanimous consent for its present consideration.

There being no objection, the bill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William G. McLain, late of Company F, Twenty-seventh Regiment Iowa Volunteer Infantry, and to pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ESTATE OF SEWELL COULSON, DECEASED.

Mr. FAIRBANKS. I should like to have the present consideration of the bill (S. 835) for the relief of Mary A. Coulson, executrix of Sewell Coulson, deceased.

There being no objection, the bill was considered as in Committee of the Whole. It proposes to pay to Mary A. Coulson, executrix and sole legatee of Sewell Coulson, deceased, late of Sullivan, Ind., $3,950, being the amount due to him for professional services rendered as an attorney at law, the services being the defense of sundry actions instituted and prosecuted against a military officer and men of his command in the Indiana State courts and the United States circuit court within and for the district of Indiana for acts done by them while in the discharge of their duty and in obedience to orders emanating from the authority of the United States Government during the late war.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUERTO RICAN REVENUES.

Mr. SULLIVAN. Mr. President——

Mr. ALLISON. I ask the Senator from Mississippi to yield to me that I may this morning call up House bill 9080 for consideration.

Mr. SULLIVAN. I yield to the Senator from Iowa for that purpose.

The PRESIDENT pro tempore. The Senator from Iowa asks for the present consideration of the bill (H. R. 9080) appropriating, for the benefit and government of Puerto Rico, revenues collected on importations therefrom since its evacuation by Spain, and revenues hereafter collected on such importations under existing law.

Mr. ALLISON. Mr. President, this is a bill reported unanimously from the Committee on Appropriations. I gave notice several days ago that I would call it up, but for one reason and another it has been laid over. I now ask that it may be considered. I think it will not take a very great length of time.

The PRESIDENT pro tempore. The bill will be read.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Appropriations with amendments.

The first amendment was, on page 1, line 9, after the words "nineteen hundred," to strike out:

Together with any further customs revenue collected on importations from Puerto Rico since the 1st of January, 1900, or that shall hereafter be collected under existing law.

The amendment was agreed to.

The next amendment was, on page 2, line 1, after the word "government," to insert:

Now existing and which may hereafter be established in Puerto Rico, and for public education, public works, and other governmental and public purposes therein.

The amendment was agreed to.

Mr. FORAKER. If in order, I have——

Mr. ALLISON. I ask the Senator to wait one moment until the other amendments are agreed to.

Mr. FORAKER. Very well.

The next amendment was, after the amendment just agreed to, in line 4, page 2, to strike out the words:

And benefit of Puerto Rico until otherwise provided by law.

The amendment was agreed to.

The next amendment was, on page 2, line 5, after the words "and the," to strike out "revenues herein referred to, already collected and to be collected under existing law, are" and to insert "said sum, or so much thereof as may be necessary, is."

The amendment was agreed to.

Mr. JONES of Arkansas. Mr. President, this is an important bill, and the effect of the committee amendments I can not understand without a copy of the bill before me. I have sent for a copy, but have not been able to see one. I think there should be some explanation made to the Senate as to what the amendments mean; what they are for.

Mr. COCKRELL. Let the bill as now amended be read.

Mr. STEWART. That is the quickest way.

Mr. JONES of Arkansas. I think the amendments ought to have more consideration than they can receive by being read in this way.

Mr. ALLISON. I will explain briefly. The effect of the amendments proposed by the committee is simply to make a specific appropriation of these revenues down to and including the 1st day of January, 1900. The bill as passed by the House proposed an appropriation also of revenues hereafter to be collected. Then the committee enlarged somewhat, or rather modified somewhat, the uses and purposes to which the appropriation shall be applied.

I will say to the Senator from Arkansas that the bill was very carefully gone over in the Committee on Appropriations and these amendments received the sanction of that committee. They are amendments more in form, perhaps, than otherwise, except that they strike out the provision making an appropriation of future revenues.

Mr. STEWART. Let the bill be read.

Mr. ALLISON. Now, I ask that the bill be read as amended.

The PRESIDENT pro tempore. The bill will be read as amended.

The Secretary read the bill as amended, as follows:

Be it enacted, etc., That the sum of $2,095,455.88, being the amount of customs revenue received on importations by the United States from Puerto Rico since the evacuation of Puerto Rico by the Spanish forces on the 18th of October, 1898, to the 1st of January, 1900, shall be placed at the disposal of the President, to be used for the government now existing and which may hereafter be established in Puerto Rico, and for public education, public works, and other governmental and public purposes therein; and the said sum, or so much thereof as may be necessary, is hereby appropriated for the purposes herein specified, out of any moneys in the Treasury not otherwise appropriated.

Mr. JONES of Arkansas. I should be glad if the chairman of the committee would explain just what is the effect of the first committee amendment. You propose to strike out the words "together with any further customs revenues collected on importations from Puerto Rico since the 1st of January, 1900, or that shall hereafter be collected under existing law," and to insert "now existing and which may hereafter be established in Puerto Rico, and for public education, public works, and other governmental and public purposes therein." You then strike out the words "and benefit of Puerto Rico until otherwise provided by law." I confess I do not at once get the exact meaning of these different amendments.

Mr. ALLISON. The first amendment, the Senator will see, is to confine the appropriation to the revenues collected up to the 1st of January, 1900. That is a distinct amendment.

Mr. JONES of Arkansas. Then what is to be done——

Mr. ALLISON. And the other is an amendment making a little more clear the purposes to which the revenues may be applied.

Mr. JONES of Arkansas. Then, as the bill came from the House it appropriated the revenues that have been derived up to the 1st of January and those that are to come hereafter?

Mr. ALLISON. Yes.

Mr. JONES of Arkansas. Now the Senate proposes to strike that out. What disposition does the Senator propose to make of the revenues derived after that time?

Mr. ALLISON. That will be a matter, of course, for Congress to dispose of at any time. We desire to make this appropriation specifically. Of course we could not know how much revenue would be received after the 1st of January. This is——

Mr. JONES of Arkansas. I should be glad to vote for the bill if it contained a provision to return to Puerto Rico all of the money that has been collected from Puerto Rico under the customs laws since the ratification of the treaty, coupled with a provision that there shall be no more collected.

Mr. ALLISON. I have no doubt the Senator would be glad to do that, but I trust he will not raise that question, which is the very one that we are debating here from day to day in connection with the whole subject of Puerto Rico. It was the object of the Committee on Appropriations to avoid any question as respects the matters which are continually the subject of debate here. We all agreed, I think, that it would be unwise to involve those questions in the consideration of this bill. I hope the Senator from Arkansas will see his way clear to follow these suggestions.

Mr. JONES of Arkansas. Mr. President, I regard this bill as an extremely important measure——

Mr. ALLISON. So do we all.

Mr. JONES of Arkansas. And one that touches the fundamental principles on which this Government is organized. For one I do not believe that there is any law for the collection of revenues from importations coming from Puerto Rico into this country. So I believe it is the duty of the Senate and the duty of Congress to return what has already been collected. It ought to be returned to the men who paid it. When we levy these taxes on certain individuals and compel them to pay these revenues and take them into the hands of the Government and then propose to pay it back to the government of Puerto Rico, we are guilty of a double injustice. This ought not to be done.

I do not know just how the matter could be remedied, but it seems to me that the bill ought to provide for the return of these duties to the men who paid them, and it should provide that there shall be no more collection of duties coming from Puerto Rico to the ports of this country, and I must offer an amendment of that sort. I can not afford to vote for this kind of a proposition. As soon as I can have time to prepare it properly I will offer it.

Mr. ALLISON. Mr. President, this is a proposition which in no sense deals with the complicated question suggested by the Senator from Arkansas. Whilst he gives it as his opinion that the duties ought not to have been collected, I think the opinion of the law officers of the Government and of the best lawyers in the country is that under existing law the duties must be collected until Congress provides otherwise.

Therefore, without going into that question at all, or the question whether hereafter we shall be compelled to return these same duties under decisions of the courts to the persons who have paid them, it is known to every Senator here that the situation in Puerto Rico is now such that those people do require an appropriation from this Government in order to carry on their governmental affairs. That being true, it was the object of the committee to avoid these conflicting interpretations and these questions that are now being considered every day, and which the Senator will have a thorough opportunity to present under the Puerto Rican bill now in charge of the Senator from Ohio [Mr. FORAKER], chairman of the Committee on Pacific Islands and Puerto Rico. So I trust he will not on this occasion seek to involve this appropriation in those complications.

Mr. JONES of Arkansas. Mr. President, I must offer an amendment, if I can have the time to know exactly where it should go in. I want to make this proposition:

That all duties collected to this date upon articles imported into the United States from Puerto Rico since the 11th day of April, 1899, the date of the exchange of ratifications of the treaty of peace between Spain and the United States, be returned to the persons from whom they were collected, and from and after the passage of this act no duties shall be collected on articles coming from Puerto Rico.

As soon as I can put that in shape I will offer it.

Mr. COCKRELL. The 18th day of October, 1898, the date of the evacuation of Puerto Rico, instead of the 11th day of April, 1899.

Mr. JONES of Arkansas. I think the time of the ratification ought to be the date. I have no objection to making an appropriation to help the people of Puerto Rico, but I think the best way to do is to give them justice. I think the best way to do this would be to strike out the whole of the bill after the enacting clause and to insert what I send to the desk. I offer that as an amendment.

The PRESIDENT pro tempore. The Senator from Arkansas proposes an amendment which will be read.

The SECRETARY. Strike out all after the enacting clause and insert:

That all duties collected to this date upon articles imported into the United States from Puerto Rico since the 11th day of April, 1899, the date of the exchange of ratifications of the treaty of peace between Spain and the United States, be returned to the persons from whom they were collected, and from and after the passage of this act no duties shall be collected on articles coming from Puerto Rico.

Mr. ALLISON. I do not wish to be factious about this amendment, but I submit to the Chair that it proposes new and important legislation and certainly has no place on an appropriation bill. I dislike to make a point of order, but if I can, I make it.

Mr. JONES of Arkansas. It will not be on an appropriation bill if the motion prevails to strike out all after the enacting clause and insert what I propose as a substitute.

Mr. ALLISON. I am sure it will not; but this is an appropriation of money, and here is very important legislation proposed, I submit to the Chair, not only as respects the money that is to be paid, but as respects legislation for the future. I leave that to the Chair.

Mr. SCOTT. I should like to hear the amendment read again. We could not hear it well in the corner of the Chamber.

The PRESIDENT pro tempore. The amendment will be again read.

The Secretary again read the amendment.

Mr. LINDSAY. Mr. President, this amendment seems to settle conclusively a question that is at least open to doubt. If the duties have been paid without authority of law the parties who have paid them have a just claim against the Government for their return, and the adoption of the amendment of the committee will not at all preclude those people from asserting that claim. If it turns out, however, that the courts shall decide——

Mr. SPOONER. Will the Senator permit me a moment?

Mr. LINDSAY. Certainly.

Mr. SPOONER. A suit is pending now based on that proposition.

Mr. LINDSAY. If it shall turn out in the end that these duties were legally and constitutionally collected, and that the Government has the right to keep the money and is under no obligation to return it, the adoption of the substitute offered by the Senator from Arkansas will amount to a donation of $2,090,000 to the people who paid these duties. It seems to me that we ought to leave that question to be determined by the courts and not undertake to adjudicate it in the Senate.

The latter clause of the amendment, which provides that no further duties shall be collected upon imports from Puerto Rico, I shall very cheerfully support, but I can not undertake to decide this disputed question in favor of those people who have voluntarily imported their goods into the United States and paid the import duties.

Mr. MASON. Mr. President, the bill pending is a straight appropriation bill. The amendment offered is not germane to the pending bill. The appropriation bill, it is true, provides for an appropriation out of a specific fund, or, in other words, it provides

for an appropriation equal to the amount received in a specific fund, whereas the amendment offered by the Senator from Arkansas proposes future revenue legislation. It fixes what in my opinion and in the opinion of many is already the law in the case.

In other words, when we are about to appropriate two million and odd dollars for the benefit of the people of Puerto Rico in their hour of distress, because they are in need of money, because of the disasters that have come from storm and flood and hurricane, the Senator seeks to add as an amendment to that bill a provision governing the future revenue laws between one part of the United States and another.

I sympathize very strongly with the thought that there should be no revenue collected upon import duties between the United States and any other part of the United States. I believe Chief Justice Marshall stated the law when he said that the Constitution goes where the Government goes, and particularly that part of the Constitution which fixes the right to lay impost duties and provides that they must be uniform.

I consider, and I desire to suggest respectfully to the Chair, that the amendment which fixes the future revenue legislation is not pertinent, that it is not germane to the pending bill, which proposes simply an appropriation for the benefit of Puerto Rico.

Mr. SPOONER. I am compelled to say that so far as the point of order made is concerned——

The PRESIDENT pro tempore. The point of order has not been raised, as the Chair understands it.

Mr. SPOONER. I do not know that the point of order has been raised.

The PRESIDENT pro tempore. It has not been raised, as the Chair understands.

Mr. MASON. The Senator from Iowa made the point of order.

Mr. ALLISON. I suggested it.

The PRESIDENT pro tempore. The Chair did not understand that the Senator made a point of order. If the Chair had understood it, he would have ruled upon it at once without any debate.

Mr. SPOONER. I was about to say, supposing the point of order had been made that the amendment changed the direction of the appropriation, it would not to my mind be well taken. This is not a general appropriation bill. It is an appropriation of $2,095,455.88 derived from customs, and it is provided here that the money may be used in a certain way by the President. I have not myself been able to see, that being a special appropriation, it would not be competent for the Senate by an amendment to change the beneficiary if the Senate saw fit to do so. I do doubt somewhat the validity of one amendment which the Senator from Arkansas proposes. As I understood him, the effect of it, if adopted, is to change the revenues as to the future. I have not supposed that the Senate could originate a proposition of that kind. But that point of order has not been made.

I rose, Mr. President, for the purpose of saying a word upon the merits of this amendment. Every Senator, of course, acts upon his own judgment and upon his own responsibility, but I had hoped that no Senator would feel impelled by a sense of duty to propose an amendment to this bill raising a question concerning which there is division of opinion in the Senate, and I hope now that, on reflection, the Senator from Arkansas will not press the amendment. This really is a bill of mercy; it is a bill of generosity and humanity; it is, it may be said, without precedent, but our situation is unprecedented. The necessity for this bill and our relation to it grows out of a condition which is new to us. It has been reported by General Davis, and is known to our people, that the condition in Puerto Rico is inexpressibly distressing. Out from under the tyranny of Spain, that island was devastated by the forces of nature. General Davis has reported that there is the utmost paralysis there; that there is great distress there; and he is using, as a military commander—and he has the power to do it under the laws of war, and it is just and proper that he should do it—funds now to relieve that people from starvation. He says:

> The coffee lands suffered worst. These trees are planted on the hill and mountain slopes, and in many places the declivities are very abrupt. The gale tore up the trees, loosened the soil, and the deluge of water converted the earth into a semifluid.
>
> Then followed landslides, and thousands of acres of coffee plantations slid down into the valleys; trees, soil, rocks, and every vestige of culture are piled up in the bottom of the valleys. In such cases there is no restoration possible, for where there were smiling groves are now only bald rocks which were uncovered by the avalanches.
>
> Where the soil was not disturbed the most of the coffee trees were either uprooted, broken off, or stripped of foliage and the immature berries. The larger trees of other varieties, which are habitually grown for shade to the coffee, were blown down, and their protection to the coffee trees is also gone; so where the trees are not wholly denuded the protection of the berries from the sun's heat is absent, and the green fruit is blighted and spoiled.
>
> It will take five years to reestablish these coffee vegas, and there will be necessarily years of want and industrial paralysis.
>
> The sugar industry has suffered much less than the others. Some cane has been uprooted, and some has been buried, and many mills have been damaged or destroyed. The margin of profit at present prices to the sugar grower is small, but there is a margin of probably a half cent per pound to the manufacturer who has modern machinery; but the old "Jamaica train" mills, which are badly damaged, will probably never be reconstructed, and the growing cane for next year can not be ground on such estates unless their owners can negotiate large loans. Many will be unable to do this, so the prediction seems justified that much growing cane will next year be left to rot in the fields.
>
> The municipal governments are many of them prostrate; the police can not be paid, the prisoners can not be fed, and the schools must be closed if not wholly supported from the insular treasury.
>
> From every town and village I am appealed to for financial help, donations; loans are asked, implored even, and the alternative of chaos is predicted as the result of refusal. Proprietors beg for financial help, and the homeless for rehabilitation of their dwellings. * * *
>
> I can think of but two measures of relief. Neither alone will fully realize that result, and with a combination of the two the recovery will not be immediate. Unless something is done by the invocation of powers beyond my control, I fear that the conditions prevailing will go from what is now extremely bad to a still worse condition, even to the assumption in certain localities of military government, pure and simple, with hordes of people dependent for their existence on the bounty of the Government of the United States and its people.
>
> I have abstained from any expression of opinion upon this matter until I could have time to investigate the real state of affairs in which the island was left by the calamity, the like of which the people of the United States fortunately have and can have no conception.
>
> It is with hesitancy that I propose measures of relief that have been hitherto unknown, but our country has by assumption of sovereignty over foreign lands and people incurred responsibilities which can not be evaded. By the treaty of Paris nearly 1,000,000 inhabitants of Puerto Rico have been *brought under the laws of the Union*. They are unused to American laws and customs, and have had in the past no power of initiation. They were taught and forced to rely upon the Government in any and every important undertaking or proposition. They have been thoroughly taught to obey, but know little of self-reliance. Is it surprising that the obliteration of one-third of the wealth of the island, other than the soil itself, has been followed with industrial paralysis? So I have to hear the appeals—most piteous appeals—for help from almost every hamlet. They see no way to turn but to the way they have always turned—i. e., to the Government, and as its representative here I must hear and dispose of those appeals.
>
> Many millions of money, as loans, have been asked by municipalities and individuals. *I can only give food for the hungry. Should the supply fail, there would be a famine such as in the past has swept over and depopulated large districts in India and China.*

The object of the appropriation is expressed on the face of the bill itself. The appropriation is:

> To be used for the government now existing and which may hereafter be established in Puerto Rico, and for public education, public works, and other governmental and public purposes therein.

To propose to divert this money needed over there to the men who imported these articles—and they are very few—into the United States, is not a purpose which ought to commend itself to the popular judgment or to the judgment of the Senate.

Out of this money which is proposed here to be appropriated about $1,800,000, as I remember it, was collected from duties upon sugar, controlled by a very few men and imported by a few men. One hundred and eighty thousand dollars, or thereabouts, was collected from tobacco, and some was collected upon tropical fruits.

There is now a suit pending, brought by some of these men who have imported some of these articles from Puerto Rico into the United States, and paid the duties under protest, to recover this money upon the ground that the Government had no power to exact the duties. Why should we anticipate a decision in that case? It may be fair to say that there is much to be said on both sides of the question, although from my own standpoint—and I do not intend to make any discussion upon that—I think the duties were properly collected and can not be recovered by those who paid them.

Mr. TURLEY. Will the Senator from Wisconsin allow me to ask him a question?

Mr. SPOONER. Certainly.

Mr. TURLEY. Suppose the suits the Senator referred to were gained, that the court decided that the tax was illegally collected, and this money has to be refunded to the people who paid it, then we shall have to pay it back to the people who paid it?

Mr. SPOONER. Yes.

Mr. TURLEY. Then we have to levy a tax of $2,095,455.88 on the people of the United States in order to raise this fund which has been heretofore paid by the people of Puerto Rico.

Mr. SPOONER. That is true.

Mr. TURLEY. Then why not wait until it is decided whether the tax was rightfully collected before we make any disposition of it?

Mr. SPOONER. And let the people of Puerto Rico starve until this cause has gone through the various courts of the United States and we have ascertained by a decision whether we are obliged to pay back to the importers of sugar and the importers of tobacco the moneys collected from them as duties upon these imports? Is that a proposition to which the Senator would subscribe?

Mr. TURLEY. I do subscribe to this proposition, Mr. President: That I am not in favor of taxing the people of the United States for this purpose, and that is what this means, no matter how you state it, because this fund here, as it exists in this bill, is the result of taxation imposed upon the citizens of the United States, and it is simply levying a tax to make a donation. That is all it is.

Mr. SPOONER. The proposition of the Senator is one which would, of course, render it impossible for us to afford any relief to that people.

I have voted to appropriate money raised by taxation to relieve people in distress in some of the States through floods and other misadventures and misfortunes, and I should vote to appropriate, and will vote, independent of the source from which this money was derived, to appropriate the money necessary to relieve from distress that people, still under a military government and not long under our flag.

Mr. KENNEY. May I ask the Senator a question?

Mr. SPOONER. Certainly.

Mr. KENNEY. You are in favor of making an appropriation of $2,095,455.88 for the relief of the people of Puerto Rico; but could that not be done by striking out all of this proposed bill which relates to any revenue collected on the imports from that island and making a plain and clear appropriation of two or three million dollars, if it be necessary, for those people, and, as has been suggested, let the question of revenue be settled hereafter?

Mr. SPOONER. It is a matter of no consequence that that language is in the bill. It is in the bill because it is the measure of the amount—$2,095,455.88. That is the amount which has been collected, and I think properly collected, and I propose to vote for the bill with that in it, Mr. President. I propose to vote for it just as soon as I can, because we can not be too speedy in our enactment to carry relief to that people.

Mr. CLAY. Will the Senator allow me to ask him a question?

Mr. SPOONER. Certainly; I will allow everybody to ask me a question.

Mr. CLAY. Is it not a matter of fact that this $2,095,455.88 has been collected during the last nine or ten months from the people of Puerto Rico by the Government of the United States? That is true, is it not?

Mr. SPOONER. It has been collected from a very few of the people of Puerto Rico by the Government of the United States.

Mr. CLAY. We have collected this amount from a people who are on the verge of starvation.

Mr. SPOONER. I did not say anything of the kind; and if anybody else says that, I deny it.

Mr. CLAY. We have collected that amount from a people who are suffering and distressed, and have been suffering to an extreme on account of hardships endured there and on account of storms and other events that I do not care to mention. Now, have we not done wrong in collecting any money from them?

Mr. SPOONER. I think not.

Mr. CLAY. If we have been collecting revenue from a people in that condition, you think now we ought to pay it back?

Mr. SPOONER. I think we have been right in collecting the revenue, and I think we ought to make this appropriation. Is that an answer to the Senator's question?

Mr. CLAY. I think it is; but I do not think it is consistent by any means.

Mr. SPOONER. I said a moment ago that this entire sum that was collected from a comparatively few people. It has not been collected from the poor people of Puerto Rico, but it has been collected from the comparatively few people who produce sugar and tobacco there.

Mr. TILLMAN. Will the Senator allow me?

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. SPOONER. Certainly.

Mr. TILLMAN. I should like to ask the Senator, when he states the broad proposition that this money has not been collected from the poor people, if the poor people did not labor to create this sugar, and if the element of value, of the cost of it, is not that of labor to at least three-fourths of the amount?

Mr. SPOONER. No.

Mr. TILLMAN. If you can create sugar without work, then——

Mr. SPOONER. You can not create sugar without work.

Mr. TILLMAN. Very well. When you make cotton——

Mr. SPOONER. You can create sugar just as you can create cotton, and pay a very small price for the labor which produces it. That is what was done down there.

Mr. TILLMAN. As to the cost of cotton, it takes about four-fifths of the price received for the cotton to pay for the labor to produce it, and sometimes it is seven-sixths; in other words, we do not get as much for the cotton as it costs to raise it. [Laughter.]

Mr. COCKRELL. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Missouri?

Mr. SPOONER. Mr. President, I yield to the Senate. [Laughter.]

Mr. COCKRELL. Mr. President, I think no one can question the fact that an emergency now exists in the island of Puerto Rico in consequence of the change of administration, in consequence of the change of laws, of the island passing from under Spanish dominion to the dominion of the United States, and of a storm, the terrific and devastating nature of which can scarcely be conceived by any inhabitant of the United States, where we are not subject to such calamities and such hurricanes as happen there, by which the whole island, from one end to the other, has been devastated and the means of subsistence of the people practically destroyed. It will take time before any restoration can be made. The people are without the means of recuperating; and I believe it is the duty of the United States, under the circumstances and under the emergency, to make an appropriation for their relief.

As to the manner of the appropriation, the bill as it came from the House has been read and the Senate amendment. The question comes up now, first, as it is claimed by some, that these duties were illegally levied; that under the Constitution we had no right to exact any duties upon such imported articles. The importing merchants, as I understand, have paid these duties and have instituted suits in our courts to test the validity of this imposition of duty. Those suits are now pending. If they are decided in favor of the contestants, the money will be refunded to them, and I presume that nearly all of the large importers, at least, have filed protests. The duties will then have to be refunded out of the Treasury of the United States, as all such illegal taxes are refunded when proper protests are made within the time prescribed by law. I presume in these cases, necessarily, that nearly every importer of any amount has filed his protest.

Mr. President, I am opposed to that part of the amendment of my friend from Arkansas [Mr. JONES] which proposes to return these duties to those who paid them. That would give the money to the importers.

Mr. SPOONER. And not to the producers.

Mr. COCKRELL. The producers have nothing to do with it. Those duties have been paid by the consumers of those articles in the increased prices which they have paid for them. The people of Puerto Rico have not paid those duties; they have not expended the money; but it has been paid by the importers, the amount of the duty being added to the selling price of the commodities in our market, and finally has been paid by the consumer. If the motion was to refund the money to those who have consumed the articles, justice would be done.

Mr. JONES of Arkansas. May I ask the Senator a question?

Mr. COCKRELL. Certainly.

Mr. JONES of Arkansas. Of course I want to find out what the facts are in this case. I know the Senator from Missouri usually when he speaks has accurate information, and he is a member of the committee which has reported the bill. He says that the duties were not paid by the people of Puerto Rico, and that they have no interest, as I understand it, in the return of those duties. I should like to know what the Senator bases that statement upon. Is it a mere conjecture on his part, or is he familiar with the facts?

Mr. COCKRELL. I base it upon the principle, which has been advocated from the foundation of this Government, according to my economic theories, that the consumer of imported articles in the increased price occasioned by the duty pays in the end.

Mr. JONES of Arkansas. I agree with the Senator that that is the fact; but the point I want to get at in this case is this: A very large quantity of goods that come into the United States are sent by their owners abroad to consignees here. The duties are paid by the men who own the goods. If the producers of this sugar send it to consignees in New York, they, of course, would be compelled by their agents to pay the tax. Then, when the tax is returned, it goes to the producers or owners of the sugar. If the men who owned the sugar imported it to this country and the duty should be refunded to their consignees here, would not the owners ultimately receive it?

Mr. COCKRELL. I imagine in almost every solitary instance the articles were purchased in Puerto Rico and shipped here by the purchasers, and that the people of Puerto Rico necessarily received a less price for their products than they would have received if the importers of them had not been obliged to pay an impost duty.

Mr. JONES of Arkansas. Certainly that would be the case if they paid the duties. The only point on which I wanted to be informed by the Senator was whether these goods were shipped to the United States by consignment or shipped here by the purchasers in the United States.

Mr. COCKRELL. My impression is that most of them were purchased in Puerto Rico. I may be mistaken on that point. It would be very difficult to find out whether a man had purchased or not, so far as that is concerned, but my impression is that the articles were largely purchased.

Mr. JONES of Arkansas. In many branches of trade, as the Senator knows, a great majority of the goods which come into this country are consigned by the owners to consignees, and the owners of the goods pay the duties. That is the case in many branches of trade, and it may be the case in the sugar trade. It

may be that the producers of sugar in Puerto Rico are the men who have sent these goods here on consignment and have paid the duties which are proposed to be refunded in this way.

Mr. KENNEY. Would not the increased price charged by the agent of the consignee bring back to him the duty he would have to pay?

Mr. SPOONER. Now, Mr. President, I will hear the question of the Senator from Missouri [Mr. COCKRELL].

Mr. COCKRELL. I have not propounded any question.

Mr. SPOONER. I thought the Senator interrupted me for a question.

Mr. COCKRELL. I thought the Senator had yielded the floor.

Mr. SPOONER. No; I yielded to you for a question.

Mr. COCKRELL. Then I am not through. [Laughter.]

Mr. President, we ought to be frank with each other here and deal candidly. The question comes up, Why was not this a direct appropriation? It will be a direct appropriation in the event the importers succeed in having the tax refunded.

We all know that there has been some excitement in this country over legislation affecting Puerto Rico; we all know that the President in his message recommended that no duty should be imposed upon Puerto Rican articles imported into the United States; we know that the Secretary of War recommended the same thing, and that the commanding general in Puerto Rico made the same recommendation and thought that it was absolutely essential to the people of Puerto Rico that no duty should be imposed upon articles imported from there into the United States. This question came up, and some legislative body which had authority to discuss this question had it up for a long time, and this was a makeshift; it was a manner of evading the question. I confess our friends upon the opposite side were in somewhat of a dilemma, and this was the horn of the dilemma which they chose to seize.

The object of this appropriation is a good one. The people of the country are perfectly competent to pass upon the motives which have led to selecting this one fund to make it appear that we are not taxing Puerto Rican products. I think the appropriation ought to be made, and I think it ought to be made at once. I believe that the circumstances justify it. As to whether it shall be made out of this particular fund I do not consider material. It is, as I said, simply to alleviate the congested condition of public sentiment on this question.

Mr. STEWART. I should like to inquire of the Senator if this appropriation is made out of any particular fund in the Treasury?

Mr. COCKRELL. It is the appropriation of a specific fund that went into the Treasury.

Mr. STEWART. A specific amount?

Mr. COCKRELL. A specific amount and a specific fund. That fund, in all probability—and that shows the makeshift of the whole thing—has doubtless gone into the general fund of the Treasury, and is there as a part of the balance on hand. It has never been segregated. The tariff revenues are never segregated and kept in a separate account. They all become part and parcel of the balance in the Treasury and are expended just as any other money—like the internal-revenue taxes, for instance.

Mr. STEWART. I inquire of the Senator if this would not have precisely the same effect if the amount were appropriated without referring to any particular fund?

Mr. COCKRELL. Of course, the legal effect is precisely the same, so far as that is concerned, because we may have to refund this amount. Then, as a matter of course, it will be an appropriation directly from the Treasury.

Mr. President, under the circumstances I shall vote for the appropriation. I should like to vote for the latter clause of the amendment of the Senator from Arkansas, for I believe in that principle; but we shall have an opportunity hereafter to pass upon that question. Therefore I did not see proper in the Committee on Appropriations to raise that question because of the emergency now existing in Puerto Rico for immediate relief. The committee framed the amendment so as to make the appropriation a little more specific than it was in the bill as it came to the Senate. It came to us in this form:

> Shall be placed at the disposal of the President, to be used for the government and benefit of Puerto Rico until otherwise provided by law.

That left it unlimited. We proposed to amend it so as to read:

> Shall be placed at the disposal of the President, to be used for the government now existing and which may hereafter be established in Puerto Rico.

We hope at some time the distinguished Senator from Ohio [Mr. FORAKER] will be able to get his bill through the Senate. There have been caucuses enough already on it to have passed it. [Laughter.] We hope it will come to a final conclusion at some time; and then the kind of government to be established hereafter will be determined.

We point out more specifically in the bill that the object of the appropriation is "for public education, public works, and other governmental and public purposes therein."

Mr. FORAKER and Mr. STEWART addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Ohio?

Mr. COCKRELL. Yes, sir.

Mr. SPOONER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin claim the floor?

Mr. SPOONER. I yielded to the Senator from Missouri [Mr. COCKRELL]; I now yield to the Senator from Ohio [Mr. FORAKER], and later I will yield to the Senator from Nevada [Mr. STEWART].

Mr. FORAKER. I wanted to ask the Senator from Missouri a question at this point, provided the Senator from Wisconsin [Mr. SPOONER], if he has the floor, will allow me to do so.

Mr. SPOONER. Certainly.

Mr. FORAKER. The Senator from Missouri [Mr. COCKRELL] was just speaking of the amendment proposed by the committee. I want to call his attention to the fact that the great industry of the island, as I know he is fully aware, is the coffee industry, and that the coffee plantations there are practically destroyed in consequence of the hurricane to which he has referred.

It seems to me, if we are to make an appropriation—although it does seem to be in the nature of paternalism, which is always objectionable—that we ought to make the purpose for which this money may be applied by the President broad enough to allow it to be used in granting relief to that industry. I wanted to suggest—and I rose a while ago to make a motion to that effect—that we amend the bill as it has now been amended by inserting in line 4, on page 2, after the word "therein," the words "including agricultural relief."

I think we are all agreed that there should be an appropriation; but I do not think it can be very important whether it is made in one form or another. It will be a general appropriation, of course, if it should turn out that those duties were improperly collected in the sense which has been suggested; but even if we knew that would be the result, I take it we would still proceed to make this appropriation, for the situation is such as to imperatively require it. If we would do anything toward the relief of Puerto Rico, it seems to me we could not in any way so effectually relieve the situation there as by placing it within the power of the President, by the provisions of this bill, so to use the money we are appropriating as to relieve that industry.

Mr. COCKRELL. I do not want to raise the question of that mode of relief. I think in the Senator's bill there is a provision for raising a loan for Puerto Rico, is there not?

Mr. FORAKER. Yes.

Mr. COCKRELL. If the owners of the coffee plantations there are to be furnished money gratuitously, I do not think it is exactly right. I think they ought to return the money. I think there is such a provision in the bill of the Senator, and we could not well put a provision of that kind in this bill now because there is an emergency. It might be well when the other bill comes up to make provision there that a certain amount of money shall be advanced, and that the officials there shall loan it to those people who are themselves able to insure its reimbursement.

Here, for instance, is a man who has a large coffee plantation. If he can obtain the money to pay for the labor upon it until he can get the plantation in good condition, he will be able to pay it back; but now he has no credit and there is no money there. An advance might be made just as was done here in the District of Columbia, where we made an advance out of the funds of the Treasury for the purpose of completing certain works, to be a lien upon the revenues of the District until reimbursed to the General Government.

Mr. BURROWS. Does the Senator think that could be done under the wording of this bill?

Mr. COCKRELL. I do not think it could be done under the wording of this bill.

Mr. BURROWS. Then, it does not relieve the individuals?

Mr. COCKRELL. It relieves them in ten thousand ways in regard to the maintenance of schools, in regard to the maintenance of highways, and in hundreds of other ways.

Mr. SPOONER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Wisconsin?

Mr. COCKRELL. I give the floor back to the Senator, with thanks.

Mr. SPOONER. I yielded to the Senator from Missouri, as I supposed, for a question, and the Senator from Missouri proceeded to make a speech. I am glad he did. In the main it was an excellent speech, and I am proud to have it in the body of my remarks as a part of my speech. It is very seldom that I am willing to have a Democratic speech made part of my speech. The Senator's speech was temperate, almost entirely free from any partisan phase, and altogether humane and sound.

The Senator is altogether right that the duties were collected from the importers in the main. Some of them may have been, as suggested by the Senator from Delaware [Mr. KENNEY], collected from the producers who had consigned the goods to the

United States; but it all comes to this, I beg the Senator from Arkansas [Mr. JONES] to remember: If we make this appropriation and the courts shall decide that the duties were illegally exacted, we must, of course, refund the money to those who paid it, and we shall have made an appropriation out of the Treasury of the United States for the relief of that people. That is all there is of it. The question is raised, and it must be decided, whether the duties were illegally exacted. I think, independent of the question of constitutional law, which we have been discussing here for a few days, there is the strongest reason to suppose that those duties were not illegally collected; and if I may read for a moment, and only a moment, I want to read from what was said in the case of Fleming *vs.* Page, found in 9 Howard, 617, as follows:

> This construction of the revenue laws has been uniformly given by the administrative department of the Government in every case that has come before it. And it has, indeed, been given in cases where there appears to have been stronger ground for regarding the place of shipment as a domestic port. For, after Florida had been ceded to the United States, and the forces of the United States had taken possession of Pensacola, it was decided by the Treasury Department that goods imported from Pensacola before an act of Congress was passed erecting it into a collection district, and authorizing the appointment of a collector, were liable to duty. That is, that, although Florida had, by cession, actually become a part of the United States, and was in our possession, yet, under our revenue laws, its ports must be regarded as foreign until they were established as domestic by act of Congress; and it appears that this decision was sanctioned at the time by the Attorney-General of the United States, the law officer of the Government.
>
> And, although not so directly applicable to the case before us, yet the decisions of the Treasury Department in relation to Amelia Island and certain ports in Louisiana after that province had been ceded to the United States were both made upon the same grounds. And in the latter case, after a custom-house had been established by law at New Orleans, the collector at that place was instructed to regard as foreign ports Baton Rouge and other settlements still in the possession of Spain, whether on the Mississippi, Iberville, or the seacoast. The Department, in no instance that we are aware of, since the establishment of the Government, has ever recognized a place in a newly acquired country as a domestic port, from which the coasting trade might be carried on, unless it had been previously made so by act of Congress.
>
> The principle thus adopted and acted upon by the executive department of the Government has been sanctioned by the decisions in this court and the circuit courts whenever the question came before them. We do not propose to comment upon the different cases cited in the argument. It is sufficient to say that there is no discrepancy between them. And all of them, so far as they apply, maintain that under our revenue laws every port is regarded as a foreign one unless the custom-house from which the vessel clears is within a collection district established by act of Congress, and the officers granting the clearance exercise their functions under the authority and control of the laws of the United States.

I do not read that for the purpose of going into any discussion of the constitutional question, which has been ably presented in various phases during the last few days, but simply to say that it is apparent that the question as to the legality of these duties in the circumstances of this case is one certainly open to very grave doubt at least.

Now, let us take this appropriation. The Senator spoke of the dilemma in which the Republican party is. We nearly always manage to get out of our dilemmas. If we were in any or are in any, we will endeavor in a straightforward, manly way, in the interest of the people, to find our way out of it. We are in this dilemma, so far as this bill is concerned: We supposed this bill would not be debated or delayed. We did not suppose that a proposition to carry money to that people for public uses in the hour of their dire distress would be antagonized in any way or that there would be any attempt to project into it by amendment questions which are in dispute between us. We knew perfectly well, as every Senator here knows, that when that bill comes before the Senate it will be subject to almost illimitable and earnest debate, and we felt it not fair to that people, not fair to ourselves, not honorable to this Government that we should hold this appropriation, so much needed upon purely generous and humane principles, while this debating society on the Constitution remained at work week after week, as it will.

This will work out all right. If the court in the cause now pending holds that the persons referred to by the amendment of the Senator from Arkansas are entitled to a refund of their money, they will get it. If the court should hold that they are not entitled to it, the Senator would not propose that they should have it. Let us proceed with this proposition, without embarrassing it by amendments of this sort, and go to the relief of that people. I sincerely hope my friend the Senator from Arkansas will withdraw his amendment and let this bill pass. The other question we will discuss and fight out later.

Mr. BACON. Mr. President, I quite agree with the position taken by the Senator from Missouri [Mr. COCKRELL] so far as relates to the important duty of relieving the present condition of distress in the island of Puerto Rico. I shall vote for the bill, although it goes further than that requirement. By voting for it I do not wish to be understood as approving all of its provisions. I do not think that either the present emergency or any general principle by which the Government has heretofore been actuated under similar circumstances calls for a large appropriation from the Treasury of the United States for several of the various purposes enumerated in this bill. They do not in some of these purposes disclose such features of emergency as requires immediate relief out of the Treasury of the United States. While the matter of the public distress is urged by the advocates of the bill, there is no specific mention in the bill of the relief of public distress, and the only head under which that can be included is to be found in the general term "public purposes," the relief of public distress properly falling, I presume, under so general a term as that. Therefore if it were practicable to eliminate from this bill all except so much as is needed for the relief of the public distress, I should certainly vote for an amendment to that effect. But as it is not practicable from lack of information as to different amounts so to eliminate it, as it is not practicable for us to now determine it, rather than fail to relieve the distress, I shall vote for the whole bill.

But while I shall do so, Mr. President, I do not shut my eyes to the fact that what is held up here as a great public benefaction, what is held up as a work prompted by a feeling of benevolence solely, is in fact the outcome of a partisan political motive against which the Senator from Wisconsin [Mr. SPOONER] raises his eloquent voice, and that the presentation and advocacy of this bill are due to a political dilemma out of which the Republicans have sought this as a mode of egress. Mr. President, the Senator from Wisconsin speaks of the distress in that island and of the enormity of the offense of delaying its relief during the progress of a debating society. When did the honorable Senator from Wisconsin and the party of which he is so distinguished a member awake to the knowledge of this distress and the necessity of relieving it? When did the distress originate? Was this storm, this tornado, this hurricane, yesterday, or last week, or last month? Have we just been informed of it? When was it that the bowels of compassion of those who so eloquently urge this bill were so suddenly moved, and when was it that the Republican advocates of this bill first had the information which now has so suddenly inspired them to introduce and pass it? This storm occurred last August or September. The ruin and the devastation which it wrought have been there for five or six months. The necessity for relief has been as urgent for many months as it is to-day or was last week.

Mr. SPOONER. Will the Senator from Georgia permit me? I think General Davis has been constantly relieving it.

Mr. BACON. That may be; but I will show that there are other reasons why, even if he had not been able to continue it, there has not been such a situation as would have justified indifference in the past and the sudden interest by the Republicans which has been developed in the present with reference to this matter.

Mr. President, we all know what has been the origin of this charitable movement. We know that it has all grown out of a dispute which has been going on for some time as to whether or not duties should be levied upon the products of Puerto Rico coming into the United States or upon the products of the United States going into Puerto Rico. We know that before the dispute as to the Puerto Rican tariff, and that during all the autumn, there was not only this urgent need for relief which exists to-day, but we know that the greater part of this fund was in the possession of the Government of the United States, and that it has been there during the six months past.

So there were not only the urgency and the necessity and the demand for relief, but there was the same means for relief that exists to-day. And yet there was no movement that this distress should be relieved out of the public Treasury, nor was there any immediate realization of the fact that there should be a relief that should be measured by the amount of tariff which had been collected on goods that had come from Puerto Rico. Why was this particular amount inserted in this bill? Mr. President, does not everybody know that it was because the Republicans were panic-stricken by the universal condemnation which the country had pronounced on the Puerto Rican tariff, and that in their panic they had rushed in to proclaim that they would give the tariff back to Puerto Rico?

Mr. President, we were told that it was a plain duty that there should be no tariff duties between Puerto Rico and the United States, and in the other House of Congress, where under the Constitution revenue bills originate, there was introduced by the chairman of the committee having charge of the presentation of revenue measures, a bill with reference to the government of Puerto Rico or its relations with the Government and people of the United States, in which there was no provision for a tariff of any kind. After that bill was introduced, providing for absolute free trade with Puerto Rico, there all of a sudden developed a realization of the fact that tariff duties were necessary to be levied upon the commerce between Puerto Rico and the United States in order that the distress of the people of that country should be relieved.

Yet there is no member of either House of Congress who does not know the fact that the purpose and the effort to levy tariff duties upon the commerce between Puerto Rico and the United States did not have that as its motive, but that motive was such

as has been declared here, that outside of the question as to Puerto Rico, and without reference to the needs or interests of Puerto Rico, it was necessary that a precedent should be established in the case of Puerto Rico, or, rather, that one unfavorable to what might be required as to the Philippines should not be established. It was not until after the debate in the House of Representatives, and the action of the House of Representatives in imposing the Puerto Rican tariff had stirred a storm of indignation throughout the United States, that all of a sudden, without premonition, it was discovered that there was a great and pressing need for immediate relief in Puerto Rico, and that there was a fund in the United States Treasury which had been realized out of the collection of duties upon commerce between Puerto Rico and the United States which could be devoted to that purpose.

Sir, if it had not been for this storm of indignation the Republicans would not have suddenly discovered the necessity of immediate relief for Puerto Rico.

It was for the purpose of appeasing that public sentiment; it was for the purpose of sheltering themselves from this storm of indignation, for the purpose of finding a way out of the difficulty, as the Senator from Wisconsin says they always do, that this was suddenly brought forward; and now those who have adopted it as a political device seek to parade it as a great act of benevolence in those who originated it and who have advocated it.

Mr. SPOONER. Did I understand the Senator from Georgia correctly? Does he attribute to me the admission that the origin of this appropriation was to get out of a dilemma?

Mr. BACON. By no means. The Senator certainly misunderstood me. I said that it was to get out of a dilemma, as the Senator from Wisconsin said the Republican party always found a way of getting out of dilemmas. I did not say that the Senator said this was for that purpose. The Senator had boasted that the Republican party always found a way to get out of a dilemma, and I was simply stating the fact that this was an illustration of the truth of what he said.

Mr. SPOONER. The Senator may find before it gets through his party has gotten into a dilemma that it can not get out of.

Mr. GALLINGER. They have been there several times.

Mr. BACON. That has been several times the misfortune of more than one political party in this country.

I wish to call attention to the fact, and I do so as one who is going to vote for this bill, as I said in the beginning, that the bill is not necessary or was not necessary for the purpose and on the ground on which it is now advocated. Those who alone can control legislation in this Congress adopt this as a means of relief. Those of us who can not control legislation in this Congress have either to follow their lead in that matter or else deny all relief. Therefore we follow their lead to the extent required for the relief of this people.

But in addition to the fact that the necessity for this relief has existed for six months, in addition to the fact that the fund out of which it is proposed to make this relief, or the larger part of it, has lain in the Treasury all that time, and in the face of the fact that there was no suggestion for the relief of those people out of the Treasury of the United States and no suggestion that that relief should be measured by the particular amount which had been collected out of the duties levied upon the commerce between Puerto Rico and the United States—in addition to all this, I say this matter could have been arranged without either the levying of duties or this bill; and but for the necessity of the Republican party to get out of the hole into which it had fallen by the enactment of the Puerto Rican tariff bill in the House this bill would not have been heard of.

It is a known fact that the people of Puerto Rico are not savages. They are not people unused to financial affairs. They are not people unaccustomed to the raising of large amounts of money which may be needed for different purposes. It is a known fact that they have asked that they be allowed to raise the money they need for the relief of this distress by the floating of a popular loan, which they say they can do, as they have easily done in the past, and this Republican Congress has not seen proper to enact the legislation which will allow them to do so. It is a known fact that in addition to that the Puerto Ricans claim that in their own business, under the general laws of the United States for the raising of internal revenue, there can be raised in Puerto Rico more money than is required for their relief.

Two days ago the public dispatches brought to us from San Juan, in Puerto Rico, what purports to be an address of planters, merchants, and manufacturers of Puerto Rico to the Congress of the United States, in which they set out the sources from which they themselves can raise the money or from which there can be raised in their own territory by the Government of the United States out of their own people the amount of money necessary to enable them to properly carry on their own affairs, to relieve their own distresses, and to promote their own public works, and I will ask the Secretary to read it.

Mr. ALLEN. What government is there in Puerto Rico that we could authorize to issue bonds? There is nothing but a military occupancy.

Mr. BACON. Of course not. I simply say they have asked that they may be put in position to do it; that they may be by proper legislation empowered to do it by the Government of the United States.

Mr. ALLEN. Then we would have to recognize the existence of some government there outside of the military occupancy. Puerto Rico has no government except that of military occupancy, under the power to make war.

Mr. BACON. Of course they are speaking of the organization of a government there, for which they are extremely solicitous.

Mr. ALLEN. That government should not be authorized to issue bonds.

Mr. BACON. Which government?

Mr. ALLEN. The military government.

Mr. BACON. No. Still it might be. However, I do not advocate that.

Mr. ALLEN. Then, as a condition precedent to granting that authority, we would have to recognize some popular government.

Mr. BACON. I think we ought to have a popular government there. I think they are people of sufficient intelligence and civilization to be given full Territorial government, and I am in favor of giving it to them.

Mr. ALLEN. I agree with the Senator from Georgia in that respect.

The PRESIDENT pro tempore. The Secretary will read the paper sent up by the Senator from Georgia.

The Secretary read as follows:

VOICE FOR FREE TRADE—WISHES OF PUERTO RICANS SUBMITTED TO CONGRESS—WHOLLY OPPOSED TO A TARIFF—STATEMENT FROM THE BUSINESS INTERESTS OF THE ISLAND SUGGESTING DIRECT TAXATION AS A MEANS OF RAISING REVENUE AND A LOAN OF $2,000,000 FOR INTERNAL IMPROVEMENTS—NECESSITY OF FINDING MARKETS FOR PRODUCTS OF THE ISLAND—ASKING FOR BREAD.

SAN JUAN, PUERTO RICO, *March 12, 1900.*

The planters, merchants, and manufacturers of Puerto Rico mailed to Congress yesterday by the steamer *Philadelphia* the following statement:

"We, the undersigned, beg to submit to your earnest consideration the following views as to the financial policy of Puerto Rico. We note with regret the principle enunciated by certain speakers in the lower House of Congress, that a tariff between Puerto Rico and the United States is the proper method of raising revenue for this island. To this we are unchangeably opposed, for the following reasons:

"First. Because taxation on our exports means an embargo on our foreign commerce.

"Second. Because curtailment of our commerce with the United States would lock up our products here and prevent us from gaining our legitimate proportion of profit on our productions.

"We can never become independent financially if forced to trade solely among ourselves. We must have a market other than Puerto Rico, else we can not gain wealth. Do not mistake the proposed 15 per cent of the Dingley rates for a reasonable rate. It is a fact that no class of goods produced here from leaf tobacco will be taxed less than 25 per cent ad valorem, while one of the most important of this class will be taxed 180 per cent ad valorem under the bill adopted by the House of Representatives.

"If this is not an embargo on our trade, what can it be called?

MUTUAL ADVANTAGES OF FREE TRADE.

"We earnestly ask for free trade, believing that with a mutual interchange of products between the two countries the United States will be more than gainer. The United States will for many years supply our 1,000,000 people with their manufactured products. In general, we recognise the fact that a revenue to support the insular government would be necessary; but we are decidedly of opinion that the better method for raising that revenue will be by internal taxation, and for the following reasons:

"First. Because by that system no restriction will be placed on our commerce with the United States.

"Second. Because the adoption of that system will be as simple in operation here as it is in the United States.

"In considering the amount of revenue needed for this island, we beg to submit the following calculations, which, after due consideration, we believe can be realized: Rum, 1,200,000 gallons, which, at $1.10 per gallon, works out at $1,320,000; cigarettes, 200,000,000, which, at $1.50 per thousand, works out at $275,000; cigars, 120,000,000, which, at $3.60 per thousand, works out at $432,000—total, $2,027,000. We estimate the entire special-license tax nominally $15,000. This will give us a total revenue of $2,252,000. One-third of that equals about $750,000. A fair estimate of the annual cost of administration is $600,000; add for interest and sinking fund on bonds to be issued, $150,000. Total required, $750,000.

"Even with free trade with the United States there would be an additional revenue of at least $600,000 annually from customs duties on goods coming here from foreign countries. If Congress will authorize Puerto Rico to issue $2,000,000 of forty-year 5 per cent bonds, the above will provide for them, viz: For interest, $100,000, and for sinking fund, $50,000. Total, $150,000.

FOR INTERNAL IMPROVEMENTS.

"Therefore, we infer that it will be unnecessary to adopt for this island the full revenue rates of the United States. One-third of those rates will give ample receipts to cover all the above. Puerto Rico has no bonded or other debts. Therefore, $2,000,000 of bonds to be issued for internal improvements would be conservative.

We call your attention to the fact that it has been the custom for all countries to make internal improvements by the system of bonded indebtedness, which divides the expenses among succeeding generations. We do not desire to have the burden of internal improvements placed on us solely. If it must be so, then we ask that it be done by a system of internal taxation that will not prevent the increase of our commerce with the States of the American Union and that will not starve us.

The fact can not be disputed that our people are in sore distress. All commerce is now hampered. The investment of capital is stopped. The farmers have not the means to plant or gather their crops. Building and improving are impeded. Capital refuses to come here for investment in either manufacturing or agricultural pursuits, for the reason that the sovereignty of the United States over this island has deprived us of free trade with Spain

and with Cuba, which formerly took our exports at fair prices and enabled us to live.

We now ask as a right in equity that free trade with the United States be given us. We ask bread as a right from our mother. Do not, we pray, give us a stone. We ask for an immediate decision.

Mr. BACON. Mr. President, there are one or two more words that I desire to say with reference to this bill. As it came from the House I think it was very objectionable. The bill as it came from the other House provided that this amount of money should be placed at the disposal of the President, to be used for the government and benefit of Puerto Rico until otherwise provided by law. I think the objection which was taken to it by the Democrats in the other House, that it was too general a provision, was a good objection, and that it is the duty of Congress to be more specific in the appropriation of money. I understand it was upon that ground that the Democrats in the House of Representatives voted against the bill, avowing as they did at the time their desire to bestow the amount of money properly for the relief of the island. In the amendment proposed by the Senate committee that language has been changed so as to make it sufficiently explicit as to the character of the appropriation. It is changed to this language:

To be used for the government now existing and which may hereafter be established in Puerto Rico, and for public education, public works, and other governmental and public purposes therein—

And, furthermore, the provision appropriating the future revenues, as contained in the House bill, has been stricken out.

I thought it proper to call attention to the character of the amendment which has so materially changed the provision of the bill as it came from the other House, and has brought it into harmony with the contention of the Democrats in the House.

Mr. FORAKER. Mr. President, I was called out of the Chamber during the remarks of the Senator from Georgia [Mr. BACON], but returned just as the item that he sent to the desk to be read was being read. I understand from what I heard of it that it was a statement made by some of the representatives of Puerto Rico here——

Mr. BACON. It is a dispatch from Puerto Rico.

Mr. FORAKER. With respect to the capacity of Puerto Rico to produce revenue.

Mr. BACON. No, sir. The Senator from Ohio was not in the Chamber. It is a press dispatch from San Juan, in Puerto Rico, purporting to give a copy of an address which has been sent to Congress, but which has not yet arrived, signed by planters, merchants, and others in Puerto Rico.

Mr. FORAKER. Whatever it may be, what I want to say is that there seem to be two sides to this question. Some of the representatives of Puerto Rico who are here have talked very much in the vein of the article which has been read. Others talk differently. I want, in connection with that, however, in order that it may appear with it in the RECORD, to send to the desk and have read a newspaper article published in a Puerto Rican paper, the San Juan News of March 3. I ask that the Secretary may read as indicated.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Secretary proceeded to read the article referred to.

Mr. ALLEN. I should like to ask the Senator from Ohio if that is a lengthy article.

Mr. FORAKER. No, sir; it is not very long; not as long as the one that was read.

Mr. ALLEN. Why would it not be just as well to publish it in the RECORD without being read?

Mr. FORAKER. I have no objection, but I thought Senators might not see it if it were only published in the RECORD without being read.

Mr. TILLMAN. Let it be read, so that we can catch the drift of it.

Mr. FAIRBANKS. I think it is the general wish of Senators on this side of the Chamber that the article should be read for the present information of the Senate.

Mr. ALLEN. I do not object to its being read, except I supposed that it was a long article.

Mr. FORAKER. No; it is not very long. It will not take more than a few minutes to read it.

The Secretary resumed and concluded the reading of the article, which is as follows:

BUSINESS MEN ARE PLEASED—THINK THE 15 PER CENT TARIFF SATISFACTORY FOR ISLAND—THE GENERAL OPINION IS THAT THE EXTERNAL REVENUE IS BETTER THAN LAYING HEAVY TAXES—WHAT PROMINENT BUSINESS MEN AND SAN JUAN MERCHANTS SAY OF THE WAYS AND MEANS BILL.

By interviewing a large percentage of the prominent bankers and business men of San Juan the News is able to state that the consensus of opinion here is that the passing of the Puerto Rico tariff bill will be the signal for renewed prosperity on the island.

For the last four or five months the financial condition of Puerto Rico has been very critical. Money has been extremely scarce, and business transactions have been growing fewer and fewer. Men desirous of borrowing money to carry on some business enterprise, even though they were of acknowledged integrity, were unable to raise the desired amount. Men who needed a few hundred dollars to consummate their plans were forced to give up in despair because the necessary money was not forthcoming.

The reason for this moribund state in the business world of the island has been that everyone felt uncertain as to what Congress was going to do. Conflicting reports came in every few days. Now there would be free trade; then there would be levied 25 per cent of the Dingley tariff. Everyone has been waiting for the decision of Congress.

The passing of the Ways and Means bill has relieved the tension. The business men feel confident that the Senate will follow the example of Congress and rule the 15 per cent of the Dingley rate. There is now a feeling of certainty. Men know what are to be the duties on goods and what money will bring.

The majority of business men think that the 15 per cent of the Dingley tariff duty is preferable to free trade with a high internal revenue. They say that so long as the proceeds from the tariff are to go toward educating the Puerto Rican children, cleansing the cities, and improving the roads, it is better to have the duty than not. Even if there were free trade, it is not at all certain that the consumers of the island would be benefited. The wholesale dealers might place a lower price on their goods, but it is highly improbable that the retail dealers would offer their articles cheaper.

HOW IT STRIKES SAN JUAN.

Mr. George S. Latimer, of the firm of Latimer & Fernandez, believes that 15 per cent of the Dingley tariff will be better than free trade. He said to a News reporter:

"I am pleased to have this matter of customs tariffs so nearly settled. It will bring about a great change for the better in the welfare of the island. The great trouble has been that business men have felt the uncertainty which has been prevalent because of the trade question. Now that the American government is definitely known, the present tension will be relieved and business will begin to boom."

Mr. Andros Crosas, when interviewed on the subject, said:

"I have talked with a number of business men on the tariff bill, and I can tell you that they all are delighted to have the question so nearly settled. The uncertainty which has recently prevailed has ruined the business of the island."

Mr. Townes, of the Puerto Rican American Tobacco Company: "We have never shipped any tobacco because we could not afford to ship under its tariff. As soon as we get the new factory up we will ship under the new 15 per cent tariff."

A. Berg said: "The 15 per cent tariff is a good thing. It reduces the tax on beer, but it will be made up on the internal-revenue tax, I suppose."

Mr. Arnold, of the Colonial Bank, said: "Personally, I should rather have had 25 per cent of the Dingley tariff. Fifteen per cent will not be enough for the needs of the island. Still, the main thing is to have this tariff question settled, and I am pleased to have had Congress pass favorably on the bill. Goods have been held back all over the island waiting for this tariff question to be settled. Now there will be a great deal of sugar and tobacco shipped which has been stored up."

De Ford & Co. are also of the opinion that 25 per cent would have been better for the interests of the people at large. They are, however, pleased with the 15 per cent bill, and believe it will, to some extent, relieve the present hard times.—*San Juan News*, Saturday morning, March 3, 1900.

Mr. ALLEN. The bill is in Committee of the Whole, as I understand it, and I send to the desk a proposed amendment, which I offer.

The PRESIDING OFFICER (Mr. BURROWS in the chair). The amendment will be read.

Mr. ALLEN. It is to be inserted after line 10, page 2.

The SECRETARY. Amend by adding to the bill the following proviso:

Provided, That the Constitution was, by force of the treaty concluded between the United States of America and the Kingdom of Spain at the city of Paris, France, April 11, 1899, extended over the island of Puerto Rico and its inhabitants.

Mr. ALLEN. Mr. President, I shall cast my vote for this bill simply as a humanitarian measure and as a tentative measure. It shall never be said that by a vote or act of mine the necessary food, clothing, and shelter were withheld from people who are the victims of misfortune and who are in a condition to require speedy public relief.

But I do not believe that that is the sole purpose of the bill. While that is one of its purposes, I think the chief purpose of the bill is to permit our friends on the other side to escape from a very unpleasant situation. If the press is to be believed, two or three caucuses have been held by our Republican friends at which the whole Puerto Rican situation has been fully discussed, and the conclusion was reached, I believe, yesterday, that this bill should be placed before the Senate and passed, while the bill of the Senator from Ohio was to be permitted to drift along without rudder or compass from time to time until events might determine its fate.

Mr. SPOONER. If the Senator will allow me, he is mistaken about that.

Mr. ALLEN. Well, Mr. President, I may be mistaken about it. I do not——

Mr. SPOOONER. That bill will have a rudder and a compass, and it will be the Senator from Ohio.

Mr. ALLEN. Of course, I recognize the Senator's power as both rudder and compass, but he does not seem to have steered his bill very successfully thus far among his friends.

Mr. FORAKER. Will the Senator from Nebraska allow me?

Mr. ALLEN. Certainly.

Mr. FORAKER. I will say to him, wait until 2 o'clock is reached and he will find out whether or not that bill is to be allowed to drift. I could not very well take it up until 2 o'clock. It becomes the regular order at that time.

Mr. ALLEN. I am repeating simply what was contained in the press this morning; and I presume the Senator is prepared to affirm the truthfulness or the falsity of that report.

Mr. FORAKER. I do not know which report the Senator saw.

Mr. ALLEN. I got it in both papers, the Democratic paper and the Republican paper. Therefore I came to the conclusion that the truth must be somewhere between them.

Mr. SPOONER. If the Senator from Nebraska will allow me——

Mr. ALLEN. Certainly.

Mr. SPOONER. I understood the Senator to insist the other day, on the floor of the Senate, that the press is sometimes quite inaccurate——

Mr. ALLEN. Yes, sir; very frequently.

Mr. SPOONER. When it said the Senator from Nebraska had declared that he had abandoned the free coinage of silver at the ratio of 16 to 1, and I will say now I did not understand the Senator as having done anything of the kind.

Mr. ALLEN. The press did not say that of me. There was simply one newspaper reporter who said that, and who put it in circulation, but the press as a whole said nothing of the kind.

But I infer, Mr. President, that this matter has given our friends some trouble in consequence of the repeated caucuses that have been held respecting the Puerto Rican situation. It is not necessary for me to refer to the fact that the passage of this bill in the House brought down upon the heads of the Republican party in Congress a storm of popular indignation.

Mr. ALLISON. This bill?

Mr. ALLEN. This bill.

Mr. SPOONER. This bill?

Mr. ALLEN. This identical bill.

Mr. SPOONER. This bill?

Mr. ALLEN. This bill. I repeat; this bill. It was this bill that was discussed quite fully. It was the attempted imposition, also, of a tariff duty——

Mr. DAVIS. You have the wrong bill.

Mr. ALLEN. I know——

Mr. SPOONER. This bill was not discussed forty minutes.

Mr. ALLEN. If the Senator will permit me to proceed, I will do so with pleasure. The bill brought down upon the Republican party a storm of indignation, because the whole thing was the precursor of an established policy in this country of discriminating between territory under the jurisdiction of the United States. Now, I hope I have made myself plain.

It was advocated by the Republican party; such a measure was passed in the House of Representatives; and now this is a mere tentative affair to permit the other measure to sleep until such time as they have been fully discussed and public discussion opens the way for our friends to escape from an unpleasant dilemma. But here this morning it is put upon humanitarian grounds alone. It is said the Puerto Ricans are suffering, that their country is devastated—practically laid waste—and the great body of that population is suffering for something to eat, for something to wear, and for shelter. If the bill be based upon that assertion, I shall give it my support, and upon that ground alone.

Now, Mr. President, I want to offer one word in support of my amendment, which I shall discuss at another time and I trust on another bill more fully. It does not seem to me that there can be much doubt about the Constitution extending by its own vigor and force over all territory within the jurisdiction of the United States. I do not see how that question is open to debate in the light of the repeated decisions of the Supreme Court of the United States and in the light of our constitutional history.

When we ratified the treaty of Paris, Puerto Rico became as much a part of the territory of the United States as New Mexico or Arizona—as completely and as perfectly so. Certainly no man would be bold enough to say that it was within our constitutional power to discriminate between the taxation of the property and people of Arizona or New Mexico or any State of the United States proper.

There is nothing in this amendment that is in hostility to the provisions of the bill, and I hope it may be voted upon.

Mr. TILLMAN. Mr. President, there are two or three points in this matter that have not been brought out, and I will ask the indulgence of the Senate for a few minutes while I present them briefly.

The language of the bill, for which I voted in the Appropriations Committee to have reported back here, is a little strange, but I consider that the language is simply descriptive. We are merely appropriating out of the Treasury a fixed amount, $8,000,000, for the use of the government in Puerto Rico and for public schools, roads, etc., and we merely describe or give as an explanation as to why that amount is fixed that it is the amount which we have collected from the imports of that island.

Therefore I do not think that the Senate is committed in any way, or that there is any legislative action taken here other than an appropriation pure and simple—a gift, so to speak, to those people.

Now, I want to call the attention of the Senate to one thing, and that is that while the distress which has been portrayed here as existing among the people of Puerto Rico is no doubt considerable, this bill will not relieve that distress except indirectly. The masses of the people there are either out of work because the landowners can not give it to them or they are out of work simply because they do not want to work. By this bill the Government proposes to set them to work on the roads, and it proposes to relieve them from taxation. To that extent there will be relief given, but there is nothing in this bill that will provide a mouthful of food or a dollar for labor other than on the public roads, unless these words——

The PRESIDENT pro tempore. Will the Senator from South Carolina suspend one moment while the Chair lays before the Senate the unfinished business?

The SECRETARY. A bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Puerto Rico, and for other purposes.

Mr. FORAKER. I ask that the unfinished business may be temporarily laid aside, and that the Senator from South Carolina be allowed to conclude his remarks.

The PRESIDENT pro tempore. The Senator from Ohio asks that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none.

Mr. JONES of Arkansas. I suggest that after the Senator from South Carolina shall have concluded his remarks this matter shall go over until to-morrow. I believe it will expedite the disposition of the measure to have it go over and to allow Senators time to look into it and consider the questions that have been raised. For myself, I did not expect the bill to come up to-day or I would have been better prepared to have dealt with it than I am. I hope that this suggestion will meet the approval of the chairman of the Committee on Appropriations.

Mr. ALLISON. I of course would be glad to meet the wishes of the Senator from Arkansas. This bill has been lying here for some days. If we can have an understanding that there shall be a vote to-morrow, say at 2 or 3 o'clock, I shall be——

Mr. SPOONER. Two o'clock.

Mr. ALLISON. Two o'clock. That would give ample time. I see that there is no disposition on the part of Senators to debate the bill at any length. If we can have an understanding that the vote shall be taken, say at 2 o'clock to-morrow, or even at 3, I shall not object to the suggestion of the Senator from Arkansas.

Mr. JONES of Arkansas. As far as I am concerned, I have no doubt that there will be ample time for the discussion of the bill, and that a vote can be reached before 3 o'clock. I think the Senator would only delay matters to ask for a vote at that hour. But I would not consent to vote at any earlier hour. I am willing, so far as I am concerned, to agree that we shall vote to-morrow.

Mr. ALLISON. That we vote to-morrow at 3 o'clock, or if ready, before 3; that we take the vote at any time to-morrow when the Senate is ready, at 3 or before.

Mr. JONES of Arkansas. I have no objection to that arrangement if it is satisfactory to other Senators.

Mr. PETTUS. Mr. President——

Mr. PETTIGREW. As I understand this agreement, we are not to consider the bill further to-day after the Senator from South Carolina closes.

Mr. ALLISON. That is the understanding.

Mr. PETTIGREW. As I shall have to be absent to-morrow, I should like to speak for about ten minutes on the bill to-day.

Mr. TILLMAN. I have gone very briefly into the subject, and I will yield to the Senator from South Dakota, and proceed to-morrow.

Mr. ALLISON. I hope the Senator from Ohio will allow the Senator from South Dakota to speak to-day.

Mr. FORAKER. Certainly.

The PRESIDENT pro tempore. Does the Chair understand the Senator from Iowa to make a request?

Mr. ALLISON. I make a request that the Senate shall agree to vote to-morrow at 3 o'clock, or earlier if the Senate shall be ready to vote on this bill, and then I will consent to its going over.

The PRESIDENT pro tempore. The Senator from Iowa asks unanimous consent that the vote be taken on the bill and pending amendments——

Mr. PETTUS. Mr. President, I do not think it ought now to be agreed that the vote shall be taken at that time on this bill. There have been only two hours devoted to its consideration as yet.

The PRESIDENT pro tempore. Does the Senator from Alabama object?

Mr. ALLISON. I hope the Senator from Alabama will not object. This is a measure upon which, I think, we are very well agreed except as to some matters of detail. If 3 o'clock is too early I would suggest a later hour.

Mr. TILLMAN. Put no limitation, but say to-morrow.

Mr. ALLISON. Very well; I will say to-morrow, then.

Mr. PETTUS. I do not think the vote ought to be taken to-morrow. I think the bill is of enough consequence to be thoroughly considered.

The PRESIDENT pro tempore. Does the Senator from Alabama object?

Mr. PETTUS. Yes, sir.

Mr. PETTIGREW. Mr. President, from listening to the debate and from what I know of this question, I do not believe there is any necessity for passing this bill at all. Let us see what the facts are which surround this case.

No necessity for the passage of the bill has been urged by any of its advocates. The only reason I have heard for its passage, and undoubtedly the only reason why it was introduced, was a political necessity. A year and a half ago our army occupied Puerto Rico, but there was no devastation by war, because there was no resistance on the part of the people of Puerto Rico, and there was the slightest possible resistance on the part of the Spanish troops. From the time our occupation occurred we began spending vast sums of money in that country to feed our army, to furnish it with forage. We purchased very largely from the people of Puerto Rico, and thus increased the amount of money which they had and furnished them the means of an income previously unknown to them.

About eight months ago or seven months ago a hurricane devastated a portion of this island, passing along its southern side, involving about one-fifth of the population and creating great destruction of property. If a necessity for the relief of those people existed the army, which since our occupation has governed that country, had within its power the means of relief. It has exercised that power and expended money in building roads and in public improvements, and has taken care of the poor people of that country who were injured by the hurricane. The power to do this exists to-day. The army is still in control. It is a despotic military government, having power to do anything it chooses; and there is no other government there. The general in command can organize and has organized courts and councils for governing that country. He has called elections and prescribed the qualifications of voters and inaugurated local governments in the different provinces, and has spent money up to date and is spending it to-day for the relief of those people who need relief.

If there was a necessity for money as charity, it existed when we met in December. If it was required that this bill should be passed in order to relieve the people whose property was destroyed by the hurricane, why did not the President's message come in here the 1st of December, and why was not the bill rushed through in order to give the relief? Why wait until now? Can you deceive anybody by bringing this bill in now and then talking about charity? Not for a moment.

A political exigency brought this bill into being. The President's message to the other House does not contain one word with regard to the suffering and necessity for the relief of the people whose property was destroyed by the hurricane. The bill itself does not allow you to spend a dollar of this money for relieving the people who are starving in Puerto Rico. It simply provides that the money may be expended upon public works, and the power to expend money for that purpose already exists in the officers of the army who are governing that country.

Besides, what is the food of the people of that country? General Davis says that rice, beans, yams (sweet potatoes), corn, bananas, and sugar cane are the food of the people of the island; and nearly every one of those can be grown in that country in abundance, and has been grown undoubtedly since the devastation by the hurricane six or seven months ago. So it is not a question of food. Everyone knows that. Everyone knows there is no necessity for passing a bill in order to feed the people down there.

Furthermore, here is the testimony taken before the Puerto Rican Committee, and there is not a witness who does not testify that wages have risen, that wages have doubled and trebled in Puerto Rico since the occupation of that country by our army. Every witness who was asked the question makes that statement before the Committee on Puerto Rico. Now, if wages have doubled and trebled in Puerto Rico, what is there to this clamor with regard to poverty and the necessity for relief? It is simply an excuse for the purpose of putting through a measure to meet a political exigency.

Mr. FAIRBANKS. May I interrupt the Senator?

Mr. PETTIGREW. Certainly.

Mr. FAIRBANKS. Do I understand the Senator to say that the wages throughout the entire island have doubled and trebled? Is that the conclusion the Senator draws from the testimony before the committee?

Mr. PETTIGREW. The witnesses testified that in all the ports of the island, in all the cities where we were in occupation, wages had doubled and wages had trebled. I say in a country where that can occur and does occur there can not be a great necessity for the relief of starving people.

The people who were starving would rush to the point where the wages had doubled and secure employment, and competition would drive the wages down instead of doubling and trebling them. In other words, it proves that the necessity for relief does not exist and that that is not the purpose of the passage of this bill. What is the purpose of the passage of this bill? Nothing but the fact——

Mr. DEPEW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Dakota yield to the Senator from New York?

Mr. DEPEW. May I ask the Senator a question?

Mr. PETTIGREW. I yield to the Senator from New York for a question.

Mr. DEPEW. Did not the testimony that wages had doubled apply only to expert labor, like that of stevedores who were capable of loading ships and doing that work which is done at harbors?

Mr. PETTIGREW. No, sir; I think not.

Mr. DEPEW. And not the wages of agricultural labor?

Mr. PETTIGREW. Some of the testimony was that wages had doubled for agricultural labor, but most of the witnesses, when we followed it up, testified that the wages of agricultural laborers had not doubled; that it was the labor in the ports, not exclusively the loaders of ships, but different sorts of labor in the ports. I noticed the other day that there was a strike in Ponce on the part of the common laborers of that city. Ponce is in the center of the devastated region. It was stated that they clamored for what? For 5 cents an hour, or 50 cents a day, which is 20 cents a day more than they ever received before. The testimony before our committee was that the common laborers received in Puerto Rico 30 cents a day, and there is a strike going on in Ponce among the common laborers, who demand 50 cents a day. If there were a great necessity for relief, would laborers be striking for an increase of two-fifths of their wages above the wages they had always received? Not at all. What, then, is the use of standing here and talking about this being an act of charity?

Mr. President, it is simply a sop thrown at the people who have heretofore been Republicans and who are now clamoring that the Republican party shall carry out its pledges and not betray its honor. What was the necessity? A bill passed the other House which levied a duty upon Puerto Rican goods. We had told the Puerto Ricans that they should have free trade. Our generals had promised them everything. They had said to those people, "You have become a part of the United States; under the decisions of our Supreme Court no duty can be levied upon your products, and you will get the benefit of this market." That was the unbroken testimony before the Committee on Puerto Rico.

Now it is proposed to break that pledge because the cigar makers throughout the United States were insisting that a duty shall be levied upon Puerto Rican products, the tobacco raisers of Connecticut were objecting to free trade with that country, and the fruit raisers of California were insisting that they should be protected against competition with this tropical labor. The Republican party feared to be charged with abandoning its old doctrine of protection to American labor and throwing open wide the door to competition from all the tropical countries which we are trying to annex. The American workman began to feel that he was being betrayed. So the Republican party concluded that it was better to betray Puerto Rico than it was to betray the men who had been their faithful followers in the last campaign.

Therefore this bill was sent down, the House of Representatives rushed it through, and it came here for no other purpose than to allay this excitement and this objection throughout the United States. They hope now, after holding their caucus, that if they pass this bill perhaps the clamor will cease, and that a little later on it will do to pass the Puerto Rican bill and make Puerto Rico a crown colony, an imperial possession; for, underlying this objection on the part of the Republicans throughout this country to the Puerto Rican bill and the Puerto Rican traffic, after all, is the objection to a change in the form of our government, the feeling that no country should be brought under our flag where our Constitution can not go, the belief that you can not maintain under the same flag two systems of government, an imperial colony formed and framed after the English system and a republic which bases its power and right to exist upon the consent of the governed.

What more is there with regard to distress in Puerto Rico? Why, Mr. President, nine-tenths of their exports are coffee. We never did and do not now levy any duty on coffee, and the greater part of their sugar has always come to this country and paid the duty. Why? Because this was the best market for it, even after paying the duty. Nine-tenths of their molasses came here before they became a part of this country. What else have they to export? Sugar—sixty or seventy thousand tons last year—and a little tobacco, upon which we charge a duty.

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. PETTIGREW. Certainly.

Mr. SPOONER. Is it the opinion of the Senator that we have a republican form of government in Alaska?

Mr. PETTIGREW. Mr. President, I shall not answer the question, nor shift this discussion to Alaska or any other frozen country.

Mr. SPOONER. Does the Constitution only extend to countries which we own that are frozen and not to countries which are not frozen?

Mr. PETTIGREW. Mr. President, the Constitution can extend to a country that is frozen and can not extend to a country where it never does freeze, because the people who live where they never have a frost are not capable of maintaining our form of government, and our people are not able to move there and live.

Mr. SPOONER. Then the question as to whether the Constitution extends to acquired territory depends upon whether they have frost or not?

Mr. PETTIGREW. Is that all the Senator's question?

Mr. SPOONER. That was that question.

Mr. PETTIGREW. I say, Mr. President, that a people capable of maintaining our Constitution and upholding our form of government do not and never have lived in the Tropics; that there is no colony of our people or of people of our race anywhere in the Tropics throughout the world, and never has been. You look to tropical colonies or to tropical settlements of our race wherever you may go, and the disproportion between males and females is as from five to two, and they have but few children.

Mr. SPOONER. My question is this, really, whether the problem as to whether the Constitution of its own force extends to a country depends upon the climate?

Mr. PETTIGREW. Oh, Mr. President, the Senator has now shifted his question.

Mr. SPOONER. No.

Mr. PETTIGREW. And he now wants to know whether the Constitution of its own force is directed in its going by the climate of the country. Of course that is so ridiculous and absurd that it hardly does credit to the Senator from Wisconsin.

If the Constitution follows the flag, then it must follow to every country we annex, and if we acquire a country in the Tropics, where the inhabitants can not participate in our form of government because of their inability to understand and comprehend and sustain the form of government adapted to us, then, unless we give them their own government and separate and segregate them from this country, we must hold them as a crown colony; we must undertake to maintain under our flag two forms of government, a republic and an empire. We can not do it, and no nation ever did or ever will do it.

Of course, Mr. President, the situation is embarrassing. The situation is embarrassing for this reason: If you do not put a duty on Puerto Rican goods, the tobacco raisers of Connecticut, the cigar makers all over the United States, and the fruit raisers of California are likely to vote against the Republican ticket. If you do put a duty on Puerto Rican goods, you violate your promises and your pledges made to those people when they accepted the entrance of our army into that country, and you stand in bad faith before the people of the United States. That is the difficulty which has compelled the consideration of this bill.

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. PETTIGREW. I will.

Mr. SPOONER. Who made any promises to the people of Puerto Rico as to the tariff?

Mr. PETTIGREW. The testimony of all the witnesses before our committee was that the officers of the Army made promises that Puerto Rico would be a part of the United States, and General Miles's own proclamation promised those people everything and covered the whole question.

Mr. SPOONER. If he promised them "everything," does that mean he promised them protection and free trade, too—a revenue duty and no revenue duty?

Mr. PETTIGREW. Well, Mr. President, I suppose the Senator wants me to explain what I mean by "promising everything," or what General Miles meant by what he did say. I have not General Miles's proclamation here, but I have read it with some care, and I know what the people of Puerto Rico who appeared before our committee understood him to mean. They understood him to mean—and we asked the question of many of them, and perhaps all of them—that they were to have the free importation of their goods into the United States, that they had become a part of the United States, and that under our Constitution the Supreme Court had decided that no duty could be levied upon their exports to this country It seems to me that their interpretation or understanding of what was promised them would be better than any construction I could put upon General Miles's language.

Mr. SPOONER. The Senator has read the proclamation of General Miles, has he not?

Mr. PETTIGREW. I have read it.

Mr. SPOONER. Will not the Senator agree with me that there is nothing on that subject in the proclamation?

Mr. PETTIGREW. I will not agree with the Senator that there is nothing upon that subject. I think, after a careful reading of General Miles's proclamation, while he does not use the word "tariff," he clearly promises to those people all the benefits and advantages that can be derived from being annexed to this country.

I have no objection to voting money for the relief of the people of Puerto Rico; but in the platform of the Republican party in 1896 there was a plank which provided for free homes—that is, that the people who had taken lands on the Western prairies, formerly Indian reservations, should have those lands given to them upon five years' residence, without making payment to the Indians of the purchase price. The Republican party, after repeated contests upon the question, refused to carry out their plank in the platform, although those people have been devastated by droughts, and at least a hundred thousand of them have been obliged to abandon their homes on account of the drought. I urged as one of the reasons why this should be done that that portion of the country was so dry that, while many people would remain there and ultimately become adapted to their surroundings and make homes, owing to the loss of their crops this relief ought to be granted, but the Republican party refused to grant the relief.

Now, for a political exigency, without showing that there is any necessity to relieve the starving people in Puerto Rico, they are willing to throw away $2,000,000. If the necessity exists for relieving the people of that country from starvation, I am willing to vote it; but it has not been shown—and not one word in this debate, not one particle of evidence has been brought forward to show—that there is any necessity for the relief, and, therefore, any necessity for the passage of this measure, except the political necessities to which I have alluded.

Mr. FAIRBANKS. I am greatly amazed, Mr. President, at the statement made by the distinguished Senator from South Dakota [Mr. PETTIGREW], to the effect that there is no necessity for this appropriation; that there is no distress in the island of Puerto Rico. I am the more amazed because of the fact that the Senator is a member of the Puerto Rican Committee, and must have heard from the lips of witnesses who were examined by the committee the stories of the distress which has existed in the island for months.

I would not prolong this debate, Mr. President, nor postpone a vote upon the bill for one hour, and I would not say a word at this moment if we could come to a vote, but a vote now is impossible. I can not forbear saying, contrary to the Senator's statement, that want and distress do exist in the island and that this bill is intended to afford relief in a plain, straightforward, patriotic way. I desire to read for the information of the Senate a brief extract from a letter written by a gentleman who has had large opportunity for observing the conditions in Puerto Rico, perhaps the best informed citizen of the United States upon the conditions existing there.

Mr. PETTIGREW. Who is he?

Mr. FAIRBANKS. William H. Elliott, director of the posts. He says:

> The masses of the people of Puerto Rico are very poor. To the careful observer it would appear that Spain had them ground down to the last notch of existence. The poverty-stricken condition of their huts, their own wan and emaciated forms, haunted me like a nightmare as I traveled through the interior, and it certainly did seem that they had reached the limit of endurance. Then came the hurricane, leaving a scene of death and destruction. Frail structures, yet homes for whole families and their only shelter, were swept out of existence; the fruit crop, much of it just maturing and the sole dependence for food for the coming six months, was utterly destroyed; the coffee plantations were ruined, tobacco fields laid bare, cattle and horses drowned by thousands.
>
> More complete desolation than the sun shone upon in Puerto Rico August 9, 1899, can not easily be pictured. Fortunately aid and succor were quickly extended, and relief has been flowing in steadily, so that the people have lived and are slowly recovering. The poor people lost little, for they had not store of property or food to be taken from them; but the loss to the planters, already burdened with debt, was great, and, under favorable conditions, they can not hope to recover for many years. Meantime the poor must be looked after. If their former employers can not give them work, it must somehow be provided, on the roads, which need it, or some kind of public improvement. This dependent class embraces fully 75 per cent of the population of the island.

That statement, Mr. President, from a gentleman thoroughly well informed, I place in opposition to the broad and positive assertions just made by my distinguished friend from South Dakota. We could well wish, sir, that the statements of the Senator were founded in fact.

Now, what does the pending bill propose? It is a bill conceived, as the Senator from Wisconsin [Mr. SPOONER] has said, in mercy; a bill to relieve distressed humanity; one which invites and should receive the most earnest and cordial support of every Senator in this body, no matter to which political party he belongs.

Is this the hour, Mr. President, to play politics in the Senate of the United States, when a great measure for relief is pending for our decision? The bill distinctly declares that the appropriation is—

> to be used for the government now existing and which may hereafter be established in Puerto Rico, and for public education, public works, and other governmental and public purposes therein.

Such, Mr. President, in brief, is the generous and humane purpose of the bill. That there is need for it no one familiar with

the situation can possibly deny. The bill, sir, is not to meet party exigencies, but to put to work those who are in sore need of assistance.

I shall not detain the Senate further; and I now move that the Senate proceed to the consideration of executive business.

Mr. PENROSE. I would ask the Senator from Indiana to yield to me for a moment.

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Pennsylvania?

Mr. HOAR. I should like to say a few words on the pending bill before it is laid aside.

Mr. FAIRBANKS. I will yield to the Senator from Pennsylvania [Mr. PENROSE].

Mr. SPOONER. I hope the Senator from Indiana will withdraw his motion. He can renew it subsequently.

Mr. PENROSE. The Senator can renew his motion at any moment. I do not expect to take more than a few minutes of the time of the Senate in the statement which I intend to make.

Mr. FAIRBANKS. I will gladly withdraw the motion for the present.

Mr. HOAR. Mr. President——

Mr. PENROSE. If the Senator from Massachusetts will permit me, I will yield to him in a few moments.

Mr. HOAR. I yield to the Senator.

SENATOR FROM PENNSYLVANIA.

Mr. PENROSE. Mr. President, there has been considerable delay regarding Order of Business 168, which is Senate resolution 107, which reads:

Resolved, That the Hon. Matthew S. Quay is not entitled to take his seat in this body as a Senator from the State of Pennsylvania.

It has already been shown to this Senate in the eloquent remarks of the Senator from Massachusetts [Mr. HOAR], the distinguished acting chairman, as I understand, of the Committee on Privileges and Elections, that this is one of the most important subjects before this body. While we are pretending to discuss and to decide the very important questions which are daily pressed upon us, the fact remains that the great State of Pennsylvania, with 30 members at the other end of this Capitol, has but one vote here in this body upon these questions, and they can not properly and fairly be decided, in justice to the people of that State or in justice to the people of the United States, until that vacancy is filled.

I detect, Mr. President, here in this Senate on the part of certain Senators—and, if compelled to do so, I shall state the case clearly and upon proper evidence—I detect here clearly an intention to procrastinate this question until the end of this session. Such an effort, Mr. President, can not appeal to any candid or fair-minded man. Whether Mr. Quay is entitled to his seat or not in this body is a question which must be decided upon the high tribunal of each man's conscience, upon the constitutional question, or upon that lower degree of personal motives and partisanship which have affected such cases in the past, and which, undoubtedly, with some gentlemen, affect their judgment in the present case. Therefore I now desire to ask this Senate, and I desire to ask—and I look straight at the Senators who are in this opposition—whether they are willing to fix a day in the near future when the Senate will take up this case and vote upon it, so that it may be finally disposed of, as provided for and required by the rules of the Senate?

Mr. GALLINGER. Mr. President, a single word in reply to the interrogatory made by the Senator from Pennsylvania [Mr. PENROSE], so far as I am personally concerned.

I have been waiting for six days, prepared to submit some brief observations in opposition to the seating of Mr. Quay, and have not had an opportunity to do so. In about twenty-four hours from the present time I shall leave the city for a few days, and, of course, during my absence I will not be able to participate in the discussion, if it takes place.

The Senator from Pennsylvania a few days ago ventured to remark that there were only one or two Senators who desired to speak in opposition, but I think the Senator will ascertain before this case is finished that there are a large number of Senators who desire to be, and who will insist upon being heard.

I do not think the time has come for the Senate to fix an hour to take a vote upon this question; and I do not believe that the Senate will agree to do so.

Mr. PENROSE. Mr. President, when I said that I thought but few Senators would speak upon this question, I was largely governed by the statement of the Senator from New Hampshire [Mr. GALLINGER] himself. I had seen in one of the newspapers that he was expected upon a certain day mentioned to speak on this case. I went to him and asked him whether he would speak on this question, and he distinctly informed me that he did not expect to speak, that he did not think he would.

Mr. GALLINGER. Mr. President——

Mr. PENROSE. He may have changed his mind. I know the Senator may have become so interested in the earnestness of the debate on this question that he may have changed his mind, and that his intention may now be to speak upon the question, but I assert emphatically that when I questioned him upon the subject he stated that he did not expect to speak.

Mr. GALLINGER. And I assert emphatically that the Senator does not state the truth. The Senator did come and interrogate me somewhat imperiously about the matter. I told him it was a matter of doubt in my mind whether I would speak on the question or not. That is precisely what I said to the Senator, and I shall exercise the privilege to speak or not to speak, as I see proper, and I shall certainly not be instructed by the Senator from Pennsylvania.

Mr. PENROSE. I do not know whether it is that I do not state the truth or that the Senator from New Hampshire did not intend to tell me the truth.

Mr. GALLINGER. Well, Mr. President——

Mr. PENROSE. If he did not tell me the truth, it could not be expected that I can convey to this body a correct statement.

Mr. GALLINGER. That is unmanly——

Mr. PENROSE. It is no more unmanly than what you are saying.

Mr. GALLINGER. And beneath my serious notice. I have stated precisely what I said to the Senator, and I stand upon that record.

Mr. HOAR. Will the Senator from New Hampshire yield to me for a question?

Mr. GALLINGER. Certainly.

Mr. HOAR. I desire to ask the Senator from New Hampshire, in reference to the statement he has just made here, if he can now say on what day he will return?

Mr. GALLINGER. I expect to return from my home next Thursday or Friday. I am going to New Hampshire.

Mr. HOAR. Can the Senator state what day he will return?

Mr. GALLINGER. Either on Thursday or Friday of next week.

Mr. HOAR. Mr. President, I ask unanimous consent that on Friday of next week, immediately after the routine morning business, the Quay case may be taken up for consideration and continued until disposed of, reserving the right of appropriation bills and conference reports.

It seems to me every Senator will agree that however this important question is decided, if the State of Pennsylvania is entitled to two voices here, she ought to have them while these vast questions are being considered. The arrangement I have suggested will give the Senator from New Hampshire the time he desires; and it seems to me we should deal with the matter promptly.

I will repeat my suggestion. I ask unanimous consent that a week from next Friday, after the conclusion of the morning business, the Quay case be taken up for consideration and continued until disposed of, reserving the right of appropriation bills and conference reports.

Mr. PENROSE. Mr. President, I object——

Mr. HOAR. Let my suggestion be stated. I ask that it be stated by the Chair.

The PRESIDING OFFICER (Mr. BACON in the chair). The Senator from Massachusetts asks that a week from next Friday the Quay case may be taken up for consideration, and that the consideration thereof be continued until it is disposed of, leaving the right of way for appropriation bills and conference reports.

Mr. STEWART. I should like to know whether that is to be after the morning business?

Mr. HOAR. After the morning business.

Mr. PETTUS. I suggest to the senior Senator from Massachusetts that he fix an hour for the vote. It is very inconvenient not to have an hour fixed.

Mr. HOAR. I did not suppose, after the suggestions of some Senators, that the Senate would be willing to fix an hour for the vote. I think that had better come as a separate request and that it had better be made later. I ask that the request I have submitted be first put.

Mr. BURROWS. The Senator from Ohio [Mr. FORAKER] who has charge of the Puerto Rican bill providing for a civil government for that territory was out of the Chamber when this request was made.

Mr. HOAR. I think not.

Mr. BURROWS. I am sure he was.

Mr. FORAKER. I just this moment came into the Chamber, but I understand the request which has been made. I heard the announcement from the Chair that a time be fixed for the consideration of the Quay case, the time being Friday of next week. Of course, having charge of the unfinished business, I shall hope to be through with the Puerto Rican bill by that time.

Mr. HOAR. I will modify my request for unanimous consent so as to also except the unfinished business.

The PRESIDING OFFICER. The Chair will then restate the request, which is that a week from next Friday, after the conclusion of the routine morning business of the Senate, the Senate will

take up the Quay case for consideration, and during the same period each day from day to day will continue the consideration of that case until it is disposed of, excepting the unfinished business and also appropriation bills and conference reports. Is there objection?

Mr. BURROWS. Mr. President, I do not know that there is any necessity of a further response to what the Senator from Pennsylvania [Mr. PENROSE] has said, except to state what he knows, that the attention of the Senate has been occupied every day to a late hour, to the exclusion of other matters, and even the adjournment over Saturday has been avoided, so that we have been in session every day. There are a large number of Senators who desire to be heard upon the Quay case, some of whom are now absent, as Senators know, but who will return in the course of a week or ten days. I should dislike very much to agree to anything which would seem to deprive them of the right to be heard in this important matter.

I will say to the Senator from Massachusetts that if he will delay his request until to-morrow, I shall take occasion to ascertain, and then will be able to state to him——

Mr. HOAR. What was the statement made by the Senator from Michigan?

Mr. BURROWS. If the Senator will wait until to-morrow to submit his request, then I shall be able to state definitely.

Mr. HOAR. I will put the time forward until Monday or Tuesday, instead of Friday, if the Senator prefers.

Mr. BURROWS. No, sir; I would rather wait until to-morrow.

Mr. HOAR. I know my honorable friend from Michigan too well not to know that when he makes such a request of me he does it with the earnest desire, if he can consistently with his sense of duty, to accomplish what I also desire, and he certainly would not ask it for any other purpose than that. Therefore, with that full knowledge, I will delay the request and will renew it to-morrow.

Mr. BURROWS. I will say to the Senator that I have not the slightest desire to delay the discussion and the vote on this case.

Mr. HOAR. I am sure of it.

Mr. BURROWS. But I do desire to accommodate eleven or twelve members of the Senate who wish to speak on this case. In the morning I expect to be able to speak definitely.

Mr. HOAR. I am sure of the Senator's sincerity. To-morrow I shall renew the request.

Mr. JONES of Arkansas. The situation, then, is that the Senator from Massachusetts does not make his request to-day, but gives notice that he will present it to-morrow. Is that it?

Mr. HOAR. Yes; that is it.

Mr. ALLISON. I now call for the regular order of business, in order that I may make a statement.

PUERTO RICAN REVENUES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9080) appropriating, for the benefit and government of Puerto Rico, revenues collected on importations therefrom since its evacuation by Spain, and revenues hereafter collected on such importations under existing law.

Mr. ALLISON. I have consented that the appropriation bill may go over until to-morrow after the routine business of the morning hour, with the understanding that it may be taken up at that time.

Mr. HOAR. I desire to say a word on the appropriation bill before it goes over.

Mr. ALLISON. Very well. I wish to give notice now that I shall not press the bill further to-day, but will allow the Senator from Massachusetts to say what he desires to say on the subject.

Mr. HOAR. Mr. President, I wish to say a word, not by way of argument——

Mr. FORAKER. Will the Senator from Massachusetts allow me for just one moment to say but a word?

Mr. HOAR. Certainly.

Mr. FORAKER. The unfinished business has been temporarily laid aside, I presume, while I was out of the Chamber. After the Senator from South Dakota [Mr. PETTIGREW] ceased to speak, was an order made temporarily laying it aside?

The PRESIDING OFFICER. The present occupant of the chair was not in the chair at the time.

Mr. FORAKER. I want it understood that the unfinished business is only temporarily laid aside; and I want to have an opportunity to say that——

Mr. COCKRELL. The unfinished business was temporarily laid aside.

Mr. FORAKER. I shall ask for the consideration and disposition of a number of amendments to the bill which is the unfinished business, which have been offered to it.

Mr. HOAR. Mr. President, I do not wish to enter upon any argument in regard to the pending proposition. It is well known, or, if it be not well known, I am willing to make it known, that I differ widely with many persons with whom I have been accustomed to act in the past in regard to the constitutional right, the public policy, and the course of dealing with dependencies of the United States upon which many gentlemen desire to enter.

I have not in the least changed or modified the opinions I have heretofore expressed, except that the study of the history of the last twelve months, disclosed by the military and naval reports, the reports of our civil representatives in the East, has confirmed and strengthened my original conviction. I have read the state papers of the leaders of the people of the Philippine Islands; I have read their modest, temperate, eloquent appeals to the justice and the love of liberty of the people of the United States; and I hope and believe that somehow in the future not far distant these appeals will make their way to the conscience and the justice of the great American people.

But I can not disregard the fact that a committee of the Senate, whom we all trust, tells us that there is a present and most extensive distress in the island of Puerto Rico, whose people have become, whether fortunately or unfortunately, dependent upon the legislative power of the people of the United States. There has been no practical suggestion for the immediate relief of that distress except the one now before us, unless suggestions which present the gravest constitutional difficulties and the gravest differences in regard to policy may be so considered. I do not think we ought to wait while we debate, still less until we can determine, what is to be our policy in dealing with these colonial dependencies in the future—if we keep them as colonial dependencies—or the further question whether, under our Constitution, we can have colonial dependencies not intended to be embraced at last in our own body politic. I do not think, I say, that we ought to keep these people waiting until those grave differences are settled, and therefore I propose to vote for this bill, and I propose to vote in the negative of every proposition which may be made to amend it by adding anything of a debatable character, even if the amendment be to declare what I myself zealously believe.

FREDERICK SCHULTE OR SCHULDT.

Mr. FAIRBANKS obtained the floor.

Mr. TILLMAN. Will the Senator from Indiana permit me? I desire to ask unanimous consent to have passed a little measure that I am anxious to get over to the other House.

Mr. FAIRBANKS. I yield.

Mr. TILLMAN. I ask unanimous consent for the present consideration of the bill (S. 2612) to remove the charge of desertion against Frederick Schulte or Schuldt.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Naval Affairs with an amendment, in line 5, to strike out "War" and insert "Navy;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to remove the charge of desertion now borne on the records of the Navy Department against Frederick Schulte or Schuldt, formerly a seaman on the U. S. steamships *Anotonia* and *Hartford*, and to grant the said Schulte an honorable discharge from the service of the Government.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHOCTAW, OKLAHOMA AND GULF RAILROAD.

Mr. JONES of Arkansas submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 254) enlarging the powers of the Choctaw, Oklahoma and Gulf Railroad Company, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with amendments as follows:

Insert the word "franchises" before the word "railroad," at the beginning of line 13, page 3, and insert the words "either preferred or common, or both," after the word "stock," at the end of line 23, page 3.

That the House agree to the said amendments.

JOHN M. THURSTON,
O. H. PLATT,
JAMES K. JONES,
Managers on the part of the Senate.

J. S. SHERMAN,
CHARLES CURTIS,
JOHN S. LITTLE,
Managers on the part of the House.

The report was agreed to.

STATUE OF DANIEL WEBSTER.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the concurrent resolution of the Senate providing for the printing of the proceedings in connection with the reception of the Webster statue; which was, to strike out all after the resolving clause and insert:

That there be printed for immediate use as a public document, in the form prescribed by law for printing eulogies, 12,500 copies, in cloth binding, of the proceedings in connection with the receipt of the Webster statue on January 18, 1900, as reported by the committee of arrangements, of which 500 shall be for the use of Mr. Stilson Hutchins, 6,000 delivered to the Senators and Representatives of the States of New Hampshire and Massachusetts, to

be divided equally between them, 2,000 for the use of the Senate, and 4,000 for the use of the House of Representatives.

Mr. HOAR. I move that the Senate concur in the amendment of the House of Representatives.

The amendment was concurred in.

SENATOR FROM PENNSYLVANIA.

Mr. FAIRBANKS. I had intended to move an executive session, but I understand that the Senator from Maryland [Mr. WELLINGTON] wishes to speak, and I will not make the motion.

Mr. WELLINGTON. I ask the Chair to lay before the Senate the resolution concerning the Quay matter, as I desire to submit some remarks thereon.

The PRESIDENT pro tempore laid before the Senate the resolution reported from the Committee on Privileges and Elections; which was read, as follows:

Resolved, That the Hon. Matthew S. Quay is not entitled to take his seat in this body as a Senator from the State of Pennsylvania.

Mr. WELLINGTON. Mr. President, when, after an enforced absence of some weeks, I returned to this Chamber a few days ago, as I entered and approached my seat I heard the voice of the senior Senator from Montana, my attention was at once arrested and I became an interested auditor to his eloquent appeal for the admission of Mr. Quay as a Senator of the United States from Pennsylvania. It was an appeal more than an argument, and the extraordinary assertions and peculiar declarations he made awakened the determination to answer them. It seemed to me to be fitting that one who had stood with the senior Senator from Montana among the decisive majority of the Senate when it refused to accord a seat in this body to Mr. Corbett, of Oregon, should make reply. I therefore claim the indulgence of the Senate at this time.

The matter now engaging the attention of the Senate is neither difficult nor complex. The case of Matthew Stanley Quay presents no mass of testimony pro and con as to facts.

There is no contention concerning facts; they are admitted upon either and both sides. And the case resolves itself into a constitutional question, which, divested of surplusage, may be briefly stated thus: "Has the governor of Pennsylvania the constitutional right and power to fill by executive appointment a vacancy in the Senate of the United States which occurred during the session of the legislature of the State and which said legislature failed to fill by an election?"

To this question I propose to address myself briefly; not in the spirit of the attorney or learned counselor at law, who, by reason of his technical training, frequently loses sight of the great issue at stake in his attempt at minute investigation and legal splitting of hairs, but with the purpose of the citizen who has studied the Constitution of his country and endeavored to find the true intent of the organic law.

The Constitution of the United States, from the opening declaration to the last paragraph of the final article, shows that it is the result of a spirit of compromise as between contending ideas of government. The American people, in the enthusiasm of the moment which gave to the world the Declaration of Independence, thought only of the struggle which would be necessary to carry into effect its propositions; and if they contemplated future government, it was doubtless with the sentiment that each colony, which had now become a free and independent State, should govern itself. For the time being it was necessary to have unity of purpose and concert of action. Therefore they entered upon their national life, not in the character of a unified people, but as a league of sovereign States under a written agreement known as the "Articles of Confederation." This instrument has been eloquently described by one of the greatest American orators, John Quincy Adams, in the following language:

The Articles of Confederation, subjected to a philosophical analysis, seem to be little more than an enumeration of the vocations of the National Government, which Congress, constituted by the instrument, was not authorized to perform. They constituted a Congress with powers coextensive with the nation, but so hedged and hemmed in with restrictions that the limitation seemed to be the general rule and the grant the occasional exception. There was avowedly no executive power.

Under these Articles of Confederation, however, the war of the Revolution was fought and self-government ultimately achieved. But, sir, the condition of the country after the treaty of peace with Great Britain was critical in the extreme. The strong hand of Federal power was absent. There was contention at home and failure abroad. There was upon the one hand an unwillingness of the several States to surrender any portion of their sovereignty; on the other it was apparent that unless there should be a strong union of the whole people, binding by a Federal government all the States into one nation, the struggle for independence would have been for naught. Fortunately, there was at that time living an American so influential among his countrymen as to make his appeal for a Federal union and constitutional government irresistible. We owe to Washington not only the success of American arms in the war of the Revolution, but also the triumph of that spirit which brought about our present organic law.

From the quiet courts of Mount Vernon came the messages of warning and patriotism which caused eleven States to send delegates to the Federal Convention which, after many months of tribulation and labor, evolved the Constitution of the United States. The plan of government is best set forth by the document itself, which makes the States speak in the first person and declare—

We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

The powers of government were vested in three coordinate branches—the legislative, the executive, and judicial. The legislative branch was the Congress of the United States, consisting of a House of Representatives and a Senate. The Continental Congress had been one body only, but when the Constitution was framed, after much debate, the conclusion was reached that the legislative branch of the Government should be fashioned after that of Great Britain, the House of Representatives to be apportioned to the States according to population, the Representatives to be chosen by the people, so that they might represent them directly, thus in some degree fashioned after the English House of Commons. The Senate of the United States was to be differently constituted. It was to take in this country the place of the upper and titled house in Great Britain. It was not to be chosen by the people themselves, but by the legislatures of the several States, and here one of the great compromises is evident. In the Senate each State was to have two members. Delaware and the Providence Plantations of Rhode Island were to have the same weight and power in the upper branch of the National Legislature that New York, Pennsylvania, or Virginia enjoyed. It was the contention of the smaller and weaker States that they must have in at least one branch of the Legislature some guaranty for safety against the larger and more powerful States, who would be represented according to the number of their population in the lower House.

The Constitution as it was evolved and finally submitted to the people contemplated two Senators for each State. These Senators were to be elected by the legislatures of the States in a certain manner and to have such qualifications as were set down in the Constitution of the United States. Originally there was much opposition, as the debates of the Convention abundantly show, to a vacancy in the Senate, under any circumstance or condition, being filled except by the legislature of the Commonwealth itself. There was, however, a distinctive feeling that as nearly as possible each State should have two members; and if by reason of the legislature of the State not being in session to fill a vacancy a State should be deprived of a part of its representation, there should be a provision that the chief executive, the governor, or president of the State should have the right to fill the vacancy for the time being—that is to say, until the legislature would convene.

But the whole spirit of the debate and the final adoption of the articles as we now find them, relating to the election of Senators of the United States by the several States, leads us to the conclusion that executive appointments were only contemplated at such time as the legislatures were not in session, and that the moment a legislature was convened and had it within its power to elect a Senator of the United States the right of the executive to appoint should cease.

There was, beyond question or doubt, ever present in the minds and hearts of the people of the colonies a deep-seated aversion and palpable antagonism to executive power. This sentiment was created and nurtured by the tyranny, arbitrary rule, and maladministration of royal and proprietary governors for a century and a half of time. The colonists had been compelled to submit to insult, hardship, injustice, and the sum total of their suffering came through the one channel—the executives of the Crown or the proprietaries. Can we wonder, therefore, if, when this galling yoke had been cast off, the patriots of the Revolution determined to hold the power of government as nearly as possible in the popular assemblies consisting of representatives of their own number, and to curtail in every possible way executive prerogatives? In the General Government during the Revolutionary period they emphasized this feeling of antipathy by conducting Federal affairs under the Articles of Confederation, in which, as has been already stated, there was no executive power. And though when the Constitution was adopted they surrendered a part of this, they gave reluctantly and no more than was absolutely necessary.

The language of the Constitution, Article I, section 3, is as follows:

The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof, for six years; and each Senator shall have one vote.

Then follows the clause describing the first election of members, the first meeting of Congress, and the division of Senators into classes. Following that we find this language is used:

> And if vacancies happen, by resignation or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

This language, to my mind, is exceedingly clear; it is plain and simple, so that even the layman may, by the exercise of common sense, see the intention and purpose of the framers of the Constitution. It was to limit the power of executive appointment to vacancies which would "happen by resignation or otherwise" during the recess of the legislature of the State. Therefore, having thus limited the power of executive appointment, a vacancy which occurs during the session of the legislature of a State must be filled by the legislature itself, and if the legislature fails of its duty, then the executive can not act.

In the case now before us the claimant to a seat in this body, Matthew Stanley Quay, appears with a commission issued by the governor of the Commonwealth of Pennsylvania—an executive appointee. Now, sir, let us carefully examine this case. Does the executive appointment of Mr. Quay as a Senator of the United States by the governor of the Commonwealth of Pennsylvania come within the constitutional limitation? If so, then he should be entitled to take his seat. If not, he should be excluded. No other consideration should enter into it. Neither character nor service, neither public enmities nor personal malice, neither friendship nor kindly remembrances, should intervene and obscure the plain and simple issue before us. Partisanship on the one hand, jealous antagonism on the other, should sternly be commanded to stand aside. The bright light of independent, manly thought, the fervor of patriotic aspiration, the calm logic of reason, should combine and concentrate our every endeavor toward elucidating the real intent of the Constitution.

Our first inquiry should be as to facts. These are admitted to be substantially as follows: The last term of service of Mr. Quay as a Senator of the United States from Pennsylvania expired on the 3d day of March, 1899, thus creating a vacancy in the representation of that State in this body. The expiration of Mr. Quay's term occurred during a stated session of the legislature of Pennsylvania. Under the Constitution of the United States the legislature then in session was charged to elect a successor to Mr. Quay for the term of six years. Further, it is admitted that the legislature of Pennsylvania did assemble in joint convention and a number of ballots were had in the endeavor to make a choice for Senator. I believe the session lasted forty-seven days after the expiration of Mr. Quay's term, but notwithstanding the frequent attempts in joint convention the legislature failed to elect a successor, and in this failure fell short of its constitutional duty.

The State of Pennsylvania had, under the Constitution of the United States, the right of filling the vacancy caused by the expiration of Mr. Quay's term in one way only. The legislature being in session, it was its bounden duty to elect his successor. Having thus failed in availing itself of its right—aye, further, of performing its duty—the question now arises, Has the governor of the State the right or power to fill the existing vacancy after the legislature, which under the Constitution was charged with the election of a Senator, failed in its duty?

The Senate of the United States, by and under the Constitution, is the judge of the election and qualifications of its own members. The Senate, therefore, in this case sits as a court to decide upon the eligibility of Mr. Quay to be admitted as a Senator of the United States from Pennsylvania. It acts in a judicial capacity. It should be ruled by the same laws and customs that govern other courts. Now, what are these? Courts should be guided by the Constitution, which is the organic law of the land; the enactments made under it, and such precedents as have been made and cited by courts of similar and higher jurisdiction around and about them. In the matter of judging of the election and qualifications of its members the Senate is supreme, there is no court of jurisdiction beyond it, and therefore in its decision as to any case of such nature that may be brought before it, it must be governed by the Constitution of the United States, the law made in accordance with it and the precedents established and set by the Senate itself in similar cases in the century and decade of years which have backward rolled since constitutional government had its origin in this country, and the Senate of the United States began to have life and being under it.

The language of the Constitution concerning this phase of national life is to my mind plain, emphatic, and unequivocal. There are two sources of appointment by which a Senator of the United States can receive full and just title. First, an election by the legislature of the State which he is to represent in part. The Constitution charges specifically that "the Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof, for six years." To the legislatures, therefore, belongs primarily the power of electing Senators of the United States, either previous to the expiration of a term or when they are in session at the happening of a vacancy and at their first meeting when it happens in their recess, and on them devolves the exclusive jurisdiction of the filling of such vacancies under such environments. Secondly, during the recess of a legislature a vacancy occurring by expiration of a term which was not susceptible of being filled by the legislature either previous to its expiration or subsequent to it, or a vacancy happening by resignation in a stated term, "or otherwise," during the recess of the legislature of any State, "the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies." I reiterate this language to impress the difference as to the two appointments. The one an election by the legislature, "which shall elect," and the other an appointment by the executive, who "may appoint" under certain restrictions and limitations.

The debates of the Federal Convention which formulated the Constitution of the United States abundantly show that at first it was the intention of at least a part of the Convention to have Senators elected by the legislature, and under any and all circumstances to prevent any executive appointment. This, however, was modified, but the modification itself, to my mind, clearly indicates that it was not intended that the governor of any State should at any time have the right to make an appointment when the legislature of the State could elect.

In the debates upon this question Mr. Wilson strenuously objected to vacancies in the Senate being supplied by the executive of the State. He said that "it was unnecessary, as the legislatures would meet frequently, and that it removed the appointment too far from the people, and that he had always thought that the appointment of the executive by the legislative department wrong, and that it was still more so that the executive should select the legislative department." Upon the question on striking out the words "vacancies shall be supplied by executives" in the original draft of the plan of the Constitution the curious fact developed that Pennsylvania voted "aye," thus recording herself as opposed to executive appointment under any and all circumstances, and the vote of Maryland was divided upon that issue.

In the adoption of the articles having reference to this point as they finally appear in the Constitution a compromise is apparent, and while it is conceded that executives might under certain circumstances make temporary appointments, it was believed that they would be for a short time, and therefore, to quote the language of Mr. Randolph, "the executives might be safely trusted with the appointment for a short time;" but it is apparent throughout the whole debate that it was only contemplated that these executive appointments should be made where there existed an impossibility of the legislature of the State acting in its sovereign capacity and filling the vacancy. Thus we have not only the language of the Constitution itself, but the further light of the intention of the framers of the Constitution concerning this important matter.

In addition to this, we find a long line of precedents, beginning over a century ago and continuing until the present, established by the Senate in its decisions upon the eligibility of such members of the Senate upon whose title there was any question raised at any point.

It has been my privilege to examine a number of these, and I find that with surprising uniformity, advancing step by step, the Senate has emphasized the right and duty of the legislature to elect, and the limited power of the executive to appoint United States Senators.

The first case which claims our attention is that of Kensey Johns, of Delaware, who was appointed March 19, 1794, by the governor of the State of Delaware to fill a vacancy caused by the resignation of George Read. Kensey Johns was refused admission, and the seat remained vacant until the legislature of Delaware elected Henry Latimer, February 7, 1795, to fill the vacancy, Mr. Latimer being admitted and sworn in on February 28 following. In this case it appears that Mr. Johns was refused admission because there had intervened, between the vacancy caused by the resignation of Mr. Read and the executive appointment of Mr. Johns, a session of the legislature of Delaware, which had failed to elect a Senator. It was here decided that the legislature of the State having been in session and having failed to perform its constitutional duty, the limited authority of the executive of the State did not extend even to filling a vacancy which had been allowed to exist. It will be observed that this is a stronger case by far than that of Mr. Quay, for the vacancy did not occur during the session of the legislature.

Thus we find a vacancy which had occurred during the recess of the legislature attempted to be filled by the governor by executive appointment. Yet the Senate of the United States refused Mr. Johns admission because a session of the legislature had intervened between the time of the vacancy and the executive appointment, thus emphasizing the intention of the framers of the

Constitution that a narrow limitation should be placed upon the power of the executive.

This case occurred in the primitive period of our constitutional government. The First Congress completed its organization in April, 1789. This case occurred five years later, when the framers of the Constitution were yet active in the service of our Government, some of them serving at that very time as members of the Senate of the United States, notably James Monroe, of Virginia, and this case would seem to do much toward shedding any light that is needed to construe the meaning of the language of the Constitution. It is most important to us from this standpoint, and too much stress can not be placed upon it, for surely the men who labored in creating the Constitution should be best able and most capable in construing the instrument and giving effect to its purpose.

The voice and vote of such men as Monroe, Martin, Langdon, Burr, and others denying the right and title of Kensey Johns to a seat in the Senate upon executive appointment under the circumstances shown by the case should carry conviction deep and strong to their successors in the Senate at the present time.

The only case of an appointment, by the chief executive of a State, of a Senator, previous to that of Kensey Johns, was that of John Walker, of Virginia, who was appointed March 31, 1790, upon the refusal of George Mason to act after his election to the Senate. Mr. Mason had been elected to fill a vacancy caused by the death of William Grayson. The legislature of Virginia was not then in session and would not convene before the assembling of Congress, and therefore the executive, under his limited power, had a right to appoint for the time being, and Mr. Walker, upon the presentation of his credentials, was seated and served until James Monroe, who was elected November 9, 1790, to fill the unexpired term, produced his credentials and took his seat December 9, 1790.

Mr. SPOONER. Will the Senator from Maryland allow me?

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Maryland yield to the Senator from Wisconsin?

Mr. WELLINGTON. Certainly.

Mr. SPOONER. As I recollect the case, Mr. Walker was appointed to fill a vacancy which had already been filled by the legislature, whose choice had refused to accept.

Mr. WELLINGTON. I am citing this as a case in which the governor had the evident right to appoint.

Mr. SPOONER. But the legislature had met and the legislature had chosen, and the man whom they had chosen declined to accept.

Mr. WELLINGTON. Exactly. Then there was a vacancy existing?

Mr. SPOONER. Yes.

Mr. WELLINGTON. There was a vacancy existing, and as there was no legislature in session, and as there would be no legislature in session between that time and the convening of Congress, the governor appointed, as he had a right to do, and Mr. Walker was seated. That is the contention I make.

Mr. SPOONER. But, if the Senator will permit me, the legislature had met to fill an anticipated vacancy and they had chosen a Senator.

Mr. WELLINGTON. But the person chosen refused to accept.

Mr. SPOONER. He refused to accept.

Mr. WELLINGTON. And that caused a vacancy.

Mr. DAVIS. Did not that make the whole thing pass for nothing?

Mr. SPOONER. It made it pass for nothing.

Mr. WELLINGTON. I do not so understand it.

Mr. SPOONER. There was a vacancy until the legislature should choose a man who would accept.

Mr. WELLINGTON. Then there was a vacancy, was there not?

Mr. SPOONER. I say that until the legislature chooses a man who will accept it has not filled the vacancy.

Mr. WELLINGTON. The legislature was not aware whether he would accept or not and it adjourned. Then there existed a vacancy in the representation of the State of Virginia in the Senate of the United States, and that vacancy was filled by the governor, because the legislature was not in session and because it would not convene before the time when the Congress of the United States would meet. That was the situation.

Mr. TILLMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from South Carolina?

Mr. WELLINGTON. Certainly.

Mr. TILLMAN. I just desire to get the facts here in order to form my judgment as to the legal status. It is as to whether at the time of the election it was known that the man would afterwards decline to serve, or did his declination come in time for the legislature to act again? In other words, had not the legislature acted in absolute good faith according to its legal requirements and duties and adjourned in good faith and everything of that sort and had it not to all intents and purposes complied with the obligation imposed upon it, whereas in the Pennsylvania case it did not do so?

Mr. SPOONER. Does the Senator mean that the power of the governor under the Constitution to appoint a Senator temporarily depends upon the judgment of this body as to the good faith of the legislature of a State?

Mr. TILLMAN. I mean by that to say that my opinion as to the law of the case would rest entirely upon the facts, and that if the legislature had elected a man according to the requirements of the Constitution, and then adjourned, and that man afterwards declined to serve, and the governor appointed, I would vote to seat him; but otherwise I would not.

Mr. SPOONER. What you would vote for is another thing.

Mr. WELLINGTON. Here was a clear case, in which the governor had undoubted right to appoint, and, therefore, the appointee was seated.

A number of cases of like nature to that of Mr. Walker's occurred after Kensey Johns had been refused admission. The second case to which I shall refer is that of Uriah Tracy, of Connecticut, which occurred in 1801. Mr. Tracey's term as Senator expired March 3, 1801. On March 4 of that year, at a special session of the Senate, he produced credentials of appointment by the governor of Connecticut to fill the vacancy caused by the expiration of his first term.

Mr. SPOONER. Will the Senator allow me?

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Wisconsin?

Mr. WELLINGTON. I would prefer, I will say very plainly, not to be interrupted right straight along. I do not usually make it a practice to interrupt any Senator when he is speaking. However, if there is any question which the Senator wishes to elucidate or point he wishes to direct attention to, certainly I do not wish to be discourteous.

Mr. SPOONER. I hope my friend will appreciate it when I say that I would not interrupt him for any other purpose in the world than to make clear the question he is discussing. I would not interrupt him simply for the purpose of controversy. If he prefers not to be interrupted at all, I will not do it.

The PRESIDING OFFICER. The Senator from Maryland will proceed.

Mr. WELLINGTON. Mr. Tracy's credentials were dated February 20, 1801, and it appeared that the legislature of the State not being in session, he was appointed "from the 3d day of March next until the next meeting of the legislature of said State."

Though exceptions were taken to these credentials, he was admitted to his seat and occupied and held it during the special session of the Senate of March 4 and 5 of that year. In the following May he was elected by the legislature of his State for the term ending March 3, 1807. It will be observed that there is an essential difference as between this case and that of Kensey Johns, for though the vacancy which occurred by expiration of the term of Mr. Tracy might have been provided for in advance by the legislature, it was not done. But the vacancy occurred during the recess of the legislature, and there was no opportunity for legislative action in the interval as between the expiration of his first term and the consequent beginning of the vacancy caused thereby and his presentation of credentials.

The case of Samuel Smith, of Maryland, in 1809 is almost identical with that of Mr. Tracey, and the same result was attained.

In the case of James Lanman, of Connecticut, there was an executive appointment made in advance of the expiration of his term—before the vacancy occurred—and he was refused admission upon his credentials, for the reason that it was held "the executive can not make an appointment in advance of a vacancy."

In each of these cases it will be seen that there was a very wakeful and watchful guarding, with jealousy, of the prerogatives of the legislature to elect a Senator, and that any attempt upon the part of the executive power to take even the slightest step beyond the narrow confines of the constitutional limit, as then understood, was at once checked by the Senate of the United States by refusing admission to the executive appointee.

The case of Ambrose H. Sevier, Senator from Arkansas, was somewhat different from any of the preceding ones. The State of Arkansas was admitted into the Union June, 1836. In October of that year the legislature of the State elected Ambrose H. Sevier and William S. Fulton Senators. On the allotment of the Arkansas Senators to their respective classes, as required by the third section of the first article of the Constitution, Mr. Sevier was placed in the class of Senators whose terms expired March 3, 1837, thus creating a vacancy upon that day. The legislature of Arkansas had no opportunity to fill the vacancy, not having been in session after the result of the allotment was known. In June, 1837, the governor of Arkansas appointed Mr. Sevier to fill the vacancy which had occurred upon the expiration of his first term. The Senate in this case decided that as a vacancy could not have been foreseen, the allotment not being known, and as the legislature

had not been in session, the case came "fairly within the provisions of the Constitution," and Mr. Sevier took his seat and held it until he was duly elected by the legislature of his State. This again emphasizes the fact that it was the intention of the Senate to confine executive appointments to such cases as bore evidence of the inability of the legislature to act.

On July 27, 1850, Robert C. Winthrop was appointed by the governor of Massachusetts to fill a vacancy caused by the resignation of Daniel Webster. He presented his credentials and was seated, as was his right to be, the legislature of Massachusetts not being in session. On February 1, 1851, Robert Rantoul was elected by the legislature to fill the unexpired term of Mr. Webster. Mr. Rantoul did not appear to present his credentials, and Mr. Winthrop himself offered a resolution—

That the Committee on the Judiciary inquire and report to the Senate, as early as practicable, at what period the term of service of a Senator appointed by the executive of a State, during the recess of the legislature thereof, rightfully expired.

In answer to this resolution the committee reported:

That a person so appointed had a right to the seat until the legislature, at its next meeting, should elect a person to fill the unexpired term, and the person elected should accept, and his acceptance appear to the Senate by the presentation of his credentials.

This report was debated, but no action was taken, the whole subject being laid on the table, but Mr. Winthrop vacated his seat February 7, 1851, when Mr. Rantoul presented his credentials. Here again is evidenced the same spirit, and we have the superb spectacle of a Senator himself calling the attention of the Senate to this important question, and at the same time, while expressing a desire to hold his seat so long as he was constitutionally entitled thereto, declaring that he would hold it not one moment longer.

On December 15, 1851, Henry Clay sent a letter of resignation to the general assembly of Kentucky, said resignation to take effect on the first Monday of September, 1852. On December 30, 1851, Archibald Dixon was elected by the legislature to fill the unexpired term of Mr. Clay. On June 29, 1852, during the recess of the legislature, Henry Clay died. On July 6 the governor of Kentucky appointed David Meriwether Senator "until the time the resignation of Henry Clay takes effect." Mr. Meriwether's credentials were presented and he took his seat July 15 and held it during that session of Congress. On December 6 of that year the Senate was convened in regular session, Mr. Meriwether did not appear, but Mr. Dixon presented his credentials to the Senate. Objection was made to his taking the oath of office on the ground that the seat belonged to Mr. Meriwether. The seat remained vacant until December 20, when the Senate seated Mr. Dixon, having resolved that he had been duly elected to fill the vacancy in the Senate occasioned by the resignation of Henry Clay. This is additional evidence that the Senate desired to recognize executive appointments only under limited conditions, and that the moment there was an opportunity for legislative action it must have precedence and hold good.

In the cases of Samuel L. Phelps, of Vermont, and Jared W. Williams, of New Hampshire, occurring in 1853, the Senate went a step further in this direction and decided that a person temporarily appointed by the governor on the occasion of a vacancy occurring during the recess of the legislature was not entitled to retain his seat after the adjournment of the next session of the said legislature which had an opportunity to elect his successor and failed to perform its duty.

These two cases again emphasize the construction of the Constitution, which would place a strict limit upon executive appointments and hedge them about upon every side.

In the cases of Charles H. Bell, in 1879, and Henry W. Blair, in 1885, both of New Hampshire, the vacancies having occurred during the recess of the legislature, and not being susceptible of being provided for in advance, and there being no opportunity to elect between the occurrence of the vacancy and the executive appointment, they were both declared entitled to their seats and held them until the next meeting of the legislature, which chose their successors.

In 1891 Senator Reagan, of Texas, resigned from the Senate. The resignation was to take effect on the 10th day of June, 1891. The governor of Texas, after the receipt of the resignation of Mr. Reagan, appointed Mr. HORACE CHILTON to fill the vacancy occasioned by the resignation of Mr. Reagan, the appointment to take effect on the 10th day of June, 1891, the day upon which Mr. Reagan's resignation was to become operative. Mr. CHILTON was seated, the Senate declaring that—

Though the appointment had been made in advance of the vacancy, its occurrence, by resignation, to take effect upon a certain date, and there being no intervening session of the general assembly, thus making it impossible for the legislature to act, Mr. CHILTON was entitled to his seat under the executive appointment.

The case of Mr. Mantle, of Montana, in 1893, is one with which every Senator is familiar. Many are now present who participated in the debates upon that occasion. Mr. Mantle was refused admission for the reason that the vacancy had been foreseen and had been susceptible of being provided for in advance.

In this case the following facts appear: On March 3, 1893, the term of Mr. Sanders as a Senator from Montana expired. In January of that year the legislature of Montana met, and, its session being that which met next previous to the expiration of the term of Senator Sanders, it was charged under the Constitution with the duty of electing his successor. Before the term had expired the legislature adjourned finally without having elected a Senator to succeed Mr. Sanders. Thereupon the governor of Montana attempted to appoint Mr. Mantle to the vacancy. Mr. Mantle presented his credentials, and the case was referred to the Committee on Privileges and Elections. On March 27, 1893, Mr. HOAR, of the committee, presented a resolution declaring Mr. Mantle entitled to a seat in the Senate.

The debate which followed extended itself over five months, until a vote was reached on August 23, following. A substitute for Mr. HOAR'S resolution was offered declaring Mr. Mantle not entitled to a seat and was adopted, thus excluding him. The debate proves beyond doubt that the case was not decided upon any other than constitutional grounds. Mr. Mantle was excluded because a majority of the Senate, without regard to political lines, held that the executive of a State could not appoint a Senator after the legislature of the Commonwealth had an opportunity to elect and had failed in the performance of its duty.

During the consideration of this case Senator Mitchell, of Oregon, cited a letter written by Mr. Edmunds, of Vermont, formerly a Senator of the United States from that State. Mr. Edmunds has earned just fame as one of the greatest constitutional lawyers of our time, ranking with Webster and his compeers, and this letter, which was addressed to Governor Moody, of Oregon, in 1885, in answer to a request for his opinion upon a similar case, is so clear and convincing that I beg to submit it now. It is as follows:

BURLINGTON, VT., *September 1, 1885.*

DEAR SIR: I have yours of the 21st ultimo. The Constitution, as you know, provides respecting Senators that "if vacancies happen by resignation or otherwise during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancy."

It has been held by the Senate, and may now be considered as the settled law of that body, that if a State legislature has once acted or had an opportunity to act while a vacancy exists the governor has no power to supply the failure of the legislature to fill it up.

Applying this rule to the case of Oregon, a vacancy existed on and after the 4th day of March, 1885, and your legislature, as I understand it, continued to sit a long time after that date and had the opportunity to fill the vacancy, so that the vacancy did not happen during a recess of the legislature, and it now only exists because the legislature failed in its duty of keeping its Senatorial representation full. If we construe this clause of the Constitution as some Democratic Presidents have the corresponding clause respecting the President filling vacancies in offices, so as to make it mean, that if vacancies happen to exist during any recess the governor may fill them, it would be an indefinite power to be exerted just so long as the legislature failed, which is not according either to the language or spirit of the Constitution. But, however we may reason about it, the Senate will be obliged to reverse its repeated decisions on the subject in order to admit a Senator appointed by the governor under such circumstances. Trusting that in some way a Republican Senator from Oregon may be preserved to us at a time when the only security for safe and conservative government lies within the Senate,

I am, very truly yours,

GEORGE F. EDMUNDS.

This is the letter of Senator Edmunds, so plain in its language that it can neither be mistaken nor disregarded. If the Senate, previous to 1885, by its precedents justified the assertion of Mr. Edmunds that it might "be considered the settled law of that body that if the legislature has once acted, or had an opportunity to act while a vacancy exists, the governor has no power to supply the failure of the legislature to fill it up," how much more is this true now, when since then an unbroken line of precedents has been added. If this position was fortified then, it is doubly intrenched now.

After the case of Mr. Mantle came those of Allen and Beckwith. These two cases are almost, if not entirely, identical with that of Senator Quay, now under consideration, and so little did the claimants in these cases feel that they had a right to a seat in this body that the claims were allowed to fall without pressing them actively for consideration before the Senate. They were surrounded by the same circumstances and conditions as the case of Senator Quay, and they emphasize the statement that from the beginning of constitutional government in the United States until now there has not been seated in the Senate a claimant coming with the sort of credentials that are now presented by Mr. Quay.

The last case which came before the Senate of the United States was that of Henry W. Corbett, of Oregon. He was refused admission on the ground that a vacancy having been foreseen and susceptible of being provided for in advance, the governor was estopped from appointing. Of this case I have some personal knowledge, as it was my privilege then to be a member of this body and to act as a part of the high court which passed upon the claim of Mr. Corbett by executive appointment, to hold a seat as a Senator from Oregon. Mr. Corbett had a stronger claim to a seat in this body than has Mr. Quay, and, if I may be pardoned, I

will endeavor briefly to give the reasons why his claim was stronger and better. The term of Mr. Mitchell, of Oregon, expired on March 3, 1897, during the recess of the legislature. The legislature of Oregon after the occurrence of this vacancy met, but the lower house was never organized in due form, for the reason that there was never in attendance a proper quorum of that body as required by the constitution of the State. The constitution of the State of Oregon requires two-thirds of the members of the house of representatives to be present to organize that body.

During the entire time in which the legislature of Oregon should have been in session a sufficient number of members necessary to break a quorum were prevailed upon to remain away, thus causing a failure in the organization and preventing the house from meeting with the senate in joint convention, as required by the Constitution of the United States, to elect a Senator to succeed Mr. Mitchell. It will thus be seen that, while there was a meeting of the legislature, it was impossible to have a joint convention, and therefore it might have been contended that the legislature of Oregon never had an opportunity of choosing a Senator to fill the vacancy. This, however, was not taken into account, and the fact that the time had come when the legislature of Oregon, under the constitution of the State, should assemble and did assemble was taken as an evidence that the State had had an opportunity to elect and failed to avail itself of that opportunity by an election of a Senator of the United States.

After the adjournment of the legislature, which occurred at the expiration of the constitutional limit for its session, the governor of Oregon appointed Mr. Corbett to fill the vacancy, and he presented his credentials. The Committee on Privileges and Elections considered it carefully; it was thoroughly discussed in the Senate, and by a decisive vote it was declared that Mr. Corbett was not entitled to a seat in the Senate, for the reason that even though the legislature had never been organized in both houses, the time for its session having passed and no election having been had, that the governor of the State had no right to make an appointment. Thus going a step further than ever before in the Senatorial limitation of executive appointment.

In the case of Mr. Quay we have every condition which makes him ineligible as an executive appointee from the Commonwealth of Pennsylvania. The vacancy occurred during the session of the legislature; the legislature failed to avail itself of its constitutional prerogative or to fulfill its constitutional duty, and adjourned without electing Mr. Quay's successor. From the language of the Constitution, under the acts passed in accordance with it, construing them in the light which is given us by the framers of the Constitution, and guided upon our pathway by an almost unbroken line of cases, following one after the other, during more than a century of time, it seems to be plain that the governor of Pennsylvania, under these conditions, was debarred from exercising the right of appointment. Yet, notwithstanding this, the governor of Pennsylvania did attempt to appoint Mr. Quay, and he presents his credentials to this body praying admission. If the Senate votes to seat him, in my humble judgment, it will do so in contravention of the expressed constitutional provision and in defiance of the law and every precedent that bears upon the case.

I can not conceive that any court in the land would be so very forgetful of the sacredness of the Constitution or its obligation to observe the law and established precedents as to give such a decision; and I therefore can not believe that the Senate would so far fail in its remembrance of the organic law which was its creator or of the dignity of its own past record as to admit Mr. Quay, upon his credentials here presented, as an executive appointee. I for one, having carefully examined the points at issue in the case of Mr. Corbett, and having cast my vote against his admission because of my views of the limited authority of the executive, and having seen the Senate upon that occasion sitting as a high court, having heard its opinion that Mr. Corbett was not entitled to a seat in this Chamber, can not see my way clear to aid in a reversal of the judgment of the court as recorded upon that occasion in a case that is no stronger than was that of Mr. Corbett's—aye, that is weaker in every particular. I can not do so for the sake of the reverence and respect I have for the decision of the Senate. I can not do so for the sake of personal consistency. I shall therefore cast my vote in conformity with what I conceive to be the constitutional provision and what I hold to be the law and precedents governing the case.

It has been suggested that the governor of Pennsylvania should, instead of attempting to appoint a Senator, have reconvened the legislature of his State, as he was charged to do by the constitution of Pennsylvania. This is undoubtedly true. He should have done this even without a constitutional provision, and I am free to admit that the requirement of the constitution of Pennsylvania has little bearing upon the case here. It may be contended that as the legislature had failed, after many ballots, to elect a successor to Mr. Quay, there would be little probability of a choice by the same body if reconvened, for there would be present the same representatives, actuated by the same motives. I am convinced, however, that the very contrary would be true. I believe if the governor had paid heed to the provision of the constitution of his State, which he had pledged himself in the most solemn manner to protect and defend, and had, under this constitutional provision, called together the legislature of the Commonwealth, there would to-day be a Senator here present, duly elected by the legislature of Pennsylvania, having a title beyond dispute, and under it would have been seated.

Mr. PENROSE. Will the Senator allow me?

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Pennsylvania?

Mr. WELLINGTON. I do.

Mr. PENROSE. I make the statement that the contrary is the opinion of all parties to the controversy in Pennsylvania. The Democrats, the independent Republicans, and the regular Republicans have all agreed and so declared in the public prints that it would be impossible to elect a Senator and that the reconvening of the legislature would be futile.

Mr. WELLINGTON. I ask the Senator's attention now to a case which was identical with that of the Pennsylvania case, in which the legislature of a State failed to elect a Senator. It would have been well for the governor of the State of Pennsylvania and his people if he had acted upon the high principle which guided the present governor of the State of California when he issued his message calling an extra session of the legislature of that State on January 29, 1900. It will be remembered that the legislature of California had failed to elect a successor to Senator White, whose term expired March 3, 1899, as did Senator Quay's. The legislature endeavored to elect a Senator and adjourned without having performed its constitutional function. Here the analogy ceases. The governor of California did not attempt, in the face of the Constitution, laws, and precedents, to appoint a Senator. He recognized his limited powers, and having at heart the good of his beloved Commonwealth and not the advantage of a favored individual, he convened the legislature. The message of Governor Gage should be read and treasured by our people. I quote his words:

> After careful consideration for many months of the question whether, among other things, the expense to the people which may accrue from this session should outweigh the exigencies of convoking the legislature, I have fully determined that the question of immediate disbursement should be subordinated to public duty and public necessity, and that this necessity, above all other matters, demands the election of a United States Senator, so that California shall stand equal in representation with her sister States in the Senate of the United States.
>
> The duty which devolves upon you of electing a United States Senator is paramount, and, to afford you an opportunity to perform this high prerogative, would alone, were there no other important questions to be disposed of by the legislature, require this extraordinary session.
>
> If the representatives of each State in the Union were to refuse to perform their constitutional obligations of electing a United States Senator, the foundation of the Federal Government by and for the people would crumble, and the American Republic would become a melancholy phantasy.
>
> The sisterhood of States represented in Congress is the constitutional essence of our nation, and full representation is not only a right belonging to each State, but also one of the greatest rights of the Republic, and for many months last past patriotic and urgent appeals have come to me from many of the most eminent statesmen and jurists in America imploring California to perform, in this regard, her whole duty to the Union. Our country's seal bears the motto, "Unity from multiplicity," and the Stars and Stripes, joined in one flag, signify supremacy and singleness of purpose through a union of the States.
>
> The Constitution and laws of the United States must be obeyed, as well as the constitution and laws of each State.
>
> The Federal Constitution and laws require that all States shall supply representatives to Congress to legislate for the whole people of the separate States; and thus the persistent refusal of a State to perform this duty required by the Federal Constitution and laws is treason against the Union.
>
> In taking my oath of office I solemnly pledged myself to support the Constitution and laws of the United States, and I firmly believe I would be recreant to that sacred oath did I fail now to convoke this legislature for the purpose of electing a United States Senator.
>
> California should have her full corps of legislators in Congress to assist in the passage of laws favorable to our trade with the newly acquired territory. No State can be equal if not equally represented. California, therefore, demands her equal right of representation by the election of a United States Senator.

He thus performed his duty. Did the legislature of California follow in his footsteps and perform the task incumbent upon them? Yes, splendidly. They convened and elected a Senator, and California to-day has two Senators—her full quota in this body. All honor to the governor of California!

I would that Pennsylvania's chief magistrate had been guided by the same motive. Had he done so either Mr. Quay would to-day be seated in this body with a title given him by the general assembly of his State, which no one would question, or in his stead some other citizen of the Commonwealth of Pennsylvania would enjoy the rights, prerogatives, and privileges of a Senator of the United States.

Much has been said as to the personality of Mr. Quay. If I may be permitted to say so, in my humble opinion it should not be injected in this case or used in this debate either for his advantage or to his detriment. Personally it would give me great pleasure to cast my vote for Mr. Quay's return to renewed service in this body if I could see my way clear so to do under the Constitution as I understand it, and which as a Senator of the United States it is my bounden duty, according to my official obligation,

to protect and defend. Standing upon this ground, I shall vote according to my conviction, and I feel that every Senator will be actuated by the same high motive in his decision.

The senior Senator from Montana, in his argument favoring the admission of Mr. Quay upon a construction of the Constitution which would allow governors to appoint Senators after the failure of the legislature to elect, endeavored to make it appear that it was the intention of the framers of the Constitution to have the Senate at all times filled to its constitutional limit, and that, recognizing the difficulty of obtaining attendance, they were inclined to give the executive of a State extraordinary powers of appointment. I venture to differ with the Senator from Montana, not only in his construing the meaning of the Constitution, but as to the facts environing the formative period of constitutional government in this country. It is true that there was at the beginning difficulty in organizing the Senate; that for some time there was a meager attendance, and there was an adjournment from day to day until a quorum was obtained.

But, sir, this was not so much the result of a want of interest in the Senate as it was a manifest hesitancy upon the part of many people, some of them the most influential in our land, to committing themselves to the new scheme of Government. There had been, before the adoption of the Constitution, and there was after it, a sentiment of doubt as to the success of this novel plan of establishing a nation. It will be remembered that quite a period of time elapsed between the adoption of the Constitution by the Federal Convention and its adoption by a sufficient number of States in their conventions. After its adoption it seemed an exceeding difficult matter to put the wheels of government in motion. Hesitancy, doubt, and distrust, and above all the feeling that the States should not surrender their sovereign power to a central government were evident. This condition retarded the organization of the Senate as well as other portions of the Government, but once put in motion it became evident that doubts and fears were founded upon error, and that the new Government was going forward to success. True it is that the most enthusiastic supporter of the new Constitution did not in his fondest dream anticipate the magnificent success which has been attained.

It is also true that during the first decade of the National Government there were several resignations from the Senate, but these were occasioned not by want of interest, but either by election to the governorship of a Commonwealth or an appointment to a Cabinet position or some other important event. And it will be remembered that at that time more attention was paid to State than National Government. But, sir, there is abundant proof that at no time did the framers of the Constitution contemplate more than a very limited exercise of executive power in the appointment of United States Senators. As I have already shown by the debates of the Federal Convention, they manifested a desire of curtailing executive power, which has since been justly observed.

The Articles of Confederation, which were the organic law previous to the adoption of the Constitution, almost entirely failed in recognition in the direction of executive power. They guided and controlled by legislative function. The same sentiment was still powerful when the Constitution was formulated.

The Senator from Montana further contended that the cases of Kensey Johns, of Lanman, of Mantle, Allen, Beckwith, and Corbett, all of which confronted him and his argument as an adamantine wall of antagonistic facts, were decided not upon constitutional grounds, but were controlled by extraneous circumstances. Unfortunately for him, the record of these cases does not establish the correctness of his position. All data and information which we have of the case of Kensey Johns establishes beyond peradventure that it was decided upon purely constitutional grounds; and it is explicitly stated that he was refused admission because a session of the legislature of Delaware, under which a Senator could have been elected, had intervened between the occurrence of the vacancy and the executive appointment.

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Reaching the case of Mr. Corbett, of Oregon, he again advances the idea that Mr. Corbett was denied his seat not for constitutional but for political and partisan reasons. Having participated, by my vote, in that case, I feel that I can speak for at least one Senator when I say that I voted against the admission of Mr. Corbett as a Senator from Oregon upon the ground that under the Constitution of the United States the governor of Oregon was debarred from making such an appointment. Sir, had political opinion and partisan advantage been the basis of my action in the Corbett case, I should have voted for his admission. It will be remembered at that time there was in the Senate a small majority, a narrow margin, in favor of the double standard, or rather, to state it more plainly, the free coinage of silver. I was then, as I have been in the past and am now, opposed to the free coinage of the white metal, antagonistic to the double standard, and favorable to the single gold standard. Mr. Corbett held the same views; political affinity would have directed my sympathy and aid to his cause. But there was another and higher consideration more powerful than this—it was the constitutional right of Mr. Corbett to hold a seat in the Senate by executive appointment. And, sir, after examination from this standpoint, I was convinced that he was not entitled to it, and, therefore, answering the call of official duty and solemn obligation, I voted against him.

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But, sir, I contend that we have at this time no concern whatever with the factional differences existing in the Republican party of Pennsylvania, nor have we the power to chastise recalcitrant Republicans who fail to obey the decision of their party caucus. I believe in the submission of the minority to the majority, as I believe in obedience to the law, but there may be times when the party caucus attempts to bind the personal conscience, when for the sake of manhood and honor, a member of a political organization may refuse submission, as there have been times in the history of the world when existing law was defeated and men rose up in revolution for the sake of that which conscience told them was right. But the Senate of the United States can not intervene in a quarrel as between the party caucus and those who refuse to follow in Pennsylvania.

I deprecate every attempt to make personal assault upon Senator Quay, and denounce as unjust and unwarranted any attempt, by false accusation, to defeat him for the honor he sought, but, sir, whatever may be my feeling upon these matters, they have no place in the Senate of the United States in the consideration of this case. Here we have a principle at stake; here we have a constitutional purpose to decide. Unbiased by extraneous circumstances, we should seek only the bright light of the law.

No greater good can come to any people than that its representatives in the law-giving power should follow the stern, straight path of duty and adhere at all times, and amid every environment, to that which is commanded them at the beginning of their term of office and should abide with them until its closing hour—strict compliance, under oath, with the Constitution. Acting with such purpose, personal differences must be forgotten, party fealty must stand aside, and we may then reach the altitude contemplated by the poet when he said:

> God give us men! A time like this demands
> Strong minds, great hearts, true faith, and ready hands.

We need:

Tall men, sun-crowned, who live above the fog,
In public duty, and in private thinking.

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No greater error can be committed than that of enlarging the right of the executive branch to appoint the legislative. It is this power that should rest as nearly as possible with the people and their representatives. Surely, if we consider this phase, we dare not establish for the first time, after the lapse of over a century, the precedent of allowing the governor of a State to assume the prerogative of executive appointment of a Senator of the United States when the legislature should elect. Let no Senator for a personal reason aid in establishing a departure from the past record and the adoption of a new principle which will rise to our endamagement in the future.

Having this faith, I am constrained to cast my vote against seating Mr. Quay. I earnestly appeal to my fellow-Senators to carefully consider the extreme importance of their action ere they do otherwise.

Mr. SPOONER. Mr. President, I do not rise to discuss the Quay case at any length. I have refrained, in accordance with the desire of the Senator from Maryland, from interrupting him any further than I did in the progress of his argument, but I desire to call his attention to one omission in his speech which to my mind is significant and which with me has had some weight.

I agree with the Senator from Maryland, and I do not rise at all to discuss the Quay case in any degree of fullness, that it is purely a question of constitutional law. I agree with him that personality has nothing to do with it; that whether Mr. Quay is personally agreeable or disagreeable to the members of the Senate as now constituted is altogether aside from the real point involved here. But the Senator from Maryland referred to a superb example coming from the State of Massachusetts, in which the Senator-elect or appointed from that State, Robert C. Winthrop, desirous of retaining his seat, nevertheless in an honorable way presented to the Senate of that day the question which underlay his appointment.

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Mr. WELLINGTON. Does the Senator refer to the case of Senator Smith?

Mr. SPOONER. Yes.

Mr. WELLINGTON. I alluded to that case.

Mr. SPOONER. Very briefly; too briefly.

Mr. WELLINGTON. I alluded to it briefly, I will say to the Senator, because it covered the same ground, in my judgment—I may be in error—as the case that I cited just preceding.

Mr. SPOONER. No, it did not, on the Senator's understanding of the facts preceding. The Senator's statement of the facts preceding it, in the Virginia case, was that the legislature of Virginia chose a Senator to fill an anticipated vacancy, and, not knowing that he had declined, adjourned, and that the governor, when the term of the incumbent expired, the legislature not being in session, filled the vacancy.

Mr. WELLINGTON. I beg the Senator's pardon. He is mistaken.

Mr. SPOONER. In what respect?

Mr. WELLINGTON. The case I cited previous to that of General Smith, of Maryland, was that of Uriah Tracy, of Connecticut in 1807.

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Mr. WELLINGTON. And the case of Uriah Tracy, as I understand it from the brief given, was exactly that of the case of General Samuel Smith, of Maryland.

Mr. SPOONER. The case of General Samuel Smith, of Maryland—I did not know he was a general—is not correctly reported in Taft, and it is a case of the utmost significance——

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Mr. SPOONER. If the Senator will allow me, and it bears with the very greatest weight upon the question which the Senator has been discussing. Senator Smith, of Maryland, was a Senator of the United States. His term was to expire on the 3d day of March, 1809, I believe it was.

Mr. WELLINGTON. Eighteen hundred and nine.

Mr. SPOONER. Eighteen hundred and nine. The legislature of Maryland met and declined to choose a Senator to fill that anticipated vacancy. They had the opportunity. They knew when the vacancy by efflux of time and by operation of law would occur. They declined to choose a Senator to fill that anticipated vacancy. When the 4th day of March came and General Smith's term had expired, the legislature, not being in session, but having been in session, having had an opportunity to fill that vacancy, knowing, if they knew anything (and the legislatures of Maryland know everything, or did then, as they must now), that in a short time the seat would become vacant, not only neglected to fill it, but declined to fill it. Then when the time came in a recess of the legislature, and the vacancy occurred, the governor of Maryland appointed Samuel Smith temporarily to fill the vacancy, and Samuel Smith wrote a letter to the Senate.

He was an honorable man. He did not choose to occupy a seat in the Senate sub silentio, without bringing to the attention of the Senate the fact that the legislature had met seasonably and declined to choose a Senator to succeed him. Thereupon he wrote a letter to the President of the Senate in which he stated, and it is not reported in Taft, but it is in the permanent records of the Senate, that the legislature had met and declined to choose a Senator, and so, he having been accepted as a Senator under the appointment, having brought to the attention of the Senate the fact that the legislature had met and declined to choose his successor, asked the Senate how long he could hold, whether until the meeting of the next legislature or until the legislature had adjourned.

Mr. President, that presented two questions to the United States Senate. All honor to General Smith, of Maryland, and his frankness! First, the question whether under the Constitution, the legislature having met and declined to choose, the governor had any jurisdiction to appoint temporarily at all. That was the first. Nobody could evade it. It was thrust into the face of the then Senate. And, second, whether, having been appointed under those circumstances, he should hold until the meeting of the next legislature or until that legislature had chosen his successor. No man in that body—it was only twenty years after the adoption of the Constitution and, I suppose, or have supposed, they knew as much about the Constitution in 1809 as we do in 1900, and cared as much for their obligation to support it as we do—no man in that Senate challenged his right to a seat under the appointment of the governor, notwithstanding his notification to the Senate that the legislature had met and declined to fill the vacancy. But they went further than that. They decided, only justified by a fiction of law—falsehood—that he could hold not until the meeting and organization of the legislature, but until its adjournment if his successor was not elected meanwhile and qualified. Now, what does the Senator from Maryland say, recurring to the facts, about that precedent?

Mr. WELLINGTON. I merely wish to say that it is one precedent out of many. Yet, as I have said, the Senate has been almost uniform. There have been times when the Senate did not decide as it has in the majority of cases, and it may have been that in the case of General Smith, of Maryland, it made this decision. Taft does not record it in that way. He records it differently. According to my understanding of the case of Smith, of Maryland, it was an exact counterpart of that of Uriah Tracy, from Connecticut. I say, further, that almost by an unbroken line of precedents the Senate of the United States has declared, and has advanced step by step going forward in its declaration, that the appointment of a governor shall be hedged and hemmed about. I say, further, and reiterate that the Senate of the United States has never seated in this body any man claiming admission upon such credentials as are presented by Mr. Quay, of Pennsylvania. They are entirely different from the case of General Smith, of Maryland. I do not know, and I am not prepared to say at this moment, whether or not the legislature of Maryland refused to choose a Senator, because I have not those facts here.

to protect and defend. Standing upon this ground, I shall vote according to my conviction, and I feel that every Senator will be actuated by the same high motive in his decision.

The senior Senator from Montana, in his argument favoring the admission of Mr. Quay upon a construction of the Constitution which would allow governors to appoint Senators after the failure of the legislature to elect, endeavored to make it appear that it was the intention of the framers of the Constitution to have the Senate at all times filled to its constitutional limit, and that, recognizing the difficulty of obtaining attendance, they were inclined to give the executive of a State extraordinary powers of appointment. I venture to differ with the Senator from Montana, not only in his construing the meaning of the Constitution, but as to the facts environing the formative period of constitutional government in this country. It is true that there was at the beginning difficulty in organizing the Senate; that for some time there was a meager attendance, and there was an adjournment from day to day until a quorum was obtained.

But, sir, this was not so much the result of a want of interest in the Senate as it was a manifest hesitancy upon the part of many people, some of them the most influential in our land, to committing themselves to the new scheme of Government. There had been, before the adoption of the Constitution, and there was after it, a sentiment of doubt as to the success of this novel plan of establishing a nation. It will be remembered that quite a period of time elapsed between the adoption of the Constitution by the Federal Convention and its adoption by a sufficient number of States in their conventions. After its adoption it seemed an exceeding difficult matter to put the wheels of government in motion. Hesitancy, doubt, and distrust, and above all the feeling that the States should not surrender their sovereign power to a central government were evident. This condition retarded the organization of the Senate as well as other portions of the Government, but once put in motion it became evident that doubts and fears were founded upon error, and that the new Government was going forward to success. True it is that the most enthusiastic supporter of the new Constitution did not in his fondest dream anticipate the magnificent success which has been attained.

It is also true that during the first decade of the National Government there were several resignations from the Senate, but these were occasioned not by want of interest, but either by election to the governorship of a Commonwealth or an appointment to a Cabinet position or some other important event. And it will be remembered that at that time more attention was paid to State than National Government. But, sir, there is abundant proof that at no time did the framers of the Constitution contemplate more than a very limited exercise of executive power in the appointment of United States Senators. As I have already shown by the debates of the Federal Convention, they manifested a desire of curtailing executive power, which has since been justly observed.

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The Senator from Montana further contended that the cases of Kensey Johns, of Lanman, of Mantle, Allen, Beckwith, and Corbett, all of which confronted him and his argument as an adamantine wall of antagonistic facts, were decided not upon constitutional grounds, but were controlled by extraneous circumstances. Unfortunately for him, the record of these cases does not establish the correctness of his position. All data and information which we have of the case of Kensey Johns establishes beyond peradventure that it was decided upon purely constitutional grounds; and it is explicitly stated that he was refused admission because a session of the legislature of Delaware, under which a Senator could have been elected, had intervened between the occurrence of the vacancy and the executive appointment.

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He was an honorable man. He did not choose to occupy a seat in the Senate sub silentio, without bringing to the attention of the Senate the fact that the legislature had met seasonably and declined to choose a Senator to succeed him. Thereupon he wrote a letter to the President of the Senate in which he stated, and it is not reported in Taft, but it is in the permanent records of the Senate, that the legislature had met and declined to choose a Senator, and so, he having been accepted as a Senator under the appointment, having brought to the attention of the Senate the fact that the legislature had met and declined to choose his successor, asked the Senate how long he could hold, whether until the meeting of the next legislature or until the legislature had adjourned.

Mr. President, that presented two questions to the United States Senate. All honor to General Smith, of Maryland, and his frankness! First, the question whether under the Constitution, the legislature having met and declined to choose, the governor had any jurisdiction to appoint temporarily at all. That was the first. Nobody could evade it. It was thrust into the face of the then Senate. And, second, whether, having been appointed under those circumstances, he should hold until the meeting of the next legislature or until that legislature had chosen his successor. No man in that body—it was only twenty years after the adoption of the Constitution and, I suppose, or have supposed, they knew as much about the Constitution in 1809 as we do in 1900, and cared as much for their obligation to support it as we do—no man in that Senate challenged his right to a seat under the appointment of the governor, notwithstanding his notification to the Senate that the legislature had met and declined to fill the vacancy. But they went further than that. They decided, only justified by a fiction of law—falsehood—that he could hold not until the meeting and organization of the legislature, but until its adjournment if his successor was not elected meanwhile and qualified. Now, what does the Senator from Maryland say, recurring to the facts, about that precedent?

Mr. WELLINGTON. I merely wish to say that it is one precedent out of many. Yet, as I have said, the Senate has been almost uniform. There have been times when the Senate did not decide as it has in the majority of cases, and it may have been that in the case of General Smith, of Maryland, it made this decision. Taft does not record it in that way. He records it differently. According to my understanding of the case of Smith, of Maryland, it was an exact counterpart of that of Uriah Tracy, from Connecticut. I say, further, that almost by an unbroken line of precedents the Senate of the United States has declared, and has advanced step by step going forward in its declaration, that the appointment of a governor shall be hedged and hemmed about. I say, further, and reiterate that the Senate of the United States has never seated in this body any man claiming admission upon such credentials as are presented by Mr. Quay, of Pennsylvania. They are entirely different from the case of General Smith, of Maryland. I do not know, and I am not prepared to say at this moment, whether or not the legislature of Maryland refused to choose a Senator, because I have not those facts here.

Taft does not say so. The legislature of Maryland did not elect a Senator. That is what we know.

Mr. SPOONER. If the Senator will permit me, I say so.

Mr. WELLINGTON. The Senator may have sources of information that I have not.

Mr. SPOONER. I have read the letter of the Senator from Maryland, General Smith, and it is in the record but not in Taft, in which he stated that the legislature had met and declined to elect his successor.

Mr. WELLINGTON. That is a personal statement of General Smith, and I do not wish to controvert it now. I have taken these cases as we have information in public documents, and I have found them to be as I have stated them to the Senate. I have not misrepresented a single fact in what I have brought before the Senate.

Mr. SPOONER. I hope the Senator from Maryland does not think I intimated that he had misrepresented a fact.

Mr. WELLINGTON. But he does intimate, I will say to the Senator, that I made a significant omission.

Mr. SPOONER. Only this, that I thought the Senator omitted——

Mr. WELLINGTON. No.

Mr. SPOONER. Yes; and I say now that the Senator omitted the full statement of the facts as they appear on the record. I do not say that the Senator did this intentionally at all, but I do say that in 1809, when the Senate of the United States acted upon the case of Samuel Smith, it was advised by letter from him that the legislature had met and declined to choose his successor, and that nevertheless that Senate, very much nearer the adoption of the Constitution than we are, not only permitted him to remain a member of the Senate, but held that he was entitled to continue until his successor was chosen by the succeeding legislature.

Mr. WELLINGTON. I will say to the Senator, if he will permit me——

Mr. SPOONER. Certainly.

Mr. WELLINGTON. That the case of Kensey Johns occurred ten years before that time, and in that case the Senate did most expressly decide that when there had been a meeting of the legislature which had the opportunity to elect a Senator and it did not elect him, the appointee of the governor should be excluded from the Senate, and he was excluded.

Mr. SPOONER. Mr. President, I want to say that this is a pure question of law. I took my position on this question before the Corbett case. I reiterated it after very careful examination in the Corbett case. I believed when I voted on the Corbett case, and I believe now, that Mr. Corbett was as much entitled to a seat under the Constitution of the United States as I am, and I want to state why I believed that. The legislature, if there had been one (and I care not, so far as this question is concerned, to say whether there had been one or not), was not in session when Senator Mitchell's term expired. Technically that comes within the letter of the Constitution, does it not?

Mr. WELLINGTON. I have serious doubt myself.

Mr. SPOONER. I have no doubt——

Mr. BURROWS. Mr. President, will the Senator from Wisconsin allow me?

The PRESIDING OFFICER. Will the Senator from Wisconsin yield to the Senator from Michigan?

Mr. SPOONER. After I have finished the sentence. On the 3d day of March Senator Mitchell's term expired, and when that term expired the legislature of Oregon was not in session. It was in recess.

Mr. WELLINGTON. It is true——

Mr. SPOONER. And giving to the Constitution of the United States its strictest construction, leaving the word "happen" to signify whatever you may choose, it came about that when the vacancy occurred it was in the recess of the legislature.

Mr. WELLINGTON. If the Senator will permit me, I agree with him to this extent, that, in my judgment, Mr. Corbett had a far stronger claim to a seat in the Senate than Mr. Quay has today.

Mr. SPOONER. I am not saying that Mr. Corbett had a far stronger case than Mr. Quay has. I am saying that under the Constitution, in my judgment—I differ with many Senators—Mr. Corbett had an absolute right under the Constitution to be admitted to this body. I think that Mr. Corbett's case, the vacancy occurring in a recess of the legislature, fell within the letter of the Constitution independent of its spirit.

Mr. President, although I did not rise to discuss this question, I will state that I denied then, and I deny now, that the Senate of the United States has a right to amend the Constitution so as to add to it this proviso, which the framers of that instrument did not see fit to incorporate in it, that when a vacancy shall happen during a recess of the legislature the governor may make a temporary appointment of a Senator until the next meeting of the legislature, which shall then fill such vacancy, provided—the Senate put it there. The Senator from Nebraska [Mr. ALLEN] shakes his head; I insist that the Senate did put it there, and I insist that the framers of the Constitution did not put it there—provided that the legislature shall not have met and failed to choose.

So I say, Mr. President, that in my judgment the Senator appointed from Oregon was entitled to his seat. I say another thing about it, and that is why I refuse to be bound, as upon the doctrine of stare decisis, by a decision of the Senate on such a question—I say that the Corbett case was decided upon considerations which were not before the committee and which were whispered around the Senate, one of which was that Mr. Corbett had himself prevented an organization of the legislature in Oregon.

Mr. WELLINGTON. Will the Senator allow me?

Mr. SPOONER. I am not replying now to the Senator from Maryland.

Mr. WELLINGTON. I merely wish to say, if the Senator will allow me, that so far as my vote in that case was concerned it was not recorded for any reason of that kind.

Mr. SPOONER. I do not doubt it for one moment—not for one moment.

Mr. BURROWS rose.

Mr. SPOONER. What does the Senator from Michigan desire to say?

Mr. BURROWS. I desire to make an inquiry.

Mr. SPOONER. The Senator is at liberty to make many.

Mr. BURROWS. I care to make but one.

Mr. SPOONER. One, then.

Mr. BURROWS. The Senator laid great stress upon the decision in the Smith case, which occurred twenty years after the inauguration of the Government, and he thought that the members of the Senate then were quite as apt to know what the Constitution meant as the constitutional lawyers of to-day.

Mr. SPOONER. Pretty nearly as apt.

Mr. BURROWS. Yes. When his attention is called to the Kensey Johns case he immediately retorts that this is a great constitutional question.

Mr. SPOONER. Now, if the Senator will permit me, I did not say anything of the kind.

Mr. BURROWS. I so understood you.

Mr. SPOONER. No; the Senator misunderstood me.

Mr. BURROWS. Then I am very sorry. But I want to call the attention of the Senator to a fact and to ask him whether it has not quite as much bearing as the opinion of the Senate in 1808, twenty years after the Government was organized. The Kensey Johns case occurred in 1794. Mr. Read had resigned. The legislature met the following winter and failed to fill the vacancy and adjourned without filling it. After the adjournment the governor appointed Kensey Johns and the Senate refused to seat him. I simply wanted to call the attention of the Senator to the fact that that case came nearer the time when the Government was organized than the case in 1808, and to the further fact that in that Senate there were seven members of the Constitutional Convention which framed this very provision.

The Kensey Johns case went to the Committee on Privileges and Elections, of which Ellsworth was a member. Ellsworth was a member of the committee on detail, and of him the Senator from Massachusetts said no greater lawyer ever lived on earth. That Senate, with seven members of the Constitutional Convention in it, with Mr. Ellsworth a member of the Senate, refused to seat Kensey Johns in the Senate because the legislature had had an opportunity to elect and had failed to do; and Mr. Ellsworth, a member of the Committee on Privileges and Elections in that body, and a member of the Constitutional Convention and a member of the committee on detail, himself voted to exclude him; and he had only 7 votes in that Senate.

Now, what I wanted to say, and I think the Senator will agree with me, is that the opinion of that Senate five years after the organization of the Government, with its seven members of the Constitutional Convention members of the Senate, and Mr. Ellsworth among them, would have quite as much weight and ought to have quite as much weight as to what was intended by the framers of the Constitution as the members of the Senate who made the decision in 1808.

Mr. SPOONER. Mr. President, I did not intend to discuss the Quay case at all. What I said in reply to the Senator from Maryland was suggested by his remark that we should pay attention to the past. The case to which the Senator from Michigan refers was reversed by the Senate, in my judgment. The legislature in the Kensey Johns case failed to elect. The legislature in the Smith case declined to elect. Which is the stronger case?

I have never been able to persuade myself that the failure of a legislature to elect a Senator is a fault of a State. Probably the Senator from Michigan has been able to persuade himself that it is. I can conceive of cases, and there have been many in recent years, where the failure of a legislature to elect was an honor to the State and a protection to the Senate of the United States. It may very well be that in the contest in a legislature there may

be so many on one side and so many on another, and the balance of power between—that body of men who stand as firm as adamant between the two sides, welded together for one reason or another—may be a saving grace in the history of the State.

Mr. ALLEN. I should like to ask the Senator a question, with his permission.

The PRESIDING OFFICER. Does the Senator from Wisconsin yield?

Mr. SPOONER. Certainly.

Mr. ALLEN. I ask him whether the failure upon the part of the legislature to elect transfers the power of the selection of a Senator ipso facto to the governor?

Mr. SPOONER. That begs the whole question in dispute.

Mr. ALLEN. No; that is the question in dispute.

Mr. SPOONER. That begs the whole question in dispute.

Mr. ALLEN. That is the question.

Mr. SPOONER. I say no, and the Senator says yes.

Mr. ALLEN. No; I say no.

Mr. SPOONER. The Senator says no, and I say——

Mr. ALLEN. I agree with the Senator if he says no.

Mr. SPOONER. I say that the failure of a legislature to elect gives the governor, no election having occurred, the power to appoint temporarily.

Mr. ALLEN. I say "no" to that.

Mr. SPOONER. Then your assertion begs the question.

Mr. ALLEN. No; it does not beg the question. It presents the issue.

Mr. SPOONER. No; it presents nothing.

Mr. ALLEN. I beg the Senator's pardon. Of course he does not mean that.

Mr. SPOONER. I mean that it begs the question.

Mr. ALLEN. No; it does not beg the question.

Mr. SPOONER. The Senator is upon one side of this case and I am on the other. If he thinks that by a question I will admit that he is right and I am wrong, he is mistaken; that is all.

Mr. ALLEN. That is the way——

Mr. SPOONER. I should if I thought he was right and if I thought I was wrong.

Mr. ALLEN. There is nothing unmanly in admitting an error.

Mr. SPOONER. But there is something unmanly in admitting as an error what you do not regard as an error.

Mr. ALLEN. That may be true, but what I was going to ask the Senator and the matter that I wanted to bring his attention to directly is this: Suppose the legislature for any reason, it makes no difference what, fails to discharge the plain constitutional duty of electing a Senator to represent the State in this body, does that ipso facto create such a vacancy as would authorize the executive to appoint?

Mr. SPOONER. I say "yes," and the Senator says "no."

Mr. ALLEN. I say "no."

Mr. SPOONER. Well, I say "yes."

Mr. ALLEN. Very well; there is a division.

Mr. SPOONER. That is why we can not agree, because the Senator says one thing and I think another.

Mr. ALLEN. Where does the Senator find his authority for the conclusion?

Mr. SPOONER. I will tell the Senator where I find my authority for the conclusion.

Mr. PETTUS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Alabama?

Mr. SPOONER. Of course.

Mr. PETTUS. I should like to ask the Senator from Wisconsin to give way for a motion, if he pleases.

Mr. SPOONER. I will agree to anything the Senator from Alabama wants me to, except to vote against my convictions on a constitutional question.

Mr. PETTUS. I am not asking you to do that, but I want you to give way to a motion.

Mr. SPOONER. Indicate what it is.

Mr. PETTUS. It is to adjourn.

Mr. SPOONER. I give way.

CIVIL GOVERNMENT FOR ALASKA—HOUR OF MEETING TO-MORROW.

Mr. CARTER. Mr. President, I will ask the Senator to withhold that motion one moment for the purpose of making a motion which I believe the Senate will assent to.

Mr. PETTUS. I have not made the motion. The Senator from Wisconsin gave me leave to make the motion, and I will make it.

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Montana for a moment to make a request?

Mr. PETTUS. Certainly.

Mr. CARTER. With the Senator's permission, I ask unanimous consent that when the Senate adjourn this evening it adjourn to meet at 10 o'clock to-morrow morning for the purpose of proceeding at that hour and until the hour of 12 o'clock with the formal reading of the Alaskan bill, which I presume will be concluded within that time.

Mr. PETTUS. And no other business is to be transacted.

Mr. CARTER. I accept the suggestion of the Senator from Alabama as a part of the request.

The PRESIDING OFFICER. The Senator from Montana asks unanimous consent that when the Senate shall adjourn to-day it be to meet at 10 o'clock to-morrow morning for the purpose of reading the Alaskan bill, and that no other business shall be transacted.

Mr. PETTUS. Until 12 o'clock.

The PRESIDING OFFICER. Until 12 o'clock. If there is no objection to the request, it will be agreed to. It is agreed to.

Mr. PETTUS. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock p. m.) the Senate adjourned until to-morrow, Friday, March 16, 1900, at 10 o'clock a. m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March 15, 1900.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

LEAVE TO PRINT.

Mr. McCALL. Mr. Speaker, in arranging for printing in pamphlet form the speech which I made in the House on the Puerto Rico tariff I have made a few verbal changes; and as these will go into the permanent RECORD, and there is some question of my strict right to do it, I ask leave of the House that I may make the changes referred to.

The SPEAKER. Without objection, this may be done.

There was no objection.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GROUT. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the District appropriation bill.

Mr. CLARK of Missouri. Mr. Speaker——

The SPEAKER. The Chair will state to the gentleman from Missouri that the Appropriations Committee insist upon proceeding this morning. The Chair will recognize the gentleman from Missouri on another morning.

The motion of Mr. GROUT was then agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the District of Columbia appropriation bill, with Mr. SHERMAN in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the District appropriation bill, the title of which the Clerk will report.

The Clerk read as follows:

Bill (H. R. 9139) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1901, and for other purposes.

The Clerk read as follows:

For sinking-fund office, under control of the Treasurer of the United States: For clerk, $1,600; clerk, $900; in all, $2,500.

Mr. HILL. I move to amend by striking out the last word. I do this for the purpose merely of making a brief statement. I wish simply to call the attention of members of the House to the new Treasury statement put out this morning for the first time under the financial bill which became a law yesterday. I suggest to members that they may find it very desirable to preserve this first copy of the new form of statement for comparative purposes during the weeks and months to come. I withdraw the pro forma amendment.

The Clerk read as follows:

For engineer's office: Record division: For chief clerk, $1,900; 2 clerks, at $1,600 each; 2 clerks, at $1,400 each; 2 clerks, at $1,200 each; clerk, $720; 2 messengers, at $480 each; computing engineer, $2,400; assistant engineer, $1,600; 2 assistant engineers, at $1,500 each; 3 rodmen, at $780 each; 3 chainmen, at $660 each; draftsman, $1,200; inspector of streets, $1,200; 2 assistant inspectors of streets, at $1,200 each; superintendent of streets, $2,000; superintendent of county roads, $1,500; superintendent of parking, $1,300; assistant superintendent of parking, $900; clerk, $900; inspector of asphalt and cements, $2,400; inspector of gas and meters, $2,000; assistant inspector of gas and meters, $1,000; assistant inspector of gas and meters, $720; messenger, $480; inspector of sewers, $1,300; superintendent of sewers, $2,400; general inspector of sewers, $1,300; 2 assistant engineers, at $1,500 each; draftsman, $1,200; leveler, $1,200; 3 rodmen, at $780 each; 3 chainmen, at $660 each; clerk, $1,200; 2 clerks, at $1,000 each; 2 inspectors of property, at $936 each; 2 sewer tappers, at $1,000 each; permit clerk, $1,200; assistant permit clerk, $840; in all, $64,972.

Mr. GROUT. I offer the amendment which I send to the desk, to correct a clerical error in the text.

The Clerk read as follows:

In lines 16 and 17, page 5, strike out "2 clerks, at $1,400 each; 2" and insert in lieu thereof the following: "1 clerk, at $1,400; 3;" and on page 6, in line 20, strike out "two hundred" and insert in lieu thereof "four hundred."

The amendment was agreed to.

The Clerk read as follows:

For cleaning snow and ice from cross walks and gutters, etc., under the act approved March 2, 1895, $1,000.

Mr. ALLEN of Mississippi. I move the amendment which I send to the desk.

The Clerk read as follows:

On page 19, after line 6, insert:

"That hereafter, when any street railroad company or corporation or any steam-railroad company owning or using tracks in the District of Columbia shall cause snow removed from said tracks to be piled, banked, or ridged upon any portion of any paved street or other highway in said District, it shall be the duty of such company to immediately commence the removal of said accumulations, and to complete such removal within twelve hours after such accumulations have been made."

The amendment was agreed to.

The Clerk read as follows:

For five principals of high schools, at $1,600 each.

Mr. BELL. I desire to move an amendment, to strike out lines 12 and 13, page 23, and insert in lieu thereof the following:

"For the principal of the Central High School $2,000, and four principals of high schools at $1,600 each."

Mr. GROUT rose.

Mr. BELL. I hope the gentleman will withhold his point of order for the present.

Mr. GROUT. I rise to make a point of order on the amendment.

Mr. BELL. I wish to be heard for a moment.

The CHAIRMAN. The gentleman from Vermont [Mr. GROUT], as the Chair understands, reserves the point of order.

Mr. GROUT. Yes, sir.

Mr. BELL. We have in the city of Washington five high schools. We have one high school known as the Business High School, with one grade; we have a colored high shool with three grades; two ordinary high schools with two grades, and the Central High School with four grades. The Central High School has an enrollment of 1,067 pupils. The principal has under him 20 teachers. He is worked long hours. He is there early in the morning and late in the evening. I have inquired of members of this House, including gentlemen on the subcommittee, and they are unanimous in the view that to allow to a principal of such a school as the Central High School a salary of only $1,600 is a reflection on the school, as well as a reflection on the body that authorizes it.

Mr. BROMWELL. I am interested in this matter, having spent nearly twenty years of my life in teaching in the high schools of my city. I wish to ask whether the principal of this high school has to instruct in any of the branches of high-school study as well as to supervise the teachers, etc.

Mr. BELL. Yes, sir; in addition to being the principal he is instructor in history.

Mr. BROMWELL. How much of his time is given to instruction?

Mr. BELL. I do not know the exact amount of time, but it is probably half the time that he devoted to instruction while a teacher. The history of the matter is this: The gentleman who served before him as principal got $2,500; that was the salary fixed for the principal of this high school. Mr. Hughes, the present principal, was teaching a class in political economy and a class in history, and was getting for instructing in those two classes $1,500 per annum. The former principal of the high school was elevated to one of the higher offices in the school. The Committee on the District of Columbia then appealed to Congress to make the salary of Mr. Hughes, the present principal, $2,000.

This has been done for two succeeding years without mentioning any other raise whatever in these different high schools, as I am informed.

We failed to agree to the proposition. The bills went to the Senate, and the Senate at two different times, I believe, has put it on; but in the conference committee it has been knocked out.

Now, the policy of our subcommittee, which was not considered thoroughly in the full committee, was to make all these principals receive salaries of $1,600 each. It gives a principal who has two grades only and a few teachers under him the same salary that it gives a principal who has 20 teachers and almost three times the number of pupils. Now, going further, I have a statement that was prepared by one of the principals and taken from the hearing before the committee largely, as follows:

1. When the High School was established in 1882 it had 400 pupils, 13 teachers, and two courses of study, each of two years. At that time the salary of the principal was fixed at $2,500 per annum.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BELL. I desire a little more time. I ask that I may have five minutes more.

There was no objection.

Mr. BELL (reading)—

This salary continued to be paid to the principal until January, 1897, when the then principal was assigned to other duties in the school system, taking with him the said salary. At the same time the present principal, who was the head of the department of history and political economy, was receiving $1,500, and when assigned to the position of principal retained the same salary, it being impossible to increase his salary owing to the practice of Congress to appropriate the salaries of school-teachers in groups and at fixed amounts. In the meantime the school has increased to three times the number of pupils which it had when the salary was fixed at $2,500. It has now four courses of study instead of the original two, three of which run for a period of four years instead of two years as at the beginning, while the number of teachers has increased to 46.

2. During the period from 1882 to 1897 the salary of the principal of the high school was $500 more than the salaries of the supervising principals of the grade schools. Since 1897 the salary of the principal of the high school has been $500 less than those of the supervising principals, although the work has increased constantly during the period.

3. From 1882 until 1897 the salary of the principal at $2,500 was $1,000 more than the salary paid to any other teacher in the school. At the present time there are several other teachers in the school receiving the same salary as that paid to the principal, although they have none of the responsibility for the management of the institution.

4. A comparison of average salaries of high-school principals in this and 37 other cities (ranging from $1,800 to $5,000) presents the following condition:

Average in 19 New England cities	$2,536
Average in 8 Middle and South Atlantic cities	2,925
Average in 10 Central Western cities	2,640
Average in 37 cities given above	2,648
Salary of principal of Central High School, Washington, D. C.	1,500

This is also the average salary paid to all the principals of the high schools in Washington, excluding the principal of the Colored High School, who receives $1,800 a year, and did, up to April, 1899, receive $2,000.

5. The salary of the principal of the Central High School is now $1,500, while that of the janitor of the same school is $2,000. Out of his salary of $2,000 the janitor pays for his help between $600 and $700, leaving him practically the same amount as that received by the principal of the school and considerably more than many of the teachers in the school.

6. The following is a statement of the enrollments, courses of study, and salaries of principals of the several high schools in this city:

High school.	Courses.	Enrollment October, 1899.	Salary of principal.
Central	4	1,067	$1,500
Eastern	2	511	1,500
Western	2	395	1,500
Business	1	645	1,500
Colored	3	678	*1,800

*Was $2,000 before April, 1899.

The proposition to make the salary of the principal of the Central High School $2,000 was submitted to the Commissioners of the District by the trustees and superintendent of the public schools because of the amount of work demanded by the position, the large number of pupils in the school, and the complicated work of its programme in running four different courses of study through their several years. At the same time no increase was proposed in the salaries of the principals of the other high schools. A moment's consideration will readily convince the honorable gentlemen of Congress that the estimate submitted by the subcommittee on appropriations, in which it is proposed to pay to the principal of the Western High School, which has only 395 pupils and two courses of study, the same amount of money as is to be given to the principal of the Central High School, with nearly three times as many pupils and twice the number of courses of study, is manifestly unfair. (The bill proposes a salary of $1,600 for the principal of each of the high schools.)

The CHAIRMAN. The time of the gentleman has expired.

Mr. BELL. Now, Mr. Chairman, I will ask time enough to finish this statement.

The CHAIRMAN. How much time does the gentleman ask?

Mr. BELL. Five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado? [After a pause.] The Chair hears none.

Mr. BELL (reading)—

I respectfully request a more thorough consideration of the matter last mentioned by the members of Congress than seems to have been given by the gentlemen on the subcommittee on Appropriations, who submitted the estimate of $1,600 instead of the $2,000 proposed by the Commissioners of the District of Columbia.

Now, Mr. Chairman, I am sorry that the chairman of the subcommittee feels disposed to raise the point of order to this motion or amendment. He knows that if this is not competent that his amendment or his entire scheme is subject to a point of order; and it seems to me, while I do not believe it is subject to a point of order, that it is not with becoming grace for anyone in charge of an appropriation bill to bring in matters that are subject to a point of order, when a member of the committee moves to amend his incompetent matter, to jump up and say, "I raise the point of order." Now, the gentlemen on the subcommittee have attempted to take away from the District of Columbia this entire matter and to reduce the colored principal from $1,800 to $1,600. They raise all of the principals from $1,500 to $1,600.

When a member of his committee, upon investigation, finds that the salary of one principal should be raised a little higher than the committee raised it, then, because he does, he meets this with a point of order. This is not altogether becoming, in my judgment. Now, sir, I say that it is not subject to the point of order at all; that in this case, while it is not subject to the point of

order, I think, even if it were, when my friend from Vermont looks the thing in the face, he will withdraw his point of order and let the House vote upon the subject.

Now, this has been before Congress twice before. It has gone to the Senate and been put on the bill there twice before, and it went out in conference, evidently through the influence of these same gentlemen. If it goes on here now it will pass the Senate and become a law. If it is struck out here and goes to the Senate and it is put on again, the same men on the committee will insist that it go out, and then we have the incongruous condition of the greater burden and responsibility getting the same salary and compensation as the smaller ones. There is no system about it. It is utterly foolish, in my judgment, to say that a man who has the responsibility of controlling and looking after 20 teachers and looking after 1,065 pupils shall receive no more salary than the man who looks after 18 teachers and 320 pupils.

Mr. GROUT. Mr. Chairman, we have listened to a speech by the amiable gentleman from Colorado [Mr. BELL], not on the point of order, but in support of his amendment. He has occupied fifteen minutes by the indulgence of the House, and during a portion of that time he has upbraided the member of the Committee on Appropriations who raised the point of order on his amendment. Now, it will occur to the average member here that the gentleman is at least off in one of his contentions. He said it was unbecoming that a member of the Committee on Appropriations should make this point of order. I submit that on his own statement it is quite as becoming as it is for a member of the Committee on Appropriations to agree to the bill as reported to the House and then come in and attack it.

Mr. Chairman, just one word in explanation of the action of the committee, and then I will take the ruling of the Chair on the point of order.

This whole question of the salaries of teachers and the conduct of schools is just now under investigation in another place. The people are not entirely satisfied with the management of the schools. Complaint is made of this officer, that officer, and the other officer, and the Committee on Appropriations, to whom these applications for increases of salaries were addressed, thought it best to leave them all as they were, excepting the salaries of these high-school principals, pending that investigation, and have done so.

Now, the gentleman from Colorado [Mr. BELL] comes in with his amendment, asking that the salary of the principal of the Central High School be raised from $1,600, the sum reported in this bill, to $2,000. That, Mr. Charman, is clearly subject to a point of order. This is not a salary fixed by any specific statute. It is fixed only by the last appropriation bill. This is a change of that salary and so is subject to the point of order. Without further arguing the proposition, Mr. Chairman, I am ready to take the ruling of the Chair.

Mr. BELL. Now, Mr. Chairman, I wish to say that this is not subject to a point of order. In the first place, it does not fix the salary. The salary of these positions heretofore was $1,500. The salary reported by the Committee on Appropriations was $1,600. Now, I simply ask to raise the appropriation for one salary to $2,000. It is simply a question of appropriation, and for myself I wish to say that if my amendment is subject to a point of order the whole paragraph is subject to a point of order.

Mr. GROUT. Mr. Chairman, does the gentleman make the point of order?

Mr. BELL. No; I am not making any point of order.

Mr. GROUT. Very well, then.

Mr. BELL. If the gentleman is not willing to have this House vote upon that proposition, I do not say that I will not make the point of order, but I am not making it now, and I do not know that I shall make it, but, as I said before, it seems strange that a man will come in and father a measure that he knows is subject to a point of order, and when a comember of his committee asks that one item be raised, he should then raise a point of order to that. Now, it is my judgment that it is not subject to a point of order, and I am so informed by our able parliamentarian, the gentleman from Tennessee [Mr. RICHARDSON], whom I hope to hear on this subject. I will yield now to him.

Mr. RICHARDSON. I should like to say that while I am not very familiar with the facts in the case, I understand this salary has not been fixed by any section of the Revised Statutes.

Mr. BELL. No.

Mr. RICHARDSON. It has simply been carried in one of the appropriation bills, as I understand it.

Mr. BELL. Yes, that is it; and the section in the present appropriation bill is different from what it was last year.

Mr. RICHARDSON. As I understand the law under the usage of the House, where a salary is simply carried in an appropriation bill it is not held to be fixed by existing law, so that it would not be obnoxious to a point of order if an effort is made to change it on any appropriation bill. It is where the salary is fixed by the Revised Statutes that any effort to change it becomes obnoxious to the rules. So that I did say, when the gentleman from Colorado [Mr. BELL] approached me in the matter, that upon that state of facts, in my judgment, the point of order would not be well taken. It seems to me clear that it could not be argued that it would be out of order to change the amount proposed by the committee, which is in itself a change from the former appropriation, by putting it at $1,700 or, as in this case, $2,000.

Mr. BROMWELL. Will the gentleman yield for a question?

Mr. RICHARDSON. Certainly.

Mr. BROMWELL. Is not this really the point of order that is raised by the chairman of the subcommittee: The committee having, in violation of the law of the House, changed the salary from $1,500, as it was in the last appropriation, to $1,600 in this bill, he now objects to having the committee proposition amended by raising the salary to $2,000?

Mr. RICHARDSON. Yes; that is his proposition.

Mr. BROMWELL. In other words, he is raising a point of order against amending the change of existing law reported by his own committee.

Mr. RICHARDSON. The gentleman is expressing it more happily and clearly than I did.

Mr. BELL. I want to suggest this: My understanding is that this is the first time that Congress ever attempted to fix these salaries, that heretofore it has been left to the school officials themselves to fix them.

The CHAIRMAN. That raises another question, if the gentleman is correct in his statement of fact. The Chair has taken the statement of fact submitted by the gentleman from Vermont to be correct.

Mr. BELL. Well, I was taking it from the report.

The CHAIRMAN. The Chair has not looked up the law, but he assumes that the gentleman from Vermont is correct.

Mr. RICHARDSON. Under the last statement of the gentleman from Colorado, it would be very manifest that this point of order would not be good.

Mr. BELL. Well, I have not looked at the law. The report of the gentleman from Vermont to the general committee was that they had adopted an entirely new plan; that they had taken it away from the officials of the District, and that that was the object of this new move.

Mr. RICHARDSON. Then you clearly have the right to offer an amendment to that.

Mr. BELL. According to the report of the gentleman from Vermont to the general committee, the law was being changed by the proposition of the committee.

Mr. GROUT. There is not a change of salary proposed in this bill except in the case which I have mentioned of the reduction from eighteen hundred to sixteen hundred. They have always had this salary before.

Mr. BELL. Have you not reduced the salary of the principal of the colored schools from eighteen hundred to sixteen hundred?

The CHAIRMAN. The Chair desires to say that it has been the custom of late, at least in Committee of the Whole, where no statutory provision regulated any salary, to hold that a provision in a prior appropriation bill controlled in that regard, and the Chair thinks that is the case here, if there is no general statute regulating this salary. The Chair understands that in the last, if not in former, appropriation bills this salary has been carried at $1,500. Now, the gentleman from Vermont [Mr. GROUT] raises the point of order against the amendment offered by the gentleman from Colorado raising that to $2,000. Upon the principle heretofore followed, that is clearly obnoxious to the point of order. Whether or not the provision inserted by the committee is obnoxious to the point of order may be passed upon when that point is raised.

Mr. BELL. That is what I want to get at. The committee themselves abandon the figures given in the other appropriation bill and propose to change them.

The CHAIRMAN. But that point is not before the Chair. The point of order that is before the Chair must be sustained.

Mr. RICHARDSON. But even if it is conceded that the Chair is correct in citing the precedent, which I do not understand to be in accordance with what the Chair has suggested, my impression being that heretofore it has been held in some instances, at least, that where the salary was simply fixed by an appropriation bill, it might be changed in a subsequent appropriation bill—inasmuch as the committee themselves come in, as is conceded, and bring in a different amount, fixing the salary at a different sum from that in former appropriation bills, it certainly would be in order to make any change that might be desired in Committee of the Whole.

The committee themselves bring in a change. They themselves offer to change the law, if it be the law; and I do not understand that an appropriation bill, simply appropriating for a salary for one year, becomes the permanent law. I think it certainly has been held in many cases heretofore that it did not make law, and that it was liable to be changed by the House or by the Committee of the Whole at any time.

Mr. ALLEN of Mississippi. I should like to ask the gentleman from Tennessee a question.

Mr. RICHARDSON. Yes.

Mr. ALLEN of Mississippi. Where does the gentleman get his parliamentary precedent for the idea that because the committee propose to change the law it necessarily authorizes somebody else to do it?

Mr. RICHARDSON. Why, Mr. Chairman, by all kinds of reasoning. If it be assumed that former appropriation bills fixing this salary at $1,500 establish a precedent, then if the committee come in and propose to fix the salary at $1,600, that is a change of law.

Mr. GROUT. That has been explained already. But this is not the first time Congress has fixed the salaries of these teachers. They have been fixed at $1,500 a year right straight along. These salaries have not been designated as applicable to these teachers, but that has been the fact. There is no question on that point. These teachers have received these salaries, and Congress has fixed them year after year.

Mr. RAY of New York. Mr. Chairman, if the gentleman will permit me, for information of the Chair I want to say that I have the last appropriation bill here before me for another purpose, and I will call attention of the Chair to what that act is, if he so desires.

The CHAIRMAN. The Chair would be glad to hear the gentleman.

Mr. RAY of New York. The act says, "For 1,179 teachers, to be assigned as follows: For 1 at $2,500, for 11 at $2,000 each," and then it goes on and specifies for so many at such a sum, for so many at such a sum, without fixing a definite amount for any one.

The CHAIRMAN. And without fixing a definite amount for principals?

Mr RAY of New York. That is it.

Mr. GROUT. Will the gentleman read the next paragraph, where it says 5 teachers, so much?

Mr. RAY of New York. What is under consideration?

The CHAIRMAN. For 5 teachers, or 5 principals of high schools?

Mr. RAY of New York. For superintendent; I do not see "principals" mentioned.

Mr. GROUT. Mr. Chairman, if the gentleman from New York will excuse m , as I stated a moment since, they are designated as "principals of high schools" here for the first time. In the former bill the appropriation was for "teachers," and he is reading from last year's bill.

The CHAIRMAN. The Chair understood the gentleman from Vermont [Mr. GROUT] to say a while ago that this provision here did not change existing law except as to amount. Now, the gentleman from Vermont says that the prior appropriation bill did not specifically provide for principals of high schools.

Mr. GROUT. It did not contain the word "principals;" it designated them as "teachers."

The CHAIRMAN. The Chair thinks, then, that designating them as principals is a change of existing law. It is a new provision; and if it is a new provision, which the Chair did not understand when he ruled before, then the amendment offered by the gentleman from Colorado [Mr. BELL], if germane, would be in order, and thereafter somebody might raise the point of order on the whole provision.

Mr. GROUT. Very well.

The CHAIRMAN. The Chair thinks, on the present statement of facts, the amendment offered by the gentleman from Colorado [Mr. BELL] is not out of order. The Chair, therefore, overrules the point of order, and the question is on agreeing to the amendment offered by the gentleman from Colorado.

Mr. BROMWELL. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. BROMWELL. To speak to the question here.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. BROMWELL. Mr. Chairman, I know very little or nothing about the management of schools in this city, but I am familiar with the management of schools throughout the country, and probably no member on the floor has had more experience or a longer term of service or an experience of more variety in high schools than I have had.

It seems to me that the salary proposed for this position, the position of principal of the Central High School, is utterly inadequate to the duties he ought to perform, whether he does perform them or not. The position itself is entitled to a higher grade of salary than $1,500. Even the assistant teachers, with no responsibility of superintendence, in our ordinary common schools and intermediate schools in great cities, are paid at least $1,500 a year, while the average salary paid principals of the high schools in all the great cities of the country will run as high, by the table prepared by the gentleman from Colorado, as $3,000 a year.

In my own city the high-school principal receives $2,620, and they have not over 10 or 12 teachers to supervise. The hours are from 8 in the morning until 2 in the afternoon, one session. In none of these schools is there over eight or nine hundred pupils. In the intermediate schools the principals get $2,100, and in the district schools, the lowest grade of schools, they get $1,900 as a maximum. It does seem to me that where we spend so much money for all sorts of purposes, with a high-school principal with four years' course and so many different studies, with 30 teachers to supervise, and eleven or twelve hundred pupils—it seems to me we ought to pay him as much as two-thirds of the salary which we pay a Department clerk who has no responsibility, has fixed hours, and does nothing but clerical work.

The custom has been in all this cutting down of expenditures to go to the poor teachers and say, "Here is a good place to commence to make a cut." Now, I do not know this principal, but if he is not fit for the place, if he is not fit for principal of the High School in this city, where many of our own children, as well as all the residents of the District, are instructed; if he is not a competent man to earn a salary of $2,000, then I say get another one that is.

The position itself is entitled to at least that much consideration.

Mr. SIMS. Is it not a fact that throughout the entire country schoolteachers and college professors are paid less, in proportion to the benefits conferred by them upon the community, than members of any other profession?

Mr. BROMWELL. Considering the amount of preparation necessary, the mental equipment, and the responsibility, I venture to say that no class of men in this country are more poorly paid than the teachers of our public schools.

Mr. SIMS. And other schools; professors in colleges, etc.

Mr. BROMWELL. I will include the other schools as well.

Mr. GROUT. The committee went over this question of teachers' salaries very carefully. There was an application for the increase of salaries, not only of these principals of high schools, but of the supervising principals of the other schools, and also of other teachers. This list of cities carrying higher salaries than are carried here for certain classes of teachers, which has been submitted here by my colleague on the committee, the gentleman from Colorado [Mr. BELL], was submitted to the subcommittee. The committee looked this business all over carefully, and in doing so they sought to ascertain the average amount of salaries paid in this city as compared with the average of those paid in other cities which were brought to our attention.

We found that of twelve cities there were five in which the average of teachers' pay—the average salaries paid to teachers—was less than the average of those paid in this city, although cities have been cited here where certain teachers are paid higher salaries than are allowed to teachers of corresponding positions in this city. In seven of those cities the average salary was more. Now, this furnishes something like a fair test as to whether this committee is allowing rational salaries to the teachers of this District. The committee may not be willing to pay the major-generals quite as high as they are paid in other localities; but this city does not suffer under the scandal that has arisen in certain other cities where the higher salaries of certain classes of teachers have been cited, and where they complain of very low salaries to the ordinary teachers. The salaries here are graded so that they average up exceedingly well as I have shown.

The gentleman from Ohio [Mr. BROMWELL], a resident of the city of Cincinnati, has referred to the salaries paid to teachers in his city. I have the figures here; and the salaries of teachers in his city are only about $100 more than in the city of Washington.

Mr. BROMWELL. May I say to the gentleman that there has never been any complaint in the city of Cincinnati on the part of the public or of the teachers who receive those low-grade salaries, as to the principals of our high schools getting $2,620. There is no complaint and no scandal.

Mr. GROUT. I did not refer to Cincinnati as furnishing any scandal in this matter. But I do recall a newspaper discussion a year ago on the subject of teachers' salaries in the city of New York, calling attention to the very low salaries which the teachers of the lower grades received—ridiculously low.

Mr. CLARK of Missouri. Has the gentleman paid any attention to the condition of the schools themselves here?

Mr. GROUT. Have I been to school here? No, sir.

Mr. CLARK of Missouri. What I wanted to know was whether you or your committee had given any attention to the curriculum and the methods of teaching in these schools? Does that matter fall within the purview of your committee?

Mr. GROUT. No; we have not undertaken to examine into that question. A committee at the other end of the Capitol is doing so now. That question was not presented here.

Mr. CLARK of Missouri. I am glad to hear somebody is giving attention to it.

Mr. FITZGERALD of Massachusetts. The gentleman will allow me to inquire whether a schedule of the teachers' salaries in Boston was before his committee?

Mr. GROUT. Yes, sir. And I will say, in reply to the gentleman, they are the highest in the whole country.

Now, one word further on this question of salaries. There

is no doubt that in these cities to which I have referred there is some extravagance with reference to salaries of teachers. The board of school supervisors or managers will fix the salary for some favorite who is in a particular position, and then the administration changes, he goes out, and another teacher comes in to enjoy the salary. It is notorious all through this great Republic of ours that there is no place where the school district committee does not sometimes employ some member of his own family to teach, a fact which will illustrate the kind of favoritism that creeps into these schools in many instances. Now, here this subject is wholly removed from all these considerations.

The committee undertook to consider this subject and give a fair grade of salaries—fair average salaries—to the teachers of the District. They believe that the allowances they have made are fair and reasonable: and while it is true that some of the major-generals do not command so high a rate as the principals of high schools and supervising principals do in some other cities, it is true that we are paying the average teacher in Washington a higher rate than he receives in many others of our cities.

It is true, as this committee believes, that more exact justice is being done to all the teachers in this city than in any other city in the country. This city ought not to furnish an example of high salaries in schools or in the District service, because the eye of the whole country is upon it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GROUT. I should like five minutes more.

The CHAIRMAN. The gentleman from Vermont asks five minutes additional. Is there objection?

There was no objection.

Mr. GROUT. Mr. Chairman, the committee looked into this business carefully. They had this whole crowd of applications upon their hands for increases of salary. It is not confined to the teachers. It extends to almost every clerk and employee in the District. And while the committee wanted to proceed conservatively with reference to this question, they at the same time felt they were proceeding liberally. They did conclude to raise the salaries of these principals of the high schools a hundred dollars each, and reported accordingly in the bill, excepting that the principal of the colored high school, who had been receiving $1,800, was reduced to $1,600, the same salary as the others; and I am free to confess, Mr. Chairman, that possibly we did a wrong to the colored principal, because in connection with that work I have since learned that he does other work also among the other schools outside of his particular school.

Now, here is a proposition to raise the salary of this other man to $2,000. If he is entitled to it every one of these other principals of the high schools are entitled to it, in my opinion. These teachers came before us. The committee had a chance to measure them up by asking questions and learning something of the work that was being done by each of them.

Four of them were before us. The colored principal was not before us, and it was the deliberate judgment of the committee that this man Hughes was not entitled to more than the other principals were. We have no need to call names, but the committee were entirely clear on that point, and while there is an application for this increase and a hint from various sources, not from the teachers, that they should have to find other employment elsewhere if not granted, the fact remains that it was not disclosed to the committee that the schools have ever lost a single teacher because the salary was not sufficient. No; they are ready and willing to stay and perform the service.

Now, it was suggested that a former principal of this high school had $2,500. Yes, he had; but at the same time he not only had charge of this same high school that this principal now has charge of, whose salary they propose to increase, but he had supervision of the other high schools. Then, in the management of affairs, the board of trustees promoted him to be a director of the high schools, and the committee have almost a suspicion that that may not have been altogether necessary; but it was done, and he is now salaried at $2,500 to overlook these five principals. Now a proposition comes in for an increase of one of the principals to $2,000. I say to you, Mr. Chairman, solemnly, that if that man is entitled to the $2,000, the other three teachers are entitled to it.

Mr. BROMWELL. I should like to ask the gentleman a question on that point.

Mr. GROUT. Certainly.

Mr. BROMWELL. I understood from the statement made by the gentleman from Colorado [Mr. BELL] that the number of teachers which this principal of the Central School had to supervise and the number of pupils attending the schools is far in excess of the number of teachers and schools at the other high schools.

Mr. GROUT. That is true.

Mr. BROMWELL. And therefore that the task of supervision of this larger number of teachers and larger number of scholars falls more heavily upon the principal of the Central High School than upon the others.

Mr. GROUT. Yes; but not necessarily more work.

Mr. BROMWELL. Now, I would like to ask the gentleman, if that is true, with this great discrepancy in the number of teachers and in the number of pupils, whether it is correct, as the gentleman says, that if this salary is increased to $2,000 it becomes absolutely necessary to increase the others?

The CHAIRMAN. The time of the gentleman from Vermont has expired.

Mr. BROMWELL. I should like the gentleman to have a few minutes more to answer my question.

The CHAIRMAN. Unanimous consent is asked that the time be extended. Is there objection?

There was no objection.

Mr. GROUT. Now, Mr. Chairman, the question which the gentleman from Ohio has asked me is a fair question, and I will try to give it a full answer. This man only puts in his time. The time he takes in supervising other teachers he is not giving to the instruction of classes. He only puts in his time. I see the gentleman from Ohio is about to rise, and I suppose he is going to ask me if this gentleman does not stay there late in the afternoon.

Mr. BROMWELL. No; the gentleman is not a very good mind reader. The question which I am about to ask him is this: A teacher who only gets $600 a year puts in her time, and a janitor who gets less than that puts in his time, and you make a difference between a $600 teacher, who has one room, and a superintendent, who has supervision of a large number. You make a difference between the teacher and the janitor. Now, why not make a difference among these principals of high schools if their duties differ?

Mr. GROUT. Mr. Chairman, the committee could not see why, because one of these principals had a few more teachers to supervise or a few more scholars, he should have a higher salary because of that fact unless his service was intrinsically more valuable than that of the principals who had fewer teachers to supervise and fewer pupils to look after. The responsibility of course is greater in a certain way, but the man only puts in his time the same as Miss Westcott at the Western High School puts in her time, and Miss Westcott feeds her scholars with a lunch, a 1-cent lunch, and she, in my judgment, is doing more for her school to-day than Principal Hughes, of the Central High School, is doing.

This was the judgment of the subcommittee. I do not believe there was a doubt in the mind of any of the committee on this point. Now, if you increase this man's salary, you ought to increase that woman's salary. She has the smallest number of classes of any one of these high-school principals, and yet what I say is true. Mr. Chairman, I believe we will do about the right thing to leave this where the committee left it after careful examination. That committee sought to discharge its duty fairly and squarely among these teachers and to the public.

Mr. CANNON. Mr. Chairman, I move to strike out the last word. I only want to say a word about this matter. The gentleman from Vermont [Mr. GROUT] is chairman of the subcommittee that prepared this bill. The full committee agreed with the recommendations of the subcommittee. The gentleman from Vermont, with the other members of his subcommittee, have given the matter the careful attention that the subject deserves. The gentleman is especially well equipped for this, because for one Congress he was chairman of the District Committee, and, in my judgment, has perhaps a fuller understanding of the District school system and the government of the District of Columbia than any other man within my knowledge.

I have no doubt that this man who holds this principalship is a very worthy man, but there are four or five others, and when you come to legislate and pick out some man and say his hair is red or black or he is baldheaded, as the case may be, and that he is an exceedingly worthy man and therefore we should depart from the general rule and give him $400 more than we give the other principals, it is not a very safe way to legislate.

But, says my friend from Ohio [Mr. BROMWELL], does he not supervise more teachers? Yes; but after all that is not the test, if you will stop to think a minute. Does not the Secretary of the Interior supervise ten times or twenty times the number of employees that the Secretary of State does? Yes. Does not the Secretary of the Treasury supervise thirty times more employees than the Secretary of Agriculture? Yes. Therefore, should we double their salaries as compared with the Secretary of Agriculture? The truth is, you have got to keep your various systems along general lines of policy, and when you depart from that you are apt to breed trouble. It is true some man may do twice as much as another. Some men in the House do three times as much as other men. Some men have better health than others, some have positions where they have to work more than others, yet it would not be contended for a moment that it would be good legislation to pick out somebody and increase his salary on that account.

Mr. WILLIAMS of Mississippi. Is it not the gentleman's experience whenever you make an exception in this way for a head

of a bureau or a principal of a school, or anything else, that it is just the first step for others to come up at the next session of Congress and ask an increase?

Mr. CANNON. Oh, yes; certainly. The truth is, whether in private or in public life, one individual is more competent than another, and if he hustles and gets along, he gets out of that place and achieves another; and so it is better to have it the way it is than to undertake to disarrange our general arrangement about salaries.

Mr. BELL. Will the gentleman yield to me for a question?

Mr. CANNON. Certainly.

Mr. BELL. You are aware that this school has four grades and the others only two?

Mr. CANNON. It is so stated, and I have no doubt it is correct.

Mr. BELL. And this school has 1,061 pupils and 20 teachers, when the number in the others go down as low as three?

Mr. CANNON. That may be correct.

Mr. BELL. And the school board and the school authorities of the District of Columbia have asked two different Congresses that this special school be raised in consequence of the greater responsibilities?

Mr. CANNON. Still the fact of submitting by estimate for increase of salaries is not very reliable. Take anywhere in the public service, because of particular acquaintanceship, and all that kind of thing.

Mr. BELL. We ask it for the school and not for any one man.

Mr. CANNON. Take the United States Senate. They pay their employees 25 per cent more than we pay ours, and they are fewer. We pay our employees—because we come in contact with them, we know them all—more than others are paid.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. I think I have said all I want to say.

Mr. ALLEN of Mississippi. Mr. Chairman, I want to indorse what the chairman of the Committee on Appropriations has just said. Gentlemen, you who do not have to deal with these appropriations for salaries, it is very hard for you to appreciate the pressure brought to bear on the Appropriations Committee for the increase of salaries and the fact that every employee of the Government can get up an argument and show you why his or her particular salary should be increased. I do not think there is an employee in the District of Columbia who could not give you all the statistics as to what every other employee of like character in every other place in the world is getting, and that seems to be a part of the civil-service education here. [Laughter.]

And now I want to say a thing or two in indorsement of what the gentleman from Vermont, in charge of this bill, has said. In Washington the Government of the United States is attempting to furnish a model for other cities of the world. We do not take our lessons from them, we expect them to take lessons from us. We are not sitting here, where the people of the United States away from Washington are paying half the expenses of this enormous school system, to squander the people's money in salaries; we are endeavoring to give to the people of this city and those who are here temporarily a good school system with the least appropriation consistent with a good system.

I want to tell you another thing. There is no other city where a person can afford to work as cheap as in Washington. There is no other city that I know of where rents are cheaper, where charities are better dispensed, with more hospitals and free hospitals, free schoolbooks, free libraries, free everything almost except food, which you can buy as cheap here as you can anywhere else; and, then, the other and greater educational advantages here of going into the galleries and looking down upon this body occasionally. [Laughter.] Now, they have brought up a comparison between the salary of this teacher of the Central High School and that of some other cities. They have pointed out where they get larger salaries; but let them go to the town of Tupelo, where civilization has reached its highest development [laughter and applause], and they will find there the principal of the high school of the city schools of Tupelo, who has helped to produce that great development, at a salary of one-third less than is now given to the principal of a single school in the city of Washington.

Many of you gentlemen who do not represent great cities, if you will look around you, will find that you represent many more such principals. The principal of the Central High School here, whose salary is sought to be increased by this amendment, has been very diligent in arranging his argument, the accumulation of statistics, as to what the principals of other high schools get, and I have no doubt has been of much assistance to my friend the gentleman from Colorado in the preparation of his great argument this morning, because I had heard the same from the principal himself before the subcommittee having in charge the preparation of the bill. [Laughter.] He has been doing this work for $1,500 a year, and in order to equalize the salaries of the principals of high schools we raised his salary in this bill to $1,600.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GROUT. I ask unanimous consent that the time of the gentleman may be extended five minutes.

The CHAIRMAN. The gentleman from Vermont asks unanimous consent that the time of the gentleman from Mississippi may be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. SIMS. Will the gentleman allow me to ask him a question?

Mr. ALLEN of Mississippi. Certainly.

Mr. SIMS. And that is, If he does not think and does not know that the superintendent of the public schools at Tupelo is getting too little pay for such a place in such a city?

Mr. ALLEN of Mississippi. No, sir; he seems to be very well satisfied with his salary, and there are many other good teachers who would be glad to take his place when he becomes dissatisfied. I want to tell you gentlemen we do not want to become too broad gauged and liberal with the people's money in the matter of salaries, and I want to notify this House now that if every man in the public service or even in the capacity of teacher is to have his argument presented through some friend on this floor, there is no limit of the time it would take us to dispose of appropriation bills and no limit to the amount of money that would be necessary to gratify their requests.

The committee in making up this bill have been forced to refuse a great many importunities for the increase of salaries. We think we have done a good part by the public schools of Washington. We have made a very large appropriation for the erection of schoolhouses to relieve the congested condition of the schools already in existence and to make it possible for all the children who desire to attend the schools to do so. I for one feel more interest in seeing that all the children who desire an elementary education shall have it than I do in the high schools, that are necessarily conducted in the interest of comparatively few, with their high-salaried teachers.

Mr. BELL. What do you think of the salaries of members of Congress?

Mr. ALLEN of Mississippi. There are a great many of you here who are practically worth nothing and some few of us who would be cheap at $10,000 a year. [Laughter.] The law makes no discrimination between us; those of us who are worth big salaries have to serve right along beside you people who are worth nothing. [Great laughter.] Therefore, sir, while I receive the same salary of certain gentlemen I know of in this House, I am not willing to see a discrimination made between the teachers of the high schools in the District of Columbia.

As suggested by my colleague a while ago, every one of these high-school teachers made a splendid showing for an increase in their salaries, and every other teacher and everybody else. There was scarcely an individual connected with the District of Columbia that did not make a good showing from the standpoint as to why their salaries were too small. The other high schools made the same sort of showing; but I want to tell you what the effect of this thing will be. It is, as suggested by my colleague, proposed to take one of them out of the class and make it $2,000. Next year, before the committee making the appropriation for the District of Columbia, there will be the biggest raid you ever saw to bring the other principals of high schools up to $2,000, that this one gets.

So, in order to equalize these salaries, we took one last year and made it $1,500. There was one who was getting $1,400, and, as suggested by the gentleman from Vermont [Mr. GROUT], this $1,400 teacher made more impression on us, on our committee, than any teacher who was before it. Well, we equalized her last year and put her up to $1,500. Then she came back this year, still making the favorable impression on the committee. I said, "Why, did we not do something for you last year?" "Oh, yes," said she, "you put me on an equal footing to give me an even start with the others, and I want to go up with the others." This raid was for all of them.

But we did what was not pleasant duty, Mr. Chairman. I want to say to gentlemen on this floor what little Ike Thompson said about his ward.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GROUT. I ask that the gentleman from Mississippi have five minutes more.

The CHAIRMAN. The gentleman from Vermont asks that the gentleman from Mississippi be allowed to continue for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. ALLEN of Mississippi. The chancellor sent for Ike; he had been summoned several times and had not appeared. The chancellor had him arrested for not reporting about the condition of his ward. Finally he said, "On account of my said ward I have not received a cent. On account of my ward I have not paid out a cent, and if this court thinks it can take an orphan child with nothing and do better by it than I am doing, it is welcome to do so." [Laughter.]

Now, this is no pleasant duty to have to hold down the people and the appropriations for the District of Columbia. I think I know, I think I can say for the other gentleman that serve on this subcommittee that made up the appropriation bill, that there was never one in this House that worked harder, listened more pa-

tiently to everything that everybody had to say, and tried harder to do the right thing. It is rather a thankless job, and I for one feel that if any of you can do it better than we have I would be glad to turn my part of the job over to you. After refusing nearly all these applications for increase of salary and making the appropriations as appeared to us to be most necessary, we still have a very large bill, and I hope that on this item this committee will sit down on the discontented employee who, after having exhausted himself before the committee, brings his grievance into this House and takes up its time in the trial of his particular case, because I pledge you, gentlemen, you need have no fear here of losing this most excellent man on a salary of $1,600 a year.

It is true that in my Congressional experience in voting on appropriation bills to pay salaries fixed by law I have been forced to vote for a good deal of extravagance. But in my legislative career, extending now over a good many years, when I had a voice in fixing salaries, I have done what I could in the interest of the people rather than the officeholder or employee. While I have sought to avoid parsimoniousness I have sought, at the same time, to avoid extravagance. My own impression is that in the main those who serve the Government are well paid for it. I know of but one class of Government employees now who, I feel, are underpaid for the work they do, and those are many of our fourth-class postmasters, who do not receive sufficient compensation, and I would be glad to see them helped.

Mr. BINGHAM. Mr. Chairman, the average compensation of $695 for the teachers in the public schools of the District of Columbia is a larger average than is paid in the school districts of my city. No part of the District of Columbia appropriation bill received fuller consideration before the subcommittee of the Committee on the District of Columbia appropriations than the paragraphs covering the subject of schools.

Mr. BENTON. The gentleman will allow me to say that this Mr. Hughes, at my request, while the bill was before the subcommittee, made a careful calculation—it took him fifty minutes—and he said the average compensation of teachers here in this District was not $690, but $784.

Mr. BINGHAM. I made the calculation with the clerk of our committee a few moments ago; but I accept the gentleman's statement. It strengthens my position, and I thank him.

The paragraphs in the bill covering the subject of public schools have been critically gone into by the subcommittee, and I think our chairman is correct in all his statements.

I want to show what the school service in this District is in actual labor on the part of the teachers and superintendent. The school hours are from 9 to 3, with half an hour's intermission for lunch. The vacations consist of what might be called the national holidays—six or seven under statute. There are ten days' vacation for the Easter holidays; there are ten days or more vacation for the Christmas holidays. There are in the year fifty-two Saturdays on which there is no school. There are three months of vacation during the summer—ninety-one or two days; and of course there are fifty-two Sundays. Therefore the sum total——

Mr. RICHARDSON. On this subject of holidays I would like to ask the gentleman a question. I should like to know upon what principle holidays are given the school children here? Take, for instance, the two weeks for Easter——

Mr. BINGHAM. Oh, that is for health, I suppose.

Mr. RICHARDSON. And if a national holiday occurs on Thursday, the universal practice is to suspend school from Wednesday until Monday.

Mr. BINGHAM. I am not discussing that.

Mr. RICHARDSON. Why is that done?

Mr. BINGHAM. I am simply undertaking to show the real labor performed by these teachers.

Mr. RICHARDSON. One other point, and I will not trouble the gentleman further. When it rains at noon the children are dismissed and told not to come back in the afternoon.

Mr. BINGHAM. That, I suppose, is on the ground of health. The gentleman strengthens my position.

Mr. RICHARDSON. I can not understand the principle on which two weeks' holiday are given at Easter.

Mr. BINGHAM. I think they give ten days for Easter and ten days for Christmas. I do not understand the principle that governs this matter. I simply want to submit to the House that when we take the ninety-one or ninety-two days for summer vacation, the fifty-two Saturdays, the fifty-two Sundays, the ten days for Easter and ten days for Christmas, and the national holidays, we find that there are about two hundred and twenty-one days in the year when these teachers are not employed. As a matter of fact, the days of instruction requiring absolute attendance are in all one hundred and forty-four. That is all I wished to submit to the House.

Mr. WILLIAMS of Mississippi. Does not the gentleman think we ought to take some action to limit the number of holidays, while we are about it?

Mr. BINGHAM. I do not know that we could do so in this bill; I have only desired to show that these teachers receive a good, fair compensation for their days of labor.

Mr. FITZGERALD of Massachusetts. Mr. Chairman, the members of the Appropriations Committee who have addressed the House during the last half hour have made some very happy and ingenious arguments. The gentleman from Pennsylvania [Mr. BINGHAM] who has just taken his seat made the statement, which I presume is correct, that the average pay of teachers in Philadelphia is less than that paid to the Washington teachers; but I think if he wanted to make a fair comparison he ought to make it between the rates paid to the principals of the high schools in Philadelphia and the principals of the high schools here. I contend that in no city of 50,000 inhabitants, let alone a city so large and generous as the city of Philadelphia, is as low a salary as $1,600 paid to principals of high schools.

The gentleman from Vermont a few moments ago paid a compliment to the city which I represent in part, stating that the city of Boston paid its teachers the highest salaries of any city in the Union. It deservedly takes the lead among American cities in the matter of education. It enjoys that reputation not only in the United States, but in all parts of the world; and it is able to enjoy that reputation, because of the liberality of the salaries which are paid teachers it is able to get the best.

If the gentleman undertakes to tell us that it is proper policy to have the city of Washington grade salaries for the rest of the United States, then I desire to tell him, knowing the sentiment of the people of my city, that Boston will never retrograde in this movement. How, in the name of common sense, gentlemen of this House, do you expect to get good teachers in this District by paying the principal of a high school $1,600 and other teachers in proportion when every other city of the Union pays the principals of its high schools not less than $2,500?

There is not a city of 50,000 people and over in the United States to-day where the principal of the high school is not paid at least $2,000, yet this more than billion-dollar Congress cries economy when considering this class of workers. They talk about extravagance, Mr. Chairman. Why, in this very appropriation bill a new department is created, and I intend to raise the point of order when we come to the paragraph. It gives an electrical engineer $2,400 a year, while the man who guides the destinies of the pupils in the largest high school in the city, and is responsible for the standard of education in that school, is asked to live upon a paltry salary of $1,600 a year.

Mr. Chairman, nearly every day we are called upon here in the House to add new clerks at $6 a day. The clerks of our committees get $2,000 a year, and no objection is made to that, because these men are valuable to the members in their districts. And yet when it comes to the salaries of these men who have no political influence, because they have no votes in our respective districts, we cry "economy" and want to keep their salaries down.

Now, Mr. Chairman, as a member of the United States Congress, I am called upon to assist in legislating for the schools here in the District of Columbia, and I want the children of Washington, as far as my vote is concerned, to get the best education that is possible. I think that the seat of the United States Government, the seat of the capital of the nation, can not afford to have its children educated by second-class or inferior teachers, and I do not say this is the case now, but will be very soon if we do not pay adequate salaries; and if we are going to continue that standard, then I think it is about time for the United States Congress to go out of business, as far as legislating for the schools of the District is concerned. I believe when the principalship of this school was established, it called for the payment of $2,500 a year. That was a good many years ago.

The man who occupied the position at that time was such an excellent man and had such high qualifications that he was called to another duty and given a higher salary, and a man who occupied a position at fourteen hundred or fifteen hundred dollars a year in one of the schools here went to take his place, and the salary has been kept at this amount ever since.

The gentleman asks why a discrimination should be made. I will say to the gentleman from Mississippi [Mr. ALLEN] and to the gentleman from Vermont [Mr. GROUT] that, as the gentleman from Colorado [Mr. BELL] said a few minutes ago, the principal of this Central High School presides over a school where there are four courses and an enrollment of 1,067 pupils at a salary of $1,600 a year. I think every principal of a high school should receive $2,000, and I would like to make that amendment.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD of Massachusetts. I ask for five minutes more.

The CHAIRMAN. The gentleman from Massachusetts asks for five minutes more. Is there objection?

There was no objection.

Mr. FITZGERALD of Massachusetts. I dislike to disagree with

the committee after a careful investigation such as they have made, but, as I stated before, as a member of this House and one who feels responsible for his share in the legislation affecting the education of the children in this District, I do not want it laid at my door that I am not willing to give the children of the District of Columbia as good an education and as good teachers as the markets afford, and I think that condition of affairs ought to appeal to every member of Congress.

Mr. ALLEN of Mississippi. Will the gentleman permit a question?

Mr. FITZGERALD of Massachusetts. Certainly.

Mr. ALLEN of Mississippi. Does the gentleman know that most of this agitation springs from the men who have been getting $1,500 a year?

Mr. FITZGERALD of Massachusetts. I do not know where the agitation springs from. Agitation is necessary in this world, and I do not know how Congress will ever do justice to these teachers unless the matter is agitated.

Mr. BELL. May I make a suggestion?

Mr. FITZGERALD of Massachusetts. Certainly.

Mr. BELL. I want to say that this request comes from the Commissioners of the District of Columbia. They have asked that this man's salary be increased to $2,000, have asked it twice, and it has been put on twice by the Senate. They have not asked it on behalf of any other principal, and they have asked it on behalf of this one, because he had such a great responsibility, with twenty teachers under his supervision.

Mr. FITZGERALD of Massachusetts. Mr. Chairman, I think that is correct; that the District Commissioners have asked that this salary be raised.

Mr. BINGHAM. Oh, they asked that in some seven or eight cases, and asked large increases. This is not the only one.

Mr. FITZGERALD of Massachusetts. Well, if they have asked it in others, they think they are deserving; and if, on discussion of the matter and on investigation, this is found to be true, the increase should be given them.

Mr. BINGHAM. The gentleman understands that we in the committee cut down the estimates of the Commissioners of the District of Columbia just as we cut down the estimates submitted by the Departments. That is what we legislate for.

Mr. FITZGERALD of Massachusetts. I understand that; but it seems to me you could have afforded to favor the increase that was asked for by the Commissioners in this case, particularly when it is such a just one.

Now, Mr. Chairman, as I stated a few moments ago, this is one of the most important schools in the District, and I believe is the most important school in the District of Columbia. I think it is an outrage—and I use language just as strong as that—to ask a man to be the principal of that school at sixteen hundred dollars a year when men in other cities in the country not as important, not as large cities as this, receive salaries of at least twenty-five hundred dollars a year.

Now, Mr. Chairman, if the District Committee have been in error in these matters in the past, I think it is about time for the House itself to recognize the fact that mistakes have been made; and if it is claimed that this is going to lead to the establishment of a precedent, and the precedent is a good one, let it be established. I think the members of the House will be false to themselves and to their duties if they do not vote for this very deserving increase of salary; and it may prove the incentive to a further and proper increase of teachers' salaries in general.

Mr. Chairman, I have a great deal of respect for the school-teachers and the highest regard for their calling. The school-house is regarded as the pillar of the Republic. I know since I have been a member of this House, and this is my third term in Congress, no school-teacher, and I might say no employee of the District of Columbia, has come to me to ask the influence of my vote, and it shows that they do not attempt to get what is justly theirs through any political influence, and I hope the members of the House who, I will say, are willing at all times to stand up here and vote salaries of not less than $6 a day for clerks here in this House because of the political good that may follow, who are willing to give salaries of $2,000 a year to the clerks of committees, men who in the short session of Congress work only from the first Monday in December until the 4th of March, practically sixty or seventy working days in a year, I hope members of the House who do that will be willing to see that these teachers in the schools receive justice.

You have created a position of electrical engineer under this bill, a position never heard of in this District before, and given a salary of $2,400 a year, while to the man who has charge of the scholars, who molds their minds and is responsible for their education, you give the small, paltry sum of $1,600 a year.

Mr. ALLEN of Mississippi. Does the gentleman not know that the electrical engineer provided for here has been in the employ of the District for years at the very same salary that is provided in this bill?

Mr. FITZGERALD of Massachusetts. I should like to know where in any previous appropriation he is provided for?

Mr. ALLEN of Mississippi. It has been provided for in every bill, although not under that name.

Mr. GROUT. Not specifically.

Mr. ALLEN of Mississippi. Not under that specific designation, but the position has been held.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD of Massachusetts. I should like five minutes in addition.

The CHAIRMAN. The gentleman from Massachusetts asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. FITZGERALD of Massachusetts. Does the gentleman think if the electrical engineer is worth $2,400 a year, that this principal of the High School is not worth at least as much?

Mr. ALLEN of Mississippi. Well, I do not know much about electrical engineers. The position is said to be a very important one, and one that is of growing importance all the time. The electrical superintendent works all the year, while this principal of the High School only works nine months.

Mr. FITZGERALD of Massachusetts. If this electrical engineer gets the vacation that the other employees in Washington get, he does not give any more time to the Government than the school-teacher.

Mr. ALLEN of Mississippi. This superintendent is now getting under the salary provided for him, eleven or twelve dollars a day for the days that he works in the year.

Mr. BINGHAM. He only works one hundred and forty-four days in the year.

Mr. FITZGERALD of Massachusetts. I can not understand the statement of the gentleman from Pennsylvania that the schools in this District are open a good deal less than half the year.

Mr. BINGHAM. They are open nine months.

Mr. FITZGERALD of Massachusetts. But the gentleman states that they are only in session one hundred and forty-four days out of three hundred and sixty-five.

Mr. BINGHAM. I told the gentleman distinctly how that occurred.

Mr. FITZGERALD of Massachusetts. I appreciate the fact that the gentleman told me, but that does not alter the fact that the gentleman has stated the schools were only open one hundred and forty-four days in the year.

Mr. BINGHAM. The school work is only one hundred and forty-four days in the year.

Mr. FITZGERALD of Massachusetts. If that statement is correct, it seems to me that we ought to have a revision of the school laws by the Committee on the District of Columbia, because I can not conceive how a proper system of education is given to the children of the District of Columbia that lasts only one hundred and forty-four days out of three hundred and sixty-five days in the year.

Mr. BINGHAM. Let me ask the gentleman a question?

Mr. FITZGERALD of Massachusetts. Certainly.

Mr. BINGHAM. When you take out of the time six national holidays, fifty-two Sundays and fifty-two Saturdays, and three months' vacation, you will find that you have gotten one hundred and ninety-one days.

Mr. FITZGERALD of Massachusetts. I do not know that there is three months' vacation. Then, again, the gentleman includes in the fifty-two Saturdays and Sundays the Saturdays and Sundays included in the three months' vacation.

Mr. BINGHAM. That is the fact.

Mr. FITZGERALD of Massachusetts. What are the dates?

Mr. BINGHAM. The schools are open until about the middle of June, and the vacation lasts until about the middle of September.

Mr. FITZGERALD of Massachusetts. I know that I have seen the schools in session about the latter part of June and the first half of September.

Mr. BINGHAM. There are three months of summer vacation, and then there are ten days about Christmas.

Mr. FITZGERALD of Massachusetts. Are there ten days' vacation at Christmas?

Mr. BINGHAM. There are.

Mr. FITZGERALD of Massachusetts. Do you know that there are?

Mr. BINGHAM. I think so; and ten days at Easter, which makes up sufficient only to give one hundred and forty-four school days.

Mr. FITZGERALD of Massachusetts. The gentleman must know that the principal of the high school works when the school is not in session. He has got his mind on his work, with the exception of those days when he goes on his summer vacation. He must work all the time and keep well informed on the doings of the day in order to keep his school up to the standard.

Mr. BROMWELL. May I ask the gentleman a question? The

gentleman from Pennsylvania [Mr. BINGHAM], referring to the work of the principals, concluded with the statement that these men are paid pretty fairly for the time they are employed. Well, as members of the House, we have three months in the short session and about six months in the long session, making about nine months. We commence at 12 o'clock noon and get through at 5 o'clock, and we have a good many holidays scattered all through the year, and, taken altogether, we have nine months, of about twenty days in a month, or one hundred and eighty days in all, for which we get $10,000. Does the gentleman think that it would be fair to say that we were pretty well paid here for the time we put in?

Mr. BINGHAM. I think we are.

Mr. BROMWELL. I ask the gentleman from Massachusetts this question: Does not this principal and the other principals of the other schools have to live three hundred and sixty-five days in the year, no matter how many days they work?

Mr. FITZGERALD of Massachusetts. Of course they do.

Mr. BROMWELL. Does he not have to pay rent and table board and for clothing and every other expense during three hundred and sixty-five days in the year? This gives him a little over $1 a day. He is able to work at nothing else and he can not do anything out of the school hours. Does he not have to attend educational institutes at his own expense? Does he get any time outside of the school hours?

Mr. FITZGERALD of Massachusetts. What the gentleman from Ohio has stated is true. No matter if the statement of the gentleman from Pennsylvania [Mr. BINGHAM] is true as to the actual number of days' service put in in the schoolroom every member knows that the principal of a high school is kept busy in school and out in school work, and in nothing else, from one end of the year to the other. Let us do justice to these men and women on whom we depend so much for not only the education but the training and development of our boys and girls. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. Debate on this proposition is exhausted, and amendments are exhausted. If there be no objection, the pro forma amendments will be considered as withdrawn, and the question will be on the amendment offered by the gentleman from Colorado.

Mr. SIMS. I want to say a few words upon that amendment.

The CHAIRMAN. Debate upon that amendment is exhausted.

Mr. SIMS. I move to strike out the last two words.

The CHAIRMAN. There are pending two informal amendments, so that debate on that amendment is exhausted. Is there objection to the withdrawal of the pro forma amendment? [After a pause.] The Chair hears none. The question is on the amendment offered by the gentleman from Colorado.

The question was taken; and the Chairman announced that the noes seemed to have it.

Mr. BELL. Division.

The committee divided; and there were—ayes 23, noes 37.

So the amendment was rejected.

The Clerk read as follows:

ELECTRICAL DEPARTMENT.

For electrical engineer, $2,400; superintendent of lamps, $1,000; superintendent of telegraph and telephone service, $1,600; electrician, $1,200; chief operator, $1,200; chief inspector, $1,200; machinist, $800; 3 telegraph operators, at $1,000 each; 3 inspectors, at $900 each; clerk, $800; clerk, $800; 3 telephone operators, at $900 each; 3 assistant telephone operators, at $360 each; driver, $480; laborer, $480; expert repairman, $960; 3 repairmen, at $720 each; 2 laborers, at $400 each; telephone messenger, $360; in all, $24,440.

Mr. MAY. Mr. Chairman, I rise to a point of order; it is that this paragraph embraces the creation of a new department; it is therefore new legislation and out of order on a general appropriation bill.

The CHAIRMAN. The gentleman from New York [Mr. MAY] raises a point of order against the paragraph down to line 4, page 36, as the Chair understands.

Mr. MAY. Yes, sir.

Mr. FITZGERALD of Massachusetts. I raise the further point of order (if the point of order of the gentleman from New York in regard to the whole paragraph should not be sustained) to the various provisions creating new offices, which I am ready to enumerate at the pleasure of the Chair.

The CHAIRMAN. The Chair will have to entertain one point of order at a time.

Mr. FITZGERALD of Massachusetts. I raised the point at this time so as to preserve the right in case the Chair should decide that the section was not amenable to the point of order made by the gentleman from New York.

The CHAIRMAN. The Chair would be glad to be advised by some one as to what are the facts.

Mr. GROUT. Mr. Chairman, the facts about this paragraph are simply these: This paragraph does not really provide for any new offices; it simply undertakes to name in the bill the existing officers. This man, at precisely the same salary he now receives, has been employed by the Commissioners and paid out of the general appropriation for electric lighting service. The Commissioners came before us and asked to have these various offices consolidated under the head designated in the bill. The heading was formerly "Telegraph and telephone service." I will read from the statement of Commissioner Wight before the committee:

The CHAIRMAN. What is he called now?
Mr. WIGHT. Electrical engineer. That is the way we carry him on our pay rolls.
The CHAIRMAN. What is he denominated in the bill elsewhere?
Mr. WIGHT. He is not denominated anywhere else in the bill.
Captain BEACH. He is an extra employee at present.
Mr. MCCLEARY. He is employed and is paid?
Captain BEACH. Yes; at this salary.
The CHAIRMAN. Now you ask to put him on at a regular salary?
Mr. MCCLEARY. Is there any reduction in the general appropriation in consequence?
Mr. WIGHT. No, sir; there is no increase in his salary, but there are one or two increases asked for, and there is one additional draftsman asked for.

If the paragraph is really subject to a point of order, then throw it out.

But, Mr. Chairman, the committee do not believe that this is subject to a point of order. Clearly the committee have a right to report appropriations for such persons as may be necessary for the performance of the municipal service of the District. There has never been any question about that. It is an incident of the power of the committee to appropriate as conferred by the organic act. It has been held repeatedly in the Committee of the Whole that an Appropriation Committee reporting a bill has the power to report appropriations for the necessary administration of municipal affairs, giving such names to the officers as they may see fit.

Mr. FITZGERALD of Massachusetts. Did the gentleman make this point of order awhile ago, when the gentleman from Colorado [Mr. BELL] made a motion to increase a salary from $1,500 to $1,600?

Mr. GROUT. Is that the reason the gentleman makes this point of order now?

Mr. FITZGERALD of Massachusetts. I make it because there is here the creation of a new office.

Mr. GROUT. There are no new offices created. This only designates by name an officer who is to receive precisely the same pay he has received heretofore. It does not create a new office. In the other instance the principle is different, because there an appropriation bill had fixed a salary; it was a matter of law. Here the appropriation bill has not fixed a salary eo nomine, but it has appropriated money out of which this payment is to be made. It is not new legislation.

Mr. MAY. I desire to call attention to page 8 of the report of the committee in this case, where we find a comparative statement of the appropriations for 1900 and those for 1901, showing as the amount for salaries for 1900 $11,520, and for 1901 $24,300. This, I claim, shows conclusively that there have been appropriations made in this bill for new officers.

Mr. GROUT. Of course, Mr. Chairman, whenever the Appropriations Committee are satisfied that the District service requires a clerk, it certainly does not require a specific act to authorize his employment. The Committee on Appropriations have always reported matters of that kind in this bill. We have provided for this office because it is essential to the administration of the municipal affairs of the District. It is upon this basis that the authority is exercised. It is true that in this bill we have added a clerk here and there, but not in half or one-fourth as many instances as has been estimated for. We have ruled out most of those embraced in the estimates.

Now, can it be said that where we have allowed a few clerks the provision is subject to a point of order? The idea is preposterous. The whole history of legislation on this subject has conferred that power upon the committee, and it is the only power we have exercised here—simply providing for necessary service.

Mr. MAY. I call attention to the fact that the appropriation proposed for salaries for the coming year is nearly double the appropriation for the present year. The provision is not merely for the appointment of one clerk.

Mr. GROUT. The gentleman still sticks to the point that the appropriations for salaries are larger than heretofore. Yes; but this is because we have given specific salaries here in cases where before the money was paid out of the general appropriation for telegraph and telephone service; and that appropriation is by so much less than it was before. That is the only difference.

Mr. FITZGERALD of Massachusetts. On that very point I call the attention of the gentleman from Vermont to the provision for electrical construction on some of the items as they appeared in last year's bill:

1 superintendent telegraph and telephone service	$1,600
1 electrician	1,200
3 telegraph operators, at $1,000	3,000
3 telephone operators, at $900	1,800
1 expert repairman	960
3 repairmen, at $720	2,160
2 laborers, at $400	800
14 employees	11,520

Mr. Chairman, these are all the appropriations that were carried in the bill last year. These provisions that are now brought in as a part of this appropriation bill inaugurate new offices, no mention of which has ever occurred in an appropriation bill. It requires an act of Congress for the inauguration of any additional office, and the gentleman from Vermont knows full well that this committee or any other committee has no power to create additional offices unless that power is previously conferred by Congress.

Here we find in the telegraph and telephone service (electrical department) for the fiscal year 1901:

1 electrical engineer (new)	$2,400
1 superintendent of lamps (new)	1,000
1 superintendent of telegraph and telephone service	1,600
1 electrician	1,200
1 chief operator (new)	1,200
1 machinist (new)	800
3 telegraph operators, at $1,000	3,000
3 inspectors, at $900 (new)	2,700
1 clerk (new)	800
1 clerk (new)	600
3 telephone operators, at $600	1,800
3 assistant telephone operators, at $360 (increase)	1,080
1 driver (new)	480
1 laborer (new)	480
1 expert repairman	960
3 repairmen, at $720	2,160
2 laborers, at $400	800
1 telephone messenger (new)	360
Total	24,620

30 employees.

That is double the appropriations that have hitherto been made for telephone and telegraph service.

Mr. ALLEN of Mississippi. The gentleman is evidently mistaken.

Mr. FITZGERALD of Massachusetts. Those are the facts, and I would like to see them disputed. In this connection I would like to call the attention of the House to Rule XXI, section 2, as applied to this paragraph:

2. No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress; nor shall any provision changing existing law be in order in any general appropriation bill or in any amendment thereto.

Mr. GROUT. Oh, Mr. Chairman, that provision is well understood. But just a word about it applying to this paragraph. The gentleman claims that the committee has increased the expenditure of this department by designating their names or their employment in the appropriation bill. In almost every instance the sum has been decreased. For instance, electrical engineer, the same price is paid. The electrician had received $1,250 a year and he is now reduced to $1,200. Chief operator, $1,200. That is the same. Chief inspector, who had received $1,250, is to receive $1,200. The machinists had received $782.50. That, by the way, is a trifling increase to $800. Three telephone operators is the same. Three inspectors the same. Then the clerk who received $782.50 is increased to $800. There is an increase. Then another clerk, who received $636, is reduced $36, and left at $600. On evidence submitted it was believed by the committee that these changes, slight changes, should be made.

Now, Mr. Chairman, I want gentlemen to understand that supposing this paragraph of the bill goes out, because of designation of their employment, they will be remitted to existing law, which head as follows.

Now, the committee goes back to this system again and these parties will all receive the same salaries except in the cases already indicated at the rate which I have given. I think in the aggregate there is a reduction in the expense rather than an increase of the expense.

For overseers, inspectors, and other employees temporarily required in connection with the sewer department, or at any work in the construction or building of bridges, or in any work authorized by appropriations, and all expenses incidental or necessary for the proper execution of such work shall be paid and equitably charged against the sum appropriated for such work, and the Commissioners of the District in their annual report to Congress shall report the number of such overseers, inspectors, and other employees and their work, and the sums paid to each and out of what appropriation.

The CHAIRMAN. It seems to the Chair that this provision contemplates the establishment of a new department in the District government, and to that extent is new legislation and obnoxious to the rule. There are certain items in this paragraph that have been provided for by former appropriation bills, and so far as those items are concerned, they are not obnoxious to the rule; but the paragraph as a whole is.

Mr. GROUT. Well, if the Chair will single those out and tell us what they are, we will let them go out. Let it be understood that the Committee on Appropriations is not strenuous about this business. They acted in good faith and as they thought was in the best interest of the public, and they believe now, notwithstanding the ruling of the Chair, to which, however, I take no appeal, it is entirely within the scope the committee has constantly exercised in making these appropriations. Let the paragraph go out, and the subject will be remitted to the old system, and that will be satisfactory to the committee.

The CHAIRMAN. The Chair understands that the gentleman from New York [Mr. MAY] desires to modify his point of order so as not to include the items that have been carried in former appropriation bills and to apply it only to those items which have not been carried in former appropriation bills.

Mr. GROUT. Well, Mr. Chairman, I insist that he shall do it now, so that we may know where we are in the bill.

The CHAIRMAN. The gentleman from New York so modifies his point of order, and as so modified the Chair sustains the point of order.

Mr. GROUT. What does that exclude?

The CHAIRMAN. That would leave in the bill the item for 3 telegraph operators, at $1,000 each; 3 telephone operators, at $600 each; an expert repairman, at $960, and 3 repairmen, at $720 each, and 2 laborers, at $400. Those are the items contained in the last appropriation bill. The balance of the paragraph will go out on the point of order. The Clerk will read.

The Clerk read as follows:

Board of Children's Guardians: For the Board of Children's Guardians, created under the act approved July 29, 1892, namely: For administrative expenses, including salaries of agents, not to exceed $2,400, expenses in placing and visiting children, and all office and sundry expenses, $7,000.

For care of feeble-minded children, board and care of all children committed to the guardianship of said board by the courts of the District, and for the temporary care of children pending investigation or while being transferred from place to place, $40,000: *Provided*, That the Board of Children's Guardians are hereby directed to contract with the Hart Farm School during the fiscal year 1901 for the care and support of not less than 50 boys at the rate of $210 each per annum.

Mr. RAY of New York. Mr. Chairman, against the provision in this section commencing with "*Provided*" I raise the point of order that it is in violation of Rule XXI, in that it changes existing law and is new legislation. I have before me the last appropriation bill relating to this subject, and there is nothing of the kind in it.

Mr. GROUT. Mr. Chairman, if the gentleman raises the point of order on this provision, I will say at once that it is, in my opinion, subject to the point of order, and I have not a word to say against it being sustained; but if the gentleman knew the good that this provision would accomplish, I think he would withdraw his point of order. If he makes it and insists upon it, we will not spend a moment on the question, but will let it go out of the bill. The responsibility is with the gentleman.

Mr. RAY of New York. In response to what the gentleman says—that if I knew the good it would accomplish I would not make the point of order, and that the responsibility is with me—I desire to say that the Congress of the United States, through an appropriation, should not take money in this manner or undertake to take money in this manner out of the Treasury and apply it in a way that will serve a private purpose. I condemn it, and I raise the point of order because the provision has that effect, as I am advised and believe. I raise the point of order because the provision may permit what may be called a steal, or, more properly, an unnecessary waste, of the money of the United States, and I am prepared, I think, to defend that position if necessary. I have my information from a member of the Board of Children's Guardians.

Mr. GROUT rose.

The CHAIRMAN. Does the gentleman from New York yield the floor?

Mr. RAY of New York. I do not yield the floor. I make that statement in response to the gentleman's remarks. I think he and the committee are not fully informed of the truth relating to this matter and the purpose for which the mandatory provision is asked. I want to say, Mr. Chairman, that I am advised that these 50 boys can be cared for for about $90 a year less than is proposed by this proviso in institutions just as well conducted and conducted by just as able men as would have charge of the expenditure of the money if this compulsory direction or proviso is to be carried out.

I do not speak on my own knowledge, but I speak on the authority of a member of the Board of Children's Guardians, which board is created by law, charged by law with the expenditure of this money. I would like to be informed why it is that with that board constituted by law for this purpose the Committee on Appropriations has put in this bill an absolute provision which reads:

That the Board of Children's Guardians are hereby directed to contract with the Hart Farm School during the fiscal year 1901 for the care and support of not less than 50 boys, at the rate of $210 each per annum.

Why not drop that from the bill?

The CHAIRMAN. The time of the gentleman has expired.

Mr. RICHARDSON. I want to ask the gentleman if I understood him to characterize the appropriation in this item as a steal?

Mr. RAY of New York. I characterize it not as a steal, but said it might be such in its operation. I do not charge the Committee on Appropriations with knowledge of the facts. I do not

think the committee understands the facts as they have been stated to me.

Mr. RICHARDSON. Did I understand the gentleman to say this appropriation was a steal?

Mr. RAY of New York. I stated hastily that it might operate as a steal and an unnecessary waste of the public funds of the United States. I was hasty and not justified by any fact in making the statement, and I now withdraw it and apologize to the committee.

Mr. RICHARDSON. I understood the gentleman to say that the appropriation in that item was a steal.

Mr. RAY of New York. I did not mean to say that it was. I hastily spoke, and only meant that in its effect it might operate as an unnecessary waste of the moneys of the United States. All beyond that I withdraw.

Mr. RICHARDSON. Well, that is a matter for the committee to answer, not for me.

Mr. GROUT. The gentleman has very materially modified his proposition. Mr. Chairman, I am simply astonished at the statements of the gentleman on the floor. It seems to me that in the frank discharge of his duty, if there was a provision in this bill that might operate as he stated, he should have called the attention of the committee to it in some way.

Mr. RAY of New York. "The gentleman from New York" has called the attention of the chairman of the Committee on Appropriations to the fact and has stated to him his intention to raise this point of order.

Mr. GROUT. You mean the gentleman from Illinois [Mr. CANNON], I suppose.

Mr. RAY of New York. I understand he is the chairman of the Committee on Appropriations. Mr. CANNON is the gentleman to whom I refer.

Mr. GROUT. Then you should have made it more specific, because it might be inferred that, as I am the chairman of the subcommittee, the gentleman from New York was referring to me.

Mr. RAY of New York. I did not intend any such thing. I referred to the chairman of the committee.

Mr. GROUT. This is the first syllable of this that I have heard from any source, and I say the gentleman from New York should have spoken to the subcommittee or the person having in charge the bill rather than come in here and make the declaration he has. I repudiate the statement, and the gentleman, I presume, regrets having made it.

Mr. RAY of New York. Well, the gentleman thinks he is prepared to defend his statement that the proviso may operate to permit a waste of money.

Mr. GROUT. I do not yield to the gentleman.

The CHAIRMAN. The gentleman declines to yield.

Mr. GROUT. I do not yield now. I will in a moment give the gentleman a chance to substantiate his statement.

Now, here is a provision authorizing a contract between the Board of Children's Guardians and the Hart Farm School for the care of not less than 50 boys for the next year at $210 a boy. That is $10 more than their present contract with the Board of Children's Guardians, who, of course, are not engaged in wasting the public money, according to representation of the gentleman himself.

I will undertake to say they are not, anyway, because they are a board acting in good faith, and performing their duties honestly and well. They have made a contract with the Hart Farm School that continues until July 1, next, at $200 a boy. Now, the proprietor of the Hart Farm School, Professor Hart, of Howard University, appeared before the committee and laid the facts before them, the substance of which was—and I might read at length from his testimony—that he could not do it for the $200 that he has the contract for now.

The committee believed that he could not do it. I do not know but they were imposed upon by his statement. I can not say, but I do not believe it. Now, what is the character of these boys, Mr. Chairman? They have gone to this farm from the Board of Children's Guardians. They have gone there through the police court, some of them not once only, but many times. One of these boys has gone through the police court twenty times, convicted every time of a crime or misdemeanor, and every boy he is caring for is a convict in the police court. Now, this is the character of the boys Professor Hart is caring for. It is a reformatory institution and built and conducted on a plan that recommended itself to the entire subcommittee without hesitation.

Mr. RAY of New York. May I ask the gentleman a question?

Mr. GROUT. I will yield to a question.

Mr. RAY of New York. What is this reformatory institution? To what do you refer?

Mr. GROUT. I do not yield further to the gentleman.

Mr. RAY of New York. Will you answer the question?

Mr. GROUT. I will be fair with the gentleman.

The CHAIRMAN. The time of the gentleman from Vermont has expired.

Mr. GROUT. Mr. Chairman, I ask for five minutes more, in which I want to find out what the gentleman means.

The CHAIRMAN. The gentleman asks that his time be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GROUT. A reformatory institution is one that takes a person who is out of square morally and tries to make him square morally.

Mr. RAY of New York. Oh, no; that is general. You refer to the Hart Farm School as a reformatory institution?

Mr. GROUT. I do.

Mr. RAY of New York. Let me ask, does not the gentleman know that that farm is not an institution—that it is simply a farm owned by an individual?

Mr. GROUT. Yes; certainly.

Mr. RAY of New York. The gentleman called it an institution.

Mr. GROUT. Yes; but call it a farm. It is a farm school.

As I have said, one of these boys had gone through the police court twenty times. Now, he has been there—the length of time I am unable to state—but, ten or twelve months, and he is now so far reformed that he is trusted to go wherever he will with the other boys and shows no desire whatever to escape, but is manageable and obedient; in short, is fast becoming a good boy. The boys are all at perfect liberty to go and come as they chose, and yet for the last eight months there has not been an escape from the institution; not a single boy has sought to get away.

Now, the reason why $210 is not an extravagant price is because they are a hard lot of boys that have gone through the police court and gone down there for reformation. Professor Hart, I believe, is a philanthropist from the bottom of his heart. He wants to build his race up into knowledge and respectability and into moral standing before the world; and he has put every dollar he has in the world into this farm, and has got these boys about him, having arranged with the Board of Children's Guardians to have them sent to him.

As an illustration of the effect of the management upon these boys, it fell out—was, in fact, so stated by the superintendent of charities to the committee—that Christmas time these boys were all provided with a small sum of money and allowed to come to Washington, to their old haunts, and if they had homes, to go to them; but many of them have no homes. They came up here together on the steamer, and were to return on the boat at a certain hour. At that hour every boy reported and went back to school. Such is the moral influence of this establishment for the reformation of these boys that the committee thought they were doing the best possible service to the public to make it sure that the tough boys in this city should be sent to that farm instead of to the jail or be allowed to run at large in the streets.

Now, Mr. Chairman, the expense of keeping charge of the colored girls in the District of Columbia who have gone wrong, in an institution owned by the District up here, is $400 per girl, and they have only gone through the police court to this reformatory institution, just the same as these boys have, and it does not furnish them the home life either that this farm does. This farm as a part of its work has introduced industries. The boys plant the corn, cultivate it, cut it, and take care of the cows, doing a certain amount of work all the time. A part of the theory of the establishment—the gentleman objects to my calling it an institution—a part of the theory of the establishment is that it is good policy to teach the colored man that he can not rely upon his wits alone for success in this world, but that he must learn to use his hands.

He must learn the value of industry, and that system is introduced and admirably sustained in the Hart Farm School; and further, as to price stipulated to be paid Superintendent Lewis, says:

> This temporary contract has been continued through to the close of the present fiscal year with Professor Hart, and it is now running at $200 per year per child. The District is paying more than that at several places for the maintenance of its dependent children; and my judgment is that $200 per year per child, while the number remains under 50, is not especially high.

Now, I have shown you that it costs $400 per girl in the Girls' Reform School, and it costs $210 at the Boys' Reform School.

Mr. McCLEARY. That is what Professor Hart based his estimate on.

Mr. GROUT. Yes; and that is what the committee based its action on. It costs the Government $210 per boy to take care of white boys of the same class. Now, the gentleman says it may be a waste of money, because we provide the same sum for the colored boys. I think the gentleman from New York must begin to discover that he is the one who has been misinformed. The boys are under restraint in both these places. At the white boys' reform school in this city there are walls or fences around the institution, but at the Hart Farm School the boys are held under such moral and intellectual control by kindness and the interest created in the work of the farm that walls and fences are not necessary. There are none of those restraints there, but the boys are so occupied in their books, in the farm work, and in the pastimes and

recreations founded by the eleven teachers in charge that they really reform themselves.

Mr. RAY of New York. May I ask the gentleman a question?

Mr. GROUT. Certainly; I will answer with great pleasure.

Mr. RAY of New York. "The Board of Children's Guardians are hereby directed to contract with the Hart Farm School during the fiscal year 1901 for the care and support of not less than 50 boys," etc. Have you not any confidence in the Board of Children's Guardians?

Mr. GROUT. Yes. I have already expressed confidence in the Children's Guardians.

Mr. RAY of New York. If you have confidence, why do you not leave it to the Board of Children's Guardians to say where they will put these boys and who shall have charge of them? Why do you require them to go to this place——

Mr. GROUT. When will the gentleman get through with his question?

Mr. RAY of New York. Does the gentleman understand my question?

Mr. GROUT. Yes, sir; and my answer is that the committee felt that the Hart Farm School was such a desirable place for these unruly, wayward, criminal boys that they wanted to make it certain that they should be sent there, and that is why they inserted the provision in the bill.

That is my answer. We felt that it was a matter which need not be left to the discretion of the Children's Guardians; that it was a thing so manifestly fit to be done that it would be wise to make the doing of it certain.

Now, I call on the gentleman to say to this House here and now what he can say to justify his statements. I demand such a statement here and now to the extent of his information.

Mr. RAY of New York. I have light as to other institutions; and if I have time I want to present th facts to this House. Of course this does not waive the point of order, does it, Mr. Chairman?

The CHAIRMAN. It does not. The Chair is prepared to rule on the point.

Mr. RAY of New York. Mr. Chairman, who has the floor now?

The CHAIRMAN. The gentleman from Vermont still has the floor and has yielded to the gentleman from Yew York.

Mr. GROUT. I yield to the gentleman.

Mr. RAY of New York. Of course I want more than a minute or two on this question.

Mr. GROUT. Very well; I yield the floor because I want information if the gentleman can give it.

Mr. RAY of New York. I would like about ten minutes by unanimous consent.

The CHAIRMAN. The gentleman from New York asks unanimous consent that he may proceed without interruption for ten minutes. Is there objection? The Chair hears none.

Mr. RAY of New York. I raised this point of order, Mr. Chairman, because I was waited on to-day by a member of the Board of Children's Guardians, and he laid before me certain facts——

Mr. GROUT. If you had been frank you would have come to the subcommittee and let them have the benefit of the facts. Now give to the House all the facts you have.

Mr. RAY of New York. I went to the chairman of the Committee on Appropriations, and I made certain inquiries of him which I will not repeat; and I will not repeat his reply except in a general way.

Mr. CANNON. The gentleman is at liberty to state the conversation. I never talked with him on this subject but once, and that was not exceeding sixty minutes ago and was casual. It did not attract my attention beyond the fact that I understood it to be a notification that he was going to make a point of order on this provision. Now, the gentleman is at perfect liberty to state what occurred.

Mr. RAY of New York. Did I not state to you that I was going to raise a point of order?

Mr. CANNON. Oh, the gentleman said that he thought the provision was subject to a point of order and that he was going to make it.

Mr. RAY of New York. Did you not say to me that if I knew all the facts in regard to it perhaps I would not?

Mr. CANNON. Oh, yes.

Mr. RAY of New York. Did I not say that I thought I did know all the facts in regard to it——

Mr. CANNON. Yes, sir.

Mr. RAY of New York. And that I had them from the board or a member of the Board of Children's Guardians?

Mr. CANNON. No; you did not state that part of it.

Mr. RAY of New York. Then the gentleman did not listen or give attention; that is all.

Mr. CANNON. Well, the gentleman can now proceed in his own way.

Mr. RAY of New York. Of course I shall be glad to be convinced that this is a highly praiseworthy object, and that the provision ought to be enacted, and if I can be convinced of that fact I will withdraw the point of order.

Now, in the first place, what is this farm school? It is a farm owned by an individual near the Potomac River, a little way beyond Mount Vernon, purchased by an individual, owned by an individual, run by an individual through his servants and employees, and the owner of that farm visits it about once a week if he has time.

Am I incorrect when I say that this farm is owned by an individual and run by an individual?

Mr. GROUT. I stated that.

Mr. RAY of New York. He lives here in the city of Washington; he has nothing to do with the running of this farm only as he visits it occasionally. There is no institution there in the broad sense of the term. This man purchased that farm and, as I am informed, is conducting it with the hope of getting money out of the Government in this way.

Mr. GROUT. Will the gentleman allow me a question?

Mr. RAY of New York. Certainly.

Mr. GROUT. Is the gentleman aware of the fact that a distinguished citizen of New York, ex-Senator Evarts, leased to this man, Professor Hart, a large acreage there, so long as he should devote it to this purpose, free of rent? Is the gentleman aware of that fact?

Mr. RAY of New York. I am not. Some one has a mortgage on the farm that he wants paid, and which the owner of the farm desires to pay, and he states to this Board of Children's Guardians, or in a way that comes to their knowledge, that he can not pay unless he has business of the kind he intended to carry on when he took the land.

He is asking to have the Congress of the United States take the power that belongs to this Board of Guardians, vested in them by law, from their hands, and absolutely direct them as to what they shall do with this money, and absolutely direct them that they shall pay $310, I think it is, for maintaining each boy, when heretofore they have been cared for for less and hereafter they can be cared for from $50 to $90, and in some cases $110 less per year. There is an institution near Richmond where these boys can be cared for at a cost of $110 each per year, and well cared for.

Mr. GROUT. Now, Mr. Chairman, that is——

Mr. RAY of New York. That is the way of it.

Mr. GROUT. Will you allow me to ask you a question?

Mr. RAY of New York. Certainly.

Mr. GROUT. Do you mean to be understood as stating here that Professor Hart said to the Board of Children's Guardians that he could not pay the mortgage that was on his property unless he received more than the board were paying for taking care of these boys? Do you state that?

Mr. RAY of New York. A member of the Board of Children's Guardians, a gentleman of the highest character and ability, or he would not be there, has put into my hands, and I have it here, a written statement in which he quotes from a letter from the owner of this farm that is owned——

Mr. GROUT. Yes; but you stated that he could not pay his mortgage——

Mr. RAY of New York. Stating that the farm is subject to a mortgage of $7,000, I think it is—I am not able to state the exact amount—and that he has to have more income or business or he can not pay his mortgage.

Now, I will say that the Congress of the United States can be in better business than compelling the Board of Children's Guardians, or any other board charged with the care of this class of people, to use money in a particular way. If it is a competent board, if these gentlemen are fit to hold the positions they do hold, then I say, Mr. Chairman, that if the money is appropriated it should be left for the board to determine who they will employ to care for these children. It should be left to the board to say how much they will pay; it should be left to the board to get good service where they can get it, and where they can get it cheapest. That is in the interest of the Treasury of the United States and in the interest of the taxpayers of the United States.

Mr. ALLEN of Mississippi. Will the gentleman allow me to ask him a question?

Mr. RAY of New York. Certainly.

Mr. ALLEN of Mississippi. Did this member of the Board of Children's Guardians who furnished this information give you any reason why the board itself contracted with this man at from $40 to $80 a year more than he said it can be done for; is he not wrong according to his own statement?

Mr. RAY of New York. Oh, he explained it fully; and if you will wait a while, I will give his statement as nearly as I can.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAY of New York. I ask that I may be allowed five minutes more time.

There was no objection.

Mr. RAY of New York. He stated to me that this same gentleman, this owner of this Hart farm, had been taking care of these same children, these boys, at a less sum.

Mr. McCLEARY. One hundred and eighty-five dollars.

Mr. RAY of New York. Much less than $185, I think. He stated to me that at a time when they could not quickly transfer these boys to some other place or institution, this man notified them he would no longer take charge of them without more pay, and they then increased the price to $185 per year, which they are now paying for taking care of the boys.

Mr. GROUT. Mr. Chairman——

Mr. RAY of New York. It was also understood that they would not, after the expiration of this contract, send him any more of those boys or take those boys to this farm; and therefore, by some hook or crook, I know not what, he has, according to my information, misled the Committee on Appropriations and induced them to put into this bill a provision changing existing law, a new law, compelling this board, that ought to have the sole power and discretion, to take these boys to that farm and pay this sum of money; and I am opposed to such legislation.

I repeat what I have said heretofore—it is unnecessary; and either that Board of Children's Guardians should be left to exercise their discretion in the premises, or else the board ought to be abolished or removed from office—one or the other. For those reasons I have raised the point of order, and insist upon it.

The CHAIRMAN. The Chair sustains the point of order.

Mr. CANNON. Mr. Chairman, I move to strike out the last word.

I was not in the House, being engaged in work in the Committee on Appropriations, when the gentleman from New York [Mr. RAY] made his point of order. I was informed that he had made the point of order and that he had indulged in some pretty severe language, which I have not had time to read, but which is now for the first time placed in my hand, and that he incidentally referred to myself in connection with his statement.

Mr. RAY of New York. Not until my attention was called to the chairman of the committee by the chairman of the subcommittee, who inquired why I did not present the fact to the committee that I intended to make the point of order. I then told him that I had called the attention of the chairman of the committee to the matter.

What I say now is to the gentleman from Illinois. If he understands that I in any way referred to him, I wish to say that I was compelled to do it by the gentleman from Vermont [Mr. GROUT].

Mr. CANNON. Well, I never have any objection to reference being made to myself when I am present, or even when I am absent. Now, all I want to say about this matter is that this bill was prepared by the subcommittee presided over by the gentleman from Vermont [Mr. GROUT], the minority being headed by the gentleman from Mississippi [Mr. ALLEN]. The subcommittee consisted of five members. After most thorough investigation the subcommitte made a report to the full committee, and on examination the full committee ordered the bill to be reported to the House.

I gave no personal examination, and I apprehend nobody upon that committee except the subcommittee did, to this matter which is under consideration, we having full confidence in the vigilance, ability, and disposition of the subcommittee to exhaust the subject. We still have the fullest confidence in that subcommittee. The gentleman, as I understand it, stated that he had said to myself that he proposed to make the point of order upon this provision. He did so state, probably an hour ago, but it did not make enough impression upon my mind, as I was called elsewhere, to cause me even to state to the gentleman from Vermont [Mr. GROUT], who is in charge of the bill, that a point of order was going to be made, because the point of order would take care of itself, if insisted upon, and it seemed to me not of sufficient consequence to say anything to anybody in reference to the matter.

Now, I want to say that I have hurriedly looked over the hearing touching this matter upon the merits, and from that hurried examination I believe that the committee were fully warranted in making this recommendation. True, I think the provision is subject to a point of order, because, as I understand, under the law, the Board of Children's Guardians dispose of these juvenile offenders after they are committed to their jurisdiction by the sentence of the court, and can make contracts for their care, nurture, and so on, in or outside of the District of Columbia.

This provides that a certain number of them shall be cared for at this Hart Farm School. The evidence and statements made at the hearing show to my mind quite conclusively that this is a most admirable institution, where there is partial confinement of a physical nature, but largely, hand in hand with it, such treatment of these boys that upon their own motion, where they have opportunity to escape, they adapt themselves to that treatment and are instructed and take instruction along the lines of labor and capacity, looking toward a real reformation.

Mr. RAY of New York. May I ask the gentleman a question?

Mr. CANNON. Certainly.

Mr. RAY of New York. Will the gentleman from Illinois kindly tell me and this House why it was deemed necessary to put into this bill an absolute direction to this Board of Children's Guardians to give the care of these boys at a fixed price, if I may so call it, to this particular individual?

Mr. CANNON. I will state to the gentleman, as I did before, that I did not give this personal investigation. But from the printed hearing and from some conversation with a member of the subcommittee, as well as to another gentleman who is thoroughly conversant with those matters and who heard the evidence at the hearing, I have no doubt that these 50 boys would be better cared for from every standpoint, so far as the public are concerned and so far as the boys are concerned, at this Hart Farm School than anywhere else.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. I ask for opportunity to say a word more.

The CHAIRMAN. Without objection, the time of the gentleman from Illinois will be extended for five minutes.

There was no objection.

Mr. RAY of New York. I want to ask the gentleman one more question?

Mr. CANNON. If the gentleman will allow me to complete my statement, perhaps he will not then desire to ask the question. Now, the gentleman exercises his right under the rule, namely, that here is a matter of legislation that is subject to a point of order, because it is upon a general appropriation bill. I think the gentleman is quite right, and the Chair has sustained the point of order. Now, I have no quarrel with the gentleman from New York for exercising his right in making that point of order, but as I was informed that the gentleman referred to myself, and, as some gentlemen thought, in not quite lovely or endearing terms in my absence, I thought it was due to myself as well as due the committee of which I have the honor to be the chairman to make the statement that I have made.

Now, the gentleman has exercised his right and the provision goes out upon the point of order. I believe I have made a statement that covers what I know about this item.

That any man upon the committee was controlled by favoritism or acted from any other standpoint except that of the highest desire to serve the public good and to best care for these poor waifs of society that have passed through the courts and are to be dealt with, I do not for a moment believe, and I do not believe my friend from New York [Mr. RAY] for a moment believes it. And now, having made this statement——

Mr. RAY of New York. Now, right there, I wish to say that if any gentleman has informed the gentleman from Illinois that I referred to him in any harsh or disrespectful way, directly or indirectly, whoever made the statement was a mischief-maker, because I did not. I simply stated, when I was compelled to state, that I had informed the chairman of the committee that I intended to raise the point of order, and I only stated the facts that I have stated in regard to this matter in reply to the gentleman from Vermont when he said that if I knew the justice of this provision I would not raise the point of order.

I believe in standing by the committees of this House. I will contend for them when I believe they are right, but I will not support them when I believe they are wrong. And when I see wrong being committed, or whenever I discover a thing that I believe to be a wrong, I will oppose it, and shall always do so fearlessly. I know this committee desires to do right, and generally is right, and the gentleman from Vermont [Mr. GROUT] is perfectly honest in the discharge of duty.

Mr. CANNON. Now, just one word, and then I will not claim the attention of the committee further. The gentleman has made the point of order upon this provision, which is fatal to it. It goes out, and nothing is in order further except by unanimous consent, under which I am speaking for a moment. If the gentleman sees proper to withdraw his point of order and let the House consider this matter upon its merits or let the committee consider it upon its merits, then the whole matter would be open for discussion, and the gentleman from Vermont could test the sense of the committee as to whether or no this is a wise provision. But the gentleman makes his point of order, and I do not quarrel with him. That is all I desire to say.

Mr. ALLEN of Mississippi. I move to strike out the last two words.

The CHAIRMAN. The gentleman from Mississippi.

Mr. ALLEN of Mississippi. I just want to say one word about this Hart school or farm. I never saw or heard of this man Hart before I saw him before the committee. I think I know something about what moved the committee to put this provision in the bill. He made quite an impression on the committee. He was a very good talker—one of the best I have heard, white or black. He talked so well that I confess I distrusted him a little. [Laughter.] And when he went out the District Commissioners were present, and I said to them: "Is this man the real thing that

he professes to be, or is he a humbug?" They gave him a very high character, as a very learned and enthusiastic friend of his race. We then took not only his statement, but the statement of others. We had the superintendent of charities there, and we asked him. We were convinced that this man was doing a good work.

Now, then, he said to us: "There are certain things necessary to be done. I can not do this unless I have some assurance that I can have these boys. I have a contract now." He had some forty odd there under contract, for which the Board of Guardians was paying $200 per year. The showing was made that white children in the reformatory school were costing $210. This man wanted some other help and we declined to give it to him, but we thought he was doing a good work, and in appropriating this money we designated how this much of it should be expended.

The gentleman from New York [Mr. RAY], who is so fierce in his denunciation of this proposition, evidently from his statement gets his inspiration from a member of the Board of Guardians. We had the fact that they were voluntarily contracting with this man at $200 a year, and we believed he was doing well, and with a little more help he could do better; and they never came before us or informed us anything about it. All the information we got was from the man himself, from the distinguished Commissioners, and from the superintendent of the board of charities, and from the very results of this man's work that he was doing well, and we thought we would increase his appropriation by giving him $210 instead of $200, and that it was not a great outrage.

Now, I have seen the gentleman from New York [Mr. RAY] sit here and see what I considered a thousand outrages go through without ever hearing from him on the subject. I am glad to know that we have at last got one man that is never going to see another [laughter]; one man that has taken a stand at last to save $10 apiece for reforming nigger boys. [Laughter.] He is going to regulate the Government now. [Renewed laughter.] He is going to save $500 to the Government and thereby cut off all stealing. [Laughter.]

I will tell you what is the milk in the cocoanut. Everybody here is reaching out for more authority and is very jealous of any attempt to limit any that they now have. Now, the Board of Children's Guardians were going on contracting with this man themselves, but when we told them that they must contract with him, then they see some limitation upon their prerogative, and they hunt up the reformer from New York and get him to make one of the grandest stands of his life in cutting down the appropriation $10 a year for the reform of nigger boys. [Laughter and applause.]

Mr. BARNEY. Mr. Chairman, I want to make this matter clear as to the statements of the gentleman from New York [Mr. RAY] in regard to the justice of the provisions in this bill. When the gentleman from New York made this point of order, and his attention was called to the fact by the gentleman from Vermont [Mr. GROUT] in charge of the bill, that if he knew the justice and necessity for it he would not object to it, the gentleman from New York, in short, characterized it as a steal; then when challenged upon that and criticised because he did not call the attention of the Committee on Appropriations to these facts, if he knew them before the bill was reported, he said in reply that he had spoken to the chairman of the Committee on Appropriations with reference to this thing. He has since said that he only said that he called the attention of the chairman of the Committee on Appropriations to the fact that he would make a point of order——

Mr. RAY of New York. Oh, no; oh, no.

Mr. BARNEY. I call the attention of this House to the fact that in his first statement he left the impression upon the House, and the statement was fairly susceptible of the impression, that he had called the attention of the Committee on Appropriations to all the facts concerning this case before this bill was reported. I say that is not in accordance with the statement he has since made, that he simply told the chairman of the Committee on Appropriations that he would make the point of order and nothing else.

Mr. RAY of New York. The gentleman from Wisconsin misunderstands. I did not say that I simply told the chairman of the Committee on Appropriations that I was going to make the point of order. I said I would not state the conversation with the chairman of that committee.

Mr. BARNEY. Yes; but the gentleman in his first statement left the impression on this House that he had given the chairman of the Committee on Appropriations all the facts in reference to this matter before this bill was drawn——

Mr. RAY of New York. I want to say now, and I will say——

Mr. BARNEY (continuing). And I rose to make the statement clear. If the gentleman from New York wants to say that he simply called attention of the chairman of the Committee on Appropriations to the fact that he desired to make the point of order and nothing more, all right, but I feared the impression would be left—and it was fair to be left by what was said by the gentleman from New York—that he had called the attention of the chairman of the Committee on Appropriations to all the facts surrounding this question before this bill was reported. Now, it appears by the statement of the gentleman from Illinois [Mr. CANNON] that the gentleman from New York only called his attention to this thing about an hour ago, and then simply to say that he was going to make the point of order.

Mr. RAY of New York. I do not understand that the gentleman from Illinois [Mr. CANNON] has said any such thing. If he has said that all I said on the subject was that I desired to make the point of order, then I simply say that that is incorrect. The gentleman says he may have forgotten something. He states what the first thing I said to him was, and his reply. He could not have misunderstood what I meant, followed as it was, and in connection with my intention to make the point of order. He may not have understood; I do not know that he did; but the inference that I wanted him to draw and intended that he should draw, and which I supposed he did draw, was that this provision would operate as a steal of public funds.

Let me repeat so that I shall not be misunderstood again—not that I believed that the committee fully understood it or that the gentleman from Vermont understood it. I would not have said a word on that subject had it not been forced out of me by the gentleman from Vermont, who imputed to me, as I thought, by a remark he made, that I was ignorant of the condition of affairs connected with this provision. It was in response to that that I said what I did.

Mr. BARNEY. I would like to say just this——

The CHAIRMAN. The time of the gentleman from Wisconsin has expired, and debate on the amendment is exhausted.

Mr. GROUT. I ask consent that the gentleman from Wisconsin [Mr. BARNEY] may proceed for five minutes.

The CHAIRMAN. Is there objection? The Chair hears none.

Mr. BARNEY. Mr. Chairman, I do not desire to proceed for five minutes. I merely wish to say that, in my judgment, common fairness on the part of the gentleman from New York demanded that when he discovered these difficulties with reference to this provision in the bill, he should have gone to the gentleman who he knew had charge of this bill [Mr. GROUT], and should have made to him these disclosures, if he had any to make. And I wish to repeat that I think he left the impression upon this House—whether he intended it or not—that he had given the chairman of the Committee on Appropriations at least all of this information before this bill was reported to the House, and had not merely declared his intention to make a point of order.

Mr. MCCLEARY addressed the Chair.

The CHAIRMAN. Debate on the amendment is exhausted.

Mr. MCCLEARY. I ask unanimous consent to occupy a few minutes.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. MCCLEARY. Mr. Chairman, I am very sorry that my friend from New York [Mr. RAY] should have felt it his duty to raise any objection to this provision of the bill. I never saw Professor Hart until I saw him before the subcommittee; but if I ever saw in my life a man thoroughly imbued with a noble purpose, that man was Professor Hart. His address before the committee was modestly and quietly made, yet so earnestly that it touched me to the heart. I never heard an address that affected me more deeply than the simple statement that he made as to what he was endeavoring to do for these poor little semicriminals of his own race.

Down the river, near Fort Washington, he owns a farm of some 300 acres. Here he has erected some buildings and has established a "farm school," which is coming to be one of the noteworthy institutions of this land. He has said to the Board of Children's Guardians, "Be kind enough to send to my school such colored children on their way to crime as may be committed to you. I will take them out into the country away from temptation and endeavor to rear them to be honest, industrious, law-abiding, and self-respecting citizens."

His plan is necessarily expensive, as for the 45 boys he has 10 instructors. Some two or three of them give academic instruction. But the principal instruction is in "doing things." He has a skilled farmer, who takes the boys out on the farm and teaches them how to raise crops. He has a veterinarian, who teaches the boys how to take care of cattle and horses, whether in sickness or in health. He has a blacksmith, who shows the boys how to make and mend things made of iron. Mr. Hart told the committee that the blacksmith takes 6 boys in the shop in the morning and in the afternoon takes 6 others. Every boy has a turn at the blacksmith's forge and the wheelwright's bench once a week. They learn to make all sorts of things. If anything breaks, they learn to mend it. They are taught to take material and repair machinery of all kinds. The principal of the school is, I understand, a graduate of Hampton.

If I ever heard a statement of a case worthy of the consideration of this House, it was that made by Professor Hart; and if every man now listening to me had heard that statement, I know

he would not hesitate a moment to do the thing that the committee has recommended.

Now, why was this provision made directory? Because Mr. Hart said, "I must know a year in advance something about what I can count on. I have to make my contracts with merchants of this city for provisions to be delivered during the year; by making the contracts covering the year I can get better terms."

Mr. Hart was very anxious that we should make an appropriation to provide him a much-needed building. We found that we could not do that under the law. On the suggestion of Commissioner Ross, this provision directing the Board of Children's Guardians to contract with Mr. Hart for not less than 50 children for a year was inserted. Mr. Hart told us that under his present contract the board could, on ten days' notice, take away every boy he had, leaving him with supplies and contracts made for a year. This uncertainty was embarrassing to him in the good work that he was endeavoring to carry on. It was to encourage and make possible the continuance of this good work that the provision under consideration was inserted.

Now, let us see what Mr. Lewis, superintendent of charities, says:

I think it would be a calamity to the District if that work being performed by Professor Hart should be allowed to fail or be transferred to other hands.

That is my judgment. I believe it would be a calamity to allow that work to fail or to transfer it to other hands. I do hope that my friend from New York, whose right intention every one knows, will reserve the point of order, if it is possible in any parliamentary way to do so, instead of making it, or withdraw it and leave the matter open for further consideration.

I am very confident that if he will read the hearings before the committee, and especially if he will come in contact with Professor Hart himself, so that he can state his own case, the gentleman from New York will be just as cordial in his support of this provision as any member of the committee.

Mr. RAY of New York. May I ask the gentleman a question?

Mr. McCLEARY. Certainly.

Mr. RAY of New York. Did Professor Hart state to you that he had erected on this farm buildings for the accommodation of these boys?

Mr. McCLEARY. That is my recollection.

[Here the hammer fell.]

Mr. RAY of New York. I ask unanimous consent for five minutes.

The CHAIRMAN. Does the gentleman from New York ask this for himself or for the gentleman from Minnesota?

Mr. RAY of New York. For both of us.

The CHAIRMAN. The gentleman from New York asks that the gentleman from Minnesota may have five minutes. Is there objection? The Chair hears none.

Mr. RAY of New York. Now, I am credibly informed, and I believe what I state, because it is in writing and it is signed. I know nothing of Professor Hart. I do not know this Board of Children's Guardians—only one of them, and when he waited on me and laid these facts before me in writing, I understood and understand now that they can not be impeached in their integrity and their intelligence, and if they can be, then I repeat again, Mr. Chairman, that the time has come when they should be removed and other gentlemen put in their places.

Mr. McCLEARY. Will the gentleman allow me to ask him a question?

Mr. RAY of New York. Yes.

Mr. McCLEARY. Did more than one person appear to you?

Mr. RAY of New York. One only.

Mr. McCLEARY. Mr. Hart has specially stated that there is one member of this board who is bitterly opposed to him, but that the board as a board is with him.

Mr. RAY of New York. How many members are there on that board?

Mr. McCLEARY. Well, I do not know.

Mr. RAY of New York. The committee should know. Does any member of the committee know how many gentlemen are on that board? I do not think the committee can be very clearly informed when they do not know how many gentlemen are members of that board.

Mr. GROUT. I will say to the gentleman from New York that the board is not composed entirely of gentlemen. There are some ladies upon it. [Laughter.]

Mr. RAY of New York. How many ladies and gentlemen?

Mr. GROUT. Let me ask the gentleman why it becomes important that the Committee on Appropriations should know just how many persons there are on that board.

Mr. RAY of New York. The gentleman from Minnesota has just stated, as I understood, that the reason why this was made compulsory in directing them to employ this man at a certain fixed price was because there was one member of that board opposed to Professor Hart, and only one.

Mr. McCLEARY. No, sir.

Mr. RAY of New York. Did you not state that?

Mr. McCLEARY. No; I did not state that.

Mr. RAY of New York. What did you state?

Mr. McCLEARY. I said it was made compulsory at a fixed number in order that Mr. Hart might know that he would have a certain number at any rate for the year, in order that he might make his contract for the year.

Mr. GORDON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. GORDON. Can we get back to the original proposition of attempting to locate the thief? [Laughter.]

The CHAIRMAN. The gentleman has not propounded a parliamentary inquiry.

Mr. RICHARDSON. I should like to ask the gentleman from Minnesota [Mr. McCLEARY] if Professor Hart is the man whom the gentleman from New York [Mr. RAY] alleged had a mortgage that he wanted to get paid off by this contract?

Mr. McCLEARY. This is my first service on that committee, and there are a great many things that I do not know. But if I know anything I know that that man is engaged in a good project.

Mr. RAY of New York. In a letter from Mr. Hart, dated December 8, 1899, written to Mr. C. P. Huntington, of New York, he states:

I mortgaged my place to put up buildings and equipments for these children, and the mortgage, $7,000, is outstanding, and now I am underbid and ruined.

That is, he says he is underbid by people who will take charge of the boys for a less sum.

Mr. RICHARDSON. Whose mortgage is that?

Mr. RAY of New York. It does not state who holds the mortgage.

Mr. RICHARDSON. But who made the mortgage?

Mr. RAY of New York. Why, Mr. Hart made the mortgage on his place. Then this gentleman, in his statement which I have here, says:

Our committee after investigation find no ground for this extravagant statement, as we are in possession of information to the effect that Mr. Hart has erected only a dormitory in addition to his house in which to accommodate these children, and that $500 of the amount necessary was donated to Mr. Hart for that purpose.

And so on. If I can have the permission of the House, I will put this statement into the RECORD.

The statement is as follows:

To the honorable committee of the Senate for the District of Columbia.

GENTLEMEN: I had only been a member of the Board of Children's Guardians a few months when, early in October last, the question of increasing the rates for keeping our wards at the Hart Farm, near Mount Vernon, was raised by Professor Hart, in a communication to our board, stating that he could not longer keep the children for a less sum than $210 each per annum, instead of $185, the amount of his contract price for last year. I was appointed, with others, on a committee to take this matter under consideration and report back to the board.

The committee of investigation could not understand why it was necessary to increase the price of keeping our children on a farm to $210 per annum while others of our children were being kept in homes and institutions for a much less amount. In the House of the Good Shepherd, Baltimore, we are paying $100 per annum; in the National Association for Relief of Colored Women and Children our wards are kept for $120 per annum, and clothed. In the temporary home for children in this city we are paying $120 per annum, including clothing.

At the Industrial Home School, this city, we are paying $123 per annum, including clothing, and the cost of maintenance for larger boys at the Reform School in this District, where the institution is divided into homes with every convenience for the benefit of the children, the superintendent states, is only about $184 per annum, though the superintendent of charities estimates from the reports of the school for 1898 that the cost is nearly $198.

Mr. Hart appeared before the committee and stated that he had a farm of 700 acres, 100 of which was under a state of cultivation; that on his farm he was raising horses; that he had some cattle and a number of hogs; that he was raising corn, potatoes, beans, peas, and garden produce, all of which could be used in daily consumption by his family. He further stated that he was keeping 42 of our wards, and was feeding them on the theory that good food made good brains and that good brains made able men.

Upon inquiry we found that his groceries were being purchased from a store in the city carrying the best line of provisions, and his flour from a manufacturer making one of the finest qualities of flour, and all other purchased articles of consumption were proportionately of the same character, resulting in the feeding of these wards who had come from off the streets or from very obscure homes, in an extravagant manner and out of the station of their former life and beyond that which they could reasonably hope to obtain after leaving the Hart farm.

We also found from the statement of Mr. Hart that in making up his bill of expenses for keeping our wards that he had added the cost of his cattle, horses, hogs, and other domestic animals kept on the farm, and the feed for the same, and, in case of loss of any, the value of the animal was added to the expense. Also the cost of all fertilizers, seed grain, and employees on the farm and in the house, and a small additional building he had erected, and whatsoever improvements were on the farm for its betterment, were all counted in and the aggregate amount charged up as a part of the expense for keeping the children.

The committee could readily understand that with so many items charged against the expense of keeping the children that were actually expenses for improving the property, that it was not difficult for Mr. Hart to arrive at the conclusion that he could not continue to maintain the children for $185 per annum.

On further inquiry Mr. Hart stated that he was engaged in business in the city and did not visit his farm more than once in each week, and then only to remain over Sunday, and that the entire management in his absence was intrusted to his employees.

In a letter from Mr. Hart, dated December 8, 1899, written to Mr. C. P. Huntington, of New York, he states, "I mortgaged my place to put up buildings and equip them for these children, and the mortgage—$7,000—is outstanding, and now I am underbid and ruined."

Our committee of investigation find no ground for this extravagant statement, as we are in possession of information to the effect that Mr. Hart has erected only a dormitory in addition to his house, in which to accommodate these children, and that $500 of the amount necessary was donated to Mr. Hart for that purpose.

About the last of October this special committee of the Board of Children's Guardians was informed that the Negro Reformatory Association of Virginia, with the assistance of Collis P. Huntington, of New York, had purchased a tract of land comprising 1,806 acres, at an average cost of $8 per acre, near Hanover, Va., upon which they had established a school for colored children who had not been sentenced for crime, and that a bill was before the State legislature for its incorporation under the name of the "Virginia Manual Labor School."

Some of the most influential citizens of Virginia are the incorporators of this new enterprise, among whom are James Cascie, late president of the Prison Association; Maj. Robert Stiles, an eminent lawyer of Richmond; Maj. E. T. D. Myers, president of the Richmond, Fredericksburg and Potomac Railroad; Joseph Bryan, president of the locomotive works and editor of the Richmond Times; John L. Williams, banker; John P. Branch, vice-president of the Bankers' Association of the United States and president of the Merchants' National Bank; Andrew H. Christian, a merchant; Judge L. L. Lewis, late president of the court of appeals of the State; Collis P. Huntington, of New York, late president of the Chesapeake and Ohio Railroad and one of the projectors of the Pacific Railroad; Dr. H. B. Frissell, president of the Hampton Agricultural and Industrial Institute, and Professors Vassar and Jones, of the Union University of Virginia, the last two named of whom are colored, aside from a number of others of the best class of colored citizens of the State. Also, this incorporation is strongly indorsed by the governor and all of the judges of the State, and that the establishment of this school is without opposition.

On further inquiry it was found that John H. Smyth, ex-minister to Liberia, a highly educated and Christian colored man, who has had considerable experience as a teacher, had been made president and general superintendent of this manual labor school, and that they would be glad to take some of the wards from the Board of Children's Guardians of this District and keep them at the rate of $120 per annum, including clothing, should we desire to send them there.

With this information before the committee of the Board of Children's Guardians, we visited the Virginia Manual Labor School about the middle of December. The farm is located 16 miles from Richmond and 1½ miles from the railway station. Six buildings were already on the farm, the principal ones of which were located in an elevated oak grove comprising about 15 acres, which overlooked the broad expanse of the farm. Two other buildings for dormitories were in course of erection which would accommodate a large number of children.

As our visit was not forewarned, we found the superintendent butchering his hogs and the children engaged in the schoolroom under a competent teacher. On inquiry we found the children had been in the school only about four months, and during this short period of time they had learned to read quite well, could recite the Apostles' Creed and repeat the Lord's Prayer. As soon as they were out of school they were engaged in such work in the garden and house and about the place as they were able to do.

It is proposed to give these children book learning of a rudimentary character. Farming of large crops, trucking, care of stock, brickmaking, carpentry and smithing, and dairy work and housework will be the course of training for the inmates. But above and beyond these intellectual features, the Christianizing of these uncultured children will be one of the efforts of the institution, though nonsectarian in character.

Of the 1,806 acres in the farm, over 700 acres are cleared and in a state of cultivation, while the balance is covered with timber, much of the timber being suitable for building purposes.

A rich and productive garden of about 20 acres is adjacent to the buildings, upon which can be raised vegetables sufficient to feed 100 inmates. The products of the garden the past year were 125 bushels of potatoes, 250 cabbages, 200 bushels of turnips, 10 bushels of onions, a large quantity of parsnips, oyster plant, lettuce, 7 bushels of beans, and on the farm there were raised 2,800 bushels of corn, 200 bushels of peas, 60 bushels of wheat, 5,000 watermelons, 150 bushels of tomatoes, and 37 hogs, all for the use of the inmates. In short, the farm is of very good soil and is capable of providing a supply for the support and maintenance of at least 2,000 inmates with but little expense outside.

The farm is abundantly supplied with a large number of good springs and some running streams and is bounded on the east by a river, affording opportunity for fishing and boating.

For the past thirty-five years the State of Virginia has been allowing its reformatories 25 cents per day for keeping its wards, or $91.25 per year, and $10 additional per year for clothing, or $101.25 per year for both maintenance and clothing. This same amount is allowed by the State to the Laurel Industrial School, 6 miles from Richmond, where 200 of the State wards between 8 and 18 years of age are sent. The State is now paying this same amount for keeping its wards at the Virginia Manual Labor School at Hanover, Va., that our committee visited.

It is held by good authority that a healthy boy at the age of 12 years is capable of earning on a farm an amount in labor equal to the expenses of his maintenance. Good farm hands competent to teach boys farming can be employed in the section of this manual labor school for $10 per month, and competent women cooks for $5 per month. A former student of the Hampton Agricultural Institute has, however, been employed as the instructor and manager of the farm work.

The Board of Children's Guardians are of the opinion that the class of children coming under their charge for which homes can not be obtained should be placed where they can have good, plain food, suitable to their station in life, and be taught to work and have the best principles instilled into them, and the board knows of no better place for this work than on a well-managed farm, where they are given a rudimentary education and taught different industries.

As a result of the investigation, the committee of the board came to the conclusion that it is a feasible undertaking for the Virginia Manual Labor School to contract to maintain and clothe our wards for $120 each per annum, and as this school is found unobjectionable in character and under the best possible management, they recommended to the Board of Children's Guardians that our wards for whom homes could not be found be sent to this school until some better arrangement could be made for them.

Respectfully submitted.

M. D. PECK,
Of the Committee, 935 F street, City.

JANUARY 23, 1900.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. GROUT. I shou'd like to ask the gentleman a question.

Mr. McCLEARY. Let me ask the gentleman from New York [Mr. RAY] if he will not reserve that point of order?

Mr. RAY of New York. I can not do that. This will probably get into the bill anyhow. If all right, I hope it will get in; but I can not consent as at present advised.

Mr. MADDOX. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. MADDOX. My point of order is that I thought this question had been settled by the ruling of the Chair.

The CHAIRMAN. The gentleman from Georgia is correct. The Chair ruled some time ago. If there be no objection, the informal amendment will be withdrawn and the Clerk will read.

Mr. GROUT. Mr. Chairman, we have thus heard fully the gentleman's reasons for his attack on this Hart Farm School, and I submit that really they amount to nothing, unless it is to advertise another institution down in Virginia, where the man Peck, who signed the letter to the gentleman from New York, would evidently prefer to have these boys sent; but it seems the rest of the board have overruled him, and, as already stated, have a contract with the Hart Farm School until July 1 next. Thus far the board seems to think the Hart Farm School the best place for these children. This whole tumult has arisen because this man Peck thinks the other place best. It seems to have been the smallest kind of a small tempest in a small teapot, the grave charge which the gentleman from New York started out with having dwindled into simply an advertising scheme for another school. This is the milk in the cocoanut.

We have seen that the price stipulated for, $210 per boy, is just what it costs at the Boys' Reform School in this city, a Government institution where nothing is included as interest on the plant, which, if added, would make the cost at the white boys' school considerably more than $210 per boy.

We have seen that it costs $400 per girl at the Girls' Reform School, and it should be kept in mind that these boys at the Hart Farm School are tough boys, who have gone through the police court the same as boys at the white school and the girls already referred to, and they can not be cared for at the low price paid for board at the Industrial Home School and other places of that class.

But, enough; the charge of the gentleman, what has not been withdrawn, vanishes into thin air. The question has, in fact, already been disposed of by the Chair, and all this talk is simply aftermath, and I hope the Clerk will now be allowed to read.

The Clerk resumed and completed the reading of the bill.

And then, on motion of Mr. GROUT, the committee rose; and the Speaker having resumed the chair, Mr. SHERMAN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 9139) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1901, and for other purposes, and had directed him to report the same back to the House with sundry amendments, and with the recommendation that as amended the bill do pass.

The SPEAKER. Is a separate vote demanded on any of the amendments? If not, the amendments will be voted upon in gross.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

On motion of Mr. GROUT, a motion to reconsider the last vote was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. TAYLOR of Alabama, indefinitely, on account of important business.

COMMITTEE RESIGNATION AND APPOINTMENTS.

The SPEAKER laid before the House the following communication:

To the House of Representatives:

I hereby resign my position as a member of the Committee on the Expenditures in the Treasury Department, and respectfully ask for the approval of the House.

J. W. WADSWORTH.

MARCH 15, 1900.

The question being taken on accepting the resignation, it was accepted.

The SPEAKER announced the following committee appointments:

Committee on Expenditures in the Department of Justice, Mr. STANLEY W. DAVENPORT of Pennsylvania.

Committee on Revision of Laws, Mr. THOMAS H. BALL of Texas.

Committee on the Territories, Mr. WILLIAM ELZA WILLIAMS of Illinois.

Committee on the District of Columbia, Mr. JAMES W. WADSWORTH of New York.

Committee on Expenditures in the Treasury Department, Mr. W. F. ALDRICH of Alabama.

FORT HAYS MILITARY RESERVATION, KANS.

Mr. MILLER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 68) granting to the State of Kansas the abandoned Fort Hays Military Reservation, in said State, for the purpose of establishing western branches of the Kansas Agricultural College and of the Kansas State Normal School thereon, and for a public park.

The SPEAKER. The gentleman from Kansas asks unanimous consent for the present consideration of a bill which the Clerk will report.

The bill was read, as follows:

Be it enacted, etc., That the abandoned Fort Hays Military Reservation and all the improvements thereon, situated in the State of Kansas, be, and the same are hereby, granted to said State upon the conditions that said State shall establish and maintain perpetually thereon, first, a western branch of the Kansas Agricultural College; second, a western branch of the Kansas State Normal School, and that in connection therewith the said reservation shall be used and maintained as a public park: *Provided*, That said State shall, within five years from and after the passage of this act, accept this grant, and shall by proper legislative action establish on said reservation western branches of the Kansas Agricultural College and the Kansas State Normal School; and whenever the lands shall cease to be used by said State for the purposes herein mentioned the same shall revert to the United States.

The following amendments recommended by the Committee on the Public Lands were read:

In line 7, on page 1, strike out the words "a western branch" and insert in lieu thereof "an experiment station."

In line 1, on page 2, strike out "western branch" and insert in lieu thereof "an experiment station."

In line 2, after the word "and," insert "a western branch of."

Amend the title so as to read: "An act granting to the State of Kansas the abandoned Fort Hays Military Reservation, in said State, for the purpose of establishing an experiment station of the Kansas Agricultural College and a western branch of the Kansas State Normal School thereon, and for a public park."

The SPEAKER. Is there objection.

Mr. RICHARDSON. Mr. Speaker, a few days ago, I believe, this bill was presented for consideration, and the gentleman from Alabama [Mr. UNDERWOOD] made some objection to it, and I understand the objection which he made has been obviated by an amendment.

Mr. CURTIS. Mr. Speaker, I had a conversation with the gentleman from Alabama [Mr. UNDERWOOD], and he agreed to withdraw his objection to this bill if the amendment which I send to the Clerk's desk is adopted.

The SPEAKER. The first question is, Is there objection to the present consideration of the bill?

Mr. RICHARDSON. I wanted to say that if the amendment met the objection of the gentleman from Alabama [Mr. UNDERWOOD] I should not object; and I make this statement because the gentleman from Alabama [Mr. UNDERWOOD] himself is temporarily out of the House. I understand the amendment covers his objection.

Mr. CURTIS. It does.

Mr. MILLER. There is no objection to the amendment.

The SPEAKER. The first question is, Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. The question is on agreeing to the committee amendments.

The amendments recommended by the committee were agreed to.

The SPEAKER. The Clerk will report the amendment of the gentleman from Kansas.

The Clerk read as follows:

On page 2, line 5, after the word "States," add:

"*Provided further*, That the provisions of this act shall not apply to any tract or tracts within the limits of said reservation to which valid claim has attached by settlement or otherwise under any public-land laws of the United States."

The amendment was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. MILLER, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. Without objection, the amendment to the title will be agreed to.

There was no objection.

CUIVRE RIVER.

Mr. CLARK of Missouri. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2379) which I send to the Clerk's desk.

The Clerk read as follows:

A bill (S. 2379) declaring Cuivre River to be not a navigable stream.

Be it enacted, etc., That Cuivre River, in the counties of Lincoln and St. Charles, in the State of Missouri, being the dividing line, is hereby declared not to be a navigable stream, and shall be so treated by the Secretary of War and all other authorities.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. CLARK of Missouri, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment the bill H. R. 4648, "An act granting an increase of pension to William G. McLain."

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the concurrent resolution of the Senate No. 22, to print 11,000 copies of the proceedings in connection with the reception of the Webster statue, etc.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the concurrent resolution of the Senate No. 25, to print 12,500 extra copies of the report of the Director of the Geological Survey relating to the Cape Nome district, etc.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 2354) enlarging the powers of the Choctaw, Oklahoma and Gulf Railroad Company.

JOSEPH M'CUNE.

Mr. BISHOP. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill H. R. 5299, with Senate amendment, and move that the House concur in the Senate amendment.

The SPEAKER. The gentleman from Michigan asks unanimous consent to take from the Speaker's table the bill H. R. 5299, with a Senate amendment, which the Clerk will read.

The Clerk read as follows:

A bill (H. R. 5299) granting an increase of pension to Joseph McCune, with the following amendment:

Strike out all after the enacting clause and insert:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph McCune, late of Company A, Sixth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving."

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The amendment of the Senate was concurred in.

RURAL FREE-DELIVERY SERVICE.

Mr. HEATWOLE. Mr. Speaker, I am directed by the Committee on Printing to ask unanimous consent of the House for the consideration of House concurrent resolution 26.

The Clerk read as follows:

House concurrent resolution 26.

Resolved by the House of Representatives (the Senate concurring), That there be printed 25,000 copies of so much of the Report of the First Assistant Postmaster-General for the fiscal year ended June 30, 1899, as relates to the rural free-delivery service, of which 10,000 shall be for the use of the House of Representatives, 5,000 for the use of the Senate, and 10,000 for the use of the Post-Office Department.

The SPEAKER. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none.

The resolution was agreed to.

NAVAL INTELLIGENCE.

Mr. HEATWOLE. Mr. Speaker, I am further directed by the Committee on Printing to ask unanimous consent for the consideration of Senate joint resolution 91.

The Clerk read as follows:

Joint resolution (S. R. 91) authorizing the printing of extra copies of the publications of the Office of Naval Intelligence, Navy Department.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be, and is hereby, authorized to print, in excess of the 1,000 copies authorized by the act of January 12, 1895, such extra copies of the publications of the Office of Naval Intelligence as may be necessary for distribution to the naval service and to meet other official demands: *Provided*, That in no case shall the edition of any one publication exceed 2,000 copies.

The SPEAKER. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none.

The resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

DAILY CONGRESSIONAL RECORD TO MEMBERS OF THE PRESS.

Mr. HEATWOLE. Mr. Speaker, I am further directed by the Committee on Printing to ask unanimous consent for the consideration of House joint resolution 159.

The resolution was read, as follows:

Joint resolution (H. J. Res. 159) to amend joint resolution to furnish the daily CONGRESSIONAL RECORD to members of the press, and so forth, approved February 17, 1897.

Resolved, etc., That the "Joint resolution to furnish the daily CONGRESSIONAL RECORD to members of the press, and so forth," approved February 17, 1897, be amended so as to read as follows:

"That the Public Printer be, and he is hereby, authorized and directed to supply to each newspaper correspondent whose name appears in the Congressional Directory, and who makes application therefor, for his personal

use and that of the paper or papers he represents, one copy of the daily CONGRESSIONAL RECORD and one copy of the bound CONGRESSIONAL RECORD, the same to be sent to the office address of each member of the press, or elsewhere in the city of Washington, as he may direct."

The SPEAKER. Is there objection to the present consideration of the joint resolution? [After a pause.] The Chair hears none.

The joint resolution was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. HEATWOLE, a motion to reconsider the several votes by which the various joint resolutions were passed was laid on the table,

Mr. DALZELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 27 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of R. L. Pritchard et al. against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Auditor of the War Department suggesting an amendment to the Army bill—to the Committee on Military Affairs, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Benjamin F. Parros against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Peter Showalter against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Celestine D. Carlin, administrator of estate of Celestine T. Carlin, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Hiram L. Sloan against the United States—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. SLAYDEN, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 946) establishing the Atlanta National Military Park, reported the same without amendment, accompanied by a report (No. 688); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HEATWOLE, from the Committee on Printing, to which was referred concurrent resolution of the Senate (S. Con. Res. No. 12) to print 4,500 copies of the report transmitted by the Secretary of State of the commissioner for the United States on the International Prison Commission, reported the same without amendment, accompanied by a report (No. 689); which said concurrent resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHERMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 2980) to provide for telegraphic communication between the United States of America, the Hawaiian Islands, Guam, the Philippine Islands, Japan, and China, and to promote commerce, reported the same with amendment, accompanied by a report (No. 690); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. JENKINS, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 9283) to regulate insurance in the District of Columbia, and for other purposes, reported the same with amendment, accompanied by a report (No. 691); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 9143) to authorize the formation of guaranty companies in the District of Columbia, reported the same without amendment, accompanied by a report (No. 693); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8830) granting an increase of pension to William F. Boyakin, reported the same with amendment, accompanied by a report (No. 659); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 209), granting an increase of pension to Cornelia De Peyster Black, reported the same without amendment, accompanied by a report (No. 660); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 208) granting an increase of pension to Josephine I. Offley, reported the same without amendment, accompanied by a report (No. 661); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1729) granting an increase of pension to Oliver J. Lyon, reported the same without amendment, accompanied by a report (No. 662); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 531) granting a pension to Henrietta Cummins, reported the same without amendment, accompanied by a report (No. 663); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1721) granting an increase of pension to Amos H. Goodnow, reported the same without amendment, accompanied by a report (No. 664); which said bill and report were referred to the Private Calendar.

Mr. MINOR, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2622) granting a pension to Maria A. Thompson, reported the same without amendment, accompanied by a report (No. 665); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1250) granting a pension to Hattie E. Redfield, reported the same without amendment, accompanied by a report (No. 666); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2220) granting an increase of pension to Eudora S. Kelly, reported the same without amendment, accompanied by a report (No. 667); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1309) granting an increase of pension to Herman Piel, reported the same without amendment, accompanied by a report (No. 668); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1960) granting an increase of pension to Eli J. March, reported the same without amendment, accompanied by a report (No. 669); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1298) granting an increase of pension to Oscar Taylor, reported the same without amendment, accompanied by a report (No. 670); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1268) granting a pension to Sarah R. Burrell, reported the same without amendment, accompanied by a report (No. 671); which said bill and report were referred to the Private Calendar.

Mr. HEDGE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 346) granting an increase of pension to Mrs. Arethusa Wright, reported the same without amendment, accompanied by a report (No. 672); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1255) granting an increase of pension to James M. Simeral, reported the same without amendment, accompanied by a report (No. 673); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 261) granting an increase of pension to Lizzie H. Hyndman, reported the same without amendment, accompanied by a report (No. 674); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1769) granting an increase of pension to Henry Frank, reported the same without amendment, accompanied by a report (No. 675); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1228) granting an increase of pension to Thomas Jordan, reported the same without amendment, accompanied by a report (No. 676); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2636) granting an increase of pension to Mary E. Law, reported the same without amendment, accompanied by a report (No. 677); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 677) granting an increase of pension to Jerusha W. Sturgis, reported the same without amendment, accompanied by a report (No. 678); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 833) granting an increase of pension to Henry Atkinson, reported the same without amendment, accompanied by a report (No. 679); which said bill and report were referred to the Private Calendar.

Mr. GASTON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1264) granting an increase of pension to James A. Southard, reported the same without amendment, accompanied by a report (No. 680); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2742) restoring to the pension roll the name of Annie A. Gibson, reported the same without amendment, accompanied by a report (No. 681); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3017) granting an increase of pension to Julia M. Edie, reported the same without amendment, accompanied by a report (No. 682); which said bill and report were referred to the Private Calendar.

Mr. HOFFECKER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2351) granting an increase of pension to Joseph W. Skelton, reported the same without amendment, accompanied by a report (No. 683); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the House (H. R. 9315) directing the issue of duplicate of lost check drawn by C. C. Sniffen, major, United States Army, in favor of Fourth National Bank, New York City, reported the same with amendment, accompanied by a report (No. 684); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 155) for the relief of L. O. Maddux, doing business as Maddux, Hobart & Co., reported the same without amendment, accompanied by a report (No. 685); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 165) for the relief of Robert J. Spottswood and the heirs of William C. McClellan, deceased, reported the same without amendment, accompanied by a report (No. 686); which said bill and report were referred to the Private Calendar.

Mr. UNDERHILL, from the Committee on Claims, to which was referred the bill of the House (H. R. 8032) to reimburse J. A. B. Miles, E. D. Kelly, and Rawlings Webster, reported the same without amendment, accompanied by a report (No. 687); which said bill and report were referred to the Private Calendar.

Mr. JENKINS, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 5140) to confirm title to lot 1, square 1113, in Washington, D. C., reported the same without amendment, accompanied by a report (No. 692); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 2942) granting an increase of pension to William Padgett, reported the same with amendment, accompanied by a report (No. 694); which said bill and report were referred to the Private Calendar.

Mr. CRAWFORD, from the Committee on Pensions, to which was referred the bill of the House (H. R. 3224) granting a pension to Jeremiah B. Moore, reported the same with amendment, accompanied by a report (No. 695); which said bill and report were referred to the Private Calendar.

Mr. BROMWELL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 4368) for the relief of Flora B. Hinds, reported the same with amendment, accompanied by a report (No. 696); which said bill and report were referred to the Private Calendar.

Mr. BOREING, from the Committee on Pensions, to which was referred the bill of the House (H. R. 1381) granting a pension to J. J. Angel, reported the same with amendment, accompanied by a report (No. 697); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 6352) granting a pension to Lizzie B. Leitch—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 4400) for the relief of Frank E. Kellogg, collector of the Sixth internal-revenue district of Missouri—Committee on Claims discharged, and referred to the Committee on the Judiciary.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. LORIMER: A bill (H. R. 9596) to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. BISHOP: A bill (H. R. 9597) in reference to the civil service and appointments thereunder—to the Committee on Reform in the Civil Service.

By Mr. WILSON of Arizona: A bill (H. R. 9598) to authorize the entry, location, operation, and development of mineral lands on the Indian reservations in the Territory of Arizona, and for other purposes—to the Committee on Indian Affairs.

By Mr. WILSON of Idaho: A bill (H. R. 9599) prohibiting the establishment or extension of forest reserves in the State of Idaho except by act of Congress—to the Committee on the Public Lands.

By Mr. KLEBERG: A bill (H. R. 9600) for the construction of a sheltered waterway along the coast of Texas, and so forth—to the Committee on Rivers and Harbors.

By Mr. RAY of New York: A joint resolution (H. J. Res. 202) proposing an amendment to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. SHOWALTER: A joint resolution (H. J. Res. 203) proposing an amendment to the Constitution of the United States prohibiting polygamy and polygamous cohabitation within the bounds of a State or Territory of the United States—to the Committee on the Judiciary.

By Mr. BURTON: A resolution (H. Res. 181) authorizing and directing the Clerk of the House to pay Harris A. Walters the difference between his pay as a folder and that of a messenger—to the Committee on Accounts.

By Mr. WILSON of Idaho: A resolution (H. Res. 182) calling upon the Secretary of the Interior for information relative to the creation of forest reserves within the limits of land grants to railroad companies—to the Committee on the Public Lands.

By Mr. ADAMS: A resolution (H. Res. 183) relative to making H. R. 1027 a special order for Tuesday, April 10, 1900—to the Committee on Rules.

By Mr. MOODY of Massachusetts: A resolution (H. Res. 184) relative to the employment of an assistant chief clerk—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ATWATER (by request): A bill (H. R. 9601) for the relief of the estate of Vasti Smith, deceased, of Wake County, N. C.—to the Committee on War Claims.

By Mr. ALLEN of Mississippi: A bill (H. R. 9602) for the relief of the estate of J. K. Morrison, deceased, late of Tishomingo County, Miss.—to the Committee on War Claims.

By Mr. ALDRICH: A bill (H. R. 9603) for the relief of Mrs. L. J. Harvill, Dallas County, Ala.—to the Committee on War Claims.

By Mr. BOREING: A bill (H. R. 9604) for the relief of Mrs. Fannie R. Pierce, of Cane Valley, Adair County, Ky.—to the Committee on War Claims.

Also, a bill (H. R. 9605) for the relief of W. H. Langdon, Highknob, Clay County, Ky.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9606) granting a pension to John W. Turpen, of Columbia, Adair County, Ky.—to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 9607) granting a pension to Thomas Nelson of Company G, Second Regiment United States Volunteer Infantry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9608) for the relief of Josiah J. Jones, of Franklin County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 9609) for the relief of the estate of James M. Smith, deceased—to the Committee on War Claims.

Also, a bill (H. R. 9610) for the relief of the estate of D. M. Sparks, deceased—to the Committee on War Claims.

By Mr. BANKHEAD: A bill (H. R. 9611) for the relief of H. W. Jones, of Oregonia, Ala.—to the Committee on War Claims.

By Mr. CUSACK: A bill (H. R. 9612) granting a pension to Mary J. Oxley—to the Committee on Invalid Pensions.

By Mr. GRIFFITH: A bill (H. R. 9613) granting an increase of pension to John Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9614) correcting the military record of William McFarland—to the Committee on Military Affairs.

By Mr. GRAHAM: A bill (H. R. 9615) for the relief of Jennie E. Haller, widow and administratrix of Samuel M. Haller, deceased—to the Committee on War Claims.

By Mr. HAMILTON: A bill (H. R. 9616) granting an increase of pension to Anson Lewis—to the Committee on Invalid Pensions.

By Mr. HENRY of Mississippi: A bill (H. R. 9617) for the relief of Lewis Jones, of Hinds County, Miss.—to the Committee on War Claims.

By Mr. KITCHIN: A bill (H. R. 9618) for relief of heirs of William Davis and William H. Flynt—to the Committee on War Claims.

By Mr. LANE: A bill (H. R. 9619) to reimburse J. M. Kemble—to the Committee on Claims.

By Mr. POLK: A bill (H. R. 9620) granting a pension to Dr. Albert S. Cummings—to the Committee on Invalid Pensions.

By Mr. RICHARDSON: A bill (H. R. 9621) for the relief of Joseph B. Johnson, of Lincoln County, Tenn.—to the Committee on War Claims.

By Mr. RIDGELY: A bill (H. R. 9622) granting a pension to Mary E. Welsh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9623) granting an increase of pension to Joseph Disney—to the Committee on Invalid Pensions.

By Mr. RANSDELL: A bill (H. R. 9624) for the relief of Mary A. Dennis, formerly McFarland—to the Committee on War Claims.

Also, a bill (H. R. 9625) for the relief of the estate of J. S. Douglass, deceased, late of Tensas Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 9626) for the relief of the estate of Mrs. Mary Morgan, late of Carroll Parish, La.—to the Committee on War Claims.

By Mr. RUSSELL: A bill (H. R. 9627) for the relief of Samuel B. Horne—to the Committee on Military Affairs.

By Mr. SHERMAN: A bill (H. R. 9628) granting an increase of pension to John Morris—to the Committee on Invalid Pensions.

By Mr. TAYLOR of Alabama: A bill (H. R. 9629) for the relief of the Selma and Meridian Company—to the Committee on Claims.

By Mr. WILLIAMS of Mississippi: A bill (H. R. 9630) for the relief of the estate of M. T. Sigrest, deceased, late of Scott County, Miss.—to the Committee on War Claims.

By Mr. YOUNG: A bill (H. R. 9631) for the relief of Capt. Martin Hammer—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Protests of George Barton and others, of Durango; J. P. Kirchen, of Cascade; H. F. Purcell, of Ackley; Gounor Bros., of Dubuque; Mrs. Elizabeth Rice and others, of Hazleton and Fairbanks, Iowa, against the passage of the Loud bill relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petitions of C. C. Hoag and other citizens of Oneida, Iowa; A. Richards and others, of Galt, Iowa; D. G. McFarland and others, of Winthrop, Iowa, favoring the passage of the Grout oleomargarine bill—to the Committee on Agriculture.

Also, petition of Fairbanks Post, Grand Army of the Republic, of Alden, Iowa, indorsing House bill No. 7094, for the location of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. BABCOCK: Petition of citizens of Baraboo, Wis., against the passage of the Loud bill relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BELL: Petition of Charles H. Green, of Del Norte, Colo., favoring Government distribution of vaccine, etc.—to the Committee on Agriculture.

Also, petition of J. P. Truscott and other citizens of Salida, Colo., urging the passage of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

Also, petition of the Chamber of Commerce and Board of Trade of Denver, Colo., relative to House bill No. 7097, providing for a reorganization of the consular service—to the Committee on Foreign Affairs.

Also, petition of the Equal Suffrage Association of Utah, in favor of woman suffrage in our new possessions—to the Committee on the Territories.

By Mr. BELLAMY: Petition of Hartranft Post, No. 40, of Charlotte, Grand Army of the Republic, Department of North Carolina, in favor of House bill No. 7094, for the establishment of a Branch Soldiers' Home at or near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. BOREING: Papers to accompany House bill for the relief of John W. Turpin—to the Committee on Invalid Pensions.

By Mr. BRENNER: Petitions of Carlton Baer Post, No. 516, Veteran Post No. 5, Grand Army of the Republic, Department of Ohio, in support of House bill No. 7094, entitled "A bill to establish a Branch Soldiers' Home at or near Johnson City, Washington County, Tenn."—to the Committee on Military Affairs.

Also, petition of C. H. Hecker and other citizens of Euphemia, Ohio, against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of A. A. Neanove and others, of Trenton and Sevenmile, Ohio, in favor of the bill to tax oleomargarine—to the Committee on Agriculture.

By Mr. BROSIUS: Resolutions of William H. Childs Post, No. 226, and Stevenson Post, No. 517, Grand Army of the Republic, of Marietta, Pa., in favor of House bill No. 7094—to the Committee on Military Affairs.

By Mr. BURKETT: Resolutions of Farragut Post, No. 25, Grand Army of the Republic, of Lincoln, Nebr., in favor of House bill No. 7094, to establish a Branch Soldiers' Home at or near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. BUTLER: Protest of citizens of Phœnixville, Pa., against the passage of the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. CONNELL: Petitions of Miss Selina Parsons and others, of Scranton, and N. E. Stone and others, of Montdale, Pa., in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. CURTIS: Resolution of Hiawatha Post, No. 130, Grand Army of the Republic, Department of Kansas, in support of House bill No. 7094, entitled "A bill to establish a Branch Soldiers' Home at or near Johnson City, Washington County, Tenn."—to the Committee on Military Affairs.

Also, petition of J. E. Watkins, Strickler & Son, and others, of Leavenworth County, Kans., favoring the Grout bill, relating to oleomargarine—to the Committee on Agriculture.

By Mr. CUSACK: Petitions of A. G. Clark and others, P. F. Schaefer, and F. C. Reed and others, of Chicago, Ill., for the repeal of the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. DALZELL: Resolutions of McPherson Post, of Pittsburg, Pa., and Major W. G. Lowry Post, of Wilkinsburg, Pa., Grand Army of the Republic, in favor of a bill locating a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of Mary Holmes and others, of Idlewood and vicinity, against the passage of the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. DAVEY: Petition of Post No. 15, Grand Army of the Republic, Department of Louisiana and Mississippi, in support of the House bill No. 4742, to provide for the detail of active and retired officers of the Army and Navy to assist in military education in public schools—to the Committee on Military Affairs.

By Mr. DOLLIVER: Petitions of F. T. Hacker and other citizens of Rodman; F. J. Mabie and others, of Curlew; W. H. Pruter, jr., and others, of West Side; R. S. Bergsother and others, of Norman, and A. J. Johnson and others, of Graettinger, State of Iowa, favoring the bill relating to dairy and food products—to the Committee on Agriculture.

Also, petition of A. H. Rudd, of Dow City, Iowa, against the passage of House bill No. 6071, known as the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. EMERSON: Protest of E. L. Hanks and others, of Warrensburg, N. Y., against the passage of the Loud bill relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. ESCH: Resolution of the board of directors of the Wisconsin Humane Society, protesting against the passage of bill extending the limit of time for holding live stock in transit from twenty-four to forty hours—to the Committee on Interstate and Foreign Commerce.

By Mr. FITZGERALD of Massachusetts: Petition of Herbert M. Hutchinson and others, of Boston, Mass., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. GAMBLE: Resolutions of Union No. 153, of Sioux Falls, S. Dak., Cigar Makers' International Union of America, favoring the passage of House bill No. 6882, relating to hours of labor on public works, and House bill No. 5450, for the protection of free labor against prison labor—to the Committee on Labor.

Also, petition of A. M. Olman and 19 citizens of Garretson, S. Dak., favoring the passage of House bill No. 3717, placing a tax on oleomargarine and giving the State jurisdiction over imitations of dairy products—to the Committee on Ways and Means.

By Mr. GRAHAM: Petition of the Globe Varnish Company, of Pittsburg, Pa., together with resolutions of a convention of American Newspaper Publishers' Association, and article from the New York Sun, urging the passage of House bill No. 5765, known as the Russell bill, relating to the revenue tax on alcohol in manufactures, etc.—to the Committee on Ways and Means.

Also, petition of the Eighth United Presbyterian Church of Allegheny, Pa., urging a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

By Mr. GRIFFITH: Petition and papers to accompany House bill to correct the military record of William McFarland—to the Committee on Military Affairs.

Also, resolution of Jefferson Pomona Grange, No. 22, of Indiana, in favor of Senate bill No. 1439, relating to an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

Also, petition of Col. R. E. Slater, publisher, Maud Harding, and 15 other citizens of Newpoint, Ind., in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HENRY of Connecticut: Petition of D. C. Rodman Post, No. 65, of East Hartford, Conn., Grand Army of the Republic, in favor of House bill No. 7094, for the establishment of a Branch Soldiers' Home at or near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. HOFFECKER: Petition of Gen. W. S. Hancock Post, No. 29, of Smyrna, Del., Grand Army of the Republic, favoring the establishment of a Branch Soldiers' Home for disabled soldiers at or near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. HOPKINS: Petitions of N. H. Webster and others, of Hinsdale; E. C. Richards and others, of Nunda, Ill., in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

By Mr. HOWELL: Protests of Charlotte Futz and other citizens of North Plainfield, Hamilton, and vicinity, State of New Jersey, against the passage of the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. JETT: Protest of Cora Sharp and 15 others, of Windsor, Ill., against the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. KERR: Petition of A. F. Reynolds and others, of Kipton, Ohio, in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

Also, petition of H. E. Oster and other citizens, of Mansfield and Henrietta, Ohio, against the passage of the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. LITTAUER: Protest of A. Conover and others, of Gloversville, N. Y., against the passage of the Loud bill relative to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Charles W. Ferris and others, of Wayville, N. Y., favoring the Grout bill relating to oleomargarine—to the Committee on Agriculture.

Also, protest of Jacob Green and others, of Hermon, N. Y., in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. McCALL: Resolutions of Robert A. Bell Post, No. 134, of Boston, Mass., Grand Army of the Republic, in favor of House bill No. 7094, for the establishment of a Branch Soldiers' Home at or near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. McPHERSON: Petitions of D. W. Wood and 42 citizens of Fontanelle; A. L. Hager and 40 others, of Greenfield; C. W. Latimer and 36 others, of Elliott; Park & Son and 39 others, of Yale, Iowa, favoring the passage of the Grout oleomargarine bill—to the Committee on Agriculture.

By Mr. MERCER: Petition of Street & Smith, New York City, N. Y., in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of George Crook Post, No. 262, and Dahlgren Post, No. 55, Grand Army of the Republic, Department of Nebraska, in support of House bill No. 7094, entitled "A bill to establish a Branch Soldiers' Home at or near Johnson City, Washington County, Tenn."—to the Committee on Military Affairs.

Also, petitions of the Western Butter Company, W. H. Hazzard, Thomas A. Try, and James A. Clark, all of Omaha, Nebr., protesting against the passage of House bill No. 8754, placing a tax on process butter and licensing manufacturers and dealers—to the Committee on Ways and Means.

By Mr. MILLER: Petition of citizens of Lyndon, Kans., in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

Also, resolutions of Pollock Post, No. 42, and certain other Grand Army of the Republic posts of Kansas, indorsing House bill No. 7094, for the location of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. MINOR: Petitions of citizens of Stevens Point, Custer, Ellis, Sheridan, Plover, Amherst, and Iola, Wis., in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

Also, protest of John Thomas and 15 citizens of Centralia, Wis., against the passage of the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. MOODY of Massachusetts: Petition of citizens of Lanesville and Bay View, Mass., against the passage of the Loud bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Bricklayers and Masons' International Union of America, in favor of a constitutional amendment giving the right of franchise to women—to the Committee on the Judiciary.

By Mr. NEEDHAM: Resolution of the Chamber of Commerce of Santa Ana, Cal., recommending the publication of a bulletin by the Agricultural Department, relating to the curl leaf in peaches—to the Committee on Agriculture.

By Mr. NORTON of South Carolina: Resolutions of the Kansas City Live Stock Exchange, against the passage of bills adverse to the live-stock industry—to the Committee on Interstate and Foreign Commerce.

Also, petition of presidents of colleges and others in Columbia, S. C., against the passage of the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. OVERSTREET: Petition of Grand Army of the Republic post of Lawrence, Ind., and Hovey Post, 559, of Indianapolis, Ind., favoring the passage of House bill No. 7094—to the Committee on Military Affairs.

By Mr. PAYNE: Petitions of Mrs. Annie Newland and others, of Guyunoga; Fred L. Hayward and others, of Fair Haven and vicinity; Mrs. E. M. Jones and others, of Clyde; also other citizens in the State of New York, against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. POLK: Papers to accompany House bill granting a pension to Dr. A. S. Cummings—to the Committee on Invalid Pensions.

Also, petition of Grand Army of the Republic post at Catawissa, Pa., favoring the passage of House bill No. 7094—to the Committee on Military Affairs.

By Mr. RAY of New York: Petition of citizens of Triangle, Broome County, N. Y., in favor of the Grout bill taxing oleomargarine, etc.—to the Committee on Agriculture.

Also, protests of George H. Jenkins and others, of Hobart, and citizens of Sidney, Binghamton, Owego, Bennettsville, Ithaca, Bainbridge, and Port Crane, N. Y., against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. RHEA of Kentucky: Petitions of John Morrow Post, No. 108, of Russellville, Ky., and Captain Huway Post, No. 88, of Bowling Green, Ky., Grand Army of the Republic, favoring the establishment of a Branch Soldiers' Home for disabled soldiers at or near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. RUCKER: Petitions of O. H. Wood Post, No. 57; Samuel Lewis Post, No. 370, and Phil Kearny Post, No. 19, Grand Army of the Republic, Department of Missouri, favoring the location of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. RUSSELL: Papers to accompany House bill for the relief of Samuel B. Horne—to the Committee on Military Affairs.

Also, petition of W. P. Shippee and citizens of East Killingly, Conn., and North Foster, R. I., against the passage of the Loud bill relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. SHERMAN: Protests of E. W. Bretch, of Lafargeville; Lilly White, of Sanquoit; Lillia M. Smith, of Clinton; F. C. Hetting, of Durhamville; R. E. Lawrence, of Vernon Center, and W. H. Taft, of Bernards Bay, and others, in the State of New York, against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. SHOWALTER: Petitions of New Castle Post, No. 100, and Beaver Valley Post, No. 164, Grand Army of the Republic, praying for the passage of House bill No. 7094—to the Committee on Military Affairs.

By Mr. SAMUEL W. SMITH: Petition of Emma R. Elliott and others, Nina Ayers and others, George Houghton and others, and Lydia Elder and others, of the Sixth Congressional district of Michigan, in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. SNODGRASS: Protest of E. L. Rippey and others, of Westmoreland, Tenn., against the passage of the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. SPALDING: Petition of Post No. 4, Department of North Dakota, Grand Army of the Republic, urging the passage of Senate bill No. 1716 and House bill No. 4742, to amend section 1225 of the Revised Statutes, to provide for the detail of active and retired officers of the Army and Navy to assist in military instruction in public schools—to the Committee on Militia.

Also, petition of A. P. Trockstad, of Hillsboro, N. Dak., in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of A. E. Howe and other post-office employees of Fargo, N. Dak., favoring the passage of House bill No. 4851—to the Committee on the Post-Office and Post-Roads.

Also, resolution of Red River Millers' Club, of North Dakota and northwestern Minnesota, urging the passage of Senate bill No. 1439, known as the Cullom bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Equal Suffrage Association of North Dakota, favoring the sixteenth amendment to the Constitution, granting suffrage to women—to the Committee on the Judiciary.

By Mr. SULLOWAY: Protest of Miss Nellie McMillen and 15 others, of Nashua, N. H., against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. WEEKS: Petition of Lapeer, Mich., relating to the government of the Hawaiian Islands—to the Committee on the Territories.

Also, protest of J. C. Ryan, of Ubly, and citizens of Port Huron, Mich., against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, protest of O. G. Smith, chairman of publishers' committee, against the passage of the Loud bill—to the Committee on Interstate and Foreign Commerce.

By Mr. WILSON of Arizona: Petition of the Equal Suffrage Association of Arizona, favoring woman suffrage in our new possessions—to the Committee on the Territories.

By Mr. YOUNG: Petition of the Michigan State Millers' Association, in favor of certain amendments to the interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

Also, petitions of Courtland Saunders Post, No. 21, and General Thomas C. Devin Post, No. 363, Grand Army of the Republic, Department of Pennsylvania, in support of House bill No. 7094, entitled "A bill to establish a Branch Soldiers' Home at or near Johnson City, Washington County, Tenn."—to the Committee on Military Affairs.

Also, petitions of Street & Smith, of New York, in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. ZENOR: Petition of William Johnson Post, No. 430, Grand Army of the Republic, of Little York, Ind., for the location of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

SENATE.

FRIDAY, *March 16, 1900.*

The Senate met at 10 o'clock a. m.

Prayer by Rev. STOWELL L. BRYANT, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. CARTER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved. Will the Senator from Montana take the chair?

Mr. CARTER. Certainly.

Mr. FRYE. I ask unanimous consent that the morning hour may commence at 12 o'clock.

The PRESIDING OFFICER (Mr. CARTER in the chair). The Senator from Maine asks unanimous consent that the morning hour shall begin at 12 o'clock to-day. In the absence of objection, such will be the order. The consideration of the Alaskan bill will be resumed.

CIVIL GOVERNMENT FOR ALASKA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3419) making further provision for a civil government for Alaska, and for other purposes.

The PRESIDING OFFICER. Under the order of the Senate the Secretary will proceed with the reading of the bill.

The Secretary resumed the reading at chapter 12, page 490, and, at 12 o'clock m., concluded the reading of the bill.

MERCHANDISE IMPORTED FROM GERMANY.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of State, transmitting a dispatch from the ambassador of the United States at Berlin relative to the complaints of the German Government, presented by its ambassador at Washington, against the existing customs regulations of the United States applicable to merchandise imported from Germany; which, with the accompanying papers, was referred to the Committee on Finance, and ordered to be printed.

QUARTERMASTER SUPPLIES.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting a copy of an act passed by the Senate June 14, 1898, repealing so much of the act of July 31, 1876, as forbids publishing in the District of Columbia certain advertisements for contracts and recommending a renewal of such legislation; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

TRAVEL PAY AND COMMUTATION OF SUBSISTENCE.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 2d instant, letters from the Adjutant-General of the Army and the Paymaster-General of the Army relative to the amount of money expended in the payment of travel pay and commutation of subsistence to officers and soldiers returning from the Philippine Islands to the United States, etc.; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

BIG HOLE BATTLEFIELD, IN MONTANA.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 8th ultimo, copies of reports from the Quartermaster-General and the Adjutant-General of the Army relative to the legal subdivisions of land over which the battle of the Big Hole, in Montana, was fought in 1877, etc.; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

YELLOWSTONE NATIONAL PARK.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 12th instant, a letter from the Chief of Engineers, United States Army, together with copies or originals of all reports, relative to improvements in the Yellowstone National Park, the present condition and appropriate plans for the development of the system of roads in the park; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 5299) granting an increase of pension to Joseph McCune.

The message also announced that the House had passed the following bill and joint resolution:

A bill (S. 2279) declaring Cuivre River to be not a navigable stream; and

A joint resolution (S. R. 91) authorizing the printing of extra copies of the publications of the Office of Naval Intelligence, Navy Department.

The message further announced that the House had passed the following joint resolutions; in which it requested the concurrence of the Senate:

A joint resolution (H. J. Res. 159) to amend joint resolution to furnish the daily CONGRESSIONAL RECORD to members of the press, etc., approved February 17, 1897; and

A joint resolution (H. J. Res. 204) to provide for the removal of snow and ice in the city of Washington, in the District of Columbia.

The message also announced that the House had passed a concurrent resolution to print 25,000 copies of so much of the Report of the First Assistant Postmaster-General for the fiscal year ended June 30, 1899, as relates to the rural free-delivery service; in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented a petition of Fulton County Typographical Union, No. 268, of Gloversville, N. Y., and a petition of Local Union No. 223, Typographical Union, of Niagara

